

The Chemical Weapons Convention and Libya

An Analysis of the Application of the Organisation
for the Prohibition of Chemical Weapons between
2003 and 2014

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A thesis submitted to the University of Leicester
for the degree of
DOCTOR OF PHILOSOPHY

January 2018

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Abstract

The thesis studies and assesses the application of the Regime for the Prohibition of Chemical Weapons in Libya since the country started the negotiations to join the Chemical Weapons Convention (CWC) in 2003 until the end of 2014. Regime Theory is used to separate the role of the Organisation for the Prohibition of Chemical Weapons (OPCW) from the role of the United States (USA) in the case of Libya. Using this approach leads to the conclusion that the OPCW was unable to work independently from the USA in Libya at any stage, and that this negatively affected the regime's ability to complete its task.

The thesis uses Regime Theory to analyse Muammar Qaddafi's decisions to start the chemical weapons programme in 1980, and to end the programme in December 2003, it also examines the role of the OPCW in dismantling the Libyan chemical weapons programme since 2004. By doing so, the thesis studies the key role of the USA in administering the Libyan chemical disarmament process. The dominant role of the USA in Libya prevented the OPCW from carrying out its duty as the sole international actor responsible for supervising the dismantlement of chemical weapons stockpile.

The thesis demonstrates the practical problems that faced the OPCW in Libya both during Qaddafi's era (2004–2011) and after his reign (2012–2014). These problems are reflective of the limitations that encounter the OPCW in the current international system. In the conclusion the thesis suggests some ways to improve the effectiveness of the Regime for the Prohibition of Chemical Weapons in the future.

Acknowledgments

A journey that started more than four years ago is about to end, and now I can say it was a beautiful and fruitful journey! Over the course of my PhD, which began in Athens in 2012, I have lived in four different continents and had rich experiences in Greece, Yemen, Egypt and Brazil. However, what joined all these years of experience was my dedication to completing this highly-appreciated academic degree from the renowned and beloved University of Leicester. It is difficult to acknowledge here all those who helped me to achieve this work, but to all professors, family members and friends who helped me to start and proceed with this immense project, I say: I cannot thank you enough.

I would like to start by expressing my deep gratitude to Professor Mark Phythian, who gave me the best advice and guidance. I have to admit that I learned a lot from this great professor, and that I was lucky to have him as a supervisor. I thank Dr. Andrew Futter, my first supervisor and friend, who supported me in all stages of this project. Andrew did not only give me invaluable and continuous academic guidance through the last four years, but he was also a source of inspiration, especially during the difficult stages of desperation that I passed through. Thank you Andrew for your encouragement and for the atmosphere of positivity and enthusiasm you created. Without your support I could not have completed this work.

I would also like to acknowledge all the professors, diplomats, OPCW experts, army officers and public servants who agreed to participate in this research. Without them this work would have never acquired its present level of academic value. I must express my special appreciation to Ambassador Thomas Graham Jr, Dr. Ralph Trapp, Dr. Kane Chen and Dr. Mabroka Al-Warfaly, all of whom gave me much of their precious time and patiently answered my lengthy list of questions. I totally agree with Professor Phythian and Dr. Futter that interviews were essential to broaden my vision, and that discussing my thesis with these highly-experienced individuals helped me to create a strong and original piece of research.

Finally, I would like to express my deepest gratitude for my family and friends. Great appreciation goes to my mother, Aida Abd Elghany. Imagining the smile on her face and the prayers on her tongue when I successfully finish this work were always in my mind, and were the light at the end of the long tunnel of research and hard study that I went through. I have also to mention my late great father Hassan Elmahdi, who taught me the value of education and knowledge, and the idol who will always be a source of inspiration and pride. I fully dedicate this work to both my mother and father.

Mohammed H. Elmahdi

Rio de Janeiro, Brazil, August 2016

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Abbreviations

| | |
|------|--|
| AG | Australia Group |
| BWC | Biological Weapons Convention |
| CSP | Council of States Parties (Organisation for the Prohibition of Chemical Weapons) |
| CW | Chemical Weapon |
| CWC | Chemical Weapons Convention |
| CWPF | Chemical Weapons Production Facility |
| EC | Executive Council (Organisation for the Prohibition of Chemical Weapons) |
| NATO | North Atlantic Treaty Organisation |
| NPT | Nuclear Non-Proliferation Treaty |
| OPCW | Organisation for the Prohibition of Chemical Weapons |
| PLO | Palestinian Liberation Organisation |
| S-C | Secretary-General (Organisation for the Prohibition of Chemical Weapons) |
| TS | Technical Secretariat (Organisation for the Prohibition of Chemical Weapons) |
| UK | United Kingdom |
| UN | United Nations |
| UNGA | United Nations General Assembly |
| UNSC | United Nations Security Council |
| USA | United States of America |
| WMD | Weapons of Mass Destruction |

Glossary

Australia Group (AG)

An informal forum of countries which seeks to ensure that exports do not contribute to the development of chemical or biological weapons through the harmonization of export controls.

Biological Weapons Convention (BWC)

A multilateral disarmament treaty banning the entire category of biological, bacteriological and toxin weapons. It became open to signature in 1972, and entered into force in 1975.

Council of States Parties of the Organisation for the Prohibition of Chemical Weapons (CSP)

The main organ of the OPCW. Each state party is represented by one vote. It convenes in regular annual sessions, unless the CSP itself decides otherwise. The CSP may also be convened in special session in certain circumstances.

Chemical Weapon (CW)

Any device that uses chemical-based substances as a weapon to inflict harm or death on human beings.

Chemical Weapons Convention (CWC)

A multilateral disarmament treaty that aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons.

Chemical Weapons Production Facility (CWPF)

Any equipment or building which houses equipment designed, constructed or used at any time since 1 January 1946 as part of a stage in the production of chemicals banned by the CWC.

Executive Council of the Organisation for the Prohibition of Chemical Weapons (EC)

The executive organ of the OPCW, it consists of 41 members representing all the geographical groups of the world. The EC convenes for regular sessions, and may also meet in-between those sessions as often as required for the fulfilment of its powers and functions.

North Atlantic Treaty Organisation (NATO)

An intergovernmental military alliance between several North American and European states based on the North Atlantic Treaty that was signed on 4 April 1949. NATO constitutes a system of collective defence whereby its member states agree to mutual defence in response to an attack by any external party.

Nuclear Non-Proliferation Treaty (NPT)

A multinational disarmament treaty whose objective is to prevent the spread of nuclear weapons, to promote cooperation in the peaceful uses of nuclear energy, and to further the goal of achieving nuclear disarmament.

Organisation for the Prohibition of Chemical Weapons (OPCW)

An international organisation whose objective is to achieve the object and purpose of the CWC, to ensure the implementation of its provisions, including those for international verification of compliance with the treaty, and to provide a forum for consultation and cooperation among the states parties.

Secretary-General of the Organisation for the Prohibition of Chemical Weapons (S-C)

The head and the chief administrative officer of the OPCW, he appoints the members of the Scientific Advisory Board. He can also establish temporary working groups of scientists and technical experts as required.

Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons (TS)

The Director-General, inspectors and administrative employees of the OPCW. In the performance of their duties, the D-G, inspectors and other members of staff should not seek or receive instructions from any government or any source external to the OPCW.

United Nations (UN)

The main international organization founded in 1945. It is currently made up of 193 Member States. The mission and work of the United Nations are guided by the purposes and principles contained in its founding Charter.

United Nations General Assembly (UNGA)

The main decision making organ in the United Nations. It includes all the members of the United Nations, and provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the United Nations' Charter.

United Nations Security Council (UNSC)

The organ of the United Nations responsible for the maintenance of international peace and security. It has fifteen members: five permanent members with veto power, and ten non-permanent members who are elected by the General Assembly for a two-year term.

Weapons of Mass Destruction (WMD)

Nuclear, radiological, biological, chemical or other weapons that can kill or bring significant harm to a large number of humans, or which can cause great damage to human-made structures (e.g. buildings), natural structures (e.g. mountains), or biospheres (e.g. the ocean's ecological system).

Introduction

Analysis of the Libyan chemical weapons programme is of great importance for both politicians from all over the globe and for scholars of International Relations. This thesis is an examination of the application of the Chemical Weapons Convention (CWC) in the Libyan chemical weapons disarmament process. It has three main aims: firstly, to analyse the international chemical weapon disarmament regime created by the CWC in 1993 and implemented by its supervisory body, the Organisation of the Prohibition of Chemical Weapons (OPCW); secondly, to analyse the application of the regime in Libya since it joined the CWC in 2003; and thirdly, to extract lessons from the case of Libya. The research reflects the need to study the threat of the proliferation of chemical weapons in the Middle East and Northern Africa, and the potential proliferation of unconventional weapons from this region to other parts of the world.

The research methodology of the thesis separates the core factors of the regime from counterfactuals in order to assess the success or failure of the regime in achieving its goal.¹ Regime Theory in international politics is built upon certain arguments mainly derived from the realist tradition. The methodology of the thesis demonstrates a strong neo-realist perspective that sits along the positivist and empiricist epistemological spectra. Basically, Regime Theory argues that although a regime is established by the contractual and collective consensus of its individual members, once a regime is established it becomes an independent individual unit and, as such, more than the simple weighted calculation of the will of its individual members. Moreover, established regimes are authorized to affect the behaviour of international actors. The theory also argues that cooperation is possible in the anarchic international

¹ Stephen D. Krasner, 'Structural Causes and Regime Consequences: Regimes as Intervening Variables', *International Organisation*, volume 36, number 2, spring 1982, pp.185-189.

system of states. Regimes should seek by definition to boost international cooperation among their members. The methodology of the thesis draws on assumptions regarding rational choice and the positive role of international institutions and norms in organizing interactions among international actors.²

Muammar Qaddafi's forty-two years in power in Libya (1969-2011) was both revolutionary and aggressive. Qaddafi displayed a clear and early ambition to acquire weapons of mass destruction (WMD), either by importing ready-to-use weapons or by developing national WMD programmes. A top Libyan military officer explained in a confidential interview that: "The acquisition of WMD was a main military objectives of Qaddafi's regime throughout the first three decades of his rule."³ According to Ronald Bruce St John, an expert in Libyan affairs:

"Qaddafi perceived the development of WMD (Nuclear, Chemical and Biological) as a key tool required to play a major role in regional and international politics. These programmes were also perceived as a guarantee of the security of Qaddafi's regime and as a national goal that would mobilise internal support for his autocratic rule."⁴

Analysing and following the developments in the Libyan case since 2003 allowed for an understanding of the reasons for the marginalization of the OPCW's role in Libya, and explained why the CWC could not succeed in disarming Libya's relatively small arsenal of chemical weapons. The analysis of the OPCW's role in Libya also helps in understanding the practical limitations that confront international disarmament organisations.

² Thomas Gehring, 'Dynamic International Regimes, Institutions for International Environmental Governance', *Studies of the Environmental Law Network International*, volume 5, Berlin, Freie Universität, 1992, pp.26-29.

³ Interviewee D, Libyan military officer, Cairo, 27 May 2015, interviewed by Mohamed Elmahdi. It should be noted that the Interviews with the Arab sources were translated into English by the researcher.

⁴ Ronald Bruce St John, 30 April to 29 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

The process of dismantling Libya's chemical programme was not fully concluded during the period covered by this thesis (2003-2014). The continuing political and security turmoil combined with the absence of effective governmental control over all the vast territory of Libya, suggests that the proliferation of Libyan chemical weapons remains a threat for regional and international security. The dismantlement process has passed through many difficult, challenging and ambiguous stages. The situation became more complicated as Libya passed through a difficult period of instability after Qaddafi's death, a situation that needed thorough research and careful analysis of the new realities on the ground in Libya in order to assess the CWC regime in practice. In an interview with Fox News in 2016, American President Barack Obama said that the worst mistake he made during his presidency was "Probably failing to plan for the day after what I think was the right thing to do in intervening in Libya."⁵ By following up on developments in Libya after Qaddafi's death, the thesis sheds light on the effects of the so-called Arab Spring in Middle Eastern politics and how an international regime could adapt to such significant regional change in order to sustain its objectives.⁶

It is worth noting that Jonathan Tucker's article 'The Rollback of Libya's Chemical Weapons Programme'⁷ is one of the most quoted studies on Libya's case, therefore, it has been essential to this thesis. The author is an American expert in WMD disarmament issues and a scholar who became professionally involved in Libya's chemical disarmament efforts. Tucker has made a detailed and informative

⁵ Fox News, 'Exclusive: President Barack Obama', *Fox News Sunday*, 10 April 2016. <http://www.foxnews.com/transcript/2016/04/10/exclusive-president-barack-obama-on-fox-news-sunday> (accessed 18 June 2016).

⁶ Brian McQuinn, 'Assessing (In)security after the Arab Spring: The Case of Libya', *American Political Science Association*, volume 46, number 4, October 2013, pp.716-720. See also: Toby Manhire, *The Arab Spring: Rebellion, Revolution, and a New World Order*, London: The Guardian Books, 2012.

⁷ Jonathan B. Tucker, 'The Rollback of Libya's Chemical Weapons Programme', *The Non Proliferation Review*, volume 16, number 3, November 2009, pp.363-384.

contribution to the analysis of the Libyan case. The article discusses the reasons behind Qaddafi's decision to relinquish the programmes of WMD in 2003. It also describes in detail the components of the Libyan chemical weapons programme, as well as the development of the efforts to disarm Libya's chemical weapons between 2004 and 2009.

This thesis differs from Tucker's work in key respects: Firstly, Tucker focused on the role of the United States of America (USA) in the process of dismantling the Libyan chemical programme, as he himself was one of the main figures behind American policy-making towards Libya during this period. The thesis presents a new analysis of the Libyan case from a different angle based on new sources, mainly interviews with Libyan decision-makers and OPCW officials, without dismissing Tucker's rich analysis. Secondly, this thesis directs its focus to the role of the OPCW in Libya instead of mixing the role of the USA with the efforts of the international organisation. Thirdly, Tucker's research was only article-length; it focused on elaborating information about the Libyan rollback process rather than providing a detailed political and legal analysis of developments in the Libyan case. This thesis is a lengthier study based on original research that aims to provide a full analysis of all aspects of the processes behind the Libyan chemical weapons programme from its inception in the 1980s until the end of 2014. Fourthly, this thesis covers the developments in the dismantlement process of Libya's chemical weapons programme in the last two years of the Qaddafi regime, as well as the turbulent period after his era (2011 to 2014), whereas Tucker's article was published in 2009 and the period covered was consequently much shorter.

Outline of the thesis

The thesis starts by outlining a theoretical framework for the research in Chapter One. It introduces and explains the main research question, as well as the secondary questions that will be addressed. It assesses and reviews the previous literature and describes the research methodology. Chapter one also provides an analysis of the regime for the Prohibition of Chemical Weapons, focusing initially on 'International Supervision' before tracing the regime's historical roots and development, and the long journey which it took to achieve universality. The thesis then disassembles the regime into its basic elements in order to analyse each component independently. The chapter assumes that the CWC regime is a single independent unit of analysis and not the weighted count of its members' power. It starts with a brief introduction to the historical development of the regime, and splits the regime into its basic elements (Agreement, Institution, and Obligations) in order to study each component separately. Finally, it explains how these elements should interact to allow the whole regime to function and achieve its goals.

In the second chapter, the thesis follows the development of the Libyan chemical weapons programme from the 1970s. It begins with an analysis of the main factors behind Qaddafi's quest to obtain a chemical weapons arsenal, and then describes the state and the components of the Libyan chemical weapons programme at the time it unilaterally declared its commitment to relinquishing all its WMD programmes in December 2003. The analysis of the Libyan chemical weapons programme considers the Libyan state as a unitary actor that seeks to maximize its own benefits and minimize its losses in a rational way. The analysis also shows that an international actor's perception of benefits - Libya in this case - directly determines the level of

cooperation it shows towards a regime. The thesis then analyses the main factors behind Libya's ambition to acquire chemical weapons and other types of WMD.

Chapter Three analyses Libya's declaration that it would relinquish all its WMD programmes in December 2003. This declaration is a crucial point of analysis in this research. The chapter focuses on the reasons for and consequences of this decision and the diplomatic efforts behind it. The analysis draws on realist assumptions; that the international system is anarchic by nature, and is manipulated by states who have more power, and that each state in this anarchic system seeks to sustain its interests in an egoistic manner. This assumption helps us to understand the positions of Libya on one side, and the United Kingdom (UK) and the USA on the other, during disarmament process of Libya's chemical weapons programme.

Chapter Four focuses on the Libyan rollback process, which began when Tripoli acceded to the CWC in January 2004, and follows the process of dismantling the Libyan chemical stocks up to Qaddafi's death in 2011. Chapter Five then analyses developments in the dismantling of Libyan chemical stocks post-Qaddafi (2012-2014). Both chapters present a thorough analysis of each development - whether they represented progress or a setback - to identify the main characteristics of the process during Qaddafi's era and in the aftermath of his death. The analysis in Chapters Four and Five relies on the assumptions of the rationality of international actors.

Chapter Six assesses the role of the OPCW in Libya. The assessment of the OPCW is built on the methods developed by Regime Theorists, particularly Edward L. Miles in his book *Confronting Theory with Evidence: Environmental Regime Effectiveness*,⁸ and Kane Chen's book *Detecting Nuclear Weapons: The IAEA and the*

⁸ Edward L. Miles et al., *Confronting Theory with Evidence: Environmental Regime Effectiveness*, Cambridge: England: The MIT Press, 2002.

Politics of Proliferation.⁹ The assessment in Chapter Six focuses on differentiating between regime factors (the role of the OPCW, which should have been the sole supervisory body according to the CWC) and non-regime factors (mainly the roles of the USA and other Western powers). The chapter further analyses the impact of each factor on the final output of the OPCW's process. According to Regime Theory, the assessment of the success of the CWC regime should focus on the role of the OPCW alone - after sorting out and assessing the external effects - over the final output, which is disarming Libya of its chemical weapons stock. The conclusion of the thesis outlines the lessons from the Libyan case and highlights the main problems that encountered the OPCW in Libya.

⁹ Kane Chen, *Detecting Nuclear Weapons: The IAEA and the Politics of Proliferation*, London: Routledge, 2011.

Chapter One: Theoretical Framework

Introduction

Establishing a solid theoretical framework is the foundation of any academic research, as it provides the basis for solid arguments and conclusions. This step begins with reviewing a large number of previous studies, in order to highlight the importance of the thesis and the value it adds to the academic field. This thesis studies the role of the Organisation of the Prohibition of Chemical Weapons (OPCW) in Libya between 2003 and 2014, a case that represents a clear violation to the principles of the regime of the Chemical Weapons Convention (CWC) and, a key reflection of its shortcomings. This chapter aims to clarify the research problem and formulate the research question in a way that demonstrates the central aspects, importance and novelty of the thesis. It also presents the study's methodology, and clarifies the tools and techniques used to gather the information needed for the analysis.

The chapter starts by stating the main research questions and the related sub-questions that are addressed throughout the research. It then presents an overview and analysis of the previous literature related to the research question, highlighting the contribution of the thesis in the fields of Arms Control and International Relations. The chapter then goes on to present the information gathering tools used and the research's theoretical methodology. The final section focuses on the regime for the Prohibition of Chemical Weapons. It explains its components and the way that it should function according to the CWC of 1993.

Section One: Research Questions

The central research question of the thesis is: How successful was the CWC regime in dismantling the Libyan chemical weapons programme between 2003 and the end of 2014? This question leads to a number of secondary questions:

1. How did the Regime for the Prohibition of Chemical Weapons apply in the Libyan case?

The first step to answering this question is to provide a clear definition of the regime, how it developed, and how it is used in the analysis according to Regime Theory. Understanding the general concept of a regime is essential before the thesis can analyse the regime for the Prohibition of Chemical Weapons. The thesis starts with a brief history of international efforts to contain the threat of chemical warfare before the CWC was signed in 1993. It then analyses the elements of the CWC regime (the agreement, the organisation, and the obligations) to understand how the regime should operate to achieve its goal of freeing the world of the threat of chemical weapons proliferation. The CWC puts a system of positive and negative obligations on its state parties, and created the OPCW to supervise their application. The analysis of the supervisory mechanisms of the OPCW also necessitates shedding light on the concept of international supervision, in order to understand how the regime functions and identify the criteria which can be used to assess it.

The conceptualisation of the regime and the analysis of the OPCW are essential to understanding the powers and limits of the OPCW in the Libyan case. They are also essential to evaluating the success or failure of the regime, as they allow comparing how the OPCW should function in theory according to the article of the CWC to what the OPCW actually did in Libya between 2003 and 2014. The next

section, on the methodology used, will define and analyse the concept of ‘Regime’. The following section analyses the concept of ‘International Supervision’ before conducting a detailed analysis of the CWC regime and explaining how it should function. Chapters Five, Six, and Seven analyse the experience of the OPCW in Libya in detail.

2. Why did Libya represent a threat to the CWC regime?

The thesis explains the reasons why Libya – a small country with no imminent security threats – chose to obtain chemical weapons. It starts with a brief introduction to the Libyan political system, then moves on to analyse the internal and external factors of the 1970s and 1980s that led the autocratic Libyan leader Muammar Qaddafi to acquire and develop weapons of mass destruction (WMD), mainly chemical weapons. The thesis briefly studies the Libyan political system in order to understand the decision-making process in Libya under Qaddafi, as it is clear that his personal ideology and beliefs were the main factors behind the development of these programmes. It is also important to analyse the regional and international environment that Qaddafi found himself in and the threats which he perceived critical. The thesis then analyses the historical development, nature, and key components of the Libyan chemical weapons programme, before examining the reasons behind Qaddafi’s decision to relinquish them in December 2003.

To determine the reasons for the change in Qaddafi’s perception of the security of his regime and the implications of this, this thesis analyses the changes in the domestic, regional and international environments which eventually led to the revolution that toppled his regime in 2011. Libya’s unilateral declaration in December 2003 opened the door to a new phase in the history of Libya’s chemical weapons

programme, and marked the beginning of international supervision by American, British and OPCW inspectors. The thesis follows international supervision of the dismantlement process since 2003, and analyses the reasons behind each advance and setbacks throughout the years of Qaddafi's rule until the eruption of the popular revolution in 2011.

The thesis also follows the dismantlement process in the aftermath of Qaddafi's rule until the end of 2014, a period that was characterised by new political and security dynamics. The developments in Libya after the 2011 revolution had a direct effect on chemical weapons dismantlement, and marked a new phase in the OPCW's supervision in Libya. By the time the international inspectors resumed their duties in Libya in February 2012; the process faced many complications and met with several delays. The thesis explains why the process was lengthy and complicated. It also follows and clarifies the results of the dismantlement process, which stretched over more than 11 years as the regime sought to grapple with the particularities of the Libyan case. Chapters Three, Four, Five and Six address this sub-question in order to determine whether the Libyan chemical weapons programme was – or is still - a threat to the region and international security.

3. What role did the United States of America (USA) play in the Libyan chemical weapons non-proliferation case?

Libya represented a dynamic challenge to the CWC regime since its creation in 1993. The thesis aims to assess the performance of the OPCW in Libya and extract any lessons from it. The OPCW had ten years of experience in Libya (2004 to 2014), which revealed the strengths and weaknesses of the CWC regime. The thesis analyses the role of the USA in the process of dismantling the Libyan chemical weapons

programme since the initiation of the trilateral negotiations among the USA, the United Kingdom (UK) and Libya over Qaddafi's programmes of WMD in 2003, then it follows the OPCW's role in dismantling Libya's chemical weapons programme from 2004 to 2014 aside from the role of the USA. This analysis allows the thesis to offer a set of conclusions about the adequacy of the existing regime centred on the CWC. Chapter Six evaluates the OPCW's application of the regime for the Prohibition of Chemical Weapons in Libya apart from the role of the USA in order to extract lessons from the Libyan experience.

Section Two: Previous Literature

The first step to constructing this thesis was investigating previous studies in order to determine their main focus and themes, as well as the strengths and weaknesses of existing research. This was important as it adds to the value of this thesis, and means it can address any gaps found in the study of the theory of the CWC and OPCW, and the application of this regime to Libya.

Many scholars have studied the regime of the Chemical Weapons Prohibition since its creation in 1993, and they have tended to focus on challenging cases such as Libya. The thesis benefited from the findings of previous academic research in the form of books, articles and academic theses. Although some aspects of the research were covered by previous works, this thesis introduces an academic added value to the studies of non-proliferation of chemical weapons and uses a new approach to study the Libyan case.

The originality of the thesis stems from the following three areas: Firstly, no previous academic research covers the relationship between Libya and the OPCW from 2003 to 2014. Instead, most previous studies focused on explaining

developments in the Libyan case without putting them in the larger perspective of the Libyan political and security environments, and without testing the genuine role of the OPCW in the process. Secondly, the thesis covers the period between 2011 and the end of 2014, which was a turbulent period in Libyan history and has yet to be analysed in any academic research. Thirdly, the use of Regime Theory is another original contribution to research into the Libyan chemical weapons case. Regime Theory was helpful when sorting out the non-regime factors and testing their effects on Libyan chemical disarmament. The theory also helped when differentiating between the role of the OPCW and the role of the other players in the Libyan case. The previous literature can be generally grouped into four groups, as follows:

Studies on International Supervision

The expansion of interactions among nations in all domains since the 19th century necessitated the creation of international ‘authorities’ to supervise the compliance of all states with new international rules and regulations.¹ The 20th century witnessed a significant expansion in the number of international organisations, and saw the development of the idea of international supervision to cover almost all technical and political domains in international relations. This phenomenon urged both politicians and scholars to develop the theory and practice of International Supervision. Many published studies have covered different aspects of international supervision over a set of various international regimes, including the environment, finance and monetary policy, human rights, and international security.

Guido den Dekker made an important effort to assess the theory of international supervision in security studies in his book *Law of Arms Control: International*

¹ Ole Spiermann, ‘Twentieth Century Internationalism in Law’, *European Journal of International Law*, volume 18, number 5, 2008, pp.785-814.

Supervision and Enforcement.² The book analysed the main aspects of the theory of international supervision as well as the supervisory mechanisms in a number of multilateral arms control treaties, including the Nuclear Non-Proliferation Treaty (NPT) and the Comprehensive Nuclear-Test-Ban Treaty (CTBT). The book discussed the law of arms control as a special branch of international law, and covered the following topics: the place of arms control law in the system of international law and politics; the special characteristics of arms control law; the international legal framework of supervision in the law of arms control; and the general features of supervisory mechanisms in all multilateral arms control treaties currently in force. Although den Dekker did not specifically analyse the CWC in his book or study the case of Libya, his general arguments about the theory of International Supervision on arms control are largely valid for the regime for the Prohibition of Chemical Weapons. The book was useful as it deepens our understanding of the objectives and limits of the OPCW's supervision in Libya.

Another contribution was made by Carsten Helm and Detlef Sprinz in their article 'Measuring the Effectiveness of International Environmental Regimes'.³ The authors analyse the European Environmental Preservation Regime (EEPR) and the factors that affect the supervision of the relevant European Union organisations over its application. The article also presented a new approach to the measurement of regime effectiveness, using a quantitative method and a systematic tool to assess the effectiveness of international environmental institutions. The authors argued that the performance of international institutions can be assessed by carefully deriving a non-regime counterfactual and a collective optimum. In fact, although the subject of this

² Guido den Dekker, *Law of Arms Control: International Supervision and Enforcement*, The Netherlands, Leiden: Brill Academic Publishers, 2001.

³ Carsten Helm and Detlef Sprinz, 'Measuring the Effectiveness of International Environmental Regimes', *The Journal of Conflict Resolution*, volume 44, number 5, October 2000, pp.630-653.

article was far from the focus of the present thesis, the standardized method for measuring the effectiveness of the regime used in this article was useful for enriching the analysis of the supervision of the OPCW on Libya. In particular, it was useful when sorting out the non-regime counterfactuals and assessing their impact on the OPCW's supervision of Libya, as illustrated in Chapter Seven of this thesis.

The Implementation of Legally Binding Measures to Strengthen the Biological and Toxin Weapons Convention, edited by Marie Isabelle Chevrier, presented a good analysis of the supervisory tools used by the OPCW.⁴ The book is a good reference guide to the theoretical backgrounds and different aspects of the Regime for the Prohibition of Chemical Weapons; however, it does not assess the CWC or the OPCW in order to abstract their strengths and weaknesses. The book also does not discuss the real problems that the regime encounters on the ground, such as when governments deliberately hide facts about their chemical weapons programme as Qaddafi did, or when a superpower chooses to unilaterally deal with a non-committed case out of the functioning regime of the CWC, as exemplified in the case of Libya.

The Chemical Weapons Convention: Implementation, Challenges and Opportunities, edited by Ramesh Thakur and Ere Haru, raised important arguments about the ability of the current regime to free the world from the threat of chemical warfare.⁵ It follows the compliance of member states with the CWC, mainly the USA and Russia, as well as the main issues raised by the First CWC review in 2003, in particular the discussions about enhancing the commitment of state parties to the obligations of the CWC and making the CWC universal. The book presents a rich assessment of the effectiveness of the application of the CWC regime; however, it

⁴ Marie Isabelle Chevrier et al., *The implementation of legally binding measures to strengthen the biological and toxin weapons convention*. Boston: Kluwer Academic Publishers, 2004.

⁵ Ramesh Thakur and Ere Haru (editors), *The Chemical Weapons Convention: implementation, challenges and opportunities*, New York: United Nations University Press, 2006.

does not present solutions for the problems encountered during this process. In its analysis of the OPCW's role in the revealing case of Libya - which was not in the book - the thesis has expanded the assessment of the CWC, and was thus able to present more suggestions as to how the existing regime could be improved to be able to deal with modern challenges.

Eric Myjer's book *Issues of Arms Control Law and the Chemical Weapons Convention: Obligations inter se and Supervisory Mechanisms* marked the entry of the CWC into force as the start of the age of the law of arms control as a separate area of international law.⁶ The book examined the supervisory authority given to the OPCW in order to guarantee the application of the regime. The book also raised the argument about the ability of international organisations to enforce compliance with the regime, and the main practical challenges to achieving such a goal. The book reached similar conclusions to those of Thakur and Haru; however, it did not tackle the Libyan case, nor did it extract lessons and conclusions from the OPCW's interactions with Libya before and after Qaddafi's death in 2011.

Although the previous literature in issues related to international supervision have covered most of the aspects of the topic, the studies on assessing international regimes, especially the Chemical Weapons Prohibition regime, can still be expanded. This thesis makes a further step in analysing international supervision, as it argues that the Libyan case has shown many practical shortcomings for the apparently complete regime that was established by the CWC. This thesis analyses the challenges and difficulties facing the international supervision of the OPCW over Libya. It also argues that by extracting lessons and conclusions from the case of the OPCW's

⁶ Eric P.J. Myjer (editor), *Issues of arms control law and the Chemical Weapons Convention: obligations inter se and supervisory mechanisms*. The Hague; London: M. Nijhoff, 2001.

supervision over Libya, the practice of international supervision can be enhanced for chemical weapons programmes and also in other arms control domains.

Studies of WMD Non-proliferation Regimes

Many studies have covered the topic of the non-proliferation of WMD in general and chemical weapons prohibition, in particular. The richness of resources in these contributed the studies of International Security, which is a major branch in International Relations studies. The regime for the Prohibition of Chemical Weapons in theory was studied in many previous studies; however, the full understanding of the regime's shortcomings cannot be abstracted from the theory alone. The case of Libya demonstrated many challenges that encounter the application of the regime of the CWC on the ground.

In the book *Treating Weapons Proliferation; an Oncological Approach to the Spread of Nuclear, Biological Technology*, David Santoro explored the dynamics of weapons proliferation through an analogy with cancer.⁷ The book argues that the international community should abandon the idealistic search for an ultimate cure for weapons proliferation, and should focus more on the management and 'treatment' of the disease. The book's approach to discussing the non-proliferation issue was illustrative and informative; however, it was too general, as it did not offer a deep analysis of the supervisory tools of the OPCW or any of the other international organisations. The book was a call for the international community to move; however, it did not offer practical ideas for treating the disease of the Proliferation of WMD.

⁷ David Santoro, *Treating weapons proliferation; an Oncological approach to the spread of nuclear, biological technology*, New York: Palgrave Macmillan, 2010.

The UNSCOM Saga: Chemical and Biological Weapons Non-Proliferation, edited by Graham S. Pearson, followed the work of the United Nations Special Commission (UNSCOM) in Iraq after the Second Gulf War (1990-1991).⁸ The book offers a detailed analysis of the supervision of the UNSCOM, which was charged with overseeing the destruction of Iraq's WMD and the creation of an on-going verification and monitoring regime to ensure Iraq did not acquire such weapons again. The book concluded by demonstrating the lessons learned from the Iraqi experience. Although the book is useful to promoting an understanding of international supervision in Iraq after 1991, the practical lessons that can be acquired from the UNSCOM supervision over Iraq are too limited, as the success of Iraq's disarmament proved to be a unique case that may not be repeated. The Libyan case presented a different set of general problems and challenges than that encountered by non-conventional disarmament regimes in general and the CWC in particular.

Randall Forsberg's book *Non Proliferation Primer: Preventing the Spread of Nuclear, Chemical, and Biological Weapons* provides a solid background to current non-proliferation issues.⁹ The book describes the existing types of WMD, and examines the threats they pose and their implications for regional and international security. The author identified countries that have or may have programmes to develop such weapons, including Iran, Syria and Libya, and described the technology needed to continue such programmes. In reality, the book, which was published in 1995, did not identify the level of development of the Libyan programmes of WMD, which proved to be much lower than had been speculated before 2003. Forsberg's analysis was an initial attempt to direct attention towards the need to improve non-

⁸ Graham S. Pearson, *The UNSCOM Saga: chemical and biological weapons non-proliferation*, UK, Houndmills: Macmillan Press, 1999.

⁹ Randall Forsberg, *Non Proliferation primer: preventing the spread of nuclear, chemical, and biological weapons*, Cambridge: MIT Press, 1995.

proliferation regimes in the period that preceded the uncovering of the facts about many non-commitment cases, including Libya.

Brad Roberts's book *Chemical Disarmament and International Security* follows the historical development of the regime for the Prohibition of Chemical Weapons.¹⁰ The author examined the extent to which the CWC was effective at boosting international security, and also addressed the question of how the CWC regime could develop its mechanisms to deter the threat posed by the use of chemical weapons, especially by international actors deemed to represent major concerns in their regions. The book shed light on the reasons that necessitated the creation of the OPCW; however, it did not examine the functioning of the OPCW, and did not assess its success or failure after its creation in 1993.

The report 'An end to chemical and biological weapons?', presented by Richard Latter to the Wilton Park Arms Control third seminar in 1992,¹¹ stressed the fact that international concerns about chemical and biological weapons had switched from the American-Soviet rival programmes during the Cold War to the probability of the proliferation of WMD by medium and small international actors. The report followed the Iraqi chemical, biological and nuclear weapons industries, and concluded that there was a need to direct more international attention to strengthening the regimes for the Prohibition of Chemical and Biological Weapons vis-à-vis the states that may represent unpredictable threats, particularly in the Middle East. The report signalled alarm regarding the threat of chemical proliferation in the Middle East; however, it was issued before the creation of the OPCW.

¹⁰ Brad Roberts, *Chemical disarmament and international security*, London: The International Institute for Strategic Studies, 1992.

¹¹ Richard Latter, 'An end to chemical and biological weapons?', Wilton Park Papers; 63, London: HMSO, 1992. *Conference report based on the Wilton Park Arms Control Seminar on chemical and biological weapons*, number 3, September 1992, pp.25-27.

Thomas Graham Jr. was involved in almost all the American delegations responsible for the creation of the regimes for the non-proliferation of WMD through the 1990s. He emphasised in his book *Common Sense on Weapons of Mass Destruction* that the advent of the American Global War on Terror, coupled with the proliferation and potential use of WMD by terrorist organisations and/or ‘rogue’ nations, presented the greatest threat to mankind in the modern post-Cold War era.¹² He recognized that the key to ensuring global security lies not only in eliminating the widespread proliferation of WMD, but also in educating and informing public opinion all over the world about this crucial matter. Although the book does not offer a thorough analysis of all the regimes for the non-proliferation of WMD, nor does it focus on the Libyan case specifically, its importance stems from its call to develop and adapt the non-proliferation regimes to deal with the new threats. These arguments were useful to the conclusion of the thesis, which calls for the development of the existing regime and argues it should be equipped with more powers vis-à-vis its state parties. The author is an American professional who participated in drafting the CWC, and was also involved in the American decision-making process towards the Libyan non-conventional arms programmes throughout the 1990s. He shared some thoughts and comments in an interview that support some arguments in this thesis.

The book of Edward M. Spiers, *A History of Chemical and Biological Weapons*, follows the historical development of both types of WMD from the ancient ages, through to the 19th and 20th centuries.¹³ The book analyses the historical development of regimes for the prohibition of chemical and biological weapons. The book provides background information regarding the chronological development of the regime of the

¹² Thomas Graham, *Common sense on weapons of mass destruction*, Seattle: University of Washington Press, 2004.

¹³ Edward M. Spiers, *A history of chemical and biological weapons*, London: Reaktion, 2010.

CWC, and makes a number of suggestions as to ways to develop the regime to adapt to the new threats of proliferation posed by ‘rogue’ states, sub-national actors and terrorist groups.

Beside books, many international organisations and research centres have published periodical reports of great importance in this regard, including reports and news from the OPCW, Stockholm International Peace Research Institute (SIPRI) and the Weapons of Mass Destruction Commission (WMDC).¹⁴ WMDC’s report ‘Weapons of terror: Freeing the world from nuclear, biological and chemical arms’ discusses the international efforts that led to the creation of the CWC in its fifth chapter, titled ‘The threat of the proliferation of chemical weapons’. Chapter 8 of the report analyses the compliance, verification and enforcement mechanisms of the regime, and the role of United Nations (UN) as the sole international entity able to use military power to force the regime on non-abiding states. While the report was useful as a source of information about the challenges that the regime encounters in general, it did not provide an analysis for the Libyan case.

A report was submitted to the Committee on Armed Services in the USA House of Representatives in 2004 with the title ‘Nonproliferation: Delays in Implementing the Chemical Weapons Convention Raise Concerns about Proliferation’.¹⁵ This presented the practical problems that the OPCW encountered when working to achieve the universality of its cause since its creation in 1997, which mainly included a lack of information, the difficulty of launching a challenge inspection, and the organisation’s financial limitations. Although the report focused on presenting the

¹⁴ WMDC report, *Weapons of terror: Freeing the world from nuclear, biological and chemical arms*, Stockholm, 2006.

¹⁵ The United States General Accounting Office, *Report to the Committee on Armed Services in the House of Representatives*, in 2004 under the title: *Nonproliferation: Delays in Implementing the Chemical Weapons Convention Raise Concerns about Proliferation*, 2004.

American leadership a number of solutions to deal with the threat posed by the large undestroyed Russian chemical weapons caches, it explained the threat of the Libyan chemical programmes. It advised that the process of destroying the Libyan chemical materials of categories 1 and 2 should start immediately.

The article ‘The Relative Efficacy of the Biological and Chemical Weapon Regimes’¹⁶ discusses the framework used to assess the effectiveness of both chemical and biological regimes. It engages in a comparative analysis non-proliferation regimes of the chemical weapons and biological weapons respectively. The analysis reveals that these two regimes are comparatively stronger than the nuclear regime. The article argues that there is a strong norm against possession and proliferation of both chemical and biological weapons. This norm is adequately embedded into the existing institutional features of the regimes in ways that do not exist in the nuclear non-proliferation regime.

Many other reports have been issued which mainly sum up the achievements of an international organisation during a certain period of time. For example, many research centres have issued special reports on the occasion of the 10th anniversary of the CWC.¹⁷ Many other reports covered certain developments in a particular case study, e.g. Iraq, Myanmar, and Libya, providing facts about such cases without sufficient academic analysis for the reasons behind the developments. These reports were mainly in the form of factsheets.¹⁸

¹⁶ Jason Enia and Jeffery Fields, ‘The Relative Efficacy of the Biological and Chemical Weapon Regimes’, *The Nonproliferation Review*, volume 21, number 1, February 2014, pp.43-64.

¹⁷ Giovanni Gaspirini and Natalio Ronzitti (editors), *The Tenth Anniversary of the CWC's Entry into Force: Achievements and Problems*, 10th English series, Rome: Istituto Affari Internazionali, December 2007.

¹⁸ The OPCW, *Libya: Facts and Figures*. <http://www.opcw.org/the-opcw-and-libya/libya-facts-and-figures> (accessed 3 September 2013).

Studies on Libyan WMD Programmes

The Libyan case has attracted the attention of many scholars since December 2003, when Qaddafi declared his intention to destroy all of Libya's stocks of WMD and relinquish all development programmes of WMD. After the Libyan declaration of December 2003, many scholars considered Qaddafi's move as a success for the international efforts to dismantle Libya's programmes of WMD, based on the small size of the declared Libyan WMD stocks and Qaddafi's perceived determination in 2003 to change the orientations of the Libyan foreign policy and to get rid of the Libyan legacy in supporting terrorism and developing programmes of WMD.¹⁹

Among the optimistic assessments of the Libyan case is Gawdat Bahgat's book, *Proliferation of Nuclear Weapons in the Middle East*.²⁰ Though the book is mainly about nuclear proliferation in the Middle East in general, Chapter Seven is titled 'Libya' and focuses on Libyan WMD under Qaddafi and efforts to control them after 2003. The book concludes that Libya represented an unprecedented success for the regime for the Prohibition of Chemical Weapons. Bahgat also published other papers about the Libyan chemical weapons programmes, such as 'Proliferation of Weapons of Mass Destruction: The case of Libya', and 'Oil, Terrorism, and Weapons of Mass Destruction: The Libyan Diplomatic Coup', which were also based on the same optimistic approach.²¹

¹⁹ Jonathan B. Tucker, 'Verifying the Chemical Weapons Ban: Missing Elements', *Arms Control Association*, January 2007.

https://www.armscontrol.org/act/2007_01-02/Tucker (accessed on 24 November 2017).

²⁰ Gawdat Bahgat, *Proliferation of nuclear weapons in the Middle East*, Miami: University of Florida Press, 2008.

²¹ Gawdat Bahgat, 'Proliferation of Weapons of Mass Destruction: The case of Libya', *International Relations*, March 2008, volume 22, number 1, pp.105-126, and Gawdat Bahgat, 'Oil, Terrorism, and Weapons of Mass Destruction: The Libyan Diplomatic Coup', *Journal of Social, Political, and Economic Studies*, volume 29, number 4, winter 2004, pp.373-394.

Randall Newnham also adopted the same optimistic attitude when assessing the Libyan case. In his article ‘Carrots, Sticks, and Bombs: The End of Libya’s WMD Program’, he presents a good analysis of the reasons behind the beginning and end of Qaddafi’s quest to develop a chemical weapons programme.²² The article focuses mainly on analysing international reactions to Libyan policies, which moved back and forth between economic and political appeasement, to the threat of military force by the USA and UK, strategies that eventually succeeded in convincing Qaddafi to relinquish his programme and cooperate with the international community, and made the Libyan case appear to be such a perfect success.²³ The article was useful for its analysis of the developments that led to Qaddafi’s decision to abandon his programmes of WMD in 2003.

Ronald Bruce St John’s article ‘Libya Is Not Iraq’ also praised the American strategy of avoiding an Iraq-like military intervention in Libya by focusing on negotiating and building confidence with Qaddafi.²⁴ The author argues that this peaceful strategy was the main reason for the success in disarming Libya from its WMD.²⁵ This article and many more made the same mistake of pre-assessing the Libyan case as a success story, based on the developments of 2003 and 2004. However, it helped as a counter-argument that developed the conclusion of this thesis.

Wyn Q. Bowen is the author of *Libya and Nuclear Proliferation: Stepping Back from the Brink*.²⁶ The importance of this book stems from the fact that both the Libyan

²² Randall Newnham, ‘Carrots, Sticks, and Bombs: The End of Libya’s WMD Programme’, *Mediterranean Quarterly*, volume 20, number 3, July 2009, pp.77-94.

²³ Jon B. Alterman, ‘Libya and the U.S.: The Unique Libyan Case’, *Middle East Quarterly*, winter 2006, pp.21-29.

²⁴ See also: Yahia H. Zoubair, ‘The United States and Libya: From Confrontation to Normalization’, *Middle East Policy*, volume 13, number 2, 2006, pp.48-70.

²⁵ Ronald Bruce St John, ‘Libya Is Not Iraq: Pre-emptive Strikes, WMD and Diplomacy’, *Middle East Journal*, volume 58, number 3, summer 2004, pp.386-402.

²⁶ Wyn Q. Bowen, *Libya and nuclear proliferation: Stepping back from the brink*, London: International Institute for Strategic Studies, 2006.

nuclear and chemical weapons programmes were intertwined from the beginning. The decision to relinquish the Libyan nuclear programme in 2003 also applied to the chemical programme and all other programmes of WMD. By analysing the Libyan nuclear programme, this book therefore provides a thorough analysis of the reasons behind the development of the Libyan chemical programme and the environment in which the 2003 decision to relinquish the chemical programme was taken. The conclusion also sheds light on the aftermath of the decision. However, the book's findings are not completely valid regarding all aspects of the Libyan chemical weapons programme, as the process of dismantling the chemical weapons stocks did not completely succeed for a number of political and technical reasons that will be studied through this thesis. The book did not cover the period of the Libyan revolution and its aftermath, which constituted a new turn in the process of disarming Libya, and renewed the threat of chemical weapons proliferation from and into Libya.

Dany Shoham's article 'Chemical and Biological Weapons in Egypt and Libya'²⁷ outlines the significant characteristics and milestones marking the two countries a threat to the non-proliferation of unconventional arms in the Middle East. The article follows the developments of the Libyan chemical and biological weapons programmes. It states that while Egypt had long possessed chemical weapons and biological weapons, and had been unable to make much progress in the nuclear weapons domain, Qaddafi's Libya had produced chemical and biological weapons, and approached nuclear capacity as well. However, Libya shifted to total de-proliferation in due course.

The literature about other cases of non-proliferation of chemical weapons was also of great use in the thesis. One of these was John R. Walker's book *Britain and*

²⁷ Dany Shoham, 'Chemical and Biological Weapons in Egypt and Libya', *CBW Magazine*, Institute for Defence Studies and Analyses, 2012.

disarmament: The UK and the Nuclear, Biological and Chemical arms controls and programmes (1956-1975).²⁸ The book presented a deep exploration of the British government's records of the UK's nuclear, biological and chemical weapons programmes between 1956 and 1975. It addressed issues concerning the military, economic and political pressures that influenced British policy; the degree to which the UK was a reluctant or enthusiastic player in international arms control efforts; and the effect of international agreements on Britain's unconventional weapons programmes.

As the case of Libya is still not fully settled, and as there are fewer resources that cover the developments after the Libyan revolution in 2011, the published sources are mainly news and day-to-day coverage of developments in Libya. This also demonstrates that this thesis provides added academic value, as one of its main aims is to analyse international supervision of Libya's chemical weapons programme after Qaddafi. This task will update the assessment of the application of the regime, based on the realities of Libya both before and after 2011. The overall assessment of the Libyan case in this thesis is not therefore committed to a positive assessment of most of the previous literature, which presents Libya as an exemplary success story of the regime for the Prohibition of Chemical Weapons and other arms control regimes.

Previous Academic Theses

There is no single academic thesis that covers the application of the Regime for the Prohibition of Chemical Weapons over Libya since 2003 till 2014 as its main focus. However, a number of theses from different universities have helped in formulating the main research problem, methodology and structure of this thesis. Notably,

²⁸ John R. Walker, *Britain and disarmament: The UK and the nuclear, biological and chemical arms controls and programmes (1956-1975)*, England, Farnham: Ashgate, 2012.

Rizwana Abbasi's PhD thesis 'Understanding Pakistan's Nuclear Behaviour (1950s–2010): Assessing the State Motivation and its International Ramifications (a Three Models Approach)' was useful.²⁹ This thesis conducted a deep analytical study into Pakistani nuclear behaviour, using a multidimensional methodology in order to understand the reasons behind the success and continuity of Pakistan's nuclear programme. The multi-level methodology used in the thesis helped in understanding the motivations and the environment which led to the development of Pakistan's nuclear weapons programme. The tools used to analyse the motivations of the Pakistan government in developing its nuclear programme, especially the perception of increased security and strengthening national support for the Pakistani governing regime, helped in understanding some of the factors motivating Qaddafi's quest to obtain chemical weapons.

Nicole Burtchett's PhD thesis 'Nuclear, Biological, and Chemical Weapons Regimes: Finding Success under Limits' analyses the three international regimes to test their theoretical ability to fulfil their mandate when forced to accept limits on the ground.³⁰ Burtchett presented an academic effort of primary interest because it applied Regime Theory to the assessment of the effectiveness of the Chemical Weapons Prohibition Regime. Although it does not study Libya, the methodology of the thesis was useful when developing the assessment of the application of the regime for the Prohibition of Chemical Weapons over Libya within the realm of Regime Theory. Meanwhile, Salsabili Mansour's PhD thesis 'The Chemical Weapons Convention (CWC): a Comparative Study of Impediments to Implementation in the Middle East' focuses on the implementation of CWC regime in the Middle East. Its findings shed

²⁹ Rizwana Karim Abbasi, 'Understanding Pakistan's Nuclear Behaviour (1950s–2010): Assessing the State Motivation and its International Ramifications (a Three Models Approach)', unpublished PhD thesis, University of Leicester, 2010.

³⁰ Nicole K. Burtchett, 'Nuclear, Biological, and Chemical Weapons regimes: Finding success under limits', unpublished PhD thesis, Washington State University, 2009.

light on the regional environment for the development of chemical weapons programmes in the region, including Libya.³¹ However, it did not go into the details of Libya's chemical weapons programme.

Katie Smallwood's PhD thesis, titled 'Truth, Science and Chemical Weapons: Expert Advice and the Impact of Technical Change on the Chemical Weapons Convention'³², is of great importance. Smallwood's thesis investigates the function of the technical experts of the OPCW and the limits of their role in the Chemical Weapon Prohibition Regime. It explores expert involvement in three elements of the CWC: its negotiation, the Scientific Advisory Board, and national policy formulation. The thesis helped in understanding the technical dimensions of the supervision over the chemical weapons programmes, as well as the technological challenges which confronted the experts of the OPCW due to the speed of scientific progress in the military use of chemicals; however, it did not study the Libyan case specifically.

Michael Moss's PhD thesis 'Establishing the Organisation for the Prohibition of Chemical Weapons (OPCW)' investigated the reasons behind the OPCW's creation and the development of the Chemical Weapons Prohibition regime.³³ It also examined the supervisory powers of the organisation in both theory and practice in certain states and regional communities. Although Libya was not one of these case studies, the thesis was useful as it provided a background to the evolution of the regime, its components, and its main challenges and opportunities.

³¹ Salsabili Mansour, *The Chemical Weapons Convention (CWC): A Comparative Study of Impediments to Implementation in the Middle East*, unpublished PhD thesis, University of Exeter, 1999.

³² Katie Smallwood, *Truth, science and chemical weapons: expert advice and the impact of technical change on the Chemical Weapons Convention*, unpublished PhD thesis, University of Sussex, 2010.

³³ Michael Moss, *Establishing the Organisation for the Prohibition of Chemical Weapons (OPCW)*, unpublished PhD Thesis, University of Southampton, 2001.

Section Three: Methodology

Before presenting the methodological background to this research, it should be clear that the thesis relied on a multitude of available published resources, about both the Regime for the Prohibition of Chemical Weapons, and about the Libyan chemical weapons programme. These references included books, articles, newsletters, speeches and reports from different sources, such as governmental, nongovernmental, international security institutions, universities and so on. The thesis benefited also from conducting interviews with various politicians, military personnel and academics, mainly from Libya, the UK and the USA, as well as a number of OPCW officials. This wide variety of resources enriched the research and guaranteed the highest possible degree of accuracy in studying the different aspects and points of view about the Libyan chemical weapons programme and its dismantlement process.

The process of collecting information and analyses from interviewees passed through several stages; Firstly, the researcher under the supervision of the first supervisor devised a long list of possible interviewees. The list contained diplomats, military officers, OPCW inspectors and other professionals who were involved in Libya's chemical weapons programmes, as well as academics who studied the Libyan case. Secondly: the researcher contacted each of the interviewees, by sending an e-mail from his University's account to introduce himself and to give a brief introduction to the thesis. The researcher asked in this first e-mail the permission of the interviewee to participate in the research. Thirdly, the researcher devised a questionnaire form, which was approved by his supervisors and sent it to the interviewees who had agreed to participate in the research. Fourthly, the researcher quoted the answers and comments that he collected from the interviews to develop and consolidate his arguments. Finally, the researcher contacted each of the

interviewees in order to sign a consent form confirming that the interviewee has agreed to participate in the thesis and that the researcher is authorised to use the interviewee's answers and comments as quotes. A sample of e-mail exchanges between the researcher and an interviewee is attached to the thesis (Appendix A).

As an academic discipline, International Relations is increasingly focusing its attention on two main topics: power and regimes.³⁴ Regimes are important because they form a large part of the international political landscape. They play a crucial role in shaping and constraining political behaviour, decision-making, and even the perceptions and powers of political actors in a wide range of ways.³⁵

The thesis claims to be a scientific study of the Libyan chemical weapons programme, it is built on the belief that observation and testing data or facts are the ways to justify claims to knowledge; therefore methods of verification are the key to reach scientific statements in International Relations.³⁶ From a philosophical point of view: First, the thesis is built on the belief that social sciences can be modelled by the same logic of the natural sciences. Second, it reflects the belief in the existence of regularities in the social world. Thirdly, it relies on the belief in the necessity of empirical validation of facts.³⁷ In other words, the methodology of the thesis evolved from the belief in the existence of regularities in international relations, the need to provide empirical evidences, and the ability to issue general judgments from studying social phenomena empirically. This contrasts the classical approaches that focus on

³⁴ Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*, Princeton, University Press Princeton, 1st edition, 1984, pp.18-31.

³⁵ John-Ren Chen & David Sapsford, *The Role of International Institutions in Globalisation: The Challenges of Reform*, Massachusetts: Edward Elgar Publishing, 2003, pp.1-3.

³⁶ Kenneth N. Waltz, *Theory of International Politics*, Berkeley: University of California, 1979, pp.1-17.

³⁷ Steve Smith, "Positivism and Beyond", In: Steve Smith, Ken Booth and Marysia Zalewski (editors), *International Theory: Positivism and Beyond*, Cambridge: Cambridge University Press, 1996, pp.11-44.

the history of the international phenomena by taking notice of the actor's individual motivation or intention in the social and institutional framework.³⁸

The thesis relies on the arguments of the school of Realism in International Relations. Neo-realism developed a strong correlation with the spectrum of positivism in that they both endeavour to construct a general framework to explain the patterns of international actors' behaviours and states' interactions in the international system. Positivists have always tried to provide International Relations with scientific approaches to uncover general patterns of international affairs through observation of facts and validation by the test.³⁹ The belief that power is a crucial subject in International Relations is also instrumental to this thesis.⁴⁰ The use of Regime Theory in this thesis demonstrates a strong neo-realist methodological perspective that sits epistemologically along the positivist and empiricist spectra. According to Stephen Haggard and Beth A. Simons:

“Over the last ten years, international regimes emerged as a major focus of empirical research and theoretical debate within international relations. The interest in regimes sprang from a dissatisfaction with dominant conceptions of international order, authority, and organization. The sharp contrast between the competitive, zero-sum “anarchy” of interstate relations, and the “authority” of domestic politics, seemed overdrawn in explaining cooperative behavior among the advanced industrial states. The policy dilemmas created by the growth of interdependence since World War II generated new forms of coordination and organization that fit uneasily in a realist framework.”⁴¹

³⁸ Michael Nicholson, “The Continued Significance of Positivism?” in Steve Smith, Ken Booth, and Marysia Zalewski (editors), *International Theory: Positivism and Beyond*, (Cambridge: Cambridge University Press, 1996), pp.128-145

³⁹ Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*, New Jersey, Princeton University Press, 1st edition, 1984, pp.5-9.

⁴⁰ Waltz, *Theory of International Politics*, pp.88-98.

⁴¹ Haggard & Simmons, ‘Theories of international regimes’, *International Organization*, volume 41, number 3, 1987, p.491.

The theory of hegemonic stability served for decades as the main approach to study the dynamics of international regimes.⁴² This approach regards power resources as the sole and decisive variable, and relates regime creation and sustainability to the existence of a dominant power.⁴³ The theory considers the regime as an intervening variable, embedded within the international structure of power, so the regime is not an independent variable. The theory emphasizes the decisive role of power structures, leaving the regime little space. It argues that the erosion of the power structure of international regimes means the international regimes themselves will erode or become ineffective. In other words, the sustainability and ability of an international regime to function depends fully on the hegemon's position in the international power structure.⁴⁴

Although this thesis studies the role of the USA as the hegemon in the chemical de-proliferation of Libya, hegemonic stability theory was determined to be an unsuitable methodology for the thesis for a number of reasons. Firstly, it is misleading to adopt its main argument. This suggests that the decline of hegemonic power does not lead to the erosion of international regimes, because international regimes contain power structures and even sometimes become a main part of the power structure. Keohane's analysis of the relationship between American hegemony and international regimes since the 1970s can confirm this argument.⁴⁵

Secondly, international regimes are not just abstract codes of conduct for certain issue-areas set up and enforced by hegemon, but are sometimes quite elaborate institutions which reduce informational asymmetries by helping states to monitor each

⁴² Keohane, *After Hegemony :Cooperation and Discord in the World Political Economy*, pp.5-9.

⁴³ Robert Gilpin, *U.S. Power and the Multinational Corporation*, New York: Basic Books, 1975, pp.7-11.

⁴⁴ Men Hongua, 'Critiques of the Theory of International Regime: The Viewpoints of Main Western Schools of Thought', *American Studies* 18, number 1, 2004, pp.7-32.

⁴⁵ Keohane, *After Hegemony*, pp.135-242.

other's behaviour in a cooperative way. This was clearly demonstrated by the CWC's objective of promoting technical cooperation and exchange of information between states parties about the peaceful use of chemistry in order to discourage the transfer of chemical materials for military use.⁴⁶

Thirdly, hegemonic stability theory cannot explain why disparities exist between changes of power structure in the international order and regime changes.⁴⁷ For example, the USA enjoyed the largest financial and production capacities after the World War II, and had the ability to provide hegemonic leadership for the capitalist world. The USA realized that, in order to improve the prosperity of the world economy while ensuring it conformed to its interests and countered the spread of communism, it had to create an international economic regime based on the International Monetary Fund and the World Bank. Despite the decline of American hegemony over the international economy, the international economic regime established by the USA still exists, and it is still able to develop and create more beneficial organisational environments for states parties than ever.⁴⁸

Regime Theory was felt to be the most suitable approach for this particular research for two reasons. Firstly, Regime Theory offers an excellent approach to the conceptualization of the research problem. The theory is equipped with suitable analytical tools for understanding both how a regime should function and how it really functions, along with how to test the influence of each factor on its overall performance, and how to assess the success of the regime.⁴⁹ The theory disassembles

⁴⁶ *The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, Article II, p.5.

⁴⁷ Andreas Hasenclever, Peter Mayer and Volker Rittberger, 'Integrating theories of International Regimes', British International Studies Association, *Review of International Studies*, volume number 1, 2000, p.7.

⁴⁸ Hongua, '[Critiques of the Theory of International Regime](#)', pp.9-10.

⁴⁹ Stephen D. Krasner, 'Regimes and the Limits of Realism: Regimes as Autonomous Variables', *International Organisation*, volume 36, number 2, spring 1982, pp.494-510.

the regime for the Prohibition of Chemical Weapons into its basic units, which helps to understand the functioning of the regime in Libya. Secondly, Regime Theory provides a suitable way to assess the OPCW's role in Libya by sorting out the counterfactuals and examining only the genuine effects of the regime for the Prohibition of Chemical Weapons.

Efforts to develop the study of regimes started at the beginning of the 20th century. The field of Regime Studies gained momentum in the 1970s when the international markets were greatly shocked by the oil price crisis, which clearly indicated the complexity and interdependence of the international economic system.⁵⁰ Regime Theory therefore connotes a comprehensive approach to studying regimes; it offers a set of theoretical ideas and hypotheses concerning the relations among regime components. It emphasizes the endogenous nature and construction of any regime, analysing it not as the simple contract among self-seeking, calculating individual actors or arenas for contending social forces.⁵¹ Regime Theory defines a regime as a collection of structures, rules and standard operating procedures that have an autonomous role in political life.⁵²

Regime Theory in International Relations emerged from the realm of liberal tradition, which assumed that cooperation can be the dominant norm in international relations. However, the theory did not develop exclusively within Liberalism, as prominent realist scholars also made important contributions to developing the theory. For example, Joseph Grieco stated that cooperation among states can occur as an

⁵⁰ Toshio Yamada, 'Economic Crises and Growth Regimes', in Hideko Magra (editor), *Economic Crises and Policy Regimes: The Dynamics of Policy Innovation and Paradigmatic Change*, London, Edward Elgar Publishing, 2014, pp.79-92.

⁵¹ Oran R. Young, 'Regime Dynamics: The Rise and fall of International Regimes', *International Organization*, volume 36, number 2, 1982, pp.277-297.

⁵² Robert O. Keohane and Lisa L. Martin, 'The Promise of Institutional Theory', *International Security*, volume 20, number 1, summer 1995, pp.39-51.

exception to the dominant conflict norm. Differences grew, stretching Regime Theory to contain elements of Neo-liberalism that emphasise the value of international organisations in the field of International Relations, as well as elements of Neo-realism, which argues that the role of international organisations in the international system is marginal.⁵³ Three main schools of thought have shaped the discussion thus far: Neo-liberalism, which bases its analysis on constellations of interests; Realism, which treats power relations among states as its key variable; and Cognitivism, which emphasizes the causal and social knowledge of actors. Each of these schools has articulated and defended a distinct view on the origins, stability and consequences of international regimes.⁵⁴

Historically, Regime Theory evolved within the field of economics before it was borrowed by political scientists after World War II to assess the effectiveness of the UN and its agencies.⁵⁵ Regime Theory in its mainstream version is closely related to structural realism as developed by Kenneth Waltz.⁵⁶ This branch of International Relations theory is heavily influenced by micro-economics; it considers the structure of the international system as a largely “stable variable that is formed by the co-action of actors, and it intervenes between their actions and the political outcomes.”⁵⁷ The general model is that of the theory of supply and demand where the market intervenes between the producers and the consumers of goods and orients their behaviour accordingly. Regime Theory in International Relations developed from the perception

⁵³ W.W. Powell, ‘The New Institutionalism’, in: Stewart Clegg and James R. Bailey (editors), *International Encyclopaedia of Organisation Studies*, Thousand Oaks: Sage Publishers, 2007.

⁵⁴ Andreas Hasenclever, Peter Mayer and Volker Rittberger, *Integrating theories of International Regimes*, pp.3-33.

⁵⁵ Michael N. Barnett and Martha Finnemore, ‘The Politics, Power, and Pathologies of International Organisations’, *Cambridge Journals*, Volume 53, 1999, pp.699-732.

⁵⁶ Thomas Gehring, ‘Dynamic International Regimes, Institutions for International Environmental Governance’, *Studies of the Environmental Law Network International*, (Volume 5), Berlin, Freie Universität, 1992, p.23.

⁵⁷ Waltz, *Theory of International Politics*, pp.88-92.

of Waltz that power is distributed unequally among state actors in the international system, the major states are the major actors, and the structure of international politics is defined in terms of the real distribution of power. This is similar to a market that changes upon the emergence of a few large participants from a state of complete competition into one of oligopolistic domination. According to Regime Theory, states are distinct from each other by the number of ‘capabilities’ which they possess and which they can employ to pursue their interests.⁵⁸

According to most Regime Theorists, a ‘regime’ is defined as the “set of implicit and explicit principles, norms, rules and decision-making procedures around which the expectations converge in a given area.”⁵⁹ Generally, ‘principles’ refer to the beliefs of fact, causation, and rectitude of a phenomenon, while ‘norms’ are standards of behaviour defined in terms of rights and obligations. ‘Rules’ are the specific prescriptions or proscriptions for action, and ‘decision-making procedures’ are the prevailing practices for making and implementing collective choices.⁶⁰

Krasner argues that regimes reflect a high degree of congruity between power distributions and regime characteristics, and that international actors basically establish regimes to further their interests. The regimes are therefore established primarily upon major rearrangements within the international system, usually following major wars.⁶¹ An international regime is accordingly commonly defined as the specialized arrangements that pertain to well-defined activities, resources or geographical areas, formed in response to a need to coordinate behaviour among countries around an international issue. The more important the issue is in international relations, the greater the need to build a governing regime to address it.

⁵⁸ Ibid, pp.92-98.

⁵⁹ Keohane & Martin, *The Promise of Institutionalist Theory*, p.44.

⁶⁰ Krasner, ‘Regimes and the Limits of Realism: Regimes as Autonomous Variables’, p.499.

⁶¹ Ibid, pp.499-500.

The CWC regime is a contractual arrangement among international actors to achieve the collective interest of countering the threat of chemical warfare. Each international actor has a different amount of power. The more powerful actors seek to maximize their political and security interests through the application of the CWC regime.

Most Regime Theorists agree that states are responsible for establishing and maintaining regimes. However, they have their own philosophical views on what motivates states. Neo-Realists regard power as a key feature in establishing and maintaining treaties. Waltz and Morgenthau see power as a key factor in dealing with hostility in the international realm.⁶² They believe that states create and support treaties as long as they serve their agendas and do not give other states any relative advantages. Robert Keohane argues that in order to determine whether the rules established by international regimes are followed, states should be observed when it is inconvenient for them to comply with the rules and regulations⁶³.

The theory argues that the international system is anarchic. Anarchy is not chaos, as it does not at all preclude order. It simply implies that order is determined by structural patterns. International institutions and norms will have to be supported by capabilities and thus reflect systemic patterns, or they will be largely ignored. International regimes are therefore assigned to control the interactions of international actors inside the anarchic structure of the international system in order to achieve positive political outcomes.⁶⁴ International regimes are thus viable and independent. When they intervene, they have to control the behaviour of the actors. International regimes are therefore more than just temporary arrangements that change with every

⁶² Stoyan Stoyanov, 'Why are Regimes and Regime Theory Accepted by Realists and Liberals', *International Relations Students*, August 2012.

⁶³ Robert O Keohane, *Regimes Theory and International Relations*, Oxford: Clarendon Press, 1993, pp.23-36.

⁶⁴ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, London, Macmillan, 1977, pp.10-14.

shift in power or interests, since they were precisely designed to maintain stability despite the changing structure of power and interests.⁶⁵

Regime Theory makes a number of assumptions about the behaviour of international actors. It argues that each actor is modelled as a single unit with a decision-making process that reflects rationality, and disregards the internal political processes within each actor.⁶⁶ Actors are assumed to have consistently ordered preferences and choose among alternative courses of action so as to maximize their interests. The assumption that actors are rational allows interpreting the actions of states as meaningful and purposive. According to the analytical logic of the theory, states respond directly to structural incentives through their internal decision-making processes. Moreover, actors are assumed to be egoistic, that is, their preferences are oriented toward the achievement of their own well-being regardless of the harm that may be inflicted on other actors.⁶⁷ Accordingly, the thesis regards Libya as a single unit of analysis. It assumes that the decision-making process was rational, and therefore studies Qaddafi's decision to obtain chemical weapons as a choice that was made in light of a rational cost-benefit analysis to maximise the interest of the Libyan regime. The thesis assumes that the decision to relinquish all the Libyan programmes of WMD in 2003 was also a rational decision, and analyses the environment in which the decision was made in that light.

Through the last few decades, many scholars have made contributions towards developing methods to assess international regimes. Among the traditional approaches of assessment is the 'Goal Approach', which assesses effectiveness by how successfully a regime achieves its declared goals according to its constitution. This

⁶⁵ Krasner, *Structural Causes and Regime Consequences*, p.186.

⁶⁶ Krasner, 'Regimes and the Limits of Realism', pp.495-497.

⁶⁷ Gehring, *Dynamic International Regimes*, p.24.

means that the closer the outcome of the regime's work is to its goals, the more effective it is. Another important method is the 'Constituency Approach', which assesses the effectiveness by measuring the satisfaction of the regime's members with the outcome of its application. Thirdly, the 'Internal Process Approach' assesses effectiveness by the internal coherence of members and the commitment of the members to the doctrine.⁶⁸ These approaches are not in fact contradictory. They complement each other, and can be incorporated together to create a solid analytical approach that covers many aspects of the assessment.

Regime Theory was used in recent studies covering a wide range of topics of International Relations, including a book entitled *Confronting Theory with Evidence: Environmental Regime Effectiveness* by Edward L. Miles et al.⁶⁹ The book analysed several international environmental regimes to examine why some succeeded while others failed. The effectiveness of the regime was assessed using a combination of qualitative and quantitative analysis of the variables that affected the work of each regime. The book set numerical criteria to assess each of the seven environmental regimes that it studied.

Another example of the application of Regime Theory in International Economics was given in Francis Botchway's book *Natural Resource Investment and Africa's Development*.⁷⁰ The book examined the effectiveness of several regimes in Africa by examining their direct influence on the development of the continent, including the environmental regime, the legal regime and most prominently the international investment regime. The book concludes that the international regimes it examined

⁶⁸ Richard M. Steers, 'Problems in the measurement of Organisational Effectiveness', *Administrative Science Quarterly*, volume 20, number 4, December 1975, pp.546-558.

⁶⁹ Edward L. Miles et al., *Confronting Theory with Evidence: Environmental Regime Effectiveness*, Cambridge, England: The MIT Press, 2002.

⁷⁰ Francis Botchway (editor), *Natural Resource Investment and Africa's Development*, Cheltenham: Edward Elgar Publishing, 2011.

were not in fact helping Africa; on the contrary, they were created and implemented to legalize the use of African land and resources by Western powers. Botchway examined Chinese-African economic relations in light of the theory to determining whether the Chinese model is a harbinger of a new international economic regime or simply a continuation of the old ideas. The book argued that while China defines itself as a developing country, and although it introduced the term ‘resource swap’ instead of the western exploitation, their economic relationship with Africa was dominated by the same paradigm of resource exploitation without any major development efforts to raise the level of the African people. The book concluded by saying, as Regime Theory states, that powerful international actors play the most significant role in creating and operating international regimes.⁷¹ The international economic regimes, in their current forms, are therefore not designed to serve African interests.

In her book *Detecting Nuclear Weapons: The IAEA and the Politics of Proliferation*, Kane Chen analysed the nuclear weapons non-proliferation regime, stressing its safeguarding system.⁷² The book assessed the effectiveness of the nuclear non-proliferation regime using a five criteria model: ‘Compliance’ of the member states to the obligations stated by the NPT; ‘Coverage’ of the regime to all possibilities of nuclear proliferation; ‘Counterfactuals’, or the ability of the regime to limit the negative effect of the external variables; ‘Cohesiveness’ of the various components of the regime to fill any gap that might give a state the chance to manipulate its obligations according to the regime; and ‘Change’, or the ability of the regime to adapt to new developments in the international system. Based on these criteria, the gaps in the old nuclear safeguards regime were identified using four

⁷¹ *Ibid.*, pp.368-394.

⁷² Kane Chen, *Detecting Nuclear Weapons: The IAEA and the Politics of Proliferation*, London: Routledge, 2011.

cases: Iraq (1962-1991), North Korea (1965-1994), Libya (1978-2004) and Iran (1967-2006). Each of these cases highlighted gaps and loopholes in the NPT and the old and current IAEA safeguards system. Chen concluded that coupled with the IAEA verification practices and enforcement capabilities, the safeguards failed to deter or detect the existence of the secret nuclear programmes.⁷³

Another study that took the application of Regime Theory in arms control studies a step forward is Alexander Kelle's article, 'Assessing the Effectiveness of Security Regimes; The Chemical Weapons Control Regime's First Six Years of Operation'. The article starts by providing an overview of the concept of international regime and conceptualizing the notion of measuring its effectiveness. The article then identifies the basic components of the chemical weapons prohibition regime, with an emphasis on the set of generally-accepted principles, norms, rules and decision-making procedures in the area of chemical weapons control. Kelle then developed a method to assess the effectiveness of the chemical weapons prohibition regime according to five key areas:⁷⁴ (1) the disarmament dimension of the regime; (2) its non-proliferation dimension; (3) the international cooperation and assistance activities; (4) the operation of the OPCW as such; and (5) the regime's adaptation to changes in science and technology related to the CWC. The final section of this article concluded that the regime showed an adequate level of effectiveness in its first six years, but this judgment cannot be extended to the future, as there are many variables that may affect the regime's effectiveness.

The studies explained above have successfully elaborated the basic principles for assessing an international regime. They also offered testable criteria, and stressed the

⁷³ Richard Guthrie, *Effectiveness of International Efforts to Control Biological Weapons: Activities of the European Union and the Limits of Regime Theory*, Bath: University of Bath, 2010.

⁷⁴ Alexander Kelle, 'Assessing the Effectiveness of Security Regimes - The Chemical Weapons Control Regime's First Six Years of Operation', *International Politics*, volume 41, 2003, pp.221-242.

importance of sorting out the external (non-regime) factors. According to the same logic, the use of Regime Theory in the thesis can be tailored to work on three levels: Firstly, analysing the basic components of the Regime for the Prohibition of Chemical Weapons; secondly, sorting out the non-regime factors and analysing their roles; and thirdly, assessing the success of the regime as a separate unit in executing its tasks.

Section Four: Overview of the Regime for the Prohibition of Chemical Weapons

As states are equally sovereign from a theoretical point of view, international supervision should be implemented without any implied hierarchy. The logic of international supervision originated from the need of individual states to bring their own activities into harmony with the interests of the majority of other states and to direct them to pursue collective objectives.⁷⁵ International supervision therefore has to be performed by a third party, which should be placed above the states parties and should not be equal to them in their supervisory powers.⁷⁶

Since the purpose for creating such international supervisory entities is to discover and redress any violation to the general obligations by any state party, international supervision needs institutionalised procedures and a body specifically designed and designated to perform the supervisory task. However, above all this it needs a high and sustainable level of international cooperation to guarantee the ability to run its supervision over all the state parties. The neutral third party should therefore be supported by all members of the international community, or at least the majority

⁷⁵ Den Dekker, *Law of Arms Control: International Supervision and Enforcement*, p.90.

⁷⁶ Josef Joffé, 'Rethinking the Nation-State: The Many Meanings of Sovereignty', *Foreign Affairs*, November/December 1999, pp.14-28.

of them, as it is clear that the more members in a supervisory regime possesses, the better its operations and the wider its universality will be.⁷⁷

International supervision assumes that no state would determine what facts exactly correspond to the behaviour displayed by another state during a given period of time. Furthermore, no state has the power to provide an interpretation of the provisions of the treaty, and no state should have the power to assess another state party or to judge its behaviour in order to examine whether a violation of the provisions of a treaty - to which they both are equal parties - has taken place. Such powers are used only under the jurisdiction of the international supervising entity.⁷⁸ These principles have to be implemented by giving sufficient authority to a third person to control the behaviour of the state parties, and to decide on the exact contents of the norms laid down in the treaty whether a violation of the treaty has occurred.⁷⁹

Unlike the state parties, the third person who is assigned to supervise does not possess an intrinsic power of supervision. They therefore need an explicit legal basis, to be provided by the establishing (or some other related) treaty (or the ad hoc consent of the state that is being supervised). Without such legal basis, the fundamental elements of international supervision cannot be performed. The admission of a state to the establishing treaty usually means that the state party is implicitly accepting all obligations related to supervision in the treaty, unless the treaty concerned explicitly states something else in one or more of its provisions.⁸⁰ The CWC clearly states the obligations of the state parties in Article 1, 'General Obligations':

⁷⁷ T. Chowdhury, *'Legal Framework of International Supervision'*, PhD Thesis, University of Stockholm, 1986, pp.254-270.

⁷⁸ Niels Blokker, *'Towards More Effective Supervision by International Organisations'*, pp.278-282.

⁷⁹ Andrew T. Guzman, *A Compliance Based Theory of International Law*, Berkeley: UC Berkeley Public Law Research Paper Number 47, pp.6-15.

⁸⁰ Den Dekker, *Law of Arms Control: International Supervision and Enforcement*, p.94.

- “1. Each State Party to this Convention undertakes never under any circumstances:
- (a) To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;
 - (b) To use chemical weapons;
 - (c) To engage in any military preparations to use chemical weapons;
 - (d) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.
3. Each State Party undertakes to destroy all chemical weapons it abandoned on the territory of another State Party, in accordance with the provisions of this convention
4. Each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.
5. Each State Party undertakes not to use riot control agents as a method of warfare.”⁸¹

The compliance of all states parties and the encouragement of non-parties to join the arms control regime must be perceived as a must to avoid major armed conflicts.⁸²

The regimes of arms control are thus established to strengthen international security and stability, and to enhance the predictability of the states behaviour. The supervisory mechanisms purport to build confidence between the states and deter any behaviour that may violate the regime’s objectives. International supervision allows for a legally controlled observance of the compliance of states by their obligations under the regime. The exercise of international supervision increases the possibility that the obligations are implemented, not only by the threat of sanctions being imposed for non-compliance but also by providing positive incentives for compliant members, such as technological assistance for member states and the financing of peaceful projects in their territories.⁸³

⁸¹ ‘*The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*’, Article I, p.2.

⁸² S. Sur (editor), *Verification of Current Disarmament and Arms Limitation Agreements: Ways, Means and Practices*, Dartmouth: UNIDIR, 1991, p.9.

⁸³ Den Dekker, *Law of Arms Control: International Supervision and Enforcement*, pp.99-101.

The revulsion against chemical warfare is probably as ancient as the use of such weapons themselves.⁸⁴ During the modern era, the first bilateral treaty to organize such weaponry was the Franco-German treaty of 1675, which banned the use of poisoned bullets in battle.⁸⁵ It was not until the last half of the 19th century that the international community attempted to regulate the production and use of chemical weapons. The 1874 Brussels International Declaration concerning the Laws and Customs of War banned the use of poison or poisoned weapons, as well as the use of arms, projectiles or material designed to cause unnecessary suffering.⁸⁶

The roots of the modern Regime for the Prohibition of Chemical Weapons can be traced back to The Hague regulations of 1899 and 1907.⁸⁷ The Geneva Protocol of 1925 took the regime one step further by condemning “the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare”⁸⁸. The regime developed slowly between 1945 and 1990 due to Cold War politics.⁸⁹ On September 3, 1992, the Conference on Disarmament submitted its annual report to the United

⁸⁴ Ishaan Tharoor, Why Chemical warfare is Ancient History, *New York Times*, 13 February 2009. <http://www.time.com/time/world/article/0,8599,1879350,00.html> (accessed 3 August 2014).

The Brahmanic Laws of Manu, found in India and dated to the fifth century BC, are the earliest known historical document to ban the use of certain types of chemical weapons. This prohibited the use of arrows tipped with fire or poison.

⁸⁵ Jonathan B. Tucker, *War of Nerves: Chemical Warfare from World War I to Al-Qaeda*, New York: Anchor Books, 2007, pp.66-82.

⁸⁶ International Committee of the Red Cross, 'Project of an International Declaration concerning the Laws and Customs of War', Aug. 27, 1874. See also: The International Committee of the Red Cross, 'Treaty relating to the Use of Submarines and Noxious Gases in Warfare', 6 February, 1922.

⁸⁷ Julian Perry Robinson, 'The Negotiations on the Chemical Weapons Convention: A Historical Overview', in M. Bothe, N. Ronzitti and A. Rosas, *The New Chemical Weapons Convention: Implementation and Prospects*, Kluwer Academic Publishers, 1998, pp.17-20.

⁸⁸ Edward M. Spiers, 'The Geneva Protocol: Tested and Found Wanting', *Journal of Strategic Studies*, Volume 8, Number 3, 1985, pp.327-338.

⁸⁹ W. Krutzsch and R. Trapp, *Commentary on the chemical weapons convention*, Netherlands, The Hague: Nijhoff, 1994, pp.16-19.

The process passed through many stages. The first was in 1980 when the Conference on Disarmament decided to establish the ad hoc Committee on Chemical Weapons, with the target of defining issues to be dealt with in the negotiations through substantive examination. In 1984 the committee was mandated to begin negotiating a chemical weapons ban agreement, and in that year the committee began drafting a convention by way of a 'rolling text', the first time this negotiating method had been used in a disarmament treaty. The changing international political climate in the late 1980s and early 1990s allowed the committee to make much progress. The use of chemical weapons in the Iran-Iraq War and the possibility of their use in the Gulf War gave added impetus to the negotiations.

Nations General Assembly (UNGA). This contained the text of the CWC, the full title of which was the ‘Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction’.

The current regime for the Prohibition of Chemical Weapons is in many ways the culmination of lessons from the Geneva Protocol of 1925. The Geneva Protocol itself was built upon major earlier international efforts to control the use of poisonous and asphyxiating weapons; namely, the Brussels Convention of 1874 and the Hague Conferences of 1899 and 1907.⁹⁰ Although the Geneva protocol prohibited the use in war of asphyxiating, poisonous, or other gases and all analogous liquid, materials or devices, it did not prohibit the production, development, stockpiling or transfer of chemical weapons. The protocol reserved the right of the state parties to retaliate against chemical attacks and did not develop a verification body to guarantee the compliance to the protocol.⁹¹ The Geneva Protocol also failed to deal with the continuing interest of militaries in developing chemical weaponry, and did not provide mutual security assurances to the main European powers; Britain, France, and Germany from this type of weapons.⁹²

The development of international efforts in the field of non-conventional disarmament in the 1960s and 1970s that led to the creation of the regime of the non-proliferation of nuclear weapons and to develop the regime for the Prohibition of Biological Weapons was also behind the development of the CWC Regime in 1993.⁹³ The CWC gained increasing momentum towards the goal of universality and a

⁹⁰ Edward M. Spiers, *Chemical Warfare*, London: Palgrave Macmillan, 1986, p.175.

⁹¹ Ibid, p. 175.

⁹² Edward M. Spiers, ‘Gas Disarmament in the 1920s: Hopes Confounded’, *Journal of Strategic Studies*, volume 29, number 2, 2006, pp.281-300.

See also: Edward M. Spiers, ‘The Geneva Protocol: Tested and Found Wanting’, pp. 327-338.

⁹³ Daniel H. Joyner, *Non-Proliferation Export Controls: Origins, Challenges, and Proposals for Strengthening*, Aldershot: Ashgate, 2006, p.101.

remarkable growth in the number of states parties in a relatively short span of time.⁹⁴ Clearly, none of the aims of the CWC can be fully realized without adherence by all the states and the fulfilment of the requirements to implement the CWC in and across all jurisdictions. On 24 October 2003, acting upon a recommendation of the first CWC Review Conference held earlier the same year, the OPCW's Executive Council adopted "the Action Plan for the Universality of the Chemical Weapons Convention."⁹⁵ This plan was intended to provide additional political emphasis for the goal of granting the CWC universal status.⁹⁶ By the end of 2014, 190 states were parties to the CWC and its subsequent organisation, the OPCW. Only six states were not members of the regime.⁹⁷ Two of them (Myanmar⁹⁸ and Israel⁹⁹) signed the treaty but did not ratify it, while the other four non-signatory states were Angola, South

⁹⁴ The Harvard-Sussex Programme on the CBW Armament and Arms Limitations, *The 1993 Chemical Weapons Convention (CWC)*, Harvard University Press, 31 January 2001.

See also: Keith Wilson, "Standing the test of time: Efforts to achieve the universality of CWC in Chemical Weapons Convention, Implementation, Challenges and Opportunities", in Ramesh Thakur and Ere Haru (editors), *The Chemical Weapons Convention: implementation, challenges and opportunities*, Tokyo; New York: United Nations University Press, 2006, pp.164-168; and Eric Croddy, *Chemical and Biological Warfare: a comprehensive survey for the concerned citizen*, New York: Springer-Verlag, 2001, pp.36-58.

Although the word 'universality' does not appear explicitly in the text, the first, sixth and final preambles to the CWC nevertheless make reference to "progress towards general and complete disarmament under Strict and effective international control", "to exclude completely the possibility of the use of chemical weapons", and "the complete and effective prohibition of ... chemical weapons."

⁹⁵ The OPCW, *Action Plan for the Universality of Chemical Weapons Convention*, OPCW doc. EC.M-23/ DEC.3, 24 October 2003.

⁹⁶ Ron G. Manley, 'Verification under the Chemical Weapons Convention. A reflective review', *Pure Applied Chemistry*, volume 74, number 12, 2002, pp.2235-2240.

⁹⁷ The Director-General of the OPCW announced in December 2013 that three states (Myanmar, South Sudan and Angola) were very close to joining the CWC, while the three other states still had other concerns which are related to regional reasons. See: *OPCW: three nations close to joining chemical weapons convention*, Al-Arabiya, 12 December 2013.

<http://english.alarabiya.net/en/News/2013/12/12/OPCW-Three-nations-close-to-joining-chemical-weapons-convention-.html> (accessed 7 August 2014).

⁹⁸ An analysis for the position of Myanmar towards the CWC, Feliz Solomon, 'Burma busy arresting journalists, not ratifying CW treaty', *Democratic Voice of Burma*, 7 February 2014 www.dvb.no/analysis/burma-busy-arresting-journalists-not-ratifying-cw-treaty/36917 (accessed 4 August 2014).

⁹⁹ Barak Ravid, 'Israel adamant it won't ratify chemical arms treaty before hostile neighbors', *Haaretz*, 12 September 2013. <http://www.haaretz.com/news/diplomacy-defense/.premium-1.546613> (accessed 8 August 2014).

Sudan,¹⁰⁰ Egypt¹⁰¹ and North Korea.¹⁰² However, many scholars have argued that the norms and rules of the CWC gave the regime for the Prohibition of Chemical Weapons a compulsory power even over non-members; as such norms and rules became recognized and turned into compulsory international customs.¹⁰³

The regime for the Prohibition of Chemical Weapons is a network of interlocking treaties, organisations and commitments aimed at halting the development, use and spread of chemical weapons internationally.¹⁰⁴ The regime consists therefore of three main elements: (1) a treaty: the CWC; (2) an organisation: the OPCW; (3) a set of commitments aimed at halting the spread of chemical weapons. They are identified in the main treaty, and are to be applied by the organisation (the OPCW). It is essential to shed light on each element of the regime to understand how it functions.

The CWC

The CWC refers to ‘the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction’. It is a detailed document which consists of 24 articles and 3 annexes that are considered

¹⁰⁰ To understand why Angola and South Sudan had delayed their admission to the regime, see: Amelia du Rand, ‘Ship without Sails: ‘Chemical and Biological Weapons Control in Africa’, *Institute for Security Studies*, ISS Paper 171, November 2008.

¹⁰¹ For details about the proliferation of chemical weapons in the Middle East, see: Peter Herby, ‘The Chemical Weapons Convention and Arms Control in the Middle East’, *PRIO*, 1992, and Richard Russell, *Weapons proliferation and War in the Greater Middle east: Strategic Contest*, Routledge: Taylor & Francis, 2005, pp.1-14. It is worth noting that Egypt and Iran submitted a proposal to the UNGA for the establishment of a Nuclear Weapons Free Zone in the Middle East in December 1974. Since 1980, that resolution has been passed annually without a vote in the UNGA. For more details see: Kelsey Davenport, ‘WMD-Free Zone Proposal Middle east at Glance’, *Arms Control Association*, Washington DC, July 2013.
<http://www.armscontrol.org/factsheets/mewmdfz> (accessed 5 August 2014).

¹⁰² Young W. Kihl & Hong Nack Kim, *North Korea: The Politics of Regime Survival*, New York: M. E Sharpe, 2006 and Tae-Hwan Kwak, *North Korea's Foreign Policy under Kim Jong Il: New Perspectives*, New York: Ashgate Publishing, 2009.

¹⁰³ L. Tabassi, ‘Impact of the CWC: Progressive development of Customary International Law and Evolution of the Customary Norm against Chemical Weapons’, *CBW Bulletin*, number 63, March 2004, pp.1-7.

¹⁰⁴ Joseph Cirincione et al., *Deadly Arsenal: Nuclear, Biological, and Chemical Threats*, Washington DC: Carnegie Endowment for International Peace, 2nd edition, 2005, p.27.

integral parts of the convention (Annex of Chemicals, Annex on Implementation and Verification, and Annex on Protection of Confidential Information).¹⁰⁵ The CWC is the cornerstone of the regime for the Prohibition of Chemical Weapons, and determines the final goal of the regime as well as the methods to achieve this goal. The CWC also articulates the other two elements of the regime, as it establishes the OPCW and sets out the commitments that each state party has to abide by.¹⁰⁶

The preamble of the CWC places the convention within the larger context of the process of international arms control, indicating both the importance of earlier treaties and referring to the final objective of the process. It maintains that: “States parties to the CWC are determined to act with a view to achieving progress towards general and complete disarmament under strict and effective control, including the prohibition and elimination of all types of WMD.”¹⁰⁷ The CWC also “reaffirms the principles and objectives of, and obligations assumed under, the Geneva Protocol and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction of 1972.” The objective of the CWC is “to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of the CWC, thereby complementing the obligations assumed under the Geneva Protocol of 1925.”¹⁰⁸

The CWC defines toxic chemicals as “any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals.”¹⁰⁹ The convention defines the term chemical weapons as:

¹⁰⁵ The OPCW, *The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, Article 17, p.43.

¹⁰⁶ Daniel H. Joyner, *International Law and the Proliferation of Weapons of Mass Destruction*, Oxford: Oxford University Press, 2009, p.101.

¹⁰⁷ The CWC, Preamble, p.1.

¹⁰⁸ Ibid, p.1.

¹⁰⁹ Ibid, p.3.

“toxic chemicals and their precursors, except where intended for purposes not prohibited under this convention, as long as the types and quantities are consistent with such purposes; (2) munitions and devices, specifically designed to cause death or other harm through toxic properties of those toxic chemicals, which would be released as a result of the employment of such munitions and devices; (3) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified above.”¹¹⁰

The ‘Annex of Chemicals’ lists more than 70 chemical substances which have been developed to be stockpiled as chemical weapons. They are scheduled into three categories; the first contains the most threatening items, the second contains less lethal items, while the third contains the non-lethal items which might be used to build a chemical weapon. The items in the three categories are not exclusive, giving the possibility of discovering or developing new chemical substances in the future. These substances are highly toxic yet stable enough to be stored without deterioration, and able to withstand the forces of heat, humidity and oxygen during dispersal.¹¹¹ Generally, the prohibited chemical weapons can be categorized into four groups: (1) blood gases, such as hydrogen cyanide; (2) blistering agents, such as mustard gas; (3) choking agents, such as chlorine; and (4) nerve agents, such as tabun and sarin. Chemical weapons are disseminated either in liquid form through droplets or aerosol, or in a gaseous form.¹¹²

The CWC and its annexes contain articles which articulate in detail the composition and functions of the OPCW, its verification and implementation mechanisms, the measures it uses to guarantee the confidentiality of the information provided by state parties, the obligations of the state parties, and the methods which can be used to redress any non-compliance to the convention. These articles are

¹¹⁰ Ibid, p.3.

¹¹¹ Daniel H. Joyner, *International Law and the Proliferation of Weapons of Mass Destruction*, p.80.

¹¹² Cirincione et al., *Deadly Arsenals, Nuclear, Biological and Chemical threats*, p.57.

covered in analysing the other two elements of the regime (the organisation and the commitments), and in describing how the regime functions.

The OPCW

The OPCW was established “to achieve the object and purpose of the convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among the states parties.”¹¹³ Each state party in the convention is a member of the OPCW. There are two basic principles that direct the work of the OPCW: the conduct of verification in the least intrusive way possible, including the need for the OPCW to take measures to protect confidentiality; and the use of scientific advances to increase the effectiveness of verification.¹¹⁴ The organisation conducts its verification activities in the least intrusive manner possible.¹¹⁵ Structurally, the OPCW contains three main components: the Conference of the States Parties (CSP), the Executive Council (EC) and the Technical Secretariat (TS).¹¹⁶

The CSP is composed of all members of the OPCW. It convenes in regular annual sessions unless the CSP itself decides otherwise. The CSP may be convened in special session if necessary and in the form of a Review Conference or an Amendment Conference.¹¹⁷ The CSP is the principal organ of the OPCW. The CWC states that: “It shall consider any questions, matters or issues within the scope of this Convention, including those relating to the powers and functions of the Executive Council and the Technical Secretariat. It may make recommendations and take decisions on any

¹¹³ The CWC, Article VIII, p.20.

¹¹⁴ Den Dekker, *Law of Arms Control: International Supervision and Enforcement*, pp.227-228.

¹¹⁵ The CWC, Article VIII, p.28.

¹¹⁶ Alexander Kelle and Pamela Mills, ‘The Chemical Weapons Convention regime and its evolution’, in Marie Isabelle Chevrier, *The Implementation of Legally Binding Measures to Strengthen the Biological and Toxin Weapons Convention*, The Netherlands: Kluwer Academic Publishers, pp.91-93.

¹¹⁷ The CWC, Article VIII, pp.21-23.

questions, matters or issues related to this Convention raised by a State Party or brought to its attention by the Executive Council.”¹¹⁸

The EC is the executive organ of the OPCW, with limited membership consisting of 41 members. The EC convenes for regular sessions, but may also meet in-between these sessions if necessary. Questions of procedure are decided by a simple majority of the members of the EC, unless specified otherwise in the Convention.¹¹⁹

The TS is composed of employees, inspectors, and a Director-General (D-G) who is the head and the chief administrative officer of the organisation. The TS assists the CSP and the EC in the performance of their functions. This does not mean that the TS would have no autonomous powers. On the contrary: the TS is responsible for carrying out the verification measures provided for in the CWC, and performs other functions entrusted to it under the CWC as well as those functions delegated to it by the CSP and the EC. The TS provides administrative and technical support to the CSP and the EC, and coordinates the work of the two other bodies. The D-G is the central liaison officer between the OPCW and the individual states parties, and is responsible to protect the state parties’ confidential information.¹²⁰

The Obligations

The CWC establishes a highly-developed regime of substantive prohibitions as well as positive duties binding equally upon all treaty parties. The CWC “prohibits the development, production, acquisition, stockpiling, retention, direct or indirect transfer, and engagement in military preparation to use chemical weapons. It also forbids assisting, encouraging or inducing anyone in any way to engage in any activity

¹¹⁸ Ibid, p.22.

¹¹⁹ Ibid, pp.23-26.

¹²⁰ The CWC Confidentiality annex, p.161.

involving the use of chemical weapons.”¹²¹ Article II further defines purposes not prohibited under the convention to include: “(1) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes; (2) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons; (3) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemical as methods of warfare; (4) law enforcement including domestic riot control purposes.”¹²²

Beside the prohibitions stated above, each state party must make a declaration of all its chemical weapons that are to be destroyed.¹²³ The declarations are the core of the CWC’s verification process, and should cover not only information on the possession, transfers and plans for the destruction of chemical weapons, but should also include the annual records of any destroyed weapons, the temporary conversion of equipment and buildings housing equipment used or usable for the production of chemical weapons, and annual statements regarding the use of chemical materials for purposes not prohibited under the convention.¹²⁴ The contents of these declarations are prescribed in a detailed and precise manner, and only in rare instances will incomplete declarations be accepted, with the additional requirement that the reasons for their incompleteness should be stated. Furthermore, the accuracy of the declarations is systematically verified and their contents are confirmed by the OPCW.¹²⁵ The declarations of a state party are entirely dependent on national monitoring and data collection, and so if a state party feeds inaccurate data into the system then inaccurate analysis will probably come out.

¹²¹ The CWC, Article I, p.2.

¹²² Ibid, p.3.

¹²³ Ibid, pp.7-10.

¹²⁴ Kelle and Mills, *The Chemical Weapons Convention Regime and Its Evolution*, p.90.

¹²⁵ The CWC, Annex on Implementation and Verification, Part IV (A), pp.83-85.

There CWC states three types of declarations that should be presented to the OPCW from each state party: “(1) declarations on ownership or possession, including all existing chemical weapons, old and abandoned chemical weapons, chemical weapons production facilities, riot control agents, and all other facilities; (2) declarations on plans and information relating to the destruction of chemical weapons and production facilities; (3) declarations of chemicals and facilities used for activities not prohibited under the convention.” Voluntary exchange of information is encouraged between the members and OPCW and among members directly.¹²⁶

The CWC stipulates that “States parties undertake to destroy all chemical weapons in their possession or located within territories under their jurisdiction or control.”¹²⁷ The CWC set the deadline for the full destruction of schedule 1 materials ten years after the convention entered into force, meaning all state parties were obliged to destroy all schedule 1 chemical weapons before April 29, 2012. There are three obligations of destruction in the CWC: “to destroy all chemical weapons, to destroy all chemical weapons production facilities (CWPFs), and to destroy all chemical weapons the state abandoned in the territory of another state party.”¹²⁸

How the Regime Functions

All the CWC’s verification activities are linked to the information on possession and plans for destruction of chemical weapons that must be provided in declarations by the states parties. The declarations are the most essential obligation in the regime, and the first step in the functioning of the regime. The declarations are entirely dependent

¹²⁶ Den Dekker, *Law of Arms Control: International Supervision and Enforcement*, pp.233-240.

¹²⁷ The CWC, Article I, p.2.

¹²⁸ Ibid, p.2.

At least three States parties have missed this deadline (United States, Russia, and Libya). For further details, see *Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 2012*, C-18/4, Eighteenth Session of the Conference of States Parties, 12 December 2013.

on national monitoring and data collection; furthermore, there is no method in the regime to compel states parties to provide accurate and complete declarations. This fact opens the door to the possibility of mistakes or incomplete data in the declarations of states parties, as well as intentional inaccuracy in the declarations of states parties who perceive political and security benefits in hiding certain components of their chemical weapons programmes.¹²⁹

The CWC has built a strong verification regime centred on on-site inspections. After the submission of the initial declaration and plans for destruction, the OPCW runs an initial on-site inspection to verify the locations and quantities of the declared chemical materials, and to help in storing and inventorying them. Several on-site inspection procedures on the destruction and transfer plans follow the initial inspection. The routine inspection is the primary means to verify the compliance of a state party to the CWC, while challenge inspections serve to fill the remaining gaps in the overall verification system. The CWC stipulated that: “The inspected state party must be notified not less than 24 hours in advance of the planned arrival of the inspection team.”¹³⁰ Furthermore, the inspection teams have unimpeded access to inspection sites, and inspectors have the right to interview personnel in the inspected facilities and to have samples taken and analysed.¹³¹ The CWC states that:

“Each State Party has the right to request an on-site challenge inspection of any facility or location in the territory or in any other place under the jurisdiction or control of any other State Party for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of this Convention, and to have this inspection conducted anywhere without delay by an inspection team designated by the Director-General and in accordance with the Verification Annex.”¹³²

¹²⁹ Global Investment and Business Center, *Arms Control and International Security Handbook, Strategic Information and Developments*, Washington DC, International Business Publications, pp.4-60.

¹³⁰ The CWC, p.82.

¹³¹ Ibid, pp.68-79.

¹³² Ibid, Part X, p.144.

The CWC was clear that “The inspected State Party shall assist the inspection team throughout the challenge inspection and facilitate its task.”¹³³ The D-G should keep the size of the team to a minimum necessary for the proper fulfilment of the inspection mandate.¹³⁴ It is important to note that the OPCW has never led a challenge inspection since its creation in 1997 due to the fear of each state from reciprocity.¹³⁵

As the CWC does not allow for expulsion from the OPCW, the CSP can apply internal sanctions such as the deprivation, restriction or suspension of certain rights and privileges of a state party, including voting rights and technological assistance. One or more of these sanctions can be applied in order to redress the non-compliance of a state party with its obligations in the CWC.¹³⁶

Finally, the CSP has the authority to call in the appropriate bodies of the UN to intervene: “In cases of particular gravity, the CSP can bring the issue, including relevant information and conclusions, to the attention of the United Nations General Assembly (UNGA) and the United Nations Security Council (UNSC).”¹³⁷ The UNSC can then intervene in the manner it perceives appropriate to restoring peace and security, including acting under the seventh chapter of the charter of the UN that allows it to use military force. Article 51 refers directly to “the authority and responsibility of the UNSC under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”¹³⁸

¹³³ Ibid, p.33.

¹³⁴ The CWC, Annex on Implementation and Verification, Part X, pp.143-153.

¹³⁵ Kelle & Mills, *The Chemical Weapons Convention regime and its evolution*, p.84.

¹³⁶ Krutzsch & Trapp, *Commentary on the Chemical Weapons Convention*, p.198.

¹³⁷ The CWC, Article XII, p.39.

¹³⁸ *The Charter of the Organisation of the United Nations*, Chapter VII, Article 51.

Conclusion:

This thesis seeks to answer the question: ‘How successful was the CWC regime in disarming Libya between 2003 and 2014?’ To tackle this, a large quantity of literature has had to be reviewed in order to understand the CWC regime, as well as the Libyan chemical weapons programme. This literature review showed that no assessment of the application of the CWC in the Libyan case was ever completed, while the period after the collapse of Qaddafi’s regime in 2011 was never covered sufficiently.

The thesis uses the central tenets of Regime Theory from a realist perspective. It analyses the basic elements of the CWC regime and sorts out non-regime factors in order to study the effects of the genuine regime as an independent unit. The arguments of Regime Theory were suitable to understand and analyse both the CWC regime and the Libyan decision-making process, and also to test the relationship between Libya and the OPCW from 2003 to 2014. Furthermore, the theory provides a powerful assessment approach for interpreting and understanding the OPCW’s role in Libya.

The modern regime for the Prohibition of Chemical Weapons is rooted in The Hague Conventions of 1899 and 1907, but it has largely motivated by the Geneva Protocol of 1925. The current regime, centred on the CWC of 1993, became one of the most robust, extensive and comprehensive regimes for international arms control. In spite of this, a few states have broken the universality principle of the regime and did not join the CWC, while a few others continued to represent a threat because of their non-compliance. The next chapter will show that Libya is one of these challenging cases, as Libya joined the CWC in December 2003 after developing a chemical programme and acquiring an arsenal of chemical weapons.

Chapter Two: The Development of the Libyan Chemical Weapons Programme

Introduction

Libya's civilisation has a long history. The territory that occupies the modern state of Libya has been related by strong ties to the centres of power in the Mediterranean basin and the Middle East since ancient times.¹ As was the case with almost all African and Asian nations, Libya was a theatre to several colonizing waves. It is important to understand the history of Libya before the nationalistic ideologue Muammar Qaddafi rose to power in order to understand the motivations behind the small North African nation's quest to acquire weapons of mass destruction (WMD) since 1980.² According to Jean Pascal Zanders, an expert of WMD non-proliferation issues, "The drivers behind the Libyan quest to acquire such weapons can be understood in the context of the ideology of the authoritarian regime led by Muammar Qaddafi, as well as what he perceived as the external objectives and the security threats for his ruling regime."³

This chapter relies on the arguments of Regime Theory when analysing the reasons behind the decision to obtain chemical arms. The main argument is that Libya under Qaddafi was a rational and selfish international player that sought to maximise its benefits from the anarchic international system. The chapter uses another argument of Regime Theory: that the distribution of power in any international regime is unequal, and that the powerful actors can play a major role to achieve their objectives.

To begin with, it is essential to provide an overview of the Libyan regime's

¹ For more details, see: John Wright, *A History of Libya*, London: C. Hurst and Co. Publishers, 2010.

² Dirk J. Vandewalle, *A History of Modern Libya*, Cambridge: Cambridge University Press, 2006.

³ Jean Pascal Zanders, 7 to 8 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

history in order to understand the context in which Qaddafi gained power. This background is followed by an analysis of the factors driving Qaddafi's quest to acquire chemical weapons in the 1980s and 1990s. Finally, the chapter follows the development of the Libyan chemical weapons programme until December 2003, which is when the Libyan regime pledged to relinquish its WMD programmes.

Section One: Historical Background

The Libyan territory was subject to colonial competition since ancient history.⁴ Italy gained control over Cyrenaica, Tripolitania, and Fezzan, and turned the three regions into a colony after defeating the Ottomans in 1912. Italy, under the fascist regime, waged a massive war against the Libyan tribes. The Italian army used mustard gas bombs in eastern Libya in 1930 to enforce its control over the region.⁵ However, Italy relinquished all claims over Libya under the terms of the 1947 peace treaty with the Allies after World War II. The United Kingdom (UK) and France temporarily divided Libya into its three old provinces and administered the country until Idris As-Senussi declared the United Kingdom of Libya on December 24, 1951.⁶

The discovery of oil in 1959 transformed Libya into a wealthy state. However, discontent among the population began to build over the luxurious styles of the royal family, the unfair distribution of wealth, and the king's strong affiliation to the West.⁷ On September 1, 1969, Muammar Qaddafi, who was 27 years old at that time, led a group of young military officers to topple King Idris I. The successful coup d'état was

⁴ Vandewalle, *A History of Modern Libya*, p.5.

⁵ Claudio G. Segrè, *Fourth shore: the Italian colonization of Libya*, Chicago: University of Chicago Press, 1974, pp.28-29.

⁶ Majid Khaddouri. *Modern Libya: A Study in Political Development*, Baltimore: Johns Hopkins University Press; 1st edition, 1963, pp.28-30.

⁷ Mabroka Al-Warfaly, *Political Alienation in Libya: Assessing Citizens' Political Attitude and Behaviour*, New York: Ithaca Press, 2011, pp.11-12.

a turning point in the modern history of Libya, as Qaddafi continued to rule Libya and to shape its political and economic structures until his assassination in 2011.

Qaddafi claimed to have established a new form of direct democracy by mandating the political power to ‘General People’s Committees’ and claimed to be no more than a symbolic revolutionary figure, but it was clear that the proclaimed reforms gave him absolute power.⁸ George Joffé, an expert in Middle East studies, explained: “Qaddafi managed to control all aspects of life in Libya for four decades. His era was characterized by continuous oppression for political opposition, poor management of economic resources, severe human rights violations, and miscalculated political and military adventures.”⁹ According to Mohamed Sayed Selim, an Egyptian specialist in Arab affairs: “The popular rejection of Qaddafi’s policies found the chance to manifest in 2011, when Tunisia and Egypt witnessed popular protests against their autocratic rulers.”¹⁰

On February 17, 2011, Benghazi - the second largest city and eastern capital – witnessed huge protests after apprehending a leading Libyan human rights activist. The protests spread quickly, turning the situation into a civil war in few weeks. Rebels, supported by NATO’s raids, managed to extend their control over Libya, and they captured and killed Qaddafi in July 2011.¹¹ The post-Qaddafi era was characterized by a lack of governmental control on the ground, and the dominance of militias and armed groups with various ideological backgrounds.¹²

⁸ Dirk J. Vandewalle, *Libya since Independence: Oil and State-Building*, New York: Cornell University Press, 1998, pp.13-32.

⁹ George Joffé, 4 May to 9 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

¹⁰ Mohamed Said Selim, 22 July 2015, Cairo, interviewed by Mohamed Elmahdi.

¹¹ ‘Timeline: Libya’s uprising against Muammar Gaddafi’, *Reuters*, <http://www.reuters.com/article/2011/08/21/us-libya-events-idUSTRE77K2QH20110821> (accessed 3 October 2014).

¹² Brian McQuinn, ‘Armed Groups in Libya: Typology and Roles’, *Geneva: Small Arms Survey*, June 2012, pp.1-4.

Section Two: Factors behind Libya's Chemical Weapons Programme

Libya's quest to acquire chemical weapons capabilities was motivated by several factors. According to John Hart, a senior expert in non-proliferation issues at the Stockholm International Peace Research Institute (SIPRI), "Qaddafi's ideology that put him as a world revolutionary leader, his perception that Libya needed to be secure amid the hostile regional and international players that he had created, and his quest to raise his prestige internationally and within Libya were among the main factors behind the creation of the Libyan chemical weapons programme in the 1980s and 1990s."¹³ The drivers of the Libyan chemical weapons programme can be summed up as follows:

Ideology of the Regime

During the Qaddafi era, Libya's internal and external policies were governed by the principles of the Jamahiriya socialist regime. Qaddafi considered this the most appropriate ideology for Libya and the world, the relevant principles of which are clearly expounded in Qaddafi's 'Green Book'. According to this book:

"Communities are exposed to the risks of uncertainty, and suffer the grave consequences of wrong answers. Yet none has succeeded in answering it conclusively and democratically. The Green Book presents the ultimate solution to the problem of the proper instrument of government."¹⁴

Qaddafi considered capitalism as being exploitative and communism as being godless, and asserted that neither of these two ideologies was suitable for the Third World. Instead, he developed his own revolutionary vision, called the 'Third Universal Theory'. The theory provided a radical change for the existing order by

¹³ John Hart, 4 to 23 April 2014, interviewed by Mohamed Elmahdi (e-mail exchange).

¹⁴ Muammar Qaddafi, *Green Book: The Social Basis for the Third Universal Theory*, 3rd edition, Tripoli, 1999, p.1.

evenly distributing wealth throughout international society.¹⁵ The Green Book states: “The Third Universal Theory herald’s emancipation from the fetters of injustice, despotism, exploitation, and economic and political hegemony, for the purpose of establishing a society of all the people where all are free and share equally in authority, wealth and arms. Freedom will then triumph definitively and universally.”¹⁶

The Green Book refused to accept the world as it is, and called for restructuring the international order to guarantee greater autonomy for the peoples of the third world. Qaddafi, therefore, sought to radically enhance and consolidate Libya’s national interests within the international system.¹⁷ During the 1970s and 1980s, Libya sought to spread its influence in the region and beyond by sowing the seeds of social, economic and political change, often in violent and destabilizing ways.¹⁸

Qaddafi supported revolutionary and secessionist movements around the world and financed rebels to topple regimes in many African countries including all Libya’s neighbours: Algeria, Egypt, Sudan and Tunisia.¹⁹ During the 1980s, Libya waged a long war against Chad, its southern neighbour, where it allegedly used chemical weapons.²⁰ Qaddafi’s regime was considered to be unpredictable and vicious. By June 1981, the Reagan administration described Libya as the world’s “most prominent state sponsor of and participant in international terrorism.”²¹ Moreover, an Israeli report in 1986 asserted that around 7,000 terrorists were being trained in Libya by foreign

¹⁵ Muammar Qaddafi, *Green Book: The Social Basis for the Third Universal Theory*, 3rd edition, Tripoli, 1999, pp.20-21.

¹⁶ Ibid, p.19.

¹⁷ Valerie P. Bennett, ‘Libyan Socialism’, in H. Desfosses and J. Levesque (editors), *Socialism in the Third World*, New York: Praeger, 1975, pp.99-120.

¹⁸ Oye Ogunbadejo, ‘Qaddafi’s North African design’, *International Security*, volume 8, number 1, summer 1983, pp.154-155.

¹⁹ Christopher M. Blanchard and Jim Zanotti, *Libya: Background and U.S. Relations*, Congressional Research Services, February 18, 2011, pp.4-7.

²⁰ Joseph Cirincione et al., *Deadly Arsenal: Tracking Weapons of Mass Destruction*, Washington DC: Carnegie Endowment for International Peace, 2002, pp.305-312.

²¹ USA Central Intelligence Agency, ‘National Foreign Assessment Center, Reports of Libyan Assassination Squads’, *DDRS*, 1988, pp.795-796.

experts, while sources in the American Department of Defence claimed that there were 34 terrorist bases in the country.²² Ahmed Youssef, an Egyptian specialist in Arab affairs, explained that Qaddafi's desire to spread the Third Universal Theory drove him to acquire WMD, including chemical weapons, as a means of leverage on the regional and international levels. It was also intended as a way to enhance Libya's international prestige, and a strategy of deterrence in Qaddafi's efforts to spread his revolutionary ideology.²³ Alia Brahimi, a British specialist in Middle East affairs, stated that:

“The pursuit of WMD was a logical outgrowth of the inherently revolutionary nature of the Jamahiriya. Qaddafi was committed to subversive agendas in Africa, the Middle East and beyond. This foreign meddling ensured Libya's status as a ‘rogue state’. The eccentric, personalised and therefore unpredictable ideological foundation of the state ensured he could never hope for meaningful allies, for true friends. Thus, Qaddafi sought WMD both to project power and to deter aggressors. This quest was, in many ways, inevitable, given Qaddafi's bizarre interpretation of politics and the ultimate loneliness of the Jamahiriya. Ironically, this peculiarity and this isolation were only confirmed by his pursuit of WMD – they are both cause and effect.”²⁴

Qaddafi believed that the colonial powers had imposed artificial political boundaries to prevent the Arabs from unifying.²⁵ Qaddafi sought to generate the perception that he was the only champion of Arab unity, and consequently the only credible candidate to lead the Arab world after Nasser of Egypt. Qaddafi was quoted as saying: “When I met Nasser, he said to me, ‘I see myself when I was young in you. You are the future for the Arab revolution.’ This meant very, very much to me.”²⁶

²² Jon B. Alterman and J. Stephen Morrison, *Is it Time to Engage Libya?*, Conference Report, Middle East, Africa Notes, Washington DC: Center for Security and International Studies, December 2003, pp.1-4.

²³ Ahmed Youssef, Cairo, 23 August 2015, interviewed by Mohamed Elmahdi.

²⁴ Alia Brahimi, 7 June 2016 to 6 September 2017, interviewed by Mohamed Elmahdi (e-mail exchange).

²⁵ Muammar Qaddafi, *Green Book: The Social Basis for the Third Universal Theory*, p.20.

²⁶ Marie Colvin, ‘Gadhafi, the man the world loves to hate’, *The Pittsburgh Press*, 3 August 1986.

Qaddafi has also sought an active strategy in Africa to reduce Western and Israeli influence in the continent. From the 1990s onwards, Qaddafi strengthened Libya's ties with Africa as a result of his failure to unify the Arab countries under his leadership.²⁷ Qaddafi stated: "Libya is an African country. May Allah help the Arabs and keep them away from us. We don't want anything to do with them. They did not fight with us against the Italians, and they did not fight with us against the Americans. They did not lift the sanctions and siege from us. On the contrary, they gloated at us, and benefited from our hardship."²⁸ In this context, Qaddafi sponsored Sirte Declaration in 1999 and played a key role in establishing the African Union in 2002. This was mainly motivated by Qaddafi's desire to assume the leadership of the African continent. Since 2008, the Libyan regime promoted Qaddafi's new title 'the king of the kings of Africa'.²⁹

Though Israel has never posed an existential threat to Libya, anti-Israeli rhetoric was an important part of Qaddafi's external policy.³⁰ Qaddafi never recognised the existence of the state of Israel, which he saw as a tool of Western influence and a product of American imperialism that could only be brought down by a united Arab world. According to Qaddafi: "Israel is a colonialist-imperialist phenomenon. There is no such thing as an Israeli people. Before 1948, world geography knew of no state such as Israel. Israel is the result of an invasion, of aggression."³¹ The Arab-Israeli conflict was central to the issue of Arab leadership, so Libya actively supported the

<https://news.google.com/newspapers?nid=2245&dat=19860808&id=5uIzAAAAIBAJ&sjid=nTIHAAAIBAJ&pg=6853,4899241&hl=en> (accessed 15 October 2014).

²⁷ Gawdat Bahgat, 'Proliferation of Weapons of Mass Destruction: The case of Libya', *International Relations*, March 2008, volume 22, number 1, pp.114 -115.

²⁸ Qaddafi, interviewed by *Al Jazeera News*, 27 March 2007.

²⁹ Ronald Bruce St John, *Libyan Foreign Policy: Newfound Flexibility*, Orbis, 47, 3rd edition, 2003, pp.463-477.

³⁰ Mohamed El-Sayed Selim, 'Arab perspectives on the question of WMD proliferation in the Middle East', in Waheguru Pal Singh Sidhu and Ramesh Thakur, *Arms Control after Iraq: Normative and Operational Challenges*, Tokyo: United Nations University Press, 2006, pp.244-246.

³¹ *Time*, 'World: An interview with Qaddafi', 9 April 1979.

<http://content.time.com/time/world/article/0,8599,1879350,00.html> (Accessed 2 June 2016).

Palestinian cause³² and took even more radical positions towards the peace process than the Palestinian Liberation Organisation (PLO) during the 1980s.³³ Qaddafi's frequent rhetoric calling for an 'Arab bomb' exemplified how he used the WMD issue for political propaganda, using the mere existence of Israel as a pretext to acquire such weapons. Qaddafi believed that he was 'the defender of the Arabs against Israel',³⁴ stating that:

"The Arabs must possess the atomic bomb to defend themselves until their numbers reach one billion, until they learn to desalinate seawater, and until they liberate Palestine. We undertake not to drop the atomic bomb on anyone around us, but we must possess it... If there is going to be a game using atomic bombs, then it should not be played against the Arab nation. The Arabs should have it, but we undertake not to drop it on anyone. However, if someone is going to drop one on us, or if someone is going to threaten our existence and independence even without the use of atomic weapons, then we should drop it on them. This is an essentially defensive weapon."³⁵

Regional competition

Libya's quest to acquire chemical weapons was not isolated; in fact, it was a part of an approach that dominated armament strategies in the Middle East during the second half of the 20th century. Chemical weapons played a significant role in the Middle East military equation.³⁶ Ambassador Thomas Graham Jr., a chief American diplomat during the 1970s and 1980s, asserted that "Qaddafi acquired chemical weapons for the same reason as other Arab leaders: to make up for their failure to match Israel's nuclear capability."³⁷

³² Wyn Q. Bowen, *Libya and Nuclear Proliferation: Stepping back from the brink*, Routledge: the International Institute for Strategic Studies, 2006, p13.

³³ Quoted in Ion Mihai Pacepa, *Red Horizons: Chronicles of a Communist Spy Chief*, Washington DC, Regnery Publishing, 1987, p.110. A dialogue that took place between Qaddafi and Ion Mihai Pacepa (former chief of Soviet intelligence), 4 March 1984.

³⁴ Bowen, *Libya and Nuclear Proliferation*, p.94.

³⁵ Qaddafi's Speech 22 June 1986 (Translated from Arabic) See also: James Russell, *Proliferation of Weapons of Mass Destruction in the Middle East: Directions and Policy Options in the New Century*, New York: Palgrave, 2006, p.5.

³⁶ W. Andrew Terrill, 'Libya and the Quest for Chemical Weapons', *Conflict Quarterly*, volume 14, number 1, winter 1994, pp.47-61.

³⁷ Thomas Graham Jr., 22 June 2016, interviewed by Mohamed Elmahdi (by telephone).

Israel started its pursuit of non-conventional arms since the creation of the state in 1948. The acquisition of WMD was believed to be a necessary defence against Israel's hostile neighbours, and images of the use of chemical gases by Nazis against Jews in concentration camps were fresh in the memories of the founders of the state of Israel.³⁸ The creation of Israel by migrants from all over the world, including scientists, technicians and chemists, allowed the new state to strengthen its defensive capabilities using science and technology.³⁹ David Ben Gurion launched a project to develop a cheap non-conventional capability upon returning to power in 1955, convinced war with Egypt was imminent.⁴⁰ According to a CIA report published in 1983: "In addition to building up a nuclear stockpile of an estimated three hundred nuclear weapons during the 1960s and 70s, the Israeli military also developed an extensive stockpile of chemical and biological weapons."⁴¹ The report justifies the silence of the United States of America (USA) regarding evidence of the chemical weapons programme of Israel by stating that:

"Finding itself surrounded by frontline Arab states with budding chemical weapons capabilities; (Israel) became increasingly conscious of its vulnerability to chemical attack. Its sensitivities were galvanized by the capture of large quantities of Soviet chemical weapons-related equipment during both the 1967 and the 1973 wars. As a result, Israel undertook a program of chemical warfare preparations in both offensive and protective areas."⁴²

Egypt also showed interest in developing chemical weapons after Gamal Abdel Nasser took power in 1952. The Egyptian chemical programme developed quickly in

³⁸ Avner Cohen, 'Israel and Chemical/Biological Weapons: History, Deterrence, and Arms Control', *The Nonproliferation Review*, volume 8, number 3, autumn-winter 2001, p.29.

³⁹ Gerald M. Steinberg, 'Israeli Responses to the Threat of Chemical Warfare', *Armed Forces & Society*, volume 20, number 1, autumn 1993, pp.85-101.

⁴⁰ Cohen, '**Israel and Chemical/Biological Weapons**', pp.27-53.

⁴¹ Matthew M. Aid, 'Report Exclusive: Does Israel Have Chemical Weapons Too? One secret CIA file may have the answer', *Foreign Policy*, 10 September 2013.

<http://foreignpolicy.com/2013/09/10/exclusive-does-israel-have-chemical-weapons-too> (accessed 13 August 2014).

⁴² Ibid.

the 1950s and 1960s, benefiting from the strategies of industrialization and military modernization that were applied by Nasser's socialist nationalist regime.⁴³ Egyptian troops reportedly used mustard gas and phosgene during the war in Northern Yemen in the mid-1960s.⁴⁴ Egypt publicly asserted that it would not accede to the Chemical Weapons Convention (CWC) until questions regarding Israel's nuclear weapons were addressed. Egypt repeatedly called for the establishment of a Weapons of Mass Destruction Free Zone (WMDFZ) in the Middle East.⁴⁵

The Syrian regime followed the Egyptian lead in the aftermath of the 1967 Arab-Israeli War. In order to balance the Israeli military capabilities, Syria managed to develop a significant arsenal of chemical weapons during the 1970s⁴⁶ which was used twice against the Syrian people. The first was by Hafez Al-Assad's regime in 1982 in order to counter the rebel Muslim Brotherhood in the city of Hamah, while the second was by his son Bashar during the Syrian civil war.⁴⁷ However, it was Iraq that had the greatest impact on changing attitudes toward chemical warfare in the region. Saddam Hussein managed to show the success of Iraq's chemical weapons programme in two occasions; the first was during the Iran-Iraq war (1980-1988) which witnessed massive use of nerve agents,⁴⁸ and the second was against the Iraqi Kurdish minority

⁴³ Dany Shoham, 'Chemical and Biological Weapons in Egypt and Libya', *CBW Magazine*, Institute for Defence Studies and Analyses, 2012, p.6.

⁴⁴ W. Andrew Terrill, 'The Chemical Warfare Legacy of the Yemen War', *Comparative Strategy*, volume 10, number 2, April-June 1991, pp.109-119.

⁴⁵ Ministry of Foreign Affairs of the Arab Republic of Egypt, "President Mubarak's initiative for establishing a weapons-of-mass-destruction-free-zone in the Middle East." http://www.mfa.gov.eg/English/EgyptianForeignPolicy/InternationalOrgRelation/DisArm/Pages/DisArm277free_zone.aspx (accessed 19 August 2014).

⁴⁶ On the creation of the Syrian chemical warfare programme, see: M. Zuhair Diab, 'Syria's Chemical and Biological Weapons: Assessing Capabilities and Motivations', *The Nonproliferation Review*, volume 5, number 1, fall 1997, pp.104-111.

⁴⁷ Julian Perry Robinson, 'Alleged Use of Chemical Weapons in Syria', *Harvard Sussex Programme Occasional Papers*, Issue 4, June, 26, 2013, pp.10-34.

⁴⁸ BBC News, Iraqi Kurds mark 25 years since Halabja gas attack, 16 March 2013. Available at: <http://www.bbc.com/news/world-middle-east-21814734> (accessed 20 September 2017).

rebellion in the mid-1980s.⁴⁹

Other countries in the region, including Iran, Algeria and the Sudan, also sought to develop their own chemical weapons, albeit with varying levels of success.⁵⁰ The American Director of Central Intelligence testified before the Congress in 1989 that:

“Syria and Iran, as well as outlaw Iraq, now have the weapons, with Libya working hard at it as well. And presumably such possessors of chemical-warfare weapons as there are in the Middle East are not necessarily confined only to the countries Judge Webster was talking about, ones unfriendly to America. More than 20 years ago Egypt used chemical-warfare weapons during its intervention in the Yemen civil war. Maybe it still has stocks. Nor can Israeli possession be discounted. And reports of spreading chemical-warfare capability certainly extend outside the Middle East.”⁵¹

Libya took a hostile approach to Israel, so it was never far from the Arab-Israeli conflict. Israel launched a pre-emptive attack against the Osiraq research reactor in Iraq in 1981, due to concerns about Saddam Hussein’s nuclear ambitions. The implications of the Israeli operation was clear to Qaddafi, given that Libya’s own research reactor and many components of its chemical and biological programmes had only recently become operational at that time. Libya’s vulnerability to a direct attack was once more demonstrated when Israeli fighter aircraft passed undetected across Libya’s coastline during an operation against the headquarters of the PLO in

⁴⁹ Mohamed El-Sayed Selim, ‘Arab perspectives on the question of WMD proliferation in the Middle East’ in Waheguru Pal Singh Sidhu and Ramesh Thakur, *Arms Control after Iraq: Normative and Operational Challenges*, Tokyo: United Nations University Press, 2006, pp.242-244.

⁵⁰ Anthony H. Cordesman, *Weapons of Mass Destruction in the Middle East: National Efforts, War Fighting Capabilities, Weapons Lethality, Terrorism, and Arms Control Implications*, Washington, DC: Center for Strategic and International Studies, 2nd edition, 1998, p.13. See also: Michael Barletta, ‘Chemical Weapons in the Sudan, Allegations and evidence’, *The Nonproliferation Review*, Fall 1998, pp.115-127, and Gregory F. Giles, ‘Iranian Approaches To Chemical Warfare’, in Peter Lavoy, Scott Sagan, and James Wirtz (editors), *Thinking the Unthinkable*, New York, Ithaca: Cornell University Press, 1998, p.7.

⁵¹ W.H. Webster, “Prepared statement before a joint hearing of the Senate Foreign Relations Committee on 1 March 1989”. In *Chemical and Biological Weapons Threat: The Urgent Need for Remedies*, hearings, S.HRG. 101-252, pp.29-33.

Tunis in 1985.⁵²

Qaddafi was also concerned about a potential military attack from the USA or one of Libya's hostile Arab and African neighbours.⁵³ Libya's military did not appear to be highly skilled in combat in the 1970s and 1980s. In no case was Libya's military performance satisfactory.⁵⁴ In July 1977, for example, Qaddafi's tension with the Egyptian President Anwar Sadat erupted into a border clash with substantial Libyan losses.⁵⁵ Libya has also financed civil wars in Uganda and Tanzania,⁵⁶ and has had a lengthy military intervention in Chad from the early 1970s until 1987 that resulted in another failure to the Libyan army. According to Zanders:

“These experiences raised the issue of the effectiveness of the Libyan armed forces despite the possession of modern weapons. Furthermore, the Libyans, despite repeated efforts, had been unable to make much progress in obtaining nuclear weapons, which made the chemical and biological choices the only attainable alternatives for deterrence, although evidences showed that Tripoli continued unsuccessfully to seek the acquisition of nuclear technology from abroad.”⁵⁷

Perceptions of the Regime's Security

Regime security was a key driver of Libya's chemical weapons programme, as the specific value of such weapons lay in their inherent effectiveness as a deterrent against the nation's enemies.⁵⁸ A USA congressional report stated:

“The poor man's deterrent apprehension refers on the one hand to the spread of chemical weapons to Third World countries and on the other to the potential acquisition of a weapon of mass destruction by terrorist

⁵² Jacob Abadi, 'Pragmatism and Rhetoric in Libya's Policy toward Israel', *The Journal of Conflict Studies*, volume 20, number 1, autumn 2000, pp.92-93.

⁵³ Vandewalle, *Libya since Independence*, pp.13-32.

⁵⁴ Robert Waller, 'Libyan Threat Perception', *Jane's Intelligence Review*, volume 7, number 9, September 1995, p.408.

⁵⁵ Kenneth M. Pollack, *Arabs at War: Military Effectiveness, 1948-1991*, Winnipeg, Canada: Bison Books, 2004, pp.365-368.

⁵⁶ William J. Foltz, "Libya's Military Power", in Rene Lemarchand, (editor), *The Green and the Black: Qadhafi's Policies in Africa*, Bloomington, Indianapolis: Indiana University Press, 1988, pp.57-67.

⁵⁷ Jean Pascal Zanders, 7 to 8 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁵⁸ Ronald Bruce St John, 30 April to 29 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange)

organisations. In developing countries, a perceived or real threat to the national security may lie at the base. Currently, attention is mostly focused on the Middle East, where the spread of chemical weapons seems to be closely associated with the proliferation of high technology weaponry, such as ballistic missiles and long-range bombers. Moreover, Arab countries, specifically Egypt, Syria and Libya, tend to view chemical weapons as a counter-balance for Israel's regional nuclear monopoly.⁵⁹

Qaddafi believed that the acquisition of WMD would have made Libya's enemies take the regime seriously as a regional power.⁶⁰ Libya managed to acquire significant quantities of modern weapons during the 1970s and 1980s, notably from the Soviet Union, France and China, including fighter aircrafts, tanks and missile systems.⁶¹ However, Libya's armed forces could not assimilate all this equipment or use it effectively in external war. The result has been two-fold; firstly, the regime became a power-broker in terms of providing other states and non-state actors with its surplus weapons.⁶² Secondly, the regime saw the acquisition of nuclear, biological and chemical weapons as the only realistic option for deterring potentially hostile and more powerful enemies. Acquiring WMD - or at least generating this perception - was therefore an important aspect of the regime's approach to deterrence.⁶³

Tense Relations with the USA

The USA developed strong political and military relations with King Idris I in the 1950s and 1960s.⁶⁴ However, the USA did not take a hostile position towards

⁵⁹ USA Congressional Research Center, "Report Prepared for the Subcommittee on International Security and Scientific Affairs", 24 April 1984.

⁶⁰ Wyn Q. Bowen, 'Tracking and Assessing Nuclear Issues in open Sources, The Case of Libya', in, James Russell, *Proliferation of Weapons of Mass Destruction in the Middle East: Directions and Policy Options in the New Century*, New York: Palgrave Macmillan, 2006, pp.148-149.

⁶¹ Jean Pascal Zanders and Eric Remacle, *Proceedings on Chemical Weapons Proliferation: Policy Issues Pending an International Treaty*, 2nd Annual Conference on Chemical Warfare, Vrije Universiteit, Brussels, 16 March 1990.

⁶² R. L. Koenig, 'CIA: Firms Aid in Making of Chemical Arms', *St. Louis Post-Dispatch*, 2 February 1989, p.12 <http://www.dtic.mil/dtic/tr/fulltext/u2/a225489.pdf> (accessed 12 August 2014).

⁶³ Bowen, *Libya and Nuclear Proliferation*, pp.19-20.

⁶⁴ Al-Warfaly, *Political Alienation in Libya: Assessing Citizens*, pp.13-15.

Qaddafi's coup in 1969 in expectation of a pro-Western, anti-Soviet regime in Tripoli. From his early days in power, Qaddafi expressed a very strong position against communism and praised the expulsion of Soviet military advisors from Egypt in 1970.⁶⁵ However, the anti-Western dimension in Qaddafi's foreign policy started to grow in 1970s, as Libya closed the British and the American military bases in its territory, and then started to nationalise several American oil companies.⁶⁶ In his first year as a ruler, Qaddafi expelled the remaining Italian community in Libya and confiscated Italian-owned farms and businesses.⁶⁷ Qaddafi's first radio speech in 1969 reiterated these ideas:

“Your armed forces have toppled the reactionary, backward and corrupt regime. With one strike your heroic army has toppled idols and destroyed them in one of Providence's fateful moments. As of now Libya shall be free and sovereign, a republic under the name of the Libyan Arab Republic. No oppressed or deceived or wronged, no master and no slave; but free brothers.”⁶⁸

Libya joined the Arab oil embargo against the West after the 1973 Arab-Israeli war.⁶⁹ However, after the success of Camp David peace process between Egypt and Israel in 1978, Qaddafi supported subversive action against Egypt, which had started the peace process with Israel, and the Arab conservative regimes in the Gulf who maintained close ties with the USA.⁷⁰ Moreover, Libya signed a massive arms deal with the Soviet Union in 1974, in parallel with establishing strong, though primarily commercial, ties with the Soviet Union from the early 1970s. Although the rapprochement between Libya and the Soviet Union implied a hostile position

⁶⁵ Bahgat, 'Proliferation of Weapons of Mass Destruction: The case of Libya', p.119.

⁶⁶ Ibid, p. 119.

⁶⁷ Lisa Anderson, *The State and Social Transformation in Tunisia and Libya 1830–1980*, New Jersey: Princeton University Press, 1986, p.188.

⁶⁸ Muammar Qaddafi's Speech, Radio Broadcast from Benghazi, 1 September 1969.

⁶⁹ Bahgat, 'Proliferation of Weapons of Mass Destruction: The case of Libya', p.119.

⁷⁰ Yoram Schwitzer, 'Neutralizing Terrorism – Sponsoring States: The Libyan Model', *Strategic Assessment*, 7, 1st edition, 2004, pp.2-13.

towards the USA and the West, it did not reflect any major ideological affinity between Tripoli and Moscow beyond what was described vaguely by Qaddafi as: “solidarity based on anti-colonialism, anti-imperialism, anti-Zionism, revolutionary change and socialism.”⁷¹ Qaddafi was also quoted as saying:

“Why should we be closer to the Soviets? Because the Americans have challenged us, America is involved in a conspiracy, primarily because of its policy toward Israel. In our view, whoever is against the Americans stands with us. The enemy of your enemy is your friend.”⁷²

From the Soviet perspective, good relations with Libya would prevent this country and its excellent strategic location from falling into the hands of the Western bloc. The relationship had also economic benefits, as it enabled Moscow to expand its commercial and military exports to Libya.⁷³

Libya-USA relations soured significantly in 1979, when the Libyan authorities did nothing to prevent a mob - inspired by the Iranian revolution - from setting fire to the American embassy in Tripoli. The Libyan regime sponsored tens of terrorist attacks in the 1970s and 1980s. These developments led the USA to add Libya to the list of the states sponsoring terrorism in 1979.⁷⁴ The arrival of the Reagan administration in January 1981 ushered in a new and hostile chapter in Libya-USA relations.⁷⁵ Following the American attack on Libya in April 1986, the regime became concerned about similar attacks in the future. Qaddafi stated:

“Reagan plays with fire. He doesn’t care about international peace. He

⁷¹ ‘World: An Interview with Gaddafi’, *Time*, 9 April 1979.

<http://content.time.com/time/world/article/0,8599,1879350,00.html> (accessed 2 June 2016).

⁷² *Ibid.*

⁷³ K.D. Kapur, *Soviet Nuclear Non-Proliferation Diplomacy and the Third World*, New Delhi: Konark Publishers, 1993, p.148; and Ronald Bruce St John, ‘The Soviet Penetration of Libya’, *The World Today*, volume 38, number 4, April 1982, pp.133-138.

⁷⁴ For a complete list of Qaddafi’s sponsored terrorist attacks, see: Corri Zoli et al., ‘Report on Patterns of Conduct: Libyan Regime Support for and Involvement in Acts of Terrorism’, Institute for National Security and Counter-Terrorism, Syracuse University, 2012, pp.3-34.

⁷⁵ George P. Shultz, *Turmoil and Triumph: My Years as Secretary of State*, New York: Charles Scribner’s Sons, 1993, pp.677-687.

plays as if he was in the theatre. Reagan wants to dominate the world. He wants to find justification to make war. If he does this, if it goes on like this, a cataclysm will take place. Reagan should come and see that I am not a terrorist in a trench with a grenade in my pocket.”⁷⁶

The American attacks demonstrated that Libya’s WMD could significantly strengthen its deterrence capabilities. An American Intelligence source explained:

“Qaddafi places little faith in his armed forces and dreads a repeat of the 1986 U.S. air strikes against Tripoli and Benghazi. Reflecting on the air strikes, Qaddafi has wistfully spoken of possessing a ballistic missile capability that could threaten New York. Few state leaders have expressed such single-minded determination to obtain chemical, biological, and nuclear weapons. This determination, coupled with Qaddafi’s long-term association with terrorism, has caused grave concern among other nations—especially the USA and Israel.”⁷⁷

Reagan’s tense relations with Qaddafi fuelled Libya’s ambition to acquire WMD during the 1980s. Mabroka Al-Warfaly, a Libyan politics professor, explained:

“During Reagan’s presidency, conflict between Libya and the USA escalated. Nothing would have deterred the colonel from going to the furthest point in challenging the USA patience. That was due to a strategic mistake he made in comprehending the priorities and preferences of the superpowers. He was under the impression that the USSR would react immediately in favour of Libya if the USA attacked Libya. The colonel was shocked by the passivity of the USSR regarding USA aggression, which led him to revise Libya’s foreign policy regionally and internationally.”⁷⁸

Following a number of attacks on American military personnel and installations in Europe, the USA Central Intelligence Agency (CIA) described the Libyan regime in June 1981 as “the most prominent state sponsor of and participant in international

⁷⁶ Marie Colvin, ‘Gadhafi, The man the world loves to hate’, *The Pittsburgh Press*, 3 August 1986. Available at: <https://news.google.com/newspapers?nid=2245&dat=19860808&id=5uIzAAAIBAJ&sjid=nTIHAAAIBAJ&pg=6853,4899241&hl=en> (accessed 15 October 2014).

⁷⁷ Craig R. Black, Commander of U.S. Navy Intelligence, ‘Deterring Libya: the Strategic Culture of Muammar Qaddafi’, *The Counter-proliferation Papers*, Future Warfare Series Number 8, USAF Counter-proliferation Center Air War College, October 2000, pp.17-23.

⁷⁸ Mabroka Al-Warfaly, 4 May to 26 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

terrorism.”⁷⁹ On 15 September 1983, CIA reported that Libya may have received chemical weapons indoctrination, training, and small amounts of chemical weapons agents from Soviet satellite states, such as Poland in 1980.⁸⁰

Tension between Libya and the USA culminated amidst American accusations that Libya was preparing to commence production of chemical weapons at a plant near Rabta, 60 km south of Tripoli. American intelligence referred to West German companies’ involvement in the construction of the plant, creating a diplomatic tension between Washington and Bonn.⁸¹ In late December 1988, President Reagan had given warning that the USA was considering military action to destroy the Rabta complex. The warning came at a time of high tension, following the destruction of the Pan Am airliner over Scotland. On January 4, 1989, two American planes shot down two Libyan jets over the Mediterranean. The incident was the most serious clash between the two countries since the American raids in April 1986.⁸²

The tension extended to relations between the USA and West Germany. Washington’s diplomatic pressures to convince Bonn to uncover their information concerning the extent of involvement of the West German companies in Rabta plant did not yield fruit from 1980 to 1987. Due to the growing frustration in Washington, Reagan’s administration in its last months started to publicise more details about the Libyan plant and about the extent of the German company’s involvement in its

⁷⁹ Claudia Wright, ‘Libya and the West: Headlong into Confrontation?’, *International Affairs*, volume 58, number 1, winter 1981-82, pp.16-18.

⁸⁰ Nuclear Threat Initiative, ‘Russia’. Available at: <http://www.nti.org/learn/countries/russia/chemical/> (accessed 25 November 2017).

⁸¹ Edward M. Spiers, *Chemical and Biological Weapons: A study of Proliferation*, London: Palgrave Macmillan, 1994, pp. 65-83.

⁸² Robert Pear, U.S. downs 2 Libyan Fighters, Citing Their ‘Hostile Intent’; Chemical Link Denied, *New York Times*, January 5, 1989. Available at: <http://www.nytimes.com/1989/01/05/world/us-downs-2-libyan-fighters-citing-their-hostile-intent-chemical-plant-link.html?pagewanted=all&mcubz=0> (accessed 1 October 2017).

construction.⁸³ The tension continued during the first months of George Bush administration. Despite the fact that the Chancellery Minister of West Germany, Wolfgang Schauble, agreed to present a full report to the Bundestag by 15 February 1989 and to introduce legislation to tighten West Germany's export legislation,⁸⁴ the Senate published warnings of West German involvement in Rabta Complex on March 9, 1989, which stated: "The chronology reveals a massive failure on the part of the German Government to respond to the information it was receiving. The issue goes beyond mere incompetence. It was clear that German bureaucrats knew that higher ranking officials did not want to hear accusations against German exporters."⁸⁵ The diplomatic crisis between Washington and Bonn over Rabta showed the difficulty of coordinating international action in world security issues even among allies.⁸⁶

Libya also sponsored several terrorist attacks across Europe.⁸⁷ In an interview with an Italian newspaper, Qaddafi said:

"Did Libya invade Italy or was it Italy that invaded Libya? You attack us now as you did then. In other ways, with other systems, by supporting Israel, opposing Arab unity and our revolutions, frowning on Islam and calling us fanatics. We've been too patient with you. We've put up with your provocation for too long. If we hadn't been so wise, we would have gone to war with you a thousand times. We didn't because we think the use of force is a last resort for survival and because we have always been on the side of civilisation. After all, during the Middle Ages we civilised you. You were poor barbarians, primitive, savage creatures."⁸⁸

⁸³ Spiers, *Chemical and Biological Weapons: A study of Proliferation*, pp. 65-83.

⁸⁴ 'Report Submitted by the Government of the Federal Republic of Germany to the German Bundestag on February 15, 1989 concerning the possible involvement of Germans in the establishment of a chemical weapons facility in Libya', attached to: Countering the Chemical and Biological Weapons Threat in the Post-Soviet World, Report of the Special Inquiry into the Chemical and Biological Threat of the Committee on Armed Services House of Representatives, 102nd Congress, second session, 23 February 1993, p.54.

⁸⁵ Jesse Helms, 'Warnings of West German involvement in Libya's poison Gas Complex', 9 March 1989, The Senate of the United States of America, S2406, available at: https://fas.org/irp/congress/1989_cr/h890309-libya.htm (accessed 1 October 2017).

⁸⁶ Spiers, *Chemical and Biological Weapons: A study of Proliferation*, p.71.

⁸⁷ George Joffé, 'Libya and Europe', *The Journal of North African Studies*, volume 6, number 4, winter 2001, p.84.

⁸⁸ Qaddafi, 2 December 1979, interviewed by Oriana Fallaci for *Corriere della Sella*.

However, the European powers seemed to be less confrontational with Libya than the USA throughout the Qaddafi era. Generally, there was a common belief in Europe that by engaging Qaddafi in a political process, there would be an eventual change in Libya's hostile foreign policy towards the West. This approach was based on a better understanding of the Libyan political regime due to the long history of interaction between Europe and Libya.⁸⁹ Gawdat Bahgat, an American-Egyptian expert in Middle East affairs, mentioned that: "This explains why the negotiation with Qaddafi to relinquish the programmes of WMD started with the UK not the USA."⁹⁰

It was clear that the American strategy, which aimed to isolate Libya, yielded the opposite. The economic effects of the American embargo were not tangible in the 1980s, as Qaddafi relied on Libya's huge financial reserves to proceed with his rogue policies toward the USA, including the development of WMD.⁹¹ Qaddafi managed to use this escalation as a pretext to radicalize his external policies, emphasising the acquisition of WMD as a security priority necessary for the survival of his regime. It was not until the USA realized the necessity of integrating – not just confronting - the Libyan regime that Qaddafi started to change his position towards WMD.⁹²

The Quest for Internal Legitimacy

Libya was the second nation in the Arab world to gain its independence, after Egypt. This was not because it was better prepared for independence than the other countries in the region; on the contrary, Libya at that time was a poorly populated and

<http://www.corriere.it/International/english/articoli/2011/02/23/oriana-fallaci-interview-gheddafi-1979.shtml> (accessed 9 June 2016).

⁸⁹ Bahgat, 'Proliferation of Weapons of Mass Destruction: The case of Libya', p.122.

⁹⁰ Gawdat Bahgat, 1 to 14 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁹¹ Youssef M. Sawani, 'The United States and Libya: Turbulent History and Uncertain Future', *International Relations*, December 2014, pp.1-3.

⁹² Jon B. Alterman and J. Stephen Morrison, 'Is it Time to Engage Libya?', *Africa Notes*, Center for Strategic and International Studies, December 2003, pp.5-7.

impoverished country with vast deserts whose infrastructure had been completely devastated in the battles of the Second World War. Before the discovery of oil in 1959, Libya was able to survive largely because of British and American subventions, and in turn it offered them both strategic military bases. Although the discovery of oil had raised the standard of living of the Libyan people, the social and cultural fabric of the Libyan tribes was not yet ready to create a modern state.⁹³

Qaddafi's ideas were completely alien to Libya's traditional religious conservative society. According to Mohamed Sayed Selim, an Egyptian professor of International Relations: "Qaddafi invented 'revolutionary legitimacy' in order to rationalise his indefinite stay in power."⁹⁴ Qaddafi's regime in Libya relied on foreign policy (supporting third-world causes, leading the quest for Arab and African unity, and adopting policies against the West and Israel) to mobilize internal support, and also to justify the size of Libya's military expenditures and the expenses of Qaddafi's selfish political ambitions.⁹⁵ Qaddafi insisted that the Libyan revolution was a way to promote Libya's role in the Third World. In fact, some of Qaddafi's foreign policies in the first years of his rule allowed him to gain him massive popular support. Closing the foreign military bases gave Qaddafi the image of a hero who had liberated Libya from the last symbols of imperial presence, while the nationalization of foreign assets in imitation of Nasser in Egypt raised his popularity in Libya and the Arab world. Qaddafi's strong ambition to play a major role on the world stage, especially in the Arab world, gave the Libyan masses a sense of pride and identification with him.⁹⁶

The Green Book states:

⁹³ L. Carl Brown, *Diplomacy in the Middle East: The International Relations of Regional and Outside Powers*, London: IB Tauris, 2004, pp.291-292.

⁹⁴ Mohamed Sayed Selim, interviewed by Mohamed Elmahdi,

⁹⁵ Al-Warfaly, *Political Alienation in Libya*, pp.12-13.

⁹⁶ Dana Moss, 'Reforming the Rogue: Lessons from the U.S.-Libya Rapprochement', *Policy Focus* 105, Washington D.C.: the Washington Institute for Near East Studies, August 2010, pp.7-24.

“The aspiration of the new socialist society is to create a society which is happy because it is free. This can only be achieved by satisfying man’s material and spiritual needs, and that, in turn, comes about through the liberation of these needs from the control of others. Satisfaction of these needs must be attained without exploiting or enslaving others; otherwise, the aspirations of the new socialist society are contradicted.”⁹⁷

The revolutionary aspect of Qaddafi’s foreign policy was clear. Youssef further explained this as saying: “Qaddafi’s foreign policy aimed to direct the attention of the Libyan people toward external issues and to unify them around foreign policy goals in terms of Arab nationalism, Pan-Africanism, anti-Zionism, and anti-Colonialism. The Libyan regime aimed to depict Qaddafi as a national champion who was leading inevitable political and military battles against the nation’s enemies”⁹⁸

Section Three: Components of the Libyan Chemical Weapons Programme

The Libyan people experienced the use of chemical weapons when the fascist regime of Italy used mustard gas bombs against civilians in eastern Libya in 1929 and 1930.⁹⁹ Libya reportedly deployed chemical weapons during its war in Chad (1978-1987). The Government of Chad accused Libya of using toxic gas and napalm against central government forces in the final phases of the war in September 1987.¹⁰⁰

In fact, Libya began to show interest in producing chemical weapons in 1980. This was the point when Qaddafi’s regime initiated secret communications with a number of companies around the world, including the West German company Imhausen-Chemie, to build a ‘facility for producing Chemical materials’ southwest of Tripoli. Other German firms also cooperated with Imhausen but claim that they

⁹⁷ Qaddafi, *Green Book: The Social basis for the Third Universal Theory*, p.19.

⁹⁸ Ahmed Youssef, interviewed by Mohamed Elmahdi.

⁹⁹ Hishem Karoui, *Qadhafi’s Libya: Military Power and Military History*, Copenhagen: ISSUU, 2009, p.8.

¹⁰⁰ Jean Pascal Zanders, ‘The Return of Gaddafi and his Chemical Weapons Spectre’, *ISS Analysis*, March 2011. Available at: <http://www.iss.europa.eu/.../the-return-of-gaddafi-and-his-chemical-weapons-spectre/> (accessed 9 January 2015).

believed they were delivering goods for a pharmaceutical plant in Hong Kong.¹⁰¹ Libya's interest increased with Iraq's successful use of chemical weapons in its war against Iran from 1983.¹⁰² Few people from the entourage of Qaddafi were involved in administering Libya's WMD programmes. A Libyan diplomat, in a confidential interview, explained that: "The Central Agency of the Electronic War and the Military Industries played a central role in the illicit negotiations between Libya and several foreign governments, including Iran as well as a number of European companies in order to acquire technologies for developing WMD. The agency was provided with huge and unsupervised financing and resources."¹⁰³

The Libyan chemical weapons programme was headed by Ahmed Hesnawy, a chemical engineer who completed his studies in the USA. During the 1980s, Qaddafi's chemical weapons programme relied on a few Libyan chemical engineers and scientists who gained their degrees from American and European universities.¹⁰⁴ Libya's chemical weapons production facilities consisted of one complete production facility, and two uncompleted projects.¹⁰⁵ Libya acquired a quantity of precursor chemicals, mainly from Western European countries in the 1990s.¹⁰⁶ The Libyan chemical weapons programme was composed of the following:

The Rabta Plant

The Libyan chemical weapons programme was centred on a large production plant at

¹⁰¹ Nuclear Threat Initiative, 'Libya'. Available at: <http://www.nti.org/learn/countries/libya/facilities/> (accessed 25 July 2017).

¹⁰² Stephen C. Pelletiere et al., *Iraqi Power and US Security in the Middle East*, Carlisle Barracks, PA: USA Army War College, 1990, pp.45-62.

¹⁰³ Interviewee B, Libyan diplomat, Athens, 24 July 2014, interviewed by Mohamed Elmahdi.

¹⁰⁴ Jonathan B. Tucker, 'The Rollback of Libya's chemical weapons programme', *The Non Proliferation Review*, volume 16, number 3, November 2009, pp.365-366.

¹⁰⁵ The OPCW, *Libya: Facts and Figures*.

¹⁰⁶ The USA Central Intelligence Agency of the United States, 'Unclassified Report to Congress on the Acquisition of Technology relating to Weapons of Mass Destruction and Advanced Conventional Munitions 1 January through 30 June 2002', Washington DC, 2002, pp.7-8.

Rabta, 65 kilometres southwest of Tripoli. Construction of the Rabta complex started in 1984, with considerable assistance from European and Japanese firms.¹⁰⁷ The West German company Imhausen-Chemie played a central role in the construction and equipping of the plant, while UK companies including Ihsan Barbouti International.¹⁰⁸

The Rabta site was called 'Pharma 150'. The production complex included a chemical plant called Building 17, which was surrounded by utility buildings. Two-thirds of this plant was occupied by a large hall of chemical reactors that manufactured commercial drugs. The remaining third of the plant contained specialised equipment for the production of sulphur mustard. West German companies had provided Libya with pumps and sophisticated chemical-processing reactors suitable for producing nerve agents as well as mustard gas. The chemical weapons production line had a highly-automated control room using the latest West German technology.¹⁰⁹

Libya managed to import Thioldiglycol, the immediate precursor of sulfur mustard before 1989, but once Libya was not able to buy the precursor due to international sanctions, the plant started to produce its own precursor by the chemical interaction of simple chloroethanol and sodium sulfide. The international sanctions had a worse impact on the process of loading the mustard agent into storage containers. Foreign workers in Rabta plant, mainly from Asian nationalities, had to fill the chemical agents into the plastic containers manually due to the lack of an automated filling unit.¹¹⁰ Libya also devised bomb casings that were able to carry 48

¹⁰⁷ W.H. Webster, "Prepared statement before a joint hearing of the Senate Foreign Relations Committee on 1 March 1989", p.36.

¹⁰⁸ Spiers, *Chemical and Biological Weapons: A study of Proliferation*, pp. 65-67.

¹⁰⁹ Report Submitted by the Government of the Federal Republic of Germany to the German Bundestag, 15 February 1989, pp. 56- 60.

¹¹⁰ Tucker, 'The Rollback of Libya's Chemical Weapons Programme', p372.

Find more information about the technical description for the production process of the nerves agents in Rabta in the above-explained article.

litres of mustard on Jet fighters in the adjacent Steel mill inside the Rabta complex and stored the empty casings in a storage facility separate from the mustard agent, intending to fill the weapons prior to use.¹¹¹

The West German investigations, which started in 1989, uncovered most of the technical aspects of the Rabta plant. These established facts, combined with the high tension in the relations between Libya and the USA, added to the speculations about a prominent American attack against Libya's chemical plant.¹¹² Jurgen Hippenstiel-Imhausen, the former head of Imhausen was found guilty in 1990 of violating West German export and tax laws, while secretly selling a chemical production plant to Libya for \$150 million, and was sentenced for 5 years in prison.¹¹³ Libya staged a false fire in the Rabta in 1990, but the American Intelligence was eventually able to uncover the hoax.¹¹⁴ Libya slowed down the activities in Rabta in 1990 as evidence of the major fire and to reduce the possibility of an American attack.¹¹⁵ The issue of Rabta plant re-surfaced after the war in Iraq in 1991, when American intelligence claimed that Qaddafi had plans to renovate the plant to produce mustard gas again and that another underground wing was under construction inside the Rabta compound¹¹⁶. The main constructor was reportedly a German mechanical engineer who lived in Libya at the time. The facility managed to produce a few tons of mustard gas before it was converted for civilian purposes in the late 1990s.¹¹⁷

¹¹¹ Ibid, p.374.

¹¹² Spiers, *Chemical and Biological Weapons: A study of Proliferation*, pp. 79-80.

¹¹³ Ferdinand Protzman, "German Confesses on Libyan Plant" *The New York Times*, 14 June 1990. <http://www.nytimes.com/1990/06/14/world/german-confesses-on-libyan-plant.html> (accessed on 12 November 2017).

¹¹⁴ Michael R. Gordon, U.S. Says Evidence Points to Hoax In Fire at Libyan Chemical Plant, 18 June 1990. Available at: <http://www.nytimes.com/1990/06/19/world/us-says-evidence-points-to-hoax-in-fire-at-libyan-chemical-plant.html?mcubz=0> (accessed 17 September 2017)

¹¹⁵ Terrill, *Libya and the Quest for Chemical Weapons*, p.50.

¹¹⁶ R.M. Gates, Hearing on Weapons Proliferation in the New World Order before the Committee on Governmental Affairs United States Senate, 102nd Congress, second session, 15 January 1992, p 11.

¹¹⁷ Shoham, 'Chemical and Biological Weapons in Egypt and Libya', p.6.

Sebha project

In 1992, just a few months after Rabta was reportedly shut down, the CIA claimed that Libya had a second chemical weapons plant at the Sebha Oasis, 650 km south of Tripoli - 'Pharma 200'. The project was also planned by Imhausen-Chemie in the late 1980s with a similar design to that of the Rabta plant. The Sebha facility was also designed to host nuclear, biological, and ballistic missiles facilities.¹¹⁸ German, Swiss and Chinese companies were reportedly involved in the construction of the site.¹¹⁹

No proof of significant production of chemical materials has been found at Sebha. The site was discovered by the American intelligence before it was operational, and later reported to be dormant.¹²⁰ International inspectors verified the location after Libya submitted its initial declaration to the Organisation of the Prohibition of Chemical Weapons (OPCW) in 2004, and reaffirmed that the Sebha plant was never fully equipped to produce chemical materials.¹²¹

Tarahuna Project

After the discovery of the Rabta and Sebha plants, Libya initiated the work in a third chemical weapons production facility at Tarahuna, under the name of 'Pharma 300', 65 km southeast of Tripoli. The new project was bigger than the previous two plants and was built completely underground in the form of complex set of tunnels carved inside a mountain. The location and design of pharma 300 made it immune to conventional military attacks.¹²² However, the American intelligence detected the

¹¹⁸ Tucker, 'The Rollback of Libya's Chemical Weapons Programme', p.373.

¹¹⁹ Joshua Sinai, 'Libya's Pursuit of Weapons of Mass Destruction', *The Nonproliferation Review*, volume 4, spring-summer 1997, p.94.

¹²⁰ John Prados, 'How Qaddafi Came Clean', *Bulletin of the Atomic Scientists*, November/December 2005, p.29.

¹²¹ Jim Mann, 'Kadafi Building Chemical Warfare Facility, U.S. Says', *Los Angeles Times*, 6 March 1991. http://articles.latimes.com/1991-03-06/news/mn-276_1_chemical-warfare (accessed 4 August 2014).

¹²² Sinai, 'Libya's Pursuit of Weapons of Mass Destruction', pp. 94-95.

new plant and threatened to do what it takes to halt the development of the project,¹²³

On 23 March 1997, a USA State Department spokesperson stated that:

“Libya is constructing what would be the world’s largest underground chemical plant near a place called Tarahuna, about 60 kilometres southeast of Tripoli. They began this work, we think, in about 1992, and we know that their chemical weapons production facility at Rabta has been inactive since it was exposed in the late 1980s, partly as a result of our efforts. The government of Libya still insists that the chemical plant at Rabta was designed to produce just pharmaceuticals. It claims that this new site, Tarahuna, is a training site for Libyan workers of the much-publicized civilian great man-made river project, which is on-going there. But our indication is that this, that Tarahuna will be a reconfigured version of the plant at Rabta, and that it will, if it moves forward, be used to produce blister agents such as mustard gas and perhaps nerve agents as well.”¹²⁴

In order to prevent a potential American attack, Egyptian President Hosni Mubarak intervened in the crisis. In a private interview, an Egyptian military source explained that: “Mubarak sent inspectors to Tarahuna facility to assess its level of development. They concluded that the project had never been completed and that there is no recent activity at the site.”¹²⁵ The equipment that Libya had procured for the plant was found stored in its original shipping crates at a warehouse outside Tripoli.¹²⁶

Precursor Chemicals

Libya remained heavily dependent on foreign suppliers for chemical weapons precursor chemicals and other key equipment.¹²⁷ According to Tucker: “The Libyans had imported more than 1,400 MT of these chemicals from companies in Western Europe and the Far East, including phosphorus trichloride, dichloroethane,

¹²³ Philip Shenon, “Perry, in Egypt, Warns Libya to Halt Chemical Weapons Plant”, *New York Times*, 4 April 4 1996, Available at: <http://www.nytimes.com/1996/04/04/world/perry-in-egypt-warns-libya-to-halt-chemical-weapons-plant.html?mcubz=0> (accessed 18 September 2017).

¹²⁴ Quoted in Joshua Sinai, ‘Libya's Pursuit of Weapons of Mass Destruction’, p.94.

¹²⁵ Interviewee A, Egyptian military officer, Athens, 12 June 2014, interviewed by Mohamed Elmahdi.

¹²⁶ Tucker, ‘The rollback of Libya's Chemical weapons programme’, p.374.

¹²⁷ The USA Central Intelligence Agency, ‘*Unclassified Report to Congress on the Acquisition of Technology relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 January through 30 June 2002*’, Washington DC, 2002, pp.7-8.

thionylchloride, thiodiglycol, ethylene oxide, dimethylamine, sodium sulfide, sodium fluoride, and pinacolyl alcohol.”¹²⁸

Upon joining the CWC in January 2004, Libya declared the possession of the 3,563 unloaded chemical weapons munitions (aerial bombs). According to the OPCW, “several hundred munitions loaded with sulphur mustard, 650 kilograms of sulphur mustard stored in plastic containers, as well as few hundreds of unfilled plastic containers were declared by the Libyan transitional authorities in November 2011 and February 2012.”¹²⁹

Research and Development of Nerve Agents

Rabta plant was equipped to produce the nerve agents, soman and sarin, at a rate of 10,000 pounds per day according to the American estimates, however, the nerve gas production was never proved.¹³⁰ Libya’s aspiration to produce nerve gas revived in the early 1990s with Tarahuna project (Pharma 300), but the project itself was never accomplished.¹³¹ Libya managed to obtain small quantities of the sarin precursor isopropyl alcohol and the soman precursor pinacolyl alcohol for this production, but large scale production proved to be difficult due to the lack of the know-how and the difficulty of importing more chemical precursors under international embargo.¹³²

Whether Libya had really managed to produce nerve gases was one of the most controversial aspects of the Libyan chemical weapons programme. In a confidential interview, An Egyptian military source explained that: “Speculations about whether Libya was producing nerve agents dominated the intelligence community during the

¹²⁸ Tucker, ‘The Rollback of Libya’s Chemical Weapons Programme’, p.374.

¹²⁹ The OPCW, *Libya: Facts and Figures*. <http://www.opcw.org/the-opcw-and-libya/libya-facts-and-figures> (accessed 3 September 2013).

¹³⁰ Sinai, ‘Libya’s Pursuit of Weapons of Mass Destruction’, p 94.

¹³¹ Donald A. Mahley, ‘Dismantling Libyan Weapons’, *The Arena*, Number 10, November 2004, p.2.

¹³² Tucker, ‘The Rollback of Libya’s Chemical Weapons Programme’, p.376.

1980s and 1990s but no sufficient evidence was ever found.”¹³³ The issue was addressed in March 2004 by the Head of the OPCW, Rogelio Pflirter, who said: “I think they were pretty close to producing nerve gases. I’m not sure they were in a position to produce them, but we need to look more thoroughly into the declaration for that.”¹³⁴ Ralph Trapp, an OPCW expert stated:

“My understanding is that Libya had managed to manufacture small amounts of nerve agent, I presume as part of advanced research and development activities. I am not aware of any sizeable nerve agent stockpile manufactured by Libya. One could nevertheless conclude that the nexus with terrorism created a situation where even small amounts of nerve agent would have been of major concern.”¹³⁵

Libya’s initial declaration, which was submitted to the OPCW in March 2004, identified the following chemical materials and capabilities:¹³⁶

- 24.7 metric tonnes (MT) of sulphur mustard
- 1,390 MT of precursor chemicals
- 3,563 unloaded chemical weapons munitions (aerial bombs)
- 1 deactivated chemical weapons production facility.
- 2 storage facilities for precursor chemicals.

In November 2011, the new Libyan government declared newly discovered stockpile in two locations in the desert. The cache consisted of hundreds of munitions loaded with sulphur mustard, a few hundred kilogrammes of sulphur mustard stored in plastic containers (the total amount of sulphur mustard declared by Libya stood at 26.3 metric tonnes) and a few unfilled plastic containers for munitions components.¹³⁷

¹³³ Interviewee A, interviewed by Mohamed Elmahdi.

¹³⁴ Radio Netherlands, “Libya comes clean”, 5 March 2004.

[http://www.defense-aerospace.com/articles-view/release/3/34957/libya-comes-clean-on-WMD%2C-missiles-\(mar.-8\).html](http://www.defense-aerospace.com/articles-view/release/3/34957/libya-comes-clean-on-WMD%2C-missiles-(mar.-8).html)

¹³⁵ Ralph Trapp, 9 May to 17 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

¹³⁶ According to OPCW sources. See: The OPCW, *Libya: Facts and Figures*.

¹³⁷ Ibid.

Conclusion

Libya witnessed a military coup in 1969 led by Muammar Qaddafi during a period of strong Arab Nationalism and anti-Zionism in the Arab region. In such a context, a conventional and non-conventional arms race was justified by many countries in the region, including Libya. Qaddafi developed a hard-core radical regime that managed to survive for decades. Counting on the huge Libyan oil revenues, Qaddafi stubbornly and repeatedly tried to export his revolutionary ideology of anti-Imperialism, Arab Nationalism, Pan-Africanism and anti-Zionism. His ideology provided a suitable theoretical basis on which to adopt an offensive military doctrine that sought to acquire WMD, including chemical weapons, in order to secure his regime from perceived enemies of Libya, especially in the West. It was also a basis for his quest to secure internal legitimacy for his regime, which stayed in power for over four decades without any democratically legitimate base. Libya started its chemical weapons programme in 1980. However, the Libyan chemical weapons programme was never completed, due to factors that will be thoroughly discussed in the next chapter.

The Libyan chemical weapons programme was centred mainly on Rabta facility, which was active during 1989 and 1990 before the international embargo rendered it inoperable. Other projects intended to expand the programme in Sebha and Tarahuna encountered major technical and financial problems, and were never ready for production. By the time Qaddafi began to adhere to the Regime for the Prohibition of Chemical Weapons in 2004, the Libyan chemical weapons arsenal was small in size and less developed than the prevailing estimations of Western intelligence. A number of international, regional, and internal developments in the mid-1990s led the Libyan regime to change its orientation. The next chapter will highlight the reasons behind Qaddafi's decision to relinquish his quest to acquire WMD in 2003.

Chapter Three: Libya's Decision to end its Chemical Weapons Programme

Introduction

In 1990 Muammar Qaddafi began gradually revising the ideas and practices that had underpinned his regime throughout the previous two decades. Mabroka Al-Warfaly, a Libyan professor of Politics, explained that: “A set of internal and external variables pushed the Libyan leader to realize that the disadvantages of keeping the weapons of mass destruction (WMD) were much bigger than their political and strategic benefits.”¹ According to William Tobey, a top advisor to the American Secretary of Defence, “Libya was increasingly concerned about a possible American attack if it insisted on keeping its unconventional arms programmes. Besides, the changes in the international and regional systems as well as internal political and economic difficulties, mainly due to the tight American and the sanctions of the United Nations (UN), were behind Qaddafi's relinquishment of his quest to possess WMD.”²

This chapter analyses the reasons behind Libya's decision to end its pursuit of chemical weapons. The first section sheds light on the environment in which Qaddafi made his decision to stop developing WMD. It discusses the factors behind Qaddafi's decision, with reference to the American and British roles in bringing around this change. The second section applies Regime Theory arguments (selfishness and rationality of international actors, and the dominant role of powerful actors inside the regime) in assessing the Libyan decision in the light of three questions: Was Qaddafi's decision a success for the coercive diplomacy model in chemical non-proliferation issues? Can Libya be a model of peaceful disarmament of chemical

¹ Mabroka Al-Warfaly, 4 May to 26 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

² William Tobey, 30 April to 16 May 2016 interviewed by Mohamed Elmahdi (e-mail exchange).

weapons for other states? Was the role of the Organisation of the Prohibition of Chemical Weapons (OPCW) effective in convincing Qaddafi to make this decision?

Section One: Reasons behind the Decision

Libya announced in a written declaration on December 19, 2003, that it had conducted talks with the USA and the UK regarding the renunciation of its WMD programmes.³ The declaration included a pledge to “eliminate all chemical weapons stocks and munitions and accede to the Chemical Weapons Convention (CWC); and allow immediate inspections and monitoring to verify all of these actions.”⁴

Qaddafi’s decision to end the Libyan programmes for developing WMD, including the chemical weapons programme, was not sudden. It came after several rounds of secret negotiations mediated by the UK.⁵ Regime Theory suggests that each actor is rational and tries to maximise their benefits from the existing international regimes in an egoistic manner. The Libyan decision of 2003 is therefore better understood as the result of a rational cost-benefit analysis. The Libyan ruling regime decided to adapt to the changes in the internal, regional and international environment surrounding it. William Tobey explained these developments by saying:

“The Libyan case was successful because of a combination of factors: good intelligence; an international consensus against chemical and nuclear weapons proliferation; the clarifying example of Saddam Hussein’s fate; longstanding and costly sanctions; and structural changes in the international environment, such as the fall of the Soviet Union, and the rise of al Qaeda.”⁶

³ Gawdat Bahgat, ‘Proliferation of Weapons of Mass Destruction: The Case of Libya’, *International Relations*, volume 22, number 1, 2008, p.105.

⁴ For the full statement of the Libyan government see BBC News, ‘Libyan WMD: Tripoli’s Statement in full’, *BBC News*, 20 December 2003. <http://news.bbc.co.uk/2/hi/africa/3336139> (accessed 13 January 2013).

⁵ John Hart and Shannon N. Kile, *Libya’s Renunciation of Nuclear, Biological and Chemical Weapons and Ballistic Missiles*, pp.629-648.

⁶ William Tobey, interviewed by Mohamed Elmahdi.

Since 1990, the Libyan regime started to gradually revise its chemical weapons acquisition strategy. Mohamed Sayed Selim, an Egyptian professor of International Relations, explained that: “Qaddafi started to realize that the cost of possessing WMD is higher than their strategic value. The Libyan push to obtain these weapons risked the regime’s overall security rather than strengthening it.”⁷

Qaddafi realized the growing cost of his foreign policy, and started a strategic revision of the security and political positions that governed Libya in the 2000s. The pursuit of chemical weapons was no longer a national goal to further Libyan foreign policy goals, as was the case in the 1980s and 1990s. Qaddafi stated: “It was our hope that Libya with its revolution would become a model of freedom, popular democracy and a state free from oppression and injustice. However, Libya became another conventional State, even a dictatorial or police state. This is deeply regrettable. We are not like that, nor do we want to be like that.”⁸ The factors behind the decision can be summed up as follows:

Failure of Ideology

During the 1960s, Libya was an under-developed country with massive oil reserves and a very small population. While this should have ensured a high standard of living for the Libyan people, the royal regime could not raise the standard of living of the Libyan population in a satisfactory way.⁹ Qaddafi promised in the first years of his rule to fight corruption and to distribute the nation’s wealth fairly.¹⁰ However, living

⁷ Mohamed El-Sayed Selim, 22 May 2015, Cairo, interviewed by Mohamed Elmahdi.

⁸ Qaddafi's Foundation, Qaddafi's speech to heads of justice of the Jamahiriya, 20 May 2009. <https://www.youtube.com/watch?v=9rM64DYglBk> (accessed 8 June 2016).

⁹ Dirk Vandewalle (editor), *Libya since 1969: Qadhafi's revolution revisited*. New York: Palgrave, 2011, p.36.

¹⁰ Qaddafi Speech on 1st September 1969, Radio broadcast from Benghazi (1 September 1969), Libya watanona news, “Libya: The 30th Anniversary of the Libyan Revolution”, 1 September 1999. <http://www.libya-watanona.com/libya/sept.htm> (accessed 19 April 2016).

standards for the masses of the Libyan population did not improve as he had promised through the following decades. The economic conditions for the Libyan people kept deteriorating during Qaddafi's era, with low rates of economic growth accompanied by high rates of unemployment and corruption. Qaddafi's ideology of governance proved to be not only ineffective but outright harmful to the Libyan people.¹¹ The Libyan regime subsequently adopted a strategy of tight state control in the economic domain, causing widespread corruption and mismanagement of the country's wealth. According to a confidential interview with a top Libyan military officer: "Corruption, inability to build a modern and diverse economy, and the reckless military campaigns aimed at spreading 'Third Universal Theory' led to nothing but negative economic and political repercussions."¹²

The economic crisis merged with political and military failures and an increase in the number of external enemies. Libya under Qaddafi became an isolated country with decreasing economic capabilities. This forced Qaddafi to accept that the only way to guarantee the survival of his regime was to revise the ideological principles put in place since 1969.¹³ Qaddafi's policies gained Libya a hostile relationship with the USA and most of the Western powers and African neighbours, as well as many Middle Eastern countries. Arab leaders showed clear and early signs that they were against Qaddafi's pursuit of Arab leadership.¹⁴ Using hostility against Israel as a pretext to possess WMD began to be untenable when Palestinian authorities started peace negotiations with Israel in 1993.¹⁵

¹¹ Gawdat Bahgat, 'Proliferation of Weapons of Mass Destruction: The Case of Libya', pp.115-116.

¹² Interviewee D, Libyan military officer, Cairo, 27 May 2015, interviewed by Mohamed Elmahdi.

¹³ Yedudit Konen, 'Libya's Rising Star: Saif al-Islam and Succession', *Middle East Policy*, 12, 3rd edition, 2005, pp.136-144, and Yahia H. Zoubir, *The United States and Libya: From Confrontation to Normalization*, pp.48-70.

¹⁴ Bahgat, 'Proliferation of Weapons of Mass Destruction: The Case of Libya', pp.115-118.

¹⁵ Malfrid Braut-Hegghammer, 'Libya's Nuclear Turnaround: Perspectives from Tripoli,' *Middle East Journal*, 20, winter 2008, pp.64-65.

These changes led Qaddafi to reorient his interest towards Africa from the 1990s and through the 2000s.¹⁶ St John believed that “The Libyan ties with Africa and its African identity grew stronger as Qaddafi managed to build solid relations with almost all of the African governments.”¹⁷ Qaddafi mediated, with varied levels of success, in African disputes and played a significant role in developing the New Economic Plan for African Development (NEPAD). Libya’s new foreign strategy focused on building confidence with the European Union and the major European powers.¹⁸ By 2002, Libya had become a party to all 12 international conventions and protocols relating to terrorism.¹⁹ Qaddafi’s security priorities after 2000 were shaped less by ideology and the Libyan regime began to conduct a more pragmatic foreign policy than it had during the three previous decades.²⁰

Growing Internal Dissatisfaction

Qaddafi’s regime depended heavily on the revenues of oil exports to maintain popular support, especially during the 1970s when the price of oil increased significantly after the Arab-Israeli war of 1973. The Libyan regime established an impressive welfare system and wide health and education coverage. The regime also provided many employment opportunities through the extensive public state sector. Moreover, every Libyan national and legal immigrant was entitled to access to housing, healthcare,

¹⁶ *Al Jazeera News*, Qaddafi Interview with Al Jazeera in Arabic, 27 March 2007. <http://www.aljazeera.com/news/africa/2011/09/20119493450743624.html> (accessed 19 April 2016).

¹⁷ Ronald Bruce St John, 30 April to 29 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

¹⁸ George Joffé and Emanuela Paoletti, ‘Libya’s Foreign Policy: Drivers and Objectives’, *Mediterranean Paper Series*, volume 7, number 7, October 2010, pp. 27-39.

¹⁹ Gawdat Bahgat, ‘**Proliferation of Weapons of Mass Destruction: The Case of Libya**’, p.120.

²⁰ Amal Obeidi, *Libyan Security Policy between Existence and Feasibility: An Exploratory Study*, paper given at the Geneva Centre for Security Policy meeting, ‘Project on Security Governance in the Mediterranean’, Malta, 14 May 2004, p.12.

food, water and electricity.²¹

The 1980s witnessed a sharp decline in the price of crude oil, which constituted 85% of the Libyan government's revenue. Combined with the American and the UN's sanctions, this contributed to a general economic malaise. The state's ineffective socialist-based economic planning, oversized public sector, and the regime's opposition to foreign ownership all exacerbated Libya's economic problems.²² This led to a significant reduction in public spending, which meant public sector pay remained effectively frozen from 1982 to 2003 while inflation continued to grow over the same period (some 60% of state expenditure in Libya was allocated to paying wages).²³ Moreover, the state sector could no longer support all those people seeking work, which resulted in growing unemployment. By 2003, Libya's unemployment rate was around 25% and was growing by 4% yearly.²⁴ The decline in living standards contributed to growing upset, as the Libyan people became increasingly less capable of fulfilling their needs. The regime was unable to respond to high levels of unemployment among the younger generation, who became increasingly alienated from the political process and therefore susceptible to the lure of opposition groups.²⁵

Nevertheless Qaddafi's populist policies which had gained strong public support in the beginning, such as the nationalization of foreign assets in 1978, started to yield negative repercussions and immense resentment from the upper and middle classes who disliked the tight socialist controls over the economy. The constant failure of

²¹ Mabroka Al-Warfaly, *Political Alienation in Libya: Assessing Citizens' Political Attitude and Behaviour*, New York: Ithaca Press, 2011, pp.11-12.

²² Bassam Fattouh, *An Anatomy of the Crude Oil Pricing System*, Oxford: The Oxford Institute for Energy Studies, January 2011, p.15.

²³ Central Intelligence Agency (CIA), *World Factbook 2003 – Libya*.
<https://www.cia.gov/library/publications/the-world-factbook/fields/2116.html> (accessed 15 June 2013).

²⁴ Milton Viorst, *The Colonel in His Labyrinth*, pp.71-72.

²⁵ Stephen D. Collins, "Dissuading State Support of Terrorism: Strikes or Sanctions? An Analysis of Dissuasion Measures Employed Against Libya", *Studies in Conflict and Terrorism*, volume 27, number 1, January-February 2004, p.13.

ideology and the collapse of the economy were behind the steady decline in Qaddafi's internal support.²⁶

A Libyan diplomat - interviewed confidentially for the thesis - explained that the: "Muslim Brotherhood was the most worrisome movement for Qaddafi, because it raised Islamic slogans, which were appealing to the conservative Libyan society."²⁷ Libya's economic problems made the Muslim Brotherhood's agenda attractive to the middle class; while the movement's social welfare programmes were particularly appealing to urban and poor populations. The National Salvation Front was another opposition group, a broad-based opposition movement that sought to develop a platform accommodating secular and Islamic opponents.²⁸

However, the Libyan regime's continuous oppression of their opposition helped to create opposition groups that did not believe in peaceful political protest. Qaddafi's regime thus experienced a major growth in violence targeting the state during the mid-1990s, initiated by militant Islamist groups. The violence ranged from clashes with security forces to an attempt to assassinate Qaddafi himself in August 1995. The violence illustrated the growing popular dissatisfaction with the regime's political oppression and economic policies. It also demonstrated that Islamist insurgents were capable of threatening the regime's security.²⁹ Graham confirmed that "Qaddafi started from the mid-1990s to use indirect channels to contact western intelligence agencies, especially the CIA and MI5, in order to collaborate in fighting Islamist radicals in Libya."³⁰ Qaddafi was quoted as saying: "In the Middle East, the opposition is quite different than the opposition in advanced countries. In our

²⁶ Oye Ogenbadejo, 'Qaddafi's North African Design', p.160.

²⁷ Interviewee B, Libyan diplomat, Athens, 24 July 2014, interviewed by Mohamed Elmahdi.

²⁸ Ray Takeyh, 'Qadhafi and the Challenge of Militant Islam', *The Washington Quarterly*, volume 21, number 3, summer 1998, pp.32-44.

²⁹ Ibid.

³⁰ Thomas Graham Jr., 22 June 2016, interviewed by Mohamed Elmahdi (by telephone).

countries, the opposition takes the form of explosions, assassinations, killings.”³¹

Despite Libya’s huge military spending, the loyalty of the army to the regime was under constant question. Numerous coup attempts have been reported since 1990, and there has been speculation that Qaddafi had been injured at least once. While some of these attempts were put down quietly, others - such as the attempted coup of August 1975, which led to the public executions of 30 army officers in 1977 - highlighted the depth of Qaddafi’s legitimacy crisis.³² According to a Libyan diplomat: “The Libyan army, after experiencing many costly defeats through Qaddafi’s military adventures, was among the most discontented groups in the state, especially after its humiliating defeat in Chad in 1987.”³³

The response to popular discontent against Qaddafi’s regime was violent. In 1980, for instance, over 2,000 arrests were made and 800 executions for political offenses were carried out.³⁴ The most obvious expression of opposition to Qaddafi came from the Libyans who have left the country since 1973 mainly in Europe and the USA.³⁵ The Presidential Guards and a special Deterrent Battalion protected the Libyan leader and pre-empted any attempted coup from the people or from the army.³⁶ According to a confidential interview with a Libyan diplomat: “Growing discontent inside the army and the spread of underground opposition groups during the 1990s forced Qaddafi’s regime to acknowledge that it was time to reconsider

³¹ ‘Video Lecture at Columbia University: Gaddafi Gives Lesson on Democracy’, *BBC News*, 23 March 2006, <http://news.bbc.co.uk/2/hi/africa/4839670.stm> (accessed 5 October 2014).

³² William J. Foltz, ‘Libya’s Military Power’, in Rene Lemarchand (editor), *The Green and the Black: Qadhafi’s Policies in Africa*, Bloomington, Indianapolis: Indiana University Press, 1988, pp.57-58.

³³ Interviewee B, interviewed by Mohamed Elmahdi.

³⁴ Oye Ogunbadejo, “Qaddafi’s North African design”, *International Security*, volume 8, number 1, Summer 1983, pp.154-155.

³⁵ Stephens Zunes, ‘Libya, the United States, and the Anti-Gaddafi Revolt’, *The World Post*, Berggruen Institute of Governance, February 25, 2011. http://www.huffingtonpost.com/Stephen-zunes/libya-the-united-states-a_b_828199.html (accessed 24 July 2013).

³⁶ United States Department of State, Bureau of Democracy, Human Rights, and Labor, ‘1998 Country Reports on Human Rights Practices-Libya’, February 25, 1999. <http://www.state.gov/j/drl/rls/hrrpt/1998/nea/119121.htm> (accessed 29 June 2013).

Libya's internal and external policies, including its costly position towards WMD.³⁷

Qaddafi's change of tone was clear in his interviews with Western media, where he was quoted as saying:

"I was a hardliner with regard to colonialism which had occupied Africa and large parts of the world. We were waging an armed struggle; and therefore one had to be strong. But now no one asks for weapons but for economic aid, which changes your position. As to the nuclear program, it underwent a serious review by us, we built it after the revolution and the world has changed since. Now there is no justification."³⁸

To deal with the increasing popular discontent, Qaddafi introduced economic reforms to enhance the competitiveness of the national economy along with a few measures to liberalize the markets. Meanwhile, on the political level, several young competent Libyans started to occupy important positions in the government. Saif al-Islam Qaddafi, who was considered far more moderate than his father, was seen by many in Libya and abroad as the heir to his father at the top of the Libyan regime. Saif proved to the West that he was an open-minded politician who could help Libya to end its association with international terrorism and rid itself of the WMD programmes.³⁹ He was viewed as a reformer, and openly criticised the regime. He was reported as having the following conversation with a congressional aide:

"Congressional aide: "What does Libya need most?"

Saif: "Democracy."

Congressional aide: "You mean Libya needs more democracy?"

Saif: "More democracy would imply that we had some!"⁴⁰

³⁷ Interviewee B, interviewed by Mohamed Elmahdi.

For a detailed presentation of the opposition currents against Qaddafi's regime, see International Crisis Group, "Popular Protest in North Africa and the Middle East (V): Making Sense of Libya", Middle East/North Africa Report, Number 107, June 2011.

³⁸ Qaddafi, 21 February 2010, interviewed by George Negus.

http://www.sbs.com.au/news/sites/sbs.com.au.news/files/transcripts/381381_dateline_thegaddafiinterview_transcript.html (accessed 14 June 2016).

³⁹ Gawdat Bahgat, Proliferation of Weapons of Mass Destruction: The Case of Libya, p.115.

⁴⁰ RN, "Libya is McDonalds for US: How Gaddafi's 'pro-democracy' son stood up against the West", *Russia Today*, 29 July 2015. Available at

Security of the Regime

Qaddafi's foreign adventures, which seemed to necessitate the possession of an unconventional deterrent to protect the regime, led to inevitable confrontations with the West and the major powers in the Middle East.⁴¹ According to Youssef: "The American attacks on Libya in 1986 sent a clear and unmistakable message to the Libyan leader that it was time to change his hostile foreign policy."⁴² The threat posed to Qaddafi's own life by these attacks pushed him to start a revision process to his Ideology. Qaddafi was convinced by then that Libya is no longer able to confront American power, as Libya felt vulnerable in its struggle with the West.⁴³ The new perspective of the regime's security was reinforced by the Bush doctrine of pre-emptive strikes after the attacks of September 11, 2001. George W. Bush stated clearly that: "We will pursue nations that provide aid or safe haven to terrorism. Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbour or support terrorism will be regarded by the USA as a hostile regime."⁴⁴

Qaddafi aligned himself with the USA in its war against terror immediately after the attacks of September 11, 2001.⁴⁵ A Libyan diplomat was in a position to confirm that: "Libya provided detailed intelligence on hundreds of al-Qaeda and other Islamic extremists to the Americans."⁴⁶ By this rapprochement, Qaddafi aimed to end Libya's

<https://www.rt.com/news/311028-saif-gaddafi-libya-mcdonalds-us> (accessed 19 January 2015).

Saif al-Islam studied business management in Austria and the UK, and was familiar with Western culture. Saif al-Islam did not hold any official position in the government, but chaired the Qaddafi International Association for Charitable Organisations, which he founded in 1997.

⁴¹ Ronald Bruce St John, 'Libya Is Not Iraq: Pre-emptive Strikes, WMD and Diplomacy', *Middle East Journal*, volume 58, number 3, summer 2004, p.387.

⁴² Ahmed Youssef, 23 August 2015, Cairo, interviewed by Mohamed Elmahdi.

⁴³ Malfrid Braut-Hegghammer, *Libya's Nuclear Turnaround: Perspectives from Tripoli*, pp.64-65.

⁴⁴ George W. Bush, 'Address to a Joint Session of Congress and the American People', 20 September 2001. <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/print/20010920-8.html>

⁴⁵ Robert S. Litwak, *Regime Change: U.S. Strategy through the Prism of 9/11*, Baltimore: The Johns Hopkins University Press; 1st edition, 2007, pp. 64-69.

⁴⁶ Interviewee B, interviewed by Mohamed Elmahdi.

isolation as a pariah nation, and to get rid of the Islamic opposition in Libya.⁴⁷ Former USA Secretary of State, Condoleezza Rice stated:

“I am pleased to announce that the USA is restoring full diplomatic relations with Libya. We will soon open an embassy in Tripoli. In addition, the USA intends to remove Libya from the list of designated state sponsors of terrorism. Libya will also be omitted from the annual certification of countries not cooperating fully with USA anti-terrorism efforts. We are taking these actions in recognition of Libya’s continued commitment to its renunciation of terrorism and the excellent cooperation Libya has provided to the USA and other members of the international community in response to common global threats faced by the civilized world since September 11, 2001.”⁴⁸

The American war against Iraq in 2003, with the deployment of 250,000 American soldiers in the Arabian Gulf, was another factor in Libya’s decision. Qaddafi was paraphrased as saying that “the world is a changed place in which his country can feel safer without WMD.”⁴⁹ An American Department of State report explained:

“During a September meeting with Secretary Rice, the Libyan Secretary of the General People’s Committee for Foreign Liaison and International Cooperation, Abd Al-Rahman Shalgam, renounced terrorism in all its forms and reiterated Libya’s pledge that it would not support international terrorism or other acts of violence targeting civilians. Shalgam also pledged to cooperate in good faith with any requests for information related to the 1988 bombing of Pan Am 103 over Lockerbie, Scotland.”⁵⁰

George W. Bush administration made it clear to Qaddafi that he would never be able to pay the price of the continuation of his external policies, in particular his support for international terrorism and the development of unconventional arms.⁵¹ A report

⁴⁷ U.S. Department of State, ‘U.S. Diplomatic Relations with Libya, Secretary Condoleezza Rice Statement’, Washington DC, May 15, 2006. <http://2001-2009.state.gov/secretary/rm/2006/66235.htm>

⁴⁸ William Tobey, interviewed by Mohamed Elmahdi.

⁴⁹ ‘Gadhafi: Iraq war may have influenced WMD decision’, *CNN*, 23 December 2003.

<http://edition.cnn.com/2003/WORLD/africa/12/22/gadhafi.interview> (accessed 9 August 2014).

⁵⁰ U.S. Department of State, ‘State of Terror Overview’, December 2003.

<http://www.state.gov/documents/organization/65476.pdf> (accessed 14 June 2016).

⁵¹ William Tobey, interviewed by Mohamed Elmahdi.

For further readings about the effect of the American war in Iraq on Qaddafi's foreign policy, see Ronald Bruce St John, *Libya Is Not Iraq: Preemptive Strikes, WMD, and Diplomacy*; and Mohamed El-Sayed Selim, *Arab perspectives on the question of WMD proliferation in the Middle East*; in

submitted to the American congress stated clearly that:

“Libya’s decision to shed its pariah status and divest itself of its WMD programmes can be directly attributed to the demonstrated resolve of the USA in the global war against terrorism, the liberation of Iraq by USA Armed Forces and Coalition Forces, and the adoption of policies in targeting and seizing shipments of such weapons.”⁵²

Changes in International and Regional Conditions

The international system in the 1990s was completely different from that which had existed in the early years of Qaddafi’s rule after the 1969 coup. According to Zanders, “The collapse of the Soviet Union in 1991 not only meant the loss of a friendly superpower and a major arms provider for Libya, but it also discredited the Libyan tight state-control model over the economic and political life.”⁵³ The bipolar international system was replaced by a unipolar system, with the USA as the only dominant political and military superpower. In fact, Qaddafi had started to realize that the Soviet Union was in decline in the mid-1980s, particularly in the aftermath of the American attack on Libya in 1986. The Soviet Union did not intervene in the crisis. A senior official close to Qaddafi even said that the regime subsequently concluded that the Soviet Union “did nothing for Libya and is not really a super-power.”⁵⁴

Regionally, Nasser’s model of Arab unity lost most of its credibility after the defeat of the Arabs in 1967. After Sadat gained power in Egypt in 1970, he led a major shift in the orientation of Egyptian foreign policy by expelling Soviet military

Waheguru and Ramesh Thakur, *Arms Control after Iraq: Normative and Operational Challenges*, Bruce W. Jentleson and Christopher A. Whytock, ‘Who “Won” Libya?: The Force-Diplomacy Debate and Its Implications for Theory and Policy’, *International Security*, Volume 30, Number 3, Winter, 2005/2006, pp.47-86.

⁵² USA Congress, ‘Sense of Congress on the Dismantling and Removal of Libya’s Weapons of Mass Destruction’, Committee Reports, 108th Congress (2003-2004), House Report, Library of Congress, 108-561, 2004. http://thomas.loc.gov/cgi-bin/cpquery/?&sid=cp108GKkxU&r_n=hr561.108&dbname=cp108&&sel=TOC_22507& (accessed 12 August 2014).

⁵³ Jean Pascal Zanders, 7 to 8 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁵⁴ Malfrid Braut-Hegghammer, *Libya’s Nuclear Turnaround: Perspectives from Tripoli*, p.64

experts in 1971. However, the main step that split Arab solidarity was taken by Sadat in 1977, when he launched direct negotiations with Israel under the sponsorship of the USA.⁵⁵ This indicated that the balance of power in the regional - and perhaps international - system was clearly inclined to the USA and the Western bloc. It also indicated that war with Israel was not unavoidable, and that adopting a peaceful approach to dealing with Israel, the USA and the West could bear fruit.⁵⁶

Since 1991, the Palestinians have started a direct peace process with Israel and many Arab countries have started to build channels of communications with Israel, either publicly or secretly. Thus, the continuation of Qaddafi's earlier stand against the existence of Israel would have isolated him not only from the West but also from the Arab mainstream.⁵⁷ The September 11 attacks and the Bush administration's reaction was another decisive factor in Qaddafi's revision to his relationship with the USA and the West. Bush proved that the global war against terrorism was never far from Libya, who had been involved in many terrorist incidents during the 1980s and 1990s. George W. Bush's doctrine gave Libya only two options: to align itself with the USA in its global war, or to keep its position as an enemy and pay the price.⁵⁸

Many analysts believe that Qaddafi's decision of December 2003 was mostly related to the fear of an American military attack against Libya, as had happened to

⁵⁵ Jacob Abadi, 'Pragmatism and Rhetoric in Libya's Policy toward Israel', *The Journal of Conflict Studies*, volume 20, number 1, autumn 2000, pp.92-93.

⁵⁶ There is a lengthy list for sources for detailed analysis of the Egyptian foreign policy during Nasser and Sadat eras, such as: Korany Ali and Hillal Dessouki, *The Foreign Policies of Arab States*, Cairo: The American University Press, 2010. Raymond Hinnebusch and Anoushiravan Ehteshami, *The Foreign Policies of Middle East States*, Boulder: Lynne Rienner, 2002, and Raymond Hinnebusch, *The International Politics of the Middle East*, Manchester: Manchester University Press, 2003.

⁵⁷ Bahgat, 'Proliferation of Weapons of Mass Destruction: The Case of Libya', p.116.

⁵⁸ 'George W Bush Address to a Joint Session of Congress and the American People', *United States Office of the President*, 20 September 2001. <https://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010920-8.html>

Iraq.⁵⁹ American troops achieved swift victories in battles against the experienced and large Iraqi army. The American war destroyed almost all Iraqi infrastructure and military potential in 2003, just a few months before Qaddafi declared he was relinquishing Libya's ambitions to acquire WMD.⁶⁰ According to this analysis, Qaddafi's learned the lesson from Saddam Hussein's dramatic fate in 2003, and decided to distance his regime from terrorism, Qaddafi also agreed to rid Libya of its WMD and start a new era of peace and cooperation with the USA and the West.⁶¹

Internal Economic Problems and International Sanctions

Libya's full dependence on oil income made the country subject to an economic crisis due to the declining price of oil in the 1980s.⁶² Despite experiencing economic stagnation and the declining price of oil, Libya was still enjoying relatively high levels of revenues from oil exports. This allowed the government to buy the loyalty of the main sectors of the society without needing to enact any drastic changes in the system of governance. Oil revenues ensured that the regime could hide its structural economic problems and survive without taking economic measures for reform.⁶³ However, Libya's massive oil production proved to be unsustainable. Foreign economic sanctions, started by the American embargo in 1986, led Libya to become politically and economically isolated. Qaddafi's rhetoric about diversifying Libya's

⁵⁹ Mohamed El-Sayed Selim, *Arab perspectives on the question of WMD proliferation in the Middle East*, in Waheguru and Ramesh Thakur, *Arms Control after Iraq: Normative and Operational Challenges*, and Jentleson & Whytock, 'Who "Won" Libya', pp.47-86.

See also: The Library of Congress, 'Sense of Congress on the Dismantling and Removal of Libya's Weapons of Mass Destruction', Committee Reports, 108th Congress (2003-2004), House Report 108-561. http://thomas.loc.gov/cgi-bin/cpquery/?&sid=cp108GKkxU&r_n=hr561.108&dbname=cp108&&sel=TOC_22507& (accessed 12 August 2014).

⁶⁰ Robert G. Joseph, *Countering WMD: The Libyan Experience*, Virginia: National Institute Press, 2009, pp.5-6.

⁶¹ Bahgat, 'Proliferation of Weapons of Mass Destruction: The Case of Libya', p.116

⁶² Judith Gurney, 'Opportunities and Risk in Libya', *Energy Economist Briefings*, Number 221, March 2000, pp.1-8.

⁶³ Bahgat, 'Proliferation of Weapons of Mass Destruction: The Case of Libya', pp.114- 115.

economy had never been serious or successful, and the regime continued to rely on a single commodity to fund its ambitious foreign policy and to buy internal legitimacy. This made the Libyan economy more vulnerable to the economic sanctions.⁶⁴

Relations between Washington and Tripoli reached an extremely low level in 1980s, as all diplomatic and economic ties were severed. Qaddafi described Ronald Reagan by saying, “he is mad. He is foolish. He is an Israeli dog.”⁶⁵ The deteriorating relationship was also punctuated by several military assaults, as American forces attacked Libya in the Gulf of Sidra in 1981, 1983 and 1986.⁶⁶ From 1981, the USA froze Libyan financial assets in American banks, and imposed different sets of economic sanctions. These ranged from the closure of the Libyan People’s Bureau in Washington, advising American oil companies to begin reducing the number of American personnel in the country, and then imposing an embargo on Libyan oil as well as “export restrictions on American goods destined for Libya.”⁶⁷ In return, the Libyan regime initiated a series of retaliatory actions, basically by sponsoring terrorist attacks against American and other Western targets in many places in the world.⁶⁸

The American policies evolved into a comprehensive sanctions regime covering almost all commercial and financial transactions with Libya.⁶⁹ In January 1986, the

⁶⁴ Judith Gourney, *Libya: The Political Economy of Oil*, Oxford: Oxford University Press for the Oxford Institute for Energy Studies, 1996, pp.108-116.

⁶⁵ Marie Colvin, interview with Qaddafi, ‘Gadhafi, The man the world loves to hate’, *The Pittsburgh Press*, 3 August 1986. Available at: <https://news.google.com/newspapers?nid=2245&dat=19860808&id=5uIzAAAAIBAJ&sjid=nTIHAAAIBAJ&pg=6853,4899241&hl=en> (accessed 15 October 2014).

⁶⁶ Ronald Bruce St John, *Libyan Foreign Policy: New found Flexibility*, Orbis, volume 47, number 3, summer 2003, p.472.

⁶⁷ USA Department of the Treasury, Resource Center, *Libya Sanctions*, 21 April 2016. <https://www.treasury.gov/resource-center/sanctions/Programs/pages/libya.aspx> (accessed 15 June 2016).

⁶⁸ USA Department of State, *Libya under Qaddafi*, 8 January 1986. <http://www.nytimes.com/1986/01/09/world/text-of-the-state-department-report-in-libya-under-qaddafi.html?pagewanted=all> (accessed 3 March 2013).

⁶⁹ ‘Executive Order 12543, Prohibiting trade and certain transactions involving Libya’, 7 January 1986, *The United States President Office*, Federal Register page and date: 51 FR 875; January 9, 1986. <http://www.archives.gov/federal-regiSter/executive-orders/1986.html> (accessed 14 March 2013).

Reagan administration adopted National Security Decision Directive (NSDD) number 205, titled ‘Acting against Libyan Support for International Terrorism’. The USA administration issued two executive orders in January 1986. The first declared a national emergency to deal with the unusual and extraordinary threat the government of Libya posed to American national security and foreign policy. The second implemented additional measures to block Libyan assets in the USA.⁷⁰

In January 1992, the United Nations Security Council (UNSC) adopted a resolution against Libya. This was UNSC Resolution 731, which called on Libya to provide a full and effective response to the British and the American investigation over the Lockerbie incident, and to the French investigation into the bombing of a UTA airliner over Niger.⁷¹ The resolution demanded that Libya surrender those accused, accept responsibility for the actions of its officials, pay compensation, renounce terrorism and disclose everything it knew about the Lockerbie attack. Libya’s unsatisfactory response resulted in the adoption of UNSC resolution 748 of March 1992, which imposed a number of economic sanctions, including a no-fly zone over Libya. These sanctions were tightened by UNSC Resolution 883 of November 1993, which imposed a wide commercial ban and additional economic sanctions.⁷² The sanctions proved to be very influential, both politically and economically, and caused Libya an economic loss of \$26.5 billion up until 2011.⁷³ According to Graham, “The embargo literally paralysed the oil sector, which was deeply dependent on foreign expertise. Libya could not get the technical support from any western

⁷⁰ The United States National Security Decision Directive 205, *Acting against Libyan Support for International Terrorism*, Washington DC: The White House, 8 January 1986.

⁷¹ Wyn Q. Bowen, *Libya and Nuclear Proliferation: Stepping back from the brink*, Routledge: the International Institute for Strategic Studies, 2006, p13.

⁷² United Nations Security Council Resolutions, numbers 731, 748 and 883. <http://www.un.org/en/sc/documents/resolutions/index.shtml> (accessed 15 April 2014).

⁷³ For a detailed economic analysis for the effect of sanctions on the Libyan economy, see Meghan L. O’Sullivan, *Shrewd Sanctions: Economic Statecraft in An Age of Global Terrorism*, Washington DC: Brookings Institution, 2002, pp.172-231.

government or company to continue producing and exporting oil.”⁷⁴

The international sanctions were a major reason for Libya’s change of policy towards the West, as it withdrew its support for international terrorism and ended its programmes of WMD. The Libyan regime’s isolation and financial crisis pushed Qaddafi to start indirect negotiations with Western officials in April 1999 over Libya’s responsibility for the Lockerbie incident.⁷⁵ The negotiations concluded with Libya agreeing to hand over the two main suspects in the Pan Am bombing to a Dutch court. This move was the first among a series of positive gestures showing a real change in Libya’s external policy orientations, and was immediately rewarded by the suspension of the sanctions of the UN in April 1999.⁷⁶

Qaddafi used the September 11 attacks as a chance to distance his regime from accusations of terrorism and to align himself with the American-led campaign against terrorism.⁷⁷ It was an excellent opportunity for Qaddafi to escalate his campaign against Islamist groups in Libya. Shortly after the September 11 attacks, Qaddafi issued a statement condemning them as horrific and gruesome. Qaddafi was quoted as saying: “Irrespective of the conflict with America, it is a human duty to show sympathy with the American people and be with them at these horrifying and awesome events which are bound to awaken human conscience.”⁷⁸ Qaddafi’s reaction to the September 11 attacks represented a large step in the revision of Libya’s hostile position against the USA and a denunciation to its quest to possess WMD.

⁷⁴ Thomas Graham Jr., interviewed by Mohamed Elmahdi.

⁷⁵ Katerina Oskarsson, ‘Economic Sanctions on Authoritarian States: Lessons Learned’, *Middle East Policy*, Volume 19, Number 4, Winter 2012, pp.88-103.

⁷⁶ Wyn Q. Bowen, ‘Tracking and Assessing Nuclear issues in Open Sources: The Case of Libya’, in James A. Russell, *The Proliferation of Weapons of Mass Destruction in the Middle East*, London, Palgrave Macmillan, 2006, p.149.

⁷⁷ United States Department of State, *Patterns of Global Terrorism Report*, Washington DC: United States Government Printing Office, 2002, pp.66-91.

⁷⁸ CBS News, ‘Reaction to the September 11, 2001 terrorist attacks Global Outrage at Terror Attacks’, 12 September 2001. <http://www.cbsnews.com/news/global-impact-of-sept-11-attacks-19-12-2001> (accessed 15 March 2014).

Section Two: Assessment of the Decision

The Libyan decision to relinquish their chemical weapons programme in December 2003 raises three major questions:

- Does the Libyan case represent a success for coercive diplomacy in issues regarding the non-proliferation of chemical weapons?
- Can Libya be a model for other non-proliferation cases?
- Was the role of the OPCW effective in pushing Libya to end its chemical weapons programme?

Does the Libyan case represent a success for coercive diplomacy in issues regarding the non-proliferation of chemical weapons?

As is clear from the previous section, Qaddafi's decision to abandon Libya's programmes of WMD was rational, and came in the context of Qaddafi's adaptation to the new developments in the national, regional, and international environments. William Tobey stated: "The decision to disarm was a result of a systematic process that was initiated in the early 1990s to bring the country in from isolation. The decision came in the context of a general process of gradual change in the governing policies and political orientations of Libya."⁷⁹

Libya's initial attempts to obtain chemical weapons were largely rooted in Qaddafi's regional ambitions and the revolutionary zeal that characterized his foreign policy during the 1970s and early 1980s. As Qaddafi realized that his revolutionary policies were leading to domestic discontent and represented a major threat to the regime, as it was making enemies of its neighbours and powerful Western countries, he began to reassess his priorities and pursued a more pragmatic and realistic foreign

⁷⁹ William Tobey, interviewed by Mohamed Elmahdi.

policy.⁸⁰ Qaddafi's attempts to communicate with the USA over Libya's WMD did not succeed directly after September 11 attacks. The rapprochement was not possible until March 2003 when the UK Prime Minister Tony Blair managed to convince the USA President George W. Bush in their meeting in Camp David of the feasibility of giving a chance to direct negotiations with Libya over its WMD and the other sources of tension between both sides.⁸¹ The Bush administration attributed the Libyan decision to the war in Iraq.⁸² Jonathan Tucker noted that:

“Qaddafi had initiated direct negotiations during the first days of the US-led war on Iraq in March 2003. Another important development was the US-initiated coalition operation in October 2003 which intercepted a German-owned freighter, carrying a secret shipment of centrifuge parts to Tripoli, shortly before the final negotiations with the Libyan officials. The operation marked the first interception of a vessel under the US-organized Proliferation Security Initiative (PSI), part of the Bush Counter Proliferation Strategy.”⁸³

According to a William Tobey, the Libyan case was very likely a successful example of the American use of coercive policy, “the clarifying example of Saddam Hussein's fate; longstanding and costly sanctions” being behind Qaddafi's decision to cooperate with the international community.⁸⁴ George Joffé attributed the change in Qaddafi's position towards WMD mainly to the American use of force, stating that:

“The factors that persuaded the Qaddafi regime to abandon, first, its chemical weapons programme and then, much later, its incipient nuclear programme were (1) the USA bombings of Tripoli and Benghazi in 1986, (2) the US-led Multinational Coalition invasion of Kuwait in 1990 and (3)

⁸⁰ Braut-Hegghammer, *Libya's Nuclear Turnaround: Perspectives from Tripoli*, p.57.

⁸¹ Jonathan Tucker, ‘The Rollback of Libya's chemical weapons programme’, *The Non Proliferation Review*, volume 16, number 3, November 2009, pp.365-366.

⁸² USA Department of State, *State of Terror Overview*, December 2003.

<http://www.state.gov/documents/organization/65476.pdf> (accessed 14 June 2016).

See also: USA Congress, *Sense of Congress on the Dismantling and Removal of Libya's Weapons of Mass Destruction*, Committee Reports, 108th Congress (2003-2004), House Report pp.108-561.

Examples of scholars who adopted this analysis: Nathan E. Busch and Joseph F. Pilat, ‘Disarming Libya? A reassessment after the Arab Spring’, *International Affairs Special Issue: The Middle East ten years after the invasion of Iraq*, volume 89, issue 2, March 2013, pp.451–475. Mohamed El-Sayed Selim, *Arab perspectives on the question of WMD proliferation in the Middle East*.

⁸³ Tucker, ‘The Rollback of Libya's chemical weapons programme’, pp.366-368.

⁸⁴ William Tobey, interviewed by Mohamed Elmahdi.

the invasion of Iraq in 2003. The collapse of the USSR, the Madrid/Washington/Oslo processes had nothing to do with the decision.”⁸⁵

However, Thomas Graham Jr., a key figure in the American non-proliferation policy-making in the 1970s, 1980s and 1990s, who had worked closely on the Libyan issue during the 1990s, had a different explanation. Graham stated that: “Qaddafi started a gradual revision to his policies toward the west and the WMD issue in the mid-1990s. The American embargo and its sweep victory in Iraq may have accelerated the process of pacifying Qaddafi, but these factors did not start the process.”⁸⁶

Gawdat Bahgat, an American expert of Libyan affairs, also stated: “There is no doubt that the war against Iraq which led to toppling the regime of Saddam Hussein was a driving force for Qaddafi’s decision, as he could - and should - have been frightened by that time of facing the same fate as Saddam.”⁸⁷ However, Ronald Bruce St John, an American expert in Libyan affairs, believed that “it is an analytical oversimplification to attribute that crucial decision of Qaddafi as a reaction to the American strategy.”⁸⁸ The international sanctions imposed on Qaddafi’s regime had caused serious damage to Libya’s economy. As Zanders stated, “Qaddafi stopped developing Libya’s chemical weapons programme and other programmes of WMD in the early 1990s due to financial restraints and after discovering that there is almost no diplomatic gain from the continuation of these programmes.”⁸⁹

According to Shokry Ghanem, Libya’s prime minister in 2003, “The government concluded that its weapon of mass destruction programmes and missile programmes were consuming scarce resources but would have only limited military and political

⁸⁵ George Joffé, 4 May to 9 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁸⁶ Thomas Graham Jr., interviewed by Mohamed Elmahdi.

⁸⁷ Gawdat Bahgat, 1 to 14 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁸⁸ Ronald Bruce St John, interviewed by Mohamed Elmahdi.

⁸⁹ Jean Pascal Zanders, interviewed by Mohamed Elmahdi.

utility.”⁹⁰ The lead editorial in *Azzahf al-Akhdar*, the official newspaper of the Libyan regime, denied that Libya was acting out of fear of American reprisals, stating that: “A fearful Libya would keep its WMD as a defensive measure, in the style of North Korea.”⁹¹ While Saif al-Islam Qaddafi, the main figure behind the negotiations that preceded the 2003 decision, confirmed after America captured Saddam Hussein that the USA did offer security guarantees for Libya in exchange for dismantling its nuclear programme, and that he expected military and security cooperation agreements with the USA in the future.⁹² It is thus more appropriate to think of the American war in Iraq as accelerating a decision Qaddafi would inevitably make anyway, while the decision itself was the fruit of many internal and external political and economic factors. Ahmed Youssef explained that: “The war against Saddam Hussein’s was just more proof that Qaddafi was in the right when he showed interest in cooperating with the USA and UK in ending his attempts to acquire WMD.”⁹³

The Libyan case thus raises crucial theoretical questions regarding the effectiveness of coercive diplomacy in disarmament issues. The Libyan case has enriched the academic debate over theories of force and diplomacy.⁹⁴ This debate can

⁹⁰ John Hart and Shannon N. Kile, *Libya's Renunciation of Nuclear, Biological, Chemical Weapons and Ballistic Missiles*, Stockholm: SIPRI Yearbook: Armaments, Disarmament and International Security, p.643.

⁹¹ Peter Valenti, ‘The Libyan Surprise’, *World Press Review*, volume 51, number 3, March 2004. <http://www.worldpress.org/mideaSt/1787.cfm> (accessed 19 March 2013).

⁹² Robert Joseph, *Countering WMD: The Libyan Experience*, pp.20-22.

⁹³ Ahmed Youssef, interviewed by Mohamed Elmahdi.

⁹⁴ There is a lengthy list of references about the theoretical debate over the limits of success for coercion in international politics; see, for example, Gordon A. Craig and Alexander L. George, *Force and Statecraft: Diplomatic Problems of Our Time*, 3rd edition, New York: Oxford University Press, 1995; Thomas C. Schelling, *The Strategy of Conflict*, Cambridge, Mass.: Harvard University Press, 1980; Thomas C. Schelling, *Arms and Influence*, New Haven, Conn.: Yale University Press, 1966; Alexander L. George, David K. Hall, and William E. Simons, *The Limits of Coercive Diplomacy*, Boston: Little Brown, 1971; Alexander L. George, *Forceful Persuasion: Coercive Diplomacy as an Alternative to War*, Washington DC: United States Institute of Peace, 1991; Alexander L. George and William E. Simons, (editors), *The Limits of Coercive Diplomacy*, 2nd edition, Boulder: Westview, 1994; Robert J. Art and Patrick M. Cronin, (editors), *The United States and Coercive Diplomacy*, Washington, D.C.: United States Institute of Peace, 2003; Lawrence Freedman (editor), *Strategic Coercion: Concepts and Cases*, Oxford: Oxford University Press, 1998; and Daniel Byman and

apply to the chemical threat from rogue states, as in the cases of Iran, Syria and North Korea. Practically speaking, the Libyan model is proof that coercive policies alone are not useful in dealing with non-proliferation issues. Libya's policies from the mid-1980s reflected the regime's commitment to the pursuit of WMD. The causes of Libya's pursuit were largely related to the regime's security considerations, mainly the continuous threat posed by coercive American policies in the 1980s and 1990s.⁹⁵

As the previous sections have indicated, there were three phases of American diplomacy toward Libya from 1980.⁹⁶ Firstly, the Reagan era was characterized mainly by American economic sanctions and military threat (1981-1989). It is clear that this was the period when tensions between Libya and the West were at their height, which raised security concerns for the Libyan leader and led him to make major steps in developing Libya's chemical weapons programme.⁹⁷ The second phase was a shift toward more multilateral strategy during the George H.W. Bush and Bill Clinton administrations (1989-2001). It is the period when Libya and the USA managed to establish some sort of communication, and reached a basic understanding concerning the changes in Qaddafi's political and dogmatic orientations. The third phase was the secret direct negotiations initiated during the George W. Bush administration which ran between January 2001 and December 2003, culminating with the agreement of December 2003 on WMD, including chemical weapons.

It was the engagement of the American and British governments in peaceful diplomatic negotiations with Qaddafi, under a set of internal and external

Matthew Waxman, *The Dynamics of Coercion: American Foreign Policy and the Limits of Military Might*, Cambridge: Cambridge University Press, 2002.

⁹⁵ Malfred Braut-Hegghammer, *Libya's Nuclear Turnaround: Perspectives from Tripoli*, p.72.

⁹⁶ Jentleson & Whytock, *Who "Won" Libya?*, pp.50-86.

⁹⁷ Jean Pascal Zanders, interviewed by Mohamed Elmahdi.

See also: Claudia Wright, 'Libya and the West: Headlong into Confrontation?', *International Affairs*, volume 58, number 1, winter 1981-1982, pp.16-18.

circumstances inconvenient to the Libyan regime, which yielded the Libyan decision. The decision was not made until the USA and UK promised to reconsider the sanctions against Libya, and to study the restoration of diplomatic relations with the USA and Tripoli's reintegration into the international community.⁹⁸

The role of the UK was crucial in convincing the USA to give the Libyan regime a chance to prove its willingness to abandon its WMD. During the March 2003 negotiations between Libyan and British officials over the Lockerbie bombing, Qaddafi's son, Saif al-Islam approached British officials to express the regime's interest in settling the WMD issue. He asked the British to convey the message to Washington without admitting that Libya had developed such programmes.⁹⁹ The British Prime Minister Tony Blair, being in favour of giving Qaddafi's regime a new chance to pacify its relations with the West, managed to convince the sceptical President Bush of the Libyan request, during their meeting at Camp David in late March 2003¹⁰⁰.

The next few months witnessed a break-through in the Lockerbie negotiations, as in August 16, 2003, Libya formally admitted for the first time its responsibility for the Pan Am Flight bombing.¹⁰¹ This development found an echo on the trilateral negotiations over Libya's WMD programmes. The role of the UK as a mediator was intensified in December 16, 2003 when the British government hosted a secret meeting involving a few senior U.S., British, and Libyan policy makers in London.¹⁰²

The American negotiators, putting in mind the recent exposure of Libya's ties to the

⁹⁸ Tucker, 'The Rollback of Libya's chemical weapons programme', pp.363-368.

⁹⁹ William Tobey, 'A message from Tripoli: How Libya gave up its WMD', *Bulletin of the Atomic Scientists*, 3 December 2014. Available at: <https://thebulletin.org/message-tripoli-how-libya-gave-its-wmd7834> (accessed 1 October 2015).

¹⁰⁰ Robert Joseph, *Countering WMD: The Libyan Experience*, p. 23.

¹⁰¹ Felicity Barringer, '**Libya Admits Culpability in Crash of Pan Am Plane**', *New York Times*, 16 August 2003. <http://www.nytimes.com/2003/08/16/world/libya-admits-culpability-in-crash-of-pan-am-plane.html?mcubz=0> (Accessed on 12 September 2017).

¹⁰² William Tobey, 'A message from Tripoli: How Libya gave up its WMD'.

A.Q. Khan network and the capture of Saddam Hussein by American troops near Tikrit, insisted that Libya should pledge to eliminate its WMD programmes without prior conditions. This approach was obviously disliked by the Libyans.¹⁰³ This deadlock in the negotiations was only settled on December 18 when Blair held a lengthy telephone conversation with Qaddafi to reassure him that if he made a clear statement renouncing his WMD programmes, both the UK and the USA would be highly rewarding.¹⁰⁴ A few hours after Libya's declaration, Tony Blair stated:

“Libya came to us in March following successful negotiations on Lockerbie to see if it could resolve its WMD issue in a similarly cooperative manner. Friday's decision entitled Libya to re-join the international community; it shows that problems of proliferation can, with good will, be tackled through discussion and engagement.”¹⁰⁵

It was clear throughout the negotiations in 2003 that the UK played a mediating role trying to conduct negotiation with tactics built on engagement through diplomatic channels; in contrast, the USA was exhibiting a lack of patience and intimidation towards Qaddafi's negotiator. This distribution of roles suggested that there was a high-level of diplomatic and intelligence cooperation between Washington and London in conducting the difficult negotiation with Qaddafi.¹⁰⁶

These facts again lead us to conclude that it was not only the threat of force that pushed Libya to make its decision. It was a set of compound factors which required a lengthy process. The decision came after Qaddafi revised his strategic thinking using a loss-cost analysis. Libya won what it wanted with the guarantee that the relinquishment of WMD, including chemical weapons, would be a part of a

¹⁰³ Tucker, 'The Rollback of Libya's chemical weapons programme', p.367.

¹⁰⁴ Peter Beaumont, Kamal Ahmed, and Martin Bright, 'Deal with Gadaffi: The Meeting that Brought Libya in from the Cold', *The Guardian*, December 21, 2003.
<https://www.theguardian.com/world/2003/dec/21/politics.libya>

¹⁰⁵ *BBC News*, Libya to give up WMD, 20 December 2003.
<http://news.bbc.co.uk/1/hi/3335965.stm> (accessed on 12 September 2017).

¹⁰⁶ Adam D. M. Svendsen, *Intelligence Cooperation and the War on Terror: Anglo-American Security Relations after 9/11 (studies in Intelligence)*, London: Routledge, 1st edition, 2012, pp.112 -113.

comprehensive deal with the West to start a peaceful era of relations which would see Libya reintegrated into the international community. A Libyan diplomat agreed with this analysis, adding that: “The decision was also made before it became too late, giving Qaddafi a way out from the huge internal and external pressures facing his regime.”¹⁰⁷ The case of Libya revealed the importance of combining coercion and persuasion to settle arms proliferation issues. Ralph Trapp, a former OPCW expert commented on this, saying:

“In fact, the accession by Libya to the CWC, as far as I am aware, was very much an internal decision of Qaddafi’s regime to help to reintegrate the country into the international system. Pressure by the international community had created political isolation and economic hardship for Libya, but I would argue this was coercion in a broader sense and not specifically aimed at specific non-proliferation objectives (although they were of course part of it). The USA and UK did play key roles in engineering the conditions to facilitate this reintegration (including with regard to acceding to the CWC), and there may have been coercive diplomatic steps involved, but I would argue it was a range of political, strategic, economic and diplomatic factors that persuaded Qaddafi to drop his chemical weapons programme and the actual accession process was cooperative rather than coercive.”¹⁰⁸

The experience of Libya proves that implementing a coercive strategy alone might yield negative results, as it increases the international actor’s isolation and feelings of insecurity. This simply leads to greater insistence on proceeding with its chemical weapons aspirations, as was the case with Reagan’s policies towards Libya after 1986. The Libyan case demonstrates the importance of incentives as a driving force for the non-proliferation of chemical weapons, as the deal that led to the 2003 decision indicates.¹⁰⁹ Integrating the so-called rogue regimes by offering military, economic and political guarantees can much better serve the issue of non-proliferation in other cases, such as North Korea and Iran. Saif Al-Islam Qaddafi was quoted as saying:

¹⁰⁷ Interviewee B, interviewed by Mohamed Elmahdi

¹⁰⁸ Ralph Trapp, 9 May to 17 June, interviewed by Mohamed Elmahdi (e-mail exchange).

¹⁰⁹ Yahia H. Zoubir, ‘The United States and Libya: The limits of coercive diplomacy’, *The Journal of North African Studies*, volume 16, number 2, June 2011, pp.275-297

“Libya’s decision to give up its programmes of WMD was contingent upon compensation from the US, including the signing of the Trade and Investment Framework Agreement, economic cooperation, and cooperation in purchasing conventional weapons and military equipment. We share rich natural resources – oil and gas – along the borders, yet we have no capacity to defend that wealth because of a USA legal embargo, Libya cannot purchase weapons from the USA, Sweden, or Germany.”¹¹⁰

Can Libya be a model for other non-proliferation cases?

One top American defence advisor stated: “In my experience this was a very good example of international cooperation with and through international organisations on a complex, technical, policy and legal challenge.”¹¹¹ However, this was not the case from the Arab perspective. Youssef explained that: “In my opinion, Qaddafi’s declaration that Libya would renounce its chemical weapons programme does not suggest that Libya is an example to other chemical possessors the Middle East.”¹¹² To begin with, Libya is not the only Arab country that sought chemical weapons. Egypt, Iraq, and Syria at least have sought various combinations of unconventional weapons. The Egyptian official position was that the non-proliferation of WMD in the Middle East can be comprehensively settled only when Israel relinquishes its WMD capabilities.¹¹³ Libya is the only country in the region to admit developing chemical weapons. The Libyan declaration was due to a unique combination of factors absent from other countries in the region.¹¹⁴ George Joffé supports this argument, stating that: “The regime of Qaddafi was so singular in a way that is hard to see how general

¹¹⁰ Wikileaks, ‘Qaddafi’s Son Complains about US’, 30 November 2009. http://www.nytimes.com/interactive/2010/11/28/world/20101128-cables-viewer.html?_r=0#report/libya-09TRIPOLI941 (accessed 15 May 2014).

¹¹¹ Rebecca Hersman, 14 May to 18 July 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

¹¹² Ahmed Youssef, interviewed by Mohamed Elmahdi.

¹¹³ Arab Republic of Egypt, *President Mubarak’s initiative for establishing a weapons-of-mass-destruction-free-zone in the Middle East*. http://www.mfa.gov.eg/English/EgyptianForeignPolicy/InternationalOrgRelation/DisArm/Pages/DisArm277free_zone.aspx (accessed 6 June 2016).

¹¹⁴ Bahgat, ‘Proliferation of Weapons of Mass Destruction: The case of Libya’, pp.105-126.

lessons can be drawn from its change of behaviour in the international scene.”¹¹⁵

Unlike other countries in the Middle East, Qaddafi’s pursuit of chemical weapons was largely ideologically-driven, while real security threats have been the main force driving several Middle Eastern countries to acquire chemical weapons. Libya’s stand on the Arab–Israeli conflict was mainly ideological, as the existence of Israel was not a direct threat to Libya.¹¹⁶ A Libyan diplomat explained that: “By 1990, Qaddafi was aware that his ideological perception of the role of Libya in the world and the region had failed, and that Libya did not have the ability to export its revolution abroad.”¹¹⁷ The oil industry represented about 85% of the national income of Libya under Qaddafi, making the country more vulnerable to economic sanctions than any other chemical proliferator in the region.¹¹⁸ The embargo over Libya’s exports of oil had a devastating impact on Libya’s economy. The Libyan case proves that sanctions succeed in less diversified economies.¹¹⁹

In fact, the Libyan chemical industry was primitive compared to the Iranian industry for example. Libya’s chemical programme was largely dependent on foreign imports and non-Libyan expertise. The embargo, Western intelligence’s active surveillance and the tight economic sanctions meant Qaddafi had almost no hope of proceeding with the chemical weapons programme depending only on the Libyan national capabilities.¹²⁰ An Egyptian military source explained in a confidential interview that: “A combination of many factors: the weaknesses of Libya’s industrial infrastructure, the lack of know-how, the lack of Libyan scientists and expertise, and

¹¹⁵ George Joffé, interviewed by Mohamed Elmahdi.

¹¹⁶ Bahgat, ‘Proliferation of Weapons of Mass Destruction’, pp.122-126

¹¹⁷ Interviewee B, interviewed by Mohamed Elmahdi.

¹¹⁸ George T. Abed and Hamid R. Davoodi, ‘Challenges of Growth and Globalization in the Middle East and North Africa’, *International Monetary Fund*, 2003, pp.36-72.
<https://www.imf.org/external/pubs/ft/med/2003/eng/abed.htm>, (accessed 5 May 2014).

¹¹⁹ Bahgat, ‘Proliferation of Weapons of Mass Destruction’, p.123

¹²⁰ Ibid.

the negative effects of economic sanctions, has all stopped progress in Libya's WMD programme in the early 1990s.”¹²¹ That was a decade prior to the Libyan statement of December 2003.

It is thus possible to say that Qaddafi's decision to end his chemical weapons programme in 2003 was a successful and rational decision. The cost of the decision was minimal to Qaddafi's security and internal legitimacy.¹²² The Libyan decision of 2003, which astonished most of the international media, was in fact a continuation of the gradual - but steady - change in Qaddafi's strategic thinking and his guidance of Libya's foreign policy, mainly towards the USA and the West.

Was the role of the OPCW effective in pushing Libya to end its chemical weapons programme?

The OPCW, being the international organisation responsible for the application of the regime of the CWC, was aware of the threat Qaddafi's chemical weapons posed to the universality of the CWC regime. The OPCW launched a major political campaign to make the CWC universal in 1997.¹²³ It was clear to the state parties in the organisation that this aim cannot be attained without pushing all the states in the world to join the new regime, especially those countries suspected of developing this type of weaponry, such as Libya. One of the OPCW's experts stated that:

“There have been systematic efforts by the OPCW ever since the entry into force of the CWC and even before that by the CWC Preparatory Committee to contact States not party (in New York alongside sessions of the 1st

¹²¹ Interviewee A, Egyptian military officer, Athens, 12 June 2014, interviewed by Mohamed Elmahdi.

¹²² Robert E. Hunter, 'The Iran Case: Addressing Why Countries Want Nuclear Weapons', *Arms Control Today*, October 2004, pp.9-14.

¹²³ Keith Wilson, "Standing the test of time: Efforts to achieve the universality of CWC in Chemical Weapons Convention, Implementation, Challenges and Opportunities", in Ramesh Thakur and Ere Haru (editors). *The Chemical Weapons Convention: implementation, challenges and opportunities*, New York: United Nations University Press, 2006, pp.164-168, and Eric Croddy, *Chemical and Biological Warfare: a comprehensive survey for the concerned citizen*, New York: Springer-Verlag, 2001, pp.36-58. See also: *Action Plan for the Universality of Chemical Weapons Convention*, OPCW doc. EC.M-23/ DEC.3 (24 October 2003).

Committee of the UN General Assembly (UNGA) in Geneva as seat of the Conference on Disarmament, during regional meetings organised by the OPCW and on other occasions) to encourage them to join the CWC. These activities are regularly reported by the DG to the annual session of the Conference of the States Parties.”¹²⁴

In this regard, Graham Pearson, a senior British official dealing in issues of chemical weapons non-proliferation, stated that:

“It is important for the effectiveness of the CWC that all possible efforts are made to achieve universalisation as doing so helps to create a situation in which acquisition of chemical weapons is widely recognised as being unacceptable. In addition to universalisation, it is equally important that all states parties nationally implement all articles of the convention effectively and do so in a way that reassures other states parties that they are doing so. And because of the concerns that non-state actors such as terrorists may seek to acquire and use chemical weapons, it is very important that all states implement UN Security Council Resolution (UNSC) 1540 (2004) and its subsequent resolutions effectively.”¹²⁵

The OPCW exerted political pressure by calling all non-members to join the regime, and by specifying Libya by name in the OPCW’s reports and official documents.¹²⁶

Libya made no positive reaction to these calls until 2003, when the Libyan regime accepted the invitation of the OPCW’s Director-General to attend the First Review Conference from April 28th to May 9th as a non-member of the OPCW.¹²⁷ The OPCW’s call to encourage Libya to join the CWC from 1997 to 2003 had done very little to change Qaddafi’s decision to possess chemical weapons, as Libya started to collaborate with the OPCW only when negotiations with the USA and UK started.

Kane Chen commented on this, saying:

¹²⁴ Ralph Trapp, interviewed by Mohamed Elmahdi.

¹²⁵ Graham Pearson, 9 May to 17 June 2016, interviewed by Mohamed Elmahdi, (e-mail exchange).

¹²⁶ Michael Luhan, 18 May to 21 June 2016, interviewed by Mohamed Elmahdi, e-mail exchange).

See also: The OPCW, *Report on the Implementation of the Recommendation of the Conference of the States Parties at its Fourth Session on Ensuring the Universality of the Chemical Weapons Convention*, *Report on the Implementation of the Recommendation of the Conference of the States Parties at its Fourth Session on Ensuring the Universality of the Chemical Weapons Convention*, and *Decision: Recommendation on Ensuring the Universality of the Chemical Weapons Convention*.

¹²⁷ The OPCW, *Report on the Implementation of the Recommendation of the Conference of the States Parties at its Seventh Session on Ensuring the Universality of the Chemical Weapons Convention*, C-8/D-G.4 CSP 8th session 20-24 October 2006.

“The OPCW has an outreach plan and conducted efforts to bring non CWC members to sign and ratify the treaty. These are minimal and include meetings with these states officials with attempts to address the obstacles those states state as the reason for not joining the treaty. Nevertheless, the OPCW understands that decision not to join a treaty are based usually on security, strategic and political issues ultra-virus to the treaty itself and decision to join are based on state’ sovereign decision.”¹²⁸

Libya did not join the CWC until February 2004. Developments in regional and international systems following the September 11, 2001 attacks on the USA were the real triggers for Qaddafi’s decision to revise his chemical weapons policies. Ironically, the main reason the programmes to develop WMD began in the first place, to ensure the security of the Libyan regime, was also the main reason for Qaddafi’s decision to turn them over in December 2003. Libya joined the CWC as a part of a deal with the USA and UK to end the state of hostility and isolation that had surrounded Qaddafi’s regime for decades. A former OPCW spokesman commented on this, saying: “Certainly the 2003 invasion of Iraq and subsequent diplomatic pressure by the USA and UK on Libya are generally understood to have played a key role in pressuring the Qaddafi regime to join the CWC.”¹²⁹

In fact, the OPCW was unaware of the several rounds of secret negotiations that had taken place between Libya, the UK and the USA in London in 2003.¹³⁰ The OPCW has never been invited to participate in the preparation of the Libyan decision of December 2003, as the negotiations were known only by a few top officials from the three countries involved.¹³¹ Ralph Trapp, an OPCW expert commented on this, saying:

¹²⁸ Kane Chen, 14 May- 14 June 2016, interviewed by Mohamed Elmahdi, (email exchange).

¹²⁹ Michael Luhan, interviewed by Mohamed Elmahdi.

¹³⁰ Thomas Jr., interviewed by Mohamed Elmahdi.

This was also explained when Ronald Bruce St John was interviewed.

¹³¹ For full details of the process of the negotiations that preceded the 2003 Libyan decision see: Tucker, ‘The Rollback of Libya's chemical weapons programme’, pp.365-366.

“I should point out that one key argument that the OPCW has always made vis-à-vis States not party has been that they would be better off to conduct negotiations inside the OPCW than outside, that as an international organisation the OPCW would offer them mechanisms and a political and procedural framework that would to a degree protect them from unfounded accusations, that the mechanisms of the CWC to clarify issues and concerns including about compliance can be used effectively.”¹³²

The OPCW issued a statement on December 22, 2003, welcoming the announcement made by the UK Prime Minister and the USA President that the Libyan government had decided to renounce all programmes of WMD, including chemical weapons, and expressed its readiness to assist Libya in implementing its decision.¹³³

Conclusion

Qaddafi's policies in the 1970s and the 1980s led the isolation of Libya internationally. Qaddafi's revolutionary ideas did not appeal anywhere in the world, and attempts to spread them were failing. Internally Libya, once a rich country, was suffering from high rates of poverty and unemployment. The deteriorating economic conditions, largely due to the extensive sanctions imposed by the USA and the UNSC, led to high levels of popular dissatisfaction towards Qaddafi's regime.

In this context, Qaddafi began to realize that the survival of his regime depended on changing his policies, particularly towards the USA and the West. A gradual process of negotiations between Libya, the USA and the UK thus began to be tested since early 1990s. It was only in 2001 that the atmosphere was ready for direct negotiations with the USA and the UK to rid Libya of its programmes of WMD, including chemical weapons.

¹³² Ralph Trapp, interviewed by Mohamed Elmahdi.

¹³³ The OPCW, *Libya to Adhere to the Chemical Weapons Convention*, 22 December 2003. <http://www.opcw.org/news/article/libya-to-adhere-to-the-chemical-weapons-convention> (accessed 3 September 2013).

Qaddafi's decision to end his chemical weapons programme raises three main questions about the nature and motivations for this radical change. The first is whether the Libyan decision was a victory for the coercive diplomacy in disarmament issues. The answer to this question is no. In fact, coercion pushed Libya to radicalize and further develop its chemical weapons programmes in the 1980s. Only when the USA realized the importance of accommodating Libya did the process of negotiations start to bear fruit. The Libyan model indicates the importance of using a mixture of threats and incentives to settle issues regarding the non-proliferation of chemical weapons.

The second question asked whether Libya could serve as a model for the non-proliferation of chemical weapons in the world. The answer here was again no. Libya decision to relinquish its chemical weapons programme was due to a range of unique internal and external factors, as well as special processes that are unlikely to be found together in other proliferation cases. The Libyan model proved that success can occur when the proliferator is successfully rewarded for their commitment to complying with international norms.

The third question asked whether the OPCW played a crucial role in convincing Libya to abandon its chemical weapons programme. The answer was again no. Although the OPCW had repeatedly encouraged Libya to join the CWC since its creation in 1997, the truth is that the OPCW played a minor role in the interactions that led Libya to join the CWC in December 2003. This point will be analysed in more depth in the next chapters of the thesis. The next chapter will focus on the processes and interactions of the regime of the prohibition of chemical, managed by OPCW, with Libya between 2003 and the collapse of Qaddafi's regime in 2011.

Chapter Four: The OPCW, Qaddafi, and the Libyan Rollback Process

Introduction

On December 19, 2003, Libya announced that it had been conducting talks with the United States of America (USA) and the United Kingdom (UK) about its programmes for developing weapons of mass destruction (WMD). Serious steps to dismantle the Libyan chemical weapons programme followed the declaration. Libya joined the CWC in early January 2004, and showed a high level of collaboration in the next few months. However, the process started to lose momentum after a few months for reasons that will be discussed in this chapter.

The chapter follows in detail the process of rolling back Qaddafi's chemical weapons programme, from the time Libya declared its intention to get rid of all its programmes to develop WMD, including chemical weapons, in December 2003. This chapter separates the role of the Organisation of the Prohibition of Chemical Weapons (OPCW) in the process from the dominant role of the US. According to Regime Theory, this step is crucial in order to study the application of the Regime for the Prohibition of Chemical Weapons in the case of Libya.

The first section details the rollback process of the Libyan chemical weapons programme from 2004 to 2011, shedding light on the ups and downs of the process, and explaining the reasons behind each of them. Next, the second section analyses the characteristics of the rollback process under Qaddafi, in order to understand why the relatively small and underdeveloped Libyan chemical arms programme was never completely dismantled during the Qaddafi era.

Section One: The Rollback Process under Qaddafi

The nature and size of Libya's chemical weapons programme was unclear before 2004. An Egyptian military source explained that: "According to my knowledge, the dimensions of the Libyan chemical programme were mysterious to the intelligence agencies of the regional and western powers, including the USA."¹ According to Ronald Bruce St John, an American expert in Libyan affairs, "As early as 1987, the Reagan administration suspected that Libya was trying to develop CW; however, when the extent of the program was revealed in 2004, the USA government appeared surprised, if not shocked."² William Tobey, a top American official consultant stated: "USA agencies had no complete information about the Libyan chemical weapons programme. Much more was learned after the 2003 decision to give up the chemical and nuclear weapons programmes."³

The negotiations regarding the rollback of Libya's WMD took place secretly during 2003. The UK had been in contact with Libya in an effort to resolve the bombing of Pan Am Flight 103 over Lockerbie, Scotland.⁴ Using this channel, Libya made the first approach regarding nuclear and chemical weapons, asking the British to include the Americans. Gawdat Bahgat, an American expert of the Libyan affairs, explained that: "This rapprochement came in the framework of a comprehensive deal with Qaddafi to improve Libya's relations with the West, and to break a long period of uncertainties about Libya's illicit activities on the international domain."⁵

The Libyan statement of December 2003 uncovered the reality of Qaddafi's

¹ Interviewee A, Egyptian military officer, Athens, 12 June 2014, interviewed by Mohamed Elmahdi.

² Ronald Bruce St John, 30 April to 29 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

³ William Tobey, 30 April to 16 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁴ For the full details of the negotiation process that led to the Libyan declaration of 2003, see: Jonathan B. Tucker, 'The Rollback of Libya's Chemical Weapons Programme' in *The Non Proliferation Review*, volume 16, number 3, November 2009, pp.363-384.

⁵ Gawdat Bahgat, 1 to 14 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

unconventional arms programmes. It proved to be far smaller and less developed than suggested by the speculations and rumours that had dominated the strategic analysis and the political discourse in the West for decades. For example, the American intelligence service reported that Libya had already produced nerve gas and was building the world's largest chemical weapons production facility in 1997.⁶ A Libyan diplomat concluded in a confidential interview for the thesis that: "The USA and other Western powers might have known that the Libyan unconventional arms programmes were insignificant, and that they were using claims of large Libyan WMD on purpose in order to put massive pressure on Qaddafi and extract as many financial and political benefits from Libya as possible."⁷

A few weeks after concluding negotiations with American and British officials in December 2003, Libya officially joined the CWC on February 5 2004.⁸ The chemical weapons programme verification and dismantlement processes started even before that date, as an American-led verification team arrived in Libya on January 18 2004.⁹ The rollback process progressed positively between January and September 2004.¹⁰ The first two US-British technical assistance teams were led by Donald Mahley, the Deputy Assistant Secretary for Arms Control Implementation in the Arms Control Bureau of the USA Department of State during January and February 2004. The main task of the teams was identifying the scope of the programmes of WMD, and assisting the Libyans with their obligations towards the IAEA and OPCW. The team also

⁶ United States Department of Defense, "Proliferation: **Threat** and Response", Washington DC, June 1998, pp.53-57.

⁷ Interviewee B, Libyan diplomat, Athens, 24 July 2014, interviewed by Mohamed Elmahdi.

⁸ *The OPCW*, 'Libya Joins the Chemical Weapons Convention', 14 January 2004. <https://www.opcw.org/news/article/libya-joins-the-chemical-weapons-convention> (accessed 18 March 2013).

⁹ Nathan E. Busch and Joseph F. Pilat, 'Disarming Libya? A reassessment after the Arab Spring', *International Affairs Special Issue: The Middle East ten years after the invasion of Iraq*, volume 89, number 2, March 2013, pp.451-455.

¹⁰ Tucker, 'The Rollback of Libya's Chemical Weapons Programme', p.368.

collected information about Libyan nuclear, chemical and ballistic missiles programmes and removed stocks of gas centrifuges.¹¹ Qaddafi wanted the IAEA and the OPCW to play a role in the disarmament process in order to maintain the image that Libya had undertaken the decision to abide with international norms of its own free will, not as a result of coercion.¹² The OPCW helped Libya to establish a National Committee to coordinate the implementation of its obligations under the CWC in 2004.¹³

The CWC entered into force in Libya on February 5, 2004. On February 20, 2004 the Libyan government, with the help of the OPCW's technical experts, submitted its initial declaration to the OPCW. Its full declaration followed on March 5, and the OPCW's initial inspection was completed on March 19 2004.¹⁴ A team of OPCW inspectors arrived in Libya for the first time at the end of February 2004 in order to monitor the destruction of the remaining air-born chemical bomb casings from February 27, to March 3, 2004.¹⁵ The OPCW declared that: "Its inspectors had verified through continuous on-site monitoring the complete destruction of Libya's entire declared stockpile of unfilled munitions, and inventoried all the declared chemical weapons and related equipment."¹⁶ The OPCW declared furthermore the accuracy of the chemical weapons related portion of the initial Libyan declaration.¹⁷

For the first time, Libya attended the OPCW's Executive Council in its 36th

¹¹ Tucker, 'The Rollback of Libya's Chemical Weapons Programme', pp.368-370.

¹² Ibid.

¹³ United States Congressional Research Center, *Disarming Libya: Weapons of Mass Destruction*, CRS Report for Congress, RS21823, 22 September 2006, p.5.

¹⁴ The OPCW, *OPCW 36th Executive Council Session Convenes, Libya Attends*, 26 March 2004. <http://www.opcw.org/news/article/opcw-36th-executive-council-convenes-libya-attends/> (accessed 9 August 2014).

¹⁵ Tucker, 'The Rollback of Libya's Chemical Weapons Programme', p.376.

¹⁶ The OPCW, *OPCW Executive Council 36th session Convenes, Libya Attends*, 26 March 2004. <http://www.opcw.org/news/article/opcw-36th-executive-council-convenes-libya-attends> (accessed 9 August 2014).

¹⁷ Ibid.

session from 23rd to 26th March 2004. The Council received a report from the Technical Secretariat about the results of the initial inspection in Libya, undertaken to verify the accuracy of the initial declaration submitted by the Libyan government. During the session, Libyan representatives presented a plan for the destruction of the chemical weapons stockpile to the OPCW's Executive Council.¹⁸ The Executive Council report recommended that the Libyan government should concentrate all the processes of destroying its stockpiles of chemical weapons in the Rabta industrial facility, southwest of Tripoli. It also approved the Libyan government's proposal to build a new chemical weapons destruction facility,¹⁹ The Libyan government also proposed converting the Rabta plant into peaceful uses.²⁰ The OPCW's Director-General, Rogelio Pfrter, commented on these developments by stating that:

“By voluntarily submitting a full and accurate declaration that will be carefully scrutinized by all States Parties, Libya is fully complying with its obligations under the Chemical Weapons Convention. This is good for Libya, the region and the international community since it strengthens this multilateral disarmament regime and represents a tangible step towards the ultimate elimination of these WMD.”²¹

He also commended the continuing full support and cooperation provided by the Libyan officials, noting, “The progress achieved thus far in the implementation of the Convention in Libya is heartening. Libya has and, we expect, will contribute

¹⁸ Nuclear Threat Initiative, ‘[Libya Profile: Chemical Chronology](http://www.nti.org/e_research/profiles/Libya/Chemical/chronology_2004.html)’. Available at: www.nti.org/e_research/profiles/Libya/Chemical/chronology_2004.html (accessed on 11 August 2014).

¹⁹ The OPCW, *OPCW 36th Executive Council Convenes, Libya Attends*.

²⁰ The OPCW Conference of the States Parties, *Decision: Request by the Libyan Arab Jamahiriya to Use the Chemical Weapons Production Facilities Rabta Pharmaceutical Factory 1 and Rabta Pharmaceutical Factory 2 (Phase II) in Rabta, the Libyan Arab Jamahiriya, for Purposes Not Prohibited under the Chemical Weapons Convention*, Ninth Session, C-9/DEC.9, 30 November 2004. <http://www.opcw.org/documents-reports/conference-states-parties/ninth-session/> (accessed 11 August 2014).

²¹ The OPCW, *Initial inspection on Libya completed*, 22 March 2004. <http://www.opcw.org/news/article/libya-completes-the-first-phase-of-chemical-weapons-destruction/> (accessed 9 August 2014).

significantly to our common mission of entirely eliminating these horrific weapons.’’²²

The dismantlement of the Libyan chemical weapons programme was projected to go on in two parallel sub-processes: the dismantlement of the chemical weapons stockpiles, and the conversion of the Rabta plant.

The dismantlement of the chemical weapons stockpiles

Initially, and according to the initial destruction plans, Libya pledged to destroy the mustard agent and all the other declared chemical precursors before the CWC’s deadline of April 29, 2007. In March 2005, the OPCW declared that Libya had successfully destroyed its stockpile of category 3 precursor chemicals. The OPCW’s inspectors also confirmed the destruction of Libya’s declared mobile filling units, and all the related specialized chemical weapons production equipment.²³

However, Libya also had to destroy the more sophisticated category 1 chemical materials. Libya approached top-level American officials, as the planned process would require a highly sophisticated chemical industrial infrastructure.²⁴ The Libyan government proposed the construction of a destruction facility at Rabta, which would be equipped with a special incinerator to burn the mustard agent. The process requires the transportation of the mustard agent from the storage bunkers, located mainly at Waddan, to Rabta in a secure way.²⁵ Kane Chen, an American expert commented on this, saying:

²² Ibid. <http://www.opcw.org/news/article/initial-inspection-in-libya-completed/> (accessed 11 August 2014).

²³ The OPCW, *Libya Completes the First Phase of Chemical Weapons Destruction*, 4 March 2004. <http://www.opcw.org/news/article/libya-completes-the-first-phase-of-chemical-weapons-destruction> (accessed 15 August 2014).

²⁴ USA Department of State, *Condition (10) (C) Report: Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, January 2013, pp.7-8.

²⁵ Tucker, ‘The Rollback of Libya’s Chemical Weapons Programme’, p.376.

“With a single unitary bulk stored agent at only one location, only one technical solution was required to destroy the bulk agent. Libya procured the Ruwagha Hydrolysis Neutralization Systems to destroy the sulphur mustard agent. Libya operated the RHNS-1 at the Ruwagha complex outside of Waddan, until February 9, 2011, when a heater coil burned out and halted destruction operations. At that time, Libya had destroyed 54 per cent of its declared sulphur mustard. Libya could not destroy any additional declared sulphur mustard until an embargo, emplaced in March 2011 during the civil war, enabling a replacement coil to be shipped to Libya. The 1,390 MT of precursors required an incinerator rather than a neutralization system for destruction. Initially, Libyan officials took a long-term view on these compounds and sought a facility that could be employed post-destruction as a new national toxic waste disposal facility in Rabta.”²⁶

The USA responded to the Libyan request in July 2004 by stating that it will assist Libya financially, but declined to cover the entire cost of the incinerator to avoid depleting the State Department funds.²⁷ Michael Luhan, a former speaker of the OPCW explained that: “The USA also stipulated that Libya remains ultimately responsible for destroying its chemical weapons stockpile and meeting its treaty obligations, including approved destruction deadlines; while working level Libyan officials opposed the cost sharing arrangement, claiming that the Libyan cabinet refused funding as well.”²⁸ With the delays in the American Libyan negotiations, it was clear that Libya was not going to meet the deadline for destroying chemical weapons category 1 of the OPCW.²⁹ Upon a Libyan request, the Conference of States Parties (CSP) of the OPCW granted an extension of the final deadline for the destruction of Libya’s category 1 chemical weapons, to 31 December 2010. The CSP also called upon Libya to complete the destruction of its category 2 chemical weapons as soon as possible, but in any case no later than 31 December 2011.³⁰

²⁶ Kane Chen, 14 May to 14 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

²⁷ Tucker, ‘The Rollback of Libya’s Chemical Weapons Programme’, pp.377- 378.

²⁸ Michael Luhan, 18 May to 21 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

²⁹ Tucker, ‘The Rollback of Libya’s Chemical Weapons Programme’, pp.377- 378.

³⁰ The OPCW Conference of the States Parties, *Decision of the Conference of the States Parties to approve the proposal of the Libyan Arab Jamahiriya for the establishment of specific dates for its*

Libya signed the deal with the USA to build the incinerator in December 2006.³¹

However, the deal was never realised; Libya gave the USA a notice of withdrawal from the contract in May 2007, few weeks before the final production of the incinerator.³² Tobey commented on this as saying:

“It took a long time, but there were real technical, legal and financial issues - for example, USA and Libya could not agree on an umbrella agreement to secure USA personnel operation in Libya. Also, Libya wanted to be able to use the incinerator facility later on for other non-CW destruction uses, so the right destruction technology was to be found and agreed upon.”³³

In fact, there were other motivations for Qaddafi's decision to pull out of the American contract. Jonathan Tucker stated Libyan official's corruption and Qaddafi's anger from the American delay in restoring full diplomatic relations and in removing Libya from the list of states sponsors of terrorism.³⁴ There was also the deal with North Korea, which provided generous American assistance in return for North Korea's pledge to shut down its nuclear facilities at Yongbyon and allow the verification by the IAEA provoked the anger of the Libyan regime.³⁵ In this regard, Qaddafi stated that:

“Libya and the whole world expected a positive response, not just words, although they were nice words, from America and Europe. British Prime Minister Tony Blair and USA President George W. Bush expressed their satisfaction but there must be at least a declaration of a program like the Marshall Plan, to show the world that those who wish to abandon the nuclear weapon program will be helped.”³⁶

intermediate destruction deadlines, and on its request for an extension of the final deadline for the destruction of its category 1 chemical weapons 11th Session, 8 December 2006.

http://www.opcw.org/fileadmin/OPCW/CSP/C-11/en/C-11_dec.15-EN.pdf (accessed 12 August 2014).

³¹ Tucker, 'The Rollback of Libya's Chemical Weapons Programme', p. 377.

³² Alex Bollfrass, 'Libya backs out of CW destruction agreement', *Arms Control Today*, volume 37, number 6, July–Aug. 2006, pp.27–31.

³³ William Tobey, interviewed by Mohamed Elmahdi.

³⁴ Tucker, 'The Rollback of Libya's Chemical Weapons Programme', p.378.

³⁵ Ibid.

³⁶ *Time*, Qaddafi's Interview with the Time Magazine, 'Gaddafi Feels Betrayed after WMD Deal', 30 January 2005. <http://www.abc.net.au/news/2005-01-31/gaddafi-feels-betrayed-after-wmd-deal/628248> (accessed 5 June 2016).

Italian and German companies contested a new contract for destroying Libya's chemical weapons.³⁷ The Italian government, which kept strong ties with its former colony, managed to persuade the Libyan government to choose an Italian company (SPISA) for the destruction project. Nevertheless, Libya refused the Bush administration's request to appoint an American company to supervise the destruction work.³⁸ Negotiations between the Libyan government and SPISA were slow and non-transparent; Libya had stalled the signing of contracts in an apparent effort to extract further concessions in exchange for the elimination of its chemical capabilities.³⁹

Ahmed Hesnawy, the chief Libyan official responsible for the destruction of the chemical weapons, reiterated the popular opposition and increasing environmental concerns regarding the proposed destruction activities in Rabta, especially from Libyan civil society. He claimed that there were public fears of chemical material leakage while the chemical agents were being transported to Rabta from various locations around Libya. American and British officials, knowing that the Libyan claims were not the main reason behind the delays, agreed to grant more credence to transportation safety concerns, particularly as one British official reported that some of the polyethylene containers were leaking. The leakage required the chemical agent to be repackaged for safe transport to the Rabta toxic chemicals destruction facility.⁴⁰

Eventually, in January 2009, Libya signed a deal with the Italian firm SIPSA

³⁷ Wikileaks, 'Libya's Chemical Weapons Destruction Chief Defends Extension Request', document 09TRIPOLI795, www.telegraph.co.uk/news/wikileaks-files/libya-wikileaks/8294660/libyas-chemical-weapons-destruction-chief-defends-extension-request.html (accessed 12 August 2014).

³⁸ Emanuele Paiano, 'What Happened to Libya's Chemical Weapons Stockpiles?', *Invisible Dog*, Issue 12, February 2013. http://www.invisible-dog.com/libia_chimico_eng.html (accessed 20 August 2014).

³⁹ Jean Pascal Zanders, 'Destroying Libya's Chemical Weapons: Deadlines and Delays', *WMD Junction*, May 2011, Available at: http://wmdjunction.com/110519_destroying_libya_cw.htm (accessed 15 April 2015).

⁴⁰ 'The Chemical Weapons Convention (CWC): Conversion of the Rabta Chemical Weapons Production Facility', *Wikileaks*. http://www.wikileaks.org/plusd/cables/08TRIPOLI466_a.html, (accessed 9 August 2014).

Engineering to complete the destruction activities.⁴¹ However, the facility became operational too late for Libya to meet the new December 2010 deadline, and the OPCW granted an extension to May 15, 2011. The mid-May deadline was itself an extension granted by the OPCW of the previous deadline of December 2010, which was also an extension.⁴² The quantities of chemical weapons which were declared to the OPCW and were to be destroyed were held within about 350 containers, each holding 20 to 30 litres of chemical agent. The containers showed signs of corrosion, and had to be substituted with metal replacements. This limited quantity of chemicals to be burnt did not justify the size of the incinerator being built by SIPSA. The furnace cost around €30 million Euros and was paid for by the Libyan government, even though the Italians were asked for a €5 million Euro contribution for having favoured one of their companies. The contract was thus subject to accusations of corruption by the Italian and Libyan officials responsible for negotiating the project.⁴³

Libya presented a new destruction plan to the OPCW in January 2009.⁴⁴ By the end of 2009 Libya would have destroyed 39% of its chemical weapons precursors, but destruction of its 23 tonnes of mustard gas had not yet begun.⁴⁵ The Libyan plan stated that packaging of the chemical agents would be finalised by January/February 2009, and then they would be stored in Bunker 109 at al-Jufrah until transported to Rabta in late 2009 or early 2010. Construction of the destruction building at the Rabta facility would be completed by March 2009, while the destruction equipment would be installed in this building between March and October 2009. Cold and hot tests of

⁴¹ Jean Pascal Zanders, 'Destroying Libya's Chemical Weapons: Deadlines and Delays'.

⁴² 'Libya Response: Follow up on Transparency Measures for the Annual Chemical Weapons Convention Conference', *Wikileaks*, 23 November 2009.
<https://wikileaks.org/cable/2009/11/09TRIPOLI933.html> (accessed 10 October 2014).

⁴³ Emanuele Paiano, 'What Happened to Libya's Chemical Weapons Stockpiles?'.

⁴⁴ *Ibid.*

⁴⁵ The OPCW, *Decision on the Extension for the Destruction by Libya of its Category 1 Chemical Weapons*, C-14/DEC.3, 2 December 2009.

the destruction equipment would take place in December 2009, and the destruction facility at Rabta would be commissioned in early February 2010. Finally, 1% of the mustard gas agents would be destroyed by May 1, 2010.⁴⁶

The limited quantity of Libya's chemical precursors suggested that the process would be done in only 25 days counting from the first day of destruction. However, a technical mishap at the chemical weapons destruction facility in 2010 led to delays. A replacement part for the facility had to be shipped from Italy; however, the sanctions of the United Nations (UN) and the North Atlantic Treaty Organisation (NATO) during the Libyan revolt in 2011 forced the ship to turn back before it reached Libya.⁴⁷ The destruction process started only in October 2010 but stopped in February 2011 due to a breakdown of the heating unit in the disposal station. The destruction facility was still broken when the Libyan revolution broke out. Libya managed to destroy 51% of its sulphur mustard stockpile, and only 40% of the total of its precursor chemicals.⁴⁸ George Joffé, an expert in Middle East affairs, stated: "It was the dismantling or the destruction of precursor chemicals which delayed the final ending of the programme - the SPISA unit, for example, took a long time to arrive and then didn't work."⁴⁹

The Conversion of the Rabta Plant

Few months after joining the OPCW, Libya submitted an official request to the OPCW to convert the former production facility for precursor chemicals at Rabta to

http://www.opcw.org/fileadmin/OPCW/CSP/C-14/en/c14dec03_e_.pdf (accessed 11 August 2014).

⁴⁶ Wikileaks, *Libya's Chemical Weapons Destruction Chief Defends Extension Requests*, 31 January 2011. <https://wikileaks.org/cable/2009/11/09TRIPOLI933.html> (accessed 10 October 2014).

⁴⁷ Jean Pascal Zanders, 'Destroying Libya's Chemical Weapons: Deadlines and Delays'.

⁴⁸ The OPCW, *Libya: Facts and Figures*. <http://www.opcw.org/the-opcw-and-libya/libya-facts-and-figures> (accessed 3 September 2013).

⁴⁹ George Joffé, 4 May to 9 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

the uses not prohibited under the CWC.⁵⁰ The American Ambassador to the OPCW immediately announced USA support for the Libyan request, stating that: “Provided that it is done within the legal framework of the Convention and in a manner that is transparent to all State Parties”⁵¹, The American support opened the door to the CSP to adopt a decision on November 30, 2004, that granted Libya three years to complete the conversion of Rabta plant to peaceful purposes.⁵²

The decision of the OPCW stipulated that “Conversion of a chemical weapons production facility shall be completed no later than six years after entry into force of this Convention”⁵³, that is the earlier date of April 29, 2003. The CWC Verification Annex also stipulated that “As a condition for conversion of a chemical weapons production facility for purposes not prohibited under this Convention, all specialized equipment at the facility must be destroyed.”⁵⁴ However, after a lengthy negotiation with the U.S. government, Washington agreed to designate only one reactor inside Rabta complex as specialised chemical weapons equipment and therefore subject to the OPCW supervision.⁵⁵

However, the conversion process of Rabta suffered from major delays. The Libyan government signed a contract with the Italian firm PharmaChem for the operation of the commercial part of the plant in February 2004. The Italian company did not achieve any advance in the conversion process in 2004 and 2005, and they

⁵⁰ The OPCW, *Decision: Request by the Libyan Arab Jamahiriya to Use the Chemical Weapons Production Facilities Rabta Pharmaceutical Factory 1 and Rabta Pharmaceutical Factory 2 (Phase II) in Rabta, the Libyan Arab Jamahiriya for Purposes not Prohibited under the Chemical Weapons Convention*”, C-9/DEC.9, 30 November 2004.

⁵¹ The U.S. Department of State, 'Thirty-Sixth Regular Session of the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW)', Eric M. Javits, *Remarks to the Executive Council of the OPCW*, The Hague, March 23, 2004. <http://2001-2009.state.gov/t/ac/rls/rm/2004/31150.htm>

⁵² Tucker, 'The Rollback of Libya's Chemical Weapons Programme', p.378.

⁵³ The CWC, *Annex on Implementation and Verification, Part V (D)*, p 118.

⁵⁴ *Ibid*, p. 117.

⁵⁵ Tucker, 'The Rollback of Libya's Chemical Weapons Programme', p.378.

accused the Libyan government of delaying their payments on purpose, denying visas to the Italian technicians following the project, and blocking shipments of machinery needed for pharmaceutical production.⁵⁶ It can be understood that Rabta's conversion project was a political game for the Libyan regime. The main target of Qaddafi was to extract as many benefits from the USA as possible, including the restoration of full diplomatic relations between the two countries, removing Libya from the list of state sponsors of terrorism, removing the American embargo, and signing economic and trade agreements.⁵⁷ In a confidential interview, A Libyan diplomat concluded that: "The issue was a part of Qaddafi's tactics to keep the Libyan chemical threat vivid in order to convince the international community of the relevance of embracing the Libyan regime."⁵⁸

A clear case of the Libyan desire to complicate the process of conversion Rabta was the 30-meter-long sandbag barrier surrounding the facility. The Americans wanted it to be demolished in order to ease surveillance of the facility, which Libya refused on the grounds it needed to protect the facility from wind and sand.⁵⁹ Indeed, the Libyans asked the OPCW to turn the barrier into a permanent structure.⁶⁰ Although the Libyans clearly intended to complicate the conversion process,⁶¹ the American and British teams were reassured during their visit to Rabta in July 2008 that Libya would be transparent about its conversion activities, despite the knowledge

⁵⁶ Ibid, pp.379-380.

⁵⁷ Paiano, *What Happened to Libya's Chemical Weapons Stockpiles?*

⁵⁸ Interviewee B, Libyan diplomat, Athens, 24 July, interviewed by Mohamed Elmahdi.

⁵⁹ Paiano, *What Happened to Libya's Chemical Weapons Stockpiles?*

⁶⁰ Wikileaks, *Chemical Weapons Convention (CWC): Transparency on Libyan Rabta Facility Conversion and Destruction Facility*, 10 June 2009.

<https://cablegatesearch.wikileaks.org/cable.php?id=09STATE59827>

⁶¹ Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, Report to the President of the United States (Robb-Silberman Report), Washington DC: USA Government Printing Office, 31 March 2005, pp.258-263.

that Libya would miss the July 29, 2008 conversion deadline.⁶² The Italian firm announced that the completion of the conversion activities, which included the dismantling of the chemical weapons production facilities, the elimination of all declared spare and dismantled equipment under full verification measures of the OPCW, would not be achieved before September 2009 at the earliest.⁶³ As the project did not finish on time, The Executive Council of the OPCW in its 58th session on October 12, 2009 approved a new deadline: conversion of the Rabta facility had to be completed by May 2010.⁶⁴

The conversion process was partially achieved by the end of 2010. An Egyptian military source confirmed that: “Rabta plant started to produce basic pharmaceutical products on a small scale in 2010.”⁶⁵ Rabta’s control room had been partially dismantled, but could still be reconverted to the production of chemical weapons. The smokestack had been destroyed, the assembly line for the nose cones was dismantled, and the packaging room eliminated even though the storehouse was still functioning. To restart the work at the plant, a new centrifuge, a few reactors and some tanks would be needed, but since the control room was almost intact, the time needed to go back to military production would be very short, definitely less than a year.⁶⁶

Section Two: Characteristics of the Process

Libya joined the CWC in February 2004 after two months of the arrival of the first team of British and American inspectors already to Libya. The process of dismantling

⁶² ‘Libya’s Chemical Weapons Destruction Chief Defends Extension Request’ Wikileaks, 9 October 2009. <http://wikileaks.org/cable/2009/10/09TRIPOLI795.html> (accessed 12 August 2014).

⁶³ USA Department of State, *Condition (10) (C) Report: Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and On Their Destruction*, March 2012.

⁶⁴ The OPCW, *Report on the Fifty-Eighth Session of the Executive Council*, EC-58/9, 16 October 2009. http://www.opcw.org/fileadmin/OPCW/EC/58/en/ec5809_en.pdf (accessed 9 August 2014).

⁶⁵ Interviewee A, interviewed by Mohamed Elmahdi.

⁶⁶ Paiano, *What Happened to Libya’s Chemical Weapons Stockpiles?*

the Libyan chemical weapons programme, which had to be short and simple, did not keep its momentum and serious concerns about Libyan intentions were raised as early as 2005 by the American intelligence community.⁶⁷

Furthermore, since 2004, many scholars referred to Libya as a model for success for WMD non-proliferation efforts.⁶⁸ However, the Libyan disarmament process which started in a satisfactory pace in the first few months dragged out for more than ten years. This makes it simple to differentiate between two periods of chemical weapons disarmament under Qaddafi: the period from January 2004 to June 2004, and the period from July 2004 to July 2011. Under Qaddafi, the process of disarming the declared Libyan chemical weapons arsenal had three main characteristics:

The Haste to Conclude the Process

Qaddafi's announcement in December 2003 that Libya would end its programmes of WMD was believed to be an ultimate change in Libya's foreign policy, and thus it increased the international community's confidence that the Libyan regime would adhere to the verification processes. Zanders stated that "This was considered a success for the Regime for the Prohibition of Chemical Weapons."⁶⁹ Confidence increased even more during the first months after the verification process began in 2004, as the inspection teams achieved rapid progress in dismantling large stocks of Libyan WMD and long-range missiles. Ralph Trapp commented on this, saying:

⁶⁷ Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, *Report to the President of the United States* (Robb-Silberman Report), p.263. <http://www.gpo.gov/fdsys/pkg/GPO-WMD/pdf/GPO-WMD.pdf> (accessed 19 September 2013).

⁶⁸ See for example, Gawdat Bahgat, 'Non-proliferation success: the Libyan model', *World Affairs* volume 168, 1st edition, summer 2005, pp.3-12; and Gawdat Bahgat, 'US points to Libya as disarmament model', *Arms Control Today* volume 34, 3rd edition, April 2004, p.29; see also Paul Kerr, 'Libya's disarmament: a model for US policy?', *Arms Control Today* 34: 5th edition, June 2004, pp.34-38, and Joseph Cirincione, 'How we dodged Libya's nuclear bullet', *Huffington Post*, 11 March 2011. http://www.huffingtonpoSt.com/joe-cirincione/how-we-dodged-libyas-nucl_b_829669.html (accessed 9 August 2014).

⁶⁹ Jean Pascal Zanders, 7 to 8 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

“Its accession and the initial phase of declaration, technical assistance by the OPCW, verification and preparing for destruction, the setting up a functioning National Authority etc. were clearly successes, albeit qualified by the fact that Libya did not submit a full declaration; when the undeclared part of the stockpile was finally declared, the mechanisms available to the OPCW were used as intended by the CWC.”⁷⁰

The destruction of the empty bomb casings was the first step in the process of dismantling the Libyan chemical weapons. This step reflected the haste of the American and British officials to complete the process. Libyan workers started the destruction of category 3 chemical weapons in mid-February 2004, under the supervision of a joint American-British team without the presence of the OPCW. The OPCW secretariat responded by urgently requesting the process to halt until a special OPCW inspection team could arrive from The Hague to supervise the process and the dismantlement techniques used.⁷¹ In fact, it was clear that Qaddafi was under pressure to show his intention to get rid of the WMD.⁷²

The Libyan regime only started referring implicitly to the idea in March 2003. The bulk of the diplomatic advances in the secret negotiations were made between October and December 2003. Once Libya made its declaration in December 2003, The American and British governments were in a hurry to send inspection teams to Libya to remove key components of the Libyan programmes of WMD in fear of Qaddafi unexpectedly change his mind.⁷³ According to the Robert Joseph: “While a number of questions remained even after the return of the experts in December [2003]—including the precise nature of the North Korean connection to Libya’s missile project, the extent of the work on nerve agents, and the possibility of hidden centrifuges, the intelligence assessment was that sufficient confidence existed to

⁷⁰ Ralph Trapp, 9 May to 17 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁷¹ Tucker, ‘The Rollback of Libya’s Chemical Weapons Programme’, p.376.

⁷² Ibid, p.378.

⁷³ Busch & Pilat, ‘Disarming Libya’, pp.454-455.

proceed to policy discussions and that these outstanding questions should not be an obstacle to moving forward.”⁷⁴

The OPCW also rushed to a number of conclusions in the Libyan case. In September 2004, the OPCW was certain that it had verified the entire Libyan chemical weapons stockpile, and had destroyed the declared aerial bombs. The organisation announced in 2004 its confidence in the initial Libyan plan for the destruction of the declared chemical weapons stockpile by July 2007,⁷⁵ and approved the plan to convert the Rabta facility into a pharmaceuticals plant by 2008.⁷⁶ The OPCW Director General Rogelio Pfrirer was also quoted as saying:

“The swift and cooperative spirit of compliance on the part of the Libyan authorities is an encouraging sign that will undoubtedly assist the OPCW to provide impartial verification of their compliance. Libya is fully complying with its obligations under the Chemical Weapons Convention. The progress achieved thus far in the implementation of the Convention in Libya is heartening. Libya has and, we expect, will contribute significantly to our common mission of entirely eliminating these horrific weapons.”⁷⁷

In fact, the development of the rollback process in Libya since July 2004 was less optimistic. The dismantlement process had not been concluded before its deadline in July 2007, and was subject to several delays and new deadlines. By the time Qaddafi was overthrown and killed by the Libyan people in 2011, almost half of the declared Libyan chemical weapons stockpile was still awaiting destruction,⁷⁸ while new discoveries of chemical weapon materials in 2011 threw shadows of suspicion over

⁷⁴ Robert Joseph, interviewed by Busch & Pilat, ‘Disarming Libya’, p.455.

⁷⁵ The OPCW, *Libya Completes the First Phase of Chemical Weapons Destruction*, 4 March 2014. <http://www.opcw.org/news/article/libya-completes-the-first-phase-of-chemical-weapons-destruction> (accessed 8 October 2014).

⁷⁶ The OPCW, *OPCW Executive Council Approves Recommendation to Allow for Conversion of Former Chemical Weapon Facility in Libya*, 18 October 2004. <http://www.opcw.org/news/article/opcw-executive-council-approves-recommendation-to-allow-for-conversion-of-former-chemical-weapon-fac> (accessed 11 August 2014).

⁷⁷ The OPCW, *Initial Inspection in Libya Completed*, 22 March 2013. <https://www.opcw.org/news/article/initial-inspection-in-libya-completed> (accessed 9 August 2014).

⁷⁸ The OPCW, *Captured Chemical Weapons in Libya Were Declared to the OPCW by Former Government*, 28 September 2011. <https://www.opcw.org/news/article/captured-chemical-weapons-in-libya-were-declared-to-the-opcw-by-former-government> (accessed 10 October 2014).

the true intentions of Qaddafi's regime in 2003. It proved the failure of working in haste and without clearing the suspicions over the comprehensiveness of the declared Libyan chemical weapons arsenal in 2003.

The Flexibility of Deadlines

During the efforts to verify Libya's disarmament, both the American-British teams and the OPCW officials granted Libya an exceptional level of flexibility. Ronald Bruce St John mentioned: "The international community showed a high level of confidence over Libya's good intention to get rid of all its WMD and its full transparency, veracity and cooperation. The international organisation, with the explicit support from the American and the British governments, agreed to Tripoli's requests to delay the final and intermediate chemical weapons destruction deadlines more than once."⁷⁹

The Executive Council of the OPCW made an exceptional decision in 2004, and for the first time in the history of the CWC allowed the conversion of the Rabta plant to a pharmaceutical production facility after the original treaty provision had expired. The standards of verification were fully simplified to avoid any clashes with Libyan officials.⁸⁰ The OPCW had never conducted a special inspection on any site in Libya. The inspectors and officials of OPCW, the USA and the UK were never alone during any visit, as they were accompanied by Libyan officials at all times who only allowed them to visit the declared sites. The OPCW showed an unprecedented level of tolerance towards Libya, expressed in the positive remarks made by the organisation's top officials and agencies.⁸¹ This tolerance was also seen in several decisions made by

⁷⁹ Ronald Bruce St John, interviewed by Mohamed Elmahdi.

⁸⁰ Busch & Pilat, 'Disarming Libya'. pp.469-471.

⁸¹ Tucker, 'The Rollback of Libya's Chemical Weapons Programme', pp.376-378.

the Executive Council and the Conference of States Parties to extent the destruction plan deadlines and the process of converting Rabta into a pharmaceutical factory.⁸²

This flexibility was clear even before the dismantlement process began. In October 2003, Libyan officials disclosed to the American-British team an additional cache of more than 2,000 empty bomb casings in an undeclared site. According to Tucker: “Libyan officials explained that they had not believed that Qaddafi would go through with the disarmament plan fully. However, they insisted that they had declared all of the empty chemical bombs, a total of 3,563.”⁸³ The incident passed without any further investigations. Furthermore, the American-British team and the OPCW - which had not been informed about the visit - declared afterwards their satisfaction and confidence in the accuracy of the Libyan initial declaration submitted on February 25 2004. The OPCW’s Director-General, Rogelio Pfrter, summarised the disarmament developments thus far by stating: “By voluntarily submitting a full and accurate declaration that will be carefully scrutinized by all States Parties, Libya is fully complying with its obligations under the Chemical Weapons Convention.”⁸⁴

⁸² There is a long list of decisions made by the OPCW to accommodate Libya's requests, including: the OPCW, *Decision of the Conference of the States Parties to approve the proposal of the Libyan Arab Jamahiriya for the establishment of specific dates for its intermediate destruction deadlines, and on its request for an extension of the final deadline for the destruction of its category 1 chemical weapons*” 11th Session, 8 December 2006; the OPCW, *Fourteenth Session of the Conference of the States Parties, Decision: Proposal by the Libyan Arab Jamahiriya for the Establishment of Specific Dates for Intermediate Destruction Deadlines, and its Request for an Extension of the Final Deadline for the Destruction of its Category 1 Chemical Weapons*, 2 December 2009; the OPCW, *Fifteenth Session of the Conference of the States Parties, Decision on the extension of the intermediate deadlines for the destruction by the Libyan Arab Jamahiriya of its Category 1 chemical weapons*, C-15/DEC.3, dated 30 November 2010; the OPCW, *Report of the Sixteenth Session of the Conference of the States Parties*, 2 December 2011.

The OPCW Conference of the States Parties, *Decision: Request by the Libyan Arab Jamahiriya to Use the Chemical Weapons Production Facilities Rabta Pharmaceutical Factory 1 and Rabta Pharmaceutical Factory 2 (Phase II) in Rabta, the Libyan Arab Jamahiriya, for Purposes Not Prohibited under the Chemical Weapons Convention*, Ninth Session, 30 November 2004.

The OPCW Conference of the States Parties, *Decision of the Conference of the States Parties to approve the proposal of the Libyan Arab Jamahiriya for the establishment of specific dates for its intermediate destruction deadlines, and on its request for an extension of the final deadline for the destruction of its category 1 chemical weapons*, 11th Session, 8 December 2006.

⁸³ Tucker, ‘The Rollback of Libya’s Chemical Weapons Programme’, p.375.

⁸⁴ The OPCW, *Libya Submits Initial Chemical Weapons Declaration*, 5 March 2004.

Another example of this flexible attitude can be seen during an official British visit to Rabta which took place in July 2008. Before this visit, the Libyan authorities refused to grant visas to American inspectors accompanying the British team as tensions were running high between Tripoli and Washington at the time. The British team was accompanied at all the times by Libyan officials led by Ahmed Hesnawy, the head of the Libyan chemical weapons program. The team was not allowed to visit the destruction facility inside the Rabta plant, because Hesnawy said that only site preparation work was underway there and that there was nothing of substance to see.⁸⁵

Despite these complications, the British officials reported that their visit was successful and that the Libyan officials were very cooperative, allowing them to take photographs of the work in progress converting the plant's production line. The British team concluded that they had "no concerns about Libya's determination to end its chemical weapons programme."⁸⁶ It should be noted that OPCW inspectors did not participate in this visit. The absence of OPCW officials from Libyan inspection visits was repeated as American and the British inspectors arranged their visits to Libya directly via their embassies in Tripoli, without prior notification to the OPCW secretariat in The Hague.⁸⁷

There were three reasons for easing the standards when dealing with the Libyan case. Firstly, Libya started the process with a cooperative manner, leading to the adoption of modes of verification that were tailored and fully responsive to the requirements of the Libyan regime. Secondly, it was apparent that Libya was not

<http://www.opcw.org/news/article/libya-submits-initial-chemical-weapons-declaration> (accessed 9 September 2012).

⁸⁵ Richard Weitz, *Global insights: Coalition must Act on Libyan Chemical Weapons*, World Politics Review, 22 March 2011. <http://www.worldpoliticsreview.com/articles/8262/global-insights-coalition-must-act-on-libyan-chemical-weapons> (accessed 20 August 2014).

⁸⁶ Wikileaks, *Chemical Weapons Convention (CWC): Conversion of the Rabta Chemical Weapons Production Facility*, <http://www.telegraph.co.uk/news/wikileaks-files/libya-wikileaks/8294844/u.k.-visit-to-rabta-chemical-weapons-production-facility.html> (accessed 15 August 2014).

⁸⁷ Tucker, 'The Rollback of Libya's Chemical Weapons Programme', pp.376-378.

concealing anything, as the chemical weapons programme was completely undeveloped.⁸⁸ An Egyptian military source stated that: “According to my knowledge, Western intelligence services, which had more access on the ground since the start of the verification process, discovered no suspect activities related to chemical weapon development since 2004.”⁸⁹ Thirdly, there were fears that if too much pressure was applied during the verification process, Qaddafi might undercut his cooperation at any time during the process.⁹⁰ In fact, suspicions started to develop around the sufficiency of the Libyan programme’s verification standards in 2005. The Robb-Silberman Report stated that:

“It is clear that Libya has been considerably less forthcoming about the details of its chemical and biological weapons than about Libya’s nuclear and missile programmes... because it is not clear that the ad hoc teams conducted a sufficiently thorough or sustained verification process. There is growing concern within the Intelligence Community that thinking ‘Libya is done’ may leave collectors and analysts without the resources needed to track and monitor future change. Competing priorities have reduced focus on Libya since the 2003 declarations.”⁹¹

On the other hand, Donald Mahley, the chief American inspector in Libya eventually started to report deficiencies in the inspection activities because of the lack of cooperation from the Libyan officials.⁹² However the OPCW, along with the British government and the American administration, continued to adopt the same accommodative approach in dealing with Libya, remaining aware of the political sensitivities in interacting with Qaddafi, and counting on the common perception that by submitting the declaration in 2003, Libya’s case is settled. This perception prevented the OPCW from taking the steps necessary to provide for long-term

⁸⁸ Busch & Pilat, ‘Disarming Libya?’, pp.465-467.

⁸⁹ Interviewee A, interviewed by Mohamed Elmahdi.

⁹⁰ Busch & Pilat, ‘Disarming Libya?’, p.468.

⁹¹ Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, Report to the President of the United States (Robb-Silberman Report).

⁹² Busch & Pilat, ‘Disarming Libya?’, p.468.

monitoring and verification in order to ensure that the possibility of Libyan non-compliance had been addressed correctly and that it would not recur.⁹³

The Dissatisfaction of Qaddafi's Regime with the American Rewards

Qaddafi and his close aides, had increasingly expressed frustration that Libya was not receiving sufficient benefits as a result of its renunciation of the programmes for developing unconventional arms. The Libyan regime expressed its frustration from the lack of sufficient American rewards. Saif Al-Islam Qaddafi was quoted as saying:

“Libya’s decision to give up its programmes of WMD was contingent upon compensation from the US, including the signing of the Trade and Investment Framework Agreement, economic cooperation, and cooperation in purchasing conventional weapons and military equipment. We share rich natural resources – oil and gas – along the borders, yet we have no capacity to defend that wealth because of a USA legal embargo, Libya cannot purchase weapons from the USA, Sweden, or Germany.”⁹⁴

Libya complained about the lack of American and international assistance.⁹⁵ The Libyan-American rapprochement had developed slowly. Full diplomatic relations were not resumed till mid-2006. One of the main reasons for this was American concern about Qaddafi’s support for terrorism in the region.⁹⁶ The rapprochement had achieved progress in 2006 in the background of the successful negotiations over the details of the chemical weapon destruction process with the restoration of full diplomatic relations on May 31 2006, and removing Libya from the lists of state sponsors of terrorism in June 2006.⁹⁷ However, Libya consequently expressed

⁹³ Busch & Pilat, ‘Disarming Libya?’, p.471.

⁹⁴ Wikileaks, *Qaddafi's Son Complains about US*, 30 November 2009.
http://www.nytimes.com/interactive/2010/11/28/world/20101128-cables-viewer.html?_r=0#report/libya-09TRIPOLI941 (accessed 15 May 2014).

⁹⁵ Alex Bollfrass, ‘Details bedevil Libyan grand bargain’, *Arms Control Today*, volume 37, number 8, October 2007, pp.33-34.

⁹⁶ Tucker, ‘The Rollback of Libya’s Chemical Weapons Programme’, p.378.

⁹⁷ Bollfrass, ‘Details bedevil Libyan grand bargain’, p.34.

dissatisfaction with the benefits it received.”⁹⁸ Qaddafi refused to meet with visiting American diplomats, including Assistant Secretary of State for Near East Affairs, David Welch in August 2006, to signal his dissatisfaction with Libya’s treatment.⁹⁹ In August 2005 the USA National Nuclear Security Administration (NNSA) announced an arrangement promising cooperation on research reactor applications, including nuclear medicine and other applied scientific endeavours.¹⁰⁰ Two years later, the arrangement’s accomplishments were modest. The NNSA provided training, consultations, seminars, technical literature, and ‘train-the-trainer’ sessions through eight separate technical expert visits to Libya, but never achieved what it promised.¹⁰¹ State Department spokesperson, Tom Casey announced: “We are in discussions with the Libyans regarding a project to help them develop a nuclear medicine centre. There are no plans for any agreements similar to those Libya signed with France, Russia, and the United Kingdom.”¹⁰² William Tobey commented on this, saying:

“The nuclear and chemical weapons programs were not the only issue that divided Libya from the international community. Human rights abuses, state sponsored terrorist attacks, and regional aggression were all issues that needed to be resolved before the rapprochement could be complete. Settling these disputes took time.”¹⁰³

In fact, Qaddafi has publicly expressed his disappointment with the American different standards in dealing with North Korea and Libya.¹⁰⁴ The Libyan regime saw the rewards as insufficient for the huge step they had taken in surrendering their

⁹⁸ Ibid, p.35.

⁹⁹ Claudia Townsend, ‘Script on News Briefing on Terrorist Threats’, *The Washington Post*, 17 July 2007. www.foxnews.com/transcript/2007/07/18/transcript-special-report-brit-hume-july-17-2007 (accessed 4 August 2014).

¹⁰⁰ Bollfrass, ‘Details bedevil Libyan grand bargain’, p.34.

¹⁰¹ Ibid.

¹⁰² Christopher M. Blanchard and Jim Zanotti, *Libya: Background and U.S. Relations*, United States Congressional Research Center, 18 February 2011, pp.4-7.

¹⁰³ William Tobey, interviewed by Mohamed Elmahdi.

¹⁰⁴ ‘Gaddafi Feels Betrayed after WMD Deal’, *Time*, 30 January 2005. <http://www.abc.net.au/news/2005-01-31/gaddafi-feels-betrayed-after-wmd-deal/628248> (accessed 5 June 2016).

weapons. Bahgat explained that: “The lack of enough incentives provided by the American administration played a significant role in slowing the pace of the chemical weapons disarmament in Libya during Qaddafi’s era.”¹⁰⁵

The UK was more positive in rewarding Libya for forswearing WMD. It signed a security agreement with Libya in June 2006, promising to seek UN Security Council (UNSC) action if another state should attack Libya with chemical or biological weapons and to aid Libya in boosting its defence capabilities. In March, the two countries signed a memorandum of understanding on scientific cooperation.¹⁰⁶ A British top diplomat commented on the negotiations: “We would of course say that we are paragons of virtue, but it is no secret that this has not been a straightforward process.”¹⁰⁷ Other European countries managed to use the Libyan’s mistrust of the Americans to their favour. France signed a large arms deal with Libya in 2007, and agreed to provide a nuclear reactor for peaceful purposes;¹⁰⁸ Russia also signalled strong interest in nuclear cooperation.¹⁰⁹ While German, Italian and Asian companies were competing over generous investment deals in Libya.¹¹⁰

Conclusion

The process of dismantling the Libyan chemical weapons programme between 2004 and 2011 highlights many deficiencies in the regime of chemical weapons prevention centred on the CWC and implemented by the OPCW. The Libyan case revealed a

¹⁰⁵ Gawdat Bahgat, interviewed by Mohamed Elmahdi.

¹⁰⁶ Bollfrass, ‘Details bedevil Libyan grand bargain’, pp.33-36.

¹⁰⁷ Michael Nguyen, ‘UK offers Libya Security Assurances’, *Arms Control Today*, volume 36, number 7, September 2006, p.18.

¹⁰⁸ Alex Bollfrass, ‘France and Libya sign Nuclear Desalination Deal’, *Arms Control Today*, volume 37, number 8, Oct. 2007, p.77.

¹⁰⁹ ‘Libya, Russia Sign Civil Nuclear Deal’, *Tripoli Post*, 2 November 2008.

<http://www.tripolipost.com/articledetail.asp?c=1&i=2503> (accessed 10 May 2014).

¹¹⁰ Tobey, ‘Lessons Learned from Past Negotiations to Prevent Nuclear Proliferation’, Testimony before the Senate Foreign Relations Committee, 24 June 2015, pp.2-5.
http://www.foreign.senate.gov/imo/media/doc/062415_Tobey_TeStimony.pdf (accessed 15 March 2014).

model of loose supervision (American-British from one side, and the OPCW with a lesser role on the other), with a significant role played by other European actors (Italy and Germany in particular). This situation gave Qaddafi enough space to manoeuvre among the different international players to achieve the maximum political and strategic gains, and to buy as much time as he needed to keep the chemical weapons issue as a playing card in his hand. Qaddafi's apparent cooperation in 2003 and 2004 did not help in finalizing the process of dismantling the relatively small Libyan chemical weapons stockpile. Prolonging the process was part of Qaddafi's strategy to extract the maximum possible political and economic gains from the parties involved in the process.

This chapter followed and analysed developments in the Libyan chemical weapons rollback process under Qaddafi, shedding light on the main characteristics of the process. These were the regime's haste to end the process, the flexibility of deadlines, and the continuous dissatisfaction of Qaddafi's regime with the American rewards. The next chapter will follow and analyse the Libyan rollback process since the eruption of the popular revolution against Qaddafi in February 2011 until the end of 2014. The last chapter of the thesis will then thoroughly assess the effectiveness of the application of the regime for the prevention of chemical weapons proliferation in the case of Libya both during and after Qaddafi's rule.

Chapter Five: The CWC and Libya after Qaddafi (2011- 2014)

Introduction

On February 15, 2011, just eleven days after the fall of the Mubarak regime in Egypt and less than a month after President Ben Ali escaped from Tunisia, the eastern Libyan city of Benghazi witnessed the first incident in a series of protests and events that would spread all over Libya, leading eventually to the collapse of the Libyan ruling regime and the death of Qaddafi in October 2011.¹ Qaddafi's disappearance from the Libyan scene after more than four decades of autocratic rule paved the way for a new era in the history of the country, an era which by the end of 2014 was characterized by chaotic political turmoil and the lack of government control.

Libya has faced several state-building crises since 2011. In a confidential interview, a Libyan political activist explained that: "The security situation gave the long-suppressed radical Islamists the opportunity to flourish and dominate the security scene."² The Organisation of the Prohibition of Chemical Weapons (OPCW) has also encountered security problems that obstructed the resumption of its activities in Libya. However, the desire of the new Libyan regime to get rid of Qaddafi's legacy and international support for the dismantlement process made it possible to free the country from the declared category 1 chemical weapons in 2014, leaving only the challenge of destroying the remaining declared 850 metric tonnes of precursor chemicals before the end of 2016.³

¹ Chris Arsenault, 'Libya: The revolt that brought down Gaddafi', *Al Jazeera News*, 27 December 2011.

<http://www.aljazeera.com/indepth/spotlight/aljazeeratop102011/2011/12/20111226114023696528.html> (accessed 12 October 2014).

² Interviewee C, Libyan political activist, Cairo, 1 May 2015, interviewed by Mohamed Elmahdi.

³ The OPCW, 'Libya Completes Destruction of Its Category 1 Chemical Weapons', 4 February 2014.

As applied in Chapter Four, Regime Theory is applied in this chapter to separate the role of the OPCW in the process from the role of the US. The separation of the roles allows the sixth chapter to assess the successes and failures of the regime for the Prohibition of Chemical Weapons in Libya, and to abstract the lessons in order to develop the regime for future use. Accordingly, this chapter consists of two sections; the first discusses the political and security situation in Libya after Qaddafi, while the second analyses the Libyan chemical weapon destruction process after 2011.

Section One: The Situation in Libya after Qaddafi

The uprising of the Libyan people was energized by the revolutions in Tunisia and Egypt; the underlying conditions that catalysed them were commonly shared. They included soaring food prices, high unemployment rates, corrupt administrations, brutal security services, systematic denial of political and civic rights, and autocratic rulers who had remained in office for decades and were looking to pass power down in their respective families.⁴ The protesters' demands were, in many ways, post-ideological: rather than being about the politics of the left or right, socialism or Islamism, the protests centred their demands on basic notions of freedom and human dignity. While these values were necessarily broad, the potency of their mass appeal has been demonstrated by the masses who managed to topple the regimes in the three North African countries.⁵

In his final public appearances during 2011, Qaddafi threatened to destroy the protestors. He also encouraged his proponents to kill the “enemies of the state”

<https://www.opcw.org/news/article/libya-completes-destruction-of-its-category-1-chemical-weapons> (accessed 5 May 2014)

⁴ Mieczysław P. Boduszyski and Duncan Pickard, ‘Tracking the Arab Spring, Libya Starts from Scratch’, *Journal of Democracy*, volume 24, number 4, October 2013, Baltimore: The Johns Hopkins University Press, pp.80-126.

⁵ Mohamed Al-Khaitiry, *State-Building Challenges in a Post-Revolution Libya*, USA Army War College, Strategic Studies Institute, October 2012, pp.4-14.

without mercy.⁶ The OPCW expressed their concerns about the deteriorating situation in Libya. The Director-General of the OPCW, Ahmet Üzümcü, said in his opening Statement at the 64th session of the Executive Council: “I have reminded the Libyan Government of its international obligation to meet its destruction deadlines, and I have also reiterated to the National Authority that the responsibility for the physical security of those chemical weapons rests entirely with the Libyan Government.”⁷ The United Nations Security Council (UNSC) adopted resolution 1973 on March 17, 2011, condemning the crack-down as a violation of international law, and called for establishing a no-fly zone and all necessary measures to protect civilians in Libya.⁸

With the political support of the Arab League, the North Atlantic Treaty Organisation (NATO) implemented a no-fly zone over Libya. The first allied act to secure the no-fly zone was initiated by France on March 19, 2011, and then followed by an allied military action, involving the United States of America (USA), the United Kingdom (UK), and other Western and Arab states.⁹ On August 20, the rebel fighters entered Tripoli for the first time and beat Qaddafi’s troops after two days of combat. The rebels occupied Green Square and the Azzizeya barracks – the centre of Qaddafi’s command. Qaddafi managed to flee Tripoli, but was eventually captured and killed on October 20, near his hometown of Sirte.¹⁰

The elimination of the long-reigning Qaddafi meant Libya entered a new phase of

⁶ “‘I’ll die here as a martyr’: Defiant Gaddafi blames world leaders for violence in rambling TV address’, *The Daily Mail*, 23 February 2011. <http://www.dailymail.co.uk/news/article-1358972/Libya-protests-Gaddafis-rambling-TV-address-Ill-die-martyr.html> (accessed 11 October 2014).

⁷ The OPCW, *OPCW Expresses Concerns over Chemical Weapons Stockpiles in Libya*, 6 May 2011. <http://www.opcw.org/news/article/opcw-expresses-concerns-over-chemical-weapons-Stockpiles-in-libya> (accessed 11 October 2014).

⁸ United Nations Security Council, *Resolution 1973 (2011)*, 17 March 2011. [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973(2011)) (accessed 9 August 2014).

⁹ AP/AFP, *Libya Revolt Timeline*, March 21, 2011. <http://www.news.com.au/world/libya-revolt-timeline/Story-e6frfkyi-1226025084087> (accessed 10 October 2014).

¹⁰ MEE and Agencies, ‘Timeline Libya in Revolution and transition’, *Middle East Eye*, 5 May 2014. <http://www.middleeasteye.net/news/timeline-libya-revolution-and-transition> (accessed 10 October 2014).

its history, with new political and security facts which surely affected all aspects of Libyan life. The activities of the OPCW were not excluded, as the process of dismantling the chemical weapons programme was disrupted during the fighting against Qaddafi, and was only resumed under the Libyan National Transitional Council in November 2011. The resumption of the OPCW's duties took place in a new reality, given the deterioration of the security and political situations, the lack of effective government and the rise of a number of militias, especially Islamist extremists.¹¹ The OPCW adopted new timetables and plans to destroy the rest of the Libyan chemical weapons programme.¹² The process was difficult, unclear and dangerous, as will be discussed in the next section.

Section Two: Destroying Libya's Chemical Weapons after Qaddafi

The process of destroying the Libyan mustard gas stock at the Rabta destruction facility effectively started in October 2010. Libya was able to destroy about 13.5 metric tonnes of its supply of category 1 chemical weapons between October 2010 and February 2011, which were considered to pose the highest risk. The remaining

¹¹ For more details about the political and security developments after the collapse of Qaddafi's regime, see: Muzzafer Ercan Yilmaz, 'Peace building in Libya', *International Journal on World Peace*, Volume 29, Balikesir, Turkey, 2012.

Alia Brahim, 'Libya's Revolution', *The Journal of North African Studies*, volume 16, number 4, 2011; MEE and Agencies, 'Timeline Libya in Revolution and transition', *Middle East Eye*, 5 May 2014; Boduszyski & Pickard, 'Tracking the Arab Spring, Libya Starts from Scratch', pp.80-126. International Crisis Group, 'Divided We Stand: Libya's Enduring Conflicts', *Middle East/North Africa Report* N. 130-14, Brussels, September 2012.

Brian McQuinn, 'Assessing (In)security after the Arab Spring: The Case of Libya', *Political Science and Politics*, volume 46, 4th edition, October 2013, p.717.

Christopher S. Chivvis et al., *Libya's Post-Qaddafi Transition*, California, Santa Monica: Rand Corporation, 2012. Hanspeter Mattes, 'Rebuilding the National-Security Forces in Libya', *Middle East Policy*, volume 21, number 2, summer 2014. Peter Cole, *Borderline Chaos? Stabilizing Libya's Periphery*, Washington DC: Carnegie Endowment for International Peace, October 2012.

Brian McQuinn, 'After the Fall: Libya's Evolving Armed Groups', Geneva: Small Arms Survey, October 2012.

International Crisis Group, 'Holding Libya Together: Security Challenges After Qadhafi', *Middle East/North Africa Report*, 14 December 2011.

¹² The OPCW, *OPCW Inspectors Return to Libya*, 4 November 2011.

<https://www.opcw.org/opcw-archive/the-opcw-and-libya/opcw-inspectors-return-to-libya/> (accessed 9 October 2014).

chemical stocks included 11.3 metric tonnes of mustard agent and 845 metric tonnes of chemical precursors located in a non-weapons form in a storage area distant from the fighting. These materials were stored inside steel containers placed within bunkers accountable to the Organisation for the Prohibition of Chemical Weapons (OPCW).¹³

According to the OPCW:

“Libya irreversibly destroyed two of the three former chemical weapons production facilities by razing them to the ground, and converted the other in Rabta into a pharmaceutical plant. Prior to the uprising that brought down the Qaddafi regime, Libya had succeeded in destroying 13.475 metric tonnes of mustard gas agents by February 2011, equal to 51% of its declared stockpiles of category 1 chemical weapons. It had also destroyed 555.71 metric tonnes of precursor chemicals, equal to 40% of its declared stockpiles of category 2 chemical weapons.”¹⁴

On February 8, 2011, a few days before the eruption of the Libyan revolution, destruction operations in Libya were halted due to the breakdown of a heating unit in a disposal station in Rabta.¹⁵ The rapid developments that took place in Libya and the spread of the fighting between protestors and pro-Qaddafi troops meant it was impossible to deliver the necessary spare parts on time. The OPCW inspectors left Tripoli in March 2011 with the beginning of the NATO-led operations in Libya the inspectors did not return until the October 2013, after the Qaddafi regime had been toppled. During the fighting against Qaddafi in 2011, Libyan rebel leaders along with many international observers expressed concerns that Qaddafi might try to use blister agents against opposition forces.¹⁶ Intelligence reports were indicating that Qaddafi

¹³ USA Department of State, Office of the Spokesperson, *Fact Sheet: Securing Dangerous Materials Stockpiles in Libya*, 26 August 2011.
<http://iipdigital.usembassy.gov/St/english/texttrans/2011/08/20110826153937su0.8723414.html#axzz3fq9YHmHP>

¹⁴ The OPCW, *Libya: Facts and Figures*.

¹⁵ Wikileaks, *Chemical Weapons Convention (CWC): Conversion of the Rabta Chemical Weapons Production Facility*.

¹⁶ Robert Winnett and Holly Wat, ‘Libya: SAS ready to seize Col Gaddafi's stores of mustard gas’, *The Telegraph*, 4 March 2011.
<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8355955/Libya-SAS-ready-to-seize-Col-Gaddafis-stores-of-mustard-gas.html> (accessed 10 October 2014).

had placed a lethal chemical substance in munitions for potential use in combat.¹⁷ Media reports raised concerns about the security of the remaining chemical materials during the revolt.¹⁸

The OPCW expressed its deep concern during the protests. The OPCW Executive Council convened in its ordinary session from 3 to 6 May 2011, and expressed concern over the chemical weapons stockpile in the Libyan Arab Jamahiriya, particularly regarding their security and destruction within the established deadlines. The Council also expressed its full support for the actions being undertaken by the Director-General in view of the situation, and encouraged him to continue his efforts. They also urged Qaddafi's regime to ensure the security of the chemical weapons stockpiles and their destruction within the established deadlines.¹⁹

American concern intensified after the death of Qaddafi. The Obama administration publicly articulated their worries regarding the proliferation of terrorism and WMD from Libya, referring to the urgent need to secure both Libya's borders and its remaining materials of WMD.²⁰ On August 25, USA Secretary of State Hillary Clinton stated that: "The USA will look to Libya's Transitional National Council to ensure that Libya fulfils its treaty responsibilities that it ensures that its weapons stockpiles do not threaten its neighbours or fall into the wrong hands, and

¹⁷ Jean Pascal Zanders, 'Destroying Libya's Chemical Weapons: Deadlines and Delays', *WMD Junction*, May 2011, Available at:

http://wmdjunction.com/110519_destroying_libya_cw.htm (accessed 15 April 2015).

¹⁸ For example: Robert Windrem, 'Libya has 'significant' Stockpile of chemical weapons', *NBC News*, 4 March 2011. http://investigations.nbcnews.com/_news/2011/03/04/6183434-libya-has-significant-Stockpile-of-chemical-weapons (accessed 11 October 2014); Conway Wadington, 'The arms proliferation threat of post-Gaddafi Libya', *Consultancy Africa Intelligence*, 19 December 2012. http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=917:the-arms-proliferation-threat-of-poSt-gaddafi-libya-&catid=60:conflict-terrorism-discussion-papers&Itemid=265 (accessed 11 October 2014).

¹⁹ The OPCW, *OPCW Expresses Concerns over Chemical Weapons Stockpiles in Libya*, 6 May 2011. <http://www.opcw.org/news/browse/93/article/opcw-expresses-concerns-over-chemical-weapons-Stockpiles-in-libya> (accessed 9 October 2014).

²⁰ See Bilal Y. Saab, 'Can Libya be locked down?' *WMD Junction*, 22 Sept. 2011. http://wmdjunction.com/110922_libya_lockdown.htm (accessed 19 June 2014).

that it takes a firm stand against violent extremism.”²¹

In fact, fears of chemical weapons proliferation from and towards Libya were justified. Libya is the seventeenth largest state in the world; its borders with Algeria and Egypt extend nearly 2,000 kilometres, and even a stable country with functional government and competent security forces would have had difficulty securing such a frontier.²² The post-Qaddafi transitional government was seemingly unable to provide effective security and prevent weapons smuggling along and across its borders. Such fears were quickly realized, and the Libyan National Transitional Council announced on November 1, 2011 the discovery of chemical weapons agents and hundreds of associated artillery shells.²³ During the patrolling of military sites by the rebel army, some remains of chemical weapons and munitions suspected to be of chemical nature were discovered in the Sebha and Sokna regions in the south of Libya. These shells and sites had not been declared by the Qaddafi regime in 2004,²⁴ and the source and production histories of these new-found weapons were unknown. However, some evidence indicated that they might have been shipped from Iran. A senior American official stated: “We are pretty sure we know that the shells were custom-designed and produced by Iran for Libya.”²⁵ Iran strongly dismissed this accusation.²⁶

²¹ USA Department of State, *Hillary Clinton Statement on Libya*, Press Statement, Washington DC, August 25, 2011. <http://www.state.gov/secretary/20092013clinton/rm/2011/08/171061.htm> (accessed 10 October 2014).

²² Saab, ‘Can Libya be locked down?’.

²³ James Blitz, ‘Libyans find undeclared chemical arsenal’, *Financial Times*, 14 November 2011. <http://www.ft.com/intl/cms/s/0/cb58d48e-0ef5-11e1-b83c00144feabdc0.html#axzz1xeu3dJxF> (accessed 9 October 2014).

Fox News, ‘Libya’s Prime Minister Confirms Presence of Chemical Weapons’, 30 October 2011. <http://www.foxnews.com/world/2011/10/30/libyas-prime-minister-confirms-presence-chemical-weapons/> (accessed 9 October 2014).

²⁴ The OPCW, *Statement by Mr. Ahmed Hasan Walid, Permanent Representative of Libya to the OPCW at the Sixteenth Session of the Conference of the States Parties*, 29 November 2011.

²⁵ R. Jeffery Smith, Joby Warrick and Colum Lynch, ‘Iran may have sent Libya shells for chemical weapons’, *Haaretz*, 12 September 2013. <http://www.haaretz.com/news/diplomacy-defense/premium-1.546613> (accessed 19 October 2014).

²⁶ ‘Iran dismisses connection to Libyan chemical weapons’, *BioPreb Watch*, 28 November 2011.

On November 28, 2011, the Libyan Transitional Authority officially submitted a declaration of these materials to the OPCW. In the same day, OPCW Director-General Ahmet Üzümcü said in his opening Statement to the conference of the States Parties in The Hague: “The organisation had received the formal declaration by the Libyan authorities updating the cataloguing of its chemical stockpiles that Libya had submitted when it joined the Chemical Weapons Convention (CWC) in 2004.”²⁷ The previously undeclared chemical weapons stockpile discovered in 2011 included “several hundred munitions loaded with sulphur mustard, a few hundred kilograms of sulphur mustard stored in plastic containers, and a limited number of unfilled plastic containers (munitions components).” The total amount of sulphur mustard newly declared by the transitional government was 1.6 metric tonnes, raising the overall amount to be destroyed to 26.3 metric tonnes.²⁸

The Libyan Transitional Authority transferred the weapons to the Ruwagha site under the supervision of OPCW inspectors with the assistance of the United Nations Support Mission in Libya (UNSMIL), this being the most appropriate site for the storage of such munitions.²⁹ The Libyan Transitional Authority immediately called upon the Secretariat of the OPCW to dispatch its experts to identify and verify these materials, in order to officially declare them in due time. The OPCW’s first Libyan inspection mission after the toppling of Qaddafi’s regime took place on November 4, 2011. The Organisation confirmed that the quantities and the nature of the chemical

<http://bioprepwatch.com/Stories/510508451-iran-dismisses-connection-to-libyan-chemical-weapons> (accessed 7 August 2016).

²⁷ Daniel Horner, ‘OPCW Prepares for more Libya Inspection’, *Arms Control Today*, December 2010. https://www.armscontrol.org/act/2011_12/OPCW_Prepares_for_More_Libya_Inspections (accessed 11 October 2014).

²⁸ Horner, ‘Libya Sets Date to Destroy Chemical Arms’, *Arms Control Association*, 31 May 2012. https://www.armscontrol.org/act/2012_06/Libya_Sets_Date_to_DeStroy_Chemical_Arms (accessed 10 October 2014).

²⁹ The United Nations Security Council, *Report of the Secretary-General on the United Nations Support Mission in Libya*, S/2011/727, 22 November 2011 (accessed 11 October 2014). <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Libya%20S%202011%20727.pdf> (accessed 11 October 2014).

weapons previously declared by Qaddafi's regime had not changed, and that there was no diversion of the undestroyed sulphur mustard and precursors. The OPCW also acknowledged the existence of new undeclared chemical materials, and promised to work with the Libyan authorities to identify and destroy them in the near future.³⁰

After the declaration of the newly found weapons, a team of OPCW inspectors visited Libya between 17 and 19 January 2012. The inspection of the OPCW was to: “verify the new declaration in terms of types and quantities of chemical weapons, and to assist the Libyan authorities in determining whether another set of discovered materials is declarable under the provisions of CWC.”³¹ The OPCW inspected and inventoried the newly-discovered chemical materials and munitions.³² Without specifying how much mustard agent was discovered, the OPCW released a brief stating that “the inspectors verified the declared chemical weapons, which consist of sulphur mustard agent that is not loaded into munitions.”³³ Libya submitted an official declaration of all the newly-discovered chemical weapons to the Secretariat of the OPCW on February 13, 2012.³⁴ In 2011, the Conference of States Parties (CSP) amended its previous deadline, and extended the deadline by which Libya should

³⁰ The OPCW, *OPCW Inspectors Return to Libya*, 4 November 2011. <http://www.opcw.org/the-opcw-and-libya/opcw-inspectors-return-to-libya> (accessed 9 October 2014).

³¹ Arthur Max, ‘Libya Eliminating Chemical Arsenal, OPCW Says’, *Washington Post*, NTI, 23 February 2012. <http://www.nti.org/gsn/article/libya-eliminating-chemical-arsenal-opcw-says> (accessed 12 October 2014).

³² Busch & Pilat, ‘Disarming Libya’, pp.462-464.

³³ Chris Schneidmiller, ‘OPCW verifies secret Libyan chemical arms’, *Global Security Newswire*, 20 January 2012. <http://www.nti.org/gsn/article/opcw-verifies-secret-libyan-chemical-arms> (accessed 12 October 2014).

The OPCW spokesman Michael Luhan indicated at the time that the amount was ‘a fraction of what was in the original declaration’.

³⁴ The OPCW, *Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction in 2012*, C-18/CRP.1, 19 July 2013, pp.11-12.

https://www.opcw.org/index.php?eID=dam_frontend_push&docID=16664 (accessed 12 October 2014).

destroy all its chemical weapons to April 29, 2012.³⁵ Libya, Russia and the USA were the only three declared possessors of chemical weapons that did not meet this deadline. Syria started the process of destroying its chemical weapons arsenal after this date, but was not a CWC party in 2012.³⁶

The sixteenth session of the CSP underlined the three countries' unequivocal commitment to their obligations under Articles I and IV of the CWC. The Conference indicated also that "the inability to fully meet the final extended deadline of April 29, 2012 was due to reasons unrelated to the commitment of these states parties." The decision therefore exempted the three countries from the deadline, stipulating that the destruction of the remaining chemical weapons of the possessor states concerned shall continue in accordance with the provisions of the convention and its annex on implementation and verification.³⁷

The Libyan transitional government, with the technical assistance of the USA and the UK, submitted a detailed plan of destruction for all chemical weapons stocks to the OPCW on April 18, 2012. The plan indicated that operations for the disposal of the chemical weapons stockpile would be restarted by March 2013, after all the necessary equipment had been obtained and personnel training provided.³⁸ The remaining category 1 chemical weapons (mainly sulphur mustard elements) were

³⁵ The OPCW, *Report of the Sixteenth Session of the Conference of the States Parties*, 28 November – 2 December 2011 C-16/DEC.3, 2 December 2011. <http://www.opcw.org/sixteenth-session-of-the-conference-of-the-states-parties> (accessed 12 October 2014).

³⁶ U.S. Department of State, *Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction: Condition 10 (C)*, Washington DC, February 2014. <http://www.state.gov/documents/organisation/230111.pdf> (accessed 12 October 2014).

³⁷ The OPCW, *Decision: Final Extended Deadline of 29 April 2012*, the Sixteenth Session of the Conference of the States Parties, 28 November – 2 December 2011 C-16/DEC.3, 2 December 2011. https://www.opcw.org/index.php?eID=dam_frontend_push&docID=15220 (accessed 11 October 2014).

³⁸ The OPCW, *Report by the Director-General, Overall Progress with respect to the Destruction of the Remaining Chemical Weapons Stockpiles*, 18 September 2012, pp.1-3. https://www.opcw.org/index.php?eID=dam_frontend_push&docID=15743 (accessed 11 October 2014).

slated to be destroyed by December 31, 2013. The plan also included a number of protective and preventive measures to secure the remaining chemical weapons stockpile and to maintain the readiness of the sulphur mustard hydrolysis system at Ruwagha. According to the documents, the category 3 weapons - including unfilled munitions, devices and equipment designed specifically for use with chemical weapons agents - would be destroyed by May 2013. Category 2 precursor chemicals would be destroyed by December 2016 according to the documents.

By that time 556 metric tonnes of category 2 weapons had been destroyed, and another 846 metric tonnes remained to be destroyed.³⁹ To fulfil its commitment, Libya reviewed various options for the destruction of the remaining category 1 chemical weapons to ensure that the planned completion date would be met. The OPCW and the Libyan authorities had effectively worked very closely to define the requirements and complete preparations for the resumption of the destruction of the remaining stockpile of chemical weapons.⁴⁰ To this end, a number of bilateral meetings took place throughout 2012 to discuss the destruction programme, including a visit by the Director-General of the OPCW to Tripoli in May 27, 2012.⁴¹ This was followed by a visit from OPCW experts in November 2012.⁴² The former Speaker of the OPCW Michael Luhan stated that: “There is a strong commitment that Libyan authorities will

³⁹ The OPCW, *Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction in 2013*, C-19/CRP.1, 11 July 2014, pp.6-9.

https://www.opcw.org/index.php?eID=dam_frontend_push&docID=17527 (accessed 11 October 2014).

⁴⁰ U.S. Department of State, *Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction: Condition 10 (C)*.

⁴¹ The OPCW, ‘Director-General Visits Libya for High-Level Meetings on Destruction Plans for Chemical Weapons’, 30 May 2012.

<http://www.opcw.org/the-opcw-and-libya/director-general-visits-libya-for-high-level-meetings-on-destruction-plans-for-chemical-weapons> (accessed 11 October 2014).

⁴² Horner, ‘Libya sets a date to destroy chemical arms’, *Arms Control Today*, June 2012.

https://www.armscontrol.org/act/2012_06/Libya_Sets_Date_to_DeStroy_Chemical_Arms (accessed 11 October 2014).

continue to closely coordinate with the OPCW on these operations.”⁴³ He also stated that: “The new government needed some time to stabilize, and before it could resume destruction at Rabta nearly all of the necessary infrastructure to support the operations, including the continuous presence of OPCW inspectors, had to be installed, i.e. water, electricity, living quarters, food supplies, etc. In view of the difficulties of the new government, the OPCW received a voluntary contribution from Canada to expedite the preparatory work to resume destruction operations.”⁴⁴

Libya informed the Secretariat of the OPCW that “it is making every effort to accelerate the completion of destruction operations of its remaining stockpiles of chemical weapons.”⁴⁵ In this context, it reported that it had prepared and maintained the sulphur mustard neutralization and hydrolysis system at Ruwagha, so that the resumption of operations at this site is solely dependent on “meeting necessary logistical requirements, which are being coordinated with the Technical Secretariat as part of consultations to identify the needs for the resumption of work at a later stage.”⁴⁶ In March 2013, The OPCW spokesman, Michael Luhan mentioned in an e-mail sent to Global Security Newswire that the OPCW needs a new technology to incinerate 2.5 metric tonnes of additional mustard agents that had congealed inside bombs and other delivery systems discovered in 2011, and the need for sealable detonation chambers and other new equipment not required previously.⁴⁷

Former Libyan Minister of Foreign Affairs Mohamed Abd El-Azeez stated: “The USA would supply state-of-the-art technologies for the disposal effort, as well as pay

⁴³ Ibid.

⁴⁴ Michael Luhan, 18 May to 21 June, 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁴⁵ The USA Congress, ‘Congressional Record – Senate’, volume 153, part 19, 2007, p.26560

⁴⁶ The OPCW, *Report by the Director-General, Overall Progress with respect to the Destruction of the Remaining Chemical Weapons Stockpiles in 2012*, 11 October 2013.

https://www.opcw.org/fileadmin/OPCW/EC/74/en/ec74dg18c1_e_.pdf (accessed 10 October 2014).

⁴⁷ Diane Barnes, ‘Destruction of Libyan Chemical-Loaded Arms Remains on Hold’, *Global Security Newswire*, 11 September 2013. <http://www.nti.org/gsn/article/destruction-libyan-chemical-loaded-arms-remains-hold/> (accessed 11 October 2014).

four-fifths of the destruction cost. We are sure that the war chemicals are safely controlled, so any hazardous substance leaks are ruled out.”⁴⁸ In addition, Libya stated that it had explored various technologies for the destruction of the chemical weapons recently discovered, announcing that it had identified the ‘Static Detonation Chamber’ as the most suitable option.⁴⁹ The Libyan authorities thus started to explore means to secure the funds needed to procure this technology, and began direct negotiations with the Obama administration to finance and supervise the destruction process.⁵⁰ The high level of cooperation yielded fruits on the ground. More than three times the amount of mustard agent was destroyed by the Libyan transitional authorities during April 2012 than in the whole Qaddafi era. The rest of the mustard agent (category 1 chemical weapons), which had mainly congealed inside bombs and other delivery systems, was successfully destroyed between November 2013 and January 2014 using a tailor-made mobile facility financed by the USA and other international partners.⁵¹ Ahmed Hassan Walid, a former Libyan representative to the OPCW, explained that: “The process of destroying Libyan chemical weapons post-Qaddafi was marked by high levels of international cooperation, and achieved a certain success as various international donors participated in financing the process.”⁵²

In April 2012, Canada gave the OPCW its largest ever donation in order to expedite the destruction of chemical weapons in Libya.⁵³ A voluntary contribution of

⁴⁸ Ibid.

⁴⁹ The OPCW, *Report by the Director-General, Overall Progress with respect to the Destruction of the Remaining Chemical Weapons Stockpiles in 2012*.

⁵⁰ Christopher M. Blanchard, *Libya: Transition and U.S. Policy*, Washington DC, 18 October 2012, p.21.

⁵¹ The OPCW, ‘Libya Completes Destruction of Its Category 1 Chemical Weapons’, February 4, 2014. <http://www.opcw.org/news/article/libya-completes-destruction-of-its-category-1-chemical-weapons> (accessed 5 May 2014).

⁵² Ahmed Hassan Walid, 14 to 27 August 2017, interviewed by Mohamed Elmahdi (e-mail exchange).

⁵³ The OPCW, ‘Canada Provides OPCW its Largest-Ever Donation to Expedite Destruction of Chemical Weapons in Libya’, 24 April 2012. <http://www.opcw.org/news/article/canada-provides-opcw-its-largest-ever-donation-to-expedite-destruction-of-chemical-weapons-in-libya/>, 24 April 2012 (accessed 11 October 2014).

6 million Canadian Dollars was given to the OPCW to help restore water, sewage services and electricity to the destruction site. Germany and Sweden also contributed to financing the new destruction facility and training Libyan personnel. The facility was delivered by Dynasafe International, a Swedish-German joint venture in conjunction with two other American companies, Parsons and UXB International.⁵⁴

The facility designed to destroy the category 1 chemical agents consisted of a gas-tight combustion furnace in which the ammunition could be detonated.⁵⁵ The gases and munitions fragments were purified again after incineration so that 99% of all toxins were destroyed. A mobile facility was constructed by a consortium of companies within seven months. The 50-ton apparatus was installed in four conventional cargo containers, and was designed to be quickly assembled and taken apart. In summer 2012, 20 Libyans were trained in Germany and Sweden.⁵⁶ Other international organisations, mainly the United Nations Office for Project Services, also helped procure specialized equipment to facilitate the resumption of destruction operations in Libya.⁵⁷ The OPCW supervised the whole process of destruction at the Ruwagha site.⁵⁸

However, the USA was the major international player behind the destruction efforts; the overall effort was financed mainly by the American Nunn-Lugar

⁵⁴ Parson Group, 'Parson Aids in Libyan Chemical Weapons Destruction', 18 February 2014. <http://www.parsons.com/media-resources/news/Pages/14-02-pgs-ctric-ii-libya.aspx> (Accessed 12 October 2014).

⁵⁵ Dynasafe, 'Dynasafe equipment destroys Libyan chemical weapons', London, 18 February 2014. <http://www.dynasafe.com/demil-syStems/dynasafe-equipment-deStroys-libyan-chemical-weapons> (accessed 12 October 2014).

⁵⁶ Alexander Drechsel, 'Some chemicals remain cached in Libya', DW Akademie, 6/2/2014. <http://www.dw.de/some-chemicals-remain-cached-in-libya/a-17412386> (accessed 12 October 2014).

⁵⁷ The United Nations Development Programme, United Nations Population Fund and United Nations Office for Project Services, *Annual Report of the Executive Director 2014*, DP/OPS/2014/2, 11 April 2014, p.9. https://www.unops.org/SiteCollectionDocuments/Executive-board/EB%20documents/2014/Annual_session/EB_Annual-report_DPOPS2014-2_EN.pdf (accessed 12 October 2014).

⁵⁸ The OPCW, *Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 2012*, Eighteenth Session, 4 December 2013.

Cooperative Threat Reduction (CTR) Programme, traditionally a funding source for the destruction of Cold War-era nuclear weapons stockpiles, which provided \$45 million in funding for transportable oven technology.⁵⁹ The process was carefully executed under the control of the USA Defence Threat Reduction Agency (DTRA) in collaboration with the Libyan National Authority.⁶⁰ The American assistance covered a range of other areas, including safety and security. Washington also offered to continue providing technical assistance in destroying the remaining polymerized mustard agent in canisters (category 2 weapons). The American role did not stop at financing and building the mobile destruction unit, but also extended to supervising and helping the Libyan technicians with the destruction activities on a daily basis.⁶¹

The Libyan government showed the OPCW and USA the highest standard of cooperation and transparency in the destruction process since they assumed power in October 2011. The Libyan government informed the Technical Secretariat and the Executive Council of the OPCW of all actions it took with regard to the destruction of its remaining stocks of chemical weapons. The OPCW Director-General described the consultation between the Organisation and the Libyan officials as constructive,⁶²

⁵⁹ Ioannis Galatis, *CBRNE-Terrorism Newsletter*, Athens: CBRNE, February 2014, p.55 http://www.cbrne-terrorismnewsletter.com/2Fresources%2FFEB_2014%2520Part_A.docx&ei=N6eIVf6wAcqdwgT4vIzgCw&usg=AFQjCNE7H1Hhd1d6R-z_43LpXBcgGi-KiQ&bvm=bv.97653015,d.Y2I (accessed 12 October 2014).

⁶⁰ Eric Schmitt, 'Libya's Cache of Toxic Weapons all Destroyed', *The New York Times*, 2 February 2014. http://www.nytimes.com/2014/02/03/world/africa/libyas-cache-of-toxic-arms-all-deStroyed.html?_r=1 (accessed 10 October 2014).

Andrew C. Weber, USA assistant secretary of defence for nuclear, chemical and biological defence programmes, stated that "This is the culmination of a major international effort to eliminate WMD from Libya and to ensure that they never fall into the hands of terrorists."

⁶¹ Horner, 'Libya Finishes Destroying Mustard Agent', *Arms Control Today*, March 2014. https://www.armscontrol.org/act/2013_03/Libya-Finishes-DeStroying-MuStard-Agent (accessed 5 May 2014).

⁶² The OPCW, *Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 2012*, Eighteenth Session 2-5 December 2013, C-18/4, 4 December 2013.

despite the news reports about the loose control over the arms warehouses.⁶³ A Libyan diplomat explained that: “The new regime’s good intentions were crystallised by the voluntarily declaration of the additional cache of chemical weapons in 2011, and their openness to international supervision in 2012.”⁶⁴ According to a Libyan political activist, Libyan authorities did not have full control over most of Libya’s territory. A Libyan militia source confirmed that: “The brigades of the Ruwagha region played a crucial role in the destruction process of the Libyan chemical weapons stock in 2012.”⁶⁵ It was reported that 20 Libyan paramilitary soldiers were injured as a result of mustard gas exposure while supporting the OPCW’s operations in March 2012.⁶⁶ An Egyptian military source explained that: “The USA, along with other international and regional powers, including Egypt, Saudi Arabia, Qatar and Turkey, used their influence over the Libyan militias in the area to guard and support the destruction of the chemical weapon stocks.”⁶⁷

The exceptional flexibility of the OPCW and other international partners with the new Libyan regime yielded fruit. The exclusion of Libya from the 29 April 2012 deadline allowed sufficient time to ensure the process of the destruction of the Libyan chemical weapons went ahead correctly.⁶⁸ The unprecedented American collaboration, along with the assistance of other Western powers (namely the UK,

⁶³ Ben Wedeman and Ingrid Formanek, ‘Missiles looted from Tripoli arms warehouse’, *CNN*, 8 September 2011. <http://edition.cnn.com/2011/WORLD/africa/09/07/libya.missing.arms/index.html> (accessed 15 October 2014).

⁶⁴ Interviewee B, Libyan diplomat, Athens, 24 July 2014, interviewed by Mohamed Elmahdi.

⁶⁵ Interviewee C, interviewed by Mohamed Elmahdi.

⁶⁶ Diane Barnes, ‘Destruction of Libyan Chemical-Loaded Arms Remains on Hold’. See also Ashraf Abdul-Wahab, ‘20 security guards suffer mustard gas poisoning’, *Libya Herald*, 23 March 2013. <http://www.libyaherald.com/2013/03/23/20-security-guards-suffer-mustard-gas-poisoning/#axzz3furYG5PE> (accessed 11 October 2014); ‘Libyan military engineers face toxic chemical clouds as they clear up armaments from Gaddafi regime’, *Daily Mail*, 12 November 2012. <http://www.dailymail.co.uk/news/article-2231902/Libyan-military-engineers-face-toxic-chemical-clouds-clear-armaments-Gaddafi-regime.html#ixzz3fw9jG6El> (accessed 12 October 2014).

⁶⁷ Interviewee A, Egyptian military officer, Athens, 12 June 2014, interviewed by Mohamed Elmahdi.

⁶⁸ The OPCW, *Decision: Final Extended Deadline of 29 April 2012*, the Sixteenth Session of the Conference of the States Parties”, 28 November -2 December 2011 C-16/DEC.3, dated December 2, 2011. https://www.opcw.org/index.php?eID=dam_frontend_push&docID=15220 (accessed 20 October 2014).

Canada, Germany and Sweden) enabled Libya to obtain the new technology it needed to destroy the filled chemical munitions and the mustard agent that had congealed inside bombs and other delivery systems.⁶⁹ According to Ahmed Hassan Walid, a former Libyan representative to the OPCW: “Without the American assistance, neither the OPCW nor the Libyan authorities would have been able to execute the destruction plan. The continuity of American technical assistance would be essential in destroying the remaining mustard agent in canisters (category 2 chemical weapons), as the American experts were the most aware of the detailed equipment and dismantlement techniques used in Libya.”⁷⁰ The Libyan government pledged to terminate the process by the end of 2016, according to the plan Libya submitted to the OPCW in 2012.⁷¹

However, jumping to conclusions about the success of the destruction by 2016 would be premature. It is not true that Libya became completely free of all chemical weapons in January 2014; in fact, about 60% of the declared quantity of chemical precursor materials, dubbed category 2 chemicals, that were not destroyed until the end of 2014. Nearly 850 metric tonnes of chemical weapon precursor materials remained in storage, mainly toxic polymerized mustard agents, which can theoretically be processed and used to fill chemical weapons.⁷² The category 2 chemicals are basically dual-use agents that are more technically challenging to

⁶⁹ The OPCW, *Libya Completes Destruction of Its Category 1 Chemical Weapons*, 4 February 2014. <https://www.opcw.org/news/article/libya-completes-destruction-of-its-category-1-chemical-weapons> (accessed 5 May 2014).

⁷⁰ Ahmed Hassan Walid, interviewed by Mohamed Elmahdi.

⁷¹ The Libyan National Authority for the CWC, ‘LNA confirms that Libya has completely destroyed its CW Stockpile in the early year of 2014’, 1 February 2014. <http://www.lnacwc.com.ly/news/details/LNA-confirms-that-Libya-has-completely-deStroyed-its-CW-Stockpile-in-the-early-year-of-2014-/167> (accessed 15 October 2014).

⁷² ‘Interview with Ahmet Üzümcü, Director-General OPCW’, *The OPCW*, 4 February 2014. <http://www.opcw.org/interview-with-ahmet-uezuemcue-director-general-opcw> (accessed 15 October 2014).

disseminate.⁷³ The OPCW reported on December 2, 2015 that:

“In accordance with its detailed plan for the destruction of chemical weapons remaining after 29 April 2012, Libya completed the destruction of the remaining 3.452 MTs of category 1 chemical weapons in May 2014, thereby completing the destruction of its entire stockpile of 26.345 MTs. With respect to category 2 chemical weapons, Libya has so far destroyed 555.706 MTs, or 40% of its declared stockpile. Libya informed the Secretariat that it had taken a number of protective and preventive measures to secure its remaining chemical weapons stockpiles. Libya also reviewed various options for the destruction of the remaining category 2 chemical weapons, in order to ensure that the planned completion date set forth in its detailed plan for the destruction of the remaining chemical weapons would be met.”⁷⁴

By the end of 2014 Libya, the OPCW, the USA and other international partners were still discussing the best ways to destroy the remaining chemical materials while causing the least damage to the environment.⁷⁵ According to an Egyptian military source: “The delay in the process was a result of the lack of control over the storage area and the danger of resuming the process, as the Ruwagha area had fell under the control of extremist groups.”⁷⁶ A source from a militia in the region, interviewed confidentially, explained that: “The Ruwagha storage area was guarded only by three soldiers from the Libyan national army with poor armament, and supported by a few armed persons from the militias in the area. Locals talked about smuggling of several materials from the chemical storage area during 2014 and 2015, especially by ‘Ansar Alsharea’, an Islamic militant group.”⁷⁷

Despite the fact that the process of destroying the remaining category 2 materials

⁷³ For detailed information about the different methods, see Graham S. Pearson and Richard S. Magee, ‘Critical evaluation of proven chemical weapon destruction technologies’, IUPAC, *Pure and Applied Chemistry*, volume 74, 2002, pp.187-316.

⁷⁴ The OPCW Conference of the States Parties, ‘**Report of the OPCW on the Implementation of the Convention on the Prohibition of Development**’, Production, Stockpiling and Use of Chemical Weapons, and their Destruction in 2014, 2 December 2015.

⁷⁵ Federal Foreign Office of the German Republic, *Chemical Weapons Convention (CWC)* http://www.auswaertiges-amt.de/EN/Aussenpolitik/AbrueStung/BioChemie/CWC_node.html (accessed 10 June 2016).

⁷⁶ Interviewee A, interviewed by Mohamed Elmahdi.

⁷⁷ Interviewee C, interviewed by Mohamed Elmahdi.

did not start until the end of 2014, the OPCW confirmed that the chemical materials were stored safely on a military base and monitored by cameras 24 hours a day.⁷⁸ The Director-General of the OPCW said in February 2015 that he is “confident Libya can meet the schedule to destroy category 2 chemicals by the end of 2016 as agreed with states parties to the CWC, based on the continuity of the pattern of the established cooperation.”⁷⁹ Kane Chen, an American expert in non-proliferation issues, also commented on this, saying:

“Right now, the 850 tons of precursor materials is guarded by the Libyan army and intelligence agencies monitor the situation by satellites. The USA advised Libyan officials and experts on the security and destruction of both the previously declared mustard stockpile and the newly discovered mustard-filled munitions. The USA provided advice on security upgrades necessary at the Ruwagha site and jointly selected the appropriate technology to eliminate the filled munitions safely.”⁸⁰

The security situation in Libya seemed to be increasingly deteriorating in 2014, with no likelihood of stability on the horizon. The atmosphere of violence and the absence of a clear vision for settling the Libyan crisis make it difficult for the OPCW and other Western experts to resume their work, dismantling the Libyan chemical weapons programme. In a confidential interview, a senior officer in the Libyan army under Field Marshal Khalifa Haftar’s leadership explained that: “The continuous deterioration in the political and security situation raised concerns regarding Libya’s ability to meet the destruction deadline. The process will certainly be affected by the increasing radicalization of the unregulated Libyan brigades and the hostility of some militias against any foreign interference or international activities.”⁸¹ As OPCW expert Ralph Trapp remarked:

⁷⁸ Global Security ‘Organisation, Libyan Chemical Weapons’.

<http://www.globalsecurity.org/wmd/world/libya/cw.htm> (accessed 15 October 2014).

⁷⁹ The OPCW, ‘Interview with Ahmet Üzümcü, Director-General of the OPCW’.

⁸⁰ Kane Chen, 14 May to 14 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁸¹ Interviewee D, Libyan military officer, Cairo, 24 May 2015, interviewed by Mohamed Elmahdi.

“I would however not want to exclude the possibility that militants associated with Da’esh, for example, may acquire a capability to produce and use improvised chemical weapons (and import knowledge and materials from abroad to that end) – indications from Iraq and Syria are that Da’esh is indeed working on a chemical weapons production capacity of its own, and some of the improvised weapons used to disseminate chlorine and mustard agent have been fairly effective under the circumstances of their use. The risk that such knowledge and even weapons or material be passed on to militants in Libya does indeed exist.”⁸²

In September 2014, the Libyan government officially asked the OPCW to transfer and destroy the remaining Libyan chemical stocks outside of Libya, admitting that it was unable to ensure the continuity of the process inside Libya or the safety of the international inspectors.⁸³ It is becoming clear that Libya will fail to meet the 2016 deadline, and that the OPCW will grant it a new deadline. The Director-General of the OPCW Ahmet Üzümcü stated:

“To set some context, Libyan authorities contacted the OPCW earlier this year to inform that, due to several factors, Libya would be unable to meet the deadline for destruction of its remaining category 2 chemicals. Citing its lack of technical capacity, concerns about its deteriorating security situation, and worries about environmental safety, Libya requested the OPCW to work with States Parties to seek solutions for the elimination of its remaining chemical agent... A special meeting of the Council was convened to discuss the destruction of Libya’s remaining chemical weapons stockpile. The Council, noting its concern for the prevailing security situation in Libya, particularly the threat of non-state actors, called on the OPCW Secretariat to work with relevant States Parties to identify options to destroy Libya’s stockpile. In response to the Council’s decision, we are looking at all options for destruction, while carefully examining the legal, technical, financial and operational parameters for such an operation.”⁸⁴

Furthermore, there would be no guarantee that Libya would become free from Qaddafi-era chemical weapons or materials even if all the declared category 2

⁸² Ralph Trapp, 9 May to 17 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁸³ Anthony Deutsch, ‘Exclusive: Libya asks chemical weapons watchdog to remove Stockpile – sources’, *Reuters*, 23 September 2014. <http://www.reuters.com/article/2014/09/23/us-libya-chemicalweapons-exclusive-idUSKCN0HI1GR20140923> (accessed 19 October 2014).

⁸⁴ The OPCW, *Keynote Speech by Director-General Ahmet Üzümcü*, NATO Conference on WMD Arms Control, Disarmament, and Non-Proliferation, 9 May 2016, p.4 https://www.opcw.org/fileadmin/OPCW/ODG/uzumcu/160509_DG_Speech_to_NATO_WMD_Conference.pdf (accessed 5 June 2016).

chemical precursors were destroyed. The accidental discovery of the hidden chemical weapons cache in Sebha and Sokna in 2011 was an unexpected surprise. The existence of such ready-to-use chemical weapons in Qaddafi's hands opened the door for speculations about the existence of more undiscovered chemical weapons.⁸⁵ According to a Libyan activist from the southern part of Libya: "A new undeclared chemical weapon warehouse from Qaddafi's era was discovered in the area of 'Waw Elnamoos' south of Sebha. Eye-witnesses confirmed that the militias conducted several experiments in the desert in attempts to use these chemical materials. Several smuggling operations were carried in the area. These smuggled materials crossed the Libyan borders probably towards militant groups in Sudan and in Mali."⁸⁶ In the same context, an Egyptian military source explained: "With an area of around two million km², and land borders extending along nearly 2,000 kilometres of uninhabited desert, even a stable country would have difficulty securing such frontiers or searching the entire Libyan territory for chemical weapons."⁸⁷ The state of anarchy in post-Qaddafi Libya revived these fears. A Libyan military source explained that: "the Libyan government's commitment to freeing Libya from chemical weapons would not be sufficient to ensure the achievement of such a goal."⁸⁸

The discovery of the additional chemical weapons in 2011 proved that Qaddafi's regime did not honestly declare the whereabouts and quantities of all of Libya's chemical weapon materials in 2004. Walid explained this by saying: "Qaddafi wanted to keep some hidden WMD under his hands to use them as a last resort against any internal or external threat that may jeopardise the survival of his regime. Luckily, the

⁸⁵ 'Libyan military engineers face toxic chemical clouds as they clear up armaments from Gaddafi regime', *Daily Mail*, 12 November 2012. <http://www.dailymail.co.uk/news/article-2231902/Libyan-military-engineers-face-toxic-chemical-clouds-clear-armaments-Gaddafi-regime.html#ixzz3fw9jG6El> (accessed 12 October 2014).

⁸⁶ Interviewee C, interviewed by Mohamed Elmahdi.

⁸⁷ Interviewee A, interviewed by Mohamed Elmahdi.

⁸⁸ Interviewee D, interviewed by Mohamed Elmahdi.

fast developments in the Libyan revolt in 2011, compounded with the rapid Western intervention, prevented Qaddafi from resorting to this option against his own people.”⁸⁹ An Egyptian military source explained that: “According to my knowledge, assessments of the CIA and other intelligence services of Libyan chemical capabilities were repeatedly found to be inaccurate and incomplete.”⁹⁰ Unlike the case of Iraq, where the large American military presence guaranteed smooth verification activities over WMD, the complex and chaotic security situation in Libya made it quite impossible to run efficient international detection over the whole Libyan territory.⁹¹

Regime Theory arguments apply to the analysis of the OPCW’s role in post-Qaddafi Libya. The US, being the world’s only superpower and the country with the highest stake in the CWC regime, played the main role in the process of dismantling Libyan chemical weapons from 2011 to 2014. This left the OPCW to accept a complementary role as a secondary player. Libya passed through a difficult transitional period characterized by the absence of security and political stability, which was reflected in the rational decision of consecutive Libyan governments to fully cooperate with the OPCW and the international community to destroy the remaining chemical arms stockpiles before they could get into the hands of hostile militias. Regime Theory perceives each international player as a unitary entity that seeks its interest as a unified unit. This argument was analytically valid during the Qaddafi era (1969 – 2011), which led an autocratic and violent rule over Libya, enforced stability over the country, and made himself the sole representative of the Libyan state and the wise keeper of its interests. According to Regime Theory, analysing Libyan behaviour in the chemical disarmament domain from 2003 to 2011

⁸⁹ Ahmed Hassan Walid, interviewed by Mohamed Elmahdi.

⁹⁰ Interviewee A, interviewed by Mohamed Elmahdi.

⁹¹ Saab, ‘Can Libya be locked down?’.

is simple. All that is required is to understand the development of the political thought and perceptions of Qaddafi.

Post-Qaddafi Libya, by contrast, has suffered from severe political and security crises. The competing governments in Libya have had no real power over the land, and so have had no interest in preserving the chemical weapons programme. In a confidential interview, a Libyan military source that: “The current priority of the Libyan armed forces is to restore national unity and security, the continuation of the destruction of the remaining WMD will come next.”⁹² Ahmed Hassan Walid, the former Libyan representative to the OPCW confirmed that: “The Libyan authorities are honest in their collaboration with the international community since 2011; they teamed up with the OPCW, the USA and the main European and regional players against the armed militias that had real control over most of Libya, including the areas around the destruction facilities.”⁹³

Conclusion

The gap that Libya had to cross from Qaddafi’s dictatorship to a new democratic regime proved to be too wide, and the consequent authorities in Libya had failed to bridge this gap since 2011. Furthermore, the transitional government was unable to spread its control over the whole country, as non-state actors, are playing the major role in social and political governance. The condition of Libyan security is even worse than the political situation. In a confidential interview, a Libyan activist explained that: “Libya became an open playground for all types of armed groups and terrorists after 2011. The official army and police had only limited control over Libyan

⁹² Interviewee D, interviewed by Mohamed Elmahdi.

⁹³ Ahmed Hassan Walid, interviewed by Mohamed Elmahdi.

territory, while radical Islamists gained control over most of the country.”⁹⁴

This was the atmosphere in which the OPCW resumed its activities in Libya a few days after Qaddafi’s death. It encountered new facts, as the new regime had found two new undeclared chemical depots with ready-to-use weapons. However, the anonymity of the international community around the goal of freeing Libya from its chemical arsenal, as well as the high standard of cooperation from the Libyan transitional government, led to the successful dismantling of the whole Libyan chemical weapons cache, from category (3) in May 2013 and the most threatening category (1) in January 2014. However, the dismantling of category (2) chemical agents is still pending at the end of 2014. The deteriorating situation in Libya led to doubts as to whether this final step could be completed by the scheduled time, as the official government was still lacking control over most of the nation’s territory and borders in 2014. The deterioration of the security situation and the subsequent withdrawal of the foreign and international presence from Libya added to concerns about the possibility of the proliferation of chemical weapons to Libya, or from Libya to destinations in the Middle East and the Sahel region.

After following the development of Qaddafi’s chemical weapons programme from its start in 1980 through to international efforts to dismantle the programme during Qaddafi’s era and following the collapse of his regime, the next chapter of the thesis will analyse the whole process of freeing Libya from its arsenal of chemical weapons. The chapter will come to a number of conclusions about the application of the Regime for the Prohibition of Chemical Weapons in Libya, which will be of use when assessing the efficiency of the existing Regime for the Prohibition of Chemical Weapons in general and in suggesting ways it could be improved.

⁹⁴ Interviewee C, interviewed by Mohamed Elmahdi.

Chapter Six: Assessing the Role of the Organisation for the Prohibition of Chemical Weapons in Libya

Introduction

Libya joined the Chemical Weapons Convention (CWC) in 2004 and immediately started destroying its declared chemical stockpile. However, while this process initially seemed as if it would be short and simple, given the small size and underdeveloped nature of Libya's chemical programme, it was not completed by the original deadline of April 29, 2007. In fact, the deadline for full dismantlement was extended several times despite concerted international efforts and the Organisation of the Prohibition of Chemical Weapons (OPCW) easing its standards. The dismantlement process encountered difficulties after Qaddafi's era ended mainly as a result of the security collapse and the failure of the political system in Libya.

Understanding the American role in the dismantling of Libya's chemical weapons stockpiles is essential in order to assess the role of the OPCW in Libya. According to Regime Theory, there are several methods which could be used to conduct such an assessment. This study implemented a multidimensional method that combined the examination of the level of achievement of the regime's final goal, the level of satisfaction of the members, and the application of the regime's internal process in the case study.¹ The assessment also identifies the external variables that affected the application of the regime (the counterfactuals, mainly the American role) to assess only the impact of the genuine elements.

¹ Alexander Kelle, 'International Relations, Assessing the Effectiveness of Security Regimes; The Chemical Weapons Control Regime's First Six Years of Operation', *International Politics*, volume 41, 2003, pp.221-242.

Section One: Assessing the American role in Libya

An analysis and assessment of the process of freeing Libya from its chemical weapons arsenal cannot be completed without analysing American policies regarding Libya.

Rebecca Hersman, a top counsellor in the Pentagon, stated:

“Although the process has been slow and complex, Libya has seemed sincere in its efforts to fulfil its obligations under the CWC, even since 2011 when the dramatic changes and rising violence in the country made many related tasks very difficult. Efforts to eliminate the most problematic remaining components of the Libyan chemical weapons programme were completed in January 2014 and cooperation continues to find a successful way to destroy any remaining precursors despite extraordinary security challenges. The OPCW has been involved in these efforts every step of the way, working closely with all the countries that have contributed to the elimination of Libya’s chemical weapons since 2003. In my experience this was a very good example of international cooperation with international organisations on a complex technical, policy and legal challenge.”²

However, following up the developments leads to a different conclusion. In fact, the Libyan declaration of 2003 was from the beginning part of a bigger deal targeting the normalization of relations between Libya and the USA, with a less significant role for the OPCW as an international organisation in attracting Libya to join the regime. Gawdat Bahgat explained that: “The admission of Libya to the CWC and its executive arm the OPCW was discussed as a concession that Qaddafi should offer within the deal with the Bush administration and the British government in 2003.”³ The deal was reached after a series of indirect communications and rounds of secret negotiating sessions between high-level Libyan, American and British officials, without the participation or awareness of the OPCW’s Technical Secretariat.

Libya’s chemical disarmament was discussed for the first time, as a secondary subject in secret talks about the settlement of the bombing of the Pan-Am aeroplane

² Rebecca Hersman, 14 May to 18 July 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

³ Gawdat Bahgat, 1 to 14 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

over Lockerbie, Scotland.⁴ Qaddafi raised this issue during the talks partly in order to break the political and economic isolation Libya had faced since 1994, and partly to avoid possible American military intervention in Libya.⁵ The OPCW was not only absent from the negotiations that preceded the Libyan accession to the CWC, it was also absent in January 2004 when the dismantlement process began on the ground when several on-site inspection activities took place by American and British intelligence officials.⁶ The verification process began following the arrival of the first American-British technical assistance team on January 18th for a ten-day visit without the participation of the OPCW. This team was led by Donald Mahley, Deputy Assistant Secretary for Arms Control Implementation in the Arms Control Bureau of the USA Department of State.⁷ The inspectors immediately started identifying Libya's programmes of weapons of mass destruction (WMD) and removing their key components outside Libya.⁸

The OPCW was also absent from the second US-British technical visit to Libya, which took place on February 14 2004. This team was bigger and included sub-teams for all four WMD disciplines, including experts in chemical weapons.⁹ The team focused on removing or eliminating the remaining materials and equipment from Libya's nuclear and missile programmes, and consolidating its precursor chemical stockpiles. The team single-handedly supervised the beginning of the destruction of 2,800 empty chemical munitions, before the OPCW deployed its first team of

⁴ Jonathan Tucker, 'The Rollback of Libya's chemical weapons programme', *The Non Proliferation Review*, volume 16, number 3, November 2009, pp.362-364.

⁵ Ronald Bruce St John, 'Libya is Not Iraq: Pre-emptive Strikes, WMD and Diplomacy', *Middle East Journal*, volume 58, number 3, Summer, 2004, pp. 386-402.

⁶ Tucker, 'The Rollback of Libya's Chemical Weapons Programme', pp.368-370.

⁷ Nathan E. Busch and Joseph F. Pilat, 'Disarming Libya? A reassessment after the Arab Spring', *International Affairs Special Issue: The Middle East ten years after the invasion of Iraq*, volume 89, number 2, March 2013, pp.452-455.

⁸ Paula De Sutter, *Testimony before the Committee on Foreign Relations*, USA Senate, 26 February 2004. <http://www.gpo.gov/fdsys/pkg/CHRG-108shrg94557/html/CHRG-108shrg94557.htm> (accessed 18 March 2014).

⁹ Tucker, 'The Rollback of Libya's Chemical Weapons Programme', pp.368-372.

inspectors at the end of February 2004 to supervise the rest of the destruction process.¹⁰ A Libyan diplomat stated that: “Even after the OPCW was able to play a role in the process in February 2004, it was never the sole entity involved in the supervision, verification and dismantlement of the chemical weapons stockpiles.”¹¹

It was clear that the CWC’s articles never played a leading role in this regard.¹² The slowness of the operation between 2005 and 2010 was mainly due to the difficult negotiations between the USA and Qaddafi’s regime over the methods which should be used to dismantle the core components of the Libyan chemical weapons programme. A Libyan diplomat explained that: “The process of negotiating the details of the destruction process of the Libyan chemical weapons programme was mainly managed by the American Department of State, the CIA and the Department of Defence, without any significant input from the OPCW.”¹³ A former OPCW expert commented on this, saying:

“As in other cases where there was a bilateral dimension as well as the international dimension at the level of the OPCW, the role of the bilateral partners can both help (certainly at the level of policy making and making practical arrangements for technical support) and complicate things (given that the standards applied by the bilateral partners are not always the same as those used by the OPCW for verification purposes).”¹⁴

Even when the US-Libyan negotiations regarding the specified incinerator break-up failed, Qaddafi started direct negotiations with Germany and Italy to build the destruction facility. The negotiations were once more conducted without input from the OPCW.¹⁵ It was only by the time that the destruction facility in Rabta started

¹⁰ Ibid.

¹¹ Interviewee B, Libyan diplomat, Athens, 24 July 2014, interviewed by Mohamed Elmahdi

¹² The CWC, Article VIII. ‘The OPCW is established to achieve the object and purpose of the convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States parties’.

¹³ Interviewee B, Libyan diplomat, interviewed by Mohamed Elmahdi.

¹⁴ Ralph Trapp, 9 May to 17 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

¹⁵ Tucker, ‘The Rollback of Libya’s Chemical Weapons Programme’, pp.368-372.

operations in October 2010 that the OPCW's inspectors, along with officials and inspectors from Europe and the US, resumed their supervisory role in the destruction process. A senior American diplomat commented on this, saying: "It was clear to everyone since the beginning of the negotiations in 2003 that the destruction of the Libyan chemical programme was the task of the CIA and MI5. Yes the OPCW was overshadowed."¹⁶

The dominant American role continued after Qaddafi's death, as the USA along with Canada, Germany and Sweden financed the building of a new mobile destruction facility.¹⁷ Ahmed Hasan Walid, A former Libyan representative to the OPCW stated that: "The continuity of American technical assistance would be essential to destroying the remaining mustard agent in canisters (category 2 materials) before the end of 2016."¹⁸ Since 2003, the American administrations of both George W. Bush and Barack Obama were determined to single-handedly lead the international efforts to disarm all Libyan WMD.¹⁹ It is also clear that the USA was not inclined to escalate the confrontation with Qaddafi's regime after 2003. The American position towards the Libyan chemical issue arose for three main reasons: firstly, Qaddafi was showing a certain level of cooperation – even if it was not perceived to be satisfactory - since Libya joined the CWC in 2004. His regime blamed the slowness of the destruction process on a mixture of technical, contractual, and financial factors. Secondly, the USA was unwilling to open a new conflict at a time when it was encountering massive difficulties in its wars in Afghanistan and Iraq.²⁰ Thirdly, the USA and Russia had themselves failed to meet the deadlines for the destruction of their own chemical

¹⁶ Thomas Graham Jr., 22 June 2016, interviewed by Mohamed Elmahdi (by telephone).

¹⁷ Eric Schmitt, 'Libya's Cache of Toxic Weapons all Destroyed', *The New York Times*, 2 February, 2014. http://www.nytimes.com/2014/02/03/world/africa/libyas-cache-of-toxic-arms-all-deStroyed.html?_r=1 (accessed 10 October 2014).

¹⁸ Ahmed Hasan Walid, 14 to 27 August 2017, interviewed by Mohamed Elmahdi (e-mail exchange).

¹⁹ Thomas Graham Jr., interviewed by Mohamed Elmahdi

²⁰ St John, 'Libya Is Not Iraq', pp.387-391.

weapons stocks according to their obligations to the OPCW.²¹

It was unrealistic that any international player other than the USA or one of its close allies would ask the OPCW to lead a challenge inspection over any suspected sites inside Libya. According to Kane Chen, “The USA had been leading the inspection efforts since the beginning in 2003 and it knew more than any other state about the details of Qaddafi’s chemical weapons programme.”²² Washington does not seem to know about any further activities or hidden storage facilities within Libyan territory, until new chemical caches were discovered during the civil military conflict in 2011.²³ Even this discovery was not deemed sufficient for the USA or any other state to call for a challenge inspection, as no international player had any further information about any other hidden chemical caches from the Qaddafi era.²⁴

The same logic applied to the transfer of the Libyan case to the UN Security Council (UNSC). This move was never discussed publicly at any organ of the OPCW, and even if the OPCW (CSP) agreed to such an action, the United Nations Security Council (UNSC) would have been unlikely to act in a way that might harm American interests in Libya, as the USA is one of five countries to have a veto in the UNSC.²⁵ The influence of the USA over the OPCW’s apparatus was clearly demonstrated in 2002, when America launched a major campaign to remove Jose Bustani, the Director-General of the OPCW. The campaign was led by U.S. official John Bolton.

²¹ Michael Nguyen, ‘U.S. unable to meet CWC 2012 deadline’, *Arms Control Today*, May 2012, p.28. https://www.armscontrol.org/act/2006_05/CWC2012 (accessed 7 October 2014).

²² Kane Chen, 14 May to 14 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

²³ Busch & Pilat, ‘Disarming Libya’, pp.451-475.

²⁴ *Nuclear Threat Initiative*, ‘Secret Operation Eliminates Libya’s Last Chemical Arms’, February 3, 2014. <http://www.nti.org/gsn/article/libyas-chemical-arms-eliminated-international-operation> (accessed 10 October 2014).

The American assistant secretary of defence for nuclear, chemical and biological defence programmes Andrew Weber stated, “This is the culmination of a major international effort to eliminate WMD from Libya and to ensure that they never fall into the hands of terrorists”.

²⁵ Bob Rigg, ‘International Law or USA Hegemony: From Chemical Weapons to Iraq’, *Dissident Voice*, January 17, 2003. <http://www.dissidentvoice.org/Articles/Rigg.htm> (accessed 7 October 2014).

The USA managed to call for a special meeting of the OPCW Council of States Parties in The Hague on April 21, 2002, and stated three main reasons to remove Bustani from office: polarizing and confrontational conduct, mismanagement issues and advocacy of inappropriate roles for the OPCW.²⁶ Bustani's removal was carried by a vote of 48–7, with 43 abstentions.²⁷ This was the first time in history that the head of a major international organisation was removed during their term of office.²⁸

In light of the above, the Libyan case revealed that American hegemony over the OPCW prevented the international organisation from applying its regime strictly. This situation reflected one of the main crises in international relations in the current structure: the ability of the major international players to achieve their own political interests regardless of the application of international law.²⁹ In the case of the Libyan chemical weapons programme, the USA had a direct interest in preserving the 2003 deal with Qaddafi. This prevented the full application of the CWC regime, and even after the break-out of the Libyan revolution against Qaddafi in 2011 the Americans continued to lead the destruction process of the remaining chemical stocks in a way that limited the ability of the OPCW and the other powers, including Russia, to take

²⁶ The U.S. Department of State, 'Removal of OPCW Technical Secretariat Director-General Jose Bustani.' <http://2001-2009.State.gov/t/isn/cwc/fs/9631.htm> (accessed 7 October 2014) .

²⁷ The OPCW, *First Special Session: Brazil Statement by Ambassador Luiz Augusto De Araujo Castro, Undersecretary for Multilateral Political Affairs Head of the Delegation of Brazil to the Special Conference of the States Parties to the Chemical Weapons convention*, The Hague, 21 April 2002. https://www.opcw.org/index.php?eID=dam_frontend_push&docID=5111 (accessed 3 August 2014).

²⁸ Vesselin Popoviski, *International Rule of Law and Professional Ethics*, England, Farnham: Ashgate Publishing, 2014, pp.158-160.

There is controversy regarding the real reasons behind Bustani's removal. Bustani had been negotiating with the Iraqi regime with the aim of persuading them to sign up to the OPCW, thus granting OPCW inspectors full access to Iraq's purported chemical weapons arsenal. If successful, this would have placed a formidable obstacle in the path of the Bush administration's war plans by removing their *casus belli*. While Bustani's supporters insist this was the reason why the USA forced him out, the Bush administration claimed that Bustani's position was no longer tenable. The source also claims that the USA ambassador issued threats against OPCW members in order to coerce them to support the USA initiative against Bustani, including the withdrawal of USA support for the organisation.

²⁹ Wolfgang Friedmann, 'United States Policy and the Crisis of International Law: Some Reflections on the State of International Law in International Cooperation Year', *The American Journal of International Law*, volume 59, number 4, October 1965, pp.857-871.

any independent action in Libya's chemical disarmament.³⁰

Washington demonstrated different stances towards Iraq, Libya, North Korea and Israel. The USA attacked Iraq in 2003 due to suspicions over Iraq's acquisition of WMD, with no explicit authorisation from the UN.³¹ The OPCW showed an exceptional level of tolerance towards Qaddafi, without any reference at any stage to the use of force to redress Libya's lack of commitment to the OPCW's deadlines. In the cases of both North Korea and Israel³² the OPCW showed less ability, each for a different set of reasons related to American strategies in the Middle East and the Far East. The OPCW failed to persuade North Korea and Israel to join the CWC regime, even though each had a large and well-developed arsenal of chemical weapons and active programmes for developing them.³³

Section Two: Assessing the Role of the OPCW in Libya

Category 1 chemical materials are the most dangerous and readiest to use in any chemical arsenal, and Libya managed to destroy all its stocks of these by January 2014. Libya also destroyed all of its category 3 chemical materials by May 2013. The destruction of Libya's 850 tonnes of category 2 precursor chemicals, which are less

³⁰ Libya Herald Staff, 'Russia demands truth about Libyan chemical weapons', *Libya Herald*, Tripoli, 27 September 2014.

³¹ Hans Blix, *Disarming Iraq: The Search for Weapons of Mass Destruction*, London: Bloomsbury, 2004, pp. 4-32.

³² For more information about North Korea see: Tae-Hwan Kwak, *North Korea's Foreign Policy under Kim Jong Il: New Perspectives*, New York: Ashgate Publishing, 2009. For Israel, see: Aharon Leveran, *Israeli Strategy after Desert Storm: Lessons of the Second Gulf War*, New York: Routledge, 2014. Avner Cohen, 'Israel and Chemical/ Biological Weapons: History, Deterrence, and Arms Control', *The Nonproliferation Review*, volume 8, number 3, autumn-winter 2001, pp.27-53. Elias Akleh, 'Israel's History of Chemical Weapons Use', *Global Research*, September 29, 2013. <http://www.globalresearch.ca/israels-history-of-chemical-weapons-use/5352003> (accessed 5 October 2014).

³³ Matthew M. Aid, 'Report Exclusive: Does Israel Have Chemical Weapons Too? One secret CIA file may have the answer', *Foreign Policy*, 10 September 2013. <http://foreignpolicy.com/2013/09/10/exclusive-does-israel-have-chemical-weapons-too> (accessed 7 October 2014).

Young W. Kihl, Hong Nack Kim, *North Korea: The Politics of Regime Survival*, New York: M. E Sharpe, 2006.

easy to use but which are still transferable to military use, was not finished until the end of 2014.³⁴ This process aroused concern given the deterioration of the security situation in Libya, to the extent that Libyan Prime Minister Abdullah Al-Thinni asked the OPCW to remove the remaining chemical weapons stockpiles from Libya, because the Libyan government is not able to conclude the dismantlement process.³⁵

In fact, the request contradicted the obligation of the state where the chemical weapons originated under the CWC to be responsible for destroying its own stockpiles. Furthermore, it contradicted the obligation of the country of origin to maintain the security of the stockpiles until they are destroyed.³⁶ However, it was justified given the risk that the remaining chemical stocks might fall into the hands of militia or terrorist groups. The Libyan government declared that it could not ensure the security of the weapons, as most of Libya's territory was no longer under the government's control. The facility used to store and destroy the weapons was in a deserted site in Ruwagha, 700 kilometres outside of Tripoli and more than 1,000 km from Tubruq where the government temporarily executed its duties.³⁷

As discussed in Chapter One, Regime Theory provides several methods of assessment. 'Goal Approach' assesses the effectiveness of a regime by how successfully it achieved its declared goals according to its constitution. The closer the outcome to the regime's goals, the more effective it is. This assessment method

³⁴ The OPCW, 'Libya Completes Destruction of Its Category 1 Chemical Weapons', February 4, 2014. <http://www.opcw.org/news/article/libya-completes-destruction-of-its-category-1-chemical-weapons/> (accessed 5 May 2014).

³⁵ 'Al-Thinni asks for help to remove chemical weapons Stockpile, citing security concerns', *Libya Herald*, 25 September 2014. <http://www.libyaherald.com/2014/09/25/al-thinni-asks-for-help-to-remove-chemical-weapons-Stockpile-citing-security-concerns/#axzz3QJquXXWh> (accessed 19 June 2016).

³⁶ The CWC Verification Annex Part IV (A), p.86.

³⁷ Anthony Deutsch, 'Exclusive: Libya asks chemical weapons watchdog to remove stockpile – sources', *Reuters*, 23 September 2014. <http://www.reuters.com/article/us-libya-chemicalweapons-exclusive-idUSKCN0HI1GR20140923> (accessed 19 October 2014).

focuses on evaluating the final outcome of the process without examining the procedures and politics behind it.³⁸ Applying this method leads to the conclusion that the CWC regime successfully achieved its task in Libya. The OPCW supervised the shutdown of two former chemical weapons storage facilities and the conversion of another facility (the Rabta factory) to a pharmaceutical plant in 2010. The OPCW also monitored the destruction of most of the declared chemical materials and capabilities, including 24.7 metric tonnes of sulphur mustard gas which was the most dangerous component of the Libyan arsenal (category 1 materials), and 3,563 metric tonnes of unloaded chemical weapons munitions for aerial bombs (category 3 materials).³⁹

In November 2011, the new Libyan government declared it had located a “previously undeclared chemical weapons stockpile, consisting of several hundred munitions loaded with sulphur mustard, a few hundred kilograms of sulphur mustard stored in plastic containers (the total amount of sulphur mustard declared by Libya stood at 26.3 MT), and a few unfilled plastic containers for munitions components.”⁴⁰ Of the almost 1,390 MT of category 2 precursor chemicals, the OPCW supervised the destruction of 540 MT, and planned to destroy the rest before the end of 2016.⁴¹ These numbers lead to an overall positive assessment of the application of the CWC regime in Libya. However, ambiguity surrounds the future of the OPCW’s operations in Libya. According to Bahgat, “the increasingly deteriorating political and security situations makes it difficult to assess the ability of the regime to guarantee future non-

³⁸ Richard M. Steers, ‘Problems in the measurement of Organisational Effectiveness’, *Administrative Science Quarterly*, volume 20, number 4, December 1975, pp.546-558

³⁹ The OPCW, *Libya Completes Destruction of Its Category 1 Chemical Weapons*, February 4, 2014. <http://www.opcw.org/news/article/libya-completes-destruction-of-its-category-1-chemical-weapons> (accessed 5 May 2014).

⁴⁰ Daniel Horner, ‘Libya Sets Date to Destroy Chemical Arms’, *Arms Control Association*, 31 May 2012. https://www.armscontrol.org/act/2012_06/Libya_Sets_Date_to_DeStroy_Chemical_Arms (accessed 10 October 2014).

⁴¹ U.S. Department of State, *Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction: Condition 10 (C)*, February 2014. <http://www.State.gov/documents/organisation/230111.pdf> (accessed 10 October 2014).

transfer of chemical materials from or into Libya by international arms traffickers or terrorist groups.”⁴²

Another method of assessment is the ‘Constituency Approach’, which assesses effectiveness by the satisfaction of the regime’s members with the outcome of its application. This method leads to a subjective assessment that is difficult to quantify.⁴³ This criterion of assessment in the Libyan case also leads to the same positive conclusion as the goal approach. Although Qaddafi’s regime did not fully cooperate with the OPCW after joining the CWC in 2004, the OPCW and the major powers were generally satisfied with the level of Libyan cooperation. According to William Tobey, “From 2004, the USA was keen to find compromises in the negotiations to build the destruction facility in Ruwagha.”⁴⁴

The momentum of this optimism started high with Qaddafi’s declaration in December 2003, and continued until February 2004. Although it slowed down by 2005, international support for the Libyan dismantlement process never disappeared. The OPCW Council of State Parties praised Qaddafi’s cooperation and encouraged the Libyan regime to commit to its plans. For the first time in the history of the organisation, during Qaddafi’s rule it also granted Libya three exceptional extensions for the destruction of its chemical stockpile.⁴⁵ The positive attitude of the OPCW towards Qaddafi in the Libyan chemical disarmament case was an effort to keep Qaddafi committed to his pledge to get rid of his arsenal of WMD.

⁴² Gawdat Bahgat, interviewed by Mohamed Elmahdi.

⁴³ David Easton, ‘Theoretical approaches to political support’, *Canadian Journal of Political Science*, March 1976, pp.431-448; David Altman and Aníbal Pérez-Liñán, ‘Assessing the quality of democracy: freedom, competitiveness and participation in eighteen Latin American countries’, *Democratization*, February 2002, pp.85-100.

⁴⁴ William Tobey, 30 April to 16 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁴⁵ The OPCW, *Eleventh Session of the Conference of the States Parties*, 8 December 2006. The OPCW, *Fourteenth Session of the Conference of the States Parties*, 2 December 2009. The OPCW, *Fifteenth Session of the Conference of the States Parties*, 30 November 2010.

American satisfaction with the process was even clearer after Qaddafi's regime collapsed, even though the deadline was extended again,⁴⁶ and even though American officials were dominating the destruction process even more than before. This was revealed by the official statements of many regional and Western powers in February 2014 after the termination of the process for destroying the category 1 chemical materials. The American administration and Congress celebrated this event as a milestone success;⁴⁷ the Department of State spokeswoman credited the Libyan government with completion of the destruction.⁴⁸ Germany,⁴⁹ Canada,⁵⁰ Israel,⁵¹ the African Union,⁵² and major neighbouring countries had also welcomed the complete dismantlement of the category 1 materials. The same optimistic attitude prevailed in the world media and academic reports analysing the OPCW's declaration in February 2014. Some news agencies even mistakenly confirmed that Libya had already dismantled the whole of its chemical weapons programme.⁵³ The OPCW celebrated the achievements in the dismantlement of Libya's chemical weapons. In February

⁴⁶ The OPCW, *Sixteenth Session of the Conference of the States Parties*, 29 November 2011.

⁴⁷ USA Senate, *Statement of Mr. Kenneth A. Myers III, Director of Defense Threat Reduction*, 1 April 2014.

⁴⁸ Steven Beardsley, 'Libya's chemical weapons destroyed in US-backed effort', *Stars and Stripes*, February 3, 2014. <http://www.stripes.com/libya-s-chemical-weapons-deStroyed-in-us-backed-effort-1.265386> (accessed 5 October 2014). The Department of Defense announced that: "It's a Libyan-led effort; they declared their own chemical agents and weapons. And then the international community, led by the OPCW, came in to support the Libyan government."

⁴⁹ Federal Foreign Office of the German Republic, 'Helping to Rebuild Libya', 11 March 2014. http://www.auswaertiges-amt.de/EN/Aussenpolitik/Laender/Aktuelle_Artikel/Libyen/120104-Aufbau-Libyen.html (accessed 10 June 2016).

⁵⁰ Department of Foreign Affairs, Trade and Development of Canada, 'Canada Congratulates Libya on Destruction of Chemical Weapons', 4 February 2014. <http://www.international.gc.ca/media/aff/news-communiqués/2014/02/04b.aspx?lang=eng> (accessed 20 October 2014).

⁵¹ Business Monitor International, 'Israel Defence and Security Report', *Business Monitor International*, Q4 2014, September 10, 2014. <http://www.marketresearch.com/Business-Monitor-International-v304/Israel-Defence-Security-Q4-8371861> (accessed 20 October 2014).

⁵² African Union Commission, *Communiqué of the Peace and Security Council of the African Union (AU)*, 459th meeting on the situation in Libya, 25 September 2014. <http://www.thenigerianvoice.com/news/158167/1/communiqué-of-the-peace-and-security-council-of-the.html> (accessed 20 October 2014).

⁵³ Vasudevan Sridharan, 'Libya Destroys Last Stockpile of Gaddafi's Chemical Weapons', *International Business Times*, 5 February 2014. <http://www.ibtimes.co.uk/libya-deStroys-laSt-Stockpile-gaddafis-chemical-weapons-1435142> (accessed 5 October 2014). *Voice of America News*, 'Libya: All Chemical Weapons Destroyed', 4 February 2014. <http://www.voanews.com/content/libya-all-chemical-weapons-deStroyed/1844683.html> (accessed 5 October 2014).

2014, its Director-General Ahmet Üzümcü stated:

“The destruction of these munitions was a major undertaking in arduous, technically challenging circumstances, as we saw first-hand earlier today at the remote Ruwagha chemical weapon destruction facility. From start to finish, meeting these challenges was the product of close cooperation between Libya, the OPCW Technical Secretariat and other States Parties. Clearly, we still have more to do. Efforts now need to turn to destroying remaining polymerized agent – which, although toxic, cannot be used for filling chemical weapons – and category 2 chemicals, most of which are industrial chemicals. Around 60% of the latter – amounting to about 850 metric tonnes – are still to be destroyed. We are confident that this can be achieved by 2016, as agreed with States Parties to the CWC, based on the pattern of cooperation we have established. Libya’s on-going achievements in chemical destruction are making an important contribution to achieving our common goal of a world free of chemical weapons. This is a significant milestone in the destruction of chemical weapons in Libya. It has involved a major undertaking in arduous, technically challenging circumstances, as I saw first-hand during my visit to the Ruwagha Chemical Weapon Destruction Facility. This achievement also has a special resonance at a time when chemical disarmament is enjoying a historically high level of international interest. The award of the 2013 Nobel Peace Prize to the OPCW was momentous in this regard. But our achievements go back much further than this – to 1997, from the time that the CWC entered into force.”⁵⁴

In fact, the OPCW and the international community shared an optimistic vision of Libya since Qaddafi’s initial declaration in 2003.⁵⁵ Nevertheless, the conclusion of the basic destruction goal in Libya in January 2014 was welcomed by the OPCW and international community, as the chemical weapons prohibition regime was searching for a success story in the Middle East at a time when little was being achieved regarding the destruction of the much larger Syrian chemical weapons stockpile.⁵⁶ While the first two approaches lead to a positive assessment, the third approach may

⁵⁴ The OPCW, ‘Libya Completes Destruction of Its Category 1 Chemical Weapons’, February 4, 2014. <http://www.opcw.org/news/article/libya-completes-destruction-of-its-category-1-chemical-weapons> (accessed 5 May 2014).

⁵⁵ Zachary Kallenborn and Raymond A. Zalinikas, ‘Disarming Syria of Its Chemical Weapons: Lessons Learned from Iraq and Libya’, *Nuclear Threat Initiative Magazine*, Monterey Institute of International Studies, October 31, 2013. <http://www.nti.org/analysis/articles/disarming-syria-its-chemical-weapons-lessons-learned-iraq-and-libya> (accessed 11 October 2014).

⁵⁶ Ibid.

not lead to the same positive conclusions. The ‘Internal Process Approach’ assesses effectiveness by the internal coherence of members and their commitment to the doctrine. It is an objective approach that focuses on the internal procedures and the interactions of the members of the regime inside the organisation.⁵⁷

The CWC has created a solid verification process in order to guarantee the full compliance of state parties in the regime with its goals. The starting point of the verification process in the regime of the CWC is the information on possession and plans for destruction of chemical weapons that must be provided in the initial declarations by the States Parties. Declarations are the core of the work of the regime as these are the bases for the subsequent supervision process. Thus, the accuracy of declarations, and then the monitoring process, are entirely dependent on national monitoring and data collection.⁵⁸ Ralph Trapp, a former OPCW expert explained this by saying:

“The OPCW has no *a priori* expectations about what and how much a State Party may declare (individual States Parties may have their own intelligence estimates that they use in their own assessments, but these are not shared with the OPCW). If there are questions regarding a declaration, these will be discussed by the OPCW Technical Secretariat after a State has become party of the CWC and thus member of the OPCW, and resolved in a collaborative manner.”⁵⁹

The initial declaration submitted by the government of Libya in 2004 was suspected to be incomplete in the early stages of the operation. An OPCW technical expert confirmed that “The initial declaration by Libya did not include any quantities of asphyxiating agents (phosgene, diphosgene, chloride, chloropicrin), precursor

⁵⁷ Richard M. Steers, *Problems in the measurement of Organisational Effectiveness*, pp.546-558.

⁵⁸ Guido den Dekker, *Law of Arms Control: International Supervision and Enforcement*, Netherlands, Leiden: Brill Academic Publishers, 2001, pp.233-240.

⁵⁹ Ralph Trapp, interviewed by Mohamed Elmahdi.

chemicals that are necessary for producing chemical weapons.”⁶⁰ The declaration raised suspicions over how Libya had efficient chemical material from category 1 (like mustard agents) without declaring any amount of crowd control gases.⁶¹ The nose cones and missiles loaded with chemical weapons were also missing from the initial declaration. Remarkably, the Rabta plant’s assembly lines did not contain any loaded nose cones, which is yet another suggestion that Libya could have tricked the international community. The Rabta facility could also have been extremely active in the production of chemical weapons as suggested by the environmental pollution surrounding the plant, which included several dead birds.⁶²

An incident in February 2004 upheld such concerns. According to Tucker: “Libyan officials discovered a small desert ranch outside of Tripoli a few days before finalizing the initial declaration, a site previously unknown to Western intelligence, where more than 2,800 unfilled chemical bombs were stored. Later, the Libyans disclosed an additional cache of 742 empty bomb casings in a private garage owned by Ma’atouq Mohamed Ma’atouq. The Libyans explained that they had not believed that Qaddafi would go through with the disarmament plan; however, they insisted that with these declarations they had declared all of the empty chemical bombs, a total of 3,563 bomb casings.”⁶³

However, the initial declaration was proven to be incomplete in 2011 after Qaddafi’s death, as rebel fighters discovered an undeclared storage facility for chemical materials. The international inspectors confirmed that the facility contained sulphur mustard and artillery shells. The shells were empty, but were designed

⁶⁰ Patrice Palanque, 14 to 17 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁶¹ Emanuele Paiano, ‘What Happened to Libya’s Chemical Weapons Stockpiles?’, *Invisible Dog*, Issue 12, February 2013. http://www.invisible-dog.com/libia_chimico_eng.html (accessed 20 August 2014).

⁶² Ibid.

⁶³ Tucker, ‘The Rollback of Libya’s Chemical Weapons Programme’, pp.374-375.

specifically to be loaded with chemical weapons.⁶⁴ OPCW spokesman Michael Luhan affirmed that “They are not ready to use, because they are not loaded with agents.” He did not divulge the quantity of chemicals in this new stockpile, but referred to it as “a fraction” of what Qaddafi had disclosed in the past.⁶⁵

The CWC provides the OPCW with two types of on-site inspection in order to verify a state’s commitment to the goals of the convention. Routine inspections are the primary means of verifying compliance under the CWC. These give OPCW inspectors the right to verify all the sites and chemical materials declared in the national declaration. Meanwhile, each state party also has the right to request an on-site challenge inspection of any facility or location in their territory, or in any other place under the jurisdiction or control of any other state party. A challenge inspection should only be conducted “for the purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of the CWC”, and may be conducted “anywhere without delay by an inspection team designated by the Director General in accordance with the verification annex of the Convention.”⁶⁶ According to the verification annex of the CWC, routine inspections can be carried out on one of the following: “all declared chemical weapons, declarations, storage facilities, and plans for destruction of chemical weapons, or all declared chemical weapons production facilities. They also guarantee the non-reactivation or conversion of Chemical Weapons Production Facilities (CWPFs) and other facilities used for

⁶⁴ Horner, ‘Libya Finishes Destroying Mustard Agent’, *Arms Control Today*, March 2014. https://www.armscontrol.org/act/2013_03/Libya-Finishes-DeStroying-MuStard-Agent (accessed 5 May 2014).

⁶⁵ Palash Ghosh, ‘Gaddafi Had Cache of Undeclared Chemical Weapons’, *International Business Times*, January 20, 2012. <http://www.ibtimes.com/gaddafi-had-cache-undeclared-chemical-weapons-inspectors-398310> (accessed 7 October 2014).

⁶⁶ The CWC, Part II: verification annex, pp.39-42.

In general, the State Party is notified of routine inspections not less than 24 hours in advance of the planned arrival of the inspection team. Furthermore, the inspection team shall have unimpeded access to inspection sites, and inspectors shall have the right to interview facility personnel and to take and analyse samples.

purposes not prohibited by CWC.”⁶⁷

Routine inspection targets only sites and materials which have already been declared. A Libyan diplomat explained that: “The nature of routine inspection made it simple for Qaddafi’s regime to cooperate with the OPCW’s inspectors in their previously-notified visits to Libyan territory.”⁶⁸ The OPCW inspection team was already supervising the destruction of chemical materials when the Libyan revolution against Qaddafi broke out in February 2011. The period of fighting between pro-Qaddafi and rebel forces, which took place between March 2011 and January 2012, was the only time interval where the OPCW was unable to either carry out routine inspections of the declared sites. However, even during this period the OPCW never ceased to receive official Libyan reports about their progress in the destruction of their chemical weapons.⁶⁹ An international law expert commented:

“All arms control monitoring bodies have limited mandates of authority. The OPCW, much like the IAEA, essentially depends on the cooperation of the monitored state to make a full and accurate declaration of subject materials. In theory, challenge inspections can be made, but that has not yet occurred. So the answer with every monitoring body is no, they do not have the power to stop determined states from violating their legal obligations. Monitoring activities can give greater or lesser confidence to other states about good faith compliance, but monitoring bodies like the OPCW do not have the authority or capability to stop determined states from violating their treaty obligations.”⁷⁰

The most important type of inspection is the challenge inspection. This is designed to fill the remaining gaps in the overall verification system, especially in problematic cases such as Libya. Ralph Trapp, an OPCW expert commented on this, saying:

“However, there are several issues that can (and have in the past) undermined the ability of the OPCW to use this tool (the challenge

⁶⁷ The CWC, Part II: verification annex, pp. 39- 42.

⁶⁸ Interviewee B, Libyan diplomat, interviewed by Mohamed Elmahdi.

⁶⁹ The OPCW, ‘Libya: Statement by Mr. Ahmed Hassan Walid’, 29 November 2011.

https://www.opcw.org/fileadmin/OPCW/SAB/en/Libya_c16nat24_e_.pdf (accessed 10 October 2014).

⁷⁰ Daniel Joyner, 4 May to 13 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

inspection): (a) its reliance (as many international organisations prefer these days) on the consensus rule which means that in compliance situations, decisions are not taken swiftly and energetically unless all States Parties participating in the discussions and decision-making agree to a proposed action; and (b) the reluctance of States themselves to use some of the more confrontational tools (such as challenge inspections) because they fear repercussions in policy areas outside the CWC realm; as a result of such political inhibitions, for example, no challenge inspection has ever been requested under the CWC.”⁷¹

According to the CWC verification annex, “each state party has the right to request an on-site challenge inspection of any facility or location in the territory or in any other place under the jurisdiction or control of any other state party for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of the convention.” This inspection may be “conducted anywhere without delay by an inspection team designated by the Director General in accordance with the Verification Annex of the Convention.”⁷² The OPCW has never proved the non-compliance of Libya to the CWC regime. Kane Chen explains as saying: “The OPCW is not the one that initiates challenge inspections – member state needs to do so, and have not so far. The reason for this is that there were no suspicions that Libya was hiding CW.”⁷³

The fact that Libya failed to meet the deadline for destruction of its chemical materials several times during and after Qaddafi’s era was attributed by the organisation to reasons beyond the control of the Libyan government. Non-compliance with deadlines thus never raised any discussion inside the organisation about imposing sanctions against Libya - neither internal sanctions nor by transferring the issue to the United Nations (UN) as an international security threat. Walid explained that: “The OPCW dealt with the Libyan delays by encouraging the

⁷¹ Ralph Trapp, interviewed by Mohamed Elmahdi.

⁷² The CWC, Part IV and V of the Verification annex, pp.47-54.

⁷³ Kane Chen, interviewed by Mohamed Elmahdi.

government to abide by the new deadlines and offering cooperation to tackle the practical problems encountering the dismantlement process.”⁷⁴ Ronald Bruce St John stated that: “The fact that both the USA and Russia kept large stockpiles of chemical weapons, in contrast with their obligations to the CWC, strengthened this mutual agreement.”⁷⁵ It was quite difficult for both countries to support or initiate a request to apply this method of inspection by the OPCW on another states party, and they also prevented other states party from requesting its application, in fear of raising a debate inside the OPCW about the double standards in dealing with the American and Russian chemical weapons programmes.

The Libyan case was no exception, because of the fear of angering Qaddafi to the extent that he might stop collaborating with the international community on all security issues.⁷⁶ A Libyan diplomat reiterated that: “It was clear that the Qaddafi’s regime would never accept any kind of inspection on undeclared sites without prior notice, or else the Libyan officials would ensure that the inspections failed.”⁷⁷ The situation changed after the collapse of Qaddafi’s regime. Kane stated that: “While the Libyan government cooperated fully in the dismantlement process, the lack of security and the absence of governmental control made it practically useless for the OPCW to launch a challenge inspection on undeclared or ill-secured sites inside Libya.”⁷⁸ According to the ‘Internal Process’ assessment, the OPCW’s supervision over the Libyan chemical programme was clearly deficient. The deficiency stemmed from the complete reliance on the national declaration as a standard of evaluation of the whole verification process. Suspicions around the comprehensiveness of the

⁷⁴ Ahmed Hassan Walid, interviewed by Mohamed Elmahdi.

⁷⁵ Ronald Bruce St John, 30 April to 29 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁷⁶ Busch & Pilat, ‘Disarming Libya? A reassessment after the Arab Spring’, *International Affairs Special Issue*, volume 89, number 2, March 2013, pp.451-475

⁷⁷ Interviewee B, Libyan diplomat, interviewed by Mohamed Elmahdi.

⁷⁸ Kane Chen, interviewed by Mohamed Elmahdi.

Libyan programme were disregarded by the OPCW at all stages of supervision.⁷⁹

After assessing the Libyan case using three different approaches, it should be clear that these methods are not contradictory but complementary in nature, as they assess different dimensions of the process.⁸⁰ According to the logic of this study, the target of the analysis is to build one solid and comprehensive assessment that covers all aspects of the application of the CWC regime in Libya. The assessment of the regime's success requires sorting out the non-regime factors from the genuine regime elements and analysing their roles. According to Regime Theory, the regime for the Prohibition of Chemical Weapons is an independent unit that exists to achieve a certain task. This assessment therefore analyses the interaction between the elements of the Regime for the Prohibition of Chemical Weapons (the Treaty, the Organisation, and their set of rules) and Libya. The assessment excludes all the outer factors, particularly the independent role of the USA in the Libyan case.

The Libyan case reflected a clear case of marginalizing the international organisation responsible for operating the regime (the OPCW) in favour of the dominant power (the USA) and to a lesser extent the United Kingdom (UK) - operated the Libyan chemical disarmament process, mostly through direct channels with the subject (Libya) since the beginning of the negotiation process that led to the admission of Libya to the CWC in 2003.⁸¹ The OPCW was not a party in formulating the political deal between Qaddafi and the West that led to the Libyan commitment of December 2003. The process of declaring the components of the Libyan chemical weapons programme was mostly administered by American and British experts. The role of the OPCW officials, who were supposed to be responsible for helping the

⁷⁹ Kelle, 'International Relations, Assessing the Effectiveness of Security Regimes', pp.221-242.

⁸⁰ Edward L. Miles et al., *Confronting Theory with Evidence*, Cambridge: England: The MIT Press, 2002.

⁸¹ Tucker, 'The Rollback of Libya's chemical weapons programme', pp.367-370.

member state in this task according to the CWC, was far more marginal. Two visits by joint USA-UK intelligence teams took place without the participation of the OPCW before Libya submitted its initial declaration in February 2004.⁸²

The OPCW became involved in the verification process relatively late. The organisation dispatched its first technical team, consisting of verification and legal experts, as the Libyans finished drafting the initial declaration. The team arrived as the American and British experts were concluding the task with the Libyan officials.⁸³ Libya submitted its first declaration to the OPCW on February 20 2004, and its full declaration followed on March 5, 2004. A team of OPCW inspectors arrived in Libya at the end of February to help establishing the Libyan National Committee of the Chemical Weapons Convention and to inventory the declared chemical material after the initial inspection.⁸⁴

The OPCW continued to play a secondary role, which was even clearer between 2005 and 2010. It did not play a vital role in the two main operations in Libya, the conversion of the Rabta facility or the destruction of the category 1 precursor chemicals. The conversion of the Rabta facility to a pharmaceutical plant was put out to tender by the Libyan government, and was won by an Italian company named PharmaChem.⁸⁵ The Libyan regime put barriers in the way of both the Italian firm and the US, which insisted on supervising the conversion process.⁸⁶ The OPCW was granted limited access to the plant until real progress took place in the project in 2007,

⁸² Ibid.

⁸³ Ibid.

⁸⁴ The OPCW, 'Libya submits initial Chemical Weapons Declaration', 5 March 2004. <http://www.opcw.org/news/article/libya-submits-initial-chemical-weapons-declaration> (accessed 9 September 2012).

⁸⁵ Wikileaks, *Chemical weapons Convention (CWC): Conversion of the Rabta Chemical Weapons Production Facility* http://www.wikileaks.org/plusd/cables/08TRIPOLI466_a.html (accessed 15 August 2014).

⁸⁶ Wikileaks, *Libya Response: Follow up on Transparency Measures for the Annual Chemical Weapons Convention Conference*, 23 November 2009. <https://wikileaks.org/cable/2009/11/09TRIPOLI933.html> (accessed 10 October 2014).

under pressure from the American, British and Italian governments.⁸⁷ The conversion of the Rabta facility was turned into a political game for a regime with no interest in pharmaceutical production.⁸⁸ The process was partially accomplished by 2007, at which point the control room had been dismantled, the smokestack destroyed, the nose-cone assembly line dismantled, and the packaging room eliminated. However, by the end of 2009 the storehouse was still functioning, and there were no further destruction activity planned - or guarantees that the facility would not operate in the future.⁸⁹

The second operation that took place between 2005 and 2010 was the construction of a special destruction facility for the chemical materials stored in Ruwagha, 80 km from Rabta. Once again, the Libyans started with their dilatory tactics, beginning lengthy negotiations with the American administration and then with the Italian firm Spisa over the construction of the incinerator, leading to delays in the initiation of the process.⁹⁰ The destruction facility began operating under the supervision of the American, British, Italian and OPCW's inspectors only in October 2010, and broke down in February 2011. The eruption of the Libyan revolution in the same month delayed its operation until international inspectors managed to return to the site in November 2011. They stayed until the process of destroying the rest of the category 1 chemical materials was completed in January 2014.⁹¹

⁸⁷ Paiano, 'What Happened to Libya's Chemical Weapons Stockpiles? '

⁸⁸ Wikileaks, 'Chemical weapons Convention (CWC): Conversion of the Rabta Chemical Weapons Production Facility' http://www.wikileaks.org/plusd/cables/08TRIPOLI466_a.html (accessed 15 August 2014).

⁸⁹ Emanuele Paiano, 'What Happened to Libya's Chemical Weapons Stockpiles?'

⁹⁰ William Tobey, *Lessons Learned from Past Negotiations to Prevent Nuclear Proliferation*, Testimony before the Senate Foreign Relations Committee, 24 June 2015, p.5. http://www.foreign.senate.gov/imo/media/doc/062415_Tobey_TeStimony.pdf (accessed 15 March 2014).

⁹¹ The OPCW, 'Libya Completes Destruction of Its Category 1 Chemical Weapons', 4 February 2014. <https://www.opcw.org/news/article/libya-completes-destruction-of-its-category-1-chemical-weapons> (accessed 5 May 2014).

The American administration kept its leading role in the Libyan case after Qaddafi's death. The process of dismantling the rest of the Libyan chemical stockpile, including the new discoveries of November 2011, was run basically using the financial and technical support of the American administration and other Western powers. The American administration played a dominant role in the process of dismantling the rest of the 850 MT of category 2 precursor chemicals which still existed in Libya at the end of 2014, and which are planned to be completely destroyed by December 2016. This situation resulted in criticism from the other major powers, such as Russia which demanded in September 2014 that the USA clarify details regarding the remaining chemical weapons in Libya and their destruction.⁹²

According to this analysis, the Libyan case revealed the strong effect of the counterfactual variable - the USA and its allies - over the subject of the analysis - Libya. The OPCW's role in the process was secondary, and its role in Libya was therefore dependent on developments in the American-Libyan relationships. The OPCW had less access and fewer responsibilities when relations were tense, as they were between 2005 and 2010. Meanwhile it was able to execute its role as a verification body second to the American-led technical inspection during periods when relations between the USA and Libya were progressing, as they were in the first months of 2004 and the last months of 2010. Ralph Trapp commented on this, saying:

“Of course, any multilateral system (the treaty regime as well as institutional setting) has both strengths and weaknesses, both of which will become more exposed in circumstances not specifically foreseen when the regime was negotiated. Libya (similarly to the implementation of the CWC in Syria, Iraq and certain other countries) has underlined the criticality of political cohesion within the organisation, of the willingness to address and resolve implementation problems rather than postpone solutions and decisions and the need to adapt procedures and methods of work to the

⁹² ‘Russia demands truth about Libyan chemical weapons’, *Libya Herald*, 27 September 2014. <http://www.libyaherald.com/2014/09/27/russia-demands-truth-about-libyan-chemical-weapons> (accessed 20 June 2016).

specific circumstances of a given country/situation.”⁹³

The analysis also leads to the conclusion that the regime did not function properly according to its Convention in Libya. Clearly, the dominant role of the USA meant that the OPCW did not execute its main task: “To achieve the object and purpose of this Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it.”⁹⁴ The OPCW had a minor role in drafting Libya’s initial declaration, although there were technical suspicions about its completeness given the evasive manoeuvres and tactics which had been used by Qaddafi for decades to preserve his ideological stands.

Nevertheless, the main weakness in the application of the CWC regime over Libya was the non-use of its most important supervisory tool: the challenge inspection. This allowed the organisation, at the recommendation of any of its members, to inspect any site at any time without prior notification. Joyner explained that: “There were political and practical reasons behind the non-use of such tools.”⁹⁵ However, the success of the regime in a case as threatening as Libya depended heavily on the use of this tool. The challenge inspection was much needed from 2005 to 2010 when Qaddafi’s regime proved its non-commitment. According to Bahgat, “The use of such a verification tool was necessary to ensure the complete discovery and the full destruction of all the Libyan chemical precursors, materials and equipment that can be used for any purpose prohibited by the CWC.”⁹⁶

⁹³ Ralph Trapp, interviewed by Mohamed Elmahdi.

⁹⁴ The CWC, Article VIII, p.20.

⁹⁵ Daniel Joyner, interviewed by Mohamed Elmahdi.

⁹⁶ Gawdat Bahgat, interviewed by Mohamed Elmahdi.

Conclusion

The process of destroying Libya's chemical weapons started in 2004 under certain international and regional conditions that convinced Qaddafi towards collaborating with the international community. Since this time, the process has been significantly affected by internal and external factors that have made it a unique experience for the OPCW, the legal arm of the Regime for the Prohibition of Chemical Weapons.

Although the Libyan initial declaration demonstrated that Qaddafi's chemical weapons programme was far smaller and less developed than expected, the process of destruction ended up taking more than a decade and encountered many difficulties. The desire of Qaddafi's regime to pressure the USA and the West by offering to relinquish its chemical weapons programme in order to gain as many political and economic benefits as possible largely explains the slowness of the process during Qaddafi's rule, while the political instability and the collapse of security in post-Qaddafi Libya complicated the destruction of Libya's chemical weapons after 2011. Qaddafi's manoeuvres and tactics were met by a high and unprecedented level of tolerance from the OPCW and the major international powers which feared Qaddafi would slow down or halt the process completely. The dismantlement process also demonstrated the dominant role of the USA and its Western allies in both the verification and the destruction operations, leaving the OPCW, the responsible entity in this process, to adopt a dependent and secondary role.

Regime Theorists have yet to agree on a single method for the assessment of an international regime, so this study examined several classical approaches to assessment. Both the 'goal approach' and the 'constituency approach' lead to the conclusion that the regime largely succeeded in executing its role in Libya, as the process achieved most of its goals with a high level of satisfaction by the members of

the regime. However, implementing a third and more developed method called the ‘internal process approach’ leads to a different conclusion. The comparison between what should have been done by the OPCW and what actually took place on the ground in Libya between 2003 and 2014 uncovers a wide gap. The OPCW did not use all its supervisory tools, and was not the leader at any point of the international efforts to free Libya from its chemical weapons stockpile. Leadership of the process was thus left to a much more powerful member, the USA.

This thesis implemented a multidimensional method that combined all the previous approaches (examining the level of achievement of the final goal, the level of satisfaction of the members, and the application of the internal process of the regime). The assessment separated the external variables that affected the application of the regime -which was basically the role of the USA in the process - from the genuine elements of the regime (the CWC, the OPCW, the set of rules and obligations). Sorting out the factors and examining their effects led to a negative assessment of the application of the regime for the Prohibition of Chemical Weapons in Libya. This is because the major achievements in the process were driven by the USA and its allies, while the OPCW was a secondary co-player with less influence over the results.

Conclusion

In order to tackle the main research question of the thesis: How successful was the regime of the Chemical Weapons Convention (CWC) in dismantling the Libyan chemical weapons programme between 2003 and the end of 2014? It was important to follow and analyse the role of the Organisation for the Prohibition of Chemical Weapons (OPCW) in Libya. It was clear that the pressures of the OPCW were not a significant motive to convince Qaddafi to join the CWC. Following the OPCW role in Libya since 2004 led to a conclusion that the international organization did not play the main role in dismantling the Libyan chemical arsenal neither during Qaddafi's era nor after his death. The conclusion of the thesis is that the regime of the CWC did not succeed fully in Libya from 2003 to 2014 because of the American manipulation of the process of dismantling the Libyan chemical weapons programme. The thesis reached this conclusion by answering the three main secondary research questions, which are:

Firstly, how did the regime for the Prohibition of Chemical Weapons apply in the Libyan case? Following and analysing the work of the OPCW in Libya thoroughly and independently from the role of the United States of America (USA) and the other major powers since 2004 led to the conclusion that the international organisation did not succeed in applying the regime of the CWC in Libya. This was mainly due to American interference in the OPCW's functions. It was clear from the beginning that the admission of Libya to the CWC in 2004 was not due to the OPCW's pressures, but was due to a trilateral deal between Qaddafi from one side and the USA and the UK from the other side. It should also be clear that the process of dismantling Libya's chemical weapons programme started practically in January 2004 without the

participation of the OPCW, and even when the OPCW started to be present in Libya since March 2004, the American and the British experts were always in the lead of the process.

The thesis has also demonstrated that between 2004 and 2011, Qaddafi's regime was only eager to cooperate in the dismantlement process when Tripoli's relations with Washington were ameliorating, while the process was stagnant during times of tension between Qaddafi and the Americans. Finally, the thesis highlighted the key role of the USA in dismantling Libya's chemical weapons programme after Qaddafi's death in October 2011, and the indispensability of the American role to completing the dismantlement process of the Libyan chemical weapon after 2014 (the end date of this research). Secondly, why did Libya represent a threat to the CWC regime? The aggressive ideological motives behind Qaddafi's pursuit of WMD since the 1980s raised serious regional and international concerns regarding the possible use of such arms in external aggression or in acts of terrorism. These concerns were also apparent post-Qaddafi, as Libya sank into a state of anarchy, raising concerns about the possibility of militants gaining control over the remaining components of Qaddafi's chemical weapons. The Libyan chemical weapons programme was indeed a threat and a challenge to the CWC regime until the end of 2014. Thirdly, what role did the USA play in the Libyan Chemical Non-Proliferation case? Analysing and assessing the process of freeing Libya from its chemical weapons arsenal revealed the crucial importance of the American policies towards Libya over the process. The admission of Libya to the CWC and its executive arm the OPCW was a concession that Qaddafi should offer as part of the deal with the American and British governments in 2003. Washington dominated the process of dismantling Libya's chemical weapons after 2003, leaving the OPCW very little space in which to execute its duties.

The Chemical Weapons Convention (CWC) came into existence as the result of a long series of international interactions to control the use of chemical weapons in war, a series of steps that started on the international level with the Hague regulations in 1899.¹ The CWC succeeded in creating one of the most solid and comprehensive arms control regimes to exist today. It was in many ways a culmination of lessons learned from the Geneva Protocol of 1925, as well as the experiences of the international community in both nuclear and biological non-proliferation regimes.² The CWC had clearly determined the final goal of the regime as well as the methods to be used to achieve this goal, and it formed the other two elements of the regime: the Organisation of Prohibition of Chemical Weapons (OPCW) and the set of commitments made by each state party in the regime.³

However, this strong disarmament regime had not succeeded in ending the Libyan chemical weapons programme even a decade after Qaddafi's admission to the CWC in 2003. However, this situation does not simply reflect a weakness in the relevant provisions of the CWC, or suggest that the OPCW lacks supervisory tools. Rather it indicates a malfunction in the application of the regime for reasons beyond its control. In particular, the ability of Qaddafi's regime to gain time and benefits from one side, and the dominance of the United States of America (USA) and the other Western powers over the case from the other side. As Ralph Trapp explained:

“The tools that the OPCW has are those established by the CWC. Those tools include (with regard to a possible violation of the Convention by development of CW) mechanisms for investigation and fact-finding of suspected cases of non-compliance (Article IX), consultative mechanisms to address such concerns and persuade non-compliant countries to change their behaviour and re-establish compliance (Article VIII), and mechanisms to impose sanctions against non-compliant States Parties either directly under

¹ I. Detter, *The Law of War*, Cambridge University Press, 2nd edition, 2000, pp.251-259.

² Guido den Dekker, *Law of Arms Control: International Supervision and Enforcement*, pp.219-228.

³ Daniel Joyner, *The Chemical and Biological Weapons Non-Proliferation Regimes*, Oxford: Oxford University Press, 2009, p.101.

the OPCW authority or through the UN Security Council (UNSC) or the UN General Assembly (UNGA) – (Article XII). What one needs to understand, firstly, is that the OPCW is not simply the Technical Secretariat or the OPCW Executive Council, but collectively all its States Parties. So these tools will only be effective if the States Parties can agree they actually want to use them.”⁴

However, lessons can be extracted from the Libyan case. Daniel Joyner, an American International Law expert, has noted:

“The Libyan case reveals the need to revise and enhance not only the existing Regime for the Prohibition of Chemical Weapons, in particular the OPCW supervisory tools which lay in the core of it, but also the need to revise the roles and powers of the international organisations in the international system. As a case study, Libya reveals many of the challenges, difficulties, and limits of action that face the existing Regime for the Prohibition of Chemical Weapons. The OPCW’s experience in Libya provides many lessons as to how the application of CWC regime and the role of international organisations in world disarmament efforts could be improved and developed.”⁵

In the same text, William Tobey, a senior American official in non-proliferation issues, stated that:

“The case of Libya offers important lessons: the importance of demonstrating a strategic decision to eliminate proliferation programs, as opposed to a transactional deal to delay or limit them; the cumulative effects of multiple counter-proliferation tools; and, unfortunately, the unintended consequences of later policy that removed the Libyan government.”⁶

The OPCW did not fully succeed in its mission in Libya. The task of dismantling the Libyan chemical weapons programme proved so difficult due to the behaviour of Libya along with the reactions of the USA. The OPCW was unable to apply such strict provisions, such as challenge inspection, primarily due to the dominance of the USA over the organs of the OPCW and the interactions inside it.⁷ Michael Luhan, a former speaker of the OPCW commented on this, as saying:

⁴ Ralph Trapp, 9 May to 17 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁵ Daniel Joyner, 4 May to 13 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁶ William Tobey, 30 April to 16 May 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁷ Bob Rigg, 'International Law or US Hegemony: From Chemical Weapons to Iraq', *Dissident Voice*, January 17, 2003. <http://www.dissidentvoice.org/Articles/Rigg.htm> (accessed 7 October 2014).

“The OPCW has no authority to apply sanctions on States Parties that do not meet their obligations under the CWC, but rather depends on continuous diplomatic engagement and pressure. But its experience has shown that these work; sometimes, as with Libya, it can take some time.”⁸

Regime Theory perceives the international system as a composition of state actors; each has a different amount of power, the major states are the major actors, and the structure of international politics is defined in terms of the real distribution of power.⁹

Accordingly, states are distinct from each other due to the capabilities they possess and which can be employed to pursue their interests.¹⁰ Joyner commented on this:

“All arms control monitoring bodies have limited mandates of authority. The OPCW, much like the IAEA, essentially depends on the cooperation of the monitored state to make a full and accurate declaration of subject materials. In theory, challenge inspections can be made, but that has not yet occurred. So, the answer with every monitoring body is no, they do not have the power to stop determined states from violating their legal obligations. Monitoring activities can give greater or lesser confidence to other states about good faith compliance, but monitoring bodies like the OPCW do not have the authority or capability to stop determined states from violating their treaty obligations.”¹¹

International actors establish regimes to enhance the benefits they gain from the contractual and collective consensus of its individual members over certain objectives.¹² However, once a regime is established, it should become an independent individual unit and not simply the weighted calculation of the capabilities of its individual members. Moreover, once a regime is established it should be authorized to affect the behaviour of its members and to boost international cooperation among

⁸ Michael Luhan, 18 May to 21 June 2016, interviewed by Mohamed Elmahdi (e-mail exchange).

⁹ Thomas Gehring, ‘Dynamic International Regimes, Institutions for International Environmental Governance’, *Studies of the Environmental Law Network International*, Volume 5, Berlin, Freie Universität, 1992, p.23.

¹⁰ Kenneth N. Waltz, *Theory of International Politics*, Berkeley: University of California, Berkeley, 1979, pp.88-98.

¹¹ Daniel Joyner, interviewed by Mohamed Elmahdi.

¹² Stephen D. Krasner, ‘Regimes and the Limits of Realism: Regimes as Autonomous Variables’, *International Organisation* Volume 36, Number 2, spring 1982, p.499.

them to achieve its objectives.¹³ According to the theory, the USA as the only superpower in the international system that has unrivalled political power inside any regime, including chemical weapons prevention. This is despite the fact that theoretically the CWC stated that all the states parties in the convention have equal responsibilities and privileges, including voting powers and the ability to call for challenge inspections within the territory of another state party.¹⁴

The Libyan case revealed the dominant role of the USA at all stages of the creation and the roll-back of the Libyan chemical weapons programme. Qaddafi started his chemical weapons programme in 1980 under the pretext of defending Libya from American imperialism and to face Washington's unlimited support for Israel.¹⁵ According to Ambassador Graham, "The American economic and military pressures were strongly behind Qaddafi's decision to renounce Libya's programmes of weapons of mass destruction (WMD)."¹⁶ The USA played a major role in each and every step of the rollback process, from the initiation of the secret trilateral negotiations in 2003 (between Libya, the USA and the UK), and through the dismantlement process during Qaddafi's reign and after his demise. The OPCW stated clearly in 2015 that the American role is essential to continuing the process of dismantling the remaining category 2 precursor chemicals in Libya.¹⁷

Finally, the OPCW admitted the need to change its mandate and update its tools to deal with new challenges in its medium-term plan for 2015-2019. This stated:

¹³ Gehring, *Dynamic International Regimes*, pp.26-29.

¹⁴ The CWC, Article I, p.3.

¹⁵ Gawdat Bahgat, 'Proliferation of Weapons of Mass Destruction: The case of Libya', *International Relations*, March 2008 Volume 22, number 1, pp.105-126.

¹⁶ Thomas Graham Jr., 22 June 2016, interviewed by Mohamed Elmahdi (by telephone).

¹⁷ The OPCW, 'Libya Completes Destruction of Its Category 1 Chemical Weapons', 4 February 2014. <http://www.opcw.org/news/article/libya-completes-destruction-of-its-category-1-chemical-weapons> (accessed 5 May 2014).

“Increasing the resilience and adaptive capacity of the Organisation is necessary, in particular in this time of rapid change, while preserving all core capabilities and capacities for chemical disarmament and verification. The Third Review Conference recognised that “new challenges related to the Convention continue to arise and that its implementation may need to be improved to continue to achieve the object and purpose of the Convention and to stay abreast of developments in science and technology. During the Third Review Conference, States Parties also expressed their intention to continue providing the Organisation with the support that it requires in order dealing more effectively with future opportunities and challenges. Both anticipated changes and unforeseen challenges, such as the short-notice verification requirement of a chemical weapons destruction programme, demonstrate the need for the right tools and processes, and flexibility in problem solving. Such flexibility is required for capacity development, which has to be tailored to recipients’ needs and, to a large extent, is demand-driven. New insights provided by the assessment of developments in science and technology will be crucial. Sufficient adaptive capacity will allow the Organisation to continue operations without a negative impact on on-going core functions.”¹⁸

Hence, the Libyan case suggests important lessons that could help to improve the efficiency of the Regime of the Prohibition of Chemical Weapons. First, to achieve the goals of the CWC, the USA should seek policies that involve and empower the OPCW to deal with non-abiding states. Second, confrontation and coercive policies do not guarantee success in the field of WMD disarmament. Rather, inclusion and reward policies are necessary in order to persuade states of the benefits of cooperation. Finally, the OPCW needs to devise new tools to deal with likely future challenges – in particular, the threat of chemical weapons proliferation by sub-state actors, such as transnational organised crime networks and terrorist groups.

¹⁸ The OPCW Executive Council Seventy-Seventh Session, *Note by the Technical Secretariat: Medium Term Plan for the Period 2015 to 2019*, EC-77/S/1, 7–10 October 2014, C-19/S/1, 23 April 2014. See also: The OPCW Conference of the States Parties, *Report of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention*, 9 April 2013.

Appendix A

Interview by e-mail

Correspondence between Mohamed Elmahdi and Ralph Trapp (May 9, 2016 to July 30, 2016)

Mon 09/05/2016, 01:57

Dear Dr. Trapp,

I am an Egyptian diplomat and a PhD student at the University of Leicester - UK. The subject of my thesis is about the Libyan chemical weapons program. I have already finished the first complete draft of the thesis, and I am seeking now to extend my analysis on certain aspects, and I would appreciate your assistance as a main expert in this issue.

I would highly appreciate if I can ask you some questions in relation to my thesis (can be by e-mail or any other convenient means) to strengthen some academic aspects, especially about the OPCW's policies toward the Libyan CW program.

I am looking forward to get your reply and thank you in advance.

Yours,
Mohamed Elmahdi

Reply

Mon 09/05/2016, 08:23

Dear Mr. Elmahdi,

Please feel free to send me your questions by E-mail and I will be happy to send you my comments the same way.

I was not personally involved in the Libya project when I was at the OPCW, but I should be able to provide you with some insight and explanation or at the least identify certain individuals who may be able to help you further.

Best wishes with your thesis!

Ralf Trapp

Sat 14/05/2016, 16:00

Dear Dr. Trapp,

Thank you very much for your prompt reply. I have a long list of questions, some of them are about specific information and others are general and analytic. I will be as precise as much as I can. Please feel free to answer or skip any question you like, as your participation will enrich my research in a very positive way, putting in consideration your wide experience. Here are my main questions:

1. Do you think that Libya represented at any point of time a threat to the regime of the chemical weapons prohibition? To which extent?
2. Is the OPCW with its current tools able at stopping Qaddafi from developing chemical weapons?
3. Are you optimistic about the possibility to free Libya from all chemical weapons under the current conditions of Libya?
4. To which extent were the Reagan administration policies toward Qaddafi behind Libya's development of chemical weapons?
5. Do you have any information about the structure of the Libyan chemical weapons authority during Qaddafi? How the program started technically? Who was behind it? How administered the program under Qaddafi? To which extent was Qaddafi - and his sons- involved in the development of the program?
6. To which extent the European and Asian companies helping building the program (Especially German at Rabta facility)? Was the US or any of its allies aware of these activities?
7. Did Libya succeed in developing –obtaining- nerves Gas? To which extent its nerves program develop?
8. Was Rabta facility ready for producing CW when OPCW inspectors arrived to Libya in 2004?
9. Did Libya manage to produce chemical weapons under Qaddafi? Or were it all imported?
10. To which extent Sebha and Tarahuna facilities were developed by the end of 2003? Were they productive at that time?
11. Was the CW stock that Qaddafi declares in 2003 less or more than the expectation of the OPCW?
12. Was there any specific effort or contacts from the OPCW to encourage Libya to join the CWC before 2003? What were they?
13. How do you evaluate the following developments over the Libyan decision: The collapse of the Soviet Union? Madrid Peace process? September 11? The American invasion of Iraq in 2003?
14. How do you evaluate George Bush father, Clinton' and George W. Bush administrations toward Libya's CW?
15. Did the Libyan case represent a success for the Coercive Diplomacy in issues of

the Non-proliferation of Chemical Weapons?

16. Can Libya –with all its particularity- be a model of non-proliferation, why?
17. Was the OPCW a significant factor in the Libyan decision to roll back in 2003? To which extent?
18. Why did building the destruction facility in Rabta take too much time (Negotiation with the US from 2004 to 2009 then with SPISA)? Was Qaddafi manoeuvring to buy time? Or was there real technical, legal and financial difficulties?
19. When did the conversion of Rabta facility to a pharmaceutical unit concluded? What were the difficulties in front of this?
20. Was the OPCW too flexible with Libya, or was it dealing with the developments in realistic way?
21. What were the main difficulties in front of the OPCW resumption in Libya after Qaddafi?
22. How do you assess the American role in Libya CW dismantlement process? Was it destructive or productive? Why?
23. Do you think that the American role overshadowed the OPCW in Libya?
24. How do you evaluate the role of Germany and Italy (governments and companies) in the Libyan chemical issue?
25. Do you think that Obama administration dealt correctly with the Libyan chemical weapons issue? Was Obama referring to the CW issue as a part of his mistake in Libyan his last speech?
26. Do you think that Libya was a success story for the OPCW? Why?
27. Is the OPCW optimistic about freeing Libya from all chemical weapons by 2016? Are there any discussions to prolong this deadline?
28. Are there any lessons from the Libyan case? Does it show the weak points of the OPCW regime? Why?
29. Do you believe that militants in Libya can obtain new chemical weapons from abroad? May they use these arms at the conflict?

I know that it is a very long list of questions, but I will be sincerely grateful for the answers/comments.

Yours,
Mohamed

Fri 17/06/2016, 09:02

Answers for Mohamed Elmahdi.docx

227 KB

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Dear Mr. Elmahdi,

Attached with my apologies for the delay please find my responses to our questions (or rather, to most of them). I hope they are useful.

Best wishes with your thesis!

Ralf Trapp

Answers for Mohamed Elmahdi

1. Do you think that Libya represented at any point of time a threat to the regime of the chemical weapons prohibition? To which extent?

Before Libya joined the CWC, it did indeed raise concerns with regard to the global norm against chemical weapons. Two aspects were most important:

Firstly, any country that remains outside the CWC *and* possesses a chemical weapons programme is a challenge to the norm represented by the CWC, which aims at a global, comprehensive and lasting ban of chemical weapons acquisition, possession and use. This is fundamentally different from traditional treaty regimes in the area of armed conflict or non-proliferation, which aim at reducing the impact of the weapons, controlling their development and use, preventing their spread etc.; With the CWC, we have a global disarmament regime and it will only be sustainable if all possessors (and eventually all countries) join the treaty. This is also why today, there remain concerns in particular with countries that are known or suspected to possess CW and have not yet joined (examples North Korea, and as far as past programmes are concerned Egypt and Israel).

Secondly, the nexus of chemical weapons and terrorism always raised particular concerns, and Libya was undoubtedly associated with / supporting certain terrorist organisations.

2. Is the OPCW with its current tools able at stopping Qaddafi from developing chemical weapons?

Qaddafi is no longer around so I suppose this question is about whether the OPCW, today, can stop determined countries from developing CW?

The tools that the OPCW has are those established by the Chemical Weapons Convention. Those tools include (with regard to a possible violation of the Convention by development of CW) mechanisms for investigation and fact-finding of suspected cases of non-compliance (Article IX), consultative mechanisms to address such concerns and persuade non-compliant countries to change their behaviour and re-establish compliance (Article VIII), and mechanisms to impose sanctions against non-compliant States Parties either directly under the OPCW authority or through the UN Security Council or the UN General Assembly – (Article XII).

What one needs to understand, firstly, is that the OPCW is not simply the Technical Secretariat or the OPCW Executive Council, but collectively all its States Parties. So these tools will only be as effective as the States Parties can agree they actually want to use them. The CW disarmament of Syria has shown that when such unity of purpose exists among CWC States Parties, the OPCW (and its technical arm, the Technical Secretariat) can be quite effective.

However, there are several issues that can (and have in the past) undermined the ability of the OPCW to use these tools: (a) it's reliance (as many international organisations prefer these days) on the consensus rule which means that in compliance situations, decisions are not taken swiftly and energetically unless all States Parties participating in the discussions and decision making agree to a proposed action; and (b) the reluctance of States themselves to use some of the more confrontational tools (such as challenge inspection), including because they fear repercussions in policy areas outside the CWC realm; as a result of such political inhibitions, for example, no challenge inspection has ever been requested under the CWC.

So in the end, it boils down to political will and cohesion among States, and leadership by the countries with the greatest interest in an issue and influence on the actors concerned.

When it comes to States not party of the CWC, the OPCW has no tools that can be directly applied to stop such countries from any activity related to CW, other than persuasion and dialogue. There are of course only 4 such States left today.

3. Are you optimistic about the possibility to free Libya from all chemical weapons under the current conditions of Libya?

The example of Syria has shown that with political cohesion and will, eliminating a State chemical weapons programme can be achieved even under the most complicated political and security conditions. I am not overly optimistic that things will be sorted out quickly in Libya, but there are policy and technical options that could be employed to get rid of the remaining CW stocks in Libya fairly quickly. It would take political determination and a bit of innovative thinking on the part of all countries and parties involved.

4. To which extent were the Reagan administration policies toward Qaddafi behind

Libya's development of chemical weapons?

I have no first-hand information about the motivations of the Libyan regime at the time for opening its CW programme. However, you may find some interesting comments in the following publication:

5. Do you have any information about the structure of the Libyan chemical weapons authority during Qaddafi? How the program started technically? Who was behind it? How administered the program under Qaddafi? To which extent was Qaddafi - and his sons - involved in the development of the program?

I am afraid I don't.

6. To which extent the European and Asian companies helping building the program (Especially German at Rabta facility)? Was the US or any of its allies aware of these activities?

There were German court cases about exports by German companies during the 1980ies to Libya in support of the construction of the Rabta facility. I simply had no time to go through my files to check the details and see what was known when and to what extent, by external actors (US etc.). However, after the Australia Group was established to control exports of dual use goods that could be diverted for CB programmes (and subsequently with regard to other dual use goods), the AG has been used by the countries participating in it to share intelligence about proliferation risks as well as actual transactions of concern, and there were also bilateral exchanges of information (both with regard to specific countries and transactions/ brokers/ materials).

7. Did Libya succeed in developing –obtaining- nerves Gas? To which extent its nerves program develop?

My understanding is that Libya had managed to manufacture small amounts of nerve agent, I presume as part of advanced research and development activities. I am not aware of any sizeable nerve agent stockpile manufactured by Libya. One could nevertheless conclude that the nexus with terrorism created a situation where even small amounts of nerve agent would have been of major concern.

8. Was Rabta facility ready for producing CW when OPCW inspectors arrived to Libya in 2004?

I have no first-hand information on this matter.

9. Did Libya manage to produce chemical weapons under Qaddafi? Or were it all imported?

Libya did declare a CW stockpile as well as CW production facilities when it joined the CWC so consequently it had managed to manufacture certain amounts of chemical weapons. I have no details regarding the Libyan declaration.

10. To which extent Sebha and Tarahuna facilities were developed by the end of 2003? were they productive at that time?

I have no information on this matter.

11. Was the CW stock that Qaddafi declare in 2003 less or more than the expectation of the OPCW?

The OPCW has no *a priori* expectations about what and how much a State Party may declare (individual States Parties may have their own intelligence estimates that they use in their own assessments, but these are not shared with the OPCW). If there are questions regarding a declaration, these will be discussed by the OPCW Technical Secretariat after a State has become party of the CWC and thus member of the OPCW, and resolved in a collaborative manner. For States that decide to join the CWC, there also is the option to invite technical assistance from the OPCW including with regard to preparing their initial declaration and setting up their national implementation mechanisms – this was indeed used by Libya and the OPCW had teams in Libya when the country joined the Convention, to help with the early implementation steps.

12. Was there any specific effort or contacts from the OPCW to encourage Libya to join the CWC before 2003? What were they?

There have been systematic efforts by the OPCW ever since the entry into force of the CWC (and even before that by the CWC PrepCom) to contact States not party (in New York alongside sessions of the 1st Committee of the UNGA, in Geneva as seat of the Conference on Disarmament, during regional meetings organised by the OPCW and on other occasions) to encourage them to join the CWC. These activities are regularly reported by the DG to the annual session of the Conference of the States Parties (available on the OPCW website under documents: Conference of the States Parties).

13. How do you evaluate the following developments over the Libyan decision: The collapse of the Soviet Union? Madrid Peace process? September 11? The American invasion of Iraq in 2003?

Each of these a study in its own right, no time to comment properly on this.

14. How do you evaluate George Bush father, Clinton' and George W. Bush administrations toward Libya's CW?

No comment

15. Did the Libyan case represent a success for the Coercive Diplomacy in issues of the Non-proliferation of Chemical Weapons?

I am not sure I would call Libya's CWC accession *itself* an example for coercive non-proliferation diplomacy (whilst Syria's accession surely was) – in fact the accession by Libya to the CWC, as far as I am aware of, was very much an internal decision of Qaddafi regime to help to reintegrate the country into the international system. Pressure by the international community had created political isolation and economic hardship for Libya, but I would argue this was coercion in a broader sense and not specifically aimed at specific non-proliferation objectives (although they were of course part of it). The US and UK did play key roles in engineering the conditions to facilitate this reintegration (including with regard to acceding to the CWC), and there may have been coercive diplomatic steps involved, but I would argue it was a range of political, strategic, economic and diplomatic factors that persuaded Qaddafi to drop his CW programme and the actual accession process was cooperative rather than coercive.

16. Can Libya –with all its particularity- be a model of non-proliferation, why?

I would argue that the notion of a model is somewhat misleading. There are aspects of the processes involved in Libya's accession and subsequent actions in the OPCW that may be relevant also in other cases (such as: the need for quiet diplomacy by States that have particular interest and influence to help establishing the conditions for a State to give up its CW programme and join the regime; the need to understand the particular circumstances of a country/programme/strategic context and regional/national conditions to come up with an implementation approach that actually works; the risks of internal instability when stockpiles and/or capabilities are still in existence; the possibility that States may attempt to retain certain capabilities as a sort of "insurance policy" and hence the need to apply and improve the political, consultative and verification instruments of the CWC designed to resolve any non-compliance issues).

I would also wish to emphasise that this was not about non-proliferation in the traditional sense, but about disarmament (the elimination of a CW programme and subsequently the establishment of legal and other measures to prevent that a new CW programme might be opened in the future).

17. Was the OPCW a significant factor in the Libyan decision to roll back in

2003? To which extent?

I have no first-hand knowledge of the different factors that influenced the Libyan decision to give up their CW programme so any comment on the internal decision making processes in Libya at the time would be speculative.

I should point out, however, that one key argument that the OPCW has always made vis-à-vis States not party has been that they would be better off inside the OPCW than outside, that as an international organisation the OPCW would offer them mechanisms and a political and procedural framework that would to a degree protect them from unfounded accusations, that the mechanisms of the CWC to clarify issues and concerns including about compliance can be used effectively to address any such issues – these mechanisms obviously are only available to the parties; and that the alternative – specifically action through the Security Council – may at times be more difficult to manage and succeed.

18. Why did building the destruction facility in Rabta take too much time (Negotiation with the US from 2004 to 2009 then with SPISA) ? Was Qaddafi manoeuvring to buy time? Or was there real technical, legal and financial difficulties?

I have no first-hand information on the reasons for these delays.

19. When did the conversion of Rabta facility to a pharmaceutical unit concluded? What was the difficulties in front of this?

Please check the relevant reports and decisions of the OPCW on the matter; note that delays in conversion of former CWPFs have occurred in almost every country that had requested such conversion; in the Libyan case an additional factor was the need to amend the Convention (the original provisions on conversion in the Verification Annex would not have allowed the conversion of Rabta without such a change).

20. Was the OPCW too flexible with Libya, or was it dealing with the developments in realistic way?

My understanding is that the OPCW was trying to apply the CWC provisions as best it could under the specific circumstances of Libya, including with regard to the CWC amendment about conversion (which I am convinced was justified on a number of legal and policy considerations), the uncertainties about Libya's declaration / the non-declaration of part of the stockpile, and the conditions that resulted from the Arab spring and the subsequent fragmentation of the political and security situation in the country.

21. What were the main difficulties in front of the OPCW in Libya after Qaddafi?

The politics of dealing with a non-declaration of part of a CW stockpile (a case of non-compliance), and the uncertainties in Libya about the country's ability to meet its responsibilities with regard to destruction/conversion obligations and facilitating international verification thereof, given the political fragmentation and deteriorating security situation.

22. How do you assess the American role in Libya CW dismantlement process? Was it destructive or productive? Why?

As in other cases where there was a bilateral dimension as well as the international dimension at the level of the OPCW, the role of the bilateral partners can both help (certainly at the level of policy making and making practical arrangements for technical support) and complicate things (given that the standards applied by the bilateral partners are not always the same as those used by the OPCW for verification purposes). I have no details about how this played out in Libya.

23. Do you think that the American role overshadowed the OPCW in Libya?

No

24. How do you evaluate the role of Germany and Italy (governments and companies) in the Libyan chemical issue?

I presume you mean the processes after Libya's accession? I have no first-hand knowledge on what exactly was discussed or arranged.

25. Do you think that Obama administration dealt correctly with the Libyan chemical weapons issue? Was Obama referring to the CW issue as a part of his mistake in Libya his last speech?

Not sure which speech you refer to but in any case I would not wish to comment in general on whether or not the US administration dealt "correctly" with an issue.

26. Do you think that Libya was a success story for the OPCW? Why?

It's accession and the initial phase of declaration, technical assistance by the OPCW, verification and preparing for destruction, the setting up a functioning National Authority etc. were clearly successes, albeit qualified by the fact that Libya did not submit a full declaration; when the undeclared part of the stockpile was finally declared, the mechanisms available to the OPCW were used as intended by the CWC.

27. Is the OPCW optimistic about freeing Libya from all chemical weapons by 2016? Is there any discussions to prolong this deadline?

I cannot speak for the OPCW and have no detailed information about whether the 2016 deadline will be met.

28. Are there any lessons from the Libyan case? Does it show the weak points of the OPCW regime? Why?

There are many lessons, and I am looking forward to your study identifying and discussing them in some detail.

Of course, any multilateral system (the treaty regime as well as institutional setting) has both strengths and weaknesses, both of which will become more exposed when circumstances had not been specifically foreseen when the regime was negotiated. Libya (similarly to the implementation of the CWC in Syria, Iraq and certain other countries) has underlined the criticality of political cohesion within the organisation, of the willingness to address and resolve implementation problems rather than postpone solutions and decisions, and the need to adapt procedures and methods of work to the specific circumstances of a given country/situation. By and large, I would argue that this did work well in Libya.

29. Do you believe that militants in Libya can obtain new chemical weapons from abroad? may they use these arms at the conflict?

Unless there remain remnants of actual chemical weapons from the Egyptian stockpile (or anything that was not declared by Syria or may still be left behind in Iraq), the likelihood that militants in Libya could acquire actual (military-style) chemical weapons from abroad is low. I have no details on whether anything of the former Egyptian stockpile still remains, and as for Syria and Iraq I feel confident that there are no useable military-grade CW left to divert to terrorist organisations.

I would however not want to exclude the possibility that militants associated with Daesh, for example, may acquire a capability to produce and use improvised CW (and “import” knowledge and materials from abroad to that end) – indications from Iraq and Syria are that Daesh is indeed working on a CW production capacity of its own, and some of the improvised weapons used to disseminate chlorine and mustard agent have been fairly effective under the circumstances of their use. The risk that such knowledge and even weapons or material be passed on to militant in Libya does indeed exist.

Sat 18/06/2016, 03:59

Dear Dr. Trapp,

I can't thank you enough for your valuable help and time. I really appreciate your reply and the extension of analysis in your answers. I will definitely show my gratitude to you in the preface of the thesis.

Thank you once more.

Yours,
Mohamed

Sun 30/07/2017, 03:04

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16 KB

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Dear Dr. Trapp,

My name is Mohamed Elmahdi. I am a PhD student at the university of Leicester, and I had an interview with you last year by e-mail exchange (please find below our previous communication).

I had my Viva on June 2017, and my examiners asked me to provide the post-graduate office with consent forms for all my interviews as a requirement to get the degree.

Would you please take a couple of minutes to fill in the attached form and send it back to me? I will really appreciate that.

My best regards,

Yours,
Mohamed

CONSENT FORM

Research title: “The Chemical Weapons Convention and Libya: An Analysis of the Application of the Organisation for the Prohibition of Chemical Weapons between 2003 and 2014”

By: Mohammed H. Elmahdi

**A thesis submitted to the University of Leicester for the degree of
DOCTOR OF PHILOSOPHY**

I agree to take part in the study by being interviewed by e-mail exchange. I understand that my words may be quoted in publications, reports, web pages, and other research outputs.

Name of interviewee.....

Signature

Date

contact details for further information: mhael@le.ac.uk

Reply

Sun 30/07, 10:57

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Trapp.pdf
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Dear Mohamed,

Attached a scan of the signed form.

Best,

Ralf Trapp

Dr. Ralf Trapp
Consultant
CBW arms control and disarmament
116, Route de la Contamine, 74270 Chessenaz, France
Website <http://www.ralftrapp.eu/>

CONSENT FORM

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I agree to take part in the study by being interviewed by email exchange. I understand that my words may be quoted in publications, reports, web pages, and other research outputs.

Name of Interviewer: Dr. Ralf Trapp
Signature: Ralf Trapp
Date: 30 July 2017
contact details for further information: mhae1@le.ac.uk

Bibliography

Non-confidential Interviews

Interview with Mabroka Al-Warfaly (e-mail exchange), 4 May to 26 June 2016.
Professor of International Relations and the head of the Political Science department at the University of Benghazi in Libya.

Interview with Dr. Gawdat Bahgat, (e-mail exchange), 1 to 14 May 2016.
Professor of Political Science and Middle East Studies at the National Defense University, Washington DC. He is the author of several studies about Libya and is an expert on the Libyan political system.

Interview with Dr. Alia Brahimi (e-mail exchange), 7 June 2016 to 6 September 2017.
Director of Contest Global, a strategic consultancy firm, and a specialist in terrorism and political trends in the Middle East and North Africa. In November 2015 she served as an expert witness to the UK Defence Select Committee on potential threats from the Middle East and North Africa.

Interview with Dr. Kane Chen (e-mail exchange), 14 May to 14 June 2016.
Director of the Middle East Nonproliferation program of James Martin Centre for proliferation studies. Dr. Kane joined CNS after serving as a fellow in the non-proliferation programme at the Centre for Strategic and International Studies (CSIS). Previously, she worked for the Israel Atomic Energy Commission (IAEC), eventually becoming its Director of External Relations.

Interview with Ambassador Thomas Graham Jr. (by telephone), 22 June 2016.
American Ambassador, Bill Clinton's Special Representative for Arms Control, Non-Proliferation, and Disarmament American leading expert in nuclear non-proliferation. He is a senior American diplomat involved in the negotiation of every single international arms control and non-proliferation agreement from 1970 to 1997. He was also the Acting Director of the American Arms Control and Disarmament Agency (ACDA) in 1994, and a General Counsel for ACDA for 15 years.

Interview with Dr. John Hart (e-mail exchange), 4 to 23 April 2014.
Senior Researcher and Head of the Chemical and Biological Security Project within

the SIPRI Arms Control and Non-proliferation Programme.

Interview with Rebecca Hersman (e-mail exchange), 14 May to 18 July 2016.

Director of the Project on Nuclear Issues and senior adviser for the International Security Program. Hersman served as deputy assistant secretary of defence for countering weapons of mass destruction (WMD) 2009-2015.

Interview with Dr. George Joffé (e-mail exchange), 4 May to 9 June 2016.

Professor of Middle East Studies at the London's Royal Institute for International Affairs and a visiting Professor of politics at Kings College, London University. He specialises in the Middle East and North Africa and is the author of 'Libya and Europe', and 'The Role of Tribalism in Contemporary Libya'.

Interview with Dr. Daniel Joyner (e-mail exchange), 4 May to 13 June 2016.

Professor of International Law at the University of Alabama, USA. Author of several works on WMD disarmament, including: 'International Law and the Proliferation of Weapons of Mass Destruction'.

Interview with Michael Luhan (e-mail exchange), 18 May to 21 June 2016.

Director of Communications for the International Centre for Chemical Safety and Security since January 2015. Prior to this appointment he served for 7 years as Spokesman and Head of Media and Public Affairs for the Organisation for the Prohibition of Chemical Weapons (2007-2014), where he managed media coverage of the OPCW's Nobel Peace Prize in 2013.

Interview with Patrice Palanque, (e-mail exchange), 14 to 17 May 2016.

Ex-OPCW senior planning officer for Middle East and North Africa.

Interview with Dr. Graham Pearson (e-mail exchange), 9 May to 17 June 2016.

Former Director-General of the Chemical and Biological Defence Establishment (CBDE), Ministry of Defence, the United Kingdom.

Interview with Dr. Mohamed Sayed Selim, Cairo, 22 May 2015.

Egyptian Professor of International Relations and former Director for the Centre of Asian studies at Cairo University, the author of several articles on the non-proliferation of WMD in the Middle East, including: 'Arab perspectives on the

question of WMD proliferation in the Middle East’.

Interview with Dr. Ronald Bruce St John (e-mail exchange), 30 April to 29 May 2016.
Affiliate professor at the Institute of International Studies, Bradley University. He served as a consultant for a variety of American government agencies, and a member of the International Advisory Board of the Journal of Libyan Studies.

Interview with Dr. Ralph Trapp (e-mail exchange), 9 May to 17 June 2016.
International Disarmament Consultant for chemical and biological weapons. He provided consultancy services to the United, the European Commission, Spiez Laboratory and SIPRI. He was also an OPCW expert (1993-2006) who worked closely with the Libyan case.

Interview with Dr. William Tobey (e-mail exchange), 30 April to 16 May 2016.
Former Deputy Administrator for Defence Nuclear Nonproliferation at the National Nuclear Security Administration of the United States. He managed the U.S. government's largest program to prevent nuclear proliferation and terrorism by detecting, securing and disposing of dangerous nuclear material. He also served on the National Security Council Staff in three administrations, in defence policy, arms control and counter-proliferation positions. He has participated in the negotiation process with Libya over destroying the Libyan chemical weapons programme after 2003.

Interview with Mr. Ahmed Hassan Walid (e-mail exchange), 14 to 27 August 2017.
Head of the Libyan Authority for the CWC and an ex-Colonel in the Libyan Army. He was Libya’s former Permanent Representative to the OPCW (2009 -2011).

Interview with Dr. Ahmed Youssef, Cairo, 23 August 2015.
Former Director of the Institute of Arab Research and Studies, affiliated to the League of the Arab States.

Interview with Mr. Jean Pascal Zanders (e-mail exchange), 7 to 8 May 2016.
Ex-CBW Project Leader at the Stockholm International Peace Research Institute (SIPRI), Director of the Bioweapons Prevention Project and Senior Research Fellow responsible for disarmament, arms control and non-proliferation questions at the European Union Institute for Security Studies.

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