

No Feelings of Guilt or Remorse for Lockerbie

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Feb 5, 2001

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More than twelve years after Pan Am 103 exploded over Lockerbie, Scotland, the striking point about the most expensive and elaborate trial in British legal history is its complete irrelevance, despite the conviction of a Libyan intelligence agent.

Libya had negotiated such advantageous legal procedures that, regardless of the verdict, the government and its high-ranking officials would be insulated from any responsibility.

The initial U.S. position was that the culprits of the bombing were not limited to two minor functionaries and that the case would have to be pursued to its logical conclusion. Abdelbaset Ali Mohamed al-Megrahi was convicted and Al Amin Khalifa Fhimah was acquitted.

In 1991, the United States demanded that Libya had "to surrender for trial all of those charged with the crime; accept responsibility for the actions of Libyan officials; disclose all it knows of the crime, including the names of all those responsible; and allow full access to all witnesses, documents and other material evidence."

There was a perceptible shift since then because European states and developing nations sought perfunctory terms that would mollify public opinion and lead to a resumption of commercial activity with Libya.

This trend reached its apex when U.N. Secretary-General Kofi Annan granted Libya's most fundamental demand when conceding that "prosecutors would not attempt to embarrass or implicate the Libyan government."

The British Foreign Office buttressed this pledge by agreeing that the United Nations would monitor the treatment of the suspects and that they "would not be interrogated by British or American security services."

The actual Lockerbie proceedings were a remarkable revision of the previous U.S. position. Libya's intelligence operatives stood trial for an atrocious crime without Tripoli assuming any responsibility. Meanwhile, U.N. sanctions were lifted with no realistic prospect of their being reimposed.

Although Libyan leader Col. Muammar el Kadafi long has been dismissed as an erratic ruler with a limited grasp of reality, the Lockerbie accords prove his skills as a diplomat.

In the past decade, Libya has used economic incentives and manipulated the anti-Americanism of developing nations to generate support for its cause. Through its position in key regional groupings such as the Organization of African Unity (OAU) and the Arab League, Libya rallied the non-aligned community behind its demands of lifting sanctions.

Indeed, Third World organizations led by the OAU were the first defectors from the sanctions, exerting pressure on the United Nations to accept superficial terms for the disposal of the Lockerbie bombing. Such efforts did not go unnoticed in Tripoli: Libya generously provided aid to conflict-stricken, impoverished African states.

The lure of Libya's commercial diplomacy also proved irresistible to many European countries.

At a time when Italy, Spain and Germany were eager to invest in Libya's natural gas and oil industries, the Lockerbie issue became troublesome. So long as Libya was under international sanctions, most companies would be reluctant to sign long-term contracts and exploration agreements.

Therefore, for European firms to benefit from Libya's natural wealth, European statesmen would have to resolve the Lockerbie impasse. As such, many U.S. allies agreed with Colonel Kadafi on the need to dispose of the Lockerbie issue in a manner that not only permanently lifted the existing sanctions but also invited no further international retribution, regardless of the verdict.

So America's closest allies abandoned the United States and eagerly accepted the colonel's rationalizations and resumed their economic relations.

Given the confluence of international forces arrayed against it, the United States capitulated to defective legal terms. In essence, the ultimate verdict of the trial was irrelevant because the trial was a mere criminal prosecution of two low-level officials.

The Bush administration is likely to sustain the unilateral U.S. sanctions on Tripoli, oblivious to Libya's intact integration into the international community.

As a lesson for U.S. policy-makers, the Lockerbie trial demonstrates the reality of sanctions fatigue and the difficulty of maintaining international cohesion over a protracted period.

The Lockerbie saga now will pass to the domain of conspiracy theorists and aggrieved family members seeking justice through civil procedures and lawsuits. Fully 259 people on the plane and 11 others on the ground died in the December 1988 Pan Am 103 explosion, but it is unlikely that the case ever will have true closure.

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Baltimore Sun

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