Libya's WMD Renunciation:

How to Consolidate and Replicate

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Mar 10, 2004

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Articles & Testimony

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I will confine myself to two issues: first, how to consolidate Libya's apparent decision to give up weapons of mass destruction (WMD) and second, how to replicate that success in other Middle Eastern countries, particularly Iran. Indeed, I will restrict my analysis to one major suggestion on each of those two fronts.

Consolidating the Libya Apparent Success: Political Reform Is the Key

The major worry about whether Libya will in fact follow through on its promise is that all decisions in Libya are made by one erratic man, Mu'ammar Qaddafi.

Qaddafi is known as a mercurial leader for good reasons. In addition to his erratic domestic policy, he has made several sudden and temporary jumps in foreign policy. After making pan-Arabism the centerpiece of his foreign policy for twenty years, he turned sharply towards Africa in the 1990s, claiming, "I have no time to lose talking to Arabs. I now talk about pan-Africanism and African unity." But then he re-emphasized the Arab world in recent years. There are disturbing signs that his foreign policy is moderate when necessary but revolutionary when possible. For instance, when he was courting African states to secure their support in undermining the UN sanctions, he played a reasonably positive role, brokering the departure of Chadian forces from Congo and working for a reconciliation between Kinshasa and Kampala as well as between Ethiopia and Eritrea. But he has gone back to his old radical ways, including providing arms to his old ally Liberian president Charles Taylor in contravention of an arms embargoed imposed by the UN Security Council. Qaddafi's record in Africa raises serious doubts about how committed he will remain to the WMD renunciation if the pressure on him eases.

When Qaddafi's mood changes, Libya's policy can switch overnight for the simple reason that Qaddafi holds all power in his hands. The situation is quite extreme, as described in the State Department's Country Report on Human Rights Practices - 2003:

Qadhafi and his inner circle monopolize political power. Qadhafi is aided by extragovernmental organizations, the

Revolutionary Committees, that exercise control over most aspects of citizen's lives.... The country maintains an extensive security apparatus,... a multilayered, pervasive surveillance system that monitored and controlled the activities of individuals... By law, the Government may hold detainees incommunicado for unlimited periods.... The private practice of law is illegal.... The Government owned and controlled the media... The Government did not permit the publication of opinions contrary to its policy.... Public assembly was permitted only with Government approval and in support of the Government's position. The Government restricted the right of association; it grants such a right only to institutions affiliated with the Government.

So long as Qaddafi alone determines what are Libya's policies, we can never be certain whether he will stick with his renunciation of WMD or change his mind tomorrow. In other words, the key threat to the Libya WMD agreement is that Qaddafi will renounce it. That is a very different problem than verification as traditionally understood. Verification activities generally focus on whether a government is cheating, e.g., is it clandestinely pursuing WMD activities at some undeclared site? Verification will of course be a concern in Libya, but the greater concern is that the Libyan government is today completely scrupulous about carrying out the agreement but tomorrow changes its mind.

The only way to address our concerns about Qaddafi's fickle mood swings is for political decision-making to become more systematic and less personalized in Qaddafi's hands. So long as his moods determine policy, we must worry that decisions will be lightly reversed. Broader political participation, even by a political elite, would be a confidence-building measure. So too would greater transparency. If we could learn what Libyans -- or at least the elite-- are thinking about their country's security situation, we would have greater assurance that we could predict what Tripoli will do.

In short, the only way we can be sure that the Libya WMD deal sticks is if Libya engages in political reform. To formulate the problem this way is to understand that political reform in Libya is a geostrategic interest of the United States. Some commentators have argued against the Libyan deal on the grounds that a bargain with a vicious dictator is unjust and incomptatible with America's long-term interest in spreading democracy. i I am making a different argument: I am saying that we cannot have confidence in the WMD deal unless Libya opens up its politics, because we cannot have confidence in Qaddafi's whims.

President George W. Bush understated the importance of political reform when he argued, at Whitehall in November 2003,

The peace and security of free nations now rests on three pillars: First, international organizations [; second] the willingness of free nations, when the last resort arrives, to restrain aggression and evil by force[; and third] the global expansion of democracy, and the hope and progress it brings, as the alternative to instability and to hatred and terror.... We must shake off decades of failed policy in the Middle East. Your nation and mine, in the past, have been willing to make a bargain, to tolerate oppression for the sake of stability. [This] did not bring stability or make us safe. It merely bought time...No longer should we think tyranny is benign because it is temporarily convenient.

All that is true, but there is also a much more immediate reason why the United States has an interest in pressing for political reform, namely, that so long as decision-making is in the hands of one man, be it Qaddafi or Saddam Husayn, there is a high risk that some of the decisions will be dangerously destabilizing.

Operationally, the U.S. government cannot bring democracy to Libya. Our aims should be much more modest, namely, to promote a gradual opening up of society and politics. Even if Qaddafi were so minded (which he is not), Libya is in no position to hold free and fair elections tomorrow: there are none of the essential building-blocks of democracy, such as a free press, political parties, or confidence that one can speak openly without being punished.

What the United States can point out to Libya is the advantages of opening up society. The economy would benefit if private enterprise were freer to operate, if the rule of law was established, and if there were free access to the internet and other modern communications means. Qaddafi's own government would benefit if people were able to express discontent within the framework of establishment politics, rather than turning to the radical violent Islamist opposition groups which have been gathering strength. Washington should be able to press Tripoli to start the long process of liberalization with the modest steps that are appropriate at this stage.

Replicating the Libya Apparent Success: U.S. Sanctions Work

Replicating the apparent success with Libya requires use of many policy instruments, but let me confine myself to one, namely, economic sanctions.

The debate about the relative role of sanctions and the Iraq war in persuading Libya to give up its WMD misses an important point: the sanctions that mattered were the U.S. unilateral sanctions, not the UN sanctions. After all, the UN sanctions were lifted permanently in September 2003, before Libya took the decision in December 2003 to give up its WMD. If Libya's concern were the multilateral sanctions, then Tripoli would have had no reason to give up its WMD: the multilateral sanctions were gone. The UN sanctions were only targeted on Libya's support for terrorism; they had no counter-proliferation component. There was no need for Libya to change is proliferation stance to get the UN sanctions lifted: the UN had never sanctioned Libya over proliferation concerns. Former Undersecretary of State Stuart Eizenstat has it exactly backwards when he writes, "In marked contrast to U.S. unilateral sanctions on Iran and Libya, United Nations (UN) sanctions on Libya -- combined with U.S. unilateral measures -- seem to have had their desired effect." ii If indeed Libya shows that sanctions work, it shows that unilateral U.S. sanctions work. To be sure, the UN sanctions appear to have been effective at their stated goal of ending Libyan state support for terrorism, but those sanctions had nothing to do with counterproliferation.

The Iran-Libya Sanctions Act (ILSA) was enacted in 1996 for the purpose of "ending all support for acts of international terrorism and efforts to develop or acquire weapons of mass destruction," to quote from its statement of "policy with respect to Libya." The core of ILSA's approach was to discourage investment in the oil and gas industry in the targeted countries. ILSA was widely criticized as being ineffective or counterproductive. Yet it is precisely the lack of access to international investment in the oil and gas industry which is widely acknowledged to have been at the heart of the Libyan concerns about sanctions.

The critics of ILSA said it would have no impact on the target countries because they would be confident that the U.S. government would not apply the sanctions on European firms, for fear of harming trans-Atlantic relations, in light of the strong European objections that ILSA intrudes on European sovereignty by threatening a secondary boycott. In fact, however, ILSA was a clear expression of American opposition to foreign involvement in the Libyan oil and gas industry. To the extent that one says sanctions were the cause for the Libyan renunciation of WMD, one is saying that this American opposition was effective -- that the price it imposed was high enough to cause Libya to change its policies.

In his recent analysis of the impact of sanctions, Stuart Eizenstat argues, "ILSA looks like an exhausted and toothless tiger."iii Quite the contrary, to the extent that economic pressure had an impact on Libya's decision, ILSA has to be judged remarkably effective. Eizenstat's judgement is typical of the confusion about how to judge the impact of ILSA. ILSA's effectiveness should be evaluated by its record at achieving its stated goals (reducing proliferation and state sponsorship of terrorism), not by the number of times sanctions have been imposed on offending investors. Indeed, the more effective ILSA, the fewer times sanctions will be imposed.

ILSA was the correct approach for Libya, and I would argue ILSA is the right approach for Iran. Like Libya, Iran has aging oil fields which require foreign technology and financing if the oil and gas industries are going to generate the

revenue the country so badly needs to address its mushrooming unemployment problem. Iran has had even less success than Libya at attracting international investment into its energy business. Despite periodic announcements of large deals, the realities on the ground are that few investments are proceeding, and that few international oil companies other than the French firm Total are active in Iran.

Conclusions

I am optimistic we can use the Libyan experience to good effect with other proliferators. As we learn more from Libya about international clandestine procurement networks, we can generate greater international pressure on Iran to come clean about its WMD programs and to live up to its obligations under international counter-proliferation treaties. However, we should not underestimate the impact of unilateral U.S. sanctions, which were the sanctions that mattered in the Libyan case. Nor should we regard a WMD deal as somehow ending our concerns about political reform and democratization in odious countries. We cannot be certain that the WMD deal is being fulfilled so long as Tripoli's policies are subject to the whims of one man; only broader participation in Libyan decision-making will create the confidence that the WMD renunciation is irreversible.

Notes

1. Most notably, Thomas Donnelly and Vance Serchuk, "Beware the 'Libyan Model,'" American Enterprise Institute, March 2004 (available at www.aei.org). 2. Stuart Eizenstat, "Do Economic Sanctions Work? Lessons from ILSA and Other U.S. Sanctions Regimes," The Atlantic Council of the United States, February 2004, p ix. 3. Eizenstat, "Do Economic Sanctions Work?," p. 21. ❖

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