

By Laurent Rathborn, U K Defence Forum Researcher

"So long as Gaddafi is in power, NATO and its coalition partners must maintain their operations." So states the open letter published by European heads of state earlier this month. The preliminary report from the Libyan International Contact Group, broadcast from Doha, made clear that a continuation of the current conflict is unacceptable. Policy differences apparent in NATO member states have resulted in a variety of actions being taken to progress the situation - airstrikes are losing their effectiveness and have been doing so for weeks. Recent developments point to a new phase of the conflict and a hardening of opinion in parts of the alliance.

The recognition of the National Transitional Council by the contact group is key, and provides a way forward to either de jure partition (rather than the current de facto state) or more likely opens up an option for post-conflict reintegration. The formation of a rebel fighters fund from confiscated regime assets is currently under assessment, and although the legality of providing such a fund is not yet known, it would provide an important financial boost to what is increasingly being seen as a government-in-waiting. Military officers from the UK and France on the ground in an advisory role will improve NTC forces' effectiveness, and UAV strikes have been approved by the US.

All of these steps are designed to increase specific pressures on the regime. The introduction of UAV strikes is meant to eke out the maximum limits of what air power can do, targeting from close range regime armour previously inaccessible inside cities where they are mixed up with civilians and rebels. The proposed funding mechanism, if it passes scrutiny, at once erodes thoughts of a safe haven outside Libya for senior regime officials. Rather than entrenching violence and a hardening of tactics from those with dwindling ways out, it may encourage moves towards ending the violence such as dual-track reconciliation or surrender and simultaneously boosts the buying power of the opposition. This attack on funding and morale is boosted by political recognition of the NTC - the rebels are no longer rebels, they are the forces of a quasi-legitimate government, and those forces will now be advised by combat-hardened European troops who will provide both a morale boost and greater effectiveness in the field.

All of this adds up to increasing strain on the Gaddafi regime - and that strain is showing. Previous protestations by ministers that any change would have to be led from the top of the current government appear to be crumbling. Foreign Minister Abdul Ati al-Obedi is now admitting that "I think everything, especially the political reform, election, constitution, will be on the table. And it will cover whatever issue is raised by all Libyans." Mixed messages from inside government are also becoming apparent; the regime having threatened that tribes loyal to them may take matters into their own hands against the rebels if violence around Misrata does not stop. This threat has been made before, but its re-iteration as the fighting bogs down highlights what many have feared: the possibility of a degradation of the situation into full civil war.

So far the conflict has been fairly clear cut; NTC forces against Gaddafi's army, with NATO providing support and cover. Britain and France have been the most hawkish in their approach, but have held back from overriding the strict provisions of UNSCR 1973. A repeat of Iraq and Resolution 1441 has not materialised, and this has led to the variety of responses currently seen. Care must now be taken that the Gaddafi regime accepts that a political solution is preferable to partition or civil war: even as NATO becomes more entrenched in the fighting, there must be routes left open to allow de-escalation. Tribal civil war would represent a collective policy failure for all NATO countries and doubtless lead to even more of a humanitarian disaster as well as pose deep questions about NATO's policies.

In a previous article "What next for Libya? Options." - Defence Viewpoints 31st March 2011 - I outlined some possible outcomes to the Libyan crisis; the situation has since progressed and it is time to revisit them. Direct military attacks on the regime's top personnel seem to have been comprehensively ruled out; so far targets have been military and communications equipment. The chances of forcing the regime out of office without a civil war are very slim; observers agree that sectarian violence is now more likely than it has been in the past, and direct attacks on top officials would likely trigger wider violence. The role of tribal factions in progressing the conflict on the regime side is not yet completely clear: threats that regime troops would withdraw from Misrata and leave Gaddafi-supporting tribes to attack without restraint have instead been eclipsed by events on the ground. Once again the regime must be judged by actions rather than words, making forecasting more difficult.

The rebels cannot march all the way to Tripoli without NATO ground assistance, something explicitly ruled out by UNSCR 1973. The emplacement of military personnel in an advisory role is already close to testing the limits of the resolution, despite the large amount of room for manoeuvre in its provisions. UAV strikes will eventually come up against the same limits as larger aircraft: a lack of politically acceptable targets. Additional drone cover, however, can play a defensive role; since aircraft can be continually rotated in and out of theatre with no gaps in coverage, UAVs can watch over and protect NTC forces. Reconnaissance is another possibility; as the death toll around key towns increases, advance warning will allow civilians more time to take cover.

On the diplomatic front, then, is where serious efforts must be made to end the violence. Long experience of intervention in other countries suggests that simply increasing the pressure will lead to further atrocities and steps away from the negotiating table. With multiple swords hanging over its head, including a revitalised rebel front linked to NATO support, confiscation of international assets, and increasing calls for an end to the violence against civilians internationally, the regime must be offered some kind of olive branch. This is where the additional link to the International Criminal Court comes in; with an investigation pending, there is a very real threat that warrants will be issued for the arrest of senior officials, including Gaddafi himself. A difficult balancing act must follow: place enough pressure on the regime, which is already starting to happen, to surrender top elements in return for a chance at reconciliation, or risk being overrun by revitalised NTC forces.

This is of course an ideal case. Abdul Ati al-Obedi's talk of reforms and elections will more likely result in vague promises by the regime to do something about the fighting, followed by little or

no action; it has already proved that its words cannot be trusted. As Gaddafi's support is solid amongst tribes and individuals around Tripoli and the surrounding areas, the chances of a popular coup in the area is nil. The political will for change must come from the inside of Gaddafi's own camp, and so the message here must be that unless there is an end to violence and serious political reform, where senior elements are held accountable for their actions either internally or externally, there will come a time when it is too late for change. That way lies partition and civil war - or an NTC victory.

Both are sub-optimal outcomes for the regime, and NATO must hold firm in its insistence that the only way to end the conflict is through peaceful means on Libya's own terms - or risk seeing a western-backed government start a purge of all Gaddafi regime officials, not just senior ones. Junior ranks must be convinced that there is no future in backing the status quo, and must be persuaded to avoid a future where they may end up being targets for prosecution - or worse - themselves. The growth of dissenting opinions within the regime and the further destabilising effect this would have would be a further incentive towards a negotiating table even if a full move towards internal political change is not forthcoming.

Laurent Rathborn, 22nd April 2011