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LOCKERBIE VERDICT VINDICATES CONTINUED SANCTIONS AGAINST LIBYA

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The outcome of the Lockerbie bombing trial underscores the need for a firm U.S. policy toward Libyan dictator Muammar Qadhafi. The January 31 verdict, which found one of the two indicted Libyan intelligence officials guilty of the 1988 bombing of Pan Am flight 103 over Lockerbie, Scotland, formally established the culpability of Qadhafi's regime for the murder of 270 people; but because the trial was narrowly focused on Qadhafi pawns, those ultimately responsible, which almost certainly includes Qadhafi, were not brought to justice.

Nevertheless, there are growing calls for lifting the United Nations-imposed sanctions against Libya. The Bush Administration correctly resists these calls, insisting that Libya must first accept responsibility for this terrorist act and pay reparations to the families of the victims. But even this is not enough. The United States should move to reimpose the suspended U.N. sanctions, maintain U.S. sanctions, continue investigating the bombing, and reserve the right to use military force in retaliation for any state-sponsored terrorism such as the Lockerbie bombing.

Mishandling State-Sponsored Terrorism. The Lockerbie trial has exposed the shortcomings of treating state-sponsored terrorism as a criminal act perpetrated by individuals rather than as a political act perpetrated by a state. The questionable deal negotiated under U.N. auspices restricted the focus

of the trial to two low-level officials and insulated the Qadhafi regime from the consequences of the bombing despite its long record of supporting terrorism. Qadhafi's support for a variety of international terrorist groups led the U.S. State Department to put Libya on the list of state sponsors of terrorism in 1979, and the Libyan bombing of a West Berlin disco that killed two U.S. servicemen triggered retaliatory U.S. air strikes against the Qadhafi regime in April 1986.

The U.N. Security Council imposed sanctions on Libya in 1992 because of Qadhafi's refusal to extradite the two Libyans accused of organizing the Lockerbie bombing. These sanctions, which included bans on air travel, arm sales, trade in oil technology, and a freeze of Libya's foreign assets, imposed a high cost on Libya's economy. To escape them, Libya agreed in 1999 to extradite the two accused Libyans to stand trial before a Scottish Court set up in the Netherlands, after being reassured by a controversial letter from U.N. Secretary General Kofi Annan that the trial would not undermine the

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Qadhafi regime.

In return for Libya's cooperation in surrendering the Lockerbie suspects, the Clinton Administration agreed to the de facto lifting of U.N. sanctions against Libya. Although U.N. sanctions were suspended rather than formally lifted, the White House agreed with the British government that any re-imposition of sanctions would require a Security Council vote. The Clinton Administration also proceeded with an incremental normalization of bilateral relations with Libya. It allowed four American oil companies to send delegations in 1999 to survey the Libyan oilfields that they were forced to abandon by sanctions and considered lifting a ban on travel by U.S. citizens to Libya. The State Department argued that Qadhafi had abandoned his support for terrorism, citing Libya's 1998 expulsion of the Abu Nidal terrorist group. This naive assessment, however, ignored the fact that the Abu Nidal group was a spent force and that Qadhafi has a long history of dropping his support for terrorist groups when it is convenient, only to renew it later. Moreover, Libya still has not dismantled terrorist training camps that could easily be re-activated.

The Bush Administration should distance itself from the Clinton Administration's half-hearted policy and hold Qadhafi to a more rigorous standard. The Lockerbie bombing cannot be dismissed as the criminal act of an individual. It was an act of state-sponsored terrorism, and therefore an act of war. The Bush Administration should:

- **Hold Libya to its obligation under U.N. Security Council resolutions to accept responsibility for the Lockerbie bombing, make reparations to the families of the victims, and cooperate with the investigation.** If Qadhafi fails to fulfill these obligations, the United States should move immediately to renew the U.N. sanctions. The Administration should argue that this does not require a new vote by the Security Council because Qadhafi violated the terms of the agreement to suspend sanctions.
- **Continue the investigation into the Lockerbie bombing.** The Clinton Administration's priority in agreeing to the Lockerbie trial arrangements was to rehabilitate Libya rather than to pursue justice. Rather than close out the Lockerbie case, the Bush Administration should continue the investigation as far as it leads up the Libyan chain of command. If Qadhafi really has had a change of heart on terrorism, he can prove it by cooperating with this investigation and with efforts to combat terrorist groups that he has supported in the past.
- **Maintain U.S. sanctions against Libya.** The United States has imposed more than 20 sanctions on Libya since 1973. All of these should be maintained, including the 1996 Iran and Libya Sanctions Act, which penalizes foreign oil companies that invest in the oil and gas industries of Libya or Iran. Congress should renew this law before it expires later this year.
- **Reserve the right to use military force in retaliation for the Lockerbie bombing.** International terrorism is not just a crime, but a threat to U.S. national security. The United States must reserve the right to use force—the ultimate sanction against states that use terrorism—because merely pursuing criminal cases against individuals does not deter states. It should also consider supporting Libyan opposition forces if Qadhafi continues to sponsor terrorism.

Although Libya sacrificed one of its intelligence agents in the Lockerbie trial, it did so to lift sanctions that threatened Qadhafi's rule. It is unlikely that Qadhafi has renounced terrorism. The Bush Administration should not relax the pressure against Qadhafi's violent regime until that regime has cooperated in bringing to justice senior Libyan officials responsible for the Lockerbie bombing and demonstrated beyond the shadow of a doubt that it has truly abandoned terrorism.

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