

# African roles in the Libyan conflict of 2011

ALEX DE WAAL

## Libya in Africa

Many Libyans like to describe their country as the ‘gateway to Africa’, reflecting their ambivalence about their African identity and preferred orientation towards the Mediterranean. Nonetheless, history, demography and politics have tied Libya closely into Africa. The province of Cyrenaica (eastern Libya) has a long-standing connection with Chad, through the Sanussiya order which controlled an important trans-Saharan trade route. The southern province of Fezzan is home to substantial numbers of Toubou/Tebu and Tuareg peoples, as well as the Arab tribes Awlad Suleiman and Warfalla, which straddle the borders with Chad and Niger. Under the 42-year rule of Muammar Gaddafi, Libyan relations with sub-Saharan Africa were volatile and chequered.<sup>1</sup>

Colonel Gaddafi cut a unique figure in African politics: divisive, controversial and ambiguous. From the outset, he was as an active anti-colonialist and supported African liberation movements, including both the southern African movements endorsed by the Africa Liberation Committee of the Organization for African Unity (OAU), and also post-colonial liberation fronts, including POLISARIO in the Western Sahara, the Eritrean Liberation Front (until the 1974 Ethiopian revolution), the National Resistance Movement in Uganda and (briefly) the Sudan People’s Liberation Movement. Gaddafi could be relied upon to serve as a consistent and vocal pole of opposition to Africa’s dependence on former colonial powers and the United States.

But, as African Union (AU) chairperson Jean Ping delicately put it, ‘For too long, the political system in Libya has been at variance with the relevant instruments of our Union.’<sup>2</sup> Gaddafi’s enthusiasm for any and all forms of avowedly anti-imperialist armed struggle long outlasted that of his fellow Africans. In 1999, when Gaddafi boldly proposed to replace the OAU with a United States of Africa, prompting the rapid setting up of the AU, he found himself dealing with a different generation of African leaders. Among the principles enshrined in the AU’s Constitutive Act are a condemnation and rejection of unconstitutional changes in government and a provision for intervention in the internal affairs

<sup>1</sup> Dirk Vandewalle, *A history of modern Libya*, 2nd edn (Cambridge: Cambridge University Press, 2012).

<sup>2</sup> African Union, ‘Report of the chairperson of the Commission on the Situation in Libya and the efforts of the African Union for a political solution to the Libyan crisis’, PSC/AHG/3(CCXCI), 26 Aug. 2011, para. 17.

of member states in cases of grave human rights abuses.<sup>3</sup> The Libyan 'Brother Leader', however, considered himself not to be bound by such rules, and when he assumed the presidency of the Union in 2009, it took considerable effort by African leaders to persuade him that he was not president for life but should step down after his allotted year. Libya's AU presidency was shambolic, marked by repeated public arguments between Gaddafi and other African leaders.

Military adventurism was a feature of Gaddafi's sub-Saharan policy, and Libya's neighbours Chad and Sudan bore the brunt of this tendency.<sup>4</sup> The Libyan army occupied the Aouzou Strip on the Chadian border in 1972, and later tried to annex the whole of Chad or control it with proxies. Gaddafi withdrew, his army defeated, only in 1987. He also sponsored Sudanese insurgents, notably the National Front which crossed the desert to attack Omdurman in 1976. In the 1980s Libya used Darfur as a staging ground for its operations in Chad, thereby sparking the first Darfur war (1987–9) and creating the Janjawiid militia.<sup>5</sup> Among the recruits to Gaddafi's Islamic Legion and Arab Gathering were adventurers, mercenaries and rebels from a range of African countries, from Eritrea to Mauritania, and including Malian Tuareg.

After the eruption of major war in Darfur in 2003, Gaddafi was simultaneously peacemaker and patron of different warring factions. Notably, he became financier, arms supplier and protector of the most capable of the Darfur rebels, the Justice and Equality Movement (JEM) and its leader, Khalil Ibrahim. In May 2008 JEM launched an astonishingly bold attack on Omdurman from a rear base in Chad, using vehicles and supplies provided by Libya. After Sudan and Chad were reconciled in January 2010, setting up a joint border monitoring force, Libya became the refuge for JEM leaders expelled from Chad, and sponsor of their continued ambitions in Sudan. One reason for Gaddafi's continued harbouring of the rebels was that the Darfur peace talks were hosted by Qatar, whose aspirations to Arab leadership he resented. When the Libyan uprising began in February 2011, JEM's leaders were in Tripoli.

Gaddafi's reach extended across the continent. He supported diverse factions in Somalia. After the Ethiopian–Eritrean war of 1998, Libya was one of the few friends and financiers of President Isseyas Afewerki. In West Africa, Gaddafi's support for coups and insurgencies from the late 1980s onwards included backing President Blaise Compaoré of Burkina Faso to facilitate the rebellions of Charles Taylor in Liberia and Foday Sankoh in Sierra Leone.

Gaddafi also funded impecunious rulers, notably when they urgently needed to pay their dues to the AU so that they could vote at summit meetings. But Gaddafi's brashness and disdain for protocol offended in equal measure. In 2010 he advocated dismembering Nigeria, first into two and then into several states.<sup>6</sup> In

<sup>3</sup> African Union Constitutive Act, article 4(h), (p).

<sup>4</sup> Millard Burr and Robert Collins, *Africa's thirty years' war: Chad–Libya–the Sudan, 1963–1993* (Boulder, CO: Westview, 1999).

<sup>5</sup> Julie Flint and Alex de Waal, *Darfur: a new history of a long war* (London: Zed, 2008).

<sup>6</sup> 'Gaddafi says Nigeria should split into several states', BBC News, <http://news.bbc.co.uk/2/hi/8593355.stm>, accessed 8 Feb. 2013.

line with his insistence that he was not a 'head of state' but rather the representative of the people, Gaddafi latterly began circumventing Africa's official leaders and aspiring to lead the continent through chiefs and monarchs, taking for himself the title 'King of Kings'. By 2010, only those who had nowhere else to turn, such as Eritrea's Afewerki, or those who continued to pocket Libyan money indiscriminately, such as Gambia's Yahya Jammeh, could be considered allies or reliable clients of Libya.

Closer to home, Libya's Saharan politics came to resemble a vast patronage machine, renting the allegiances of diverse political entrepreneurs. Libya's southern neighbours had learned to manage this system so as to minimize the dangers they faced. Chad's President Idriss Déby Itno, himself a Saharan Bedouin, was the proven master at this.

The complicated nature of the Libyan–African relationship was lost to view in 2011 as the uprising against Gaddafi mutated into a civil war. Libyan popular perceptions of sub-Saharan Africa were coloured by Gaddafi's own propaganda, which portrayed him as a commanding and popular figure on the continent, and by international media depictions of a cosy relationship between him and African leaders. The AU and key member states did a poor job of challenging this caricature. As the conflict developed, the international media tended to portray anything other than unquestioned backing for the anti-Gaddafi forces as a betrayal of the Libyan people,<sup>7</sup> and described the AU's peace efforts through this lens.

## **The African Union and the 2011 conflict**

Many AU leaders feel aggrieved by the way in which the African response to the Libyan conflict was thwarted and misrepresented. These complaints are not without justification. This section of the article draws upon extensive interviews with senior officials within the AU and others involved in the AU's political efforts during 2011 to correct this oversight.<sup>8</sup>

Speaking at the United Nations Security Council (UNSC) heads of state meeting in January 2012, South African President Jacob Zuma said: 'Your Excellencies, it is the view of the AU that the 1973 Resolution of the UN Security Council was largely abused in some specific respects.'<sup>9</sup> The resolution, adopted on 17 March 2011 as Gaddafi's forces closed in on the city of Benghazi, authorized UN member states to take 'all necessary measures' to 'protect civilians and civilian populated areas under threat of attack', provided only that they act in cooperation with the UN secretary general and keep him and the Security Council informed (para. 4). The resolution's previous paragraphs also called for a ceasefire and access for humanitarian relief, and acknowledged the AU peace initiative (paras 1–2).

<sup>7</sup> Hugh Roberts, 'Who said Gaddafi had to go?', *London Review of Books*, 17 Nov. 2011, pp. 8–18.

<sup>8</sup> The author spoke on numerous occasions to the AU Commissioner for Peace and Security, Ambassador Ramtane Lamamra; the Director of the Peace and Security Department, El-Ghassim Wane; other members of the Peace and Security Department; and African permanent representatives to the AU.

<sup>9</sup> Statement by President Jacob Zuma on the occasion of the UN Security Council summit debate, 12 Jan. 2012, <http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=24395&tid=53564>, accessed 9 Feb. 2013.

Zuma's complaint was that the leading western nations—France, Britain and the United States (collectively the 'P3' at the UNSC)—selectively implemented only the provisions favourable to their objectives, ignoring the others, and moreover expanded the reference to 'all necessary measures' to include taking military actions beyond protecting civilians, leading directly to forcible regime change. Zuma's complaint was all the more poignant because South Africa had been a member of the UNSC in March 2011, and had voted in favour of the resolution. Had South Africa led the three African nations on the Council to abstain or vote against the resolution, it would not have been passed. Zuma was advised by his Ministry of Foreign Affairs that the words 'all necessary measures' threatened to negate the AU initiative, being open to very flexible interpretation. Zuma 'therefore explicitly took the risk of voting in favour of Resolution 1973 with the full knowledge that it might be a pretext for regime change on the part of some Western powers'.<sup>10</sup>

The P3 leaders were aware of the fragility of the international consensus in support of their military action, and knew that openly pursuing regime change would endanger that consensus. They tried to resolve this by claiming that they were simultaneously pursuing a military track for protecting civilians, and a parallel non-military track for democratic transformation. President Barack Obama said:

Now, just as there are those who have argued against intervention in Libya, there are others who have suggested that we broaden our military mission beyond the task of protecting the Libyan people, and to do whatever it takes to bring down Qaddafi and usher in a new government.

Of course, there is no question that Libya—and the world—would be better off with Qaddafi out of power. I, along with many other world leaders, have embraced that goal, and will actively pursue it through non-military means. But broadening our military mission to include regime change would be a mistake ... If we tried to overthrow Qaddafi by force, our coalition would splinter.<sup>11</sup>

The subsequent actions of the P3 indicate that such disavowal of regime change was an exercise in dissimulation.

When presented with the options of doing nothing or imposing a no-fly zone, President Obama had ruled out a no-fly zone on the basis that it would not be sufficient to halt an impending massacre by Gaddafi's ground forces should they enter Benghazi. He knew that a military commitment to destroy those ground forces would bring the intervening powers into a state of war in Libya,<sup>12</sup> which could end only with regime change. At no time did the United States or the UN present a plan for a negotiated political settlement.

<sup>10</sup> Eusebius McKaiser, 'Looking an international relations gift horse in the mouth: SA's response to the Libyan crisis', 2011 Ruth First memorial lecture, Johannesburg, 17 Aug. 2011.

<sup>11</sup> Barack Obama, 'Remarks by the President in address to the nation on Libya', National Defense University, Washington DC, 28 March 2011, <http://www.whitehouse.gov/the-press-office/2011/03/28/remarks-president-address-nation-libya>, accessed 9 Feb. 2013.

<sup>12</sup> James Mann, *The Obamians: the struggle inside the White House to redefine American power* (New York: Viking, 2012), pp. 298–9.

Official and media narratives in the West depicted events in Libya partly as a rerun of the Tunisian uprising under a NATO umbrella, and partly as Iraq revisited without the costs and risks of invasion. Africans saw the conflict through other lenses. They saw popular pressure for democracy but also recognized features familiar from other African civil wars, threatening a lawless mercenarism that could easily spill across borders. Whether Gaddafi stayed or went, they knew it would be important to engage politically.<sup>13</sup>

Africa's approach was derided by most international commentators. For example, the BBC's Will Ross wrote:

The African Union does not have a good reputation when it comes to solving crises ... any intervention which does not involve the removal from power of Col. Gaddafi will be seen by some as the AU saving the Libyan leader. It has often been accused of standing up for the incumbents and is criticised as being a club which serves the interests of the continent's presidents more than the people. The situation is muddled by money. Col. Gaddafi has bankrolled the AU for years and he has bought friends in Africa.<sup>14</sup>

Barak Barfi of the New America Foundation made a similar charge, writing that Gaddafi had 'throw[n] in his lot with Africa' and 'lavish[ed] his country's oil wealth on the continent's impoverished nations ... Today, Qaddafi's African largesse has paid off.'<sup>15</sup> In a *New York Times* article under all three of their names, President Obama, Prime Minister David Cameron and President Nicolas Sarkozy mentioned the Arab League's call for intervention but made no reference to the AU proposal that they had recently endorsed at the UNSC.<sup>16</sup>

The AU response went through several stages. The first protests in Libya occurred in the wake of the uprisings in Tunisia and Egypt, and the AU response was framed accordingly. Its guiding principle was the Constitutive Act of the African Union (2002), which condemned unconstitutional changes in government. The drafters had not foreseen the possibility of democratic uprisings. But the AU chose not to invoke these principles to buttress the status quo against popular protest, but rather to stress the democratic nature of the uprisings.<sup>17</sup> The AU Peace and Security Council (PSC) condemned the repression of demonstrations in Tunisia and Egypt, in each case calling for democratic change.

The first AU discussion on the Libyan crisis took place at the PSC meeting of 23 February 2011, and focused on the Libyan authorities' repression of demonstrations and Gaddafi's threats against the opposition. The Libyan Ambassador in

<sup>13</sup> See, inter alia, Idriss Déby Itno, 'Si la Libye impose, les conséquences seront incalculables pour la région', *Jeune Afrique*, 6 April 2011; Andy Morgan, 'Gaddafi and the Touareg: love, hate and petro-dollars', Andy Morgan Writes, <http://www.andymorganwrites.com/gaddafi-and-the-touareg-love>, accessed 8 Feb. 2013.

<sup>14</sup> Will Ross, 'Libya: Benghazi rebels reject African Union truce plan', BBC News, 11 April 2011, <http://www.bbc.co.uk/news/world-africa-13035501>, accessed 8 Feb. 2013.

<sup>15</sup> Barak Barfi, 'Can Africa really help Libya find peace? Why the rebels rejected the AU ceasefire', *New Republic*, 13 April 2011.

<sup>16</sup> Barack Obama, David Cameron and Nicolas Sarkozy, 'Libya's pathway to peace', *International Herald Tribune*, 14 April 2011.

<sup>17</sup> African Union, 'Report of the chairperson of the Commission on current challenges to peace and security on the continent and the AU's efforts: enhancing Africa's leadership, promoting African solutions', extraordinary session of the Assembly of the Union on the state of peace and security in Africa, Addis Ababa, 25–26 May 2011, Ext/Assembly/AU/2.(01.2011), paras 6–12.

Addis Ababa spoke at length but did not sway the Council, whose communiqué condemned excessive use of force against demonstrators.<sup>18</sup> But over the next week it became clear that the uprising was turning into a civil war, and by the time of the next PSC meeting, two weeks later, the AU was thinking differently.

The PSC meeting of 10 March, held at the presidential level, forged the African diplomatic response to the Libya crisis. The Council recommended that heads of state lead the initiative, anticipating that only they would have the required standing to confront Gaddafi and rally the international community behind the AU's efforts. The meeting was chaired by the Mauritanian President, Mohamed Ould Abdel Aziz. At this very early stage, many African leaders privately recognized that the Arab Spring meant that Gaddafi could not remain in power. But, in the words of President Déby, they should also 'beware of opening the Libyan Pandora's box'.<sup>19</sup> Libya's Saharan neighbours were aware that if Gaddafi's grip on the sundry transnational armed groups present in Libya were to be relaxed, at just the same time as the vast arsenals in his many military bases were opened, instability could rapidly spread across the region.

The meeting discussed a ceasefire, humanitarian assistance (including the protection or evacuation of African migrant workers), and an inclusive peace agreement combined with a democratic transition.<sup>20</sup> The PSC communiqué emphasized the Libyan people's legitimate aspirations to democracy, political reform, justice, peace and security, and reiterated the AU's 'strong and unequivocal condemnation of the indiscriminate use of force and lethal weapons, whoever it comes from, resulting in the loss of life, both civilian and military, and the transformation of pacific demonstrations into an armed rebellion' (Gaddafi later expressed his outrage at this language).

The most substantive element was paragraph 7, which became known as the 'roadmap':

The current situation in Libya calls for an urgent African action for: (i) the immediate cessation of all hostilities, (ii) the cooperation of the competent Libyan authorities to facilitate the timely delivery of humanitarian assistance to the needy populations, (iii) the protection of foreign nationals, including the African migrants living in Libya, and (iv) the adoption and implementation of the political reforms necessary for the elimination of the causes of the current crisis.

Although Gaddafi's leaving office was not explicitly mentioned, the roadmap was designed as a way for the Brother Leader to step down in a timeframe of months, handing over to an inclusive interim government that would pave the way for elections.<sup>21</sup> The PSC set up an ad hoc high-level committee to implement the roadmap, including the presidents of Mauritania (in the chair), Republic of Congo, Mali, South Africa and Uganda.

<sup>18</sup> African Union, communiqué of the 261st Meeting of the Peace and Security Council, PSC/PR/COM (CCLXI), 23 Feb. 2011. (The author was present at this meeting.)

<sup>19</sup> Verbal report on the PSC meeting by AU staff.

<sup>20</sup> African Union, communiqué of the 265th Meeting of the Peace and Security Council, PSC/PR/COM.2 (CCLXV), 10 March 2011.

<sup>21</sup> Personal communications, senior AU officials.



The roadmap and the ad hoc committee emerged from hard-won compromise. The AU recognized that it needed to engage in the Libyan conflict if it was to remain a relevant actor. But it was handicapped by divisions among member states. Thus the membership of the ad hoc committee signalled that all points of view would be accommodated, and the language of the roadmap remained aspirational. Given the pressures on the AU leaders to do the minimum, the subsequent activities of the ad hoc committee were remarkably robust.

The first meeting of the ad hoc committee was scheduled for the Mauritanian capital Nouakchott on 19 March, after which its members would fly to Libya. Much happened in the intervening week, including the rapid reversal of the Libyan opposition's initial gains and Gaddafi's uttering his threat to Benghazi and its inhabitants. On 17 March, the UNSC adopted Resolution 1973. South Africa proposed the language in paragraph 2, which made positive mention of the AU initiative, and all three African members voted in favour.

The meeting in Nouakchott on 19 March coincided with President Sarkozy's 'summit for the support of the Libyan people', and AU leaders interpreted the timing of that meeting as a snub to them. Amr Moussa, secretary general of the Arab League, went to Paris; Ping declined to go, later commenting that he was surely right not to attend for a lunch and a photo opportunity, lending legitimacy to another's agenda.<sup>22</sup>

The Nouakchott meeting was hosted by President Aziz; others present included Denis Sassou Nguesso of the Republic of Congo, Amadou Toumani Touré (widely known as 'ATT') of Mali, ministers representing presidents Yoweri Museveni of Uganda and Zuma of South Africa, and senior AU officials. Mauritania provided a plane for the planned flight to Tripoli the following day, but on that same day the P3 air forces began military operations to enforce the no-fly zone. Aziz received a curt message from the US and the UN saying that, should the Africans proceed with their flight, their security could not be guaranteed. He decided to postpone their visit.

None of the African leaders travelled to London for the meeting on 29 March of foreign ministers and leaders from the UN, the Arab League, the Islamic Conference, the European Union and NATO. At that meeting, the Libya Contact Group (LCG) was established, without the AU.<sup>23</sup> The LCG called for Gaddafi to relinquish power and expressed support for the National Transitional Council (NTC).

By this time, one of the AU's biggest failings was becoming apparent: its near-total lack of public diplomacy. The AU did not provide briefings to the international press and specialist groups which were important in forming international opinion, even though some of these—notably the International Crisis Group—were sceptical about P3 military action. Eusebius McKaiser has called the AU initiative 'a decent plan lost due to poor public diplomacy'.<sup>24</sup> As has often been the case, the AU allowed others to tell the story, and those others did not present the AU's role in a positive light, or at all.

<sup>22</sup> Personal communication, senior AU official.

<sup>23</sup> AU chairperson Jean Ping attended the second LCG meeting in Rome on 5 May 2011 as a guest.

<sup>24</sup> McKaiser, 'Looking an international relations gift horse in the mouth'.

The PSC met again on 31 March and started technical consultations that resulted in a proposal for a UN peacekeeping force. The ad hoc committee's next attempt at a mission to Libya began ten days later. Four presidents convened in Nouakchott on 9 April: Aziz, Sassou Nguesso, 'ATT' and Zuma. This time the UN gave them clearance to fly to Tripoli and they met with Gaddafi the following day.

At that meeting, Gaddafi insisted that his country was a victim of aggression and that Africa should stand on his side. He spoke at length about his unhappiness with the 10 March PSC communiqué and rejected accusations that his army and security services had killed civilians. Instead, he accused the demonstrators of being drug addicts, criminals and Al-Qaeda-linked terrorists. Gaddafi adamantly opposed any visit to Benghazi by the AU leaders. In response, the four presidents insisted that the communiqué was fair and that attacks against civilians had to stop. Touré reminded Gaddafi that he had advised other African leaders to enter into dialogue with opposition groups, and said that the Libyan government similarly had no choice but to negotiate with the NTC. The African leaders emphasized that any solution had to be based on democracy and human rights. They also argued that Libya lacked the means to stand up to the international coalition and that its leader should therefore be realistic about his options. Finally, they told Gaddafi that they would continue to Benghazi whether he liked it or not.<sup>25</sup>

Gaddafi accepted, in principle, the AU roadmap, including the ceasefire and negotiations. The next day the committee (with the significant absence of President Zuma) flew to Benghazi, where the NTC leadership rejected the plan outright. Mustafa Abdul Jalil, chairman of the NTC, announced that the roadmap was unacceptable because it did not include Gaddafi's immediate departure. 'Gaddafi must leave immediately if he wants to survive,' he said. 'Any initiative that does not include the people's demand, the popular demand, essential demand, we cannot possibly recognise ... We cannot negotiate with the blood of our martyrs.'<sup>26</sup>

Stopping bloodshed was the AU's immediate objective. It was also the stated priority of the UN under Resolution 1973. The AU leaders' principal diplomatic advantage was that they could credibly make the case to Gaddafi that he should both stop his assault on civilian populations and step down. In other circumstances, western powers might well have pressed the NTC to compromise and accept a ceasefire. In other conflicts, the AU had worked well with P3 diplomats on comparable proposals, jointly providing credibility and operational modalities. On this occasion, there was not even symbolic support for the AU's efforts.

At this stage, the AU's proposals were general. The nature of Gaddafi's departure was not specified. The AU began discreet talks with leaders across Africa to find a country willing to receive him. Another idea floated was that Gaddafi could retire to Sirte or Sebha, where African soldiers could guard him.<sup>27</sup> However, while the AU had made proposals for a ceasefire, including monitors (in particular in

<sup>25</sup> Personal communications, senior AU officials.

<sup>26</sup> 'Libya: opposition rejects African Union peace plan', *Daily Telegraph*, 11 April 2011.

<sup>27</sup> Personal communications, senior AU officials.



Misrata) or an inter-positioning force (e.g. on the front line near Benghazi), member countries did not volunteer to send the military observers and troops needed. Because of its lack of capacity, the AU canvassed the idea of UN peacekeepers.

Most significantly, Africa was divided. While most of the continent wanted Gaddafi gone with minimal disruption, a few leaders were sympathetic to the 'Brother Leader'.<sup>28</sup> Chad and Niger, fearful of spillover, leaned towards Gaddafi. Algeria took a strict non-interventionist position. Some other African leaders were so antipathetic to Gaddafi that they would have no truck with compromise. Sudan and Tunisia were heavily involved in supporting the NTC. The Ethiopian Prime Minister Meles Zenawi not only nurtured a personal dislike of Gaddafi, but was also furious over Libyan support to Eritrea.<sup>29</sup> These divisions enabled P3 diplomats to ignore the AU.

The AU convened an extraordinary summit meeting on 25 May, at which it called for an immediate pause in fighting, for ceasefire monitors, and for a framework agreement for a political solution, including a transitional period culminating in elections. The chairperson's report reflected anger at the P3's selective interpretation of Resolution 1973:

It is becoming increasingly clear that the pursuit of the military operations will not only undermine the very purpose for which resolutions 1970 and 1973 (2011) were adopted, i.e. the protection of civilians, but also compound [*sic*] any transition to democratic institutions, while adding to the threats facing the countries of the region in terms of security and terrorism and the socio-economic burden resulting from the repatriation of migrant workers. This is all the more urgent as the military campaign is significantly expanding beyond the objectives for which it was in the first place authorized, raising questions about the legality and legitimacy of some of the actions being carried out and the agenda being pursued.<sup>30</sup>

The AU's position reflected a fear that if members of the UNSC could interpret resolutions in such a manner, then Africa would be at risk of other foreign interventions. As a politically weak continent, Africa's interest lies in strict compliance with international law.<sup>31</sup>

Five days later, after consulting with the Russians, President Zuma flew to Tripoli to present the AU's proposals and deliver a clear message to Gaddafi that he had to leave. The African leaders were convinced that Gaddafi remained

<sup>28</sup> At the January 2012 AU summit, Mugabe excoriated the AU leadership. 'We should have said no, no to NATO ... We fought imperialism and colonialism and forced them out of Africa. Our founding fathers did not have the means but they stood up and said "no." But here we are absolutely silent': 'Mugabe: AU a toothless bulldog', *New Zimbabwe*, 31 Jan. 2012, <http://www.newzimbabwe.com/news-7067-Mugabe+AU+a+toothless+bulldog/news.aspx>, accessed 8 Feb. 2013.

<sup>29</sup> Visiting Addis Ababa in July 2011, the French Foreign Minister Alain Juppé said that Zenawi supported the international consensus that the way out of the Libyan crisis was for Gaddafi to leave power: 'Possible diplomatic opening in Libyan crisis', AFP, 12 July 2011.

<sup>30</sup> African Union, 'Report of the chairperson of the Commission on current challenges to peace and security on the continent and the AU's efforts', para. 51. This report was adopted and summarized in African Union, 'Report of the chairperson to the Executive Council, 19th ordinary session', Malabo, 23–28 June 2011 (see esp. para. 11).

<sup>31</sup> Emperor Haile Selassie's speech to the League of Nations appealing for international solidarity in the face of Fascist aggression is the locus classicus of Africa's stand on consistency in applying international law.

committed to the roadmap, including his promise not to be part of the transition. Zuma held a lengthy meeting at which Gaddafi disappointed him: the Libyan leader restated his commitment to ‘not being part of the negotiation process’,<sup>32</sup> but also insisted that he was not ready to leave the country.<sup>33</sup> Family members and close supporters of Gaddafi had reportedly vetoed the plan for transition. The next day in Benghazi, Abdul Jalil repeated that there was no possibility of talking to Gaddafi. A week later, President Aziz said publicly that Gaddafi ‘can no longer lead Libya. His departure has become necessary ... He must be made to leave without causing more damage.’<sup>34</sup>

By June, however, the war appeared to have descended into stalemate, which encouraged those pushing for a negotiated solution. Russia dispatched its special envoy, Mikhail Margelov, to consult with African leaders and to speak to both sides in Libya. And finally Gaddafi began sending out feelers to western countries, intimating that he might indeed talk to France and the NTC about stepping down.<sup>35</sup>

The AU spelled out its framework agreement for a political solution to the crisis in Libya at a meeting in Pretoria on 26 June.<sup>36</sup> When the framework was presented at the AU’s regular summit in Malabo, Equatorial Guinea, the following week, the debate was heated. Britain and France sent emissaries who met privately with African leaders and said that they would object to any mention of a cease-fire in the resolutions. Ethiopia agreed: Prime Minister Meles argued that Africa needed Gaddafi gone, and although it would have been preferable for Africa to do the housecleaning, it could not object if someone else was ready to do the job on Africa’s behalf. Rwanda, Nigeria and Senegal supported the Ethiopian position. But the ad hoc committee reported on sufficient progress with both Libyan parties to gain the summit’s endorsement of the framework.<sup>37</sup>

The P<sub>3</sub> were uninterested in real negotiations. At the same time, albeit in a different context, the US Secretary of State Hillary Clinton laid out the US position in the starkest terms: ‘But the bottom line is, whose side are you on? Are you on Qaddafi’s side or are you on the side of the aspirations of the Libyan people and the international coalition that has been created to support them?’<sup>38</sup> Relations were further soured by the request from the prosecutor of the International Criminal Court (ICC) on 27 June, just days before the Malabo summit, that arrest warrants be issued for Gaddafi, his son Saif al-Islam and Abdalla al-Sanussi, head

<sup>32</sup> Meeting of the AU high-level ad hoc committee on Libya, Pretoria, South Africa, 26 June 2011, communiqué, para. 6(ii). See also ‘Gaddafi vows to “stay out of AU peace talks”’, Al Jazeera, 26 June 2011, <http://english.aljazeera.net/news/africa/2011/06/2011062615731797543.html>, accessed 8 Feb. 2013.

<sup>33</sup> ‘Col. Gaddafi “emphatic” he will not leave Libya’, *Daily Telegraph*, 31 May 2011.

<sup>34</sup> ‘Kadhafi can no longer lead Libya: Mauritania president’, AFP, 7 June 2011.

<sup>35</sup> ‘Possible diplomatic opening in Libyan crisis’, AFP, 12 July 2011.

<sup>36</sup> Meeting of the AU high-level ad hoc committee on Libya, Pretoria, South Africa, 26 June 2011, communiqué.

<sup>37</sup> African Union, ‘Proposals to the Libyan parties for a framework agreement on a political solution to the crisis in Libya’, letter dated 22 July 2011 from the Secretary General addressed to the President of the Security Council, annex 2, S/2011/455, <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Libya%20S2011%20455.pdf>, accessed 8 Feb. 2013.

<sup>38</sup> Hillary Rodham Clinton, Secretary of State, ‘Remarks with Jamaican foreign minister Kenneth Baugh and St Kitts and Nevis deputy prime minister Sam Condor’, 22 June 2011, <http://www.state.gov/secretary/rm/2011/06/166752.htm>, accessed 8 Feb. 2013.

of military intelligence. This move from the ICC, which had never before acted with such speed, jeopardized the option of Gaddafi's going quietly into exile. The AU summit resolved that Africa would not cooperate with the ICC warrants, a decision derided by the international press as further evidence of the AU's preference for siding with rich dictators.<sup>39</sup>

The framework called for a cessation of hostilities and a 'humanitarian pause' in NATO military activities (the latter a Libyan government demand), leading to a comprehensive ceasefire with a UN peacekeeping operation. Alongside the ceasefire, it envisaged immediate negotiations, facilitated by the AU and the UN, with the aim of establishing an inclusive, consensual interim government, leading to democratic elections. The AU framework received strong backing from Russia. The UN special envoy, Abdel Elah al-Khatib, had comparable ideas, but the AU had the only comprehensive plan on the table.

Despite formal references to a ceasefire and negotiations with Gaddafi, the LCG had no serious plans for either. Meeting in Istanbul on 15 July, it recognized the NTC as the 'legitimate governing authority in Libya' and demanded that Gaddafi relinquish power.<sup>40</sup> In a snub to the AU, the LCG 'reaffirmed the leading role of the United Nations in facilitating dialogue and supporting an inclusive political transition process',<sup>41</sup> and mentioned the AU only in passing.<sup>42</sup> This snuffed out any NTC interest in the AU plan. The next day, a US delegation met Libyan government officials to repeat the message, offering Gaddafi just one concession: that he could remain in Libya, but only if the NTC were to agree.<sup>43</sup> After that, it is unsurprising that Gaddafi did not reply to the AU.

Events on the war front accelerated: on 21 August NTC fighters entered Tripoli and the war swung decisively in their favour. Key African governments such as those of Nigeria and Ethiopia recognized the NTC at once, and called for the AU to do the same. Thereafter, the AU's diplomatic efforts were at best remedial, reiterating its proposal for a national dialogue and an all-inclusive transitional government.

## **Sudanese military support to the Libyan opposition**

While the AU was pursuing a negotiated settlement, one member state—Sudan—was actively involved in providing military support to the Libyan opposition, in discreet coordination with Qatar and NATO. Sudanese involvement has not been fully documented and assessed, but undoubtedly played an important role in the NTC victory. This section of the article draws upon information from Sudanese

<sup>39</sup> Andrew Meldrum, 'African Union refuses to arrest Gaddafi', *Global Post*, 1 July 2011, <http://www.globalpost.com/dispatches/globalpost-blogs/africa-emerges/african-union-refuses-arrest-gaddafi>, accessed 8 Feb. 2013.

<sup>40</sup> Fourth meeting of the Libya Contact Group, Istanbul, 15 July 2011, chair's statement, para. 4, [http://www.nato.int/nato\\_static/assets/pdf/pdf\\_2011\\_07/20110926\\_110715-Libya-Contact-Group-Istanbul.pdf](http://www.nato.int/nato_static/assets/pdf/pdf_2011_07/20110926_110715-Libya-Contact-Group-Istanbul.pdf), accessed 8 Feb. 2013.

<sup>41</sup> Fourth meeting of the Libya Contact Group, Istanbul, 15 July 2011, chair's statement, para. 7.

<sup>42</sup> William Wan and William Booth, 'United States recognizes Libyan rebels as legitimate government', *Washington Post*, 15 July 2011.

<sup>43</sup> Helene Cooper and John Burns, 'Plan would keep Qaddafi in Libya, but out of power', *New York Times*, 27 July 2011.

military and intelligence sources, where that information can be verified independently.<sup>44</sup> Sudan's own claims are more ambitious and remain unverified.

One of the elements of the 'Obama Doctrine', as evident in the US administration's support for the Anglo-French initiative on Libya, was that the United States should not act alone. However, the US President was careful in the friends he chose to name.

In this effort, the United States has not acted alone. Instead, we have been joined by a strong and growing coalition. This includes our closest allies—nations like the United Kingdom, France, Canada, Denmark, Norway, Italy, Spain, Greece and Turkey—all of whom have fought by our sides for decades. And it includes Arab partners like Qatar and the United Arab Emirates, who have chosen to meet their responsibilities to defend the Libyan people.<sup>45</sup>

Obama's reasons for not naming the country that provided the biggest military contribution on the ground—Sudan—are not difficult to fathom. The most outspoken proponents of US military action against Gaddafi were members of the administration who had also entertained or advocated similar action against the Sudanese government, invoking the principle of the 'responsibility to protect'.<sup>46</sup> The fact that Sudan has also been reticent about explaining its activities illustrates the extent to which it has given up on expecting any reward from leading western countries. Nonetheless, the role of Sudan constitutes an important piece of the untold story about Africa and the Libyan conflict.

Active Sudanese security preparation for action against Libya began in 2010, as soon as it became clear that Libya was not going to support the Sudan–Chad *rapprochement* and would continue to back JEM. Sudanese intelligence had already penetrated its Libyan counterpart, which was reputedly the least efficient in the Arab world. Sudan built a new military base in the northern Sudanese desert, for surveillance of the Libyan border, including a landing strip for drones and a supply base for human and electronic ground surveillance. Meanwhile Sudanese intelligence officers became more active inside Libya and along its southern borders.<sup>47</sup>

As soon as the uprising against Gaddafi began, Sudan took notice. It mobilized military units towards the Libyan border, ostensibly to contain the threat of a proliferation of weapons from the opening of Libya's arsenals.<sup>48</sup> The director of the National Intelligence and Security Service (NISS) spoke to his counterparts in Egypt and Chad, seeking a joint alliance in favour of the opposition. Chad was leery of taking sides against Gaddafi and Egypt was worried both about reprisals against Egyptian migrant workers in Libya, and about arms falling into the hands of Islamists. So Sudan went it alone.

<sup>44</sup> The author discussed these matters with, among others, the Minister of Defence, Lt-Gen. Abdel Rahim Hussein; the director of NISS, Lt-Gen. Mohamed Atta; and other senior officers.

<sup>45</sup> Obama, 'Remarks by the President in address to the nation on Libya'.

<sup>46</sup> Prominent among these were Susan Rice, US Ambassador to the UN, and Samantha Power, director of Multilateral Affairs and Human Rights at the National Security Council.

<sup>47</sup> Information provided by Asim Fatih al-Rahman al-Haj and other sources. See Asim al-Haj, 'The Sudanese role in Libya 2011', <http://sites.tufts.edu/reinventingpeace/2012/12/17/the-sudanese-role-in-libya-2011/>, accessed 8 Feb. 2013.

<sup>48</sup> 'Sudan concerned over proliferation of weapons from Libyan crisis', *Sudan Tribune*, 19 March 2011, <http://www.sudantribune.com/Sudan-concerned-over-proliferation,38319>, accessed 8 Feb. 2013.

The initiative to escalate the Sudanese role came partly from the Benghazi group of Libyan rebels, which even before the formation of the NTC dispatched an emissary to meet with President Omar al-Bashir. This was Dr Ahmed Zwaee, a native of Benghazi, part of whose tribe lives in Kufra, the main town in the desert on the road to Sudan. He asked for assistance, and Bashir offered him as much as he wanted. Zwaee's delegation took more than enough to liberate Kufra, reportedly 44 vehicles with heavy and light weapons. This was the first of several shipments of supplies.<sup>49</sup>

In addition, the Sudanese army dispatched an infantry battalion and a tank company to help take control of Kufra. After occupying the town, the Sudanese forces withdrew, leaving a small number of technicians to assist the opposition.<sup>50</sup> However, Kufra remained insecure and control changed twice before the NTC gained definitive control by the end of April. Units from JEM fought on behalf of Gaddafi. Because of the problems in Kufra, the Sudanese opened a second road across the desert, cutting across the south-western corner of Egypt at Jebel Uweinat. This became the major overland supply route to the NTC, allowing a stream of foreign military supplies to reach the NTC.

Supporting the NTC was a major logistical operation by the Sudanese army, especially at a time when it was mobilizing to confront threats from the Sudan People's Liberation Army in the run-up to South Sudan's independence on 9 July. Sudan provided weapons and ammunition, communications equipment, intelligence officers and trainers. Though few in number, the trainers were important in enhancing the NTC's battlefield capabilities, enabling its forces to use weapons systems and coordinate actions. 'The Sudanese gave us anything and everything,' said a former Libyan general who assisted the NTC with training.<sup>51</sup> Sudan also sent 20 forward air controllers, hoping to direct NATO air strikes onto loyalist forces in southern Libya. Although Sudanese requests for air strikes were not met, the real-time intelligence on the movement of Gaddafi's forces in southern Libya was valued by NATO.

By June, as the war threatened to descend into a de facto partition of Libya between west and east, the Sudanese joined Qatar in supporting the NTC military effort to take Tripoli from the western part of the country. President Bashir made no secret of Sudanese support for the NTC. In October 2011 he told a public rally: 'Our weapons reached the revolutionaries in Misrata, Al-Jabal al-Gharbi and Zawiyah ... the forces that liberated Tripoli were armed 100 percent by Sudan.'<sup>52</sup> Allowing for Bashir's hyperbole, the essence of the claim was not untrue. Abdul Jalil confirmed the support when he welcomed Bashir to Tripoli in January 2012.

Therefore, ironically for an intervention that began with invoking the 'responsibility to protect', the P3's military operations were conducted in coordination

<sup>49</sup> Information from Faraj Najem, a member of the Benghazi group, Nov. 2012 and Jan. 2013.

<sup>50</sup> Information from Sudanese military officers, April 2012.

<sup>51</sup> Author's interview, 15 April 2012.

<sup>52</sup> 'Bashir says Sudan armed Libya rebels', *Sudan Tribune*, 27 Oct. 2011.

with Sudan. Whether or not Sudanese claims about the crucial nature of their country's assistance are correct, there is no question that Sudanese military and intelligence cooperation was important to the success of the NTC ground forces and the P3–NATO air campaign.

After the NTC victory, the Sudanese continued to cooperate with their Libyan counterparts. This includes joint monitoring of the southern borders of Libya. Reportedly, Sudanese intelligence located Saif al-Islam al-Gaddafi in the desert, enabling NTC forces to apprehend him.<sup>53</sup> However, Sudan did not follow up on its military and intelligence successes by appointing a senior diplomat or political figure to represent it in Libya, thereby squandering much of the political capital it might otherwise have gained. This failure arose from the internal political difficulties of the Sudanese government in the wake of the secession of South Sudan, and the inability of the leadership to develop and implement a new strategy for this new era in the nation's history.

## Conclusions

Africa's diverse engagement in the Libyan conflict has lessons and consequences for the P3 intervention and its rationale, for the AU and its relations with the international community, and for relations between Libya and sub-Saharan Africa as a whole.

A century and a half ago, Sir William Harcourt challenged the advocates of British intervention in the American Civil War, arguing that it was a hazardous undertaking: '[Intervention] is a high and summary procedure which may sometimes snatch a remedy beyond the reach of law. Nevertheless, it must be admitted that in the case of Intervention, as in that of Revolution, its essence is illegality and its justification is its success.'<sup>54</sup>

Harcourt's definition has not been bettered, and the case of Libya in 2011 is a fine illustration. Arguably, the P3-led military intervention achieved its aims and can be justified by its success. It avoided both the imbroglio of Iraq and the protracted horrors of Syria—though the bloodshed of Misrata, the persistent insecurity engendered by armed militias, and the disastrous fallout across the Sahara in Mali are not to be discounted in any final reckoning. But the intervention stretched the bounds of legality, misleading the African states that voted in favour of Resolution 1973 into believing that their concerns to bring about a ceasefire, humanitarian access and a negotiated settlement would be taken seriously. The success of the intervention also owed a significant, if as yet unmeasured, amount to clandestine operations undertaken by Sudan in tacit cooperation with the P3. This illustrates the truism that intervention is warfighting, and in wartime alliances are made of necessity and opportunity. This alliance of convenience between the humanitarian hawks in Washington DC and Sudan's intelligence chiefs has no small measure of

<sup>53</sup> Al-Haj, 'The Sudanese role in Libya'. The Sudanese role helps explain Libyan resistance to the idea of handing Saif al-Islam over to the ICC.

<sup>54</sup> W. V. Harcourt, 'A letter on the perils of intervention', *Letters of Historicus on some questions of international law* (London: Macmillan, 1863), p. 41.



irony attached to it, especially for those who applaud the Libyan intervention as an exemplar of the responsibility to protect.<sup>55</sup> The Libyan campaign may indeed become an exemplar of the practice of R2P, but one that illustrates the limits of the doctrine, not its unalloyed success.

Assessing Africa's roles with respect to the 2011 Libyan conflict is an exercise in counterfactuals. First, what if the AU roadmap had been taken seriously by the P3? The AU plan for a negotiated transition to a post-Gaddafi order in Libya had no guarantee of success. Libya's political and military dynamics made it a difficult proposition. However, a coordinated approach by the P3 and the AU would undoubtedly have stood a good chance of achieving a peaceful outcome, especially if pursued consistently from the outset of the conflict. The AU could have persuaded Gaddafi to step aside, with P3-led military pressure forcing his hand. Second, it is arguable that if the Sudanese had not assisted the NTC, the war could have been prolonged or even stalemated.

The outcome of the Libyan conflict has left Africa damaged. The AU was not able to convince Libyans, Africans or the world that it was a credible interlocutor for peace in Libya. Africa did not present a united position, and did not provide the financial, military or diplomatic resources necessary for the AU initiative to appear a genuine alternative, let alone to prevail. This is particularly regrettable because the AU's diagnosis of the Libyan conflict was fundamentally correct. This conflict was both a popular uprising against a dictatorship and a civil war within a patronage-based political order, with regional repercussions. The sudden dismantling of Gaddafi's patronage mechanism, which formerly dominated much of the central Sahara, left a vacuum which was opportunistically exploited by diverse political and criminal entrepreneurs, sparking a crisis in Mali and threatening disorder more widely. The political challenges to governance, security and livelihoods in the Sahara would have arisen regardless of the mode of political change in Libya, but a negotiated settlement would have held out the possibility of a better-managed transition.

In the aftermath of Gaddafi's long rule and the bitter divisions of the 2011 conflict, the new Libya has largely turned its back on sub-Saharan Africa. This is unfortunate both for Libya and for Africa. Libya is an African country, integrated politically, economically and demographically with the rest of the continent. Among the challenges of the coming decade will be regional cooperation in the governance of the Sahara. The Libyan conflict was an African civil war, and Libyans have much to learn from the African experience of resolving such conflicts.

<sup>55</sup> Cf. Gareth Evans, 'End of the argument: how we won the debate over stopping genocide', *Foreign Policy*, Dec. 2011, [http://www.foreignpolicy.com/articles/2011/11/28/gareth\\_evans\\_end\\_of\\_the\\_argument](http://www.foreignpolicy.com/articles/2011/11/28/gareth_evans_end_of_the_argument), accessed 18 Feb. 2013.

