

Lockerbie Verdict Unlikely to Bring Change

By Stephen Zunes, FPIF Middle East/North Africa Editor

A Twisted Sanctions Policy

United Nations sanctions against Libya were suspended in 1999, when two Libyan suspects were extradited for trial. The United States opposes formally lifting the sanctions, however, and will maintain its own, strict sanctions on Libya. In addition, the U.S. will continue to pressure other nations to limit their commercial contacts with that North African country. In August of 1996, Clinton signed a law introduced by U.S. Senator Alphonse D'Amato that imposed a secondary boycott on foreign countries maintaining close economic ties with Libya. The motivation for the Iran-Libya Sanctions Act may go beyond simply curbing terrorism to exerting U.S. pressure on weaker countries. The law says that 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. With such wide latitude of interpretation, a president can impose sanctions or other punitive measures based more on political considerations than any objective criteria, which strengthens the tools by which Washington can force Middle Eastern countries to cooperate with its strategic and economic agenda. The bill provides for an array of sanctions, including banning the sale of products of culpable firms in the United States.

As with similar extraterritorial efforts regarding Cuba, even America's strongest allies have raised vehement objections to the law. Ironically, this is the same sort of secondary boycott that the United States has vehemently opposed when Middle Eastern states applied them to companies doing business in Israel.

Even Qaddafi's Libyan opponents have opposed the sanctions on the grounds that they have played into the hands of the Libyan dictator. Yet in many respects, just as Qaddafi has gained political mileage in portraying himself as a victim of a vengeful and hypocritical United States, there are those in the United States who also benefit from maintaining a hostile relationship with this petty tyrant whom Americans love to hate. Hostility toward "rogue states" like Libya help justify continued high military budgets, unilateral military initiatives, and feed the self-righteous and sanctimonious American self-perception of its role in the world.

The guilty verdict against Libyan intelligence operative Abdel Baset Ali Mohamed Al-Megrahi may have finally established guilt in the terrorist bombing of Pan Am Flight 103 over Scotland in 1988, yet it will not usher in a new era for U.S.-Libyan relations. Perhaps, however, it will lead the new Bush administration to re-evaluate the failed anti-terrorism policies of recent administrations.

Although it is unclear whether this was a rogue operation or the result of orders from high Libyan officials—perhaps even strongman Muammar Qaddafi himself—the verdict does firmly establish the long sought-after link between the Libyan government and the Lockerbie tragedy, which took the lives of 270 people.

Bringing terrorists to justice through such internationally supported legal means as in the recently completed trial is a far more effective way of fighting terrorism than recent U.S. policies favoring air strikes. Such attacks, which are sometimes based on faulty intelligence, violate international law, alienate America's allies, and perpetuate the cycle of violence and revenge.

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Critics of U.S. policy, meanwhile, can point to the refusal of the United States to honor extradition requests from Costa Rica and Venezuela for former CIA operatives implicated in a series of terrorist acts, including the 1976 bombing of a Cuban airliner in Barbados which killed 73

people. Similarly, at the time of the Lockerbie bombing, the U.S. was backing the Contras in Nicaragua, who were responsible for far more civilian deaths than the various terrorist groups then supported by Libya.

The obsession with such fanatical leaders as Qaddafi not only distracts attention from this underside of U.S. foreign policy. It also makes it difficult to focus on more pressing global issues, such as the deterioration of the global environment, the economic disintegration of Mexico, right-wing nationalism in Russia, expanding trade, growing international economic inequality, and other issues.

The crimes committed over the years by Qaddafi's Libya, while frequently exaggerated and not always unique, are still very real. Similarly, double standards in rationalizing foreign policy are certainly not an unusual phenomenon in U.S. diplomatic history or in the foreign policies of any great

power. Yet it is becoming increasingly apparent that the most serious offense by Libya in the eyes of U.S. policy-makers come not from support for terrorism, but in daring to challenge American hegemony in the Middle East.

Former President Bill Clinton was wrong in claiming that Americans become targets of terrorism because of our commitment to human rights, democracy, and the rule of law. Americans become targets when we stray from these values, through supporting dictatorial regimes, bankrolling occupying armies, engaging in illegal military attacks, and encouraging economic development strategies favoring the wealthy.

Thus, the final irony: Serving as an impediment to such American ambitions and becoming the victim of U.S. military actions gives these regimes credibility and legitimacy they would not otherwise receive from large numbers of Middle

Eastern peoples resentful of such foreign domination. Such actions by the United States thus strengthen the regime's rule at home as well as its influence throughout the Middle East and beyond.

By relying on effective intelligence and interdiction as preventive measures and punishing those guilty through a fair judicial process after the fact, the threat of terrorism can be curbed. However, the threat will not end until the United States itself is willing to abide by international standards and the rule of law. Whether the new Bush administration will be willing to do so remains to be seen.

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Libya As Target

Libya has long been the United States' primary Middle Eastern target regarding international terrorism, leading to a variety of harsh responses, including the bombings of two Libyan cities in 1986. More recently, in 1992 and 1993, the United States successfully pushed for a series of sanctions by the United Nations Security Council against the Libyan government for its failure to extradite two of its citizens to Great Britain or the United States to face charges in the Lockerbie bombing (Security Council Resolution 748 (March 31, 1992) and 883 (November 11, 1993)). The Libyans, noting the absence of extradition treaties with either government and the unlikelihood of a fair trial in these traditionally hostile countries, offered to instead try them in Libya (as made possible under the 1971 anti-hijacking Montreal Convention), send them to trial in a neutral country, or even have them tried before Scottish judges in a third country. After initially refusing to consider such compromises, the U.S. agreed to have the Libyans tried in the Netherlands before three Scottish judges, who made their ruling on January 31. This was not before the U.S. went to the Security Council to push for sanctions, even while the extradition question was under review by the International Court of Justice.

All this maneuvering ended up working well for the United States, since the World Court acknowledged that while Libya's right to refuse extradition was indeed safeguarded by international law, they would not challenge the already-implemented decision of the Security Council. The sanctions imposed included a ban on international flights, a reduction in Libyan diplomatic missions, the imposition of an arms embargo, and a freeze of all funds and financial resources controlled by the Libyan government. What made the Libyans particularly reluctant to give in to these demands initially, was the realization that the United States would oppose the lifting of sanctions even if they complied, since the Clinton administration's target was never really the indicted men but the regime itself.

What apparently provoked the terrorists who destroyed the airliner, were the 1986 U.S. bombing raids. The U.S. justified the air strikes on the grounds that they would prevent future Libyan-sponsored terrorism, an ironic justification given the subsequent event. In addition, international law does not recognize the legitimacy of the use of force for retaliation, but only for self-defense. As a result, the U.S. government tried to argue that the bombing of these Libyan cities—which resulted in over 60 deaths, primarily of civilians—was “self-defense against future attack,” an unusually creative twist of international law which even the United States' strongest allies were unable to defend on legal grounds.

A Policy of Double Standards

What is most striking regarding this case was not the legal questions regarding extradition or the guilt or innocence of the men accused, but rather the double standards inherent in the issue itself. In 1976, a Cuban airliner on a regularly scheduled international flight was blown up by a bomb planted by right-wing terrorists, killing all 73 passengers and crew, including the country's Olympic fencing team. Four men were indicted in Venezuela for the crime, all Cuban exiles who had been trained by the U.S. Central Intelligence Agency (CIA) and had ongoing associations with CIA covert activities. The mastermind of the bombing, Luis Posada Carriles, had worked for the CIA in the 1960s as a saboteur against a variety of Cuban targets. After his escape from custody in Venezuela, the CIA hired him again to help direct arms shipments for the Nicaraguan contras from a Salvadoran air base.

Like the Libyans, the United States showed its willingness to keep terrorists on the government payroll. Indeed, Libya's initial refusal to extradite those charged in the Pan Am bombing bears striking similarity to the ongoing U.S. refusal to extradite John Hull, an American CIA operative, indicted in Costa Rica for the 1984 bombing of a press conference in a Nicaraguan border town that killed five journalists.

Costa Rica and Venezuela are longstanding pro-U.S. democracies. They have two of the freest and most credible judicial systems in Latin America. The evidence against these men is public and very damaging; there is little question regarding the validity of their indictments. As a result, many in the international legal community believe that the U.S. government is no less complicit in the harboring of terrorists that is Qaddafi's regime in Libya.

There was a similar irony in the United States appearing before the International Court of Justice in The Hague arguing against Libya. When the UN's judicial body ruled in 1986 that the United States had to cease its attacks against Nicaragua and to pay compensation for damages, the Reagan administration ignored the near-unanimous verdict. The U.S. continues to refuse to even recognize the World Court's jurisdiction in the matter.

Indeed, during the 1980s, the contras—armed, trained, and effectively created by the U.S. government—were responsible for far more civilian deaths than all terrorist groups supported by Libya and other radical Middle Eastern states combined. Just as Qaddafi referred to those who gunned down passengers in the Rome and Vienna airports in December 1985 as “freedom fighters,” so too did President Ronald Reagan use the same term for the contras—despite mounting evidence of their widespread attacks against civilians. If Libya's support of Abu Nidal could justify the U.S. bombing of Tripoli and Benghazi, U.S. support of the contras could have justified the bombing of Washington and Miami.

It is noteworthy that the most serious single bombing attack against a civilian target in the modern Middle East was the March 1985 blast in a suburban Beirut neighborhood, which killed 80 people and wounded 200 others. The attack was ordered by CIA director William Casey and approved by President Reagan as part of an unsuccessful effort to assassinate an anti-American Lebanese cleric. The U.S. role in the attack, which was widely reported throughout the Middle East and elsewhere, has given the U.S. crusade against Middle East terrorism little credibility in much of the world.

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