

RELEASE IN FULL

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From: Mull, Stephen D <MullSD@state.sgov.gov>
Sent: Wednesday, March 9, 2011 2:33 PM
To: Sullivan, Jacob J <SullivanJJ@state.sgov.gov>; Gordon, Philip H <GordonPH@state.sgov.gov>; Steinberg, James B <SteinbergJB@state.sgov.gov>; Burns, William J <BurnsWJ@state.sgov.gov>; Feltman, Jeffrey D <feltmanjd@state.sgov.gov>; Posner, Michael H <PosnerMH@state.sgov.gov>; Yamamoto, Donald Y <YamamotoD2@state.sgov.gov>; Schwartz, Eric P <Schwartz.EP@state.sgov.gov>; Cretz, Gene A <CretzGA@state.sgov.gov>; Sanderson, Janet A <SanderJA@state.sgov.gov>; Koh, Harold H <Koh.HH@state.sgov.gov>
Cc: Crocker, Bathsheba N <CrockerBN@state.sgov.gov>; Mills, Cheryl D <MillsCD@state.sgov.gov>; Miller, Andrew P <MillerAP2@state.sgov.gov>
Subject: RE: Libya options

On your final point, in the cases in our diplomatic history when we've provided material or tactical military support to people seeking to drive their leaders from power, no matter how just their cause, it's tended to produce net negatives for our interests over the long term in those countries and regions. On the other hand, just "managing" the situation in Libya (somewhere between Phil's A and B choices) through strong, consistent and persistent articulation of our principles and values (as Phil noted we did successfully in Tunisia and Egypt), steadily increasing pressure to penalize bad behavior, providing humanitarian relief where possible, conducting robust regional and public diplomacy (maybe even facilitating a mediation/negotiation process), and signaling a readiness to contribute to post-conflict reconstruction would probably best protect our interests in any outcome of the situation. That was the model we largely followed in our successful management of the 1989 transitions, and in other cases like Indonesia, that have all turned out pretty well.

As for the NFZ, imposing one will raise all the challenges that Phil rightly points out, but I'm not so sure it's necessarily so slippery a slope. We maintained them for ten years in Iraq, and while they obviously certainly weren't enough to remove Saddam, they helped contain him and enjoyed broad international and regional support for their entire duration. Maintaining them did not necessarily contribute to our choice to ultimately go to war.

From: Sullivan, Jacob J
Sent: Wednesday, March 09, 2011 10:33 AM
To: Gordon, Philip H; Steinberg, James B; Burns, William J; Feltman, Jeffrey D; Posner, Michael H; Yamamoto, Donald Y; Schwartz, Eric P; Cretz, Gene A; Sanderson, Janet A; Koh, Harold H; Mull, Stephen D
Cc: Crocker, Bathsheba N; Mills, Cheryl D; Miller, Andrew P
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I agree that we have not already embraced objective (b).

Here's the point I was making -- If we do a NFZ and it doesn't have a decisive effect (likely), of course there will be real pressure to *do more*. And that would be an uncomfortable spot. But by setting out the goal of his removal -- which was the right thing to do -- we have already created real pressure to *do more* -- e.g., do the NFZ. So, in a sense, we are already on the slippery slope we are worried about. We already have to construct rationales for why this (arms embargo) but not that (NFZ). Now, an NFZ pushes us further down the slope, perhaps with more velocity, but we have to be realistic about the pressure we are under now.

I agree with you about the fundamental initial decision, although I don't think it's as simple as (a) or (b). It will inevitably be a calibration between the two. I agree with Jim that we can get drawn in *some* but not *all the way*, as long as we have a strong theory of the case to rest on. But I did try to get at this threshold issue below in the three questions I listed -- they should help inform whether we tilt toward (a) or (b).

I agree that the need for broad international support runs through all of these options, save the most extreme -- do whatever it takes. I was taking it as a given in options 1-4 that we would meet the NATO conditions, but you make a good point that this need not be a given and I should have clarified.

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

Three final points. First, on supplying arms. I should have included a less forward-leaning first option that has us doing everything in the current option 1 save the supply of arms, which raises a serious of very difficult questions (and very painful past experiences) that we would have to grapple with. Thanks to Andrew and Sheba for pointing this out.

Second, on humanitarian-related issues. I did not get into them in the below because this was cabined to military and other forms of pressure. But we would have to overlay our humanitarian actions and analyses on this.

Third, on the issue of transitions more broadly. I think you have raised a very important and difficult question and would be curious to know what others think.

From: Gordon, Philip H

Sent: Wednesday, March 09, 2011 9:37 AM

To: Sullivan, Jacob J; Steinberg, James B; Burns, William J; Feltman, Jeffrey D; Posner, Michael H; Yamamoto, Donald Y; Schwartz, Eric P; Cretz, Gene A; Sanderson, Janet A; Koh, Harold H; Mull, Stephen D

Cc: Crocker, Bathsheba N; Mills, Cheryl D; Miller, Andrew P

Subject: RE: Libya options

Jake – Thanks for this. For sake of debate couple of quick reactions.

As I noted, seems to me fundamental initial decision for us is which is greater strategic priority: a) avoiding getting pulled into Libyan conflict and owning it; or b) bringing about quick end of Qaddafi regime. So far we have rightly sought to achieve both of these objectives at the same time but with each passing day, as regime gets upper hand, it is forcing us to choose between them. As Jim pointed out it is always possible that developments on the ground force you later on to abandon such a first principle (as in Kosovo when two months of ineffective air strikes led us to reconsider the determination not to use ground forces) but knowing the objective in advance would help guide the operational decisions in the meantime. If it's a) we need to be ultra cautious about steps designed to make it look like we're doing something but will not prove decisive (NFZ); and if it's b) we need to understand the risks and costs of establishing that as a redline. You asked at the meeting whether we had not already established that it was objective a) in the President's call for Qaddafi to leave. I don't think so. He has said Qaddafi "must go" and "should step aside" but that's a long way from indicating that we'll do whatever it takes to achieve that objective. Saying we think he has lost legitimacy and should step down is one thing; starting kinetic action designed to achieve that objective is another.)

On your list of possible actions, key thing to keep in mind is that a most of them would require either a further UNSCR or a willingness to act without one. According to L this applies to enforcement of the arms embargo (1970 provides no independent authority to do so); providing arms to the opposition (embargo applies to whole country); establishing a no fly zone (we have tried to preserve flexibility but in the formal planning authority NATO allies insisted that NFZ could not be established without new UNSCR and impossible to do NFZ without them.) Unless we are prepared to do any of these things without Arab/allied/international support, might mean useful for us to adopt principle that we will not act without such support – which might bring criticism in some quarters but would at least be a principle we could stand on, noting that the principle is not based on mushy desire to be liked or obsession with

international law but hard-nosed assessment that without international support action unlikely to be effective and will prove too costly to the United States (which public would "get" in context of Iraq/Afghanistan.) This would also fit with President's longstanding critique of Iraq war.

Having lived through these things before, believe we really need to think through no fly zone. Understand great pressure to act (having watched CNN last night). Criticism of "passive" administration mounting, may prove irresistible. But question is if we can't draw a line on this side of NFZ can we draw one on other side? If we declare it (setting aside for moment issue of international support or UNSCR), Qaddafi will surely defy it to show he's in charge. His flights would be short internal bombing runs whereas we'd have to set up elaborate and expensive system hundreds of kilometers away (carriers, Sicily, Crete, Aviano?) with 24/7 coverage in order to be effective. (Or we'd have to take out planes on the ground which would be better approach but harder to get support for.) Even if we did what it took to make it "work," Q would no doubt turn to helicopters, tanks etc., raising a public outcry similar to the NFZ debate - why not "no drive" zone? Why not hit his arms depots, bases, etc.? We should have no illusion that pressure to act would stop once NFZ in place - might grow as we were flying over massacres and doing nothing about them. Would also point out that I don't think we've ever established a NFZ anywhere where we didn't ultimately have to go in militarily and stay for a long time (Iraq, Bosnia, implicitly Afghanistan, Kosovo).

One last thing (with apologies for having more questions than answers) is effect on wider transition movement in Arab world. If we fail to help topple Qaddafi we could be seen as standing on wrong side of history, failing to seize the 1989 moment when freedom started to break out. Seems to me a serious concern. That said, also need to consider knock-on effects of acting militarily on side of the rebels - does this not send a message to other states that if they use violence to topple regime they will draw us in on their side? Maybe better principle that we will stand by peaceful protesters as in Egypt and Tunisia and contain and penalize regimes that use force like Qaddafi but we will not get pulled into more Middle East wars without strong regional and international support and better sense of what post use-of-force end state looks like.

From: Sullivan, Jacob J

Sent: Tuesday, March 08, 2011 8:13 PM

To: Steinberg, James B; Burns, William J; Feltman, Jeffrey D; Gordon, Phillip H; Posner, Michael H; Yamamoto, Donald Y; Schwartz, Eric P; Cretz, Gene A; Sanderson, Janet A; Koh, Harold H; Mull, Stephen D

Cc: Crocker, Bathsheba N; Sullivan, Jacob J; Mills, Cheryl D; Miller, Andrew P

Subject: Libya options

Based on the discussion today, I can identify 6 strategic frameworks that provide defensible theories of the case for acting and/or not acting in certain ways.

I list them here along with the corresponding actions that could be undertaken within them. I have listed the first 5 from least to most intrusive, and each successively more intrusive framework incorporates all of the actions included in

previous frameworks. The 6th option is a breed apart.

Others may have additional frameworks and I'd invite all to weigh in. Apologies that this is sort of slapped together.

1. Provide material support to the Libyan opposition but take no direct offensive action. Under this approach, we would provide specific assistance to the opposition groups, to include:
 - ☒ Provision of arms
 - ☒ Provision of financial assistance, including ways to address the cash flow problem in rebel-held areas such as Benghazi
 - ☒ Provision of communications and other equipment
 - ☒ Enforcement of the arms embargo against Qadhafi
 - ☒ Enforcement of sanctions and other measures and the development of additional pressure means
 - ☒ UNSC and other measures to persuade/pressure neighboring states to stop the flow of mercenaries.
 - ☒ Provision of border and customs security assistance to protect from infiltration by extremists and mercenaries
 - ☒ Provision of protection of the petroleum infrastructure
2. Provide material support to the Libyan opposition and take only that direct action which is nonlethal and designed to shape the theater rather than take the fight to Qadhafi. Under this approach, we would provide the assistance above and also take additional actions, to include:
 - ☒ Jamming to disrupt Qadhafi's command and control
 - ☒ Jamming to stop Qadhafi's ability to broadcast state-run television
 - ☒ Cyber and other covert options to eliminate power/electricity to Qadhafi-affiliated installations and to limit regime control of oil supply.
 - ☒ *Potentially a no-fly zone, although an NFZ would require some offensive strikes, so it fits uncomfortably here*
3. All options consistent with broad regional support and a clear legal basis. These are two of the three NATO principles. If the UN, with Arab backing, is prepared to back a no fly zone (increasingly plausible), we would be prepared to back it as well. If the Arabs came to support offensive aerial options (unlikely), we would pursue those as well. But we would make clear from the outset that we would not exceed the bounds of a general Arab consensus. *This presents risks of failure in achieving our objective, and – if we are limited to an NFZ – presents risks of failure in protecting the population from Qadhafi attacks as well. It is safer diplomatic ground and avoids having us get drawn into combat in Libya, beyond the kinetic strikes needed to set up the NFZ. This approach accounts to a certain extent, but not entirely, for D(S)'s concern about "the superpower losing to Qadhafi" optic.*
4. Offensive aerial options but no ground troops. Under this approach, we would escalate our intervention over time, perhaps starting with a no fly zone but to eventually include bombing attacks on Qadhafi-held installations. *This would draw us less deeply into the conflict than #5, but presents risks of failure in achieving our objective. The price would be lower in military terms, and it is likely that we would pay a price diplomatically in the Arab world, though lower than putting any boots on the ground.*
5. Whatever it takes to remove Qadhafi. This would be the same as #4, but would not rule out boots on the ground. *This would draw us deeply into a civil conflict in the Arab world, with all of the risks that entails. We would likely succeed in our effort to remove Qadhafi, but the price could be high in both military and diplomatic terms.*

The 6th option goes in a considerably different direction – focusing not on actions against Qadhafi but on a negotiated solution:

6. Leverage a stalemate into some kind of negotiated solution, or at least a process, one that could have a pretty

wide array of possible outcomes (ceasefire, Qadhafi goes into exile, temporary partition, internationally supervised elections, etc). Under this approach, we would establish principles for our support of that process. It could feature deadlines, and steadily increasing pressure for noncompliance with those deadlines (no fly zone, rewards for those who comply, steadily increasing support for the opposition). *This risks looking like we are backtracking from pressure on Qadhafi and on our uncompromising position that he must go -- at worst it looks like we are playing into Qadhafi's hands -- but it also reflects a certain pragmatism.*

As we begin to execute consistent with the selected posture, we can also consider:

1. Whether to work with middlemen on an exile deal for Qadhafi
2. How to pursue additional measures to pressure those around Qadhafi, including beyond his immediate circle; to turn on him.
3. Whether and when to provide diplomatic platforms for the opposition, including the issue of recognition

In weighing the various frameworks listed above, we have to ask ourselves some first-order questions, to include:

1. Is a protracted civil war in Libya a fundamental threat to U.S. interests?
2. To what extent will those who follow Qadhafi give us credit if we play a central role in bringing him down? Will more interventionist support gain us substantially more credit than more indirect support?
3. To what extent will our failure to lead on this undermine our credibility at home and around the world?

Finally, I am including the basic goals and objectives that S/P identified in a paper we sent over to the NSS:

Immediate Goals:

- We seek to avoid a failed state, particularly one in which al-Qaeda and other extremists might take safe haven.
- We seek to avoid further civil and military conflict between the forces loyal to Qadhafi and the emerging opposition forces, including conflict among Libyan tribes, and any further loss of civilian life.
- We seek, through the UN, regional organizations, and NGOs, to address the humanitarian needs throughout Libya and along the borders states including securing a humanitarian corridor.
- We seek sufficient security for key infrastructure (energy sector, hospitals, etc.) as well as WMD materials (such as yellowcake and mustard gas)
- We seek to avoid any spillover effect in North Africa or elsewhere in Africa, in particular limiting the negative effects of events in Libya on the interim governments of Tunisia and Egypt, as they confront their own internal challenges, and in Chad/Sudan, where we also have key interests.
- We seek to ensure the buy-in and support of Libya's neighbors, particularly the Arab and African countries closest to Libya and the Arab League and African Union, in order to obtain regional legitimacy.
- We seek the prevention of an exodus of Libyans.
- We seek sufficient stability to enable the commencement of a political and economic transition that ensures respect for human rights and lays the ground for a government that can and will meet the democratic aspirations of the Libyan people.

Medium/Long-term Goals:

- We seek a cohesive Libya that does not pose a threat to its neighbors.
- We seek the emergence of new professional security sectors and political institutions backed by the people that embrace such basic rights as free expression, political participation and contestation,

confidence in the rule of law and the equal administration of justice and rights for all, especially women and minorities, and government institutions that are transparent, responsive, and accountable to its people.

- We seek the development of a fair, modernized economic system, with a petroleum sector in which profits are shared equitably throughout the country.
- We seek a mechanism of post-conflict accountability for the atrocities currently being committed.

In light of these goals, our preferred end-state in Libya, at the most basic level, includes:

1. The removal of Qadhafi and regime loyalists from power -- and their imprisonment or exile.
2. The emergence of a relatively stable, and credible transitional government, capable of setting the stage for the emergency of increasingly representative and responsive political institutions and a political process that will yield an elected government.
3. A petroleum sector that continues to function and export, generating the domestic revenues that can enable a transitional government to function and meet its domestic budgetary obligations.