

**REMARKS AT UP SEMINAR ON LIBYA BY DR LAURIE NATHAN, CENTRE FOR MEDIATION, UNIVERSITY OF PRETORIA, 15 SEPTEMBER 2011**

In Africa today there is strong criticism of the role of Western powers with respect to Libya. These countries stand accused of undermining the approach of 'African solutions to African problems' and, more specifically, of undermining the African Union (AU) Roadmap for peace in Libya by using excessive force aimed at regime change. In my remarks I will focus only on the AU Roadmap. I want to argue that the Roadmap never had any prospect of success. This is because it was based on misconceptions about rebellions, violent conflict and mediation at both a general level and in relation to Libya. I will attempt to substantiate this assertion in terms of four interrelated considerations.

The first has to do with the nature of rebellions. Rebellions take different shapes and forms but, in general, they're very difficult to stop just as they've begun in earnest. It is only at a much later stage — if there has been no military victory either by the government or the rebels and there exists instead a mutually hurting stalemate — that the conflict might be ripe for resolution through negotiations and mediation.

When the rebellion begins, the rebels have reached a point of such great frustration with their situation, such great anger at the regime and such great determination to overthrow the regime that they are willing to die and be imprisoned, tortured and forced into exile and to risk having their families and communities destroyed. The national uprising in Libya kicked off on 17 February 2011 with protests under the banner *Day of Rage*. Why, at this point, would the rebels in Libya (or anywhere else) agree to stop their rebellion? Why, at this point, would they be willing not only to halt the rebellion but also to agree to an interim period of negotiations while their hated and dangerous enemy remains in charge of the state? To imagine that rebels would do this just as their rebellion is gathering momentum is apolitical and ahistorical.

The second reason why the AU Roadmap was doomed to be rejected by the rebels has to do with the nature of large scale violent conflict. The AU's motivation for the Roadmap was primarily humanitarian, aimed at preventing massive loss of life and casualties and at ensuring a peaceful transition to a new and stable Libya. The underlying assumption here, as with most international peacemaking endeavours, is that violence is the worst case scenario.

From the perspective of rebels, however, violence is not the worst case scenario. Violence is often a means of ending a worst case scenario, especially where the worst case scenario is tyranny and exclusion from governance. Freedom from oppression is more important than peace. Indeed, we know from our own history that it is so important that it is worth killing and dying for. This sentiment was captured by the Libyan rebels who were quoted by Al Jazeera as saying "we would rather die on our feet than live on our knees".

In Libya, as in most large scale violent conflicts on the continent, we misconceive the nature of the crisis if we define the crisis as open warfare. Rather, we should view warfare as a symptom, a manifestation or an expression of a crisis. The crisis itself is located — in Libya as elsewhere — in a deadly combination of authoritarianism, repression, corruption, poverty and inequality, all of which constitute structural violence.

When rebels set about attempting to resolve such crises by overthrowing the regime, they will not lightly be deterred, especially when the international peacemaking body (in this case the AU) has

consistently ignored the structural violence and embraced the regime.

This takes me to the nature of mediation and the third reason why the rebels were dismissive of the AU Roadmap. In all conflicts, and in violent conflicts in particular, it is essential that peacemakers are trusted by the belligerent parties. The stakes are very high and the dangers are grave, not only on the battlefield but also in the negotiating chamber. In the negotiating chamber you run the risk of being outmanoeuvred by your opponent, of making concessions that you can't sell to your members, of being ousted by the hardliners in your own party and of being bullied by the mediator and external powers.

In order to establish and maintain trust in the mediating body, all sides expect, at the very least, that the mediator is non-partisan. But the Libyan rebels had no confidence in the AU as a non-partisan peacemaker. The AU had been heavily funded by Gaddafi, it had long tolerated his systematic and gross violations of the African Charter on Human and People's Rights and it had appointed him as its Chairperson in 2009.

If you were the rebels you would also have been sceptical of the AU high level *ad hoc* committee on Libya that presented the Roadmap to you. One of these countries, South Africa, had been supplying arms to Gaddafi; three of the countries (Mali, Mauritania and Congo-Brazzaville) had been the beneficiaries of Gaddafi's financial largesse. The head of state of the fifth member of the AU committee, President Museveni of Uganda, was quoted in *New Vision* newspaper as being critical of Gaddafi but also of praising him for being a 'true nationalist'.

In its policy documents on mediation the AU has endorsed the importance of mediators being non-partisan, credible and trusted by the parties but, as with Libya, this is frequently not the case in practice.

The fourth reason for the rebels' resistance to the AU Roadmap relates to the nature of a ceasefire in a civil war. A cessation of hostilities is extremely dangerous for rebels: it allows the regime to consolidate; it provides a perfidious regime with the opportunity to destroy rebel forces and eliminate their leaders; it removes one of the few sources of leverage against the regime that the rebels have, namely organised violence; and it removes the rebels' basis for mobilising and organising popular support and gaining international attention.

Even the Darfur rebels — the Sudan Liberation Movement (SLM) of Abdul Wahid El Nur and the Justice and Equality Movement (JEM) — who have never posed a substantial military threat to the state, and who in fact are getting smashed by the state, have refused to sign a ceasefire agreement.

The Darfur case is instructive because it highlights the AU's ability to stop a member state from renegeing on a peace agreement and killing its own citizens in large numbers. So why, if you were the Libyan rebels, would you have had any confidence that the AU (or the United Nations (UN) for that matter, if one considers the United Nations Mission in Darfur (UNAMID)), would have protected you had Gaddafi violated the ceasefire?

In conclusion, to the extent that generalisations are possible from a set of diverse cases, we can say that rebellions end in one of two ways: outright military victory by government or rebels, or a negotiated settlement. Negotiated settlements typically occur only after years of bloody conflict. Preventive diplomacy is usually much too late if the rebellion has already begun in earnest.

The challenge of course is to prevent rebellions from occurring in the first place. To do this, it is necessary to address the structural causes of large scale violence and to refrain from supporting authoritarian rulers.