

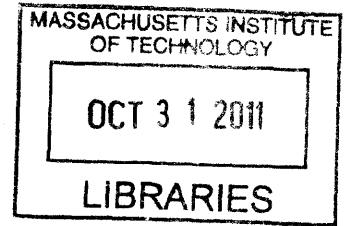
**Diplomacy Derailed: The Consequences of U.S. Diplomatic Disengagement**

by

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SUBMITTED TO THE DEPARTMENT OF POLITICAL SCIENCE IN PARTIAL  
FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF  
DOCTOR OF PHILOSOPHY IN POLITICAL SCIENCE  
AT THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY

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SEPTEMBER 2011

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# **Diplomacy Derailed: The Impact of U.S. Diplomatic Disengagement**

by

**Tara Maller**

Submitted to the Department of Political Science on August 10, 2011 in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy in Political Science

## **Abstract**

Advocates of diplomatic engagement with states of concern argue that talking to both allies and adversaries is essential for advancing U.S. foreign policy interests. Critics of this approach argue that engagement with these regimes is tantamount to appeasement and signals acceptance of behavior that ought to be condemned. In their view, little can be gained by talking to these states. Thus, diplomatic sanctions are seen as a low-cost means of isolating and delegitimizing regimes. This perspective, however, fails to recognize that maintaining diplomatic sanctions may actually entail a number of substantial costs to the United States and may even undermine economic sanctions' effectiveness. Although the U.S. has employed policies of diplomatic disengagement in approximately 30% of its economic sanctions episodes, studies have focused solely on economic sanctions.

Seeking to weigh in on this debate, my doctoral dissertation focuses on two central questions: (1) What are the effects of diplomatic sanctions as a foreign policy tool? and (2) Do diplomatic sanctions increase or decrease the likelihood of target state compliance with U.S. demands? I develop and test a new theory of sanctions effectiveness focusing on the role of information, communication, and diplomatic ties. I argue that diplomatic sanctions and disengagement result in unintended consequences, including a loss of valuable intelligence, increased difficulty of communication, and reduced capabilities for public diplomacy in the target state. I also argue that when United States is more diplomatically engaged with the target state, economic sanctions are more likely to be effective in getting the target state to comply with U.S. demands.

To reach these conclusions, I use both quantitative and qualitative analysis. I use economic sanctions data from 1945-2000 from the Hufbauer, Schott and Elliott database, along with original data on diplomatic sanctions. I conduct ordered logit multivariate regressions to test the diplomatic sanctions hypotheses and assess whether or not diplomatic sanctions impact the effectiveness of economic sanctions. I also conduct comprehensive longitudinal case studies of Sudan and Libya, along with a series of shorter mini-case studies focusing on Afghanistan, South Africa and Burma.

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## Acknowledgements

This entire project would not have been possible without the support of my dissertation committee: Ken Oye, Fotini Christia and David Singer. As chair of the committee, Ken has been working with me on this project since its early stages when it was formulated for my second year paper at MIT. His insightful comments regarding the dissertation's theory and his methodological concerns have been instrumental in shaping this research and greatly improving the quality of my work. My interactions with Ken over the last five years have also generally contributed to my overall intelligence by constantly challenging my thinking. Ken has always been extremely supportive of all my work in the program and beyond, so I am extremely grateful for all of his guidance and assistance. Fotini has served an irreplaceable role for me over the last few years. Upon her arrival to MIT, she took me on as one of her first dissertation students and I am grateful for both her academic insights on my research and our strong friendship that developed throughout this process. Whether she is close by in Cambridge to grab coffee or far away in Kabul and available on gchat to provide moral support, Fotini has been a truly wonderful advisor. Lastly, I'd like to thank David for his involvement in my project, which started during MIT's second year paper seminar. David taught the second year paper seminar, which contributed significantly to the development of this project. His solid feedback during that seminar helped shape this project in its very early stages and he provided invaluable feedback and support throughout the dissertation process, particularly with regard to the quantitative portions.

A number of other faculty members in the Department of Political Science at MIT contributed to my progress in the program over the last five years. Barry Posen, the Director of the Security Studies Program, was one of the first faculty members I met as a newly admitted student to MIT. In addition to the praise he deserves for the stellar program he runs, his sharp and candid feedback on all of my work has always been appreciated. Over the last three years, I was also fortunate enough to be a research assistant to Roger Petersen, from whom I learned a great deal and who allowed me to work on projects of interest to me. Working for Roger was not only an extremely valuable learning experience, but he made being a research assistant an enjoyable experience, which is not always easy to do. I'd also like to thank Jim Walsh who provided insightful feedback on my work, as well as useful wisdom about presenting my work and pitching it to a wider audience outside academia. Additional thanks to Taylor Fravel, Stephen Van Evera and Cindy Williams for their general guidance and support during my time at MIT. Lastly, I'd like to thank MIT's Center for International Studies for its financial support for my summer dissertation research and writing.

Over the last few years, some of the greatest feedback on this project has come from my fellow graduate students. A special thank you to my colleagues and friends Joshua Shiffrin, Phil Haun and Peter Krause, who have provided extensive comments, feedback and editing that truly shaped this project since its inception. I'd also like to thank Caitlin Talmadge for always answering my questions and providing general guidance throughout the program and on the dissertation process itself. Additional thanks to a number of other MIT colleagues who have given valuable feedback on my drafts and presentations, including: Dan Altman, Nathan Black, Brendan Green, Keren Fraiman, Sameer Lalwani, Gautam Mukunda, Miranda Priebe and David Weinberg.

with her about sanctions and her general career advice. A special thanks to my officemates, Carlotta Minnella, Jennifer Keister and Joshua Walker, who made the final year of dissertation-writing all the more bearable.

In addition to my MIT and Harvard colleagues, a number of other individuals have contributed to my progress on the dissertation and professional development over the last few years. I'd especially like to thank Peter Bergen and Alex Lennon for their help with the publication process. Peter was my instructor for a course on terrorism at HKS and was an invaluable resource in terms of his expertise and guidance as an instructor – particularly with his help in getting my first article published. Alex also provided significant guidance in getting my dissertation arguments into a publishable form for *The Washington Quarterly*. I'd also like to thank Ken Pollack, an alum of MIT's Department of Political Science, for his general guidance on the Ph.D. process and always being available to offer career advice over the last few years.

My interest in international affairs developed primarily during my time at Dartmouth College. Specifically, I'd like to thank Daryl Press, who was both my professor for Introduction to International Relations and my college thesis advisor. An additional thank you to the Committee on International Relations at the University of Chicago and Alex Wendt, my advisor on my Master's thesis at the University of Chicago. Lastly, I am grateful for the APSA Centennial Center: for the support of my summer 2010 research and amazing office summer office space in Dupont Circle.

Over the last few years, I presented my work both formally and informally for a number of audiences, who provided significant feedback on the project. Thanks to all of those I chatted with at the Office of Foreign Asset Control at the U.S. Treasury Department, the U.S. State Department, RAND Corporation, MIT, Harvard University, and Coverago. Special thanks to Ambassador Timothy Carney, Director of OFAC Adam Szubin, and Ambassador Barbara Bodine for the conversations I had with them throughout the course of my research. Ambassador Carney was particularly helpful in allowing me to spend an afternoon in his dining room going through documents related to the Sudan case that he had obtained via FOIA requests. In addition, the final weeks of editing would not have been nearly as productive without the help of Nicole Bucala, my former student at MIT, who served as an extremely diligent research assistant towards the end of this project. Lastly, the light at the end of the tunnel after a long dissertation journey was brightened by an unanticipated opportunity during the week of my defense. Special thanks to Coverago for opening a new and exciting chapter following the completion of my degree.

The endurance required throughout this marathon of a project would not have been possible without the support of my closest friends and family. I'd like to thank my dear friends Julia Levy, Julie Shapiro and Pooja Sinha for their close friendship, general advice and even some editing over the years. Lastly, I'd like to thank my entire family, particularly my parents, for their love and support throughout all of my personal and academic endeavors.

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## Chapter I. Introduction

Throughout his presidential campaign and since taking office, President Obama has placed an emphasis on diplomatic engagement with previously isolated states. He has repeatedly expressed the view that, “We [the U.S.] should be willing to initiate diplomacy as a mechanism to achieve our national security goals.”<sup>1</sup> Critics of this approach argue that engagement with these regimes is tantamount to appeasement and signals acceptance of behavior that ought to be condemned. In their view, there is little to be gained by talking to these states. Instead, they see diplomatic sanctions as a low-cost means of isolating and delegitimizing regimes. This perspective, however, fails to recognize that maintaining diplomatic sanctions may actually entail a number of substantial costs to the U.S. and may even undermine economic sanctions’ effectiveness. Seeking to weigh in on this debate, this research focuses on two central questions: 1) What are the effects of the use of diplomatic sanctions as a tool of foreign policy? 2) Does diplomatic isolation and disengagement increase or decrease the likelihood of target state compliance with demands in sanctions episodes?

This dissertation addresses these questions by assessing the general consequences of diplomatic disengagement and by developing and testing a new diplomacy-related theory focused on the role of information, communication and diplomatic ties. The theory includes two central arguments. First, I argue that diplomatic sanctions and diplomatic disengagement result in unintended consequences, including a loss of valuable intelligence, increased difficulty of communication, and reduced capabilities for public diplomacy in the target state. Second, I argue that when the U.S. is more diplomatically engaged with a target state, economic sanctions are more likely to be effective in getting a target state to comply with U.S. demands. A comprehensive analysis of the costs of keeping diplomatic sanctions in place is essential for formulating and evaluating U.S. policies with regard to states of concern.

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<sup>1</sup> Congressional Quarterly Transcripts Wire, “Obama Announces National Security Team,” *The Washington Post*, January 9, 2009.

Over the last several years, the Obama administration has adopted some policies predicated on diplomatic disengagement.<sup>2</sup> There have been some concrete steps demonstrating the willingness to reengage with problematic states. For example, the Obama administration appointed a new ambassador to Syria, where there had been no U.S. ambassador in place since 2005.<sup>3</sup> Similarly, the Obama administration had shown some signs of shifting strategies with regard to Burma, a state with which the U.S. has had downgraded diplomatic relations since 1990 due to the Burmese junta's failure to honor the results of an election and subsequent human rights violations.<sup>4</sup> In 2009, reports indicated the U.S. may be reevaluating its sanctions strategy and lack of engagement with Burma, potentially moving to an approach involving carrots as well as sticks.<sup>5</sup> Similarly, in August, Senator Jim Webb became the first senior American official to meet with Burma's top leader.<sup>6</sup> The Obama administration also made some moves towards thawing diplomatic relations with Cuba by easing a number of travel and monetary restrictions that had

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<sup>2</sup> On the contrary, critics of this approach, such as Senator John McCain have argued for economic and diplomatic isolation of Iran. In addition, other political officials have even been critical of President Obama for handshakes with certain leaders. Referring to a smile and handshake between President Obama and Venezuelan President Hugo Chavez, Newt Gingrich said such behavior was "bolstering the enemies of the America." See Carol Lee, "Gingrich Slams Obama Over Chavez," *Politico*, April 20, 2009; John McCain, Audio of Interview with *The Denver Post*, 10/02/08 in Allison Sherry, "McCain Touts Western Senator Values," October 3, 2008, [http://www.denverpost.com/politics/ci\\_10624062](http://www.denverpost.com/politics/ci_10624062); Ali Frick, "McCain: Let's cut off all kinds of credit to 'em, all kinds -- diplomatic, trade, you name it. Basically isolate them," ThinkProgress, October 3, 2008, <http://thinkprogress.org/security/2008/10/03/30194/mccain-isolate-iran/>

<sup>3</sup> The United States had no ambassador in Syria since 2005, when President Bush withdrew the U.S. Ambassador to Syria due to Syria's suspected involvement in the assassination of Lebanon's Prime Minister Rafik Hariri of Lebanon. However, President Obama made the decision to reappoint an envoy to Syria in 2009 and Robert Ford was nominated in 2010. He arrived in Syria in January 2011. For more on this, see "Obama Will Send Envoy to Syria, Officials Say," *The New York Times*, June 24, 2009; "Robert Ford is First U.S. Ambassador to Syria Since 2005, BBC News, January 15, 2011; Background Note": Syria, Bureau of Near Eastern Affairs, U.S. Department of State, May 2007, <http://www.state.gov/r/pa/ei/bgn/3580.htm#relations>; The Associated Press, "Obama Announces Ambassador Nominee to Damascus," *The Washington Post*, February 16, 2010; Scott Wilson, "Obama Will Restore U.S. Ambassador to Syria," *The Washington Post*, June 24, 2009.

<sup>4</sup> Bureau of East Asian and Pacific Affairs, "Background Note: Burma," U.S. Department of State, December 2008, <http://www.state.gov/r/pa/ei/bgn/35910.htm#relations>

<sup>5</sup> Testimony of Assistant Secretary, Bureau of East Asian and Pacific Affairs, Kurt Campbell, before the House Committee on Foreign Affairs, "U.S. Policy Towards Burma," October 21, 2009; Tim Johnston, "U.S. Seeks New Tack on Burma," *The Washington Post* Foreign Service, April 12, 2009.

<sup>6</sup> Justin McCurry, "Senator Jim Webb's Burma Visit Raises Speculation of New U.S. Policy," *The Guardian*, August 14, 2009.

been in place since 1960.<sup>7</sup> In addition, the Obama administration's 2009 U.S. strategy for Sudan openly embraced engagement in order to make progress on terrorism, implementation of the comprehensive peace agreement and human rights.<sup>8</sup>

With regard to other states, entrenched policies of diplomatic disengagement appear to remain firmly in place. For example, while there have been a number of policy proposals floating around that have pushed for engaging the Iranians at higher levels and outlining steps towards normalization of relations, there hasn't been significant traction with regard to U.S.- Iranian diplomatic engagement.<sup>9</sup> During Secretary of State Clinton's Senate confirmation hearing, Senate Foreign Relations Committee Chair John Kerry urged the opening of a U.S. interests section in Tehran, but no there have been no indications that the Obama administration has been pursuing this path.<sup>10</sup>

Since early 2011, unanticipated developments in a number of countries have made understanding the impact of diplomatic disengagement even more crucial. In February, as a result of the violence between Libya rebel groups and Qaddafi, the United States reduced its diplomatic presence in Libya, closed the embassy and withdrew the Libyan ambassador. In addition, some have recently called for the withdrawal of the newly appointed U.S. ambassador to Syria to condemn the regime's behavior. In the aftermath of Osama bin Laden's killing in

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<sup>7</sup> Michael Shear and Cecilia Kang, "Obama Lifts Broad Set of Sanctions against Cuba," *The Washington Post*, April 14, 2009. Associated Press, "Obama Says He Seeks 'New Beginning' with Cuba," *The New York Times*, April 17, 2009.

<sup>8</sup> "Sudan: A Critical Moment, A Comprehensive Approach," Office of the Spokesman, U.S. Department of State, October 19, 2009.

<sup>9</sup> For example, the U.S.-Muslim Engagement Project's report, "Changing Course: A New Direction for U.S. Relations with the Muslim World," argues that the Obama administration ought to expand and raise the level of diplomatic contacts and points out the State Department has stated consideration for opening an interest section in Iran. Similarly, a newly released report by John Tirman, Director of MIT's Center for International Studies, calls for a number of steps towards the normalization of diplomatic relations with Iran. See U.S. Muslim Engagement Project, "Changing Course: A New Direction for U.S. Relations with the Muslim World," Search for Common Ground and the Consensus Building Institute, Washington DC, February 2009. John Tirman, "A New Approach to Iran: The Need for Transformative Diplomacy," MIT Center for International Studies, April 2009, pp. 31-32.

<sup>10</sup> During this hearing, he also called for reinstating the U.S. ambassador to Syria. "Transcript of Senate Confirmation Hearing: Hillary Clinton," *The New York Times*, January 13, 2009. <http://www.nytimes.com/2009/01/13/us/politics/13text-clinton.html>

Abbottabad, Pakistan, U.S.-Pakistan diplomatic relations have also been a bit shaky. In June 2011, the Pakistani arrest of Pakistani CIA informants in the Bin Laden raid has only worked to heighten U.S.-Pakistan diplomatic tensions.<sup>11</sup> Escalating tensions and additional incidents such as these have the potential to trigger calls for the removal of the U.S. ambassador or even shifts away from diplomatically engaging with the Pakistanis.

While security concerns obviously warrant temporary reductions in a diplomatic presence overseas, this research illustrates the dangers of using diplomatic sanctions as a way to condemn a state's behavior or as a tool of coercion. While condemnation and even punitive measures may be required in response to problematic actions, my research shows foreign policy agendas can be derailed through disengagement on the diplomatic front -- diplomatic withdrawals should be conducted solely on the basis of immediate security concerns. Before employing this tactic against problematic regimes, policymakers must weigh the dangers of diplomatic disengagement against the benefits of keeping diplomatic ties, even in the most dire of circumstances.

This dissertation employs both statistical analysis and case studies to examine the impact of diplomatic disengagement. Overall, the research lends strong support to the main hypotheses. While these results will be discussed in greater detail in Chapter 3, the statistical analysis reveals that both the imposition and escalation of diplomatic sanctions reduces the likelihood of U.S. sanctions writ large will be effective. In particular, increasing the level of diplomatic sanction from no diplomatic sanctions to high-level diplomatic sanctions (the shutdown of an embassy) increases the probability of failure for economic sanctions in a particular episode from 42% to 73%.

The longitudinal Sudan case study, which consists of four sub-cases, lends significant support to the theory by confirming that diplomatic sanctions reduced U.S. information collection and capacity for communication with the target state, and negatively affected Sudanese

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<sup>11</sup> Eric Schmitt and Mark Mazzetti, "Pakistan Arrests CIA Informants in Bin Laden Raid," *The New York Times*, June 14, 2011.

compliance with U.S. demands relating to terrorism, the humanitarian situation and the ongoing civil war. The longitudinal Libya case study illustrates the same phenomena in a separate environment and with different issues – in this case, WMD proliferation and terrorism – at stake. These adverse effects ought to make policymakers reassess the value of diplomatic isolation as a tool of foreign policy and recognize the inherent value of diplomatic engagement. The shorter case studies of Afghanistan, Burma and South Africa further bolster the new diplomatic sanctions theory by lending additional support to various components of the theory.

This chapter proceeds in six parts. First, it provides a brief overview of the theory's main argument stated above. Second, it further illustrates the policy relevance of studying diplomatic sanctions in the context of sanctions' effectiveness. Third, the chapter sets forth the primary research questions. Fourth, the chapter discusses the conventional wisdom behind the imposition of diplomatic sanctions. Fifth, the chapter summarizes the major existing theories of sanctions' effectiveness that will be tested against the new theory presented in this dissertation. Sixth, the chapter presents some of the theoretical holes in the literature on sanctions' effectiveness and explains how this dissertation works to fill these voids. Lastly, this chapter closes with a preview of the remaining dissertation chapters.

### **Argument Overview**

The diplomacy-related theory of sanctions effectiveness emphasizes the role of information, communication and diplomatic representation. As diplomatic representation is one of the major formal mechanisms for acquiring information, communicating between states, engaging in public diplomacy efforts abroad, I hypothesize that diplomatic sanctions and disengagement should undermine each of these activities. That is, diplomatic sanctions should generally lead to a loss of valuable intelligence, increased difficulty in communicating between the target and sanctioning state, and reduce one's capacity to engage in public diplomacy in the

target state.<sup>12</sup> Second, I hypothesize that the sender state's resulting loss of information, communication and influence should undermine sanctions effectiveness.<sup>13</sup> The dependent variable of sanctions' effectiveness will be gauged by the degree to which the desired foreign policy result was achieved.<sup>14</sup> Therefore, the hypotheses postulate that economic sanctions' cases that include high-level diplomatic sanctions are less likely to be effective than those without them. In addition, I argue that joint economic-diplomatic sanction cases ought to be less effective as the degree of diplomatic sanction imposed in the case rises.<sup>15</sup>

Although Chapter Two will present the dissertation theory in its entirety, generally speaking, there are a number of reasons to expect information and communication between the sender and target state to affect the likelihood of compliance in sanctions episodes. First, the bargaining and coercive diplomacy literature suggests that reducing information and impeding communication may undermine the ability of the sender to effectively coerce the target state. Second, the sender's lack of information about the target state may also make it more difficult to craft well-calibrated sanctions policies. Imposing effective sanctions requires knowledge of specific target state vulnerabilities to tailor sanctions in a way most likely to produce target state cooperation, and diplomatic sanctions may make the sender less equipped to identify what particular groups, businesses or leaders to target. Third, the absence of sender state personnel on the ground reduces the quality of the sender's intelligence and may make it difficult to gauge the reaction to

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<sup>12</sup> While the main variables of interest in this study are the use and degree of diplomatic sanctions imposed, other variables will also be examined to assess the more general significance of information and communication levels between sender and target states as a determinant of sanctions' effectiveness across different types of sanctions' episodes.

<sup>13</sup> High-level diplomatic sanctions include sanctions in which an ambassador has been pulled for an extended period of time or an embassy has been closed.

<sup>14</sup> Approach will be modeled on the effectiveness measures used by Hufbauer, Schott and Elliot in their work on economic sanctions. This will be coded on a 1-4 scale, with 1=failed policy outcome, 2=unclear policy outcome, 3=positive policy outcome and 4=successful policy outcome. Measuring coercion success or failure in the literature is heavily contested. There is substantial amount of debate with regard to how one ought to code coercion success and failure. See HSE pp.50 & 182-183 for more on this debate. I will discuss this in greater detail in the methodology section of the dissertation.

<sup>15</sup> However, as low-level diplomatic sanctions (i.e. recalling an ambassador for brief consultations) might not have as much of an effect on communication and information levels being exchanged, these diplomatic sanctions might not have such a strong impact on sanctions' outcomes.



sanctions and assess its impact. Without quality intelligence, the sender state increases its risk of engaging in flawed policies based on faulty information and this may prompt backlash from the target state regime and/or population. Good information can be used to shape demands on the target state and to back up sender state claims about target state behavior and to pressure behavior modification in the target state. Quality U.S. intelligence can also be used to verify or refute claims of compliance by the target state.

Like intelligence, communication between the sender and target is essential to convey the appropriate demands to the target state. It is further needed to ensure the target state knows what it has to do in order to comply and have sanctions lifted. Without open channels of communication, there is a greater chance for misperception and/or miscommunication between the sender and target state. Messages might not be conveyed to the appropriate individuals and high-level contacts with individuals who have the capacity to actually comply with demands may be significantly reduced.

Similarly, communication with the target state plays a role in information-collection and facilitates understanding the intentions and concerns of the target state. In addition, reduced communication between the sender and target state resulting from diplomatic sanctions may hinder the sender's ability to clearly convey demands to the target state, ensuring that the target state understands what it has to do in order to have sanctions removed.

### **The Use of Diplomatic Sanctions**

Contrary to the main ideas behind the new diplomatic sanctions theory, much of U.S. policy historically appears to embody policymakers' general belief in the coercive power of diplomatic sanctions and political isolation of target states. As a result, diplomatic sanctions have been used repeatedly by the U.S. as a tool of coercion. The United States has used diplomatic sanctions in conjunction with economic sanctions episodes recorded in the Hufbauer, Schott, and Elliot (HSE) economic sanctions database approximately 39 times in the post-World War II period out of a total of 126 recorded sanctions episodes from 1945 through 2000. The subset of

HSE economic sanctions' cases included in the study start with U.S. sanctions on Argentina in 1945 and end with U.S. sanctions on Ecuador in 2000.<sup>16</sup> During this latter time period, there are 87 cases of U.S. economic sanctions episodes without diplomatic sanctions.<sup>17</sup> In the HSE database, seven of these economic sanctions episodes were serious threats of economic of sanctions without the actual imposition of sanctions. Excluding these cases, there are 119 actual sanctions episodes involving the United States during this period; 38 of these cases have diplomatic measures associated with them. The United States uses diplomatic sanctions alone as well as in conjunction with approximately one-third of its economic sanctions, but studies of sanctions have focused solely on economic sanctions, without considering diplomatic sanctions in their own right.<sup>18</sup> These sanctions have been used to get states to change their behavior with regard to policy demands across a wide range of issues, such as human rights, terrorism and nuclear proliferation. In general, sanctions tend to be viewed as a low-cost alternative to using military force to achieve U.S. objectives.<sup>19</sup>

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<sup>16</sup> I attained the number 39 by going through each of the HSE economic sanctions episodes and determining whether or not diplomatic sanctions were also initiated by the U.S. or already in place by the U.S. during the sanctions episode. Similarly, using State Department documents, I collected information on additional cases of U.S. diplomatic sanctions, which occurred without economic sanctions. Also, these cases are U.S.-initiated and represent cases in which the U.S. is coded as the primary sender. There are also approximately 30-40 additional cases of U.S. diplomatic sanctions without economic sanctions from World War II onward – between 20-30 excluding cases related to WWII. The total diplomatic sanction cases vary depending on whether or not the non-recognition of the former Soviet republics by the U.S. for varying durations of time are included in the count.

<sup>17</sup> I am still working on collecting the data and confirming all cases of U.S.-initiated diplomatic sanctions during this time period.

<sup>18</sup> Gary Clyde Hufbauer, Jeffrey Schott and Kimberly Ann Elliot (HSE), *Economic Sanctions Reconsidered, 3<sup>rd</sup> Edition*, (Washington DC: Petersen Institute for International Economics, 2007); Richard Haass, *Economic Sanctions and American Diplomacy*, (Washington DC: Council of Foreign Relations, 1998); David A. Baldwin, *Economic Statecraft*, (Princeton: Princeton University Press, 1985); Daniel Drezner, *The Sanctions Paradox*, (Cambridge: Cambridge University Press, 1999). Meghan O'Sullivan, *Shrewd Sanctions: Statecraft and State Sponsors of Terrorism*, (Washington DC: Brookings Institute, 1999); Drury Cooper, "Sanctions as Coercive Diplomacy," *Political Research Quarterly*, Vol. 54. No. 3, (2001); Kimberly Elliott, "Sanctions Glass: Half Full or Half Empty?" *International Security*, Vol. 23, Issue 1 (Summer 1998); Robert Pape, "Why Economic Sanctions Do Not Work," *International Security*, Vol. 23, Issue 1 (Summer 1998); Steve Chan and Cooper Drury, *Sanctions as Economic Statecraft: Theory and Practice*, (St. Martin's Press, 2000).

<sup>19</sup> Gary Clyde Hufbauer, Jeffrey Schott and Kimberly Ann Elliot (HSE), *Economic Sanctions Reconsidered, 3<sup>rd</sup> Edition*, (Washington DC: Petersen Institute for International Economics, 2007); Haass (1998).

Despite the frequency of their use by the United States, diplomatic sanctions have been omitted from studies of coercion, which focus primarily on the economic and military dimensions.<sup>20</sup> Questions remain about their utility and about U.S. sanctions' effectiveness more broadly. The questions at the heart of this research parallel and build on the comprehensive economic sanctions work done by Hufbauer, Schott, and Elliot (HSE).<sup>21</sup> The focus of their research is primarily on the effectiveness of economic sanctions in achieving policy demands; however, in many of their cases, economic sanctions are not the only type of sanction employed. While HSE do collect data on other "companion policies" carried out by the sender state in conjunction with economic sanctions, they explicitly note that they exclude an analysis of the diplomatic aspect of sanctions. In HSE, the "companion policies" accounted for are military action, quasi-military action or covert action measures taken by the sender state. HSE explicitly note they omit diplomatic variables from the companion policies included in their study.

### **The Methodological Approach**

This dissertation employs a multi-method research design, discussed in greater detail in Chapter Three. A statistical model is developed to test the hypothesis that the presence of diplomatic sanctions and an increase in diplomatic sanction level in economic sanctions episodes will lower the likelihood of success in sanctions' episodes. First, using basic summary statistics, I draw some general conclusions about determinants of sanctions' effectiveness. Second, using a logit model, I assess whether diplomatic sanctions influence the effectiveness of economic sanctions while controlling for a number of other variables associated with the alternative theories of effectiveness. In addition to diplomatic sanctions, the statistical analysis includes other

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<sup>20</sup> David Cortwright's edited volume is somewhat of an exception to this as he emphasizes the importance of positive incentives in coercion strategies. See David Cortwright, *The Price of Peace: Incentives and International Conflict Prevention*, (New York: Carnegie Commission on Preventing Deadly Conflict, 1997); David Cortwright and George A. Lopez, "Bombs, Carrots & Sticks: The Use of Incentives and Sanctions," *Arms Control Today*, (March 2005), pp. 19-24; David Cortwright, "Positive Inducements in International Statecraft," Paper prepared for the Conference, "Promoting Human Rights: Isolation or Investment," Sponsored by the Fraser Institute, Calgary, Canada, May 2000. [http://www.fourthfreedom.org/Applications/cms.php?page\\_id=39](http://www.fourthfreedom.org/Applications/cms.php?page_id=39)

<sup>21</sup> HSE (2007).

variables designed to capture information and communication flows between the U.S. and target state. Statistical analysis has the advantage of looking at a wide swath of cases and trying to find patterns or trends that would not be apparent by looking closely at a few particular cases.

The statistical analysis, however, is not useful for analyzing the details of particular cases or – more importantly – building a causal theory about why sanctions succeed or fail. While the quantitative study shows that certain factors makes sanctions more or less likely to succeed, it cannot show that the specified factor is actually contributing to the failure – only that it is correlated with failure. Therefore, the dissertation also conducts a number of case studies. The primary purpose of the case studies is to unpack the causal mechanisms behind the theory and examine the hypotheses that U.S. policies based on diplomatic sanctions and isolation of the target state are likely to undermine U.S. intelligence efforts, reduce U.S. influence in the target state, enhance communication difficulties and undermine sanctions’ effectiveness. I consider two longitudinal case studies: Sudan (1989-2011) and Libya (1972-2011), as well as a series of shorter case studies in an effort to bolster the theory’s broader applicability. Both the Sudan case and Libya case consist of four sub-cases to assess whether diplomatic engagement and outcomes co-vary as expected. Using shorter time periods within the longitudinal case studies creates multiple observations on the independent variable, which creates more tests of my theory. However, the periods themselves need to be careful not to include major fluctuations in the main independent variable of interest.<sup>22</sup> The specific breakdown of the cases will be further discussed in each of the individual case study chapters. The dissertation also concludes with mini-cases focused on Afghanistan, Burma and South Africa to assess the applicability of my theory to other cases.

As part of my research, I also interviewed a number of U.S. State Department and Treasury officials currently and previously in government. Throughout the dissertation, some of

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<sup>22</sup> For more discussion on this point, see Jennifer Lind, “Sorry States,” Ph.D. dissertation at MIT, 2004, pp. 44-46.

these interviews will explicitly mention the particular individual interviewed by name whereas other officials requested anonymity in the interviews. In addition, I used a number of archival and declassified documents for the case study research. These records were obtained through a number of sources, including: George Washington University National Security Archives, Harvard Declassified Documents Reference System, the Central Intelligence Agency's declassified online documents, and Ambassador Timothy Carney's collection of declassified documents released as a result of his FOIA requests.

### **Conventional Wisdom on U.S. Diplomatic Sanctions and Diplomatic Disengagement**

We don't negotiate with evil; we defeat it.  
Vice President Cheney<sup>23</sup>

While the above statement was made by Vice President Cheney with regard to striking a potential deal with North Korea back in late 2003, the quotation captures the dominant attitude that shaped U.S. foreign policy throughout the Bush administration. The frequent use of diplomatic sanctions suggests that policymakers view such sanctions as effective and low-cost tools of coercion that can be used on their own or in concert with other coercive measures. The use of diplomatic sanctions is viewed as inflicting diplomatic costs on the target state and contributing to the willingness of the target state to modify its behavior.<sup>24</sup> Just as economic sanctions aim to impose substantial economic costs on the regime, diplomatic sanctions are thought to levy substantial political costs on the regime via isolation, lack of recognition and delegitimization. In the more extreme cases, in which diplomatic sanctions may be employed towards the goal of regime change, U.S. policymakers also believe diplomatic isolation and non-recognition will increase the potential for regime collapse or internally-driven regime change. Conversely, diplomatic engagement or recognition is viewed as granting legitimacy and

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<sup>23</sup> Glenn Kessler, "Impact From the Shadows: Cheney Wields Power with Few Fingerprints," *The Washington Post*, October 5, 2004. Page A01; Daniel Snider, "Bringing Terror to the Table: U.S. Opening Door on 1-on-1 Talks with Iran, North Korea," The Walter H. Shorenstein Asia-Pacific Research Center website, Stanford University, June 19, 2006.

<sup>24</sup> In addition to inflicting costs on the target state, diplomatic sanctions may be viewed as playing an important role in strongly signaling the U.S. position and a willingness to act on a particular issue.

credibility to the target regime – and, therefore, strengthening it. Apart from their perceived coercive effect on the target state, diplomatic sanctions may also be viewed as serving as an effective deterrent to other states in the international system that may be considering engaging in problematic behavior.<sup>25</sup>

Policy documents, aimed at articulating U.S. national security strategy during the Bush administration, capture U.S. policymakers' recent beliefs about the need to isolate problematic states.<sup>26</sup> For example, a 2003 Republican Senate report sets forth some of the general tenets of diplomatic sanctions policy with regard to Iran and North Korea, stating that the United States, "will not engage in bilateral talks" and "will not formalize relations with these regimes."<sup>27</sup> In addition, in the 2006 National Strategy for Combating Terrorism, one of the main pillars of the strategy is to deny terrorists the support and sanctuary of rogue states. The report states the U.S. will, "promote their [state sponsors of terrorism] international isolation until they end their support for terrorists, including the provision of sanctuary. To further isolate these regimes and persuade other states not to sponsor terror, we will use a range of tools and efforts to delegitimize terrorism as an instrument of statecraft."<sup>28</sup> Implicit in this type of strategy is the assumption that isolation, both diplomatically and economically, is an effective strategy for getting states to change their attitudes and behaviors with regard to terrorist organizations operating within their borders.

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<sup>25</sup> It is also worth noting that coercion and deterrence are not the only reasons a state may view diplomatic sanctions as an effective foreign policy tool. There may also be domestic political benefits to the imposition of diplomatic sanctions, in that it may garner political support from certain constituencies who support punitive action against a particular state. Lastly, in some cases, diplomatic sanctions may actually make it easier for the U.S. to pursue other aggressive policies, such as military action. By shunning diplomacy, U.S. policymakers may be able to intentionally avoid reaching some sort of bargained outcome and pursue more aggressive policies towards the target state.

<sup>26</sup> President Bush, "Text of the 2002 State of the Union Address," <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>

<sup>27</sup> Iran and North Korea are just two examples of countries with which the United States does not have diplomatic relations. See United States Senate Republican Policy Committee, "Iran and North Korea: U.S. Policy Toward the Axle of Evil," August 25, 2003, [rpc.senate.gov/\\_files/FOREIGN082503.pdf](http://rpc.senate.gov/_files/FOREIGN082503.pdf). According the report, the paper was released in preparation for talks between North Korea, the United States, Russia, South Korea, China and Japan in Beijing.

<sup>28</sup> The White House, *2006 National Strategy for Combating Terrorism*, September 2006, p. 15, <http://www.whitehouse.gov/nsc/nsct/2006/nsct2006.pdf>

This logic appears to have been deeply entrenched within the Bush administration in its dealings with problematic states. Former National Security Director Flynt Leverett characterized Bush strategy as embodying the idea that, “‘rogue’ regimes were to be uprooted, either by military force (as in Iraq) or through diplomatic isolation and political pressure (as the administration has tried with Iran and Syria). The United States would not offer ‘carrots’ to such states to induce positive changes; diplomatic engagement would be limited to ‘sticks.’”<sup>29</sup> Employing and maintaining diplomatic sanctions were just one form of stick that was aimed at inflicting costs on the target regime or making the target regime fear future costs.

#### *Historical Overview*

Before arguing against the coercive power of diplomatic disengagement and isolation as a U.S. foreign policy tool, I will demonstrate the logic of coercive diplomatic isolation has been apparent in U.S. policy documents, leaders’ rhetoric and actual U.S. policy over the last 70 years.

In general, the U.S. appears to have shifted from cutting ties with states primarily in wartime to cutting ties as a way to modify target states’ behaviors.<sup>30</sup> Ideological differences about communism drove Cold War sanctions, with an increasing focus on the internal behavior of regimes. According to Jeffrey Fields,

the end of the Cold War gave the United States a more permissive environment in which it could choose whom it dealt with and which states it could ignore.... Behavior that may have been abided or encouraged to curry favor or secure loyalties during the Cold War ideological competition with Communism, often became grounds for outlaw status and isolation and exclusion from traditional forms of diplomacy in the new world order.<sup>31</sup>

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<sup>29</sup> Flynt Leverett, “Illusion and Reality,” *The American Prospect*, August 13, 2006.

<sup>30</sup> In her study of the history of the use of economic sanctions, Meghan O’ Sullivan observes that over time, the range of goals of economic sanctions has grown more diverse as have the targets of sanctions, with non-state actors becoming an increasing target of sanctions due to their role in terrorism. O’Sullivan argues that the shift in motivations for sanctions can be attributed to both globalization and the United States sole superpower status in the Cold War world. O’Sullivan also notes there was a shift from using the U.S. using sanctions to modify the external behavior of a country and destabilize regimes up until around 1990 to an increasing use of sanctions to influence the internal behavior of regimes.

<sup>31</sup> Jeffrey Fields, “Adversaries and Statecraft: Explaining U.S. Foreign Policy Toward Rogue States,” University of Southern California, unpublished doctoral dissertation (2007), p. 5.

Fields notes that while the United States carried out diplomatic isolation during the Cold War, this policy was strengthened after the fall of the Soviet Union.<sup>32</sup> More recently, from the 1990s through today, the U.S. has shifted to a period of employing and maintaining diplomatic sanctions primarily on the grounds of support for terrorism or proliferation or to destabilize a regime.

Generally speaking, the focus of U.S. diplomatic sanctions has shifted over time. The first major period of U.S. diplomatic sanctions, from 1938-1947, is mostly associated with the outbreak of World War II.<sup>33</sup> U.S. relations were severed with Germany, Japan, Austria, Bulgaria, Hungary, Italy, Romania, Thailand, and Albania. Following the World Wars, there appears to have been more of a Cold War ideological angle to severance, as ties were predominantly severed with states linked to the Soviets and communist ideology. Countries in this time period falling under this category included Bulgaria, Hungary and Cuba. In addition, both North Korea and China were not recognized by the U.S. due to their communist regimes.<sup>34</sup> Over time, the scope of diplomatic sanctions became broadened to target a wider range of internal target state behaviors. The breaking of diplomatic ties in the period of the 1960s, 1970s and 1980s includes a number of cases in which ties are severed due to coups and internal unrest that lead to leaders whom the United States disapproves in various ways.<sup>35</sup> And, in 1970, we also see the first severance that appears to be significantly motivated by policies supporting international terrorism, with the severance of ties to Libya. Qaddafi's 1969 coup led to strained relations and the U.S. withdrew its ambassador in 1972. In 1971, relations with Uganda were also severed due to the ousting of a government there by a military coup. The new government, under the rule of armed forces

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<sup>32</sup> Ibid.

<sup>33</sup> Historically, diplomatic severance for the U.S. even before this period appears to be mostly driven by war. See Ronald Barston, *Modern Diplomacy*, (England: Pearson Education Limited, 2006), p. 45

<sup>34</sup> All information on incidents of diplomatic sanctions noted here have been taken from online State Department documents: U.S. State Department, "Chiefs of Mission by Country 1778-2005," <http://www.state.gov/r/pa/ho/po/com/index.htm> and U.S. State Department, "Background Notes," 2008, <http://www.state.gov/r/pa/ei/bgn/>

<sup>35</sup> According to the U.S. State Department, relations were broken during "the most radical Congolese-Marxist period, 1965-77." In 1962, Kennedy briefly cut diplomatic ties with Peru due to a military coup led by Ricardo Perez Godoy who took power and installed a military junta in power. Kennedy also severed ties with the Dominican Republic due to a coup overthrowing the elected leader Bosch.



commander Idi Amin Dada engaged in political persecution and human rights violations.<sup>36</sup> Also in the 1970s, the U.S. cut relations with Cambodia and Vietnam and, under the Carter administration, diplomatic sanctions became increasingly linked to human rights issues. The imposition of U.S. diplomatic sanctions continued through the late 1970s and 1980s. Following the 1978 coup in Afghanistan and the increasing ties between the Soviets and the Afghans, the U.S. Ambassador to Afghanistan was assassinated in 1979. Following his assassination, diplomatic ties were significantly downgraded, with the embassy shutting down completely in 1989.<sup>37</sup> In the 1980s, the United States continued to use severance or significant downgrading of diplomatic ties for a broad range of reasons tied to the internal behavior of regimes, specifically aimed at expressing disapproval for regime behavior and desire for change on human rights and other issues.<sup>38</sup>

#### *Modern Day U.S. Diplomatic Sanctions and Disengagement: 1990s-Present*

Modern day diplomatic sanctions and the continuance of severed ties have primarily been used to target states for issues related to terrorism, proliferation and, in some cases, an accompanying desire for regime change. For example, in Sudan, there had been a short suspension of U.S. embassy personnel in 1986 due to the presence of Libyan terrorists in Khartoum and a U.S. embassy employee being shot that year, but the embassy was not permanently closed. With the rise of the National Islamist Front in the early 1990s, Sudan's involvement in harboring Osama Bin Laden and other terrorists, support for Saddam Hussein during the Persian Gulf War, and the assassination attempts directed at Egyptian President Mubarak and CIA station chief Cofer Black, the United States started drawing down its

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<sup>36</sup> The State Department reports that the International Commission of Jurists estimates more than 100,000 Ugandans were killed during Amin's ruling of Uganda.

<sup>37</sup> Information on severance was collected from Elmer Plischke, "U.S. Department of State: A Reference History," (Greenwood Press, 1999) and U.S. Department of State, "Background Notes," 2007-2008, <http://www.state.gov/r/pa/ei/bgn/>

<sup>38</sup> For example, in 1980, in Bolivia, a short suspension was once against used in response to a violent military coup that led to human rights violations and narcotics. In 1980, as a result of the hostage crisis in Tehran, the U.S. severed diplomatic ties with Iran.

diplomatic presence and closed the U.S. embassy in 1996. This severance of diplomatic relations also came three years after Sudan was listed as a state sponsor of terrorism and was a precursor to a comprehensive sanctions regime against the country. By cutting diplomatic ties, along with other punitive measures, the United States hoped to pressure the regime to change its behavior and crack down on terrorism within its borders.

Also in the early 1990s, ties with Iraq were severed due to its invasion of Kuwait and remained severed on grounds related to proliferation, after the U.S. invasion in 2003. In 1990, according to the State Department, ties with Burma were downgraded, as the State Law and Order Restoration Council (SLORC) military junta, who had taken power in 1988 and established martial law, ignored the 1990 parliamentary election results.<sup>39</sup> The SLORC also engaged in violent crackdowns on democratic opposition throughout the country.<sup>40</sup> Throughout the 1990s, ties with Afghanistan also remained severed until the installation of a new government following the U.S. invasion in 2001. The ties were originally cut with the closing of the embassy in 1989 following the Soviet withdrawal from Afghanistan and appear to have remained cut throughout the 1990s mostly due to the rise of the Taliban regime and its policies, specifically its ties to Bin Laden and support for terrorism. As stated earlier, in 2005, the United States also recalled its Ambassador to Syria following the assassination of Lebanese Prime Minister Hariri.<sup>41</sup> Iran and North Korea both remain in a severed status today - Iran for its ties to terrorism and nuclear proliferation activities and North Korea primarily for the latter.

In one way or another, Iran, Afghanistan, North Korea, Sudan, Libya, and Iraq, Sudan, and Syria – all of whom were subject to diplomatic sanctions in some form throughout the 1990s - have been singled out due to support for terrorist activity or the pursuit of WMD. In fact, if one

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<sup>39</sup> The results granted a major victory in parliamentary seats for Aung San Suu Kyi's National League for Democracy (NLD) party. Background Note: Burma, U.S. Department of State, Bureau of East Asian and Pacific Affairs, December 2007, <http://www.state.gov/r/pa/ei/bgn/35910.htm>

<sup>40</sup> Ibid.

<sup>41</sup> "Background Note": Syria, Bureau of Near Eastern Affairs, U.S. Department of State, May 2007, <http://www.state.gov/r/pa/ei/bgn/3580.htm#relations>

looks at the states that remain on the severed states list into the late 1990s until today, all of these states are currently on or have recently been on the U.S. State Department State Sponsors of Terrorism with the exception of Burma and Afghanistan.<sup>42</sup>

### **Competing Theories of Sanctions' Effectiveness**

The new theory of sanctions effectiveness set forth in this dissertation, which incorporates diplomatic sanctions, is intended to stand in contrast to competing theories of sanctions to date – which have mostly been drawn from the economic sanctions literature.

The existing literature focuses primarily on economic sanctions. In his work on sanctions, Richard Haass argues “economic sanctions are fast becoming the policy tool of choice for the United States in the post-Cold War world” noting that “the tactical purpose of a given sanction can be to deter, coerce, signal, and/or punish.”<sup>43</sup> HSE also note that it is mainly big powers that employ economic sanctions to influence global events. Ultimately, economic sanctions provide U.S. policymakers with a way to respond proportionately to interests not deemed vital enough to defend with the use of American military force.<sup>44</sup> Traditionally, economic sanctions are viewed as lying along a spectrum of coercive tools somewhere in between diplomatic sanctions and military coercion. They tend to be aimed at states engaging in a particular problematic behavior to inflict costs on the target state and get it to comply with particular demands, usually changes in policy.

While the instrumental and coercive aspect of sanctions will be the focus of this study, it is worth acknowledging that the U.S. may also have additional symbolic or politically-driven motivations for imposing economic sanctions.<sup>45</sup> Sanctions may be imposed due to the moral or

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<sup>42</sup> The current state sponsors of terrorism list includes: Cuba, Iran, North Korea, Sudan and Syria. Former members include Libya, Iraq and South Yemen. Afghanistan was not on the official state sponsor list because during the time period the U.S. was pressuring the Taliban regarding terrorism and harboring Bin Laden, the U.S. government did not officially recognize the Taliban as the official government of the state.

<sup>43</sup> Haass, 1.

<sup>44</sup> Haass, 2.

<sup>45</sup> This also applies to diplomatic sanctions, but will be discussed with regard to diplomatic sanctions later in the dissertation.

psychological costs of inaction, as well as to deter states from adopting objectionable policies in the future. Similarly, sanctions may serve as a form of symbolic condemnation or as a way to show U.S. commitment to a particular norm.<sup>46</sup> The economic sanctions literature has also pointed out sanctions may be driven by domestic motivations.<sup>47</sup> For example, leaders may use the imposition of economic sanctions to express outrage or to prepare the public for more serious and costly forms of coercion down the line.<sup>48</sup> Lastly, the increased role of the media in coverage of foreign affairs may increase visibility of problems abroad and facilitate a more compelling desire for action. However, as HSE correctly note, measuring the degree to which these motivations play a role in the imposition of economic sanctions is difficult, if not completely impossible, to actually measure.<sup>49</sup> In judging the success of sanctions, HSE and others tend to confine the examination of effectiveness to changes in the target country's policies, behavior or regime and do not evaluate success in terms of fulfilling these other potential driving forces. This study will also focus on the effectiveness of sanctions with regard to the change in the target state's behavioral changes.

The debate over the utility of economic sanctions rests on evaluating their effectiveness as a coercive tool aimed at getting the target state to comply with the demands of the sender state. Economic sanctions may take a variety of forms, but they are designed to inflict a certain amount of economic (and/or political) costs on the target government in order to get the target government to stop a particular behavior or change its behavior in way that is more acceptable to the sender state.

In the 1960s and 1970s, the general view was that economic sanctions were not as effective as military force. Starting in the 1980s, however, a new conventional wisdom emerged that, while sanctions have limits, they are often effective in getting target states to comply with sender

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<sup>46</sup> Haass, 2.

<sup>47</sup> See HSE (2007), Haass (1998), Cooper & Drury.

<sup>48</sup> Haass, 3.

<sup>49</sup> HSE, 6.

states' demands. The key evidence for sanctions effectiveness is the Hufbauer, Schott and Elliot study of 170 sanction cases from 1914 to 2000.<sup>50</sup> Their original work reported success in 34 percent of cases examined, and their most recent edition has cases updated through 2000 and finds an overall success rate of 38 percent. Looking specifically at U.S. initiated sanctions from World War II through 2000, the success rate is actually higher at about 50 percent.<sup>51</sup>

However, the success of sanctions has not gone unchallenged. Pape challenges the emerging optimism about effectiveness of economic sanctions. He asks whether they are an effective tool for achieving political goals, and if so, under what conditions.<sup>52</sup> He concludes that economic sanctions have little independent usefulness for the pursuit of non-economic goals – and that HSE's study is flawed and only five out of 115 cases can actually be classified as successes.<sup>53</sup> He argues that the reason that sanctions do not work is because the punishment imposed is rarely if ever sufficient to override the target state's existing interests. Elliot responds by acknowledging that economic sanctions are not a very useful technique by themselves, but are often much more useful in combination with other factors. She argues that HSE are not looking at whether sanctions are an alternative to other tools, but rather how they can be used in conjunction with coercive mechanisms.<sup>54</sup> She argues that simply because military force may impact outcomes, this does not make the economic sanctions' effect null.

Framing economic sanctions as being either effective or ineffective tools of foreign policy creates a somewhat misguided debate. As many scholars have recognized, understanding the effectiveness of sanctions rests on identifying the conditions which impact the effectiveness of sanctions. To date, a number of different theories have been examined with regard to the

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<sup>50</sup> Ibid.

<sup>51</sup> HSE also found that U.S.-imposed sanctions had a success rate of around 50 percent in the early post-World War II period, but that U.S.-imposed sanctions' effectiveness dropped to below 20% from the 1970s until 1990. From 1990-2000 US economic sanctions have once again been successful around 50% of the time. See table in HSE (2007), 129.

<sup>52</sup> Pape (1998).

<sup>53</sup> Ibid

<sup>54</sup> Elliott (1998).

effectiveness of sanctions. These theories form the backdrop against which I will test explanatory power of my argument, as they offer competing hypotheses that can be tested in the quantitative portion of this dissertation. Dominant explanations for sanctions' effectiveness tend to focus on the level of costs imposed, sender state commitment, severity of demands, conflict expectations and target state attributes (regime type, health and stability, etc).<sup>55</sup> The theories can be grouped into 5 general categories, which are described below.<sup>56</sup>

### **1) Cost-Based Theories**

Cost-based theories of sanctions' effectiveness tend to subscribe to the notion that increasing the economic costs on the target state increases the likelihood a target state will accede to given demands. According to HSE: "the costs of defiance borne by the target must be greater than its perceived costs of compliance. That is, the political and economic costs to the target from sanctions must be greater than the political and security costs of complying with the sender's demands."<sup>57</sup> These theories tend to follow in line with some of the basic tenets of coercion, in that the sender state needs to inflict just enough damage in order to get the target state to modify its behavior.

A number of scholars have tested whether or not increasing economic costs to the target state increases effectiveness, but there is no such comparable work done in terms of measuring the political or diplomatic costs to the target state. The results with regard to economic costs have been mixed. In their statistical analysis, HSE find that cost to target state is significant explanatory variable in whether or not economic sanctions are effective. As the costs to the target state rise, the likelihood of sanctions effectiveness increases.<sup>58</sup> Others have confirmed this finding. Morgan and Schwebach find that as the costs to the target state become more severe, sanctions are more likely to succeed (and high costs to the sender state decrease their

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<sup>55</sup> However, it is important to note that these theories do not necessarily need to be in competition with each other and may be complementary in certain respects.

<sup>56</sup> See HSE (2007), Haass (1998), Baldwin (1985)

<sup>57</sup> HSE (2007), 50.

<sup>58</sup> HSE, 189.

effectiveness). Cooper Drury confirms HSE's finding that as cost to the target in terms of GNP increase, sanctions effectiveness increases.<sup>59</sup>

However, other scholars have noted that economic costs may be felt differently by either different types of states, or states that have varying relationships with the sender state. In other words, not all economic costs are experienced the same way and states may feel the impact of costs based on number of other factors. For example, the literature has looked at the trade linkages between the sender state and the target state, as target states that are linked more with the sender state via trade prior to sanctions may feel the ramifications of sanctions to a greater degree than states without a high level of trade linkages with the sender state. If the trade between state X and the US is only 10 percent of its overall trade, sanctions would presumably have a lower impact on state X than if trade between state X and the US were 80 percent of its overall trade. This may be because it is more difficult to substitute lost trade and because of the concerns of future losses, as the U.S. is a more important trading partner in the latter case. Therefore, scholars have examined the relationship between prior trade linkages and sanctions effectiveness. HSE find that trade linkage is a significant explanatory variable in explaining sanctions' effectiveness.<sup>60</sup> Other factors in the sanctions literature that are argued to contribute to the costs or perceived costs of sanctions include degree of international cooperation in a particular sanctions episode, along with the degree of international assistance to the target state. HSE's work does not find international cooperation with the sender state to have a significant effect on sanctions' effectiveness. However, Cooper Drury looks at whether or not the existence of a "black knight," or a state trying to assist the target state in order to undermine the sender state's sanctions efforts, impacts effectiveness. He finds marginal support for the idea that when a black

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<sup>59</sup> Morgan and Schwebach (1997), Cooper Drury (1998)

<sup>60</sup> HSE, 189.

knight can replace the target state's imports it has the potential to reduce the effectiveness of sanctions.<sup>61</sup>

Theories based on assessments of costs or perceived costs generate a number of hypotheses with regard to U.S. economic and diplomatic sanctions. First, they postulate that as economic and political costs to the target state increase, the target state is more likely to change its behavior in compliance with U.S. demands. Therefore, in economic sanctions cases, as economic costs increase, we should expect a greater likelihood of success. In diplomatic cases, as the level of diplomatic sanctions increases, these theories would predict a greater likelihood of success. In joint cases, ES-DS cases with both types of costs would be expected to have higher rate of success, as ES and DS costs to the target state increase. Similarly, theories taking a cost-centric approach to economic sanctions theorize that as conditions maximize the costs felt by the target state, sanctions are likely to be more effective. Therefore, as trade linkages between the sender and target state increase, cost-centric theories would expect the effectiveness of economic sanctions to increase. Lastly, when military force is used in a sanction episode, one would also expect costs to the target state to increase, therefore raising effectiveness. The primary cost-based hypotheses are summarized in Table I.<sup>62</sup>

## **2) Commitment and Resolve Theories: Costs to the Sender (U.S.)**

Related to the cost-centric theories of effectiveness described above are a number of theories related to the commitment and resolve of the sender state. If the target states perceive the sender to have high levels of resolve and a greater ability to impose future additional costs, this may make them more likely to comply, whereas if they do not perceive resolve of sender to be high, they may be more likely to resist.<sup>63</sup> Similarly a comprehensive U.S. General Accounting Office report on U.S. sanctions notes that the sanction success is related to the potential for future

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<sup>61</sup> Cooper Drury, "Economic Sanctions Revisited, *Journal of Peace Research*, 1998.

<sup>62</sup> These hypotheses have been tested in previous work on economic sanctions.

<sup>63</sup> HSE, 101.



economic damage -- not just the current damage.<sup>64</sup> One way to gauge resolve is to look at the costs to the sender as a proxy for the sender's resolve in a given case. Theories based on commitment and resolve tend to predict that as the target perceives the sender to be highly resolved and committed, sanctions are more likely to succeed. However, as HSE point out, sender costs could also lead to the formation of domestic groups in the sender country that oppose the imposition of sanctions. HSE do not find sender costs to be significant factor in sanctions effectiveness. Morgan and Schwebach also find that high costs to the sender state actually reduce the likelihood of sanctions success.

One way to test whether or not perceived U.S. commitment and resolve to the sanctions episode impacts the likelihood of success is to look at whether or not costs to the sender state increase the effectiveness of sanctions. Another approach is to look at the target state's perceptions of U.S. commitment and resolve. If the perceived resolve of the sender state to the target impacts likelihood of success, we would expect that as the costs to the sender state increase, sanctions are more likely to succeed.<sup>65</sup> Hypotheses associated with theories based on commitment and resolve are also summarized in Table I.

### **3) Target Attributes Theories: Regime Type, Economic Health, Political Stability**

Another set of theories in the sanctions' literature focuses on the attributes of the target state regime. These theories tend to look at the factors related to the target regime (both economic and political) that may make sanctions more or less likely to succeed. These theories are based on the idea that certain target state attributes make a state more or less susceptible to the costs imposed and that different types of states experience costs in different ways.

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<sup>64</sup> "Economic Sanctions: Effectiveness as Tools of Foreign Policy," Report to the Chairman, Committee on Foreign Relations, U.S. Senate, GAO/NSIAD-92-106, February 1992.

<sup>65</sup> Krustev and Morgan (2000) also look at sender commitment, but they gauge sender commitment by assessing the degree to which the threats made by the sender were specific or ambiguous. They associate ambiguous threats with a low level of sender commitment, whereas very precise threats are associated with high levels of sender commitment.

One primary variable of interest in target attribute theories is regime type. Most of the work analyzing regime type in sanctions episodes predicts that economic sanctions are more likely to be effective against democracies than non-democracies. The logic behind this is that in a democracy the costs borne by segments of the population will be resisted and these segments of the population will then put pressure on political leaders to change policies in order to bring an end to the imposed sanctions. On the contrary, in autocracies, the population does not have the same ability to put pressure on the leaders to change policy in response to the costs borne by sanctions. To date, studies of sanctions effectiveness tend to show support for the idea that sanctions tend to be more effective against democracies than autocracies.<sup>66</sup>

Similarly, other variables dealing with the attributes of the target state, such as the economic health and political stability of the state, have also been tested. These theories tend to posit that the more politically or economically weak the target state, the more susceptible the target will be to the imposition of economic sanctions. More specifically, these theories predict that the more politically fragile states and/or economically weak states a state, the easier it will be to coerce it with sanctions. HSE create a health and stability composite index to test the impact of both political and economic health of the target state and find that sanctions are more effective against states with low economic health and political stability. The theories of sanctions' effectiveness based on target state attributes are also summarized in Table 1.

#### **4) Demands and Issue Type**

Other theories of sanctions' effectiveness focus on the types of demands being placed on the target state or the severity of demands being made on the target state. The 1992 GAO report on sanctions effectiveness notes that sanctions are more effective in achieving modest demands,

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<sup>66</sup> This theoretical logic can also be applied to diplomatic sanctions, but it is unclear whether or not the same effects would be expected. On the one hand, one could make the argument that diplomatic sanctions ought to be more effective against democracies because of the logic described with regard to economic sanctions. On the other hand, one could argue that leaders of autocratic regimes may care more about recognition from the United States, as perhaps this assists them with their legitimacy as autocratic leaders, whereas democratic leaders may not rely as much on U.S. approval for their own political standing.

as opposed to major demands.<sup>67</sup> The focus on demand type tends to take two forms. First, there is the issue of demand severity, or whether or not the sender state is issuing modest or major demands on the target state. Second, there is the issue of what type of demand is being placed on the target state. Is the demand a terrorism/WMD related demand or a territory related demand or a demand related to the internal government (i.e. democratization) or human rights demand? There has been work looking at the nature of demands. For example, HSE look at demands in terms of types of demands and break down demands into five categories: modest policy demands, regime change/democratization demands, military. For their statistical analysis, HSE break down demands according to whether or not they are modest or major, but do not find this variable to be significant in determining economic sanctions effectiveness. Drury and Cooper also looks at the nature of the issue at stake and they also code sanctions episodes for whether or not the issue at stake is threat to national security for the sender state. They predict these cases to have a higher success rate than non-national security related cases.<sup>68</sup> However, they find this variable has no significant impact on sanctions outcomes.<sup>69</sup> Krustev, Bapat and Morgan find that the specificity of the demand made on the target impact the likelihood of compliance. They find senders are more likely to succeed when their demands are clear and precise, as opposed to vague and general. Specific demands have a 53% success rate, whereas only 18% of the ambiguous demands were met.<sup>70</sup> In general, theories based on demands hypothesize that as the nature of the demands increase in severity, sanctions success is less likely.

### **5) Conflict Expectations**

In contrast to the preceding, Drezner's conflict expectations model of sanctions effectiveness emphasizes the importance of the relationship between the sender and target state in

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<sup>67</sup> GAO (1992), 12.

<sup>68</sup> Cooper and Drury, 503.

<sup>69</sup> Cooper and Drury, 506.

<sup>70</sup> T. Clifton Morgan, Navin Bapat and Valentin Krustev, "The Threat and Imposition of Economic Sanctions, 1971-2000," *Conflict Management and Peace Science*, Vol. 26, No. 1 (2009), pp. 92-110.

contributing to sanctions outcomes.<sup>71</sup> In his work, Drezner develops a conflict expectations-based model of sanctions' effectiveness and he argues that conflict expectations impact the occurrence and outcome of economic sanctions episodes. With regard to effectiveness, he argues that if the sender and target are adversaries sanctions are likely to be less effective and the target is less likely to make concessions than if the sender and target are allies due to the expectations about potential future conflict and with regard to their reputation. Because adversaries see a higher probability of conflict in the future, this makes them less likely to concede to sender demands.<sup>72</sup> Therefore, in his study, he finds that there is a significant relationship between the prior relations between the states and the effectiveness of economic sanctions. A similar finding is indicated in the GAO's report on sanctions' effectiveness, in which it states that economic sanctions tend to be most effective when used against allies that have economic and political ties to the sender state.<sup>73</sup>

Both HSE and Drezner find general support for the idea that sanctions are more likely to be successful against friends than enemies.<sup>74</sup> HSE write, "The higher compliance with sanctions by allies and trading partners reflects their willingness to bend on specific issues in deference to the overall relationship with the sender country."<sup>75</sup> Drezner finds support for the idea that more positive prior relations enhance sanctions' effectiveness. Drezner himself notes that the significance of the prior relations variable and successful outcomes does not fully explain the causal relationship and that case studies are needed to see whether or not the sender and target elites actually incorporate the conflict expectations into their decision-making about whether or

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<sup>71</sup> Daniel Drezner, *The Sanctions Paradox*, (Cambridge: Cambridge University Press, 1999).

<sup>72</sup> The other part of Drezner's argument is that sanctions are imposed on adversaries under conditions that would tend to be rejected if the sender and target were allies, therefore, economic sanctions are actually more likely to be used more against foes than friends - - it is the combination of both these arguments that creates Drezner's "sanctions paradox."

<sup>73</sup> GAO, pp. 5

<sup>74</sup> However, HSE's econometric analysis does not indicate support for this hypothesis in the model that uses policy outcome as the dependent variable. HSE, 67 & 189.

<sup>75</sup> HSE, 77.

not to comply or resist sanctions.<sup>76</sup> Therefore, his theory predicts that the greater prior relations between the sender and target state, the more likely sanctions are to be effective.

**Table I. Major Hypotheses Relating to Sanctions' Effectiveness**

Major Theories of Sanctions' Effectiveness	Associated Hypotheses
<b>Costs-based</b>	1a) As the costs (economic and political) to the target state increase, the likelihood of sanctions' effectiveness increases. 1b) As trade linkages between the sender and target state increase, the likelihood of sanctions' effectiveness increases. 1c) The use of military force in sanctions episodes makes sanctions more likely to be effective. 1d) As international cooperation with sender state increases, the likelihood of sanctions' effectiveness increases.
<b>Commitment/Resolve</b>	2) As the costs (economic and political) to the sender state increase, the likelihood of sanctions' effectiveness increases.
<b>Target Attributes</b>	3a) The more democratic the target state, the more likely sanctions are to succeed. 3b) The greater the economic health and political stability of the target state, the more likely sanctions are to fail.
<b>Demands (type and severity)</b>	4) The more severe the demands placed on the target state, the more likely sanctions are to fail.
<b>Conflict Expectations</b>	5) The more positive prior relations are between the sender and the target state, the more likely sanctions are to succeed.

**What is Missing from Existing Sanctions' Effectiveness Theories?**

While the literature on economic sanctions is fairly comprehensive, the new diplomatic sanctions theory improves upon past work in two ways. First, whereas previous studies have tended to focus on economic sanctions alone, my dissertation develops a more nuanced understanding of sanctions' success and failure through an analysis of both economic and diplomatic sanctions. While the literature sometimes breaks these sanctions down by type (e.g.

<sup>76</sup> Drezner, 729.

financial, trade, etc), it does not look at diplomatic sanctions or how these sanctions contribute to or undermine economic sanctions effectiveness. This is important because the U.S. has employed diplomatic sanctions in conjunction with approximately 30 percent of its economic sanctions episodes.

Second, while the role of information and communication has been integral to theories related to bargaining, coercion, war onset and mediation, these variables have not been comprehensively examined in the literature on sanctions' effectiveness. There is undoubtedly variation in the degree of information the sender state has on the target state, as well as variation in the degree and quality of official communication between the sender and target the state. Both of these factors may very well contribute to improving our understanding of sanctions' effectiveness.

#### *Diplomatic Sanctions Omitted*

While the literature on economic sanctions does recognize that it is difficult to isolate the independent effect of sanctions, as they tend to occur in conjunction with other measures, it does not adequately address all of these other measures. While HSE's work on economic sanctions acknowledges these are not used completely independently from other measures, they only try to control for two types of companion policies: military force and covert action.<sup>77</sup> In fact, HSE themselves recognize the exclusion of diplomatic tools from their research and acknowledge this by writing,

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<sup>77</sup> HSE define companion policies as either military force, quasi-military force or covert action. Military force is defined as the actual use of force against the target state, whereas quasi-military force includes military measures without the actual use of force. The two examples HSE give of quasi-military force are actions such as, a troop build-up along a border or sending certain war vessels to nearby waterways to signal potential military action. HSE note that covert action or quasi-military force tends to occur with economic sanctions when the sender seeks to destabilize the target government and that economic sanctions may also go prior to or along with actual armed hostilities between states. When one looks at the U.S. imposed sanctions success rates calculated by HSE, the data also indicates the percentage of successful and failed cases with accompanying use of military force, quasi-military force or covert action. From 1945-69, these types of companion policies were employed in 50% of the successful cases and 50% of the failed cases. From 1970-1989, 31% of the successful cases employed companion policies and 24% of the failed cases employed some form of companion policies. From 1990-2000, 29% of the successful cases employed companion policies and 27% of the failed cases employed companion policies. See HSE, 129.

indeed sanctions frequently serve as a junior weapon, or perhaps the starting gun, in a battery of diplomatic artillery aimed at the antagonistic state. Leaving aside the normal means of diplomatic protest- recalling an ambassador or canceling a cultural mission – we distinguish three types of companion policies: covert action, quasi-military action and regular military action.<sup>78</sup>

Diplomatic sanctions are completely omitted from HSE's quantitative work on sanctions and have been systematically excluded as a variable of interest in all of the quantitative work using their database.<sup>79</sup>

One reason diplomatic sanctions may be omitted from previous studies of sanctions is that they may be assumed to be lower on the escalation ladder of sanctions policy. Previous studies may assume that economic sanctions occur once diplomatic sanctions have already failed. Similarly, it may also be assumed military force is not actually employed until sanctions have failed. However, this assumption about a clear escalation ladder in which diplomatic sanctions precede economic sanctions which precede military force does not actually appear to be correct. The idea that lesser forms of action consistently and cumulatively precede more severe forms of action, does not appear to apply with regard to sanctions policy.

In fact, in reviewing U.S. sanctions episodes from 1945 to present, there is no clear ordering principle in the application of sanctions. It is not the case that diplomatic sanctions are always used prior to the imposition of most economic sanctions cases. In fact, there are actually quite a significant number of cases in which diplomatic sanctions actually follow economic sanctions and there are even more cases where economic sanctions are employed without any type of diplomatic sanction employed in conjunction with such sanctions.

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<sup>78</sup> HSE, 57

<sup>79</sup> A newer economic sanctions database, the Threat and Imposition of Economic Sanctions database, includes a variable for diplomatic sanctions, but there are numerous problems with using this data at face value. First, the dataset only starts in 1971, so earlier data on diplomatic sanctions is not included. Second, running through just the U.S. sanctions cases, it is clear that the dataset is missing a significant amount of accurate data on diplomatic sanctions. It seems only the high profile diplomatic sanctions cases have made it into this dataset. Third, the TIES database only seems to capture whether or not diplomatic sanctions were threatened or imposed at the time of threatened or imposed economic sanctions. In other words, if diplomatic sanctions were already in place prior to the initiation of economic sanctions or following economic sanctions, these are not included. Only cases in which the tools were used together are recorded, which omits a number of important cases. Other than the limited TIES data on diplomatic sanctions, there do not appear to be any sanctions databases that include diplomatic sanctions. See Cliff Morgan, Valentin Krustev, Navin Bapat, "Threat and Imposition of Economic Sanctions: Data Users' Manual," <http://www.unc.edu/~bapat/TIES.htm>, updated March 23, 2009

### *The Role of Information and Communication*

Just as diplomatic sanctions are omitted from studies of sanctions' effectiveness, the general role of information and communication is also significantly understudied with regard to sanctions' effectiveness. While the coercion, bargaining and war literature is replete with theories involving information, the literature specifically on assessing sanctions effectiveness fails to devise tests with regard to the role of information or intelligence in the sanctioning process. Information is not only key to assessing how the target state regime and population may be impacted by the sanctions, but also how the target state is likely to react. Second, the sanctions' literature also does not address the varying levels of communication between sender and target states and how this may impact the ability of the sender state to carefully articulate its message – namely its demands and the reasons for sanctions (and what the target states needs to do in order to get the sender state to end sanctions). Communication is also key in terms of conveying the sender state's message and purpose to the target population, who may harbor a great deal of resentment and backlash towards the sender state if sanctions are not properly understood.

Theories of sanctions' effectiveness must therefore attempt to incorporate the role of information and communication into models focused on the conditions that impact sanctions' effectiveness. Incorporating diplomatic sanctions into the study of sanctions' effectiveness is just one way to get at some of these issues. In addition to diplomatic sanctions, which are the primary variable of interest, the quantitative analysis will also examine some other additional variables that may help capture information and communication levels.<sup>80</sup>

### **Scope Condition**

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<sup>80</sup> Most of these variables will be analyzed in the quantitative analysis chapter as robustness checks. These include: variables related to sender and target state alliance relationships, and target state release of economic information scores and freedom of the press scores.



This study focuses specifically on the United States' use of economic and diplomatic sanctions. There are a number of reasons for limiting the focus to the United States.<sup>81</sup> First, when one looks specifically at the cases of economic sanctions, the United States is responsible for most of the sanctions cases over the last 100 years.<sup>82</sup> Second, by limiting the study to the U.S., I hold constant a major potential confounding variable: the traits of the sender country. Third, the United States is one of the most powerful actors in the international system. If one were to expect diplomatic and economic sanctions to be effective coercive tools, the U.S. cases would probably have a higher expected degree of success. Fourth, data on American economic and diplomatic sanctions is significantly easier to collect and likely to be more reliable.<sup>83</sup> There is already a significant amount of data collected on U.S. economic sanctions and the diplomatic sanctions data can be collected via State Department documents and major newspapers. Lastly, a great deal of the work on specific cases of economic sanctions tends to be U.S. or UN-centric. While this does not allow for cross-country comparisons, it allows for an assessment of what drives variation in United States initiated sanctions effectiveness. Future research ought to explore whether or not these findings are applicable beyond the United States.

### **Selection Bias Challenges**

One of the challenges inherent in this dissertation is to illustrate that the impact of diplomatic sanctions is not the result of selection bias. If diplomatic sanctions are only used in the most difficult cases, this would make those cases more prone to failure independent of the use of the use of diplomatic sanctions. A second issue related to selection effects is that it is possible the targets on which sanctions are imposed are the ones the threat of sanctions did not work against, so it is not a randomly selected sample and perhaps only the more difficult cases are

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<sup>81</sup> A number of existing studies focus solely United States use of sanctions. See Haas 1998, O'Sullivan 2000 and Drury 2001.

<sup>82</sup> HSE database, 2007.

<sup>83</sup> Drury Cooper points out a number of these reasons in "Sanctions as Coercive Diplomacy: The U.S. President's Decision to Initiate Economic Sanctions," *Political Research Quarterly*, Vol. 54, No. 3 (September 2001)

actually facing the imposition of sanctions because the easier cases may have yielded based on the threat of sanctions.<sup>84</sup> Therefore, when studies focus on the imposition of sanctions it is possible the effectiveness actually understates the degree to which economic sanctions impact target states' behavior, as these cases may have a higher probability of failure. On the flip side, there could also be a selection effect in the other direction which overestimates the success of economic sanctions. Perhaps the states only impose economic sanctions when they have a reasonable expectation that economic sanctions, as opposed to other types of political or military action, can accomplish their ends.

In an ideal world, there would be a random assignment of the use of diplomatic sanctions, but diplomatic sanctions are not a completely random treatment. If the occurrence of diplomatic sanctions takes place predominantly in the cases primed for failure based on other factors, the finding regarding the impact of diplomatic sanctions use may actually be driven by other variables and not the causal mechanisms described in my theory. To try to mitigate this problem in the quantitative portion of the analysis, I run a regression model treating diplomatic sanctions as dependent variables in the economic sanctions episodes. This was done in order to see if the explanatory variables that were found to be significant determinants of success and failure also predicted the absence or presence of diplomatic sanctions in an episode. The test illustrates what variables appeared to be strongly correlated with the occurrence of diplomatic sanctions in economic sanctions episodes. In other words, the tests were run to see if higher level diplomatic sanctions were only used in economic sanctions episodes that were already likely to fail based on other variables. If such sanctions are only imposed in cases ripe for failure, we should see the

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<sup>84</sup> Daniel Drezner (2003) addresses the issue of selection effects with regard to economic sanctions by noting if there is selection bias in that certain targets are reaching agreement before sanctions imposed then the sanctions literature might underestimate the impact of sanctions. To test this hypothesis, Drezner looks at cases where sanctions are threatened but never enacted. If success is common in these cases, it strengthens the argument that selection bias has adversely affected trajectory of sanctions research and underestimates role of strategic interaction. Drezner looks at section 301 cases, where threats are better recorded, and finds a large number of concessions without any sanctions imposed. These cases yield larger concessions than when instances of sanctions are actually imposed. In his earlier work on sanctions, Drezner (1999) also argues that sanctions tend to be employed in cases where they are least likely to work – against adversaries who anticipate future conflict and won't give in to sanctions for that reason.

occurrence of diplomatic sanctions and high levels of diplomatic sanctions strongly correlated with factors that prime sanctions' episodes for failure. The model shows that this is not the case.

In the case studies, I also try to show that communication and intelligence problems follow the imposition of diplomatic sanctions and are not the result of conditions prior to the imposition of sanctions. Similarly, I also try to illustrate how the resumption of ties or increased diplomatic engagement with the target state contributes to improvement in outcomes to illustrate that the outcomes being assessed are not the result of improving conditions which prime particular periods for success and the resumption of diplomatic ties. For example, in the Sudan case, relations between the ambassador and the Sudanese leadership were actually quite positive prior to the decision to drawdown and close the embassy. In fact, the Ambassador wanted to remain in the country and the Sudanese were not happy about the U.S. decision to close the embassy. In the cases, it does not seem that there is an objective criteria by which the United States makes the decision to impose diplomatic sanctions and it does not appear that such sanctions are associated with some pre-existing set level of deteriorating relations that would help explain the effects that are seen following such actions. Finally, even if conditions may have worsened and consequences may have occurred as a result of conditions leading up to the imposition of sanctions (whether or not sanctions were imposed), this dissertation is illustrating that the cutting of sanctions contributed to consequences and undermined U.S. desired outcomes by making things even worse than had engagement continued during periods that could have still remained problematic even with an open embassy.<sup>85</sup>

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<sup>85</sup> Even those who find themselves skeptical of the claim that the diplomatic sanction and diplomatic disengagement is driving a number of negative developments for the United States during these periods ought to at least recognize that the diplomatic sanctions and disengagement exacerbated the U.S. mission and made things more difficult for the United States than had they adopted an alternative strategy of remaining engaged – despite the fact that the difficult periods may have still remained difficult. Policy alternatives are all about marginal utility, so I am trying to not only illustrate the independent effects of diplomatic sanctions and diplomatic reengagement, but also show that even if certain periods were primed for certain outcomes before the U.S. policy decisions were made, U.S. policy choices undoubtedly impacted outcomes during these periods by making failure and success more or less likely than it would have otherwise been in a given period.

## **Dissertation Structure and Overview**

The remainder of this dissertation is divided into seven chapters. Chapter Two discusses some of the literature that was influential in shaping my theory and presents the new diplomatic sanctions theory. This chapter includes specific hypotheses that will be tested in the quantitative and qualitative portions of the dissertation. Chapter Three explains the quantitative methodology employed to test components of the theory and identifies the key variables examined, along with some summary statistics of the data. This chapter also presents the main statistical analysis and results, along with an analysis of findings. Chapter Four is a brief chapter focusing on the methodology employed in this dissertation and it also discusses some of the benefits of a mixed-method approach.

The remaining chapters are devoted to case studies. Chapter Five presents a longitudinal study of the Sudan, which is broken down into four sub-cases. Chapter Six presents a longitudinal study of the Libya case, which is also broken down into four sub-cases.. Chapter Seven presents three additional mini-case studies on Afghanistan, Burma and South Africa. Chapter Eight summarizes the theory and the dissertation's main findings. The final chapter also discusses the implications of the research findings for both the field of international relations and U.S. decision making process. Lastly, Chapter Eight closes with suggestions for future areas of research that build off the central themes of this dissertation.<sup>86</sup>

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<sup>86</sup> Special thanks to my MIT colleagues Peter Krause and Joshua Shiffrinson for their feedback and insightful comments on this chapter.

## **CHAPTER II: Theory & Hypotheses: The Importance of Diplomatic Ties, Communication and Information**

This dissertation constructs the new diplomatic sanctions theory by building substantially on other bodies of literature. Despite the gaps in the sanctions' effectiveness literature with regard to the role of diplomatic sanctions and other informational and communications-based conditions, these variables are dealt with quite extensively in other areas of the international relations literature. Conditions relating to information and communication have been integral to theories related to bargaining, coercion, war onset and mediation. Similarly, while there is no literature directly assessing the effectiveness of diplomatic sanctions, there has been a fair amount written on the role of diplomacy and the benefits gleaned from diplomatic relations and engagement.

The first part of this chapter runs through the main literature that has influenced the development of the dissertation's central theory. This part of the chapter reviews the function of U.S. diplomacy and diplomatic ties by explaining how diplomatic ties function as both information and communication channels between the sender and target state and explains a number of consequences associated with the use of diplomatic sanctions. The literature review also discusses the important role of information and communication in the coercion, bargaining and war literature, as well as in the context of literature on negotiations and mediation. The second part of the chapter presents the dissertation's diplomatic sanctions theory.

### **The Role of Diplomacy...and the Dangers of Diplomatic Sanctions<sup>87</sup>**

While there have not been empirical studies on the effectiveness of diplomatic sanctions, there has been some work that addresses the function of diplomatic sanctions and engagement more generally. In his book *Modern Diplomacy*, Barston points out diplomatic sanctions can be used for a number of different reasons, including opposition to a policy.<sup>88</sup> Barston discusses the

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<sup>87</sup> For more on the dangers of diplomatic sanctions, see Tara Maller, "Diplomacy Derailed: The Case Against Diplomatic Sanctions," *The Washington Quarterly*, 3(33), July 2010, pp. 61-79.

<sup>88</sup> Barston, 246

spectrum of diplomatic actions a state may take to communicate with other states, but points out the downgrading of relations tends to be a serious diplomatic action, which can lead to a decline in relations between the states. According to Barston, maintaining ties at the charge level “is intended to indicate extreme sensitivity and displeasure over bilateral matters or some aspect of the receiving country’s foreign policy.”<sup>89</sup> Similarly, Barston also points out that in some cases a state may delay a nomination or appointment of an ambassador because it is waiting to see if a state changes its behavior.

Formal U.S. diplomatic sanctions can take a variety of forms. First, the U.S. can initiate a severance of diplomatic ties and close its embassy.<sup>90</sup> Second, the U.S. can substantially downgrade its diplomatic ties, in which there is no official U.S. ambassador in the target country and the highest level U.S. representative is Charge d’Affaires. Third, the U.S. can refuse to establish diplomatic relations with a state. Lastly, once ties have been severed or downgraded, successive U.S. administrations can either adopt a policy of diplomatic disengagement with the severed state or diplomatic reengagement.<sup>91</sup>

Traditionally, diplomatic sanctions were more commonly used as measures associated with war.<sup>92</sup> However, it has become more common for severance to occur without accompanying

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<sup>89</sup> Barston, 248

<sup>90</sup> It is important to note that in some cases of non-engagement, non-engagement is actually the result of the non-recognition of a regime from its outset, as opposed to severance of already existing ties.

<sup>91</sup> There are a number of lower level form of diplomatic protest a state may employ, such as sending a diplomatic demarche in condemnation of a policy, boycotting public events held in target state (e.g., U.S. withdrawal from 1980 Moscow Olympics), severance of “sister city” ties between sender and target states, canceled visits by high-level US officials, etc. However, the primary focus of this project will be on the more formal diplomatic sanction mechanisms. Data collection for all forms of diplomatic condemnation or punishment would be extremely difficult to collect and code. In the case studies, some of these less formal forms of diplomatic sanctions may be examined, but the quantitative work focuses on formal diplomatic sanctions not all lower forms of diplomatic protest. Similarly, once diplomatic ties with a state have been severed or downgraded, the United States still faces choices about the degree to which it is willing to engage with a severed or downgraded state. Third party state actors may be used as a diplomatic go between for states without diplomatic relations and there may be very little face-to-face interaction between U.S. officials and officials of the target state. In some cases, certain types of diplomacy may be permissible (i.e. multiparty talks), whereas other forms of direct talks are not (i.e. bilateral talks).

<sup>92</sup> G.R. Berridge, *How States Without Diplomatic Relations Communicate*, (St. Martin’s Press, 1994).

military intentions or action.<sup>93</sup> In the past, severance had been used primarily as a prelude to war in order to indicate diplomatic options had been exhausted, but then took on a new primary role in the 1960s, when it began to be used to express disapproval with another state and its behavior.<sup>94</sup>

The motivations for diplomatic sanctions tend to parallel the motivations discussed above with regard to economic sanctions. As with economic sanctions, there are undoubtedly drivers of diplomatic sanctions that are not merely about getting the target state to comply with a particular set of objectives. In most cases, like with economic sanctions, there is a demand or set of demands, associated with the diplomatic sanction, but there may also be additional motivations stemming from domestic political pressures or even the desire to express moral condemnation for a particular type of state behavior. In addition, diplomatic sanctions may also be aimed at having a deterrent effect by influencing states in the international system other than the target state.

This study will focus on the coercive aspect of diplomatic sanctions, when they are used to contribute to attaining a desired outcome, either by modifying the behavior of a particular state or contributing to modifying the regime itself.<sup>95</sup> Adopting diplomatic sanctions as a coercive tool tends to be accompanied by the view that diplomatic engagement is somewhat futile in achieving the desired goals. This logic holds that an effective way to achieve a desired outcome from a regime is to disengage it as a punitive measure to extract a change in behavior or ultimately even a change in the regime entirely. In other words, engaging with “rogue” states like North Korea and Iran may be viewed as useless because the end goal is not actually to reach

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<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> When demands are made on the target state in conjunction with diplomatic sanctions this coercive logic is at play to some degree, even if there are other motivations also at work. Like with the work done by HSE on economic sanctions, this research focuses on the coercive element, or instrumental effectiveness, of diplomatic sanctions and not the expressive or political value they may also play. Looking at whether economic or diplomatic sanctions fulfill a moral or psychological purpose or meet domestic demands is interesting, but does not help us assess whether or not such sanctions are in fact effective foreign policy tools. Future research should undoubtedly explore different drivers of both economic and diplomatic sanctions, but for the purpose of studying effectiveness, it makes the most sense to focus on the coercive demands driving the use of these sanctions. HSE make the same decision in their work on economic sanctions.

agreements with these regimes, but to eliminate the regime by creating pressure through isolation (both diplomatically and economically).

### *The Role of Diplomacy*

Before delving into my theory about why diplomatic sanctions fail to coerce target states and also undermine other forms of coercive action, it is helpful to first illuminate the role that diplomatic relations play for the United States. In general, the concept of diplomatic severance or non-engagement is somewhat counterintuitive given the inherent purpose of diplomacy. Conventional wisdom on the purpose of establishing an American diplomatic presence around the globe suggests that the general aim of U.S. diplomacy is both to promote the U.S. image abroad and improve the United States' understanding of developments in other countries and assist the United States in reaching its desired objectives. Diplomacy is aimed at seeking to avoid conflict or ameliorating potential conflicts when they might arise, which would seem to imply diplomatic relations would be all the more necessary and valued with problematic regimes.

There are a number of key reasons for diplomatic relations between states. The Vienna Convention is one of the main treaties outlining the rules and purposes of diplomatic representation. Article III of the Vienna Convention lists the primary formal functions of a state's diplomatic mission to be:

- (a) representing the sending State in the receiving State;
- (b) protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;
- (c) negotiating with the Government of the receiving State;
- (d) ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;
- (e) promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.<sup>96</sup>

For the U.S. State Department, the primary goals of U.S. diplomacy also include the protection of U.S. interests and citizens, advancement of democracy and human rights globally and explaining

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<sup>96</sup> Text taken from the Vienna Convention on Diplomatic Relations 1961.  
[http://untreaty.un.org/ilc/texts/instruments/english/conventions/9\\_1\\_1961.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf)



U.S. values and policies overseas.<sup>97</sup> Much of this is done by U.S. embassies and their staffs overseas.

Top U.S. foreign policy officials have also acknowledged the inherent value of diplomatic relations and the importance of maintaining diplomatic ties with countries. For example, in his series of lectures on “Measures of War,” George Kennan remarks,

I am very, very leery of the breaking of diplomatic relations as a means of getting anywhere in international affairs...Breaking relations has the direct disadvantage of sometimes redounding your own discomfort because the maintenance of relations between governments has been found to be generally advantageous to both parties. If you break off relations with another government, the chances are, over the next few years, you are going to find you need relations with that country.<sup>98</sup>

Secretary of State Dean Acheson made similar remarks in September 1949, stating, “We maintain diplomatic relations with other countries primarily because we are all on the same planet and must do business with each other. We do not establish an embassy in a foreign country to show approval of its Government. We do so to have a channel through which to conduct essential government relations and to protect legitimate United States’ interests.”<sup>99</sup> Most recently, in the Senate confirmation hearing for Senator Hillary Clinton for Secretary of State, Senator John Kerry, Chair of the Senate Foreign relations committee, stated

Last year, six colleagues and I, including Senator Levin, wrote to Secretary Rice urging her to establish an interests section in Tehran. It just seems counterproductive and almost incomprehensible that we're not on the ground in some of these places. We don't have an ambassador in Syria, for instance. We should've.<sup>100</sup>

The literature on diplomacy tends to make five general arguments about why states establish and maintain diplomatic representation abroad. First, it is part of the process of achieving a state identity in international relations.<sup>101</sup> Second, embassies are a significant mechanism of communication between the sender and host state. Third, embassies serve to

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<sup>97</sup> U.S. Department of State Bureau of Public Affairs, “Diplomacy: The U.S. State Department at Work, May 2005, U.S. Department of State website, <http://www.state.gov/r/pa/ci/rls/dos/46732.htm>.

<sup>98</sup> Giles Harlow and George Maerz, *Measures Short of War: The George F. Kennan Lectures at the National War College, 1946-47* (National Defense University Press, 1991), p. 12.

<sup>99</sup> Nancy Bernkopf Tucker, *Patterns in the Dust: Chinese-American Relations and the Recognition Controversy*, (New York: Columbia University Press, 1983), p. 191.

<sup>100</sup> “Transcript of Senate Confirmation Hearing: Hillary Clinton,” *The New York Times*, January 13, 2009. <http://www.nytimes.com/2009/01/13/us/politics/13text-clinton.html>

<sup>101</sup> Barston, 21.

promote the sender country's interests and help with bilateral relations.<sup>102</sup> Fourth, embassies and their staffs, especially the Ambassador, play a direct role in collecting and assessing information about the target state's government officials and population. With the exception of the state identity argument, each of these purposes is worth addressing in greater detail, along with the related costs that may occur in each of these realms if and when diplomatic sanctions are imposed.

While at first glance, diplomatic sanctions may appear to be a rather cost-free measure for the U.S., as they do not require expenditures in terms of military forces or dollars. However, the costs of leaving diplomatic sanctions in place are quite high for the United States. The dangers of diplomatic sanctions include: the loss of valuable intelligence, reduced communication and a diminished public diplomacy capability.<sup>103</sup>

### *I. Information and Intelligence*

The way the U.S. collects information about countries, having an embassy is absolutely critical. You need political staff that can go out on the street and talk to people, pick up the gossip.<sup>104</sup>  
Bruce Riedel, a former CIA analyst

One of the primary benefits of having diplomatic representation in a country is that it enhances the United States' access to information. Having an embassy in a country not only makes it easier to track what is going on in that country, but also allows the U.S. to gain a perspective it might not otherwise have.<sup>105</sup> According to *The Diplomat's Handbook*, "confidential assessment to home authorities is at the center of the traditional diplomatic role...Diplomatic professionals always heed the question as to whether the confidential and

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<sup>102</sup> Ibid.

<sup>103</sup> See Tara Maller, "Diplomacy Derailed: The Case Against Diplomatic Sanctions," *The Washington Quarterly*, 3(33), July 2010, pp. 61-79.

<sup>104</sup> Mark Landler and Mark Mazzetti, "U.S. Scrambles for Information on Iran," *The New York Times*, June 24, 2009. <http://www.nytimes.com/2009/06/23/world/middleeast/23diplo.html>

<sup>105</sup> Ambassador Charles Dunbar has pointed out that two of the benefits of having a diplomatic presence in a country include being able to simply get a sense of what it is like in the country and also to give the country a sense of what Washington is thinking about the host country. Ambassador Dunbar served as ambassador to Qatar (1983-1985) and to Yemen (1988-1991) and was *Chargé d'affaires* at the American Embassy in Kabul, Afghanistan from 1981 to 1983. Ambassador Charles Dunbar, "Talking to Our Enemies," Lecture at Boston Public Library, March 11, 2008.

value-added reporting of circumstances and conditions in the host country draws from a wide range of contacts in the country...”<sup>106</sup> The duties of political officers include collecting and analyzing information about the attitudes and actions of foreign governments and societies. U.S. embassies report on human rights, economic trend and future potential leadership, among other important subjects.<sup>107</sup> While some argue that advances in telecommunication make an on-the-ground presence unnecessary, certain informational elements cannot be gleaned without the special awareness fostered and developed by living and working in the target country.<sup>108</sup> As written by Robert Wolfe in his work on the role of ambassadors,

It might be cheaper to phone colleagues in other governments, sending in officials and ministers when needed, but the intangible assets that are a foreign ministry's stock in trade - knowing who is who in the government or the ability to interpret complex events - can only be developed and then exploited by being on the ground.<sup>109</sup>

An on-the-ground presence also gives the U.S. government critical information about events that can greatly assist in crisis management, humanitarian disasters and negotiations with the target government. For example, the most recent edition of the State Department's Foreign Service Journal documents the integral role the U.S. embassy played in the aftermath of the earthquake in Haiti in terms of both following events on the ground and assisting with relief efforts.<sup>110</sup> As stated by the Stimson Center report, “without the presence of people on the ground, Washington would lose its best means of understanding broad social trends, could misread isolated actions and speeches.”<sup>111</sup> Diplomatic ties with a state are crucial to information collection.<sup>112</sup> Ambassador Barbara Bodine confirms this viewpoint and argues that the embassy is not only a diplomatic platform, but it is extremely important for intelligence and to see what is going on in the country

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<sup>106</sup> *A Diplomat's Handbook*, Council for Community of Democracies, 2009, p. 179-181. Available online at: [http://www.diplomatshandbook.org/pdf/Handbook\\_Burma.pdf](http://www.diplomatshandbook.org/pdf/Handbook_Burma.pdf).

<sup>107</sup> Miller, 5, 28; Barston, 21.

<sup>108</sup> Stimson Center, 15.

<sup>109</sup> Wolfe, 46.

<sup>110</sup> J. Brian Atwood, “A Compassionate and Competent Response,” *Foreign Service Journal*, Volume 87, No. 4, (Washington DC: American Foreign Service Association, April 2010), p. 17-21.

<sup>111</sup> Stimson Center, p. 15.

<sup>112</sup> Michael Herman, “Diplomacy and Intelligence,” *Diplomacy and Statecraft*, 1998, p. 14.

from a perspective you would not otherwise get.<sup>113</sup> Ambassador Bodine also argued that it seems completely counterintuitive that the greater the threat and the worse the relationship, the less communication or desire for engagement. She believes we should want strong engagement with these problematic regimes.<sup>114</sup>

In addition, embassy reporting is particularly important in authoritarian regimes when foreign correspondents have been expelled by the respective governments.<sup>115</sup> Not only does the embassy collect information on the ground, but it can serve to disseminate the information in the press and via other reports when the press no longer has the ability to do so.<sup>116</sup>

For all of the reasons above, the maintenance of diplomatic sanctions is bound to result in a dramatic loss in valuable information, which is essential to crafting effective U.S. foreign policy. There is anecdotal evidence of such losses both historically and quite recently.

*Afghanistan:*

The decision to close the U.S. embassy in Kabul in 1989 and essentially disengage on the diplomatic front undoubtedly had an impact on intelligence gathering on the ground. Without an embassy presence in the country, along with a general lack of attention paid to Afghanistan by successive administrations, U.S. officials were clearly lacking in terms of both the quantity and quality of information on the ground. According to Steve Coll, the CIA's legal authority to carry out covert actions in Afghanistan ended in January 1992. As a result, Coll writes that "CIA's Afghan operations atrophied to a shadow of [their] former strength."<sup>117</sup> Coll also writes that not only was there no CIA station in Afghanistan once the embassy closed, but Afghanistan was also not a priority mission on the intelligence agenda of the closest station in Pakistan.<sup>118</sup> The United States became increasingly reliant on information from third parties, such as Western and UN

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<sup>113</sup> Interview with Ambassador Barbara Bodine, July 2010.

<sup>114</sup> Interview with Ambassador Barbara Bodine, July 2010.

<sup>115</sup> *The Diplomat's Handbook*, 57.

<sup>116</sup> *The Diplomat's Handbook*, 57-58.

<sup>117</sup> Coll, *Ghost Wars*, p. 233.

<sup>118</sup> Steve Coll, "In Shadow of Terror, A Year of Decisions," NPR Online Commentary, August 16, 2004.

journalists who reported on meetings with the Taliban. For example, in a 1995 U.S. Embassy Islamabad Cable, “The Taliban: What We’ve Heard,” the State Department reports on the dynamics in Kandahar and the activities of the Taliban based on meetings with Western and UN journalists who had just returned from the area.<sup>119</sup>

Similarly, Matthew Aid, an intelligence historian and former NSA analyst, notes that the lack of an embassy in Kabul undermined collection in the realm of human intelligence (humint).<sup>120</sup> Aid argues that the CIA had to be primarily reliant on the ISI for humint, as most U.S. intelligence was in the realm of signals intelligence (sigint). According to Aid, a 1996 Congressional study of intelligence coverage of rogue states found that sigint was the main source of info, with humint being secondary. The reason this can be problematic is because individuals can simply stop using email, phones, etc to communicate, which makes intelligence collection increasingly difficult. Aid also points out that a 1994 CIA assessment found that human intelligence was the most important form of intelligence when collecting on international terrorism, but that sigint was surpassing humint.<sup>121</sup>

### *Iran*

Most recently, during the protests in the aftermath of the Iranian election, the U.S. was also faced with informational deficiencies due to a lack of diplomatic ties and embassy presence in the country.<sup>122</sup> In addition to having no embassy in Tehran, the State Department did not even have an Iran desk until 2006, and generally had very few people working on Iran.<sup>123</sup> According to *The New York Times*, the Obama administration had a difficult time understanding and addressing

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<sup>119</sup> U.S. Department of State, “The Taliban: What We’ve Heard,” declassified from Volume VII. The Taliban Files, National Security Archives at Georgetown University, Briefing Book 97, January 26, 1995, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB97/tal6.pdf>

<sup>120</sup> Matthew Aid, “All Glory is Fleeting: Sigint and the Fight Against International Terrorism,” in Wesley Wark’s *Twenty-First Century Intelligence* (Studies in Intelligence, 2005), pp. 84.

<sup>121</sup> Aid, 95.

<sup>122</sup> Mark Landler and Mark Mazzetti, “U.S. Scrambles for Information on Iran,” *The New York Times*, June 24, 2009, <http://www.nytimes.com/2009/06/23/world/middleeast/23diplo.html>

<sup>123</sup> In addition, in 2006, the State Department was just starting the launch of an Iranian career track, which had been difficult without the presence of an embassy in the country. See Peter Baker and Glenn Kessler, “U.S. Campaign is Aimed at Iran’s Leaders,” *The Washington Post*, March 13, 2006, in Fields, 328.

these protests due to limited information channels. As a result, information on the crisis was being obtained largely via Twitter, Facebook and other informal sources.<sup>124</sup> In fact, one State Department official on State's Policy Planning Staff even emailed Twitter to delay its scheduled maintenance and keep it up and running during the protests, so that it could continue to be a source of information coming out of Iran.<sup>125</sup> However, government officials and experts were concerned that these sources of information could not provide the U.S. with insight into the internal political dynamics between Iranian leadership or the precise strength of the opposition movement in the country.<sup>126</sup>

#### *North Korea*

Nowhere are the intelligence-related problems resulting from diplomatic isolation more apparent than in North Korea. While it is true that North Korea has chosen to isolate itself, the United States has also adopted policies at various times that have been aimed at further isolating the regime – as opposed to attempting to engage with the regime and open diplomatic channels. North Korea has been referred to as the “black hole of Asia” and as the “blackest of the black holes.”<sup>127</sup> The lack of intelligence has been across a wide range of issues ranging from knowledge of the regime to knowledge about the political/economic conditions to the nuclear program. According to *The New York Times*, there is “a virtual black hole of intelligence about North Korea. . . . [Intelligence experts] are not even entirely sure about such basic questions as who is running the country.”<sup>128</sup>

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<sup>124</sup> Mark Landler and Mark Mazzetti, “U.S. Scrambles for Information on Iran,” *The New York Times*, June 24, 2009. <http://www.nytimes.com/2009/06/23/world/middleeast/23diplo.html>

<sup>125</sup> Mark Landler and Brian Stelter, “Washington Taps into a New Potent Force in Diplomacy,” *The New York Times*, June 16, 2009. <http://www.nytimes.com/2009/06/17/world/middleeast/17media.html?scp=1&sq=jared%20cohen%20twitt&st=cse>

<sup>126</sup> Mary Louise Kelly, “For U.S. Intelligence, Few Clues to Iranian Turmoil,” National Public Radio, June 25, 2009; See also Landler and Mazzetti, “U.S. Scrambles for Information on Iran.”

<sup>127</sup> Sanger, David. “North Korea Keeps the World Guessing,” *The New York Times*, November 29, 2010.

<sup>128</sup> Bruce Weinrod, “U.S. Intelligence Priorities in the Post-Cold War Era,” *World Affairs*, Vol. 159, Issue 1, Summer 1996.

While North Korea itself holds significant responsibility for desiring a closed and insulated society, previous U.S. policies, such as those during the Bush administration, predicated on attempting to further the isolation of the regime as opposed to engage it have only exacerbated the intelligence problems. Restricted access by the regime plus a lack of a diplomatic presence and limited diplomatic contact means that there is very little personal interactions. On the one hand, information limitations are somewhat driven by North Korea's own actions in that they are extremely insular by nature and are known to adopt substantial deception strategies to bolster the image of the regime, its capabilities and the conditions of the society at large.<sup>129</sup> However, actions take by the United States also inhibit its own ability to try to exploit the information environment.

Limited diplomatic contact and adopting policies based on isolation have made a deep understanding of conditions and the regime extremely difficult. According to Pinkston and Saunders, "because the us and NK do not have diplomatic relations, the U.S. government has no diplomats based in North Korea who can report on conditions, build relations with North Korean officials and develop a deeper understanding of the country."<sup>130</sup> According to Carol Medlicott, a former FBI intelligence specialist who worked NK issues from 1987-2000, "From a spying standpoint, the lack of the U.S. facility is a real disadvantage. Even during the Cold War, the United States never would have pulled out of its Moscow embassy because of the post's value."<sup>131</sup>

As a result, this makes humint collection increasingly difficult. According to a CRS report, the U.S. is reliant on satellite and intercepts for a great deal of information. According to a case officer,

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<sup>129</sup> Keith Thomson, "U.S. Intelligence or the Lack Thereof – on North Korea," *Huffington Post*, May 29, 2009, William J. Broad, Douglas Jehl, David E. Sanger & Thom Shanker, "North Korea Intelligence Split U.S. Agencies," *The New York Times*, July 26, 2005.

<sup>130</sup> Daniel A. Pinkston and Phillip C. Saunders, "Seeing North Korea Clearly," *Survival*, Vol 45, No 3, (Autumn 2003), 79

<sup>131</sup> Kirk, Jeremy. "Intel Experts: North Korea a 'hard target.'" *Global Security Online Service*, March 21, 2005, <http://www.globalsecurity.org/org/news/2004/040321-dprktarget.htm>

We don't have any decent agents [North Korean nationals recruited by American intelligence officers]. It's simply too risky to communicate with them. And it's not that North Korean counterintelligence is especially good, it's that the society is so closed that information is strictly compartmented and there are very few opportunities to recruit penetration agents or for defectors to defect. To know what's going on in North Korea you have to penetrate at high levels of government, and to know plans and intentions you need to be in Kim's office. We don't have an embassy or other secure facility to work out of. We're more or less limited to legal traveler operations where we brief people before they go in and debrief them when they return.<sup>132</sup>

Similarly, Donald Gregg, a former CIA officer and Ambassador in Korea said that his efforts with regard to intelligence were extremely unsuccessful. He has said that, "North Korea remains one of the longest-running intelligence failures in the history of U.S. espionage. North Koreans were difficult to approach and almost impossible to recruit and control..."<sup>133</sup> In addition, collecting SIGINT on North Korea is also extremely difficult as a result of the high levels of control the regime keeps on all communication channels. The regime has control of media communication systems and even overseas phone calls. This means that the nature of the information collected via interception by the U.S. does not reveal much valuable information in the name of capabilities and intentions.

As a result of lack of firsthand information and humint, most intelligence has to be collected through other means such as satellites and third parties. The problem with intelligence derived mostly from satellite is that this is in the form of imagery, which leaves it open to conflicting interpretations, perceptions and biases.<sup>134</sup> In addition, the United States is extremely reliant on third parties for intelligence collection on North Korea, which can also present informational difficulties. Most of U.S. intelligence on NK comes from countries that have more contact and/or diplomatic relations with NK - shared via intelligence services. However, this means that the U.S. is getting information based on the perceptual filter of the other country and not its own direct information. As a result, it is possible that the assessments are skewed or distorted as a result of third party filters.<sup>135</sup> Most of the intelligence tends to come from South Korea, Japan

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<sup>132</sup> Thomson (2009)

<sup>133</sup> John Diamond, "North Korea Keeps U.S. Intelligence Guessing," *USA Today*, March 3, 2003.

<sup>134</sup> William J. Broad, Douglas Jehl, David E. Sanger & Thom Shanker, "North Korea Intelligence Split U.S. Agencies," *The New York Times*, July 26, 2005.

<sup>135</sup> Thomason (2009); Pinkston & Saunders, 81.



and China.<sup>136</sup> However, according to a U.S. case officer, "The South Koreans [Agency for National Security Planning] have an ear to the ground and an ability to penetrate that the others don't.... But they have the same problems we have."<sup>137</sup>

## *II. Communication*

Another primary role of an embassy is to serve as a conduit for communication between the sender and target state.<sup>138</sup> Embassy officials constantly meet with both high-level members of the government and with citizens of their host country. Day to day communication is essential not only to convey U.S. interests and understand host country concerns, but also to explain certain key U.S. decisions. Similarly, regular, face-to-face communication in the target country also helps the sender state to forge relationships with people in the host state and maintain and develop these relationships over time.<sup>139</sup> In addition to simply serving as a communication mechanism, having a diplomatic presence helps states to deal with a number of potential problems. Diplomatic channels may be helpful as countries work out differences and deal with conflicts before they escalate to a higher level.

Diplomatic sanctions may hinder communication between the target state and sender, making miscommunication or misperception between the states more likely. Diplomatic sanctions create fewer formal channels of communication and also create resistance to other forms of state to state interaction in the name of isolation.<sup>140</sup> As noted by Barston, there may be signaling difficulties due to a lack of diplomatic relations because "It is not always clear who the target is or whether or not the message has been received."<sup>141</sup> This problem may be especially

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<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> Frank Carlucci, Warren Christopher, Carla Hills, Max Kampelman, Ralph Larsen, Donald F. McHenry, Sam Nunn, Phil Odeen, Colin Powell, Condoleeza Rice, George Shultz, Robert Strauss, Cyrus Vance, and John Whitehead, "Equipped for the Future," The Henry L. Stimson Center, October 1998.

<sup>139</sup> Robert Hopkins Miller, *Inside an American Embassy: The Political Role of Diplomats Abroad*, (Washington DC: Congressional Quarterly Press), 1992.

<sup>140</sup> While the U.S. and the target state may still retain some mechanisms of communication, such as statements via media and through other unofficial channels, diplomatic sanctions dramatically reduce formal communication and increase informational asymmetries.

<sup>141</sup> Barston, 43.

salient when dealing with extremely diplomatically and economically isolated states, such as North Korea, or fragmented states.

Diplomatic sanctions may also make states more likely to be dismissive or uncertain about the nature of messages conveyed through alternative communication channels. For example, the lack of diplomatic relations between Iran and the United States contributed to a situation in which a message was passed through a third party from the Iranians to the United States and ultimately ignored. In May 2003, the Iranian Foreign Ministry sent a fax to the Swiss ambassador in Tehran proposing a “grand bargain” between the U.S. and Iran.<sup>142</sup> The document addressed terrorism, Iran’s nuclear program and Israel, and called for direct talks and U.S.-Iran working groups on disarmament, regional security and economic cooperation.<sup>143</sup> According to multiple sources, the U.S. neither responded to the fax nor seriously considered the proposal.<sup>144</sup> While it is unclear whether or not the U.S. and Iran could have made progress on any the issues had the proposal been addressed, the diplomatic climate combined with the U.S. policy of isolating the regime took even the consideration of the proposal off the table.

Similarly, during the Korean conflict, U.S. uncertainty regarding the credibility of a message sent from China through a third-party ambassador may have influenced China’s decision to enter the war. At this time, the U.S. and China did not have diplomatic relations. While Chinese preparations to intervene began prior to the U.S. crossing of the 38<sup>th</sup> parallel, the decision to intervene does not appear to have been fully finalized and implemented until after the Chinese perceived Soviet support to be secured and the Americans crossed the 38<sup>th</sup> parallel.<sup>145</sup> Chen Jian supports the latter point, arguing the two triggering events for Chinese military intervention were

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<sup>142</sup> Leverett (2006), 12.

<sup>143</sup> Nicholas Kristof, “Iran’s Proposal for a Grand Bargain,” *The New York Times*, April 28, 2007. [http://www.nytimes.com/packages/pdf/opinion/20070429\\_iran-memo-expurgated.pdf](http://www.nytimes.com/packages/pdf/opinion/20070429_iran-memo-expurgated.pdf)

<sup>144</sup> Leverett (2006), 12, Gwertzman (2006). See also “Showdown with Iran: The ‘Grand Bargain’ Fax: A Missed Opportunity?” PBS Frontline, <http://www.pbs.org/wgbh/pages/frontline/showdown/themes/grandbargain.html>

<sup>145</sup> Chen Jian supports the latter point, arguing the two triggering events for Chinese military intervention were the crossing of the 38<sup>th</sup> and MacArthur’s ultimatum demanding unconditional surrender from Kim Il-sung, which caused Kim to turn to Mao for help. Chen Jian, “After Inchon: The Making of the Decision on Intervention,” *China’s Road to the Korean War* (New York: Columbia University Press, 1994), p. 87.

the crossing of the 38<sup>th</sup> and MacArthur's ultimatum demanding unconditional surrender from Kim Il-sung, which caused Kim to turn to Mao for help.<sup>146</sup> The Chinese even issued a warning to the Americans not to cross. The warning, issued after an emergency meeting on October 2, 1950, stated, "The American forces are endeavoring to cross the 38<sup>th</sup> parallel and aim to expand the war. If they really want to do so, we will not sit still and do nothing. We will surely respond. Please inform your prime minister of this position."<sup>147</sup> However, the warning was issued through an Indian diplomat, who served as the third-party communicator between the U.S. and China due to a lack of formal diplomatic relations. According to Secretary of State Dean Acheson, the reports from the Indians were consistent on this issue, but were not taken to be completely credible and the U.S. thought that Indian Ambassador Kavalam Pannikar, who conveyed the message, was not the most reliable of messengers.<sup>148</sup> The warning was not deemed credible by the U.S. and the U.S. troops crossed on October 7. The United States viewed Pannikar as a bias messenger and distrusted him due to his "leftist" political beliefs. David Halberstam, writes that Dean Acheson "viewed Pannikar as a mouthpiece for Beijing and not a serious diplomat."<sup>149</sup>

On a related note, policies based on diplomatic isolation may also allow the level of threat perceived by both the sender and target state to increase due to greater levels of uncertainty about each other.<sup>150</sup> For example, Jeffrey Fields argues that gaps in information about target states may create a self-perpetuating cycle of isolationist policies towards rogue states and isolation may also allow the level of threat perceived to increase due to greater uncertainty.<sup>151</sup> Diplomatic sanctions

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<sup>146</sup> Jian, 1994: p. 87.

<sup>147</sup> William Stueck, "Why the Korean War, Not the Korean Civil War?" *Rethinking the Korean War: A New Diplomatic and Strategic History* (Princeton: Princeton UP, 2002), pp. 89. Chen Jian, "After Inchon: The Making of the Decision on Intervention," *China's Road to the Korean War* (New York: Columbia University Press, 1994), p. 169, 180.

<sup>148</sup> Secretary of State Dean Acheson, "Princeton Seminar" comment, February 13, 1954 Papers of Dean Acheson, See [http://www.trumanlibrary.org/whistlestop/study\\_collections/korea/large/koreapt4\\_4.htm](http://www.trumanlibrary.org/whistlestop/study_collections/korea/large/koreapt4_4.htm)

<sup>149</sup> David Halberstam, *The Coldest Winter: America and the Korean War*, (New York: Hyperion, 2007), p. 335-337

<sup>150</sup> Fields, 2.

<sup>151</sup> Fields, Jeffrey, "Engage, Isolate, Attack: Explaining U.S. Foreign Policy Toward Rogue States," Unpublished working paper, [http://www-scf.usc.edu/~jrfields/fields\\_dissertation\\_prospectus.pdf](http://www-scf.usc.edu/~jrfields/fields_dissertation_prospectus.pdf), pp. 2.

are likely to make it more difficult for states to convey the intricacies of their demands. They may also create the potential for misperceptions resulting in unwarranted threat inflation or insecurity due to unfamiliarity and lack of contact. Fields also argues that a lack of information and increased uncertainty along with fears of being seen as appeasers lead policymakers to become increasingly ambivalent about the other state's intentions.<sup>152</sup> Limited contact between certain states may actually breed mistrust and also make it difficult to identify which individuals the U.S. ought to be working with or talking to in times of crisis or to convey certain information.<sup>153</sup> As a result, information about target states may create a self-perpetuating cycle of isolationist policies towards rogue states. He writes,

this [lack of diplomatic relations] means that government officials have limited contact with these target governments. This limits insight into the thinking of the adversary and information on internal deliberations. There is also limited contact between government officials and diplomats. The lack of contact may contribute to mistrust because of unfamiliarity. During extended periods of diplomatic and cultural isolation, the United States loses access to and knowledge of key interlocutors who may be crucial for resolving crises or communicating important information.<sup>154</sup>

As a result, diplomatic sanctions may inadvertently impact U.S. security by creating increased perception of threat or an actual increase in threat that is not perceived properly. In the case of the former, conflict may end up being more likely. In the case of the latter, U.S. security may be face a greater threat down the line because it failed to recognize nature and severity of a particular threat due to isolation.<sup>155</sup>

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<sup>152</sup> Fields, 295.

<sup>153</sup> Fields, 338. For more information on how interactions via cultural and educational exchanges between countries helps breed greater trust and break national stereotypes, see Carol Bellamy and Adam Weinberg, "Educational and Cultural Exchanges to Restore America's Image," *The Washington Quarterly*, The Center for Strategic and International Studies, Volume 3, Issue 3, 2008, pp. 55-68.

<sup>154</sup> Fields, 338.

<sup>155</sup> In addition to the potential consequences described above, policies of isolation and sanctioning can further strain relations between target and sender states by potentially radicalizing target state moderates, fostering internal support for the target state's regime and creating additional opposition to U.S. efforts. Not only does diplomatic isolation inhibit the United States' ability to monitor or undermine radicalization efforts in the country, but it also may prompt anti-American sentiments among the population at large. While diplomatic non-engagement is a strategy aimed at the regime, the general population may feel abandoned by the United States and punished by the resulting consequences of diplomatic disengagement. For more on this, see Fields, Jeffrey, "Engage, Isolate, Attack: Explaining U.S. Foreign Policy Toward Rogue States," Unpublished working paper, [http://www-scf.usc.edu/~jrfields/fields\\_dissertation\\_prospectus.pdf](http://www-scf.usc.edu/~jrfields/fields_dissertation_prospectus.pdf), pp. 2. Steve Chan and Cooper Drury, "Sanctions as Economic Statecraft: Theory and Practice," (St. Martin's Press, 2000).

### *III. Reduced Ability to Promote U.S. Interests and Engage in Public Diplomacy*

Embassy staff and ambassadors also serve to promote the sender country's interests abroad, influence the target state, and to assist with bilateral relations.<sup>156</sup> Part of the role of the embassy staff and the ambassador is to project a positive American image abroad to both the host government and the population through direct contact and public diplomacy campaigns.<sup>157</sup> For example, embassies may play a role in explaining the United States' position on a particular issue, and may even persuade key officials not to oppose U.S. policies by calling attention to the potential adverse consequences of such opposition. Embassies may also play a role in lobbying other segments of the target country population to support measures that are favorable to U.S. interests.<sup>158</sup> In addition, ambassadors can also help to ameliorate potential conflicts by being able to promptly influence events on the ground in the target country.<sup>159</sup> Ambassadors can also help to ameliorate potential conflicts by being able to promptly influence events on the ground in the target country.<sup>160</sup> For example, the U.S. ambassador to Mexico back in 1933 played a key role in mitigating a potential crisis or break in diplomatic relations between the U.S. and Mexico during this time. Following Mexico's nationalization of the foreign-owned oil industry, Ambassador Daniels played an integral role in moderating the U.S. response and in conveying U.S. positions to Mexico. According to Professor Yoav Tenenbaum, the Mexican undersecretary for foreign affairs attributed the maintenance of U.S.-Mexico diplomatic ties to the crucial role of the ambassador himself.<sup>161</sup> Embassies may also play a role in lobbying other segments of the target country population to support measures that are favorable to U.S. interests or conveying the

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<sup>156</sup> See Robert Wolfe, "Still lying abroad? On the Institution of the Resident Ambassador," *Diplomacy and Statecraft*, 1557-301x, Volume 9, Issue 2, 1998, pp. 25 and *America's Overseas Presence in the 21st Century*, Overseas Presence Advisory Panel, Lewis B. Kaden, Chairman. U.S. Department of State, November 1999, p. 16.

<sup>157</sup> Barston, 23. David Newsom, *Diplomacy and the American Democracy*, (Bloomington: Indiana University Press, 1988).

<sup>158</sup> Kaden, 23.

<sup>159</sup> Stimson Center, pp. 15-16.

<sup>160</sup> See Henry L. Stimson Center, "Equipped for the Future," pp. 15-16.

<sup>161</sup> Yoav J. Tenenbaum, "The Role of the Diplomat in the Modern Era," *Foreign Service Journal*, Volume 87, No. 1 (Washington DC: American Foreign Service Association, January 2010), p. 30-31.

American message with regard to a particular country to the media.<sup>162</sup> For example, as U.S. Public Affairs Officer in Tbilisi, Georgia, Sharon Hudson-Dean was not only responsible for conveying U.S. policy to the media, but she also worked to educate Georgians about U.S. policies by bringing in U.S. speakers and groups.<sup>163</sup>

Diplomatic sanctions also detract from the United States' ability to engage in public diplomacy and influence perceptions on the ground in target states. The closure of an embassy and consequent disengagement with a country cuts off one very substantial official avenue for the United States to promote its image abroad and work to shape the opinions of both leaders and the public in a target regime. A lack of a diplomatic presence in a country makes it difficult for the United States to give the host country a sense of Washington's thinking on various issues, which may increase the likelihood for further disagreements between the two states in the future.<sup>164</sup> According to Daniel Sreebny, Senior Media Advisor in the Office of the Under Secretary for Public Diplomacy and Public Affairs at the State Department, "if the stated policy is regime change or it is perceived that policy is regime change, it can often make it more difficult with regard to public diplomacy efforts in the country."<sup>165</sup>

The U.S. public diplomacy capability is also limited by the increased difficulty that NGOs may face in operating in the target country and the negative impact on aid flowing into the country.<sup>166</sup> For example, when the U.S. embassy in Kabul was closed in 1989, along with the closing of the embassy and the loss of State Department personnel in country also came the closing of the aid mission.<sup>167</sup> Following the Soviet withdrawal in 1989, donors from the United

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<sup>162</sup> See U.S. Department of State, "America's Overseas Presence in the 21st Century," p. 23.

<sup>163</sup> Dorman, Shawn, "Inside a U.S. Embassy," (Washington, D.C.: American Foreign Service Association), p. 28-29.

<sup>164</sup> "Talking to Enemies," Talk by Ambassador Charles Dunbar, Great Decision series at the Boston Public Library, March 11, 2008.

<sup>165</sup> Interview with Daniel Sreebny, Senior Media Advisor, Office of the Under Secretary for Public Diplomacy and Public Affairs, U.S. Department of State, July 2010.

<sup>166</sup> Not only might aid be substantially reduced, but the U.S. becomes less able to monitor aid that may continue to flow into the country to ensure it is being distributed through proper channels and in the right manner.

<sup>167</sup> Gutman, 57.

States and other countries began to contribute less money to Afghanistan in terms of aid.<sup>168</sup> USAID humanitarian assistance program in Afghanistan was officially shut down completely in 1994.<sup>169</sup> In the early nineties, the closest USAID mission was operating out of Pakistan, but that closed around this time period due to the sanctions on Pakistan related to uranium production for nuclear weapons, which made such aid banned.<sup>170</sup> As a result, there was no real USAID agenda in the region and there was no diplomatic presence on the ground to monitor any aid that was still flowing into the country, which caused NGOs to scale back their operations inside Afghanistan.<sup>171</sup> Undoubtedly, the loss of aid impacted perceptions of Afghans and U.S. leverage over developments in the region. Journalist Roy Gutman even goes as far as saying that the “absence of USAID presence had a lot to do with the rise of the Taliban.”<sup>172</sup>

#### **Information and Communication in Coercion and Bargaining**

While the economic sanctions literature has not focused on the role of information and communication in studies of sanctions effectiveness, the coercion and bargaining literature has emphasized the role of information and communication.

Ultimately, this dissertation is focusing on the effectiveness of a particular type of coercive strategy – sanctions. In cases of coercion, the sender state does not employ overwhelming force to get the target to comply with demands, but instead calibrates its threats to convince the target state that it will be better off complying with the sender states demands than not. According to Alex George, “The general idea of coercive diplomacy is to back one’s demand on an adversary with a threat of punishment for noncompliance that he will consider credible and potent enough to persuade him to comply with the demand.”<sup>173</sup> Alex George argues

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<sup>168</sup> U.S. Department of State, *Interagency Review of U.S. Government Civilian Humanitarian & Transition Programs*, January 2000, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB30/index.html>

<sup>169</sup> Coll, 6.

<sup>170</sup> Ibid.

<sup>171</sup> Ibid.

<sup>172</sup> Gutman, 57.

<sup>173</sup> Alexander George, *Forceful Persuasion: Coercive Diplomacy as an Alternative to War*, (Washington DC: United States Institute of Peace, 1991), pp. 4.

that threats and incentives play a significant role in coercive diplomacy, identifying a number of factors which contribute, although do not guarantee, successful employment of coercive diplomacy. Specifically, George cites the target's perceptions, the urgency of the coercer's objectives and the clarity of both sides regarding terms of settlement. On a related note, George points out that communication, signaling, bargaining and negotiating also play significant roles in coercive diplomacy and there needs to be effective communication between parties both verbally and through action, along with coordination, in order to make coercive diplomacy effective.<sup>174</sup>

These types of explanations are not unique to George's work on coercive diplomacy, as similar theoretical explanations can be found in Fearon's work pertaining to bargaining failure. In Fearon's "Rationalist Explanations for War," he tries to provide a rationalist explanation for why wars occur by showing why states may be unable to find mutually acceptable outcome that both states would prefer to war.<sup>175</sup> Fearon argues this inability is due to incentives of both sides to misrepresent information, the existence of private information and the inability of the states involved to make credible commitments. While Fearon does acknowledge that in theory states can communicate with each other to attempt to avoid miscalculations about states' relative power or will that may lead to war, he argues there are a number of reasons that may inhibit states from being able to do this. First, he points out irrational explanations that could drive states' miscalculations, such as emotions interfering with the accuracy of military assessments by instilling bias into their calculations. Second, due to the complexities of the world, different analysts in different countries could reach different conclusions about assessments of power and will. Lastly, he provides a rational explanation, which is that states might actually have private information about key factors, such as capabilities and resolve. This existence of private information may lead to very different estimates by a state and its adversary. Fearon then goes on to try to determine how it is that states might have private information, which leads him to the

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<sup>174</sup> George, 9.

<sup>175</sup> James Fearon, "Rationalist Explanations for War," *International Organization*, Vol. 49. No 3. (Summer 1995), pp. 379-414.



next part of his theory, which is that states have incentives to misrepresent information, such as exaggerating their will or capabilities or concealing certain capabilities from other states in bargaining situations.<sup>176</sup>

Just as private information, incentives to misrepresent and barriers to communication may undermine the ability of both states to reach bargained outcomes short of war, they may have similar effects in the realm of sanctions. Sender states may not have the necessary information for crafting effective sanctions or the necessary channels of communication for conveying conditions of compliance to the target state. Similarly communication channels and information are also integral parts of crafting public diplomacy campaigns to influence the regime or civilian population in the target state with regard to the demands of the sanctions. All of these reasons from the literature on coercive diplomacy and bargaining failure suggest diplomatic sanctions may undermine effective coercive diplomacy.<sup>177</sup>

### **Negotiations and Mediation**

The literature on negotiations and mediation has also emphasized the importance of information and communication in reaching successfully bargained outcomes. This literature focuses on the relationship between the state mediating and the parties being mediated. For example, Burcu Savun analyzes why some mediations lead to successful negotiated settlements and others do not. She argues that the mediator's information about the parties is a key factor in the likelihood of success.<sup>178</sup> More specifically Suvan argues that "a mediator needs to have information about the resolve and/or military capabilities of the disputants to be able to help them

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<sup>176</sup> The second major part of Fearon's rationalist explanations for war is the notion that states may not be able to credibly commit to one another to uphold the terms of an agreement, therefore, negotiations or bargaining breaks down and war results. He argues that there may be structural reasons that prevent states from trusting one another and reaching mutually acceptable bargained outcomes that are preferable to both sides over war.

<sup>177</sup> George also argues the greater the demand, the stronger the adversary's resistance will be. Lastly, he points out the target state's perceptions of the sender state's motivations and commitment and assessment of credibility and strength of threat play a significant role in determining coercion success or failure.

<sup>178</sup> Burcu Savun, "Information, Bias and Mediation Success," *International Studies Quarterly*, Vol. 52, Issue 1, 1998, pp. 25-47.

reduce the uncertainty responsible for bargaining failures.”<sup>179</sup> Savun also points to the bargaining literature as the basis of her argument about how a mediator’s information helps in dispute resolution. She points out that mediators may have information about the disputing states’ cost of fighting and/or probability of winning that the disputants might not know, so the mediator may ameliorate informational problems and reduce uncertainty to reach settlements. The corollary of this argument is that the more information the mediator has about the disputant states, the better able it is to help overcome these informational problems.<sup>180</sup>

In addition to bargaining and negotiating situations, the importance of transparency in has been written about more generally with regard to peace promotion and cooperation. Keohane and Wallander have argued that institutions also serve as credible informational and signaling mechanisms that help reduce uncertainty between states.<sup>181</sup> Keohane and Wallander write about investments in information as an instrument of a state’s security policy, arguing that information not only helps a state mitigate the likelihood of conflict, but it also helps states to exert influence over other states.<sup>182</sup> For Keohane and Wallendar, international institutions are mechanisms of information-sharing and they mostly focus on international organizations and alliances – however, the system of diplomatic relations can also be viewed as its own unique type of institution – serving the same informational function as the institutions they discuss in their work.<sup>183</sup> Similarly, diplomatic representation may contribute to transparency between states, which may reduce fears about cheating with regard to compliance with particular demands. For example, in his work on transparency and the promotion of peace, Lindley argues that

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<sup>179</sup> Ibid.

<sup>180</sup> Savun uses three proxies for a mediator’s information about the disputants. First, she assesses the strength of the mediator’s intelligence capabilities. Second, she assesses the mediator’s diplomatic representation in the disputant states. Third, she assesses the institutionalization of the alliance between the mediator and disputants. These measures will be discussed in greater detail in the next chapter addressing the dissertation’s quantitative methodology. In other work, Savun also looks at the trading relations between the mediator and the disputant as a way to gauge the information the mediator may have on the disputants.

<sup>181</sup> Helga Haftendorn, Robert Keohane, Celeste Wallander, *Imperfect Unions: Security Institutions Over Time and Space*, (New York: Oxford University Press, 1999), p. 3

<sup>182</sup> Keohane and Wallander, 5-8.

<sup>183</sup> Keohane and Wallander, 330.

transparency may also contribute to reducing fears about cheating with regard to demand compliance because states have a greater ability to monitor whether or not the other side is complying with demands.<sup>184</sup>

### **The Increasing Relevance of Information, Intelligence and Diplomacy<sup>185</sup>**

The arguments above illustrate the theoretical underpinnings for the relevance of information and communication in the international relations literature. However, in addition to the integral role of information with regard to theories about bargaining, coercion and negotiations, there are other arguments suggesting that the importance of information, intelligence and diplomacy is increasing – particularly for the United States. Although the United States has been the dominant economic and military power in the international system since the end of the Cold War, there has been a general acknowledgement and recognition of the fact that hard power alone does not translate into desired outcomes or influence for a variety of reasons – both based on the new types of threats in the international system as well as other global transformations in the international system.

In the aftermath of 9/11, along with the interventions into Afghanistan and Iraq, there has been an increasing focus on intelligence – particularly as a result of the U.S. war on terror and the fact that both conflicts involved insurgencies. In a recent special feature, *The Washington Post* documented the proliferation of intelligence-focused agencies and companies, pointing out that “some 1271 government organizations and 1931 private companies that work on programs related to counterterrorism, homeland security and intelligence in about 10,000 locations across the United States.”<sup>186</sup> However, the renewed focus on intelligence and diplomacy in the context of U.S. foreign policy should not be surprising given that an overarching shift away from hard

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<sup>184</sup> Daniel Lindley, *Promoting Peace with Information*, (Princeton: Princeton University Press, 2007), p. 25.

<sup>185</sup> This section was based the following lecture: Tara Maller, “Dismantling the Dissertation: Insights on Intelligence, Information and International Relations,” Remarks at Coverago LLC in Newark, NJ, June 16, 2011.

<sup>186</sup> Dana Priest and William Arkin, “A Hidden World, Growing Beyond Control,” *The Washington Post*, <http://projects.washingtonpost.com/top-secret-america/articles/a-hidden-world-growing-beyond-control/>

power and towards soft power actually predates 9/11 as a result of a number of transformations in the international system.

In his work on “soft power” and “smart power,” Joseph Nye discusses the changing global information age and discusses how traditional hard power that is predicated on military force and economic resources no longer give the U.S. as much traction in the international system as it once did.<sup>187</sup> Nye essentially argues that there is a greater need to emphasize the tools of soft power or “the ability to get what you want through attraction rather than coercion and payment,”<sup>188</sup> Nye argues that a country like the U.S. needs to work towards desired outcomes not simply by force or coercion, but by getting other countries to actually want to change their behavior or values in accordance with the U.S.. For these sorts of shifts, diplomacy, intelligence, credibility and reputation are crucial. Nye argues that “smart power,” or “the ability to combine both hard and soft power resources into effective strategies.”<sup>189</sup>

There are a number of arguments as to why traditional hard power tools of power have become less valuable and why soft power is becoming increasingly important. Most of the arguments that frame this shift relate to the changing costs of conflict and increased complex interdependence in the international system. As military conflicts become more costly to states and economies become increasingly linked to one another, military and economic tools may lose some traction – at least if they are used without other softer tools of power.

What are some of the reasons behind this shift? The international relations literature highlights a number of trends that explain the increasing cost of conflict to states.<sup>190</sup> Many of these arguments can also shed light on why information, intelligence, communication and

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<sup>187</sup> For more on Joseph Nye’s arguments on soft power and smart power, see Joseph Nye, *The Paradox of American Power* (New York: Oxford University Press, 2002); Joseph Nye, *The Future of Power*, (New York: Public Affairs, 2011).

<sup>188</sup> Joseph Nye, “Joseph Nye on Smart Power,” Harvard Kennedy School of Government, July 3, 2008.

<sup>189</sup> Joseph Nye, “The Future of Power,” p. 22-23.

<sup>190</sup> For more on these arguments, see Carl Kaysen, “Is War Obsolete?” *International Security*, Vol. 14, No. 4 (Spring, 1990), pp. 42-64; Stephen Brooks, “The Globalization of Production and the Changing Benefits of Conquest.” *Journal of Conflict Resolution* 43, 5 (October 1999). Peter Liberman, “The Spoils of Conquest,” *International Security*, Vol 18, No. 22, (Autumn 1993).

diplomacy are becoming increasingly important in terms of assisting the U.S. in exerting influence in the international system and attaining desired outcomes across a wide range of issues. First, the capacity for destruction in military conflict has increased as a result of technological advancements in weaponry and the proliferation of WMD. The costs of using military power to attain desired outcomes runs the risk of substantial devastation – potentially on a catastrophic level if nuclear weapons were to be employed by a target. Second, as a result of increased economic interdependence, costs imposed by the U.S. on a target state (whether militarily or economically) may also negatively impact the U.S. economically due to the increasingly linked nature of the global economy. Therefore, wreaking havoc on another country’s economy in order to get it to change its behavior may have substantial negative repercussions for the United States. Third, there has been a strengthening of norms against the use of force making it more difficult to use force without some level of acceptance from the international community and/or domestic publics. Fourth, there has been a shift away from land-based economies based on agricultural and industrial production to information/knowledge based economies in which land is less valuable and value is based on human capital. Fifth, the rise of asymmetric threats to the U.S., such as terrorism and insurgencies are increasingly reliant on strategies based on “hearts and minds” strategies as opposed to military power alone.

Many of these arguments can help explain the trends toward in increasing focus on intelligence collection and the proliferation of intelligence agencies in the United States.<sup>191</sup> They also provide some backdrop for the central argument in this dissertation by illustrating why we might expect intelligence, communication and diplomacy to play an integral role in shaping desired U.S. foreign policy outcomes when trying to influence behavioral changes in target states in the international system.

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<sup>191</sup> These shifts not only help explain proliferation of intel agencies in U.S. government, but also the proliferation of private intel-related companies focused on providing open source intelligence to private companies, such as Eurasia Group, Stratfor and Coverago.

## Theory and Hypotheses

The theory presented and evaluated in this dissertation has been developed based on the ideas embodied in the literature above. This section explains the central arguments and presents the dissertation's main hypotheses before going on to test them in the next chapter.

While the previous section outlined some of the consequences of diplomatic sanctions, the theory itself posits that diplomatic sanctions not only impact intelligence collection, communication and public diplomacy efforts, but that these effects may actually undermine the effectiveness of economic sanctions and impact foreign policy outcomes.

Why might one expect information and communication between the sender and target state to play a role in the likelihood of sanctions' effectiveness? First, the bargaining and coercive diplomacy literature suggests that reducing information and impeding communication may undermine the ability of the sender to effectively coerce the target state. Increasing private and incomplete information in a particular sanctions episode may make attaining bargained outcomes less likely.<sup>192</sup> If one party has private information about its capabilities or the cost of potential conflict, it is then uncertain about the point at which the other party is indifferent between accepting or rejecting a bargain. The sanctioning process can be viewed as similar to a bargaining process with incomplete information playing a role in sanctioning failure as it does in bargaining failure. As illustrated in the literature on bargaining and mediation, more complete information increases the likelihood that sender and target states will be able to locate the

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<sup>192</sup> James Fearon, "Rationalist Explanations for War," *International Organization*, Vol. 49. No 3. (Summer 1995), pp. 379-414. Alexander George, *Forceful Persuasion: Coercive Diplomacy as an Alternative to War*, (Washington DC: United States Institute of Peace, 1991), pp. 4. This general argument is not unique, as it is found in literature related to coercive diplomacy and war onset, but it has not been applied to the study of sanctions. Alexander George points out that communication, signaling, bargaining and negotiating play significant roles in coercive diplomacy and that there needs to be effective communication between parties both verbally and through action, along with coordination, in order to make coercive diplomacy effective. Similarly, Fearon provides a rationalist explanation for why wars occur by showing why states may be unable to find mutually acceptable outcome that both states would prefer to war. Fearon argues this inability is due to incentives of both sides to misrepresent information and the existence of private information

mutually acceptable outcomes in the bargain and make concessions or offers within this range.<sup>193</sup> If the parties in the sanctions episode have private information about their capabilities, the cost of potential conflict, the nature of the problem itself or what constitutes complete compliance, then they are more likely to be uncertain about the point at which the other party is indifferent between accepting or rejecting a bargain.<sup>194</sup> This then makes it increasingly difficult for the target state to make an optimal concession. It might make too big of a concession or it might make too small of a concession, which would provoke additional coercive measures or potentially even violence, if the conflict were to escalate.<sup>195</sup> As illustrated in the literature on bargaining and mediation, more complete information makes it more likely states will be able to locate the mutually acceptable outcomes in the bargain and make concessions or offers within this range.<sup>196</sup> More complete information and less uncertainty is less likely with greater transparency through diplomatic ties, communication and informational exchange.<sup>197</sup>

With regard to sanctions, a sender's lack of information on the target state may also make it more difficult to craft effective sanctions policies. Imposing effective sanctions requires knowledge of specific target state vulnerabilities to tailor sanctions in a way most likely to produce target state cooperation. Crafting an effective sanctions regime presumably requires

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<sup>193</sup> Ibid. Burcu Savun, "Information, Bias and Mediation Success," *International Studies Quarterly*, Vol. 52, Issue 1, April 2009, pp. 25-47.

<sup>194</sup> Valentin Krustev goes so far as to argue that when states have complete information sanctions would not arise in the first place. With complete information states would be aware of the probability of "winning" the sanctioning process and each other's costs in the sanctioning process and sanctions would not result. However, once incomplete information becomes part of the sanctioning process and states are unsure about the costs of sanctions or resolve of the other side, sanctions become possible. Krustev also argues that theoretically speaking we should not see economic sanctions, which are costly delays for both sides, and instead should see states reach agreements (as a bargaining framework would suggest). See Valentin Krustev, "Bargaining and Economic Coercion: The Use and Effectiveness of Sanctions," Ph.D. Thesis, Rice University, Rice Digital Scholarship Archive, 2007, p. 24. Available online at <http://scholarship.rice.edu/handle/1911/20621> TC Morgan, AC Miers, "When Threats Succeed: A Formal Model of the Threat and Use of Economic Sanctions," Annual Meeting of the American Political Science Association, 1999.

<sup>195</sup> Burcu Savun, "Information, Bias and Mediation Success," *International Studies Quarterly*, Vol. 52, Issue 1, (1998), pp. 25-47.

<sup>196</sup> Ibid.

<sup>197</sup> For similar arguments about the role of transparency in promoting peace and cooperation, see Dan Lindley, *Promoting Peace With Information: Transparency as a Tool of Security Regimes*, (Princeton: Princeton University Press, 2007)

knowledge about who to target with the sanctions and accurate cost estimates about the costs of sanctions to the target state (as well as how these costs may or not be offset by relationships with other states in the international system). To the extent that a lack of diplomatic presence in the target state reduces U.S. capacity for information-gathering, the U.S. may be less equipped to identify what particular groups, businesses or leaders to target. For example, the Office of Foreign Asset Control (OFAC) at the U.S. Treasury Department is responsible for designating sanctions' targets within countries and uses intelligence on a day to day basis to make these determinations.<sup>198</sup> According to Adam Szubin, Director of the Office of Foreign Assets Control (OFAC) at the U.S. Department of Treasury, "One of the sources we rely on pretty heavily is diplomatic reporting. The presence or absence of or the footprint of our embassies or consulates in a foreign country do directly affect the level and quality of information we get...Also, there is a need in sanctions for good intelligence and accurate up to date reliable information, so you can put out sanctions lists that are reliable." Similarly, according to Jason Blazakis, the State Department's Head of the Coordinator for Counterterrorism's Designation Unit, "the issue is if you have an embassy presence and the country is a state sponsor – it is more important to have the embassy in place to orchestrate the dialogue and actions....and what you have to do to get the state off the list." He also pointed out that intelligence plays a role in this process and embassy officials on the ground would have insight into the reporting.<sup>199</sup>

The sender state needs to ask a number of questions in crafting economic sanctions - Should the sanctions target political leaders in the regime? Business leaders in certain sectors of the economy? Should the sanctions be comprehensive or narrow? Embassy reporting is crucial in the sanctioning process. There is a significant amount of information that comes through the

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<sup>198</sup> Interview w/Adam Szubin, Director of the Office of Foreign Asset Control, U.S Department of Treasury, June 2010.

<sup>199</sup> Interview with Jason Blazakis, Chief of the Designation's Unit in the office of Coordinator for Counterterrorism, U.S. Department of State, July 2010.



economic officers in the target state embassies who are actually going out and meeting with host government officials and those in the local chamber of commerce.<sup>200</sup>

Diplomatic reporting also plays a key role in assessing political motivations and fissures within the regime. Understanding regime dynamics are key when talking about sanctions and understanding the best way to impact a particular regime.<sup>201</sup> Recognizing fissures that can be exploited are key in crafting sanctions. According to Szubin, “When we look at a sanctions list of regime figures we are very reliant on diplomatic reporting as to people’s proclivities and whether or not they are winnable. Can we peel them off by maybe suggesting that they can get delisted or that their businesses can get delisted?”<sup>202</sup> In addition, SIGINT and HUMINT also play a key role in the realm of information relating to sanctions for terrorism and proliferation matters.<sup>203</sup>

State Department officials also work with embassies on the ground to talk to host governments and to notify them of designations.<sup>204</sup> State Department officials also rely on a combination of open source reporting, embassy reporting and other forms of intelligence in crafting sanctions policies.<sup>205</sup>

Similarly, the sender state needs to assess how it is going to determine whether or not compliance has occurred and to what degree the target state must comply to have sanctions lifted. Targeted sanctions require the ability to monitor whether or not the target state is complying with the sender state’s demands and to what degree.<sup>206</sup> Must there be full compliance? Are there ways to monitor when in fact such compliance has occurred? Intelligence capabilities and knowledge of specific vulnerabilities in the target state are also key in crafting effective sanctions policies

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<sup>200</sup> Interview with Adam Szubin, June 2010

<sup>201</sup> Interview with Adam Szubin, June 2010.

<sup>202</sup> Interview with Adam Szubin, June 2010.

<sup>203</sup> Interview with Adam Szubin, June 2010.

<sup>204</sup> Interview with anonymous U.S. State Department official who works on sanctions, July 2010.

<sup>205</sup> Interview with anonymous U.S. State Department official who works on sanctions, July 2010.

<sup>206</sup> The Stockholm Process on the Implementation of Targeted Sanctions, “How Can the Accuracy and Effectiveness of Targeted Sanctions be Improved and How Can Sanctions Evasion be Addressed?,” Working Group Discussion Paper, (SPITS), 9 May 2002, available online at: [http://www.smartsanctions.se/stockholm\\_process/reports/Report\\_WG\\_3\\_SPITS\\_no2.pdf](http://www.smartsanctions.se/stockholm_process/reports/Report_WG_3_SPITS_no2.pdf)

and tracking them over time.<sup>207</sup> Information on the target state and the ability to communicate and monitor sanctions within the target state are both key to this entire process. According to a 1999 CSIS Report on U.S. Sanctions, a high level of intelligence with regard to the target country is essential for crafting and imposing sanctions aimed specifically at a the target's vulnerabilities.<sup>208</sup> To the extent that a lack of diplomatic presence in the target state reduces U.S. capacity for information-gathering, the U.S. is less able to identify target state vulnerabilities and, hence, to craft precisely targeted, "smart" economic sanctions. In an interview with Ambassador Barbara Bodine, she points out that the embassy plays a significant role in sanctioning states, as economic officers contribute to reporting on targets and the impact of sanctions on the ground.<sup>209</sup>

Similarly, the U.S. may not be able to clearly assess the type and severity of sanctions that ought to be employed in a particular case. In addition, an absence of U.S. personnel on the ground or a general lack of intelligence on or communication with a particular state may make it particularly challenging to assess both the willingness of the target state to change its behavior and the effectiveness of economic sanctions over time. This decreased ability to understand the consequences of sanctions in real time may make it more difficult to calibrate ongoing sanctions based on which elements of the sanctions policy are succeeding and which are not. In addition, the sender state also needs to be able to track potential unintended consequences of targeted sanctions.<sup>210</sup> Similarly, intelligence and diplomatic ties may assist with the designation and delisting process. According to a State Department official, there are different ways for countries, entities and individuals to be removed from the different U.S. sanctions programs related to terrorism, which include the State Sponsors of Terrorism List, Executive Order 13224,

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<sup>207</sup> Haass, 210.

<sup>208</sup> Joseph Collins and Gabrielle Bowdown, "Beyond Unilateral Economic Sanctions: Better Alternatives to U.S. Foreign Policy," (Washington DC: Center for Strategic and International Studies, 1999), pp. xi and 22.

<sup>209</sup> Interview with Ambassador Barbara Bodine, July 2010.

<sup>210</sup> Ibid.

and the United Nations' Al-Qaeda/Taliban sanctions regime (which, in the United States, is linked to E.O. 13224).<sup>211</sup>

The use of diplomatic sanctions would seem to play a pivotal role in increasing private information, as states lose access to important information when diplomatic ties are severed.<sup>212</sup> Director Adam Szubin points out that some of the most useful intelligence is not specifically related to the economic impact of sanctions, but rather, it is related to how much pressure the targeted regime is feeling as a result of particular sanctions. In other words, it is important to try to assess the degree to which the regime is concerned about sanctions being imposed. Szubin argues that understanding the psychological dimension of sanctions via intelligence is just as important, if not more important, than assessing the direct economic impact of sanctions on the ground.<sup>213</sup> Unfortunately, generally speaking, the State Department already does very little to monitor domestic public opinion on sanctions. According to a senior State Department official, State actions to monitor public opinion on sanctions via polling or in other forms are not done “not done in any regular, systematic way.”<sup>214</sup>

Reduced communication between the sender and target state resulting from diplomatic disengagement may also hinder the sender state's ability to properly convey demands to the target state and to insure that the target state knows what it has to do in order to have sanctions lifted. Limited communication channels and access to important officials makes it increasingly difficult to pressure the target state and explain to the target state what constitutes compliance. The sender

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<sup>211</sup> Interview with anonymous senior U.S. State Department Official, July 2010.

<sup>212</sup> It is worth pointing out the caveat that some officials noted that the U.S. government does not currently do a good job of tracking effectiveness of sanctions policies regardless of the status of diplomatic relations. Some officials who were interviewed noted that the U.S. government does not currently do a systematic job of tracking effectiveness of various sanctions policies regardless of the status of diplomatic relations with the target state. For example, a State Department official stated that, “We [U.S. State Department] do not currently have any regular, formal process for assessing the effectiveness of sanctions generally. We will look at an individual regime if we are looking at our overall policy towards a given country, and academics and think tanks obviously look at effectiveness.” State and Treasury, however, do have a significant amount of staff and resources devoted to sanctions policy efficacy, even if no formal process for evaluating effectiveness exists. There is also a rigorous review of individuals and entities before they are initially listed.

<sup>213</sup> Interview with Adam Szubin, Director of OFAC at the U.S. Treasury Department, June 2010.

<sup>214</sup> Interview with anonymous senior U.S. State Department Official, July 2010.

state needs to be able to clearly articulate the nature of the demands to the target state regime and target state population, along with explaining the reasoning for the sanctions. Most of the communication the Treasury Department has with a target state is through diplomatic channels.<sup>215</sup> Szubin believes that communication is essential in the context of the sanctioning process.<sup>216</sup> He states,

When you are doing these things [actions related to designations and sanctions], the target needs to understand why. They need to understand both what you are upset about and what the target can do to change that and also the U.S. willingness to work with them...If it is a regime that feels like the U.S. is a lost cause and no matter what the regime does we [the U.S.] will continue to impose sanctions, that will tremendously undermine any sanctions regime even if it is extremely effective or irritating to them. If they [the target regimes] have written off any chance of getting them lifted, we are hurting ourselves and don't have smart sanctions.<sup>217</sup>

Szubin also acknowledges that the United States does a better job communicating with target states when it has a presence in the country. Szubin claims that dealings with Iran, North Korea and Burma tend to be more indirect and getting messages to these countries is "cumbersome.... and you don't get the same informal talk over coffee that you get when you have regular interactions between mid-level officials."<sup>218</sup>

In order to mitigate backlash effects and convey rationale for sanctions to the target population, there ought to be some element of a public information campaigns to explain the purpose of the sanctions. According to a working group paper published by the Stockholm Process on the Implementation of Targeted Sanctions, "Public information campaigns oriented towards civilian populations in the target state as well as in third states on the rationale of sanctions (e.g. to end a conflict and save lives). Suitable communication with the target encourages compliance."<sup>219</sup> A diplomatic presence allows officials to discuss the purpose of sanctions and the conditions that need to be met for the sanctions to be removed. Similarly, the purpose of economic sanctions can be explained to the population, so that the target country does

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<sup>215</sup> Interview with Adam Szubin, July 2010.

<sup>216</sup> Interview with Adam Szubin, July 2010.

<sup>217</sup> Interview with Adam Szubin, July 2010.

<sup>218</sup> Interview with Adam Szubin, July 2010.

<sup>219</sup> Discussion Paper from the First Plenary Meeting, Gimo, Sweden, April 3-5, 2002. Stockholm Process on the Implementation of Targeted Sanctions, pp. 5. Available online at: [http://www.smartsanctions.se/stockholm\\_process/reports/archive/wg3\\_rep2.htm](http://www.smartsanctions.se/stockholm_process/reports/archive/wg3_rep2.htm)

not have a monopoly on the information regarding how and why sanctions have been imposed. Diplomatic sanctions may make it increasingly difficult for the sender state to clearly articulate its threats and to track the impact of various threats and punishments on the target government or population.

In addition, information collection and communication channels reduce the likelihood of misperception between the target and sender states, which may impact the likelihood of compliance. In fact, Hovi and Huseby found that once sanctions are imposed, the successful cases share two attributes.<sup>220</sup> The target state tends to underestimate the impact of sanctions and miscalculates the opponent's determination to impose them or wrongly believes they will face sanctions regardless of its behavior. Second, they posit that when the target's misperception of both these things is corrected after imposition of sanctions, sanctions are more likely to succeed. A corollary to this argument is that if the target state is unable to correct its misperceptions (due to bad information or lack of communication) they are less likely to comply. Therefore, misinformation and lack of communication from the target state's perspective can also have an impact on sanctions effectiveness.

For all of these reasons, the notion of severing diplomatic ties or choosing not to diplomatically engage with problematic regimes seems all the more at odds with the central tenets of diplomacy and all the more puzzling. Proponents of engagement policies have touted the benefits of engagement in attaining U.S. foreign policy goals.

#### *Diplomatic Sanctions Hypotheses*

For these reasons, this research tests two hypotheses relating to diplomatic sanctions. These hypotheses are examined in both the quantitative and qualitative analysis.

H5a: The use of diplomatic sanctions, and the increasing level of diplomatic sanctions, will lower the likelihood of successful outcomes in economic sanctions episodes.<sup>221</sup>

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<sup>220</sup> Jon Hovi, Robert Huseby and Detlef Sprinz, "When Do (Imposed) Economic Sanctions Work," *World Politics*, Vol. 57, Number 4, (July 2005), pp. 479-499.

<sup>221</sup> Hypothesis 5 is linked to the assumption that diplomatic sanctions reduce intelligence and information on the target state, undermine communication and create resistance to engagement. The unintended

H5b: The use of diplomatic sanctions, and the increasing level of diplomatic sanctions, will lower the information collection capabilities of the sender state and reduce communication with the target state.

*Additional Hypotheses Related to Information and Transparency*

Diplomatic sanctions are not the only mechanism by which informational and communication problems between states can be exacerbated or ameliorated. Therefore, while the focus of the dissertation is on diplomatic sanctions we might also expect the informational and communication mechanisms underlying the theory to be impacted by other variables. When looking at the sender-target relationship, one might expect that if the two states are part of an alliance that foster informational exchanges and communication (in the lead-up to sanctions and/or during the sanctions episode itself), sanctions are likely to be more effective for the same reasons we'd expect diplomatic relations to bolster sanctions effectiveness. In Burcu Savun's work on the role of information in mediation, she derives four informational measures to gauge the degree of information the mediator has about the disputants in a negotiation.<sup>222</sup> One component of these measures relates to the institutionalization of alliances, taken from the

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consequences of diplomatic sanctions are essentially what drive the causal mechanism behind diplomatic sanctions leading to reduced sanctions effectiveness. While H5 will be tested in the quantitative portion of the text, the specific causal mechanisms driving the relationship will be explored in greater detail through the case studies.

<sup>222</sup> Savun's measures of information are based on 1) diplomatic representation (between the mediator and disputants), 2) the trading relationship, 3) intelligence gathering capabilities and 4) institutionalized military alliance ties between the mediator and the disputants. For intelligence gathering, Savun creates a crude proxy to gauge the overall intelligence-gathering capabilities of the mediator as a measure of information by collecting information on the reconnaissance aircraft and submarines in possessions by the state and coding 1 for states with no information collection capability, 1 for states with some information capability and 2 for states with high levels of information collection capability. She also codes dichotomously. However, as she herself points out, this does is a general measure and does not capture the dyadic measure of intelligence between the mediator and the disputant – a measure which would be extremely difficult to assess. Therefore, intelligence-gathering capabilities of the sender state with regard to the target state are not addressed in the quantitative analysis, but will be examined later in the case studies further exploring sanctions' effectiveness. Savun herself eliminates this approximation in her published article and it only appears in unpublished doctoral dissertation. Savun, Burcu, "Mediator Types and the Effectiveness of Information Provision Strategies in the Resolution of International Conflict," in *International Conflict Mediation: New Approaches and Findings*, ed. Jacob Bercovitch and Scott Sigmund Gartner (New York: Routledge, 2009), pp. 96-114.

Alliance Treaty Obligations and Provisions dataset.<sup>223</sup> The alliance-related hypotheses below are derived from these measures.

### **Alliance Hypotheses**

H6a: Sanctions are more likely to be effective when the sender and target state are part of an alliance with provisions for regular communication and military contact between the sender and target state armed services and military planners.

H6b: Sanctions are more likely to be effective when the sender and target state are in an alliance with provisions for regularly scheduled meetings and the creation of specific organizations associated with the alliance agreement.

H6c: Sanctions are more likely to be effective when the sender and target state are part of an alliance with provisions for non-military cooperation.

### *Regime Transparency: Release of Information and Freedom of the Press*

In addition to diplomatic sanctions and shared alliance-related variables, the general transparency of the target state may also have an impact on effectiveness of sanctions. First, the general transparency of the target state may make it more or less difficult for the sender state to communicate with it or gain essential information about the target state. If the target state is more transparent with regard to the release of information, it might be easier to collect information on it than if it is a very closed state with very little release of information. Second, a free press may make it easier for the sender state to track what is going on in the target state and to receive information regarding economic and political developments in the target state. Open source information via media channels actually constitutes one widely-used source of intelligence for the sender state, regardless of whether or not the sender state has a presence on the ground.

For these reasons, transparency of the target regime and freedom of the press also be included in the analysis with the following two hypotheses:

H7: The greater the transparency of the target state, the more likely sanctions will be effective.

H8: The greater the freedom of press in the target state, the more likely sanctions will be effective.

The previous two chapters have placed diplomacy-related variables into the context of previous literature to date and have also placed the central arguments within the context of

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<sup>223</sup> For more on characteristics of alliances and alliance institutionalization, see: Brett Ashley Leeds, "Alliance Treaty Obligations and Provisions (ATOP) Codebook," Version 3.0, July 12, 2005.

current policy debates about U.S. sanctions and diplomatic engagement with problematic states. The next chapter focuses on the quantitative analysis of the data before moving on to address specific cases in greater detail.

**Table III. Review of the Major Alternative Theories of Sanctions' Effectiveness**

<b>Major Alternative Theories of Sanctions' Effectiveness</b>	<b>Associated Hypotheses</b>
<b>Costs-based</b>	1a) As the costs (economic and political) to the target state increase, the likelihood of sanctions' effectiveness increases. 1b) As trade linkages between the sender and target state increase, the likelihood of sanctions' effectiveness increases. 1c) The use of military force in sanctions episodes makes sanctions more likely to be effective. 1d) As international cooperation with sender state increases, the likelihood of sanctions' effectiveness increases. 1e) As balance of power ratio increases, the likelihood of sanctions effectiveness increases.
<b>Commitment/Resolve</b>	2) As the costs to the sender state increase, the likelihood of sanctions' effectiveness increases.
<b>Target Attributes</b>	3a) The more democratic the target state, the more likely sanctions are to succeed.  3b) The greater the economic health and political stability of the target state, the more likely sanctions are to fail.
<b>Demands (type and severity)</b>	4) The more severe the demands placed on the target state, the more likely sanctions are to fail.
<b>Conflict Expectations</b>	5) The better prior relations are between the target and sender state, the more likely sanctions are to succeed.



## New Hypotheses

<p><b>Diplomatic Sanctions Theory</b></p>	<p>6a) The use of diplomatic sanctions, and the increasing level of diplomatic sanctions, will lower the likelihood of successful outcomes in economic sanctions episodes.<sup>224</sup></p> <p>6b) The use of diplomatic sanctions, and the increasing level of diplomatic sanctions, will lower the information collection capabilities of the sender state and reduce communication with the target state</p>
<p><b>Secondary Information and Communication Variables</b></p>	<p>-----</p> <p>7a) Sanctions are more likely to be effective when the sender and target state are in an alliance w/provisions for regularly scheduled communication and contact between military planners and armed services.</p> <p>7b) Sanctions are more likely to be effective when the sender and target state are in an alliance w/provisions for regularly scheduled meetings and creation of specific organization</p> <p>7c) Sanctions are more likely to be effective when the sender and target state are in an alliance with provisions for non-military cooperation.</p> <p>8) The greater the degree of transparency (information released) of the target state, the more likely sanctions are to be effective.</p> <p>9) The greater the freedom of the press in the target state, the more likely sanctions are to be effective.</p>

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<sup>224</sup> Hypotheses 6a is linked to the assumption that diplomatic sanctions reduce intelligence and information on the target state, undermine communication and create resistance to engagement. The unintended consequences of diplomatic sanctions are essentially what drive the causal mechanism behind diplomatic sanctions leading to reduced sanctions effectiveness. While H6b will be tested in the quantitative portion of the text, the specific causal mechanisms driving the relationship will be explored in greater detail through the case studies.

## **Chapter II. Quantitative Analysis**

This chapter presents the quantitative methodology, along with a summary of the main findings and a discussion of the results. First, the methodology will be explained, in terms of the data collection and statistical tests employed. Second, summary statistics and the results of the statistical models will be presented and be followed by a discussion of the findings. The statistical models first focus on examining the determinants of U.S. economic sanctions success and failure to assess how the findings compare to previous findings on economic sanctions' effectiveness. I then construct a new model, which includes the new variables of interest, to assess how the presence of diplomatic sanctions and level of diplomatic sanctions impacts the policy result in economic sanctions episodes.<sup>225</sup>

### **The Data**

While HSE analyze all economic sanctions episodes starting with the 1914-1918 blockade of Germany, the analysis in this dissertation examines a sub-set of these cases. While others have modified their analysis in different ways, most studies of economic sanctions effectiveness tend to employ the HSE economic sanctions database as the primary source of economic sanctions data. HSE define economic sanctions as “the deliberate, government-inspired withdrawal, or threat of withdrawal, of customary trade or financial relations.”<sup>226</sup> This is also similar to the definition adopted by Drury and Chan, who view economic sanctions as “the actual or threatened withdrawal of economic resources to effect a policy change by the target.” The realm of cases of interest is also limited to looking at the use of economic sanctions to achieve foreign policy goals, which is distinct from the use of economic tools for other means.<sup>227</sup>

This portion of the study focuses on a subset of 126 post World War II economic sanctions episodes in which the United States is one of the primary senders. Focusing on post-

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<sup>225</sup> Special thanks to Brian Feinstein, Phil Haun, Gabe Lenz & David Singer for valuable feedback and assistance related to the quantitative analysis chapter.

<sup>226</sup> HSE, 3.

<sup>227</sup> This aspect of the definition has also been adopted from HSE pp. 3

war sanctions episodes is not unprecedented and there are a few reasons for analyzing these cases for this research.<sup>228</sup> Bergeijk notes, “observations for World War I and II and the Interbellum seem less suitable because of both the special character of the period and the limited availability of data.”<sup>229</sup> In addition, during World War I and World War II, sanctions were mostly used as measures associated with war, as opposed to measures used to coerce the target regime. The most recent version of the HSE database is used to identify the U.S. post-war sanctions cases. These cases are defined as any case in which the U.S. was one of the primary sanction senders. Therefore, the sanctions episodes included in this analysis start with the U.S. sanctions aimed at destabilizing the Argentinean government (1944-1947) and end with U.S. sanctions against Ecuador, as this is the last sanctions episode in the HSE database.

The original HSE database has 174 economic sanctions cases identified globally. However, they note that in the sanctions cases that involve more than one target country or more than one phase, there are multiple entries included in the database, so there are a total of 204 observations or episodes. Narrowing down the observations to be only U.S.-centric cases drops the total number of observations to 126.<sup>230</sup> Focusing analysis just on the U.S. in studies of sanctions is not unusual, as many studies take this approach<sup>231</sup> There are a few reasons for dropping non-U.S. cases. First, HSE data was only collected from English language sources, which creates a general bias in the larger dataset, as smaller powers imposing sanctions are less likely to be included. Therefore, the full universe of U.S. cases is most likely represented in the

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<sup>228</sup> Many other works on sanctions focus primarily on cases in the post-war period. See Shane Bonetti, “Distinguishing Characteristics of Degrees of Success and Failure in Economic Sanctions Episodes,” *Applied Economics*, 1998, 30 805-813. Van Bergeijk, P.A.G “The Determinants of Success and Failure of Economic Sanctions: Some Empirical Results,” *Development and Security*, No. 22 1-45, 1987. van Bergeijk, P.A.G, “Success and Failure of Economic Sanctions,” *Kyklos*, 42, 385-404 1989.

<sup>229</sup> In addition, as Bergijk also notes earlier work by HSE include a dummy variable for this period (HSE 1985 p. 101) – and it turns out to be significant. This helps justify restriction to post-war period. Bergijk p. 391.

<sup>230</sup> However, seven of these cases are serious economic threat cases, in which economic sanctions were never actually imposed. These seven threat cases have been dropped in the econometric analysis because the U.S. did not actually impose sanctions against the target country. Additionally, three other observations had to be dropped because of missing data.

<sup>231</sup> See Haass (1998), O’Sullivan (2000) and Drury (2001).

dataset.<sup>232</sup> In addition, when one looks specifically at the cases of economic sanctions, the United States is responsible for most of the sanctions cases over the last 100 years.<sup>233</sup> Third, by limiting the study to the U.S., the analysis is holding a major potential confounding variable constant, the traits of the sender country. Fourth, collecting new data on American economic and diplomatic sanctions is significantly easier to collect and likely to be more reliable.<sup>234</sup> There is already a significant amount of data collected on U.S. economic sanctions and the diplomatic sanctions data can be collected via State Department documents and major newspapers. Lastly, a great deal of the work on specific cases of economic sanctions tends to be U.S. or UN-centric. While this does not allow for cross-country comparisons, it allows for an assessment of what drives variation in U.S. initiated sanctions effectiveness.

Due to a lack of useful data collected on diplomatic sanctions, I created a new U.S. diplomatic sanctions database compiled mostly from online State Department materials and major newspapers.<sup>235</sup> The main resources used were the State Department's online: "Chiefs of Mission

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<sup>232</sup> Irfan Nooruddin "Modeling Selection Bias in Studies of Sanctions Efficacy," *International Interactions*, Vol 28, No. 1, (1998).

<sup>233</sup> HSE database, 2007; Neuroodin, 2002.

<sup>234</sup> Drury Cooper points out a number of these reasons in "Sanctions as Coercive Diplomacy: The U.S. President's Decision to Initiate Economic Sanctions," *Political Research Quarterly*, Vol. 54, No. 3 (Sept 2001)

<sup>235</sup> The Threatened and Imposed Economic Sanctions (TIES) database includes a diplomatic sanctions data, data collection is extremely incomplete and it is missing a significant amount of cases. In addition, it only looks at whether or not diplomatic sanctions were jointly applied with a particular economic sanctions threat or imposition of sanctions and does not record diplomatic sanctions that occurred either prior to or following the imposition of economic sanctions. The TIES database also does not include solo diplomatic sanctions episodes and it begins with data collected in 1971. The Correlates of War database includes a diplomatic representation dataset, which tracks diplomatic representation for all countries. However, this database is also incomplete and not useful for the purposes of this dissertation for a few reasons. First, diplomatic representation is only recorded every five years, so this makes it difficult to track the status of diplomatic representation from year to year for a given country. Second, this is a dataset tracking diplomatic representation broadly speaking - not diplomatic sanctions. Throughout history, the United States has gradually increased its diplomatic representation abroad and just because the U.S. did not have diplomatic representation with a particular country at some point in time this does not necessarily mean that the lack of diplomatic representation was a result of any particular problem, strain in relations or sanction. In addition, the database does not include any additional information about the particular reason there was no diplomatic representation between state A and state B, so it just represents a broad picture of diplomatic representation in the international system, but it is not really useful for the purposes of the research questions in this dissertation.

by Country 1778-2005” and “Background Notes” on individual countries.<sup>236</sup> LexisNexis searches and other major news searches were used to obtain more information on individual cases. For diplomatic sanctions cases that do not overlap with the economic sanctions cases, new data will need to be collected on many of the variables needed for the quantitative component of the project. The HSE sanctions database is the primary economic sanctions database I will be using for my research and it includes data on a number of the other variables I will be examining in my work, such as data on prior economic and political relations, regime type, companion policies and policy demands.<sup>237</sup>

A complete list of the HSE economic sanctions cases without diplomatic sanctions can be found in Appendix B. A complete list of the cases I have coded as joint sanctions cases (HSE economic sanctions cases that also have diplomatic sanctions) can also be found in Appendix B. Lastly, diplomatic sanctions cases in which no economic sanctions were employed can be found in Appendix B.

## **Data Collection and Operationalization**

### **The Dependent Variable: Policy Outcome**

In the econometric analysis, the primary dependent variable measures the extent to which the desired foreign policy outcome was achieved, which is adopted from the HSE work on economic sanctions and has been used by many others who have analyzed sanctions effectiveness. This dependent variable is one of the three dependent variables employed by HSE

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<sup>236</sup> U.S. State Department, “Chiefs of Mission by Country 1778-2005,” online at <http://www.state.gov/r/pa/ho/po/com/index.htm> and U.S. State Department, “Background Notes,” 2008, online at <http://www.state.gov/r/pa/ci/bgn/>

<sup>237</sup> The HSE database will be the primary data used for my analysis, but I may also work with Cliff Morgan’s Threatened and Imposed Economic Sanctions Database (TIES). The TIES database has a few advantages over the HSE database, as it includes economic sanctions threatened and not just imposed, so this ameliorates some potential selection effects issues. In addition, the TIES database includes data on whether or not positive inducements carrots were offered by the sender during the sanctions case. Lastly, the TIES database actually contains a variable listing for whether or not diplomatic sanctions were used, but many of the cases appear to be missing data or have improper coding of the data in this category. The major problem with the TIES database is that it only contains data from 1971 through 2000. However, because it includes the threat of economic sanctions, it ends up having a total 417 US cases of threatened or imposed economic sanctions.

in their own econometric analysis of sanctions effectiveness, however, HSE's two additional dependent variable measures are excluded from this analysis.

For each sanctions episode, HSE provide three measures of policy outcome. First, they code the *policy result* in a sanctions episode where: 1=failure, 2=unclear, 3= positive outcome 4=success. They then code another variable "*contribution of sanctions*" to this result and rank this variable from 1=none, 2=minor contribution, 3=modest contribution 4=significant contribution.<sup>238</sup> HSE then create a combined composite dependent variable measure termed "*success score*," which multiplies the value of the policy result by the value of the economic sanctions contribution. Therefore, the composite success score scale ranges from 1 to 16. Defining success as a score of more than 8 out of 16, sanctions succeed in 34% of the cases analyzed.<sup>239</sup> However, the econometric analysis done by HSE analyzes the data with three separate models, each using a different success measure as the DV: *result*, *contr* and *success*. For the purposes of the econometric analysis, they create a dichotomous success/failure variable coding for the *result* variable, in which 1 or 2 is coded as failure (0) and policy results 3 or 4 are coded as success (1) cases. For the 1-16 composite *success* variable they create a four point scale for econometric analysis. The HSE econometric analysis of economic sanctions' effectiveness runs models and presents the findings of models using all three of these variables as the dependent variable. Their specific findings using each of these codings will be discussed later, but generally speaking fewer findings are significant when the *policyresult* dependent variable is used in the model.<sup>240</sup>

However, as HSE themselves note, there are a number of problems with using the sanctions contribution variable (*contr*) and the composite success (*success*) variable as the dependent variable.<sup>241</sup> Including the degree to which one believes sanctions contribute to success

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<sup>238</sup> HSE, 182.

<sup>239</sup> HSE (2007)

<sup>240</sup> HSE, 189.

<sup>241</sup> HSE, 183-184.

in the coercion composite dependent variable biases the results in any sort of regression. Creating a variable that assess the degree to which sanctions contribute to the outcome is trying to judge causation between economic sanctions and the outcome. The purpose of conducting the regression analysis in the first place is to try to determine the contribution of sanctions to the observed outcomes. In HSE's third edition, they acknowledge the flaws with their two-part coding when using regressions to analyze the data. Specifically, they point out Gibson, Davis and Radcliff argue,

There is simply no theoretical empirical, or statistical reason for the policy outcome to be multiplied by another variable designed to assess the contribution of sanctions to the observed result. The purpose of statistical estimate is precisely to find generalizable relationships between variables. The contribution of sanctions – or, rather the components thereof – is precisely what is to be estimated.<sup>242</sup>

HSE also acknowledge that most of the econometric studies following their work that employ their dataset tend to just use the [policy]result as the dependent variable and not include the problematic dependent variable codings..<sup>243</sup> Therefore, I will simply be using the policy outcome as the dependent variable and I must try to control for additional variables that may also be impacting coercion success or failure other than sanctions. The logistic regression employs the *policyresult* variable as the dependent variable recoded into a binary outcome. While this dependent variable is by no means perfect, it is far superior to the methodology employed by HSE, which innately biases the results.<sup>244</sup>

**Table II. Frequency of Outcomes for HSE Economic Sanctions Episodes.**

<b>Policy Result</b>	<b>Frequency</b>
0 (failure)	61
1 (success)	65

<sup>242</sup> HSE, 183. IN HSE, they attribute this quotation to Gibson, Davis and Radcliff (1997, p. 611)

<sup>243</sup> HSE, 183.

<sup>244</sup> For more on criticism of the multiple DVs employed in HSE 2007, see Shane Bonetti, "Distinguishing Characteristics of Degrees of Success and Failure in Economic Sanctions Episodes," *Applied Economics*, 30 p. 808 (1998) and Cooper Drury, "Revisiting Economic Sanctions Reconsidered," *Journal of Peace Research*, vol. 35, no. 4, (1998), p. 500

## **Explanatory Variables**

The HSE database already includes information on many of the hypothesized explanatory variables discussed earlier in the dissertation and many previous empirical studies of sanctions have relied primarily on the HSE database.<sup>245</sup> A few additional explanatory variables were added to the HSE database aimed at testing elements of the theory presented earlier. In addition, a few explanatory variables from HSE were dropped from the analysis. All economic sanctions cases were coded for whether or not they had diplomatic sanctions associated with them, as well as for the level and duration of the diplomatic sanction imposed.

In earlier chapters, I mentioned a number of hypotheses relating to sanctions effectiveness, grouped into categories. The explanatory variables in this section can be used to test the hypotheses outlined in the previous chapter, pertaining to both economic and diplomatic sanctions' success and failure. The quantitative analysis assesses the alternative theories of sanctions effectiveness to see how they fare in comparison to the diplomatic sanctions theory outlined in the previous chapter.

### ***Costs to the Target State: Economic Costs, Trade Linkages, Balance of Power***

The first group of hypotheses in the previous chapter pertain to the economic costs to the sender state. These hypotheses assume that as you increase the costs imposed on the target state, the state is more likely to change its behavior and that variables that impact the costs felt by the target state will also impact the success or failure of a sanctions episode. The three costs-related variables included in the analysis are: cost to target state in terms of gnp, trade linkages and gnp ratio. The cost to target state variable is taken from the HSE database and is measured in terms of cost to target state as % of GNP. The HSE trade linkage variable "equals the average of pre-sanction target-country exports to the sender country as a percentage of total target-country exports and imports from the sender country as a percentage of total target-country imports."<sup>246</sup>

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<sup>245</sup> HSE, 181.

<sup>246</sup> HSE, 115.



Lastly, the relative balance of power between the sender and the target state uses the HSE GNP ratio variable.

*Additional Cost Variables: Degree of International Cooperation and, Military Costs*

While measuring the direct economic costs to the target state is one way to capture the costs to the target state, there are a number of other factors that might also capture theories pertaining to sanctions' costs. Even if a particular U.S. sanction imposes high costs on a target state, it is possible the target state may be able to make up the economic costs elsewhere. The international cooperation variable is adopted from the HSE study and is coded as an index representing the level of international cooperation in the sanctions episode, ranging from 1(none) to 4(significant)<sup>247</sup>

Also, cost-centric theories would predict that the use of military force by the sender state would increase the costs imposed on the target during a sanctions episode and therefore, increase the likelihood of success. All of the sanctions episodes are coded for whether or not military companion policies were used, with 1=military companion policy and 0=no military companion policy. Military companion policies as defined by HSE include both the actual use of force and quasi-military force, which means force was employed in some way, but not used (i.e. troops sent to the border).

**Commitment and Resolve: Costs to the Sender (U.S.)**

Two other factors related to costs are the degree to which the target state perceives the sender state is committed to the sanctions at hand or the degree of the sender state's resolve with regard to the issue at hand.<sup>248</sup> One potential way to gauge this is to look at the costs being endured by

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<sup>247</sup> Previous studies have found mixed findings with regard to international cooperation. Specifically, HSE do not find support for the international cooperation variable in their econometric analysis, but they do suggest international cooperation has different effects on outcome depending on the particular policy goal at hand. For more on econometric results, see HSE 189.

<sup>248</sup> HSE, 101.

the sender state.<sup>249</sup> Therefore, this analysis also includes the cost to sender variable used in the HSE analysis. This variable is coded as an index of the costs of sanctions to the U.S., scaled from 1 (net gain) to 4 (major loss) and is adopted from the HSE dataset.

### **Attributes of the Target Regime: Regime Type, Economic Health, Political Stability**

Three variables capturing attributes of the target regime are included in the statistical analysis. Regime type data was collected in two forms. First, policy IV dataset combined polity scores were recorded. This subtracts the autocracy score from the democracy polity score giving a particular state a unified polity score ranging from +10 (strongly democratic) to -10 (strongly autocratic). The target states were also coded by HSE on a simple scale from 1-3 with 1=autocracy 2=anocracy and 3=democracy.

A health and stability of the target state variable was also included from the HSE data. HSE create an index variable to capture the overall economic health and stability of the regime. The index is coded from 1 (distressed country) to 3 (strong and stable country).<sup>250</sup>

### **Demand Type and Severity**

A demand type variable is also included in the analysis. The HSE demand variable is coded as a dummy variable equal to 0 if the demand is a modest change in target policy and 1 if it is major change. According to HSE, the policy demands are broken down into five categories in their codings: 1) change target-country policies in a relatively modest and limited way 2) changing the target country's regime or demands related to regime change (including

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<sup>249</sup> However, as HSE note, the impact of cost to sender may potentially have the reverse effect by mobilizing domestic constituencies against the sanctions. In other words, as costs to sender rise (which may signal high resolve), resolve might actually be undermined as certain domestic groups in the U.S. lose from the sanctions and pressure to end the sanctions policy (and thus make failure more likely).

<sup>250</sup> HSE also look at separate indicators of economic health and political stability, but do not include these indicators in the econometric analysis. Specifically, they look at the average annual rate of GDP growth and the annual rate of inflation as measures for economic health and they look at polity IV data (the number of regime changes over the 10 years prior to economic sanctions) for political stability measures. While they do not test these variables in econometric data, summary data shows that sender states are more likely to have success against low growth and high inflation in target state. Surprisingly, they find that sender states are more likely to have success against more politically stable targets. One potential reason they offer for the latter finding is that politically stable regimes may be better equipped to respond to sanctions than weak states.

democratization goals, destabilization goals and major human rights goals) 3) disrupting a military adventure 4) impairing the target country's military potential 5) changing the target-country policies in another major way.<sup>251</sup> All of the policy demands coded as 2-5 are recoded as 1 indicating non-modest demands and all episodes coded as being a modest demand are re-coded as 0.<sup>252</sup>

### **Prior Relations**

In order to test the conflict expectations model set forth by Drezner, the prior relations variable used by Drezner and HSE will be included in the analysis. The prior relations variable codes the relationship between the sender and target state prior to sanctions as being either 1=antagonistic 2=neutral 3=cordial.<sup>253</sup>

### **Main Independent Variables of Interest: Diplomatic Sanction Variables**

The quantitative analysis is primarily aimed at evaluating the central diplomatic sanctions hypotheses and seeing how they fares against existing alternative theories of sanctions' effectiveness that have already been addressed in the literature.

#### *Diplomatic Sanctions*

Due to a general lack of data and information on U.S. diplomatic sanctions, I went through all of the economic sanctions cases in the study to determine whether or not diplomatic

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<sup>251</sup> This categorical breakdown of policy demands has been adopted from HSE, pp. 52-53. While categories 2, 3 and 4 are fairly clear, categories 1 and 5 require additional elaboration. According to HSE, relatively modest and limited policy demands are demands that are "modest in the scale of national values of the target country but often of burning importance to individual parties in the episode." HSE give the examples of smaller human rights and religious persecution demands and policy demands related to terrorism prior to 9/11. HSE define major policy as demands that tend to include territorial demands or major changes to national security-related policies.<sup>251</sup> this study, multiple demands associated with a particular case will tend to be coded by the highest level demand. However, if there were multiple high level demands or substantial changes in a particular case, these cases are listed as multiple observations in the HSE data, so I have also included these as separate cases.

<sup>252</sup> This is a very crude re-coding and probably not a good proxy for severity of demand, but HSE include this variable in their binary logit model, so I have re-run the model above with the inclusion of this additional variable.

<sup>253</sup> HSE, 164.

sanctions were also employed in these episodes.<sup>254</sup> LexisNexis searches and other major news searches were used to obtain more information on individual cases. A few measures were used to operationalize diplomatic sanctions for the purpose of the statistical analysis. First, a diplomatic sanction dummy variable was created, which took a value of 1 if the economic sanctions episode had DS associated with it at any point throughout the episode. Second, I created an index indicating the level of diplomatic sanctioning employed by the U.S. against the target state in a given case. The index ranged from least severe to most severe and was coded as follows: 0=no diplomatic sanction 1=short and temporary recall of Ambassador), 2=downgrade in diplomatic status for less than a year, 3=downgrade in diplomatic status for more than a year, 4=embassy closure.<sup>255</sup>

### **Supplementary Information & Communication Variables of Interest in the Quantitative Analysis**

#### *Alliance Relationships*

While the focus of this study is primarily on diplomatic sanctions and diplomatic disengagement more broadly, additional variables aimed at capturing informational and communication levels were included in some of the models as robustness checks. Using the ATOP database, data was collected on a number of attributes pertaining to alliance institutionalization and other factors that would most contribute to communication and information being shared among alliance members.<sup>256</sup> First, the cases were coded for whether or

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<sup>254</sup> The information on U.S. diplomatic sanctions was compiled mostly from online State Department materials and major newspapers.<sup>254</sup> The main resources used were the State Department's online: "Chiefs of Mission by Country 1778-2005" and "Background Notes" on individual countries. See U.S. State Department, "Chiefs of Mission by Country 1778-2005," online at <http://www.state.gov/r/pa/ho/po/com/index.htm> and U.S. State Department, "Background Notes," 2008, online at <http://www.state.gov/r/pa/ei/bgn/>

<sup>255</sup> Originally category 4 was two separate categories, but there were too few instances of embassy closures for less than a year, so these were grouped into a general category of embassy closure.

<sup>256</sup> Leeds and Anac's work on alliance institutionalization considers an alliance to be highly institutionalized if it includes any of the following: 1) requires integrated military command during peace and war 2) alliance requires members to conduct common defense policy. 3) alliance provides for joint troop placements, exchange of bases and or for one state to have base on territory of another. Data on all of these attributes were collected. However, the quantitative work focuses on the primary alliance attributes that would seem to capture informational and communication ties between the sender and target states.

not the sender state and target state were members of an alliance that included provisions requiring contact among the military planners/armed services of the alliance members for coordination. If there was no alliance or no alliance with these provisions, the variable was coded as a 0. If such contact was only required if hostilities were to occur, variable is coded as 1. If contact is also required in peacetime, the variable is coded as a 2. If there is commitment to common defense policy, which includes commitment to common doctrine, coordination of training, joint-planning, etc) the variable is coded as a 3.

Second, cases were coded for whether or not the sender and target state were members of an alliance that called for regular meetings between officials and created an organization associated with the agreement. If the sender and target were not members of this sort of alliance, the case was coded as 0. If the alliance included provisions that called for regular meetings of government officials related to the management of the agreement, the variable was coded as 1.<sup>257</sup> If the sender and target state belong to an alliance that goes further in creating a specific organization with regularly scheduled meetings the variable is coded as a 2. If the sender and target state are members of an alliance that goes even further with provisions for a separate organization with its own permanent bureaucracy, the variable is coded as a 3.<sup>258</sup> Third, the cases are coded for whether or not the sender and target state belong to an alliance that includes provisions for non-military cooperation (i.e. economic, scientific, environmental, etc). If the alliance calls for such provisions, the variable is coded as a 1 and if the sender and target states are not part of such an alliance, the variable is coded as 0.

*Transparency of the Target State: Release of Information Index*

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See Leeds, Brett Ashley and Sezi Anac, "Alliance Institutionalization and Alliance Performance," *International Interactions*, 31:3 (2005), pp. 188-189. All data and codings can be found online at <http://www.ruf.rice.edu/~leeds/>

<sup>257</sup> The ATOP codebook indicates that the agreement needs to specify required meetings in order for the case to receive a coding as a 1.

<sup>258</sup> ATOP codebook.

Another additional variable tested that is aimed at capturing informational levels in sanctions episodes is the transparency of the target state. For the purposes of measuring the transparency of the target state, a new dataset was used to collect information on all the sender states post-1960, as the dataset only goes back to that year. The *Release of Information Index* scores were used to measure target state transparency.<sup>259</sup>

The *Release of Information Index* contains scores for 175 countries by year meant to capture the release of information by the regime with regard to social, political and economic data. The score is based on data contained in the World Development Indicators (from World Bank 2005) and the International Finance Statistics (from the IMF 2006) databases. Williams constructs his Release of Information index scores by focusing on data that requires domestic input from the specific country, as opposed to via NGOs or outside collectors.<sup>260</sup> Once the specific data categories were determined by Williams, he calculates the index score in a given year by constructing a proportion based on the data coverage for an individual country in an individual year divided by the number of categories that had data for at least one country for that year.<sup>261</sup> Only official countries were included in this analysis.

However, one of the shortcomings of Williams' scores is that he is missing data on some target countries. The IMF has no data on certain countries because they are not recognized by the IMF. Williams' codes these as missing data rather than zero because it is not that all of the missing states are not producing any information, but rather that the IMF does not recognize them.<sup>262</sup> However, he notes that some of these states (i.e. North Korea) could be coded as a zero, but that other states are simply missing (i.e. Somalia and Taiwan) due to IMF non-inclusion.<sup>263</sup>

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<sup>259</sup> Andrew Williams, "On the Release of Information by Governments," *Journal of Development Economics*, Volume 89, Issue 1, (May 2009), pp. 124-138.

<sup>260</sup> For more complete information on how the data was compiled to create the index scores, see Williams 2009 pp. 126.

<sup>261</sup> William notes proportions were used because data coverage generally increases over time.

<sup>262</sup> Email correspondence with Andrew Williams regarding Release of Information Index Scores, June 28, 2009.

<sup>263</sup> Ibid.

Similarly, he notes that with respect to the former Soviet Union, which is also coded as missing data, only a few databases continued to list data for the former Soviet Union and print the historical data, so the IMF database and World Bank database used for his index scores did not have former Soviet Union data included.<sup>264</sup> Therefore, following Williams' guidelines, some additional cases were coded as 0s, but others are coded as missing data.<sup>265</sup> Using Williams' *Release of Information Scores*, each economic sanctions episode was coded for the year in which the economic sanctions episode started. In addition, data was only available for post-1960 sanctions episodes.<sup>266</sup>

#### *Freedom of the Press*

The freedom of the press variable was coded based on the Freedom of the Press historical data put out by Freedom House. These codings classify states as being either free, partly free or not free. The codings by Freedom House are based on numerical scores that characterize both print and broadcast media. The scores are calculated by assessing 1) laws and regulations that influence media content 2) political pressures and controls on media content 3) economic influences over media content. As numerical scores are only available for more recent data, the simple free, partly free or not free codings were used for this variable. As each country is given a print and broadcast coding, these were averaged when different. The freedom of press categories were then coded on a 1-3 scale with 1= not free 2=partly free 3=free. Codings of 1.5 and 2.5 indicate averages when print and broadcast codings did not match.<sup>267</sup>

All of the variables have been summarized in a table on the following page:

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<sup>264</sup> Ibid. In a June 28, 2009 email correspondence with Williams, he noted that the IMF and World Bank probably do have data for the former Soviet Union, but they have been removed from the IFS and WDI (the databases I used for this index). If you pull the data from other sources there are problems in terms of comparability, so he did not go outside these specific databases in order collect that data.

<sup>265</sup> Email correspondence with Andrew Williams regarding Release of Information Index Scores, June 28, 2009.

<sup>266</sup> Andrew Williams, "On the Release of Information by Governments," *Journal of Development Economics*, Volume 89, Issue 1, (May 2009), pp. 124-138.

<sup>267</sup> The scores in the dataset only go from 1980-2008, so a number of cases fall out of the analysis when this variable is included.

#### Table IV. Operationalization of Explanatory Variables

<b>Costtotarget</b>	Cost of economic sanctions to target country, measured as percent of GNP
<b>GNP ratio</b>	Ratio of sender country-to-target country GNP
<b>Mil. Comp.</b>	Dummy variable equal to 1 if sender country employs military companion policy and zero if otherwise
<b>Level Intl. Coop</b>	Index of the degree of international cooperation with a sanctions effort, ranging from 1 (no cooperation) to 4 (significant cooperation)
<b>Target Regime</b>	Index indicating target country's regime type, from 1 (autocracy) to 3 (democracy)
<b>Tradelinkage</b>	Average of pre-sanction target-country exports to the sender country (as percent of total target-country exports) and imports from the sender country (as percent of total target-country imports)
<b>Health/stability</b>	Index of the target country's overall economic health and political stability, scaled from 1 (distressed country) to 3 (strong and stable country)
<b>Priorrelations</b>	Index of degree of overall relations between the target country and sender country, scaled from 1 (antagonistic) to 3 (cordial)
<b>Level of demand</b>	A demand type variable is also included in the analysis. The HSE demand variable is coded as a dummy variable equal to 0 if the demand is a modest change in target policy and 1 if it is major change.

#### Diplomatic Sanctions Variables

<b>Ds</b>	Dummy variable equal to 1 if the sender country has employed diplomatic sanctions coinciding with economic sanctions episode and 0 if otherwise.
<b>Dslevel</b>	Index of degree of diplomatic sanction imposed ranging from 0 (no diplomatic sanction) to 4 (embassy closure).

#### Additional Informational and Communication-Related Variables Tested in Alternative Models

<b>Mil contact</b>	Index of the degree of military contact and coordination institutionalized by an alliance. If there was no alliance or no alliance with provisions requiring military contact, the case was coded as a 0. If such military contact and coordination was only required if hostilities were to occur, variable is coded as 1. If contact is also required in peacetime, the variable is coded as a 2. If there is commitment to common defense policy, which includes commitment to common doctrine, coordination of training, joint-planning, etc) the variable is coded as a 3.
<b>Organ</b>	Cases were coded for whether or not the sender and target state were members of an alliance that created an organization associated with the agreement. If the sender and target were not members of this sort of alliance, the case was coded as 0. If the alliance included provisions that called for regular meetings of government officials related to the management of the agreement, the variable was coded as 1. If the sender and target state belong to an alliance that goes further in creating a specific organization with regularly scheduled meetings the variable is coded as a 2. If the sender and target state are members of an alliance that goes even further with provisions for a separate organization with its own permanent bureaucracy, the variable is coded as a 3



**Nonmil** Cases are coded for whether or not the sender and target state belong to an alliance that includes provisions for non-military cooperation (i.e. economic, scientific, environmental, etc). If the alliance calls for such provisions, the variable is coded as a 1 and if the sender and target states are not part of such an alliance, the variable is coded as 0.<sup>268</sup>

**Transparency** Each target state is coded according to Williams' release of information index scores, which ranges from 0 to 1 and captures the reported data coverage for an individual country in a given year.

**Press Freedom** Each target state is coded according to the Freedom House scores for print and broadcast media. The scores are either 1=not free 2=partly free 3=free. If print and broadcast had different codings for the same country in the same year, the numbers were averaged.

### Summary Statistics

Before analyzing the data in regression models, the means for failure cases and success cases were calculated across all of the explanatory variables. Table VI shows the mean value of the explanatory variables in the 65 U.S. episodes classified as success and the comparable values for the 61 U.S. episodes classified as failures.

**Table V. Means for Success and Failure Across for the Explanatory Variables**

Policy result	Milcomp	Intlcoop	Length	Priorrel	Regime	Costtarg	Tradelink	GNPratio	Healthstab	Costsend	DS	Dslevel
Failure	0.26	2.18	9.03	1.9	1.46	2.58	27.39	2333.53	1.97	1.82	0.38	1.43
Success	0.22	1.92	6.87	2.15	1.73	3.012	33.12	1457.38	1.74	1.75	0.25	0.85

First there, is no apparent difference in the means for the military companion policies used in success and failure cases of economic sanctions. Second, the mean level of international cooperation with the U.S. on economic sanctions is actually higher in the failure cases. Third, the mean prior relations between the U.S. and the target state is only slightly higher (more cordial) in the successful sanctions episodes. Fourth, the mean regime type of the target state is slightly higher (or more democratic) in the success cases, whereas as is the cost to the target is slightly higher in success cases. Trade linkages are slightly higher in the success cases. GNP ratio is higher in the failure case. Health and stability of target appear pretty similar across cases, just

<sup>268</sup> The alliance-related variables are adopted from the ATOP database.

slightly higher in failure. Cost to sender is also around the same across success and failure cases. With regard to diplomatic sanctions, the use of diplomatic sanctions is pretty close, but used more in failure cases. However, when coded by the level of diplomatic sanction, the diplomatic sanction level is almost two times higher in the failure cases.

When looking at the alliance-related variables, alliances with high levels of communication and interaction tend to be associated with successful policy outcomes in sanctions episodes based on the means.

**Table VI. Differences in Alliance-related Variable Means**

Policyresult	Milcon	Organ	Nonmicoop
0	.409	2.045	.667
1	.794	2.735	.941

While all of these findings are interesting and suggestive, regressions will be used to determine if any of these variables are statistically significant in terms of impacting sanctions' effectiveness.

In addition, a preliminary analysis of the HSE sanctions data, along with newly collected data on diplomatic sanctions, lends support to the idea that diplomatic sanctions may undermine the effectiveness of economic sanctions. According to the HSE economic sanctions dataset, there are 126 U.S. economic sanctions episodes recorded from post-WW2 through 2000. (7 of these are only economic sanctions threats, but economic sanctions are never actually imposed, so these drop out of the statistical analysis). Of the economic sanctions episodes recorded by HSE (126 cases), there is a success rate about of about 66/126 or 52.4%. A preliminary analysis indicates approximately 39 of these cases also employed diplomatic sanctions by the sender state (the U.S.).<sup>269</sup> Of these 39 cases, 29 of these were severe forms of DS and included the closure of an embassy. Therefore, a preliminary look at U.S. imposed economic sanctions cases indicates that 30.95% of the sanctions episodes in the dataset also had some type of diplomatic sanction

imposed on the sender state at some point in time. Removing the threat cases, this revises the number of DS-ES cases to 38 out of a total of 119 or 31.93%.

Of the 39 cases of joint economic-diplomatic sanctions episodes, 16 of these cases or 41% of these cases were coded with either a positive or successful policy outcome. When looking at the 39 joint economic-diplomatic sanctions episodes, with the most severe type of DS, the success drops further to only 10 out of the 29 episodes or 34%. While this preliminary data analysis merely provides a rough sketch of the data and does not control for a number of other variables or address potential selection effects, it is suggestive.

**Table VII. Success and Failure of Economic Sanctions Episodes with Diplomatic Sanctions and without Diplomatic Sanctions**

	<b>Total</b>	<b>Joint ES-DS</b>	<b>ES</b>	<b>Joint ES-DS (severe)</b>	<b>ES alone and w/low-level DS</b>
<b>Success/Pos</b>	66 episodes	16	50	10	56
<b>Unclear/Failure</b>	60 episodes	23	37	19	41
<b>TOTAL</b>	126 Cases (HSE)	39	87	29	97

**Overall success rate: 52.7%**      **Joint: 41 %**      **Econ alone: 57%**      **Joint (severe): 34%**  
**Alone and minor DS: 57.7%**

It is also possible to calculate the mean value of the explanatory variable diplomatic sanction level only in the cases in which diplomatic sanctions were actually employed. While this shrinks the number of observations down to 39 joint economic-diplomatic cases, it illustrates that the mean *dslevel* in cases of diplomatic sanctions is 3.64, however, means can also be determined for the *dslevel* success cases and the *dslevel* failure cases. In the joint ES-DS cases, the *dslevel* mean for failure cases is above the mean at 3.78 and for *dslevel* mean for the success cases is 3.43.

In addition to looking at the differences across success and failure cases, we can also look at whether or not there appear to be differences between the economic sanctions cases with coinciding diplomatic sanctions and those without diplomatic sanctions. The table below shows many of the key explanatory variables across cases with and without diplomatic sanctions.

**Table VIII. The Differences Between the Episodes with Diplomatic Sanctions and Without Diplomatic Sanctions**

DS	milcomp	intlcoop	priorrel	regime	costsender	tradelink	gnpratio	healthstab	costtarget	dslevel
NO DS	.10	1.82	2.18	1.77	1.47	24.60	1676.28	1.98	1.59	0.00
DS	.55	2.56	1.69	1.23	5.64	43.20	2339.62	1.56	2.23	3.64
Total	.24	2.05	2.03	1.6	2.8	30.41	1881.60	1.85	1.79	1.12

The table above illustrates that military companion policies are used more frequently in cases in which diplomatic sanctions are used than in those in which they are not. *International cooperation* is also higher in sanctions episodes that include the imposition of diplomatic sanctions. *Prior relations* tend to be better in sanctions episodes without diplomatic sanctions imposed. The *cost to the target state*, *trade linkages* and *gnp ratio* are all significantly higher in sanctions episodes that include diplomatic sanctions. The *health and stability* of the target state is slightly higher in the cases without diplomatic sanctions and the *cost to the sender* is slightly higher in the cases with diplomatic sanctions imposed.

#### **Analyzing the Determinants of U.S. sanctions' Effectiveness**

In this section, I use a logit model to analyze to analyze the determinants of U.S. economic sanctions' effectiveness. First, I include the explanatory variables associated with existing theories in the model to see which theories are supported in the realm of U.S. economic sanctions cases. Second, the diplomatic sanction argument will be tested by including new variables associated with the theory into a revised logit model. Lastly, additional models are created using some of the additional variables designed to capture information and communication levels between the sender and target state.

The quantitative analysis in this chapter indicates preliminary support for one aspect of the diplomatic sanctions theory and shows that the presence of diplomatic sanctions and

diplomatic sanction level do impact the likelihood of success. These findings are robust and remain across models. Additional models are run to determine whether or not other variables designed to capture the degree of information and communication exchanged between sender and target state also reveal the same strong findings, but the alliance-related variables yield mixed findings and the model shows no support for the release of information variable or freedom of press scores. The following table summarizes the general findings of this chapter and notes which findings were significantly significant and whether or not the predicted relationship was supported by the statistical analysis. Statistically significant findings are shaded in the table in grey. Due to the sample size, the statistical results are suggestive but not definitive, which is why case studies will be used to dig deeper into the mechanisms behind the dissertation's theory.

**Table IX. Overview of Hypotheses and Preview of Quantitative Findings**

Major Alternative Theories of Sanctions' Effectiveness	Associated Hypotheses	Overview of Quantitative Finding <sup>270</sup>
<b>Costs-based</b>	<p>1a) As the costs (economic and political) to the target state increase, the likelihood of sanctions' effectiveness increases.</p> <p>1b) As trade linkages between the sender and target state increase, the likelihood of sanctions' effectiveness increases.</p> <p>1c) The use of military force in sanctions episodes makes sanctions more likely to be effective.</p> <p>1d) As international cooperation increases, sanctions are more likely to be effective.</p> <p>1e) Greater balance of power differentials between the sender and target state increases make sanctions more likely to be effective</p>	<p>1a) Not statistically significant and relationship supported.</p> <p>1b) Not statistically significant, but relationship supported.</p> <p>1c) Not statistically significant and relationship not supported.</p> <p>1d) Statistically significant, but opposite relationship supported.*</p> <p>1e) Not statistically significant and opposite relationship supported.</p>
<b>Commitment/Resolve</b>	<p>2a) As the costs (economic and political) to the sender state increase, the likelihood of sanctions' effectiveness increases.</p>	<p>2a) Statistically significant in my new model w/inclusion of new variables and relationship supported.*</p>

<sup>270</sup> In models with diplomatic sanctions included and success-failure logit model unless noted.

<p><b>Target Attributes</b></p>	<p>3a) The more democratic the target state, the more likely sanctions are to succeed.</p> <p>3b) The greater the economic health and political stability of the target state, the more likely sanctions are to fail.</p>	<p>3a) Not statistically significant, but relationship supported.</p> <p>3b) Statistically significant and relationship supported.**</p>
<p><b>Demands (type and severity)</b></p>	<p>4a) The more severe the demands placed on the target state, the more likely sanctions are to fail.</p>	<p>4a) Not statistically significant, but relationship supported.</p>
<p><b>Prior Relations</b></p>	<p>The more positive prior relations are between the sender and target state, the more likely sanctions are to be effective.</p>	<p>Not statistically significant, but relationship supported</p>
<p><b>Diplomatic Sanctions</b></p>	<p>The use of diplomatic sanctions will lower the effectiveness of sanctions episodes.</p>	<p>Statistically significant and relationship supported.*</p>
<p><b>Alliance Ties</b></p>	<p>As the level of DS increases, sanctions are less likely to be effective</p>	<p>Statistically significant and relationship supported.**</p>
<p><b>Information Release</b></p>	<p>Sanctions are more likely to be effective when the sender and target state are part of an alliance w/:</p> <p>a) provisions for regularly scheduled military contact, coordination and meetings between armed planners and militaries.</p> <p>b) provisions for regular meetings and creation of specific organization related to alliance.</p> <p>c) provisions for non-military cooperation.</p>	<p>a) Only statistically significant w/dslevel variable excluded and relationship supported.*</p> <p>b) Only statistically significant w/dslevel variable excluded from model and relationship supported.**</p> <p>c) Statistically significant and relationship supported.**</p>
<p><b>Freedom of the Press</b></p>	<p>The greater the degree of transparency of the target state, the more likely sanctions are to be effective.</p> <p>The greater the freedom of the press in the target state, the more likely sanctions are to be effective</p>	<p>Not statistically significant, but relationship supported.</p> <p>Not statistically significant, but relationship supported.</p>

Using STATA, a logit binary outcome regression model was used to assess the degree to test the determinants of economic sanctions' episode outcomes.<sup>271</sup> As stated earlier, the outcomes of the economic sanctions episodes are coded both dichotomously with 0=failure 1=success.<sup>272</sup> Binary outcome models are one type of regression model used for categorical dependent variables. This model is employed by HSE and it estimates the likelihood of a success outcome based on various values of the independent variables.<sup>273</sup> HSE use this approach on the grounds that the binary model is must more easily interpreted than the results of both the ordered and multinomial outcome models. They write,

Most frequently, the ordered logit model was found to violate the so-called parallel regression assumption using the new HSE dataset. Moreover, the more sophisticated logit models, including the generalized ordered logit model and the stereotype logit model, were confusing and difficult to interpret. Thus, we decided to stay with the simpler, more parsimonious binary logit model for the present analysis. For in-depth discussion of appropriate regression models for analyzing categorical variable datasets, see Long and Freese (2006).<sup>274</sup>

### **Determinants of U.S. Economic Sanctions Success**

Before including the new variables related to my theory, a model was run including other major variables believed to impact economic sanctions' success in alternative theories. This part of the study is parallel to the work done by HSE, but it focuses only on U.S. cases, whereas the HSE database is international. The table below presents the results of the binary logit model using a post-War and U.S.-centric subset of the HSE database. The results of the regression show the coefficients for the main explanatory variables that were discussed earlier in the dissertation.<sup>275</sup>

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<sup>271</sup> This model has not only been used by HSE, but it has also been employed by a number of others who have analyzed economic sanctions' effectiveness. See Van Bergeijk (1989), Lam (1990), Dehejia and Wood (1992), Elliott and Uimonen (1993), and Bonetti (1998).

<sup>272</sup> A number of other studies of sanctions' effectiveness code the dependent variable in this manner.

<sup>273</sup> HSE, 187.

<sup>274</sup> HSE provide additional information in a footnote on this point and write that, "sometimes additional tests are also run using the 1-4 dependent variable to see if this changes the results. Ordered outcome and multinomial outcome models can also be used for regressions with categorical dependent variables. The former takes degrees of success into account and the latter takes different states of success into account. In these models the dependent variable does not need to be binary," HSE, 187.

<sup>275</sup> A probit model was also run on the same variables and this model indicated the same results with the same two variables being significant in the final column 5 model.

In this model, the likelihood ratio chi-squared statistic just misses significance at .1981, which means that the combined explanatory variables on a combined basis just miss significance. The pseudo R-squared statistic is low, indicating that the binary logit model explains no more than approximately 10% the difference between success and failure cases. In their work on sanctions, HSE note that low numbers are not unusual on cross-section regressions.<sup>276</sup> As the dataset has more than one observation of sanctions between the U.S. and certain countries, the analysis also clusters the standard errors by country to account for the repetition of target countries.

**Table X. Logit Model of Factors Linked to U.S. Economic Sanctions' Effectiveness**

Policy result: 0 = failure 1= success

VARIABLES	(1) policyresult
costtotargetgnp	-0.00769 (0.0234)
gnpratio	-0.000115* (6.69e-05)
milcomp	-0.428 (0.580)
tradelinkage	0.0141 (0.0119)
intlcooperation	-0.474* (0.262)
costtosender	0.481 (0.374)
regimetype	0.247 (0.269)
healthstability	-0.674* (0.349)
goalbinary	-0.220 (0.498)
priorrelations	0.326 (0.307)
Constant	0.162 (1.284)
Observations	116

\*p<.1 \*\*p<.05

<sup>276</sup> For more on the likelihood ratio chi-squared statistic and the pseudo R-squared, see HSE, p. 189.



Pseudo R2 = 0.0955  
Standard error clustered on 73 countries

In this model, three explanatory variables reach the threshold of significance.<sup>277</sup> First, as the health and stability of the of the regime increases, the likelihood of a successful policy result decreases. However, two of the significant findings are not in direction that existing theories would predict. The international cooperation variable is found to be significant, indicating that as the international cooperation with the sender state increases, the likelihood of success decreases. However, it is worth noting that this might be the case because international cooperation might actually be increased or used in cases that are not going well or are more difficult demands, so there may be selection effects at play here. In addition, the gnp ratio is also found to be significant, indicating that as the ratio between the sender state's GNP and target state's GNP increases, the likelihood of success decreases.<sup>278</sup>

The cost-based theories of sanctions' effectiveness which are premised on the idea that increasing the costs imposed on the target state were generally not supported by the quantitative

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<sup>277</sup> Using the *policyresult* dependent variable scaled from 1-4, I also ran a regression model to see how that impacts the findings. Table III illustrates the coefficients for the same explanatory variables as listed above, but the *policyresult* uses HSE's 1-4 outcome codings, where 1=failure 2=unclear 3=positive 4=success

The same independent variables remain significant, however a few additional variables are also significant in this test. The regression indicates that as prior relations between the target and sender state are more amicable, the probability of a successful policy result increases. However, this simple regression model treats the dependent variable as being linear, when the precise relationship between the categories comprising the *policyresult* dependent variable may not actually be linear. As a result, additional tests that may be more suitable to the *policyresult* dependent variable coded on the 1-4 scale were also run as a robustness check on the results above. While HSE indicate that running additional tests, such as multinomial and ordered logits, create more complex results, this analysis allows us to treat the DV as a 1-4 scale, as opposed to simply a binary success/failure outcome as in the logit model above. These models are intended to be used with an ordinal dependent variable, in which the dependent variable is categorical and can be ordered (see stata manual for more on this). In the case of the *policyresult* data, this model makes sense because the outcomes are ordered in terms of level of success, where 1=failure 2=unclear, 3=positive outcome/limited success 4=success. Ordered logit confirms the significance of international cooperation variable, the health and stability variable and prior relations, but does not confirm the significance of the *gnpratio* variable. The same tests were also run including whether or not the issue was a national security concern for the sender state (and excluding the goalbinary variable). The findings for this variable were not significant.

<sup>278</sup> HSE actually find *gnpratio* to be significant in this unexpected direction in one of their regression models and find the coefficient to be negative in all of their models, but the coefficient is found to be very close to zero. HSE pg. 189 & 190.

analysis of U.S. sanctions episodes. Increasing the economic costs to the target state was not significant in any of the models. Similarly, whether or not military companion policies were used or the use of diplomatic sanctions in conjunction with economic sanctions did not increase the effectiveness of U.S. sanctions episodes. In addition, the relationship between trade linkages and sanctions success was not found to be significant. However, it is worth noting that while these explanatory variables were not significant in the regression models, the mean cost to target is higher in success cases, trade linkages were higher in success cases as the cost-based models would predict. Economic costs to sender designed to capture levels of commitment by the sender state also did not yield significant findings.

There is mixed support for the idea that target attributes are what really matter in terms of whether or not sanctions are likely to be effective or ineffective. First, the analysis confirms the overall economic health and political stability of target regime to be significant factor in determining U.S. sanctions success. The findings indicate that as the overall health and stability of the target regime increase, sanctions are less likely to be effective. Similarly, the mean health and stability score in the success cases is lower than in the failure cases.

While regime was found to have low levels of significance in HSE econometric models, this result was not confirmed in this model, which focuses on U.S. cases. The regime type variable was not found to be statistically significant in any of the models. However, the means calculated earlier do show that the success cases do have more democratic targets than the failure cases.

Demand type also does not appear to influence the success or failure of U.S. sanctions in this model. However, it is worth noting that demands were coded quite crudely in this analysis. Demands were only coded as to whether or not demands were coded as being major or minor, and they were also coded with regard to whether or not the issue at stake was national security concern for the U.S.. Neither of these variables were significant in any of the models. Future models may test for the types of demand to see if perhaps sanctions are more well-suited to

certain types of issues than others. Drezner's conflict expectations model is not confirmed by the results above, as prior relations is also not found to be significant in this model.

### **Evaluating the New Theory of Sanctions' Effectiveness: Diplomacy, Information and Communication**

Next, the regression models were revised to incorporate the new explanatory variables of interest to assess the new theory of sanctions' effectiveness. As diplomatic sanctions are the primary explanatory variable of interest in this study, the model was re-run with the addition of the diplomatic sanction variables. The results of the models remain fairly similar to the results prior to the inclusion of explanatory variable. The table below illustrates the results of the previous logit model in the first column, the results of the logit model with the inclusion of *ds* variable in the second column, and the logit model with the inclusion of the *dslevel* variable in the third column.

The table illustrates the *health and stability* variable remains significant in all three models, as does the *international cooperation* variable. The significance of the health and stability variable actually increases in the new models that include the diplomatic sanctions variables. The *GNP ratio* variable remains significant in the first two models below, but not in the third model. In addition, the *Costtosender* becomes significant in the new models, illustrating that rising costs to sender are correlated with increasing sanctions' effectiveness.

With regard to the new variables of interest, the diplomatic sanction variables are found to be significant. The model was run using both variables for diplomatic sanctions illustrating that the use of diplomatic sanctions is correlated with reduced effectiveness. Similarly, *dslevel* is also found to be significant, illustrating that as the *dslevel* increases, sanctions effectiveness is reduced.

For the model including the *ds* variable, indicated in Column 2 below, the likelihood ratio chi-squared statistic is .2557, which indicates that the combined explanatory variables on a combined basis are not significance. The pseudo R-squared statistic is low, indicating that the

binary logit model explains no more than approximately 13% the difference between success and failure cases. In the model shown in column 3 below, the likelihood ratio chi-squared is .2368, which is also not significant and the pseudo R-squared is approximately 12%.

### XI. Logit Models of Factors Linked to U.S. Economic Sanctions' Success w/the Inclusion of Diplomatic Sanction Variables

Dependent variable: Sanctions Episode Outcome 0=failure 1=success

	(1)	(2)	(3)
Cost to target (% GNP)	-0.00769 (0.0234)	-0.0121 (0.0251)	-0.0137 (0.0245)
Sender-target GNP Ratio	-0.000115* (6.69e-05)	-0.000112* (6.83e-05)	-0.000116 (7.31e-05)
Companion mil. policy	-0.428 (0.580)	-0.179 (0.623)	-0.160 (0.637)
Trade linkage level	0.0141 (0.0119)	0.0154 (0.0130)	0.0161 (0.0133)
Level of intl. coop.	-0.474* (0.262)	-0.463* (0.268)	-0.496* (0.272)
Cost to sender	0.481 (0.374)	0.714* (0.427)	0.776* (0.440)
Target regime type	0.247 (0.269)	0.162 (0.273)	0.143 (0.273)
Target health and stability	-0.674* (0.349)	-0.948** (0.441)	-1.011** (0.453)
Level of demand	-0.220 (0.498)	-0.126 (0.478)	-0.0803 (0.482)
Sender-target prior relations	0.326 (0.307)	0.259 (0.313)	0.221 (0.307)
Diplomatic sanction		-1.073* (0.650)	
Diplomatic sanction level			-0.346** (0.169)
Constant	0.162 (1.284)	0.746 (1.441)	0.956 (1.430)
Observations	116	116	116

p<.1 \*\*p<.05

Pseudo R2 =

Standard error clustered on 73 countries

As both diplomatic sanctions variables are significant in this logit model, this suggests that the information and communication flows cut off by diplomatic sanctions may in fact impact general sanctions' effectiveness, although the causal mechanisms will be examined in greater detail through the case studies. In addition, the model indicates health and stability of the target regime, international cooperation, cost to sender and diplomatic sanctions impact are also significant determinants of sanctions' effectiveness.

### **Substantive Effects**

While the previous findings illustrate a few variables in the model to be significant, the logit model does not tell us about the actual scope of the impact. Using the CLARIFY software package in STATA, it is possible to capture the actual impact of diplomatic sanctions.<sup>279</sup> Holding all independent variables at their mean and varying the level of diplomatic sanction from its minimum value of 0 (no diplomatic sanction) to 4 (high-level diplomatic sanction embassy closure), the results indicate that the probability of failure increases from 42% to 73% and the probability of success drops from 58% to 27%.

### **Additional Information and Communication Variables of Interest**

In addition to testing diplomatic sanctions in the model, a secondary test was constructed using additional variables designed to capture information and communication levels. Each of the alliance-related variables were individually tested in the same logit models that were employed above. Each of these variables were added to the models both with and without the inclusion of the diplomatic sanction variables.<sup>280</sup> The first table below illustrates that only the *nomilcoop* variable is significant, which indicates that when the sender and target state are

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<sup>279</sup> Michael Tomz, Jason Wittenberg, and Gary King (2001). CLARIFY: Software for Interpreting and Presenting Statistical Results. Version 2.0 Cambridge, MA: Harvard University, June 1. <http://gking.harvard.edu>; Gary King, Michael Tomz, and Jason Wittenberg (2000). "Making the Most of Statistical Analyses: Improving Interpretation and Presentation." *American Journal of Political Science* 44, no. 2 (April 2000): 347-61.

<sup>280</sup> The ATOP alliance variables chosen for the regression analysis were selected based on the emphasis placed on communication, coordination and information. The original analysis first showed that whether or not the sender and target states were members of the same alliance did not impact sanctions' 'outcomes. Therefore, variables were selected that more closely captured whether or not the two states would be likely to have close communication and information sharing as a result of being in particular types of alliances.

members of alliances with high levels of non-military cooperation, the likelihood of success in sanctions episodes increases. It is also worth noting that *dslevel* remains significant in one of these models and just slightly misses significance in the Column 3 and Column 4 models ( $p=.114$ ,  $p=.104$ ). However, when the *dslevel* variable is removed from the model and the model is run with just the inclusion of the alliance-related variables, all three of these variables are significant.

**Table XII. Logit Model with the Inclusion of Alliance-Related Variables and Diplomatic Sanction Level**

Note: Dependent variable: Sanctions Episode Outcome 0=failure 1=success

	(1)	(2)	(3)	(4)
costtotargetgnp	-0.0137 (0.0245)	-0.00703 (0.0255)	-0.00981 (0.0257)	-0.00864 (0.0259)
gnpratio	-0.000116 (7.31e-05)	-0.000101 (6.99e-05)	-0.000105 (7.14e-05)	-0.000101 (7.16e-05)
milcomp	-0.160 (0.637)	-0.226 (0.612)	-0.0310 (0.622)	0.00432 (0.625)
tradelinkage	0.0161 (0.0133)	0.0125 (0.0144)	0.0155 (0.0137)	0.0150 (0.0138)
intlcooperation	-0.496* (0.272)	-0.382 (0.311)	-0.466 (0.291)	-0.455 (0.296)
costtosender	0.776* (0.440)	0.786* (0.415)	0.792* (0.411)	0.815** (0.398)
regimetype	0.143 (0.273)	0.131 (0.276)	0.139 (0.277)	0.173 (0.284)
healthstability	-1.011** (0.453)	-0.994** (0.457)	-1.027** (0.438)	-1.067** (0.429)
goalbinary	-0.0803 (0.482)	-0.0510 (0.508)	-0.0669 (0.486)	-0.0828 (0.493)
priorrelations	0.221 (0.307)	0.183 (0.312)	0.249 (0.315)	0.229 (0.316)
dslevel	-0.346** (0.169)	-0.320* (0.173)	-0.294 (0.181)	-0.284 (0.182)
milcon		0.783 (0.507)		
organ1			0.254 (0.161)	
nomicoop				1.028** (0.503)
Constant	0.956 (1.430)	0.579 (1.554)	0.435 (1.574)	0.330 (1.576)
Observations	116	112	112	112

p<.1 \*\*p<.05

Pseudó R2 =

Standard error clustered on 73 countries

(Note: Same logit model as above, but  
with *dslevel* variable excluded)

VARIABLES	(1)	(2)	(3)
Costtotargetgnp	-0.00163 (0.0237)	-0.00471 (0.0246)	-0.00400 (0.0251)
Gnpratio	-0.000101 (6.43e-05)	-0.000106 (6.84e-05)	-0.000103 (6.93e-05)
milcomp	-0.490 (0.571)	-0.244 (0.584)	-0.213 (0.589)
tradelinkage	0.0103 (0.0128)	0.0136 (0.0123)	0.0132 (0.0125)
Intlcooperation	-0.341 (0.294)	-0.428 (0.279)	-0.419 (0.284)
costtosender	0.542 (0.371)	0.573 (0.358)	0.608* (0.354)
regimetype	0.221 (0.274)	0.217 (0.275)	0.253 (0.282)
healthstability	-0.684* (0.350)	-0.745** (0.337)	-0.800** (0.339)
goalbinary	-0.193 (0.525)	-0.191 (0.497)	-0.203 (0.502)
priorrelations	0.281 (0.319)	0.349 (0.316)	0.323 (0.317)
milcon	0.905* (0.501)		
organl		0.314** (0.150)	
nomicoop			1.185** (0.475)
Constant	-0.257 (1.384)	-0.393 (1.409)	-0.458 (1.426)
Observations	112	112	112

p<.1 \*\*p<.05

Pseudo R2 =

Standard error clustered on 73 countries



These models lend some support to the idea that when sender and target states are members of alliances with higher levels of communication and informational exchange associated with them, sanctions are more likely to be effective. This suggests that formal contact in other arenas might actually assist in the effectiveness of sanctions.

Additional models were also run that included the transparency release of information variable and the freedom of press variable, but these variables were not significant in any of the models. The logit model with these variables can be found on the following page. *International cooperation, health and stability* and *dslevel* remained significant in most variations of these models. These findings suggest that transparency and information levels alone may not necessarily impact sanctions effectiveness, but that the United States ability to collect valuable information on the ground, track events, remain engaged and communicate with the target state has more of a substantial impact on sanctions' effectiveness.

**Table XIII. Logit Model with the Inclusion of Information Release and Freedom of Press Variables**

Note: Dependent variable: Sanctions Episode Outcome 0=failure 1=success

VARIABLES	(1)	(2)	(3)
costtotargetgnp	-0.0137 (0.0245)	0.00104 (0.0249)	-0.0202 (0.0228)
gnpratio	-0.000116 (7.31e-05)	-6.45e-05 (5.23e-05)	-8.22e-05 (6.17e-05)
milcomp	-0.160 (0.637)	-0.0598 (0.721)	1.011 (0.924)
tradelinkage	0.0161 (0.0133)	0.00323 (0.0145)	0.00826 (0.0141)
intlcooperation	-0.496* (0.272)	-0.613** (0.299)	-0.401 (0.286)
costtosender	0.776* (0.440)	0.682 (0.473)	0.597 (0.516)
regimetype3scale1styearw	0.143 (0.273)	0.0366 (0.307)	0.163 (0.397)
healthstability	-1.011** (0.453)	-1.439*** (0.481)	-0.948** (0.484)
goalbinary	-0.0803 (0.482)	-0.344 (0.567)	-0.541 (0.658)
priorrelations	0.221 (0.307)	0.222 (0.389)	-0.0486 (0.330)
dslevel	-0.346** (0.169)	-0.258 (0.178)	-0.434** (0.201)
inforelease		0.508 (1.596)	
freedom			0.210 (0.441)
Constant	0.956 (1.430)	1.976 (1.516)	1.021 (1.665)
Observations <sup>281</sup>	116	93	87

p<.1 \*\*p<.05

Pseudo R2 =

Standard error clustered on 73 countries

<sup>281</sup> The number of observations drops substantially in these models, as the release of information and freedom of press data is not available for the entire time period covered by the HSE data. The freedom of press data is only available for 1980 and later, while the release of info data also starts later than the HSE dataset and is missing data on a number of countries, as discussed earlier.

### **Addressing Selection Bias: Determinants of Diplomatic Sanctions Use and Level**

The previous results suggest that the use and level of diplomatic sanction employed in conjunction with economic sanctions impacts the outcome, with higher levels of diplomatic sanctions increasing the likelihood of failed policy outcome for the United States. However, some may remain skeptical of this relationship and point out that it is possible that diplomatic sanctions are used in the more difficult economic sanctions episodes, which makes failure more likely. If the occurrence of diplomatic sanctions is mostly in the cases primed for failure, the finding regarding *dslevel* may be driven by some sort of selection effect as opposed to the causal mechanisms described in my theory.

Two additional tests were run to help mitigate this potential problem. First, I ran a regression model treating diplomatic sanctions imposition (*ds*) and diplomatic sanction level (*dslevel*) as dependent variables in the economic sanctions episodes. This was done in order to see if the explanatory variables that were found to be significant determinants of outcomes also predicted the presence of diplomatic sanctions. The test was designed to determine what variables appeared to be strongly correlated with the occurrence of diplomatic sanctions in economic sanctions episodes.

To see if higher level diplomatic sanctions were only used in economic sanctions episodes that were likely to fail anyway, a logit regression was run with *ds* and *dslevel* as the dependent variables. If such sanctions are only imposed in cases ripe for failure, we should see the occurrence of diplomatic sanctions and high levels of diplomatic sanctions strongly correlated with factors that prime sanctions' episodes for failure.

**Table XIV. Logit Regression Determinants of the Presence of Diplomatic Sanctions**

Variable	
Cost to Target	-.028 (.0568 )
GNP Ratio	.000 (.000) )
Military Companion	1.445 (.741)*
Trade Linkage	.001 (.0144)
International Cooperation	.267 (.318)
Cost to Sender	.149 (.577)**
Regime Type	-1.11 (.575)*
Health & Stability of Target	-2.13(.587)**
Goal Binary	.891 (.841)
Prior Relations	-.538 (.461)
Constant	
Chi squared	62.54***
Log likelihood	-41.357
Pseudo R square	.4305
N	116

The results of the logit analysis using the occurrence of diplomatic sanctions as the dependent variable suggests that diplomatic sanctions are not just used in cases primed for success. Most of the factors associated with success in the previous analysis of sanctions were not found to be significant in predicting the presence of diplomatic sanctions. Factors that were significant in the earlier models do not appear to be correlated with the use of diplomatic sanctions or increasing levels of diplomatic sanctions. In other words, of the few factors that were found to predict success or failure, none of these are significantly correlated with the presence or absence of diplomatic sanctions.

However, the model does indicate that a few of the explanatory variables do appear to be related to the use of diplomatic sanctions in economic sanctions episodes. As illustrated in the table above, the *costsender* variable is correlated with the use of diplomatic sanctions. This finding illustrates that higher costs to the United States in sanctions episodes make it more likely diplomatic sanctions are used in that episode. However, the same is not true for the costs

imposed on the target state. In addition, diplomatic sanctions are also correlated with the use of military companion policies. Sanctions episodes with the use of military companion policies are also more likely to have diplomatic sanctions associated with them. Lastly, there appears to be a significant relationship between regime type and the use of diplomatic sanctions by the U.S. The less democratic the regime in an economic sanctions episode, the more likely diplomatic sanctions will be used in that episode.

This model also finds that the health and stability variable is also found to be significant. The finding indicates that the use of diplomatic sanctions appears to be more likely in cases in which the health and stability of the target regime is low. While the earlier analysis shows the health and stability of the target state to be a significant determinant of sanctions outcomes, the previous analysis indicates that as the health and stability of the target regime increases, sanctions are more likely to fail. Therefore, targets with low health and stability should actually be the cases primed for greater likelihood of success. The finding that diplomatic sanctions are actually more likely to be used against cases of low health and stability actually indicates that diplomatic sanctions are being used against target states that are actually primed for a greater likelihood of success, not failure - not the other way around, which would indicate a selection effects problem. In addition, a regression and ordered logit were run using *dslevel* as the dependent variable and models confirmed the same findings with the exception of regime type in the basic regression model.<sup>282</sup>

In addition when you run the same model only looking at the sanctions cases in which diplomatic sanctions are imposed, none of the explanatory variables in the model appear to predict the level of diplomatic sanctions imposed. Therefore, none of the variables shown earlier to be associated with success or failure are predicting the level of diplomatic sanctions in a particular case. In other words, once there are diplomatic sanctions associated with economic

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<sup>282</sup> While regime type did appear to significantly impact if diplomatic sanctions were used in an economic sanctions episode, there did not seem to be a significant relationship between the level of democracy of the target state and the level of diplomatic sanctions employed.

sanctions, none of the variables that predict overall policy outcome success or failure predict the increasing use of higher levels of dip sanctions. This suggests that diplomatic sanctions levels are not being driven by the same factors that may be priming a particular case for success or failure.

### **Conclusion**

The statistical analysis provides preliminary support for the dissertation's central argument. The findings suggest diplomatic sanctions reduce the ability of the U.S. to get desired outcomes with regard to U.S. demands. The findings do not indicate that this is the only determinant of sanctions' success or failure, but the regressions do suggest that diplomatic engagement may in fact be a previously overlooked element of sanctions success and failure. However, the statistical analysis can only show a correlation between the variables being tested and does not shed light on the causal mechanisms. In addition, the statistical analysis is only looking at one component of the overall argument and does not explore the impact of diplomatic disengagement on intelligence and communication. In order to really unpack the causal mechanisms behind the theory, as well as the various components of the theory at work, it is necessary to conduct case study analysis.

## Chapter IV. Mixed Methods Approach and Research Challenges

### *The Value of a Multi-Method Approach: Case Studies and Large N Analysis*

The previous chapter presented a quantitative analysis of U.S. economic and diplomatic sanctions episodes to test whether or not there is support for the idea that communication, information and diplomatic engagement serve as determinants of sanctions success. Before moving to the case study portion of the research, this chapter explains the value of employing case studies in conjunction with statistical analysis to assess the central theory of the dissertation. While the quantitative analysis in the previous chapter indicates support for the diplomatic sanctions hypotheses, it cannot shed light on the causal mechanisms behind the theory. The case studies will be used to examine these mechanisms and bolster the general findings of the medium-n analysis.<sup>283</sup>

Using a mixed method approach of both large-n analysis and case studies is a strategy designed to gain analytical power with regard to the research question at hand. As noted by Lieberman,

The strategy of combining the two approaches aims to improve the quality of conceptualization and measurement, analysis of rival explanations, and overall confidence in the central findings of a study. The promise of the nested research design is that both LNA and SNA can inform each other to the extent that the analytic payoff is greater than the sum of the parts.<sup>284</sup>

The case studies will help to further examine the central theory that gained support in the data analysis by focusing on illustrating some of the causal mechanisms behind the relationship between diplomatic sanctions and reduced effectiveness – a task that cannot be accomplished by data analysis alone. While the data analysis is able to determine statistically significant correlations between variables, it cannot explain the process by which a particular explanatory variable contributes to sanctions' effectiveness. The statistical analysis cannot tell us whether or not diplomatic sanctions undermine sanctions success by inhibiting information and

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<sup>283</sup> Evan Lieberman, "Nested Analysis as a Mixed-method Strategy for Comparative Research," *American Political Science Review*, Vol. 99, No. 3. (August 2005).

<sup>284</sup> Lieberman, 436.

communication channels as the theory suggests, but only that diplomatic sanctions are correlated with reduced sanctions effectiveness. These types of issues can be further explored by delving deeply into particular cases and tracing U.S. policies and demands along with changes in the target behavior over time, or lack thereof.

#### *Case Study Methodology Employed*

The longitudinal case studies in the remaining chapters fall into the “theory testing” typology described by Bennett and George in *Case Studies and Theory Development in the Social Sciences*. The cases are selected and designed to “assess the validity and scope conditions of single or competing theories.” The case study approach is modeled on the controlled comparison method described in the work of George and Bennett. In this approach, similar cases are selected that are comparable along most dimensions with the exception of the independent variable. Using this method one can analyze whether or not this variance helps to account for variation in dependent variable outcomes.<sup>285</sup> This method can use two distinct cases or it can also be employed by dividing a single longitudinal case over time, based on variation in the independent variable under examination. Using a single case with longitudinal variation in the independent variable is useful because it helps to control for a wide range of factors. Process-tracing can then be used to look at whether or not differences in outcomes can be attributed to changes in the independent variable over time in the particular case.<sup>286</sup>

In addition, in selecting the cases, it is also worth paying some attention to the predictions of alternative theories, if the theories are mutually exclusive. This is important because a tough test for the theory under examination is one in which alternative theories would predict an outcome very different than the one that actually occurred and the theory of interest is actually seemingly the least likely to apply to a particular case. If in fact, if the least likely theory for a particular case actually ends up being able to better explain a particular outcome for a case, the

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<sup>285</sup> Bennett and George, 81.

<sup>286</sup> Ibid.



predicted outcome can't be viewed as resulting from other competing theories.<sup>287</sup> It is worth noting that the arguments associated with my theory are not mutually exclusive with the competing theories. I am simply trying to show that the theory carries significant weight in explaining sanctions outcomes, not that it is the only factor driving outcomes. However, according to Bennett and George, the new theory will be more compelling if the outcome it will predicts could not be predicted from the strongest rival theory.<sup>288</sup> As said by Bennett and George, "the explanation for a particular case is more convincing if it is more unique or if the outcome it predicts could not have been expected from the best rival theory available."<sup>289</sup> The most strongest rival for my theory tends to be the idea that increasing economic and diplomatic pressure or costs will increase the probability that the target state changes its behavior. This is the logic that tends to drive U.S. sanctions policy generally speaking. In the cases analyzed, the assumptions behind imposing diplomatic sanctions seems to be that these sanctions will for one reason or another contribute to the pressure being felt by the regime and impose additional costs on the target state. Therefore, theories based on costs would tend to generally predict that increasing costs (both economic and political) increases target state compliance with the U.S. demands. Unfortunately, this calculus does not appear to come to fruition in the cases under analysis. If this were correct, we would expect to see increased economic sanctions coupled with diplomatic sanctions getting states to modify their behavior as the costs increase. In fact, in most of the cases, we tend to see the opposite with less compliance during these periods.

The mixed-method approach of using case studies and statistical analysis is common in literature that tries to assess the determinants of a particular phenomenon or outcome in the international relations literature. For example, this mixed-method design is used in trying to assess what determines when settlements occur in civil wars. In her work on civil war settlement, Barbara Walter assesses the determinants of civil war settlements that last and she selects two

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<sup>287</sup> Bennett and George, 121.

<sup>288</sup> Bennett and George, 117.

<sup>289</sup> *Ibid.*

similar cases that differ in her variable of interest – third party guarantees.<sup>290</sup> Walters analyzes her cases aiming to ascertain the causal mechanisms that drive third-party security guarantees to be associated with civil war settlement. However, she also pays careful attention to make sure other factors that may drive settlements are not at work in the cases.<sup>291</sup>

To meet these aims, Walters employs three strategies in her case studies. First, she notes that she looks for any other variables or conditions that play a role in settlement success, even if these were not previously considered or tested in the quantitative analysis. Second, she tracks when and how decisions were made between parties to cooperate and settle. Lastly, she is careful to note what would disconfirm her own theory in each of the cases.<sup>292</sup> In addition, this approach has also been used within the realm of sanctions studies. For example, Lisa Martin uses this approach in assessing the determinants of multilateral cooperation in the realm of sanctions. In the following chapters, the case studies will focus primarily on assessing the role of diplomacy, information and communication. Like Walters, I will look at when and how information and communication appeared to contribute to more positive outcomes, but I will also note when additional factors appear to factor into outcomes or undermine the power of my own theory.

#### *Case Selection*

Case selection in this type of study is extremely important. Cases need to be selected in a methodologically sound way and in a manner that creates a strong test of the theory at hand. First, the researcher must decide on what actually qualifies as a case. With regard to sanctions episodes, this is particularly important because there are a variety of ways one can classify cases or break them up over time. In his work on sanctions, David Baldwin points out that one researcher could examine World War II as one case of economic warfare, whereas another could

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<sup>290</sup> Barbara Walters, *Committing to Peace: The Successful Settlement of Civil Wars*, (Princeton: Princeton University Press, 1992).

<sup>291</sup> Walters, 110.

<sup>292</sup> Walters, 111.

treat each bilateral pair of countries as its own case.<sup>293</sup> Another researcher may even break down the cases by demand type within a bilateral pair, with each demand. Therefore, it is worth noting that the case studies will not necessarily align with the data points in the previous chapters, as some of those data points may actually be part of the same longitudinal case.<sup>294</sup>

This study will employ controlled case comparisons by looking at variation in the imposition of different types of sanctions against one country in a particular case over time, along with making comparisons across different country cases. This strategy will allow for holding many variables in the longitudinal case constant, while the level of diplomatic engagement within the longitudinal case itself will vary.<sup>295</sup> I have selected cases to allow for both within- and across-case variation in the explanatory variables, but I have also selected cases with variation in terms of outcomes and the type of demands being made. The two longitudinal cases demonstrate variation in diplomatic engagement and will enable me to gauge whether such variation contributed to enhancing or undermining compliance with demands. In addition, a series of shorter case studies will be used to look at the broader applicability of the elements of the theory. For these cases, I tried to find variation in the independent variable (diplomatic engagement level) in the context of sanctions episodes and across different types of issue areas. For example, I look at constructive engagement under President Reagan in the South Africa case as an example of strong engagement with a problematic regime. Case studies in this chapter also include Afghanistan and Burma. Burma represents a case that falls somewhere in the middle of the spectrum, as the embassy has remained up and running, but the general policy has been somewhat disengaged w/mild diplomatic sanctions in place (no ambassador), although a special envoy was recently appointed by the Obama administration. The Afghanistan case focuses on the

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<sup>293</sup> Baldwin, 146.

<sup>294</sup> For example, while cases such as Sudan, Libya, North Korea and Iran appear as multiple data points in the previous dataset, these countries can actually be examined as a single longitudinal case study that may be broken down into sub-cases that differ from the “sanctions episodes” in the HSE dataset.

<sup>295</sup> For more information, see Lisa Martin (1992) on the importance of variation in terms of independent variable in case selection.

implications of diplomatic disengagement in the realm of counterterrorism, as this is an issue area of particular relevance in terms of crafting current U.S. foreign policy with states believed to be sponsoring terrorists.

### **Comparing Strength of New Theory to Alternative Theories**

The new diplomatic sanctions theory is not claiming that diplomatic sanctions are dispositive or that information and communication is a smoking gun that determines the outcome in a sanctions episode. Therefore, the cases are aimed at showing that information, communication and diplomatic ties matter and impact the United States ability to get what it wants. The case studies will focus on assessing the degree to which variation in diplomatic engagement impact likelihood that the target state complies with U.S. demands.<sup>296</sup> In addition, the cases will focus on illustrating the informational and communication consequences of diplomatic sanctions, as these mechanisms are not captured in the quantitative analysis.

While the power of my theory does not necessarily compete with the alternative theories presented in this analysis, divergent predictions from other prominent theories would work to enhance the explanatory power of my theory in a given case. As the arguments about diplomatic sanctions have their own predictions regarding the impact of information, communication and diplomatic ties on sanctions effectiveness, ideal cases for examination would also diverge along the predictions of other major theories shown to be significant in the statistical analysis and my own theory of sanctions effectiveness. For example, one type of ideal case would be one in which there is low health and stability and very low information, communication and diplomatic sanctions. Cases with low health and stability of the target state predict sanctions success and my theory would predict failure. Similarly, the case study would be an even stronger test if there were increasing costs imposed on the target state without increasing success (countering the costs-imposed theory). If economic costs imposed on target state increase with

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<sup>296</sup> After assessing my own theory, I will also briefly address some of the theories supported by the data as a whole and theories that seem to be prevalent in conventional wisdom on sanctions and in the minds of policymakers at the time.

increasing isolation of the target state, both of these variables would yield divergent predictions. Increasing costs theories predict greater effectiveness, whereas my theory of increasing isolation and less information, communication and diplomacy predicts greater failure. In the longitudinal Sudan case study, I explore the predictions of a major alternative theory to see how it fares against the dissertation's main theory. The Sudan case has low health and stability throughout all four of the sub-cases examined, yet it is not an easy case for the United States. Similarly, the costs-imposed theories do not appear to explain the outcomes in the Sudan case, as increasing costs do not appear to increase the likelihood of sanctions outcomes – and, in fact, the opposite could be argued in looking at the outcome patterns in the Sudan case. With regard to the other cases, I will address competing theories in the dissertation's conclusion.<sup>297</sup>

### **Analyzing the Unintended Consequences of Diplomatic Disengagement**

Lastly, in addition to analyzing the theory as it applies to predicting outcomes in the sanctions cases, the case studies will also focus on the additional central hypotheses related to the use of diplomatic sanctions. In addition to making predictions about outcomes, my theory predicts a number of intermediary results that in turn impact outcomes. Specifically, my theory predicts that diplomatic sanctions, and policies centered on diplomatic isolation, reduce intelligence capabilities of the target state and reduce communication and the ability to influence the target state. The cases will focus specifically on assessing these arguments in the context of analyzing the outcomes, as the quantitative analysis does not assess these predictions.

### **The Case Studies**

#### *Longitudinal Case Studies*

The two cases selected for the longitudinal case studies are Sudan and Libya. These cases provide variation across time in terms of economic and diplomatic sanctions and as illustrated

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<sup>297</sup> As testing all of the hypotheses presented in the quantitative analysis would make the case studies increasingly complex and difficult to follow, other variables will be noted throughout the case studies, but not explicitly tested in the same way as the three prior theories.

above, they have different sequencing orders, which allows for the observation of economic and diplomatic sanctions independently and combined, which will also allow for a better understanding how the ordering of sanctions may impact outcomes. In addition, both cases have multiple demands associated with sanctions and share some overlap in terms of demand type – namely, demands related to terrorism.

### **Mini-Case Studies**

In addition to the longitudinal case studies of Sudan and Libya, the dissertation includes three additional case studies to look at the broader applicability of the theory. The mini-cases examined in the dissertation are: Afghanistan, Burma and South Africa. The reasons for their selection will be discussed further in Chapter Seven.

### **Research Challenges and Limitations**

The potential problems in this dissertation mirror many of the problems that plague the economic sanctions literature, so the case study analysis will be used to try to ameliorate some of these issues. First, most of the quantitative work looking at the effectiveness of economic sanctions looks at effectiveness purely in terms of outcomes. Like the statistical analysis in the previous chapter, quantitative work tends to focus on whether or not sanctions were successful in terms of getting a specific policy change, but such analysis does not capture the potential blowback effects of sanctions. In other words, even if a particular type of sanction is shown to be extremely effective in reaching its objective over a given amount of time, quantitative work does not tend to evaluate additional costs that may result from the employment of a particular type of sanction.

Evaluating the utility of a foreign policy tool must take negative externalities into account. This argument has been made specifically with regard to economic sanctions. In his work on sanctions, Richard Haass argues that case studies need to pay close attention to negative

externalities, as they might be costly and counterproductive.<sup>298</sup> This research goes beyond just looking at outcomes and the case studies look at the unintended consequences of sanctions – namely in the realm of information and communication – and illustrates just how these consequences actually play into outcomes. However, even the outcome does not appear to be impacted in the way the theory predicts, there is still value in demonstrating the costs associated with diplomatic sanctions – as these costs ought to be calculated into policy decision making, as well as the likelihoods of particular outcomes.

Another challenge in assessing sanctions policies is comparing the utility of diplomatic sanctions to other potential policy alternative at the time. Scholars who study economic sanctions have recognized the importance of weighing the sanctions option against the available alternatives and not just evaluating them in a bubble and this study will attempt to examine costs, externalities and alternatives in the case study analysis.<sup>299</sup> Therefore, case studies will pay particular attention to the externalities of diplomatic sanctions, along with how the effectiveness and costs associated of sanctions compare to other alternative policy options that could have been carried out at the time. Similarly, in looking at the benefits of diplomatic engagement, one should not just look at whether or not complete success was attained, but also whether or not diplomatic engagement appears to have been an optimal strategy compared to other policies that could have been adopted at the time.

A third challenge associated with researching diplomatic sanctions is that there still may be variation in diplomatic contact despite diplomatic sanctions. Even in the most severe cases where the U.S. has shut down its embassy and has economic sanctions on a particular country and refuses to engage diplomatically, there might still be some degree of diplomatic engagement taking place (i.e. with Iran and NK, there has been variation over time with regard to U.S. willingness to engage). While it is extremely difficult to capture this variation in the quantitative

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<sup>298</sup>Haass (1997)

<sup>299</sup>For more on this, see: Haass, O’Sullivan, Baldwin.

part of the study, this variation in engagement can be taken into consideration in the case analysis. Within the case studies, it is possible to examine variation within cases over time, as diplomatic engagement may vary in a more nuanced fashion and the statistical assessment only makes a crude coding for the level of diplomatic engagement.<sup>300</sup>

Lastly, a final challenge in evaluating diplomatic sanctions is the question of whether or not states even intend for diplomatic sanctions to work. Diplomatic sanctions may be used to signal to other states with regard to certain goals rather than demonstrating a sincere effort to actually change the target state's behavior. These issues will need to be further explored in the actual case studies, as it will be possible to see how and why diplomatic sanctions were imposed and how they were actually linked to particular policy demands.

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<sup>300</sup> However, this limitation may not affect all of the hypotheses. For example, public diplomacy efforts are likely to be non-existent where formal diplomatic ties are severed, regardless of the existence of backchannel intergovernmental communications between the U.S. and the target state. In addition, if I find that formal diplomatic sanctions undermine the effectiveness of economic sanctions and inflict create large costs despite the fact that other lower forms of diplomatic non-engagement may continue in some cases, this would suggest the relationship may actually be stronger.



## Chapter V. Sudan: Longitudinal Case Study 1989-2011

### Introduction

The dissertation's first case focuses on Sudan from 1989-2011. The sanctions during this time were imposed by both the United States and the United Nations and they were used to address a number of issues and demands. Both economic and diplomatic sanctions were imposed. Economic sanctions were imposed at various times from the 1989-2011 time period. In addition, in 1993, the embassy staff in Sudan was reduced and, in 1996, the U.S. imposed high-level diplomatic sanctions by shutting down its embassy in Khartoum. This case focuses on both the terrorism-related demands accompanying sanctions and a slew of demands relating to the internal behavior of the regime, including: human rights, religious persecution, ending the civil war and improving the situation in Darfur. The precise nature of the demands at various points in time will be spelled out in the historical breakdown of the case.<sup>301</sup>

The Sudan case study, which consists of four sub-cases, lends significant support to the theory by confirming that diplomatic sanctions reduce U.S. information collection and capacity for communication with the target state, and impact target state compliance with demands related to terrorism, the humanitarian situation and the ongoing civil war. The Sudan sub-cases examined are: 1) June 1989-August 1993: Constructive Engagement 2) August 1993-February 1996: Initial Disengagement 3) February 1996 (post-embassy closure)-1999: Full Disengagement and Isolation 4) 2000-2009: Cooperative Counterterrorism and Renewed Engagement. The strongest support for the theory is found in the third and fourth sub-cases, but the two other sub-cases yield low to moderate support as well. Reasons are explored for this variation in support for the theory across sub-cases. In addition, the case includes a brief

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<sup>301</sup> In the HSE database, sanctions against Sudan appear as two episodes. First, there is a U.S. sanctions episode in 1989 with demands related to human rights and democracy. These sanctions came in response to coup in 1989. Second, HSE list U.S. sanctions in 1993, with support from the UN, as an additional case of U.S. sanctions against Sudan. The HSE demands coded as being associated with these sanctions include terrorism and religious persecution. However, while these two sanction episodes are the two that meet the threshold of the HSE database, throughout this time period, there is an ongoing debate about the U.S. sanctions policy and variation in the level and type of sanctions imposed.

addendum, focusing on recent and ongoing developments on the ground in Sudan. As events were unfolding at the time of writing this dissertation, the final section of the case with an update on recent events provides just a preliminary assessment of the situation. For this reason, this section will not follow the same format as the other sub-sections of the case study.

I selected the Sudan case for a variety of reasons. First, there is variation in the main independent variables of interest in my theory. Throughout the Sudan case, the diplomatic sanction level varies. As a result of varying levels of diplomatic engagement, we also see varying levels of communication between the U.S. and Sudan, as well as varying levels information collection throughout the case. The case allows us to assess the impact of sanctions on communication and intelligence, as well as the impact on outcomes with regard to U.S. demands.

In the Sudan case, the variation in outcomes during these periods cannot be well-explained by other dominant theories. For example, while costs-imposed theories would predict high levels of success to be associated with increasing economic and diplomatic pressure, the variation in outcomes throughout the case are not in line with these predictions. Similarly, the Sudan case presents a puzzle for the strong finding in the prior section that states with low economic health and low political stability ought to be easier to coerce than states with high economic health and high political stability. This argument, which is supported by the quantitative findings, does not seem to explain success and failure in the Sudan case. Sudan was a very weak, economically poor and unstable country throughout the time period under examination, yet there was substantial difficulty in getting the Sudanese to comply with a wide range of U.S. and UN demands.

In this chapter, I posit that the diplomatic sanctions theory can contribute to a better understanding the varying levels of behavioral change by Sudan throughout this case. However, it is important to note that the theories presented in the preceding chapter are not necessarily in competition with one another. Therefore, the case study is not designed to illustrate that my theory is the only particular mechanism driving sanctions effectiveness, but instead, I am trying to

show my theory has significant explanatory power in terms of explaining the variation in outcomes in the particular cases and across cases – and that it may in fact be better at explaining some of this variation than some of the other dominant theories in the field and in the minds of U.S. policymakers at the time.

The Sudan case is also useful because there is variation in terms of both demands and outcomes. Sudan is a case of mixed success and failure, so the case is useful for assessing whether or not variation in the independent variables of interest are contributing to the variation in outcome. In addition, throughout the case, the U.S. has clearly articulated demands and goals associated with the imposition of sanctions, so it is possible to discern what the U.S. is trying to achieve with its policies, as well as whether or not it achieves progress. The Sudan case is also a complex case because sanctions were not imposed on the basis of one distinct issue area. Therefore, this case study will focus not only on Sudan's involvement with and support of terrorist activity, but also on the litany of demands related to human rights, the civil war and Darfur, as these were all issues related to the use of sanctions and U.S. foreign policy goals in this case.

The Sudan case as a whole can be characterized as falling somewhere on the low to moderate end of the diplomatic engagement spectrum. In the twenty year period being examined, diplomatic ties with the United States start off intact and are then severed and then resumed (but only to a downgraded status). In addition, the United States and Sudan share no formal alliances with each other during the period under examination nor did they share any alliances in the period leading up to sanctions. Sudan also has a moderate transparency score average at around .495, but this score is relatively low compared to the transparency scores of the other index scores for states during this period.

Generally speaking, the overall classification of the case would predict mixed results, as it is not one of the strongest cases in terms of lengthy diplomatic ties and/or information severance (i.e. Iran, North Korea, Cuba, Libya) nor is it a case marked by high levels of information-

sharing, communication and diplomatic ties throughout. As a result, for the Sudan case overall, the dissertation's theory would predict the overall case to be partially successful, with some limited, but not complete success.

However, as there is substantial variation in terms of diplomatic engagement levels throughout the case, it is much more useful to break down the case into the four sub-cases described earlier and frame the diplomatic sanction predictions for each period to assess whether or not the actual outcomes are in line with the predictions. During each of the sub-curios, I analyze pivotal policy decisions, the level of diplomatic engagement with Sudan, the sanctions in place and the U.S. demands being made. Then, for each of these periods, I assess the impact of diplomatic representation and diplomatic engagement. I assess the impact of diplomatic sanctions on intelligence and communication and on the degree to which U.S. achieved progress in getting compliance with its demands.

### **Overview of Chapter**

The structure of this chapter is as follows. First, I run through the components of my diplomacy-related theory as they apply to this particular case and frame the predictions of the theory with regard to the demands being made throughout the case. Second, I provide a brief historical overview of the Sudan case to provide some context to the reader and briefly run through the sanctions placed on Sudan and the U.S. goals throughout the case. Third, I analyze each sub-case with regard to my theory to better understand the causal mechanisms behind success and failure during each phase of the sanctions episode.

### **Variation over Time and Corresponding Predictions of Main Theory**

The analysis focuses on identifying and assessing the mechanisms of the theory during each part of the case to evaluate the strength of the theory with regard to outcomes. In the Sudan case, outcomes are assessed based on the level of progress on U.S. terrorism concerns and demands, and compliance with U.S. demands on other internal issues related to the ongoing civil war and

humanitarian crisis.<sup>302</sup> For each period, I will try to characterize the outcomes in terms of success or failure across the various dimensions of the case since it is possible for the U.S. to make progress in one particular area of concern (e.g. terrorism) and not in another (e.g. humanitarian crisis). Having said that, all of these issues are obviously interrelated and certain measures are undoubtedly links to U.S. demands on all of these fronts. Therefore, the case examination will also try to draw more general lessons about the impact of diplomatic disengagement in cases with multiple issues at stake and about how diplomatic sanctions impact economic sanctions in these types of cases.

### **1989-August 1993: Constructive Engagement**

The case begins with the June 1989 military coup led by Colonel Omar al-Bashir, who joined forces with the National Islamic Front (NIF) led by Hasan al-Turabi. The first period under examination runs from June 1989-August 1993, at which point Sudan is placed on the terrorism state sponsorship list. In 1989, the U.S. imposed economic sanctions related to human rights, democracy and the ongoing civil war. At this time, there were minimal U.S. demands related to terrorism, as it was not a primary concern. Terrorism concerns did rise throughout this period, especially with the arrival of Bin Laden in the early 1990s, but the U.S. did not make any specific demands or take explicit actions with regard to terrorism until 1993.

During this period, there were no diplomatic sanctions in place. Prior relations between Sudan and the United States were already low before the imposition of sanctions and Sudan had no alliances with the U.S. during this period or prior to sanctions imposition. The overarching U.S. policy towards Sudan during this time can be characterized in the administration's own words as one of "constructive engagement," a term adopted from the policy the U.S. had adopted

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<sup>302</sup> The case covers a long time period and a number of complex issues, so the purpose of the case is to really hone in on U.S. demands and key events relating to those demands, as opposed to providing a comprehensive and detailed history of the case. Once I run through the major demands and events associated with the case, I will then look at each sub-case described above to assess my theory in greater detail and see how well it holds up when looking at the outcomes in each period, the causal mechanisms I speculate to be at play in Chapter 2 and, in some periods of the case, the unintended consequences of diplomatic sanctions and disengagement.

towards South Africa and one which required maintaining dialogue with problematic actors in the military regime that had come to power.<sup>303</sup> The Carter Initiative started just four months following the coup with the indication that Bashir was open to negotiating. The embassy remained opened and functioning after the coup and there was a significant amount of communication between Carter and the parties in Sudan. During this period Sudan had diplomatic ties with the U.S., a U.S. ambassador in place and a functioning embassy. The policy adopted by Herman Cohen, Assistant Secretary of State for African Affairs, was essentially to talk to everyone. In Cohen's book, he writes, "we decided to talk to everyone and not worry about who might be offended, either in the country concerned or among the ideologues in Washington who closely followed events."<sup>304</sup> During his confirmation hearings, Cohen reiterated this point stating that it would be his policy to talk to all actors if it had potential to contribute to peace.<sup>305</sup> There were significant efforts at mediation, initiated by Assistant Secretary of State for African Affairs Herman Cohen. Cohen adopted a strong policy of engagement. Despite the imposition of economic sanctions and concern over a number of issues related to the regime that had come to power during the coup, the U.S. chose to remain engaged as opposed to isolating the regime.

**Prediction: Moderate Success**

The diplomatic sanctions theory predicts relative progress when compared with other sub-periods in which the U.S. does not adopt a policy of engagement with Sudan. In addition, the dissertation's theory predicts no major losses in information collection or communication between the U.S. and Sudan. During this period, the U.S. still has functioning embassy in place, so we should still expect to see evidence of the ability to engage with the Sudanese, convey demands and articulate threats. The U.S. also ought to retain its public diplomacy and

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<sup>303</sup> Herman Cohen, *Intervening in Africa Superpower Peacemaking in a Troubled Continent*, (Palgrave Macmillan: 2000), p. 67

<sup>304</sup> Cohen (2000), 18.

<sup>305</sup> Testimony of United States Assistant Secretary of State for African Affairs, Herman Cohen, Senate Committee on Foreign Relations, Subcommittee on Africa, 1989.

information-collecting abilities. In addition, there should be evidence that the U.S. is able to carefully craft the sanctions to target particular groups and the U.S. ought to be able to track what is going on in Sudan on the ground and monitor if the situation is worsening or improving with regard to areas of concern, such as terrorism and/or human rights. The U.S. should also be well-equipped to monitor the impact of sanctions and calibrate them accordingly and to clearly convey demands to the target government.

However, it is worth noting that despite a policy of engagement, Sudan was still by no means an extremely open and accessible target. The U.S. had no alliances with Sudan and the transparency index mentioned in the previous chapter gives Sudan a score of .37, which is rather low. There were also very strong limitations on freedom of movement in the country for both government officials and additional organizations. As a result, the positive effects of diplomatic engagement may be slightly tempered during the 1989-1992 period.<sup>306</sup> While U.S. policies were strongly geared towards engagement and diplomatic representation remained in place throughout this period, information and communication levels may still have been somewhat limited due the factors mentioned above.

In addition, while the U.S. was not isolating the regime due to terrorism concerns, it also wasn't very engaged on the terrorism issues and may not have been exploiting potential information and communication channels to the best of its ability. The "constructive engagement" policy focused on issues that can be characterized as being more severe and longer-term demands, such as resolving an ongoing civil war and major humanitarian crisis. Therefore, this period represents a difficult test for diplomatic engagement. As relative progress would be expected, such progress may be tempered due to the severity of problems trying to be resolved, poor access and limited engagement on terrorism matters.

#### **B) August 1993-1996: Initial Disengagement**

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<sup>306</sup> If other factors were in Sudan's favor (strong alliance ties with the U.S., highly transparent, diplomatic ties in place and a policy of constructive engagement), this case would have had a strong success prediction, as opposed to moderate success.

The second sub-case covers Sudan from the state sponsor designation in August 1993 to the closing of the embassy in February 1996. This period is characterized by dramatically increasing concerns and demands pertaining to terrorism and gradual disengagement, which increases throughout the period and eventually culminates in a policy focused on isolation and punishment starting in 1996. This period begins with the U.S. designation of Sudan as a state sponsor of terrorism. As a result of inclusion on this list, a number of additional economic restrictions and limitations on assistance are placed on Sudan by the United States. By 1993, terrorism was at the forefront of U.S. concerns with regard to Sudan. These sanctions were placed on top of already existing sanctions in place in response to the 1989 coup, as those sanctions are not removed. In general, at the outset of this time period diplomatic engagement levels remain fairly in line with the previous period, but gradually started to decrease beginning with the low-level reductions in embassy staff that take place during this period.

The attempted assassination of Egyptian President Mubarak in Ethiopia (with suspects linked to Sudan) and the assassination attempt on Cofer Black, Chief of CIA Station in Khartoum are also notable events in this period. In response to these events and growing concern regarding terrorism, additional sanctions were imposed by the United Nations and the United States in response to the assassination. The costs imposed on Sudan via sanctions rose with additional UN sanctions resolutions, but were still generally weak when compared to sanctions imposed on other regimes at the same time. During this time period the U.S. began debating whether or not engagement or isolation was the right course to take with regard to Sudan and isolationist policies won out. As part of this strategy, and primarily due to security and terrorism concerns, the decision was made to shut down the entire U.S. embassy Khartoum in 1996. While terrorism was the main issue driving sanctions, UN resolutions and embassy closure, overarching dissatisfaction with other internal Sudanese behavior contributed to the measures taken and the decision-making with regard to diplomatically disengaging with the Sudanese.

*Prediction: Increasing failure*



In terms of my theory, diplomatic disengagement gradually increases throughout this period culminating in the 1996 embassy shutdown. In addition, the U.S. increasingly adopts a policy based on disengagement and isolation of Sudan in order to get compliance with U.S. demands. Therefore, the dissertation's theory predicts there ought to be a gradual reduction in communication and information as the U.S. draws down its presence and starts to slowly disengage. However, as the United States was not completely disengaged during this period, the theory would expect greater success in the areas in which the U.S. remained engaged and maintained communication and good intelligence collection. In general, we should expect to see increasing failure across demands, but with potential for limited successes in specific areas where the U.S. continues to remain engaged. However, the prediction of increasing failure, as opposed to complete failure, indicates that this period should still fare better than the next period, in which the embassy was completely shut down and the isolation-centric U.S. policy was in full effect.

In addition to the predictions pertaining to outcome, there are a number of other observable implications we should expect to see during this time period to provide evidence for some of the unintended consequences of diplomatic disengagement. From the time the embassy staff reductions begin to the time the embassy is completely shut down, there should be evidence of increased difficulty collecting information on the target state and also a reduction in the ability to monitor what is going on in Sudan. In addition, we should expect to see reduced public diplomacy efforts and interaction with the Sudanese and greater difficulty monitoring the impact of sanctions and the Sudanese response to U.S. demands.

#### **1996 (post-embassy closure)-1999: Full Disengagement and Isolation**

The third sub-case, which is characterized by high-level U.S. isolation of the Libyan regime both economically and diplomatically, runs from 1996-1999. During this period, the U.S. embassy remained shut down with little to no engagement with Sudanese and the U.S. rebuffed Libyan attempts at communication and/or assistance with regard to counterterrorism. The U.S. also remained uninvolved in the Intergovernmental Authority on Development (IGAD) peace

negotiation process. Throughout this period a policy of diplomatic disengagement was in full effect.

In addition, as the U.S. did not see the UN measures as being harsh enough during this period, President Clinton issued an executive order with additional financial and trade restrictions imposed on Sudan in 1997. The demands associated with this executive order included concerns over “continued support for international terrorism; ongoing efforts to destabilize neighboring governments; and the prevalence of human rights violations, including slavery and the denial of religious freedom.”<sup>307</sup> The order goes on to state that these policies and actions “constitute an unusual and extraordinary threat to the national security and foreign policy of the United States.”<sup>308</sup> This is also the only period in which force was used, with the bombing of the Al Shifa plant in 1998 in response to the bombings of the U.S. embassies in Tanzania and Kenya. However, force is not used until summer 1998, so it is possible to look at the impact of diplomatic disengagement both prior to and following the use of U.S. military force. This sub-case represents the most severe period of diplomatic disengagement in the Sudan case.<sup>309</sup>

*Preliminary predictions: Greatest failure*

Due to the high-level diplomatic sanctions and strong policy of disengagement, the new theory predicts high levels of failure for this period with regard to all U.S. demands in the realm of counterterrorism, human rights and the ongoing civil war.

In addition to the general prediction pertaining to failed outcomes associated with sanctions demands during this period, there are a number of other things we should expect to see during this time that provide support to the mechanisms set forth in my theory. As the embassy remains closed during this entire period, we should see extremely strong evidence of the unintended

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<sup>307</sup> “Blocking Sudanese Government Property and Prohibiting Transactions with Sudan,” Executive Order 13067 of November 3, 1997. Available online at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1997\\_register&docid=fr05no97-126.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1997_register&docid=fr05no97-126.pdf)

<sup>308</sup> Ibid.

<sup>309</sup> For more on this period, see Tara Maller, “The Dangers of Diplomatic Disengagement in Counterterrorism,” *Studies in Conflict and Terrorism*, Vol. 32, No. 6 (June 2009): 511-536

consequences of diplomatic disengagement that are discussed in Chapter 2. This period should indicate serious reductions in communication between the Sudanese and the U.S. and dramatic reductions in information collection, and the ability to monitor the impact of sanctions on the ground. There should also be difficulty conveying threats to the Sudanese and crafting policies based on accurate information. We might also expect to see increased uncertainty surrounding the state of U.S.-Sudanese relations fueling increased hostility between the countries.

### **2000-2009: Cooperative Counterterrorism and Renewed Engagement**

The fourth period that will be examined marks a shift in policy and can be characterized by increased cooperation and engagement, particularly in the realm of terrorism. In 2000, the U.S. starts a counterterrorism dialogue with Sudan. This shift towards engagement with regard to terrorism is also followed by a gradual policy shift towards greater engagement more generally. In July 2001, the director of the U.S. Agency for International Development visited Khartoum and was the highest-level U.S. official to visit Sudan since the U.S. permanent representative to the United Nations had been in Khartoum in the early 1990s.<sup>310</sup> In early September 2001, less than a week before 9/11, President Bush announced the appointment of Ambassador John Danforth as a Special Envoy to Sudan. During this period, Danforth set forth four confidence-building measures to see if there could be a substantial degree of compliance by the Sudanese government and parties in the south and, in 2002, recommended to President Bush that the U.S. remain engaged and push forward with negotiations between the government and Southern rebels involved in conflict. In addition, the U.S. embassy was re-opened in Khartoum 2002, although with no ambassador appointed.

Some of the earlier terrorism sanctions were lifted in 2001, but Sudan remains on the state sponsor list throughout this period with economic sanctions still in place. The events of 9/11 actually pushed the U.S. towards even greater engagement with the Sudanese – particularly with regard to terrorism. Throughout this time period, the U.S. also becomes increasingly

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<sup>310</sup> Carney report, 4.

engaged on negotiations between the north and the south and played an instrumental role in revitalizing the IGAD peace process. During this period, other sanctions remained in place primarily because of human rights violations and the situation in Darfur, which flared up around 2003. Despite the economic sanctions in place during this period, a policy of diplomatic engagement prevailed.<sup>311</sup>

While there was increased engagement throughout this period on issues related to terrorism and reaching a peace agreement between the North and the South, the situation in Darfur does not gain increased attention by the United States (and the international community) until about 2003-2004, at which point the situation had already worsened dramatically.<sup>312</sup> In July 2003, the situation became increasingly dire with the bombing of civilians and other non-discriminatory tactics, including the bombing villages, the raping girls and women, and burning civilians' homes.<sup>313</sup> Engagement focused on the North-South talks and progress being made on that front. However, in spring 2004, the situation in Darfur began being talked about in terms of genocide. The policy with regard to Darfur at this time became a compromise of sorts due to a debate over how to deal with the Darfur situation while there was progress being made on the terrorism and north-south fronts.<sup>314</sup> In a sense, Darfur became somewhat of an exception to the strong posture of engagement with pressure that the United States was employing with regard to terrorism issues and the North-South negotiations.

During this final period of analysis, no additional sanctions related to terrorism are put in place, although additional non-terrorism related sanctions are imposed by President Bush. While President Obama renewed these sanctions in 2009, the policy of engagement with Sudan appears

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<sup>311</sup> However, during this period, there were still some remnants of skepticism about complete re-engagement due to concerns about the ongoing civil war and issues pertaining to human rights. As a result, Sudan remains without a permanent ambassador appointed and the United States is still resistant towards removing the terrorist designation and completely normalizing relations. Therefore, the period should not be classified as one of complete and total engagement on all issues, but the policy during this period is in stark contrast to the period preceding it and illustrates how engagement and sanctions can be used as a mixed strategy.

<sup>312</sup> Prunier, 90.

<sup>313</sup> Prunier, 99-100.

<sup>314</sup> Prunier 138.

to be continuing with the Obama administration's new policy for Sudan, which was released in fall 2009, and the appointment of Scott Gration as special envoy. For the purposes of this chapter, the longitudinal case will end at the close of the Bush administration, but the chapter will close with a brief discussion of current policy towards Sudan and recent developments in the country.

**Prediction: Greatest Relative Success**

During this period, the diplomatic sanctions theory predicts the greatest level of relative success for the Sudan case. The degree of diplomatic engagement is dramatically increased and the U.S. is more engaged with Sudan during this period than during any other period throughout the case - including during Carter's period of constructive engagement. Therefore, with regard to terrorism demands, in particular, we would expect high levels of success, as that is where most of the initial engagement tends to be focused. With regard to other internal issues, such as the peace process and human rights concerns, we'd also expect greater success than during previous periods. However, engagement mostly focused on the north-south concerns, and less so on the egregious human rights violations that were taking place in Western Sudan.

The threshold for success is increasingly difficult in the realm of the ongoing conflict and this aspect of the period under examination may be particularly a hard case for the theory due to the genocide that starts taking place in Darfur. While we would expect engagement to contribute to a better outcome than no engagement, it might not be reasonable to presume information, communication and diplomatic ties can thwart an ongoing genocide, which may be driven by a number of other dynamics that the U.S. engagement may do very little to quell and may take years, if not decades, to fully resolve.

The table on the next page contains a summary table that lays out the general predictions for each time period and previews the actual outcomes. The areas shaded in grey indicate that the actual outcomes generally conform with the theory's predictions, whereas the areas not shaded in grey indicate that the actual outcome in a given period did not match the theory's predictions. While this table is a general overview of the predictions and outcomes, more specific detailed

evaluation of the predictions and outcomes will be included within each respective time period of analysis in the case study. The areas shaded in grey indicate where the actual outcomes strongly align with the theory's predictions, whereas the non-shaded areas have low or no support for the theory. This table can be compared be with a second table, which illustrates an overview of the predictions of the costs-imposed theory of sanctions effectiveness. While the costs-based theory will not be explicitly tested against my theory's predictions throughout the case, the table is illustrative in that it shows predictions that diverge from my theory for almost all periods of the case and the theory has minimal alignment with the actual outcomes for each period.

**Diplomacy-related Predictions**

**Actual Outcome**

<p><b>1989-93</b></p> <p>ES</p> <p>No ES</p>	<p><i>Constructive Engagement:</i></p> <ul style="list-style-type: none"> <li>• Predicts moderate success on civil war and humanitarian-related demands.</li> <li>• Predicts failure on terrorism-related demands, as no clear policy in place. Minimal engagement - just verbal warnings and threats.</li> <li>• No decline in information or communication.</li> <li>• Information useful in crafting and imposing new economic sanctions.</li> </ul>	<ul style="list-style-type: none"> <li>• General failure, but with some progress in getting parties to the table for negotiations.</li> <li>• Increasing failure on terrorism (AQ and other organizations increasing activities in Sudan, bin Laden arrives in Sudan, extremist meetings, etc).</li> <li>• No decline in information or communication.</li> <li>• Information useful in crafting and imposing new economic sanctions regarding terrorism.</li> </ul>
<p><b>1993-96</b></p> <p>ES added</p> <p>ES continues</p>	<p><i>Initial Disengagement</i></p> <ul style="list-style-type: none"> <li>• Predicts increasing failure: <ul style="list-style-type: none"> <li>-Generally increasing failure on terrorism.</li> <li>-Generally increasing failure on humanitarian-related and civil war-related demands.</li> </ul> </li> <li>• Predicts low-level information losses and reduced communication.</li> </ul>	<ul style="list-style-type: none"> <li>• Increasing failure in getting compliance across issue areas, but some focused engagement and sanctions pressure yields some limited terrorism successes (e.g. bin Laden expulsion, Carlos the Jackal turnover, etc).</li> <li>• Generally slow progress on the war-related and humanitarian demands (like in the previous period)</li> <li>• Low-level information losses and reduced communication.</li> </ul>
<p><b>1996-1999</b></p> <p>Additional ES on top of already existing sanctions</p>	<p><i>Isolation and Disengagement</i></p> <ul style="list-style-type: none"> <li>• Predicts highest level of failure relative to the rest of the case with regard to demands across issue areas.</li> <li>• High-level information losses and reduced communication w/embassy closure.</li> <li>• Predicts informational and communication losses undermine economic sanctions.</li> </ul>	<ul style="list-style-type: none"> <li>• High level failure on terrorism, ongoing conflict and humanitarian issues.</li> <li>• High-level information losses and reduced communication w/embassy closure.</li> <li>• Information and communication losses undermine economic sanctions.</li> </ul>
<p><b>2000-post 9/11 period</b></p> <p>Some ES removed, but ES still in place.</p>	<p><i>Renewed Diplomatic Engagement</i></p> <ul style="list-style-type: none"> <li>• Predicts greater success with regard to terrorism followed by greater success with ongoing civil war.</li> <li>• Informational gains and increasing communication</li> </ul>	<ul style="list-style-type: none"> <li>• Terrorism success, progress on civil war peace agreements (counterterrorism treaties, denouncements of terrorism, arrests, intelligence-sharing, CPA agreement, etc)</li> <li>• Failure in Darfur developments (exception to theory's predictions).</li> <li>• Informational gains and increased communication.</li> </ul>

<b>Cost-Based Theory Prediction</b>		<b>Actual Outcome</b>
<p><b>1989-93</b></p> <p>ES</p>	<p><i>Constructive Engagement</i>: - Low to moderate costs imposed w/economic sanctions and no diplomatic costs.</p> <ul style="list-style-type: none"> <li>Predicts moderate success on civil war and humanitarian-related demands due to imposition of moderate economic sanctions.</li> </ul>	<ul style="list-style-type: none"> <li>General failure, but with some progress in getting parties to the table for negotiations.</li> </ul>
<p>No ES</p>	<ul style="list-style-type: none"> <li>Predicts failure on terrorism-related demands, as no clear diplomatic or economic costs imposed on Sudan..</li> </ul>	<ul style="list-style-type: none"> <li>Increasing failure on terrorism (AQ and other organizations increasing activities in Sudan, bin Laden arrives in Sudan, extremist meetings, etc).</li> </ul>
<p><b>1993-96</b></p> <p>ES added</p> <p>ES continues</p>	<p><i>Initial Disengagement</i> - Increasing costs imposed w/additional economic sanctions, state sponsor designation and increasing diplomatic costs.</p> <ul style="list-style-type: none"> <li>Predicts increasing success: <ul style="list-style-type: none"> <li>-Generally increasing success on terrorism due to state sponsor designation, terrorist-related sanctions and diplomatic pressure and disengagement.</li> <li>-Increased success on humanitarian-related and civil war-related demands, as sanctions are still in place and new terrorism sanctions imposed.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Increasing failure in getting compliance across issue areas, but some focused engagement and sanctions pressure yields some limited terrorism successes (e.g. bin Laden expulsion, Carlos the Jackal turnover, etc).</li> <li>Generally slow progress on the war-related and humanitarian demands (like in the previous period)</li> </ul>
<p><b>1996-1999</b></p> <p>ES</p> <p>Additional ES on top of already existing sanctions</p>	<p><i>Isolation and Disengagement</i> – Very high costs imposed with additional economic sanctions and high diplomatic costs imposed.</p> <ul style="list-style-type: none"> <li>Predicts highest level of success relative to the rest of the case with regard to demands across issue areas.</li> </ul>	<ul style="list-style-type: none"> <li>High level failure on terrorism, ongoing conflict and humanitarian issues.</li> </ul>
<p><b>2000-post 9/11 period</b></p> <p>Some ES removed, but ES still in place</p>	<p><i>Renewed Diplomatic Engagement</i> – costs imposed reduced, as some economic sanctions are removed and diplomatic costs are also removed.</p> <ul style="list-style-type: none"> <li>Predicts increasing failure as sanctions are lifted and diplomatic costs are also reduced.</li> </ul>	<ul style="list-style-type: none"> <li>Terrorism success, progress on civil war peace agreements (counterterrorism treaties, denouncements of terrorism, arrests, intelligence-sharing, CPA agreement, etc)</li> </ul> <p>Failure in Darfur developments (exception to theory's predictions)</p>



*Background and Historical Context: The Sudan Case*

The conflict in Sudan goes back to the origins of modern Sudan, which can be traced back to before independence in 1956. The British controlled Sudan from 1924-1956 and ruled northern Sudan (predominantly Muslim) and southern Sudan (predominantly Christian) separately. Prior to independence in 1956, a civil war began in 1955 between the North and the South due to fears by the South that they would be dominated by the North.<sup>315</sup> The civil war continued until 1973 with the Addis Ababa agreement between the North and the South, which maintained peace for about ten years. In 1983, the conflict resumed due to actions by President Jaafar Nimiri, who came to power in a 1969 military coup. He decided to violate provisions of the agreement and increase Islamicization and implement Sharia law and his control over the south. Also in 1983, the SPLA (Sudan People's Liberation Army) was formed.<sup>316</sup> According to Timothy Carney, "fundamentally, disagreement between the north and the south is not one of oil or Islam...it is one of power – who is in charge of Sudan."<sup>317</sup>

In June 1989, there was a military coup led by Colonel Omar al-Bashir, who joined forces with the leader of the National Islamic Front (NIF) – Hassan al-Turabi. During this period there was an increasing Islamicization of Sudanese policies and increased domination of the Sudanese government by the NIF. The Sudanese army campaign into the South started in 1989 and went until 1994. At the same time that all of this was going on, in other parts of Sudan, mostly in Darfur, there were increasing feelings of marginalization.<sup>318</sup> There was a general unwillingness of Arabs in Khartoum to give east, west and south fair share in government, jobs, and other areas of opportunity.<sup>319</sup> In 1999, Turabi and Bashir joined to form the National Congress Party, but in the same year Turabi also tried to pass legislation that would reduce

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<sup>315</sup> Timothy Carney, "U.S. Relations with Sudan," Testimony Before the Senate Foreign Relations Committee, February 2009.

<sup>316</sup> Ibid.

<sup>317</sup> Ibid.

<sup>318</sup> Ibid.

<sup>319</sup> Ibid.

Bashir's power.<sup>320</sup> As a result, Turabi was suspended from his position as chairman of the party by Bashir and in 2001, Turabi was arrested and charged for attempting to overthrow the government.<sup>321</sup>

#### *More Recent Background*

Efforts assisted by the Bush Administration and Special Envoy Danforth helped wind down the civil war in Sudan. Peace talks made progress from 2003-2004, culminating in the signing of the Comprehensive Peace Agreement on January 9, 2005. The components of the agreement are quite complex, as there were a number of additional agreements and protocols signed. According to the State Department:

The 2005 CPA established a new Government of National Unity and the interim Government of Southern Sudan and called for wealth-sharing, power-sharing, and security arrangements between the two parties. The historic agreement provides for a ceasefire, withdrawal of troops from southern Sudan, and the repatriation and resettlement of refugees. It also stipulates that by the end of the six-year interim period, during which the various provisions of the CPA are implemented, there will be elections at all levels, including for president, state governors, and national and state legislatures.<sup>322</sup>

According to Ambassador Carney, the agreement includes 1100 specific points that must be realized and by 2009 few of them had actually been completely realized to date. Carney attributed this to the fact that problems in the west in Darfur worsened in 2003 and incoming assistance in form of money and arms from regional neighbors contributed to rise of an insurgency, which the government overreacted to using extreme measures of violence and killing of civilians.<sup>323</sup> At the same time the civil war was making progress in terms of the CPA agreement, Darfur slowly started surfacing as a major international crisis. Reports on increasing violence started to rise around 2003 and rebellion broke out between two groups – the Sudan Liberation movement/Army (SLM/A) and the Justice and Equality Movement (JEM) – both

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<sup>320</sup> "Profile: Sudanese President Bashir," BBC News, November 2003. Online at: <http://news.bbc.co.uk/2/hi/africa/3273569.stm>

<sup>321</sup> Ibid.

<sup>322</sup> U.S. Department of State, "Background Note: Sudan," Bureau of African Affairs, November 2009. <http://www.state.gov/r/pa/ei/bgn/5424.htm>

<sup>323</sup> Carney testimony, 2009.

groups consisted primarily of non-Arab black Muslims.<sup>324</sup> The government became involved by providing support to local rival groups and these groups, which committed genocidal attacks, became known as the “janjaweed.”<sup>325</sup> According to the U.S. State Department, attacks by Janjaweed militias supported by the Sudanese government resulted in hundreds of thousands of deaths in Darfur and 2 million displaced people.<sup>326</sup> In September 2004, the violence being carried out by the janjaweed with government support in Darfur was referred to by Secretary of State Powell as “genocide” and in July 2005 President Bush also used the term genocide to characterize violence on the ground in Darfur.<sup>327</sup> During this time, the administration adopted the term genocide, while the UN did not, but it did recognize Darfur crisis as a major violation of human rights.<sup>328</sup>

As a result, the U.S. and international community became increasingly involved in trying to bring the violence to a close. A number of resolutions and negotiation processes were put into place, as well as additional sanctions and peacekeeping troops in the years that followed. In 2008 and 2009, talks, negotiations and short ceasefires continued. Most recently in 2009, talks between the government and multiple Darfur rebel groups have helped with confidence-building and by November 2009, agreements were reached by some of the rebel groups. In addition, in 2009, the international criminal court issued an arrest warrant for President Bashir for the genocide in Darfur.

The State Department has also noted that implementation of the CPA agreement has been slow, despite the progress made overall. Some of the border issues were resolved in July 2009, while the North-South border demarcation is still not agreed upon. In August 2009, the U.S.

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<sup>324</sup> Ibid.

<sup>325</sup> According to Gerard Prunier, the term janjaweed is derived from the Arabic words *jinn* (“spirit”) and *jawad* (“horse”) and can be loosely translated as meaning “ghostly riders” or “evil horsemen.” See “Glossary of Arab Terms,” in Gerard Prunier, *Darfur: The Ambiguous Genocide*, (Ithaca: Cornell University Press, 2005), p. xvi.

<sup>326</sup> Ibid.

<sup>327</sup> Ibid.

<sup>328</sup> Carney testimony, 2009.

facilitated the signing of an agreement which laid out the critical implementation issues for the CPA to be effectively implemented.<sup>329</sup>

The Obama administration released a 2009 Sudan policy focusing on engagement and the national referendum was finally held in January 2011. The U.S. also recently started a review process regarding whether or not Sudan meets the criteria for removal from the state sponsorship of terrorism list, which would lift a number of associated sanctions if the designation were to be lifted. While the designation has not yet been lifted, the referendum results were honored with Southern Sudan officially becoming independent in July 2011.

### *The Sudan Case from the U.S. Perspective*

Over the years, U.S. concerns about the Sudanese regime have revolved around a number of issues relating to terrorism, human rights and the ongoing civil war. The case study will try to provide a holistic assessment of impact of diplomatic sanctions and the explanatory power of the new diplomatic sanctions theory with regard to all of these realms of Sudanese behavior. While the previous section provided some brief historical context to the Sudan case, this section goes through the Sudan case from the U.S. perspective in terms of the major issues of concern to the U.S. and looks at how variations in diplomatic engagement impacted progress across these issue areas. The periods of analysis have been determined based on variation on the general overarching policy of the U.S. towards Sudan. However, within each general policy period, there is also more nuanced assessment of varying levels of diplomatic engagement with the Sudanese across various issue areas. As stated earlier, the four major periods are as follows: 1) 1989-August 1993: Limited Constructive Engagement 2) August 1993-February 1996: Gradual Disengagement 3) February 1996-1999: Diplomatic Disengagement and Isolation 4) 2000-2009: Diplomatic Reengagement.

#### **Case IA: 1989-August 1993: Limited Constructive Engagement**

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<sup>329</sup> U.S. Department of State, "Background Note: Sudan," Bureau of African Affairs, November 2009. <http://www.state.gov/r/pa/ei/bgn/5424.htm>

On June 30, 1989, Sudan's democratically elected government was overthrown by Sudanese military forces and this led to the denial of foreign assistance by the United States.<sup>330</sup> In 1990, the U.S. denied additional aid, not just humanitarian, to Sudan.

Around this time, Bashir, who took over in light of the coup, began to transform Khartoum into a base for Islamic internationalism, which increasingly attracted radical Islamic groups and terrorist organizations to the region.<sup>331</sup> While the original sanctions put into place were not related to terrorism demands, by the end of 1993, terrorism in Sudan had become a major issue of concern to the United States. This sub-case ends prior to the designation of Sudan as a state sponsor of terrorism in August 1993, which will mark the beginning of the next period of analysis.

The policy adopted by the U.S. with regard to the ongoing civil war and humanitarian concerns was predominately one of constructive engagement combined with the economic sanctions that were in place as a result of the coup in Sudan and the fact that the Sudanese were behind on their debt payments. With regard to terrorism, there was less of a focus on pressing the Sudanese on this issue at the time, but concerns about terrorism were rising and the U.S. did express concerns about the groups operating in Sudan. Ultimately, the lack of an adequate response by the Sudanese led to the U.S. state sponsor designation, which was accompanied with terrorism-related sanctions in August 1993.

In this section, I will first run through the key U.S. demands related to the ongoing civil war, humanitarian concerns and terrorism in Sudan. Second, I will describe the diplomatic presence in the country, along with the U.S. policy of constructive engagement that characterized

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<sup>330</sup> However, the ties between the NIF and terrorist organizations was by no means new. In fact, such ties actually dated back to the 1960s. the NIF, which was formerly the Muslim Brotherhood, formed temporary marriages of convenience with other groups to establish a political base. Back in 1972, the NIF worked to persuade President Nimeiri to break the 1972 Addis Adaba peace agreement with the South and focus on trying to transform Sudan into an Islamic State. The south was divided into three new regions (ICG report, 71)

<sup>331</sup> ICG report, 73-74.

this time period. This section will analyze what general benefits, if any, were gained from having a diplomatic presence on the ground and a policy aimed at engaging with the Sudanese regime. I will also assess how, if at all, diplomatic presence and engagement impacted the crafting of sanctions and monitoring of the effects on the ground. Lastly, I will assess the progress made on demands across all three issue areas.

The following chart reviews the predictions for this particular period and summarizes the actual outcomes. The areas shaded in grey indicate where the diplomatic sanctions theory does a good job predicting outcomes and the theory's underlying mechanisms (e.g. information losses, reduced communication, etc), whereas the areas without shading indicate the outcomes do not provide support for the theory.

	<b>Diplomacy-related Predictions</b> <i>Constructive Engagement</i>	<b>Actual Outcome</b>
1989-93	Predicts moderate success on civil war and humanitarian-related demands.	General failure w/some limited successes: <ul style="list-style-type: none"> <li>• General failure, but with some progress in getting parties to the table for negotiations.</li> <li>• U.S. gets parties involved in negotiations, but no conclusive agreements reached on the peace process.</li> <li>• U.S. is able to get some cooperation on food deliveries.</li> </ul>
	<ul style="list-style-type: none"> <li>• Predicts failure on terrorism-related demands, as no clear policy in place. Minimal engagement - just verbal warnings and threats.</li> </ul>	<ul style="list-style-type: none"> <li>• Increasing failure on terrorism (AQ and other organizations increasing activities in Sudan, bin Laden arrives in Sudan, extremist meetings, etc).</li> <li>• Bin Laden and other groups establish safe havens.</li> <li>• Sudan denies involvement and ties to terrorist activities</li> </ul>
	<ul style="list-style-type: none"> <li>• No decline in information or communication.</li> <li>• Information useful in crafting and imposing new economic sanctions.</li> </ul>	<ul style="list-style-type: none"> <li>• Information and communication losses minimal.</li> <li>• Limits to information collection due to restrictions on freedom of movement.</li> <li>• Specific events on ground help with crafting and justification of sanctions.</li> <li>• Information collection on terrorism leads to eventual decision to impose terrorism-related sanctions.</li> </ul>

## **U.S. Pressure to End the North-South Conflict and U.S. Humanitarian Concerns**

The U.S. pressure on Sudan with regard to the ongoing civil war and humanitarian demands took the form of verbal warnings, threats and action in the form of economic sanctions. Due to the military coup that overthrew Sudan's democratically elected government, sanctions were automatically put into place as a result of legislation, specifically Amendment 513 of the Foreign Assistance Act, limiting foreign aid to countries in which democratically elected governments are overthrown via coup.<sup>332</sup> In addition, in February 1990, President Bush sent a letter to Bashir regarding the resumption of the United Nation's Operation Lifeline relief program, which Bashir had not yet allowed to resume. In addition, the U.S. pressed Sudan on human rights and prisoner releases.<sup>333</sup> In addition, since Sudan had defaulted on debt repayment it was also subject to denial of foreign assistance on these grounds, although this could be waived if the President decides to waive the restriction.<sup>334</sup>

Generally speaking, the U.S. demands accompanying the sanctions related predominately to getting the Sudanese government to make progress on the North-South peace process and human rights matters. Throughout this time period, there were a series of humanitarian demands made, with the most significant being those related to food aid, violence against civilians and the displacement of civilians<sup>335</sup>

The demands were clearly articulated from high levels of the U.S. government. For example, in February 1989, Secretary of State Baker stated, "The United States remains profoundly concerned about massive human suffering in Sudan...We call on authorities at all

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<sup>332</sup> Dianne Rennack, "Sudan: Economic Sanctions," Congressional Research Service, October 11, 2005; Jane Perlez, "Coup Could Deprive Sudan of American Aid," *The New York Times*, July 16, 1989. For more information, see Economist Intelligence Unit Report No. 2 1990 p. 16. The EIU report states that exempt categories include: food aid, emergency relief assistance, activities of private voluntary organizations and activities funded with money allocated before section 513 went into effect in 1986.

<sup>333</sup> Economist Intelligence Unit Report, No 2. 1990, pp. 16-17.

<sup>334</sup> Rennack, 6-7.

<sup>335</sup> Barbara Crosette, "Sudan is Said to Force 400,000 People into the Desert," *The New York Times*, February 22, 1992.

levels on both sides to remove remaining obstacles and do everything possible to provide emergency relief to victims caught in garrison towns and other areas of the war zone." Baker also calls for cease-fire in civil war."<sup>336</sup> From as early as a day after the coup, U.S. Ambassador to Sudan, Norman Anderson, met with Bashir to convey to him the importance of making progress on resolving the civil war that had been ongoing for six years. Ambassador Anderson indicated progress on that front could influence U.S. policies with regard to sanctions. The Ambassador pressured him to, "show swift progress in resolving the six-year-old civil war, a move that could influence Washington's decision" with regard to potential waiver of section 513 of Foreign Assistance Appropriations Act.<sup>337</sup> In addition, during congressional hearings in 1989 before the coup and in hearings following the coup, the ongoing civil war in Sudan tended to frame much of the discussion surrounding U.S. involvement in the country. Terrorism was not brought up in terms of U.S. demands and concerns until later in this period.

In April 1991, the U.S. also suspended Sudan's trade preferences under the generalized system of preferences based on an assessment that the country was not adequately protecting workers' rights.<sup>338</sup> In 1992, the administration became less optimistic Khartoum would seek negotiated solution due to splits in SPLA during this time, which made the government feel like they were operating from a position of strength and could impose a military solution.<sup>339</sup> On October 5, 1992, the Senate passed joint resolution condemning the government for flagrant disregard of human rights.<sup>340</sup>

#### *Increasing U.S. Concerns about Support for Terrorism in Sudan*

While concerns about terrorism in Sudan were by no means new during this period of analysis, U.S. demands related to Sudan's support for and ties to terrorist groups did emerged

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<sup>336</sup> David B. Ottaway. 1989. U.S. Offers Help on Alleviating African Conflicts, *The Washington Post* (1974-Current file), February 9. <http://www.proquest.com.libproxy.mit.edu/> (accessed June 27, 2011).

<sup>337</sup> "Case Studies in Sanctions and Terrorism: U.S. vs. Sudan," Petersen Institute for International Economics, available online at: <http://www.piie.com/research/topics/sanctions/sudan2.cfm#goals>

<sup>338</sup> O'Sullivan, 237.

<sup>339</sup> O'Sullivan, 237

<sup>340</sup> Burr and Collins, 110.



more strongly in this period than in prior years. However, other than the threat of potentially designating Sudan as a state sponsor, terrorism-related sanctions were not imposed during this period.<sup>341</sup>

While there were a number of terrorist groups and individuals associated with extremist organizations operating out of Sudan, the main focus of U.S. concerns centered on Sudan's early collaboration with Bin Laden. Bin Laden's safe haven in Sudan started with a 1990 Sudanese offer to assist Bin Laden if he were to relocate to Sudan. Turabi was particularly interested in Bin Laden's relocation to Sudan because not only were Bin Laden's views in line with many of the groups Turabi was trying to recruit and bring together, but Turabi was also aware of Bin Laden's extreme wealth.<sup>342</sup>

The 1991 U.S. State Department's "Patterns of Global Terrorism" report acknowledges disturbing developments in Sudan with regard to terrorism. Not only were many different international terrorist organizations working out of Sudan, but the National Islamic Front, which was gaining dominance of the Sudanese government, seemed to be lending support to the operation of these groups within the country.<sup>343</sup> For example, the State Department report points out that Sudan was not only increasing ties with international terrorist groups, but it was also maintaining ties and improving relations with other state sponsors of terrorism, such as Iran, Libya and Iraq. According to the report, the Sudanese government also had demonstrated a willingness to provide safe harbor to terrorist organizations and allow them to train in the country. In 1991, Turabi also began hosting an Islamic conference aimed at organizing Islamic groups located inside Sudan and fostering cooperation with groups located outside Sudan.

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<sup>341</sup> Terrorism concerns with regard to Sudan had been an issue throughout the 1980s. In 1985, the U.S. even warned Americans not to travel to Khartoum and claimed the area had become a base for terrorist organizations and that the Sudanese had not been responsive to U.S. requests related to terrorism concerns. For more on this, see "U.S. Issues a Warning on Sudan," *The New York Times*, November 21, 1985.

<sup>342</sup> ICG report (2002)

<sup>343</sup> Office of the Secretary of State, Office of the Coordinator for Counterterrorism, "Sudan" in "Patterns of Global Terrorism," U.S. Department of State, April 1991.

Bin Laden's arrival to Sudan in 1991 was also the focus of U.S. scrutiny.<sup>344</sup> Turabi, political leader and head of National Islamic front in Sudan, appears to have invited Bin Laden into the country to use as a base of operations in exchange for helping Turabi in his own political fight against non-Muslims in Southern Sudan.<sup>345</sup> The relationship also helped Bin Laden, as Sudan was a large country and close the Middle East, which made it a particularly good operating base for his organization. The Sudanese regime played an active role in supporting Bin Laden and his organization. Not only did they assist him by providing useful documents for the movement of his people, but the Sudanese government and intelligence services also helped Bin Laden bring people and weapons over the border into Sudan and out to other locations.<sup>346</sup> They also gave Al Qaeda permission to use Sudanese planes for transport. In return, Bin Laden invested heavily in a number of sectors of the economy in Sudan, including construction, agriculture and banking.<sup>347</sup> Bin Laden also established training camps in central Sudan and his companies were used to transfer money to terrorist organizations around the world in support of their activities.<sup>348</sup> During this time, Sudan essentially basically became the AQ headquarters and safe haven for AQ's terrorist activities.

The U.S. concerns about terrorism continued to increase in 1992 and into 1993. The 1992 "Patterns of Global Terrorism" reported increasing support for radical terrorist groups, as the NIF continued to gain further control over the Sudanese government.<sup>349</sup> Similarly, the report confirmed increasing ties between Sudan and Iran, with the Iranian Revolutionary Guard Corps involved in training the NIF-controlled National Militia.<sup>350</sup>

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<sup>344</sup> ICG report (2002), pp. 75-76; *9/11 Commission Report*, 57.

<sup>345</sup> Ibid.

<sup>346</sup> Ibid. ICG Report, 75.

<sup>347</sup> Michael Scheurer, *Through Our Enemies Eyes* (Virginia: Brassey's Inc., 2003), pp. 132-135.

<sup>348</sup> ICG Report (2002)

<sup>349</sup> According to 1992 Patterns of Global Terrorism, "Elements of the Abu Nidal organization (ANO), the Palestinian Islamic Movement (HAMAS), and the Palestinian Islamic Jihad (PIJ) terrorist organizations continue to find refuge in Sudan."

<sup>350</sup> Office of the Secretary of State, Office of the Coordinator for Counterterrorism, "Sudan," in "Global Patterns of Global terrorism," 1992. Available online at: [http://www.fas.org/irp/threat/terror\\_92/africa.html](http://www.fas.org/irp/threat/terror_92/africa.html)

### *Terrorism Demands*

During this period, terrorism-related sanctions were not yet imposed on Sudan, but some warnings, demands and threats were made. According to State Department officials at the time, the United States repeatedly warned the Sudanese government about harboring terrorist organizations. For example, Deputy Assistant Secretary of State for African Affairs Robert G. Houdek conveyed to senior officials in the Sudanese government that if a terrorist act were traced back to the Sudan, their country could face the consequences.<sup>351</sup> Press reports from 1992 indicate that the Bush administration warned Khartoum in early December 1991 via Deputy Assistant Secretary of State for Africa Robert G. Houdek that if terrorist acts were traced to groups operating within Sudan, Sudan could also end up on the U.S. state sponsorship list, a designation that entails mandatory sanctions.<sup>352</sup>

### **A Willingness to Engage: Diplomatic Presence Remains with a Policy of Constructive Engagement**

Even though the United States was exerting substantial pressure on the Sudanese with regard to the civil war, humanitarian concerns and terrorism, the overarching U.S. policy towards Sudan following the 1989 coup can be characterized in the administration's own words as one of "constructive engagement." This term was adopted from the policy the U.S. had adopted towards South Africa and one which required maintaining dialogue with problematic actors in the military regime that had come to power.<sup>353</sup> In addition, at this time, there does not appear to have been talk about closing down the embassy in Khartoum or isolating Sudan economically or diplomatically. The embassy did close briefly for security reasons during the Persian Gulf War, but was back up and running very quickly.

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<sup>351</sup> Jane Perlez, "Sudan is Seen as Safe Base for Mideast Terror Groups," *The New York Times*, January 26, 1992. [http://www.globalsecurity.org/security/library/congress/1992\\_cr/h920205-terror.htm](http://www.globalsecurity.org/security/library/congress/1992_cr/h920205-terror.htm)

<sup>352</sup> Perlez (1992); David Igantius, "U.S. Fears Sudan Becoming Terrorists' 'New Lebanon'," *The Washington Post*, January 31, 1992; a.13.

<sup>353</sup> Cohen, 67.

The policy of constructive engagement in the aftermath of the coup was a continuation of U.S. policy in the years leading up to the coup. Despite the changed political circumstances, the United States appeared committed to remaining engaged in the country. According to the February 1989 testimony of Kenneth L. Brown, Deputy Assistant Secretary for African Affairs, at a hearing on “War and Famine in Sudan,” before the Senate Subcommittee on African Affairs of the Committee on Foreign Relations, U.S. influence in Sudan was contingent upon maintaining good relations with the Sudanese and being engaged.<sup>354</sup> In the same testimony, Brown also argues in favor of remaining engaged and points out that diplomacy and engagement have made gains by getting both sides to cooperate – particularly with regard to relief efforts in the country. During the testimony, Brown states that if asked by President Bush what the U.S. ought to do with regard to Sudan policy, “part of the answer would be to stay engaged, maintain the contact, maintain the pressure, maintain the persuasion, and draw on whatever it is that has allowed us to have this contact, this access and this influence particularly with the Sudanese government.”

President Bush visited Sudan two times and in his capacity as Vice President he met with senior Sudanese officials in Washington including Prime Minister Mahdi.<sup>355</sup> In addition, both Secretary Shultz and Secretary Crocker had taken part in high level meetings with the Sudanese, and Brown had met with senior Sudanese government and SPLA officials in an attempt to promote resolution to the ongoing conflict and assist with relief efforts by using diplomacy. During the 1989 hearing, Brown states,

Our influence on the Sudanese government relies more on our traditional friendship and Sudan’s commitment to democracy than on leverage provided by U.S. aid...During three coalitions we have had unrestricted access to the highest levels of the Sudanese government – this has allowed frank and frequent discussions at the top...but our privileged access is beginning to show wear as a result of extensive public criticism of Sudan, our declining assistance levels and the repeated hard messages we have delivered to Sudan.<sup>356</sup>

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<sup>354</sup> Testimony of Frank Wolf, “War and Famine in Sudan,” Senate Subcommittee on African Affairs, February 23, 1989, pp. 18-20.

<sup>355</sup> Ibid.

<sup>356</sup> Ibid.

The embassy remained opened and functioning after the coup and there was a significant amount of communication between Carter and the parties in Sudan. In December 1989, talks took place in Nairobi between the SPLA and the Sudanese government, but unfortunately, the initial talks in December 1989 broke down with no agreement reached between the government and southern parties.<sup>357</sup> The talks broke down primarily because the government would not yield in terms of compromise on the imposition of sharia law in southern Sudan.<sup>358</sup> With regard to humanitarian concerns, the Bush administration hoped that engaging in dialogue with the new regime in late 1989 and early 1990 would help to facilitate aid deliveries to the country.<sup>359</sup> The Carter Initiative started just four months following the coup with the indication that Bashir was open to negotiating. According to May 13, 1989, *Congressional Quarterly Weekly*,

[T]he administration is trying to maintain friendly relations while pressing the government to negotiate peace and ease delivery of famine relief...Congress has pushed the administration to consider stronger action, including withholding non-humanitarian aid, to pressure Khartoum to get food to civilians and negotiate an end to the civil war.<sup>360</sup>

The policy of constructive engagement continued beyond the initial months following the coup. Herman Cohen, explained that, “we decided to talk to everyone and not worry about who might be offended, either in the country concerned or among the ideologues in Washington who closely followed events.”<sup>361</sup> In both March and May of 1990, Assistant Secretary Cohen also tried to make progress on peace negotiations by getting both the government and SPLA to sign onto proposals that would reduce government forces in the south by 50% and also push for Southern troop withdrawal from certain towns. Both sides rejected this proposal and this initiative came to a close as Sudan opted to support Iraq when it invaded Kuwait.<sup>362</sup>

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<sup>357</sup> AP, “Sudan Peace Talks Fail Over Islamic Code,” *The New York Times*, December 6, 1989.

<sup>358</sup> “Case Studies in Sanctions and Terrorism: U.S. vs. Sudan,” Petersen Institute of International Economics, Available online at: <http://www.piie.com/research/topics/sanctions/sudan.cfm>

<sup>359</sup> Petterson, pp. 13-21.

<sup>360</sup> *Congressional Quarterly Weekly*, May 13, 1989, 1132

<sup>361</sup> Cohen, 18.

<sup>362</sup> *Ibid.*

When Petterson became the Ambassador in 1992, he also immediately met directly with Bashir to continue to pressure Sudan on human rights, displacement and terrorism.<sup>363</sup> In his book, Ambassador Petterson writes,

Reporting to Washington, I said, in a lead paragraph summarizing the contents of my telegram, ‘The lengthier time Basher devoted to our conversation is another sign that the GOS wants to improve its relations with the U.S. be that as it may, our discussion did not break any new ground or indicate that the Sudanese really understand the depth of our differences. Nor did it indicate they are prepared to do anything to meet our concerns about human rights, access to displaced people in dire need of help, the campaign against international NGOs, terrorism, etc.’<sup>364</sup>

During this entire period, the U.S. continued to have ties with the regime despite the sanctions that were in effect and dissatisfaction with Sudanese behavior on a wide range of issues. What were some of the advantages of keeping this policy in place during this time period?

### **The Impact of Diplomatic Engagement**

The U.S. diplomatic presence combined with a strategy of engagement in Sudan provided the U.S. with a number of benefits the U.S. probably would not have had without a presence on the ground and a policy of engagement with the Sudanese.

#### *Information and Intelligence:*

A presence on the ground in Sudan was not a perfect source of information during this time period, particularly since the Sudanese government placed a number of restrictions on movement and access to parts of the country. However, maintaining a diplomatic presence and a policy of engagement did help the U.S. understand dynamics on the ground, gain insight into leaders’ thinking and influence and track the terrorism problem more closely.

In his book documenting his firsthand experiences in Sudan, Ambassador Petterson discusses the strong reliance on embassy political reports and analysis in terms of information regarding which leaders were in charge of Sudan’s government and who had influence over what aspects of Sudanese government actions.<sup>365</sup> In particular, Petterson points out that the analysis on both Bashir and Turabi were key because without embassy analysis of the leaders and the power

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<sup>363</sup> Petterson, 21.

<sup>364</sup> Petterson, 21.

<sup>365</sup> Petterson, 103.

structure, there would be little firsthand American reporting on the leaders themselves based on firsthand experiences with them and those in the Sudanese government. Petterson argues that information collected in Khartoum helped shape a nuanced understanding of the power dynamics and the leadership in Sudan, as it evolved over time. Peterson notes that the consumers of embassy reporting (namely, policymakers back in Washington) relied on the embassy for a better understanding of the government structure and decision-making authority.<sup>366</sup> Specifically, the strength of Turabi in terms of his power in Sudan had mostly been based on anecdotal evidence until the embassy was able to acquire enough information to really bolster the importance of Turabi's role in Sudan.<sup>367</sup>

Part of the reason an on-the-ground presence helped with information is that those in the embassy had good access to government officials, such as Turabi and Bashir, which Petterson said he maintained through 1993, despite a decline in U.S.-Sudanese relations.<sup>368</sup> In addition to meeting with Sudanese leaders and officials in Khartoum, the U.S. was also open to talking directly with these leaders in the United States. On May 20, 1992, Turabi was even invited to testify before the House Committee on Foreign Affairs at a hearing, "Islamic Fundamentalists in Africa and Implications for U.S. Foreign Policy."<sup>369</sup> While Turabi spent a great deal of the hearing denying allegations presented by those on the committee, the meeting with Turabi provided policymakers with insight into a key Sudanese leader's thinking, personality and views on a variety of issues related to the ongoing war, Islamic fundamentalism and the humanitarian situation on the ground.<sup>370</sup>

The on-the-ground presence in Sudan also contributed significantly to information and intelligence on the terrorist organizations and individual extremists operating in and around

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<sup>366</sup> Petterson, 103-105.

<sup>367</sup> Peterson, 106.

<sup>368</sup> Petterson 108.

<sup>369</sup> Turabi testimony, "Islamic Fundamentalists in Africa and Implications for U.S. Foreign Policy," House Committee on Foreign Affairs, May 20 1992.

<sup>370</sup> Turabi testimony, "Islamic Fundamentalists in Africa and Implications for U.S. Foreign Policy," House Committee on Foreign Affairs, May 20 1992.

Khartoum. The embassy had extremely high certainty about the presence of terrorist groups, as it was gathering first-hand information of high accuracy.<sup>371</sup> Ambassador Petterson notes that during the time that Bin Laden was operating in Sudan, the embassy was able to covertly track him and his followers.<sup>372</sup> Similarly, the embassy was able to locate and track safe houses and buildings used by terrorist group leaders and obtain information via local banks about transactions related to terrorist activities. During this period, the CIA was aware of Bin Laden's desire to increase his role in terms of radical Islamist activity, but Khartoum and CIA station had not yet gathered enough evidence that Bin Laden was involved directly in violent terrorist activities.<sup>373</sup>

In addition to collecting information on terrorist activity in Sudan, the U.S. embassy in Khartoum also played a role in determining the magnitude of human rights violations and verifying whether or not reported claims were true.<sup>374</sup> For example, in May 1993, a State Department cable from the U.S. embassy in Khartoum was released at the request of Congressman Frank Wolf to make people aware about the humanitarian concerns on the ground. As media and NGO access to certain areas, such as the Nuba Mountains, was extremely limited, release of this sort of state department info was crucial to highlighting the human rights problems on the ground.<sup>375</sup> According to Assistant Secretary Brown's 1989 testimony, the embassy and aid mission in Khartoum devoted a majority of their time on matters related to humanitarian relief .

#### *Communication*

The on-the-ground presence also enabled significant communication between U.S. officials and key Sudanese officials. Such communication was essential not only to gain insight into the regime, but also to convey clear threats and warnings and push for certain policies and explain the U.S. position. Throughout the early 1990s, meetings were constantly taking place between the ambassador and other high-level U.S. officials and Sudanese leaders in the country. For example,

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<sup>371</sup> Peterson, 113.

<sup>372</sup> Petterson, 117.

<sup>373</sup> Coll, 268.

<sup>374</sup> Burr and Collins, 255.

<sup>375</sup> Human Rights Watch, "Sudan, Oil and Human Rights," 2003.



in May 1990, Ambassador Cheek met with Bashir and Assistant Secretary Cohen met with SPLA leader Garang. During the meeting with Bashir, Cheek was highly critical of the regime and conveyed threats with regard to U.S. food aid to Sudan. The U.S. eventually barred food aid to Sudan since 40,000 tons of food had been seized.<sup>376</sup> In addition, Cheek briefed the State Department on a number of humanitarian concerns, such as the bombings of civilians that were being carried out by the Sudanese government. Cheek also raised these issues with Bashir directly.<sup>377</sup> In 1992, the U.S. embassy made repeated demands to the Sudanese government to stop displacing Sudanese civilians and also brought the matter to the attention of officials in Washington.<sup>378</sup>

Despite the many advantages a diplomatic presence and the decision to engage brought to the United States throughout this period, information collection and communication was by no means perfect. A policy of engagement does not completely ward against potential resistance from the target state nor do diplomatic ties necessarily mean that diplomats will be able to assess the on the ground situation perfectly. Depending on the particular circumstances of a case, there may still be variation in the degree to which diplomatic ties are able to assist with communication and information, along with monitoring the impact of sanctions and calibrating them accordingly.

In Sudan, during this period, diplomatic engagement and a U.S. presence clearly brought the United States communication and intelligence-related benefits that the U.S. would not have had if they were not present and/or not engaged. However, access was by no means perfect and Sudan and the U.S. had an on and off again relationship in the years prior to the period being examined. As a result, the general quality of intelligence and understanding of the country was not high relative to other countries with which the U.S. shared strong relationships, alliances and presence in country.

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<sup>376</sup> Jane Perlez, "U.S. Bars New Aid in a Sudan Famine," *The New York Times*, October 5, 1990.

<sup>377</sup> *Ibid.*

<sup>378</sup> Crossette (1992).

In addition, the U.S. was not operating in the context of a completely open and uninhibited operational environment. Aid workers and diplomats in the country were repeatedly denied access to certain areas during this period. For example, in October 1990, they were not allowed to visit areas of the country that had suffered as a result of the drought.<sup>379</sup> In 1991, the Sudanese continued to be suspicious of the motivations of aid agencies that were providing assistance, which created additional strains on these organizations' operations in the country – even though the government did acknowledge in February 1991 that the crisis did require large-scale intervention.<sup>380</sup> Also, as the new regime had just come to power in 1989, the regime may have had more incentives to stand firm in light of U.S. pressure in order to establish its credibility both domestically and abroad. Similarly, as sanctions had just been put into place and only with regard to certain issues of concern, it is possible that the regime was unclear as to the resolve of the United States to impose stronger sanctions if the regime still failed to moderate its behavior.

The 1989-1993 period may have been an opportunity for the regime to test the limits of the U.S. and this might help explain why diplomatic engagement and a presence on the ground did not yield the level of progress the diplomacy-related theory would predict on most issues during this time period. Specifically, in the realm of terrorism, Sudan repeatedly denied that they were harboring groups carrying out terrorist activity, just as they denied that they were engaging in egregious human rights violations. In addition, as the regime just came to power, it is also possible they were unable to modify behavior swiftly in response to U.S. demands or formulate a clear policy about the best way to deal with the United States on issues related to the ongoing war, humanitarian concerns and terrorism. The next section will look more closely at the impact of diplomatic engagement on economic sanctions and foreign policy outcomes.

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<sup>379</sup> Burr and Collins, 264.

<sup>380</sup> “Case Studies in Sanctions and Terrorism: U.S. vs. Sudan,” Peterson Institute for International Economics, Available online at: <http://www.piie.com/research/topics/sanctions/sudan.cfm>

## **Impact on Economic Sanctions**

During this period, the economic sanctions in place were the result of legislation that required sanctions to be imposed based on a particular set of circumstances. Therefore, the sanctions were automatically put into effect - without as much debate as other more discretionary sanctions. The sanctions were imposed as a result of Sudan's default on debt payments and the coup that took place. However, at the same time, it is worth noting that additional sanctions regarding humanitarian concerns or terrorism were not imposed or crafted during this time. The U.S. could have opted to impose additional sanctions on Sudan at this time, but did not. Similarly, the U.S. also had flexibility with regard to the severity of the sanctions that went into effect, as there were options regarding the enactment of particular waivers over the sanctions imposed. With regard to the aid restricted as a result of default on debt repayment, Sudan was denied most of its foreign assistance due to specific sections of authorization and appropriations legislation that mandated these actions. However, the legislation also granted the President the authority to waive such restrictions, if it were believed to be in the U.S. national interest to do so. In addition, some types of foreign aid can still be exempt from assistance restrictions, such as aid for children, emergency food aid, anti-terrorism and a few other categories.<sup>381</sup> The foreign assistance that was denied as a result of the coup was also mandated since annual foreign appropriations acts deny foreign assistance to countries overthrown by military coups.<sup>382</sup> These restrictions were required to remain in place until it could be determined that democracy has returned to Sudan, which presumably requires an ability to monitor and assess political developments on the ground.

During this period, the United States did allow a significant amount of humanitarian assistance to Sudan to continue. While Congress passed a non-binding resolution that asked the President not to provide non-humanitarian aid unless conditions were met with regard to food

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<sup>381</sup> Dianne Rennick, "Sudan: Economic Sanctions," Congressional Research Service, October 11, 2005.

<sup>382</sup> Dianne Rennick, "Sudan: Economic Sanctions," Congressional Research Service, October 11, 2005. Appropriations Act, 2005 (Division D of P.L. 108-199; 118 Stat. 2992).

delivery and civil war negotiations. This resolution only impacted approximately 15 million of the 52 million requested by the administration for FY 1990 and is added as an amendment to the foreign assistance appropriations bill.<sup>383</sup> In the foreign aid appropriations bill the following year, additional funds relating to international military education and foreign military financing were also prohibited with regard to Sudan.<sup>384</sup>

During this period, the U.S. also maintained the ability to monitor the situation on the ground in order to assess whether or not sanctions ought to be strengthened or weakened over time. For example, as terrorism concerns grew throughout this time, the administration felt the sanctions needed to be calibrated and increased with regard to terrorism.

***A General Assessment of Impact of Sanctions and Outcomes During this Period:***

An overall assessment of the degree to which Sudan complied with U.S. demands is mixed for this time period. Despite the overarching policy of engagement and diplomatic presence in the country, success was a bit more limited than may have been expected based on the original predictions of the diplomatic sanctions theory. However, this may be partially due to the nature of the demands, which were fairly significant and more geared towards longer-term compliance. Since the nature of the major demands during this period included trying to bring about an end to an ongoing civil war and resolve a major humanitarian crisis that was in progress, the time horizon and efforts required for such demands may be longer than just a few years.

With regard to terrorism, there was limited, if any, success in getting the Sudanese to crack down on terrorism in the country. At the same time, the U.S. was not putting such strong pressure on the Sudanese nor was it strongly engaged on the issue of terrorism during this time. However, threats were made about state sponsorship designation and sanctions, but the Sudanese government mostly ignored these warnings. In terms of the humanitarian demands and other demands related to resolving the ongoing civil war, Sudan faced sanctions and clear messages

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<sup>383</sup> *Congressional Quarterly Weekly*, May 13, 1989, 1133

<sup>384</sup> "Case Studies in Sanctions and Terrorism: Sudan vs. U.S.," Petersen Institute of International Economics, <http://www.petersoninstitute.org/research/topics/sanctions/sudan.cfm#chronology>

from the U.S., but only seemed to comply with demands to a limited degree and the humanitarian situation and ongoing conflict actually worsened throughout this period, although there was some success in getting both parties to the negotiating tables - even though talks failed.

Generally speaking, this period does not seem to provide overwhelmingly strong support for the theory presented, but there were limited gains made during this period across all realms of demands.

### ***Ongoing War***

In general, during this period the ongoing civil war worsened despite U.S. demands, economic sanctions and diplomatic engagement. However, the U.S. was able to get parties in the civil war to come to the negotiating table. While ultimately peace talks did not succeed during this period, there were some areas of agreement and the U.S. was able to facilitate bringing together key officials and leaders on both sides. At a hearing in 1989, Gordon stated,

this administration is continuing policies which were pursued by the Reagan Administration , in terms of trying both to promote peace and to increase relief to the people in need....we have been in touch with both sides in the war over a long period of many months, meeting with both the SPLA and the government to press them to come to the negotiating table....at the same time, we have worked w/both sides to bring about cooperation in relief efforts.....it was through us efforts, for example, that the ICRC program got underway (program provides food to both sides).<sup>385</sup>

And while a sustainable peace agreement was not reached, the U.S. did successfully facilitate talks. In 1989, the government met in August, but they could hardly agree on anything and fighting resumed.<sup>386</sup> The peace talks broke down after just one day. In November 1989, former President Carter played a role in starting talks in Nairobi between the government and the SPLA. Direct peace talks then began in Nairobi on December 1 and were chaired by Carter himself.<sup>387</sup> During these talks, both sides agreed that one potential way to achieve peace could possibly include forming a national government with representation from the south and creating a new constitution with a national referendum for ratification. Once again in December 1990,

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<sup>385</sup> "War and Famine in Sudan," Hearing before the Subcommittee on African Affairs of the Committee on Foreign Relations, United States Senate, One Hundred First Congress, first session, February 23, 1989

<sup>386</sup> Economist Intelligence Unit Report on Sudan, 1989, No. 3. p. 11.

<sup>387</sup> Economist Intelligence Unit Report on Sudan 1989, No. 3 p. 13.

Assistant Secretary Cohen played a role in crafting a peace proposal, but it was not accepted by the government.<sup>388</sup> Despite the slow start, by March 1990, with assistance of the Nigerians, the government and SPLA both agreed on a date to start direct talks in Abuja. Although this was simply an agreement between both sides to actually meet, it was the first time the SPLA actually agreed to meet with the government in direct talks without first giving prior conditions for such a meeting.<sup>389</sup> The talks did eventually come to fruition in Abuja from May 26-June 4, 1992. At the talks, both sides agreed to work to find a peaceful resolution to the ongoing war. In addition, they acknowledged Sudan to be a multi-ethnic, multi-lingual, multi-cultural and multi-religious state.<sup>390</sup> While no substantive agreements were made or signed, just getting the parties to the table at this point in time represented progress. In fact, according to Mohammed Al-Amin Khalifa, leader of the Sudanese delegation states: “It was the first serious meeting between the warring parties in the country.”<sup>391</sup>

Generally speaking, throughout the early 1990s, the talks were sporadic with limited gains. The talks started with the two rounds hosted in Nigeria in 1992 and 1993 and culminated with the IGAD talks in 1994. However, in the early 1990s, the SPLM objectives shifted from a focus on creating a secular state to self-determination for the region.<sup>392</sup> While the talks did succeed in getting the government and SPLA to the table, they results fell short of any sort of real agreement. While the government left the talks saying they served as a confidence-building measure, the SPLA felt the talks were a failure and called for internationally protected safe havens.<sup>393</sup> At the talks, the government and SPLA were unable to reach agreement on issuing a joint communiqué.

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<sup>388</sup> “The Search for Peace in Sudan: A Chronology of the Sudanese Peace Process 1989-2001,” The European-Sudanese Public Affairs Council, (London: European-Sudanese Public Affairs Council, 2002).

<sup>389</sup> Ibid.

<sup>390</sup> Ibid.

<sup>391</sup> Ibid.

<sup>392</sup> Rachel M. Gisselquist, “WPF Report 26: Sudan: Policy Options Amid Civil War,” (Cambridge: World Peace Foundation, 2000).

<sup>393</sup> EIU Report No. 2 1993, p. 19.

From 1989-1992, the U.S. and the international community continued to pressure the new Sudanese government, but overall very little was done to improve the political conditions or to actually bring the country on a path towards peace. In early 1990, there was an escalation of the war in southern Sudan along with horrible violent activities by both sides. In late May 1993, another attempt was made by Ambassador Peterson to try to get the parties to demilitarize areas in southern Sudan for food distribution. Peterson spoke out against the regime, stating that the government was making access to southern Sudan extremely difficult and said, “relations with Sudan are poor and that’s exactly what I told Mr. Basher.”<sup>394</sup> Ultimately, despite its presence in the country and its engagement with parties involved, the U.S. was unable to successfully produce change Sudanese behavior during this period.<sup>395</sup>

However, ending a civil war rooted in decades of tensions is a lengthy process that occurs through incremental steps. To say that U.S. efforts failed because the parties did not reach the agreement at the first round of talks that was eventually reached with the Comprehensive Peace Agreement in 2005, would perhaps be setting the bar too high.<sup>396</sup> In other words, the progress made during this period may have been all that could have been expected given the severity of the situation that the U.S. was trying to resolve. In the aftermath of the coup, the U.S. also was dealing with new actors, who may have been suspect to U.S. intentions and credibility.

While there were no major milestones of success with regard to negotiations between parties, a policy of engagement was instrumental in getting parties to the table and getting the parties in conflict to at least start meeting and discussing their differences – such as the dialogue and communication prompted by the Carter Initiative. In addition, while the negotiations initiated by Assistant Secretary of State for African Affairs Herman Cohen ultimately failed, they did produce some general areas of agreement between the parties. The parties did agree to hold

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<sup>394</sup> Burr and Collins, 128.

<sup>395</sup> Burr and Collins, 305.

<sup>396</sup> For more on why the December 1989 talks failed, see Associated Press, “Sudan Peace Talks Fail Over Islamic Code,” *The New York Times*, December 6, 1989.

additional meetings in the future and they also agreed to hold a referendum after a constitutional conference. The two main components of Cohen's proposal were: 1) separating the belligerent forces by mutual withdrawal and establishing a civilian administration in the south under the SPLM/SPLA. 2) negotiating a comprehensive settlement based on federal arrangement.<sup>397</sup> While the two main components of Cohen's proposal were not agreed upon, these demands were fairly major in the context of a decade's long civil war. In addition, throughout this period, there was some progress in getting ceasefires in the lead-up to the talks, such as various declared ceasefires in 1993, which led up to the talks in Nigeria.<sup>398</sup>

In addition, another major success based on the culmination of U.S. and international efforts taken during this period was the IGAD talks that took place in 1994. While they take place during the next period of analysis, they resulted from the work carried out during this time frame. The 1994 IGAD Declaration of Principles called for a unified Sudan that was both secular and democratic. It also allowed for "self-administration" of southern Sudan. Despite initial objections, the government accepted the terms of the principles as a starting point for negotiations between the government and southern parties. This was perhaps the greatest achievement made with regard to the civil war, as it set forth a framework for negotiations in the years to come.

### ***Humanitarian***

Related to the lack of progress in terms of peace negotiations and ending the ongoing fighting, the U.S. was also not terribly successful in improving the humanitarian situation in Sudan during this period. However, like with the ongoing war, while the overall situation remained bleak, there were limited gains and minor humanitarian victories that did result from U.S. engagement. For example, in late 1989, the Bush administration did note some small areas of progress related to aid deliveries, some political prisoner releases and demobilization of militias. However, Congress did not view these as substantial developments in the context of the

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<sup>397</sup> Maundi, 140-141.

<sup>398</sup> Economist Intelligence Unit, Sudan: Report no 2, 1993.



overarching human rights situation in Sudan. While the Bush administration discussed the possibility of waiving Section 513 to provide some additional assistance to the Sudanese government, Congress believed the human rights violations were too egregious and ultimately Operation Lifeline, a major humanitarian relief operation, was suspended.<sup>399</sup>

During the escalated violence in early 1990 in southern Sudan, the SPLA also thwarted relief flights from reaching the town for several weeks. Then, in March 1990, Operation Lifeline II was started and aimed to provide humanitarian relief to both sides of the conflict. In general, the program was successful, but both the government and SPLA prevented the efforts from going as smoothly as possible with the government bombing of southern relief centers and SPLA blocking of trains delivering aid.<sup>400</sup> In addition, in 1991, the government did not allow entry to human rights organizations for monitoring.<sup>401</sup>

However, the Sudanese did yield to U.S. pressure to some degree in terms of demands related to food relief. Bashir had been resistant to allowing humanitarian organizations to deliver food and supplies, fearing that they were aiding the rebels. However, in March 1991, he agreed to allow for the emergency food relief effort to help deal with the famine in the country. The agreement was reportedly reached in a meeting with a senior UN official, James O.C. Jonah, after Bashir had been facing heavy diplomatic pressure from the U.S. and other countries.<sup>402</sup> Both UN and U.S. aid officials believed UN official James O.C. Jonah's visit to Sudan was key in getting food assistance into the country because without credible assurances from the Sudanese government that the food will actually reach those in need, donor countries would not send food and aid.<sup>403</sup> Around this time, Andrew Natsios, Director of the Office of Foreign Disaster Assistance, testified at a 1991 Subcommittee on African Affairs Senate hearing that there have

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<sup>399</sup> "Denying the Honor of Living: Sudan, A Human Rights Disaster," Africa Watch Report, March 1990, pp. 166.

<sup>400</sup> Human Rights Watch, Human Rights Watch Report for 1990.

<sup>401</sup> Human Rights Watch, Human Rights Watch Report for 1991.

<sup>402</sup> Paul Lewis, "Sudan Bows to Pressure and Allows Famine Relief," *The New York Times*, March 19, 1991.

<sup>403</sup> Paul Lewis, "UN Delays Food Relief Operation in the Sudan," *The New York Times*, January 17, 1991.

been real improvements in terms of the Sudanese government's cooperation on relief efforts.<sup>404</sup> In addition, in October 1992, James Kunder, Director of State's Office of Foreign Disaster Assistance was also granted permission to visit Juba after making a request to the Sudanese government for access and admission of more relief workers to the area.<sup>405</sup> These small victories were the result of direct engagement and meetings with the Sudanese and it is likely that without a policy of engagement, such access would not have been possible.

In 1993, also as a result of the U.S. presence on the ground and policy of engagement, U.S. Ambassador Petterson was granted access to areas controlled by both the Sudanese government and SPLA. He was able to facilitate a cease-fire agreement and get two SPLA factions to withdraw troops from famine zones in southern Sudan for relief delivery. Unfortunately, the ceasefire only lasted for a few weeks.<sup>406</sup> However, by 1993, the Sudanese also began increasing compliance with U.S. humanitarian demands due to fears about facing designation as a sponsor of terrorism. The concessions around this time included greater UN and media access to areas in southern Sudan – particularly food delivery to areas that had been cut off during the wet season. In addition, in 1993, the Sudanese started to grant Western visas to areas previously cut off in terms of access, although with restrictions on their movement.<sup>407</sup> Also, in 1993, Juba received food by transported by barge for the first time in nearly ten years.<sup>408</sup> In March 1993, the Director of Operations for the World Food Program in Khartoum, Manuel Da Silva, was quoted as saying, "I think the Government has realized that relief needs to be addressed, and we have never gotten so much cooperation."<sup>409</sup>

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<sup>404</sup> Andrew Natsios, Director of the Office of Foreign Disaster Assistance, Testimony Before the Subcommittee on African Affairs, Senate Foreign Relations Committee, May 14 and June 26, 1991

<sup>405</sup> Although, while the request was granted, he was not allowed to visit the Nuba mountain area, to which he also asked for access. See 1992 Human Rights Report.

<sup>406</sup> 1993 Human Rights Watch Report.

<sup>407</sup> Donatella Lorch, "Sudan is Described as Trying to Placate the West," *The New York Times*, March 26, 1993.

<sup>408</sup> Ibid.

<sup>409</sup> Ibid.

By 1993, Bashir became increasingly concerned about potential U.S. intervention in Sudan and began to focus on trying to promote a better image for Sudan – particularly after events in Iraq and Somalia. As a result, he sent an envoy to Washington in March 1993 and hired public relations firm to try to foster better relations with the U.S.<sup>410</sup> This was mostly in response to increasing pressure on the Sudanese and engagement by the U.S. with regard to human rights in the country.<sup>411</sup> In addition, the Clinton administration had conveyed to the Sudanese that it was thinking about establishing aid corridors through areas in the South.<sup>412</sup> In late April, the American Embassy was responsible for the distribution of pamphlets which outlined steps the Sudanese could take to foster better relations with the United States. One such step included in these materials was ending arbitrary detentions.<sup>413</sup> In addition, President Clinton sent a letter to General Bashir, which was given to him through the American Ambassador in Khartoum, expressing a message of support for the Abuja peace talks.<sup>414</sup> These efforts yield some results, as Bashir renewed amnesty for military opponents to the regime and conducted a special release of prisoners.

### *Terrorism*

During this period, terrorist groups became increasingly entrenched in Sudan and the U.S. became increasingly concerned about Sudan's links to and support for terrorist organizations. Bin Laden moved to the region and Al Qaeda began to use Khartoum and other areas of the country as a base of operations for planning and financial activities. Ties between Bin Laden and the NIF also grew, as did ties between the regime and other radical groups. There were also increasing links between the Sudanese regime and Iran.

In general, there was no real progress made on the terrorism front during this time period and the U.S. concerns culminated with the first World Trade Center bombing in 1993, which

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<sup>410</sup> Economist Intelligence Unit (EIU) Report, Sudan, No. 2, 1993.

<sup>411</sup> EIU Report, Sudan, No. 2, 1993, p. 13.

<sup>412</sup> Ibid.

<sup>413</sup> Ibid.

<sup>414</sup> Ibid.

involved individuals with links to Sudan. In addition, there were also reports linking the Sudanese to plots to bomb New York's Lincoln and Holland tunnels, the UN headquarters in New York, and other targets.<sup>415</sup> As a result of the worsening terrorism situation, the U.S. decided to place Sudan on the state sponsorship list in late 1993.

Despite the lack of progress, diplomatic engagement and a diplomatic presence did prove fruitful in the realm of communication and intelligence for the United States. During this period, as a result of its presence on the ground, the U.S. had generally good ability to track terrorist groups and individuals on the ground in Sudan and collect intelligence, and the U.S. was able to express its concerns about terrorism directly to the regime. In addition, the U.S. was able to collect the necessary information to make its determination as to whether or not Sudan ought to be included on the state sponsorship list and whether or not Sudanese support for terrorism was increasing or decreasing throughout the period. In a May 1993 hearing before the Senate Subcommittee on African Affairs, George Moose, the Assistant Secretary of State for African Affairs, noted the State Department's concern about terrorist groups operating in Sudan. He also pointed out that the State Department African Bureau and Counterterrorism Bureau were reviewing a significant amount of information relating to terrorism in Sudan.<sup>416</sup> This information was presumably from a variety of sources, but undoubtedly included a number of reports from the embassy and others on the ground in Sudan.

Even prior to the listing of Sudan as a state sponsor, Sudan was clearly aware of the possibility that the listing was a real possibility. El-Haj Mohamed, Sudanese Minister for the Offices of Federal Administration, even met with U.S. head of Office of Counterterrorism, Barbara Bodine, due to concerns about the potential listing in July 1993.<sup>417</sup> During the meeting, these demands were reiterated to the Sudanese. In March 1993, Assistant Secretary of State for

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<sup>415</sup> Rachel Gisselquist, "Sudan: Policy Options Amid Civil War," Report #26, (Cambridge: World Peace Foundation, 2000).

<sup>416</sup> Testimony of George Moose, Assistant Secretary of State for African Affairs at "Crisis in Sudan," hearing before the Subcommittee on African Affairs, Senate Foreign Relations Committee, May 4, 1993.

<sup>417</sup> Economist Intelligence Unit (EIU) Report, Sudan, 1993, p.11.

African Affairs, Herman Cohen, warned Sudan that it was at high risk of being placed on the U.S. state sponsorship list – and Cohen also pointed out that the US was asking its allies to join it in banning arms exports to Sudan.<sup>418</sup>

Following U.S. threats to add Sudan to the terrorism state sponsors list, the Sudanese government did take some steps to try to deter the imposition of sponsor designation, however, most of these moves were not deemed to be credible or significant. According to a *New York Times* article,

The Sudanese Government has made a series of gestures that are meant to placate the West but are also emblematic of the country's need to become more flexible and pragmatic," relief officials say....It is unclear whether the Sudan's conciliatory gestures are merely reactions from a Government concerned with the threat of intervention or whether they reflect a schism between the relative pragmatists in the Government and the Islamic fundamentalists who favor a theocratic government<sup>419</sup>

There are a number of explanations for the lack of real progress on terrorism. First, terrorism was not really the main focus of U.S. policy at the time – while Sudanese were not being isolated on this- they were not being greatly engaged either. While the U.S. had an on-the-ground diplomatic presence, terrorism was not the main priority issue at the time and the U.S. did not appear to be significantly engaged on issues of terrorism at this time. During congressional hearings from 1989 through the end 1993, the titles of the hearings and the testimony itself indicate terrorism is clearly a secondary issue of concern for the U.S.. Only a few of the hearings focused on terrorism, whereas most of the hearings focusing on Sudan tend to focus on promoting conditions to end the ongoing civil war and assist in the humanitarian crisis. This lack of focus might help explain the inability of the U.S. to get the Sudanese to crack down on terrorism and respond to limited pressure.

In addition, during this time, there were no punitive measures in place with regard to terrorism, so it is possible the Sudanese doubted the credibility of the U.S. on this particular issue.

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<sup>418</sup> EIU Report no 2, 1993 pp. 10.

<sup>419</sup> Donatella Lorch. "Sudan is Described as Trying to Placate the West." *The New York Times*, March 26, 1993.

This suggests that diplomatic engagement may actually prove to be more fruitful when combined with punitive economic measures. The statistical analysis found some support for the idea that the credibility of the sender state (the cost to sender variable) impacted sanctions effectiveness, so it is possible that the U.S. had not invested any costs into terrorism at this point in time and the Sudanese doubted their willingness to act on this issue with any sort of sanctions or punitive measures. Therefore diplomatic engagement on terrorism, which was already a secondary issue, lacked teeth. Lastly, it is possible the regime did not take U.S. threats seriously, as the regime had just come to power a few years earlier and may have sought to probe U.S. commitment on the terrorism issue. The regime may have also had fears about appearing weak and cowing to U.S. pressure in terms of Islamic groups, since these groups provided the regime with a great deal of support in the country.

### ***Summary 1989-August 1993***

This period was characterized by a U.S. policy of diplomatic engagement, along with a diplomatic presence on the ground. However, the government of Sudan limited U.S. access to parts of the country and, as a result, U.S. information levels were not as high as one might expect given an on the ground presence and a policy of constructive engagement. In 1989, Walter Bollinger, the Deputy Assistant Administrator for Africa, testified that, the South was basically “cut off from the outside world and therefore the U.S. lacks precise information about the extent of suffering.”<sup>420</sup>

However, from 1989-1993, the U.S. still had access to Sudanese officials and was engaged on humanitarian matters, as well as the civil war. Similarly, the U.S. had not yet decided to isolate or sanction Sudan for its support for terrorism, although it did issue warnings during this period. This period does not show strong support for the idea that diplomatic engagement is

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<sup>420</sup> Walter Bollinger testimony at “War and Famine in Sudan: hearing before the Subcommittee on African Affairs of the Committee on Foreign Relations, United States Senate, One Hundred First Congress, first session, February 23, 1989.

conducive to increasing target compliance with U.S. demands, as across all issue areas (humanitarian, ongoing war, terrorism) little progress was made during this period in terms of compliance and overall outcomes. However, diplomatic engagement did produce some gains that would have been unlikely to develop had the U.S. opted for a policy of isolation and withdrawal during this same period. In other words, the benefits yielded by diplomatic engagement may not have been major, but they were steps in the right direction and could have potentially paved the road to future progress had engagement continued. Engagement by the U.S. was able to foster dialogue between the various parties to the conflict and get them to the negotiating table, albeit no long-lasting agreements were reached. The U.S. was also able to monitor the humanitarian situation on the ground and push for access to certain areas that were restricted. Information collection also played a key role in understanding the position of the regime. The U.S. was still able to track trends on the ground to assess whether or not pressure ought to be ratcheted up or down and the U.S. was well-equipped to assess Sudanese reactions.

In addition, the strategy of engagement ought to be evaluated not just based on the actual outcomes, but on an assessment of whether or not the U.S. would expect the outcome to have been better or worse had another policy course been pursued. In other words, was the strategy of constructive engagement during this period the most optimal policy choice given other alternatives? In her analysis of sanctions, Meghan O'Sullivan points out that "only if other strategies existed that would have achieved better results at a reasonable cost can policymakers be faulted for their poor choices."<sup>421</sup> Similarly, if diplomatic engagement did not have quite the degree of utility one might expect during this period and only had some limited gains, this does not mean it was a failure unless there were other alternative approaches that were likely to have been more successful.

In this case, the competing policy choice with regard to constructive engagement would have been to impose diplomatic isolation at the time of sanctions and, in the extreme form,

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<sup>421</sup> O'Sullivan, 273.

shutdown the embassy completely and remove U.S. diplomats and personnel from the country. In addition, the U.S. could have opted not to talk to certain actors and not to remain diplomatically engaged with the Sudanese government (or rebel parties) to work to foster negotiations or agreement. Had the United States decided to adopt an alternative policy posture, its ability to monitor the situation on the ground in terms of the conflict and terrorism developments would have undoubtedly been limited. In addition, it is doubtful the U.S. would have been able to play a role in getting the parties to the negotiating table in direct talks. During this period, most of limited gains made during this period can be attributed to the U.S. willingness to engage with Sudanese actors on the ground and the United States' ability to monitor what was actually going on. Without the direct communication and firsthand information, it is unlikely the U.S. would have been able to get parties to the table for negotiations, gain access to areas restricted by the Sudanese government or monitor terrorism developments or convey threats with regard to each of these areas.

In addition, the U.S. could have chosen to immediately ramp up sanctions early in this period in response to Sudan's links to terrorism, but this may have been premature, as the United States needed to first monitor the situation and collect evidence of this activity to present to the Sudanese (who were denying involvement with terrorism). Ramping up sanctions on terrorism too early and before the new regime was given an ample opportunity to take action could have proven to be problematic. Similarly, the United States could have threatened to intervene militarily or actually use force. However, after Somalia, this may not have been a politically viable option. In addition, it is unclear that the U.S. would have been able to use military force in a limited fashion to yield results in a situation of such a high magnitude.

By 1993, the U.S. engagement policy slowly began to wane as U.S. terrorism concerns increased. In 1993, the Clinton administration not only increased pressure on Sudan with additional sanctions, but also began to shift towards a strategy based on isolation and tried to get



other countries to join in beginning to isolate the regime. This new strategy will be reviewed in the next sub-case.

### ***Part II. Late 1993-1996: Reduced Engagement and Lead-up to Isolation***

The second period of analysis in the Sudan case starts in 1993 and goes until the embassy shutdown in February 1996. This period starts with the U.S. State Department designation of Sudan as a state sponsor of terrorism on August 12, 1993. During the 1993-1996 time period, the U.S. became gradually disengaged from Sudan and started to abandon its general policy of constructive engagement with the regime. Despite shifts in policy, the U.S. still maintained its diplomatic presence in the country and had not yet adopted a full-fledged policy of isolation. However, during this period there was a low-level reduction in U.S. embassy staff and increasing pressure in terms of sanctions placed on Sudan by both the United States and the UN, along with a general shift towards greater isolation.

In this period of analysis, my theory predicts mixed result, with increasing failure due to disengagement, but limited successes in areas where the U.S. continues to remain diplomatically engaged. The prediction is generally supported, as the period is characterized by limited successes in the realm of terrorism and a worsening situation, with some limited successes, in the realm of the ongoing conflict and humanitarian situation. In addition, it appears that diplomatic engagement plays a key role in the main successes of this period, whereas gradual disengagement appears to undermine progress in terms of compliance with U.S. demands. In fact, one of the takeaways from this period is that a review of U.S. terrorism policy seems to provide an early indication that the combined strategy of sanctions, engagement and a diplomatic presence may actually prove effective in the realm of terrorism. However, this policy was short-lived and these successes were undermined by the decision to shut the embassy in 1996. In addition, the theory predicts low-level information and communication losses and this prediction is confirmed during this period.

<b>1993-96</b>	<p><i>PREDICTIONS:</i></p> <p><i>Initial Disengagement</i></p> <ul style="list-style-type: none"> <li>• Predicts increasing failure: <ul style="list-style-type: none"> <li>-Generally increasing failure on terrorism.</li> <li>-Generally increasing failure on humanitarian-related and civil war-related demands.</li> </ul> </li> </ul>	<p><i>ACTUAL OUTCOMES</i></p> <ul style="list-style-type: none"> <li>• Increasing failure in getting compliance across issue areas, but some focused engagement and sanctions pressure yields some limited terrorism successes</li> <li>• A few significant terrorism successes (e.g. Carlos the Jackal and Bin Laden expulsion)</li> <li>• Generally slow progress on the war-related and humanitarian demands (like in the previous period)</li> </ul>
	<ul style="list-style-type: none"> <li>• Predicts low-level information losses and reduced communication.</li> </ul>	<ul style="list-style-type: none"> <li>• Low-level information losses and reduced communication evident from embassy staff drawdown and gradual disengagement.</li> </ul>

While the ongoing civil war and humanitarian issues undoubtedly influenced U.S. policy during this time, terrorism appears to have been the primary driver shaping U.S. policy.<sup>422</sup> As a result, a significant amount of this sub-case will be focused on U.S. demands related to terrorism, the policy shift towards greater disengagement away from constructive engagement, and the outcomes related to terrorism.

*State Sponsor Designation and Accompanying Demands*

In response to growing terrorism concerns, the U.S. placed Sudan on the official State Sponsors of Terrorism State Department list in 1993. State sponsorship, as defined by the State Department, states that “have repeatedly provided support for acts of international terrorism.”<sup>423</sup>

<sup>422</sup> From the U.S. perspective, terrorism was an increasing concern throughout this period. Demands related to the ongoing civil war and humanitarian concerns remained relatively constant throughout this period with the same concerns as in the prior period of analysis)

<sup>423</sup> U.S. State Department, “State Sponsors of Terrorism,” Office of the Coordinator for Counterterrorism. Online at: <http://www.state.gov/s/ct/c14151.htm> According to the State Department’s Country Reports for Terrorism, “These other financial restrictions include “Requiring the United States to oppose loans by the World Bank and other international financial institutions; Lifting diplomatic immunity to allow families of terrorist victims to file civil lawsuits in U.S. courts; Denying companies and individuals tax credits for income earned in terrorist-listed countries; Denial of duty-free treatment of goods exported to the United States; Authority to prohibit any U.S. citizen from engaging in a financial transaction with a terrorist-list government without a Treasury Department license; and Prohibition of Defense Department contracts

According to U.S. officials at the time of the designation, in addition to providing support, Sudan had not adequately responded to U.S. requests for information relating to terrorist activity in the country.<sup>424</sup> In addition, the circumstances surrounding the World Trade Center bombing in March 1993 also contributed to the souring of U.S.-Sudanese relations, as some of the suspects were found to have Sudanese passports.<sup>425</sup> Around the same time that the U.S. decided to add Sudan to the list, the U.S. also arrested five Sudanese in NY related to a terrorist plot to bomb the UN, Lincoln and Holland tunnels and FBI building.<sup>426</sup> The designation was primarily based on Sudan being viewed as a safe haven for terrorist groups and the training of militant extremists. According to testimony by Assistant Secretary of State for African Affairs George Moose,

In 1993 the Clinton administration placed Sudan on the list of state sponsors of terrorism, and we have unilateral sanctions consistent with that designation. Sudan was known to provide refuge, logistical support such as training facilities, travel documents and weapons to a variety of radical terrorist organizations.<sup>427</sup>

Placement on the state sponsors of terrorism list automatically invoked a number of sanctions on Sudan. As a result of this designation, several sanctions went into place immediately.<sup>428</sup> Sudan could no longer receive material that could potentially be used to produce weapons and arms-related exports and sales were also banned. In addition to being denied funding from the millennium challenge account, Sudan lost access to funding sources such as peace corps, agricultural aid and many other forms of assistance.<sup>429</sup> The U.S. also opposed Sudan's ability to receive any loans from the World Bank or the IMF. During this same time, Secretary of State Albright publicly condemned Sudan and their support for terrorism.<sup>430</sup> According to the State department the designation four type of sanctions result from this

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above \$100,000 with companies controlled by terrorist-list states." U.S. State Department, Country Reports for Terrorism 2007, Chapter 3: State Sponsors of Terrorism Overview," <http://www.state.gov/s/ct/rls/crt/2006/82736.htm>

<sup>424</sup> Steven Holmes, "Terrorists Helped by Sudan, U.S. Says," *The New York Times*, August 1993.

<sup>425</sup> Africa Rights Watch, 1993 . Also in 1993: <http://globalgeopolitics.net/arc/2002-08-29%20Fogelquist-Qaeda.htm>

<sup>426</sup> EIU, No. 3, 1993, pp. 12.

<sup>427</sup> Davis, 130.

<sup>428</sup> O'Sullivan, 240.

<sup>429</sup> Rennack, 2005.

<sup>430</sup> Woodward, 54.

designation, “restrictions on U.S. foreign assistance; a ban on defense exports and sales; certain controls over exports of dual use items; and miscellaneous financial and other restrictions.”<sup>431</sup> The U.S. Office of Counterterrorism set forth five conditions for Sudan’s removal from the list. These conditions provide some general insight into the nature of U.S. demands at this time. While most of these related to terrorism, there were additional non-terrorism conditions linked to Sudan’s removal. First, the U.S. demanded that Sudan close offices and stop the activities of those the U.S. deemed to be terrorists. Second, the Sudanese needed to stop issuing passports and other documentation to groups and individuals branded terrorists by the U.S. Third, the U.S. demanded extradition of specific terrorist suspects for trial (related to embassy bombings). Fourth, the Sudanese needed to stop deporting people and stop attempts to Islamize southern Sudanese. Lastly, the U.S. demanded the expulsion of the Iranian ambassador.<sup>432</sup> The goal of U.S. actions at this time was primarily to isolate Sudan.<sup>433</sup> There were additional specific demands being placed on the Sudanese during this period dealing with two major demands relating to the expulsion of Bin Laden from the country and turnover the notorious terrorist, Carlos the Jackal.

At the time of the designation, the administration made it clear at the time that it had repeatedly raised a number of issues with Sudan about terrorism-related activity and were not satisfied with the Sudanese response.<sup>434</sup> According to an Economist Intelligence Unit report in late 1993, the U.S. decision to put Sudan on the State Sponsorship list helped to solidify its “pariah status in the international community.” The report assesses that in order for Sudan not to be viewed this way, it will require not just a change in policies on terrorism, but also its repressive policies and working on resolving the civil war.<sup>435</sup> The Sudanese regime was highly resistant to the demands placed on it and greatly angered by its placement on the state sponsors

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<sup>431</sup> Rennack, 10.

<sup>432</sup> Woodward, 54.

<sup>433</sup> Marguerite Michaels, "Is Sudan Terrorism's New Best Friend?" *Time*, 30 Aug 1993, 30.

<sup>434</sup> Ibid.

<sup>435</sup> EIU, No 3. 1993, pp. 4-10.

list.<sup>436</sup> In response, the Sudanese began accusing the U.S. of supporting the Southern People's Liberation Army (SPLA), which it saw as a terrorist organization.<sup>437</sup>

***Terrorism: The Mubarak Assassination, the UN response and U.S. Dissatisfaction***

In June 1995, the attempted assassination of President Mubarak in Ethiopia led to the imposition of additional sanctions on Sudan for suspected Sudanese involvement and refusal to extradite the alleged suspects.<sup>438</sup> Mustafa Hamza (the Egyptian implicated in the Mubarak attempt) had training camps in Sudan.<sup>439</sup> There was also evidence of "NIF complicity" in the assassination attempt.<sup>440</sup> A Sudan airways flight was used, along with false identities and those involved in the assassination returned to Sudan following the attempted assassination. According to the U.S. Ambassador at the time, Timothy Carney, the Sudanese government was likely complicit in the attack before and after.<sup>441</sup> According to a UN press release issued on January 31, 1996,

those involved in the assassination attempt were members of a terrorist organization called A l - G a m a ' a - I s l a m i a . The two main leaders were based in Khartoum...The terrorists in custody admit that: their leaders live in Khartoum ; the plot was hatch e d in Khartoum ; their mission to assassinate President Mubarak was given to them in Khartoum; and the weapons intended to be used in their mission were fl own into Addis Ababa by Sudan Airways from Khartoum . Moreover, the passports they possess, in virtually all cases, w re prepared for them in Khartoum.<sup>442</sup>

In light of Sudan's refusal to meet UN demands, a number of sanctions resolutions were passed to increase the pressure on Sudan to turn over the suspects and also to address terrorism issues more broadly. Sudan had claimed it tried to extradite these individuals and later said the three had fled. The UN sanctions were backed by the United States and originally sought by Egypt. Specifically, there were three sanctions resolutions that passed in the UN in 1996. First, in January 1996, the UN passed Resolution 1044. This resolution demanded the extradition of

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<sup>436</sup> Woodward, 53.

<sup>437</sup> Woodward, 53.

<sup>438</sup> Lopez and Gerbe 117

<sup>439</sup> ICG report (2002)

<sup>440</sup> ICG report (2002), 77.

<sup>441</sup> Carney, Timothy. "The Sudan," in *Battling Terrorism in the Horn of Africa*, ed. Robert I. Rotberg, (Harrisonberg, VA: Brookings Institution Press, 2005), pp. 119-138.

<sup>442</sup> ICG report (2002), 76.

the three suspects suspected to be involved in the assassination and also called for an end to Sudanese support for terrorists. These sanctions were historic because they marked the first time the UN had ever adopted mandatory sanctions in response to the attempted assassination of a political figure. The sanctions were also significant in that they marked the second time the UN had ever adopted sanctions in response to terrorism (Libya being the first).<sup>443</sup> The additional sanctions by the UN were put in place a few months later, so they will be further discussed in the next period of analysis. In addition, during this period, by the end of 1995, the U.S., along with other countries such as Egypt and Saudi Arabia, began putting extra pressure on Sudan regarding the expulsion of Bin Laden. This was a key demand during this period and one of the few significant demands that was actually met during this time period.

#### *The Ongoing Civil War and Humanitarian Concerns*

##### *U.S. Demands from 1993-1996*

As in the period prior, the U.S. remained concerned about the ongoing civil war and humanitarian problems in Sudan. The U.S. continued to press both parties to come to the table and make progress with regard to the conflict. In October 1993, President Carter became involved and initiated additional peace talks between the government and the SPLA.<sup>444</sup> However, the main peace initiative during this time was actually started by Eritrea, Ethiopia, Uganda and Kenya under the Intergovernmental Authority for Development (IGAD) in 1993. The U.S. eventually became part of this initiative as part of the “Friends of IGAD” group, which was established to help provide international support to the process.<sup>445</sup> The initiative was followed by the 1994 Declaration of Principles, which essentially laid out the terms that needed to be included in a comprehensive peace settlement.<sup>446</sup>

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<sup>443</sup> Woodward, 93.

<sup>444</sup> “Carter Will Mediate Parley By Warring Sudan Factions,” *The New York Times*, October 15, 1993.

<sup>445</sup> Testimony of Edward Brynn, Acting Assistant Secretary of State for African Affairs, Department of State,” House International Relations Committee, March 22, 1995.

<sup>446</sup> State Department, Background Notes on Sudan, November 2009.

Unfortunately, in 1995, the IGADD peace initiative reached a stalemate.<sup>447</sup> With regard to humanitarian concerns, the demands remained generally the same as during the prior period. At a 1995 House hearing, “Crisis in Sudan,” Edward Brynn, Assistant Secretary of State for African Affairs, testified that, “U.S. interests vis-a-vis Sudan include deterring Sudanese support for terrorism and regional extremism, supporting an end to the civil war and encouraging the restoration of political/human rights, and ending the humanitarian crisis.”<sup>448</sup>

These demands were continuously conveyed directly to the Sudanese government. For example, in 1994, the President appointed a Special Representative of the President, Melissa Wells. Part of her mandate involved pressuring Sudan mostly on the humanitarian front. Wells visited both Khartoum and southern Sudan with the primary aim of pressuring the Sudanese government on increasing aid flows to the south and those in the north who needed food aid.<sup>449</sup> Similarly, in April 1994, Madeline Albright also visited Sudan and pressed them on the prevention of food delivery aid to the South and told Sudan that if Sudan’s human rights situation did not improve the country would be subject to “international isolation.”<sup>450</sup>

### **Diplomatic Presence Reduced, but Still Engaged**

While the United States remained on the ground in Sudan during this period, the U.S. gradually abandoned its policy of constructive engagement and started on a path of increased pressure. In 1993, the U.S. started to reduce its staff at the embassy in Khartoum and started slowly moving towards a more isolationist posture towards the regime.

The reduced presence with staff reductions at the embassy in 1993 led to a number of initial problems. Ambassador Petterson became quite concerned about the reduced numbers

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<sup>447</sup> Testimony marc 1995:

<sup>448</sup> Brynn testimony, 1995.

<sup>449</sup> Steven Greenhouse, “Clinton’s Sudan Envoy to Visit African Capitals,” *The New York Times*, June 1, 1994.

<sup>450</sup> Case Studies in Sanctions and Terrorism: US vs. Sudan,” Petersen Institute for International Economics, available online at: <http://www.petersoninstitute.org/research/topics/sanctions/sudan.cfm>

because he feared it would impact morale and the staff's ability to carry out its mission.<sup>451</sup> As there was a significantly smaller staff on hand, individuals had to assume more responsibility. In addition, there were tensions resulting from the increased workload.<sup>452</sup> According to Petterson, the initial reductions scaled back staff from 52 to 23 and, despite resistance to the drawdown with requests for increasing staff numbers, staff levels remained low. In addition, during this time, U.S. policymakers were becoming increasingly disengaged on Sudan-related issues.

### **Low-level Diplomatic Sanctions: Impact on Information and Communication**

The reduction in personnel left the embassy ill-equipped to handle its mission in Sudan. There were not enough people able to fill the roles necessary to obtain critical information and carry out the day to day activities of the embassy. The U.S. embassy was still up and functioning, so the U.S. did not experience the more severe consequences of disengagement that will be addressed in the next section, but the reduction did make things more difficult for those continuing to work out of the embassy. According to Ambassador Petterson,

There were only a handful of people to provide executive management, interact with Sudan's political leadership, the opposition, religious leaders, academics, business, media and important sectors of society...and to report on political and economic matters and carry out the public information function, do consular work and oversee humanitarian aid.

Despite these problems, officials on the ground were still able to remain in contact with Sudanese parties and still carried out the regular embassy functions. Information and communication were not dramatically impacted by the staff reductions, but it did make day to day tasks and responsibilities a bit more difficult. The U.S. was still able to collect information on the ground, maintain a presence and remain engaged in ending the civil war and assisting with the humanitarian crisis underway in Sudan. In May 1994, the U.S appointed Ambassador Melissa Wells as the President's Special Representative on Sudan with a focus on helping out with peace

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<sup>451</sup> Petterson, 97.

<sup>452</sup> Ibid.



initiatives and humanitarian assistance.<sup>453</sup> Wells was involved with the IGADD initiatives and also met with parties involved in the conflict. In addition, in April 1994, Madeline Albright, U.S. ambassador to UN at the time, went to Khartoum and warned Sudan that it would face isolation unless it demonstrated a change in behavior to address human rights record – specifically the blocking of aid to the south.<sup>454</sup> In addition, the embassy continued to play a role in both condemning and monitoring the human rights situation on the ground. In his testimony in 1995, Assistant Secretary of State for African Affairs Brynn noted, “Our Embassy in Khartoum has worked hard to monitor human rights abuses and to bring to public attention the regime's blatant disregard for the human rights of the Sudanese people.”<sup>455</sup>

Intelligence collection in the realm of terrorism also continued during this time. Cofer Black, CIA station chief from 1993-1995 in Khartoum, has said that Bin Laden was carefully monitored on the ground in Khartoum during this time.<sup>456</sup> Throughout the mid-1990s, the CIA was also aware that Bin Laden was closely connected with the Sudanese intelligence services and that they were supplying Bin Laden with materials and passports. In addition, the CIA was able to track Bin Laden to various training camps in northern Sudan. Towards the end of 1994, Khartoum cables increasingly indicated the growing Bin Laden threat that was building based on his recruitment and training in Sudan. By early 1995, the White House was briefed by the CIA about Bin Laden’s increasing role in funding terrorist training and attacks. For example, a CIA assessment released to the media in 1996 reported on Bin Laden’s activity in Sudan and terrorist

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<sup>453</sup> The White House, Office of the Press Secretary, “Statement on Wells Appointment as Special Representative to Sudan,” May 20, 1994. Online at: <http://clinton6.nara.gov/1994/05/1994-05-20-statement-on-wells-appointment-as-representative-on-sudan.html>

<sup>454</sup> EIU Country Report, Sudan, No 2. 1994, p. 8

<sup>455</sup> Testimony of Edward Brynn, Assistant Secretary of State for African Affairs at the U.S. Department of State, “Crisis in Sudan” hearing, House International Relations Committee, March 22, 1995.

<sup>456</sup> Cofer Black “Statement of Cofer Black,” Joint Investigation into September 11, 2001, Joint House and Senate Select Intelligence Committee, September 26, 2002, [http://www.fas.org/irp/congress/2002\\_hr/092602black.html](http://www.fas.org/irp/congress/2002_hr/092602black.html)

support in terms of both training camps, working with other groups and funding.<sup>457</sup> Another 1995 declassified CIA intelligence report, with much of the text redacted upon declassification, focuses on Sudan and other countries trying to export militant Islam to areas of Africa.<sup>458</sup>

The U.S continued to pressure the Sudanese on terrorism throughout this period. Even after the state sponsorship designation, the U.S. continued to communicate with the regime to convey warnings regarding Sudanese support for terrorism. The U.S. even continued to respond to Sudanese requests for information that illustrated Sudan's support for terrorism, which the U.S. kept providing to the regime during this period. For example, in late 1994, the U.S. showed information to Sudan about a facility in outside Khartoum that had been used for training of terrorists.<sup>459</sup>

One of the main missions of the CIA in Khartoum was to focus on terrorism. Case officers under Black operated against all different terrorist targets including Carlos the Jackal, Bin Laden, Hamas, Hezbollah, etc. CIA officers would reportedly follow group leaders and gain information via local banks on the financial transactions of Bin Laden and others.<sup>460</sup> Up until 1994, Black and the CIA officers saw Bin Laden as being a significant individual, but they didn't have any strong evidence to link him directly to specific terrorist attacks - - other than that he was providing support and money to groups. However, in 1994, a change in assessment was made based on intelligence collected on the ground in Sudan. According to Coll's *Ghost Wars*, the CIA believed Bin Laden to be working with the Sudanese intelligence service and Bin Laden also was able to access Sudanese weapons and official documents, such as passports.<sup>461</sup> The CIA officers in Khartoum were also able to link Bin Laden to three Northern Sudan terrorist training camps.

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<sup>457</sup> Central Intelligence Agency report, "Osama bin Ladin: Islamic Extremist Financier," 1996, George Washington National Security Archives Online at <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB55/ciaubl.pdf>

<sup>458</sup> CIA Intelligence Report, "Southern Africa: Blandishments by Pariahs and Cuba Yield Mixed Results," May 17, 1995, CIA's Electronic Reading Room.

<sup>459</sup> Testimony of Edward Brynn, Acting Assistant Secretary of State for African Affairs, "U.S. Policy Toward Sudan," House Committee on International Relations Subcommittee on Africa. March 22, 1995.

<sup>460</sup> Coll, 267.

<sup>461</sup> Coll, 267.

The Khartoum station became increasingly worried that Bin Laden was becoming a threat – and they would convey this information back to the U.S. For example, in early 1995, the CIA assessed that Bin Laden was a major funder of Sunni Islamic terrorism and this was included in a White House briefing.<sup>462</sup>

The U.S. did remain somewhat engaged throughout this time period, which enabled some progress – particularly in the realm of terrorism. Ambassador Carney was still able to meet with Bashir and notes that “Bashir’s wife even served me food with her own hands,” when he and his wife were invited to dinner. Similarly, Carney had meetings with the foreign minister upon presenting his credentials in September 1995. Taha even invited Carney and his wife over to his house in January 1996 prior to the embassy shutdown.<sup>463</sup>

As the embassy was still up and running, there was still direct contact between the diplomatic staff and the Sudanese government. For example, a September 1995 State Department cable from the embassy in Khartoum September 1995 focused on the ambassador’s credential presentation ceremony and conversation with President Bashir. Bashir expressed that the Government of Sudan desires better relations with the U.S. and promised the ambassador complete access throughout Sudan and expressed that he hoped the ambassador’s reporting would provide U.S. officials with an accurate description of the situation in Sudan.<sup>464</sup> In addition, a January 1996 State Department memo indicated meetings between Ambassador Carney and senior National Islamic Party members to discuss strained U.S.-Sudanese relations.<sup>465</sup> Ultimately, the U.S. policy gradually shifted towards one centered on isolation of the regime, as opposed to

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<sup>462</sup> Coll, 271.

<sup>463</sup> Carney interview, July 2010.

<sup>464</sup> U.S. Department of State Cable from Khartoum Embassy. Subject: Ambassador’s Presentation Ceremony: Conversation with President Bashir, 1995KHARTO04489, Confidential, September 1995. Released May 26, 2005.

<sup>465</sup> U.S. Department of State memorandum, Subject: Meetings with NIP Intellectuals, 1996KHARTO06221, Confidential, January 1996, Released in part April 14, 2005.

maintaining its engagement and presence in the country and the effects of this shift had a dramatic impact.

However, during this period, the real significance of the embassy drawdown was that it represented the early signs of a shift in U.S. policy to start slowly disengaging and isolating Sudan. The drawdown and state sponsorship listing were actually a harbinger of U.S. policy to come, as the United States would completely shut down the embassy and impose additional U.S. unilateral sanctions.

### **Impact on Sanctions**

#### ***1993 State Sponsor Designation***

Like the sanctions imposed on Sudan following the coup, the terrorist designation spurred a number of automatic sanctions into effect. However, the decision to put Sudan on the state sponsor list was a choice made by the U.S. government based on information it was collecting on the ground in Sudan. The 1993 designation was based on information collected in the years prior and it was linked to specific demands. As there was still an on the ground presence, the embassy was still able to monitor regime reactions to the sanction and the impact of the sanctions on the ground. It is questionable as to whether or not the United States would have had the information it needed for this designation had it not been engaged with Sudan during the years prior and been able to collect information about terrorist organizations firsthand, as opposed to relying on secondhand information. Prior to the designation, there was an “explosion of reports within the U.S. intelligence community” about the radical groups operating in Sudan and being allowed to stay there by Turabi.<sup>466</sup> In addition, the United States cited a list of evidence against the Sudanese to bolster the validity of the designation. In press statements by the administration around the time of the designation, the U.S. repeatedly referred to a list of terrorist affiliations and types of terrorist support that the U.S. had documented over the last few years in the country. In addition,

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<sup>466</sup> Burr and Collins, 133.

the Sudanese had refused to cooperate on requests to hand over information on suspected safe houses and facilities in the country.<sup>467</sup>

The decision to place Sudan on the state sponsor list and impose the sanctions that such a designation entails was a carefully analyzed decision, which was aided by the U.S. presence on the ground. Prior to the decision, the State Department conducted a 180-day review and, in early 1993, prior to the designation, Assistant Secretary of State for African Affairs, George Moose, noted that the State Department's Africa and Counterterrorism bureaus were reviewing a significant body of information regarding Sudan's involvement and support for terrorist groups and activities. Undoubtedly, much of this information came from direct monitoring of the situation and reports from the Khartoum embassy.<sup>468</sup> Intelligence reports and sources were key to making this determination. Congresswoman Ileana Ros-Lehtinen, the chairperson of the House Foreign Relations committee, also cited intelligence reports during a committee hearing on Sudan, stating that, "according to intelligence sources, the Government of Sudan is known to be providing support to insurgency groups in region, as well as harboring members of international terrorist groups. It allows the existence of terrorist training facilities...."<sup>469</sup>

Despite the state sponsor designation in 1993, there was no decision to pull out and isolate the country. As a result, the U.S. was able to use the leverage of sanctions combined with information collection and engagement to monitor whether or not there were changes in Sudanese behavior. Therefore, during this period, the U.S. was still able to play a role in pressuring the Sudanese on terrorism demands and tracking groups on the ground. The U.S. was also able to continue to pressure the Sudanese on Bin Laden. In addition, throughout this period, the U.S. was still in close contact with Sudanese authorities. This allowed U.S. officials to gauge the Sudanese response to the designation and accompanying sanctions to determine whether or not

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<sup>467</sup> Steven Holmes, "Terrorists Helped by Sudan, U.S. Says," *The New York Times*, August 19, 1993

<sup>468</sup> Testimony of George Moose, Assistant Secretary of State for African Affairs, "Crisis in Sudan," Subcommittee on African Affairs, Senate Foreign Relations Committee, May 4, 1993.

<sup>469</sup> Testimony of Ileana Ros-Lehtinen, "Crisis in Sudan," House Committee on International Relations, March 22 1995.

the strategy ought to be calibrated. For example, in September 1994, the U.S. Ambassador turned over evidence of a terrorist base to Sudanese officials in the Foreign Ministry and this information was both ignored and not acted upon.<sup>470</sup>

In addition to making the determination about Sudan's designation as a state sponsor, the U.S. had to decide how to best calibrate the sanctions imposed by the state sponsor designation, which manifested in a debate about the financial restrictions that ought to be placed on Sudan. The state sponsor designation carried with it a number of restrictions, but did not cut off all financial transactions between the U.S. and Sudan. On the heels of the Mubarak assassination and following the weak UN resolutions, a debate ensued about the degree to which financial transactions ought to be limited. The debate will be discussed in greater detail in the next section, but during the 1993-1996 period, Sudan and Syria were not subject to the same level of economic sanctions as the other state sponsors due to the use of a more restrained and discriminatory sanctions strategy. So, while the state sponsor designation was harmful in terms of solidifying Sudan with a pariah status and imposing a wide range of restrictions, it was not as restrictive as it could have been as there was no additional legislation regarding total restrictions on financial transactions, as was the case with other state sponsors. This calibrated strategy may have even played a role in getting some cooperation on terrorism, such as the release of Bin Laden and turnover of Carlos the Jackal.

In August 1996, the Antiterrorism and Effective Death Penalty Act became law and prohibited financial transactions to the countries on the terrorism list, but a loophole was left in the Act and this allowed a more flexible restriction on Sudan and Syria – that allowed for such transactions unless known that such transactions were linked to terrorist activities. The decision to have a more flexible strategy with regard to Sudan was based on calibrating the sanctions response in a way that distinguished Sudan from other state sponsors, as intelligence was strong

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<sup>470</sup> Testimony of Steven Emerson, "Islamic Extremism in Africa," House Committee on International Relations, April 6, 1995.

on Sudan's support for terrorist activities, but not in Sudan's direct involvement in carrying out terrorism, as had been the case with other states. Then, the Treasury Department published regulations in relation to section 321 which essentially reversed the effect of the new prohibition. The ultimate reasoning behind the distinction was made clear by those who favored maintaining flexibility in sanctions regimes against such states, such as Assistant Secretary of State George Moose, who was asked why any transactions with Sudan ought to be allowed at all. In a 1997 hearing, Moose responded by stating,:

We are obliged, I think, as we can do our work in all of these areas, to make distinctions and sometimes fine distinctions....we have significant evidence of Sudan's direct support for groups that are involved in terrorism. In the case of others that are on that list, we have evidence that goes beyond that – evidence of their actual direction, organization and targeting of terrorist activities....Our objective must always be, it seems to me, to take those actions, those measures which we believe have a chance of changing the behavior, the conduct of states like Sudan. In the case of Sudan, one would say that there is at least evidence that they are not immune, not insensitive to the kinds of pressures that we have been able to mobilize...

Moose expressed concern over the imposition of rules that applied the same restrictions uniformly across state sponsor countries and emphasized the importance of imposing a calibrated and graduated sanctions strategy with regard to Sudan. He also pointed out that understanding the dynamics on the ground – with regard to the humanitarian situation – was important to shaping the sanctions regime in place to avoid consequences on the civilian population. This strategy made sense in the context of the climate from 1993-1996. And, in fact, as will be seen in the analysis of outcomes, the combination of diplomatic engagement and a calibrated sanctions policy seemed to yield results in the realm of terrorism.

Unfortunately, with the closure of the embassy in February 1996 in the midst of some Sudanese progress on terrorism in response to growing pressure from both the U.S. and international community, the U.S. became increasingly disengaged and was unable to calibrate its strategy appropriately or adequately assess Sudanese actions in the same way without a presence on the ground. As a result, the embassy closure created problems in the aftermath of the Bin Laden expulsion and did not allow the U.S. as much leverage and information on his expulsion as the U.S. may have had if it had remained in Khartoum and opted for increased engagement as

opposed to a strategy based on isolation starting in early 1996. Similarly, the United States tightened financial restrictions with Clinton's executive order in 1997 without an ability to track Sudanese compliance or lack thereof or the ability to assess the impact of sanctions on the ground. This will all be discussed in greater detail in the next period of analysis.

### **Outcomes**

In general, sanctions themselves had a minimal economic impact on Sudan due to already low trade and finance links between the U.S. and Sudan. However, sanctions during this time did contribute to the U.S. demonstration of credibility and commitment with regard to Sudan, which may have also contributed to some compliance by the Sudanese – as they may have feared additional stronger actions by the United States. In addition, since the U.S. remained engaged and on the ground during this period, it was still able to maintain some degree of information collection and communication with the regime.

This engagement combined with punitive measures appears to have instrumental in some of the successes that did result in the realm of terrorism (although the U.S. remained generally dissatisfied with Sudan's counterterrorism progress). However, it seems that both sanctions and engagement were unable to make substantial progress with regard to the ongoing civil conflict and human rights violations. The differences in progress may be a result of the different nature of the demands at hand. Terrorism demands were more specific and limited in nature, with the government able to demonstrate precise actions in response to U.S. demands. On the contrary, demands related to the ongoing civil conflict were of a much greater scope and it seems likely that any strategy employed by the U.S. would face significant difficulties altering behavior within a short time horizon.

In this section, I first assess the U.S. foreign policy outcomes with regard to terrorism, the ongoing civil war and the humanitarian situation in the 1993-1996 period. The time period examined will go until slightly after the embassy closure in 1996 because the expulsion of Bin Laden in May 1995 can be characterized as a result of the both U.S. pressure and engagement that



took place during this period. The combination of sanctions plus engagement are what yielded results during this period, as can be seen by looking at the two particular instances where success was made in the realm of terrorism.

### **Terrorism**

The U.S. policy of sanctions plus engagement yielded limited successes in the realm of terrorism. While the Economist Intelligence Unit report on Sudan in 1993 assessed that the designation of Sudan as a state sponsor was not likely to have a big impact due to the aid and trade levels that existed between the U.S. and Sudan as there had already been earlier sanctions in place, it seems that the sanctions and pressure on terrorism did succeed in getting some changes in behavior from the Sudanese regime on terrorism.<sup>471</sup> During this period, there were some limited successes with regard to terrorism.

However, broadly speaking, the U.S. continued to remain dissatisfied with overarching Sudanese progress on the terrorism front (which is what led to Clinton's executive order imposing additional economic restrictions in 1997 and ultimately embassy closure in 1996). In general, Sudan continued to remain as a sanctuary for terrorist groups throughout this time period. The degree to which the Sudanese regime was directly aiding and abetting these groups is unclear, but there were a large number of groups using Sudan as a base, including bin Laden and his affiliates. Sudan continued to harbor individuals associated with a number of terrorist organizations in addition to bin Laden. These groups included Hezbollah, Hamas, the Abu Nidal Organization, and the Palestine Islamic Jihad.<sup>472</sup> In addition, during this period, the Sudanese did not extradite suspects related to either the embassy bombings or the Mubarak assassination. The Sudanese also did not show a general willingness to publicly denounce terrorism and the government also continued to deny information presented to it about terrorist activity in the country. For example, the U.S. expressed a number of concerns regarding a specific terrorist training facility, but were

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<sup>471</sup> EIU, No. 3, 1993

<sup>472</sup> Ibid.

met with denials of the information and evidence presented.<sup>473</sup> In addition, during this period, Sudan did not sign any international conventions against terrorism.

However, the U.S. may have been expecting too much too soon. Sanctions, pressure and diplomacy may take a while to completely modify a target state's behavior. Observing incremental changes may be just as important in terms of assessing progress and calibrating U.S. policy. With regard to Sudan during this time period, it is important to acknowledge that there were some successes and shifts in Sudan's behavior. The shifts might not have been everything the United States was hoping for, but there was evidence of some compliance with terrorism demands. For example, while the government did not turn over the individuals demanded by the UN in association with the Mubarak assassination attempt, the government did modify its visa policy. The policy had allowed Arab passport holders to enter and exit the country without visas, but that was no longer permitted. In addition, the Sudanese also replaced their external intelligence chief, with whom the U.S. was not satisfied.<sup>474</sup>

Two instances in particular stand out as high profile examples in which Sudan did show some willingness to cooperate in the realm of counterterrorism and to comply with demands. First, in 1994, Sudan expelled the well-known terrorist Carlos the Jackal, who was located in Sudan. He was turned over to French authorities and was captured with cooperation from the Sudanese and U.S. involvement – particularly with regard to intelligence cooperation and assistance. Second, one of the major U.S. demands of this period – the expulsion of Osama Bin Ladin - was indeed met by the Sudanese. The United States and other states had been pressuring Sudan on the expulsion of Bin Laden throughout the early 1990s, but the expulsion did not come to fruition until spring 1996.<sup>475</sup> The regime's decision did not represent an overarching shift in policy on terrorism, but it did show that the regime was susceptible to economic pressure and

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<sup>473</sup> Brynn, 1995.

<sup>474</sup> Douglas Jehl, "Sudan Pays High Price for Ties to Islamic Extremists," *The New York Times*, February 13, 1996.

<sup>475</sup> Rotberg, 117.

diplomatic engagement, and that it was concerned about the potential dangers of continuing to harbor an individual receive such negative scrutiny.

A more detailed examination of the capture of Carlos the Jackal and the expulsion of Bin Laden in greater detail is a useful exercise for understanding how both engagement and sanctions helped play a role in these victories. While both of these actions represented moves in the positive direction, examining the detailed circumstances of each will illustrate they cannot be characterized as complete successes. First, with regard to turnover of Carlos the Jackal, the move was a gesture made to the French – not the United States. Although the United States did assist in the intelligence collection and the capture, the handover of Carlos was ultimately the result of intense negotiations between the French and the Sudanese, which occurred due to a deal reached by both sides. In addition, the turnover of Carlos the Jackal was a low-cost move for the Sudanese to symbolically show they were trying to work with the international community and crack down on terrorism. With regard to the Bin Laden expulsion, the circumstances surrounding the expulsion of Bin Laden are still a bit unclear due to conflicting information and the expulsion was by no means ideal. As relations were strained and channels of communication and information between the U.S. and Sudan were reduced to some degree, Bin Laden departed for Afghanistan and the U.S. was not aware of the specific timing of his departure and arrival in Afghanistan. In addition, the Sudanese claim they offered to turn him over to the Saudis, who would not take him (and also claim offers were made to the U.S. at the time, but there has been no evidence found to this effect). Bin Laden left Sudan for Afghanistan in spring 1996, which was a victory in terms of expulsion, but he continued to direct terrorist activities from there.

### **Carlos the Jackal**

Carlos the Jackal, had been unable to find a safe haven in other countries, but eventually relocated to Sudan. Fortunately, the quality of information collected on Carlos during the early 1990s was quite high and the U.S. embassy became aware of his identity and presence in

Khartoum.<sup>476</sup> The U.S passed its intelligence to the French, who were the ones that began pressuring the Sudanese for his capture and extradition to France. While the Sudanese were not initially responsive, the French continued to pressure the Sudanese. In mid-August 1994, Carlos was checked into a hospital and the Sudanese police were able to persuade him to transfer to a different military hospital, where he was then turned over to French authorities.<sup>477</sup> Ambassador Petterson, the U.S. ambassador at the time of the capture has pointed out that the capture of Carlos the Jackal illustrates the quality of intelligence being collected on him while he was in Khartoum. Ambassador Petterson has noted that “the end of the career of the infamous Carlos the Jackal was a good example of the accuracy and value of the kind of information the embassy was collecting [in Khartoum]”. At the time of the capture, the Sudanese government was displeased with the U.S. that they did not get more public credit for assisting with the capture of Carlos.<sup>478</sup> According to intelligence officials at the time, The CIA also claimed it helped the French with the capture, saying “Tracking his movements was a key CIA contribution to the French success.”<sup>479</sup> However, details surrounding the release remain somewhat unclear and it has been reported that French negotiations also drove the Sudanese decision to cooperate, as the French were willing to cut a deal for equipment and training and assure no isolation.<sup>480</sup>

According to the Economist Intelligence Report in late 1994, the Sudanese seemed to be realizing that the “status quo was untenable as political tensions grow and the economic crisis escalates against a backdrop of diplomatic isolation.” As a result, the report argues that cooperation with regard to Carlos was a gesture by the Sudanese to illustrate to the international community that it was in fact changing its behavior on terrorism. Some have even argued that French engagement with Turabi was key in the capture of Carlos the Jackal and point to the

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<sup>476</sup> Petterson 113

<sup>477</sup> Petterson, 114; Burr and Collins, 156.

<sup>478</sup> Petterson, 114

<sup>479</sup> “CIA Says It Played a Role In Seizing Carlos the Jackal,” *The Washington Post*: August 22, 1994.

<sup>480</sup> Burr and Collins, 156. For more on the deal with the French, see “Sudan’s Offer to France: Carlos or Nidal,” *The Sunday Times*, September 25, 1994; Adam Sage, “France ‘Did Deal’ to Capture Jackal.” *Times* (London), October 16, 1999.

cooperation on Carlos as evidence for the benefits of diplomatic engagement in the realm of counterterrorism.<sup>481</sup> Following the handover, the Sudanese pressed for removal from the state sponsorship list, a move that was not warranted based on this incident, but one that could have fostered increased U.S. cooperation with the Sudanese on counterterrorism by articulating a clear set of behaviors and indicators that needed to be met over time and that the U.S. could actually track.<sup>482</sup>

### **Bin Laden Pressure to Expel**

In addition to the general terrorism demands stated earlier, specific concerns about one particular terrorist leader grew significantly during this period –Bin Laden. By the end of 1995, the Americans were putting increasing pressure on the Sudanese government to expel Bin Laden. By the spring of 1996, the Sudanese finally came to agreement with Bin Laden for his departure and he left Sudan for Afghanistan in May 1996. Intelligence on Bin Laden, U.S. engagement with the Sudanese on this issue, direct communication with Sudanese officials and sanctions, all played a role in getting the Sudanese to expel Bin Laden.

During Ambassador Carney's final night in Khartoum prior to the embassy shutdown, he met with the Sudanese Vice President and brought up the issue of Bin Laden. He told the Sudanese they needed to expel Bin Laden and provide the information and intelligence they had on his finances to show the Americans they were serious about changing their behavior on the terrorism front. It was through Carney that Sudan arranged for secret talks one month later with the involvement of General Elfaith Erwa on the Sudanese side of discussions and two CIA officials on the American side, who conveyed a number of steps Sudan would need to take to improve relations with the U.S. While this was following the embassy shutdown in Khartoum and starting the period of a U.S. policy of isolating the Sudanese, the Americans at this time still seemed to recognize the importance of remaining engaged, albeit secretly. In addition, as a result

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<sup>481</sup> Robert Harris, "U.S. Terrorism Policy Towards Sudan: Blinded by Islamic Fundamentalism," Master's Thesis, Naval Postgraduate School, 1999, pp. 41-51.

<sup>482</sup> EIU, no 3, 1993 p. 10.

of being on the ground in Sudan, the U.S. was able to back up their claims about Bin Laden's involvement with terrorist groups with an abundance of evidence collected on him and his organization. For example, a State Department dossier on Bin Laden was circulated, which provided evidence of his ties to terrorist financing and a number of terrorist attacks with American victims.<sup>483</sup> Unfortunately, this attitude of engagement was short-lived in the months following the embassy closure as the U.S. retreated – losing the ability to communicate with the Sudanese and collect significant terrorism-related intelligence.

However, the expulsion itself was the result of U.S. policy of sanctions plus engagement. The calibrated sanctions illustrated that the U.S. was serious about its concern for terrorism and raised the fears of the regime about potential future ramifications for lack of compliance. At the same time, the Sudanese regime had hope that if they complied with demands, they might see some benefits and perhaps even the removal of some terrorism-related sanctions.

At the time, the U.S. clearly viewed the expulsion as a success. They had succeeded in getting a state sponsor to expel a major terrorist leader, who no longer could use Sudan as a safe haven. While the administration had hoped Egypt or Saudi Arabia would take Bin Laden following the expulsion, they were glad he was expelled from Sudan and the regime even took some of his assets. National Security Adviser Samuel Berger was quoted as saying, ““He lost his base and momentum,”<sup>484</sup>

Despite the Jackal and Bin Laden successes, U.S. remained frustrated with Sudanese general support for terrorism and began considering additional sanctions – both economic and diplomatic. The Assistant Secretary for African Affairs testified at a counterterrorism hearing and noted that while Sudan had taken some steps to respond to terrorism with the expulsion and new visa requirements, overall the country had done little to stop supporting terrorism. He characterized the changes as being “mostly tactical,” and the U.S. generally not satisfied with

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<sup>483</sup> Judith Miller, Jeff Gerth, Don Van Netta Jr., “A Nation Challenged: The Response; Planning for Terror but Failing to Act,” *The New York Times*, December 30, 2001.

<sup>484</sup> *Ibid.*

Sudanese actions.<sup>485</sup> Similarly, Sudan reportedly did close some of the terrorist training camps that were operating in the country in response to U.S. pressure, but the Egyptians claimed that these camps were not completely closed, but rather, they were re-organized to be smaller and more mobile, so that U.S. satellites could not pick them up when trying to monitor them.<sup>486</sup>

So, while there was limited success in terms of compliance with some specific demands, the regime's general policy on terrorism remained generally unchanged in the eyes of the United States. Overall, the terrorism outcome for this period was mixed. Some progress was made, but the U.S. remained unsatisfied. The Sudanese remained unresponsive to major demands associated with the imposition UN sanctions, as no suspects were turned over for the assassination attempt. The regime did not whole-heartedly renounce terrorism or take widespread actions against the multitude of groups operating in the country. In late 1994, the U.S. was still confronting Sudanese with evidence of facilities in the area that were being used to train terrorists and the Sudanese were still denying and rejecting allegations. In addition, Sudan had not yet signed any of the major conventions or treaties condemning terrorism. However, in October 1994, the Sudanese attorney-general and Sudanese minister of justice did make statements saying the Sudanese government opposes terrorism and that it was ready to sign agreements on repatriation of criminals.<sup>487</sup> Despite the mixed record and some successes, the U.S. opted to ramp up its policy towards Sudan to one based primarily on punishment and isolation, as opposed to a more mixed strategy of sanctions and engagement.

#### **U.S. and the Ongoing Conflict and Humanitarian situation in Sudan (mid 1990s):**

While much of the United States attention during this period was focused on terrorism, the U.S. also had a number of ongoing demands related to the ongoing conflict on the ground and increasingly problematic human rights violations and humanitarian crisis. While terrorism prompted the litany of sanctions that would come to fruition in 1997, additional demands

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<sup>485</sup> Moose testimony, 2007.

<sup>486</sup> David Ottoway, "U.S. Considers Slugging it Out with International Terrorism," October 17, 1996.

<sup>487</sup> EIU no 3, 1993 p. 10.

associated with religious persecution and human rights were also built into the language. The 1993-1996 period was generally unsuccessful in terms of progress on human rights and the ongoing conflict, but like with terrorism, there were some limited successes. For example, in 1993 the U.S. sponsored SPLA unity talks in hopes of getting peace talks with the Sudanese government started again. The meeting did yield an 8-point agreement to stop the fighting and work towards peace, but the agreement was then aborted.<sup>488</sup>

Throughout the period, the civil war continued, along with ongoing attacks on the civilian population. However, both parties to the conflict did come to the negotiating table in the context of the IGADD talks, albeit with little agreement. In March 1994, Bashir attended the IGADD talks for the first time. However, the talks ended in stalemate, but with an agreement to meet again in May 1994.<sup>489</sup> While the talks reached no conclusive agreements, both sides were able to agree on some general principles for humanitarian relief via Operation Lifeline.<sup>490</sup> During this same period, the administration sent special envoy Melissa Wells and a delegation to Sudan to review the initiatives and progress in the realm of peace negotiations.<sup>491</sup> The May 1994 talks also reached no agreement between both sides, as the SPLA and Sudanese government could not come to an agreement with regard to sharia law and the issue of self-determination for the South vs. some sort of federal state solution. However, by the third round of IGADD talks in July 1994, the Sudanese government accepts the idea of a referendum on southern self-determination.<sup>492</sup>

In September 1994, the peace talks broke down once again due to differences between both sides primarily on the issue of self-determination for the South and differences regarding

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<sup>488</sup> EIU country report, Sudan, No. 4, 1993.

<sup>489</sup> EIU country report, Sudan, No. 2, 1994, p. 13.

<sup>490</sup> "The Search for Peace in the Sudan: A Chronology of the Sudanese Peace Process 1989-2001," European-Sudanese Public Affairs Council, 2005. Available online at: [http://www.espac.org/peace\\_process/search\\_for\\_peace.asp](http://www.espac.org/peace_process/search_for_peace.asp).

<sup>491</sup> Steven Greenhouse, "Clinton's Sudan Envoy," *The New York Times*, June 1, 1994.

<sup>492</sup> "The Search for Peace in the Sudan: A Chronology of the Sudanese Peace Process 1989-2001," European-Sudanese Public Affairs Council, 2005. Available online at: [http://www.espac.org/peace\\_process/search\\_for\\_peace.asp](http://www.espac.org/peace_process/search_for_peace.asp).



religion.<sup>493</sup> However, following the collapse of IGADD, President Carter was able to bring about a short two month ceasefire beginning in March 1995.<sup>494</sup> The ceasefire was brought about via the mediation efforts of Carter, who met with Bashir and southern leaders. Carter was successful in persuading Bashir to declare a truce, so Bashir declared a unilateral two month ceasefire and the SPLA followed his actions.<sup>495</sup> The truce had humanitarian implications as it allowed a halt in violence for the distribution of water filters for guinea worm parasite and vaccines and medicinal distributions.<sup>496</sup>

The stop and start nature of the talks illustrated that U.S. involvement in mediation efforts was able to get parties talking to each other, but was not able to broker true conditions for peace. However, other than support for the IGADD efforts, the U.S. was not heavily engaged in the peace process.<sup>497</sup>

Unfortunately, throughout this period, serious human rights violations continued, with very little success as a result of U.S. pressure, despite embassy efforts to monitor the situation on the ground and highlight these violations publically.<sup>498</sup> According to the testimony of Assistant Secretary of State Brynn at a March 1995 hearing,

Both Khartoum and the rebels continue to brutalize the Sudanese people and to attack civilian populations and obstruct or loot relief convoys...In short, while we have been successful in keeping attention focused on Sudan, we have been unable to effect change in those regime policies and practices of most concern to us. We will maintain bilateral and international pressure on Khartoum. We have not and will not stop looking for ways in which to bring about changes in Khartoum's behavior...Sanctions appeared to have little impact on the behavior the regime, while the diplomatic pressure seemed able to get parties to the table and bring about minor and temporary shifts in policy, but no sustainable progress in terms of the civil war or humanitarian situation on the ground.<sup>499</sup>

Specifically, atrocities continued by both sides in the conflict, despite claims to the contrary. One particular area of concern during this period were killings carried out by the Sudanese

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<sup>493</sup> Chronology of Sudan Sanctions, Case Studies in Sanctions and Terrorism," Peterson Institute for International Economics, Online at: <http://www.piie.com/research/topics/sanctions/sudan.cfm>

<sup>494</sup> "Truce in the Sudan," *The New York Times*, March 28, 1995.

<sup>495</sup> "The Search for Peace in the Sudan: A Chronology of the Sudanese Peace Process 1989-2001," European-Sudanese Public Affairs Council, 2005. Available online at: [http://www.espac.org/peace\\_process/search\\_for\\_peace.asp](http://www.espac.org/peace_process/search_for_peace.asp).

<sup>496</sup> Economist Intelligence Unit Country Report: Sudan, No 2. 1995

<sup>497</sup> Economic Intelligence Unit Country Report: Sudan, No 2. 1995.

<sup>498</sup> Brynn testimony, 1995.

<sup>499</sup> Brynn testimony, 1995.

government in Nuba. African Rights published a report during this period that clearly set forth all of the egregious atrocities occurring in this area.<sup>500</sup>

## **Conclusion**

This period was marked by limited successes in the realm of terrorism, along with some success in getting parties to start talking to each other without reaching any real agreements. Human rights progress was minimal. Overall, this period had a mixed outcome – there were some successes, but conditions across all three realms remained unsatisfactory to the United States. Throughout this period, the U.S. remained conflicted as to whether or not it ought to be continuing with constructive engagement or pushing towards isolation. The mixed strategy resulting from hesitance to engage too much and moving towards the isolation that characterizes the next period of analysis, was met with a mixed outcome of partial success and partial failure.

## **1996-1999: Isolation and Diplomatic Disengagement with Sudan**

From 1996-1999, U.S. policy towards Sudan shifted and became characterized by a high degree of isolation and diplomatic disengagement with the imposition of complete diplomatic sanctions on Sudan. The period begins with the closure of the U.S. embassy in February 1996 and in the middle of the 1996 UN sanctions resolutions regarding Sudan. In 1997, these measures were followed by additional stronger unilateral sanctions by the U.S. This period represents the strongest period of sanctions and diplomatic isolation with regard to Sudan. The embassy remains closed for this entire period of analysis, so it represents the strongest predictions for reduced intelligence and communication. In addition, my theory would predict failure in terms of compliance with U.S. demands during this period. In addition, it is the only period in the case study during which the United States uses military force, when it bombs the Al-Shifa plant, a suspected chemical weapons facility in Khartoum.

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<sup>500</sup> Economist Intelligence Unit Country Report: Sudan, No. 2. 1995 p. 13.

The embassy shutdown and decision to disengage had a tremendous impact on both the United States' ability and willingness to collect information on a variety of issues in the United States' interest.<sup>501</sup> Not only did the U.S. lose the ability to collect on terrorist organizations and Sudanese leadership due to the lack of presence on the ground, but the U.S. also became resistant to Sudanese offers of assistance. Following the closure of the embassy, the Sudanese made a number of attempts to provide intelligence to the Clinton administration, along with offers to have CIA and FBI officials travel throughout the country. These types of offers were repeatedly declined due to general mistrust of the regime and Sudan's designation as a state sponsor of terrorism.<sup>502</sup> In addition, in 1997, President Clinton issued an executive order to impose additional strong, unilateral economic restrictions on Sudan for its human rights violations and support for terrorism.<sup>503</sup> However, despite all of these efforts, Sudan continued to remain as a sanctuary for terrorist groups and little progress was made on the counterterrorism front. The Sudanese continued not to turnover suspects related to the Mubarak assassination and it also did not turnover suspects related to the 1998 embassy bombings. This period saw little progress on the terrorism front.

In addition, the closure of the embassy prompted a series of U.S. policy blunders, which undermined U.S. counterterrorism efforts, due to lack of intelligence and communication. This section will provide a detailed look at some of the circumstances surrounding the expulsion of Bin Laden and the bombing of Al Shifa to illustrate how a lack of diplomatic presence and resistance to engaging with the regime during this period significantly hampered U.S. policy.

From 1996-1999, the U.S. also remained increasingly disengaged from the ongoing civil war and humanitarian situation in Sudan. During this period, the ongoing civil war and humanitarian

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<sup>501</sup> Deng and Morrison, 2001, p. 6-7.

<sup>502</sup> David Rose, "The Osama Files," *Vanity Fair*, January 2002, at <http://www.vanityfair.com/politics/features/2002/01/osama200201>

<sup>503</sup> "Blocking Sudanese Government Property and Prohibiting Transactions with Sudan," Executive Order 13067 of November 3, 1997. Available online at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1997\\_register&docid=fr05no97-126.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1997_register&docid=fr05no97-126.pdf)

crisis continued in Sudan with little change in behavior as a result of the isolation of the regime and increased sanctions.

**1996-1999**

*Isolation and Disengagement*

*Additional ES on top of already existing sanctions*

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|--|---|
| <ul style="list-style-type: none"> <li>• Predicts highest level of failure relative to the rest of the case with regard to demands across issue areas.</li> <li>• High-level information losses and reduced communication w/embassy closure.</li> <li>• Predicts informational and communication losses undermine economic sanctions.</li> </ul> | <ul style="list-style-type: none"> <li>• High level failure on terrorism, ongoing conflict and humanitarian issues.</li> <li>• High-level information losses and reduced communication w/embassy closure.</li> <li>• Major intelligence failure w/AI Shifa</li> <li>• Information and communication losses undermine economic sanctions.</li> </ul> |
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**Timeline of Sanctions in 1996-1997 and U.S. Demands**

Following UN Resolution 1044 in January 1996, which demanded the extradition of the three suspects in the assassination attempt and also called for an end to Sudanese support to terrorism, the UN passed additional resolutions regarding Sudan. Demands remained fairly constant during this period calling for the Sudanese to stop supporting terrorism, extradite terrorism suspects and sign international terrorism conventions. With regard to the civil war and humanitarian situation, sanctions also remained fairly constant. The U.S. was focused on making sure food aid and humanitarian efforts were not being thwarted and that the regime and southern parties were not carrying out human rights violations. Similarly, demands related to progress on the ongoing civil war continued. However, during this period, the U.S. was significantly less engaged across all of these issues, due to a strategy centered on isolation and punishment.

The timeline below indicates the chronology of sanctions during this period.<sup>504</sup>

- **January 1996: UN Resolution 1044:** demands extradition of three suspects in the assassination attempt and also calls for an end to Sudanese support for terrorism.
- **February 1996:** U.S. closes embassy
- **April 26, 1996:** UNSC 1054 was adopted on and related to travel of Sudanese officials and it also called on all members to reduce the number and level of diplomats in Sudan.<sup>505</sup>
- **August 16, 1996:** resolution 1070, restrictions on Sudanese airlines to prevent carry of weapons/material.
- **August 24, 1996:** Antiterrorism and effective death penalty act becomes law, prohibiting financial transactions to countries on the U.S. terrorism list – loophole left to allow transactions with Sudan and Syria unless such deals were known to be linked to terrorist activities.
- **November 22, 1996:** President Clinton announces decision to ban entry of Sudanese officials into U.S.
- **Nov 3, 1997:** Clinton issues executive order 13067 which bans all imports from and exports to Sudan, freezes all assets of the Sudanese government inside the United States, and ends financial transaction with Sudan by closing loophole in antiterrorism and effective death penalty act

Following the U.S. embassy closure, the UN passed additional resolutions to pressure the Sudanese. UNSC 1054 was adopted on April 26, 1996 and related to travel of Sudanese officials and it also called on all members to reduce the number and level of diplomats in Sudan.<sup>506</sup> This was a mild form of sanctions and few states actually implemented them.<sup>507</sup> Lastly, resolution 1070, restrictions on Sudanese airlines to prevent carry of weapons/material. This resolution required member states to deny aircrafts permission to land or fly over Sudan or operate planes leaded by Sudan airways. However, these sanctions were never actually applied due to humanitarian concerns and lack of Egyptian support.<sup>508</sup> All of these sanctions were aimed at pressuring Sudan to extradite three suspects and pull back its support for terrorist groups<sup>509</sup>

In addition, a Sudanese diplomat at the UN mission was expelled in April of 1996 due to alleged ties to individuals involved in a plot to target the UN building and other NY targets back in 1993. One Sudanese national who had pleaded guilty to involvement in these plots in 1995 alleged that employees of the Sudanese UN mission were involved in providing access to

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<sup>504</sup> The timeline of sanctions has been adapted from “U.S. and UN Sanctions against Sudan,” in O’Sullivan, p. 238.

<sup>505</sup> O’Sullivan, 238.

<sup>506</sup> Ibid.

<sup>507</sup> Ibid.

<sup>508</sup> Niblock, 207.

<sup>509</sup> Richard W. Conroy, “The UN Experience with Travel Sanctions: Selected Cases and Conclusions,” in David Cortright and George Lopez (editors), *Smart Sanctions: Targeting Economic Statecraft*, (Rowmand and Littlefield: Maryland, 2002), p. 159.

suspects to scope the building and were also potentially linked to the Mubarak assassination plot.<sup>510</sup>

However, the U.S. was not pleased by the fact that the UN was not strengthening the sanctions regime imposed on Sudan, as the U.S. had desired stronger measures to be taken against Sudan. The U.S. felt that compared to the sanctions on Libya and Iraq, the Sudanese sanctions were relatively light.<sup>511</sup> Similarly, even the UN sanctions calling for diplomatic reductions were not fully implemented. While some countries did reduce staff levels, reductions were minimal with some countries, such as Russia and China, not reducing the number of diplomats at all.<sup>512</sup>

Due to a combination of security concerns, the attempted assassination of CIA Chief of Station Cofer Black and an increasing desire by the United States to isolate Sudan and condemn its behavior, the decision was made, after a significant amount of debate, to suspend operations and close the Khartoum Embassy in February 1996. Also triggering the decision to cut diplomatic ties with Sudan, was the attempted assassination of Egyptian President Mubarak, by members of an Islamic Egyptian terrorist group with ties to Bin Laden and connections to Sudan.<sup>513</sup> Sudan was believed to have provided a safe haven for multiple individuals involved in the assassination plot.<sup>514</sup> The U.S. also still had significant concerns about Sudan's support for terrorist activities related to Al Qaeda and other groups.

As a result, by 1997, President Clinton took matters into its own hands with additional unilateral measures of his own. The new sanctions were put into place because of Sudan's "continued sponsorship of international terror, its effort to destabilize neighboring countries, and

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<sup>510</sup> ICG report, 77.

<sup>511</sup> Niblock, 94.

<sup>512</sup> Niblock, 206.

<sup>513</sup> Thomas Kean and Lee Hamilton, et al, *9/11 Commission Report*, National Commission on Terrorist Attacks Upon the United States, July 2004, p. 62.

<sup>514</sup> O'Sullivan, 240.

its abysmal record on human rights...”<sup>515</sup> The executive order blocked trade and most financial transactions between the US and Sudan. In November 1997, President Clinton issued order 13067, which imposed harsh unilateral sanctions on the regime for a variety of issues relating to support for terrorism and human rights.<sup>516</sup> The order included a number of additional restrictions, which blocked the movement of U.S. technology to Sudan, stopped bank loans and also seized Sudanese assets. All of these sanctions marked the beginning of the period of isolation that stands in stark contrast to the initial U.S. attempts to engage the regime through a policy of constructive engagement earlier in the 1990s.<sup>517</sup>

### **The Decision to Impose Diplomatic Sanctions**

One of the most significant policy decisions during this period was the shutdown of the U.S. embassy in Khartoum in February 1996. While withdrawal of some U.S. government personnel and families began in 1993, actual diplomatic sanctions were not imposed until February 7, 1996.<sup>518</sup> Due to increasing concerns about terrorism, along with the attempted assassination of Cofer Black and the attempted assassination of President Mubarak, the decision was made to sever diplomatic ties with Sudan and shut down the embassy in Khartoum.

The decision to cut diplomatic ties with Sudan was contested by high-level U.S. officials inside and outside of Sudan. While the embassy’s emergency action committee drafted a cable to Washington calling for the closure of the embassy for security reasons, and the closing of the CIA station, both Ambassador Tim Carney and the CIA chief of station, Cofer Black, were in opposition to the closure. By the fall of 1995, the embassy’s Emergency Action committee, made

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<sup>515</sup> Secretary of State Madeleine K. Albright, “Remarks on New Economic Sanctions Against Sudan,” U.S. Department of State Office of the Spokesman, November 4, 1997. Online at: <http://secretary.state.gov/www/statements/971104.html>

<sup>516</sup> O’Sullivan, 242.

<sup>517</sup> Woodward, 54.

<sup>518</sup> “Sudan,” U.S. Department of State, Chiefs of Mission by Country, Online at: <http://www.state.gov/r/pa/ho/po/com/11280.htm>. For more on diplomatic sanctions on Sudan, see Tara Maller, “The Dangers of Diplomatic Disengagement in Counterterrorism,” *Studies in Conflict and Terrorism*, Vol. 32, No. 6 (June 2009): 511-536.

a recommendation in a cable to Washington that the Khartoum embassy be shut down.<sup>519</sup> The Emergency Action Committee was comprised of officials across various agencies, including the CIA Station Chief and State Department senior diplomats, so it was taken quite seriously. The primary arguments made in favor of closing the embassy related to security issues – namely threat reporting indicating threats to the embassy and officials. The closing of the embassy would also mean that the CIA station housed in the embassy would be closed.<sup>520</sup>

When Carney got back to Khartoum from being back in Washington to help with electoral annex of Dayton accords, Chief of Station and DCN and a number of others were nervous and upset over security issues and published telegraph saying things were too dangerous to stay.<sup>521</sup> He allowed the cable to be sent, but he put his dissenting views that the security risks were manageable at the end of the message.<sup>522</sup> He also expressed his views back in Washington. Additional concerns arose as a result of Sudanese walk-in with information regarding assassination attempt on Tony Lake, but Carney has pointed out that the individual was not properly vetted and dropped as a source.<sup>523</sup> Carney claims that plans started to be made for evacuation of Khartoum around January 24<sup>th</sup> with discussions involving Deutsch, Secretary of Defense Perry and Christopher. Carney and the last of the embassy staff departed the embassy shortly thereafter on February 7, 1996.

At the time of this cable, Ambassador Carney had just arrived in Sudan as the new ambassador and he was opposed to the idea of closing the embassy. Essentially, Carney thought closing the embassy sent a signal of disengagement to the Sudanese, which he believed was the opposite of the message the U.S. ought to be sending. Carney felt that U.S. goals in the country, such as ending Sudanese support for terrorism required that the U.S. be directly engaged with the

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<sup>519</sup> Coll, 320.

<sup>520</sup> Coll, 322.

<sup>521</sup> Carney interview, July 2010.

<sup>522</sup> Carney interview, July 2010.

<sup>523</sup> Carney interview, July 2010



Sudanese government and that isolation was completely the wrong tactic to take.<sup>524</sup> Second, by isolating the regime, Carney believed the U.S. would push moderates towards the more radical end of the terrorist spectrum.<sup>525</sup> More specifically, Carney felt that the United States would be better equipped to fight terrorism in Sudan with an on the ground grasp of the situation. The U.S. needed to be able to distinguish between Islamist groups that were essentially peaceful and those devoted to violence, so that it understood who to target.<sup>526</sup> Carney even went so far as to fly from Khartoum to Washington DC to tell Secretary of State Christopher that closing the embassy would be catastrophic error. Carney said, “An embassy’s a tool...You need to keep the tool in place.”<sup>527</sup>

The issue was debated within the administration and the national security cabinet met two or three times to debate closure of the embassy. The debate essentially boiled down to those in line with Carney and others who felt that isolation via closing the embassy was perhaps the signal Sudan needed. Those in favor of closing the embassy argued that previous attempts to engage the Sudanese had not led to substantial improvements with regard to terrorism or with regard to its war against Christian rebels in the south and that perhaps a harsher policy needed to be adopted to show the Sudanese that the U.S. was serious about isolating them. Those in favor of closing the embassy also argued that it was simply too dangerous to keep the embassy open and cited threats to embassy and CIA officials.<sup>528</sup> This view was expressed by Deutch, the CIA Director at the time, and Secretary of State Christopher. Some senior administration diplomats argued that sanctions did not have a big impact on Sudanese behavior, while others in the administration, such as Susan Rice, argued that sanctions did have utility and that the U.S. should continue to

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<sup>524</sup> Coll, 321.

<sup>525</sup> Coll, 329.

<sup>526</sup> Coll, 321.

<sup>527</sup> Ibid.

<sup>528</sup> Coll, 10.

ramp up sanctions pressure.<sup>529</sup> Those in favor of closing the embassy eventually won out. According to Steve Coll, Sudan was “outraged” by the U.S. decision to close the embassy.<sup>530</sup> The Sudanese were extremely angry with this decision because they felt they had already made some progress on terrorism and now they were being faced with the shutdown of the U.S. embassy, which would further solidify the regime’s pariah status.<sup>531</sup>

In a November 20, 1995 U.S. Department of State Memo to Peter Tarnoff and George Moose, the embassy reported that “terrorism reporting from embassy Khartoum continues to be valuable. The security threat has increased recently and maybe approaching the point where the risks of keeping the embassy open outweigh the benefits.” However, the cable goes on to report that,

at an interagency meeting, nobody argued the situation had become so dangerous that the embassy should be closed and all recognized the reviews of the ambassador would be critical in making the determination about whether to keep the embassy open.

Similarly, the same debate was acknowledged in a January 11, 1996, Department of State fax from Strobe Talbott to the Secretary of State. The fax stated, “As I also mentioned on the phone, the issue of whether Embassy Khartoum should remain open is far from resolved... We are trying to hold off a final decision on this issue until you get back.”

While the closure was driven by security concerns, the closing of the embassy was also part of an overarching strategy aimed at isolating the country to prompt a change in its behavior. As said by Assistant Secretary of State George Moose in his testimony before Congress in 1997, “the U.S. objectives are clear and unequivocal: to isolate Sudan and to contain its support for insurgents and terrorists and to oblige the Sudanese government by exacting a price for

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<sup>529</sup> John Davis, “Africa and the War on Terror,” pp. 132-133. Davis also notes that even when security improved, those in favor of closing the embassy desired that it remain closed, as they believed it sent a strong signal of disapproval to the Sudanese. However, later in the fall of 1996, when Susan Rice was on maternity leave, those in favor of the embassy announced that the embassy would soon be partly reopened. Picking released this info to journalists without White House approval – and was forced to take back the statement.

<sup>530</sup> Davis, 322.

<sup>531</sup> Coll, 322.

unacceptable behavior, to change its domestic and international conduct.”<sup>532</sup> In addition to imposing punishment and costs on the regime to attempt to change its behavior, some expressed the view that the Administration felt that there was no point to engage with the Sudanese because they could not be trusted and would not modify their behavior. A high ranking official on Sudan during the Clinton administration expressed,

The basis for this was a belief, which was very strongly held by the Assistant Secretary of State for African Affairs, that the Sudanese were simply beyond the pale, that they could not be trusted, and that they had shown time and time again that there was just no point in trying to deal with them because they were duplicitous and unresponsive to our concerns.<sup>533</sup>

As a result of this mentality, by the close of the first week in February 1996, all of the Americans had left the U.S. embassy in Khartoum.<sup>534</sup> According to the final report of the Sudan Task force, on January 31, 1996, Ambassador Carney read the talking points regarding the U.S. decision to the Sudanese. The report states that the “Sudanese Foreign Minister found the U.S. decision regrettable, not well-founded, and hoped it would be reversed, but pledged help and support for the withdrawal.”<sup>535</sup> The Sudan Task Force operated from January 31 to February 7 and coordinated the withdrawal of U.S. government personnel from Sudan.<sup>536</sup> Similarly, the February 9, 2006, final report of the Sudan Task Force indicated that on February 6, 2009, Embassy Nairobi was confirmed as the new location.<sup>537</sup> The report also notes that one day prior, communication with Khartoum would be by fax only and diplomatic cable traffic there had ceased.<sup>538</sup> According to a State Department memo, the Sudan Task Force ended on February 7 and the last of the embassy staff also departed on this day.<sup>539</sup>

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<sup>532</sup> Davis, 132-133. For complete testimony, see Moose testimony (1997).

<sup>533</sup> Interview #19, High-ranking U.S. official on Sudan during Clinton administration, Sudan Experience Project, USIP, September 22, 2006. Available online at: <http://www.usip.org/files/file/resources/collections/histories/sudan/19.pdf>

<sup>534</sup> Douglas Jehl, “Sudan Pays High Price for Ties to Islamic Terrorists,” *The New York Times*, February 12, 1996.

<sup>535</sup> U.S. State Department, “Final Report of the Sudan Task Force, From David B. Dunn to William J. Burns,” February 8, 2006.

<sup>536</sup> Ibid.

<sup>537</sup> Ibid.

<sup>538</sup> Ibid.

<sup>539</sup> United States Department of State, Confidential memo, “Final Report of the Sudan Task Force,” From David B. Dunn to William J. Burns, February 8, 1996. Released June 17, 2004.

The Sudanese were not happy with the U.S. decision to close the embassy. According to a February 1995 cable, “the [Sudanese] foreign minister said that the administration’s decision to suspend the embassy presence is regrettable. It is most regrettable because it does not include any clear satisfactory, specific reasons for it.”<sup>540</sup> In addition, the Sudanese government argued that there were no elements in Khartoum that posed a threat to the U.S. embassy.<sup>541</sup>

### **The Impact of the Embassy Shutdown**

From 1996 through most of 1999, the U.S. policy towards Sudan was “effectively no direct, sustained, tough engagement with Khartoum.”<sup>542</sup> As my theory predicts, the strong diplomatic sanctions were accompanied by a loss of information on the regime and a significant reduction in communication with the Sudanese. Diplomatic disengagement also impacted the crafting of sanctions, the monitoring of sanctions and the impact sanctions were having on the ground. This section will discuss each of these issues in turn. After establishing the general consequences of the diplomatic sanctions, the section will illustrate the various ways in which the above consequences undermined effective economic sanctions and undermined U.S. foreign policy goals in a variety of ways.

### **Intelligence Collection Hampered and Communication Reduced**

The withdrawal of a full-time diplomatic presence at the U.S. embassy in early 1996 left Washington with weak information flows and no voice or platform to exert its influence.<sup>543</sup>

“U.S. Policy To End Sudan’s War,” CSIS Report, February 2001

The decision to close the embassy in Khartoum had a tremendous impact on both the United States’ ability and willingness to collect intelligence on a variety of issues in the United States’ interest.<sup>544</sup> This section will outline key areas in which intelligence was reduced or

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<sup>540</sup> U.S. Department of State, “Demarche to GOS on Secretary’s Decision to Suspend Diplomatic Presence in Sudan,” 1996KHARTO00421, SECRET, February 1996, Released April 18, 2005.

<sup>541</sup> U.S. Department of State, “Demarche to GOS on Secretary’s Decision to Suspend Diplomatic Presence in Sudan,” 1996KHARTO00421, SECRET, February 1996, Released April 18, 2005.

<sup>542</sup> Deng and Morrison, 6-7.

<sup>543</sup> Deng and Morrison, 7.

<sup>544</sup> Cortright, 160.

missed opportunities resulted due to a lack of intelligence that could have undoubtedly been improved had the embassy still remained open.

First, embassy officials were operating out of Nairobi, so they did not have access to officials in Sudan and the U.S. ability to visit various parts of the country was reduced. In addition, the CIA station closed around this time, which meant that intelligence operations within Sudan were also significantly reduced. The closure of the embassy made it more difficult to get reliable information, as the U.S. became dependent on other sources, such as foreign intelligence agencies and anonymous individuals.<sup>545</sup> By 1997, the embassy consisted of about five people and the low staff levels made it difficult to provide adequate political reporting. A 1997 action memorandum called for increased staffing for more attention and reporting on human rights and terrorism.<sup>546</sup>

Specifically with regard to terrorism, the loss of diplomatic and intelligence capabilities had a substantial impact on the effectiveness of U.S. policy.<sup>547</sup> In the years leading up to the closure, the CIA could follow group leaders, such as Bin Laden, and make assessments based on firsthand information collected in Sudan. In general, a significant amount of the information about the presence of terrorist groups and actors in Khartoum was received and verified via people on the ground. Ambassador Petterson has characterized the intelligence and information being collected via embassy officials and intelligence officers as being generally high quality and valuable – as evidenced by the intelligence on Carlos the Jackal, who was successfully turned over to French authorities.<sup>548</sup>

It has also been credibly reported that following the closure of the embassy, the Sudanese did make some attempts to provide intelligence to the Clinton administration, along with offers to have CIA and FBI officials travel throughout the country. These types of offers appear to have

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<sup>545</sup> Harris, 25.

<sup>546</sup> U.S. Department of State Action Memorandum from George E. Moose to Mr. Kennedy “Subject: Filling the DCM Position at Embassy Khartoum,” April 28 1997. Released October 16, 2008.

<sup>547</sup> Harris, 41.

<sup>548</sup> Petterson, 113.

been repeatedly declined due to mistrust of the regime and the fact that Sudan was viewed as a state sponsor of terrorism.<sup>549</sup> Sudan reportedly made a number of attempts starting in 1996 to share intelligence with the United States. The intelligence was supposedly focused on Bin Laden and other individuals engaged in terrorist activity. Most of these offers were reportedly turned down by the U.S. On this issue, the *9/11 Commission Report* does confirm that in February 1996, the Sudanese did start approaching the United States to see how they could assist and they also made an offer to the Saudis to expel Bin Laden to Saudi. While the Saudis did want Bin Laden out of Sudan, they did not want to accept him in their country.<sup>550</sup> While the details surrounding the Sudanese offers are subject to debate, it does appear the Sudanese were in fact offering to turn over information and assist with intelligence, but that the administration's policy was one of isolation that did not create a diplomatic environment conducive to this sort of potential cooperation.

#### *Communication Problems*

During this time, the Sudanese complained repeatedly about that they were being rebuffed by U.S. officials when they made overtures or efforts to communicate.<sup>551</sup> Ambassador Carney also confirmed that the U.S. was generally unwilling to engage with Sudanese authorities after the embassy closure in 1996, particularly in the realm of terrorism. As a result, Carney argued that “the US lost access to a mine of material on Bin Laden and his organization.”<sup>552</sup> Sudanese official Mansoor Ijaz also claims that the Sudanese offered a significant amount of intelligence on various terrorist groups and also invited the FBI to Sudan to review Sudanese

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<sup>549</sup> David Rose, “The Osama Files,” *Vanity Fair*, January 2002, at <http://www.vanityfair.com/politics/features/2002/01/osama200201>

<sup>550</sup> *9/11 Commission Report*, p. 63.

<sup>551</sup> Neumann and Smith, “Missing the Plot? Intelligence and Discourse Failure,” *Orbis*, Winter 2005, p. 102.

<sup>552</sup> Woodward, 102.

information from 1996-1998, but that the Clinton administration did not take the Sudanese up on any of these offers.<sup>553</sup> Similarly, the Sudanese Ambassador to the U.S. wrote,

Toward March {1997}, I delivered to the State Department a message from the president of Sudan to the president of the United States. The president, our president, requested in that letter that the two nations engage in open and cooperative dialogue aimed at resolving any differences that might have existed between our two governments. And namely, the message addressed the issue of peace, establishing peace in the Sudan, addressing the problems of neighborly relations and destabilization in the sub-region, the issue of terrorism and the general issue of human rights. It was communicated with the most sincere of intentions and meant to end an era of misinformation, disinformation and open a time for cooperation and goodwill. President Clinton never afforded President Bashir with the courtesy of a response to that important letter.<sup>554</sup>

*The New York Times* also reported that President Bashir sent Clinton a personal letter in February 1997, which the U.S. did not issue any response to – despite offers for U.S. officials to visit Sudan. Another invitation was reportedly sent in April 1997 and it was turned down by the U.S. four months later.<sup>555</sup> During this time, there was recognition that the lack of a full-time presence on the ground was undermining the United States ability to communicate with the regime and exert influence on important issues. For example, a July 3, 1997, U.S. State Department Action Memorandum on the diplomatic presence in Khartoum stated that,

an intensive and sustained diplomatic dialogue is an integral part of our ability to induce change in Khartoum and to exacerbate differences within the GOS. A full-time presence is needed to effectively press our agenda on terrorism, the civil war, regional stability and human rights, to influence peace negotiations which may get underway.<sup>556</sup>

In general, as a result of the closure of the embassy, the decision to sanction Sudan and Sudan's designation on the state sponsors of terrorism list, there was a strong resistance to engaging with the Sudanese. In the months and years that followed it seems there were repeated efforts made by the Sudanese, but the U.S. policy of non-engagement made it difficult for such efforts to be taken seriously and it appears as though some potentially helpful Sudanese overtures were dismissed.<sup>557</sup>

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<sup>553</sup> John Davis, *Africa and the War on Terrorism*, pp. 134-35

<sup>554</sup> Davis, 136.

<sup>555</sup> Tim Weiner and James Risen, "Decision to Strike Factory Based Partly on Surmise," *The New York Times*, September 21, 1998.

<sup>556</sup> U.S. Department of State Action Memorandum to Undersecretary Pickering from William Twaddl, Subject: Diplomatic Presence in Khartoum, July 3, 1997. Declassified June 17, 2004.

<sup>557</sup> In 1997, it seems as though the State Department did reconsider sending diplomatic representation back to Sudan. According to *The New York Times*, the State Department announced in late September 1997 that

Could the United States have been assisted by Sudanese intelligence during this time period? While it is difficult to say for sure, it seems likely Sudanese intelligence may have helped the United States. The United States appears to have been facing some limitations on its intelligence collection on Bin Laden during this time period.<sup>558</sup> Despite the fact that good HUMINT on Bin Laden might have been helpful to the Clinton administration, Sudanese intelligence assistance offers were repeatedly dismissed.<sup>559</sup> While the *9/11 Commission Report* notes that “alleged Sudanese offers to cooperate on counterterrorism have been the subject of much recent controversy,” the report does document the NSC’s resistance to working with the Sudanese along with specific offers that were turned down by the U.S.. For example, in a 1997 letter to President Clinton and Secretary Albright, the Sudanese offered the U.S. to send a counterterrorism inspection mission to the country, but they were not taken up on the offer at this time.<sup>560</sup> It has also been reported that the Sudanese intelligence agency did in fact have files on a lot of Bin Laden affiliates including individuals who were believed to be involved in the embassy bombings, such as Fazul Abdullah Mohammed and Saif Al-Abdel.<sup>561</sup> According to the former chief of Sudanese intelligence, it was not until weeks before September 11<sup>th</sup> that they were asked to turn over intelligence files for review. It is possible the Sudanese are overstating the value of their intelligence; however, there have been fairly high level U.S. officials, such as Timothy

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it would be sending lower level diplomats back to Sudan. According to the State Department, the purpose of putting these diplomats back in the country was to pressure the government with regard to terrorism and also to look into human rights abuses and monitor peace talks between the government and rebels in the South. However, about a week later, *The New York Times* published a follow-up story titled, “State Department Says It Erred on Sudan Envoys,” and that no final decision on the matter had been made. See “State Department Says it Erred on Sudan Envoys,” *The New York Times*, October 1, 1997.

<sup>558</sup> There was reportedly a July 1996 CIA memo on Bin Laden discovered by *Washington Times* Gertz on Bin that pointed out that the United States did not have any “unilateral sources close to bin Laden nor any reliable way of intercepting his communications.” The report went on to note that instead, “we must rely on foreign intelligence services to confirm his movement and activities.” I have been unable to confirm the contents of this report. The report is referenced in Minitier, *Losing Bin Laden*, p. 106.

<sup>559</sup> *9/11 Commission Report*, 480; Ken Silverstein, “Official Pariah Sudan Valuable to America’s War on Terror,” *Los Angeles Times*, April 29, 2005; David Rose, “Resentful West Spurned Sudan’s Key Terror Files,” *The Observer*, September 30, 2001, at

<http://www.guardian.co.uk/world/2001/sep/30/terrorism.afghanistan2>

<sup>560</sup> *9/11 Commission Report*, 480.

<sup>561</sup> Rose (2002)



Carney and State's Sudan desk officer, who have been critical of the Administration's lack of engagement with Sudanese on counterterrorism.<sup>562</sup>

The impact of the generally weak intelligence during this period can be seen clearly in two specific incidents, which will be highlighted in this section: 1) the lack of knowledge and confusion surrounding the departure of Bin Laden from Sudan to Afghanistan, which occurred a few months following the embassy closure. 2) The Clinton administration's bombing of Al Shifa in retaliation for the embassy bombings and due to suspicions of the site being used as a chemical weapons facility. These will be discussed in greater detail in the outcomes portion of this section.

In addition, the closure of the embassy also reduced a substantial amount of U.S. influence with Sudanese leaders. The closure of the embassy meant that the prior good access that the embassy officials had with Sudanese officials was null and void. The frequent meetings between U.S. officials and the Sudanese regime came to a close and were replaced by very limited official contact between the two countries. According to Ambassador Carney, the frequent contact and access was reduced dramatically to a visit just once a month from the ambassador, who was stationed in Kenya, instead of Sudan.<sup>563</sup> In addition, U.S.-Sudanese relations during this period deteriorated dramatically - - with the low point being marked by the U.S. bombing of the Al Shifa plant in 1998

### **Impact on Sanctions**

During this period, the general lack of information and communication resulting from the embassy shutdown and policy of isolation also undermined the imposition, calibration and effectiveness of economic sanctions. Up until this period, some economic restrictions were in place as a result of the earlier sanctions related to the coup and the state sponsor designation, along with very weak multilateral UN sanctions. However, the sanctions approach had been calibrated and restrained. In 1996, a debate about stronger unilateral measures ensued and

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<sup>562</sup> *9/11 Commission Report*, 480.

<sup>563</sup> Rotberg, 128.

domestic politics drove the outcome as opposed to conditions on the ground or a careful evaluation of potential reactions to stronger sanctions followed by the use of force. The executive order issued by Clinton in 1997, which imposed stronger sanctions on Sudan, appeared to have been driven by domestic political debate as opposed to a careful analysis of circumstances on the ground or analysis of the likely Sudanese response to additional measures. If the U.S. had been increasingly engaged with the Sudanese during this period, it is possible that message behind the new sanctions could have perhaps been articulated in such a way as to make compliance more likely, but instead the Sudanese were resistant to comply when they saw themselves as being faced with additional sanctions despite some level of cooperation with the United States since their designation as a state sponsor of terrorism – including the expulsion of Bin Laden, which was a major terrorism-related demand, which the Sudanese had complied with less than a year before the imposition of the additional U.S. economic sanctions in 1997. The sanctions had very little economic impact on the regime itself and they also worked to undermine U.S. influence.<sup>564</sup>

The debate over economic restrictions with regard to Sudan also took place in a vacuum of information about Sudanese compliance with particular demands, as the U.S. lost its ability to track events on the ground. Had the United States been able to calibrate its strategy in a way that was responsive to changing conditions on the ground, as opposed to general domestic sentiments, it is possible the sanctions approach and overarching U.S. policy would have been more restrained than the heavy-handed approach adopted in the late 1990s by the Clinton administration.

In August 1996, the Antiterrorism and Effective Death Penalty Act became law and this prohibited financial transactions to the countries on the terrorism list, but a loophole was left in the Act and this allowed a more flexible restriction on Sudan and Syria – that allowed for such transactions unless known that such transactions were linked to terrorist activities. The decision

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<sup>564</sup> Robert Harris, “U.S. Terrorism Policy Towards Sudan: Blinded by Islamic Fundamentalism,” Master’s Thesis, Naval Postgraduate School, 1999, pp. 14-15.

to have a more flexible strategy with regard to Sudan was based on calibrating the sanctions response in a way that distinguished Sudan from other state sponsors, as intelligence was strong on Sudan's support for terrorist activities, but not in Sudan's direct involvement in carrying out terrorism, as had been the case with other states.

The regulations in relation to Section 321 of the bill that were issued by the Treasury Department "prohibit U.S. persons from receiving unlicensed donations and from engaging in financial transactions with respect to which the United States person knows or has reasonable cause to believe that the financial transaction poses a risk of furthering terrorist acts in the United States." This provision was primarily relevant to Sudan and Syria, as the other states already had existing financial restrictions in place prior to the 1996 legislation. However, in Congress, many felt this loophole needed to be closed to place more restrictive measures on Sudan – and legislation to this effect was drafted and debated.<sup>565</sup> There was opposition to creating blanket financial restrictions that would apply to Sudan because those involved with the crafting and calibration of sanctions rightly recognized that sanctions need to be tailored and calibrated to match the situational factors, vulnerabilities and changing responses of the particular target states. This point is expressed in the testimony of William C. Ramsay Deputy Assistant Secretary for Energy, Sanctions and Commodities, when he states,

Our interest in combating terrorism is a constant and basic objective shaping our policy. But while our goals and principles remain constant, our tactics must be flexible to be effective. The differing interests we have in each country and the differing circumstances of each country must necessarily shape the practical measures we use to combat terrorism....To use sanctions in an effective way, we must resort to them only when there is a compelling need and after we have carefully assessed the benefits and costs. Specifically, we weigh the impact we hope the sanction will have on the behavior or policies of the targeted country, against the identifiable costs to U.S. interests--including our trade and investment, international obligations, and overall economic competitiveness.<sup>566</sup>

Similarly, OFAC's objections to H.R 748 was that it would reduce the flexibility afforded to the Executive in carrying out financial restrictions with regard to state sponsors. And "seriously

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<sup>565</sup> Opening Statement of the Honorable Bill McCollom, "Prohibition on Financial Transactions With Countries Supporting Terrorism Act of 1997," June 10, 1997, House Judiciary Subcommittee on Crime [http://www.fas.org/irp/congress/1997\\_hr/h970610m.htm](http://www.fas.org/irp/congress/1997_hr/h970610m.htm)

<sup>566</sup> U.S. Congress. House. Subcommittee on Crime. *Testimony of William C. Ramsay, Deputy Assistant Secretary for Energy, Sanctions and Commodities.* H.R. 748. June 10, 1997. [http://www.fas.org/irp/congress/1997\\_hr/h970610r.htm](http://www.fas.org/irp/congress/1997_hr/h970610r.htm)

infringe the President's ability to conduct foreign policy and use sanctions to respond quickly and flexibly to changing situations in embargoed countries."<sup>567</sup>

As pressure was mounting in Congress for extremely comprehensive unilateral sanctions, President Clinton issued exec order 13067.<sup>568</sup> The order imposed more comprehensive restrictions on trade and financial transactions and closed loopholes that had allowed prior financial transactions between the U.S. and Sudan.<sup>569</sup>

The decision appears to have been driven primarily by domestic politics and not by an assessment of the situation on the ground in Sudan or likely impact of such sanctions, as there was no functioning embassy and reduced communication with the Sudanese during this time. The executive order imposed a more rigid sanctions regime on the Sudanese, which did little to change their behavior and actually created a situation where the Sudanese felt like no matter what they did (e.g. the extradition of Bin Laden in 1996) was met with a more rigidly imposed punitive response.

#### **Economic Impact of Sanctions During this Period**

The U.S. sanctions had very little effect on Sudan economically. First, the level of trade and investment between the U.S. and Sudan was already extremely low. Only 3.8% of its exports went to the U.S. in the first place and Sudan already had substantially reduced the amount of goods it bought from the US over the course of the 1980s and early 1990s and Sudan was able to easily replace the minor drop following sanctions. In addition, there were a limited number of firms in Sudan, so probation on financial flows also had a small impact.<sup>570</sup> Second, other

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<sup>567</sup> Treasury Office of Foreign Assets Control Director R. Richard Newcomb House Judiciary Subcommittee on Crime General Background, U.S. Treasury Press Room, June 10, 1997, Online at: <http://ustreas.gov/press/releases/rr1742.htm>

<sup>568</sup> Congress had been pushing legislation in both the House and the Senate that called for comprehensive sanctions against Sudan on the basis of religious persecution taking place there. See "Case Studies in Sanction and Terrorism: U.S. vs. Sudan", Petersen Institute for International Economics.

<sup>569</sup> O'Sullivan, 242.

<sup>570</sup> O'Sullivan, 252.

countries (e.g. China and France) increased investments into the country.<sup>571</sup> Third, other domestic factors created an improvement in economic conditions in 1997.<sup>572</sup>

As a result, the imposition of these unilateral measures without engagement with the Sudanese proved to be particularly problematic for a number of reasons. With regard to the general effectiveness of economic sanctions, U.S. sanctions had a negligible impact on the economy and the Sudanese economy improved from 1996-2000.<sup>573</sup> On the whole, the U.S. economic sanctions policy towards Sudan have been characterized as “misguided” and “ineffective.”<sup>574</sup> Meghan O’Sullivan writes,

The sanctions-dominated strategy towards Sudan was neither well-structured to achieve its goals nor well coordinated with other policy tools in a way that enhanced the ability of sanctions to serve US interests more successfully....the U.S. sought to change Sudan’s behavior with a rigid unilateral sanctions regime that had little hope of containing the government of Sudan and coupled with policy tools more suited to a regime change strategy.<sup>575</sup>

As the U.S. was not engaging with the regime regularly and had adopted a policy of isolation, the sanctions in and of themselves became the message to the regime and it increased the regime’s concern that the U.S. was backing the SPLA. According to November 1997 brief by the State Department’s Bureau of Intelligence and Research, “Sudan viewed the sanctions as a form of punishment and U.S. aggression,” and the brief pointed out that the NIF perceived that the United States was trying to undermine its rule in Sudan.<sup>576</sup>

Such perceptions caused the regime to adopt increasingly aggressive and repressive measures out of fear.<sup>577</sup> Second, O’Sullivan argues that the harsh sanctions and policies of U.S. may have even helped Sudan with weapons appeals to other sources, such as Islamic sources that were opposed to U.S. policies at the time.

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<sup>571</sup> Harris, 14-15.

<sup>572</sup> O’Sullivan, 248.

<sup>573</sup> O’Sullivan 247

<sup>574</sup> O’Sullivan, 247.

<sup>575</sup> O’Sullivan, 235-36.

<sup>576</sup> U.S. Department of State, Bureau of Intelligence and Research, “Brief – Sudan: Reactions to Sanctions (U),” November 6, 1997.

<sup>577</sup> O’Sullivan, 258.

## Sanctions without Dialogue

In her book, *Shrewd Sanctions*, former National Security Council Director Meghan O’Sullivan argues that “only when sanctions were combined with other tools of engagement did they become part of a successful equation to move Khartoum in a promising direction regarding the war.”<sup>578</sup> O’Sullivan appears to be quite correct in her assessment that inadequate dialogue between Sudan and the U.S. essentially undermined the ability of sanctions to modify Sudanese behavior.<sup>579</sup> The lack of communication between Sudan and the U.S. for most of this period undermined the ability of sanctions to assist in changing Sudan’s behavior.<sup>580</sup> Sanctions were not viewed by the Sudanese as part of a bargaining process in which incremental behavioral changes would be met with adequate responses. Instead, the sanctions were viewed by the regime as being “monolithic” and aimed at leading to the overthrow of the regime, as opposed to behavior modification.<sup>581</sup> In addition, the lack of engagement contributed to a lack of confidence by the Sudanese that its incremental compliance with particular demands would be met with tangible rewards or removal of particular restrictions.<sup>582</sup> Many of the problems with the construction and implementation of sanctions and perceptions on the ground can be at least partially attributed to the lack of a diplomatic presence in the country, as the U.S. did not have the infrastructure in place to collect all the necessary info for shaping an effective bargaining framework and also be able to monitor small changes in behavior on the ground.

O’Sullivan also points out that communication between the sender and target state is likely to foster greater trust, which would help to convince the target state that if it were to comply with sender demands actions would be taken by the sender – such as easing restrictions.<sup>583</sup> She writes,

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<sup>578</sup> O’Sullivan, 270.

<sup>579</sup> O’Sullivan, 272.

<sup>580</sup> O’Sullivan, 272.

<sup>581</sup> O’Sullivan, 294.

<sup>582</sup> O’Sullivan, 363.

<sup>583</sup> O’Sullivan 363.

The lack of communication with the regime also undermined the bargaining process that is associated with the imposition of sanctions and getting the target state to comply with demand. Equally important, the dearth of diplomatic presence hampered the ability of the U.S. to execute such a strategy, by hindering the gathering of U.S. intelligence necessary to craft a bargaining process and to verify gradual changes in behavior.

The problems with sanctions against Sudan during this time period clearly illustrates this problem. The sanctions were “monolithic, inflexible and not coupled with dialogue or other tools suggesting that rehabilitation was possible if Khartoum were to modify its actions.”<sup>584</sup>

While there was little success during this period, it is a useful exercise to assess whether or not alternative strategies may have yielded more effective results. Were there other strategies the U.S. could have adopted at the time that may have been more effective with regard to changing Sudanese behavior across a wide variety of behaviors? One approach that may have had better success would have been what Meghan O’Sullivan terms a strategy of “conditional engagement.” Such a strategy would have contained three essential elements that U.S. strategy at the time did not have: 1) a credible road map 2) a path to normalization 3) lifting of sanctions in response to changing behavior.<sup>585</sup> Instead, the policy embraced strong rhetoric, isolation and even the use of military force. As a result, the regime was under the impression that the ultimate goal of the U.S. was regime change and that nothing the regime did would alter the state of sanctions, so they saw little incentives in complying with smaller demands if such changes in behavior would not be met with rewards or lifting of sanctions by the U.S.<sup>586</sup>

## **Outcomes**

### *Terrorism*

The one limited, and controversial, U.S. success at the outset of this period was the expulsion of Bin Laden from Sudan to Afghanistan. However, this was primarily the result of engagement that occurred prior to the embassy closing and in secret meetings at the time of the closure. The closure of the embassy around the time of the expulsion actually undermined the value of his

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<sup>584</sup> O’Sullivan 294.

<sup>585</sup> O’Sullivan 275.

<sup>586</sup> O’Sullivan, 272.

relocation in a variety of ways. While questions remain over the circumstances surrounding his expulsion, it is clear that they were not completely ideal, as Bin Laden relocated to Afghanistan, where had training camps and support.

### **Focus On the Bin Laden Expulsion**

On the issue of Bin Laden, the United States continued to pressure Sudan to expel Bin Laden and the Sudanese said he would probably go to Afghanistan. However, in general the entire issue was given very little attention by the Clinton administration, who were becoming more and more disengaged from Sudan and who already had become fairly disengaged in Afghanistan – as the U.S. also had no functioning embassy or ambassador there.<sup>587</sup> As Gutman points out in *How We Missed the Story*, it seems odd that the U.S. would be complicit in the return of Bin Laden to Afghanistan from Sudan. According to Gutman, it is possible the CIA did not have information at the time of Bin Laden's return that he had terror training camps operating in both Sudan and Afghanistan.<sup>588</sup>

Following the closure of the Khartoum embassy, there is evidence suggesting increasing intelligence collection difficulties. According to Tim Weiner's *Legacy of Ashes*, the decision prompted a move in the CIA's personnel out of Sudan and over to Kenya.<sup>589</sup> This meant there was probably less collection within the country, at least in terms of human intelligence. At first, there did still seem to be some willingness to engage the Sudanese following the closure, albeit secretly. A month after the closure, there were secret meetings in Virginia with lists of demands as to what Sudan could do to help illustrate its assistance on the terrorism front and pressure on Sudan regarding the expulsion of Bin Laden. The secret 1996 secret meeting with Carney and Sudan's Minister of State Elfaith Erwa present, has been subject to much debate. According to various reports, the U.S. gave Erwa a document outlining steps Sudan could take with regard to Bin Laden. Part of the memo apparently requested information on Bin Laden. Erwa reportedly

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<sup>587</sup> Gutman, 87.

<sup>588</sup> Gutman, 91

<sup>589</sup> Weiner, 462.



took the information back to Sudan with him and in weeks following, he claims he made an offer to turnover Bin Laden, however, this has not been confirmed and there appears to be little, if any, evidence to this effect.<sup>590</sup> The *9/11 Commission Report* concludes there is no evidence to suggest this offer was made, especially because at the time there were no legal grounds for turning over Bin Laden, as he had not been indicted. As a result, Carney only pressured for his expulsion from the country.<sup>591</sup>

In February 1996, the Sudanese began approaching the U.S. government about what might help to ease increasing pressure. In addition, Bin Laden may have also been becoming increasingly amenable to the idea of leaving Sudan due to security concerns, as he had already survived at least one assassination attempt in the country.<sup>592</sup> The first secret offer to expel Bin Laden was made to the Saudis, but the Saudis did not want to take Bin Laden into their country. By March 1996, the U.S. became aware of the Sudanese discussions with the Saudis.<sup>593</sup>

In addition, on Tim Carney's last night in Khartoum he met with the Sudanese Vice President and said that Sudan needed to expel Bin Laden and turn over information to the United States to show they were making an effort on the terrorism front.<sup>594</sup> According to Steve Coll, Sudan arranged a meeting one month later (with help from Carney) and sent secret envoy General Elfaith Erwa to Washington for talks with the Americans. Reportedly, General Erwa met with two CIA officers, who gave a list of measures Sudan could take to improve relations with the U.S. There is substantial debate over whether or not the Sudanese offered to turn Bin Laden over at this point in time, as there was not clarity on whether or not the U.S. even had legal way to take Bin Laden into custody.

State Department intelligence reports from 1996 that were declassified in 2005 warn of the dangers of Bin Laden's relocation to Afghanistan, writing "his prolonged stay in Afghanistan -

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<sup>590</sup> Rich Miniter, *Losing Osama Bin Laden*, (Regnery Publishing, 2004), p. 100-102.

<sup>591</sup> *9/11 Commission Report*, p. 110.

<sup>592</sup> *9/11 Commission Report* fn 57, pp. 62-63 .

<sup>593</sup> *9/11 Commission Report*, 62-63.

<sup>594</sup> Coll, 322.

where hundreds of 'Arab mujahedeen' receive terrorist training and key extremist leaders often congregate - could prove more dangerous to U.S. interests in the long run than his three-year liaison with Khartoum,<sup>595</sup> So, clearly, the U.S. did not feel this particular relocation was optimal, but there did not appear to be much the U.S. could do about this – particularly since they were not informed of the relocation until after Bin Laden was already on his way. According to Coll, due to the lack of a functioning embassy and CIA station in Khartoum, the actual information conveying Bin Laden's expulsion did not occur as early as it could have. As a result of the embassy closure, the U.S. ambassador and staff were primarily working out of the U.S. embassy in Nairobi. As a result, the Sudanese notification of the expulsion was not made in person, as it would have been done had the U.S. had a presence in Khartoum, but instead came via fax, according to multiple sources.<sup>596</sup> In addition, this official notification from the Sudanese government did not get sent to the United States until approximately two days after Bin Laden had departed Sudan for Afghanistan.<sup>597</sup> Reports indicate that Ambassador Carney and the White House, were not even informed of Bin Laden's departure for Afghanistan from Sudan until after he was already in transit.

Carney has stated he got a fax from Taha around May 15 pointing out that some of the groups of interest had left Sudan and that Bin Laden had been asked to leave and will be leaving.<sup>598</sup> Bin Laden left at some point in the next few days, but Carney has stated he isn't exactly sure when, but that he immediately informed Washington of Bin Laden's departure and also faxed a note back to Taha which asked about Bin Laden's assets in Sudan.<sup>599</sup> In a May 20, 1996 Fax from the Taha, the minister of exterior relations to Ambassador Carney, Taha noted that “Egyptian elements have already left and now I would like to inform you Bin laden has finally left the

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<sup>595</sup> Eric Lightblau, “State Department Says it Warned about Bin Laden in 1996,” *The New York Times*, August 17, 2005.

<sup>596</sup> 9/11 Commission Report, p. 469. The 9/11 Commission Report cites interviews with both Ambassador Timothy Carney and Donald Petterson on this issue.

<sup>597</sup> Declassified DOS cable, Nairobi 07020 “Sudan: Foreign Minister on Developments,” May 21, 1996.

<sup>598</sup> Interview with Ambassador Tim Carney, July 2010.

<sup>599</sup> Interview with Ambassador Tim Carney, July 2010.

country.”<sup>600</sup> In a May 31, 1996 faxed response from Ambassador Carney to Taha, Carney follows up with a list of questions. Specifically, Carney asked:

- 1) When did Bin Laden leave?
- 2) Where is he now? What is his final destination?
- 3) Status of his commercial interests?
- 4) May I be assured he won't return to Sudan?
- 5) May I be assured not using assets in Sudan to support his activities<sup>601</sup>

In an interview with Carney, he also stated that he wasn't clear as to where Bin Laden would be going once the Sudanese notified him that he was departing. Carney stated, “I wasn't in that loop because there were two tracks that were being followed - one was the intelligence side and one was the diplomatic side. I would see some, but not much of what was going on in the intelligence track, but not all by any sense of the word.”<sup>602</sup>

In addition, the CIA station (in Islamabad) could not reportedly fully monitor Bin Laden's arrival into Jalalabad airport because there were no active sources in the vicinity.<sup>603</sup> Bin Laden left Sudan for Afghanistan on May 18, 1996. Unfortunately, in Afghanistan, he actually had greater freedom of movement than he had in Sudan.<sup>604</sup> In addition, this move would prove to be problematic as Afghanistan provided Bin Laden with a new safe haven, where he was provided with support by the Taliban who would not turn him over to U.S. authorities. Ambassador Barbara Bodine, who was Acting Coordinator for Counterterrorism, at the time, also stated that the United States had no real information on where Bin Laden was going at the time and there was nobody ready to monitor him. Bodine has argued that Bin Laden's departure for Afghanistan was actually worse than his presence in Sudan because at least in Sudan the U.S. had some ability

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<sup>600</sup> " Fax from then Foreign Minister Taha to Ambassador Carney of May 20, 1996. Personal communication from Ambassador Carney

<sup>601</sup> Fax from Ambassador Carney to then Foreign Minister Taha to of May 31, 1996. Personal communication from Ambassador Carney

<sup>602</sup> Interview with Ambassador Tim Carney, July 2010.

<sup>603</sup> Coll, 326.

<sup>604</sup> *9/11 Commission Report*, 66.

to monitor him, but once he left for Afghanistan, the U.S. lost that ability and people just assumed he would not be doing anything problematic in Afghanistan.<sup>605</sup>

Prior to the fax notification of the expulsion, the CIA had received some intelligence in early May 1996 indicating that Bin Laden might in fact be leaving Sudan, but the report has been described as “very spotty.”<sup>606</sup> However, at the time, the US did not have an indictment against Bin Laden, so it could not impose a plan to take him into US custody. However, according to a CIA cable in May 8, 1996, the CIA might have tried to apprehend him if another country had been willing to imprison him.<sup>607</sup>

In addition to losing track of Bin Laden in Afghanistan, the expulsion did not fully undermine Bin Laden’s links to Sudan. According to a State Department Cable at the time, released with partial redactions that have been marked in black,

{----} probably acceded to Bin Ladin’s departure to alleviate international pressure and avert further UN sanctions for Khartoum’s support for terrorism, but he did not his hard-line Islamist allies to view him as “caving in” to the west. {----} also were loath to lose access to Bin Laden’s wealth, which has been heavily invested in Sudan.”<sup>608</sup>

In addition, an international crisis group report on Sudan reports that Bin Laden maintained commercial and financial links with Sudan and that the NIF did not require him to sever economic ties with his expulsion to Afghanistan.<sup>609</sup> In addition, the Sudanese Presidential Peace Advisor Ghazi Salahuddin Attabani reportedly said, “we didn’t expel bin Laden, we suggested that he leave because of our inability to protect him.”<sup>610</sup>

The Clinton administration pointed to the expulsion as being a success for U.S. foreign policy, as one of the primary U.S. demands had been achieved. While the expulsion did show that U.S. pressure was able to get compliance with the demand to expel Bin Laden, there were

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<sup>605</sup> Bodine interview, July 2010.

<sup>606</sup> *9/11 Commission Report*, p. 469.

<sup>607</sup> CIA cable, May 8, 1996, cited in Notes to Chapter 3, Responses to Al Qaeda’s Initial Assaults, p. 479. [http://govinfo.library.unt.edu/911/report/911Report\\_Notes.pdf](http://govinfo.library.unt.edu/911/report/911Report_Notes.pdf).

<sup>608</sup> Department of State, “Terrorism/Usama Bin Laden, Who’s Chasing Whom?” (C), July 18, 1996, Declassified July 2005

<sup>609</sup> International Crisis Group, “God, Oil and Country: Changing the Logic of the War in Sudan,” (Brussels: International Crisis Group Press, 2002), ICG Africa Report No. 39.

<sup>610</sup> *Ibid.*

significant problems surrounding the circumstances of expulsion. Ambassador Carney has expressed that there may have been an opportunity to expel him to Saudi Arabia, as Carney claims in discussions with the Saudi ambassador in January, the Saudi ambassador had said they would consider taking him back if he apologized.<sup>611</sup> Carney speculates that part of the problem in actually getting this to happen may have been a result of Saudi being in the Middle East bureau and Sudan being in the Africa bureau and that there “wasn’t enough horsepower – certainly, George Moose – was not the confrontational type and would never beat up on the ME bureau...Basically, I don’t think they pressed the Saudis.”<sup>612</sup>

The expulsion was also major missed opportunity for increasing cooperation with the Sudanese. According to Ambassador Carney,

“The fact is, they were opening the doors, and we weren’t taking them up on it. The U.S. failed to reciprocate Sudan’s willingness to engage us on serious questions of terrorism. We can speculate that this failure had serious implications—at the least for what happened at the U.S. Embassies in 1998. In any case, the U.S. lost access to a mine of material on bin Laden and his organization.”<sup>613</sup>

The *9/11 Commission Report* expresses similar findings in its interviews with State Department officials. In addition, the Sudanese viewed their expulsion of Bin Laden as a serious measure of cooperation with the United States, which was met with little response or increased engagement. According to a former Deputy Chief of Mission in Khartoum in the 1980s and as the Director for East African affairs in the African Bureau from 1993-1996,

it is my impression that the Sudanese were deeply disappointed that after having agreed to get rid of Osama Bin Laden, there was no sort of response from the American Government, or no “thank you” or basically no nothing. The response was, “Well, what are you going to do for us now?” and clearly the Sudanese had the impression that United States had raised the bar. I know that from my contacts with the Sudanese in Ethiopia later on. So they basically said, “Well okay we did something the United States wanted to do, there’s no follow through, basically that’s it, there’s just nothing to be gained in this.”<sup>614</sup>

Some officials, including the State Department’s Sudan desk officer felt there was not enough willingness to engage with the Sudanese. Carney and the desk officer both disagreed with the decision to close the embassy, particularly because it was a significant source of

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<sup>611</sup> Interview with Ambassador Timothy Carney, July 2010.

<sup>612</sup> Interview with Ambassador Timothy Carney, July 2010.

<sup>613</sup> Rose (2002)

<sup>614</sup> Interview #82 with David Shinn, Sudan Experience Projects, United States Institute of Peace, May 11, 2007.

information on terrorist activity in the country.<sup>615</sup> Carney points out that even those who had been supportive of closing the embassy, such as CIA Director Deutch, were starting to doubt that it was a smart decision.<sup>616</sup> The CIA was well aware that a country such as Sudan could not adequately be monitored by just relying on others' for intelligence and on open sources.<sup>617</sup> In May 1996, Carney even met with Deutch, Deputy Director of CIA George Tenet and Barbara Bodine Acting Coordinator for Counterterrorism. Deutch and Tenet agreed with Carney that the embassy needed to be reopened with the return of staff. Carney also has said that Tenet viewed the embassy shutdown in Sudan as one of the worst decisions made during his time at CIA.<sup>618</sup> Following the November election, the issue of sending Americans back to Sudan was brought up again, but did not have traction.<sup>619</sup>

#### **Internal Debates About Re-Opening the Embassy**

Despite the embassy remaining closed, there were internal debates about whether or not to reopen the embassy in Khartoum. By June 6, 1997, the State Department proposed increasing the U.S. presence in Khartoum without officially reopening the embassy. Specifically, George Moose wrote a memo to the Secretary of State arguing that "the dimensions and frequency of our presence there should be increased." The memo proposed a plan to increase the presence "without unduly raising our profile and in a manner which will not give rise to the charge that we are softening our opposition to the regime's behavior."<sup>620</sup> The memo called for the return of three State Department officials and continued visits by Ambassador Carney.<sup>621</sup> Similarly, in another State Department memo in early July 1997, the issue of returning a diplomatic staff to Khartoum

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<sup>615</sup> *9/11 Commission Report*, 480.

<sup>616</sup> Timothy Carney, "The Sudan: Political Terrorism and Islam," in Robert Rotberg, p. 130

<sup>617</sup> Rotberg, 130

<sup>618</sup> Rotberg, 130.

<sup>619</sup> Rotberg, 130.

<sup>620</sup> U.S. State Department, "Information Memorandum to the Secretary through MR. Pickering from AF George Moose," Subject: Deputies Committee- Sudan," June 6, 1997. Declassified March 23, 2004.

<sup>621</sup> U.S. State Department, "Info Memorandum to the Secretary through Pickering from AF George Moose, Subject: Deputies Committee- Sudan," June 6, 1997. Declassified March 23, 2004.

was also discussed. In the memo from Acting Assistant Secretary of State for African Affairs

William Twadell to Undersecretary Pickering, Twadell writes

the issue for decision is whether to approve a phased strategy to return American staff to embassy in Khartoum as part of an intensified dialogue to oblige the Sudanese government to change its behavior....a full time presence is needed to effectively press our agenda on terrorism, the civil war, regional stability and human rights, to influence peace negotiations which may get underway. The Ambassador, however, would not return permanently to Khartoum until the final phase.<sup>622</sup>

### **Al Shifa Blunder**

The U.S. bombing of the Al Shifa plant in Khartoum in 1998 represented another policy decision impacted by the lack of U.S. engagement with the Sudanese and not having a presence in the country at the time. In *Sacred Terror*, Benjamin and Simon go so far as writing that the Clinton administration's strike on Al Shifa, was "interpreted as the greatest foreign policy blunder of the Clinton presidency."<sup>623</sup>

This flawed decision-making and negative fallout related to the Al Shifa bombing can be clearly attributed to the harsh policy of diplomatic disengagement and isolation adopted by the Clinton administration. The bombing can also be viewed as a consequence of intelligence losses that may have been ameliorated if the U.S. maintained its embassy in the country and continued to remain diplomatically during this period. The strikes on Al Shifa in 1998 marked a low point in Sudanese-U.S. relations and further exemplify the harsh policy of isolation and punishment that was being embraced by the Clinton administration towards Sudan.<sup>624</sup>

### *Intelligence Failures and Al Shifa*<sup>625</sup>

As a result of the embassy closure, it became significantly more difficult to collect good information on Sudan and there also appeared to be resistance in the Clinton administration to accept Sudanese cooperation and/or intelligence assistance once diplomatic ties had been severed. Intelligence problems with regard to Sudan in the months and years that followed did not seem to

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<sup>622</sup> U.S. State Department, "Action memo: From William Twadell to Under Secretary Pickering. Subject: Diplomatic Presence in Khartoum," July 3, 1997. Declassified June 17, 2004.

<sup>623</sup> Davis, 138.

<sup>624</sup> O' Sullivan, 243

<sup>625</sup> For more information, Tara Maller, "The Dangers of Diplomatic Disengagement in Counterterrorism" *Studies in Conflict and Terrorism*, Vol. 32, No. 6 (June 2009): 511-536.

be intelligence failures in the traditional sense, in that they do not appear to lie in faulty decision-making by analysts or those collecting and analyzing the available intelligence, but rather they appear to result from the political disengagement from the country which set in motion of series of events.

It is obviously somewhat speculative to assess what intelligence may or may not have been missed due to disengagement from Sudan on the diplomatic level. However, just two years following the U.S. withdrawal from Sudan, there were two significant terrorist bombings at U.S. embassies in Africa. It is impossible to tell whether or not a diplomatic presence in Sudan would have improved intelligence in the lead up to these attacks, but it probably wouldn't have hurt. After all, it is clear that when the embassy was up and running in Sudan, it was playing a big role in tracking Bin Laden and his money. According to a United States Institute of Peace interview with a U.S. official and Africa area expert involved with the U.S. embassy in the mid 1990s and trying to push greater engagement contrary to U.S. policy at the time, the Sudanese had offered to provide intelligence to the U.S. in the period leading up to the bombing. The official even goes as far as saying "had we had this relationship with the government of Sudan [one of greater cooperation and information-sharing] American lives would not have been lost..."<sup>626</sup>

The embassy was also pretty well aware that Bin Laden was working closely with Sudanese intelligence, which had been providing him with government materials and passports. Bin Laden had been quite active in Sudan and it is likely he left a trail for additional collection efforts, even in the aftermath of his departure to Afghanistan. According to the *9/11 Commission Report*, upon coming to Sudan, Bin Laden had established an Islamic Army Shura to coordinate activities between Islamic terrorist groups in the country. According to the report, Sudan is also where Bin Laden began to develop Al Qaeda as a global terror network.<sup>627</sup> In addition, the CIA

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<sup>626</sup> Interview #53 with anonymous U.S. official working on U.S.-Sudan policy in Khartoum during the mid-1990s), *The Sudan Experience*, United States Institute of Peace, January 17, 2007.

<sup>627</sup> *9/11 Commission Report*, 58.



station was aware of multiple camps in North Sudan funded by Bin Laden and using Sudan as a base for financial transactions in support of terrorist activity.<sup>628</sup>

In retaliation for the two African embassy bombings, the Clinton administration made the decision not only to strike at Bin Laden camps in Afghanistan, but also to strike a plant in Sudan believed to be a cover for nerve agent processing facility.<sup>629</sup> Other than initial soil sample tests prior to the bombing that indicated potential traces of nerve agent, there appears to have been no additional evidence the plant was in fact a chemical weapons facility or linked to Bin Laden.<sup>630</sup> Like with the decision to shut down the embassy, Ambassador Carney has was also vocal with regard to the intelligence related to the strikes, writing,

The intelligence failure had roots in second-hand sources provided by anti-Khartoum allies in the region, particularly in Eritrea, Ethiopia and Egypt. If U.S. embassy staff had been left on the ground, firsthand reporting might have identified the right targets or averted a strike that ultimately strengthened sympathies for Islamic radicals bent on attacking the United States. This danger has arisen again recently, as the United States takes aim at remote, and sometimes wrong, targets in Afghanistan, relying on intelligence from often questionable sources.<sup>631</sup>

In the aftermath of the Al Shifa plant bombing, there was a significant amount of criticism launched at the Clinton administration and questions surrounding the bombing of the plant.<sup>632</sup> Apparently, there was much debate about the selection of targets prior to the decision to strike Al Shifa. According to the *New York Times*, senior intelligence officials argued that the attack was not justified due to the uncertain nature of some of the intelligence with regard to the plant and potential Bin Laden ties.<sup>633</sup> It was reported that at the time of the strikes, the administration did not have firm and definitive information on the plant's ownership.<sup>634</sup> In one *New York Times* article based on interviews with current and former American government officials, James Risen writes, "Officials throughout the Government raised doubts up to the eve of

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<sup>628</sup> Coll, 269-271.

<sup>629</sup> Coll, 117-118.

<sup>630</sup> Ibid.

<sup>631</sup> Tim Carney, "Intelligence Failure? Let's Go Back to Sudan," *The Washington Post*, June 30, 2002.

<sup>632</sup> James Risen, "Question of Evidence: A special report.; To Bomb Sudan Plant, or Not: A Year Later, Debates Rankle," *New York Times*, October 27, 1999; James Risen and Tim Weiner, "Decision to Strike Factory in Sudan Based on Surmise Inferred from Evidence," *The New York Times*, September 21, 1998.

<sup>633</sup> Ibid.

<sup>634</sup> James Risen, "Sudan, Angry at U.S., Freed Bomb Suspects, Officials Say," *The New York Times*, July 30, 1999.

the attack about whether the United States had sufficient information linking the factory to either chemical weapons or to Mr. bin Laden...They said senior diplomatic and intelligence officials argued strenuously over whether any target in Sudan should be attacked.”<sup>635</sup> Risen goes on to write that, “Current and former American officials agreed to discuss the operation because, more than a year later, they continue to be plagued by doubts about whether it was justified. They said they are still troubled by the lack of a full airing of what they view as gaps in the evidence linking the plant, called Al Shifa, to Mr. Bin Laden.”<sup>636</sup> A *New York Times* editorial on the attack also points out that the closure of the Embassy in Khartoum may have contributed to a lack of reliable information.<sup>637</sup> The 1998 editorial states, “With America's Embassy in Khartoum closed, up-to-date information was scarce. Hard proof linking the Shifa factory to terrorism and nerve gas production was elusive, and the indirect evidence that was available was incomplete and open to conflicting interpretations.”<sup>638</sup> Carney himself has argued that if the United States had its own people on the ground, it might have been possible to select a more definitive target for such strikes – one that did not rest on such shaky evidence.<sup>639</sup>

Similarly, an investigation of Al Shifa after the bombings showed verified that it was owned by Salah Idris, a Sudanese businessman, not owned by a corporation affiliated with the Sudanese military or government. In addition, there was significant links between the facility and Bin Laden, according to the post-bombing investigation. The 9/11 commission report also found no evidence that confirmed the original assessments about the nefarious nature of the al Shifa facility.<sup>640</sup> In the aftermath of the Al Shifa plant bombing, there was a significant amount of criticism launched at the Clinton administration and questions surrounding the bombing of the

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<sup>635</sup> Ibid.

<sup>636</sup> Ibid.

<sup>637</sup> “Dubious Decisions on the Sudan,” *The New York Times*, September 23, 1998.

<sup>638</sup> Ibid.

<sup>639</sup> Timothy Carney and Mansoor Ijaz, “Intelligence Failure? Let’s Go Back to Sudan,” *The Washington Post*, June 30, 2002.

<sup>640</sup> 9/11 Commission Report, 118.

plant. And the intelligence on which it had been based<sup>641</sup> Apparently, there was much debate about the selection of targets prior to the decision to strike Al Shifa. According to the *New York Times*, senior intelligence officials argued that the attack was not justified due to the uncertain nature of some of the intelligence with regard to the plant and potential Bin Laden ties.<sup>642</sup> It was reported that at the time of the strikes, the administration did not have firm and definitive information on the plant's ownership.<sup>643</sup> Ambassador Carney writes,

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What was the impact of the strike on counterterrorism efforts in Sudan? First, the Sudanese adamantly denied that the plant was used for anything other than benign purposes. In response to the strikes, not only did the Sudanese speak out against U.S. actions and open up Al Shifa to journalists following the attack, but the Sudanese also released two individuals being detained for possible involvement in the 1998 embassy bombings.<sup>645</sup> Lastly, particularly because of the lack of clear evidence implicating the plant in suspicious activity, the attack helped radicals in Sudan gain support from more moderate Sudanese.<sup>646</sup> U.S. actions following diplomatic severance seemed to be guided by an unwillingness to engage and a lack of understanding for dynamics on the ground. It is possible controversial decisions such as Al Shifa may have potentially been avoided, or would have been made on more carefully vetted information, had the United States had a more robust presence in the country itself.

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<sup>641</sup> James Risen, "Question of Evidence: A special report.; To Bomb Sudan Plant, or Not: A Year Later, Debates Rankle," *New York Times*, October 27, 1999; James Risen and Tim Weiner, "Decision to Strike Factory in Sudan Based on Surmise Inferred from Evidence," *The New York Times*, September 21, 1998.

<sup>642</sup> Ibid.

<sup>643</sup> James Risen, "Sudan, Angry at U.S., Freed Bomb Suspects, Officials Say," *The New York Times*, July 30, 1999.

<sup>644</sup> Tim Carney, "Intelligence Failure? Let's Go Back to Sudan," *The Washington Post*, June 30, 2002.

<sup>645</sup> Ibid.

<sup>646</sup> Ibid.

being detained for possible involvement in the 1998 embassy bombings.<sup>647</sup> Following the attack, CIA analysis also indicated concerns that the Sudanese regime was using Al Shifa to rally support for a more confrontational approach to the United States. The CIA indicated Sudan also closed airspace to U.S. aircraft and would potentially try to thwart humanitarian relief operations and strengthen ties with other “pariah” states in light of the attack.<sup>648</sup> In addition, the fallout from Al Shifa worked to increase the regime’s resistance towards compliance and made the regime view the U.S. goals as being centered on regime change. All of these circumstances contributed to limiting the regime’s incentives to comply with U.S. demands.<sup>649</sup>

### **Ongoing War and Humanitarian Crisis**

U.S. policy towards Sudan during the 1996-1999 period proved equally ineffective with regard to the ongoing civil war and the ongoing humanitarian crisis. Little progress was made in both of these realms and, in fact, some have even argued that the crisis became exacerbated during this period as a result of U.S. disengagement. In a comprehensive report, “U.S. Policy to End Sudan’s War,” issued by CSIS in 2001, the authors conclude that while a U.S. policy based on the isolation and containment of Sudan did generate some leverage, “it has made little headway in ending Sudan’s war, reforming Khartoum, or ameliorating Sudan’s humanitarian crisis.”<sup>650</sup> The report argues that the U.S. sent mixed messages about its goals with regard to Sudan in terms of the conflict on the ground and regime change, which ultimately undermined the United States ability to modify the regime’s behavior, as the regime believed the U.S. was pursuing a policy of regime change, as opposed to a policy primarily aimed at ending the ongoing

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<sup>647</sup> Carney (2002).

June 2002

<sup>648</sup> “Sudan: Regime Exploits U.S. Attack,” Senior Executive Intelligence Brief, Central Intelligence Agency, Top Secret, September 4, 1998. The declassified report can be found online at CIA’s Electronic Reading Room, [http://www.foia.uci.gov/docs/DOC\\_0000745934/DOC\\_0000745934.pdf](http://www.foia.uci.gov/docs/DOC_0000745934/DOC_0000745934.pdf)

<sup>649</sup> O’Sullivan, 272.

<sup>650</sup> Deng and Morrison, “U.S. Policy to End Sudan’s War,” Report of the CSIS Task Force on U.S. Sudan Policy, CSIS, February 2001, 5-7.

conflict.<sup>651</sup> The report also notes that support for the IGAD peace process became a secondary goal as the U.S. became increasingly disengaged. The IGAD process for ending the civil war became increasingly ineffective during this time period and accomplished very little.<sup>652</sup> The CSIS report also concludes that, “Ultimately, however, U.S. policy did not significantly weaken Khartoum, strengthen southern and northern opposition, moderate the conduct of Sudan’s war, enhance humanitarian access and deliveries, or promote a process of genuine peace negotiations.”

Throughout this period, despite sanctions and diplomatic isolation, egregious human rights violations continued. U.S. policy appeared to do little to thwart the extrajudicial killings, unlawful detainments and abductions that were taking place in Sudan.<sup>653</sup> In addition, the conduct of the war worsened in the late 1990s, as both sides adopted increasingly violent tactics, such as the regime’s bombing of civilian centers from the air.<sup>654</sup> According to Meghan O’Sullivan “for the bulk of the period during which sanctions were in place, there was virtually no progress made in the direction of resolving the conflict.”<sup>655</sup> She goes on to write that, “it was only when the nature of U.S policy shifted from one that was sanctions dominated to one characterized by both pressure and engagement that progress was made toward calming the civil war.”<sup>656</sup>

According to a CRS report, the IGAD peace process continued to be on and off throughout this period. While there was some agreement reached in 1997-98, the talks fell apart and the talks scheduled for 1999 were cancelled.<sup>657</sup> In 1997, the government did return to the peace process and embraced the DOP. While this was partially due to international pressure, it was also driven by the military losses Khartoum was facing in the conflict. The U.S. was not

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<sup>651</sup> Ibid.

<sup>652</sup> Ibid.

<sup>653</sup> O’Sullivan, 264.

<sup>654</sup> Ibid.

<sup>655</sup> Ibid.

<sup>656</sup> O’Sullivan, 265.

<sup>657</sup> Ted Dagne, “Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and U.S. Policy,” CRS Issue Brief for Congress, Congressional Research Service, Updated January 29, 2002, [https://www.policyarchive.org/bitstream/handle/10207/872/IB98043\\_20020129.pdf?sequence=1](https://www.policyarchive.org/bitstream/handle/10207/872/IB98043_20020129.pdf?sequence=1)

playing an active role in the IGAD process at this time. While the talks ebbed and flowed and a joint communiqué was signed in September 1997 that demonstrated both sides' acceptance of the IGAD framework for negotiations, divisions over major issues were left unresolved – mainly over issues of religion and self-determination for the south. The most significant success during this period in terms of IGAD was the NIF's proclaimed acceptance of self-determination for the south in May 1998 – a success that had little to do with U.S. pressure or engagement at the time, but was driven primarily by internal events such as the pressure of Juba under siege and increased military pressure on the Eritrean and Sudanese border.<sup>658</sup> However, despite the proclaimed acceptance and praise from the U.S. and EU on the agreement, the reality of the situation was that there was little actual agreement on what land actually constituted the “south” for the purposes of self-determination.<sup>659</sup> However, following this minor move indicating the potential for progress on the IGAD front, the August 1998 follow-up talks collapsed and the April 1999 talks were also cancelled.

During the second term of the Clinton administration, the IGAD talks had essentially come to a halt with a very low level of negotiations going on during this period. Officials involved with U.S.-Sudan policy at the time have attributed much of the lack of progress during this period directly to the lack of access and communication with the Sudanese. According to an anonymous U.S. official who worked on Sudan issues from both Washington and Nairobi during the Clinton administration and was key in later pushing for reengaging on the Sudanese in the IGAD process in the lead up to the 2005 Comprehensive Peace Agreement, the U.S. had very few Sudanese contacts in the late 1990s and access had been dramatically reduced. As a result, the U.S. became increasingly reliant on others' (e.g. the Europeans) views of the situation, which tended to differ from the U.S. perspective due to a greater presence on the ground and more communication. The official also commented that a strategy based on isolation of the regime did

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<sup>658</sup> Ibid.

<sup>659</sup> Ibid.

not appear to be assisting with progress or bringing the conflict to an end in Sudan.<sup>660</sup> By the close of 1999, the U.S. remained unsatisfied with the situation in Sudan. A House resolution passed by the House in March 1999 addressed the dire situation by declaring that Congress: “(1) strongly condemns the National Islamic Front government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations; (2) strongly deplores the government-sponsored and tolerated slave raids in southern Sudan and calls on the government to immediately end the practice of slavery..”<sup>661</sup>

### **Transition to a Change in Policy**

As the Clinton administration was coming to a close, many inside and outside the administration began reevaluating the isolationist policy the U.S. had adopted towards Sudan. Diplomatic isolation did not appear to be bolstering the effectiveness of sanctions or modifying the behavior of the Sudanese regime. In addition, the U.S. was losing influence in the country and potentially valuable information. As a result, the Clinton administration began to consider increased engagement with the Sudanese, specifically with regard to terrorism.

Despite being resistant to this sort of engagement in the late 1990s, the Clinton administration began to realize that it might in fact be beneficial to engage with Sudan and for intelligence-sharing purposes related to information on Al Qaeda.<sup>662</sup> Such a position did not mean the lifting of sanctions or easing of pressure, but it recognized that pressure and sanctions did not have to be incompatible with diplomatic engagement.

Particularly in the aftermath of the Al Shifa bombing, some began to question the United States isolationist policy towards Sudan and some felt the bombing was too harsh of an approach towards dealing with the Sudanese. While Sudanese diplomacy was working to reengage the

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<sup>660</sup> Interview #1 with anonymous high-level U.S. official who worked on Sudan policy from 1997-1999 in Washington and then from Nairobi, Sudan Experience Project, USIP, March 22, 2006.

<sup>661</sup> House of Representatives, H.Con.Res.75, “Condemning the National Islamic Front (NIF) government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations, and for other purposes,” March 24, 1999.

<sup>662</sup> John Davis, *Africa and the War on Terrorism*, (Burlington: Ashgate Publishing Company, 2007), p. 139.

Sudanese with those in the region and even in Europe, the U.S. had adopted a strategy based on isolation and punishment. Some U.S. policymakers felt that perhaps increasing engagement with the Sudanese would enhance prospects in the realm of terrorism and other areas of concern.<sup>663</sup> Proponents of greater engagement with the Sudanese regime also favored reopening of the U.S. embassy in Khartoum and felt Sudan would be open to changing its behavior if carrots could be integrated into a policy that had been primarily comprised of sticks.<sup>664</sup>

One of the clearest articulations of this viewpoint is found in a CSIS report at the time, which advocates for such a shift in policy. The authors argue, “that while keeping pressure on the Sudanese government, Washington should provide a means for direct engagement with Khartoum in order to more effectively put to test Sudanese assertions about terrorism, human rights, and democratization and relief programs.”<sup>665</sup> The report also noted the consequences of a lack of diplomatic presence in the country with regard to information collection and communication those in the country. It called for increasing engagement and reopening the permanent embassy in Khartoum. Similarly, U.S. officials in Nairobi began writing a number of cables pushing for a new approach in U.S. policy towards Sudan. While those in favor of reorienting U.S. strategy were fully cognizant of the problematic behavior of the Sudanese regime, they felt the U.S. needed to reengage. In addition to opening the embassy and reappointing the ambassador, they argue that the U.S. ought to focus on clearly articulating the benefits to be gained to having embassies in countries of concern, such as Sudan. They also suggest appointing special envoys to Sudan to conduct high level consultations with Sudanese officials.<sup>666</sup> One U.S. official in Nairobi at the time says she argued for a policy based on engaging with the Sudanese, appointing a new ambassador and a new special envoy to handle North-South negotiations. The official has noted that this policy was articulated in cables that were sent to Washington during late January and

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<sup>663</sup> Woodward, 104.

<sup>664</sup> Ibid.

<sup>665</sup> Deng and Morrison, 225.

<sup>666</sup> Deng and Morrison, 11.



early February 2001 and attributes the formation of a shifting policy to the ideas set forth in the cables.<sup>667</sup> Ambassador Petterson, who was ambassador to Sudan until Carney's appointment in 1995 has also written in his memoirs that the U.S. was putting itself at a disadvantage by not having an embassy on the ground because it could not observe what was happening there nor could it interact with leaders in the regime or gather information.<sup>668</sup> Similarly, others argued that having a presence on the ground and an ambassador in place would increase the U.S. ability to condemn Sudanese behavior, pressure the regime on demands associated with sanctions and help bring about an end to the conflict.<sup>669</sup>

In the years following 1999, much of this advice seems to have been taken to heart, as a new strategy of engagement was adopted and the embassy was reopened in 2002. The next section will evaluate the impact of this policy shift across a wide range of U.S. policy demands.

#### **1999-present: Cooperative Counterterrorism and Renewed Reengagement**

This period is predominately characterized by a transition towards increased U.S. diplomatic engagement – first in the realm of counterterrorism and then in the realm of the ongoing war in Sudan. The renewed diplomatic engagement strategy predicts greater success, particularly in the realm of terrorism demands, where cooperation and compliance were the most significant. However, in 2000, the U.S. also started to become significantly more engaged with regard to Sudan's humanitarian crisis and ongoing civil war. These shifts not only rapidly increased communication between Sudan and the U.S., but also improved United States' access to better information and ability to monitor the situation on the ground in a way that was not possible when disengaged. In 2002, the embassy was even re-opened, giving the U.S. back its presence on the ground (although, the embassy remained in downgraded status without the appointment of a U.S. ambassador). The shift in strategy also reaped demonstrable progress

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<sup>667</sup> Interview #1 with anonymous high level U.S. official who worked on Sudan policy from 97-99 in Washington and then from Nairobi, Sudan Experience Project, USIP, March 22, 2006.

<sup>668</sup> Petterson, 225.

<sup>669</sup> Randolph Martin, "Sudan's Perfect War," *Foreign Affairs*, March/April 2002.

across a wide range of issues, which will be discussed further in the outcomes section of this analysis.

The period under examination in this period begins during the final months of the Clinton administration and continues into the post 9/11 phase of counterterrorism efforts. In 2000, U.S. policy towards Sudan with regard to terrorism dramatically shifted course, as U.S. officials began to thaw the freeze on disengagement and began a counterterrorism dialogue with the Sudanese.<sup>670</sup> In addition, following the 9/11 attacks, U.S. cooperation and dialogue with the Sudanese dramatically increased culminating in the re-opening of the Khartoum embassy in 2002

U.S. engagement with Sudan extended beyond counterterrorism efforts. Just prior to 9/11, the Bush administration appointed Andrew Natsios as U.S. Special Humanitarian Coordinator for Sudan followed by the appointment of Special Envoy Danforth in September 2001. After. Danforth set forth four confidence-building measures to see if there could be a substantial degree of compliance by the Sudanese government and parties in the south and, in 2002, recommended to President Bush that the U.S. remain engaged and push forward with negotiations between the government and Southern rebels involved in conflict. With the exception of a worsening situation in Darfur in 2003 and 2004, there was progress made in terms of the ongoing civil war in Sudan, as the government and the SPLM signed a Comprehensive Peace Agreement in January 2005. The CPA mandated ceasefire, withdrawal of Sudanese government troops from southern Sudan, the return of refugees and for national elections. Under the renewed strategy of diplomatic engagement Sudan's cooperation on terrorism also continued to increase. It has signed all major counterterrorism conventions, has taken substantial actions on the terrorism front and in 2007 with arrests and raids and it stopped hosting a number of conferences that attracted terrorist leaders. The State Department has also declared Sudan a strong partner in the war on terror, although its state sponsor designation remains in place.

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<sup>670</sup> ICG report, 79-80.

Engagement and dialogue with the Sudanese were key in terms of getting the Sudanese to comply with Danforth’s confidence-building measures and the ultimate progress made on the CPA signing. While implementation issues remained ongoing during this period and the humanitarian crisis in Darfur gained increasing attention as the situation worsened, diplomatic engagement yielded real results with regard to terrorism and peace negotiations. A mix of economic sanctions, diplomatic pressure and engagement on the ground proved to be a strategy that could bring about results in Sudan.<sup>671</sup> According to the theory presented in this dissertation, a strategy based on greater engagement and reestablishing a diplomatic presence in Sudan

	<i>Renewed Diplomatic Engagement Predictions</i>	<i>Actual Outcomes</i>
<b>2000-post 9/11 period</b>  <i>Some ES removed, but ES still in place.</i>	<ul style="list-style-type: none"> <li>• Predicts greater success with regard to terrorism followed by greater success with ongoing civil war.</li> <li>• Informational gains and increasing communication</li> </ul>	<ul style="list-style-type: none"> <li>• Terrorism success, progress on civil war peace agreements (counterterrorism treaties, denuncements of terrorism, arrests, intelligence-sharing, CPA agreement, etc)</li> <li>• Failure in Darfur developments (exception to theory’s predictions).</li> <li>• Informational gains and increased communication.</li> </ul>

predicts improvements in intelligence and communication, which should contribute positively to U.S. foreign policy goals and sanctions’ effectiveness. This final period of analysis illustrates clear support for the theory. There are clear information and communication gains from the renewed engagement and the U.S. is instrumental in bringing about progress with regard to terrorism demands, as well as progress on the civil war.

However, diplomatic engagement should not be viewed as a panacea for some of the most egregious problems – such as genocide. The argument in this dissertation frames

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<sup>671</sup> O’Sullivan, 273.

diplomatic engagement as a probabilistic variable which increases the likelihood of success, but does not guarantee it. Therefore, the fact that success is not complete or total during this period when a policy of engagement has been adopted does not mean the theory has failed, but instead illustrates that there may be limits to the types of demands and issues that the U.S. has the ability to shape via engagement policies.

### **Continuing U.S. Concerns and a Shift in Strategy**

Before analyzing the impact of U.S. reengagement with Sudan, I will first run through the chronology of events that demonstrate this clear shift in strategy. As the 1999 House resolution cited earlier indicates, the U.S. still had a number of concerns with regard to Sudan. The U.S. continued to make demands on Sudan primarily related to its continued support for terrorism, egregious human rights violations and the ongoing civil war. However, despite continuity in demands, the turn of the century also brought along with it the realization that U.S. strategy to date had been yielding minimal results. As a result, the Clinton administration did start reevaluating its strategy beginning with some changes to its sanctions policy. For example, in late 2000, the administration allowed for some sanctions exemptions, such as the sale of American medicines and agricultural products to Sudan.<sup>672</sup> The Clinton administration also began trying to re-establish a dialogue with Sudan in late 2000 related to terrorism.<sup>673</sup> Despite being resistant to this sort of engagement in the late 1990s, the Clinton administration began to realize that it might in fact be beneficial to engage with Sudan and for intelligence-sharing purposes related to information on Al Qaeda.<sup>674</sup> The Clinton administration decided it would finally initiate a counterterrorism dialogue with Sudan and it emphasized the sharing of

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<sup>672</sup> However, during this period, there were also additional sanctions put into place by the Clinton administration which prohibited involvement of U.S. companies from pursuing oil business in Sudan. See Davis, 139.

<sup>673</sup> Deng and Morrison, "U.S. Policy to End Sudan's War: Report of the CSIS Task Force on U.S. Sudan Policy," February 2001; Davis, 139.

<sup>674</sup> Davis, 139.

intelligence.<sup>675</sup> According to a USIP interview with a high ranking official, recommendations had been to take the lead in a negotiation process aimed at resolving the ongoing civil war in Sudan and reinstating the American ambassador to Khartoum.<sup>676</sup> The dialogue started with a visit in May 2000 when the U.S. finally sent a counterterrorism team to Khartoum, after repeatedly declining the invitation to do so in the years prior.<sup>677</sup> This marked the end of the Clinton non-engagement policy.<sup>678</sup> However, the modifications to policy were coming at a time when the Administration had its foot out the door and the desired changes in Sudanese behavior did not really start to occur until a more complete policy of engagement was put into place.

### **Increased Engagement with the Bush Administration**

The early stages of dialogue initiated by the Clinton administration did prove to be fruitful and continued through the Bush administration. By the summer of 2001, the U.S. had been at least somewhat satisfied with the progress being made on counterterrorism and it abstained from a UN Security Council vote relating to the lifting of the sanctions on Sudan imposed after the attempted Mubarak assassination back in 1995.<sup>679</sup> In July 2001, the Director of the U.S. Agency for International Development visited Khartoum. He was the highest-level U.S. official to visit Sudan since the U.S. permanent representative to the United Nations had been in Khartoum in the early 1990s.<sup>680</sup> Early on in the Bush administration, Colin Powell also initiated a review of policy towards Sudan and he gained support for appointment of Danforth to serve as special envoy.<sup>681</sup> Similarly, a team of individuals over at the State Department tried to develop a

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<sup>675</sup> Interview #19 with anonymous high-ranking U.S. official assigned to Sudan from 1992-95, "Sudan Experience Project," United States Institute of Peace and Association for Diplomatic Studies and Training, August 22, 2006..

<sup>676</sup> Ibid.

<sup>677</sup> Interview #45 with former U.S. high-ranking official engaged in Sudanese negotiations both officially and unofficially since the 1990s, "Sudan Experience Project," United States Institute of Peace and Association for Diplomatic Studies and Training, August 22, 2006.

<sup>678</sup> Ibid.

<sup>679</sup> T.S. Morrison, "Somalia's and Sudan's Race to the Fore in Africa," *The Washington Quarterly*, Spring 2002, p. 195.

<sup>680</sup> Timothy Carney, "Some Assembly Required: Sudan's Comprehensive Peace Agreement," (Washington DC: United States Institute of Peace), 2004, p. 4.

<sup>681</sup> Morrison, 195.

roadmap leading the way to greater U.S. involvement in the negotiating process for the new administration.<sup>682</sup>

Just prior to 9/11, the Bush administration appointed Andrew Natsios as U.S. Special Humanitarian Coordinator for Sudan followed by the appointment of Special Envoy Danforth in September 2001. Following 9/11, Khartoum shared a significant amount of intelligence with the U.S. and also reportedly arrested a number of individuals suspected of having strong ties to Bin Laden.<sup>683</sup> In the aftermath of 9/11, cooperation dramatically increased, the Sudanese were increasingly willing to help and the U.S. was increasingly willing to engage the Sudanese and increase its presence in Khartoum.<sup>684</sup>

In 2002, the Khartoum embassy was reopened, although without an ambassador. Following the opening of the embassy, Special Envoy Danforth, recommended to President Bush that the U.S. remain engaged and push forward with negotiations between the government and Southern rebels involved in conflict (after finding substantial compliance by the Sudanese government and parties in the South regarding various confidence-building tests). In 2002, the Machakos Protocol was signed, which marked significant progress on the civil war negotiations. With the exception of a worsening situation in Darfur in 2003 and 2004, there was progress made in terms of the ongoing civil war in Sudan, as the government and the SPLM signed a Comprehensive Peace Agreement in January 2005. The CPA included a number of terms, such as calls for a ceasefire, withdrawal of Sudanese government troops from southern Sudan, the return of refugees and national elections. Under the renewed strategy of diplomatic engagement Sudan's cooperation on terrorism also continued to increase. The regime has signed all major counterterrorism conventions and has taken substantial actions on the terrorism front and in 2007

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<sup>682</sup> Interview #12, State Department official covering Africa through both the Clinton and Bush administrations, Sudan Experience Project, United States Institute of Peace, July 13, 2006

<sup>683</sup> Lopez & Gerbe, 115.

<sup>684</sup> Interview #82 (David Shinn, Director for East African affairs in the Africa Bureau from 1993 to 1996 and Ambassador to Ethiopia in late 1990s), Sudan Experience Project, United States Institute of Peace and Diplomatic Association for Diplomatic Studies and Training, May 11, 2007.

with arrests and raids and it stopped hosting a number of conferences that attracted terrorist leaders. The State Department has also declared Sudan a strong partner in the war on terror, although its state sponsor designation remains in place.

### **U.S. Engagement and Counterterrorism**

Generally speaking, the Bush administration engagement strategy in Sudan had two dimensions. First, there was a commitment to continue the counterterrorism dialogue under Clinton. Second, there was the appointment of a high profile special presidential envoy to evaluate the prospects for progress on peace negotiations.<sup>685</sup> First, I will discuss how diplomatic engagement contributed to intelligence and communication with regard to terrorism and contributed to counterterrorism progress. Second, I will discuss the U.S. involvement in the peace process.

#### **Intelligence and Communication:**

Due to the aftermath of Al Shifa and rising concerns about terrorism, the U.S. realized it was losing access to crucial information as a result of diplomatic disengagement with the Sudanese, particular in the realm of counterterrorism. However, once the U.S. started to reengage Khartoum, it soon began to reap the benefits of this renewed engagement.

The U.S. sent a counterterrorism team to Khartoum in May 2000 to start a bilateral dialogue.<sup>686</sup> According to the plenary co-chair and charge for the U.S., there was a U.S. team of counterterrorism experts who met with high level Sudanese officials.<sup>687</sup> In summer 2000, Susan Rice even had a “Sudan Road Map” document sent to the Foreign Minister of Sudan. The

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<sup>685</sup> Morrison, 196-199.

<sup>686</sup> “U.S.-Sudan Relations,” United States Embassy in Sudan, Available online at: [http://sudan.usembassy.gov/ussudan\\_relations.html](http://sudan.usembassy.gov/ussudan_relations.html)

<sup>687</sup> Interview #2 (Senior diplomat in Khartoum 2000-2002), The Sudan Experience Project, United States Institute of Peace, April 13, 2006.

document reviewed the type of information that would be helpful to the United States and what Sudan would need to do in order to start normalizing relations.<sup>688</sup>

Those who had been against the embassy closing and in favor of greater engagement, such as Ambassador Timothy Carney, have noted the benefits of the renewed counterterrorism dialogue that began in 2000. In addition, according to a number of sources, the CIA had reopened a station in Khartoum by November 2001.<sup>689</sup> Specifically, Carney has stated that “Washington has successfully engaged Khartoum authorities since 2000 to gain vital information about Islamic groups that have had a presence in Sudan.”<sup>690</sup> Working with the Sudanese on counterterrorism provided the U.S. with new information and a better understanding of particular individuals and networks that the Sudanese were tracking. For example, CIA was reportedly doing surveillance on individual extremists operating in the country.<sup>691</sup> According to John Prendergast, “They [the Sudanese] are valuable on these connections because they were deep in it,” he said. “They know aliases, business backgrounds, banking information and other data.”<sup>692</sup> Another anonymous source was quoted at the time as touting Sudanese cooperation and saying, “They’ve not only told us who the bad guys were, they’ve gone out and gotten them for us. Hell, we can’t get the French to do that.”<sup>693</sup> Senior level officials at the State Department also confirmed these sentiments regarding Sudanese cooperation on intelligence-sharing on suspicious individuals in the country. In addition, the Sudanese intelligence services were also assisting the United States with intelligence collection in other countries that the U.S. had a hard time penetrating. The Mukhabarat, the Sudanese intelligence agency, was better equipped to penetrate these types of targets and get firsthand information that the United States would be unable to get

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<sup>688</sup> Charles Cobb Jr., “Sudan: Did U.S. Ignore Khartoum Offer to Help Stop Bin Laden,” All Africa.com, December 7, 2001.

<sup>689</sup> Ken Silverstein, “Official Pariah Sudan Valuable to America’s War on Terrorism,” *Los Angeles Times*, Apr. 29, 2005

<sup>690</sup> Rotberg, 119.

<sup>691</sup> Rotberg, 119.

<sup>692</sup> Ken Silverstein, “Official Pariah Sudan Valuable to America’s War on Terrorism,” *Los Angeles Times*, Apr. 29, 2005

<sup>693</sup> Ken Silverstein, “Official Pariah Sudan Valuable to America’s War on Terrorism,” *Los Angeles Times*, April. 29, 2005.



on its own. For example, the Sudanese Foreign Minister pointed out that the Mukhabarat had helped the U.S. gather intelligence on Islamic extremists for the CIA in Somalia.<sup>694</sup>

### **Outcome on Terrorism Concerns**

By 2000, the State Department was quite pleased with the progress made by Sudan in terms of its support for terrorism. According to the State Department,

the talks, which were ongoing at the end of the year, were constructive and obtained some positive results. By the end of the year Sudan had signed all twelve international conventions for combating terrorism and had taken several other positive counterterrorism steps, including closing down the popular Arab and Islamic conference, which served as a forum for terrorists.<sup>695</sup>

In addition to the assessment made by the State Department, visits by a U.S. counterterrorism team were able to verify specific measures taken by the Sudanese to crack down on terrorism.<sup>696</sup>

In addition to the measures mentioned above, the Sudanese also took initiative on discussing counterterrorism within the context of the IGAD.<sup>697</sup> In the aftermath of 9/11, Sudanese cooperation continued. Colin Powell called Sudanese on September 17, 2001 and asked for help.<sup>698</sup> While the Sudanese were already assisting on counterterrorism prior to the attacks, cooperation increased even more due to new fears that they could potentially be targeted if found to be complicit in terrorism.<sup>699</sup> Sudan was the first country on the state sponsor list to publicly condemn the September 11 attacks. They also offered their help in the fight against terrorism and increased security at the U.S. embassy in Khartoum.<sup>700</sup> Khartoum also arrested approximately 30 people suspected of having contact with Bin Laden.<sup>701</sup> Also, in May 2003, launched raids on suspected terrorist training sites and made a number of arrests. The Sudanese courts also convicted individuals who had been charged with training extremists to launch attacks.<sup>702</sup> Since

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<sup>694</sup> Ken Silverstein, 'Official Pariah Sudan Valuable to America's War on Terrorism,' *Los Angeles Times*, April. 29, 2005.

<sup>695</sup> U.S. State Department, "Patterns of Global Terrorism," 2000.

<sup>696</sup> Lopez and Gerbe, 118.

<sup>697</sup> Rotberg, 121.

<sup>698</sup> George Gedda, "U.S. Contacts Sudan, Cuba for Help," Associated Press, September 18, 2001.

<sup>699</sup> ICG report, 80.

<sup>700</sup> ICG report, 80.

<sup>701</sup> ICG report, 80.

<sup>702</sup> Ken Silverstein, 'Official Pariah Sudan Valuable to America's War on Terrorism,' *Los*

the start of the counterterrorism dialogue in 2000, U.S. engagement with the Sudanese has yielded results.

The Sudanese intelligence agency has detained Al Qaeda suspects, turned over materials from raids and expelled those suspected to be affiliated with extremist activity. In 2004, Sudan helped to host workshop with the UN Office on Drugs and Crime focused on terrorism-related issues.<sup>703</sup> This cooperation continued in the years that followed, as the U.S. remained engaged with the Sudanese on terrorism. For example, in May 2003, the Sudanese conducted a raid on a terrorist training camp and made a number of arrests and seized weapons. In August 2004, the Sudanese carry out arrests on Eritreans who hijacked a Libyan plane and landed it in Khartoum.<sup>704</sup> The Sudanese have also helped with preventing potential insurgents from going through Sudan to join the insurgency in Iraq.<sup>705</sup>

Despite these improvements, the U.S. has not taken Sudan off the official state sponsors list and U.S. trade sanctions remain in place, although mostly for concerns unrelated to terrorism. During this period, sanctions were still in place, however, no additional terrorism sanctions were put into place. The U.S still had a number of concerns related to the ongoing war and human rights, so unilateral sanctions remained, however the U.S. did encourage the UN Security Council to lift diplomatic sanctions on September 28, 2001, which they did.<sup>706</sup> In May 2004, the US did remove Sudan from the list of countries listed as “not fully cooperating” in US counterterrorism efforts. In 2007, the US even went so far as stating that the Sudanese government did not openly support terrorism, other than with the exception of support for Hamas.<sup>707</sup> In 2007, the State Department went so far as noting that Sudan was a “strong partner in the War on Terror.”

### **U.S. Engagement and Peace Process and Humanitarian Concerns**

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*Angeles Times*, April. 29, 2005.

<sup>703</sup> Ibid.

<sup>704</sup> Bhattacharji, Preeti, “Council of Foreign Relations: Backgrounder,” April 2, 2008.

<sup>705</sup> Silverstein (2005).

<sup>706</sup> Lopez and Gerbe, 115-118.

<sup>707</sup> Bhattacharji, Preeti, “Council of Foreign Relations: Backgrounder,” April 2, 2008.

The peace process was faltering in the late 1990s and making very little significant progress. Despite the fact that the parties did meet in 2000, talks continued to stall. The stalled talks resumed in June 2001 in Nairobi, but no progress was made. In July 2001, Andrew Natsios, a special envoy appointed by President Clinton, had been in charge of leading a high-level delegation to Khartoum, which was a radical departure from past policy. The delegation met with the Sudanese Foreign Minister and tried to get both sides to agree to a 24 hour ceasefire to get food into the Nuba Mountain area for relief efforts, which was eventually agreed upon by both sides.<sup>708</sup> During this period, there was a big push for greater engagement with the Sudanese across a variety of issues beyond terrorism. A senior U.S. diplomat in Khartoum during this period, who was responsible for being involved in meetings with the special envoys and Sudanese officials, has emphasized the importance of personal diplomacy during this period – particularly with regard to getting the IGAD process up and running again in a serious way. The same official also noted that the Counterterrorism Dialogue had spillover effect, in that engagement with Sudanese on those issues started to carry over to engagement on the peace process.<sup>709</sup>

Finally, in September 2001, the U.S. significantly increased its involvement in the peace process with appointment of Special Presidential Envoy Danforth. The appointment marked the beginning of a new U.S. policy towards Sudan – one in which the U.S. would become increasingly involved and diplomatically engaged.

#### **Danforth's Role in Sudan and Progress in the Ongoing Civil War**

Before increasing U.S. engagement in the realm of the ongoing civil war negotiations, Danforth first set forth four confidence-building measures to see if there could be a substantial degree of compliance by the Sudanese government and parties in the south. The measures served

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<sup>708</sup> Interview #6 (anonymous NGO and USAID official tapped by Bush administration to work on negotiations related to the ongoing civil war in Sudan), The Sudan Experience Project, The Association for Diplomatic Studies and Training United States Institute of Peace, June 13, 2006.

<sup>709</sup> Interview #2 with Senior U.S. diplomat in Khartoum 2000-2002, The Sudan Experience Project, The Association for Diplomatic Studies and Training & United States Institute of Peace, April 13, 2006

as a test to determine whether or not Danforth felt the U.S. could play a worthwhile role in the process. Specifically, the four tests presented by Danforth included:

- 1) agreement on humanitarian mission being allowed by UN to go into Nuba Mountain area
- 2) agreement to start negotiations w/third party involvement and work for int. monitored cease-fire to pave road to peace settlement
- 3) Agreement on USAID development projects for both sides
- 4) Agreement for us to organize review on preventing slavery and abductions in Sudan<sup>710</sup>

In December 2001, a U.S. team went back to Sudan to solidify the details of a plan of action and they were able to get agreement on a number of issues. Danforth saw progress on all of these confidence-building areas. He also saw his role primarily as an honest broker to help set the conditions for peace. In a USIP interview, Danforth stated,

And it seemed to me that my job and the job of the United States was to try to be a catalyst to help bring about peace. And the way to do that was to engage both sides, not to say, “We like your side or hate your side,” but to engage both sides and without being the moral arbiter between the two. It was important for the U.S. to say if the President of Sudan did agree to talks, that we would offer better relations to the Government of Sudan if peace comes. And then came Darfur, and there’s a little bit of a goalpost moving. People are being killed in Darfur, but I believe that engagement with both sides works better than going in and trying to throw your weight around.<sup>711</sup>

Part of the value of having Danforth there was the weight he carried – specifically, the ability to get access and meetings with the President and Vice President of Sudan.<sup>712</sup> In addition, U.S. engagement on Sudan during this period expanded beyond direct diplomatic engagement with Sudanese to other countries to win support for U.S. policy efforts in Oslo, London, The Hague, Italy, Canada and Egypt.<sup>713</sup> Personal diplomacy was also key in getting others to take a role in the process. In a USIP interview, a U.S. official who worked with Special Envoy, Ambassador John Danforth emphasized that U.S. role in Sudan in 2002 onward was “an almost textbook case of effective multilateral diplomacy,” with the U.S. playing a significant role in getting IGAD moving and others involved in the process itself.<sup>714</sup> In January 2002, Danforth once again went to

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<sup>710</sup> Morrison, 199-200.

<sup>711</sup> Interview #8 with Special Envoy John Danforth, The Sudan Experience Project, United States Institute of Peace, June 26, 2006.

<sup>712</sup> Interview #2 with anonymous senior official at the State Department, The Sudan Experience Project, United States Institute of Peace.

<sup>713</sup> Morrison, 200.

<sup>714</sup> Interview #7 with anonymous official who was part of support team for Special Envoy Danforth, The Sudan Experience Project, United States Institute of Peace, June 1, 2006.

Sudan to review the situation and prospects for negotiations.<sup>715</sup> Danforth's mission was able to secure a cease-fire agreement in Nuba and got support from both sides on various proposals. For example, parties agreed to create humanitarian "zones of tranquility" and investigate slavery allegations.<sup>716</sup>

By early 2002, U.S. engagement and dialogue with SPLM leaders also proved fruitful. One of the major engagement efforts the U.S. had been involved with was keeping communication lines open with John Garang. U.S. officials met with Garang repeatedly and were able to get him to agree to a ceasefire in early 2002, in which he would not initiate any SPLM attacks, but would respond if attacked.<sup>717</sup> Getting Garang's agreement at this time helped confirm to Danforth that the process could go forward. Engagement across all of these little pieces yielded satisfactory progress, which helped Danforth make the assessment that the process was worth the United States' time and effort.

In 2002, Danforth recommended to President Bush that the U.S. remain engaged and push forward with negotiations between the government and Southern rebels involved in conflict. In January 2002, Danforth met with a number of high level officials in the Sudanese regime and SPLA officials from the south. In 2002, the embassy also reopened, although without a permanent ambassador. However, the increased relations with the Sudanese brought greater access to senior diplomats, such as the first Charge d'Affaires to return to Khartoum at the time, who stated in a USIP interview that, "As we began to build a rapport with the Government of Sudan and I began to get more access and the initiatives that I was asked to carry forward were beginning to gain some traction."<sup>718</sup> A USAID contractor also attributed the resuscitation of the

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<sup>715</sup> Morrison, 200.

<sup>716</sup> Ted Dagne, "Sudan: Humanitarian Crisis, Peace Talks, Terrorism and U.S. Policy," Congressional Research Service, June 14, 2002. Available online at: <http://fpc.state.gov/documents/organization/11282.pdf>

<sup>717</sup> Interview w/anonymous official, The Sudan Experience Project, United States Institute of Peace, April 13, 2006.

<sup>718</sup> Interview #2 with senior U.S. diplomat in Khartoum in 2000, The Sudan Experience Project, United States Institute of Peace, April 13, 2006

IGAD process to the U.S. involvement and reengagement with the Sudanese and kept the process from “collapsing altogether.”<sup>719</sup>

The Machakos Protocol, signed in July 2002, was the culmination of U.S. and international involvement in the peace process. The protocol was significant because both the government and SPLM/A agreed on a compromise regarding the role of state and religion and the right of southern Sudan to self-determination. Specifically, the parties in the South agreed that the north could continue under religious law, while the south remained under secular law and the government agreed in writing to an internationally monitored by referendum in the South at the end of a 6 year interim period.<sup>720</sup> The agreement also set down a number of principles for the governance of a federalized Sudan. In the protocol, the parties also agreed to resume negotiations in August 2002. The peace talks continued as planned throughout 2003. .

Fortunately, despite the decision to impose new sanctions and continue to condemn Sudanese behavior, the U.S. continued to remain engaged in the peace process. The major milestone following the 2002 Machakos Protocol was the Comprehensive Peace Agreement. In 2004, the government and SPLM/A signed an agreement committing to reach comprehensive peace agreement by end of 2004 during special UNSC session in Nairobi. U.S. engagement culminated in the eventual signing of the Comprehensive Peace agreement, which helped to stop the fighting and also provided the South with a path forward, while at the same time alleviating Khartoum’s concerns.<sup>721</sup> The actual signed actual agreement known as the comprehensive peace agreement (CPA) was signed by both parties on January 9, 2005.<sup>722</sup> According to the State Department, “The U.S. and the international community have welcomed this decisive step

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<sup>719</sup> Interview #3 (USAID contractor working w/IGAD 1998-2002), The Sudan Experience Project, United States Institute of Peace, April 4, 2006.

<sup>720</sup> “Sudan: Self-Determination and Secularism at the Heart of Machakos,” UN Office for the Coordination of Humanitarian Affairs, Available online at: <http://www.irinnews.org/InDepthMain.aspx?InDepthId=32&ReportId=70709>

<sup>721</sup> Interview #3 (USAID contractor working with IGAD), The Sudan Experience Project, United States Institute of Peace, April 4, 2006.

<sup>722</sup> “Background Notes: Sudan, Bureau of African Affairs,” U.S. Department of State, November 2009.

forward for peace in Sudan.”<sup>723</sup> Specifically, the major components of the agreement were that it mandated a ceasefire and withdrawal of Sudanese government troops from the South. It also called for the repatriation of refugees and laid the groundwork for future national elections with a referendum and a federal system of government in Sudan.

The U.S. played a key role in bringing about a number of agreements between both parties, such agreements pertaining to wealth sharing, Garang’s ability to retain his own army and maintaining Khartoum as the national capital – but with respect for all religions.<sup>724</sup> One of the factors that has been attributed as playing a key role in U.S. leverage over the negotiations and getting actors to the table and to trust the U.S. was the involvement of high level senior U.S. involvement at the Secretary of State level or through a principal Deputy. The direct involvement of these high level officials in the process helped to break through bureaucratic obstacles, brought more credibility and resources to the process.<sup>725</sup>

While there was definitely progress being made, the situation throughout this time period was by no means perfect. The U.S. still had major ongoing humanitarian concerns. For example, the U.S. was still greatly concerned about the bombing of civilians in 2000 and 2001, which occurred against civilian targets 167 times in 2000.<sup>726</sup> The U.S. government continued to condemn the government’s behavior, even though working with them and trying to engage them. In a September 2000 press release, the State Department stated that “The United States condemns all Government of Sudan attacks against civilian targets. These attacks have no military purpose. The targeting of relief planes endangers the international humanitarian relief effort and increases the risk of starvation for tens of thousands of Sudanese noncombatants. The United States urges the Government of Sudan to immediately halt these bombings and cease any activities which

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<sup>723</sup> Ibid.

<sup>724</sup> Interview #7 with anonymous official supporting Special Envoy Danforth, The Sudan Project, United States Institute of Peace, June 1, 2006.

<sup>725</sup> Ibid.

<sup>726</sup> Ted Dagne, “Sudan: Humanitarian Crisis, Peace Talks, Terrorism and U.S. Policy,” June 2002, p. 13. Available online at: <http://fpc.state.gov/documents/organization/11282.pdf>

interfere with relief operations in Sudan.” The U.S. actions during this time illustrate that condemnation and engagement are not mutually exclusive and can, and should, occur together. In addition, in September 2003, President George W. Bush imposed economic sanctions on Sudan in September 2003 due to Sudan’s failure to meet minimum human rights standards declared in the Trafficking Victims Protection Act of 2000. In addition, in 2004, the U.S. passed the Sudan peace act, which required the President to reassess progress on Sudanese negotiations twice a year. The act required the President to determine if the parties in Sudan were “negotiating in good faith and that negotiations should continue.”

While the Comprehensive Peace Agreement was a tremendous success, implementation was quite slow.<sup>727</sup> However, following the signing of the agreement, there were indicators of progress. There has been reduced fighting relative to the situation prior to the agreement, greater freedom of movement and expansion of markets the South.<sup>728</sup> The CPA thwarted the dry season offensives that tended to kill thousands of people and also maintained the Nuba ceasefire.<sup>729</sup>

In addition to limits on the capacity of both sides to implement components of the agreement in a timely fashion, one potential factor limiting progress were questions about U.S. policy towards Sudan. At the time of negotiations, the Sudanese wanted assurances that signing onto the terms of the CPA would also alter U.S. policy towards Sudan in recognition of its progress. The Sudanese explicitly sought assurances on these grounds and were told by high level officials that there positive steps would be met by positive measures on the U.S. side of things. However, some have argued the Sudanese government had become increasingly suspicious about the United States policy towards Sudan, as the U.S. did not remove sanctions, drop Sudan from the state sponsor list or re-name an ambassador to oversee U.S. involvement in

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<sup>727</sup> Timothy Carney, “Some Assembly Required: Sudan’s Comprehensive Peace Agreement,” United States Institute of Peace, November 2007, p. 8

<sup>728</sup> Ibid.

<sup>729</sup> Interview #2 with senior U.S. diplomat in Khartoum in 2000, The Sudan Experience Project, United States Institute of Peace, April 13, 2006.



the CPA implementation process.<sup>730</sup> For example, the Sudan Peace Act in 2004 angered the Sudanese, as they saw themselves as cooperating with the U.S. and getting nothing in return. They cited arrests, cooperation on counterterrorism, ceasefires, Nuba Mountain access and assistance on humanitarian relief efforts and saw the U.S. as being unable to follow-through because then Congress or the President would change the terms or nature of the initial agreements.<sup>731</sup>

External factors also played a role in slowing down implementation. For example, Garang's death was a major factor making implementation slower and more difficult, as it led to a leadership vacuum on the SPLA/SPLM side.<sup>732</sup> According to an ICG report in 2006,

More than a year after it was signed, Sudan's Comprehensive Peace Agreement (CPA) is showing signs of strain....The international community, which has largely abandoned the political engagement and commitment that was so crucial to achieving the peace agreement in the first place, must forcefully reengage with the process to ensure the agreement's successful implementation.<sup>733</sup>

According to the ICG, one of the issues with the CPA is that it does not have countrywide support, as it is only an agreement between two parties. In addition, while the government has the capacity to implement, it appears to lack political will. On the flip side, the SPLM/A is committed, but lacks capacity.<sup>734</sup>

In addition, the situation in Darfur further complicated CPA implementation. Darfur made engagement politically difficult, as there were concerns engagement may be viewed as a reward for ongoing bad behavior. Darfur also made it difficult to get stronger U.S. representation at the level of a permanent ambassador. Of specific concern to the United States and international community was the crisis in the western region of Darfur, where the Sudanese government was

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<sup>730</sup> Timothy Carney, "Some Assembly Required: Sudan's Comprehensive Peace Agreement," United States Institute of Peace, November 2007, p. 8

<sup>731</sup> Interview #2 with senior U.S. diplomat in Khartoum in 2000, The Sudan Experience Project, United States Institute of Peace, April 13, 2006

<sup>732</sup> Interview #1, USIP, 2006.

<sup>733</sup> "Sudan's Comprehensive Peace Agreement: The Long Road Ahead," Africa Report No. 106, International Crisis Group, March 31, 2006. Available online at:

<http://www.crisisgroup.org/home/index.cfm?id=4055&l=1>

<sup>734</sup> Ibid.

supporting an Arab Janjaweed militia engaged in ethnic cleansing of the African civilian population. According to a report by the International Crisis group, the militias, supported by the government, killed over 200,000 in Darfur and displaced over 2 million.<sup>735</sup> Despite reaching a peace agreement in May 2006, the situation in Darfur continued to deteriorate into 2006.

In addition, the situation in Darfur may have also been negatively impacted by the IGAD process. As those in Darfur were not part of the IGAD peace negotiations, this may have prompted them to continue to fight, so that a settlement was not reached without them being included in the process. In addition, the Sudanese government was more willing to push for an offensive in Darfur and slow down the peace talks because it felt the international community and the U.S. were so focused on trying to reach a settlement that they would not face criticism.<sup>736</sup> In fact, the International Crisis Group argues that the Sudanese appear to have judged the situation correctly, as the policy based on diplomatic engagement was based on trying to maintain access and provide incentives. This may have inadvertently prevented the international community from bringing pressure on the government, which did not really start in Darfur until March 2004.<sup>737</sup> In addition, Darfur has prompted additional sanctions to be placed on Sudan. In May 2007, President Bush imposed sanctions that blocked assets of those associated with the violence in Darfur and a number of countries in the country with ties to the Sudanese government.<sup>738</sup> In addition, in 2006, the U.S. State Department reported that weapons flows between Sudan and surrounding countries were undermining stabilization efforts.

In 2008, talks between Sudan and U.S. continued and *The New York Times* reported that the American pressure on the Sudanese was focused primarily on the situation in Darfur.<sup>739</sup>

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<sup>735</sup> "Sudan's Comprehensive Peace Agreement: The Long Road Ahead," Africa Report No. 106, International Crisis Group, March 31, 2006, Online at: <http://www.crisisgroup.org/home/index.cfm?id=1230>

<sup>736</sup> Ibid.

<sup>737</sup> Ibid.

<sup>738</sup> "U.S.-Sudan Relations," Website of the U.S. Embassy in Sudan, Available online at: [http://sudan.usembassy.gov/ussudan\\_relations.html](http://sudan.usembassy.gov/ussudan_relations.html)

<sup>739</sup> Helene Cooper, "In Sudan Talks: Normalized Ties with the U.S." *The New York Times*, April 17, 2008.

While the U.S. wanted to see peacekeepers allowed in the region and faster issuing of visas for humanitarian aid workers, the Sudanese were pressing for greater incentives, such as the lifting of sanctions and increasingly normalization of U.S-Sudanese relations.<sup>740</sup> In papers from the negotiations, the Sudanese complained that despite making progress and complying with U.S. demands, sanctions had continued. Sudan also stated that it wanted an apology from the U.S. for the Al-Shifa strikes. However, within the U.S. there was substantial debate about the degree of incentives that ought to be offered to the Sudanese, despite their willingness to sign a number of peace agreements related to violence in various parts of the country including Darfur. The hesitation rested on the need to see actual commitment to the signed agreements and progress over time.<sup>741</sup>

**Conclusion: Impact on Already Existing Sanctions:**

The policy of sanctions combined with engagement during this period seemed to create a climate conducive to behavioral change. While CPA implementation was by no means perfect and Sudan's problems were far from being completely resolved, the progress made during this time period stood in strong contrast to the lack of progress made when sanctions and isolation were the prevailing strategy. In reviewing the Sudan sanctions, Meghan O'Sullivan also concludes that the U.S. policy changes in 2001 and 2002 illustrate how sanctions can be made to be an increasingly effective strategy for changing the target states behavior.<sup>742</sup> She attributes the successes of the Machakkos Protocol and compliance with Danforth's 4 confidence-building measures to the increased diplomatic engagement, which "greatly enhanced the leverage of sanctions."<sup>743</sup> The table below summarizes the theory's predictions for each period, along with the actual outcomes. The grey cells with bold text indicate when the theory's predictions align

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<sup>740</sup> Helene Cooper, "In Sudan Talks: Normalized Ties with the U.S." *The New York Times*, April 17, 2008.

<sup>741</sup> Ibid.

<sup>742</sup> O'Sullivan, 294.

<sup>743</sup> O'Sullivan, 273.

with the actual outcomes, whereas the white cells without bold text show where the outcomes diverge from the theory's predictions.

### Sudan Case Study Summary

<i>SUDAN</i>	Intel.	Commun.	Terrorism	CW/Human.
<b>Constructive Engagement (1989-1993)</b>	<b>No decline</b>	<b>No decline</b>	Predicts low-level success** (See increasing failure)	Predicts increasing success (See some minimal)
<b>Initial Disengagement (1993-1996)</b>	<b>Declines</b>	<b>Declines</b>	Predicts increasing failure (See some high profile Successes: Carlos the Jackal, Bin Laden expulsion)	<b>Increasing failure</b>
<b>Isolation &amp; Disengagement (1996-1999)</b>	<b>Greater decline (Al Shifa)</b>	<b>Greater decline</b>	<b>Increased failure</b>	<b>Greater failure</b>
<b>Renewed Diplomatic Engagement (2000-2005)</b>	<b>Significant increase</b>	<b>Significant increase</b>	<b>Increasing success</b>	<b>Increasing success</b> (w/exception of Darfur situation)

\*\* Despite general policy of constructive engagement, the U.S. was not focused or engaged with the Sudanese on issues related to terrorism at this time. Therefore, theory prediction somewhat weaker for this cell.

### Addendum to the Sudan Case Based on Recent 2011 Developments

There have been a number of recent developments with regard to the Sudan case. First, the Obama administration came into office and opted to continue the Bush strategy of engagement with regard to Sudan. Second, Sudan's national referendum took place in February 2011. Third, recent violence and actions by the northern Sudanese threaten to undermine progress made by the comprehensive peace agreement. However, most recently, the fourth significant development has been that South Sudan was officially granted its independence on

July 9, 2011, as a result of the referendum.<sup>744</sup> As a result of recent developments, the case is still very much a work in progress.

It is too early to assess the impact of Obama administration engagement in Sudan. Similarly, it is unclear what the next steps will be for U.S. policy in response to the recent actions taken by the Northern Sudanese, which may possibly instigate renewed violence and undermine progress made over the last few years. It is also too early to see how U.S. policy will begin to take shape now that South Sudan has officially been granted its independence. However, this case study is particularly instructive with regard to U.S. policy going forward in light of recent events. This section will briefly assess recent events and illustrate a few ways the dissertation's theory can be useful in shaping U.S. policy.

#### **Obama Administration Towards Sudan**

The Obama administration came into office continuing the engagement policies of the Bush administration in Sudan. In 2009, Obama appointed a new special envoy to Sudan, Scott Gration. In addition, the Obama administration released a new strategy document outlining its policy towards Sudan. In a statement issued by the Office of the Spokesman at the time of the release of the new Sudan strategy, the State Department stated, "to advance peace and security in Sudan, we must engage with allies and with those with whom we disagree. U.S. diplomacy must be both sustained and broad, encompassing not just the National Congress Party, SPLM, and major Darfuri rebel groups, but also critical regional and international actors."<sup>745</sup>

At the time of the release, Secretary of State Clinton outlined the primary objectives of the Obama administration with regard to Sudan. Clinton outlined the U.S. objectives as:

Our strategy has three principal objectives: First, an end to conflict, gross human rights abuses, war crimes, and genocide in Darfur; second, implementation of the Comprehensive Peace Agreement that results in a united and peaceful Sudan after 2011, or an orderly path toward two

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<sup>744</sup> Jeffrey Gettleman, "After Years of Struggle, South Sudan Becomes a New Nation," *The New York Times*, July 9, 2011. <http://www.nytimes.com/2011/07/10/world/africa/10sudan.html?ref=sudan>

<sup>745</sup> Office of the Spokesman, U.S. State Department, "Sudan: A Critical Moment, A Comprehensive Approach," October 2009. <http://www.state.gov/r/pa/prs/ps/2009/oct/130672.html>.

separate and viable states at peace with each other; and third, a Sudan that does not provide a safe haven for terrorists.<sup>746</sup>

The strategy emphasized “frank dialogue” and “broad engagement” in reaching these goals, but also acknowledged that sanctions would continue to be a tool used in this effort.<sup>747</sup> While the State Department did not intend to engage directly w/President Bashir who would be before the ICC, they acknowledged the necessity of engaging with officials in the Sudanese government.<sup>748</sup> Overall, the strategy emphasized an approach that mixed pressure with incentives in order to attain U.S. objectives. The specific carrots and sticks that would comprise the actual strategy remained classified in an annex to the public version of the strategy that was released. However, it is worth noting that within the administration, there was somewhat of an internal divide on the best way to bring about U.S. objectives in Sudan. On one side of the debate were hardliners like Susan Rice and Samantha Power who favored a tougher and more punitive approach to dealing with the Sudanese regime – Rice was instrumental in the earlier decision to strike Al Shifa and shutdown the embassy under the Clinton administration.<sup>749</sup> On the other side of the debate, were those like Special Envoy Gration, National Security Advisor Jim Jones and Assistant Secretary of State for African Affairs Johnnie Carson, who favored an approach emphasizing diplomatic engagement.<sup>750</sup>

In addition, President Obama appointed a new special envoy to Sudan, Princeton Lyman. The primary focus of his responsibilities will be to work with the Sudanese on transitioning the South towards independence in light of the recent referendum and improving relations with the government in Khartoum.<sup>751</sup> Also, recently, in light of recent events, the U.S. has opened the door to possibly removing Sudan from the state sponsorship list. In February 2011, Secretary

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<sup>746</sup> Secretary of State Hillary Rodham Clinton, “Remarks on the Sudan Strategy,” U.S. Department of State, October 19, 2009. Available online at: <http://www.state.gov/secretary/rm/2009a/10/130686.htm>

<sup>747</sup> Ibid.

<sup>748</sup> Senior Administration Officials, “Special Briefing: Background Briefing on Sudan,” U.S. State Department, October 19, 2009. <http://www.state.gov/p/af/rls/spbr/2009/130696.html>.

<sup>749</sup> Daniel Pepper, “Darfur Activists Frustrated by Obama’s Sudan Policy,” *Time*, October 22, 2009. <http://www.time.com/time/world/article/0,8599,1931658,00.html>

<sup>750</sup> Ibid.

<sup>751</sup> Reuters, “Sudan: Obama Names Special Envoy,” March 31 2011.

Clinton stated that the U.S. would be, “initiating the process of withdrawing Sudan’s State Sponsor of Terrorism Designation, the first step of which is initiating a review of that designation.”<sup>752</sup> Clinton also stated that,

Removal of the State Sponsor of Terrorism designation will take place if and when Sudan meets all criteria spelled out in U.S. law, including not supporting international terrorism for the preceding six months and providing assurance it will not support such acts in the future, and fully implements the 2005 Comprehensive Peace Agreement, including reaching a political solution on Abyei and key post-referendum arrangements.<sup>753</sup>

Following the release of the new strategy, the first significant milestone of focus was the referendum that took place in early 2011. The referendum was a key part of the Comprehensive Peace Agreement, which would determine the fate of Southern Sudan’s independence. The referendum results indicated that almost 99.% of the registered voters in southern Sudan vote for the independence of southern Sudan. Despite the referendum being complete, there were still a number of outstanding issues unresolved related to dividing up oil reserves in Southern Sudan and authority over the contested Abyei region, which is claimed by both the northern and southern Sudanese.<sup>754</sup> The latter became a problematic issue in the months following the referendum. The CPA had stated that the Abyei issue would be settled by a voter referendum, but the vote never took place in January. The referendum also meant that southern Sudan would be scheduled to become officially become independent on July 9, 2011.

The lessons from the dissertations’ analysis of the Sudan case may prove to be particularly useful as tensions appear to be rising in Sudan in the aftermath of the election. Recently, in May 2011, reports indicated that violence has resumed as a result of conflict over the Abyei region. . North Sudan has made an excursion into the disputed area, which has prompted

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<sup>752</sup> Stephen Kaufman, “U.S. Intends to Recognize Independent South Sudanese State,” Bureau of International Information Programs, U.S. Department of State. <http://www.america.gov/st/democracyhr-english/2011/February/20110207162652nehpets0.8460199.html>

<sup>753</sup> Stephen Kaufman, “U.S. Intends to Recognize Independent South Sudanese State,” Bureau of International Information Programs, U.S. Department of State. <http://www.america.gov/st/democracyhr-english/2011/February/20110207162652nehpets0.8460199.html>

<sup>754</sup> “Sudan: Overview,” *The New York Times*, <http://topics.nytimes.com/top/news/international/countriesandterritories/sudan/index.html?scp=1-spot&sq=sudan&st=cseFebruary 8, 2011>.

U.S. condemnation. The North has also been attempting to shift the population demographics on the ground in Abyei, so that any sort of referendum or decision based on population composition of the area will favor the North. Sudanese warplanes have also started to bomb civilian areas in Abyei.<sup>755</sup> In addition, it has been largely reported that Khartoum has been bringing people into the area to change the population demographics.<sup>756</sup> As of early June 2011, the UN reported that Northern Sudanese officials were attempting to disarm Southern Sudanese forces and fighting broke out in Kadlugi – a large city in the Nuba Mountains.<sup>757</sup>

In response to the recent events, former South African President Mbeiki has crafted a proposal and proposed a ceasefire, along with border patrols by both sides in the disputed area. The Obama administration has lent its support to his proposal.<sup>758</sup> The newly appointed U.S. envoy to Sudan, Princeton Lyman, has responded to the recent events by saying the actions taken by the North were “disproportionate and irresponsible.” In addition, Lyman has pointed out that such actions could undermine progress in terms of normalizing relations with the United States both in terms of removing Sudan from the state sponsorship list and reappointing a U.S. ambassador to Sudan.<sup>759</sup>

One step considered was the installation of Ethiopian peacekeepers to serve as a buffer in the region.<sup>760</sup> A recent *New York Times* op-ed pointed out that the Abeyi issue risks instigating a renewed conflict between the north and the south. The piece argues that the United States will need to put pressure on the North through coercive action and also threaten suspending

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<sup>755</sup> Andrew S. Natsios, “Sudan Back on the Brink,” *Foreign Affairs*, May 26, 2011.

<sup>756</sup> John Campbell, “Expert Brief: Why Sudan’s Peace is in Jeopardy,” Council of Foreign Relations, May 31, 2011

<sup>757</sup> Josh Kron, “North-South Clashes Break Out in a Center of Sudan Tensions,” *The New York Times*, June 6, 2011.

<sup>758</sup> John Campbell, “Expert Brief: Why Sudan’s Peace is in Jeopardy,” Council of Foreign Relations, May 31, 2011.

<sup>759</sup> Jeffrey Gettleman, “Sudan Takes Big Risk with Border Town Incursion,” *The New York Times*, May 23, 2011. <http://www.nytimes.com/2011/05/24/world/africa/24sudan.html?scp=4&sq=sudan&st=cse>:

<sup>760</sup> Jeffrey Gettleman and Josh Kron, “Sudan Border Strategy May Bring in Ethiopian Peacekeepers,” *The New York Times*, May 30, 2011.



normalized relations if the northern troops do not withdraw quickly.<sup>761</sup> However, at the same time, the article points out that, “Washington has limited leverage, as it reduced diplomatic and economic ties during the civil war.” Andrew Natsios has said that the U.S. ought to become increasingly involved and may need “to take more aggressive initiatives to stop Khartoum.” Natsios believes one way to do this would be to try to establish international control of Abyei oil fields, international troop involvement and work to reach a security guarantee with the new Sudanese government in the South.<sup>762</sup>

Insight from this case study suggests that countries should not be using diplomatic engagement as a form of leverage. The findings of this case study suggest the type of benefits that might accrue should the U.S. remain engaged and eventually appoint an ambassador. The historical analysis of the Sudan case illustrates that having an ambassadorial presence on the ground at the embassy should enable better information collection with regard to the events on the ground in Sudan with regard to the intentions and perceptions of Sudanese leadership and actions related to Abeyi. In addition, if the United States eventually decides to increase pressure militarily or with new sanctions, this research illustrates ways that a diplomatic presence might be conducive to such efforts. Similarly, with the newly official independence of South Sudan, the Historical record also demonstrates the benefits associated with establishing an embassy, getting a diplomatic presence on the ground in the country and appointing an ambassador.

The Sudan case is by no means complete, but the study illustrates some of the benefits of opting for engagement policies over isolation policies in attempting to get the Sudanese to comply with demands and modify its behavior.

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<sup>761</sup> Douglas Johnson, “Sudan’s Peaceful Partition at Risk,” *The New York Times*, May 30, 2011.

<sup>762</sup> Andrew S. Natsios, “Sudan Back on the Brink,” *Foreign Affairs*, May 26, 2011.

## **Chapter VI. Libya Longitudinal Case Study 1969-2006 with 2011 Update**

### **Introduction**

The dissertation's second longitudinal case focuses on Libya from 1969-2006. Like in the Sudan case, the sanctions during this time were imposed by both the United States and the United Nations and they were used to address a number of issues and demands. Also, as in the Sudan case, both economic and diplomatic sanctions were imposed.<sup>763</sup> However, as a result of recent events on the ground in Libya, the case will also include a brief closing discussion on current U.S. policy towards Libya. Specifically, I will focus on how the decision to engage Libya during the final period of this longitudinal case study proved to be critical with regard to the recent unanticipated developments that have been underway on the ground in the country in recent months.

In the Libya case, various degrees of U.S. and UN economic sanctions were imposed at various times from 1972 through 2006 to address a number of demands. In 1972, the United States pulled its ambassador and the U.S. imposed high-level diplomatic sanctions with the closure of its embassy in Tripoli in 1980. While at the time the embassy closure was not intended to be permanent, a new ambassador was not reinstated until 2008 and an interests section officially reopened in 2004. This case study focuses primarily on terrorism-related demands and WMD demands against Libya. In addition, during one period in the Libya case, the Reagan administration also adds a new demand for regime change. The precise nature of the variation in key demands will be spelled out in the historical breakdown of the case.

The case illustrates that diplomatic sanctions may impact the United States ability to collect information on the target state and to communicate with the target state. In the Libya case, diplomatic sanctions impact target compliance with demands related to terrorism (specifically, the Lockerbie-related demands) and the Libyan WMD programs. The Libya case will be broken

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<sup>763</sup> However, in the Libya case, the removal of the U.S. ambassador to Libya occurs at the start of the case, as opposed to following the use of heavy economic sanctions. This differs a bit from the Sudan case, in which significant economic sanctions were in place prior to any sort of diplomatic sanction being imposed.

down into four sub-cases: 1) Hesitant Engagement & Cautious Rapprochement (1972-1980) 2) Diplomatic Disengagement & Isolation w/Force (1981-1989) 3) Quiet Diplomacy...Initial Reengagement (1990-1999) 4) Renewed Diplomatic Engagement (1999-2006). The strongest support for the theory is found in the third and fourth sub-cases and the first and second sub-cases also lend general support to the theory. Lastly, the case contains an update given the recent 2011 developments in the country that are ongoing while this dissertation is being written.

### **Case Selection**

I selected the Libya case as the second longitudinal case study for a variety of reasons. First, there is variation in the main independent variables of interest in my theory. Throughout the Libya, the diplomatic sanction level varies. As a result of varying levels of diplomatic engagement, there are also varying levels of communication between the U.S. and Libya, as well as varying levels of information collection throughout the case. The case allows us to assess the impact of sanctions on communication and intelligence, as well as the impact on outcomes with regard to U.S. demands.

Like in the Sudan case, the variation in outcomes in the Libya case during cannot be well-explained by other dominant theories. For example, cost-imposed theories would predict high levels of success to be associated with increasing economic and diplomatic pressure, however, as in the Sudan case, the variation in outcomes in the Libya case do not align with these predictions. In other words, the periods in the Libya case with high economic and diplomatic pressure on Libya are not the periods with the greatest success in terms of compliance with U.S. demands. Similarly, if one looks at the general health and stability figures for Libya throughout the case, Hufbauer Schott and Elliott characterize Libya as being of moderate political health and economic stability, which would predict Libya to be a case of moderate difficulty with regard to sanctions. In this chapter, I posit that the diplomatic sanction theory can contribute to a better understanding of the varying levels of behavioral change by Libya throughout the case.

The Libya case is also a useful case to examine because there is variation throughout the case in terms of the types of demands being made and in terms of outcomes. The Libya case, like the Sudan case, is a case of mixed success and failure, so the case is particularly useful for assessing whether or not the variation in the independent variables of interest are contributing to this outcome variation. Throughout the case, it is also possible to discern the demands of the U.S. because the United States clearly articulates the demands and goals associated with the imposition of sanctions. Lastly, the Libya case allows for the analysis of a demands that are both similar and different from the Sudan case. Like the Sudan case, Libya faced a number of general and specific terrorism-related demands. Unlike the Sudan case, Libya also faced demands related to the development of WMD.

The Libya case is characterized by substantial variation in terms of the use of diplomatic sanctions and degree to which the United States is willing to engage with the Libyans. In this case, as in the Sudan case, it would be expected that variation in diplomatic engagement ought to be expected to have an impact as the U.S. has no prior alliances with Libya nor was Libya a highly transparent state. General transparency numbers for Libya during this time were generally moderate to low. While the United States did have a base presence at the Wheelus Air Base, this base was shut down early in the case, so the embassy was the main official U.S. presence in the country. In terms of the overall transparency of the state, the average transparency index score of the Libyan state during this period was .475, which was extremely close to the average transparency score in the Sudan case (.495). Like with the Sudan average, the Libyan average falls in the middle of the possible index scores, but is generally low relative to other states' scores during this period. While there is slight variation in the transparency scores throughout the case, transparency remains in the low to moderate range throughout the case.<sup>764</sup>

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<sup>764</sup> In fact, transparency reaches its highest in the first sub-period and is actually coded as lower in the last sub-period.

## **Case Breakdown**

As with the Sudan case, the Libyan case will be broken down into sub-periods based on the variation in terms of diplomatic engagement levels throughout the case. Prior to the analysis of each period, I will frame my predictions for each period and then assess whether or not the actual outcomes during each period are in line with the predictions. As indicated earlier, the Libya case is broken down into the following chronological periods:

- 1) Hesitant Engagement & Cautious Rapprochement (1972-1979)
- 2) Diplomatic Disengagement & Isolation w/Force (1980-1989)
- 3) Quiet Diplomacy...Initial Reengagement (1990-1999)
- 4) Renewed Diplomatic Engagement (1999-2006)

During each of these periods, I will analyze pivotal U.S. policy decisions that shape U.S. policy during the period. I will describe the general level of diplomatic engagement with Libya, the sanctions policies in place and the U.S. demands being made. For each of these periods, I will then assess the impact of diplomatic representation and diplomatic engagement. I first assess the impact of diplomatic sanctions on intelligence and communication and I then look at the impact on the degree of progress in getting compliance with U.S. demands. Lastly, a short section will discuss the dissertation's theory in light of recent (and ongoing) 2011 developments on the ground in Libya.

## **Overview of Chapter**

The remainder of this chapter is structured similarly to the Sudan chapter. First, I run through the diplomatic sanctions theory as it applies to this particular case and frame the predictions of the theory with regard to the demands being made throughout the case. Second, I provide a brief historical overview of the Libya case to provide some context to the reader and briefly run through the sanctions placed on Libya and the U.S. goals throughout the case. Third, I analyze each sub-case with regard to my theory to better understand the causal mechanisms behind success and failure during each phase of the sanctions episode.

## Variation over Time and Corresponding Predictions of Main Theory

### 1) 1972-1979: Tolerant Engagement/Cautious Rapprochement

The Libya case begins in 1972. While no official significant economic sanctions were put in place in 1972, the U.S. did terminate a number of agreements with Libya related to military assistance, economic aid and development assistance on February 5, 1972.<sup>765</sup> However, the economic restrictions were quite minimal and, in fact, the HSE dataset of economic sanctions does not include these sanctions as cases. The primary reason for starting the case in 1972 is because this is the year during which the U.S. ambassador leaves Tripoli.

During this period, U.S. concerns and major demands during this period were mostly related to terrorism. There were allegations of Libyan involvement in terrorism with regard to specific incidents and general support for groups, such as radical Palestinian groups and the Irish Republican Army. At this time, Qaddafi started to become involved with supporting various radical groups and developing policies increasingly at odds with U.S. interests. There were also growing U.S. concerns about increasing Libyan ties to the Soviet Union.<sup>766</sup>

However, despite concerns about Libyan behavior, the U.S. had not yet made a decision to diplomatically disengage with Libya. In fact, the U.S. actually made the decision to recognize the new regime, which came to power in 1969. This decision was guided by two individuals who knew a great deal about Libya as a result of their time in the country: David Newsom, a former ambassador to Libya, and Ambassador Joseph Palmer.<sup>767</sup> At the time of the Qaddafi coup, the U.S. made the decision to lend its support to the new regime. In addition, throughout the 1969-1973 period, Harold Josif, the Charge d'Affaires at the embassy, continued to hold meetings with

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<sup>765</sup> U.S. State Department, Chronology of U.S.-Libya Relations 1786-2008, Office of the Historian, U.S. State Department, September 8, 2008. <http://www.america.gov/st/texttrans-english/2008/September/20080909135234caifas0.9841425.html&distid=ucs>.

<sup>766</sup> O' Sullivan, 175-176.

<sup>767</sup> Mahmoud Warfally, *Imagery and Ideology In U.S. Policy Toward Libya, 1969-1982*, Pittsburgh: University of Pittsburgh Press, 1988, p. 75.

Libyan officials.<sup>768</sup> In fact, the U.S. was even reportedly passing useful information to Qaddafi regarding potential plans to overthrow his regime.<sup>769</sup>

In addition, during this period, Qaddafi was also trying to push for greater diplomacy with the U.S. Libya was trying to increase contacts with U.S. officials in order to convey a better understanding of Libyan policies – particularly in the realm of terrorism. In addition to formal contacts with officials, Libya was pushing to establish ties with American celebrities, who Qaddafi felt could influence U.S. policy with regard to Libya. Also, during this period, a number of U.S. citizens were present in Libya, such as private businessman and high-profile individuals with political ties. For example, President Carter’s brother and Muhammad Ali both visited Tripoli in the late 1970s. Therefore, the U.S. not only had a formal diplomatic presence, but it also had informal communication channels in place.

U.S. policy during the period from mid-1978 through mid-1979 has been characterized as being a policy marked by “cautious rapprochement,” which was primarily sponsored by the State Department.<sup>770</sup> The U.S. remained engaged diplomatically, but tensions were clearly growing and small steps were being taken by the U.S. to start distancing itself from Libya.

**Prediction: Low to Moderate Success**

The prediction for this period is one of low to moderate success in terms of attaining desired U.S. outcomes. While the U.S. had not yet adopted a complete policy of disengagement, there were shifts in U.S. policy that indicated that support for engaging the Libyan regime was waning. However, as an embassy was still functioning and in place, the theory predicts that the United States should still possess the ability to communicate with the regime and maintain relatively high levels of information collection on Libya. However, since the ambassador was pulled out of the country during this period, the U.S. was starting to distance itself diplomatically from Libya and the Libyans were eventually designated as a state sponsor towards the end of this

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<sup>768</sup> Warfally, 80-81.

<sup>769</sup> Warfally, 87-88.

<sup>770</sup> Warfally, 128.

period in 1979, we should not expect particularly high compliance with demands. The diplomacy-related theory predicts moderate progress on terrorism during this period because the U.S. was not really going so far as to adopt a proactive policy of engagement (as the U.S. had done during the first sub-period of constructive engagement with Sudan). The engagement that was taking place during this period was fairly hesitant and cautious. Libya was also gradually moving towards the development of a harsher policy towards Libya, which became solidified with worsening relations and the decision to embassy shutdown in the next period.

During this period, the diplomacy-related theory predicts that the U.S. should still maintain the ability to engage the Libyans, clearly convey U.S. demands and articulate clear U.S. threats. The U.S. should also maintain its information collection abilities as a result of having a diplomatic presence in the country. Similarly, with regard to economic sanctions, the theory predicts that the U.S. ought to be able to carefully tailor its sanctions and calibrate them accordingly. The U.S. should also maintain the ability to track what is going on in Libya and to assess whether or not Libyan support for terrorism is improving or worsening.

However, it is also worth noting that despite diplomatic relations and continued engagement with Libya, the U.S. did not have any formal alliances with Libya and the transparency index mentioned in the previous chapter gives Libya a score ranging from .46-.62 during this sub-period.<sup>771</sup> As a result, despite having a diplomatic presence in the country, information levels for the U.S. might not be as high as would be expected based merely on the diplomatic presence because the U.S. is still operating in a country with generally low to moderate transparency. Similarly, while U.S. policies were strongly geared towards engagement early in this period and diplomatic representation remained in place throughout this period, information and communication levels may still have been somewhat limited due to some of the factors mentioned above.

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<sup>771</sup> While this is higher than Sudan's transparency score, is still on the medium to low end of the transparency scale relative to more open states like the U.S., which had .85-.9 range for that same time period.



## 2) Sub-case #2 Overview: 1980-1989: Diplomatic Disengagement & Isolation w/Force

The second sub-case runs from 1980-1989. The period starts with the shutdown of the U.S. embassy (December 1979) due to mob attack and fire on the embassy and this period ends in 1989. This period is characterized by a strong policy of isolation and punishment, which is aimed primarily at U.S. concerns over Libyan involvement in terrorist activities. The U.S. policy during this time was primarily based on isolating Libya in order to get it to comply with demands and/or bring about a regime change. The core demands during this period revolved around getting Libya to stop its terrorism-related activities. By 1981, the U.S. was increasingly concerned about a number of Libyan policies – namely its direct and indirect support for terrorism, interventions into Chad and sub-Saharan Africa and undermining U.S. goals in the Middle East peace process.<sup>772</sup> In addition, the U.S. also entered this period with some concerns about Libyan attempts to develop a nuclear weapons program.<sup>773</sup>

While the Carter administration made the decision to designate Libya as a state sponsor, impose an arms embargo and shutdown the embassy, it was the Reagan administration that actually solidified the policy of disengagement and isolation of Libya, which included economic and diplomatic sanctions, along with military action. During this period a number of additional economic sanctions were put in place and the embassy was closed for the entire period. The Reagan administration adopted a policy based primarily on a desire to change the regime and even carries out airstrikes. The Reagan administration also imposed an embargo on crude oil imports and extended the ban on refined petroleum products. During this period, the administration also used military force in the Gulf of Sidra, along with retaliatory air strikes on April 15, 1986 (for Libyan ties to a terrorist attack targeting Americans in a German discotheque) that targeted a number of sites in Libya including the Qaddafi compound.

### **Predictions: High-level failure**

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<sup>772</sup> Dirk Vandewalle. *Libya Since 1969*, (New York: Palgrave Macmillan, 2008), p. 35; Haley, P. Edward, *Qaddafi and the United States Since 1969*, (New York: Praeger, 1984), p. 224.

<sup>773</sup> Ibid.

Due to the high-level diplomatic sanctions and strong policy of disengagement, the diplomacy-related theory predicts high levels of failure for this period with regard to all U.S. demands related to counterterrorism and regime change. The theory predicts that there ought to be very little progress in terms of Libyan compliance with demands related to its support for terrorism and we should also expect to see the Qaddafi regime remain intact during this period, with minimal U.S. success in undermining the regime.

In addition to the general prediction pertaining to failed outcomes associated with sanctions demands during this period, there are a number of other things we should expect to see during this time that provide support to the mechanisms set forth in my theory. As the embassy remained closed during this entire period, we should see extremely strong evidence of the unintended consequences of diplomatic disengagement that are discussed in Chapter 2. This period should indicate serious reductions in communication between the Libyans and the U.S. and dramatic reductions in information collection, as well as in the ability to monitor the impact of sanctions on the ground. We should also expect difficulty conveying threats to the Libyans and crafting policies based on accurate information. In general, the U.S. should face significant difficulties, relative to the other periods, in getting the Libyan regime to comply with demands during this period.

#### **1990-1999: Shift Towards Quiet Diplomacy...Initial Reengagement**

The next period of the Libya case is marked by a shift towards increased back-channel diplomacy with Libya. Following on the heels of the Lockerbie and UTA bombings, new demands came to the forefront of U.S.-Libyan relations. On November 27, 1991, the U.S. and G.B. released a joint statement that made a number of demands on Libya. Specifically, these demands included the following:

- (1) surrender for trial the suspects charged
- (2) accept responsibility for the actions of Libyan officials involved in the bombing;
- (3) disclose all it knew of the bombing and allow full access to witnesses and evidence
- (4) pay appropriate compensation

(5) commit itself to cease all forms of terrorist action and all assistance to terrorist groups and promptly, by concrete actions, prove its renunciation of terrorism.<sup>774</sup>

These additional Lockerbie-related terrorism demands were added to the general terrorism demands from the previous periods. However, while terrorism demands increased throughout this period, there was a shift in policy away from the regime change demands, which was not a U.S. demand during this period. According to Bruce Jentleson, the “objective shifted from regime change to the more limited ends of policy change.”<sup>775</sup> By 1991, the regime change demand had been abandoned by the Bush administration.<sup>776</sup> During this period there was also a general shift towards a more multilateral and sanctions-based strategy under Bush and Clinton and early signs of an increasing interest in a policy geared towards engaging the Libyans. There were also developing concerns over WMD development in Libya, but these were not really incorporated into primary U.S. policy demands until the next period of analysis.<sup>777</sup>

While diplomatic engagement was not fully embraced during this period, quiet diplomacy and back-channel efforts laid the groundwork for future ramped up diplomatic efforts. According to multiple sources, back channel negotiations were opened twice with the Libyans in 1992 through high-level U.S. government officials: former Senator Gary Hart and former Undersecretary of State for Economic Affairs William Roger. Rogers even met with Qaddafi in Libya on January 30, 1992.<sup>778</sup> However, even with the opening of channels of communication with the Libyan regime, the United States continued its strong economic sanctions policy. In fact, the ILSA is put into effect in 1996. While the legislation originally applied sanctions to foreign companies doing specific economic transactions with Iran, an amendment was passed that made

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<sup>774</sup> White House Office of the Press Secretary, “Statement Announcing Joint Declarations on the Libyan Indictments,” November 27, 1991. <http://bushlibrary.tamu.edu/research/papers/1991/91112702.html>.

<sup>775</sup> Bruce Jentleson, “Who ‘Won’ Libya? The Force-Diplomacy Debate and Its Implications for Theory and Policy,” *International Security*, Volume 30, Number 3, (Winter 2005/06), pp. 63.

<sup>776</sup> Jentleson, 45.

<sup>777</sup> While WMD-related concerns will be briefly discussed during this period, the U.S. was not yet making demands on the Libyans regarding WMD development, so WMD outcomes will not be explicitly examined during this time.

<sup>778</sup> Barbara Slavin, “Libya’s Rehabilitation in Works since Early ‘90s,” *USA Today*, April 27, 2004. Available online at: [http://www.usatoday.com/news/world/2004-04-26-libya\\_x.htm](http://www.usatoday.com/news/world/2004-04-26-libya_x.htm)

all provisions applicable to Libya as well. With regard to Libya, the act required the President to sanction foreign countries that invested more than \$40 million per year in Libya's energy sector.<sup>779</sup> Additional activities that would warrant U.S. sanctions with regard to Libya were the export of technology that had been banned by Security Council Resolutions 748 and 883 in response to the Pan Am 103 bombings.<sup>780</sup>

The policy during this period can best be described as one of quiet, back-channel diplomacy, but it was not yet one of complete reengagement. A more holistic and complete policy of diplomatic engagement would not occur until around 1999. In general, during this period, the public U.S. position towards Libya was still one of isolation and disengagement, but there was an increasing willingness to see if gains could be made through limited diplomatic efforts.

**Prediction: Mixed Results (limited successes in areas where the U.S. is quietly engaging)**

During this period, the diplomacy-related theory predicts that there should be some gains in terms of demands related to terrorism, as both the Bush and Clinton administration did make some initial efforts to open the door to communicating a bit with the Libyans. However, the degree to which diplomacy was embraced was minimal and mostly took place behind closed doors. At this point in time, there was no comprehensive framework for negotiations between the U.S. and the Libyans. Therefore, the theory predicts limited compliance with U.S. demands corresponding with issues where the U.S. was most engaged.

During this period, the U.S. still lacked a diplomatic presence on the ground in the country, so the theory continues to predict that general information and intelligence should still fare rather poorly despite limited engagement. The theory also predicts that communication with Libyan officials ought to still remain generally low, despite a handful of back channel discussions. Lastly during this period, we should also expect the U.S. to have a generally limited

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<sup>779</sup> Kenneth Katzman, "The Iran Sanctions Act (ISA), Congressional Research Service, July 9, 2007, p. 2.

<sup>780</sup> Kenneth Katzman, "The Iran Sanctions Act (ISA), Congressional Research Service, July 9, 2007, p. 2.

ability to monitor the impact of earlier economic sanctions and we expect that the lack of information and willingness to engage may lead to crafting of non-optimal sanctions policies.

#### **Sub-case #4: 1999-2006: Renewed Diplomatic Engagement**

The fourth period of the case can be characterized by a fairly dramatic shift towards increased cooperation and diplomatic engagement with Libya. In 1999, the U.S. shifted to a new approach with Libya, which marked a stark departure from earlier U.S. policy. On June 11, 1999, a meeting between the U.S., Great Britain and Libya marked the first official direct diplomatic contact between the U.S. and Libya in 18 years.<sup>781</sup> In addition, under the Clinton administration, a secret communications channel was established with Libya. From May 1999 through early 2000, Martin Indyk and Edward Walker held a series of meetings with the Libyans, including one with the head of Libyan external intelligence.<sup>782</sup>

During this time, the U.S. continued to reiterate demands related to terrorism that were not met in prior periods and additional demands related to Libyan abandonment of WMD became central during this period. The new WMD-related demands came to fruition as the U.S. became aware in the 1990s that Libya had reenergized its nuclear program.<sup>783</sup> Prior to this period, WMD-related issues had been tabled due to the focus on Lockerbie. The U.S. wanted to resolve the Lockerbie issue prior to discussing potential deals related to Libyan WMD programs despite the issue being broached by the Libyans during earlier periods. However, despite the continuance of these demands, there was also U.S. recognition of the positive steps the Libyans had taken to date.<sup>784</sup>

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<sup>781</sup>Yahia Zoubir, "The United States and Libya: From Confrontation to Normalization" *Middle East Policy* Vol XIII:2 (Summer 2006)

<sup>782</sup>Slavin (2004).

<sup>783</sup>Zoubir, Yahia H. (2006) "The United States and Libya: From Confrontation to Normalization" *Middle East Policy* Vol XIII:2 (Summer 2006) 50; IAEA Board of Governors, "Implementation of the NPF Safeguards Agreement of the Socialist People's Libyan Arab Jamahiriya" International Atomic Energy Agency, GOV/2004/12, February 20, 2004, 5. Available online at: [www.iaea.org/publications/documents/board/2004/gov2004-12.pdf](http://www.iaea.org/publications/documents/board/2004/gov2004-12.pdf)

<sup>784</sup>Zoubir (2006).

This period was characterized by a general policy geared towards re-engagement, opening up communication channels and working towards the potential for normalization of relations between the states. During this period, Secretary of State Albright even sent a team to Libya to assess whether or not to lift travel restrictions and the U.S. also dropped the term “rogue” in its discussions of Libya and instead adopted the term “state of concern.”<sup>785</sup>

Although diplomatic talks with Libya were suspended in 2000 due to the presidential elections, they continued in 2001 and intensified dramatically in the aftermath of 9/11. The culmination of U.S. engagement during this period took place in February 2004 with the reopening of the U.S. interest section in Tripoli and the reopening of the Libyan interests section in the United States. In addition, the ban on U.S. citizens’ travel to Libya was also lifted during this period. In April 2004, the diplomatic interests section is raised to the status of U.S. liaison office.<sup>786</sup> The liaison office resumed its official embassy status on May 31, 2006 and the first U.S. ambassador to Libya in three decades, Ambassador Cretz, was officially reinstated in 2008.

#### **Predictions: Success - Progress on Terrorism and WMD-related Demands**

The diplomatic sanctions theory predicts the greatest level of relative success during this period, as the degree of U.S. diplomatic engagement was dramatically increased and the U.S. was more engaged with Libya during this period than during any other period throughout the case. Therefore, with regard to terrorism-related demands, we should expect high levels of success, as that is where most of the initial U.S. engagement was focused. With regard to WMD-related demands, the theory also predicts greater success than during any previous periods. This was really the only period during the case in which the United States seriously engaged the Libyans on the WMD issue. In addition, during this period, regime change continued to remain off the table despite the serious nature of the terrorism and WMD-related demands that remained in place.

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<sup>785</sup> Zoubir, 46.

<sup>786</sup> Jentleson, 69.

During this period, the theory predicts improvements in U.S. information and intelligence with regard to Libya and the theory also predicts dramatically increased communication as a result of the reopening of the interests section, reinstatement of the ambassador and eventual reopening of the embassy. The theory also predicts that the U.S. ability to monitor and calibrate sanctions should improve during this period.

Lastly, this case study will include a brief preliminary assessment regarding recent ongoing developments on the ground in Libya in light of some of the arguments made in this dissertation.

<p><b>1969-1979</b></p> <p>No ES (some minimal res)</p> <p>No ES</p>	<p><i>Hesitant Engagement:</i></p> <ul style="list-style-type: none"> <li>• Terrorism demands: Predicts mixed success.</li> <li>• No WMD or regime change demands or goals at this time.</li> <li>• Maintains information and communication flows with some reductions</li> <li>• Information useful in crafting and imposing new economic sanctions.</li> </ul>	<ul style="list-style-type: none"> <li>• No success, terrorism worsens.</li> <li>• Qaddafi still firmly in power, but regime change was not an explicit goal.</li> <li>• No decline in information or communication.</li> <li>• Information useful in crafting and imposing new economic sanctions regarding terrorism.</li> </ul>
<p><b>1980-1989</b></p> <p>ES added</p> <p>ES continues</p> <p>ES</p>	<p><i>Isolation and Disengagement</i></p> <ul style="list-style-type: none"> <li>• Terrorism: Predicts increasing failure.</li> <li>• Regime change: Predicts lack of success in removing Qaddafi from power.</li> <li>• Predicts high-level information losses and reduced communication following embassy closure..</li> </ul>	<ul style="list-style-type: none"> <li>• Terrorism continues, there is a shift away from overt support by Libya, but continues to covertly sponsor terrorism during this time. No major position change on terrorism.</li> <li>• No success in removing or weakening Qaddafi.</li> <li>• High-level information losses and reduced communication following embassy closure.</li> </ul>
<p><b>1990-1999</b></p> <p>Additional ES on top of already existing sanctions</p>	<p><i>Hesitant Reengagement</i></p> <ul style="list-style-type: none"> <li>• Predicts increasing success on terrorism-related demands due to some degree of initial engagement.</li> <li>• Information losses and reduced communication remain due to continued embassy closure.</li> <li>• Some minimal increases in communication due to initial hesitant engagement via talks on Lockerbie demands.</li> </ul>	<ul style="list-style-type: none"> <li>• Mixed success – Lockerbie suspects turned over, but compensation demands and demands on acknowledging responsibility not met..</li> <li>• High-level information losses and reduced communication w/embassy closure.</li> </ul>



<p><b>1999-2006</b></p> <p><i>Some ES removed, but ES still in place.</i></p>	<p><i>Renewed Diplomatic Engagement</i></p> <ul style="list-style-type: none"> <li>• Predicts greater success with regard to general terrorism demands</li> <li>• Predicts greater success on outstanding Lockerbie-related demands.</li> <li>• Predicts greater success with regard to WMD.</li> <li>• Informational gains and increasing communication</li> </ul>	<ul style="list-style-type: none"> <li>• Terrorism: Greater overall success, compliance on Lockerbie demands relating to compensation and acknowledgement of responsibility.</li> <li>• WMD deal reached, inspections</li> <li>• Informational gains and increased communication.</li> </ul>
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The table above contains a summary table that lays out the general diplomacy-related predictions for each time period and also provides a preview of the actual case outcomes that will be discussed in this chapter. The areas shaded in grey indicate that the actual outcomes generally conform with the theory’s predictions, whereas the areas not shaded in grey indicate that the actual outcome in a given period did not match the theory’s predictions. While this table is a general overview of the predictions and outcomes, more specific detailed evaluation of the predictions and outcomes will be included within each respective time period of analysis in the case study.

**Case IA: 1969-1980: Hesitant engagement**

This period of analysis begins in 1969 with the coup which brought Colonel Qaddafi to power. Prior to the coup, the United States and Libya had enjoyed a relatively friendly relationship since Libya’s independence from Italy in 1951.<sup>787</sup> The Libyans had even allowed the United States to maintain its presence at the Wheelus Field military base.<sup>788</sup> When Qaddafi’s coup brought him to power on September 1, 1969, the United States opted to recognize the regime and

<sup>787</sup> Jonathan Alterman, “Libya and the U.S.: The Unique Libyan Case,” *Middle East Quarterly*, Vol. 8, No. 1 (Winter 2006), pp. 21-29. Available online at: <http://www.meforum.org/886/libya-and-the-us-the-unique-libyan-case>

<sup>788</sup> Alterman (2006).

try to maintain a good relationship. The U.S. even went so far as to work to protect the new regime, reportedly issuing warnings to Qaddafi about internal coup plans that were in the works.<sup>789</sup>

However, the tide slowly began to turn with the Libyan expulsion of the Americans from Wheelus, along with a number of Libyan policies and statements the U.S. deemed hostile to its interests. As a result, the U.S.-Libya relationship was slowly transformed by the mid 1970s.<sup>790</sup> In particular, the United States was concerned about Libyan support for terrorism, support for the Palestinians and inflammatory rhetoric. As a result, in 1973, President Nixon did not replace the U.S. ambassador to Libya, Ambassador Palmer, and no ambassador would be sent back to Libya until 2008. By early 1978, a congressional report indicated that, “Libyan support for terrorism, its virulent opposition to the Camp David accords and a changing political climate in the United States led to a further state department reassessment of sales to Libya.”<sup>791</sup> Prior to this point, Libya had been subject to some economic restrictions and the termination of agreements, but no serious sanctions.<sup>792</sup>

During this period, the policy adopted by the U.S. with regard to concerns about terrorism and the Libyan regime was predominately one of hesitant engagement combined with very limited economic restrictions. The U.S. was still open to engagement with the Libyans, but removed its ambassador in 1972 and started to carefully reevaluate its policy toward Libya. However, by the end of this period Libya was placed on the state sponsor list, which brought about a series of additional economic measures associated with this designation.

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<sup>789</sup> J.K. Cooley, “The Libyan Menace,” *Foreign Policy*, 1981, p. 81

<sup>790</sup> Cooley (1981), 84.

<sup>791</sup> *Ibid.*

<sup>792</sup> In fact, the HSE database does not code the economic restrictions during this time as economic sanctions.

**1969-1979: Theory Predictions and Actual Outcomes**

	<b>Diplomacy-related Prediction</b>	<b>Actual Outcome</b>
<p><b>1969-1980</b></p> <p><i>No ES (some minimal res)</i></p> <p><i>No ES</i></p>	<p><i>Hesitant Engagement:</i></p> <ul style="list-style-type: none"> <li>• Terrorism demands: Predicts mixed success.</li> <li>• No WMD or regime change demands or goals at this time.</li> <li>• Maintains information and communication flows with some reductions</li> <li>• Information useful in crafting and imposing new economic sanctions.</li> </ul>	<ul style="list-style-type: none"> <li>• No success, terrorism worsens.</li> <li>• Qaddafi still firmly in power, but regime change was not an explicit goal.</li> <li>• No decline in information or communication.</li> <li>• Information useful in crafting and imposing new economic sanctions regarding terrorism.</li> </ul>

In this section, I will first run through the key U.S. demands on Libya during this period. Second, I will describe the U.S. policy of hesitant engagement that characterized this time period, along with the U.S. diplomatic presence in the country. This section will analyze what general benefits, if any, were gained from maintaining a diplomatic presence on the ground, combined with resistance towards an overarching policy of diplomatic engagement. I will also assess how, if at all, diplomatic presence and the recall of the ambassador in 1972 impacted the crafting of sanctions and monitoring the impact of sanctions on the ground.

Lastly, I will assess the outcomes during this period by assessing the progress made on demands across issue areas.

The following chart reviews the predictions for this particular period and previews the actual outcomes. The areas shaded in grey indicate where my theory does a good job predicting outcomes and the theory's underlying mechanisms (e.g. information losses, reduced communication, etc), whereas the areas without shading indicate the outcomes do not provide support for the theory.

## **Demands**

### **U.S. Concerns and Demands Relating to Terrorism**

The primary U.S. concern during this period was Libyan involvement with and support for terrorist groups and terrorist activity. In addition to concerns about Libya's general support for various groups, such as radical Palestinian groups and the Irish Republican Army, there were specific allegations of Libyan involvement in particular attacks.<sup>793</sup> In addition, the U.S. was concerned about Libyan ties to the Abu Nidal Organization and the Red Army faction.<sup>794</sup> In 1973, a National Security Study Memorandum from Henry Kissinger on behalf of President Nixon written to the Secretary of State, DOD and CIA called for a study that assessed U.S. policy options toward Libya in light of its support for international terrorism.<sup>795</sup>

During this period the United States was also increasingly concerned about the presence of terrorist training camps in Libya and the Libyan government's involvement in a number of bombings and assassinations.<sup>796</sup> For example, there were allegations that the Libyans were involved in the 1972 Munich Olympics killings of Israeli athletes and in the assassination of the

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<sup>793</sup> O'Sullivan, 175-176.

<sup>794</sup> Christopher M. Blanchard, "Libya: Background and U.S. Relations," Congressional Research Service, August 3, 2009. Available online at: <http://www.fas.org/sgp/crs/mideast/RL33142.pdf>

<sup>795</sup> National Security Council, "Policy Towards Libya, National Security Study Memorandum 185," June 5, 1973. Available online at: [http://www.nixonlibrary.gov/virtuallibrary/documents/nssm/nssm\\_185.pdf](http://www.nixonlibrary.gov/virtuallibrary/documents/nssm/nssm_185.pdf)

<sup>796</sup> Christopher M. Blanchard, "Libya: Background and U.S. Relations," Congressional Research Service, August 3, 2009, Available online at: <http://www.fas.org/sgp/crs/mideast/RL33142.pdf>

U.S. ambassador to Sudan in 1973.<sup>797</sup> In addition, the U.S. position against Libya with regard to terrorism strengthened following the 1976 Palestinian attack on an El Al airliner.<sup>798</sup> Also, in 1977, there were reports to the Carter administration regarding Libyan-supported assassination plans against the U.S. ambassador to Egypt. Lastly, Libyan officials, including Qaddafi, employed rhetoric supportive of the actions of various terrorist groups.<sup>799</sup>

During this period of analysis the United States demands with regard to terrorism were rather general. Essentially, the U.S. wanted Libya to rescind its support for terrorist groups and attacks and to renounce terrorism. The demands were similar to the early demands placed on Sudan in the early 1990s before Sudan was placed on the state sponsor list. The U.S. did convey its concerns over terrorism to Libya, but the U.S. was not fully engaged on this issue. For example, according to a 1977 *Washington Post* article, the State Department expressed that it would be willing to resume full diplomatic ties with Libya after the removal of the ambassador, but stated that first there needed to be cooperation with regard to fighting terrorism.<sup>800</sup> Unlike in the Sudan case, there does not appear to have been clear evidence of warnings to the Libyans about potentially being placed on the state sponsor list.

#### **U.S. Concerns and Demands Relating to the Regime Change**

During this period of analysis, the United States had no explicit or implicit policy of regime change in place. While the regime was engaging in behavior that was objectionable to the U.S., the U.S. aimed for behavior change not regime change. While the regime change demand will be the focus of later periods of analysis, this demand will not be assessed for this time period, as the U.S. never made this an explicit goal of its policy.

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<sup>797</sup> O'Sullivan, 175-176.

<sup>798</sup> Christopher Wren, "Libya's Identity Blurred by Ties with East, West and Terrorism," *The New York Times*, October 14, 1979.

<sup>799</sup> Brian L. Davis, *Qaddafi, Terrorism, and the Origins of the U.S. Attack on Libya* (New York: Praeger, 1990), pp. 10-12 & 182-190.

<sup>800</sup> "Terrorism Seen as Obstacle to New Libya Links," *The Washington Post*, June 14, 1977.

## U.S. Concerns and Demands Related to WMD

During this period of analysis, there were no primary demands related to WMD, but there were some concerns about potential Libyan desire for WMD. As a result, the U.S. was paying attention to the potential Libyan pursuit for nuclear materials, but there were no formal sanctions or threats aimed at WMD in place at this time. Throughout this period, there was little solid evidence regarding Libyan development of WMD, but various reports and anecdotes existed that suggested the Libyans were making some attempts to acquire nuclear materials. For example, according to a high-ranking CIA official and other U.S. government reports, Qaddafi had an aide try to buy a bomb from China in 1970 or 1971.<sup>801</sup> In addition, in a 1975 interview, Qaddafi stated that he wanted to turn Libya into a nuclear power and said that, "Nuclear weapons are no longer a secret." In 1975, Qaddafi also made statements indicating that he was attempting to bring scientists and experts from other countries to Libya to assist with Libya's development of a nuclear weapon.<sup>802</sup> The U.S. was also concerned about a potential agreement between Libya and France which would have sold Libya a 600 megawatt nuclear power plant, but the French ended up backing out of the deal.<sup>803</sup> Reports during this time indicated that Libyans signed a contract with the Soviet Union in December 1977 which included construction of a nuclear plant with a 300 megawatt reactor and nuclear research center.<sup>804</sup> As there were no primary U.S. demands associated with U.S. sanctions during this period, WMD-related demands/goals will not be analyzed in this section.<sup>805</sup>

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<sup>801</sup> Cord Meyer, "Writer Reports Libya A-bomb Bid," *The Washington Post*, April 16, 1979.

<sup>802</sup> "Libya Seeks Arab Experts to Become Nuclear Power," *The New York Times*, January 14, 1975.

<sup>803</sup> Meyer "Writer Reports Libya A-bomb bid," *The Washington Post*, April 16, 1979.

<sup>804</sup> "Rumors of Libyan Atomic Bomb Quest Raise Fears," *The Washington Post*, July 30, 1979.

<sup>805</sup> Others make the same decision not to include WMD-demands as being linked to sanctions during this time. See Phil Haun, "On Death Ground: Why Weak States Resist Great Powers: Explaining Coercion Failure in Asymmetric Interstate Conflict," Doctoral Dissertation, MIT Sept 2010. See also Hufbauer, Schott and Elliot, *Sanctions Reconsidered*.

### **Policy: Cautious or Hesitant Engagement**

U.S. policy during this period can be characterized as one of cautious engagement, which became increasingly hesitant over time. While the U.S. did decide to recognize the new regime following the 1969 coup, the policy of engagement was hesitant and was not really as explicit or forward-leaning as the U.S. policy of “constructive engagement” in place with the Sudanese in the previous case. The reason for U.S. cautiousness was primarily because the U.S. was not certain about the direction of the new regime and its policy was one based on hedging its bets. This is captured in a September 16, 1969 CIA memo, which assessed,

Whatever the case, the moderate posture of the Libyan regime is probably temporary, though there are no very good grounds for predicting just when or how this stance will change. We base the judgment that it will on the general tendency of Arab politics over the past two decades: other military-dominated revolutionary regimes have tended, almost without exception, to become more leftist and extreme with the passage of time. In Egypt's case this has come about under one leader. In Syria and Iraq, it was the result of successive military coups which brought ever more radical regimes to power.<sup>806</sup>

At the time of the coup, there was some debate over how to deal with the new regime, but ultimately the U.S. decided to recognize the new regime. As stated earlier, this decision was made as result of guidance and input from those like Assistant Secretary of State for African Affairs David Newsom (a former U.S. Ambassador to Libya) and Ambassador Palmer (the U.S. Ambassador to Libya at the time).<sup>807</sup> Ambassador Palmer was a strong advocate of working with the new regime and he argued that the U.S. and Libya had longer-term interests that were in alignment, especially due to Qaddafi's anti-Soviet leaning.<sup>808</sup> On September 4, 1969, in a classified memo, Assistant Secretary of State for African Affairs Newsom recommended to Acting Secretary of State Richardson that the U.S. ought to maintain its diplomatic ties with the new regime and coordinate recognition with the British.<sup>809</sup>

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<sup>806</sup> Central Intelligence Agency, Office of National Estimates, “Implications of the Libyan Coup: Some Initial Thoughts,” September 16, 1969, in *Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972, Document 39*, <http://history.state.gov/historicaldocuments/frus1969-76ve05p2/d39>

<sup>807</sup> Warfally 75.

<sup>808</sup> Haley, P. Edward, *Qaddafi and the United States Since 1969*, (New York: Praegar, 1984), p. 4.

<sup>809</sup> *Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972, Document 38: Memorandum From the Assistant Secretary of State for African Affairs (Newsom) to the Acting Secretary of State (Richardson), Washington, September 4, 1969, Source: National*

Early on, the U.S. viewed Qaddafi as a potential ally primarily due to what the U.S. perceived as anti-Soviet tendencies. The U.S. believed Qaddafi could be a helpful ally in the Cold War.<sup>810</sup> According to *The New York Times*, U.S. officials expressed “cautious optimism” that the coup would not undermine U.S. oil operations or its presence at Wheelus.<sup>811</sup> Following the coup, there were contested reports stating that the CIA even reportedly passed along information to Qaddafi regarding coup plots – mostly out of concern for maintaining stability.<sup>812</sup> Similarly, in a November 20, 1969, classified memorandum from Robert Behr and Harold Saunders of the National Security Council Staff to the President's Assistant for National Security Affairs Henry Kissinger, Behr and Saunders wrote,

In developing our short-term strategy vis-à-vis the new Libyan government, we have a choice between a policy which is essentially that of confrontation and a policy which would involve some give on our part with a view to developing longer-term relationships with the new and still insecure regime. In general, we opt for the latter.<sup>813</sup>

However, while initially, the U.S. made an effort to remain on good terms with Qaddafi, over time, the policy of hesitant engagement slowly eroded, as a number of U.S. concerns began to develop with regard a variety of issues, such as oil, Libyan opposition to the U.S. presence at Wheelus air base, Libya's position on Israel and support for terrorism. In addition, the U.S. also became more concerned about Libya's growing links to the Soviet Union, as they signed an arms agreement at the end of 1974. As a result, tensions between the U.S. and Libya eventually led to a reduced U.S. embassy presence, with no U.S. ambassador in the country during most of this period. By 1979, tensions culminated and peaked with the listing of Libya as one of the first state

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Archives, RG 59, Central Files 1967–69, POL 23–9 Libya. Secret. Sent for action. Drafted by Robert Allen, Jr. (AF/N). Available online at: <http://history.state.gov/historicaldocuments/frus1969-76ve05p2/d38>

Declassified September 6, 2007.

<sup>810</sup> Edward Drachman and Alan Shank, *Presidents and Foreign Policy: Countdown to Ten Controversial Foreign Policy Decisions*, (Albany: State University of New York Press, 1997), p. 248.

<sup>811</sup> “U.S. Cautiously Optimistic,” *The New York Times*, September 2, 1969.

<sup>812</sup> Jeffrey Fields, “Adversaries and Statecraft: Explaining U.S. Foreign Policy Toward Rogue States,” University of Southern California, unpublished doctoral dissertation, 2007, p. 71.

<sup>813</sup> “Memorandum from Robert Harold Saunders of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger),” Washington, November 20, 1969, in *Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-72, Document 44*. Available online at: <http://history.state.gov/historicaldocuments/frus1969-76ve05p2/d44>. Declassified September 6, 2007.



sponsors, which also led to a number of economic sanctions being imposed. Prior to the sanctions associated with the state sponsorship listing in 1979, there had been some more minor limitations on certain exports to Libya, yet no formal sanctions were put into effect until Libya was officially designated as a state sponsor.

### **Reduced Diplomatic Presence**

Despite the eventual decision to reduce its diplomatic presence in Libya, the U.S. initially hesitated to disengage diplomatically. From the outset of this period, key U.S. policy officials recognized what an asset a diplomatic presence was for the United States and maintaining this presence was even an explicit goal of the U.S. government. Yet, despite these desires, ultimately the U.S. ambassador was recalled and not replaced – and the embassy staff was reduced leaving a token staff in place with little capacity relative to the embassy that had been operating in Libya prior to the coup.

Historical accounts of the staff reduction and the withdrawal of the U.S. ambassador in Libya during this period provide somewhat different accounts of whether or not the Ambassador himself requested to be recalled or whether the administration simply made the decision not to replace him with a new ambassador due to rising tensions with Libya. Documents from this period have been declassified, which allow the sequence of events to be reconstructed from those intimately involved with the decision-making process. In 1970, within a year following the coup, classified memorandum from Secretary of State Rogers to President Nixon stated:

We still have two significant interests in Libya we wish to preserve: our important stake in the petroleum industry, and our diplomatic presence. The consultations with the Ambassador would be designed to obtain his considered estimate of the chances of their survival over the near and mid-term.<sup>814</sup>

Similarly, Kissinger sent a classified memo to President Nixon on March 20, 1970, in which he sets forth policies recommendations for the U.S. to advance its interests in Libya and influence the Libyan regime. In the memo, one of the specific policies that Kissinger advocates is that the

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<sup>814</sup> Document 64: Memorandum From Secretary of State Rogers to President Nixon, Washington, August 5, 1970 Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972. Source: National Archives, Nixon Presidential Materials, NSC Files, Box 739, Country Files, Africa, Libya, Vol. II. Secret. Declassified September 6, 2007.

U.S. ought to work to maintain diplomatic and commercial relations. There is also a note on this memo saying that the president concurs with the views expressed.<sup>815</sup> Another 1970 policy-planning from the State Department to the Embassy in Libya included recommendations that the U.S.,

insure that the LARG is aware of the advantages; both bilaterally and in Middle Eastern and international terms, of maintaining diplomatic relations with the US, preferably at the Ambassadorial level” and “conduct low-key USIS and exchange of persons programs aimed at gaining respect for and understanding of the US and, to the extent possible, support for US Government policies.<sup>816</sup>

However, by May 1972, in a memorandum from the Assistant Secretary of State for African Affairs Newsom wrote to Acting Secretary of State Richardson and conveyed to him that the Libyan government had requested that the U.S. reduce the size of its mission in Libya from fourteen to thirty-five.<sup>817</sup> In addition, by 1973, the U.S. was without an ambassadorial presence in Libya, although the embassy remained up and running. Some accounts argue that Ambassador Palmer asked for his own recall and was ordered back to Washington in 1972. The decision not to replace him was made in 1973.<sup>818</sup> According to Brian Lee Davis, the Ambassador was, “frustrated at the continuing refusal of Libyans to deal with him, Palmer obtained recall from post and early 1973 decision made not to replace him....”<sup>819</sup> With the removal of the Ambassador also came a “policy of mild, low-key punishment of Libya while leaving open the door to

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<sup>815</sup> Document 54: Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon, March 20, 1970, Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972. Source: National Security Council Files, Nixon Intelligence Files, Libya. Secret; Eyes Only. Available online at: <http://history.state.gov/historicaldocuments/frus1969-76ve05p2/d54>. Declassified September 6, 2007.

<sup>816</sup> Document 78: Airgram A-6 from the Department of State to the Embassy in Libya, June 16, 1971. Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972. Source: National Archives, RG 59, Central Files 1970-73, POL 1 LIBYA—US. Secret; Noform. Available online at: <http://history.state.gov/historicaldocuments/frus1969-76ve05p2/d78>. Declassified June 8, 1998.

<sup>817</sup> Document 89: Memorandum From the Assistant Secretary of State for African Affairs (Newsom) to Acting Secretary of State Richardson, Washington, May 31, 1972. Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972. Source: National Archives, RG 59, Central Files 1970-73, DEF 19-8 US—LIBYA. Available online at: <http://history.state.gov/historicaldocuments/frus1969-76ve05p2/d89>. Declassified September 6, 2007.

<sup>818</sup> Haley, 5

<sup>819</sup> Brian Lee Davis, “Qaddafi, Terrorism and the Origins of the U.S. Attack on Libya,” (New York: Praeger Publishers, 1990), p. 35.

improvement in relations.”<sup>820</sup> By 1973 “the U.S. shifted from a policy of conciliation towards Libya to a policy of low-key, low-priority opposition.”<sup>821</sup> Also during this time, in September 1973, Libya nationalized shares of four U.S. oil companies, which contributed to increasing concerns about U.S. oil interests in Libya.<sup>822</sup>

Despite the fact that the U.S. had a functioning embassy in place, the U.S. had no ambassador in place for most of this period and the U.S. embassy had been reduced in staff to only about five diplomats and seven additional people.<sup>823</sup> Like with the staff reductions in Sudan, reductions weakened the general capabilities of the embassy, but it was still enabled the U.S. to have an on-the-ground presence and carry out routine diplomatic functions. In addition, declassified cables illustrate that by April 1973, the U.S. was crafting potential contingency planning in case of a break in relations with Libya. More specifically, there were plans outlining the possibility of Italy serving as a protecting power if such a break were to occur.<sup>824</sup>

Generally speaking, this period was marked by somewhat of an indecisive and mixed policy towards Libya. Within the U.S. government itself, there was an ongoing debate over policy. Career diplomats at the State Department and area specialists pushed for an approach more in line with the Europeans - an approach that did not take such a harsh policy position towards Qaddafi.<sup>825</sup> Libya was viewed by those at State as “primarily a regional problem,” and they believed that the U.S. could deal with Libya by working with African states and the French. On the other side of the debate were the appointed officials at State, like those on the State Department Policy Planning Staff, who wanted a more confrontational policy towards Libya –

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<sup>820</sup> Brian Lee Davis, “Qaddafi, Terrorism and the Origins of the U.S. Attack on Libya,” (New York: Praeger Publishers, 1990), p. 36.

<sup>821</sup> Brian Lee Davis, 35

<sup>822</sup> Tim Niblock, “Pariah States & Sanctions in the Middle East: Iraq, Libya, Sudan,” (Boulder, CO: Lynne Rienner, 2001), p. 27.

<sup>823</sup> David Ottaway, “U.S Seeks Joint Effort in Libya,” *The Washington Post*, May 29, 1973.

<sup>824</sup> State Department Cable, “Contingency Planning for Break in Relations with Libya: Possibility of Italy’s Becoming Protecting Power,” April 4, 1974. REF: STATE 060653 1. Available online at: <http://aad.archives.gov/aad/createpdf?rid=18539&dt=1573&dl=823>. Declassified June 30, 2005.

<sup>825</sup> Fields, 82

specifically aimed at thwarting Libyan expansionism with Chad.<sup>826</sup> By the late 1970s, there were also secret negotiations taking place that were aimed at trying to improve relations between the two countries, but these did not achieve any real progress.<sup>827</sup> In 1978, the dialogue known as the “Arab-American dialogue” started and brought U.S. citizens to Libya for exchanges. During this period, U.S. Libyan relations during this period can be characterized as a policy moving “towards cautious rapprochement.”<sup>828</sup>

### **Economic Sanctions**

During this period, the economic sanctions policy towards Libya was somewhat confused, reflecting the hesitant policy described. There were no official sanctions in place, despite some economic restrictions and the termination of some agreements. In fact, during this period, confusion over who possessed the authority to restrict certain sales to Libya prompted the legislation that created the original state sponsors list in the next period of analysis and procedures associated with it. According to a classified memorandum from the Deputy Assistant Secretary of State for African Affairs Moore to Acting Secretary of State Johnson in July 2, 1970, Moore already recommended that Ambassador Palmer be given authority to terminate U.S.-Libyan agreements currently in force.<sup>829</sup> However, at the same time, a policy planning memo from the State Department to the Libyan Embassy recommended that the U.S.,

Fulfill to the extent possible outstanding commitments under our bilateral military supply relationship and substitute for it, as quickly as possible, alternative commercial relationships. Continue to provide modest amounts of CONUS training in response to requests by the Libyan Air Force and maintain a small Military Liaison Section. Provide munitions export control clearances for reasonable amounts of material.<sup>830</sup>

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<sup>826</sup> Fields, 82

<sup>827</sup> Fields, 77.

<sup>828</sup> Warfally 128.

<sup>829</sup> Document 62: Memorandum From the Deputy Assistant Secretary of State for African Affairs (Moore) to Acting Secretary of State Johnson, Washington, July 2, 1970 Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972. National Archives, RG 59, Central Files 1970-73, DEF 15-4 LIBYA—US. Secret. Sent for action. Note: The formal notes of termination of outstanding U.S.-Libyan agreements were transmitted to Tripoli in telegram 106573, July 4. (Ibid.) Available online at: <http://history.state.gov/historicaldocuments/frus1969-76vc05p2/d62>. Declassified September 6, 2007.

<sup>830</sup> Document 78: Airgram A-6 from the Department of State to the Embassy in Libya, June 16, 1971. Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-

In addition, there were specific types of sales related to military equipment that faced some restrictions as early as 1973. For example, the delivery of 8 Lockheed C-130 Hercules planes were blocked by the U.S., despite the fact that Libya had already paid the U.S. for these. In addition, the U.S. had essentially decided that it was not going to sell Libya weapons or equipment that would add to its overall military capability.<sup>831</sup> Niblock writes, “These measures were in part in response to Libya’s alleged involvement in international terrorism, but they were also linked to the perception that Libya was becoming less accommodating to U.S. interests.”<sup>832</sup>

In addition, in 1978, the U.S. banned the sale of military equipment to Libya due to Libyan support for terrorist groups.<sup>833</sup> While the U.S. also began expanding the items that were restricted from export, the U.S. also continued to approve sales of commercial aircraft and heavy trucks.<sup>834</sup> In March 1979, the State Department received assurances from Libya that the planes sold to Libya would only be used for national airlines and the State Department approved the sale of 747s and 727s to Libya.<sup>835</sup> According to Newsom, “we entertained hopes that these decisions would not only be commercially advantageous but would also open opportunities for a more constructive dialogue with Libya on issues which have divided us.”<sup>836</sup> However, by late 1979, Libya was placed on the newly created state sponsor list, which made it ineligible to receive certain U.S. exports, whereas other exports require congressional approval.<sup>837</sup>

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1972. Source: National Archives, RG 59, Central Files 1970-73, POL 1 LIBYA—US. Secret; NOFORN. Available online at: <http://history.state.gov/historicaldocuments/frus1969-76ve05p2/d78>. Declassified September 6, 2007.

<sup>831</sup> Niblock, 27.

<sup>832</sup> Niblock, 27.

<sup>833</sup> “Chronology of Key Events: Libya, Case Studies in Sanctions and Terrorism,” Petersen Institute for International Economics. Available online at:

<http://www.petersoninstitute.org/research/topics/sanctions/libya.cfm#chronology>

<sup>834</sup> Fields, 77.

<sup>835</sup> “Chronology of Key Events: Libya, Case Studies in Sanctions and Terrorism,” Petersen Institute for International Economics. Available online at:

<http://www.petersoninstitute.org/research/topics/sanctions/libya.cfm#chronology>

<sup>836</sup> J.K. Cooley, “The Libyan Menace,” *Foreign Policy*, 42 (1981): 89.

<sup>837</sup> “Chronology of Key Events: Libya, Case Studies in Sanctions and Terrorism,” Petersen Institute for International Economics. Available online at:

<http://www.petersoninstitute.org/research/topics/sanctions/libya.cfm#chronology>

## **The Impact of Cautious Engagement**

During this period, the United States was still engaging with the Libyans and still had an embassy presence in the country, but U.S. engagement with Qaddafi was both cautious and hesitant. The diplomatic presence combined with a cautious engagement policy provided the U.S. with a number of benefits the U.S. probably would not have had without a presence on the ground had they decided not to recognize the regime and shutdown the embassy completely following the coup in 1969.

This section will illustrate the impact of the United States' hesitant engagement policy during this period. I will show the ways that a functioning U.S. embassy and the presence of diplomatic ties contributed to information collection and communication between the U.S. and Libya. However, in addition, the withdrawal of the U.S. ambassador from Libya and the gradual embassy drawdown contributed to increased resistance to engagement by both sides. This had implications for intelligence collection, communication and the crafting of economic sanctions.

### **Intelligence**

A presence on the ground during this period was by no means a perfect source of information for the United States, but the United States did maintain its general capacity to collect useful information and intelligence that would have been extremely difficult to collect without a functioning embassy in place. However, the removal of the ambassador and the staff reductions during this period did have some impact on the day to day operations of the embassy.

### **Intelligence-related gaps**

Since the new Libyan regime had just come to power in 1969, the United States was still working to understand the intentions and goals of the new regime during this period – particularly during the first few years. Even with an embassy in place, the United States faced the challenge of quickly learning about the new regime that and assessing its intentions. For example, in *Behind the Veil*, Bob Woodward discusses how CIA Director Turner had inquired early on with the Directorate of Operations about various ways to bring about regime change in Cuba, Iran and

Libya. However, the DDO at CIA responded that the CIA did not know enough about any viable political opposition group in those countries to support such a group.<sup>838</sup> As a result of the staff reductions, the Americans access to Libyan leadership only worsened, which made it increasingly difficult to fill informational gaps over time.<sup>839</sup>

Similarly, in a 1971 CIA memo the Deputy Director's Special Assistant writes,

One of the most immediate problems facing us is: Who is making the decisions in Libya? I have not seen any reporting from the Embassy that suggests that JALLUD has been downgraded and that the relatively unknown Sulieman Qaradha (formerly Qaddafi's private secretary) and Al Huni are the dominant influences on foreign policy — including the critical decisions that lie ahead on Libya's role in the oil world. [text not declassified] Does OCI have a clear view of this situation?<sup>840</sup>

However, prior to the staff reductions, the embassy was critical in conveying information on the ground in Libya back to Washington as events unfolded with regard to the coup. Without an embassy in place, Washington would not have been able to send back cables like the one from the embassy in Tripoli to the Department of State on December 11, 1969, which documented the political mood in Tripoli along with reports on traffic and the mood in downtown Tripoli.<sup>841</sup> Similarly, in a 6-page telegram sent by Ambassador Palmer on January 26, 1970, he informed the State Department of his conversation with Qaddafi and Qaddafi's views on the future of the U.S. military program in Libya.<sup>842</sup>

## Communication

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<sup>838</sup> Bob Woodward, *Veil: The Secret Wars of the CIA, 1981–1987* (New York: Simon and Schuster, 1987), p. 27.

<sup>839</sup> Christopher Wren, "Libya's Identity Blurred by Ties with East, West and Terrorism," *The New York Times*, October 14, 1979.

<sup>840</sup> Document 70: Memorandum From the Special Assistant to the Deputy Director for Plans of the Central Intelligence Agency (Critchfield) to the Director of Current Intelligence (Parameter), Washington, February 23, 1971. Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972. Source: Central Intelligence Agency, DDI Files, Job 79-01229A, Box 1, AA—1, AF DIV, 1971. Secret. Declassified September 6, 2007.

<sup>841</sup> Document 46: Telegram 3684 From the Embassy in Libya to the Department of State, December 11, 1969. 1010Z. Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972. Source: National Archives, RG 59, Central Files 1967-69, POL 23-9 LIBYA. Secret; Immediate. Available online at: <http://history.state.gov/historicaldocuments/frus1969-76ve05p2/d46>. Declassified September 6, 2007.

<sup>842</sup> Document 51: Telegram 169 From the Embassy in Libya to the Departments of State and Defense, January 26, 1970, 1346Z. Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972. Source: National Archives, RG 59, Central Files 1970-73, DEF 12-5 LIBYA. Secret; Immediate; Exdis.

With a diplomatic presence on the ground, the U.S. maintained the ability to communicate with Libyan officials in the country. However, throughout the course of this period, communication abilities were diminished as embassy staff was reduced and the U.S. ambassador was not replaced. As with the Sudan case, an on-the-ground presence was not only essential for gaining insight into the regime via meetings and personal ties, but also to convey clear threats and warnings, as well as to explain the U.S. position on various issues.

When the U.S. ambassador remained in country, U.S. officials on the ground held a number of meetings between the ambassador and other high level U.S. officials and Libyan officials in the country. For example, a February 1971 telegram from the U.S. embassy in Tripoli documents a two-hour meeting between the U.S. ambassador and Qaddafi. In the meeting, Qaddafi assured the U.S. that there were no major issues of contention between the U.S. and Libya other than disagreements on the Arab-Israeli dispute.<sup>843</sup> Similarly, the U.S. also used the on-the-ground diplomatic presence and the ambassador to convey important messages to the Libyan government. For example, in a now declassified 1970 telegram from U.S. Secretary of State Rogers to Ambassador Palmer, Rogers passed along information to Palmer regarding the lack of decision on the sale of F-5s to the Libyans an issue about which the Libyans were deeply concerned.<sup>844</sup> In November 1969, the U.S. conveyed important messages from Secretary of Defense Laird to Libya regarding talks over the nature of potential withdrawal of U.S. forces from Wheelus, along with the hopes that current training could resume.<sup>845</sup> Similarly, in a

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<sup>843</sup> Document 71: Telegram 373 From the Embassy in Libya to the Department of State, February 24, 1971, 1147Z. Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972. Source: National Archives, RG 59, Central Files 1970-73, POL 15-1 LIBYA. Secret; Priority; Exdis. Declassified September 6, 2007.

<sup>844</sup> Document 57: Telegram 70798 From the Department of State to the Embassy in Libya, May 9, 1970, 1748Z. Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972. Source: National Archives, RG 59, Central Files 1970-73, POL LIBYA—US. Secret. Declassified September 6, 2007.

<sup>845</sup> Document 43: Memorandum From Harold Saunders of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger), Washington, November 17, 1969. Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972. Source: National Archives, Nixon Presidential Materials, NSC Files, Box 738, Country Files, Africa, Libya, Vol. I. Secret. Declassified September 6, 2007.



declassified memo regarding Wheelus, Undersecretary of Political Affairs Johnson wrote CIA's Deputy Director for Plans Agency and reviews some of the information regarding U.S. influence that was conveyed to him via Ambassador Palmer. He writes,

We have had some influence over the LARG through traditional diplomacy: (a) the phase-out of Wheelus has lowered LARG suspicions; (b) the rate of expulsions has greatly diminished; (c) anti-US propaganda has lessened somewhat; (d) the LARG has resisted temptations so far to accuse us of being involved in plotting; (e) we undoubtedly have more frank and useful dialogue with LARG than any other Western power, with the exception of the French.<sup>846</sup>

The diplomatic channels of communication also worked in the reverse direction by providing the Libyans with an outlet to express concerns and pass messages to those in Washington. For example, the initial information regarding the Libyan desires to discuss the withdrawal of U.S. forces from Wheelus base was conveyed in a telegram from one of the embassy offices in Benghazi back to the department of state. More specifically, Libyan foreign minister Saalih Mas'uud Buwaysiir had conveyed this information to U.S. Ambassador Palmer in a note.<sup>847</sup> Similarly, in 1971, Palmer, who was attune to Libyan political concerns, conveyed his concerns back to Assistant Secretary of State for African Affairs Newsom. Specifically, Palmer noted that he was concerned about the delayed decision-making back at State regarding military sales to Libya and conveyed that the Libyans, along with Palmer, were becoming increasingly frustrated by the lack of a decision.<sup>848</sup> Similarly, in 1972, Qaddafi used a personal conversation

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<sup>846</sup> Document 67: Memorandum From the Under Secretary of State for Political Affairs (Johnson) to the Deputy Director for Plans of the Central Intelligence Agency (Karamessines), Washington, August 20, 1970. Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa, 1969-1972 Washington, August 20, 1970, *Source: National Security Council Files, Nixon Intelligence Files, Libya. Secret.* Declassified September 6, 2007.

<sup>847</sup> Document 42: Telegram 1134 From the Embassy Office in Benghazi to the Department of State and the Embassy in Libya, October 30, 1969, 1750Z. Office of the Historian, U.S. Department of State, Foreign Relations of the United States 1969-1976. Volume E-5, Part 2, Documents on North Africa 1969-1972, Document 42. Available online at: <http://history.state.gov/historicaldocuments/frus1969-76ve05p2/d42>. Declassified September 6, 2007.

<sup>848</sup> Document 83: Letter From the Ambassador to Libya (Palmer) to the Assistant Secretary of State for African Affairs (Newsom), Tripoli, December 22, 1971. Office of the Historian, U.S. Department of State, Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa 1969-1972, Document 83. Available online at: <http://history.state.gov/historicaldocuments/frus1969-76ve05p2/d83>. Declassified September 6, 2007.

with Ambassador Palmer as a communication channel to convey messages back to the U.S. president.<sup>849</sup>

Another example of the benefits of a diplomatic presence in terms of communication is illustrated by a meeting in 1979, Ambassador Anthony C. E. Quainton, Director of the Department of State's Office for Combating Terrorism had a meeting with Libya's Foreign Secretary in Tripoli. During this meeting, Quainton said that Libya needed to take a different attitude toward terrorism before U.S.-Libyan relations could improve. Similarly, Charge d' Affaires Eagleton had also talked about overtures made by Qaddafi during the time he was serving in Tripoli after Ambassador Palmer had already left. In an interview, Eagleton said that during his time as Charge Qaddafi did make efforts to improve relations with the United States.<sup>850</sup> In fact, the State Department even issued press guidance to the embassies in a December 1971 memo that outlined the benefits of maintaining diplomatic relations. More specifically, in the memo, the State Department set forth a number of hypothetical questions that could be posed to embassy officials and provided guidance for the official government response to such questions. One particular question in the memo was aimed specifically at providing guidance with regard to advocating the maintenance of diplomatic relations despite recognizing the problematic Libyan behavior in the realm of terrorism. The communication benefits of maintaining diplomatic ties were cited as one of the reasons for maintaining ties despite problematic behaviors by the Libyans. The State Department memo stated,

Question: Given the fact that the president has noted Libyan government activities supportive to international terrorist groups, why does the U.S. maintain diplomatic relations with Libya?

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<sup>849</sup> **Document 94: Telegram 1699 From the Embassy in Libya to the Department of State, October 30, 1972, 1600Z.** October 30, 1972, 1600Z – Office of the Historian, U.S. Department of State, Foreign Relations of the United States, 1969-1976, Volume E-5, Part 2, Documents on North Africa 1969-1972, Document 94. Available online at: <http://history.state.gov/historicaldocuments/frus1969-76ve05p2/d94> . Source: National Archives, RG 59, Central Files 1970-73, POL 15-1 LIBYA. Secret; Priority. Declassified September 6, 2007.

<sup>850</sup> Interview with William Eagleton, "The Foreign Service Has Changed Much," in *Middle East Quarterly*, Fall 2005, pp. 69-77. Available online at: <http://www.meforum.org/786/william-eagleton-the-foreign-service-has-changed>

Answer: We do not believe that our efforts to combat terrorism would be served by breaking off diplomatic relations with Libya. Such a move would cut off the government to government channel of information we now have. Our diplomatic relations have been at the charge level for some years - since ambassador palmer left Tripoli in late 1972. there is no doubt about u.s. opposition to terrorism and the Libyan government is aware of our position.<sup>851</sup>

However, like during the Sudanese period marked by a U.S. policy of constructive engagement with the new Sudanese regime, there were still a number of limitations on communication and information collection during this period in the Libya case even though the U.S. maintained its diplomatic presence. Throughout the period, communication between the U.S. and Libya began to decline, which undermined the United States' ability to influence the regime. In a January 1977 editorial "A Dialogue Even of the Deaf," *New York Times* foreign affairs columnist C.L. Sulzberger, argued in support of reappointing a new ambassador to Libya despite U.S. concerns over Libyan behavior. The premise of his argument was essentially that, "diplomatic business has been stalled."<sup>852</sup> U.S. Charge d'affaires Eagleton confirms this by noting in an interview that he never once had a one-on-one meeting with Qaddafi while he served in Libya.<sup>853</sup> By 1979, the embassy had been reduced to just five diplomats and seven additional staff members.<sup>854</sup> In addition, diplomatic reporting from the period indicates that contingency plans for a complete break in relations were discussed during this period, so an embassy shutdown was not inconceivable during this period.<sup>855</sup> As a result, during this period, the U.S. also became increasingly reliant on others to pressure and influence the Libyans. For example, in 1979, the U.S. called on Western European countries and the Soviet Union to get the Libyans to

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<sup>851</sup> State Department, "Contingency Press Guidance on Libyan Support of Terrorism," from Secretary of State to the Embassy in Tripoli, November 11, 1976. Available online at: <http://aad.archives.gov/aad/createpdf?rid=288970&dt=2082&dl=1345>. Declassified May 4, 2006.

<sup>852</sup> C.L. Sulzberger, "A Dialogue Even of the Deaf," *The New York Times*, January 2, 1977

<sup>853</sup> Interview with William Eagleton, "The Foreign Service Has Changed Much," in *Middle East Quarterly*, Fall 2005, pp. 69-77. Available online at: <http://www.meforum.org/786/william-eagleton-the-foreign-service-has-changed>

<sup>854</sup> David Ottaway, "U.S Seeks Joint Effort in Libya," *The Washington Post*, May 29, 1973.

<sup>855</sup> State Department, "Contingency for Break in Relations," from Secretary of State to U.S. Embassy in Tripoli, April 3, 1973. Available online at: <http://aad.archives.gov/aad/createpdf?rid=19030&dt=2472&dl=1345>. Declassified June 30, 2005.

back down on its demand that individuals, including diplomats, entering the country have passports with Arabic translations on them.<sup>856</sup>

### **Economic Sanctions**

Unlike after the coup in Sudan, there were no automatic sanctions imposed by the United States as a result of the 1969 Libyan coup. The first trade bans put into effect were not automatic, but were the result of legislation and choices made by the administration. Similarly, like in the Sudan case, the decision was also made to designate Libya as a state sponsor on the first official state sponsor list, which came into fruition in 1979 as a result of legislation passed by Congress. The 1979 state sponsor designation was based on information collected in the years prior and it was linked to specific terrorism-related demands. Without the type of intelligence collected that was mentioned earlier, it would have been extremely difficult for the U.S. to link Libya to a number of the groups engaged in terrorist activity or to tie Libya to specific terrorist attacks. Unfortunately, soon after the designation the embassy was shutdown, which meant the United States lost some of the ability to monitor the impact of sanctions and to calibrate them accordingly. This section will shed some additional light on how intelligence and communication described earlier played a role in the crafting of sanctions.

The sanctions strategy employed against Libya shows a clear escalation of pressure in which sanctions were gradually increased based on an ongoing assessment of Libyan behavior. In the Libya case, the U.S. did not immediately impose a monolithic sanctions regime on the new government from the outset. In fact, Libya was not subject to comprehensive sanctions for its terrorist state sponsorship until 1979. Starting in 1973, the U.S. carried out some minor military bans on specific equipment. After delivering 8 of 16 C-130 military transport planes, the U.S. blocked the delivery of the remaining 8 due to concerns that selling Libya equipment that could

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<sup>856</sup>David, Ottaway, "U.S. Seeks Joint Effort in Libya," *The Washington Post*, May 29, 1973.

be used for military purposes would increase Libyan military capabilities.<sup>857</sup> By 1976, the Ford administration was publicly stating that Libya was supporting terrorism. By January 1977, a Department of Defense report listed Libya as the fourth leading enemy of the United States. By 1978, the Carter administration formalized sanctions against Libya in 1978 with a ban on the exportation of all military equipment to Libya. The types of equipment that were included in this ban included aircraft and certain types of agricultural and electronic equipment. The main reason cited for these restrictions was Libya's support for terrorist groups.<sup>858</sup> However, during this time the U.S. also approved some sales to the Libyans, like the sale of 3 Boeing 747s and two 727s to Libya after assurances that the planes would only be used for airlines and not military purposes.<sup>859</sup>

### **State Sponsor List**

The most significant U.S. sanctions-related move against Libya during this time period was the listing of Libya as a state sponsor on the first list of terrorism state sponsors. The state sponsorship listing developed out of congressional legislation. Specifically, the Revised Export Administration Act led to the creation of the state sponsorship list, as an amendment on terrorism, the Fenwick Amendment. The amendment required the notification of "the appropriate Congressional committees before any license is approved for the export of goods or technology valued at more than \$7 million to any country supporting terrorism."<sup>860</sup>

The State Department only named four countries to the original state sponsorship list: Libya, Syria, Iraq and South Yemen. As a result, these countries were not able to get certain U.S. exports and a number other exports required congressional approval.<sup>861</sup> Specifically, "Section 40

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<sup>857</sup> Ronald Bruce St. John, "Libya and the United States: Elements of a Performance-Based Roadmap," *Middle East Policy*, 10:3 (Fall 2003), p. 144.

<sup>858</sup> Hossein Alikhani, *In the Claw of the Eagle*, (London: I.B. Tauris and Company), 1995, p. 233.

<sup>859</sup> "Libya Chronology," Case Studies in Sanctions & Terrorism, Petersen Institute for International Economics, <http://www.iie.com/research/topics/sanctions/libya.cfm#chronology>

<sup>860</sup> Flores, 567.

<sup>861</sup> Libya Chronology, Case Studies in Sanctions & Terrorism, Petersen Institute for International Economics, <http://www.iie.com/research/topics/sanctions/libya.cfm#chronology>

of the arms export control act prohibits the export of any munitions items to countries on the list. In addition, it also outlaws credits, guarantees or other financial assistance to countries on the list. But there is waiver if president deems export in national interest.”<sup>862</sup>

Each year the designations are reevaluated and states are classified as state sponsors if they have repeatedly supported terrorism.<sup>863</sup> As part of making this determination, the State Department must assess the states’ involvement with regard to training, funding, equipping, or providing safe haven to terrorist groups or individuals. After evaluating intelligence regarding state support for terrorist activities, the State Department then makes a determination regarding state sponsorship designation.<sup>864</sup> According to Flores, who writes on designating state sponsors of terrorism,

the test for state support is by its nature an objective one which must be satisfied by ‘hard evidence – the test is designed to be independent of various other foreign policy factors such as the nature of us bilateral relations with the country or the amount of power a country has....in practice, however, the other factors often outweigh the degree of support a country lends to terrorist activities in determining whether or not that state should be deemed supportive of terrorism.’<sup>865</sup>

Ultimately, the Secretary of State is responsible for making the final determination as to whether or not a particular state is designated as a state sponsor on the list.<sup>866</sup> At the time, the Secretary of State must also notify the Senate Committee on Foreign relations if the sale of exports to that particular state was above \$7,000,000 dollars and, “such exports would make significant contribute to the military potential of such country, including its military logistics capability, or would enhance the ability of such country to support acts of international

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<sup>862</sup> Ronald Bruce St. John, “Libya and the United States: Elements of a performance-based roadmap,” *Middle East Policy*, Washington: Fall 2003, 10(3), p. 144.

<sup>863</sup> Walter, 741; Flores, 579.

<sup>864</sup> Walter, 744.

<sup>865</sup> Flores, 580.

<sup>866</sup> Flores, 579.

terrorism.”<sup>867</sup> However, it is worth noting that the Fenwich amendment does not obligate sanctions.<sup>868</sup>

In the case of Libya, the standards for inclusion on the terrorism list were met as a result of a number of Libyan actions relating to terrorism. Some of the main reasons for inclusion included the provision of refuge to the perpetrators of Munich attacks and the kidnapers of OPEC oil ministers.<sup>869</sup> In addition, the Libyans provided support in a number of ways to a number of terrorist groups. In addition, there was some speculation about additional involvement in terrorist activity, such as involvement in the assassination of the Egyptian President and attacks on Reagan.<sup>870</sup>

## Outcomes

In this section, I will evaluate the progress made with regard to the various U.S. demands that were placed on Libya during this period.

## Terrorism

Overall, Libyan support for terrorism increased during this period. Throughout the 1970s, Libya was constantly mentioned as a country of concern in the now declassified terrorist reports. In addition, concerns about Libyan-supported terrorism were the focus of hearings before the Committee on Foreign Relations and Foreign Affairs.<sup>871</sup>

Libya was involved with terrorism in a number of different ways. During this period, Libya hosted supported the presence of numerous terrorist training camps in the country and also gave support to groups in terms of instruction on the use of various tactics, such as explosives and

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<sup>867</sup> David A. Flores, “Export Controls and the U.S. Effort to Combat International Terrorism,” *Law and Policy in International Business* 13, no. 2 (1981), p. 528.

<sup>868</sup> Ibid.

<sup>869</sup> Flores, 581.

<sup>870</sup> Yohah Alexander and Michael B. Kraft, “Evolution of U.S. Counterterrorism Policy,” (Westport: Greenwood Publishing Group, 2008), p. 12; Flores, 581.

<sup>871</sup> International Terrorism, CIS-NO: 78-S381-12, SOURCE: Committee on Foreign Relations. Senate, DOC-TYPE: Hearing, DATE: Sept. 14, 1977, LENGTH: iv+90 p. il., CIS/Index; States of North Africa in the 1970's, CIS-NO: 72-H381-59, SOURCE: Committee on Foreign Affairs. House, DOC-TYPE: Hearing, DATE: July 18, 19, Aug. 2, 1972.

hijacking, assassination.<sup>872</sup> According to U.S. government reports during this period, Libya was primarily focused on supporting nationalist groups, such as militant Palestinian splinter groups, the IRA and other guerilla groups in the Philippines, Ethiopia, Somalia, the People's Democratic Republic of Yemen, Chad, Morocco, Tunisia, Thailand and Panama.<sup>873</sup> In addition, there were a number of attacks and threats against U.S. interests that can be traced back to the Libyans during this time period. In November 1972, the Libyans announced that they would not prosecute or extradite the two Palestinians responsible for hijacking the Lufthansa jet to force the release of the three implicated in the Munich attack.<sup>874</sup> The Libyan's provided safe-haven to the three Palestinians who attacked the Israeli Olympic team.<sup>875</sup> Then, in December 1973, Libya was implicated in providing arms to Palestinian terrorists who attacked two western planes at the Rome International Airport. U.S. officials said that information from the intelligence community had linked the Libyan government to the arms provided to these individuals, who were associated with the popular front for the liberation of Palestine.<sup>876</sup> Around this time Libya also gave a speech in which he invited group members to come to Libya's training camps.<sup>877</sup> In addition to the attack on the U.S. embassy in Tripoli in 1979, there was also a plot to blow up the American embassy club in Khartoum and there were various officials on the Libyan target list, such as a 1977 plan to assassinate the U.S. ambassador in Cairo.<sup>878</sup>

While Libyan support for terrorism generally grew worse during this period, there were some limited successes that indicated Libya seemed was somewhat willing to yield in its commitment to terrorism. For example, the Carter administration did attempt to use carrots to get

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<sup>872</sup> "Libya Under Qaddafi: A Pattern of Aggression, Special Report No. 138, (Washington: GPO, 1986)

<sup>873</sup> David Milbank, *International and Transnational Terrorism: Diagnosis and Prognosis*, (Washington DC: Central Intelligence Agency, 1977); "Libya's Qaddafi Reported Forming Own Terrorist Groups," *Chicago Tribune*, January 10, 1974.

<sup>874</sup> Henry Ginger, "Libyans Indicate 2 Hijackers Won't Be Tried or Extradited," *The New York Times*, Nov 2, 1972. p. 3.

<sup>875</sup> Jim Hoagland, "Libya Poses Test in War on Terror," *Washington Post Foreign Service. The Washington Post*, Times Herald (1959-1973). Washington, D.C.: Oct 31, 1972. p. A13.

<sup>876</sup> "Paris Arrests 13 in Terrorist Plot," *The New York Times*, December 27, 1973.

<sup>877</sup> "Libya's Qaddafi Reported Forming Own Terrorist Groups," *Chicago Tribune*, January 10, 1974.

<sup>878</sup> "Libya Under Qaddafi: A Pattern of Aggression, Special Report No. 138, (Washington: GPO, 1986).



the Libyans to modify their behavior with regard to terrorist support. The administration attempted to use the sale of two Boeing 727 passenger jets as leverage to get a change in Libyan behavior with regard to the Camp David Accords.<sup>879</sup> It was conveyed to Libya that the sale would be contingent on its behavior and if the U.S. was satisfied this could lead to additional sales. The Libyan response to this move by the U.S. was somewhat optimistic. Qaddafi did not allow German terrorists released by the Yugoslavs into Libya in 1978 and he also communicated that Libya was reevaluating its position with regard to terrorism more generally and would welcome a U.S. envoy.<sup>880</sup> During this time, the U.S. continued discussions with the Libyans and Ambassador Anthony C.E. Quainton, Director of the Department of State's Office for Combating Terrorism, was engaged with the Libyans and got the Libyan foreign minister to pledge Libyan assistance with regard to Libyan aviation security. Similarly, following these meetings was when the Libyan signed the ICAO convention with regard to hijacking.<sup>881</sup> Libya also signed onto the Hague anti-hijacking convention and promises not to use the equipment sold to them by the U.S. for military purposes, such as the sale of two 727s in November 1978. Libya also claimed to be reluctant to provide safe haven to the JRA terrorists who seized the American consulate general in Kuala Lumpur in August 1975.

The United States monitored and assessed Libyan terrorist activity during this period. While the official state sponsor list did not come to fruition until 1979 and the State Department Patterns of Terrorism reports did not come into fruition until 2000, the precursor to this report was the "International and Transnational Terrorism: Diagnosis and Prognosis Report." In April 1976, the report stated that there were a "number of times Libya has been linked to specific groups and incidents....it would appear that Colonel Qaddafi has also been one of the world's least inhibited practitioners of international terrorism." The report documents an array of support

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<sup>879</sup> Naftali, p. 111.

<sup>880</sup> Ibid.

<sup>881</sup> Naftali, p.111-114.

by the Libyans, including financial, logistical and technical in nature<sup>882</sup> The report also cites specific incidents with Libyan involvement such as the Carlos raid on an OPEC meeting in Vienna.<sup>883</sup> By 1976, President Ford was also making public statements indicating that Libya was a supporter of international terrorism.<sup>884</sup> Similarly, the State Department expressed the view that, Qaddafi was increasing his support for terrorism. The review of U.S. policy towards Libya was mostly being done in the context of Senate resolution calling for the President to review trade and diplomatic relations with state sponsors.<sup>885</sup> *The New York Times* also reported in 1977 that the State Department had stated Libya was an active supporter of a variety of terrorist groups since at least 1972.<sup>886</sup>

The 1978 report, which came out in 1979, had even harsher words with regard to Libyan sponsored terrorism, stating that “The government of Qaddafi is the most prominent state sponsor of and participant in international terrorism.”<sup>887</sup> The report goes on to write, “there has been clear and consistent pattern of Libyan aid to almost every major international terrorist group from provisional IRA to PFLP.”<sup>888</sup> The attacks documented include the following: a Libyan government assassination campaign against dissidents in Europe, terrorist attacks on diplomats in the Middle East and the murder of Libyan exiles.

### **Regime Change & WMD**

During this period, regime change demands and WMD demands were not being made by the United States. Therefore, outcomes on these issues will not be assessed.

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<sup>882</sup> David Milbank, “CIA Research Study: International and Transnational Terrorism: Diagnosis and Prognosis,” (Washington DC: Central Intelligence Agency, 1976).

<sup>883</sup> Milbank (1976), p. 20.

<sup>884</sup> Louis Kriesberg, “Assessing Past Strategies for Countering Terrorism in Lebanon and by Libya,” *Peace and Studies Conflict*, vol 13, no 1. Available online at: <http://faculty.maxwell.syr.edu/lkriesbe/Articles/2006%20Assessing%20Past%20Strategies%20For%20Countering%20Terrorism,%20In%20Lebanon%20and%20By%20Libya%202006.pdf>.

<sup>885</sup> U.S. State Department, Action Memorandum: Relations with Libya, STATE 299306 TOSEC 320107, December 1976. Available online at:

<http://aad.archives.gov/aad/createpdf?rid=315569&dt=2082&dl=1345>. Declassified May 4, 2006.

<sup>886</sup> “U.S. Says Libya, Somalia, Iraq and South Yemen Aid Terrorists,” *The New York Times*, May 9 1977.

<sup>887</sup> National Foreign Assessment Center, *Patterns of International Terrorism 1980*,

<http://www.higginsctc.org/patternsofglobalterrorism/1980PoGT.pdf>

<sup>888</sup> *Ibid.*

### **Sub-case #2: 1981-1989: Isolation and Disengagement**

The period from 1981-1988 was characterized by U.S. diplomatic disengagement from and isolation of Libya. During this period, the U.S. also invoked additional sanctions and the use of military force. This period begins with the complete closure of the U.S. embassy in Tripoli, which took place in May 1980. Prior to the complete closure, the charge had been removed and Libyan diplomatic staff in the U.S. were expelled. Despite being driven initially by the mob attack and fire set to the embassy, the embassy remained permanently closed until a U.S. embassy was officially reopened there in 2007 (although a diplomatic presence was established with a Libyan interest section in 2004). During this period, the policy centered primarily on punishing and isolating the regime. Much like during the period in Sudan in which the Clinton administration refused to engage diplomatically with Sudan, this period was marked by a strong degree of diplomatic isolation of the regime.

Like with the prior period, the U.S. was primarily concerned with terrorism during this period. However, unlike in the previous period, the U.S. policy shifted to one that encompassed regime change as a central demand. During this period, the Reagan administration became determined to adopt policies that would contribute to the toppling of the Qaddafi regime. This policy was encapsulated in both statements and government documents. For example, according to a June 1984 CIA report, “No course of action short of stimulating Qaddafi’s fall will bring any significant and enduring change in Libyan policies.”<sup>889</sup> In addition, William Casey, the Director of the CIA, was reported to be “increasingly aware that the President wanted regime change, nothing less.”<sup>890</sup> In addition to the adoption of a strong policy of diplomatic disengagement during this period, the Reagan policy also included the use of military force against Libya.

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<sup>889</sup> Jentleson, 58-59.

<sup>890</sup> Jentleson, 58-59.

President Reagan opted to use military force in the Gulf of Sidra and bomb Libyan targets to retaliate for Libyan attacks.

In this section, I first run through the key U.S. demands related Libya during this period. Second, I describe the U.S. policy of diplomatic disengagement that characterized this time period. This section analyzes what consequences if any, resulted from cutting ties w/Libya and focusing on isolation and regime change. I also assess diplomatic disengagement impacted the crafting and monitoring of sanctions. Lastly, I will assess the outcomes during this period by assessing the progress made on demands across issue areas. This period marks the highest level of diplomatic disengagement throughout the case.

<p><b>1981-1989</b></p> <p><i>ES added</i></p> <p><i>ES continues</i></p> <p><b>ES</b></p>	<p><i>Isolation and Disengagement</i></p> <ul style="list-style-type: none"> <li>• Terrorism: Predicts increasing failure.</li> <li>• Regime change: Predicts lack of success in removing Qaddafi from power.</li> <li>• Predicts high-level information losses and reduced communication following embassy closure..</li> </ul>	<ul style="list-style-type: none"> <li>• Terrorism continues, there is a shift away from overt support by Libya, but continues to covertly sponsor terrorism during this time. No major position change on terrorism.</li> <li>• No success in removing or weakening Qaddafi.</li> <li>• High-level information losses and reduced communication following embassy closure.</li> </ul>
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The chart above summarizes the predictions for this particular period and summarizes the actual outcomes. The areas shaded in grey indicate where my theory does a good job predicting outcomes and the theory's underlying mechanisms (e.g. information losses, reduced communication, etc), whereas the areas without shading indicate the outcomes do not provide support for the theory.

**Demands**

**Terrorism**

The demands during this period mirrored the demands in the prior period with regard to terrorism, however, the Reagan administration placed additional terrorism demands on Libya following the 1988 Lockerbie bombing. However, as the bombing took place at the very end of this period, the progress with regard to these demands will mostly be assessed during the next period of analysis.

With regard to terrorism, Libya continued to be listed as a state sponsor of terrorism throughout this period. In both 1987 and 1988, the State Department listed Libya as the third

most active state sponsor of terrorism. In addition, with both the December 21, 1988, Lockerbie bombing and the September 1989, UTA bombing, a series of specific terrorism-related demands went into effect. Therefore, the main terrorist demands during this period were essentially for Libya to stop its terrorist activities and to stop supporting terrorist groups. The specific demands related to Lockerbie will be analyzed in the following period of analysis.

### **Regime Change**

This period included an additional objective that the previous period did not include. The Reagan administration expanded U.S. objectives beyond behavioral changes related to terrorism. Specifically, the Reagan administration adopted a regime change policy, which aimed to undermine the Qaddafi's regime through covert action and attempts to bolster domestic opposition to the regime. Therefore, this section will assess the progress made with regard to regime change as well as with regard to the explicit terrorism demands.

### **WMD**

As with the prior period, WMD was not a primary demand by the United States during this period. As there were no explicit WMD-related demands on the table in conjunction with sanctions, WMD-related outcomes will not be assessed for this period.

### **Phase II. 1980-1989: Diplomatic Isolation and Punishment**

The Reagan administration adopted a firm policy that was significantly more consistent than the hesitant and cautious mix of engagement and punishment that characterized the prior period. While the embassy reductions and decision to close the embassy took place under Carter, the Reagan administration solidified U.S. policy away from engagement and towards isolation for its entire administration with a much harsher position with regard to Libya. While the initial closure of the embassy was intended to be temporary and for security reasons related to the burning of the embassy, the Reagan administration did not consider reopening the embassy or

trying to reestablish any form of a diplomatic presence in Libya.<sup>891</sup> A Libyan mob set fire to the U.S. embassy in Tripoli due to allegations of U.S. involvement in the Grand Mosque seizure in Mecca. The Reagan administration also expelled Libyan diplomats and shutdown the Libyan embassy in Washington.<sup>892</sup> During this time, the U.S. also cancelled passports for travel to Libya and called for all Americans in the country to leave. In addition, the Reagan administration went beyond a strategy of diplomatic isolation and sanctions, as it made the decision to use military force against Libya with the launching of provocative military maneuvers in the Gulf of Sidra and airstrikes on a number of targets in response to a Libyan terrorist attack targeting Americans at a discotheque in Berlin. The policy adopted against Libya during this period was very similar to the policy adopted by the U.S. against Sudan following the closure of the embassy in 1996.

Like in Khartoum, the decision to close the embassy in Tripoli was initiated as a result of security concerns, but it was not intended to be permanent. In December 1979, a mob of Libyans attacked the embassy. U.S. concerns about allegations that Libya had sent a number of agents overseas with plans to assassinate high-level U.S. officials, including President Reagan, contributed to the decision to close the embassy were<sup>893</sup> With no ambassador in place, the U.S. made the decision in February 1980 to reduce the embassy staff and recall Charge d'affaires Thomas Eagleton. By May 1980, the U.S. had pulled out all of its officials on the ground and about a year later, the U.S. expelled all Libyan embassy staff from the U.S. Although there was not a formal break in diplomatic relations, the ties had essentially been cut to the "lowest level consistent with the maintenance of diplomatic relations."<sup>894</sup>

Usually, when there is an embassy closure, the countries arrange for a third country to take care of both states interests with one another. However, in the case of Libya and the U.S.

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<sup>891</sup> Russell Watson, "A Warning to Libya," *Newsweek*, January 13, 1996. "U.S. Diplomats Leave Libya" *The New York Times*, February 8, 1980.

<sup>892</sup> Youssef Ibrahim, "British Warn Libya on Terrorism," *The New York Times*, May 8, 1980.

<sup>893</sup> O'Sullivan, 176.

<sup>894</sup> Bernard Gwertzman, "U.S. Expels Libyans and Closes Mission, Charging Terrorism," *The New York Times*, May 7, 1981.

this did not happen at this point in time. Although Qaddafi did ask Carter to reopen the embassy, the U.S. offer to have the Belgians serve as a third party intermediary to handle U.S.-Libyan matters was ultimately rejected by Qaddafi.<sup>895</sup>

### **Economic sanctions**

In addition, Reagan adopted an aggressive unilateral position on sanctions and a stronger U.S. military posture. Additional unilateral sanctions followed in early 1982.<sup>896</sup> As early as March 1982, Reagan imposed unilateral boycott of Libyan crude oil and export controls on certain goods and technologies. All imports of Libyan oil were banned and there were also controls placed on U.S. exports to Libya, with the exception of food and medical supplies. By 1983, following the bombing of the U.S. marine barracks in Lebanon, the U.S. adopted a significantly stronger position on international terrorism. For example, in April 1984, the National Security Decision Directive (NSDD) 138 on Combating Terrorism outlined a strong stance and an aggressive response to terrorist actors and state sponsors.<sup>897</sup> In addition, in January 1986, President Reagan imposed comprehensive trade and financial sanctions on Libya. In addition, one of the most significant restrictions put in place by President Reagan ordered Libyan government assets held in U.S. banks to be frozen. There were also bans placed on U.S. loans to the Libyan government and a ban on all travel between the U.S. and Libya. On top of all of these restrictions, there were threats of additional action if Libyan behavior did not change.

There are two small caveats worth noting with regard to the strong unilateral sanctions put in place by the Reagan administration. First, there were a few humanitarian exceptions to the sanctions regime. Second, the Reagan administration was not able to gain international support

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<sup>895</sup> Matar, 256.

<sup>896</sup> Bernard Gwertzman, "U.S. Decision to Embargo Libyan Oil is Reported; Embargo Decision Reported" *New York Times*, February 26, 1982.

<sup>897</sup> Ronald Reagan, "National Security Council – National Security Decision Directive on Combating Terrorism, April 26, 1984.



for most of the sanctions it put in place. UN sanctions on terrorist grounds were not imposed on Libya until 1992.<sup>898</sup>

## **Use of Military Force**

### **Gulf of Sidra**

During this period, there were two significant incidents in which the Reagan administration opted to use military force to confront Libya. The first major incident occurred in August 1981, and took place in the Gulf of Sidra. The U.S. was carrying out military exercises in the Gulf and U.S. jets were fired on while doing exercises. These exercises had been approved by Reagan, but they had not been approved by prior U.S. administrations. The purpose of the exercise was to challenge Libyan territorial claims in the Gulf, which Libya had claimed since 1973.<sup>899</sup> In August, Libyan jets fired missiles at U.S. F-14s operating in an area that Qaddafi had proclaimed to be the “line of death.” In response to Libyan fire, the F-14s shot down the Libyan fighter jets that had launched the missiles on the U.S. jets.<sup>900</sup> U.S. policy included show of force skirmishes in the Gulf of Sidra throughout this period.<sup>901</sup> In late 1981, reports were leaked by the administration that Qaddafi was plotting to assassinate Reagan in response to the Gulf of Sidra incident.<sup>902</sup>

Following the Gulf of Sidra incident, the U.S. continued to carry out naval exercises in the Gulf. Five years after the initial incident, in March 1986, the Libyans once again fired surface-to-air missiles on U.S. jets as in the 1981 missile attack. This time, the U.S. took a more

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<sup>898</sup> <sup>898</sup> United Nations Security Council (31 March 2009) “Resolution 748 (1992)” <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NRO/011/07/IMG/NR001107.pdf?OpenElement>. United Nations Security Council (11 November 1993) “Resolution 883 (1993)” <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/626/78/PDF/N9362678.pdf?OpenElement>.

<sup>899</sup> For more information related to the incidents in the Gulf of Sidra, see Haun (2010).

<sup>900</sup> For a more detailed account of the Gulf of Sidra attacks, see Phil Haun, “On Death Ground: Why Weak States Resist Great Powers: Explaining Coercion Failure in Asymmetric Interstate Conflict,” Doctoral Dissertation, Department of Political Science, Massachusetts Institute of Technology, Sept 2010.

<sup>901</sup> Bruce W. Jentleson and Christopher A. Whytock (2005/6) “Who ‘Won’ Libya? The Force-Diplomacy Debate and Its Implications for Theory and Policy,” *International Security* 30:3,

<sup>902</sup> Jack Anderson, “Qaddafi Is Said To Voice Threat Against Reagan” *Washington Post*, October 13, 1981. Bob Woodward, *Veil: The Secret Wars of the CIA 1981-198*, (New York: Simon and Schuster, 1987), p. 167.

aggressive response by retaliating against the site of the missile launching and they also sank two Libyan patrol boats.<sup>903</sup> The Libyans then retaliated April 5, 1986, with an attack on a Berlin discotheque frequented by U.S. soldiers. This attack triggered an even more aggressive military response by the U.S. - the El Dorado Canyon strikes.

### **El Dorado Canyon**

Despite the escalation of economic sanctions imposed on Libya and a demonstration of the willingness to use force in the Gulf of Sidra, a number of terrorist attacks (including killings and hijackings) continued to occur by groups with ties to Libya. By the end of 1985, President Reagan obtained sufficient evidence in order to take direct military action against Libya. The authorized direct military action was specifically in retaliation for Libyan involvement in the April 1986 bombing at a Berlin disco.<sup>904</sup> The El Dorado Canyon attack consisted of a bombing raid on various Libyan targets including Qaddafi's residence.<sup>905</sup> Overall, the U.S. struck three targets in Tripoli and two targets in Benghazi.<sup>906</sup>

Also, in 1986, President Reagan issued NSDD 205, which was another strong measure aimed specifically at reducing Libyan support for international terrorism. At the time, the national security directive was top secret and stated that the "scope and tempo of Libyan-supported terrorist activity against western targets is widening accelerating" and characterized Libyan sponsorship as "extraordinary threat to the national security ... of the United States."<sup>907</sup> In addition to outlining a number of measures associated with the Reagan policy of isolation against Libya, the declassified annex of NSDD 205 directs the deployment of a second carrier battle

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<sup>903</sup> Bernard Weinraub, "In Disputed Area: Libya Says It Downed 3 Jets, but Washington Reports No Losses" *The New York Times*, March 25, 1986.

<sup>904</sup> Rose in Haass 133-135..

<sup>905</sup> Ibid.

<sup>906</sup> For a more detailed description of the El Dorado attack and U.S. targeting during the attack, see Haun (2010).

<sup>907</sup> NSDD 205, "Acting Against Libyan Support of International Terrorism, Confidential, January 8, 1986, declassified from Volume I. Terrorism and U.S. Policy, The National Security Archive at George Washington University, Briefing Book 55. Available online at <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB55/nsdd205.pdf>. . Released June 11, 1991.

group to central Mediterranean and also outlines operations in Gulf of Sidra.<sup>908</sup> By 1988, the State Department was reporting that,

The U.S. believes the appropriate response to Qaddafi's policies remains one of isolating Libya and minimizing Libya's presence abroad to demonstrate to Qaddafi the cost of his objectionable policies and to limit his capacity to take harmful actions. The administration recently renewed its wide-ranging economic sanctions against Libya. Improved relations between the U.S. and Libya will not be possible as Qaddafi continues to support terrorism, what we seek is concrete evidence of a durable change in Libyan policies, not mere words.<sup>909</sup>

### **Intelligence**

The decision to close the embassy in Tripoli had a tremendous impact on both the United States' ability to collect intelligence on a variety of issues. As the greatest impact of diplomatic disengagement appears to have been in the realm of intelligence, a significant portion of this section will focus on the intelligence implications of closing the embassy and disengaging from Libya. This section will outline key areas in which intelligence was reduced and highlight missed opportunities that resulted from a lack of intelligence that could have potentially been improved had the embassy remained open during this period.

Specifically with regard to terrorism, the loss of diplomatic and intelligence capabilities had a substantial impact on the effectiveness of U.S. policy. For example, one of the reasons Reagan was hesitant to use military force at first and decided to ramp up economic sanctions before using military force was because available intelligence did not satisfy his requirement for the use of military force. Specifically, Reagan's standard was that any targets hit by U.S. forces in retaliation for terrorism needed to have clear intelligence to connect the target to relevant terrorist actors.<sup>910</sup>

During this period, there were also problems relating to assessing the accuracy of reports and being confident in the information being collected on Libya. In fact, there were a number of reports taken seriously by the administration that were later discounted. In his book, *Behind the*

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<sup>908</sup> Ibid.

<sup>909</sup> St. John (1988), 145.

<sup>910</sup> Rose in Haass, 132.

*Veil*, Bob Woodward documents some of these intelligence-related problems. For example, he writes that a number of reporting streams relating to attacks on U.S. targets and high-level officials were mostly discounted over time.<sup>911</sup> Similarly, following the Gulf of Sidra incident, the Reagan administration referred to reports of threats to assassinate the President.<sup>912</sup> Specifically, the administration referred to “reports of Libyan assassination squads,” in a 1981 interview, but there was no specific evidence released or cited to substantiate the claims as to the veracity of such reports.<sup>913</sup> A State Department memo indicated that the reports pertaining to hit squads may have been misinformation coming from an individual trying to make problems for Libya.<sup>914</sup> Unreliable intelligence reporting made it difficult to garner more support internationally for further isolation of Libya on these grounds. Therefore, when Reagan imposed new sanctions in 1982, the United States could not get support for multilateral sanctions and instead, the imposed sanctions were only imposed unilaterally.<sup>915</sup>

Throughout this period, the State Department remained generally skeptical of information on Libya and viewed Libya as “something of a diplomatic black hole.”<sup>916</sup> As a result, the State Department did not have confidence in the intercepts and reports about substantial unrest in the country.<sup>917</sup> Similarly, in another classified memo that called for covert action to undermine Qaddafi, the State Department “disputed the very foundation of the conclusion – the underlying intelligence.”<sup>918</sup> On the first page of the report, the State Department noted its dissent to the conclusions of the report in a footnote, writing, “The paper rests too heavily on fragmentary,

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<sup>911</sup> Woodward, 167.

<sup>912</sup> Jack Anderson, “Qaddafi Is Said To Voice Threat Against Reagan” *The Washington Post*, October 13, 1981. Woodward, Bob (1987) *Veil: The Secret Wars of the CIA 1981-1987* London: Headline 167

<sup>913</sup> St. John, p. 5, Source: “Possible Libyan Assassination Attempt,” Central Intelligence Agency, National Foreign Assessment Center, August 24 1981, DDRS 1988-1937: 1; Reports of Libyan Assassination Squads,” Transcript of an Interview with President Reagan (30 November 1981), *American Foreign Policy: Current Documents*, 1981, 795-96. Note: no evidence to substantiate these reports were produced.

<sup>914</sup> Woodward, 186.

<sup>915</sup> Bernard Gwertzman, “U.S. Decision to Embargo Libyan Oil is Reported; Embargo Decision Reported” *The New York Times*, February 26, 1982.

<sup>916</sup> Woodward, 364.

<sup>917</sup> Woodward 364.

<sup>918</sup> Woodward 365-366.

unsubstantiated reporting and fails to give sufficient weight to Qaddafi's enduring popularity. Qaddafi's security grip is so tight that no coup is likely to get off the ground."<sup>919</sup>

In addition, the U.S. was lacking in information about the internal political workings of the Libyan government and had little access to Libyan officials. According to Schumacher, the "Libyan government was so tightly closed and its officials so fearful or hostile about speaking that it is difficult to establish the details of internal political maneuverings with certainty."<sup>920</sup>

For example, in the early 1980s, the United States saw Qaddafi as the central figure in Libyan decisions. Statements made by U.S. officials frequently referenced Libya by referring to the actions of Qaddafi and viewed Libya's actions through this lens. When assessing Libyan behavior, U.S. officials tended to refer to "Qaddafi's goals" or "Qaddafi's policy of subversion," and tended to ignore other components of the decision-making process even though in Libya decision-making was shared between political institutions and not just made by Qaddafi.<sup>921</sup>

Similarly in 1985, the State Department criticized a CIA assessment on the grounds that it "rests too heavily on fragmentary, unsubstantiated reporting and fails to give sufficient weight to Qaddafi's enduring popularity."<sup>922</sup> In addition, there were also intelligence problems in assessing Libyan power and capabilities. From 1981-82, the United States was overestimating Libyan power and capabilities.<sup>923</sup> Throughout this period, U.S. officials continued to complain that there was a scarcity of information on Libya within the intelligence community, which meant that it became more common for information based on rumors to spread via diplomats.<sup>924</sup>

In addition, during this period, the Reagan administration also resorted to a massive disinformation campaign in order to get Qaddafi to believe he had strong opposition to his

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<sup>919</sup> Woodward, 365-66 and Bob Woodward, "CIA Anti-Qaddafi Plan Backed," *Washington Post*, November 3, 1985.

<sup>920</sup> Edward Schumacher. "The United States and Libya." *Foreign Affairs* 65 (1986): 336

<sup>921</sup> Wallafi, 163-165.

<sup>922</sup> Bob Woodward, "CIA Anti-Qaddafi Plan Backed," *The Washington Post*, November 3, 1985.

<sup>923</sup> Wallafy, 163.

<sup>924</sup> Shumacher, 336.

leadership within the country. However, this plan was not orchestrated well and the U.S. media reported on the campaign. This had serious backlash for the U.S..<sup>925</sup>

However, fortunately, relative to its collection on other sponsors of terrorism, the CIA was still able to collect some intelligence on Qaddafi and Libya because the NSA was able to break Qaddafi's codes, since Libya's codes tended to be less sophisticated than other states' codes. However, the high quantity of intercepts made it seem as though Libya was more active and involved with terrorism than other countries, but this does not mean the information was more valuable or provided a better understanding of the situation on the ground in Libya.<sup>926</sup> In addition, the U.S. was also continuing to focus a significant quantity of intelligence assets on Libya. Woodward writes that, at various times, Libya even received more attention than the Soviet Union.<sup>927</sup> However, part of the reason that the United States needed to allocate so many resources to Libya was due how difficult it was to actually getting good information on Libya. According to Woodward, "The absence of a U.S. embassy in Tripoli made it all the more difficult, but Casey insisted frequently asking "what's damn Qaddafi up to this week?"<sup>928</sup>

Even when the United States collected useful intelligence, the generally poor information environment made those in the U.S. and other countries skeptical of the veracity of reports and information. In addition, without multiple sources of intelligence corroborating accurate information, it may be difficult to convince others – even when intelligence IS in fact reliable and accurate. For example, in 1986, the U.S. was devoting significant resources to intelligence collection in Libya to try to link Libya to specific acts of terrorism. On March 25, 1986, Libya sent a message via the head of its intelligence service to eight of its people's bureaus saying they should be ready to attack U.S. targets and execute the plan. On April 4 and April 5, messages from the Libyan People's Bureau in East Berlin to Tripoli were intercepted, which stated "Tripoli

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<sup>925</sup> Woodward, 473-474.

<sup>926</sup> Woodward, 409.

<sup>927</sup> Woodward, 473-474.

<sup>928</sup> Woodward, 473-474.

will be happy when you see the headlines tomorrow.” The final intercepted message read, “An event occurred. You will be pleased by the result.” Reagan characterized the intercepted communications as “evidence [that is]...direct, precise, irrefutable.”<sup>929</sup> Similarly, the U.S. Ambassador to West Germany stated, “There is very clear evidence that there is Libyan involvement.”<sup>930</sup> However, others were not as definitive as the United States. A German intelligence official stated, “It is a fact that we do not have any hard evidence, , let alone proof, to show the blame might unequivocally be placed on Libya.’” In addition, following the attacks, a Top Secret White House memo from April 15, 1986 noted that the White House had no information on the status of U.S. citizens on the ground in Libya.<sup>931</sup>

### **Intel and Dorado Canyon Strikes**

Like the Al Shifa attack in the Sudan case, the El Dorado Canyon strikes illustrates the impact of reduced intelligence capabilities in Libya. The Dorado Canyon attack provides somewhat of a parallel example to the Al Shifa strikes in Sudan, although the intelligence-related problems were by no means as severe as those related to the Al Shifa attack. The Dorado strikes faced intelligence problems in three respects. In this section, I briefly run through each of the ways intelligence limitations affected the strikes. First, there was not international agreement with the U.S. assessment that Libya was clearly responsible for the disco attack due to questions about some of the intelligence implicating the Libyans. Second, the U.S. had some difficulty with target selection due to intelligence limitations. Lastly, the Reagan administration misgauged the Libyan response to the strikes. As with Al Shifa, it is difficult to assess the degree to which a presence on the ground and an ambassador may have aided the U.S. on all three of these matters. However, it seems quite likely these intelligence-related problems were exacerbated by the lack

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<sup>929</sup> Thomas McNamara, “Against State Sponsors of Terror: A Case Study of Libya,” in *Uniting Against Terror: Cooperative Nonmilitary Responses to Global Terror*, ed. Cortright and Lopez, (Cambridge, Massachusetts Institute of Technology: 2007), 88-90.

<sup>930</sup> L. Boyd-Judson, 79.

<sup>931</sup> Update on U.S. military actions in Libya. Memo. White House. TOP SECRET. Issue Date: Apr 15, 1986. Date Declassified: Mar 15, 2001. Complete. 2 page(s), Harvard University Library Declassified Documents Reference System.

of a diplomatic presence in the country in the lead-up to the strikes and that a diplomatic presence on the ground and an improved intelligence capacity may have ameliorated some of these issues.

### *Evidence*

The first issue with regard to the attack was that the U.S. did not have complete international support for the attack. The intelligence was based on a few vague intercepts and there was no definitive evidence (at least that was made public) that was collected via meetings with Libyan officials or through an on-the-ground investigation of the bombing site.<sup>932</sup> Furthermore, the individuals involved in the bombing weren't actually indicted until many years later. This had a significant impact on Libyan public opinion and the international view of the situation.

### *Targeting*

The Dorado Canyon attack also had intelligence-related difficulties with regard to targeting for the actual attack itself. For example, there was poor intelligence with regard to the targets within Libya and the intelligence community had to approach Israel for assistance.<sup>933</sup> Lack of targeting information may have contributed to the low accuracy with regard to the strikes and the inability to remove Qaddafi from power with the strikes.

The U.S. selected targets based on a number of factors. First, the U.S. selected targets that were linked to Libyan terrorist activity. Second, targets were selected to minimize collateral damage and risk to U.S. lives. Lastly, the U.S. aimed to carry out an attack that was a proportional response to Libyan attacks – specifically the bombing on the German discotheque. As a result of this general criteria, a number of sites were targeted. One of the targets was Bad Al-Azizya barracks in Tripoli, as Libyan terrorist operations were planned there and it also contained Qaddafi's residence. A second target, the Benghazi Military barracks, was an

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<sup>932</sup> While eventually the U.S. did make radio intercepts of Libyan communication regarding the attack public, there was significant doubt about U.S. evidence for Libyan involvement at the time of the attacks. See St. John, p. 136 for more info on doubts regarding Libyan involvement.

<sup>933</sup> Haun, 63-64.



additional command center. The three additional targets included a training camp and two airfields.

The battle damage assessment for the El Dorado Canyon strikes was mixed. It was by no means characterized as a complete success. Some of the aircraft were aborted and one was shot down (out of eighteen total). In addition, only 3/9 of the jets attacking the Qaddafi compound employed weapons and they only two hit targets. None actually hit the assigned targets, but there was still damage to Qaddafi's residence. Members of his family were injured and his young daughter was killed.<sup>934</sup> The strikes on Benghazi had greater accuracy with 11/14 hitting intended targets, but there was some collateral damage killing five civilians.<sup>935</sup> An update on the attacks issued after also indicated that there was some probable collateral damage to the French embassy and other civilian residential areas. Soon after the attack, the update also reported that "Qaddafi has reportedly survived the attack, although he has made no public appearances."<sup>936</sup>

#### *Anticipating the Impact of the Strikes*

The final problem with regard to the strikes was that the Reagan administration "also misread the impact of the April raids on the regime."<sup>937</sup> In addition, Secretary of State George Shultz tried to paint the raids as a victory for the Reagan administration and, at the time of the raids, he claimed that they helped to shift Libyan foreign policy.<sup>938</sup> Unfortunately, the changes that were apparent in Libyan policy did not appear to be geared towards the Reagan

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<sup>934</sup> Foreign Broadcast Information Service (FBIS), "Al Qadhafi Appears on TV" *Daily Report* FBIS-SOV-86-074, April 17, 1986.

<sup>935</sup> For more information on the strikes, see Phil Haun, "On Death Ground: Why Weak States Resist Great Powers: Explaining Coercion Failure in Asymmetric Interstate Conflict," Doctoral Dissertation, Department of Political Science, Massachusetts Institute of Technology. The following sources are cited by Haun: Brian L Davis. *Qaddafi, Terrorism, and the Origins of the U.S. Attack on Libya* New York: Praeger, (1990), p. 139-140; Daniel P. Bolger, *Americans at War: 1975-1986, An Era of Violent Peace* (Novato, CA: Presidio Press, 1988), p. 423; Joseph T. Stanik, *El Dorado Canyon: Reagan's Undeclared War with Qaddafi* (Annapolis, MD: Naval Institute Press, 2003), p. 192-3.

<sup>936</sup> Update on U.S. military actions in Libya. Memo. White House. TOP SECRET. Issue Date: Apr 15, 1986. Date Declassified: Mar 15, 2001. Complete. 2 page(s), Harvard University library Declassified Documents Reference System.

<sup>937</sup> St. John, 138.

<sup>938</sup> *Ibid.*

administration's El Dorado attack objectives.<sup>939</sup> For example, after the U.S. discovered Libyan involvement in the disco bombing and attacked the Libyans, the Libyans took away that they needed to work on improving covert operations, so that involvement would be hidden from the U.S., as the U.S. now seemed willing to take action (whereas before it had not been willing to carry out strikes).<sup>940</sup> In addition, according to a Top Secret White House Memorandum from April 15, 1986, following the attacks, Libyan radio called on Arabs to "destroy all the US bases in the Mediterranean." In addition the memo stated that "Tripoli has also called for attacks on all American interests."<sup>941</sup> In fact, the strikes actually seemed to motivate Libya for greater retaliation and terrorist involvement.

### **Communication**

The closure of the embassy and the adoption of an isolation-centric policy by the U.S. also had a big impact on communication. In addition to no meetings between high level U.S. officials and high-level Libyan officials and no embassy officials in regular contact with Libyan officials or Libyans on the ground, there was difficulty articulating U.S. demands to the Libyans. According to Lisa Anderson, "By the time the administration's request that all Americans leave Libya was carried out in early 1982, the potential for U.S. influence in the country through personal or diplomatic channels was nil."<sup>942</sup> Similarly, the last official U.S. meeting with Qaddafi took place in 1980. In a 2004 State Department briefing Spokesman Richard Boucher briefed reporters, who asked about the last senior level official to meet with Qaddafi. Boucher responded that, "The last meeting that I'm aware of is our -- was he ambassador at the time or charge Bill Eagleton in 1980 when he closed up the embassy, he met with Qaddafi."<sup>943</sup>

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<sup>939</sup> Ibid.

<sup>940</sup> Thomas McNamara, "Against State Sponsors of Terror: A Case Study of Libya, 1979-2003," in Cortright and Lopez, *Uniting Against Terror: Cooperative Nonmilitary Responses to Global Terror*, p. 93

<sup>941</sup> Update on U.S. military actions in Libya. Memo. White House. TOP SECRET. Issue Date: Apr 15, 1986. Date Declassified: Mar 15, 2001. Complete. 2 page(s), Harvard University library Declassified Documents Reference System.

<sup>942</sup> Lisa Anderson, 533.

<sup>943</sup> U.S. State Department, "State Department Noon Briefing, March 23, 2004

As a result, even though the United States was pressuring Qaddafi on terrorism-related demands, Qaddafi was confused by the mixed messages being sent out by the administration. He was particularly worried about the Reagan administration's desire for regime change, along with the covert operations aimed at removing Qaddafi from power.<sup>944</sup> According to Zimmerman, this may have contributed to resistance by Qaddafi as he felt that regardless of his approach to terrorism, the U.S. would still want to remove him from power.<sup>945</sup> In addition, Zimmerman points out that there was confusion and lack of clarity on the precise terms of a settlement - resulting from a lack of communication on the terms.<sup>946</sup>

In addition, as a result of diplomatic relations being terminated, U.S. and Libyan diplomats also had limited contact outside Libya, such as at the UN.<sup>947</sup> Many have written about the lack of relations being detrimental to U.S. interests, specifically in that it "inhibits communication and makes progress on the remaining issues of concern very difficult."<sup>948</sup> After a long period of embassy closure, arguments were also made that diplomatic relations would help monitor Qaddafi's unpredictable behavior.<sup>949</sup>

During this period, the United States also requested that Americans in Libya leave the country and cancelled passports for travel to the country. According to Anderson, by the time the Reagan administration's request that all Americans leave Libya was carried out in early 1982, "the potential for us influence in the country through personal or diplomatic channels was nil."<sup>950</sup>

### **Impact on Sanctions**

While the Libyan economy was faltering during this period, generally speaking, the economic sanctions did not have a significant impact on the overall Libyan economy and U.S. firms still

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<http://www.globalsecurity.org/military/library/news/2004/03/mil-040323-usia02.htm>

<sup>944</sup> T. Zimmerman., 'The American bombing of Libya: A success for coercive diplomacy?' *Survival*, 29 (May-June, 1987), 195-214.

<sup>945</sup> Zimmerman, 208.

<sup>946</sup> Zimmerman, 211.

<sup>947</sup> Lewis, 4.

<sup>948</sup> Lewis, 4.

<sup>949</sup> Lewis, 4.

<sup>950</sup> Anderson, 533.

engaged in trade through foreign subsidiaries.<sup>951</sup> According to intelligence reports in 1987, the CIA assessed that “US economic sanctions against Libya have had only a limited impact on Tripoli’s ability to acquire U.S. goods or substitute technological goods, and no significant impact on its oil production or ability to use international banking mechanisms.”<sup>952</sup> The Libyans were able to find substitutes easily because foreign companies were not joining with the United States restrictions. The CIA also assessed that the impact of U.S. sanctions will reduce unless more countries joined in to make the multilateral, however, the CIA assessed this to be unlikely.<sup>953</sup> In addition, the report points out that sanctions tend to be the most effective early on (6-12 months), otherwise substitutes are found.<sup>954</sup> In addition to foreign substitutes, the sanctions’ effectiveness was reduced due to Libyan steps taken to combat the sanctions. For example, Libya stockpiled critical spare parts prior to sanctions in case they faced sanctions. In addition, Libya set up foreign trading companies to procure oil equipment.<sup>955</sup>

#### **Outcome: Terrorism and Regime Change**

The Reagan policy of isolation and punishment did not appear to be successful in getting Libya to modify its behavior on any of the primary demands during this period of analysis. In fact, by early 1988, the Administration began to move away from its regime change policy and it actually moved to somewhat soften its position on Libya. A White House official at the time stated, ““if one characterizes our earlier policy as one of active destabilization, one could say we’re now trying to further isolate him.”<sup>956</sup> In addition, the U.S. reigned in its harsh rhetoric and stopped navy activity in the Gulf of Sidra. The U.S. also reduced funding to Libyan exile groups.<sup>957</sup> The U.S. recognized that its actions had done very little to reduce Qaddafi’s power or change the behavior of the regime. In addition, changes in personnel also contributed to policy

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<sup>951</sup> Rose in Haass, 134.

<sup>952</sup> International and Energy Document Weekly, Central Intelligence Agency website, March 6, 1987.

<sup>953</sup> Ibid.

<sup>954</sup> Ibid.

<sup>955</sup> Ibid.

<sup>956</sup> Rose in Haas, 134-135.

<sup>957</sup> Rose in Haas, 134-135.

shifts.<sup>958</sup> While Libya did reduce some of its attacks as a result of the Reagan policy during this time, it did not stop its support for terrorism or its involvement with attacks. In addition, it continued its covert support of terrorist groups carrying out attacks.

One would have expected that the El Dorado Canyon military operation would have had a stronger impact on changing Libyan behavior particularly since yielding to the United States on some of its terrorism-related demands would not have threatened the survival of the regime and Qaddafi was assumed to be fearful about future military action. However, the United States apparently miscalculated, perhaps due to lack of insight into the regime's thinking and likely calculus. Bruce St. John argues that the Reagan administration miscalculated as to the impact of the April attacks, even though the administration tried to frame the attacks as a U.S. victory by implying that they had helped to shift Libyan policy.<sup>959</sup> However, there was little evidence that any shifts by the Libyans were in support of the primary objectives stated by the administration as its reasons for the attack.<sup>960</sup> In fact, the attack actually made Qaddafi retreat from Tripoli and become more fearful about his grasp on authority.<sup>961</sup> Qaddafi felt that conceding to the U.S. on terrorism would have made him appear weak and potentially undermine his hold on power. In addition, the Libyans saw that the U.S. would not take military action without hard evidence to implicate the Libyans in particular attacks, so the Libyans turned to more covert policies.

According to a CIA report from July 17, 1986, in the aftermath of the El Dorado Canyon strikes, the CIA assessed that, "the underlying considerations motivating Qaddafi's commitment to violence have not changed."<sup>962</sup> Finally, this period was also marked by two significant Libyan supported terrorist events – the Lockerbie and UTA bombings, which indicated that Libyan support for terrorism had no means been brought to a close by U.S. sanctions and military force

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<sup>958</sup> Rose in Haass 134-135.

<sup>959</sup> St. John, 138.

<sup>960</sup> St. John, 138.

<sup>961</sup> Haun (2010)

<sup>962</sup> Appendix C. Prospect for Libyan Terrorism in CIA, "Libya: Qaddafi's Political Position Since the Airstrike" July 17 1986, SECRET NOFORN NOCONTRACT ORCON, NESA from Central Intelligence Agency website.

during this period, as these were two of the most high profile terrorist attacks of the decade. On December 21, 1988, Pan Am Flight 103 exploded over Lockerbie, Scotland, killing 270 people. Nine month later the UTA 722 exploded over the Sahara Desert.

### **Regime Change**

During this period, the U.S. also did not achieve its major goal of changing the Libyan regime or removing Qaddafi from power. The El Dorado Canyon strikes did not kill Qaddafi nor did U.S. policies or military action successfully instigate internal opposition to overthrow Qaddafi. The El Dorado attacks targeted Qaddafi's residence and although the administration didn't explicitly state this as a goal of the attack, the attack failed. Other U.S. efforts to remove Qaddafi from power also failed during this period. According to talking points for the CIA's Director of the Directorate of Intelligence, the CIA assessed that Qaddafi "probably is not in immediate danger of being ousted."<sup>963</sup> Similarly, a 1987 Anniversary Assessment of U.S. Government Policy Towards Libya argued that "Qaddafi's leadership is not immediately in jeopardy, nor has he definitively abandoned those policies which are the most dangerous and objectionable to the U.S." In addition the memo notes lack of success with regard to getting others on board with sanctions against Libya.<sup>964</sup>

Overall, the Reagan strategy was problematic because it was trying to address both policy change and regime change at the same time.<sup>965</sup> Perhaps Bruce Jentleson says it best when he argues that, President Reagan "had too much emphasis on coercion and not enough on diplomacy."<sup>966</sup>

### **1990-1999: Early Quiet Diplomacy and Return to Hesitant Engagement**

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<sup>963</sup> Talking points for the DDI, The Libyan Internal Situation, Central Intelligence Agency website , January 27, 1986, Available online at Central Intelligence Agency Website: [http://www.foia.cia.gov/docs/DOC\\_0000849707/DOC\\_0000849707.pdf](http://www.foia.cia.gov/docs/DOC_0000849707/DOC_0000849707.pdf). Declassified October 2002.

<sup>964</sup> U.S. Department of State, "Anniversary Assessment of USG Policy Towards Libya," January, 8, 1978. Memo for Mr. Frank Carlucci from Nicholas Platt, Executive Secretary of the State Department. Declassified Reagan Library in William Burns files in 2006.

<sup>965</sup> Jentleson, 60.

<sup>966</sup> Jentleson, 60.

The period from 1990-1999 was characterized by quiet diplomacy and hesitant engagement by the United States. Like with the prior period, terrorism demands remained at the forefront of U.S. concerns, but the regime change policy was no longer in place. In addition, a new set of terrorism demands became the focus of this period. The major terrorism demands during this period centered on the Lockerbie bombing. In addition to the general demands on terrorism that existed prior to Lockerbie, the U.S. demanded that Libya extradite suspects for trial to the United States or Great Britain, disclose evidence related to the bombings, acknowledge responsibility for the bombings and pay compensation to the victims' families. Unlike in the previous period, the regime change demand was no longer viewed as one of the main goals of the administration and it is no longer included as a demand in this period. During this period, concerns also grew over Libyan acquisition of WMD and demands on WMD came to fruition. Therefore, both terrorism and WMD demands will be assessed as the primary U.S. demands in this period.

Throughout this period, U.S. unilateral economic sanctions remained in place and U.S. diplomatic sanctions also remained in place. However, there were two major policy shifts. First, the U.S. began to embark on a quiet policy of hesitant engagement. Although there were barriers to engagement due to a lack of embassy and ambassador, the U.S. made an effort aimed at overcoming those barriers and turning towards an increasingly engaged and conciliatory approach with the Libyans. Second, as a result of its new willingness to engage the Libyans, the U.S. also was able to gain UN support on sanctions, although not on Libyan oil exports.

In this section, I first run through the key U.S. demands related to Libya during this period. Second, I describe the U.S. policy of hesitant engagement that characterized this time period and laid the foundations for the significantly increased engagement starting in 1999. I also assess how this policy shift impacted the crafting and monitoring of sanctions. Lastly, I will assess the outcomes during this period by assessing the progress made on terrorism demands.

The following chart reviews the predictions for this particular period and summarizes the actual outcomes.

1990-1999	<p><i>PREDICTIONS:</i></p> <p><i>Early Quiet Diplomacy</i></p> <ul style="list-style-type: none"> <li>• Predicts some increasing, but limited, success late in the period on Lockerbie.</li> <li>-Predicts small gains with regard to general terrorism demands</li> <li>-No prediction on WMD (not a primary demand during this period)</li> </ul>	<p><i>ACTUAL OUTCOMES</i></p> <ul style="list-style-type: none"> <li>• Success in extradition of suspects to Netherlands (not to US or GB as originally demanded) and cooperation w/investigation.</li> <li>• Failure on the remaining demands related to Lockerbie: 1) acknowledging responsibility 2) compensation to victims' families.</li> <li>• Terrorism</li> <li>• No progress on WMD</li> </ul>
	<ul style="list-style-type: none"> <li>• Predicts low-level information gains and increasing levels of communication towards the end of the period.</li> </ul>	<ul style="list-style-type: none"> <li>• Low-level information gains and increasing levels of communication.</li> </ul>

## **Demands**

### *Terrorism*

Towards the end of the prior period of analysis on December 21, 1988, Pan Am flight 103 exploded over Lockerbie. Almost a year later, on September 19, 1989, French UTA 722 exploded over Niger. As a result of these two incidents, U.S. terrorism demands became more specific. In October and November 1991, arrests and indictments were issued for the Libyans responsible for the bombings. On 27 November 1991 the United States and Britain released a joint declaration demanding Libya:



- surrender for trial all those charged with the crime; and accept responsibility for the actions of Libyan officials;
- disclose all it knows of this crime, including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence, including all the remaining timers;
- pay appropriate compensation<sup>967</sup>

By March 1992, the UN Security Council passed resolution 731 and 748 demanding that Libya turn over suspects in both cases and threatening embargos and reduced diplomatic representation.

The demands embodied in the U.S.-British statement regarding compensation and ending general support for terrorism were also included in the demands accompanying the UN resolutions.<sup>968</sup>

The general terrorism demands that had been in place for the years prior also remained in place, but the focus during this period centered on the suspects involved in the bombings and Libya's actions in response to the two bombings.

### **Hesitant Engagement and Quiet Diplomacy**

The shift away from confrontation and towards a more multilateral and sanctions based strategy developed under the Bush and Clinton administrations from 1989 through 1998. In the aftermath of the two bombings, the U.S. was able to get the UN on board with sanctions in 1992 to press for the Libyan release of suspects. As a result of failure to turnover the suspects, sanctions were increased in 1993. Additional U.S. sanctions continued to be placed on Libya in 1996 through the Antiterrorism and Effective Death Penalty Act and the Iran-Libya Sanctions Act. By 1998, the Security Council provided inducements to Libya with Resolution 1192, as it promised the suspension of UN sanctions with the turnover of the suspects from Libya. The UN resolutions were the first resolution passed by the Security Council condemning a terrorist act and they were also first time the council had opted to used "smart sanctions" targeting on areas related

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<sup>967</sup> Office of Press Secretary, "Statement Announcing Joint Declarations on the Libyan Indictments," Available from the American Presidency Project, November 27, 1991. Available online at: [www.presidency.ucsb.edu/ws/index.php?pid=20281&st=&st1](http://www.presidency.ucsb.edu/ws/index.php?pid=20281&st=&st1)

<sup>968</sup> Yahia H. Zoubir, "Libya in U.S. Foreign Policy: From Rogue State to Good Fellow?" *Third World Quarterly*, Vol. 23, No. 1, February 2002, pp. 31-53.

to terrorist activity. The sanctions targeted Libya's civil aviation, arms and diplomatic posts due to links to intelligence services involved in destructing the airliners.

Despite the strong sanctions regime in place by the U.S., the 1990s saw a gradual shift in U.S. policy towards Libya. First, there was a hesitant willingness to start reengaging with the Libyans, as U.S. officials acknowledged there was little to show for Reagan's confrontational policy, which had not achieved much in terms of U.S. objectives. Throughout the 1990s, there were small efforts to send U.S. representatives to meet with Libyan officials – mostly via informal channels. These smaller efforts culminated with the first official direct diplomatic contact between the US and Libya in 18 years, which was a meeting between U.S., G.B. and Libyan officials on June 11, 1999.<sup>969</sup> According to Zoubir, although the United States continued to reiterate demands, it was also acknowledging some of Libya's smaller shifts on terrorism and recognized that "change can now be imagined."<sup>970</sup>

While diplomatic engagement was not fully embraced during this period, there were some back-channel efforts aimed at engaging the Libyans and these efforts laid the groundwork for more significant future diplomatic efforts. According to multiple sources, the U.S. opened back-channel negotiations twice with the Libyans in 1992 through high-level U.S. government officials, including former senator Gary Hart and Undersecretary of State for Economic Affairs (in Ford administration) and William Roger. Rogers even had the opportunity to meet with Qaddafi in Libya on January 30, 1992.<sup>971</sup> Rogers, a former Undersecretary of State for Economic Affairs, met with Qaddafi in a tent in Tripoli in January 1992. At the time, Rogers was not a government official. Rogers conveyed U.S. demands to Qaddafi by reiterating the demand for extraditing the suspects of the Pan Am bombing, but also by cooperating with the U.S. in intelligence sharing and opening itself up to inspections. Rogers reported that Qaddafi, "took the

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<sup>969</sup> Ibid.

<sup>970</sup> Ibid.

<sup>971</sup> Barbara Slavin, "Libya's Rehabilitation in Works since Early '90s," *USA Today*, April 27, 2004; [http://www.usatoday.com/news/world/2004-04-26-libya\\_x.htm](http://www.usatoday.com/news/world/2004-04-26-libya_x.htm)

suggestions on board.”<sup>972</sup> Unfortunately, this meeting did not really go anywhere, despite Rogers drafting a document suggesting some Libyan foreign policy principles to start back-channel talks with the Libyans. However, there was some hesitance by the Bush administration, as they had just lost the 1992 election to Bill Clinton.<sup>973</sup>

However, even with the opening of channels of communication with the Libyan regime, the United States continued its strong economic sanctions policy. The Iran-Libya Sanctions Act was put into effect in 1996.

The policy during this period can best be described as one of quiet, back-channel diplomacy, but not one of complete reengagement, which would not occur until around 1999. In general the public position towards Libya was still one of isolation and disengagement, but there was an increasing willingness to see if gains could be made through diplomacy. According to Bruce Jentleson,

The diplomatic track dates back to the first Bush administration and the successful effort in 1992 to get UN Security Council multilateral economic sanctions against Libya. It continued through the Clinton administration including further tightening of UN Security Council sanctions in 1993 and later joining the British in secret direct negotiations with high-ranking Libyans.<sup>974</sup>

Eventually, a communications channel was put into place by the Clinton administration. The administration opted to start secret talks with the Libyans beginning in May 1999. The meetings included Martin Indyk and Edward Walker, both assistant secretaries of state, and the head of Libyan external intelligence.<sup>975</sup> The Clinton Administration also decided to drop the term “rogue” and instead began referring to Libya as a “state of concern.”<sup>976</sup>

### **Sanctions During this Period**

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<sup>972</sup> Ibid.

<sup>973</sup> Ibid.

<sup>974</sup> Bruce Jentleson, “Coercive Diplomacy: Scope and Limits in the Contemporary World,” Policy Analysis Brief, The Stanley Foundation, December 2006, p. 4. Available online at:

<http://www.stanleyfoundation.org/publications/pab/pab06CoerDip.pdf>

<sup>975</sup> Slavin article

<sup>976</sup> Zhoubir, 46.

As stated earlier, a number of sanctions were imposed during this period. First, UNSC resolutions were passed in 1992 placing specific restrictions on Libya as a result of the terrorism demands on Libya. On March 31, 1992, The UN Security Resolution passed Resolution 748. These sanctions imposed bans on aircraft landing and takeoff in Libya. These sanctions also prohibited sales of aircraft parts and other military equipment to Libya. In addition, the sanctions reduced the diplomatic staff at Libyan missions.<sup>977</sup> However, these sanctions did not restrict Libyan oil sales. In March 1993, the U.S. attempted to impose a multilateral oil embargo on Libya, but other countries did not go along. In November 1993, the UN Security Council passed resolution 883, which put new sanctions on Libya as it had still not complied with UN extradition demands. These sanctions banned air travel to Libya and restricted the sale of certain equipment for the oil industry. The sanctions also placed an embargo on arms, froze funds and reduced diplomatic representation to Libya.<sup>978</sup>

In December 1995, Congress imposed additional sanctions on businesses investing in Libya's hydrocarbon sector and on December 20, 1995, the U.S. Senate passed the "Iran Foreign Oil Sanctions Act," which imposed sanctions on countries that invested more than \$40 million in the petroleum industry in Libya. This EU was most impacted by this and did not support it, but President Clinton eventually signed the bill after it passed both houses.

Sanctions then culminated with the 1996 passage of the Iran and Libya sanctions act, which President Clinton signed in March 1996. The parts of the act relevant to Libya required that the President impose sanctions on any foreign company investing more than 40 million in Libya for petroleum development.<sup>979</sup> In addition, sanctions could be imposed if a foreign entity exported any of the technologies to Libya that were banned by Pan Am Security Council

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<sup>977</sup> United Nations Security Council (31 March 2009) "Resolution 748 (1992)" <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NRO/011/07/IMG/NR001107.pdf?OpenElement>

<sup>978</sup> Thomas McNamara, "Against State Sponsors of Terror: A Case Study of Libya, 1979-2003," in Cortright and Lopez, *Uniting Against Terror: Cooperative Nonmilitary Responses to Global Terror*; United Nations Security Council (11 November 1993) "Resolution 883 (1993)" <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/626/78/PDF/N9362678.pdf?OpenElement>.

<sup>979</sup> Rose, 142.

resolutions 748 and 883.<sup>980</sup> President Clinton signed the bill on August 5, 1996. In addition, the “Antiterrorism and Effective Death Penalty Act of 1996,” was passed during this period, which essentially brought a \$4 billion civil suit against the Libyan government on behalf of the U.S. victims of Pan AM Flight 103.

### **Intelligence and Communication**

During this period, there were still communication problems and intelligence problems as a result of no embassy presence in Libya. However, as the United States slowly began to engage with Libya, the U.S. was able to slowly reopen the doors of communication, paving the way to renewed period of more complete diplomatic engagement in 1999. While intelligence and communication improved during this period as a result of a greater willingness to engage diplomatically with the Libyans, there were still significant gaps in intelligence collection and problems with communication between the countries. Unfortunately, due to a lack of intelligence for over a year and a half, there was not sufficient intelligence to figure out who was responsible for Lockerbie.<sup>981</sup> While investigators could determine a bomb had exploded on the plane, there was little intelligence on who had planted the bomb or how they had gotten it on the plane. According to Matar, “Western intelligence reports about what was considered irrefutable information about Libya’s responsibility for one operation or another might not be much more than information about some Libyan official claiming responsibility for financial gain.”<sup>982</sup>

According to Gideon Rose, limited intelligence inhibited the investigation into the attacks. Not only was there a general lack of information on the attacks, but there was close cooperation between a number of government agencies and terrorist groups, which made teasing out the train of responsibility particularly difficult<sup>983</sup>. For example, Rose points out that there were officials in the U.S. intelligence community that felt Lockerbie could have been motivated

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<sup>980</sup> Kenneth Katzman, “the Iran Sanctions Act,” Congressional Research Service, July 9, 2007, p. 2. <http://www.carnegicendowment.org/static/npp/reports/RS20871.pdf>.

<sup>981</sup> McNamara p. 98 in Cortright and Lopez. .

<sup>982</sup> Matar, 51.

<sup>983</sup> Rose, 151.

by Iran, who turned to the Libyan's for support due to its ties to a number of groups with operational capacity.<sup>984</sup>

Bruce Jentleson also argues that determining who was responsible for the bombings was hard not only due to the lack of intelligence about the attacks, but also due to the cooperation among a number of foreign intelligence services with various Palestinian groups.<sup>985</sup> At times throughout the investigation, the focus was not on Libya and some officials in the U.S. felt that Iran was to blame or that Iran had enlisted Libya's help. Similarly, Syria was also suspected as being involved in the attack.<sup>986</sup> Eventually forensic evidence on the ground in Scotland was able to trace the attack back to Libya by late 1990. However, it is important to note the collection of the main evidence resulted from a forensic investigation outside the country and not intelligence collected in Libya itself.<sup>987</sup> Soon after the Lockerbie bombing was traced to Libyan agents, the UTA attack was also linked to Libya.<sup>988</sup>

In addition, there were also some intelligence gaps related to tracking Libyan acquisition of unconventional weapons. For example, according to Vandewalle, in 1997, "the CIA concluded that efforts to acquire unconventional weapons had started to slow down – a conclusion that was later proven to be true for chemical weapons, but not for Libya's attempts at obtaining further missile and nuclear technology."<sup>989</sup> Bruce St. John also writes about similar assessments of intelligence on unconventional military weapons. He notes that strategic intelligence on Libya was lacking and the U.S. government overestimated the threat posed by Libya's chemical and biological warfare program.<sup>990</sup> In addition, St. John writes that intelligence

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<sup>984</sup> Rose, 151.

<sup>985</sup> Jentleson 151.

<sup>986</sup> Jentelso, 772.

<sup>987</sup> McNamara, 99.

<sup>988</sup> Mcnamara, 99-100.

<sup>989</sup> Vandewalle 183, 222.

<sup>990</sup> St. John, 400.

regarding the nuclear program made the reverse error by underestimating Libya's ambition with regard to nuclear weapons development and success in purchasing materials.<sup>991</sup>

### **Communication**

Throughout this period, Qaddafi was generally resistant to yield on the U.S. Lockerbie suspect extradition demands. Part of the Libyan resistance to extradition was that even if they were to comply with U.S. demands, they were unsure as to whether or not the U.S. would actually modify its sanctions policy.<sup>992</sup> Libya essentially believed that the Clinton administration had a regime change-based policy that was in line with previous administrations, when in fact the Clinton administration had no such policy in place. The Libyans viewed the U.S. position as one that provided it with no incentives for most of this period.<sup>993</sup> As there was very little official contact between the parties during this period, this belief remained in effect until the U.S. became increasingly willing to engage directly with the Libyans to convey their position on demands and sanctions. Some low-level communication took place, which helped to more clearly convey the U.S. position to the Libyans and build trust which laid the foundations for the more direct and official negotiations that occurred at the close of this period.

During this period, Gary Hart also engaged in private talks with Libya in March 1992. He met with Yussuf Dibri, the head of Libyan intelligence services. He also met with two other high level Libyan officials. In the meeting, Hart learned of Libya's willingness to turnover the Pan Am suspects, but the Libyans wanted a commitment that the Bush administration would start talks with the Libyans about lifting sanctions and aim to normalize relations between the U.S. and Libya.<sup>994</sup> Unfortunately, Hart reports that the State Department did not take the Libyan offers seriously at this time. Hart's discussions continued and he was in communication with

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<sup>991</sup> St. John, 400.

<sup>992</sup> Zoubir, 36..

<sup>993</sup> Zoubir, 36.

<sup>994</sup> Gary Hart, "My Secret Talks with Libya, and Why They Went Nowhere," *The Washington Post*, January 18, 2004.

Washington, but nothing tangible ever came out of these secret talks, but it did convey to the Libyans that the suspects would need to be tried in U.S. or in Scotland.<sup>995</sup>

Throughout this period there was very little formal communication until around 1998-1999. While there were visits, such as Rogers meeting with Qaddafi in 1992, no real progress resulted from this meeting. William Rogers met with Qaddafi on January 30, 1992. Rogers conveyed U.S. demands on extradition and also pressed Qaddafi on stopping its support for terrorism and offer inspection of WMD facilities.<sup>996</sup> The meeting produced a document by Rogers outlining a way forward for secret talks, but the administration did not want to get involved at this time.<sup>997</sup> The embassy was still shutdown and there were no official meetings between U.S. and Libyan officials during this time.

In 1998, ongoing international mediation efforts began and were aimed at reaching some sort of agreement on Lockerbie demands, but these were mostly carried out by third party mediators. For example, Nelson Mandela, UN Secretary General Kofi Annan and various Saudi envoys were involved in the negotiations.<sup>998</sup> Months of negotiations and talks took place to hammer out the details of turning over suspects for trial in Netherlands. However, there were still a number of outstanding issues even after agreeing on the turnover of suspects for trial. During the negotiations, there were concerns by both the U.S. and the UK about using third parties. Indirect negotiations run the risk of misunderstandings or agreements being reached that were not acceptable to U.S. and British officials. In particular, the U.S. was particularly concerned about Prince Bandar and Jakes Gerwell, who was Mandela's chief of cabinet. The United States was

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<sup>995</sup> Ibid.

<sup>996</sup> Barbara Slavin, "Libya's Rehabilitation in Works since Early '90s," *USA Today*, April 27, 2004, [http://www.usatoday.com/news/world/2004-04-26-libya\\_x.htm](http://www.usatoday.com/news/world/2004-04-26-libya_x.htm)

<sup>997</sup> Ibid.

<sup>998</sup> Barnaby Mason, "Lockerbie's Long Road," BBC News, January 31, 2001. Available online at, <http://news.bbc.co.uk/2/hi/1144147.stm>



concerned that they might misrepresent the American position in the context of the negotiations.<sup>999</sup>

However, the discussions and mediation efforts did help to produce a breakthrough, as Libya eventually turned over the suspects implicated in Pan Am 103 to the Netherlands for trial in a Scottish court.<sup>1000</sup> In addition, in mid-1998, Milton Viorsta an experienced Middle Eastern correspondent was invited to Libya. Libyan official, Youssef Debri, stated that Libya was tired of its isolation and wanted to reconcile with the U.S.. Before his trip Viorsta went to the State Department and State Department officials were lacking knowledge about Libya's motivations and behavior.<sup>1001</sup>

In June 1999, the first direct talks between the Libyans, the U.S. and GB finally ensued. These were the first direct talks in over 18 years. In June 1999, official representatives from the UK and the US met with the Libyan ambassador. A secret communications channel was finally established under the Clinton administration. Two assistant secretaries of State — Martin Indyk and Edward Walker — held five meetings from May 1999 through early 2000 with Libyans, including the head of Libyan external intelligence. The U.S. set forth conditions that needed to be met to get the U.S. to permanently lift its sanctions.<sup>1002</sup> These rested on the demands mentioned earlier. Unlike the British, the U.S. did not resume full diplomatic relations at this time. According to Zoubir, when the Libyan and U.S. officials finally did engage in direct meetings, one of the objectives of the meeting was to clarify “the positions of their governments regarding the requirements of the aforementioned Security Council resolutions for the lifting of the measures imposed by the council on the Libyan Arab Jamahiriya.”<sup>1003</sup> It was made clear to the Libyans that the U.S. would not lift sanctions unless all of the demands were met – not merely

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<sup>999</sup> Khalil Matar & Robert Thabit, *Lockerbie and Libya*, (McFarland, 2004), pp. 169, 189-90

<sup>1000</sup> Leverett, “Why Libya Gave up on the Bomb,” p. 77,  
[http://www.brookings.edu/opinions/2004/0123middleeast\\_leverett.aspx](http://www.brookings.edu/opinions/2004/0123middleeast_leverett.aspx)

<sup>1001</sup> St. John, 390.

<sup>1002</sup> St. John, 178.

<sup>1003</sup> Yahia H. Zoubir, “The United States and Libya: From Confrontation to Normalization,” *Middle East Policy*, Vol. 8, No. 2, Summer 2006.

extradition. At the same time, the U.S. also acknowledged that they recognized some progress the Libyans had made with regard to terrorism, such as reducing support and expelling the Abu Nidal organization.<sup>1004</sup> Similarly, by July 1999, after meetings with Libyans had already taken place, there appeared to be greater recognition that “sanctions fatigue” was setting in. By 2000, following meetings with the Libyans, the U.S. began changing its rhetoric and even sent consular officials to Libya to see whether or not Americans could travel there.<sup>1005</sup>

### **Outcomes: Mixed Outcomes and Opening Windows of Opportunity**

Compared to the prior period of analysis, there were some gains made during the latter part of this period, however, the U.S. was still not able to get Libyan compliance on most of its Lockerbie-related demands. In addition, due to a continued lack of direct dialogue and no presence on the ground, the U.S. continued to struggle in calibrating its policy effectively. However, the U.S. was eventually able to get Libyan compliance with regard to the turnover of the suspects, despite minimal progress on the other terrorism-related demands. This section will focus on the effectiveness of sanctions, as well as the degree to which the U.S. was able to get compliance on its various demands. In the context of assessing the outcomes, I will also assess the way in which diplomatic engagement contributed to areas of progress and opening windows of opportunity with regard to progress on U.S. demands.

### **Sanctions**

The sanctions on Libya did bring about some immediate responses from the Libyans. As soon as sanctions were imposed in 1992, the Libyans made an announcement that they were cutting Libyan support to terrorist groups and cracking down on terrorist camps within Libyan borders. However, these were minor steps in the context of the numerous demands placed on Libya with regard to terrorism that had induced the sanctions.<sup>1006</sup> In addition, economic sanctions

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<sup>1004</sup> Ibid.

<sup>1005</sup> St. John, 179-183.

<sup>1006</sup> Jentleson, 140.

also did not substantially undermine the Libyan economy, despite having some limited impact.<sup>1007</sup>

In general, sanctions were not effective during this period. First, for most of this period, despite strong sanctions in place by U.S. and UN, there was little movement in Libya's position for most of the period of analysis. In addition, the U.S. did not appear to calibrate its sanctions in a productive manner, as the imposition of the Iran Libya Sanctions Act (ILSA) created backlash both from the international community and Libya.

The ILSA went above and beyond previous U.S. sanctions pertaining to Libya because it sanctioned other foreign businesses doing business with Libya. This was problematic because it not only alienated allies, but it also made the Libyans feel like even when they complied or made progress, the U.S. was not acknowledging its changes in behavior. At the time of the ILSA imposition, the Libyans had not engaged in any additional provocations towards the U.S. and felt that they were being unjustly targeted once again despite some progress on the terrorist front.

The unilateral U.S. sanctions did have some impact on the Libyan economy, however, the economic impact did not in and of itself contribute to Libyan changes in behavior related to terrorism demands. The economy continued to decline throughout the 1990s and sanctions were one of many factors contributing to this decline. Meghan O'Sullivan writes of some of the ways sanctions impacted the Libyan economy, but argues that the impact of U.S. unilateral sanctions on the economic decline in Libya were actually quite small.<sup>1008</sup> The addition of multilateral UN sanctions contributed to increased pressure on the regime, but it was dialogue and engagement combined with sanctions that ultimately led to compliance with the Lockerbie extradition demand.

There were some ways that the sanctions clearly had an economic impact on Libya and contributed to Qaddafi's domestic concerns. For example, the sanctions did make it increasingly difficult for Libya to get equipment and spare parts related to oil production, so it was difficult for

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<sup>1007</sup> Jentleson, 140.

<sup>1008</sup> O'Sullivan, 186.

Libya to increase its production. Libya's GDP during this period also declined. As a result of economic situation, Qaddafi became increasingly worried about domestic opposition due to increasing unemployment, high inflation, a youth bulge and the rise of Islamic groups.<sup>1009</sup> In particular, there were a few incidents that piqued Qaddafi's domestic concerns during this time, such as attacks on government security forces in June 1995 and a reported assassination attempt in 1996.<sup>1010</sup> Qaddafi responded by sending troops to counter the uprising. While concerns contributed to Qaddafi shifting his support away from terrorist groups, he did not change his position at this time with regard to the extradition of the Pan Am suspects in compliance with U.S. demands.

According to O'Sullivan, the extradition became possible when dialogue and engagement was merged with the sanctions regime in place.<sup>1011</sup> In addition, the extradition goal was fairly well-defined and compliance was easily verifiable.<sup>1012</sup> It is possible sanctions could have even been more effective if the U.S. had been in communication with the Libyans at the outset and there was a process by which various stages of compliance could have been met with the lifting of various components of the sanctions in place.<sup>1013</sup> In her assessment of the sanctions on Libya, O'Sullivan points out that behavioral change from sanctions was a result of the increased dialogue that happened with the sanctions that was initiated by the Clinton administration.

One of the problems with the sanctions regime was also that the goals of the sanctions changed, but the sanctions regime was not calibrated in accordance with the shifting demands. Specifically, the U.S. sanctions put in place under Reagan were aimed at regime change, but once this goal was taken off the table these particular sanctions still remained in place.<sup>1014</sup> Therefore, an element of proportionality was missing, as the sanctions aimed at regime change remained in

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<sup>1009</sup> Haun, 410.

<sup>1010</sup> Ray Takeyh, "Qaddafi and the Challenge of Militant Islam" *The Washington Quarterly* 21:3, (Summer 1998), 168

<sup>1011</sup> O'Sullivan, 220-221.

<sup>1012</sup> O'Sullivan, 220-221.

<sup>1013</sup> O'Sullivan, 220-221.

<sup>1014</sup> O'Sullivan, 292.

place even when regime change was off the table and the primary U.S. goals shifted to those that were terrorism-related. For example, O’Sullivan argues that U.S. sanctions could have been improved if there had been more of a detailed road map for improved relations between U.S. and Libya. Similarly, the bargaining dynamic of UN sanctions were key in getting some progress on the Lockerbie turnover, but not necessarily the punishment inflicted by the actual sanctions themselves.<sup>1015</sup> This will be further explained when analyzing the Lockerbie extradition decision.

### **Terrorism Outcomes**

Terrorism-related outcomes during this period can be broken down into three general categories. First, there were longstanding demands on Libya to reduce its support for terrorist groups and crack down on terrorist groups operating within its border. Second, there were demands specifically related to the extradition of the suspects associated with the Lockerbie bombing. Lastly, there were additional demands related to Lockerbie, dealing with compensation for the victims’ families and Libyan admission of guilt.

#### *General Support for Terrorism*

According to the State Department, general Libyan support for terrorism dropped following the imposition of sanctions throughout most of the 1990s. This was measured primarily in terms of terrorist attacks, which dropped following the imposition of sanctions in 1992. Similarly, according to the 1996 State Department Patterns of Terrorism report, “terrorism by Libya has been sharply reduced by the UN sanctions.” In addition, Libya also made some efforts to crack down on terrorist groups within their own borders.

#### *Extradition of Libya Suspects*

Following an extensive investigation, it was eventually determined that the detonator on the bomb for the Pan Am Flight 103 attack was tracked to a purchase made by Libyan intelligence from Syria. In addition, the clothing used to wrap the bomb was tracked to a particular shop in Malta and eventually the evidence pointed in the direction of two individuals

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<sup>1015</sup> O’Sullivan, 292.

identified by the owner of the shop. The first individual was the station chief for Libyan Arab Airlines in Malta, Iamen Fhimah. The second individual was the chief of Libyan Arab Airline security, Abdel Basset. At the conclusion of the investigation, the U.S. issued a joint indictment with Great Britain against the individuals in November 1991. While Libya met with UN Secretary General regarding the indictment, Qaddafi refused to extradite the suspects for the Lockerbie bombing – despite agreeing to French demands that a French judge could in fact go to Libya to investigate UTA flight 722 bombing. Essentially, despite agreeing to cooperate with the UN, Libya did not trust Great Britain or the United States enough to allow for the extradition of suspects for trial in either country.<sup>1016</sup> However, by the end of the 1990s, Qaddafi did eventually concede to extradition, albeit under slightly different circumstances that were reached as a result of both a ruling made by the International Court of Justice combined with extensive negotiations. On February 27, 1998, the International Court of Justice ruled that the ICJ had the authority regarding the extradition of the suspects in Libya.

This ruling paved the way to additional negotiations regarding a deal between the Libyans and the United States and Great Britain, which ultimately resulted in turning over the suspects for trial in the Netherlands. By August 1998, Libya seemed willing to accept the plan for the trial of the two suspects.<sup>1017</sup> However, Qaddafi was also pressing for certain guarantees before turning over the suspects. It wasn't entirely clear to the U.S. by August 1998 that Libya was completely on board with compliance on the extradition demands. According to Deputy U.S. Representative to the UN Peter Burleigh, "I wouldn't pretend to interpret what Libya's position is...I don't think it's clear. It is not clear to me that they have accepted the proposal."<sup>1018</sup> By November 1998, the terms of the extradition and the terms of the trial were still being negotiated

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<sup>1016</sup> Tim Niblock, "Pariah States" & Sanctions in the Middle East: Iraq, Libya, Sudan (Boulder, CO: Lynne Rienner, 2001), p. 39.

<sup>1017</sup> Barbara Crossette, "Libya Seems to Accept Plan for Trial of 2 Lockerbie Suspects," *The New York Times*, August 27, 1998.

<sup>1018</sup> *Ibid.*

and weighed by Qaddafi.<sup>1019</sup> By February 14, 1999, the United Nations reported progress on moving towards a deal with Libya on the extraditions. In March 1999, Libya sent a letter to the UN with an offer to turnover the suspects by April 6, 1999. The letter indicated the Libyans were willing to accept the conditions associated with the lifting of UN sanctions.<sup>1020</sup> In addition, the letter stated Libyan opposition to “all forms of terrorism” and “cooperation with the investigation, the procedures and trial within the framework of Libyan laws and legislation.”<sup>1021</sup> On April 6, 1999, the Libyans turned over the suspects and the UN followed through with its removal of sanctions, although U.S. sanctions remained in place.<sup>1022</sup>

*Extradition: Explaining Success*

The extradition of the Lockerbie suspects was clearly the most significant success during this period of analysis. There are mixed views on the motivations behind this decision. Some argue that by this time Qaddafi was less concerned about potential domestic consequences as a result of the turnover. Similarly, he was faced with a worsening economic situation, which motivated him to take action to thwart additional political and economic isolation.<sup>1023</sup> While the sanctions did play a role in the turnover, the framework laid out for the trial of the suspects in 1999 was much like the framework Libya had set forth in 1992.<sup>1024</sup>

Communication and intelligence gains resulting from an increased willingness to engage the Libyans in the late 1990s were key components of the extradition deal. First, it was necessary to collect enough evidence to determine responsibility for the attacks. While it was possible to collect the necessary forensic evidence from the scene of the crash and track down the suspects because most of this evidence was collected outside Libya, the U.S. had very little evidence

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<sup>1019</sup> Douglas Jehl, “Despite Bluster, Qaddafi Weighs Deal for 2 Bombing Suspects,” *The New York Times*, November 1, 1998.

<sup>1020</sup> Paul Lewis, “Libya Sets Date for Turning over 2 Suspects in Lockerbie Bombing,” *The New York Times*, March 20, 1999.

<sup>1021</sup> *Ibid.*

<sup>1022</sup> Marlise Simons, “2 Libyan Suspects Handed to Court in Pan Am Bombing,” *The New York Times*, April 6, 1999.

<sup>1023</sup> St. John, 176.

<sup>1024</sup> St. John, 176.

connecting the activities of the bombers to orders from the Libyan government. This made getting demands for extradition easier than pressuring Libya to acknowledge responsibility for the attack itself.

Second, the ongoing negotiations and communication between all parties were key in getting the Libyans to overcome their mistrust of the United States and Britain. Qaddafi repeatedly expressed concern that he did not trust that the United States would uphold its side of any deal made regarding the extradition of the suspects. Lastly, the actual process by which the negotiations were approached in which the demands were broken down and linked to different incremental steps in the bargaining process was key.

Originally, back in 1991, Qaddafi had refused to turnover the suspects because he felt there was not enough evidence to tie Libya to the bombing. In addition, he refused to have the suspects face trial in the U.S. or Great Britain.<sup>1025</sup> However, it is important to note that Qaddafi had offered to hand over the Lockerbie suspects to an international tribunal and allow the UTA suspects to appear before a French court back in 1992, but this overture was not accepted back in 1992.<sup>1026</sup> The Libyan foreign minister both denied Libyan involvement and called for the suspects to face a neutral investigation or to appear before the International court of Justice.<sup>1027</sup> The United States would not agree to this offer from Libya at the time, however, the final resolution to the Lockerbie suspect turnover was fairly similar to the earlier offer. By 1992 in response to the U.S. and UN sanctions, Qaddafi expressed to the UN Secretary General that while Libya would allow a French judge to investigate the case in Libya, Libya would still not allow for extradition.<sup>1028</sup> The main reason Qaddafi gave for not extraditing suspects to either U.S. or Great

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<sup>1025</sup> “Qaddafi Scoffs at Demands for Bombing Suspects,” *The New York Times*, November 29, 1991.

<sup>1026</sup> Jentleson, 135-137.

<sup>1027</sup> Tripoli JANA (Jamahaniyyah News Agency) (15 November 1991) “People’s Bureau Denies Lockerbie Involvement” Foreign Broadcast Information Service (FBIS) Daily Reports FBIS-NES-91-221.

<sup>1028</sup> Boutros-Ghali, Boutros (11 February 1992) “Report by the Secretary-General Pursuant to Paragraph 4 of Security Council Resolution 731 (1992)” United Nations Security Council S/23574, February 11, 1992.. Available online at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N92/062/33/PDF/N9206233.pdf?OpenElement>.



Britain was lack of trust.<sup>1029</sup> Throughout most of this period, Qaddafi was quite resistant to turning over the suspects throughout most of this period. During most of this period, Qaddafi resisted turning over the suspects. His decision to hold the suspects can be viewed mostly as a decision to retain authority in the eyes of his domestic audience rather than give in to the United States and Great Britain. In addition, according to Dunn and Shaq, “Qaddafi had no assurances that surrendering the accused would end hostilities with the West.”<sup>1030</sup>

While the UN sanctions did help to further isolate Libya, they did not result in the handover of suspects. According to Haass, “UN sanctions further isolated Libya and produced some minor changes in its behavior, but they did not result in the handing over of the Lockerbie or UTA suspects. Nor did they significantly undermine the Libyan regime or economy.”<sup>1031</sup> Similarly, a 1994 study found that sanctions did have some real effects, but they were rather limited.<sup>1032</sup>

Finally, by late August 1998, Qaddafi generally agreed to U.S. and British demands regarding extradition, however, he countered U.S. and British demands with demands of his own. First, Qaddafi did not want the extradition of the suspects to the United States or Great Britain. Second, Qaddafi demanded that if the suspects were convicted, they would not serve their prison time in either country. Kofi Annan led mediation on this issue, which continued between both parties. The U.S. threatened additional sanctions in February 1999 and Qaddafi eventually agreed to extradition in a meeting with Nelson Mandela in March 1999.<sup>1033</sup>

Qaddafi’s compliance with the extradition demand took almost a decade and occurred only after increased mediation and engagement efforts. By 1998, due to the involvement of

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<sup>1029</sup> Tim Niblock, *Pariah States” & Sanctions in the Middle East: Iraq, Libya, Sudan*, (Boulder, CO: Lynne Rienner, 2001), 39.

<sup>1030</sup> Dunn and Shaw, *Africa’s Challenge to International Relations Theory*, p. 142.

<sup>1031</sup> Richard Haass. *Economic Sanctions and American Diplomacy*. (New York: Council on Foreign Relations, 1988), 140.

<sup>1032</sup> Haass, 140.

<sup>1033</sup> Case Studies in Sanctions and Terrorism, “Case 78-8 United States v. Libya (1978-: Gadhafi, Terrorism)” and “Case 92-12 United nations v. Libya (1992-1999: PAN AM 103)” Available online at: [www.petersoninstitute.org/research/topics/sanctions/libya.cfm](http://www.petersoninstitute.org/research/topics/sanctions/libya.cfm).

Mandela in mediation, Libya finally decided to extradite the Lockerbie suspects for a trial in Holland and turned the suspects over to the Hague on April 5, 1999. As a result, Kofi Annan announced that the UN would suspend sanctions, but the U.S. did not follow suit with its sanctions, as all of its demands had not yet been met.<sup>1034</sup> In addition, the U.S. strategy with regard to pressuring Libya for the extradition of the Lockerbie suspects was impacted by the lack of intelligence linking Libya to the bombings, which did not come to light until years after the bombing itself. By this time, “public passions had cooled significantly and the issue had lost its urgency. If the Libyan connection had come to light in the immediate wake of the explosions, a military response might well have followed.”<sup>1035</sup> In his dissertation, Phil Haun notes additional reasons that Qaddafi conceded to these demands in 1999. Specifically, Haun argues that Qaddafi’s survival and the survival of the Libyan state were not threatened by giving in to the extradition demand by the time he yielded to this demand. Haun writes that , “the survival of the Libyan state, Qaddafi and his regime were not at stake by agreeing to extradite the two accused to the Netherlands in April of 1999.”<sup>1036</sup>

## **WMD**

During this period, no substantial progress was made with regard to Libyan WMD, but it was also not a primary demand during this period.<sup>1037</sup> The main issue on the agenda pertained to Lockerbie, whereas WMD became more of a central focus in the next period. During this period, evidence began to surface regarding Libyan chemical weapons and the pursuit of nuclear materials and the U.S. was aware of its chemical weapons program and becoming increasingly

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<sup>1034</sup> For more on this see Zoubir (2006). In addition to the extradition of the Lockerbie suspects, Libya also modified its behavior in other areas. For example, it adopted a more moderate position with regard to Israel and improving its relations with Egypt. Libya also modified its behavior in terms of less interference in African states. Despite these incremental behavioral changes, the U.S. did not think Libyan partial compliance warranted the suspension of sanctions and it was not until additional direct mediation efforts occurred that Libya finally complied with the rest of U.S. demands.

<sup>1035</sup> Gideon Rose. “The United States and Libya” in *Transatlantic Tensions: The United States, Europe, and Problem Countries*, ed. Richard Haass (Harrisonberg, VA, The Brookings Institution: 1999): 149-150.

<sup>1036</sup> Haun (2010), 52.

<sup>1037</sup> The U.S. was primarily focused on Lockerbie and not WMD as a primary demand. Haun (2010) also omits WMD demands as a central demand during this time period because the U.S. was not pressing the Libyans on this issue or linking it to sanctions during this time.

aware of its progress with regard to nuclear weapons. However, the United States was determined to resolve the Lockerbie issues before negotiating with the Libyans on chemical weapons, despite the fact that the Libyans had made offers to give up their chemical weapons program in May 1999.<sup>1038</sup>

### **Conclusion**

By the end of this period, UN sanctions were suspended in response to the turnover of the Lockerbie suspects. However, U.S. unilateral sanctions remained in place, as the Libyans had not met the additional demands associated with Lockerbie and in terms of renouncing terrorism and abandoning WMD programs.

### **1999-2006: Renewed Direct Engagement**

The next period of analysis is marked by renewed direct engagement between the United States and Libya. During this period, the United States and Libya began engaging in direct negotiations in secret trilateral talks between the Americans, Libyans and the British. The U.S. side of the talks were led by Assistant Secretary of State for near Eastern Affairs Martin Indyk. In addition, during this period, Great Britain had reinstated its diplomatic ties with Libya, a move the U.S. was not willing to do until the remaining demands had been met. The Libyan side of the talks was led by Musa Kusa, a top Libyan intelligence official. Ultimately, engagement led to major Libyan concession with regard to the outstanding Lockerbie demands and a complete renunciation of Libya's WMD program. Following these concessions, additional normalization of relations continued. In April 2003, sanctions gradually reduced and in June 2004, the diplomatic mission reached the status of U.S. liaison office.<sup>1039</sup> By 2004, the U.S. reopened its interest section in Libya and Libya was invited to open its interest section in Washington. The travel ban on U.S. citizens was also lifted in during this period.

### **Demands**

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<sup>1038</sup> Peter Crail, "Chronology of Libya's Disarmament and Relations with the United States," Arms Control Association, <http://www.armscontrol.org/factsheets/LibyaChronology>.

<sup>1039</sup> Jentleson, 67.

During this period, U.S. terrorism demands remained consistent with the demands in the prior period. While the Lockerbie extradition demand was met in the prior period, the remaining U.S. Lockerbie demands were still on the table. The U.S. continued to press Libya to acknowledge its responsibility in the Lockerbie attack and to pay compensation to the families of the victims. Throughout this period, the U.S. repeatedly articulated that the removal of U.S. sanctions was contingent on compliance with all of the outstanding Lockerbie demands. In addition to the Lockerbie-related demands, the U.S. continued to demand that Libya renounce its general support for terrorism and to demonstrate it was no longer supporting terrorist activity.

During this period, WMD-related demands moved to the forefront, particularly due to intelligence related to the Libyan acquisition of nuclear material. While the U.S. was concerned about WMD in the previous period, concerns intensified and the U.S. linked the removal of sanctions and normalization of relations to compliance with WMD-demands in this period. The U.S. demanded that Libya stop trying to pursue WMD and allow inspections to verify compliance. Despite all of these demands, U.S. policy did not aim for regime change during this period.<sup>1040</sup>

#### **Additional Background Pertaining to the WMD-Related Demands**

Concerns about WMD development intensified during the previous period of analysis, but were not incorporated into formal U.S. demands linked with sanctions until this period. While initial interest in nuclear weapons was focused on increasing prestige in the Arab world and concerns about Israel's nuclear program, by the 1980s Qaddafi viewed nuclear weapons as a potential deterrent force with regard to U.S. actions against Libya.<sup>1041</sup> The focus on WMD shifted in the late 1990s, as the Libyans turned to the AQ Khan network to assist with the development of Libyan's nuclear weapons program. In the 1990s, the Libyans began to reinvigorate its nuclear program. While Libyan progress was slow and the Libyans had not yet developed complete

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<sup>1040</sup> Ronald E. Neumann, "Libya" A U.S. Policy Perspective" *Middle East Policy* 7:2 (February 2000) 143-145

<sup>1041</sup> Haun (2010), 58.

uranium enrichment capabilities or the ability to develop the type of long-range missiles that would be needed for the deployment of such weapons.<sup>1042</sup>

During this period, there were also concerns about chemical and biological weapons development in Libya. Libya did sign the biological weapons convention in the 1990s, but refused to sign the Chemical Weapons Convention in 1997. However, the United States remained concerned about Libyan development of both biological and chemical weapons throughout the 1990s. In addition, in September 2000, the Libyans ordered centrifuges from the AQ Khan network and then ordered an additional 10,000 centrifuges, which began arriving in December 2002.<sup>1043</sup>

### **Engaging Libya: Secret Negotiations and Direct Talks**

The talks ebbed and flowed during this period, but Libya showed a willingness to modify its behavior during the initial round of talks in May 1999. During these talks, the Libyans brought up the signing of the Chemical Weapons Convention and opening up of facilities for inspection, but the main policy focus for the U.S. was the resolution of Lockerbie.<sup>1044</sup> These talks came on the heels of secret negotiations between the British and the Libyans on another issue related to the killing of a London police officer back in 1984. However, these initial talks helped to pave the road to the May 1999 secret talks between the U.S., Great Britain and Libya following the handover of the Lockerbie suspects.<sup>1045</sup> In addition, the U.S. was not aware of developing nuclear program at the time of these talks.<sup>1046</sup> However, although the U.S. agreed to talks in May 1999, the U.S. desired that the talks remained secret.<sup>1047</sup> However, by 2000, the

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<sup>1042</sup> Bowen, Wyn Q (2006) "Libya & Nuclear Proliferation: Stepping Back from the Brink" *Adelphi Papers* 46:380-44

<sup>1043</sup> Slavin (2004).

<sup>1044</sup> Bowen, 60.

<sup>1045</sup> Ronald Bruce St. John, *Deconstructing the Libya Option for Syria*: Ronald Bruce St. John. Edited by John Gershman, December 9, 2005, [http://www.fpiif.org/articles/deconstructing\\_the\\_libya\\_option\\_for\\_syria](http://www.fpiif.org/articles/deconstructing_the_libya_option_for_syria)

<sup>1046</sup> Bowen, 60.

<sup>1047</sup> St John, Ronald Bruce (2004) "'Libya Is Not Iraq': Preemptive Strikes, WMD and Diplomacy" *The Middle East Journal*, 58:3-399.

talks with Libya were suspended due to concerns that they might be leaked during the presidential campaign.<sup>1048</sup>

According to Flynt Leverett, who was on the State Department's Policy Planning Staff at the time, the U.S. made attempts in mid-2001 to renew the secret talks. The talks eventually resumed following the September 11, 2001, attacks. While the dialogue was initially a "tentative dialogue" the talks intensified in October 2001.<sup>1049</sup> The U.S. side was led by Assistant Secretary of State for Near Eastern Affairs William Burns and Musa Kusa led the Libyan side. The British were also involved in the talks. In August 2002, British Foreign Office Minister Michael O'Brian went to Libya regarding WMD negotiations after President Bush had reportedly agreed at Camp David in a meeting with Prime Minister Blair that Libyan change on WMD would lead to normalization of relations w/the US. This was then conveyed via Blair to Qaddafi in a letter and Qaddafi responded positively. In March 2003, weeks before the Iraq invasion, Libyan officials approached Great Britain about initiating talks with Great Britain and the United States regarding dismantling Libya's unconventional weapons programs.<sup>1050</sup> In communication with the British, the Libyans broached an agreement on WMD – contingent upon the removal of sanctions and the normalization of diplomatic relations with the United States.<sup>1051</sup> Talks continued during this period and by December 2003, the Libyans had agreed to give up their WMD – both chemical and nuclear materials – and open themselves up to inspection. Direct talks also yielded eventual compliance with regard to the additional Lockerbie demands . Not only did Libya agree to compensation, but Libya also acknowledged responsibility for the Lockerbie bombing.

As engagement yielded gradual progress, progress yielded increased engagement. After progress was made with regard to U.S. demands, the U.S. did reciprocate in terms of working

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<sup>1048</sup> Deconstructing the Libya Option for Syria: Ronald Bruce St. John. Edited by John Gershman, [http://www.fpiif.org/articles/deconstructing\\_the\\_libya\\_option\\_for\\_syria](http://www.fpiif.org/articles/deconstructing_the_libya_option_for_syria)

<sup>1049</sup> Schwartz, 567.

<sup>1050</sup> Deconstructing the Libya Option for Syria: Ronald Bruce St. John. Edited by John Gershman, December 9, 2005: [http://www.fpiif.org/articles/deconstructing\\_the\\_libya\\_option\\_for\\_syria](http://www.fpiif.org/articles/deconstructing_the_libya_option_for_syria)

<sup>1051</sup> Wyn Q. Bowen, "Libya & Nuclear Proliferation: Stepping Back from the Brink" *Adelphi Papers* 2006 46:380, p. 62.

towards normalizing relations with the Libyans. In 2004, the U.S. also opened an interest section in Tripoli, which assisted in communicating with the Libyans and monitoring compliance. Sanctions continued to be lifted and the U.S. eventually removed Libya from the state sponsorship list.

During this time period, U.S. policy towards Libya was dramatically transformed. A new approach was taken, in which engaging the Libyan regime became a cornerstone of the U.S. policy with the Libyans. In this section, I will analyze the United States' newfound willingness to engage and assess the implications of this engagement on U.S.-Libyan communication, U.S. intelligence on Libya and the impact engagement had on U.S. sanctions policy. I will then go on to assess the progress made with regard to various demands during this period.

### **Communication**

Advocates of reengagement with the Libyans pointed out a number of problems associated with the lack of formal relations with the Libyans. For example, W.H. Lewis argued that third party communication with the Libyans was not sufficient and that a lack of formal relations inhibited contact between the United States and Libya at the United Nations.<sup>1052</sup> According to Lewis, the lack of diplomatic relations was an “unsatisfactory arrangement that inhibits communications and makes progress on the remaining issues of concern very difficult....A useful step would involve establishing interest sections in each capital.” Lewis also pointed out that Qaddafi’s unpredictable nature made diplomatic relations more essential, as it would allow the U.S. to monitor Qaddafi and the Libyan regime more closely.<sup>1053</sup> A shift in U.S. policy during this period substantially increased the direct communication between Libya and the U.S. and contributed to both sides’ being able to convey nuances in positions related to the

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<sup>1052</sup> William H. Lewis, “U.S.-Libyan Relations: A New Chapter?,” *Bulletin of the Atlantic Council*, Vol. XII, No. 4, May 2001, p. 4.

<sup>1053</sup> William H. Lewis, “U.S.-Libyan Relations: A New Chapter?,” *Bulletin of the Atlantic Council*, Vol. XII, No. 4, May 2001.

demands. Increased communication also enabled the U.S. to foster trust with the Libyans regarding the terms and responses to compliance.

At the start, the secret communication dialogue resulted in five meetings from May 1999 through early 2000 between Indyk and Walker and the head of Libyan intelligence.<sup>1054</sup> According to Indyk, "We went with a long laundry list of things we expected the Libyans to do to 'graduate' from U.S. sanctions...They were prepared to accept pretty much all the requirements we had."<sup>1055</sup>

During this period, communication between both sides continued to intensify. While at first the United States opted to engage with the Libyans via secret communication channels, the willingness to engage increased dramatically, and more publically, in the aftermath of 9/11. Once the Lockerbie-related negotiations appeared to be yielding progress, the United States also seemed more willing to accept the Libyan initiation of dialogue on WMD-related matters when the Libyans approached the British regarding such talks in March 2003. A few weeks prior to the U.S. invasion of Iraq, the Libyans approached the British about trilateral talks aimed at resolving the WMD issue. According to Prime Minister Blair, "Libya came to us in March 2003 following successful negotiations on Lockerbie to see if it could resolve its WMD issue in a similarly cooperative manner."<sup>1056</sup>

In order to get additional insight into the benefits of increased communication, it is a useful exercise to look at communication in the context of the Lockerbie negotiations. How did the improvements in communication assist in resolving the outstanding Lockerbie issues? While the Libyans had conceded to extradition, they remained resistant on claiming responsibility and compensation. According to Jonathan Schwartz, the Libyans had a number of legitimate sources of confusion surrounding Lockerbie-related demands and direct engagement helped to clarify a

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<sup>1054</sup> Slavin (2004)

<sup>1055</sup> Slavin (2004).

<sup>1056</sup> Yahia Zoubir, "The United States And Libya: From Confrontation to Normalization," *Middle East Policy*, Volume 13, Issue 2, Summer 2006.



number of questions and issues of concern facing the Libyans with regard to components of the Lockerbie concessions.<sup>1057</sup> For example, the Libyans had specific questions as to the consequences of claiming responsibility for the attacks and questions about how much compensation they would need to pay and who specifically would receive the compensation.<sup>1058</sup> Lastly, the Libyans sought clarification on the sequencing of the demands and reciprocal U.S. responses to such concessions. Could the demands be met sequentially in order to verify that the U.S. would uphold its end of the bargain? Or did demands need to be met all at once? According to Schwartz,

By opening a direct channel to Libya, the U.S. to Libya, the U.S. and the United Kingdom were able to clarify how these demands could be convincingly met and provide confidence that doing so would yield positive results... In both cases, it was crucial to establish a single and authoritative channel of communication given absence of normal diplomatic relations. If left to its own devices, Libya might well not have known how to meet U.S.-UK expectations or whether and how it would be rewarded for doing so.<sup>1059</sup>

Increased communication also enabled the United States to convey to the Libyans the specific nature of demands and how compliance would impact sanctions policy. For example, Flynt Leverett points out that during the talks, U.S. negotiators conveyed to the Libyans that the resolution of the Lockerbie issue would only result in the lifting of UN sanctions and not the lifting of U.S. sanctions. U.S. negotiators also pointed out that the latter would only be lifted once all of the major U.S. demands had been met – including those related to WMD.<sup>1060</sup> In addition, the talks gave the U.S. an opportunity to illustrate the benefits of cooperating with the United States and not just pressure via punishment.<sup>1061</sup>

At a meeting in London in October 2001, during the renewed talks in the aftermath of September 11, the Libyans and Americans talked directly about counterterrorism cooperation. The meeting also helped set the stage for resolving the outstanding Lockerbie issues and opened the door to discussions related to Libyan WMD. When talks resumed after 9/11, William Burns

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<sup>1057</sup> Schwartz, 578.

<sup>1058</sup> Schwartz, 578.

<sup>1059</sup> Schwartz, 578.

<sup>1060</sup> Leverett, "Why Libya Gave Up on the Bomb," 77. Available online at: [http://www.brookings.edu/opinions/2004/0123middleeast\\_leverett.aspx](http://www.brookings.edu/opinions/2004/0123middleeast_leverett.aspx)

<sup>1061</sup> Leverett (2004).

held five meetings from October 2001 through December 2003.<sup>1062</sup> Early in these discussions, the U.S. conveyed to the Libyans that WMD was going to be the key to the normalization of relations even if Lockerbie demands were met.<sup>1063</sup> Just one month after this meeting, Libya signed the Comprehensive Test Ban Treaty and two months after the meeting, Qaddafi made it clear that Libya was willing to sign the Chemical Weapons convention. However, the real key development was made in August 2002 when British Foreign Minister Michael O'Brian made a trip to Libya to for WMD-related negotiations. It was conveyed to the Libyans that if they met U.S. demands with regard to WMD and reached some sort of deal with the United States, the U.S. would take steps towards normalization.

Jentelson and Whytock argue that "One of the last stumbling blocks was Qaddafi's insistence on further reassurances about policy change and not regime change that if Libya abandoned its WMD program, the U.S. in turn would drop its goal of regime change"<sup>1064</sup> Providing assurances to the Libyans and working through these issues were at the heart of the WMD negotiations. The talks allowed the U.S. to understand the Libyan concerns and to discover areas of leverage in pushing the Libyans to accept a deal on WMD. In addition, there were a number of high-level phone conversations, such as a phone conversation between Prime Minister Tony Blair and Qaddafi in December 2003. Similarly, Condoleezza Rice also spoke with high-level Libyan officials throughout the week that the U.S. worked to secure the WMD deal with the Libyans.<sup>1065</sup> A key element of the direct communication between U.S. negotiators and the Libyans was the consistent message to the Libyans that the Libyans would need to address U.S. WMD concerns if they wanted to be relieved from U.S. sanctions. According to Leverett, the Libyans were only willing to deal with the U.S. on this issue because the U.S. had

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<sup>1062</sup> Slavin (2004)

<sup>1063</sup> Slavin (2004)

<sup>1064</sup> Jentelson and Whytock (2006), 74.

<sup>1065</sup> Patrick Tyler, "Secret Diplomacy Won Libyan Pledge on Arms," *The New York Times*, December 21, 2003.

gained credibility through previous interactions that it would follow through on its side of the bargain.<sup>1066</sup>

### **Intelligence**

“Intelligence was the key that opened the door to Libya’s clandestine program.”<sup>1067</sup>  
-George Tenet, Director of the Central Intelligence Agency, February 2004.

The United States’ willingness to engage Libya also yielded a variety of informational benefits during this period. Early in this period, prior to establishing a diplomatic presence on the ground, the United States was able to gain greater insight into the Libyan regime and obtain better information on the Libyan willingness to concede to particular U.S. demands. For example, it was during the early 1999 meetings that the U.S. became aware that the Libyans willingness to make an offer regarding a deal over its WMD program. In addition, the United States was able to determine Libya’s preferences in terms of the types of concessions they were willing to make to the United States. Direct talks yielded better insight into the Qaddafi’s preferences and points of leverage.

In addition, the British had resumed diplomatic relations with Libya in 1999, resulting in an on-the-ground presence and an improved intelligence collection capacity. The United States benefited from British intelligence-sharing during this period and improved its own intelligence capabilities – particularly with regard to WMD once the U.S. resumed diplomatic relations and established a diplomatic present in Libya during this period. In general, intelligence improved significantly throughout this period.

The intelligence community’s earlier assessments of Libyan WMD activity – particularly Libyan efforts to acquire centrifuge technology - were not entirely accurate, but improved throughout this period as the U.S. engaged the Libyans more on this issue and made intelligence gains with regard to the A.Q. Khan network.<sup>1068</sup> The U.S. also made intelligence gains with

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<sup>1066</sup> Leverett (2004).

<sup>1067</sup> George Tenet, “Remarks for Georgetown University,” February 5, 2004.

<sup>1068</sup> Disarming Libya, p. 12

regard to other weapons programs. Prior estimates by the U.S. had overestimated chemical weapons activities and had also suspected Libyan development of a biological weapons program, which was shown to be false during this period.<sup>1069</sup> Projections about how far Libya was from developing a nuclear weapon was also problematic, as intelligence analysts underestimated the Libyans progress in this regard.<sup>1070</sup>

In addition, during this period, the Libyans were keenly aware that U.S. intelligence on Libya was improving and this also played a role in making the Libyans more willing to negotiate – specifically in the realm of WMD. According to Bowen, intelligence played a key role in getting the Libyans to be honest about their WMD-related activities.<sup>1071</sup> Specifically, the British had been monitoring Libyan ties to the A.Q. Khan network and uncovered the ties in 2000.<sup>1072</sup> Bowen writes,

The monitoring of this programme evidently represented a major intelligence success for the British and American governments, which stood in contrast to the intelligence failure over Iraq's WMD. The interception demonstrated to Tripoli that its negotiating partners had significant and current knowledge about Libya's clandestine nuclear supply network, and it proved the existence of an active gas-centrifuge programme. By placing evidence on the table, Washington and London constrained Libya's room for manoeuvre during the negotiations. The intelligence revelations constituted a 'vital lever' to pressure Libya into admitting its WMD capabilities during trilateral talks that ran from October through to December 2003.<sup>1073</sup>

A 2001 National Intelligence Estimate referenced a growing Libyan nuclear threat.<sup>1074</sup> By 2002, U.S. and British intelligence verified ties between the Khan network and Libya's secret nuclear program.<sup>1075</sup> Bowen also points out that the U.S. and British could use the sharing of sensitive

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<sup>1069</sup> Disarming Libya, 13.

<sup>1070</sup> *Disarming Libya*, 13.

<sup>1071</sup> Wyn Q. Bowen, "Libya & Nuclear Proliferation: Stepping Back from the Brink" *Adelphi Papers* 2006, 46:380

<sup>1072</sup> *Ibid.*

<sup>1073</sup> *Ibid.*

<sup>1074</sup> "Working Group Report: Disarming Libya: A Case of Covert Diplomacy?" Working Group Report No. 3, December 5, 2007, Institute for the Study of Diplomacy, Edmund A. Walsh School of Foreign Service, Georgetown University. Available online at:

[http://www12.georgetown.edu/sfs/isd/research\\_reports\\_Security\\_21st\\_Libya.pdf](http://www12.georgetown.edu/sfs/isd/research_reports_Security_21st_Libya.pdf)

<sup>1075</sup> Kyin Moyer, "Intelligence Sharing in Counterproliferation," Naval Postgraduate School Thesis, September 2007. Available online at: <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA474392&Location=U2&doc=GetTRDoc.pdf>

information with the Libyans as a way to build trust, thereby assisting with getting Libyan compliance on demands.<sup>1076</sup>

One incident in particular illustrates the significance of intelligence collection in the negotiation process. Specifically the Taranto interdiction of a ship containing centrifuge parts for Libya's secret nuclear program - en route to Libya contributed to Libya's insecurity about the secrecy of its activities.<sup>1077</sup> The incident conveyed to the Libyans that the United States and Great Britain had the ability to track its WMD-related activities. The interdiction efforts started with an intelligence tip-off to U.S. and British intelligence regarding the BBC China ship, which left from a port in Malaysia. Although the U.S. had already been engaged in talks with the Libyans, the U.S. suspected it was not getting completely forthright information about Libyan programs based on intelligence the U.S. was getting as a result of penetrating the Khan network.<sup>1078</sup> In fact, during the negotiations the U.S. broached the issue of unconventional weapons programs and had been trying to get the Libyans to agree to inspections. However, the Libyan side had been denying the existence of a nuclear weapons program.<sup>1079</sup> However, once confronted with evidence from the Taranto ship interdiction, the Libyans began to be increasingly cooperative.<sup>1080</sup>

The BBC China ship was tracked and interdicted at the Taranto port. The equipment discovered on the ship was characterized by the Director of the International Atomic Energy Association as showing that , "Libya was at an 'early stage' of its weapon program."<sup>1081</sup> On the heels of the interdiction, the U.S. and the UK were permitted access on the ground in Libya and by early December the administration sensed the Libyans had made the decision to give up their

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<sup>1076</sup> Wyn Q. Bowen, (2006) "Libya & Nuclear Proliferation: Stepping Back from the Brink" *Adelphi Papers* 46.

<sup>1077</sup> Moyer, 33.

<sup>1078</sup> Gordon Corera, *Shopping for Bombs: Nuclear Proliferation, Global Insecurity and the Rise and Fall of the A.Q. Khan Network*, New York: Oxford University Press), 2006, p. ix.

<sup>1079</sup> "Disarming Libya," p. 8.

<sup>1080</sup> Ibid.

<sup>1081</sup> Robin Wright, "Ship Incident May Have Swayed Libya," *The Washington Post*, January 1, 2004.

Available online at: <http://www.washingtonpost.com/ac2/wp-dyn/A46260-2003Dec31?language=printer>. (2007)

entire program.<sup>1082</sup> According to a working paper by Georgetown's Institute for the Study of Diplomacy on the Libyan decision to give up its nuclear program,

Based on this assessment, Bush officials concluded they had a window of opportunity to 'move this from the intelligence channels into the policy channel...(and) to answer...final questions' about Libya's nuclear ambitions, as a former Bush NSC official summarized it.<sup>1083</sup>

The intelligence gained via intelligence-sharing and with regard to the network was key particularly since the United States still had significant difficulty with regard to intelligence on the regime. According to journalist Douglas Waller, "the CIA has never had much luck penetrating the inner circles of Qaddafi's government" and much of the information on Libyan weapons programs was obtained via foreign informants, such as workers being brought into Libya to assist with construction.<sup>1084</sup>

Intelligence also played a key role in compliance following the Libyan offer to give up their WMD programs. This offer was reportedly first made to the British in March 2003 – prior to the U.S. invasion of Iraq.<sup>1085</sup> The offer happened just months after the October 2003 Taranto interdiction, which undoubtedly played a role in Libya's decision. The U.S. continued to engage the Libyans following this offer and Libya opened a number of sites to inspection by U.S. and British officials. According to a report by the Congressional Research Service, "Initial visits revealed more extensive Libyan nuclear activities than previously thought, and significant quantities of chemical agent."<sup>1086</sup> Not only did Libya provide significant cooperation and transparency with regard to its weapons sites, but Libya shared significant information on its WMD programs and intelligence on foreign sources, including the A.Q. Khan network. A continued policy of engagement with the Libyans during this time period proved productive well beyond getting compliance with the demand, but in terms of extremely cooperative Libyan

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<sup>1082</sup> Disarming Libya, p. 9.

<sup>1083</sup> Disarming Libya, p. 9.

<sup>1084</sup> Douglas Waller. "Target Gaddafi, again," *Time* 147, no. 14, April 1, 1996, 46. Available online at: <http://www.time.com/time/printout/0,8816,984328,00.html>

<sup>1085</sup> Sharon Squassoni, "Disarming Libya: Weapons of Mass Destruction," Congressional Research Service, September 22, 2006. Available online at: <http://fpc.state.gov/documents/organization/78338.pdf>

<sup>1086</sup> Ibid.

behavior in the realm of inspections and in terms of intelligence benefits about a number of other terrorism and WMD-related individuals and organizations.<sup>1087</sup> One U.S. official involved in the inspections at the time was quoted as saying, “It wasn’t the individual things we were shown that we were blown away by,” said one official involved in the review, but “the extent to which we were given access.”<sup>1088</sup> CIA teams were allowed to visit sites and interview Libyans involved with the programs and Qaddafi personally directed those working for him to cooperate with the CIA, according to U.S. intelligence officials.<sup>1089</sup>

### **Sanctions**

During this period, UN sanctions were lifted in response to the extradition of the Lockerbie suspects, however, U.S. sanctions remained in place. The key sanctions lesson gleaned from this period was that sanctions combined with diplomatic engagement ultimately proved to be an effective strategy for the United States. According to Meghan O’Sullivan, there were a number of Libya specific factors that contributed to the success of sanctions. The structure of the sanctions along with the sustained dialogue during this period helped create a bargaining structure. In addition, the nature of the demands was very well-defined and very easy to verify.<sup>1090</sup> She notes that sanctions may have been more effective earlier in the Libyan case had they been structured as they were during this period, in which the Libyans understood that compliance would be met by modifications in the sanctions policy. Prior to this period, O’Sullivan argues that U.S. goals changed and sanctions were not calibrated appropriately. Despite the fact that sanctions had been imposed under Reagan with an explicit goal of regime change, the sanctions regime was not modified once the U.S. moved away from regime change goals.<sup>1091</sup>

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<sup>1087</sup> Ibid.

<sup>1088</sup> “Secret Diplomacy Won Libyan Pledge on Arms,” *New York Times*, December 21, 2003.

<sup>1089</sup> Ibid.

<sup>1090</sup> O’Sullivan, 220-221.

<sup>1091</sup> O’ Sullivan, 299.

During this period, sanctions were well-calibrated in response to Libyan actions. The entire period was informed by events on the ground. Sanctions were used as a tool in a negotiating and bargaining framework, with incremental steps being taken in conjunction with steps taken by the Libyans. While at the outset, U.S. sanctions remained in place, the U.S. policy of engagement allowed it to monitor Libyan behavior both rhetorically and on the ground in order to adjust sanctions policy accordingly. Throughout the period, a number of incremental steps were taken to convey to the Libyans that the U.S. were serious about rewarding behavior modification. Unlike in the Sudan case, incremental progress by the Libyans was met with incremental rewards instead of an all or nothing approach.

The lifting of U.S. sanctions started in 2004 and was followed by a series of conciliatory gestures by the U.S. in response to Libyan progress. Around the same time, the United States also followed through with putting an end to the diplomatic sanctions that were in place since the closing of the Tripoli embassy. In February 2011, in order to show a good faith effort towards the normalization of relations, the U.S. opened a two-person interest section at the Belgian embassy in Tripoli. In June 2004, the U.S. expanded this symbolic presence to a larger liaison office. On February 26, 2004, the U.S. removed bans on travel to Libya and bans on U.S. citizen expenditures in Libya. In September 2004, Executive Order 13357 removed most economic sanctions against Libya. It also allowed the return of air flights into Libya and released one billion in frozen assets. In 2005, the U.S. waived additional restrictions on arms exports. In 2006, additional terrorism-related restrictions were lifted as were restrictions on foreign assistance. On May 15, 2006, the Bush Administration announced that it would restore diplomatic relations with Libya and intended to remove Libya as a state sponsor of terrorism. On May 31, 2006, the liaison office was upgraded to an embassy. In June 2006, Libya was finally removed from the state sponsorship list and the list of states not fully cooperating with U.S. counterterrorism efforts. On June 30, 2006, remaining trade restrictions were removed and on September 30, 2006, the U.S. removed Libya from the terms of the ILSA.



U.S. sanctions policy during this period demonstrated a gradual calibration of policy in accordance with changes in Libyan behavior. According to Jonathan Schwartz, “The U.S. sought to balance interests by offering improved relations incrementally, reserving a full-fledged relationship to satisfaction of these broader issues...To each Libyan step to fulfill its WMD/missile commitments, the United States responded with a package of reciprocal gestures.”<sup>1092</sup>

### **Lockerbie Compensation and Acknowledgement of Responsibility**

The key success during this period was the Libyan compensation package for the victims of the Lockerbie bombing and the Libyan acknowledgement of responsibility for the bombing. The U.S. had made these demands during the prior period, but the Libyans would not agree to either one until a deal was reached during this period of analysis. Finally, with the resumption of trilateral negotiations in 2003, the United States and Great Britain were able to continue to engage Libya on the Lockerbie issues, as well as WMD. By August 2003, the Libyans acknowledged responsibility for the Pan Am bombing in a letter that was sent to the UN Security Council. While the Libyans acknowledged responsibility, they did not go so far as to admit Libyan guilt in the Lockerbie attack, but said that the Libyan government “accepted responsibility for the actions of its officials.”<sup>1093</sup>

Getting Libyan compliance with regard to these demands rested on a continued back and forth diplomatic effort by the United States, which made it clear that the U.S. would not support the full removal of sanctions until all the outstanding Lockerbie demands were met and Libya stopped its complete support for international terrorism. This was made clear as early as meetings in June 1999.<sup>1094</sup> The message was conveyed by the United States representative to the

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<sup>1092</sup> Schwartz, 575.

<sup>1093</sup> Felicity Barringer, “Libya Admits Culpability in Crash of Pan Am Plane,” *The New York Times*, August 16, 2003.

<sup>1094</sup> Judith Miller, “In Rare Talks with Libyans, U.S. Airs View on Sanctions,” *The New York Times* June 12, 1999.

UN, A. Peter Burleigh to Libya's representative to the UN, Abuzed Omar Dorda.<sup>1095</sup> This push for compensation continued through 2001 and direct talks over the issue continued. In February 2001, State Department spokesperson Richard Boucher said that American officials would meet with Libya's UN Envoy Dorda "to explain again the necessity for compensation."<sup>1096</sup>

Eventually, as a result of continued pressure combined with diplomatic engagement over the issue, a compensation package deal was reached. Libya finally agreed to a compensation package that was to be paid incrementally. The compensation package consisted of three steps. First, the Libyans agreed to give each family \$4 million in exchange for the permanent lifting of UN sanctions.<sup>1097</sup> Second, Libya agreed to pay an additional \$4 million to each family if the U.S. lifted its sanctions.<sup>1098</sup> Lastly, the final \$2 million to each family would be distributed if and when the State Department were to remove Libya from the state sponsorship list.<sup>1099</sup> As a result, UN sanctions were officially lifted (after being suspended prior) on September 12, 2003.<sup>1100</sup> However, U.S. unilateral sanctions remained in place.

### **Terrorism**

During this period, the Libyan regime continued to separate itself from its support for terrorist groups. In addition to resolving the outstanding Lockerbie-related issues to the satisfaction of the United States, the regime also renounced terrorism publicly and also stopped its direct involvement in terrorist activities. According to the State Department report issued in 2002, there were "no credible reports of Libyan involvement in terrorism since 1994."<sup>1101</sup> State Department reporting also indicated that Libya "appears to have curtailed its support for international

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<sup>1095</sup> Ibid.

<sup>1096</sup> Jane Perlez, "Unpersuaded by Verdict, Bush Backs Sanctions," *The New York Times*, February 1, 2001.

<sup>1097</sup> CNN News, "\$2.7 billion Lockerbie Deal," August 14, 2003. Available online at: [http://articles.cnn.com/2003-08-13/us/lockerbie\\_1\\_lockerbie-bombing-libyan-government-netherlands-under-scottish-law?\\_s=PM:US:](http://articles.cnn.com/2003-08-13/us/lockerbie_1_lockerbie-bombing-libyan-government-netherlands-under-scottish-law?_s=PM:US:)

<sup>1098</sup> Ibid.

<sup>1099</sup> Ibid.

<sup>1100</sup> United Nations Security Council, "Resolution 1506," September 12, 2003. Available online at:

<http://daccess-dds-ny.un.org/doc/UNDOCRESOLUTION/GEN/N03/498/81/PDF/N0349881.pdf?OpenElement>

<sup>1101</sup> Bowen, 56.

terrorism, although it may maintain residual contacts with a few groups.”<sup>1102</sup> By 2008, the State Department’s Country Report on Terrorism stated that Libya “has continued to cooperate with the United States and the international community to combat terrorism and terrorist financing.”<sup>1103</sup> In addition, Libya joined with the U.S. in its counterterrorism efforts – particularly after 9/11 – against a variety of terrorist groups.<sup>1104</sup> Libya was very vocal after 9/11 and not only spoke out publicly against terrorism, but also acknowledged that the United States had a right to respond to the terrorist attacks on 9/11.<sup>1105</sup>

Overall, throughout this period Libya demonstrated a clear and consistent change in behavior with regard to its support for terrorism. The combination of engagement with a calibrated sanctions policy worked to get Libyan compliance on the remaining demands related to Lockerbie, but also to transform its general behavior and attitudes with regard to terrorism.

#### **WMD Deal**

The most significant accomplishment during this period was the Libyan reversal of its position on its WMD program. Not only did the Libyans agree to give up their program, but they were also extremely cooperative with U.S. inspection efforts and the questioning of Libyan officials. The compliance with the U.S. WMD demand is particularly significant because it clearly shows the way that diplomatic engagement yielded communication and intelligence gains that were conducive to bringing about Libyan compliance on this issue.

Intelligence was key in making demands related to Libyan WMD. From 1999-2000, new information was collected with regard to Libya’s weapons programs. According to a 2005 report from the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, in the 1999-2000 time frame, new information was obtained that suggested

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<sup>1102</sup> “Libya’s Incomplete Amends,” *The New York Times*, May 31, 2002.

<sup>1103</sup> Christopher M. Blanchard, “Libya: Background and U.S. Relations,” Congressional Research Service, August 3, 2009.

<sup>1104</sup> *Ibid.*

<sup>1105</sup> “Libya’s Incomplete Amends,” *The New York Times*, May 31, 2002.

that Libya was “reinvigorating its nuclear, missile, and biological [weapons] programs.”<sup>1106</sup> The same report also pointed out that by 2000, “information was uncovered that revealed shipments of centrifuge technology from the [proliferation network run by former Pakistani nuclear scientist Abdul Qadeer Khan] were destined for Libya.” In 2003, the CIA also reported on increasing chemical weapons acquisition efforts by Libya.<sup>1107</sup> Similarly, the CIA Director George Tenet reiterated this information in his written testimony to Congress in February 2003. He wrote, “Libya clearly intends to re-establish its offensive chemical weapons capability.”<sup>1108</sup>

The information collected gave the United States the ammunition it needed in the context of negotiations. The knowledge of Libyan programs and progress gave the United States the ability to confront the Libyans and assess how forthright the Libyans were being in the context of WMD-related negotiations. The first offer made by the Libyans on WMD came with regard to chemical weapons in May 1999 and was made in the context of the secret direct talks. The Libyans offered to eliminate their chemical weapons program, but this offer was put on hold, as the United States wanted to resolve Lockerbie demands first.

In early March 2003, Libyan intelligence officials once again raised the offer to negotiate with regard to Libya’s WMD program. This time, British and U.S. intelligence officials took the Libyans up on the offer, whereas earlier they had been focused on Lockerbie. Negotiations began, but were kept secret. In 2004, Flynt Leverett, a former National Security Council official wrote publicly about the negotiations and an “explicit quid pro quo” that was made by the United States to remove sanctions if Libya gave up its WMD programs.<sup>1109</sup> This was all prior to the U.S.

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<sup>1106</sup> Peter Crail, “Chronology of Disarmament and Relations with the U.S.,” Arms Control Association. Available online at: <http://www.armscontrol.org/factsheets/LibyaChronology>

<sup>1107</sup> Ibid.

<sup>1108</sup> Ibid.

<sup>1109</sup> Flynt Leverett, “Why Libya Gave Up the Bomb,” *The New York Times*, January 23, 2004. Available online at: <http://www.nytimes.com/2004/01/23/opinion/why-libya-gave-up-on-the-bomb.html?scp=1&sq=why%20libya%20gave%20up%20the%20bomb&st=cse>

invasion of Iraq.<sup>1110</sup> Prime Minister Blair confirms Leverett's account stating that, "Libya came to us in March 2003 following successful negotiations on Lockerbie to see if it could resolve its WMD issue in a similarly cooperative manner."<sup>1111</sup>

According to the *New York Times*, the offer by the Libyans was "the culmination of a week of intense negotiations that followed months of secret diplomacy...."<sup>1112</sup> The article goes on to say that the "efforts roots lay in the final phase of five years of talks over UN sanctions due to Lockerbie."<sup>1113</sup> During this period, not only were there clandestine meetings, but there was even a phone call between Prime Minister Tony Blair and Qaddafi, which was the first one ever.<sup>1114</sup>

During this time period, the WMD issue was tied into the discussions about of compensation and sanctions, as the Bush administration conveyed that sanctions would be maintained until Libya gave up its weapons programs and ties to terrorist organizations. Therefore, the WMD discussion was linked to the already ongoing talks about compensation, as the Libyans would not complete payments until sanctions were completely lifted.<sup>1115</sup>

One of the reasons that communication was key during this process was that it was essential to convey to the Libyans that the demands that the U.S. was placing on the regime were not really efforts aimed at regime change (particularly in the aftermath of Iraq). The Libyans needed to understand that compliance with U.S. demands would be met by prompt U.S. responses that indicated the U.S. was willing to work with the Libyans and that new demands would not continue to be added up until regime change was the only course of action left for the United States. For example, Jentleson points out that one of the major developments in the WMD

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<sup>1110</sup> Peter Crail, "Chronology of Disarmament and Relations with the U.S.," Arms Control Association. Available online at: <http://www.armscontrol.org/factsheets/LibyaChronology>

<sup>1111</sup> Yahia H. Zoubir, "The United States and Libya: From Confrontation to Normalization," *Middle East Policy*, Vol. 8, No. 2, Summer 2006, p. 63.

<sup>1112</sup> Patrick Tyler and James Risen, "Secret Diplomacy Won Libyan Pledge on Arms," *The New York Times*, December 21, 2003.

<sup>1113</sup> Ibid.

<sup>1114</sup> Ibid.

<sup>1115</sup> Ibid.

negotiations came in August 2002 when the British Foreign Office Minister made a trip to Libya. Similarly, when normalization of relations was brought into the discussions of a WMD deal in a letter from Blair to Qaddafi (with agreement by Bush), Qaddafi responded positively.<sup>1116</sup>

Finally, on December 19, 2003, Libya announced publicly that it would give up its WMD programs. The Libyan Foreign Ministry made a public renunciation with a promise to eliminate its chemical and nuclear weapons programs and abide by terms of the NPT and CWC. Libya also agreed to open the country to inspections to verify compliance.

Throughout the course of diplomatic engagement with Libya on the issue of WMD, it was continually conveyed that the U.S. would take a number of steps in response to the Libya taking steps to cooperate with regard to giving up its WMD. In addition to articulating these measures in negotiations with Libya, the White House made these steps public in a press statement by the White House Press Secretary. These steps included, but were not limited to, getting rid of restrictions on the use of U.S. passports for travel to Libya, inviting Libya to establish an interest section in Washington and a commitment by the administration to increase contact between Libyans and Americans with cooperation on various projects.<sup>1117</sup> In May 2006, the Bush administration announced the restoration of diplomatic ties with Libya.<sup>1118</sup>

However, even after getting Libyan compliance on WMD, there were still some logistical problems that resulted from the lack of a diplomatic presence in Libya. According to Bowen, as a result of the lack of a U.S. diplomatic presence in Libya, this resulted in the British embassy taking the lead in terms of logistics related to dismantling weapons programs and verification of what was going on in the country.<sup>1119</sup>

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<sup>1116</sup> Jentleson & Whytock, 73.

<sup>1117</sup> Sean D. Murphy, *United States Practice in International Law: Volume 2, Volumes 2002-200*, p. 375)

<sup>1118</sup> Joel Brinkley, "U.S. Will Restore Diplomatic Links with the Libyans," *The New York Times*, May 16, 2006.

<sup>1119</sup> Wyn Q. Bowen, "Chapter three: The decision," *Adelphi Papers* 2006, 46: 380, 74.

### *Conclusions on the Libya Case*

In addition to the substantial amount of engagement that took place during this period, there were a number of factors that were conducive to bringing about Libyan changes in behavior in the context of diplomatic engagement. First, the Libyan case illustrates that certain issues lend themselves more to an engagement approach, as they can be easily measured incrementally. In other words, compensation could be broken down and the United States could easily measure. The issues that were being negotiated could be easily verified and measured. For example, whether or not Libyan compensation occurred or did not occur was not an issue that was up for debate, such as cases where the demands center on human rights concerns or issues that are harder to gauge and assess. All of the Lockerbie-related demands (with the exception of demanding a general end to support for terrorism, which is more difficult to assess) were fairly transparent demands that were easy for the U.S. to verify. In addition, they were issues that it could be addressed incrementally with increasing Libyan compliance over time. In addition, the Libyans maintained a fairly consistent group of individuals as the Libyan negotiating team throughout the process, which helped in terms of increasing confidence and building trust. One of the key lessons is that the combination of sanctions plus engagement together seemed to play a role in modifying Libyan behavior over time. According to Davies, the U.S. felt that keeping sanctions in place created pressure that helped foster the benefits of engagement in the final period of the case.<sup>1120</sup> Davies concludes that “it is likely the combination of both approaches actually contributed to the change in Libya.”<sup>1121</sup> Paul Pillar, a senior intelligence official also points to the combined strategy of sanctions and engagement as being integral to the “stunning about face” by Libya. He argues that “sanctions without engagement –all sticks and hardly anything in the way of carrots – do not work.”<sup>1122</sup>

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<sup>1120</sup> Davies, 214.

<sup>1121</sup> Davies, 219.

<sup>1122</sup> Paul Pillar, “Engagement and the Libyan Regime,” *The National Interest*, August 18, 2010. Available online at: <http://nationalinterest.org/blog/engagement-libyan-3901?page=show>

In the aftermath of the deals regarding Lockerbie and WMD, the United States remained engaged with Libya for the remainder of the Bush administration and into the Obama administration. In September 2008, Secretary Rice of State became the first U.S. Secretary of State since 1953 to visit Libya.<sup>1123</sup> Shortly after, President Bush personally called Qaddafi in response to the Libyan contribution of 1.5 billion dollars to the settlement fund for American victims of terrorism. Finally, in December 2008, a significant move was taken by the United States to normalize relations with Libyan and the U.S. appointed Gene Cretz as the U.S. ambassador to Libya. Also in December, the U.S. Assistant Secretary of State for Near Eastern Affairs stated that the recent settlement reached with Libya meant that the countries were on “the horizon to a normal relationship of the kind we might have with any other country.”<sup>1124</sup>

While there was significant progress during this period, there were still challenges that faced U.S.-Libyan relations. There still remained outstanding U.S. concerns over human rights and democratization concerns. However, the U.S. had not really been as engaged on these issues as on Lockerbie and WMD, as the latter two were the primary concern for the U.S. when all of these objectives were on the table.<sup>1125</sup>

Despite some of these concerns, according to press reports around the time of the wikileaks cables, the United States was continuing to follow a policy predicated on engaging directly with the Libyans. Assistant Secretary of State Jeffrey Feltman stated to Libyan Foreign Minister Kusa that the U.S. “seeks to press the relationship forward by establishing a series of dialogues on human rights, political-military relations, trade & investment, and civil-nuclear engagement.” The comments were made in a July 27, 2009 meeting in which Feltman also stated there was even the possibility of a meeting between Obama and Qaddafi at the upcoming

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<sup>1123</sup> Ronald Bruce St. John, “A New U.S. Relationship with Libya,” *Foreign Policy in Focus*, Institute for Policy Studies, March 27, 2009. Available online at: [http://www.fpif.org/articles/a\\_new\\_us\\_relationship\\_with\\_libya](http://www.fpif.org/articles/a_new_us_relationship_with_libya)

<sup>1124</sup> Ibid.

<sup>1125</sup> Jonathan S. Landay, “Wikileaks Cables Show U.S. Took a Softer Line Towards Libya,” *Commondreams.org*, April 8, 2011. Available online at: <http://www.commondreams.org/headline/2011/04/08-0>:



September 2009 UN General Assembly meeting.<sup>1126</sup> In fact, in light of recent events, some have argued that perhaps U.S. officials were too focused on cooperation on terrorism demands and engaging with the Libyans that they did not perceive what the regime's reaction would be to challenges to its authority.<sup>1127</sup>

However, just as there were divisions on the American side of the policy debate, the Libyans had their own internal policy debates regarding U.S.-Libya ties. According to 2011 press reports based on the release of the wikileaks cables, discussions between Ambassador Cretz and a senior Libyan official from January 2009. There were those in the Libyan government who felt that engagement with the United States was beneficial to Libya. However, there were others who were generally suspicious of U.S. motives and opposed to engagement. They were generally fearful that the motivations of the United States were primarily to get regime change in Libya or to weaken the regime.<sup>1128</sup> The table below summarizes the theory's predictions for each period in the Libya, along with the actual outcomes. The grey cells with bold text indicate when the theory's predictions align with the actual outcomes, whereas the white cells without bold text show where the outcomes diverge from the theory's predictions. The darker grey cells indicate that a particular demand was not on the table during the time period being examined.

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<sup>1126</sup> Jonathan S. Landay, "Wikileaks Cables Show US Took a Softer Line Towards Libya," [commondreams.org](http://www.commondreams.org) see: <http://www.commondreams.org/headline/2011/04/08-0>:

<sup>1127</sup> Daya Gamage, "Bush-Obama Administrations Endeavored to Cement U.S.-Libya Relations," *Asian Tribune*, April 13, 2011. Available online at: <http://www.asiantribune.com/news/2011/04/13/bush-obama-administrations-endeavored-cement-us-libya-relations-secret-us-diplomatic>

<sup>1128</sup> *Ibid.*

**Libya Case Summary Table**

<i>Libya</i>	Intel.	Commun.	Terrorism	Regime Change	WMD
<b>Hesitant Engagement</b> 1969-80	<b>No decline until embassy drawdown</b>	<b>No decline</b>	<b>Predicts low-level success</b> (See increasing failure)		
<b>Disengagement &amp; Isolation</b> 1981-89	<b>Significant decline</b>	<b>Significant decline</b>	<b>Predicts increased failure</b> (Mixed results: See shift away from overt support, but continued support for terrorism)		
<b>Quiet Diplomacy, Minimal Re-engagement</b> 1990-99	<b>Predicts mild increase, (Intel remains low)</b>	<b>Mild increase</b>	<b>Increasing success</b> (general support wanes, Lockerbie suspects)		
<b>Renewed Diplomatic Engagement</b> 1999-2006	<b>Significant increase</b>	<b>Significant increase</b>	<b>Increased success (Lockerbie compensation &amp; responsibility)</b>		

**2011: Update to the Libyan Case**

While the WMD deal seemed to close the Libya case in terms of serious U.S. demands, recent developments on the ground have brought new demands to fruition and changed the situation on the ground. The ongoing violence between the Libyan opposition groups and the Qaddafi regime have brought regime change goals back into fruition and have refocused attention on the human rights and democratization demands that had been on the backburner during the prior period of engagement. While it is obviously too early to evaluate the effectiveness of current U.S. policy and the international community’s military response to recent Libyan regime behavior, this section will give an overview of events and provide some preliminary analysis of the situation with regard to some of the dissertation’s main arguments. For example, was the

engagement strategy that yielded terrorism concessions and the WMD deal a factor in the events unfolding on the ground in Libya? In what ways might the previous period of engagement contributed to the weakening of the Qaddafi regime and/or emboldening of the rebel groups? Lastly, do the implications of the theory appear to be playing out with regard to recent events? Did U.S. engagement yield intelligence and communication benefits that helped with the crafting of U.S. policy during this recent turn of events? Lastly, what does the theory tell us about U.S. policy towards Libya going forward?

It is worth noting that the analysis in this section is a bit premature and somewhat speculative. It is too soon to assess how events will play out on the ground and whether or not Qaddafi will remain in power, yield power or reach some sort of political settlement with the rebel groups. At the time of this dissertation's analysis, the United States just took the first steps in formally recognizing the Libyan rebels as the official government of Libya. Recognition was extended to the Transitional National Council on July 15, 2011.<sup>1129</sup> As a result, the Libyan rebels are allowed access to \$30 billion in Libyan assets that are held in the U.S.<sup>1130</sup>

In addition, because the events are ongoing, there is limited evidence available in the form of government documents and scholarly analysis on recent U.S. policy decisions, intelligence supporting current operations and the communication channels that may or may not be operating between the U.S. and various elements of the Libyan opposition groups and the regime. With that caveat in place, I will argue that it is likely that historically U.S. engagement policies yielded a number of benefits that have only become apparent in light of the recent turn of events. Specifically, engagement appears to have weakened the firm position of the regime's power, not strengthened it as advocates of isolating Libya have argued would be the effect. Second, engagement strategies were conducive to emboldening the rebel groups within Libya. Third, engagement strategies were likely to have contributed to intelligence and monitoring of

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<sup>1129</sup> Sebnem Arsu and Steven Erlanger, "Libya Rebels Get Formal Backing and \$30 Billion," *The New York Times*, July 15, 2011, [http://www.nytimes.com/2011/07/16/world/africa/16libya.html?\\_r=1&hp](http://www.nytimes.com/2011/07/16/world/africa/16libya.html?_r=1&hp)

<sup>1130</sup> Ibid.

events on the ground in a way that would not have been possible had the United States not opted to reopen its embassy in Libya and reappoint an ambassador to the country when it did. While the situation on the ground is obviously quite dire and may persist for some time, an initial U.S. presence on the ground at the onset of fighting may have also limited some of the most brutal effects of repression, which seem to occur in the areas of the country in which the U.S. and international community had limited to no presence.

**Background on Events: Libya and the Arab Spring:**

Recent uprisings in Tunisia and Egypt had a spillover effect into Libya, urging opposition in the country to call for Qaddafi to step down from power. In February 2011, Qaddafi responded to these protests with violent activity against rebels who were demanding his removal from office. In response to Qaddafi's actions, the United States quickly froze his assets – and those of his four children in the United States. President Obama declared a national emergency.<sup>1131</sup> In addition, the U.S. revoked the visas of senior Libyan officials and the U.S. Treasury Department designated the Libyan Foreign Minister and 16 state owned Libyan companies in March 2011, which led to sanctions on all of these entities. The companies included business in the banking, oil, aviation and investment sectors.<sup>1132</sup>

Following the move by the U.S., the United Nations Security Council also voted on February 26, 2011, to unanimously impose sanctions against Libya. These sanctions were both military and financial, and included an arms embargo. In addition, the UNSC referred Qaddafi to the ICC to investigate him for potential war crimes. On February 28, Secretary of State Clinton noted that the U.S. was reaching out to opposition groups in Libya.

Also in February, the United States temporarily suspended its embassy operations, but diplomatic channels remained opened. According to the embassy website, the embassy operations

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<sup>1131</sup> Blanchard (2011), 13.

<sup>1132</sup> U.S. Treasury Department Press Center, "Moving to Further Isolate Qaddafi Regime, Treasury Designates Libyan Foreign Minister and Identifies 16 State Owned Companies," March 15, 2011. Available online at: <http://www.treasury.gov/press-center/press-releases/Pages/tg1104.aspx>

have been suspended “until further notice,” so it is unclear as to what conditions would permit the United States to reopen the embassy.<sup>1133</sup> The move to close the embassy was announced by the State Department spokesman Philip Crowley, attributed the closure to the “current security conditions” and the fact that the United States could not “guarantee fully the safety and security of our diplomatic personnel in the country.”<sup>1134</sup>

The events on the ground in Libya quickly escalated and political unrest spread throughout the country with the opposition taking control of important cities in eastern Libya with Qaddafi maintaining control of Tripoli. In March 2011, the international community responded w/military action in the form of NATO air strikes on Libyan targets. The strikes began on March 18, 2011.<sup>1135</sup> While the UN Security Council Resolution did authorize military action in Libya along with a no-fly zone, no country seems to be debating the decision to send in ground troops to Libya.<sup>1136</sup> Strikes intensified in late May and early June. By early June, Secretary of State Clinton was meeting with leaders from other countries to discuss plans for Libya after Qaddafi is no longer in power, but whether or not this will occur remains to be seen.<sup>1137</sup>

Nowhere have the implications of the Arab Spring been seen more clearly than on the ground in Libya. While the trickle of revolutionary fever spread to a number of countries, the unanticipated developments in Libya pose questions as to how and why such the challenge to Qaddafi’s authority took such a firm hold in a country firmly under the grip of his power since 1969. While the recent events are part of a complex and undoubtedly multi-causal chain of events, it is worth examining and assessing whether or not the decision to reengage with Libya on issues were conducive to the recent revolts that have been underway. Similarly, it is useful to

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<sup>1133</sup> U.S. Embassy in Tripoli, Libya “About Us,” U.S. Department of State, May 2011. Available online at: <http://libya.usembassy.gov/about-us.html>

<sup>1134</sup> Howard LaFranchi, “Libya: U.S. Closes Embassy in Tripoli, Sanctions Loom,” *Christian Science Monitor*, February 25, 2011. Available online at: <http://www.csmonitor.com/USA/Foreign-Policy/2011/0225/Libya-US-closes-embassy-in-Tripoli-sanctions-loom>.

<sup>1135</sup> Quinn, Andrew. “Clinton to Confer with Allies on post-Gaddafi End Game,” Reuters, June 8, 2011.

<sup>1136</sup> “Lessons for Libya,” *The Financial Times*, March 18, 2011.

<sup>1137</sup> Quinn, Andrew. “Clinton to Confer with Allies on post-Gaddafi End Game,” Reuters, June 8, 2011.

examine the implications of the decision to reengage with Libya on the crafting of policy responses to recent events in the country. As it is too early to determine the outcome for the Libyan regime, the Libyan rebels and the Libyan people, this section will provide a preliminary assessment of the theoretical implications of this dissertation with regard to the unfolding events.

### **Engagement and Regime Change**

Qaddafi has held power in Libya for over 40 years. The only time that the United States had an explicit policy of regime change in the country was under the Reagan administration. Having said that, an implicit goal of U.S. policy has always appeared to be the weakening of the regime – or at least bringing about gradual behavioral change of the regime over time whether that be with regard to support for terrorism or its WMD program or human rights violations. There has been a constant tension in U.S. policy between those who had advocated the isolation of Qaddafi and those who had viewed engagement as crucial for the U.S. to make gains in Libya. Those who have argued in favor of isolation believed that engagement would only work to strengthen the regime over time. However, recent events shed light on the fact that engagement not only led to concessions on key demands, but that over time engagement may have even proved conducive to the weakening of the regime, contrary to the assumptions about isolating regimes as a mechanism of regime change. While advocates of diplomatic disengagement argue that engagement props up the regime, it appears as though engagement may have had the opposite effect in this case. While the recent events were unanticipated and prompted by external factors, the momentum may not have been possible without the prior period of engagement. While it is difficult to weigh the precise role of previous policies with regard to recent developments in Libya, it is clear that engagement did not preclude an uprising by rebels from occurring nor does it appear to have made regime change in Libya impossible. In addition, U.S. engagement in Libya, with the presence of an embassy, seems likely to have had positive implications in terms of intelligence, communication and pressure on Libya in recent months. The benefits of engagement with regard to the weakening of the regime can be broken down into two

components –the impact on Qaddafi and the impact on the rebel groups willing to contest Qaddafi’s power.

First, despite claims by opponents of engagement that engagement will work to strengthen the regime over time or make the regime more legitimate. The recent events show that this is not the case. In fact, the recent revolts came on the heels of one of the strongest periods of engagement with Libya – a period in which the United States and the international community opened dialogue with Libya, provided it with incentives and lifted a number of sanctions on the regime. Second, engagement with the regime may have played a role in the decision to work with some of the opposition both before and during the revolt. Without engagement it would be extremely difficult to understand the motivations and strengths of the groups.

### **Intelligence Collection**

U.S. engagement policies with Libya have had benefits with regard to information related to recent events on the ground in Libya. First, having a diplomatic presence in the country allowed U.S. diplomats to report on the Libyan regime and collect information on Qaddafi in a way that would not have been possible without a diplomatic presence . Since 2006, U.S. officials on the ground in Libya have been able to report on Qaddafi’s idiosyncrasies, as well as internal relations within the regime. According to Cretz, “While it is tempting to dismiss his many eccentricities as signs of instability, Qadhafi is a complicated individual who has managed to stay in power for 40 years through a skillful balancing of interests and realpolitik methods.”<sup>1138</sup> Similarly, an on the ground presence not only assisted with intelligence collection on Qaddafi, but on other key figures. The defection of Moussa Koussa, the Libyan foreign minister, was undoubtedly aided by intelligence on his allegiances and perceptions around the time of the Arab revolt. According to recent press reports, British intelligence forged a strong relationship with Koussa during earlier talks related to the WMD deal with Libya and this relationship helped in

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<sup>1138</sup> Juliane von Mittelstaedt, U.S. Diplomats Struggle with an Eccentric Despot, Spiegel Online, 12/4/2010. <http://www.spiegel.de/international/world/0,1518,732901-2,00.html>

getting him to defect in light of the recent revolts.<sup>1139</sup> IN addition, in May 2011, the Libyan oil minister also defected and fled to Tunisia.<sup>1140</sup>

In addition, while the intelligence related to the recent NATO strikes on Libyan targets remains classified, an on the ground presence in Libya over the last 5 years undoubtedly contributed to the quantity and quality of information that the U.S. and international community had with regard to potential targets for the strikes. While it remains to be seen how effective the NATAO campaign will be in bringing about the fall of the regime, there have not seem to be any major blunders related to targeting or huge intelligence failures that have been spotlighted in press accounts since the start of military action in Libya.

Lastly, in order for the United States to make decisions about engaging the rebel groups and understanding the motivations and goals of the groups, the U.S. needs to collect intelligence on these groups and their leaders. According to a recent report by CRS on the unfolding events in Libya, the U.S. is currently struggling to collect information on the rebel groups.<sup>1141</sup> Vice Admiral Bill Gortney recently stated that, the U.S. “would like a much better understanding of the opposition,” and that they are working to fill “knowledge gaps,” in this area. The U.S. has also sent a senior diplomat to Benghazi to help with this mission and serve as a liaison between the U.S. and the Interim Transitional National Council of Libya. In addition, Secretary of Defense Gates made similar comments about U.S. knowledge of the Libyan opposition groups. Specifically, he said that although information was improving, “there is still a lot we don’t know.”<sup>1142</sup> According to recent reports, a significant focus of coalition efforts has been on intelligence and cyber capabilities. Intelligence agencies need to be able to persuade key

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<sup>1139</sup> Patrick Wintour, et al. “Libya: Moussa Koussa, Gaddafi's foreign minister, defects to UK,” *The Guardian*, March 31, 2011. <http://www.guardian.co.uk/world/2011/mar/31/libya-moussa-koussa-gaddafi-foreign-minister> accessed July 1, 2011.

<sup>1140</sup> “Libyan oil minister defects.” MSNBC.com, May 17, 2011. [http://www.msnbc.msn.com/id/43058443/ns/world\\_news-mideast\\_n\\_africa/t/tunisian-source-libyan-oil-minister-defects/](http://www.msnbc.msn.com/id/43058443/ns/world_news-mideast_n_africa/t/tunisian-source-libyan-oil-minister-defects/)

<sup>1141</sup> Blanchard, p. 7.

<sup>1142</sup> Blanchard, p. 7.



individuals to defect and use other informational capabilities to create additional concerns for Qaddafi via propaganda and the recruitment of agents on the ground.<sup>1143</sup>

In addition, remaining diplomatically engaged and maintaining a presence was helpful in terms of monitoring early events on the ground. While the U.S. embassy was closed for security reasons, it was able to monitor the early seeds of the revolt and report back about what was happening.

### **Communication with Qaddafi Regime and Libyan Opposition Groups**

The previous period of engagement with Libya also had communication implications that carried over into the unfolding of recent events. As the United States had an embassy on the ground in Tripoli, this allowed for formal channels of communication with the regime at the initial signs of revolt in the country. In addition, there were Libyan officials in Washington that could convey information back to officials in the United States. In the early days and weeks of the revolts, these communication channels played an instrumental role in conveying messages back and forth. However, the United States then made the decision to basically shutdown the embassy and official communication channels with the Qaddafi regime.

In addition to the official channels of communication between the Libyan regime and the United States, the diplomatic presence most likely assisted the U.S. initially identifying the opposition groups worth communicating with and establishing contacts within these groups. The benefits of engagement can also be seen with the U.S. decision to engage with the rebel groups, despite being unclear as to how events on the ground are going to end up playing out over time. The U.S. sent its Assistant Secretary for Near Eastern Affairs, Jeffrey D. Feltman, to Benghazi in May. The administration has extended an open invitation to the opposition to open an office in

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<sup>1143</sup> Richard Gowan, "Can Diplomacy Work in Libya," *World Politics Review*, March 9, 2011. Available online at: <http://www.worldpoliticsreview.com/articles/8133/can-diplomacy-work-in-libya>). See also: Con Coughlin, "Libya: Why We're Using Brains Not Brawn," *The Telegraph*, April 1, 2011.

Washington and granted official recognition to the Libyan rebels on July 15, 2011.<sup>1144</sup> There have also been recent reports about British intelligence engaging with members of the regime – but GB has denied any such talks. The British have said “No representatives of HMG, or intermediaries are involved in negotiations with the Libyan regime about a ceasefire. Our position is clear. Qaddafi must go, so that the Libyan people can determine their own future.”

During the fighting, there were also additional efforts made to engage directly with Qaddafi – despite the withdrawal of diplomats and the closing of embassies. For example, in late May 2011, South African President Jacob Zuma went to Libya to engage in direct talks with Qaddafi to try to bring about an end to the fighting.<sup>1145</sup> The goals of the meeting were: 1) ceasefire 2) increasing human aid 3) pressure for reforms that would end motivations for conflict.<sup>1146</sup> However, following the meeting, President Zuma indicated that Qaddafi indicated that he was not willing to step down for power or go into exile. According to press reports, Qaddafi would agree to a ceasefire with a halt in NATO airstrikes with negotiations for a political settlement with the Libyan rebel groups, however, the rebel groups have indicated that they are unwilling to negotiate for a political settlement. The pressure is continuing to build on Qaddafi with NATO air strikes and increasing U.S. and international pressure. Some have suggested that British and U.S. intelligence officers might be best equipped to try to persuade Qaddafi to give up power, as they were instrumental in the WMD deal.<sup>1147</sup>

### **Libya Policy Going Forward**

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<sup>1144</sup> John F. Burns, “NATO Bombs Libyan Capital in Heaviest Strikes Yet,” *The New York Times*, May 24, 2011. See also: Kareem Fahim, “No Recognition Yet, but European Union Opens an Office in the Libyan Rebels’ Stronghold,” *The New York Times*, May 22, 2011; Sebnem Arsu and Steven Erlanger, “Libya Rebels Get Formal Backing and \$30 Billion,” *The New York Times*, July 15, 2011, [http://www.nytimes.com/2011/07/16/world/africa/16libya.html?\\_r=1&hp](http://www.nytimes.com/2011/07/16/world/africa/16libya.html?_r=1&hp)

<sup>1145</sup> Al Jazeera “Talks Under Way to End Libya Fighting,” May 28, 2011, Available online at: <http://english.aljazeera.net/news/africa/2011/05/2011528143329921352.html>.

<sup>1146</sup> “South African President Jacob Zuma Arrives in Libya for Gaddafi Talks,” *The Telegraph*, May 30, 2011 <http://www.telegraph.co.uk/news/worldnews/africaandindianocan/libya/8546031/South-African-president-Jacob-Zuma-arrives-in-Libya-for-Gaddafi-talks.html>

<sup>1147</sup> Richard Gowan, “Briefing: Can Diplomacy Work in Libya,” *World Politics Review*, March 9, 2011. <http://www.worldpoliticsreview.com/articles/8133/can-diplomacy-work-in-libya>)

It is too early to assess the effectiveness of recent steps taken by the United States and the international community. The jury is still out on whether or not recent military action, combined with new sanctions and engagement with the opposition groups will change the regime's behavior and/or ultimately lead to regime change through the fall of the regime. Having said that, the lessons from this case study show that an embassy is a crucial tool for information collection and communication of demands. In addition, maintaining an embassy presence would assist the United States in tracking events on the ground and monitoring violence. Similarly, the U.S. needs to be able to track the effectiveness of the new sanctions policies it put in place and collect information on the perceptions and motivations of key figures in the Libyan regime and in the Libyan opposition groups.

Qaddafi has indicated that he would be willing to negotiate with the United States, as have one of his sons, but these offers were rejected by the United States.<sup>1148</sup> Even if the talks go nowhere, opening the door to negotiations may help with intelligence collection and a better understanding of the regime.

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<sup>1148</sup> Stuart Diamond, "The Cost of Negotiating," *The Huffington Post*, May 8, 2011. Available online at: [http://www.huffingtonpost.com/stuart-diamond/the-cost-of-negotiating\\_b\\_859363.html](http://www.huffingtonpost.com/stuart-diamond/the-cost-of-negotiating_b_859363.html)

## **CHAPTER VII. Assessing Applicability to Additional Cases: Afghanistan, Burma & South Africa**

### **Introduction**

This final case study chapter examines components of the dissertation's argument within the context of three mini-case studies. The purpose of this chapter is to assess the general applicability of the various arguments in the dissertation across a broader range of cases. While the large-n analysis looks at a substantial number of cases, the mini-case studies allow for a closer examination of some of the mechanisms behind the dissertation's theory in a few additional cases.

The case studies in this final chapter are not nearly as in depth as the longitudinal case studies of Sudan and Libya nor will they be structured in the same systematic way as these two case studies. Instead, the shorter cases in this chapter highlight particular periods of diplomatic engagement or diplomatic disengagement with different states of concern to see whether or not various elements of the dissertation's theory have traction across a wider range of cases. Different aspects of the overarching argument will be looked at within the context of these cases and the cases will not be structured in a way that is parallel to the structure of the longitudinal case studies.

### **Case Study Overview**

#### *Afghanistan*

The Afghanistan case was selected to further explore the impact of diplomatic disengagement in the realm of counterterrorism, as this has particular relevance and applicability to U.S. counterterrorism strategy today. The case will focus on the decision to shut down the embassy in Kabul in 1979 and continue to keep it closed until the U.S. invasion of Afghanistan in 2001.

#### *Burma*

The Burma case has been selected because it represents a case of low-level disengagement, but without any embassy closure. Burma represents a case in which the U.S. adopts a strategy of

limited disengagement by removing an ambassador, but keeping the embassy opened. In addition, it continues to be a state of concern on the current U.S. foreign policy agenda and currently has no ambassador in place.

### *South Africa*

The South Africa case has been selected because it represents a case of lengthy and comprehensive economic sanctions, where one might expect diplomatic sanctions to be imposed in one form or another, but where a constructive engagement policy dominated in terms of diplomacy. This case study represents a case in which the United States opts to adopt a policy predicated on diplomatic engagement with a problematic regime instead of isolation or diplomatic sanctions. The embassy in South Africa was never shut down, the overarching policy under Reagan was focused on remaining engaged with the regime in order to modify its behavior and the ambassador was only removed for a very short period of time to show disapproval for a specific violent incident carried out by the regime.

### **Mini-Case #2: Afghanistan Abdicating Afghanistan: Spotlight on Diplomatic Sanctions and Counterterrorism<sup>1149</sup>**

On January 30, 1989, the United States' embassy in Kabul was closed. The embassy remained closed until a U.S. liaison office was reopened in December 2001. With Moscow's withdrawal of its final troops from Afghanistan in 1989, the United States began to slowly disengage from the region. The turn of events in Afghanistan and the eventual rise of the Taliban following the U.S. withdrawal from Afghanistan in 1989 can in part be blamed on a strategic political failure in American foreign policy. Ultimately, both the U.S. government and the media

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<sup>1149</sup> This material in this case study is adapted from Tara Maller, "The Dangers of Diplomatic Disengagement in Counterterrorism," *Studies in Conflict and Terrorism*, Vol. 32, Issue 6, 2009, 511-536. The article was based on a paper written for a course at Harvard's Kennedy School of Government, "Al Qaeda & Terrorism," taught by Peter Bergen in Winter 2008. Peter Bergen's expertise, feedback on the paper and publication assistance were invaluable.

did not pay close enough attention to the situation on the ground in Afghanistan, leading to a lack of good information, a reliance on unreliable partners and faulty decision-making.<sup>1150</sup>

In Afghanistan, cutting diplomatic relations strongly contributed to the entrenched mentality of non-engagement, which became increasingly difficult to undo in the years that followed. The disengagement from the country in 1989 was followed by a sequence of events marked not only by a lack of information and awareness of the complexities on the ground, but by missed opportunities that may have led to more optimal outcomes with regard to Bin Laden, the rise of the Taliban regime and the future of Afghanistan. The focus on Afghanistan in this case is not intended to provide a comprehensive and detailed overview of events on the ground or U.S. policy throughout this time. Instead, I will attempt to highlight some of the ways diplomatic non-engagement with Afghanistan contributed to the United States' missed opportunities.

The original decision to close the embassy was not without debate, as it was under discussion despite the fact there was already a newly appointed ambassador, Gary Schoen, awaiting his departure to the Kabul post.<sup>1151</sup> Ultimately, the decision was made to keep the embassy closed, but the issue of diplomatic ties would continue to be debated on many subsequent occasions. In 1992, the potential for reopening the embassy resurfaced. On Peter Tomsen's last trip to Kabul in June 1992, he stated that the U.S. would definitely be opening an embassy in Kabul, but that it mostly depended on the security situation.<sup>1152</sup> Tomsen was the Special Envoy to the Afghan resistance from 1989-1992.<sup>1153</sup> However, in January 1993, when the Clinton Administration took office, there was no mention of sending any sort of diplomatic representation to Afghanistan.<sup>1154</sup>

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<sup>1150</sup> Roy Gutman, *How We Missed the Story: Osama Bin Laden, The Taliban and the Hijacking of Afghanistan*, (Washington DC: United States Institute for Peace Press, 2008).

<sup>1151</sup> Steve Coll, *Ghost Wars: The Secret History of the CIA, Afghanistan and Bin Laden, From the Soviet Invasion to September 10, 2001*, (New York: Penguin Press, 2004), 189.

<sup>1152</sup> Gutman, *How We Missed the Story*, p. 48-51

<sup>1153</sup> Coll, *Ghost Wars*, p. xv.

<sup>1154</sup> Gutman, *How We Missed the Story*, p. 48-51.

In general, the United States was disengaged from Afghanistan throughout most of the 1990s. The Clinton Administration briefly supported the Taliban in a passive way as it rose to power in 1994-1996 and then backed down from this support, as it began to realize the radical nature of the regime and its support for terrorism.<sup>1155</sup> In 1998, Pakistan encouraged the Taliban to conquer parts of northern Afghanistan and the U.S. did little to prevent this from happening. In addition, following the closure of the Kabul embassy in 1989, the United States also imposed sanctions on Pakistan relating to its proliferation efforts in October 1990.<sup>1156</sup> These sanctions cut off military and humanitarian aid to Pakistan due to the Pressler Amendment of 1985, which said the President needed to certify Pakistan did not have a nuclear program in order to continue receiving such aid from the U.S. As President Bush was unable to provide the required annual certification in 1990, sanctions were enforced.<sup>1157</sup> These sanctions also worked to somewhat disengage the United States from the country that would become the main source of info on Afghanistan.<sup>1158</sup>

When Bin Laden returned to Afghanistan after being expelled from Sudan in 1996, the U.S. had lost most of its leverage in Afghanistan. In May 1996, the Taliban had captured Kabul, Bin Laden was back in the country and the United States could do little to undermine him.<sup>1159</sup> The United States only really started paying a significant degree of attention to Afghanistan following the terrorist attacks on the two African embassies in 1998, which prompted a cruise missile strike response on Afghanistan. From the closure of the embassy in 1989 through the assassination of Massoud two days prior to September 11<sup>th</sup>, the general lack of diplomatic engagement with Afghanistan led to a number of unintended consequences which will be explored below.

While at first closing the embassy and disengaging was not driven by a counterterrorism mentality, isolation and diplomatic non-engagement soon became intricately linked to the

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<sup>1155</sup> Coll, *Ghost Wars*, p. 235.

<sup>1156</sup> O'Sullivan, *Shrewd Sanctions*, p. 36

<sup>1157</sup> Robert Hathaway, "Confrontation and Retreat: The U.S. Congress and the South Asian Nuclear Tests," Arms Control Association, January/February 2000, at armscontrol.org.

<sup>1158</sup> Gutman, *How We Missed the Story*, p. 48, 163.

<sup>1159</sup> *Ibid.*, 80.

regime's ties to terrorism, specifically Bin Laden. The United States continued to isolate Afghanistan diplomatically, while at the same time carrying out comprehensive economic sanctions. All of these efforts throughout the latter part of the 1990s were designed primarily to press for the expulsion of Bin Laden. As the U.S. repeatedly tried to increase pressure on the Taliban to give up Bin Laden throughout the late nineties and up through September 11th, it seemed to conclude such a strategy would not be possible. According to newly declassified State Department documents, the United States requested Bin Laden's expulsion from Afghanistan over 30 times from 1996 through 2001.<sup>1160</sup> The United States did repeatedly pressure the Taliban on bin Laden during this time, however, it seemed like U.S. concern and involvement at this point in time appears to have been too little too late.

There were proponents of engagement who repeatedly voiced their opinions in favor of diplomatic engagement and reopening the embassy in Afghanistan. Two particular examples are Tomsen and Robin Raphael, who was Assistance Secretary of State for South Asian Affairs under President Clinton. Tomsen wrote two confidential memos on the dangers of disengaging from Afghanistan. Tomsen was concerned about terrorist organizations using Afghanistan as a base for their activities and pointed out the U.S. ought to be working to prevent this from occurring. In December 1992, he wrote,

U.S. perseverance in maintaining our already established position in Afghanistan –at little cost – could significantly contribute to the favorable moderate outcome, which would: sideline the extremists, maintain a friendship with a strategically located friendly country, help us accomplish our other objectives in Afghanistan and the broader Central Asian region, e.g., narcotics, stinger recovery, anti-terrorism...The danger is that we will lose interest and abandon our investment assets in Afghanistan, which straddles a region where we have previous few levers.<sup>1161</sup>

Raphel expressed sentiments similar to Tomsen and she felt strongly about the need to reengage Afghanistan with American diplomacy. In the mid-1990s, Raphel tried to launch a diplomatic initiative in Afghanistan, which proposed sending a diplomatic envoy to the country. Raphel

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<sup>1160</sup> "Taliban File Update: U.S. Pressed Taliban to Expel Bin Laden Over 30 Times; Only Three Approaches in First Year of Bush Administration," The National Security Archive at George Washington University, released January 2004. Information obtained from U.S. State Department Classified Memo, "U.S. Engagement with the Taliban on Usama Bin Laden," July 16, 2001.

<sup>1161</sup> Coll, *Ghost Wars*, p. 238-39.



stated her belief that in order to attempt to moderate the regime, engagement would be necessary. Unfortunately, Raphael's cable proposing the diplomatic envoy was pulled.<sup>1162</sup>

While the rise of Al Qaeda and its ability to carry out September 11<sup>th</sup> are often cited as failures in intelligence, Coll is perhaps right when he argues the rise of Bin Laden and 9/11 is probably best understood as a failure in the realm of foreign policy.<sup>1163</sup> After all foreign policy decisions actually work to shape intelligence priorities, resource allocations and set the climate for interactions between states in the international system and the United States. It is clear in the case of Afghanistan, the decision to cut diplomatic ties contributed to a decline in intelligence capabilities over this period, an inability to significantly impact events on the ground and even the radicalization of some moderates within the country. These developments were clearly not conducive to counterterrorism efforts in the country nor were they conducive to promoting the United States' image in this part of the world.

### *Intelligence*

The decision to close the embassy in Kabul in 1989 and essentially disengage on the diplomatic front undoubtedly had an impact on intelligence gathering on the ground. Without an embassy presence in the country, along with a general lack of attention paid to Afghanistan by successive administrations, U.S. officials were clearly lacking in terms of both the quantity and quality of information on the ground. According to Coll, the CIA's legal authority to carry out covert actions in Afghanistan ended in January 1992. As a result, Coll writes that "CIA's Afghan operations atrophied to a shadow of its former strength."<sup>1164</sup> Coll also writes that not only was there no CIA station in Afghanistan once the embassy closed, but Afghanistan was also not a priority mission on the intelligence agenda of the closest station in Pakistan.<sup>1165</sup> With the lack of

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<sup>1162</sup> Gutman, *How We Missed the Story*, p. 77.

<sup>1163</sup> Steve Coll, "Lecture to course ISP-425: Al Qaeda and International Terrorism," March 11, 2008, Kennedy School of Government.

<sup>1164</sup> Coll, *Ghost Wars*, p. 233.

<sup>1165</sup> Steve Coll, "In Shadow of Terror, A Year of Decisions," NPR Online Commentary, August 16, 2004. In addition, according to Coll, "The CIA maintained a handful of paid agents in Afghanistan, but these

embassy and an end to CIA's legal authority, the United States could clearly not follow events on the ground in the same way as before.

Similarly, the lack of an embassy in Kabul undermined collection in the realm of human intelligence (humint). The CIA had to be primarily reliant on the ISI for humint, as most U.S. intelligence was in the realm of signals intelligence (sigint).<sup>1166</sup> In addition, a 1996 Congressional study of intelligence coverage of rogue states found that sigint was the main source of info, with humint being secondary. The reason this can be problematic is because individuals can simply stop using email, phones, etc to communicate, which makes intelligence collection increasingly difficult. Similarly, a 1994 CIA assessment argued that human intelligence was the most important form of intelligence when collecting on international terrorism, but that sigint was surpassing humint.<sup>1167</sup> In addition, the interaction between members of the Taliban regime and U.S. officials during this time was frequently taking place via third parties or through indirect meetings. For example, in a 1995 U.S. Embassy Islamabad Cable, "The Taliban: What We've Heard," the State Department reports on the dynamics in Kandahar and the activities of the Taliban based on meetings with Western and UN journalists who have just returned from the area.<sup>1168</sup>

What was the impact of this lack of intelligence? The United States essentially lost track of what was happening on the ground.<sup>1169</sup> As a result, the lack of intelligence proved significantly

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were dedicated to tracking down Mir Amal Kasi, a young and angry Pakistani who on January 25, 1993, had opened fire on CIA employees arriving at the agency's Langley headquarters. Kasi had killed two and wounded three, and then fled to Pakistan. By 1996 he was believed to be moving back and forth to Afghanistan, taking refuge in tribal areas where American police and spies could not operate easily. The CIA's Kasi-hunting agents did not report on the Taliban's developing war against Ahmed Shah Massoud except in passing. The job of collecting intelligence about political and military developments in Afghanistan had been assigned to CIA headquarters in faraway Virginia, lumped in with the general responsibilities of the Near East Division of the Directorate of Operations."

<sup>1166</sup> Matthew Aid, "All Glory is Fleeting: Sigint and the Fight Against International Terrorism," in Wesley Wark's *Twenty-First Century Intelligence* (New York: Taylor and Francis Group, 2005), 2005. p. 84.

<sup>1167</sup> *Ibid.*, p. 95.

<sup>1168</sup> U.S. Department of State, "The Taliban: What We've Heard," January 26, 1995, declassified from Volume VII. The Taliban Files, National Security Archives at George Washington University, Briefing Book 97. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB97/tal6.pdf>

<sup>1169</sup> Gutman, *How We Missed the Story*, p. 51.

costly on a variety of occasions where such knowledge would have been crucial in evaluating policy options. However, it is worth noting, that this lack of intelligence ought NOT to be viewed a failure by the intelligence community, as it appears foreign policy objectives and decisions were essentially unintentionally inhibiting intelligence efforts. The clear lesson to be gleaned here is that foreign policy decisions have a clear and direct impact on intelligence. If an administration disengages or adopts a strategy of isolation, intelligence will undoubtedly be impacted directly and indirectly. Direct impact results from the withdrawal of personnel. Indirect impact may result from a general resistance towards engagement with the target country or a lack of interest by policymakers with regard to what is occurring on the ground.

There are a number of examples that illustrate some of the consequences of a reduced intelligence capability. First, when Bin Laden left Sudan for Afghanistan in 1996, Coll reports the CIA did not monitor his arrival because it had no active sources in the area of Jalalabad Airport.<sup>1170</sup> Similarly, as the Sudan case illustrated earlier, the embassy in Khartoum was also shutdown at the time, so the United States was at a disadvantage there as well. In fact, it is precisely the lack of a U.S. presence along with Bin Laden's intimate familiarity with the country that may have made Afghanistan appealing to Bin Laden.<sup>1171</sup> In addition, there was a secret deal that had been made between the Taliban leader Mullah Omar and the Saudis regarding the turnover of Bin Laden. However, the United States decision to launch Operation Infinite Reach interfered with this deal.<sup>1172</sup> Prince Turki bin Faisal has stated that he had made a couple of trips to Afghanistan to meet with Mullah Omar in Kandahar<sup>1173</sup> However, any hopes of handing over Bin Laden were apparently dashed with the U.S. missile strikes on Afghanistan. It is unclear as to the credibility of this deal, but had the United States had better intelligence on the deal-making at the time, which was secret, it is possible it may have delayed the strikes and perhaps used the Saudi channel of

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<sup>1170</sup> Coll, *Ghost Wars*, p. 326.

<sup>1171</sup> Gutman, 84.

<sup>1172</sup> Jason Burke, *Al-Qaeda: Casting a Shadow of Terror*, I.B. Tauris, 2003, pp. 185-186.

<sup>1173</sup> Prince Turki bin Faisal ibn Abdul Aziz Al Saud, Saudi Arabia Leadership on GlobalSecurity.org (<http://www.globalsecurity.org/military/world/gulf/turki-bin-faisal.htm>)

communication for some more leverage with the Taliban on this matter. In addition, the United States was unable to closely monitor whether or not the 1999 opium ban initiative by Mullah Omar was being implemented. Omar had agreed to the ban, pushed for by moderates, in hopes that it would help the regime gain international recognition.<sup>1174</sup> Burke argues the ban was fairly successful and resulted in a drop in opium production that was refuted and dismissed by U.S. officials. Rather than any sort of assistance in facilitating the drop in production, the Taliban was met with additional sanctions.<sup>1175</sup> Had there been a diplomatic presence on the ground, the embassy and intelligence officials would have been better able to monitor compliance on the opium issue and perhaps conveyed the results of the ban in a more credible manner. Similarly, the rise of the terrorist training camps in the 1990s can also be attributed in part to the United States departure from the area.<sup>1176</sup>

Lastly, and perhaps most importantly, a lack of intelligence also led U.S officials not to recognize the opportunity they had in terms of backing Massoud to undermine the rise of the Taliban. Massoud was an Afghan commander who led forces in opposition to the Taliban and had also fought against the Soviets. His forces not only opposed the Taliban, but also confronted forces affiliated with Bin Laden. Peter Bergen describes Massoud as “a moderate Islamist and a brilliant general, who never received American aid proportionate to his battlefield exploits.”<sup>1177</sup> Gutman points to the benefits that aiding Massoud may have had, particularly “if only to rattle the Taliban” and argues there was a general failure by the United States to recognize Massoud as a key ally and provide him with the adequate funding and material to make him a key player in Afghanistan.<sup>1178</sup> Part of the reason the United States appears to have missed the boat on backing Massoud early was because it followed in line with Pakistan’s decision to back Hekmatyar, who

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<sup>1174</sup> Burke, *Al-Qaeda*, p. 193.

<sup>1175</sup> Ibid.

<sup>1176</sup> Gutman 82-83.

<sup>1177</sup> Peter L. Bergen, *Holy War, Inc.: Inside the Secret World of Osama Bin Laden*, (New York: Free Press, 2001), p. 71

<sup>1178</sup> Gutman, *How We Missed the Story*, p. 166.

Pakistan viewed as being most in line with its interests. U.S. assistance to Hekmatyar had started during the fight against the Soviets in Afghanistan, but continued after the Soviet withdrawal. Hekmatyar would end up joining up with Bin Laden and allowing his camps to operate within his controlled territory by the early 1990s.<sup>1179</sup> According to Coll,

The United States, as much out of passivity as out of deliberation, endorsed this program of the Pakistani Intelligence Service, and by both direct and indirect action essentially endorsed the policy of promoting Hekmatyar as the instrument and the vehicle for post-Soviet Afghanistan. And that was never a decision that any Cabinet of the United States would have sat around and made deliberately, but it was a consequence of this hands-off approach and this alliance with the Pakistan army that he built up during the eighties.<sup>1180</sup>

Coll argues the U.S. policy to subcontract out intelligence efforts to the Pakistanis during the anti-Soviet War in Afghanistan in the 1980s was primarily adopted because Pakistan's Zia insisted upon this at the time.<sup>1181</sup> U.S. acceptance of Pakistan's decision seemed consistent with the U.S. "hearts and minds" approach to counterinsurgency that had developed as a result of U.S. experiences in Vietnam.<sup>1182</sup> At the time, the United States did not really understand Afghan society and did not have specific grounds on which to justify backing other groups, so instead we yielded to Pakistani decision-making on such matters. Coll argues it may have been possible to create a more national resistance, rather than a jihadi resistance, but that this was contingent upon understanding the political dynamics on the ground, which the U.S. did not.<sup>1183</sup>

It appears as though the general disengagement from Afghanistan contributed to rebuffing Massoud and not acknowledging he might be the best prospect for the United States in Afghanistan. According to Richard Mackenzie, a journalist in Afghanistan at the time who had met with Massoud, Massoud continued to approach the American for aid in 1992, but his attempts were repeatedly ignored.<sup>1184</sup> Gutman goes on to point out that Massoud would have also been a valuable partner in terms of intelligence, as covert operations require inside connections to

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<sup>1179</sup> Bergen, *Holy War Inc.*, p. 74.

<sup>1180</sup> "Conversation with Steve Coll," Institute of International Studies, Berkeley University, March 15, 2005, at <http://globetrotter.berkeley.edu/people5/Coll/coll-con0.html>

<sup>1181</sup> Coll lecture, March 11, 2008.

<sup>1182</sup> *Ibid.*

<sup>1183</sup> *Ibid.*

<sup>1184</sup> Richard Mackenzie, "The Succession: The Price of Neglecting Afghanistan," *The New Republic*, September 14, 1998.

truly understand dynamics on the ground.<sup>1185</sup> Ultimately, Gutman points out because of the general lack of engagement on Afghanistan by successive administrations and the lack of intelligence and diplomatic presence in country, there was difficulty in assessing just how valuable Massoud would have been to the United States in terms of fighting against both the Taliban and AQ.<sup>1186</sup> Similarly, former CIA intelligence officer, Reul Marc Gerecht in 1998 was still making the case for siding with Massoud. In his article, “Counterterrorist Myth,” he pointed out that there had been little efforts to engage with Massoud in Afghanistan nothing that there had been no CIA officials meeting with Massoud until 1999. He believed Massoud was the most likely prospect in terms of defeating Taliban and undermining Bin Laden in Afghanistan.<sup>1187</sup> Gutman appears to concur, as he argues that following the embassy attacks in African in 1998, it became fairly apparent that Mullah Omar was not budging on the Bin Laden issue and that he would continue to provide a safe haven for Bin Laden’s activities. Gutman argues that the United States ought to have clearly moved to back Massoud at this time. Instead, he argues the United States felt it could continue to sanction the Taliban regime to change its behavior, but that this had the impact of actually further strengthening the Taliban internally.<sup>1188</sup>

While it is obviously speculative to predict the sequence of events that may have occurred if the United States had remain diplomatically engaged in Afghanistan, it seems reasonable to assume the United States would have had at least somewhat better intelligence pertaining to political dynamics on the ground. As a result, the United States might have been better able to calibrate its policy and develop a more informed and engaged strategy with regard to Afghanistan.

*Loss of Influence: Public Diplomacy, USAID and Radicalization*

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<sup>1185</sup> Gutman, *How We Missed the Story*, p. 196.

<sup>1186</sup> Ibid.

<sup>1187</sup> Reul Marc Gerecht, “The Counterterrorist Myth,” *The Atlantic*, July/August 2001, at <http://www.theatlantic.com/doc/200107/gerecht>

<sup>1188</sup> Gutman (2008), “How We Missed the Story (Part I), book excerpt reprinted in *The Globalist*, March 4, 2008, available online at: <http://www.theglobalist.com/StoryId.aspx?StoryId=6839>

In addition to the loss of incoming information on Afghanistan, the U.S. closure of the embassy and diplomatic disengagement from Afghanistan also diminished the U.S. ability to influence events on the ground. Without a diplomatic presence, the United States became extremely limited in its ability to carry out any sort of public diplomacy efforts or work to moderate segments of the population. Without an embassy, the United States had no direct way to interact with the Afghan population or spread its message. In addition, aid was substantially reduced and finally cut altogether. Gutman points out that with the closing of the embassy and the loss of State Department personnel in country also came the closing of the aid mission.<sup>1189</sup> According to the Interagency Review of U.S. Government Civilian Humanitarian and Transition Programs, following the Soviet withdrawal in 1989, donors from the United States and other countries began to contribute less money to Afghanistan in terms of aid.<sup>1190</sup> USAID humanitarian assistance program in Afghanistan was officially shut down completely in 1994.<sup>1191</sup> In the early nineties, the closest USAID mission was operating out of Pakistan, but that closed around this time period due to the sanctions on Pakistan related to uranium production for nuclear weapons, which made such aid banned.<sup>1192</sup> As a result, there was no real USAID agenda in the region and there was no diplomatic presence on the ground to monitor any aid that was still flowing into the country. The report also notes this causes NGOs to scale back their operations inside Afghanistan.<sup>1193</sup> Undoubtedly, the loss of aid impacted perceptions of Afghans and our leverage over events in the region. While Gutman may overstate the impact of USAID, he goes so far as to argue “absence of USAID presence had a lot to do with the rise of the Taliban.”<sup>1194</sup> Gutman argues this also gave the Pakistanis increasing leverage over the situation, as they were one of the main sources of aid going into the country. While there were some, like Robin Raphel, who

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<sup>1189</sup> Gutman, *How We Missed the Story*, p. 57.

<sup>1190</sup> *Interagency Review of U.S. Government Civilian Humanitarian & Transition Programs*  
U.S. Department of State, January 2000, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB30/index.html>

<sup>1191</sup> Coll, *Ghost Wars*, p. 6.

<sup>1192</sup> *Ibid.*

<sup>1193</sup> *Ibid.*

<sup>1194</sup> Gutman, *How We Missed the Story*, p. 57.

advocated for the need to continue sending aid to the country, the Afghans were only met with additional sanctions.<sup>1195</sup>

Not only was the United States giving up its diplomatic and political influence through the withdrawal of personnel and a significant decline in aid, but economic sanctions combined with diplomatic isolation appears to have further radicalized the moderates and strengthen ties between Bin Laden and the Taliban regime. Bin Laden continued to provide funds to the Taliban and undoubtedly his financial support proved to be even more crucial once the Taliban faced harsh sanctions. In addition, the Afghan civilian population as a whole was impacted by the economic sanctions, which created more anti-U.S. sentiments and greater support for the radical Taliban. The impact of sanctions is captured by Burke, who writes that within Afghanistan, sanctions were seen as “destroying the credibility of the moderates...” and “allowed Bin Laden to increase his influence on Mullah Omar.”<sup>1196</sup> This lethal combination of sanctions without engagement also appears to have driven Bin Laden and Omar closer together into a more symbiotic relationship, which secured Bin Laden’s safe haven in Afghanistan

While the United States’ lack of diplomatic engagement clearly diminished its influence in the country, this is not to say there was no interaction between U.S. officials and the Taliban. In fact, there were numerous attempts to pressure the Taliban regime to expel Bin Laden. However, most of these attempts were simply that: putting pressure on the Taliban to release Bin Laden with very little attempt to engage Afghans and establish leverage or credibility. All of these repeated attempts to expel Bin Laden from the country proved to be completely futile. For example, in the mid-nineties, Washington did send its first demarche to the Taliban despite no formal diplomatic relations. The subject of the demarche, sent by Warren Christopher, was the expulsion of Bin Laden. The response received from the Taliban months later requested

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<sup>1195</sup> Ibid., p. 77.

<sup>1196</sup> Burke, *Al Qaeda*, p. 194.



recognition.<sup>1197</sup> A similar request was made in a November 8, 1996 meeting between Ambassador to Pakistan Thomas W. Simons Jr. and the Taliban's acting Foreign Minister, Mullah Ghaus.<sup>1198</sup> This is not to say the United States should have granted the Taliban recognition, but there could have been a formal liaison office with diplomats set up specifically for Afghanistan. It is possible that increased engagement may have granted the United States more influence over the Taliban regime in terms of turning over Bin Laden. Diplomatic engagement in and of itself did not have to be viewed as support for or acceptance of the regime. To make matters worse, around the same time the U.S. was pressuring the Taliban on the expulsion of Bin Laden, Pakistan made the decision to grant the Taliban regime full diplomatic recognition. As the United States retreated in terms of interest, involvement, aid and diplomacy, Pakistan seemed to have no problem filling the void.<sup>1199</sup> According to Peter Bergen, Pakistan did put some pressure on the Taliban regarding Bin Laden, but did not make much headway.

In addition, it appears as though there may have been potentially exploitable rifts within the Taliban with regard to Bin Laden. In retrospect it is difficult to assess the level of support Bin Laden had at any given point in time, but it seems as though there were some segments of the regime, and even larger segments of the Afghan population, who were opposed to his presence in the country. Peter Bergen notes that throughout the 1990s, "internally the leaders of the Taliban bickered among themselves about what to do with their most famous guest [Bin Laden]."<sup>1200</sup> A declassified 1998 State Department Cable reports that Taliban official Abdul Hakim Mujahid conveyed to a Pakistani diplomat that about 80% of Taliban leadership opposed Bin Laden's presence in Afghanistan and that he has little support among the Afghan population itself.<sup>1201</sup> Bergen also interviewed Mujahid in 1999 and he reported the Taliban had taken some actions

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<sup>1197</sup> Gutman, *How We Missed the Story*, p. 97, 99.

<sup>1198</sup> U.S. Embassy (Islamabad), Cable, "Ambassador Meets Taliban: We are the People," November 12, 1996, Confidential. Volume VII, The Taliban File, National Security Archive Electronic Briefing Book 97, National Security Archives at George Washington University.

<sup>1199</sup> Gutman, *How We Missed the Story*, 105.

<sup>1200</sup> Peter L. Bergen, *The Osama bin Laden I Know*, (New York: Free Press, 2006), p. 230.

<sup>1201</sup> *Ibid.*, p. 233.

against Bin Laden, such as confiscation of his satellite phones.<sup>1202</sup> Bergen also provides evidence that other important Taliban figures, such as Foreign Minister Abu Walid al Misri and Deputy Minister of the Interior Mullah Khakshar, also expressed opposition to Bin Laden.<sup>1203</sup> For example, in an interview, Khakshar says, “There as a splinter group within the Taliban who did not want Bin Laden in the country.”<sup>1204</sup> Unfortunately, the United States appeared unable to exploit existing rifts. If there had been diplomats on the ground or the ability to carry out information campaigns to undermine support for Bin Laden, it is possible this may have been able to create fissures between segments of the Taliban and the population at large. There may have been ways to put pressure on Mullah Omar from opposition within the Taliban regime itself. Obviously, such a conclusion is highly speculative, but it seems unlikely Omar’s decision-making was guided only by Bin Laden’s best interests and not also Omar’s own stature and power within the regime itself.

Gutman also argues that during this time period Pakistani leverage would have been helpful, but that this was becoming increasingly problematic due to additional sanctions on the Pakistanis regarding nuclear weapons.<sup>1205</sup> In 1996, the United States had placed comprehensive sanctions on Pakistan due to their nuclear weapons test. The sanctions focused on aid, military trade and finance – expanding the earlier 1990 sanctions, which focused primarily on aid.<sup>1206</sup>

Even with the use of missile attacks on sites in Afghanistan in response to the 1998 embassy bombings in Africa, the United States was unable to get the Taliban regime to turn over Bin Laden. Military action on the heels of disengagement seemed to do little to change the Taliban’s behavior with regard to harboring terrorism. By this point in time, the regime and Bin Laden had grown closer and the Taliban continued to refuse to hand over Bin Laden on the grounds that it would create internal problems for the regime and that they had no proof of Bin

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<sup>1202</sup> Ibid., p. 234.

<sup>1203</sup> Ibid., p. 234-235.

<sup>1204</sup> Ibid., p. 235.

<sup>1205</sup> Gutman, *How We Missed the Story*, p. 163.

<sup>1206</sup> O’Sullivan, *Shrewd Sanctions*, 36-38.

Laden's involvement in terrorist activity.<sup>1207</sup> Following the strikes, there was increasing pressure from the U.S. to expel Bin Laden. The United States sent Inderfurth to Pakistan in February 1999 to meet with a Taliban spokesman, but Gutman argues Inderfurth "opted to hector them rather than actually talk to them."<sup>1208</sup> While Taliban envoy Abdul Hakim Mujahid and others did indicate high levels of opposition to Bin Laden's stay in the country, it is unclear how credible this assessment actually was at the time.<sup>1209</sup> However, if the United States still had its own presence on the ground, the U.S. could have actually had collected some of its own polling on the Afghan population itself and perhaps had a better grasp of opinions within the regime.<sup>1210</sup> Even if the percentage was in fact a lot lower, it would have been worth exploring potential bargains that could have been made for Bin Laden's release, particularly early on when Bin Laden had just arrived to Afghanistan.

There was actually some discussion of perhaps cutting a deal for the expulsion of Bin Laden. In the late nineties, Khalilzad argued that the U.S. should offer the Taliban international recognition in exchange for the expulsion of Bin Laden, opening of peace talks and lifting ban on girls' education.<sup>1211</sup> He argued that if this was not accepted an alternative strategy would be to support moderate elements in the country in hopes that they would eventually take power or thwart Taliban efforts and pressure Pakistan to cut its support.<sup>1212</sup> Khalilzad makes this argument as early as 1996 in a Washington Post article, "Afghanistan: Time to Reengage."<sup>1213</sup> However, the use of economic sanctions against both Pakistan and Afghanistan seemed to only exacerbate any attempts to talk with the regime and rendered any sort of genuine negotiations rather

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<sup>1207</sup> Gutman, *How We Missed the Story*, p. 145-147, 155.

<sup>1208</sup> *Ibid.*, p. 153-161

<sup>1209</sup> U.S. Embassy (Islamabad), Cable, "Afghanistan: Demarche to Taliban on New Bin Laden Threat," September 14, 2998, Secret, in Taliban Files Volume VII – National Security Archives Electronic Briefing Book 97, National Security Archives at George Washington University.

<sup>1210</sup> For example, over the last few years in Iraq, there has been a significant amount of polling done by the State Department aimed at capturing Iraqi public opinion pertaining to the Iraqi government and how it has shifted over time.

<sup>1211</sup> Gutman, *How We Missed the Story*, p.173 and Joe Stevens and Daniel Ottoway, "Afghan Roots Keep Adviser Firmly in the Inner Circle," *Washington Post*, November 23, 2001.

<sup>1212</sup> Gutman, *How We Missed the Story*, p. 173.

<sup>1213</sup> Zalmay Khalilzad, "Afghanistan: Time to Reengage," *The Washington Post*, October 7, 1996,

impossible, according to Gutman.<sup>1214</sup> It seems military strikes and economic sanctions actually worked to radicalize moderates who may have been willing to potentially work with the United States, instead of mobilizing moderates against Bin Laden and the Taliban. According to Burke, there were moderates in Afghanistan who sought engagement with the international community and favored expulsion of Bin Laden.<sup>1215</sup> However, according to Burke, “their position was consistently undercut by the attitude particularly after 1998, of the West, which made little genuine attempt at diplomatic engagement.”<sup>1216</sup>

What could the United States have done to ameliorate some of these problems? First, the United States should have never permanently shut down the embassy in Kabul. Instead, the mission could have been temporarily suspended, with the level of diplomatic presence in the country varying based on events on the ground. Second, even if the embassy needed to close for security reasons, the United States could have continued to have an Ambassador appointed to Afghanistan or could have used the appointment of an Ambassador as leverage in discussions with the Afghans. Gutman makes a similar point and argues that even sending a special envoy to a country like Afghanistan can make a difference by having temporary stabilizing influence on the area.<sup>1217</sup> Third, the United States should have been committed to remaining diplomatically engaged with the Taliban regime, at least early on before the relationship with Bin Laden seemed to have become solidified. This would not mean the United States would have to condone the regime as being legitimate nor did it mean the regime would be immune to harsh criticism and pressure. However, the United States would have to demonstrate an overt willingness to be diplomatically committed to Afghanistan and perhaps even a willingness to offer one or two carrots early on to see if the Taliban might budge on harboring Bin Laden. If and when such efforts proved futile or the relationship became more solidified, particularly in the aftermath of

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<sup>1214</sup> Gutman, *How We Missed the Story*, p. 215.

<sup>1215</sup> Burke, *Al Qaeda*, p. 192-193.

<sup>1216</sup> Ibid.

<sup>1217</sup> Gutman, *How We Missed the Story*, p. 257.

the 1998 bombings, the United States could have altered its approach. Even at this time, the United States should have still considered establishing diplomatic ties in some form with Afghanistan. Ties could have been established with the United Front, who were fighting against the Taliban. Diplomatic strategy ought to be fluid, but staying engaged is the only way to assess the best strategy at a given time. In her 2001 article, “The Taliban’s International Ambitions,” former Defense Intelligence Agency analyst Julie Sirrs argues the United Front’s political organization, the Islamic State of Afghanistan, should have been granted permission to represent Afghanistan with an embassy in the U.S.<sup>1218</sup> On a similar note, one of Massoud’s requests was actually asking the United States for an embassy in the country.<sup>1219</sup> Had the United States granted this request it is possible it may have been more well-informed and better able to calibrate its policy decisions accordingly.

#### **Mini-Case #2: Burma**

The next mini-case study focuses on U.S. policy towards Burma starting in 1988 and goes through recent developments under the Obama administration. The Burma case has been selected because it is a case in which the U.S. has imposed a strong unilateral sanctions regime and the U.S. has had downgraded diplomatic relations since 1990. However, the U.S. did not ever opt to completely shutdown the embassy. Therefore, unlike in the Sudan and Libya cases, the United States has maintained a diplomatic presence in Burma throughout the entire case (albeit, a reduced one) despite serious demands and a comprehensive unilateral sanctions regime on par with the severity of sanctions in both Sudan and Libya. In the Burma case, the U.S. has adopted for maintaining an embassy with no ambassador in place for an extended period of time. In addition, because the circumstances prompting the economic sanctions and diplomatic sanctions in this case were fairly similar to the impetus for sanctions in both the Libya and Sudan cases, the case helps to demonstrate variation in the sanctions selected despite similar

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<sup>1218</sup> Julie Sirrs, “The Taliban’s International Ambitions,” *Middle East Quarterly*, Summer 2001, Volume VIII, No. 3.

<sup>1219</sup> Gutman, *How We Missed the Story*, p. 247.

circumstances. In the Burma case, the United States could have easily justified a decision to close the embassy completely.

. This case study will begin with a brief description of events that led to the imposition of U.S. sanctions and the U.S. decision not to reappoint an ambassador to the country back in 1990. I will then briefly outline the main U.S. demands placed on the regime and discuss the general characterization of the four stages of U.S.-Burma sanctions policy over time, along with a characterization of the diplomatic sanction policy adopted by the United States. Next, I will analyze the impact of the downgraded status with the embassy remaining in place and evaluate the effectiveness of U.S. sanctions policy towards Burma with regard to U.S. demands. Lastly, I will close with a brief discussion and evaluation of the recent shift in policy approach taken by the Obama administration as part of the U.S.-Burma policy review. This case study will not be nearly as comprehensive as the longitudinal cases assessed earlier, but it will illustrate assess various components of the diplomatic sanctions theory in the context of the Burma case.

#### **General Prediction on the Burma Case**

As Burma represents a case of downgraded diplomatic relations for pretty much the entire duration of the case. Therefore, my theory predicts we should expect to see some consequences as a result of having no ambassador in place and having a reduced presence, but the U.S. should still maintain some general capability to collect information on the ground, communicate with the regime and engage in public diplomacy efforts. In addition, we should expect to see some evidence that the U.S. is able monitor and assess economic sanctions policy on the ground and track whether or not the situation is worsening or improving with regard to areas of concern, human rights abuses and other U.S. demands. The U.S. should also be well-equipped to monitor the impact of sanctions and calibrate them accordingly and to clearly convey demands to the target government. However, despite having an embassy in place, the general policy posture adopted by the United States was not one of engagement for most of this period until adopting a shift under the Obama administration to move. The U.S. still adopted an

isolation-based approach to Burma even though it maintained an embassy on the ground in the country. The case will assess whether or not the shift towards engagement with the recent Burma policy review has yielded significant results, as the theory would predict we should see greater progress on demands as the U.S. becomes more diplomatically engaged later in the case.

### **Preview of Burma Case**

Overall, the Burma case illustrates that the overarching U.S. policy of sanctions and isolating the regime has not proven to be effective. In addition, the lack of an ambassador had some specific consequences with regard to communication and access to high-level officials. Maintaining a diplomatic presence also allowed for a significant amount of diplomatic reporting and information collection and provided the U.S. with a public diplomacy channel to disseminate information with regard to human rights and democracy within the country. Ultimately, the embassy has proven to be a tool for the United States, but, unfortunately, the decision to maintain embassy presence ran somewhat contrary to the general U.S. policy approach towards Burma which has not been centered primarily on engagement.

### **Background on the 1988 Coup and U.S. Response**

The 1988 military coup in Burma and the crackdown on pro-democracy demonstrations in the country became the catalyst for tension between the U.S. and Burma. The Burmese military took control of the country and became known as the State Peace and Development Council. In addition, at this time, the new government changed the country's name from Burma to Myanmar, but the U.S. State Department still refers to the country as Burma in its official statements.<sup>1220</sup> Following the coup, the SPDC and the military carried out serious and widespread human rights abuses.<sup>1221</sup> In addition, the government took a large number of political prisoners.

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<sup>1220</sup> Larry Nicksch, "Burma-U.S. Relations, Congressional Research Service, October 4, 2007, p. 4.  
<http://www.fas.org/sgp/crs/row/RL33479.pdf>

<sup>1221</sup> Ibid.

After the coup took place, the SLORC also took Aung San Suu Kyi under house arrest.<sup>1222</sup> Aung San Suu Kyi was the leader of the opposition party, the National League for Democracy. In addition, elections were held in 1990, but the results in favor of the National League for Democracy were ignored.

Immediately following the coup, the United States began to reevaluate its policy towards Burma. In September 1988, As a result of the disorder on the ground, the State Department began “considering procedures for the departure of Americans from Burma, in light of the present conditions,”<sup>1223</sup> In the months following the coup, the United States and European allies adopted a firm policy of maintaining “cool and distant” relations with Burma, according to a western diplomat.<sup>1224</sup> In addition, in the aftermath of the coup, the United States not only condemned the ongoing violence, but also set forth demands on the new regime.<sup>1225</sup> In conjunction with the new demands the United States also initiated its economic sanctions policy against the new regime and also started to drawdown its presence.

Prior to the evacuation, the U.S. embassy in Rangoon had approximately 150 American personnel and dependents in the country, but the evacuation began in early September. However at the time of the coup, the State Department Spokesman said that the embassy would remain operational, so that it could continue to send information about on the ground developments back to Washington.<sup>1226</sup> In the aftermath of the revolt, the Burmese were also reportedly harassing embassy personnel.<sup>1227</sup> In addition to the staff drawdown, the United States did not appoint a new ambassador to Burma in 1990. According to the U.S. State Department, the decision not to appoint an ambassador was in protest of the policies of the new Burmese military regime. Since

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<sup>1222</sup>Michael Green and Derek Mitchell, “Asia’s Forgotten Crisis: A New Approach to Burma,” *Foreign Affairs*, Nov/Dec 2007, Vol. 86, Iss. 6; pp. 147.

<sup>1223</sup> Robert Pears, “Disorder in Burma Leads U.S. to Draw Evacuation Plans,” *The New York Times*, September 8, 1988.

<sup>1224</sup> Keith B. Richburg, “Burma’s Military Junta Poses Dilemma for Foreign Countries,” *The Washington Post*, March 11, 1989.

<sup>1225</sup> Elaine Sciolino, “U.S., Urging Calm in Burma, Weighs Aid Cutoff,” *The New York Times*, September 20, 1988.

<sup>1226</sup> Robert Pears, “Burmese Revolt Seen as Spontaneous,” *The New York Times*, September 10, 1998.

<sup>1227</sup> Burmese Said to Harass Embassies, *The New York Times*, September 28, 1990.



1990, there has been no U.S. ambassador and the mission has been run by the chargé d'affaires.<sup>1228</sup> Similarly, US ambassador would not meet with the new regime because he did not want to grant the legitimacy.<sup>1229</sup>

While a new ambassador was nominated to represent the United States in Burma, there was significant debate over whether or not the United States ought to appoint a new ambassador to the country. The primary concern was that sending a new ambassador would be seen as illustrating approval for the new military regime.<sup>1230</sup> At the time, advocates of reappointing an ambassador argued that an ambassador was critical for dialogue with the regime, so that it could better understand U.S. concerns and demands.<sup>1231</sup> According to a letter to the editor by David Steinberg, an expert on Burma, “An American ambassador to Myanmar is one important means to explain to the Burmese leadership the necessity for liberalization without which the potential of the people and the state will be impaired.” Advocates for appointing an ambassador to Burma back in 1992 also cited the impact that the U.S. ambassador to Burma had made by garnering international attention with regard to the serious human rights violations occurring on the ground from the time of the coup in 1988 through 1992.<sup>1232</sup>

### **Overview of United States Economic Sanctions Policy Towards Burma: 1988-Present**

Beginning in September 1988, the United States stopped all the arms sales and foreign assistance to Burma, with the exception of humanitarian aid.<sup>1233</sup> A few months later in April 1989, the United States suspended Burma’s eligibility under Generalized System of Preferences as a result of violation of workers’ rights. James Steinberg, Burma expert, characterizes these

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<sup>1228</sup> “U.S. State Department Background Notes: Burma,” U.S. State Department.

<sup>1229</sup> David Steinberg, “What Everyone Needs to Know about Burma,” July 28, 2010.

<sup>1230</sup> Barbara Crossette, “Bush Plans Shake-Up of Posts at State Dept,” *The New York Times*, February 23, 1992.

<sup>1231</sup> David Steinberg, “Letters to the Editor,” *The Washington Post*, February 29, 2002.

<sup>1232</sup> Josef Silverstein, “We Need an Ambassador in Burma,” *The Washington Post*, March 15, 1992.

<sup>1233</sup> “Burma Chronology,” Case: 88-1: US/EU/Japan v. Burma (1988-: Human rights, democracy, narcotics),” Case Studies in Sanctions and Terrorism, Petersen Institute for International Economics.

initial restrictions as the first stage of U.S. sanctions policy against Burma.<sup>1234</sup> Steinberg's stages are a useful way of tracking the evolution of U.S. sanctions policy over time through four general stages. This first stage of sanctions was marked by the imposition of restrictions following the coup.<sup>1235</sup> Legally, foreign assistance other than humanitarian assistance needs to be halted when a coup overthrows a democratically elected government (for example, this is what happened when the 1989 coup took place in Sudan and U.S. sanctions were automatically imposed. However, Steinberg notes that the Burma Socialist Programme Party (BSPP) were not democratically elected, so it was unclear whether or not the U.S. was legally obligated to cut off economic aid. During this time, the U.S. also halted military assistance to Burma.<sup>1236</sup>

The second stage of U.S. sanctions policy begins following the Burmese elections in 1990 and after San Suu Kyi is awarded the Nobel Peace Prize. This period was characterized by stricter sanctions that were enacted in 1997, which included travel visa restrictions and restrictions on U.S. investment in Burma.<sup>1237</sup> In March 1991, Assistant Secretary of State Richard Solomon testified to Congress regarding the imposition of U.S. economic sanctions on Burma. Congress had passed an amendment to the 1990 Trade Act, which called on President Bush to impose economic sanctions if the President could not certify that Burma had met certain requirements with regard to political reform and its policies on narcotics. Solomon noted to Congress that Burma had failed to meet the requirements to avoid the imposition of sanctions.<sup>1238</sup> In addition, in April 1994, Congress went so far as to place Burma on the list of international "outlaw" states under the Foreign Assistance Act of 1961. As a result, no funds available from

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<sup>1234</sup> James Steinberg. *What Everyone Needs to Know about Burma*. (New York: Oxford University Press, 2010), p. 100.

<sup>1235</sup> *Ibid.*

<sup>1236</sup> *Ibid.*

<sup>1237</sup> *Ibid.*

<sup>1238</sup> "U.S. Weighs Sanctions," *The New York Times*, March 7, 1991.

the act were permitted to be used to fund US shares in international organization programs for Burma.<sup>1239</sup>

In May 1997, President Clinton issued an executive order which prohibited new investment in Burma, but allowed existing contracts to be fulfilled. However, on May 31, 1997, ASEAN members decided to admit Burma as part of a “constructive engagement” policy, which they were pushing instead of the sanctions strategy that the U.S. had adopted for dealing with Burma. The U.S. expressed concern over this policy, but was ultimately not successful in blocking Burma’s admission into ASEAN.<sup>1240</sup>

The third stage of U.S. sanctions started following the Depayin incident in 2003, which was a government-sponsored attack on NLD caravan and massacre of individuals affiliated with the National League for Democracy.<sup>1241</sup> This prompted the additional escalation of sanctions, which included a ban on the use of U.S. banking facilities in addition to more restrictions on Burmese officials’ travel.<sup>1242</sup> Travel restriction applied to government officials and their families. In addition, Burmese imports to the U.S. were stopped.<sup>1243</sup> These newer sanctions in the third stage were put into place under both President Bush and President Obama. In 2003, the Burmese Freedom and Democracy Act (BFDA) and Executive Order 13310 imposed additional sanctions. These restrictions including a ban on Burmese products and the export of financial services. In addition, there was an asset freeze targeting the SPDC.

In 2005, there was somewhat of a shift in policy towards Burma in making it a greater priority for the United States. The Bush Administration increased diplomatic efforts with members of ASEAN and also put forth significant effort to have Burma on the UN Security

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<sup>1239</sup> “Case: 88-1: US/EU/Japan v. Burma (1988-: Human rights, democracy, narcotics),” Case Studies in Sanctions and Terrorism, Petersen Institute for International Economics, Available online at: <http://www.piie.com/research/topics/sanctions/myanmar.cfm>.

<sup>1240</sup> Ibid.

<sup>1241</sup> Steinberg, pp 113-115.

<sup>1242</sup> Steinberg, pp 113-115.

<sup>1243</sup> Steinberg, pp. 113-115.

Council agenda, which happened in December 2005.<sup>1244</sup> In 2005, President George W. Bush stated,

The crisis between the United States and Burma arising from the actions and policies of the Government of Burma that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies, including its policies of committing large-scale repression of the democratic opposition in Burma, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.<sup>1245</sup>

Additional restrictions in the third stage of U.S. sanctions policy were issued under Executive Order 13348 in October 2007 and specific individuals were targeted for human rights abuses and corruption. Also, individuals and entities that provided support to the Burmese government were also targeted.<sup>1246</sup> The U.S. also banned new investments in 1997) and blocked all imports and financial services in 2003.<sup>1247</sup> Burma represents one of the most severe unilateral U.S. sanctions regimes, which the International Crisis Group has compared to the sanctions the U.S. has imposed on Cuba.<sup>1248</sup>

According to Steinberg, the fourth and final stage of U.S. sanctions on Burma was triggered by the Saffron Revolution.<sup>1249</sup> These sanctions essentially restricted the import of jade and rubies from Burma – even if they were processed in some third country. The individuals and entities targeted by sanctions were expanded again in 2008 under Executive Order 13464 and the Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act. The latter also banned the import of Burmese rubies and jadeite.<sup>1250</sup> The Burmese Freedom and Democracy Act of 2003

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<sup>1244</sup> In addition, following the house arrest extension of Aung San Suu Kyi in May 2006, the Administration proposed a formal resolution on Burma in the Security Council.

<sup>1245</sup> White House Press Release, May 14, 2005.

<sup>1246</sup> “Burma (Myanmar) country specific information.” U.S. Dept of State, [http://travel.state.gov/travel/cis\\_pa\\_tw/cis/cis\\_1077.html](http://travel.state.gov/travel/cis_pa_tw/cis/cis_1077.html), accessed July 1, 2011.

<sup>1247</sup> ICG report 2004, p. 15.

<sup>1248</sup> ICG report 2004, p. 15.

<sup>1249</sup> Steinberg, 115.

<sup>1250</sup> In addition, the United States designated Burma as a Country of Particular concern as a result of extreme religious freedom violations. Burma was also designated as Tier 3 Country in Trafficking in Persons Report as a result of using forced labor. See U.S. State Department, “Executive Summary, International Religious Freedom Report 2008,” <http://www.state.gov/g/drl/rls/irf/2008/108351.htm>; U.S.

(BFDA) was renewed most recently in July 2010.<sup>1251</sup> Additional U.S. executive orders also prohibited U.S. citizens from contributing to any third-party investments in Burma.<sup>1252</sup>

Overall, sanctions imposed on Burma have generally increased over the last 20 years. In addition to the sanctions imposed by the United States, most western governments have also imposed suspensions of bilateral aid (non-humanitarian) at the time of the coup.<sup>1253</sup> In addition, they have imposed arms embargos and denied tariff preferences for Burmese imports.

### **Diplomatic Policy**

The Burma case differs from the Sudan and Libya case because despite comprehensive economic sanctions, at no point did the United States impose a complete embassy shutdown. While the ambassador was not reappointed and the embassy staff was reduced significantly, the embassy remained up and running despite U.S. sanctions and serious concerns with the regime. The Burma case illustrates a case in which the United States could have easily made the decision to shut down its embassy based on the sanctions regime and demands in place, but opted to keep it open despite grave concerns about the junta's problematic behavior. Therefore, while we might expect to see a number of consequences as a result of the downgraded status and policy of isolation adopted by the United States, the policy adopted was not one of complete and total isolation (like at various points in other cases) or the entire embassy would have been completely shutdown.

In addition, it is worth noting that there has been a recent shift in U.S. diplomatic policy towards Burma with the recent 2009 policy review issued by the Obama administration. While an ambassador has not been reinstated, there has been an emphasis on greater engagement with

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State Department, "Trafficking in Persons Report 2010," 2010, Office to Monitor and Combat Trafficking in Persons. <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>

<sup>1251</sup> U.S. Congress. Senate. *Senate Report 111-279 – Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003*. 111<sup>th</sup> Congress, 2<sup>nd</sup> Session, August 5, 2010. Retrieved from

[http://thomas.loc.gov/cgi-bin/cpquery/?&sid=cp111YCOmu&r\\_n=sr279.111&dbname=cp111&&sel=TOC\\_0&](http://thomas.loc.gov/cgi-bin/cpquery/?&sid=cp111YCOmu&r_n=sr279.111&dbname=cp111&&sel=TOC_0&)

<sup>1252</sup> Steinberg, 115..

<sup>1253</sup> ICG (2004), p. 15.

the regime. Therefore, attention will also be paid to how these shifts towards greater engagement have impacted U.S. efforts with regard to Burma. The Obama administration review of Burma policy was announced in February 2009 and concluded in September 2009. According to the State Department,

The review reaffirmed the United States' strategic goals in Burma: that the United States supports a unified, peaceful, prosperous, and democratic Burma that respects the human rights of its citizens. The review also concluded that, in addition to tools the United States has long applied to achieve its goals in Burma--sanctions and support for the democratic opposition--it would expand humanitarian assistance and engage in direct, senior-level dialogue with Burmese authorities.<sup>1254</sup>

As a result of this new policy, there have been a number of recent developments with regard to increased engagement w/Burma under Obama administration. Secretary of State Clinton initially announced the reevaluation of U.S.-Burma policy and acknowledged that sanctions to date had not been effective in reaching U.S. objectives.<sup>1255</sup> The policy is one that tries to reconcile the economic sanctions policy with "pragmatic engagement." The "pragmatic engagement" approach aims to open greater channels of communication with the regime and try to engage the regime to create increased levels of understanding.<sup>1256</sup> According to the State Department, the first senior-level meeting between the United States and Burma under the administration's new policy took place in September 2009.<sup>1257</sup> In November 2009 and May 2010, East Asian and Pacific Affairs Assistant Secretary Kurt Campbell went to Burma for a number of meetings. While there, Campbell met with government officials and leaders of the democratic opposition, including Aung San Suu Kyi.<sup>1258</sup> These meetings represented the highest level of bilateral contact between Burma and the United States since relations were downgraded in 1988. Also, in August 2009, U.S. Senator Jim Webb was the first member of Congress to make a trip to Burma in ten

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<sup>1254</sup> U.S. State Department, "Burma: Background Notes," July 28, 2010.

<sup>1255</sup> Donald Seekins, "Myanmar in 2009: A New Political Era?" Asian Survey, University of California Press, Vol. 50, No. 1, Jan/Feb 2010, p. 195-202.

<sup>1256</sup> Asia Society Burma Policy Paper report, p. 6

<sup>1257</sup> [http://asiasociety.org/files/pdf/ASBurmaMyanmar\\_TaskForceReport.pdf](http://asiasociety.org/files/pdf/ASBurmaMyanmar_TaskForceReport.pdf).

<sup>1258</sup> State Department, "Burma: Background Notes."

<sup>1258</sup> Ibid.

years.<sup>1259</sup> The culmination of this shift towards greater engagement was the appointment of a special envoy, Derek Mitchell, to Burma in April 2011.<sup>1260</sup>

### **Regional Engagement Policy Towards Burma**

It is worth noting that although western governments have focused on a sanctions-centric and isolation-based approach to the Burmese regime, other countries in the region have tended towards a more engagement-focused policy towards Burma.<sup>1261</sup> The regional countries took a position contrary to the position of the United States and its allies with regard to their policy towards Burma. The policy of engagement adopted by regional neighbors was predicated on the idea that by cooperating with Burma politically and economically, there would be a greater likelihood of influencing Burma's policies and thinking over time. For the regional neighbors, cooperation and admitting Burma into ASEAN were ways to open the regime to new ways of thinking and shape the regime's policies over time.<sup>1262</sup> In addition, this approach was based on the idea that if the engaging the regime improved the country's socioeconomic status over time that this would be a way to pave the road to democratization and human rights reform.<sup>1263</sup>

The admission of Burma into ASEAN in 1997 represented the pinnacle of this policy approach. Burma's admission did in fact yield some positive results. The increased contact between senior officials from Burma and the ASEAN countries helped reduce misperceptions and gave Burma a sense that an effort was being made to integrate it into the international community instead of isolate it.<sup>1264</sup> According to a report by the International Crisis Group,

In joining ASEAN, the government accepted the basic proposition that Myanmar should bring its administrative, economic and social arrangements into conformity with the group...It has also accepted, at least in principle, the obligations that flow from normative conventions on human rights, transnational crime and the environment (though implementation leaves much to be

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<sup>1259</sup> U.S. State Department, "Background Notes on Burma"

<sup>1260</sup> Josh Rogin, "It's Official: Mitchell Named Burma Envoy, Bader Leaving White House," *The Cable, Foreign Policy Magazine*, April 14, 2011.

<sup>1261</sup> "Myanmar: Sanctions, Engagement or Another Way Forward, International Crisis Group, April 26, 2004, p. 21-22. Available online at: [http://www.crisisgroup.org/~media/Files/asia/south-east-asia/burma-myanmar/078\\_myanmar\\_sanctions\\_engagement\\_or\\_another\\_way\\_web.ashx](http://www.crisisgroup.org/~media/Files/asia/south-east-asia/burma-myanmar/078_myanmar_sanctions_engagement_or_another_way_web.ashx), p. 21

<sup>1262</sup> Ibid.

<sup>1263</sup> Ibid.

<sup>1264</sup> Ibid.

desired). That the government is now actively trying to ward off regional censure rather than completely withdrawing into its shell is significant.<sup>1265</sup>

### **Overview of Demands Related to Sanctions:**

There were three main areas of demands that formed the basis of U.S. policy towards Burma with regard to economic and diplomatic sanctions. First, there were demands related to human rights concerns. Second, there was the specific demand related to the release of Aung San Suu Kyi. Lastly, there were demands related to democratization in the form of free and fair elections. According to the U.S. State Department in 2003,

In coordination with the European Union and other states, the United States has maintained sanctions on Burma. These include an arms embargo, ban on new investment, and other measures. Our goal in applying these sanctions is to encourage a transition to democratic rule and greater respect for human rights. Should there be significant progress towards those goals as a result of dialogue between Aung San Suu Kyi and the military government, then the United States would look seriously at measures to support this process of constructive change. Continued absence of positive change would force the U.S. to look at the possibility of increased sanctions in conjunction with the international community.<sup>1266</sup>

The purpose of U.S. sanctions has been primarily aimed at changing the regime's behavior, but also to give moral support to the democratic opposition in Burma and focus international attention on the situation in Burma.<sup>1267</sup> The nature of the demands have remained fairly consistent over time. In a speech by President Obama in Tokyo in November 2009, he stated that the core demands with regard to Burma include "the unconditional release of all political prisoners, including Aung San Suu Kyi; an end to conflicts with minority groups; and a genuine dialogue between the government, the democratic opposition and minority groups on a shared vision for the future."<sup>1268</sup>

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<sup>1265</sup> Ibid.

<sup>1266</sup> "Conditions in Burma and U.S. Policy Towards Burma for the period September 28, 2002-March 27, 2003," US State Department's Bureau of East Asian and Pacific Affairs, U.S. Department of State,

<sup>1267</sup> Seekins, 440.

<sup>1268</sup> "Current Realities and Future Possibilities in Burma/Myanmar: Options for U.S. Policy," Asia Society Task Force Report, Asia Society, March 2010, p. 8. Available online at: [http://asiasociety.org/files/pdf/ASBurmaMyanmar\\_TaskForceReport.pdf](http://asiasociety.org/files/pdf/ASBurmaMyanmar_TaskForceReport.pdf). See also "Remarks by President Barack Obama at Suntory Hall," Tokyo, Japan, November 14, 2009, <http://www.whitehouse.gov/the-press-office/remarks-president-barack-obamasuntory-hall>



## **Human Rights**

From the time of the coup, the military regime engaged in a number of serious human rights abuses. These abuses continued to worsen over time.<sup>1269</sup> The State Department reported in 2004 that the SPDC had an “extremely poor human rights record.” In 2004 and 2005, the State Department reported that the situation was worsening each year. Reports in 2006 indicated the abuses were continuing to worsen.<sup>1270</sup> According to the State Department, the abuses include, “extra-judicial killings, torture, rape, arbitrary arrests for political reasons, forced imprisonment into the service of the military, forced labor and relocations, and tight restrictions on the press, speech, and assembly.”<sup>1271</sup> This type of behavior continued and in September 2007, a brutal regime crackdown on protestors created additional problems for U.S.-Burmese relations.<sup>1272</sup>

## **Release of Aung San Suu Kyi**

An additional major demand on the Burmese regime that became a cornerstone of U.S. policy with regard to the country was the release of Aung San Suu Kyi from house arrest. She was being held in solitary confinement in her home. In addition, there were over 1000 political prisoners being held. Aung San Suu Kyi was temporarily released in the mid-1990s, but she was placed back on house arrest. She was then released once again in May 2002 and the regime seemed open to reform. However, a year later, San Suu Kyi was attacked along with other NLD supporters and she was placed back on house arrest. However, the SPDC did allow a United Nations envoy to meet with her twice in 2006, the first foreign official allowed to meet with her since early 2004.

## **Elections and Democracy**

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<sup>1269</sup>For more on Burma’s human rights violation, see Larry Nicksch, “Burma-U.S. Relations, Congressional Research Service, October 4, 2007, pp. 3-6. Available online at:

<http://www.fas.org/sgp/crs/row/RL33479.pdf>

<sup>1270</sup> Ibid.

<sup>1271</sup> Ibid.

<sup>1272</sup> State Department, “Burma Background Notes.”

As the results of the 1990 elections in Burma were ignored, U.S. policy since that time has also focused on holding free and fair elections in the country. Despite the fact that the National League for Democracy defeated the military regime in 1990, the State Law and Order Restoration Council refused to transfer power to the legitimate winners of the elections.

### **Impact Limited Diplomatic Presence: Communication, Intelligence and Other Embassy Functions**

Despite the fact that the United States has a limited diplomatic presence in Burma without an ambassador in place, the United States is still able to reap some of the benefits of maintaining an embassy presence in the country. This section will discuss some of the consequences of not having an ambassador place, but also shed light on the remaining benefits afforded the U.S. as a result of continuing to have a presence on the ground. As a result of the drawdown of embassy staff and lack of an ambassador communication with the Burmese regime was inhibited, albeit not to the degree it would have been had the United States completely shut down the embassy. There has still been limited access to SPDC officials. However, as a result of the isolationist policies and tensions between the regime and some of the countries on the ground (like the United States) the Burmese population fears coming to the U.S. embassy.<sup>1273</sup> In addition, according to a Burmese activist, there is a lack of “good human intelligence” with regard to the situation on the ground and limited understanding by the embassies as a result of linguistic and cultural barriers.<sup>1274</sup> Also, back in 1989, the ambassador had high-level access to Burmese officials. For example, in 1989, Ambassador Levin met with SLORC intelligence chief General Khin Nyunt.

However, at the same time, given the lack of media access permitted in Burma, reporting by diplomats is one of the primary sources of information on what is going on in the country.<sup>1275</sup>

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<sup>1273</sup> “The Suffering of Burma/Myanmar,” in *A Diplomat’s Handbook*, Council for Community of Democracies, 2009, p. 179-181. Available online at: [http://www.diplomatshandbook.org/pdf/Handbook\\_Burma.pdf](http://www.diplomatshandbook.org/pdf/Handbook_Burma.pdf).

<sup>1274</sup> Ibid.

<sup>1275</sup> Ibid.

For example, U.S. Ambassador Burton Levin was responsible for releasing information indicating that the U.S. embassy in Burma had gotten “credible, first hand reports” of serious human rights violations that were taking place on the ground back during the 1987-1990 period. Similarly, even the U.S. charge, Shari Villarosa, played a role in getting out information through the media about what was going on in the country from 2005-2008.<sup>1276</sup> According to the *Diplomats Handbook* by the Council for a Community of Democracies, “Embassies play a key role in informing the Burmese public and the international community about activities and events occurring in Burma/Myanmar. Embassies have committed resources to support media and journalism trainings for young Burmese journalists.”<sup>1277</sup> In addition, the embassies also assist with information dissemination to the Burmese people and in terms of getting information out of the country and to the broader international community.<sup>1278</sup> In addition, U.S. embassy officials in Burma “regularly raise issues of democracy and human rights when they have opportunity to meet with Burmese officials.”<sup>1279</sup> The U.S. embassy also plays a big role in providing programs and information regarding a number of topics, such as democracy, human rights and sanctions. In addition, the American Center in Burma also has played a role in coordinating dialogue between Burmese opposition and minority groups.<sup>1280</sup> According to *The Diplomat’s Handbook*,

In the absence of journalists, certain democratic missions – Australia, the US, the UK and others- were able to report publicly to international news outlets what they were able to witness, and these reports were then played back to the Burmese especially via exile news organizations, often in frontier areas, where the state was not able to block incoming transmissions entirely.

Despite the fact that the United States did not have an ambassador in place and a generally limited presence in Burma, the U.S. was still able to report on meetings and events that were taking place on the ground. Undoubtedly, diplomatic reporting out of the Rangoon embassy provides U.S. policymakers with a wide range of information on developments – both politically and economically within the country. According to *The Diplomat’s Handbook*, the diplomatic

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<sup>1276</sup> Ibid.

<sup>1277</sup> Ibid.

<sup>1278</sup> Ibid.

<sup>1279</sup> Ibid, 186.

<sup>1280</sup> Ibid.

presence is extremely crucial, as most international media sources have been expelled from the country.<sup>1281</sup> The recent wikileaks incident sheds light on the abundance of diplomatic reporting that was still coming out of Burma, despite the fact that the U.S. had no ambassador in the country and had a reduced staff on the ground. *The New York Times* reported over 400 cables over past three years from diplomats on the ground in Rangoon.<sup>1282</sup> The content of cables originating in the Rangoon embassy has been written about in the media and appear to cover a range of issues of U.S. concern, including sanctions policy, the role of China and the house arrest of Aung San Suu Ski.<sup>1283</sup>

For example, the press reported that according to one of the 2009 cables released via wikileaks, U.S. officials on the ground in Burma were making recommendations to OFAC about designations for the targeted sanctions list.<sup>1284</sup> In addition, the charge d'affaires, Shari Villarosa, provided an assessment of U.S. sanctions effectiveness in cables sent out of the embassy in Rangoon. According to press reports on the wikileaks cables, Villarosa characterized U.S. sanctions as being ineffective and incomprehensive in a 2008 diplomatic cable out of the Rangoon embassy.<sup>1285</sup> Similarly, *The New York Time* reported that Leslie Hayden, the head of the political and economic section at the Rangoon embassy in 2008, wrote, "While our economic sanctions give us the moral high-ground, they are largely ineffective because they are not comprehensive...Burma's biggest client states refuse to participate in them."<sup>1286</sup> *The New York Times* also reported that the cables pointed out that the embassy played a role in promoting

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<sup>1281</sup> *A Diplomat's Handbook*, Council for Community of Democracies, 2009, p. 179-181. Available online at: [http://www.diplomatshandbook.org/pdf/Handbook\\_Burma.pdf](http://www.diplomatshandbook.org/pdf/Handbook_Burma.pdf),

<sup>1282</sup> Thomas Fuller, "On Myanmar, U.S. and China Worked Closely," *The New York Times*, December 10, 2010.

<sup>1283</sup> Thomas Fuller, "On Myanmar, U.S. and China Worked Closely," *The New York Times*, December 10, 2010

<sup>1284</sup> Ba Kaung, "Wikileaks Cables Spotlight US Surveillance of Burmese Junta," December 7, 2010. Available online at: [http://www.irrawaddy.org/article.php?art\\_id=20268](http://www.irrawaddy.org/article.php?art_id=20268)

<sup>1285</sup> Joseph Allchin, "'Burma: Top US Official Rued 'Ineffective' Sanctions,'" *Eurasia Review: News and Analysis on The Wikileaks Cables*, December 14, 2010, Available online at: <http://www.eurasiareview.com/burma-top-us-official-rued-ineffective-sanctions-14122010/>

<sup>1286</sup> Thomas Fuller, "On Myanmar, U.S. and China Worked Closely," *The New York Times*, December 10, 2010

democracy and demonstrated its “commitment to promoting freedom and democracy,” through various functions and activities.<sup>1287</sup>

Lastly, one other area where there have been intelligence gaps with regard to Burma has been related to a potential Burmese nuclear program. There have been mixed reports coming out of the embassy about the potential development of a nuclear program with help from North Korea, but none of these reports have been confirmed. For example, press reports about the wikileaks cables indicated that diplomatic reporting noted that the possibility of a Burmese nuclear program is a “very open question.”<sup>1288</sup>

### **Evaluation of U.S. Policy**

Generally speaking, U.S. policy towards Burma since the coup has been one of punitive measures via sanctions and isolation since the 1988 coup. In addition to sanctions and limited diplomatic contact, the United States has also opposed Burma’s membership into a number of financial organizations.<sup>1289</sup> However, despite the significant U.S. sanctions in place on Burma, the U.S. sanctions policy has produced minimal results. First, the U.S. doesn’t have much leverage economically over Burma, as it is only the fifth largest foreign investor in the country, accounting for less than 10% of foreign direct investment in the country.<sup>1290</sup> In addition, according to figures from 1994, the U.S. only constituted approximately 1% of Burmese imports and 7% of Burmese exports. 90% of Burma’s imports came from China, Singapore and the rest of Asia. Similarly, Singapore, China and India absorbed bought the bulk of Burmese exports.<sup>1291</sup> In addition, the sanctions have led to problems for the Burmese people instead of undermining the

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<sup>1287</sup> Thomas Fuller, “On Myanmar, U.S. and China Worked Closely,” *The New York Times*, December 10, 2010

<sup>1288</sup> Burma cable 2007: the dialogue is dead: <http://www.aftenposten.no/spesial/wikileaksdokumenter/article4019502.ecc>

<sup>1289</sup> Leon Hader, “U.S. Sanctions Against Burma: A Failure on All Fronts, Cato Institute, March 26, 1998.

Available online at: <http://www.cato.org/pubs/trade/tpa-001.html>

<sup>1290</sup> Hader, 1998.

<sup>1291</sup> Hader, 1998.

power of the regime or changing its behavior.<sup>1292</sup> Critics of the sanctions have also pointed out that the sanctions, specifically the Burmese Freedom and Democracy Act, are fundamentally misguided. The United States does not have a clear sense of the dynamics on the ground and ultimately underestimates the regime's motivation and determination to remain in power regardless of the sanctions imposed costs on the country.<sup>1293</sup> The International Crisis Group also argues that sanctions have not contributed to undermining the regime's hold on power or shift its policies.<sup>1294</sup> Similarly, the ICG assesses that sanctions have not reduced the overall well-being of the Burmese military elite.<sup>1295</sup>

The U.S. sanctions on Burma also created some general resistance and public opposition by the regime itself. For example, the regime pointed out that the sanctions really just served a political purpose and imposed costs on the United States, but would not ultimately undermine the regime. Back in 1997, the Burmese government stated, "American sanctions are for their own political consumption. We feel sorry for U.S. companies because they will not get a second chance later to invest in Burma if opportunities are taken over by companies from nations with consistent foreign policies."<sup>1296</sup> Similarly, in 1998, a Burmese government official was quoted as saying, "I would like to tell my American friends that sanctions will hurt you more than us. After all, we virtually imposed sanctions on ourselves for 30 years, and we are still here."<sup>1297</sup> The regime also emphasized the negative consequences of U.S. sanctions on the Burmese people by

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<sup>1292</sup> Donald M. Seekins, "Burma and U.S. Sanctions: Punishing an Authoritarian Regime, *Asian Survey*, Vol. 45, No. 3 (University of California Press, 2005), pp. 437-452.

<sup>1293</sup> Seekins, 452

<sup>1294</sup> ICG Report, 2004, p. 16.

<sup>1295</sup> ICG Report, 2004, p. 16.

<sup>1296</sup> Seth Mydans, "Burmese Sanctions Get Little Backing in Asia," *The New York Times*, April 25, 1997, A6. Available online at: <http://www.nytimes.com/1997/04/25/world/burmese-sanctions-get-little-backing-in-asia.html>.

<sup>1297</sup> Ivan Cohen, "U.S. Sanctions Fail to Bring Democracy to Burma," *Christian Science Monitor*, January 29, 1998. Available online at: <http://www.csmonitor.com/1998/0129/012998.intl.intl.5.html>

framing them as “weapons of mass destruction” that “create havoc and bring hardship to the mass population,”<sup>1298</sup>

There have been a few gains from the imposition of sanctions, despite the fact that they have not been effective in attaining U.S. objectives with regard to its foreign policy demands. The International Crisis Group points out that the sanctions may be beneficial in that they lend support to the democratic opposition forces in the country, create some pressure for bargaining and do place psychological and economic pressure on the regime - albeit not enough to actually change its behavior.<sup>1299</sup>

The failed policy of non-engagement and isolation is what prompted criticism of U.S. policy and eventually created an opening for the Obama administration to attempt a new approach. For example, the Asia Society issued a report on Burma which stated “over the longer term, the U.S. should be prepared to normalize its relations with Burma if the right conditions are met through its policy of direct dialogue. For example, if the military regime releases political prisoners, including Aung San Suu Kyi, and takes other significant steps toward reform, the United States should be prepared to ease the symbolic restrictions on bilateral relations. For example, it might consider recognizing the country as Myanmar and upgrading diplomatic representation to ambassador in both capitals.”<sup>1300</sup> Similarly, Burma experts such as David Steinberg called on a transformation of U.S. policy towards Burma. In his Washington Post editorial, Steinberg argued in favor of an approach centered on unconditional engagement, but with improved bilateral relations being conditional.<sup>1301</sup>

## **Recent Developments**

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<sup>1298</sup> Petersen Institute for International Economics, “Case Studies in Sanctions and Terrorism: Case 88-1, Burma,” <http://www.iie.com/research/topics/sanctions/myanmar2.cfm>

<sup>1299</sup> ICG report 2004, p. 15.

<sup>1300</sup> “Current Realities and Future Possibilities: in Burma/Myanmar: Options for U.S. Policy.” Asia Society Task Force Report, March 2010, p. 32.

<sup>1301</sup> James Steinberg, “Engage with Burma,” *The Washington Post*, March 27, 2009. Available online at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/27/AR2009032702855.html>

There have been some relatively positive developments with regard to Burma, but progress has been extremely slow. First, in November 2010, Aung Sung was finally released from house arrest.<sup>1302</sup> Following the release, Secretary of State Clinton issued a statement welcoming the release. In the statement, Clinton also called on Burma's leaders "to ensure that Aung San Suu Kyi's release is unconditional so that she may travel, associate with her fellow citizens, express her views, and participate in political activities without restriction." The statement also presses the regime to "immediately and unconditionally release all of Burma's 2,100 political prisoners."<sup>1303</sup> Lastly, in the statement, Clinton also said, "We urge Burma's leaders to break from their repressive policies and begin an inclusive dialogue with Aung San Suu Kyi and other democratic and ethnic leaders towards national reconciliation and a more peaceful, prosperous, and democratic future."

Whether or not her release actually indicates the regime is bowing to U.S. or international pressure remains to be seen. The Burmese regime has stated that they released her because the sentencing period was up, but this has occurred numerous times and, in the past, the regime has just issued extensions.<sup>1304</sup> The release has not ushered in any other significant reforms. In fact, some have even argued that the release may actually signal that the regime is comfortable with its position in power and as a result of this security they felt they no longer needed to detain her.<sup>1305</sup>

The release of Aung San Suu Kyi followed elections in Burma in which the junta was reelected to power, but with claims of vote-rigging.<sup>1306</sup> The elections were the first in 20 years, but they were extremely flawed. In addition, debate is extremely restricted and there is no foreign

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<sup>1302</sup> Steve Finch, "Out of House Arrest and Into the Fire," *Foreign Policy*, December 15, 2010. Available online at: [http://www.foreignpolicy.com/articles/2010/12/15/out\\_of\\_house\\_arrest\\_into\\_the\\_fire?page=0,1](http://www.foreignpolicy.com/articles/2010/12/15/out_of_house_arrest_into_the_fire?page=0,1)

<sup>1303</sup> Hillary Rodham Clinton, "Remarks on the Release of Aung San Suu Kyi," U.S. Department of State, November 13, 2010. Available online at : <http://www.state.gov/secretary/rm/2010/11/150872.htm>

<sup>1304</sup> Mac McClelland, "Aung San Suu Kyi's Release 'Just the Beginning'," *Mother Jones*, November 15, 2010. Available online at: <http://motherjones.com/rights-stuff/2010/11/aung-san-suu-kyis-release-just-beginning>

<sup>1305</sup> Ibid.

<sup>1306</sup> Simon Montlake, "Burma (Myanmar) Release of Aung San Suu Kyi could Galvanize Activists," *Christian Science Monitor*, November 13, 2010.



media coverage of parliament allowed.<sup>1307</sup> Both President Obama and Secretary of State Clinton made comments expressing dissatisfaction with the elections. President Obama said the elections were “neither free nor fair” and “demonstrate again the regime’s continued preference for repression and restriction over inclusion and transparency.” Secretary of State Clinton stated that the problematic elections “once again expose the abuses of the military junta.”<sup>1308</sup>

In the aftermath of the elections and the release, the U.S. is adopting a “wait and see” approach with regard to sanctions in light of the recent elections and Kyi’s release. It is possible there will be a potential shift in sanctions strategy, but in the aftermath of the release a push for tighter sanctions was delayed. While targeting of non-Burmese banks that service the junta is permitted on a discretionary basis, the U.S. opted not to impose these sanctions in the aftermath of the release. At the same time, the western powers have given no indications that sanctions will be lifted in response to recent developments in Burma.<sup>1309</sup> More specifically, U.S. Assistant Secretary of State for East Asia, Kurt Campbell has said it is “premature” step to ease the sanctions on Burma. Campbell stated, “Several Southeast Asian nations have come out saying it’s time to lift sanctions. We have stated very clearly we think that that is obviously premature,”<sup>1310</sup> In early April, the European Union eased sanctions against the Burmese government.

Most recently, President Obama nominated Derek Mitchell as the first U.S. Special Envoy to Burma.<sup>1311</sup> The envoy will serve as the United States official representative for dealings with the Burmese government. If Mitchell is confirmed by the Senate he will serve as the Special

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<sup>1307</sup> Parameswaran Ponnudurai, “Western Powers Waver on Sanctions,” Radio Free Asia, March 3, 2011. Available online at: <http://www.rfa.org/english/east-asia-beat/sanctions-03032011181514.html>

<sup>1308</sup> “Turnout Appears Light in Myanmar’s Elections,” *The New York Times*, November 7, 2010. Available online at: <http://www.nytimes.com/2010/11/08/world/asia/08myanmar.html>

<sup>1309</sup> Parameswaran Ponnudurai, “Western Powers Waver on Sanctions,” Radio Free Asia, March 3, 2011. Available online at: <http://www.rfa.org/english/east-asia-beat/sanctions-03032011181514.html>

<sup>1310</sup> Parameswaran Ponnudurai, “Western Powers Waver on Sanctions,” Radio Free Asia, March 3, 2011. Available online at: <http://www.rfa.org/english/east-asia-beat/sanctions-03032011181514.html>

<sup>1311</sup> Josh Rogin, “Mitchell Named Burma Envoy, Bader Leaving White House,” *The Cable*, Foreign Policy, April 14, 2011.

Representative and Policy Coordinator for Burma.<sup>1312</sup> The move signals a shift towards greater dialogue and engagement with the regime, but the U.S. is continuing to say it is too early to ease sanctions.

### **The Way Forward**

The Burma case has not been a clear success for the United States despite the diplomatic presence that has remained in place throughout the case. Overall, the Burma case doesn't lend extremely strong support to a diplomatic presence in and of itself contributing to effective U.S. policy. However, it does illustrate that maintaining a diplomatic presence does assist in terms of the ability to collect information and communicate with the regime. While a ramped up presence and the appointment of an ambassador would have probably aided U.S. policy in Burma, maintaining the embassy presence has provided the U.S. with some benefits it would not otherwise have without such a presence.

However, one of the lessons from the case is that a diplomatic presence on the ground is only as useful as the policy decisions accompanying the presence. In other words, maintaining a presence, but adopting a posture predicated on isolation will undermine the inherent value of the presence. In other words, there are benefits to be gleaned by merely having a presence on the ground, but it is really U.S. policies of engagement in tandem with the diplomatic presence that truly seem to represent the optimal way to exploit the advantage of being situated on the ground. Having said that, there were still clear benefits gained by keeping the embassy opened, which undoubtedly contributed to ongoing assessments of the situation on the ground over time and the

Framing the Burma policy debate as an either/or approach based on either sanctions or engagement is problematic. In fact, this research shows that engagement with Burma will make pressure and sanctions policies more effective.

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<sup>1312</sup> "U.S. appoints Burma special envoy Derek Mitchell," BBC News, April 15, 2011. Available online at: <http://www.bbc.co.uk/news/world-asia-pacific-13090242>

## **Mini-Case #2: South Africa Spotlight on Constructive Engagement**

This case study focuses on the policy of “constructive engagement” towards South Africa under the Reagan administration. The case will look at the general tenets of the policy, along with the sanctions imposed on the South African regime during this period. The purpose of looking at U.S. constructive engagement with South Africa is to analyze a policy predicated primarily on diplomatic engagement with the regime in order to bring about compliance with specific foreign policy demands. During this case, the United States policy was focused on maintaining diplomatic ties and an embassy presence. Not only did the U.S. keep the embassy open during this entire period, but the U.S. policy was based on trying to influence change with regard to a number of policy demands through diplomatic persuasion and non-punitive measures. While at first, economic sanctions policies were not embraced by the administration, eventually strong economic measures were adopted parallel to the administration’s overarching engagement strategy.

As diplomatic engagement was extremely strong during this period, the dissertation’s theory would predict this ought to be a case of complete success. However, while assessments of the constructive engagement policy are mixed in their reviews as the strategy, the policy was by no means an absolute success. Therefore, this becomes an important case to examine to determine why constructive engagement may not have been as effective as one might expect. While the policy did yield progress over time, it was the combination of engagement plus punitive coercive measures, such as comprehensive sanctions that ultimately contributed to success .

This case provides a number of lessons. First, the case illustrates some of the benefits of engagement with regard to intelligence, communication and monitoring the impact of sanctions. Second, the case illustrates that engagement in and of itself is not as effective as a mix of engagement with effective punitive sanctions. Lastly, the case illustrates that incomplete

engagement may undermine the effectiveness of engagement strategies. In other words, if engagement is narrow and only focused on particular groups or elements of the target population and additional relevant groups are excluded, effectiveness may be limited in some ways. In this case, engagement policy was directed towards the regime, but not enough engagement with those in the black community on the ground.

### **Brief Background and U.S. Policy Demands in South Africa**

This case study is going to examine the U.S. policy towards South Africa during the Reagan administration. However, it is necessary to first provide a bit of background regarding policy in the lead-up to the implementation of constructive engagement. In 1977, the UN had imposed an arms embargo on South Africa, which was joined by the United States under the Carter administration. In addition, in 1978, there were additional restrictions placed on US exports to the South African military and police. However, there were very few general US restrictions or strong measures in place by the time the Reagan administration had taken office.<sup>1313</sup> In addition, it is worth noting that US was one of South Africa's main trading partners and supplied 15% of South Africa's imports.<sup>1314</sup> While both the Ford and Carter administrations opposed South African apartheid policies, the Carter administration "stepped up its rhetorical assault on apartheid and supported a mandatory UN embargo in response to wave of repression in 1976-77," according to Chester Crocker.<sup>1315</sup> Human rights had been a pillar of the Carter campaign, so the administration emphasized the situation in South Africa and called for a strong stand against apartheid in President Carter's Policy Review Memorandum 4 and in Carter's speeches.<sup>1316</sup>

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<sup>1313</sup> "The U.S. and South Africa: The Sanctions Debate of 1985 – C16-88-883," Harvard University's Kennedy School of Government Case Program.

<sup>1314</sup> HKS case #2 , 4.

<sup>1315</sup> Crocker, *High Noon in South Africa*, 36.

<sup>1316</sup><sup>1316</sup> Richard Goldstone, "Ambiguity and America: South Africa and U.S. Foreign Policy, *Social Research: An International Quarterly*, Volume 72, Number: Winter 2005 p. 1-14.

Ronald Reagan was elected to the U.S. presidency with the promise to reverse the arms embargos of the 1970s and to tone down anti-apartheid rhetoric as part of an anti-Soviet platform.<sup>1317</sup> U.S. policy towards South Africa under the Reagan administration was centered on a few central policy goals. Constructive engagement, as well as economic sanctions, were designed to accomplish a variety of objectives. First, the U.S. was trying to achieve a peace settlement in Namibia. Second, the U.S. was trying to pressure the removal of Cuban troops from South Africa.<sup>1318</sup> Finally, one of the primary aims of U.S. policy was to bring about a transformation within South Africa itself with domestic reforms aimed at ending apartheid.<sup>1319</sup> Similarly, in his book on South Africa, Davies argues that the U.S. goals revolved around a few central areas – human rights, economic interests, political interests and strategic concerns.

### **The Development and Implementation of Constructive Engagement**

The chief architect of the constructive engagement policy was Chester Crocker. The origins of the policy were first clearly articulated in Crocker's 1980 *Foreign Affairs* article, "South Africa: A Strategy for Change."<sup>1320</sup> In the article, Crocker points out that disengagement is not a policy and pressure on the regime will not be enough to produce change. He argues that the U.S. needs to credibly engage and adopt positions "conducive to compromise and accommodation."<sup>1321</sup> He calls for "sustained and nimble diplomacy."<sup>1322</sup> Specifically, he speaks about the importance of a diplomatic communication channel between officials in Washington and Pretoria. He argues that this is key in order to guide policy, convey warnings and react to events and decisions on the

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<sup>1317</sup> Richard Goldstone, "Ambiguity and America: South Africa and U.S. Foreign Policy, *Social Research: An International Quarterly*, Volume 72, Number: Winter 2005 p. 1-14.

<sup>1318</sup> Richard Haass and Meghan O'Sullivan, *Honey and Vinegar: Incentives, Sanctions, and Foreign Policy*, (Washington DC: Brookings Institution Press), 2000; Richard Goldstone: Ambiguity and America: South Africa and US Foreign Policy, *Social Research: An International Quarterly*, Volume 72, Number: Winter 2005 p. 1-14.

<sup>1319</sup> Ibid. Richard Goldstone: Ambiguity and America: South Africa and US Foreign Policy, *Social Research: An International Quarterly*, Volume 72, Number: Winter 2005 p. 1-14.

<sup>1320</sup> Chester Crocker, "South Africa: A strategy for Change," *Foreign Affairs*, Vol. 59, No. 2 (Winter, 1980), pp. 323-351.

<sup>1321</sup> Crocker (1980), 345.

<sup>1322</sup> Crocker (1980), 345.

ground.<sup>1323</sup> Similarly, constructively engaging the regime allows the United States to monitor developments while assessing the U.S. bargaining position with the regime. Crocker also argued that pressure through both public and diplomatic channels also needs to be part of a constructive engagement strategy.<sup>1324</sup>

Essentially, Chester Crocker believed that the U.S. would maximize its influence and leverage with the South African regime by trying to establish good relations with the regime, as opposed to alienating it through condemnation and punitive strategies. The Reagan administration adopted the approach set forth by Crocker and based its policies on the notion that you needed to work to encourage the moderates in the South African government in order to bring about gradual change and reform.<sup>1325</sup> As part of this strategy, the United States tried to forge tighter diplomatic ties with South Africa and did not want to turn the regime into an international pariah.<sup>1326</sup> In his memoirs, *High Noon in South Africa*, Crocker points out that constructive engagement operated on the premise that “‘a sustained and nimble diplomacy’ would work to resolve regional conflict and reduce violence.”<sup>1327</sup> The strategy was not aimed at rapid reform, but instead focused on trying to negotiate “evolutionary change” and improve U.S. relations with leaders in South Africa.<sup>1328</sup> However, Crocker’s policy maintained respect for the UN arms embargo and the refusal to use South African defense facilities. In addition, the U.S. policy still completely rejected Apartheid policies and institutions.<sup>1329</sup>

.According to Crocker, “constructive engagement does not mean waging economic warfare against the republic nor does it mean erecting foolish pinpricks that only erode the

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<sup>1323</sup> Crocker (1980)

<sup>1324</sup> Crocker (1980)

<sup>1325</sup> Just Elliott, “Reagan’s Embrace of Apartheid South Africa,” War Room, Salon.com, February 5, 2011. [http://www.salon.com/news/politics/war\\_room/2011/02/05/ronald\\_reagan\\_apartheid\\_south\\_africa](http://www.salon.com/news/politics/war_room/2011/02/05/ronald_reagan_apartheid_south_africa)

<sup>1326</sup> O’Sullivan and Haass, 96.

<sup>1327</sup> Chester Crocker. *High Noon in South Africa: Making Peace in a Rough Neighborhood*. W. W. Norton and Co, Inc: New York, 1993, p. 74.

<sup>1328</sup> Crocker, High Noon, 74.

<sup>1329</sup> The U.S. an South Africa: The Sanctions Debate of 1985 – C16-88-883, Kennedy School of Government Case Program; Crocker, high noon, 74.

American position in south African and world markets.” Crocker also argued that sanctions tend to be “generalized blunderbuss which hurts everybody and hurts nobody.”<sup>1330</sup> Similarly, Crocker argued,

Publicly expressed encouragement and support of positive steps is another important tool of policy. When South Africa’s limited but real policy changes and its obvious political flux are continuously described by Western officials as “the status quo”—and when our officials speak only the language of ticking clocks and time bombs—it is not likely that we will be taken seriously by the leadership there. A tone of empathy is required not only for the suffering and injustice caused to blacks in a racist system, but also for the awesome political dilemma in which Afrikaners and other whites find themselves. . . . Support for evolutionary change implies sensitivity to the concerns of local actors, and is nothing for us to be reticent about. Such a stance also gives us a little-noted source of leverage because of the certainty that if we cease supporting it, no one else will take our place.<sup>1331</sup>

In addition, the Reagan administration used the threat of communism as an additional justification for the adoption of a policy of constructive engagement with South Africa. The administration pointed out that it needed to maintain ties with the country in order to prevent it from the communism threat.<sup>1332</sup>

Despite the overarching policy of constructive engagement, it is worth noting that mild diplomatic sanctions were used, but were very short-lived. First, there was a five month delay in terms of receiving the credentials of the South African ambassador to the United States.<sup>1333</sup> Second, there was also a very short recall of the ambassador for consultations. In 1985, South Africa tried to blow up oil storage tanks in Angola, but were thwarted in their attempt. In response to this incident, U.S. Ambassador Herman Nickel was temporarily recalled for consultations.<sup>1334</sup>

However, there was somewhat of a shift in Reagan policy throughout his time in office. The pure form of constructive engagement started coming to a close by 1986 when Congress

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<sup>1330</sup> The U.S. and South Africa: The Sanctions Debate of 1985 – C16-88-883, Kennedy School of Government Case Program.

<sup>1331</sup> Jeffrey Herbst. “Incentives and Domestic Reform in South Africa.” In *The Price of Peace*, ed. David Cortright (Lanham, MD: Rowman and Littlefield Publishers, Inc.: 1997): 205-222.  
<http://www.wilsoncenter.org/subsites/ccpdc/pubs/price/chap08.pdf>

<sup>1332</sup> Richard Goldstone: Ambiguity and America: South Africa and US Foreign Policy, *Social Research: An International Quarterly*, Volume 72, Number: Winter 2005 p. 1-14.

<sup>1333</sup> Thomson book, 245.

<sup>1334</sup> Case Studies in Sanctions and Terrorism, Case 62-2 UN UN v. South Africa (1962-1994: Apartheid; Namibia) Case 85-1, US, Commonwealth v. South Africa (1985-91: Apartheid), Chronology of Key Events, Petersen Institute for International Economics.

became increasingly critical of the policy and passed the comprehensive anti-apartheid act (CAAA). According to Time magazine, “Reagan’s change of heart appears to be a major concession to two political realities: he faced defeat in Congress if he continued to resist sanctions, and the bitter fight that would ensue if he attempted to exercise his veto might poison the atmosphere for the entire legislative session.”<sup>1335</sup>

The administration felt increasing pressure to adopt a slightly more aggressive and punitive approach, although it maintained that constructive engagement was still in effect.<sup>1336</sup> In the late 1980s, harsher rhetoric and increased pressure were added to the constructive engagement posture.<sup>1337</sup> By June 1986, Reagan went so far as to say publicly that active constructive engagement also entailed confronting the South African government by exerting pressure on it in addition to engaging it.<sup>1338</sup> According to Secretary of State Shultz “There is a myth that U.S. policy toward South Africa consists of ‘quiet diplomacy’ or ‘persuasion, not pressure,’ those descriptions are simply wrong. We use both public and private channels for communicating our views to the south African government and people...we consider that pressures, appropriately designed, are an integral part of our diplomacy toward south Africa.”<sup>1339</sup>

Along with this rhetorical shift in terms of defining the policy of constructive engagement by the administration, the administration also eventually had to come around to the position that economic sanctions would need to be part of the U.S. strategy in dealing with the regime. Despite originally vetoing the Comprehensive Anti-Apartheid Act and claiming that economic sanctions would be “counter-productive,” and “only erode our influence with those we seek persuade”<sup>1340</sup>, President Reagan eventually signed Executive Order 12532, which imposed

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<sup>1335</sup>William Smith, Bruce W. Nelan and Barrett Seaman, “South Africa Reagan’s Abrupt Reversal,” *Time*, September 16, 1985. <http://www.time.com/time/magazine/article/0,9171,959843,00.html>

<sup>1336</sup> Thomson, Alex. *Incomplete Engagement: U.S. Foreign Policy Towards the Republic*, (Brookfield, VT: Avebury), p. 243.

<sup>1337</sup> Thomson 246.

<sup>1338</sup> Thomson, 246.

<sup>1339</sup> Thomson, 246.

<sup>1340</sup> Thomson, 249.



sanctions on South Africa. The specific details of U.S. economic sanction on South Africa will be addressed in the following section.

### **Short Recall of the Ambassador**

During the South Africa case, the U.S. generally remained diplomatically engaged throughout the Reagan administration. A full policy of isolation was never truly adopted and the embassy remained up and running. The United States did recall its ambassador to express disapproval for a short period of time, but this did not truly indicate a dramatic shift in policy as the United States continued to engage diplomatically with South African officials and the embassy continued its normal functioning on the ground. The U.S. ambassador to South Africa was shortly recalled to show disapproval for the regime after an attack by South African commandos on June 14, 1985. During the unsuccessful attack, South African commandos tried to blow up oil storage tanks in Angola that belonged to Gulf Oil Company.<sup>1341</sup> In addition, South African commandos also raided Gaborone, the capital of Botswana. The South African government claimed that the attacks were aimed at groups that aimed to overthrow the government.<sup>1342</sup> The raids killed up to 16 people.<sup>1343</sup> The attack was condemned by the U.S. and the international community and was seen as “a body blow to the Reagan administration’s already weakened policy of constructive engagement.”<sup>1344</sup> With regard to the recall of the ambassador, according to Crocker,

they were unhappy at having our ambassador recalled. I think they were as preoccupied with that as they were by anything going on the hill at that point. They made big point of saying to us, informally rather than formally, that , its not dignified to plead, but – when’s he coming back? Because when a big power ambassador is recalled, it says something important in the diplomatic sense. It didn’t make them comfortable, which is why we did it.<sup>1345</sup>

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<sup>1341</sup> Cases in Sanctions and Terrorism, “South Africa: Chronology,”

<http://www.petersoninstitute.org/research/topics/sanctions/southafrica.cfm>)

<sup>1342</sup> Alan Cowell, “Pretoria Recalls Its Ambassador, Apparently in Reply to U.S. Steps,” *The New York Times*, July 31, 1985.

<sup>1343</sup> Bernard Gwertzman,, “Cycle of Violence is Assailed – Relations Said to Reach a Low,” *The New York Times*, June 15, 1985.

<sup>1344</sup> HKS Case #2, p. 30.

<sup>1345</sup> Ibid.

According to the administration, the ambassador was recalled for only three months for consultations to review the situation in South Africa. Ambassador Nickel was then returned with a letter from Reagan pushing for reforms from the South African government.<sup>1346</sup>

However, when similar raids occurred in 1986, the United States only recalled its military attaché and opted to maintain its ambassadorial presence and did not recall Nickel again as it did in 1985. At the time of these raids, Secretary of State Shultz actually emphasized the importance of keeping the ambassador in place. In response to the 1986 raids, Shultz said "I think we must remember that an ambassador is in the country in order to provide representation, and you don't necessarily accomplish something by removing your representation,"<sup>1347</sup>

#### **Lack of Engagement with Black South African Community**

It is worth noting that the constructive engagement policy under the Reagan administration was primarily geared towards the regime itself. In fact, the engagement policies with the black south African community were actually quite limited. However, later in administration as the policy began to shift, the Reagan administration did make increasing attempts to engage the black community – such as with the appointment of Ambassador Perkins in 1986.<sup>1348</sup> As time passed, the Reagan administration did try to improve its efforts at establishing contacts with the black African community. For example, Ambassador Perkins worked to improve the U.S. image and made an effort to meet with black south Africans. In addition, high-level State Department officials arranged meetings with black leaders.<sup>1349</sup>

#### **Evolution of Economic Sanctions Policy During this Period**

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<sup>1346</sup>William E. Smith, Bruce E. Nelan, "South Africa Reagan's Abrupt Reversal," *Time Magazine*, September 16, 1985. <http://www.time.com/time/magazine/article/0,9171,959843,00.html#ixzz1G7m8mUr5>

<sup>1347</sup> South Africa Attaché Expelled from the U.S., *Houston Chronicle*, May 24, 1986. [http://www.chron.com/CDA/archives/archive.mpl/1986\\_240741/s-africa-attache-expelled-from-u-s.html](http://www.chron.com/CDA/archives/archive.mpl/1986_240741/s-africa-attache-expelled-from-u-s.html)

<sup>1348</sup> Eleanor Clift & Michael Park, "Reagan Names Black as Envoy for South Africa," *The Los Angeles Times*, October 1, 1986, [http://articles.latimes.com/1986-10-01/news/mn-3750\\_1\\_south-africa](http://articles.latimes.com/1986-10-01/news/mn-3750_1_south-africa)

<sup>1349</sup> Thomson, 272.

This section will briefly discuss the sanctions imposed on South Africa. Prior to the adoption of constructive engagement by the Reagan administration a number of sanctions had been imposed on South Africa by the UN, along with some economic restrictions by the United States. The following timeline shows the major sanctions that were in place prior to constructive engagement.

#### **Timeline of Sanctions Prior to U.S. Constructive Engagement Policy**

**1963 - August 7: UN Security Council, with US support, and Britain and France abstaining, adopts Resolution 18 calling on all states to cease arms shipments to South Africa.**

**1973 – November: OPEC imposes total oil embargo on South Africa.**

**1977 - November 4. UN Security Council adopts Resolution 418 which declares that arms trade with South Africa is a "threat to peace" under Article 39 and therefore is illegal. December 13. UN General Assembly approves a recommendation to the Security Council for a mandatory oil embargo against South Africa; US, Britain, France, and other key countries abstain, rendering the proposal moot.**

**1984 - December 13: UN Security Council reaffirms the 1977 embargo of arms exports to South Africa and votes unanimously to request that "all states refrain from importing arms and ammunition of all types, and military vehicles produced in South Africa."**

**1987 - February 20. The United States and Great Britain veto a UN Security Council Resolution that would have imposed sanctions on South Africa similar to those that Congress enacted in**

**1986. These sanctions included a ban on air travel to South Africa and restricted new bank loans and investments**

**Source of table:** Charles M. Becker, "The Impact of Sanctions on South Africa and Its Periphery," *African Studies Review*, Vol. 31, No. 2 (Sep., 1988), p. 63.

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The Reagan administration was very adamant regarding its opposition to imposing sanctions on the South African regime. Sanctions were not part of the administration's constructive engagement policy and the administration saw sanctions as a counterproductive tool of foreign policy in terms of modifying the regime's behavior. In addition, the administration argued that imposing economic sanctions would not only undermine U.S. efforts to modify the

regime's behavior, but that sanctions would also hurt the black South African community. From August 1984-September 1986, the Reagan administration did not deviate from this policy position. However, in 1985, the President did impose limited sanctions on the regime through executive order, but these were overridden by comprehensive and more drastic sanctions imposed by congress in October 1986.<sup>1350</sup>

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### **U.S. Sanctions During the Reagan Administration (The Comprehensive Anti-Apartheid Act, CAAA)**

The main piece of legislation imposing United States sanctions on South Africa was the Comprehensive Anti-Apartheid Act passed by Congress in late 1986. The legislation was passed by congress, vetoed by President Reagan and overturned by Congress. The CAAA marked a pivotal turning point in terms of U.S. policy towards South Africa. While the administration's policy was still constructive engagement, the sanctions gave U.S. policy a more punitive slant to it as comprehensive economic restrictions were put into place as a result of the legislation. The legislation banned new investments and bank loans and put an end to direct air links between the United States and South Africa.<sup>1351</sup> In addition the import of a number of south African goods was prohibited and a bilateral tax treaty between the U.S. and South Africa was also terminated as a result of the legislation.<sup>1352</sup> In addition, at the same time that the legislation was passed, additional sanctions were also threatened if the U.S. did not see progress on negotiations.<sup>1353</sup> The legislation also prohibits US banks from accepting deposits from south government agencies and banned imports of iron, steel, uranium, coal, textiles, agricultural products, and banned exports of petroleum.<sup>1354</sup>

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<sup>1350</sup> Thomson, 264.

<sup>1351</sup> O'Sullivan and Haass, p. 107

<sup>1352</sup> Ibid.

<sup>1353</sup> Ibid.

<sup>1354</sup> Becker, 62.

According to Chester Crocker, the administration “had to avoid boxing ourselves in by threatening a presidential veto of sanctions.” Instead, the reaction to the Lugar bill was that the administration continued to be opposed to punitive sanctions even though the bill had some positive components to it.<sup>1355</sup> At the time, the administration was repeatedly asked if it would acknowledge that its constructive engagement policy had failed. When pressed, critics argued that the failure of the policy meant that it was time to try sanctions. However, Crocker points out that sanctions had also been in place in the form of an arms embargo since 1962 and yielding little results. In his memoirs, he characterizes the sanctions vs. constructive engagement as a “false dichotomy.”<sup>1356</sup>

#### **Executive Order by President Reagan**

On September 9, 1985, President Reagan issued Executive Order 12532. The issuance of an executive order also preempted a senate vote and stalled congressional action on sanctions. The executive order banned all computer exports to South African agencies that were enforcing apartheid. In addition, it placed prohibitions on the export of nuclear goods and technology and bans on loans to the South African government and a ban on the import of Krugerrand gold coins.<sup>1357</sup> The executive order issued by President Reagan marked a radical departure from the anti-sanctions rhetoric that had been a pillar of the constructive engagement policy. In signing the executive order, President Reagan stated,

I'm signing today an Executive order that will put in place a set of measures designed and aimed against the machinery of apartheid without indiscriminately punishing the people who are victims of that system, measures that will disassociate the United States from apartheid but associate us positively with peaceful change. These steps include a ban on all computer exports to agencies involved in the enforcement of apartheid and to the security forces; a prohibition on exports of nuclear goods or technology to South Africa, except as is required to implement nuclear proliferation safeguards of the International Atomic Energy Agency or those necessary for humanitarian reasons to protect health and safety; a ban on loans to the South African Government, except certain loans which improve economic opportunities or educational housing and health facilities that are open and accessible to South Africans of all races.

Despite the shift in policy, officials in the administration continued to say that the sanctions did not represent a fundamental change in the President’s view of the situation in South

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<sup>1355</sup> Crocker, *High Noon*, 266.

<sup>1356</sup> Crocker, *High Noon*, 268.

<sup>1357</sup> Becker, 62.

Africa.<sup>1358</sup> Around the same time as sanctions, President Reagan also made the announcement that Ambassador Herman Nickel would be sent back to South African with a letter from the President urging the South Africans towards reform. The shift in policy by the Reagan administration was seen by some as a move away from the constructive engagement policy, but the administration maintained that its policy of engagement was still in place. In a briefing by Secretary of State Shultz on the Executive Order on September 9, 1985, he was asked about the policy. Shultz remarked that,

The President in his comments after his statement used the word "active" as well as "constructive." And, of course, we remain engaged and involved. And I think that has been our approach all along the President's approach. And we all feel that it is essential in South Africa where we have a stake, both a moral stake and stake in our interests, that we are there and that we exercise our influence; that we are engaged and we do it in a constructive way and an active way.<sup>1359</sup>

During the same press conference, Secretary of State Shultz was also asked if the return of Ambassador Nickels in conjunction with the imposition of sanctions diluted the intended purpose of the sanctions. However, Shultz pointed out that the purpose of the Ambassador is to assist in articulating the U.S. message to the South African Government and to keep the United States informed on developments on the ground. Shultz stated,

the object of an Ambassador is to represent us, to represent us with the government, to represent us with groups in the population of South Africa. So, we called him back for consultations. We've benefited a lot from having his first-hand views here. And we felt that at this point it's important for him to be at his post and on his job there doing the representational duty that ambassadors do all around the world<sup>1360</sup>

### **Constructive Engagement: Impact on Communication, Intelligence and Public Diplomacy**

The diplomatic sanctions theory spelled out in this dissertation argues that diplomatic disengagement may lead to a number of consequences for the United States, but that remaining diplomatically engaged will produce communication, intelligence and public diplomacy benefits.

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<sup>1358</sup> William E. Smith & Bruce Nelson, "South Africa Reagan's Abrupt Reversal," *Time*, September 16, 1985.

<sup>1359</sup> White House Office of the Press Secretary, "Briefing by Secretary of State Shultz on Executive Order Regarding South Africa," September 9 1985.

<sup>1360</sup> *Ibid.*

This period of constructive engagement during the Reagan administration can be used to assess whether or not the general policy reaped such benefits for the United States. I will then go on to look at how constructive engagement impacting the crafting of effective economic sanctions policies and whether or not it generally contributed to progress with regard to U.S. foreign policy objectives during this period. This section will just serve to highlight some of the gains that resulted in these areas as a result of maintaining constructive engagement throughout this period.

### *Communication*

The policy of constructive engagement had significant benefits for the United States with regard to communication with the regime. The embassy remained up and running the entire time, so officials on the ground were in good communication with the South African regime. On the ground in South Africa, US embassy officials met regularly with South African leaders. According to *The Diplomat's Handbook*, "diplomatic representatives in South Africa maintained constant liaison with activists."<sup>1361</sup> In addition, Botha met with Charge d'Affairs Howard Walker to air grievances with the U.S.<sup>1362</sup> Meetings between high level officials were quite frequent both overseas and in the United States. For example, in 1982, Ambassador Nickel met with Botha and in 1983, Senator Nancy Kassebaum met with Botha. These meetings were used to convey U.S. pressure and South African concerns back to the United States. For example, in a 1982 meeting between Ambassador Nickel and Botha (the first meeting between the two) Botha warned the U.S. against interfering in U.S. affairs. Botha also met with U.S. officials, such as Chester Crocker, back in Washington.<sup>1363</sup> Crocker also made a visit to Capetown in January 1986 and brought a letter with President Reagan to his meeting with Botha. The letter urged Botha to work with Crocker to talk about how 1986 could be a "year of decisive accomplishment."<sup>1364</sup> In addition to in person meetings, the telephone lines of communication between both countries remained

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<sup>1361</sup> *The Diplomat's Handbook*, p. 25.

<sup>1362</sup> Crocker, *High Noon*, 107.

<sup>1363</sup> Crocker, *High Noon*, 94.

<sup>1364</sup> Crocker, *High Noon*, pp. 310-311.

open, as did the passage of letters.. For example, in a call between Botha and Secretary State Haig, Botha invited himself to Washington because he wanted to clear up misunderstandings between the U.S. and South Africa.<sup>1365</sup> In addition, Director of the Central Intelligence Agency, Bill Casey made a number of visits to the region for meetings with intelligence and political leaders in 1988, Crocker delivered a letter from Shultz in which Shultz condemned the regime's repressive behavior an attempted to put additional pressure on Botha.<sup>1366</sup>

There was also communication between South African leaders and U.S. officials through letter correspondence. These types of communications were important because they allowed both countries to both make demands and express concerns to each other. In one such letter, Botha asked President Reagan to stop making threats and carrying out punitive measures against South Africa. Both also expressed that he would be willing to release Nelson Mandela, if Mandela would guarantee that he would not be involved in additional violence. In addition, there were meetings based in Washington between U.S. and South African officials. For example, General Pieter Van der Westhuizen, the new Secretary of State for Botha's State Security Council met with U.S. National Security Advisor John Poindexter, former NSC advisor Bill Clark and Chester Crocker. Crocker even went so far as to convey that it might be possible for Botha to meet with President Reagan.<sup>1367</sup>

In addition, the U.S. ambassadors during this period, along with other ambassadors in the country, played a mediation role during negotiations. They would privately consult with officials in the regime in order to convey the international community's expectations with regard to particular demands.<sup>1368</sup> In addition, the administration resumed its cooperation and contact between the U.S. military and South African military. Embassy officials also worked to reach

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<sup>1365</sup> Crocker, High Noon, 107.

<sup>1366</sup> Crocker, High Noon, 381.

<sup>1367</sup> Crocker, High Noon, 311.

<sup>1368</sup> *The Diplomat's Handbook*, 131.



out to ANC leadership and used contacts to push on demands such as the release of Nelson Mandela.<sup>1369</sup>

Crocker recognized the value of maintaining communication via diplomatic channels. According to Crocker, “We knew it was critically important to maintain productive channels of communication with Botha and his colleagues.”<sup>1370</sup> When the post was temporarily vacant, Crocker was very concerned about the delay in getting an ambassador appointed and sent over to South Africa. Finally, Herman Nickel filled this role on December 6, 1981...<sup>1371</sup> When Nickels did return to the post, President Reagan issued a statement:

I am now sending him back, with a message to state President Botha underlining our grave view of the current crisis, and our assessment of what is needed to restore confidence abroad and over from confrontation to negotiation at home. The problems of south Africa were not created overnight and will not be solved overnight, but there is no time to waste.

However, it is worth noting that the communication benefits of the administration’s constructive engagement policy were mostly with regard to the regime and not the South African black community. The same effort to engage the black community was not really a pillar of the policy, which focused on engaging the regime to bring about change. According to international journalist William Finnegan, “State Department contacts with black South Africans, which had been extensively cultivated under President Carter, dried up and blew away in the 1980s. Crocker himself virtually never met with blacks in South Africa. Neither did Herman Nickel, the American ambassador.”<sup>1372</sup>

### **Intelligence**

While intelligence benefits were not one of the primary reasons that drove the Reagan administration’s firm adherence to the constructive engagement policy with South Africa. Intelligence collection was one of the positive externalities of the constructive engagement policies. Unlike in the cases of Sudan and Libya, along with the mini-case studies of Afghanistan and Burma. Intelligence collection never really became an issue in the South Africa case. While

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<sup>1369</sup> HKS Case #2

<sup>1370</sup> Crocker, High Noon, 109.

<sup>1371</sup> Crocker, High Noon, 109.

<sup>1372</sup> HKS case #2, p. 20.

there will always be areas in which intelligence is stronger or weaker, there was really no evidence of significant disruption to the United States ability to collect information and the functioning of the embassy. The embassy remained open the entire time and the same staff levels remained in place. The posture of engagement allowed the United States to continue to collect information on the regime, the status of apartheid and the impact of the sanctions policy.

Maintaining an embassy presence and staying engaged allowed the United States to have insight into dynamics on the ground and continue with its intelligence collection despite strong sanctions in place and a number of demands on the government. For example, meetings helped yield firsthand insights on the regime and its thinking. Chester Crocker noted that, “as we met with Botha, there was little evidence of creative thinking within his government on much of anything...nor did it appear that he had an international political strategy beyond the crackdown that he would like to implement...”<sup>1373</sup> Similarly, contacts with academics and others outside of government provided the administration with information about the regime and provided insight that it might not otherwise be able to attain without such engagement. According to Crocker, one of his former academic colleagues spent over a week with officials from various parts of the South African government. In Crocker’s words, “he reported to me that he had seldom seen a government so utterly confused and at cross purposes over basic questions of policy.”<sup>1374</sup> In addition, having an embassy on the ground in South Africa helped to make sure that reporting what was happening on the ground was accurate, as a result of contacts on the ground around the country.<sup>1375</sup> The U.S. embassy was also able to track South African military movements across the border, as well as track USAID money going to democracy activities and others working to bring about reform in South Africa.<sup>1376</sup>

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<sup>1373</sup> Crocker, *High Noon*, 381.

<sup>1374</sup> Crocker, *High Noon*, 381.

<sup>1375</sup> *Diplomats Handbook*, 130.

<sup>1376</sup> *Diplomats Handbook*, 129-131.

In an article on U.S. intelligence on South Africa during this period, Jeffrey Herbst argues that US intelligence analysis was generally successful with regard to their analysis on the evolution of apartheid and had a generally accurate understanding of events and developments on the ground in South Africa.<sup>1377</sup> For example, in an article by Jeffrey Herbst on intelligence estimates of South Africa, he points out that the CIA was “Extraordinarily prescient in essentially predicting township riots that consumed South Africa between 1984-1986.” He also notes that the CIA remained skeptical regarding of the ability of the government to bring about internal reform.<sup>1378</sup> He also points out that from 1969-1974, the CIA worked to strengthen its ties with South African intelligence services, so that this also contributed to intelligence collection efforts on the ground. Herbst also notes that the CIA had good information on the various factions in the ANC, writing in an intelligence report in 1985 that, “the ANC...is not a monolith nor do we believe it is under the firm control of one cohesive group.”<sup>1379</sup>

In addition, maintaining an embassy presence throughout the period allowed the administration to keep tabs on Pretoria’s reaction to U.S. actions. For example, a 1983 cable from the Johannesburg consulate reported on a meeting between Senator Nancy Kassebuam and Pik Botha.<sup>1380</sup> During the meeting Botha indicated that U.S. pressure on Pretoria to move towards quick reforms would end up being counterproductive. In addition, South African officials were adamantly opposed to U.S. meddling in South African affairs and such sentiments were also conveyed back to the U.S government via diplomatic channels and meetings with the U.S. ambassador.<sup>1381</sup>

In addition, intelligence documents did a good job predicting the end of apartheid. A December 1991 national intelligence estimate, “South African negotiations: More Progress and

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<sup>1377</sup> Jeffrey Herbst, “Analyzing Apartheid: How Accurate were US Intelligence Estimates of South Africa, 1948-94,” *African Affairs* 2003, p. 102, 81-107

<sup>1378</sup> Ibid.

<sup>1379</sup> Herbst, 102-103.

<sup>1380</sup> JE Davies, 75.

<sup>1381</sup> JE Davies, 75..

Problems ahead,” was accurate in predicting both an increase in violence and the success of negotiations<sup>1382</sup> A June 1992 estimate predicted that while the negotiations would not go perfectly smoothly, they would eventually succeed. Herbst also points out that U.S. intelligence also picked up on other on the ground dynamics such as understanding the role of black unions in bringing about an end to apartheid.<sup>1383</sup> In addition, since a number of major news correspondents were kicked out of the country, diplomats became increasingly responsible for report back to the home country. Diplomats on the ground would use the press to get out their message out.<sup>1384</sup>

### **Evaluating Sanctions Effectiveness & Constructive Engagement**

As with most sanctions episodes, there are mixed opinions on the effectiveness of sanctions in bringing about reform in South Africa. In addition, it is difficult to disaggregate the utility of the various tools employed by the United States and the international community to bring about modifications in South Africa’s behavior over time. Having said that, both economic sanctions and constructive engagement together both seemed to contribute to policy reform in South Africa. While critics of constructive engagement tend to argue that punitive sanctions were what put the pressure on South Africa, it seems that both policies together formed a combined policy of both engagement with coercion that eventually worked to accomplish all of the U.S. demands.

### **On Sanctions**

This section will provide a brief assessment of sanctions impact, as well as an evaluation of constructive engagement. In general, over time, sanctions did appear to impact South Africa policy reform. According to the most comprehensive study ever done on the impact of sanction in South Africa by the Investor Responsibility Research Center, sanctions were viewed as impacting both the South African economy and the attitudes of whites in South Africa. The

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<sup>1382</sup> Jeffrey Herbst, “Analyzing Apartheid: How Accurate were U.S. Intelligence Estimates of South Africa, 1948-94,” *African Affairs* 2003, 102 81-107

<sup>1383</sup> Ibid.

<sup>1384</sup> Diplomats Handbook, 131.

report concluded that the economy of South Africa essentially shrunk 20-35 percent.<sup>1385</sup> In addition, the sanctions also had a military impact on South African military capabilities. The embargo on weapons and certain technologies contributed to a decline in South African conventional military capabilities, specifically with regard to aircraft. As a result, this impacted South Africa's ability to wage war in Angola.<sup>1386</sup> As a result of obsolete technology and reductions in weapons, South Africa did face difficulties on the battlefield, such as in its battle against Angola.<sup>1387</sup> In addition, oil sanctions also had an indirect impact.<sup>1388</sup> U.S. oil sanctions remained in place until 1991 after the release of South African political prisoners. Additional oil sanctions by other countries did not completely end until December 1993 following the installation of the transitional executive council in the country.<sup>1389</sup>

#### *A Note on Divestment*

While the focus of the dissertation is on economic sanctions – namely, ones imposed by the U.S. government on target states in order to get the target state to comply with specific demands – the South Africa case also included a broad divestment campaign that was carried out by institutions and businesses without instruction from the U.S. government. Therefore, the South Africa case is a bit unique because there were a number of informal sanctions in place that were limiting trade and business between the United States and South Africa, but were not formal economic sanctions instituted in the same way as in the other cases examined here.

Divestment really took hold in 1984/85 and was “sparked by increased turmoil in South Africa.”<sup>1390</sup> In addition the divestment movement in the United States helped prompt support for sanctions and also helped to foster international pressure on South Africa. According to Klotz,

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<sup>1385</sup> Haass and O'Sullivan, 111.

<sup>1386</sup> Klotz, 64-65

<sup>1387</sup> Klotz, 67.

<sup>1388</sup> Klotz, 105-106.

<sup>1389</sup> Klotz 105-106.

<sup>1390</sup> Klotz 130.

after 1985 the exodus of us companies increased the psychological pressures on South African officials and increased perceived costs of repressing measures....”<sup>1391</sup>

Overall, U.S. tools of economic coercion did contribute to influencing the South African government. While they were by no means perfect tools and they took a while to pressure the regime, economic tools did put pressure on the South African government and the domestic elites.<sup>1392</sup> In addition, domestically, black South Africans made the call for sanctions part of their campaign.<sup>1393</sup> Overall, the sanctions contributed to the state’s ability to defend its position of white rule and contributed to the government eventually striking a bargain with regard to the elimination of apartheid. External pressure combined with domestic mobilization both combined to contribute to gradual reform. While at first the government tried to appease the opposition with minor steps, eventually the entire system was reformed.<sup>1394</sup> According to Audie Klotz,

“bleak financial picture compounded by the wave of political unrest made foreign lending to or investing to South Africa difficult to justify ...the self-reinforcing nature of the detrimental economic and political situation became so acute that the government recognized the need for political change to control the economic malaise....”<sup>1395</sup>

Once economic sanctions followed on the heels of Reagan’s constructive engagement policy, progress actually came faster than those critical of these policies tend to give them credit for when evaluating U.S. policy during this time period.<sup>1396</sup>

### **Evaluating Constructive Engagement**

The constructive engagement policy of the Reagan administration has been evaluated extensively in the literature. There have been proponents that have argued it was key to the significant reforms that eventually occurred on the ground and others that have been critical of the policy for the weak position it took regarding apartheid. The latter tend to attribute successful

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<sup>1391</sup> Klotz, 140.

<sup>1392</sup> Klotz, 72.

<sup>1393</sup> Klotz, 178.

<sup>1394</sup> Klotz, 272..

<sup>1395</sup> Klotz, 164.

<sup>1396</sup> Klotz, 279.

reforms to the more punitive measures that were put in place in the form of divestment and economic sanctions. The reality is probably somewhere in between these positions. The case illustrates that constructive engagement alone may not have been enough to modify the South African regime's policies, but that constructive engagement enhanced the punitive policies just as the punitive policies enhanced constructive engagement.

### *The Success Arguments*

The Reagan administration and the State Department generally pointed to the small victories resulting from diplomatic engagement in order to show that it was gradually modifying the behavior of the regime over time. For example, advocates of constructive engagement pointed to policy reforms such as the release of black South African opposition leaders in late 1984.<sup>1397</sup> Similarly, Crocker noted success in 1984 with the negotiation of two agreements between South Africa & Angola and South Africa & Mozambique, The Lusaka agreement and the Nkomati Accord.<sup>1398</sup> The agreements were the result of extensive engagement and diplomacy. According to Crocker, the diplomacy behind the signing of the Lusaka agreement took place over the course of nine weeks across multiple countries, including South Africa.<sup>1399</sup>

By the fall of 1989, Chester Crocker issued an evaluation of the constructive engagement strategy in "South Africa: Eight Years Later," in *Foreign Affairs*. He pointed to a number of areas of progress, including Namibia gaining independence, progress in Angola and potential openings for negotiations within South Africa. He argues, "The strategy of engagement in southern African with all its risks worked better than I had imagined it could."<sup>1400</sup> In addition, the State Department highlighted notable reforms, such as the integration of some hotels, restaurants and parks, as well as black South Africans being able to form and participate in bargaining in

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<sup>1397</sup> Thomson, 295.

<sup>1398</sup> O'Sullivan and Haas, 102 & HKS Case #2.

<sup>1399</sup> Crocker, *High Noon*, 187.

<sup>1400</sup> Chester Crocker, "South Africa: Eight Years Later," *Foreign Affairs*, Vol 68, No. 4 (Fall 1989), pp. 144-1644.

trade unions.<sup>1401</sup> In addition, the South African government halted forced relocations of blacks out of white urban areas and abolished marriage laws that that forbid blacks and whites from marrying and laws that forbid blacks and whites from being members of the same political parties.<sup>1402</sup> In early 1985, the South African government temporarily stopped forced removal of settled black communities.<sup>1403</sup> In addition, some business districts became open to both races and the government said it would work to give blacks from the homeland their citizenship back.<sup>1404</sup>

Apartheid goals were officially met when President De Klerk officially stopped South Africa's apartheid policies in 1990. At this point in time, the conditions that had been associated with both constructive engagement and sanctions were met.<sup>1405</sup> De Klerk lifted the state of emergency, freed prisoners (including Mandela) and lifted the other bans associated with apartheid. By 1993, the South African Democratic Transition Support Act took the place of the CAAA as sanctions were lifted and resources began going to South Africa to aid it with its transition towards democratic governance in the post-apartheid era.<sup>1406</sup>

#### *The Failure Arguments*

On the other side of the debate were those that argued that constructive engagement did extremely little to bring about any substantial change in South Africa and that it was not until the imposition of a stronger policy premised on economic sanctions to punish the regime that any real change came about in South Africa. For example, Thomson argues that when you look at the overall period between 1984 and December 1988, little evidence of success in terms of overarching Reagan policy. Similarly, in 1983, blacks were completely left out of the political

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<sup>1401</sup> The U.S. and South Africa: The Sanctions Debate of 1985 – C16-88-883.) Kennedy School of Government Case Program.

<sup>1402</sup> The U.S. and South Africa: The Sanctions Debate of 1985 – C16-88-883.) Kennedy School of Government Case Program..

<sup>1403</sup> Crocker, *High Noon*, 308.

<sup>1404</sup> Crocker, *High Noon*, 308.

<sup>1405</sup> Richard Goldstone, "Ambiguity and America: South Africa and U.S. Foreign Policy," *Social Research: An International Quarterly*, Volume 72, Number: Winter 2005 p. 1-14.

<sup>1406</sup> *Ibid.*



process when the tricameral legislature was established.<sup>1407</sup> The United States had not accomplished its main goal of convincing the South African government to end apartheid. It was the lack of progress that prompted congress to impose its sanctions to try to ramp up pressure on south Africa<sup>1408</sup>

In 1987, a U.S. panel evaluating the Reagan policy towards South Africa concluded that constructive engagement was essentially a failure. The panel recommended that the U.S. adopt sanctions and isolation as a strategy and strengthen its ties with the black community in South Africa.<sup>1409</sup>

### **Conclusion**

Why wasn't constructive engagement as successful as the diplomatic sanctions theory would predict for this case? Why was progress not seen earlier with regard to reforms in South Africa? Although engagement combine with sanctions did produce results, these results still took a while. In addition, the case illustrates that engagement alone as a strategy may not yield tangible progress until punitive strategies are also used.

First, one reason that constructive engagement was not as effective as the theory might expect is due to its incomplete implementation by the Reagan administration. In fact, Thomson argues that "the failure [of constructive engagement] was not in its conceptual base, but in the implementation of the policy and the South African government' obdurance."<sup>1410</sup> Essentially, the fundamental problem was that the United States primarily engaged the South African government, but not the black South Africans. Although Thomson points out that the original idea behind the constructive engagement policy was to engage all segments of South African

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<sup>1407</sup> Richard Goldstone, "Ambiguity and America: South Africa and U.S. Foreign Policy," *Social Research: An International Quarterly*, Volume 72, Number: Winter 2005 p. 1-14.

<sup>1408</sup> Thomson, 308.

<sup>1409</sup> Neil A. Lewis, "U.S. Panel Asserts that Reagan Policy on Pretoria Failed," *The New York Times*, February 11, 1987.

<sup>1410</sup> Thomson, 316.

Society, the actual implementation of the strategy focused on white South Africa.<sup>1411</sup> While diplomatic engagement was emphasized with regard to the South African government, black South Africa did not have formal diplomatic channels or representation. The ANC and pan African Congress also had few offices located overseas, so it was difficult for them to engage in the same way as the white South African majority.<sup>1412</sup> As a result those critical of constructive engagement policies effectiveness began to call for increased engagement with black South Africans and called for aid programs and a black ambassador to be sent to South Africa.<sup>1413</sup>

Second, constructive engagement in and of itself may not be able to influence a target government to comply with demands. This does not run counter the argument at the heart of this dissertation, as diplomatic engagement is shown to be a tool to enhance economic sanctions effectiveness. In *Constructive Engagement? Chester Crocker and American Policy in South Africa, Namibia and Angola, 1981-88*, J.E. Davies argues, “in order for constructive engagement to be credible it must utilize both the carrot and the stick.”<sup>1414</sup> In reality, it was a combination of constructive engagement plus the imposition of sanctions that appear to have brought about substantial change in South Africa. Constructive engagement maintained open channels of communication and ways to influence the regime over time. Engagement also assisted in terms of gaining insight and intelligence with regard to the regime and events on the ground. However, in looking at the South Africa case, it appears as though it was the combined strategy of engagement followed by punitive measures that worked in tandem to produce results with regard to U.S. goals. By the late 1980s, after the impact of both strategies had been felt by the South African government, there appeared to be an understanding that apartheid was not going to remain as a policy option for much longer. The sanctions reinforced this by illustrating that there would continue to be international condemnation and economic pressure until apartheid was

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<sup>1411</sup> Thomson, 319.

<sup>1412</sup> Sanford J. Ungar and Peter Value, “South Africa: Why Constructive Engagement Failed.” *Foreign Affairs*, Vol. 64, No. 2 (Winter, 1985), pp. 234-258.

<sup>1413</sup> Ungar and Value, 254-56.

<sup>1414</sup> Davies, 216.

eliminated.<sup>1415</sup> O’Sullivan and Haas reach a similar conclusion, writing that “sanctions had resulted in a pause in regional diplomacy, but did not kill the diplomacy as some had feared. In fact, sanctions may have even enhanced chances for diplomacy by convincing Pretoria that costs of intransigence were increasing and that the terms of a deal with Reagan would be better than those it could negotiate with a subsequent democratic administration.”<sup>1416</sup>

On February 2, 1990, a significant event took place with an announcement declaring that De Klerk would lift the national emergency, release Mandela and legalize the African National Congress. In addition, De Klerk announced that two significant legal measures of apartheid would be repealed – the Population Regular Act and the Group Areas Act. Lastly, negotiations would ensue that would eventually lead to elections in 1994 in which black South Africans had the right to vote.<sup>1417</sup> Mandela was actually released on February 12, 1990. In addition, de Klerk also started more formal negotiations with the opposition in South Africa. By late 1990 and into 1991, economic restrictions began to be eased with South Africa in response to the progress being made with reforms.<sup>1418</sup> According to Audie Klotz, Klerk’s reforms relating to the opening of the political process and releasing political prisoners fulfilled 3/5 of the conditions set forth by the international community.<sup>1419</sup> Removing the legal components of apartheid took a bit more time and fulfilled the fourth condition.

Klotz argues that the, “order and timing of the South African Government’s reforms in the early 1990s confirms that international sanctions influenced the decision-making which led to the abolition of apartheid and the start of negotiations for new political institutions based on a norm of racial equality....”<sup>1420</sup> Overall, the South Africa case shows how the combination of both

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<sup>1415</sup> Jeffrey Herbst, “Incentives and Domestic Reform in South Africa,” <http://www.wilsoncenter.org/subsites/ccpdc/pubs/price/chap08.pdf>, p. 218

<sup>1416</sup> O’Sullivan and Haass, 110.

<sup>1417</sup> O’Sullivan and Haass, Feb 2, 1990.

<sup>1418</sup> Klotz, 185.

<sup>1419</sup> Klotz 184.

<sup>1420</sup> Klotz (1996), 185.

punitive sanctions measures along with constructive engagement worked to modify the behavior of the regime via gradual reforms over time.

## Chapter VIII. Conclusion

The central argument of the preceding chapters is that diplomatic disengagement policies lead to a number of consequences for the United States and may undermine the achievement of foreign policy goals for the United States. Specifically, I argue that diplomatic disengagement undermines communication, inhibits intelligence collection, and makes it more difficult for the United States to influence the target regime. While there has been a consistent tension within U.S. foreign policy between engagement strategies and punitive measures, this research tries to show how engagement can be used as a strategy to bolster the effectiveness of coercive tools, such as economic sanctions.<sup>1421</sup>

This research illustrates that countries ought to view diplomatic engagement as a tool of foreign policy as opposed to a carrot that bestows acceptance or privilege upon the target state. If a country continues to adopt diplomatic sanctions or isolation as a foreign policy strategy to deal with states of concern, it will continue to derail its foreign policy abroad and make the achievement of its foreign policy demands more difficult. Having said that, there may still be times when it may become necessary to pull out an ambassador or shut down an embassy in light of security threats or developing security conditions on the ground. This research shows that, during such times, it is in a country's interest to limit its diplomatic presence and involvement, but the country should emphasize that these actions are in response to security dynamics and are not punitive measures. Efforts should be made to reiterate that the country is not cutting diplomatic ties in these cases, but that it is simply responding to a particular security dynamic on the ground. In addition, when a country shuts down its embassy, it should be followed by an ongoing effort to reevaluate the security situation, so that the embassy can be reopened and the staff put back in place as soon as the conditions warrant a reopening. Security closings and

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<sup>1421</sup> Similarly, diplomatic engagement can even be used as a mechanism for information collection that may prove to be useful if and when the United States opts to take military action against a regime at a later point in time in order to change its behavior or get it to comply with specific foreign policy demands.

withdrawals should not become firmly entrenched components of a country's foreign policy within the designated target country.

As noted earlier, this research has clear implications for a number of key states of concern in the international system with which the United States has downgraded or severed relations, such as North Korea, Iran, Cuba and Burma. In addition, the research findings have a number of implications with regard to recent developments, such as the Arab Spring and the killing of Osama Bin Laden. In the upcoming months, diplomatic relations with a number of countries may come into question as events continue to unfold as a result of the Arab Spring. The United States will need to continually reassess its diplomatic policy with regard to Libya. In addition, there have been recent calls for the withdrawal of the U.S. ambassador to Syria in light of current actions carried out by the regime.<sup>1422</sup> Similar questions have the potential to arise with regard to relations with countries like Egypt and Yemen depending on how the situations unfold over time in these countries. Lastly, the killing of Bin Laden and subsequent investigation into Pakistani complicity and/or involvement in providing him safe haven has the potential to put a damper on U.S-Pakistan diplomatic relations. However, as this research shows, countries ought to be extremely cautious of cutting diplomatic ties or removing its embassy presence from these in these types of situations – other than for the purposes of security concerns, such as those prompting the recent shutdown in Libya. In addition, when a country needs to withdraw for security reasons, the country should emphasize that the reasons for the withdrawal are security-related and that such diplomatic ruptures are temporary. Lastly, countries should continue to emphasize a strong willingness to remain diplomatically engaged even when carrying out punitive strategies, such as sanctions, aid reductions and even military action.

The findings of this research have a number of general policy implications for policy towards problematic states in the international system. First, the most obvious implication is that

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<sup>1422</sup>For example, Senator Marc Rubio (R-FL) recently called on the Obama administration to withdraw the U.S. ambassador to Syria, although no action has been taken to date. Marc Rubio, "How America Must Respond to the Massacre in Syria.", *The Cable*, *Foreign Policy Magazine*, April 18, 2011.

the research demonstrates the benefits from ramping up diplomatic corps overseas –particularly in areas with a downgraded or absent diplomatic presence. While the renewal of diplomatic ties may not be able to happen overnight, this does not mean that it should not be a goal worth pursuing on a foreign policy agenda. Unfortunately, when embassies are shutdown and ties severed, many second track efforts tend to also be ramped down as a result.

A related recommendation would be to consider an increase in the funding devoted to diplomatic efforts overseas, more generally. Such a scenario is currently being played out in the United States. For example, this is particularly important given that in April 2011, the State Department budget was reduced by approximately \$8 billion. These cuts will impact a number of key State Department programs. While there has been pushback by Secretary of State Clinton and other policymakers, ultimately the proposed cuts are going to be implemented in the upcoming year. In addition, there are already proposals to cut international affairs spending significantly in the next year’s fiscal budget.<sup>1423</sup> It is also worth noting that the State Department budget is merely a small fraction of the Defense Department budget. The entire budget of the State Department is estimated to be at only approximately 47 billion, whereas the entire proposed Defense Department budget for 2012 is \$671 billion.<sup>1424</sup> In fact, recent estimates put the cost overruns at the Defense Department to be about \$70 billion, which exceeds the entire estimated budget at State.<sup>1425</sup> According to figures often cited by Robert Gates, the number of individuals serving in musical bands in the U.S. military is greater than the number of foreign service officers – and it is estimated that approximately 500 million may be spent by the Defense Department on

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<sup>1423</sup>For example, Paul Ryan’s (R-WI) proposed budget for next year proposes a reduction in such spending by 29%. For more on the budget cuts, see Josh Rogin, Appropriators Cut 8 Billion from State Department Programs, *The Cable, Foreign Policy*, April 21, 2011.

[http://thecable.foreignpolicy.com/posts/2011/04/12/appropriators\\_cut\\_8\\_billion\\_from\\_state\\_department\\_programs](http://thecable.foreignpolicy.com/posts/2011/04/12/appropriators_cut_8_billion_from_state_department_programs)

<sup>1424</sup> U.S. Department of Defense, *DOD Releases Fiscal 2012 Budget Proposal*, February 14, 2011.

<http://www.defense.gov/releases/release.aspx?releaseid=14263>

<sup>1425</sup> Lawrence Korb and Sam Klug, “A Unified Security Budget: Shifting DOD Spending to Non-Military Security, Green Jobs and Deficit Reduction,” Center for American Progress, thinkprogress.org, July 6, 2011 <http://thinkprogress.org/security/2011/07/06/262128/a-unified-security-budget-shifting-dod-spending-to-non-military-security-green-jobs-deficit-reduction/>

its musical bands.<sup>1426</sup> Part of the difficulty in pushing for increases is that there is little in the way of evidence to show the demonstrative impact of diplomatic efforts in the same way that one may be able to gauge military effectiveness or illustrate the final product of spending with demonstrating new technology and weaponry in the military realm. This research is a useful first step in assessing the need for more resources in the future for a diplomatic approach to solving international issues.

### **Summary of the Theory**

At its core, this research develops an original theory of sanctions' effectiveness that improves upon the previous literature on sanctions in two ways. First, previous theories of sanctions' effectiveness focus on economic sanctions, but do not incorporate diplomatic sanctions. This dissertation aims to construct a more comprehensive theory of sanctions' effectiveness by analyzing *both* economic and diplomatic sanctions. While the U.S. has employed diplomatic sanctions in conjunction with approximately 30% of its economic sanctions, studies of sanctions' effectiveness have focused solely on economic sanctions. Second, this research improves upon past studies of sanctions' effectiveness by addressing the role of information, communication and diplomatic ties in improving the likelihood of effectively modifying target states' behavior. The new diplomatic sanctions theory emphasizes the role of information, communication and diplomatic representation. First, I argue that diplomatic sanctions and diplomatic disengagement result in unintended consequences, including a loss of valuable intelligence, increased difficulty of communication, and reduced capabilities for public diplomacy in the target state. Second, I hypothesize that when the U.S. is more diplomatically

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<sup>1426</sup> Walter Pincus, "Will the House Drum up Support to Cut Spending on Military Bands," *The Washington Post*, July 6, 2011. [http://www.washingtonpost.com/national/national-security/will-the-house-drum-up-support-to-cut-spending-on-military-bands/2011/07/06/gIQAYYqR1H\\_story.html](http://www.washingtonpost.com/national/national-security/will-the-house-drum-up-support-to-cut-spending-on-military-bands/2011/07/06/gIQAYYqR1H_story.html). Walter Pincus, "Defense Department spends \$500 million to Strike up the Bands," *The Washington Post*, September 6, 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/09/06/AR2010090603018.html>



engaged with the target state; economic sanctions are more likely to be effective in getting the target state to comply with U.S. demands.

With regard to the first component of the argument that relates to the effectiveness of economic sanctions episodes, the theory spells out a number of reasons that we might expect increased information and communication between the sender and target state to impact the likelihood of sanctions' effectiveness. Information assists through a number of mechanisms. First, it reduces the incomplete information between both the sender and target state, which may make reaching bargained outcomes more likely. In addition, the better the information the sender has on the target, the easier it will be to craft more effective sanctions policies and to deal more effectively with the target state. Imposing effective sanctions requires knowledge of specific target state vulnerabilities to tailor sanctions in a way most likely to produce target state cooperation. To the extent that a lack of diplomatic presence in the target state reduces U.S. capacity for information-gathering, the U.S. may be less equipped to identify what particular groups, businesses or leaders to target. Similarly, the U.S. may not be able to clearly assess the type and severity of sanctions that ought to be employed in a particular case. In addition, an absence of U.S. personnel on the ground or a general lack of intelligence on or communication with a particular state may make it particularly challenging to assess both the willingness of the target state to change its behavior and the effectiveness of economic sanctions over time. This decreased ability to understand the consequences of sanctions in real time may make it more difficult to calibrate ongoing sanctions based on which elements of the sanctions policy are succeeding and which are not. Reduced communication between the sender and target state that results from diplomatic disengagement may also hinder the sender state's ability to properly convey demands to the target state and to ensure that the target state knows what it has to do in order to have sanctions lifted.

Lastly, a lack of information and communication with the target regime may lead the sender state to make misinformed policy decisions, which may ultimately undermine progress

with regard to foreign policy goals. Such policies could include decisions based on poor intelligence or decisions that lead to backlash against the United States due to misreading perceptions of those in the target regime or population at large. For example, the Al Shifa bombing in the Sudan case is a clear example of a policy decision by the Clinton administration that may have potentially been avoided had the U.S. had a diplomatic presence on the ground in Khartoum at the time with a functioning embassy and higher levels of intelligence collection.

For these reasons, the dissertation argues that the presence of diplomatic sanctions is likely to reduce the likelihood of successful outcomes in sanctions episodes. The main variable of interest used in the quantitative analysis to capture the level of diplomatic engagement with the target state is the degree of diplomatic relations between states. The dependent variable is the degree to which the target state complies with sender state's demands. The dissertation hypothesizes that high-level diplomatic sanctions will lower the likelihood of sanctions' success.

## **Overview of the Research Findings**

### **Quantitative findings**

The findings indicate overall support for the dissertation's main argument across a wide swath of cases with a substantial amount of variation in the types of issues being addressed. The quantitative study examines over 100 episodes of U.S. economic sanctions and finds a few variables to be significant in determining the effectiveness of these episodes in terms of outcomes. Most notably, the analysis indicates that diplomatic sanctions – more specifically, high-level sanction of the type that shutdown an embassy – alter the probability of a sanctions episode resulting in the attainment of the defined foreign policy objectives. More superficially, statistical analysis of U.S. sanctions data illustrates that the probability of failure in U.S. economic sanctions episodes increases from 42% to 73% when the U.S. has no embassy presence in the target country (controlling for a number of other variables). In addition, the quantitative analysis indicates that there are other variables that also contribute to sanctions effectiveness.

The quantitative analysis also conducts a preliminary analysis of some other informational variables. These models lend some support to the idea that when sender and target states are members of alliances with higher levels of communication and informational exchange associated with them, sanctions are more likely to be effective. This suggests that some degree of contact between the target and sender state that may be facilitated through channels outside traditional diplomatic channels may also contribute to more effective sanctions policies. However, the analysis did not show freedom of the press or transparency scores of the target state to impact effectiveness. This suggests that there is something particularly valuable about direct contact between the target and sender state, as opposed to the general openness or closure of the target state itself. It also suggests that the willingness to release information (as indicated by the transparency scores) and freedom of the press of the target state may not truly capture the type of information that is helpful to the sender state in trying to understand and influence target state behavior.

### **Qualitative findings**

The qualitative analysis indicates strong support for the main argument at the heart of the dissertation. The longitudinal case studies of Sudan and Libya, along with the mini-case studies of South Africa, Burma, North Korea and Afghanistan all provide support for the central tenets of the dissertation's theory. The cases were selected to allow for both within in case and across case variation in the explanatory variables, but I have also selected cases with variation in terms of the outcomes and demands being made. The cases demonstrate the variation in diplomatic engagement and gauge whether or not such variation contributed to enhancing or undermining compliance with certain demands.

While the quantitative analysis illustrates the impact of diplomatic sanctions it is unable to unpack the causal mechanisms behind the diplomatic sanctions. However, the case studies are able to look into the cases in greater detail. I consider two longitudinal case studies Sudan (1989-2009) and Libya (1972-2009), as well as series of shorter case studies to bolster the theory's

broader applicability. The Sudan and Libya cases provide a longitudinal study of us policy over the course of multiple decades, whereas the mini-cases shed light on various components of the dissertation's argument in different ways.

The Sudan case study, which consists of four sub-cases, lends significant support to the theory by confirming that diplomatic sanctions reduce U.S. information collection and capacity for communication with the target state and impact target state compliance with demands related to terrorism, the humanitarian situation, and the ongoing civil war. The Sudan sub-cases examined are 1) June 1989 through August 1993: constructive engagement; 2) August 1993-February 1995: initial disengagement; 3) February 1996 (post-embassy closure) through 1999; full disengagement and isolation; 4) 2000 to present: cooperative counterterrorism and renewed engagement.

The Sudan case lends varying levels of support to the theory throughout each of the sub-cases. The strongest support for the theory is found in the third and fourth sub-cases, but the two other sub-cases yield low to moderate support as well. In the first part of the case, engagement does not reap all the benefits one might expect, but this may be due to a number of factors. First, U.S. engagement is starting with a new regime. It might take a while for a regime to trust U.S. engagement and for the benefits to take hold. Second, the U.S. was not engaged equally on all issues during this period. During the initial period of constructive engagement, U.S. efforts were not focused on terrorism as a primary area of concern. Therefore, it is important to recognize that although the U.S. may adopt a general policy of engagement with a regime, the actual levels of engagement may be disaggregated across issue areas, so the level of success with regard to different areas of demands may vary based on engagement differentials. In addition, in the second sub-case, the predictions are not entirely correct with regard to terrorism-related demands. During this period, the U.S. started to move towards a policy of disengagement. The diplomatic sanctions theory predicts that we should see increasing failure with regard to terrorism, but, in fact, during this period, there are two very high profile successes – the capture of Carlos the

Jackal and the expulsion of Osama Bin Laden from Sudan. These successes can be explained by higher levels of engagement on these particular issues during this period. The U.S. was quite focused on the Bin Laden expulsion, despite generally moving away from engaging with the Sudanese. With regard to Carlos the Jackal, the French were highly engaged on this particular issue, so this might help explain the successful with regard to this particular issue. However, overall, there were not clear indications of significant reductions in support for terrorism by the Sudanese during this period. There are still terrorist plots with links to Sudan and there is no extradition of the suspects in Sudanese custody despite repeated U.S. demands related to this issue. Lastly, the Sudan case also demonstrates some of the limits of diplomatic engagement policies. Even best efforts to engage on particular demands may be unable to bring about change on certain issues. For example, during the final period, reengagement reaped significant benefits for the United States, but the situation in Darfur worsened significantly. Diplomatic engagement should by no means be expected to be a panacea for thwarting genocide or solving all problems, but it should be recognized as having utility compared to isolation-based strategies and simply imposing costs.

The Libya case study, which also consists of four sub-cases, lends significant support to the main arguments inherent in the diplomatic sanctions theory. The Libya sub-cases examined are: 1) Hesitant Engagement (1969-1980) 2) Disengagement and Isolation (1981-89) 3) Quiet Diplomacy, Minimal Re-engagement (1990-99) 4) Renewed Diplomatic Engagement (1999-2006). As with the Sudan case, there are varying levels of support for the theory throughout the case. The strongest support for the theory is found in the final sub-case with all predictions of the theory being confirmed, but the other sub-cases also illustrate support for most of the predictions with a few exceptions. During the first period, my theory predicts that we should see some minimal progress on terrorism as the U.S. is tentatively engaged with the Libyan during this period. However, despite open channels of communication and information collection, we don't see the predicted progress on terrorism demands that we might expect. This seems to suggest a

similar dynamic as in the early sub-case of the Sudan case study. This was the beginning phases of U.S. interactions with Qaddafi. Both the Libya and Sudan cases illustrate that there may be an adjustment period with a new regime before U.S. engagement policies can reap benefits and for a rapport to be established between the United States and a particular regime. In the second sub-case, increasing failure on terrorism demands are predicted as the U.S. adopts policies predicated on diplomatic disengagement and isolation; however, we actually see some mixed results on terrorism demands during this period. While the intelligence and communication predictions of the diplomacy-related theory appear to come to fruition during this period, Qaddafi does appear to shift away from overt support for terrorist activities. Therefore, the U.S. does make some progress on terrorism goals during this period. However, Libya continues to support terrorism behind the scenes in various ways, so the outcome for this period is classified as being mixed.

The mini-cases in Chapter 7 lend additional support to various components of the diplomatic sanctions theory. Each case is selected to highlight different elements of the overarching argument, but these cases are not intended to be nearly as comprehensive as the two longitudinal case studies described above. For example, the Afghanistan mini-case focuses on diplomatic disengagement within the context of U.S. counterterrorism. The case shows that the arguments about intelligence collection, communication and public diplomacy seem to carry weight with respect to this case. In addition, diplomatic disengagement policies undermined U.S. efforts to get the Taliban to expel Bin Laden from Afghanistan.<sup>1427</sup> The Burma case illustrates the implications of a partial or more moderate case of diplomatic disengagement, in which the United States adopts disengagement-based policies and has no ambassador in place, but still maintains a functioning embassy in country and diplomatic ties are not severed. The South Africa case is used to illustrate an example in which the United States adopts a forward posture of engagement with a problematic regime in order to get it to change its behavior, despite also

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<sup>1427</sup> See Tara Maller, "The Dangers of Diplomatic Disengagement in U.S. Counterterrorism," *Studies in Conflict and Terrorism*, Volume 32, Issue 6 (June 2009), pp. 511–536.

carrying out punitive measures, such as economic sanctions to get the regime to gradually change its behavior over time.

One of the concerns regarding the dissertation's findings may be that periods in which diplomatic sanctions are put in place were already doomed for failure because these periods were primed for failure in some way. In other words, if diplomatic sanctions are only put in place when circumstances get particularly difficult, the consequences following the diplomatic sanction may not be the result of the diplomatic sanction, but rather the result of the tense political climate that prompted the diplomatic sanction in the first place. One way I try to illustrate this is not the case is to show the direct and tangible ways that diplomatic sanctions resulted in intelligence and communication losses. I also try to show that the improvement in relations follows the resumption of diplomatic ties and is not the precursor to the decision to resume ties.

#### **Commentary on the Case Studies**

The case studies support the main quantitative findings and provide us with some additional lessons to supplement the theory's main arguments. First, the cases illustrate that diplomatic disengagement leads to the most dire consequences when invoked at the highest level. When embassies are shut down and the United States refuses to engage, the U.S. tends to face more severe consequences than during periods with staff reductions or the removal of the ambassador. Second, the cases illustrate that policies of engagement or disengagement may not be as clear-cut as the quantitative analysis might suggest. The U.S. might engage on certain issues and not other issues. As a result, this might help to explain why some outcomes deviate from predictions during certain periods. In other words, even if the U.S. has an embassy in place and is generally engaged with a target regime, it is possible that the level of engagement varies across issue areas and that engagement in certain realms is neglected. For example, we see this in the Sudan case. Despite having an embassy presence in Khartoum in first period of analysis, the U.S. was not very engaged on terrorism issues at all during this period). Third, even when the U.S. is engaged with an ambassador and embassy in place, there may still be restrictions on the

U.S. ability to engage based on certain attributes of the target state. Security dynamics may restrict the movement of U.S. officials and make information collection difficult. In addition, the target regime itself may place restrictions on movement and on their willingness to engage with the U.S. For example, in the North Korea case, even if the U.S. were to ramp up its engagement completely and try to normalize relations, the target regime needs to be somewhat receptive to the engagement.

In addition, when one looks at the cases, there is evidence to support the independent effects of diplomatic sanctions and to rule out endogeneity in the findings. For example, in the Sudan case, relations between the ambassador and the Sudanese leadership were actually quite positive prior to the decision to drawdown and close the embassy. In fact, the Ambassador wanted to remain in the country and the Sudanese were not happy about the U.S. decision to close the embassy and it seems that they would have preferred that the United States remain on the ground. In Libya, the circumstances were a bit different because of the direct attack on the U.S. embassy. Therefore, the initial closure made sense and relations were not going well at the time of the pullout, so it is possible the consequences may have resulted with or without a lengthy embassy shutdown. However, relations with the Libyans are by no means positive when the U.S. starts to secretly reengage and yet we see gains begin to happen at this point. Similarly, as engagement picks up there continues to be increasing support for the main claims of my theory. This change would be difficult to explain unless one could show that some independent improvement in relations, communication and intelligence prompted the United States decision to reengage, but there does not appear to be evidence to this effect. Similarly, when you look at the mini-cases, such as in South Africa and Burma, the United States could have easily made the decision to shutdown the embassies there as a result of existing tensions and very concerning behavior by the target state, but in these cases the United States did not take such action. It does not seem that there is an objective criteria by which the United States makes the decision to impose diplomatic sanctions and it does not appear that such sanctions are associated with some



pre-existing set level of deteriorating relations that would help explain the effects that are seen following such actions. Finally, even if conditions may have worsened and consequences may have occurred as a result of conditions leading up to the imposition of sanctions (whether or not sanctions were imposed), this dissertation is illustrating that the cutting of sanctions contributed to consequences and undermined U.S. desired outcomes by making things even worse than had engagement continued during periods that could have still remained problematic even with an open embassy. Even those who find themselves skeptical of the claim that the diplomatic sanction and diplomatic disengagement is driving a number of negative developments for the United States during these periods ought to at least recognize that the diplomatic sanctions and disengagement exacerbated the U.S. mission, and made things more difficult for the United States than had they adopted an alternative strategy of remaining engaged – despite the fact that the difficult periods may have still remained difficult. Policy alternatives are all about marginal utility, so I am trying to not only illustrate the independent effects of diplomatic sanctions and diplomatic reengagement, but also show that even if certain periods were primed for certain outcomes before the U.S. policy decisions were made, U.S. policy choices undoubtedly impacted outcomes during these periods by making failure and success more or less likely than it would have otherwise been in a given period.

### **IR Implications**

The findings in this work also have direct implications for the study of international relations with regard to sanctions and coercion more generally. First, the sanctions literature does not really address the role of information or communication. This research illustrates that there has been a key variable omitted from previous studies of sanctions' effectiveness. Prior work has focused on factors such as the economic costs, attributes of the target state, nature of the demands, or level of multilateral cooperation in a particular episode. Many of the target state attributes are not fungible and the U.S. does not ultimately control whether or not other states opt to join with the U.S. to impose a particular type of sanction on a target state. Therefore, even if

there were conclusive findings that indicated these were the key variables in sanctions success, there would be little the United States could do to stack the deck in its favor going into an episode. It could perhaps only sanction in the cases that matched certain conditions or work harder to get international support, but ultimately these variables are not fully within the realm of U.S. policy or U.S. control. However, this research shows that a key variable in sanctions success/failure is completely within the realm of U.S. policy decisions in that the United States can opt for a posture of engagement or disengagement regardless of the type of country being sanctioned, the type of demand being placed on the target or the degree of international cooperation. Therefore, this research is significant because it demonstrates that to some degree sanctions effectiveness does rest somewhat within the U.S. locus of control and is not predetermined based on the attributes of a particular case that the United States cannot work to change. In other words, the diplomatic sanction variable is variable that can be manipulated by the United States and not one that is structural variable, so the findings are particularly useful in designing future sanctions policies.

The research also has implications for international relations beyond the study of sanctions effectiveness. Specifically, the findings indicate the crucial role that diplomatic engagement via informational and communication mechanisms may have in coercion episodes more broadly speaking. While this work focuses on engagement policies within the context of sanction episodes, the findings suggest that the variables of interest may also impact the likelihood of successful outcomes in other coercive or bargaining situations.

### **Areas for Further Research**

#### *Exploring the Motivations Behind Engagement and Disengagement*

Future research ought to explore the factors and motivations that drive engagement or non-engagement policies. In other words, what are the origins of policies of engagement? Are there cultural explanations? Domestic politics explanations? Personality based explanations? Ideological explanations? Studies should better try to understand the variables that contribute to

the adoption of diplomatic sanctions or disengagement more broadly speaking. Similarly, what motivates or allows leader to reverse course on diplomatic sanctions policies after they have become entrenched for decades. A related question is the best way to sell policies of reengagement if the administration needs to make the case to congressional leaders or the American public.

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*Spotlight on North Korea: Understanding Disengagement Assumptions and Motivations*

A quick look at the Bush administration's diplomatic disengagement policies with regard to North Korea helps shed light on some of the underlying motivations driving policies predicated on isolating problematic states. Although the Bush administration's diplomatic disengagement policies with certain states are by no means historically unique, the shift in policy towards North Korea from the end of the Clinton administration into the start of the Bush administration helps shed light on some of the potential motivations and assumptions behind diplomatic disengagement policies, as opposed to policies predicated on diplomatic engagement.

The Bush administration focused on trying to distance itself from the slightly more diplomatic approach of the Clinton administration with regard to North Korea. This was made clear early on by President Bush's reaction to statements made by Secretary of State Powell during the administration's first months in office. Powell stated to the press that the Bush administration would follow the process put in place by Clinton with regard to the North Koreans. The President immediately corrected the statements of Powell and made it clear this would NOT be the policy of the current administration.<sup>1428</sup> The administration made it clear it rejected the policy of the Clinton administration sunshine policy towards North Korea and pointed out that it viewed the 1994 Agreed Framework as a form of appeasement.<sup>1429</sup>

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<sup>1428</sup> Fred Kaplan, "Rolling Blunder: How the Bush Administration Let North Korea Get Nukes," *Washington Monthly*, May 2004, <http://www.washingtonmonthly.com/features/2004/0405.kaplan.html>. James Mann, *Rise of the Vulcans: The History of Bush's War Cabinet* (Viking Adult, 2004), pp. 277-278.  
<sup>1429</sup> Philip Gordon, "Iran, Iraq, North Korea: Bush is No Longer Just Muscles," Brookings Institute website, November 14, 2007.

Elements of the Bush administration strategy can be found in various policy documents and statements. For example, the 2003 Republican Senate report cited earlier on U.S. policy towards Iran and North Korea sets forth some of the general tenets of the policy, which include not taking the military option off the table and not formalizing relations with North Korea.<sup>1430</sup> Like with Iran, it also states the President has said the United States will not engage bilaterally with North Korea.<sup>1431</sup>

The strong resistance to engagement can also be seen clearly in the directions given to U.S. negotiators with regard to their dealings with the North Koreans. Leading up to talks in April 2003, Assistant Secretary of State for East Asian Affairs, James Kelly, reportedly received strict negotiation instructions on his interactions with the North Koreans. In August 2003, Kelly met one on one with North Koreans in Beijing, but was allowed to do so only with other states present in the room and with strict instructions on what he could and could not say. In addition, Kelly, who was at first told he would have flexibility in dealing with the North Koreans was instructed by the NSC that he “would have no ability to speak directly to the North Koreans on any bilateral basis – which, according to many accounts the Chinese had explicitly promised Pyongyang would occur.”<sup>1432</sup> Similarly, according to Fred Kaplan, “Kelly was also forbidden from making any offers or suggesting even the possibility of direct negotiations. Pritchard recalls that Kelly was under instructions to start the private chat by saying, ‘This is not a negotiating session. This is not an official meeting.’”<sup>1433</sup> In August 2003, Jack Pritchard, a special envoy to North Korea, resigned just days before the talks in Beijing for these very reasons. Since resigning, Pritchard, a U.S. envoy to North Korea, has said he was pressured on what he could and could not do. In addition, hardliners on Cheney’s staff and at the Pentagon struck down proposals to have

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<sup>1430</sup> United States Senate Republican Policy Committee, “Iran and North Korea: U.S. Policy Toward the Axle of Evil,” August 25, 2003. According to the report, the paper was released in preparation for talks between North Korea, the United States, Russia, South Korea, China and Japan in Beijing. [rpc.senate.gov/\\_files/FOREIGN082503.pdf](http://rpc.senate.gov/_files/FOREIGN082503.pdf)

<sup>1431</sup> United States Senate Republican Policy Committee, “Iran and North Korea: U.S. Policy Toward the Axle of Evil,” August 25, 2003. According to the report, the paper was released in preparation for talks between North Korea, the United States, Russia, South Korea, China and Japan in Beijing.

<sup>1432</sup> Michael Mazarr, “The Long Road to Pyongyang,” *Foreign Affairs*, Sep/Oct 2007, Vol. 86, Issue 5.

<sup>1433</sup> Kaplan (2004).

informal discussions with the North Koreans outside a multilateral context. The Defense Department's rationale for this was that it essentially believed the North Koreans could not be trusted and would collapse over time.<sup>1434</sup>

Focusing on the Bush administration policy towards North Korea is helpful in trying to discern some of the assumptions and motivations behind the adoption of a non-engagement strategy, as the Bush administration adopted this general approach not only with regard to North Korea, but also Iran and other problematic countries. The belief in the coercive nature of diplomatic non-engagement is clearly at play in the Bush administration's non-engagement with Iran and North Korea with regard to their nuclear programs. The advocates of diplomatic isolation and disengagement in the Administration tended to see this strategy as a tool in a toolbox of coercion and punishment aimed at bringing about the collapse of the regime and/or drastically altering its behavior. At the heart of this logic is the notion that diplomatic sanctions punish the regime by isolating the regime and causing the regime to lose recognition and legitimacy. Strong proponents of non-engagement appear to believe that engaging with certain actors is futile because the preferred goal with regard to these regimes is not to deal with them, but to displace them through regime change or coerce them to drastically alter their behavior.<sup>1435</sup> The Bush administration tends to openly label such actors as being evil, immoral and not trustworthy; therefore, it claims these actors do not deserve to be made legitimized through negotiations with the United States. Repeatedly, proponents of non-engagement argue that engaging with such actors "rewards bad behavior." As a result, diplomatic sanctions are believed to weaken the isolated Korean or create fear within the regimes that they will be weakened by sanctions over time. Diplomatic sanctions are viewed as part of this strategy because they believe isolating regimes, both

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<sup>1434</sup> Christopher Marquis, "Top U.S. Expert on North Korea Steps Down," *The New York Times*, August 26, 2003. Michael Gordon, "Dispatches: Warnings go Unheeded over North Korea Threat," *International Herald Tribune*, May 7, 2004.

<sup>1435</sup> When I refer to the policy of regime change, I am referring primarily to the use of military force to displace a regime. However, regime change policies can also include non-military policies, such as economic sanctions, aimed directly at bringing down the regime.

diplomatically and economically, impose costs on the regime – which weaken the regime or make the regime feel as if it will be weakened if it does not modify its behavior.<sup>1436</sup>

In addition, advocates of this approach sometimes cite historical analogies to support this strategy. For example, one argument that is frequently invoked as a reason to take a hard-line position with actors in the system like North Korea and Iran is that engaging enemies is tantamount to appeasement. The “Munich analogy” is often referenced in this sort of argument, bringing back memories of striking a deal with Hitler over Czechoslovakia back at Munich.<sup>30</sup>

Looking at Bush administration policy also suggests there appears to be evidence that those who tend to strongly advocate in favor of non-engagement with problematic states also tend to be proponents of regime change.<sup>1437</sup> For example, Wolfowitz, Perle, Feith, Wurmser, Abrams, Armitage, Bolton and Rumsfeld all signed letters to Clinton in 1998 advocating the removal of Saddam from power. In addition, back in 2003, a Rumsfeld memorandum was leaked talking favorably about regime change in North Korea. While the memo did not suggest military action against the North Korean regime, it did suggest the U.S., with the help of China, ought to pressure the North Koreans into collapse. *The New York Times* reported the memo argued “that Washington’s goal should be the collapse of Kim Jong-Il’s government...”<sup>1438</sup> In Fred Kaplan’s article, “Rolling Blunder,” he writes,

In Bush's view, to negotiate with an evil regime would be to recognize that regime, legitimize it, and--if the negotiations led to a treaty or a trade--prolong it. To Bush, North Korea's dictator was the personification of evil. He told one reporter, on the record, that he "loathed" Kim Jong-Il. It was no surprise that Bush would distrust anyone who wanted to accommodate his regime...Bush and his advisers--especially Vice President Dick Cheney and Secretary of Defense Donald Rumsfeld--decided not only to isolate North Korea, in the hopes that its regime would crumble, but also to ignore South Korea, in hopes that its next election would restore a conservative.<sup>1439</sup>

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<sup>1436</sup> The beliefs about non-engagement are also captured in documents aimed at articulating national security strategy with regard to these states.<sup>1436</sup> This opposition to negotiation and talking with rogue regimes to counter threats can also be found in policy documents, such as the 2002 National Security Strategy. The 2002 National Security Strategy emphasizes the increasing use of preemptive force as opposed to negotiation for dealing with the threats emanating from rogue regimes.

See President Bush, “Text of the 2002 State of the Union Address,” <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html> & Josh Kurlantzick, “After the Bush Doctrine,” *The New Republic*, February 13, 2006.

<sup>1437</sup> Similar views were held with regard to Iran, where the administration continually expressed desire for regime change, with the military option remaining on the table.

<sup>1438</sup> David Rennie, “Rumsfeld Calls for Regime Change in North Korea,” *Telegraph*, 4/22/03. David Sanger, “Aftershocks: Nuclear Standoff; Administration Divided Over North Korea,” *The New York Times*, April 21, 2003.

<sup>1439</sup> Kaplan (2004).

While U.S. officials may not have actually believed diplomatic sanctions, in and of themselves, would cause the regime to crumble in the short-term, they did seem to believe that continued pressure (both economic and diplomatic) would contribute to weakening the regime over time.<sup>1440</sup> If the regime was weakened over time, or feared being weakened, diplomatic sanctions could work to promote internal change in leadership, an opportunity for regime change, or simply pressure the regime to change its behavior with regard to proliferation.

While the Bush administration used very strong rhetoric on diplomatic disengagement and imposed a very strong form of it against North Korea, the logic of diplomatic sanctions has not just been embraced by the Bush administration. Exploring the assumptions and drivers of this policy across different administrations would be a useful exercise in understanding the adoption of this policy tool across time.

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### **Research on Effectiveness of Diplomatic Tools of Foreign Policy**

This research also provides a launching point for a future research agenda focused on the effectiveness of U.S. diplomatic tools of foreign policy and diplomacy more broadly speaking.

#### *Looking Beyond the U.S.*

While this dissertation focuses on U.S. foreign policy, the research questions can also be examined to assess the applicability of the arguments to foreign policy agendas of other countries.

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<sup>1440</sup> These sentiments were echoed by others outside the Administration who advocated diplomatic-non-engagement. For example, Max Boot writes, "Neocons think the only way to ensure US security is to topple the tyrannical regimes in Pyongyang and Tehran." Boot writes, "Endless negotiating with these governments – the preferred strategy of self-described pragmatists and moderates – is likely to bring about the very crisis it is meant to avert. Similarly, some neocons have even been vocal against engaging with the North Koreans in multilateral talks. Dan Blumenthal of AEI, who worked for Rumsfeld, was a strong opponent of engaging with the North Koreans in any way. Similarly, Michael Rubin of AEI pointed to the North Korean missile test last summer saying it "has stripped any plausibility to arguments that engaging dictators works." He also argues, "there is little to negotiate...engaging the regime will preserve the problem not eliminate it." See Max Boot, "Think Again: Neocons," Council of Foreign Relations website, Jan/Feb 2004; Jim Lobe, "Regime Change or Bust," International Relations Center, [rightweb.irc-online.org](http://rightweb.irc-online.org), October 11, 2006. Dan Blumenthal, Newt Gingrich and Michael Rubin, "Getting Testy: A Symposium on Pyongyang Policy," American Enterprise Institute website, [http://www.aei.org/publications/filter.all.pubID.24997/pub\\_detail.asp](http://www.aei.org/publications/filter.all.pubID.24997/pub_detail.asp), October 10, 2006; Michael Rubin, "Nuclear Hostage Crisis," *Wall Street Journal*, April 14, 2006.

There may very well be differences between the way states think about diplomatic sanctions and their use. For example, Great Britain appears to be more resistant than the U.S. towards embassy shutdowns and strategies of disengagement. Further exploration of cross-country variation in the adoption of diplomatic engagement and isolation policies may improve our understanding of how and why countries use this policy tool, along with additional implications of its use.

#### *Applicability to Counterinsurgency and Non-State Actors*

While the focus of this research is on diplomatic engagement with state actors in the international system, many of the lessons may also have traction in the context of U.S. counterterrorism and counterinsurgency strategy. There have been substantial debates over the degree to which the United States ought to be engaging with the Taliban in Afghanistan and similar debates arose over amnesty programs and negotiations in Iraq. Many of the lessons about communication, intelligence, public diplomacy and the effectiveness of coercion would seem to have traction when dealing with non-state actors as well as state actors. There may be substantial benefits to engaging with these problematic actors. Future research should further explore some of these issues in the context of insurgency campaigns and/or terrorist campaigns. While there are undoubtedly certain reasons not to engage with certain actors in the international system as opposed to with state actors, it is worth exploring and assessing some of the advantages and disadvantages of engaging with these actors – such as intelligence collection, keeping lines of communication open and the ability to influence these groups or inspire fractures within the groups.

#### *Domestic Audiences*

In addition, while this research studies the impact of diplomatic sanctions and disengagement on the target of concern with regard to demand compliance and it looks at the implications for the U.S. in terms of intelligence and communication, it does not explore the impact of this policy with regard to domestic audiences or domestic politics. It is possible that some of the utility derived from such policies are actually to appease certain domestic groups and garner electoral



support, therefore, it would be worth examining how these diplomatic policies impact public opinion for the President and/or Congressional representatives and whether or not there may be domestic political advantages associated with these policies that are not captured in the context of the existing research.

### *Exploring Typologies of Engagement*

Another avenue for future research would be to explore the various typologies of engagement strategies on the ground when an embassy and ambassador are in place. Are there better and more effective forms of engagement? Are all forms of engagement equally beneficial? What is the most effective engagement strategy and does this vary based on the type of target state or the issue area that is being dealt with? Not all engagement looks the same when it is examined empirically on the ground, so one issue that may be worth exploring in greater detail is a better understanding of the variations in diplomatic strategies. While there is a significant amount of research on the types of economic sanctions and military strategies that can be employed across a variety of cases, there is less research on the variations in diplomatic strategy options or typologies that would help scholars and policymakers to characterize various approaches or strategies when selecting from a diplomatic toolbox. Building some sort of typology or hierarchy of diplomatic approaches would be both beneficial to the study of diplomacy in both the academic and policy realms. One approach would be to look at additional case studies of quintessential diplomatic success and failures.<sup>1441</sup>

One of the problems related to strategies of engagement is that even if policymakers realize that such strategies are effective, they may feel inhibited in their ability to adopt these strategies because they are concerned about how reengagement with certain actors or states in the international system might be perceived by political opposition, their domestic audience or parts of the international community. Therefore, it would be particularly helpful if research better

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<sup>1441</sup> The research agenda mentioned here could also extend to the study of second-track diplomacy efforts led by other types of organizations and institutions outside the government.

understood how to reshape public perceptions on diplomacy, so that people do not view diplomatic tools of foreign policy such as an ambassador or an embassy as representing acceptance of a regime's behavior. It would also be worth developing strategies to publicize the inherent benefits of diplomacy and consequences, so that the American public understands the impact of policy decisions that at first glance might seem to be cost-free.

#### *Research on Assessing Intelligence Collection*

A related research agenda that comes out of this work is the need for a better understanding of how to assess the quality and impact of intelligence collection on foreign policy outcomes. First, there need to be better metrics devised to assess and measure variation in U.S. information collection abilities across time and space.<sup>1442</sup> While this is obviously difficult due to the classified nature of intelligence work, it may be possible to devise some open source metrics and analyze intelligence in a more systemic way via interviews and historical, but now declassified, cases. In addition, more work should be done that explores the link between quality intelligence and successful foreign policy outcomes. This research opens the door to that sort of analysis, but looks at intelligence only within the context of sanctions cases.

#### **Conclusion**

This diplomatic sanctions theory at the heart of this dissertation focuses on the role of information, communication, and diplomatic ties in shaping U.S. foreign policy outcomes. The research illustrates that diplomatic sanctions and disengagement result in unintended consequences, including a loss of valuable intelligence, increased difficulty of communication, and reduced capabilities for public diplomacy in the target state. The dissertation also argues that the more diplomatically engaged the United States is with the target state, the more likely economic sanctions are to be effective in getting the target state to comply with U.S. demands.

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<sup>1442</sup> With respect to this project, it was difficult to devise good measures of intelligence and the decision was made not to attempt to devise new intelligence variables for the purposes of the quantitative analysis. In addition, there do not seem to be good metrics for intelligence included in either studies of war or sanctions.

While there seems to be recognition of the inherent value of engaging with both allies and adversaries, U.S. policy over the years does not always demonstrate this recognition in its foreign policy decisions dealing with problematic states. Hopefully, the empirical findings of this research will bolster arguments and policies in favor of diplomatic engagement with both allies and adversaries.

## APPENDIX

### List of HSE Cases Used in the Chapter Three Quantitative Analysis<sup>1443</sup>

U.S	Argentina	destabilize Peron	1944	1947	0
U.S	USSR, Comecon	human rights	1948	1994	1
U.S	Netherlands	recognize Indonesia	1948	1949	1
U.S.	China	Impair mil. potential	1949	1970	0
U.S	China	mil. disruption, Korea	1950	1953	0
U.S	North Korea	military impairment	1950		0
U.S	North Korea	regime change	1950		0
U.S	Iran	destabilize Mussadiq	1951	1953	1
U.S	North Vietnam	military impairment,	1954	1974	0
U.S	Israel	intermittent, various	1956	1983	0
U.S	Laos	destabilization	1956	1962	1
U.S	United Kingdom	end Suez intervention	1956	1956	1
U.S	Egypt	Suez nationalization	1956	1956	1
U.S	Cuba	destabilize Castro	1960	1989	0
U.S	Dominican Republic	destabilize Trujillo	1960	1962	1
U.S	Cuba	disruption of military adventures	1960	1989	1
U.S	GDR	Berlin wall	1961	1962	0
U.S	Ceylon	expropriation dispute	1961	1965	1
U.S	Brazil	destabilization	1962	1964	1
U.S.	Indonesia	crush Malaysia, expropriation	1963	1966	1
U.S	Egypt	mil. Disrupt., Yemen, Congo civil control over military	1963	1965	1
U.S	South Vietnam	destabilize Diem	1963	1962	1
U.S	Indonesia	regime change	1963	1966	1
U.S	Chile	reduce copper price	1965	1966	1
U.S	India	agriculture policy	1965	1967	1
U.S	Peru	French fighter jets	1968	1968	0
U.S	Peru	coup, democracy	1968	1974	1
U.S	Chile	destabilize Allende	1970	1973	1
U.S	(India), Pakistan	mil. disrupt., Pakistan	1971	1971	0
U.S	India,(Pakistan)	mil. disrupt., Pakistan	1971	1971	0
U.S	Uganda	destabilize Amin	1972	1979	1
U.S	South Korea	human rights	1973	1977	0
U.S	Turkey	mil. disruption, Cyprus	1974	1978	0
U.S	South Africa	nuclear policy	1975	1982	0
U.S.	Kampuchea	human rights, deter Viets	1975	1979	0
U.S	South Korea	nuclear proliferation	1975	1976	1
U.S	USSR	freer emigration	1975	1994	1
U.S	Chile	possible coup attempt	1975	1990	1
U.S	North Vietnam	account for MIAs, withdrawal from Cambodia	1975	1998	1
U.S	Arab League	anti boycott	1976	--	1
U.S	Taiwan	nuclear policy	1976	1977	1
U.S	Uruguay	human rights	1976	1981	1

<sup>1443</sup> Note: Shaded cases are cases that had DS imposed at some point. In the final column, the outcome is indicated with a 0=failure and a 1=success.

U.S	El Salvador	human rights	1977	1981	0
U.S	Paraguay	human rights	1977	1981	0
U.S	Ethiopia	expropriation	1977	1992	1
U.S	Brazil	human rights, letelier	1977	1984	1
U.S	Guatemala	human rights	1977	2005	1
U.S	Nicaragua	destabilize Somoza	1977	1979	1
U.S	Argentina	human rights	1977	1983	1
U.S.	USSR	human rights (dissidents)	1978	1980	0
U.S	Brazil	nuclear policy	1978	1981	0
U.S	Argentina	nuclear policy	1978	1982	0
U.S	India	nuclear policy	1978	1982	0
U.S	Libya	destabilize Qaddafi	1978	2004	0
U.S	Libya	nuclear proliferation	1978	2004	1
U.S	Pakistan	nuclear policy	1979	1997	0
U.S	Bolivia	human rights, drugs	1979	1982	0
U.S	Iran	return hostages	1979	1981	1
U.S	USSR	impairment, Afghanistan	1980	1981	0
U.S	USSR	invasion of Afghanistan	1980	1981	0
U.S	IRAQ, Post War	terrorism	1980	2003	0
U.S	USSR	impairment, Poland	1981	1982	0
U.S	Nicaragua	destabilize Sandinistas	1981	1990	1
U.S	Poland	various, Solidarity	1981	1987	1
U.S	USSR	KAL shooting down	1983	1983	0
U.S	Zimbabwe	foreign policy	1983	1988	0
U.S	Chile	restore dem., human rights	1983	1990	1
U.S	Romania	human rights, emigration	1983	1989	1
U.S	Grenada	destabilize consymp	1983	1983	1
U.S	Iran	nuclear proliferation, terrorism, etc.	1984	--	0
U.S	Lebanon	hostage taking, Hezbollah activities	1984	1997	0
U.S	South Africa	apartheid	1985	1991	1
U.S	Angola	Cuban troops, Marxism	1986	1992	1
U.S	Syria	terrorism	1986	--	0
U.S	HAITI	human rights, drugs, elections	1987	1990	0
U.S	El Salvador	amnesty	1987	1988	1
U.S	Panama	destabilize Noriega	1987	1990	1
U.S	Somalia	human rights; civil war	1988		0
U.S	Burma	human rights, elections	1988		0
U.S	China	human rights (Tiananmen Sq.)	1989		0
U.S	Sudan	human rights; democracy	1989	--	0
U.S	Kenya	political repression, human rights, democracy	1990	1993	0
U.S	Jordan, Yemen, et al	Enforce UN embargo v. Iraq	1990	1994	0
U.S	Iraq, pre-war	military disruption; restore Kuwaiti government; release hostages	1990	1991	0
U.S	Romania	democracy, elections	1990	1993	1
U.S	(Jordan), Yemen, et al	enforce UN embargo v. Iraq	1990	1997	1
U.S	El Salvador	expropriation, human rights, end civil war	1990	1993	1
U.S	Zaire	democracy	1990	1997	0
U.S	Cuba	destabilize Castro	1990		0
U.S	Indonesia	human rights in East Timor	1991	1997	0
U.S	China	nuclear proliferation	1991		0
U.S	Thailand	coup	1991	1992	1

U.S	USSR	coup	1991	1991	1
U.S	Peru	democracy, human rights	1991	1995	1
U.S	Iraq, Post-war	destabilization	1991	2003	0
U.S	Haiti	democracy	1991	1994	1
U.S	Iraq, Post-war	military impairment	1991	2003	1
U.S	Yugoslavia	civil war in Bosnia	1991	2001	1
U.S	Cameroon	Human rights, democracy	1992	1998	1
U.S	Nicaragua	expropriation claims	1992	1995	1
U.S	Malawi	democracy, human rights	1992	1993	1
U.S	Azerbaijan	end Armenia embargo	1992	2002	0
U.S	Cambodia, Khmer Rouge	ban Khmer Rouge	1992	1997	1
U.S	Nigeria	Human rights, democracy, narcotics	1993	1998	0
U.S	Guatemala	impair mil potential	1993	1993	1
U.S	Sudan	Terrorism, religious persecution	1993		0
U.S	North Korea	nuclear proliferation	1993	1994	1
U.S	The Gambia	democracy	1994	1998	0
U.S	Rwanda	civil violence	1994	1995	0
U.S	Peru (Ecuador)	border conflict	1995	1998	1
U.S	Ecuador (Peru)	border conflict	1995	1998	1
U.S	Zambia	human rights; constitutional reform	1996	1998	0
U.S	Colombia	narcotics, human rights	1996	1998	0
U.S	Nigeria	democracy	1996	2000	0
U.S	Paraguay	possible troops, Marxism	1996	1996	1
U.S	Cambodia, Khmer Rouge	democracy	1997		0
U.S	India	nuclear proliferation	1998	2001	0
U.S	Pakistan	nuclear policy	1998	2001	0
U.S	Yugoslavia, Serbia	Kosovo	1998	1999	1
U.S	Yugoslavia, Serbia	destabilize Milosevic	1998	2001	1
U.S	Pakistan	coup, democracy	1999	2001	0
U.S	Indonesia	independence for east Timor	1999	2002	1
U.S	Ivory Coast	coup, democracy	1999	2002	0
U.S	Afghanistan	extradite Osama bin Laden	1999	2002	0
U.S	Ecuador	coup	2000	2000	1
U.S	North Korea	nuclear proliferation	2002	2006	0

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