

# Libya in US foreign policy: from rogue state to good fellow?

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**ABSTRACT** *Since the mid 1970s relations between the USA and Libya have been antagonistic. The radical policies the regime of Muammar Qadaffi has pursued have made Libya one of the USA's bêtes noires. The reasons for US antagonism derive from Libya's repression at home, its alleged support for terrorism and for radical movements opposed to US interests, its staunch opposition to Israel, and its anti-Western rhetoric. Libya's hostility towards the USA rests on a perception of the USA as a global power intent on maintaining its hegemony and control over the Arab and Islamic world. Libyans have been resentful of US support of Israel to the detriment of Arabs and Muslims. Libya's resolute opposition to the USA especially in the 1980s, resulted in a series of military confrontations. The USA has maintained sanctions despite the suspension of UN sanctions on Libya in 1999. The USA has retained Libya on its short list of 'rogue states' despite recognition that Libya has stopped sponsoring terrorism. The contention here is that Libya, like the other 'rogue states', provides justification for US domestic policies (eg National Missile Defense). Given the events of 11 September 2001 in the US, it is quite conceivable that Libya could become a target of the US anti-terrorism campaign. The USA could at last find valid justification for the removal of the Qadaffi regime.*

## Historical background

From 1954 until 1971 the USA enjoyed a profitable presence in Libya through the Wheelus Air Force Base, 'a Little America ... on the sparkling shores of the Mediterranean' Wheelus constituted a vital link in Strategic Air Command (SAC) war plans for use as a bomber, tanker refuelling and recon-fighter base. In exchange for the airfield, the USA gave impoverished Libyans an average of \$2 million per year beyond other aid it was already providing. from 1959, when Libya became an oil producer, until 1986 US oil companies, such as Esso, made considerable profits. The country's wealth did not benefit Libyans at large for the Libyan government, headed by King Idris I, was not only authoritarian but was also corrupt. On 1 September 1969 a group of young military officers, led by Muammar Qadaffi, overthrew in a bloodless coup the 79-year old king.

The USA was little concerned about the change of regime. Given that the development of nuclear missiles had made bomber bases less critical, it was obvious that for Americans the Wheelus AFB had lost most of its strategic value.

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In fact, oil had become a much more crucial US interest in Libya. The economic returns had outweighed the need to retain Wheelus. Furthermore, though a staunch Nasserite nationalist, Qaddafi's aversion to international communism, especially 'Soviet imperialism', alleviated US fears regarding the new regime. The first few years of Qaddafi's control of power gave Americans every reason to be optimistic about the future of US–Libyan relations. However, that optimism soon faded and, from then on, relations between the USA and Libya went from bad to worse. For almost three decades now, Qaddafi's Libya has remained one of the USA's '*bêtes noires*.'

Although many US officials would dispute this fact the origin of the tense relations between the two countries has less to do with Libyan alleged support for terrorism than with other more fundamental disagreements concerning Libya's control of its natural resources and international political issues. At the root of the deterioration of relations was Qaddafi's decision in the 1970s to partially nationalise the country's oil resources. At the time both the UK and the USA failed to organise a buyer's boycott of Libya's nationalized oil because of the conditions of the world oil market. Qaddafi was also able to find alternative buyers for Libya's oil in Eastern Europe. Even though US oil companies eventually resolved their differences with Libya, hostility between the two governments has persisted.

Similarly to what happened with US–Algerian relations in the 1970s,<sup>1</sup> for instance, Tripoli and Washington were also on a collision course because both Algeria and Libya endorsed 'rejectionist' positions on the Israeli–Palestinian dispute. Whereas Libya and Algeria supported Palestinian national rights, the USA was unshakably on the Israeli side.

Relations between Libya and the USA continued to deteriorate because Libya, though clearly non-aligned, decided to move closer politically and militarily to the Soviet bloc. The USA, for its part, interpreted Libya's rapprochement with Moscow as proof that Libya was a 'Soviet satellite'<sup>2</sup> In reality, of course, just like Algeria, Libya was far from a Soviet-controlled state. But the ideological differences between the USA and Libya were such that the Libyan leader almost always supported governments and movements of national liberation who were on Washington's black list.

In the 1980s, especially during the Ronald Reagan administration, hostile relations between Libya and the USA reached their pinnacle. There is evidence that the USA not only sought the overthrow of Qaddafi but had also orchestrated assassination attempts on his life.<sup>3</sup> Throughout the Reagan years the USA devised various ploys to rid Libya of its leader.<sup>4</sup> Libya represented an easy prey for the USA not only because the country was weak and not too close to Moscow, but also because Qaddafi's attempts to retaliate provided further justification for actions against Libya. Undoubtedly, US officials, through collaboration with allies such as Egypt or Israel, made deliberate attempts to provoke Qaddafi into taking actions that would elicit 'legitimate' US retaliation.<sup>5</sup> In 1981 the Reagan administration decided to sever relations with the Libyan *Jamahirya* by closing the Libyan People's Bureau and expelling more than two dozen diplomats. In that summer the US Air Force shot down two Soviet-made Libyan fighters over the Gulf of Sidra. The US government ordered US citizens living in Libya to leave

the country. In 1982 Reagan imposed an embargo on oil imports from Libya and banned technology transfers to the North African nation. In early 1986 the USA severed economic ties with and imposed a series of economic sanctions against Libya. Because the oil industry in Libya rested primarily on US technology and know-how, those sanctions were particularly damaging.<sup>6</sup> Manifestly, the Reagan administration acted forcefully against the Qadaffi regime and sought to punish Libya harshly. Some US officials admitted that 'we wanted to provoke Qadaffi into responding so we could stick it to him, and we knew he would oblige us', that 'we're aching for a go at Qaddafi', and that, if Qaddafi 'sticks his head up, we'll clobber him; we're looking for an excuse'.<sup>7</sup> Muammar Qadaffi did fall into the traps set by the US government, especially in 1986. Naturally, the US response to questionable Libyan acts was quite disproportionate and resulted in the death of many innocent civilians on 15 April 1986 (bombing of Tripoli and Benghazi). Given that Qadaffi's adopted daughter was killed during the air raids, it is plausible that the Libyan leader himself was the target of those attacks. European powers, though strong US allies, condemned US air raids on the Libyan cities. And, even though the USA hoped that its actions would help topple Qadaffi's regime, the result was, on the contrary, the strengthening of his power. In the eyes of his people, and of many Third World nations, Qadaffi emerged as the victim of American bullying and hegemonic power.

US policy towards Libya quietened down following the bloody incidents of 1986. The reason for such a lull stemmed from US domestic politics (the Iran-Contra Affair) but also from Qadaffi's avoidance of further confrontation with the world superpower. But another potential attack on Libya was averted in early 1989, ie only days before Reagan left office. This occurred over Libya's alleged construction of a facility in Rabta (outside Tripoli) to produce chemical weapons. The USA threatened to destroy this pharmaceutical factory unless Libyans halted its completion; European governments eventually succeeded in convincing Qadaffi to comply with Washington's wishes, at least for a while.<sup>8</sup>

### **Libya and the rogue states doctrine**

Although most analysts trace the origins of the 'rogue states' doctrine to the Clinton era, in fact, as Michael Klare demonstrates persuasively, it was General Colin Powell, then Chairman of the Joint-Chiefs of Staff, who developed the strategy.<sup>9</sup> Given the imminent collapse of the USSR in 1989-90, Powell proposed a set of guidelines upon which US military strategy would be based. Thus, 'the anti-rogue strategy has become the defining paradigm for American security policy'.<sup>10</sup> Because of the economic and strategic importance of the region, as well as opposition to Israel there, it is not surprising that most of the so-called 'rogue states' are located in the Middle East. Except for Cuba and North Korea, 'rogue states' Iraq, Iran, Libya, Sudan and Syria are all Muslim, Iran being the only non-Arab country among the five. Given the prejudice that prevails in the USA regarding Arab/Muslim countries, such a selection gained credibility and has gone practically unchallenged.<sup>11</sup> The rationale for the emergence of the doctrine stemmed more from fears of budget cuts following the vanishing of the Soviet threat than from serious security concerns. The main fear was that congressional

budget cuts would deprive the Department of Defence of any sense of strategic coherence. It seems that '[Colin] Powell sought to establish a new strategic paradigm that could be used to argue against deep cuts in military spending and at the same time imbue the armed forces with a new sense of purpose'.<sup>12</sup> The principal idea was for US forces to develop ample military power and be able to wage war and win two regional conflicts simultaneously. In this scheme, the new threat to US security came from the alleged rogue states, that is, those states which possessed significant military capability, threatened collective security, opposed US interests, sponsored international terrorism, sought to develop weapons of mass destruction, adopted repressive policies domestically, and violated human rights. The Gulf War in 1991 gave additional credence to the rogue states doctrine and made it the official, uncontested strategic paradigm.

Under Bill Clinton's presidency the rogue state doctrine became the canon of US security policy and, in 1994, National Security Advisor Anthony Lake fleshed out that policy. In his view, rogue (or 'backlash') states are those 'recalcitrant and outlaw states that not only choose to remain outside the family of nations [now committed to the pursuit of democratic institutions, the expansion of free markets, the peaceful settlement of conflict and the promotion of collective security] but also assault its basic values'.<sup>13</sup> Even though they lack the resources of a superpower, the behaviour of those states, he says, is 'aggressive and defiant'. Despite the absence of any evidence, Lake contended that the rogues were developing ties among themselves, allegedly to impede the 'global trend to which they seem incapable of adapting'. Lake described rogues as states ruled by authoritarian leaders who despise popular participation because such participation represents a threat to their rule. The most important point, however, is that rogue states 'share a siege mentality', which induces them to pursue elaborate and expensive military programmes, particularly in weapons of mass destruction (WMD) and missile delivery systems 'to protect their regimes or advance their purposes abroad'.<sup>14</sup>

Since the USA had become the sole superpower, Lake felt that it was Washington's role 'to contain the influence of these states, sometimes by isolation, sometimes through pressure, sometimes by diplomatic and economic measures'. Of course, Lake urged the international community to partake in such efforts at containment. In other words, the USA expected the rest of the world to isolate rogues by severing commercial ties, imposing multilateral sanctions/embargoes, and hampering the military and technological potential of those states. Undoubtedly, in order to isolate or replace rogue regimes, the USA would use punitive tools, such as military force and covert actions. In fact, even before Lake elaborated on the rogue state doctrine, Libya had already been subjugated to a range of punitive actions prescribed by US officials. While attention was focused on Iraq in 1991, during that same period a legal process had been undertaken in the USA and the UK against two Libyans for their alleged involvement in the bombing in December 1988 of Pan Am flight 103.

A US grand jury indicted Lamin Khalifa Fhimah, former manager of the Libyan Arab Airlines in Malta, and Abdel Basset Ali al-Maghrabi, a high-level intelligence officer. Prosecutors in Scotland did the same.<sup>15</sup> Libya did not object to having the two suspects tried in court. However, pointing to the absence of

extradition treaties with either government and noting the improbability of an impartial court case in these hostile countries, Libyans offered other alternatives. They suggested that the suspects be tried in Libya (in compliance with the 1971 anti-hijacking Montreal Convention); be put on trial in a neutral country; or even be judged at the International Court of Justice in The Hague, Netherlands, before a panel of Scottish judges.<sup>16</sup> In fact, the Libyan leader apparently suggested that he might surrender the two suspects to the USA if Washington would re-establish normal relations with Libya.<sup>17</sup> Both the USA and the UK rejected any compromise that Qadaffi offered; they contended that the Libyan suspects should be put on trial in the jurisdictions where the offences took place.<sup>18</sup> Libya submitted its legal arguments for review in the International Court of Justice. However, the USA and UK, with support from France, which sought the extradition of six Libyans suspected of the UTA plane bombing (the French DC-10 passenger jet destroyed over Niger), moved their case through the UN Security Council in order to impose sanctions on Libya.<sup>19</sup>

In January and March 1992 the United Nations Security Council (UNSC) passed Resolutions 731 and 748, respectively. The resolutions demanded that Libya hand over the two suspects, co-operate with the investigations teams of Pan Am 103 and UTA 772, compensate the victims' families, and cease all support for terrorism.<sup>20</sup>

The Clinton administration followed as tough a policy on Libya as did the Bush administration. During his presidential campaign, Bill Clinton had promised the families of the victims of the Pan Am 103 flight that he would toughen international sanctions on Libya. And, as early as March 1993, the USA sought to impose a worldwide oil embargo on Libya.<sup>21</sup> On 11 November 1993 the UNSC adopted Resolution 883, which imposed further sanctions against Libya for its failure to extradite its two accused citizens to the UK or the USA, where they faced criminal charges.<sup>22</sup> The sanctions banned air travel to the country, restricted the sale of spare parts for the country's oil industry, imposed an arms embargo, froze funds and financial resources controlled by the Libyan government, and reduced diplomatic representation.

Libyan refusal to hand over the suspects, while resting on valid legal grounds, stemmed also from fears that the suspects would put the blame for the bombing on Qadaffi himself. Furthermore, the Libyans were convinced that the real US target was the Libyan regime itself; they were persuaded that the USA sought no less than the overthrow of Qadaffi and his replacement by the CIA-trained opposition.<sup>23</sup>

United Nations sanctions, combined with low oil prices, certainly had a negative impact on the Libyan economy, substantially reducing investments in the oil industry. They have also harmed Libya's impressive advances in health care, education and economic equality.<sup>24</sup> The USA failed to convince its European allies and others to extend the embargo to include the purchase of Libyan oil. Europeans argued, despite favourable oil supplies, that their dependency on Libyan oil prevented them from expanding sanctions to the oil sector.<sup>25</sup> If anything, both French and Italian oil companies planned on making major investments in Libya's oil industry. Obviously, European pragmatism/realism prevented the sanctions from being more effective in toppling the regime and

placed Qadaffi in his preferred position: that of a 'beleaguered revolutionary, standing firm against the forces imperialism and neo-colonialism'.<sup>26</sup> Qadaffi's selective violations of the flight restrictions, regarding humanitarian emergencies and pilgrimages to Mecca, presented the USA with the dilemma of either allowing such breaches to go unchallenged or appearing to be overbearing. Clearly, despite the Clinton administration's tough rhetoric, US pressure on Libya remained limited; it failed to secure the handing over of the suspects. The USA failed to muster support from its allies to launch punitive military actions against Libya.

Again, apparently, what made the Libyans particularly reluctant to give into the extradition demands was their belief that the USA would block the lifting of sanctions even if they complied. They were convinced that the Clinton administration's target was not the indicted men but the regime itself. From a Libyan perspective, US policy offered no incentive to improve behaviour, such as supporting the Middle East peace process, signing the Chemical Weapons Convention or renouncing links to terrorist groups. The perception in Libya was that the United States had pushed for those sanctions knowing that, thanks to Libyan and Arab public opinion Qadaffi could never turn over the suspects under the conditions set by Britain and the USA.

The USA continued to put pressure not only on Libya but also on America's allies. Indeed, in December 1995 the US Congress adopted measures that resulted in strains in US-European relations. The US Senate decided to impose sanctions on foreign businesses making new, sizeable investments in Libya's hydrocarbon sector. The bill, sponsored by Alfonse D'Amato (R-NY), penalised foreign businesses that intended to invest \$40 million or more in Libya's energy sector. Basically, this was a secondary embargo with extraterritorial implications for companies investing in Libya (and Iran). Undoubtedly, European companies, which have considerable interests in Libya's oil concerns, were most affected by the new Senate decision. Those who supported the measure believed that it would compel non-US companies to abide by US economic sanctions against Iran and Libya in retribution for their supposed support of terrorism. Europeans, of course, saw this as an internationalisation of US foreign policies and questioned the efficacy of such a measure. The White House understood that such a measure would be damaging to US-European relations and thus sought to resist it. In order to block the bill, the administration exhorted 'the international community to support the expansion of existing UN sanctions on oil-related equipment for Libya'<sup>27</sup> The White House was certainly aware that pressing Europeans to make commercial sacrifices on behalf of the USA was unrealistic, especially when, from a European perspective, the measure had no well defined, constructive objective. Not only were Europeans not pleased with this measure, the US business community was unquestionably as opposed to it as Europeans were.<sup>28</sup>

US threats against Libya reached new heights in 1996 when some US officials implied that the USA would launch a first-strike nuclear attack against an alleged underground chemical weapons factory near Tarhuna, in the Libyan desert.<sup>29</sup> Assistant Secretary of Defence Kenneth Bacon declared that destroying Libyan chemical weapons capability 'could require, could include the use of nuclear weapons'<sup>30</sup> The threat was credible, for the USA was developing a new atomic

bomb, known as the B61-11 for that very purpose.

In August 1996, responding to the failure of other countries to back the hard-line anti-Libyan position of the USA, President Clinton signed a law introduced by US Senator Alfonse D'Amato which, like the one in December 1995, imposed a secondary boycott on foreign countries and companies.<sup>31</sup> This applied to foreign countries and businesses breaking the UN embargo against Libya by selling such prohibited items as weapons, aircraft or aeroplane plane parts. The D'Amato Act went beyond the curbing of terrorism; it provided the potential for exerting US pressure on weaker countries.<sup>32</sup> According to that law, the president can 'determine' that a person, company or government is in violation of the act, and the aggrieved party has no recourse to challenge the president's determination in court or anywhere else.<sup>33</sup> With such wide latitude of interpretation, a president could thus impose sanctions or other punitive measures based more on political considerations than on any objective criteria. This, obviously strengthened the tools by which the USA could force Middle Eastern and North African countries to co-operate with its strategic and economic agenda, including pro-Israeli interpretations of the Middle East peace process. The bill provided for an array of sanctions, including banning the sale of products of guilty firms in the USA. As with similar extraterritorial efforts regarding Cuba and Iran, even the USA's strongest allies raised fierce objections to the D'Amato law.<sup>34</sup> Paradoxically, this was the very same type of secondary boycott that the USA has always vigorously opposed when Middle Eastern states apply it to companies doing business in Israel. President Clinton endorsed the law because the Act 'strikes hard ... against those who target innocent lives and our very way of life ... It will limit the flow of resources necessary to obtain weapons of mass destruction.' According to Clinton, this legislation 'will heighten the pressures on Libya to extradite the suspects in the bombing of Pan Am Flight 103'.<sup>35</sup> While, as shall be seen, European allies contested the decision to establish a secondary boycott, US Congress people, such as Republican Representative Toby Roth from Wisconsin, Chairman of the Subcommittee on International Economic Policy and Trade, questioned the usefulness of the sanctions.<sup>36</sup> As Roth correctly predicted, Europeans were infuriated by the secondary boycott of Libya. The European Union's reaction was immediate, Sir Leon Brittan, Vice President of the European Commission, made a statement on its behalf. While he reiterated European support for the struggle against terrorism, Brittan declared that: 'We do not believe, however, that the D'Amato law goes in the right direction. It establishes the unwelcome principle that one country can dictate the foreign policy of others, and disturbs the unity of purpose between allies that is so necessary if we are to stamp out terrorism successfully together. The EU has already said it will act to defend its rights and interests if they are jeopardised by this legislation.'<sup>37</sup>

Undoubtedly, secondary boycott and US unilateral sanctions failed to attract wide-reaching support because US policy towards Libya, in particular, has not always been rational. Successive US administrations, mainly under Reagan, have overemphasised the impact of Qadaffi on North African politics and regional stability. Such preoccupation with Libya distracted US attentions from more important trends shaping the region, including the centrality of Algeria, efforts at

Maghreb unity, and progress towards economic and political liberalisation. US officials discounted the possibility that Maghreb unity, not US hostility, would be far more likely to moderate Libyan conduct. Instead, the USA has actively discouraged the inclusion of Libya in such co-operation, despite its potentially stabilising effect.<sup>38</sup>

There is little political incentive in the USA to moderate the administration's position towards Libya. Clearly, there are few in the USA willing to defend Qadaffi's regime. The Libyan government's often brutal repression of domestic and exiled critics, its (past?) ties to international terrorism and other provocative actions elicit little sympathy for Libya in the USA, not even from liberal politicians. Undoubtedly, Libya remains at the heart of the rogue state doctrine. Thus, Libya, like Iran or Iraq, falls in to the category of 'outlaw states', for which the USA must bear the 'special responsibility' to 'neutralise' and 'contain'. The actual threat from Libya and similar 'rogues' seems highly overstated. The main consequence of the rogue state doctrine, as applied to Libya, is that its obvious victims have been innocent Libyans themselves, already suffering from despotic rule, rather than the Libyan regime, the main target of such strategy. The air travel ban, for example, prevented those suffering from severe medical conditions who required treatment unavailable in Libyan hospitals from reaching foreign health-care facilities in a timely manner. The consequence of such policies is that they tend to feed popular anti-Americanism in the region.<sup>39</sup> More importantly, US policy makers have failed to convince Libyans that they are truly concerned about the well-being of the population in the region. Rather, Libyans suspect that the regime is the target because of its refusal to bow to US hegemony. The irony is that the rogue states doctrine, along with the harsh punishment imposed upon Libya gave Qadaffi the credibility and legitimacy he would not otherwise receive from his people. Because he has portrayed himself as the victim of the USA's search for domination over his country, he has partly succeeded in strengthening his regime's rule at home, thus producing the opposite effect of what the doctrine sought to accomplish.

### **Libertad, ILSA, and their effects**

US unilateral sanctions against Libya and other countries placed the USA at loggerheads with European allies, as well as with other countries who trade with Libya, Iran and Cuba. Not only did the USA pass the Iran–Libya Sanctions Act (ILSA) in 1996, that same year it also passed the 'Cuban Liberty and Democratic Solidarity [Libertad] Act' better known as the Helms–Burton Act (named after Senator Jessie Helms and Rep Dan Burton). President Clinton signed it into law in March 1996. This contentious legislation expanded the US economic embargo against Cuba using actions intended to punish third countries, companies, and individuals doing business with the island. Europeans were particularly opposed to Title III, which allowed US nationals an individual right of action enabling them to bring civil law suits against persons 'trafficking' in nationalised properties in Cuba to which US nationals hold a claim. They were also infuriated by Title IV, which bars from the USA persons (including corporate officers) 'trafficking' in nationalised property. While President Clinton was able to



suspend the right to sue for renewed six-month periods, Title IV was duly enforced. A bitter dispute between the USA and the EU developed following the Helms–Burton Act. Credible European threats forced the USA to reach a compromise. Thus, on 18 April 1997, the European Council reiterated its 15 July 1996 opposition to the extraterritorial consequences of Helms–Burton but formally deferred the panel proceeding at the newly born World Trade Organization (WTO). However, this was agreed to only with the proviso that the European Commission would request the WTO to restart or re-establish the panel if action were taken against EU companies or individuals under Helms–Burton or the Iran and Libya Sanctions Act.<sup>40</sup> The forcefulness of the Europeans' response to the Libertad Act against countries dealing with Cuba indicated their interest in pre-empting secondary embargoes that could also be applied in the contexts of Iran and Libya, where Europeans have considerable economic and political interests. French President Jacques Chirac himself threatened the USA with 'immediate retaliation' if French businesses were targeted under the ILSA. Given that French energy companies, such as Total and Elf, were very interested in increasing investment in Iran and Libya,<sup>41</sup> Chirac's reaction was not surprising. Truly, Europeans felt that the Helms–Burton Act and ILSA contravened international rules on free movement of goods and services and that 'extraterritorial' laws, which seek to constrain other countries, violate international law.

Furthermore, Europeans resented the fact that 'the United States should attempt to impose its terms on the rest of the world by adopting secondary boycott legislation with extraterritorial effect'.<sup>42</sup> Europeans argued correctly that, in the case of Libya, multilateral (UN) sanctions were already in place and fully implemented. Indeed, as admitted by Libyans themselves, UN sanctions were taking a 'tragic toll' on Libya, costing the country \$19 billion and resulting in as many as 21 000 deaths since their imposition in 1992. Libyans asserted that agriculture was the hardest-hit area, with shortfalls estimated at \$5.9 billion.<sup>43</sup>

Undoubtedly, European and other US allies' opposition to the unilateral economic sanctions limited their effectiveness, as defined by the USA. The sanctions poisoned US–European relations and threatened trade wars between them at the WTO and OECD.<sup>44</sup> Furthermore, while there is no doubt that sanctions had a negative impact on Libya's economy and standards of living, they did not achieve the objectives that US foreign policy makers had anticipated, eg the overthrow of the Qaddafi regime. It became increasingly obvious that unilateral economic sanctions to achieve foreign policy objectives had adverse effects on US businesses as well as on the targeted countries. Various sources claim that US business losses reached billions of dollars. In fact, in 1997, US companies and trade associations reacted to the government's use of sanctions by forming a coalition, USA\*Engage in the hope of lobbying Congress in order to at least limit the duration of sanctions.<sup>45</sup>

While the rest of the world seemed to be softening the sanctions imposed upon Libya, the US Congress sought to reinforce them even further. In May 1997, for example, a group of US Senators under Edward Kennedy's leadership pushed Bill Richardson, US Ambassador to the UN, to initiate a Security Council resolution for an oil embargo, arguing that this would be the only punishment likely to produce Libyan execution of UN exigency.<sup>46</sup> For their part, Arab and

African states adopted an opposite attitude. They called on the United Nations to examine the effects of economic sanctions on Libya. And, in disobedience to UN sanctions against Libya, the Arab League endorsed a resolution exhorting Arab countries to 'take measures to alleviate the sanctions on Libya', including allowing Qadaffi to travel by air to member states. The resolution also consented to humanitarian flights and urged member states to release Libyan non-oil funds frozen in Arab banks.<sup>47</sup> Such support made Qadaffi defiant toward the sanctions. he violated the UN air travel ban by flying to Niger to meet the late President Ibrahim Barré Mainassara.<sup>48</sup> A year later, the heads of state of the Organisation of African Unity (OAU) called on African nations to put off observance of the UN air embargo on Libya for all religious, humanitarian, or OAU-related flights. The OAU also declared that it would disregard all sanctions on Libya beginning in September 1998 if the USA and the UK had not agreed by then to put on trial the Pan Am 103 bombing suspects in a third state. The OAU decision displeased the USA; State Department spokesman James Rubin affirmed that, 'we are extremely disturbed by this short-sighted action, which constitutes a direct assault on the authority of the Security Council ...' and called on OAU member states to pay no heed to the OAU decision.<sup>49</sup> Clearly, US attempts to isolate Libya internationally were ineffective. The question of course is to understand this ineffectiveness, especially since the Libyan regime was not all that popular even with the Arab and Islamic world. The USA's perceived bullying of Libya, combined with the universal perception of an emerging all-powerful hegemonic USA, partly explain the world's defiance of US actions.

### **Libya's policy in the face of sanctions**

Regardless of one's attitude towards Libya, objective analysis shows that the regime did not refuse to turn in the two suspects of the 1988 Pan Am 103 bombing. What Libyans refused was to have the two suspects tried in either the USA or the UK because they believed that they would not have a fair trial. They were also afraid that the trial would be used for political ends, that is, the incrimination of the Libyan leader himself. But in 1998 a turn of events took place that ultimately led to Libya's hand-over of the suspects.

In February 1998 the International Court of Justice (ICJ) in The Hague ruled that the Court had authority to determine whether Libya must relinquish two its nationals for trial over the Pan Am 103 bombing. The UK, France and the USA had unsuccessfully made a case against ICJ involvement on the grounds that the UN Security Council's 1992 and 1993 resolutions disqualified the ICJ's involvement. As seen earlier, Libyans had consistently contended that, under the 1971 Montreal Convention against aviation terrorism, their country was not obligated to extradite the two suspects. Libyans argued that they had the right to judge the suspects, Abdel Basset Ali Mohamed al-Megrahi and Lamen Khalifa Fhimah, in Libya or allow them to face trial in a neutral country. In view of the ICJ's ruling, Libyans claimed victory and asserted that UN sanctions should be considered null and void.<sup>50</sup> The ICJ ruling obtained backing from the Arab world as well as from the Non-Aligned Movement.<sup>51</sup> Members of the Arab League who were close friends of the USA, such as Egypt, Morocco and Tunisia, advanced

arguments and questioned the legality of the sanctions that had been imposed on Libya since 1995.<sup>52</sup>

In 1998 a compromise on the hand-over of the suspects became possible. Secretary of State Madeleine Albright and UK Foreign Secretary Robin Cook made an offer to the Libyans to have the trial of the two suspects under Scottish law in a court in the Netherlands. Under this proposal, the suspects, if convicted, would serve time in a British prison. Albright underscored the fact that this was a 'take-it-or-leave-it' proposition and that the USA would push for additional sanctions, including an oil embargo, if Libya declined the proposal.<sup>53</sup> Intense negotiations between the Libyans and UN Secretary-General Kofi Annan took place for almost a year. South African and Saudi mediation played a critical role in bridging the gap between Libyans, on the one hand, and the USA and Britain, on the other. It was Nelson Mandela's mediation that finally led to the surrender of the two suspects. After talks in Tripoli, Mandela declared that Libya had decided to extradite its two citizens for trial in Holland in April.<sup>54</sup> Almost simultaneously, the Libyans informed the United Nations officially of their decision to hand over the suspects by 6 April 1999 to be tried in Camp Zeist, a former US military base, near the Dutch city of Utrecht.<sup>55</sup> Under the terms of Security Council resolutions, UN sanctions against Libya would be put on hold as soon as the two suspects reached the Netherlands. Once Annan issued a report after 90 days, the Security Council had to vote to lift them permanently. Mandela declared that UN sanctions would unquestionably be rescinded following Annan's report, thus suggesting that Washington and London might have offered undisclosed guarantees that they would cast a vote in support.<sup>56</sup>

On 5 April 1999 Libya surrendered Abdel Basset Ali al-Meghrahi and Lamén Khalifa Fhimah to the United Nations to face trial in the Netherlands. Three Scottish judges were to resolve the litigation. Apparently, Britain assured Qadaffi that the evidence was only against Al-Meghrahi and Fhimah, and not against senior members of the Libyan government. Kofi Annan announced that UN sanctions against Libya would be suspended, and could be lifted after 90 days, as provided in UNSC Resolution 1192 (1988).<sup>57</sup> It seems that Annan reassured Qadaffi that a new resolution would be needed to restore the sanctions. The suspension of UN sanctions, however, did not imply that unilateral US sanctions would also be suspended, let alone lifted. On the contrary, these would remain in force because, according to James Rubin, the USA wanted 'additional concerns alleviated'.<sup>58</sup>

While UN sanctions were suspended upon surrender of the two suspects, the USA opposed any permanent lifting of them despite strong endorsement from the Non-Aligned Movement, the OAU, the Organisation of the Islamic Conference, and Arab countries.<sup>59</sup> The EU, too, suspended the Lockerbie-related sanctions against Libya. France, for its part, had already informed Kofi Annan in October 1998 that the French government had been satisfied with respect to the demands it had set forth regarding the UTA flight 772 (effective co-operation from the Libyan side, production of material evidence in Libya's possession, etc). Annan concluded in his report to the Security Council that 'the Libyan Arab Jamahiriya has thus complied in this regard with the relevant requirements of Security Council Resolutions 731 (1992) and 748 (1992)'.<sup>60</sup>

Why did Libya agree to hand over the accused at that particular moment? The deteriorating economic conditions were obviously an important factor. Milton Viorst provided a potential explanation even before the Libyans had made their decision. During his trip to Libya, Viorst learned that Abdullah Al-Sanussi, Qadaffi's brother-in-law and close confidant, was bitterly opposed to a Lockerbie compromise. But his conspicuous banishment from Qadaffi's circle 'might signal an official willingness to surrender the Lockerbie suspects'.<sup>61</sup> In other words, resistance to surrendering the accused had to be found inside the Libyan regime itself. But there is no doubt that the US and British decision to allow the trial to be held in a third, neutral country was the major factor that set in motion the extradition of the two Libyans. Of course, Qadaffi also hoped that the handing over of the suspects would result in the definitive lifting of sanctions and an ending of Libya's isolation.

### **Cautious moves toward normalisation**

The USA called Libya's bluff by agreeing to hold the trial in the Netherlands, because support for US policy towards Libya had almost vanished. In fact, the imposition of sanctions upon various countries, coupled with attempts to apply rules of extraterritoriality of foreign companies doing business with those 'rogue states', faced stiff resistance abroad and was thus failing miserably. Under pressure from major business groups and anti-sanction trade associations, members of Congress, such as Senator Richard Lugar (R-IN), Lee Hamilton (D-IN) and Philip M Crane (R-IL), worked on a proposed law. The bill would not do away with sanctions as a tool of foreign policy but would ensure that such sanctions would limit their adverse effects on the US economy. For its part, the Executive Branch created a 'sanctions team' to scrutinise the rationale, extent, cost and efficacy of sanctions already in place and seek to work out standards for applying sanctions in the future.<sup>62</sup> In the dispute over sanctions, Europeans won the fight; the USA provided waivers that would keep sanctions from being forced upon European companies doing business with Cuba, Iran and Libya. In exchange, the EU agreed to some restrictions.<sup>63</sup> Clearly, international support for sanctions was crumbling; it seems that there were complaints from abroad and from Clinton himself that the USA had become 'sanctions happy'. British Prime Minister Tony Blair is said to have urged Clinton in spring 1998 to ease up on international sanctions. Progressively, US officials had become aware that Clinton's attempts to instigate an oil embargo on Libya would not elicit any support at the UN. Furthermore, the USA ran the risk of losing international support on sanctions against Libya at the Security Council. Such an occurrence would certainly have weakened the usefulness of international sanctions in general. This development is what enticed the US administration, under nudging from Egypt, South Africa and Saudi Arabia, to consider the Libyan proposal of having the trial in a third country.<sup>64</sup>

Once Libya had turned in the accused one might have expected some softening of US policy towards, Libya. Indeed, a few events tended to support such a prospect. A tripartite meeting between the US, Libyan and British Permanent Representatives to the United Nations under the auspices of Kofi Annan took

place on 11 June 1999. This meeting, initiated by the USA,<sup>65</sup> marked the first official direct diplomatic contacts between it and Libya in 18 years, ie since diplomatic relations were severed. The objective of the meeting was to clarify 'the positions of their Governments regarding the requirements of the aforementioned Security Council resolutions for the lifting of measures imposed by the Council on the Libyan Arab Jamahiriya'.<sup>66</sup> In view of the fact that Libya, according to Annan, had declared that it 'definitively renounces all form of international terrorism of whatever origin', observers anticipated that the USA would perhaps agree to a lifting of the sanctions. US officials admitted publicly that Libya has actually withdrawn from the terrorism business. They acknowledged, like their Israeli counterparts, that Libya had expelled the notorious Abu Nidal organisation and distanced itself from other 'Palestinian extremist organizations opposed to the Middle East peace process'.<sup>67</sup> However, it became obvious that the USA had no intention of allowing UN sanctions to be lifted. Officials insisted that Libya had to fulfil other conditions: to co-operate with the investigation and trial; to pay appropriate compensation to relatives of the victims of the Lockerbie bombing; to end and renounce all forms of terrorism; and to acknowledge responsibility for the actions of Libyan officials. Obviously, from a Libyan perspective, it was unreasonable to impose such demands before justice had rendered its verdict on the two accused.<sup>68</sup> Regardless of the position of the other members of the Security Council, US officials were steadfast on policy towards Libya. Assistant Secretary of State Martin Indyk declared that 'we are aware ... that many Security Council members are anxious to close the chapter of Libya sanctions, and might be prepared to accept Libyan assurances instead of actions. We are not ... [We] are prepared ... to veto a Resolution lifting sanctions if it is presented before we are satisfied with Libyan actions'.<sup>69</sup> Furthermore, the US government made it clear that US unilateral sanctions against Libya would continue. The only exception to the sanctions were commercial sales of food, medicines and medical equipment, which the administration announced in May 1999 as a result of the sanctions reforms.<sup>70</sup> In fact, US officials made it plain that this exception to the sanctions, introduced in May, and which had a positive effect on Iran, Sudan and Libya, was 'not meant as a reward to Libya. It had its own track and its own dynamic. It wasn't either speeded up or slowed down because of that.'<sup>71</sup> Libyan fears that the USA would not lift either the UN or the US sanctions were well founded. Indeed, the USA resisted any attempts to allow the lifting of sanctions at the United Nations. Disregarding the improvement in relations between Libya and the EU—including the UK, which re-established diplomatic relations with Libya, broken since 1984<sup>72</sup>—the USA threatened to use its veto on the lifting of sanctions in the Security Council.<sup>73</sup> In this testimony in Congress, Deputy Assistant Secretary of State Ronald E Neumann recognised that, unlike the USA:

much of the world has been quick to welcome Libya back into the community of nations. On the political front, a number of nations have re-established diplomatic relations, and Libya has become much more active in regional organizations. On the economic front, immediately following the suspension of UN sanctions proscribing direct air travel to and from Libya, foreign airlines opened direct routes to Tripoli. Foreign firms have also welcomed Libya's indications of interest in large infrastructure projects, including in the petroleum sector and aircraft purchases.<sup>74</sup>

Neumann reiterated the four conditions that Indyk had stated a month earlier. The US decision to maintain the sanctions infuriated the business community because the UK, France, Italy, Germany and other Europeans benefited from the situation. Even with Helms–Burton and ILSA, the USA could not stop Europeans from investing in countries targeted by those laws, as was shown, for example, by France's Total's, Russia's Gazprom's and Malaysia's Petrona's \$3 billion investment in Iran.<sup>75</sup> Albeit reluctantly, the USA provided a waiver to both laws so that the deal could go forward without creating a major conflict with France, in particular, and with the EU in general.<sup>76</sup>

In autumn 1999 a policy shift towards Libya seemed to have occurred. The clearest signal of that shift came through Ronald Neumann who, in his speech at the Middle East Institute, gave a more positive assessment of Libya.<sup>77</sup> Although he reiterated the four demands on Libya, Neumann recognised that the *Jamahiriya* had taken important steps against terrorism: expulsion of Abu Nidal, closing of Abu Nidal's training camps, visa restrictions to prevent entry of terrorists to Libya, opposition to Islamist extremists, and switching to Yasser Arafat against Palestinian rejectionists. The US government interpreted support for Arafat's Palestinian authority as Libya's willingness to back the Middle East 'peace process'. From Neumann's perspective, 'Libya's reintegration into the international community will continue whether we like it or not, so long as Libya avoids new terrorism and blatant challenges to the international order'. The most important passage was his statement that 'change can now be imagined', although it might not be imminent, in US–Libyan relations. The other significant statement was his assertion that, unlike with its policy in Iraq, the USA did not seek to maintain sanctions until there is a change of regime in Tripoli'. However, the Deputy Secretary raised two major concerns. The first relates to Libya's 'inflammatory rhetoric', because the 'Libyan leadership may be fundamentally anti-American, that is committed to opposing American interests and an American policy agenda simply because they are American'. The second US concern was that 'Libya continues to pursue programs for the acquisition of WMD and missiles which would threaten US interests'.

Mixed signals came from Washington with respect to Libya. While officials continued to acknowledge change in Libya's actions, they still labelled Libya as a sponsor of terrorism. Most officials claimed that the sanctions had worked and that is why Libya surrendered the two accused. The impact of the sanctions, they claim, is what forced the Libyans to abandon support for terrorism. Yet the administration continued to label Libya as a 'rogue state'. Thus important differences of views existed within the US government. This probably explains the mixed signals that the USA was sending. On the one hand, it was labelling Libya a sponsor of terrorism, while, on the other hand, it did not stop the political rehabilitation of Libya at the UN. Libya, for its part, endeavoured to improve its political image internationally. It also provided incentives for foreign businesses to return to Libya. In particular, it sought the return of US oil companies. US oil companies lobbied the US government hard to lift sanctions on Libya. This lobbying was fairly successful, for in February 2000 the government allowed four US oil companies—Conoco, Occidental, Marathon and Amerada Hess—to dispatch agents to the *Jamahiriya* to inspect oil fields they had to forsake when

the Reagan administration imposed sanctions in the 1980s.<sup>78</sup>

Some US officials were convinced that non-US businesses were the main beneficiaries of the inevitable rehabilitation of Libya and that, unless some US initiatives were taken, Europeans and others would flood the Libyan market. Certainly European firms were strengthening their presence in Libya, especially in the hydrocarbon sector, in anticipation of a US return to that country. As Jean-Jacques Royant, in charge of international cooperation at the French Oil and Gas Suppliers' Council put it: 'We are trying to get there [Libya] quickly. Everyone expects the US administration to change its position [on sanctions against Libya] after the American presidential elections in November.'<sup>79</sup> It is probably in this context that Madeleine Albright authorised a four-member consular visit to Libya to evaluate safety conditions for US citizens and to determine whether or not to lift the restriction on the use of US passports for travel to the North African state.<sup>80</sup> The restriction on US travel to Libya has been in place since 11 December 1981. Although a shift in policy was clearly in the making,<sup>81</sup> US officials continued to deny it. They insisted that the consular visit was just that and had no relationship to the Libyans' extradition of the accused in the Lockerbie trial. For their part, Libyans reiterated their wish to normalise relations as long as the USA respected Libya's full independence.<sup>82</sup>

The Clinton administration visibly aimed at normalising, albeit very slowly, ties with Libya. It tried to do so cautiously in order to avoid hurting the families of the victims' sensibility. The families were quite vocal, had strong support among many members of Congress and among pro-Israeli media.<sup>83</sup> This partly explains the administration's hesitant moves toward normalisation. Yet some in Congress and in other departments of the Executive branch, including the State Department's Counterterrorism Bureau headed by Michael Sheehan, staunchly opposed even those incremental moves.<sup>84</sup> Furthermore, in the Department of Defense, the urge to develop a National Missile Defence system needed justification. Defence Secretary William Cohen argued that the necessity for a Star Wars system was genuine because of the potential threat from 'rogue states' in the near future. He insisted that, 'the intelligence shows that by the year 2005, the North Koreans, and then following that, the Iranians and possibly Iraqis or Libyans, would be in a position to have intercontinental ballistic missile capability that could threaten the United States.'<sup>85</sup> Neumann's testimony before the senate Foreign Relations Committee on 4 May 2000 highlighted the difficulty for those in the administration who favoured normalisation with Libya. In his testimony, Neumann once again acknowledged the progress that Libyans had made with respect to the issue of terrorism. However, he raised the bar really high for the Libyans by renewing US demands: payment of appropriate compensation (for the victim's families), acceptance of responsibility for the actions of Libya's officials, renunciation of and an end to support for terrorism, and co-operation with the Pan Am 103 investigation and trial. Paradoxically, he asserted that: 'on our key concerns—terrorism, opposition to Middle East peace, and regional intervention—Libya no longer poses the threat it once did. On WMD and missiles, our efforts to impede Libya's programs have had substantial success.' Yet, despite such assurance, he declared that:

we will oppose lifting UN sanctions against Libya until we are satisfied that Libya has met all the relevant UN Security Council requirements. The provisions of the Iran and Libya Sanctions Act regarding investment in Libya's petroleum sector will continue to be considered until, as the statute prescribes, the President has determined and certified to Congress that the UNSCR requirements have been met. Also until that time, we expect to maintain core unilateral economic sanctions prohibiting US–Libyan business.<sup>86</sup>

### **From 'rogues' to 'states of concern': change in name or in policy?**

In interviews she granted *USA Today* and National Public Radio, Madeleine Albright signalled a change in terminology with respect to the rogue characterisation of some states. The USA dropped the expression because 'it outlived its usefulness. What we see now is a certain evolution in different ways in different places ... Some places that were described that way have embarked upon more democratic internal life'.<sup>87</sup> But what was interesting was that officials themselves admitted that, 'it's not a change of behaviour or policy or what we're doing as much as it is finding a better description or a different description, because a single description, "one size fits all" doesn't really fit anymore'.<sup>88</sup> Although no longer described as 'rogue' 'states of concern' are depicted as states that have erratic authoritarian leaders, histories of sponsoring terrorism and programmes of building biological, chemical or nuclear weapons.<sup>89</sup>

The rogue state appellation has no grounding in international law and has never been accepted by the USA's major allies.<sup>90</sup> The USA used that expression in its foreign policy lexicon to lump together a number of countries which policy makers wished to ostracise, rather unsuccessfully, in the international community. The concept of 'rogue states' dominated US national security discourse; yet no objective norms delineated the term. The term was applied selectively to countries whose behaviour was deemed undesirable by the USA. The main objections revolved around those countries' quest for WMD, their alleged support for terrorism, noticeable disrespect for human rights, and vociferous hostility towards the USA. In fact, what the 'rogue states' shared in common was their rejection of US hegemony in their region: in other words they opposed the US presence and its interests, as well as the support that the USA provides to Israel, perceived as America's proxy in the Middle East. Because of this opposition, the USA sought to punish them through attempts to overthrow them and enact extraterritorial sanctions on countries that do business with them. In the Libyan and Iraqi cases, the USA was not only successful in imposing multilateral sanctions but it also launched military attacks against them. However, despite all the means it has used to try to overthrow these regimes, the policy failed to produce the desired effect. The 'rogue state' rhetoric hindered any alternative approach in reaction to altered conditions. In other words, the USA was constraining its own actions, since any attempt to engage the 'rogues' was synonymous with 'appeasement'.<sup>91</sup> Truly, the characterisation of those states as 'rogues' restricted policy options when opportunities for normalisation with those countries arose. Furthermore, a point can be made that the 'rogue states' concept amounts to a racist categorisation, especially when the countries that are singled out are mostly Arab/Muslim. The punishment that the USA has inflicted



upon the populations of these countries has strengthened the regimes in place rather than helped in their overthrow. It has also created lasting damage in future US relations with successor regimes. The fundamental flaw in the 'rogue state' doctrine is that, while it is convenient in fuelling internal backing for hard-line policies, it limits any policy beyond punitive decisions.<sup>92</sup> Europeans, who have used such concepts as 'critical engagement',<sup>93</sup> have been more successful precisely because they have engaged with the countries that the USA labelled 'rogue states'.

The main question is whether the change in label has signalled real change in policy. Recent events with respect to Libya and Iraq suggest that is doubtful. The abandonment of the concept indicated 'sanctions fatigue' more than a genuine rethinking of policy. Furthermore, the greatest fear from a US perspective is the development of WMD by the 'states of concern', to use the new US lexicon. Indeed possession of WMD by those states can make US defence planning difficult because ownership of such weapons increases the price for both the USA and its allies in case of confrontation. More importantly, possession of such weapons will significantly reduce the ability of the USA or its regional allies to intimidate or launch a war against those states.<sup>94</sup> And it is precisely the alleged threat of use of WMD by 'rogue states' that the USA had used to justify a gigantic build-up of US military forces, including its National Missile Defense (NMD). Before the end of the Clinton administration the Pentagon published a report which shows without a doubt that the rogue state doctrine has changed only in name. The report, strongly supported by the President-elect George W Bush, makes it clear that, in terms of national security, US concerns remain the same. The report states that 'We have become increasingly concerned in recent years that NBC weapons, delivery systems, and technology may all be "for sale" to the highest bidder ... In North Africa and the Middle East, states of proliferation concern—Libya, Syria, Iran, and Iraq—remain poised to develop and use all means at the disposals to threaten US and allied interests in the region and beyond.'<sup>95</sup> Even before being confirmed, the new Secretary of Defense, Donald Rumsfeld, warned that 'forces in world politics [read rogue states and terrorist groups] have created a more diverse and less predictable set of potential adversaries'<sup>96</sup> and that the USA should counter such threats to itself and its allies. The CIA has recently presented a similar assessment of the international security situation.<sup>97</sup>

### **Libya and the USA: What lies ahead after September 11**

Although predictions in politics are hard to make, some patterns could serve as an indication of future trends. With respect to the US attitude towards Libya, it seems that the animosity between the two countries will continue. The verdict of the Lockerbie trial, far from ending the conflict between the two countries, has created the potential for further conflict. On the eve of the verdict, the new Secretary of State, Colin Powell, made it clear that 'regardless of the outcome that will be announced ... there are other things that the Libyan Government will be expected to do with respect to the other elements of the UN sanctions'. Although admitting that the Libyans had supplied to the judge all the necessary information for the trial, Powell insisted, 'there are sanctions that predate the UN

sanctions that are not affected by the outcome of this trial'<sup>98</sup> In other words, even if the UN sanctions were to be lifted, US unilateral sanctions would not.

On 31 January the Scottish judges found Abdel Basset Ali Maghbrahi guilty but acquitted Lamén Khalifa Fhima. For US oil companies and for Europeans this verdict should have ended the Lockerbie affair and opened a new page with Libya. But, for the United States, Libya had not only to accept responsibility for the act but to also pay compensation to the families.<sup>99</sup> While Libya had made it known in the past that it would compensate the families if the defendants were found guilty,<sup>100</sup> expecting the Libyan State to accept responsibility would be unrealistic. Libyans believed that the end of the Lockerbie trial would lead to normalisation with the USA as happened with France over the UTA 772 case. They called for a complete lifting of UN sanctions and made it clear that they sought normal relations with the USA.<sup>101</sup>

Despite the verdict, doubt still looms over the judges' decision. The significant role that the CIA played in the case,<sup>102</sup> the Scottish judges' acknowledgement of the prosecution's weaknesses,<sup>103</sup> as well as the doubt raised by Scottish law professor Robert Black, who masterminded the Lockerbie trial in Holland,<sup>104</sup> give some credibility to Libyan accusations that the verdict was indeed politically inspired. Worse yet, this might raise doubts as to the true guilty party; Iran, Syria and the People's Front for the Liberation of Palestine–GC were originally suspected of the bombing. Of course, this does not absolve Libya's past participation in state-sponsored terrorism; however, given the questionable evidence, coupled with the existence of various centres of power in Libya, accusations that attribute responsibility to Qadaffi are moot and cannot help normalisation between the two countries. Thus, whether the USA will engage Libya or will try subjugating it to justify domestic policies remains to be seen.

If the bombing of Iraq in February and July 2001 is any indication of the Bush administration's policy towards 'states of concern' it seems that force, rather than diplomacy, will drive US foreign policy. With respect to Libya, there is no doubt that, mainly for domestic reasons, the USA refuses to normalise relations. In fact, the USA has sought to use the conviction of the Libyan official in the Lockerbie case to implicate the Libyan regime itself.<sup>105</sup> While seeking to maintain UN sanctions, the USA wanted the Libyan government to pay reparations to the families of the victims. For its part, the Libyan regime insisted on normalising relations.

In April, concerns, about US energy security compelled the USA to review sanctions on Libya. Some members of the Bush administration, aware of the need for energy investments in Libya and Iran, were convinced of the ineffectiveness of sanctions and sought to influence Congress not to renew the Iran–Libya Sanctions Act for another five years. US oil companies, too, lobbied the administration and Congress to allow them to renew their activities in Libya, Iran and Iraq. The pro-Israeli lobby and its allies, for their part, were intent on keeping the sanctions.<sup>106</sup> Although President Bush sought a two-year extension of the ILSA, on 26 July, under strong pressure from the pro-Israeli lobby to be sure, Congress overwhelmingly extended the sanctions—which bar US companies from doing business in Libya—for a five year period. Under this law, the US government can levy penalties on non-US companies that invest more than \$20

million in Libya or Iran.

The terrorist attacks on New York and Washington on 11 September 2001, while they have demonstrated the irrationality of developing NMD, have nevertheless created a golden opportunity for the USA to overthrow the 'states of concern' that they suspect—rightly or wrongly—of harbouring terrorists. Although in October 2001 no state besides Afghanistan had been linked to the attacks, there is no doubt that forces in Washington have already contemplated the possibility of launching strikes against Iraq, Libya, Iran, Syria, or even Lebanon, regardless of these states' unequivocal condemnation of terrorism.<sup>107</sup> The future of the 'states of concern' rests largely on the outcome of the struggle among various forces in Washington. Obviously, if the pro-Israeli lobby and its supporters have it their way, the prospects for the 'states of concern' look rather bleak.

## Notes

- <sup>1</sup> See Yahia H Zoubir & Stephen Zunes, 'The United States in the Maghreb' in Yahia H Zoubir (ed), *North Africa in Transition—State, Society and Economic Transformations in the 1990s* Gainesville, FL, University Press of Florida, 1999.
- <sup>2</sup> Mahmoud G El Warfalli, *Imagery and Ideology in US Policy Toward Libya, 1969–1982*, Pittsburgh, PA, University of Pittsburgh Press, 1988, p 155.
- <sup>3</sup> Patrick E Tyler, 'US aborted 1983 trap set for Libyan forces', *Washington Post*, 12 July 1987, pp. A1, A25; Bob Woodward, 'CIA anti-Qaddafi' plan backed', *Washington Post*, 3 November 1985, p A19; and Seymour M Hersh, 'Target Qaddafi' *New York Times Magazine*, 22 February 1987, p 74
- <sup>4</sup> See, for instance, R W Apple, 'US said to hope clashes prompt moves in Libya to oust Qaddafi', *New York Times*, 3 April 1986, p A8.
- <sup>5</sup> Jack Anderson & Dale Van Atta, 'The secret poll behind the Libya raid', *Washington Post*, 28 February 1988, p C7. See also Bob Woodward, *Veil: The Secret Wars of the CIA, 1981–1987*, New York; Simon & Schuster, 1987, which contains important information on US covert actions against the Libyan regime.
- <sup>6</sup> Libyans themselves admitted this. See Milton Viorst, 'The colonel in his labyrinth' *Foreign Affairs*, 78 (2), 1999, p 71.
- <sup>7</sup> Quoted in Michael Rubner, 'Antiterrorism and the withering of the 1973 war powers resolution', *Political Science Quarterly*, 102, 1987, p 210.
- <sup>8</sup> Thomas F O'Boyle & Terence roth, 'Pressure grows on Bonn over plant in Libya—report suggests officials ignored tips for 2 years; first arrest made in case' *Wall Street Journal*, 13 January 1989.
- <sup>9</sup> Michael T Klare, 'An anachronistic policy', *Harvard International Review*, 2 (2), 2000 pp 46–51. One can argue that in fact credit should be given to Ronald Reagan for initiating the rogue state doctrine since he referred to Libya as an 'outlaw state'.
- <sup>10</sup> *Ibid*, p 46.
- <sup>11</sup> For a similar view, see Stephen Zunes, 'the function of rogue states in US Middle East policy', *Middle East Policy*, 5 (2) 1997, p 150.
- <sup>12</sup> Klare, 'An anachronistic policy', p 46.
- <sup>13</sup> Anthony Lake, 'Confronting backlash states', *Foreign Affairs*, 73 (2), 1994, pp 45–55.
- <sup>14</sup> *Ibid*, p 46.
- <sup>15</sup> Paul Barrett & Gerald Seib, 'Two Libyans charged in planting bomb aboard Pan Am's Flight 103 in 1988', *Wall Street Journal*, 15 November 1991.
- <sup>16</sup> See George Joffe, 'Facing new sanctions', *Middle East International*, 28 August 1993, p 9 and Joffe 'Qadhafi ups the ante', *Middle East International*, 8 October 1993, p 9.
- <sup>17</sup> 'Competing for top pariah', *The Economist*, 7 March 1992.
- <sup>18</sup> Peter Walman, 'Egyptians are uneasy as the West presses Gadhafi on terror suspects', *Wall Street Journal*, 3 March 1992.
- <sup>19</sup> 'Libya, Lockerbie and the revival of Arabism'. *The Economist*, 28 March 1992.
- <sup>20</sup> *Security Council Resolution 31*, 21 January 1992; *Security Council Resolution 748*, 31 March 1992; and *Security Council Resolution 883*, 11 November 1993. See also, US Department of State, *Background Notes: Libya* at <http://dosfan.lib.ujc.ECR/bgnotes/nea/libya9407.html>. For commentary,

- see Gerald Seib & Robert Greenberger, 'UN sanctions on Libya have changed rules of warfare against terrorism', *Wall Street Journal*, 24 April 1992.
- <sup>21</sup> Robert Greenberger, 'US may press for global boycott of Libyan oil', *Wall Street Journal*, 31 March 1993.
- <sup>22</sup> *United Nations Security Council. S/RES/883*, 11 November 1993.
- <sup>23</sup> Author's interviews with Libyan diplomats in the 1990s.
- <sup>24</sup> Kate Clark, 'Sanctions and insurrections', *The Middle East*, December 1996, p 11. See also United Nations, *Letter dated 15 January 1998*. The Annex contains the Report of the Fact-Finding Mission to the Libyan Arab Jamahiriya to the Secretary-General (13–18 December 1997).
- <sup>25</sup> Robert Greenberger, 'Washington insight: Clinton misses opportunity in oil glut to punish Libya for Pan Am bombing', *Wall Street Journal*, 28 February 1994.
- <sup>26</sup> Robert Waller, 'Qadhafi ahead on points', *Middle East International*, 23 June 1995, p 20. US officials concur on this point. Author's phone interview with US Department of State official, 24 July 1997.
- <sup>27</sup> Robert Greenberger & Laurie Lande, 'Europeans are irked by Senate move to punish foreign investments in Libya', *Wall Street Journal*, 22 December 1995.
- <sup>28</sup> In particular, see 'Secondary sanctions', *Oil & Gas Journal*, 94 (1), 1996, pp 21–22.
- <sup>29</sup> Douglas Waller, 'Target Gaddafi, again', *Time*, 1 April 1996, p 46.
- <sup>30</sup> Cited in Michael Klare, 'Itching for a fight: Washington prepares for war against the 'Rogues'', *The Progressive* (September 1996), p 32.
- <sup>31</sup> *US Congress, House of Representatives, Bill HR 3107, 18 June 1996, P. H 6469*. The Bill is also cited as The Iran–Libya Sanctions Act of 1996.
- <sup>32</sup> *Ibid.*
- <sup>33</sup> *Ibid.*, Section 11.
- <sup>34</sup> Kate Clark, 'Sanctions and insurrections', *The Middle East*, December 1996, p 11.
- <sup>35</sup> Cited in CNN (posted on the web), 5 August 1996.
- <sup>36</sup> See, debates of HR 3107 in US Congress, House of Representatives, Bill HR 3107, 18 June 1996. See also Toby Roth, 'New Iranian–Libyan sanctions will only hurt US', *Wall Street Journal*, 6 August 1996.
- <sup>37</sup> European Union in the United States, *Press Release No. 50/96*, 8 August 1996. Sir Leon's statement was made in Brussels on 6 August.
- <sup>38</sup> See Robert Mortimer, 'Maghreb matters' *Foreign Policy*, fall 1989, pp 160–175.
- <sup>39</sup> On this point, see Stephen Zunes, 'Arab nationalism and the Persian Gulf conflict', *Peace Review*, 3 (2), 1991.
- <sup>40</sup> Evelyn F Cohn & Alan D Berlin, 'European Community reacts to Helms–Burton', *New York Law Journal*, 4 August 1997.
- <sup>41</sup> *Journal of Commerce*, 8 August 1996, p 2A.
- <sup>42</sup> Letter from Hugo Paemen, Head of the European Commission's Washington Delegation, addressed to Congressional leaders, in European Union in the United States, *Press Release 31/96*, 20 May 1996.
- <sup>43</sup> *International Herald Tribune*, 14 October 1995, p 13.
- <sup>44</sup> The Iran and Libya Sanctions Act of 1996: results to date' *Statement by Jeffrey J Schott, Senior Fellow, Institute of International Economics, before the House Committee on International Relations, 23 July 1997*. For a more detailed analysis of the limited value of sanctions and how they have adversely affected the USA, see Gary Clyde Hufbauer, Kimberly Ann Elliott, Tess Cyrus & Elizabeth Winston, 'US economic sanctions: their impact on trade, jobs, and wages', *Working Paper* Washington, DC, Institute for International Economics, 1997.
- <sup>45</sup> Richard Laurence, 'Sanctions debate enters critical phase', *Journal of commerce* 2 August 1999 in <http://www.usaengage.org/>.
- <sup>46</sup> *Journal of Commerce*, 5 May 1997, p 3A
- <sup>47</sup> *New York Times*, 22 September 1997.
- <sup>48</sup> See United Nations, *Statement by the President of the Security Council, S/PRST/1997/27, May 1997*. See also *Agence France-Presse* (AFP), 13 May 1997 and *USA Today*, 9 May 1997, p 6.
- <sup>49</sup> *US Department of State, Office of the Spokesman, Press Statement by James P Rubin, Spokesman, OAU Resolution on Libya, 10 June, 1998* and US Information Service, 12 June 1998.
- <sup>50</sup> *New York Times*, 28 February 1998, p A4 and *Financial Times*, 28 February 1998, p 4.
- <sup>51</sup> See United Nations, Letter From the Permanent Representatives of Algeria, Egypt, The Libyan Arab Jamahiriya, Mauritania, Morocco, the Syrian Arab Republic and Tunisia to the United Nations Addressed to the President of the Security Council, S/1998/598, 1 July 1998.
- <sup>52</sup> *Ibid.*
- <sup>53</sup> *Washington Post*, 25 August 1998, pp A1, A11; and *Financial Times* 25 August 1998, p 5. See also UN Security Council, S/Res/1192 (1998), Resolution 1192 (1998) Adopted by the Security Council at its 3920th Meeting on 27 August 1998.
- <sup>54</sup> *Financial Times*, 20–21 March 1999.

- <sup>55</sup> The letter that Omar Mustafa Muntasser, Secretary of the General People's Committee for foreign Liaison and International Cooperation sent to Kofi Annan was dated 19 March 1999. See United Nations, Letter Dated 19 March 1999 From the Secretary-General Addressed to the President of the Security Council, S/1999/311, 23 March 1999.
- <sup>56</sup> Evelyn Leopold, 'UN welcomes formal letter on Lockerbie surrender', *Reuters*, 20 March, 1999.
- <sup>57</sup> United Nations, Letter Dated 5 April 1999 from the Secretary-General Addressed to the President of the Security Council, S/199/378, 5 April 1999.
- <sup>58</sup> CNN.com, 5 April 1999; *Wall Street Journal*, 6 April 1999, p A28; and *Financial Times*, 6 April 1999, 12; and 7 April 1999, p 11.
- <sup>59</sup> Colum Lynch, 'US threatens to veto lifting Libyan sanctions', *Washington Post*, 8 July 1999; Farhan Haq, 'US resists move to lift UN sanctions', *Inter Press Service*, 7 July 1999 and 'US opposes lifting UN sanctions on Libya' *CNN Online*, 1 July 1999.
- <sup>60</sup> United Nations, Report of the Secretary-General Submitted Pursuant to Paragraph 16 of Security Council Resolution 883 (1993) and Paragraph 8 of Resolution 1192 (1998), S/1999/726, 30 June 1999.
- <sup>61</sup> Viorst, 'The colonel in his Labyrinth', p 71. Sanussi was on the list of defendants for the UTA trial in France. On 10 March 1999 a French court convicted, in Absentia, Sanussi and five other Libyans for the bombing in 1989 of UTA flight 772.
- <sup>62</sup> Thomas W Lippman, 'US rethinking economic sanctions—State Dept team weighs costs, impact of trade restriction', *Washington Post*, 26 January 1998.
- <sup>63</sup> 'US, EU settle dispute over trade sanctions', CNN (web posted), 18 May 1998.
- <sup>64</sup> John Lancaster, 'Compromising positions; Susan and Daniel Cohen feel twice victimized—once by the terrorists who killed their daughter over Lockerbie, and once by the government that has failed to punish those responsible. But maybe the bureaucrats have a point', *Washington Post*, 9 July 2000.
- <sup>65</sup> *Boston Globe*, 8 April, 1999.
- <sup>66</sup> United Nations, Report of the Secretary-General Submitted Pursuant to Paragraph 16.
- <sup>67</sup> 'Compromising positions', *Washington Post*, 9 July 2000. See also Adam Zagorin, 'Why Libya wants in', *Time*, March 2000, p 66. In 1998, the US government reported, 'There is no evidence of Libyan involvement in recent acts of international terrorism'. US Department of State, *Overview of State-Sponsored Terrorism Patterns of Global Terrorism: 1998*.
- <sup>68</sup> 'US policy toward Iraq, Libya and Iran', Speech given at Middle East Forum by Bruce O Riedel, Special Assistant to the President and Senior Director, Near East and South Asian Affairs National Security Council, 23 April 1999. See also, 'US breaks ice with Libya' *BBC Online*, 12 June, 19.
- <sup>69</sup> Martin S Indyk, Assistant Secretary for Near Eastern Affairs, Testimony, House International Relations committee, Washington, DC, 8 June, 1999.
- <sup>70</sup> Stuart E Eizenstat, Under Secretary of State for Economic, Business and Agricultural Affairs, and Rick Newcomb, Director of Office of Foreign Assets Control, Treasury Department Press Briefing on Economic Sanctions, Washington, DC, 28 April, 1999, released by the Office of the spokesman. Eizenstat explained that 'Sales of food, medicine and other human necessities do not generally enhance a nation's military capabilities or support terrorism...our purpose in applying sanctions is to influence the behaviour of regimes, not to deny people their basic humanitarian needs.' This was obviously the result of pressure from people in Congress, such as Senator Richard Lugar (R-IN), who pushed for the *Sanctions Policy Reform Act of 1999 (S. 757)*.
- <sup>71</sup> *Ibid*.
- <sup>72</sup> Warren Hoge, 'New Libyan cooperation leads to renewed ties with Britain', *New York Times*, 8 July 1999. Libya recognised its responsibility in the killing in 1984 of policewoman Yvonne Fletcher outside the Libyan Embassy in London and agreed to pay compensation to her family. Furthermore, Libya cooperated with British intelligence concerning the Irish Republican Army, which Libya had supported for many years. See 'Compromising positions'.
- <sup>73</sup> Lynch, 'US threatens to veto lifting Libyan sanctions'; Haq, 'US resists move to lift UN sanctions'; and US opposes Lifting UN Sanctions on Libya'.
- <sup>74</sup> Ronald E Neumann, Deputy Assistant Secretary, Bureau of Near East Asia, Testimony before the House of International relations Subcommittee on Africa, Washington, DC, 22 July 1999.
- <sup>75</sup> Susan Quinn, 'Unilateral sanctions reform debated', *US-Arab Tradeline*, 18 September 1998.
- <sup>76</sup> Secretary of State Madeleine K Allbright, Statement on 'Iran and Libya Sanctions Act (ILSA): Decision in the South Pars Case', London, 18 May 1998. As released by the Office of the Spokesman, US Department of State.
- <sup>77</sup> Ronald Neumann, Deputy Assistant Secretary, Bureau of Near Eastern Affairs, Middle East Institute. Washington, DC, 30 November 1999. The speech can also be found in Ronald E Neumann, 'Libya: a US policy perspective', *Middle East Policy*, VII (2), 2000, pp 142–45.
- <sup>78</sup> Colum Lynch & John Lancaster, 'US considers easing restrictions on Libya', *Washington Post*, 27 February 2000, p A29.

- <sup>79</sup> William Emmanuel, 'France: interview—French oil services firms target Libya', *Reuters English New Service*, 28 March 2000.
- <sup>80</sup> US Department of State, Office of the Spokesman, Consular Visit o Libya, Press Statement by James P Rubin, 28 March 2000.
- <sup>81</sup> Jim Hoagland, 'Stealthy shift on Libya', *Washington Post*, 26 March 2000.
- <sup>82</sup> 'Libya: Foreign Minister says normal ties with US possible,' *Associated Press*, 28 March 2000. See also, *Al-Sharq-al-Awsat* (in Arabic), 28 March 2000, 4.
- <sup>83</sup> See, for instance, Lawrence Kaplan, 'Engagement ring', *The New Republic*, 24 July 2000. See the statement that the pro-Israeli Anti-Defamation League had already issued in New York on 18 May 1998, 'Concerned by United States' intention to waive sanctions against companies doing business with rogue nations.'
- <sup>84</sup> Bill Nichols, 'House measure would loosen embargo. GOP leaders oppose plan for some sales', *USA Today*, 15 June 2000.
- <sup>85</sup> Kenneth R Bazinet, 'Uphill battle for Prez in Putin talks', *Daily News* (NY), 29 May 2000, p 6.
- <sup>86</sup> Ronald E Neumann, Deputy Assistant Secretary, Bureau of Near Eastern Affairs, Testimony Before the Senate Foreign Relations Committee, Subcommittee for Near Eastern and South Asian Affairs Washington, DC, 4 May, 2000. A high-level US official told the author following Mr Neumann's interview; "Congress does not understand our policy. They [congressmen] will not allow change in policy toward Libya. The families and their supporters are powerful. 'Interview at Department of State, Washington, DC, 5 May 2000.
- <sup>87</sup> Barbari Slavon, 'US does away with "rogue state" tag—"countries of concern" is new term', *USA Today*, 20 June 2000, p 7A.
- <sup>88</sup> Steven Mufson, 'A "rogue" is a "rogue" is a "state of concern", US alters terminology for certain countries', *Washington Post*, 20 June 2000, p A16.
- <sup>89</sup> Editorial, 'updating diplomacy's language,' *New York Times*, 23 June 2000.
- <sup>90</sup> See Robert Litwak, "'Rogue state" label was a bad fit', *Los Angeles Times*, 28 June 2000, p BP 9.
- <sup>91</sup> See, for instance, John R Bolton, "Appeasing Gadhafi," *Washington Post*, 29 August 2000, p A7.
- <sup>92</sup> For a similar point, see Meghan L O'Sullivan, "Replacing rogue rhetoric—a new label opens way to a better policy", *The Brookings Review*, 18 (4), 2000, pp 38–40.
- <sup>93</sup> 'Rogues? Not anymore: the doctrine of containment is dying', *Guardian*, 20 October 2000.
- <sup>94</sup> For a good discussion, see Richard Falkenrath, 'Weapons of mass reaction', *Harvard International Review*, 22 (2), 2000, pp 52–55.
- <sup>95</sup> United States Department of Defense, Office of the Secretary of Defense, Proliferation: Threat and response—January 2001, p 1. See also pp 45–49.
- <sup>96</sup> Simon Tisdall, 'US military expansion: fear of attacks triggers arms build up: rogue states identified in attempt to boost spending', *Guardian*, 13 January 2001.
- <sup>97</sup> Statement by Director of Central Intelligence, George J Tenet before the Senate Select Committee on Intelligence on the Worldwide Threat 2001: 'National security in a changing world' (as prepared for delivery), 7 February 2001.
- <sup>98</sup> US Department of State, Press Remarks with Mexican Foreign Secretary Jorge Castaneda Gutman, Washington, DC, 30 January 2001.
- <sup>99</sup> President Bush said, 'The United States government will continue to pressure Libya to accept responsibility for this act to compensate the families'. John Lancaster & Alan Sipress, 'A muted victory against terror', *Washington Post*, 1 February 2001, p A1.
- <sup>100</sup> United Nations, Report of the Secretary-General Submitted Pursuant to Paragraph 16.
- <sup>101</sup> See *International Herald Tribune*, 1 February 2001; and (AFP), 31 January 2001.
- <sup>102</sup> Vernon Loeb, 'A new witness for the prosecution: CIA stepped out of shadows to provide evidence in Lockerbie trial of 2 Libyans', *Washington Post*, 4 February 2001, p A10.
- <sup>103</sup> Howard Schneider, 'Gaddafi dissects Lockerbie decision', *Washington Post*, 6 February 2001, p A14.
- <sup>104</sup> Jenny Booth, 'Architect of Lockerbie trial attacks guilty verdict', *Daily Telegraph*, 4 February 2001. See also, BBC News, 5 February 2001. Robert Black, the Scottish law professor who devised the format of the Netherlands-based trial, was quoted as saying he was 'absolutely astounded' that Al Megrahi had been found guilty. Mr Black stated that he believed the prosecution had 'a very, very weak circumstantial case' and that he was reluctant to believe that Scottish judges would 'convict anyone, even a Libyan' on such evidence. Austrian Professor Hans Koechler, a world-renowned expert on law and human rights, who was appointed by Kofi Annan as one of the five impartial observers to supervise the Lockerbie trial, reported that the trial was 'unfair, irrational and politically motivated'. He argued, 'There seemed to be considerable political influence on the judges and the verdict...from the United States and the United Kingdom'. Gillian Harris, 'Expert criticizes Lockerbie trial, *The Times*, 19 April 2001.
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<sup>106</sup> Peter Behr & Alan Sipress, 'Cheney panel seeks review of sanctions. Iraq, Iran, and Libya loom large in boosting oil supply', *Washington Post*, 19 April 2001, p A13.

<sup>107</sup> Edith M Lederer, 'Arab nations vow to fight terrorism', *Washington Post*, 3 October 2001.