



An Chartlann Náisiúnta
National Archives

Reference Code: 2021/102/35

Creator(s): Department of Justice

Accession Conditions: Open

Copyright: National Archives, Ireland.
May only be reproduced with
the written permission of the
Director of the National
Archives.

UUP PAPER ON TERRORISM AND THE RULE OF LAW

THE INTERNATIONAL DIMENSION

(Libyan support for PIRA)

Summary

1. This paper recalls two UN Resolutions seeking Libyan co-operation in the investigation of the bombing of the PAN AM and UTA aircraft and, in the light of the reported Libyan response to those resolutions, seeks a commitment on the part of the British and Irish governments to obtain reparation from Libya for that country's material and ideological support for the PIRA.

United Nations Resolutions

2. The paper refers to UN Resolution 731 of 20 January, 1992 as having noted the results of investigations which implicated two Libyan suspects in the destruction of these aircraft, and urged the Libyan government to respond to requests for co-operation in the investigations. The Libyan response to this Resolution was "found to be inadequate".
3. The subsequent UN Resolution 748 of 31 March, 1992 is stated as having imposed an air embargo on Libya, banned the supply of arms to Libya and required the reduction of Libyan diplomatic representation in UN member States as well as the denial of entry or expulsion of any Libyan suspected of involvement in terrorism.

Libyan Response

4. The paper sets out statements made in a letter of 27 February, 1992 to the UN on behalf of Libya which condemned terrorism and promised action accordingly. The paper also quotes a Libyan newsagency broadcast of 14 May, 1992 as reporting Libyan acceptance of UN Resolution 731 and its intention to cut links with terrorist organisations, invite the UN to verify the absence of terrorist training camps within Libya, refuse the use of manpower/resources for terrorism and offer to build relations with other States on the basis of mutual respect.
5. More specific to the Irish situation the paper refers to a Libyan undertaking to cut links with PIRA and meet with Britain to discuss differences in that regard.

Commitment sought from UK/Irish governments

6. The commitment sought from both governments by the UUP Paper is for action to secure:-

international investigation of Libya's involvement in "Irish terrorism" and Libyan co-operation in the trial of all Libyans involved,

international verification that Libyan terrorist training camps do not exist

Libyan apology for statements threatening the "peaceful existence of the people of Northern Ireland",

financial compensation by Libya of those injured/bereaved as a result of Libyan-supported terrorism and the establishment of an international commission with powers to investigate claims and enforce payment of fair awards.

UUP paper on Terrorism and the Rule of Law
The International Dimensions

Background Note

- 1 This paper selectively quotes from a number of recent UN declarations on Libya and the responses of the Libyan authorities to those declarations, concerning the alleged involvement of two Libyan officials in the destruction of PAN AM flight 103 over Lockerbie, Scotland in December 1988 and the activities of another 2 Libyan officials in the destruction of flight UTA 772 over Niger in September 1989.
- 2 The paper argues that as a result of these declarations that both the Irish and British Governments should jointly endeavour to obtain from the Libyan authorities the following commitments:
 1. An independent international investigation of Libya's involvement in Irish terrorism
 2. The bringing to trial of all persons identified as having been involved in such links
 3. The verification by an independent international monitoring team that there are no terrorist training camps on Libyan territory
 4. An official apology from the Government of Libya for previous statements it has made in relation to the situation in Northern Ireland and stated support for Republican terrorism
 5. Compensation from the Libyan authorities for the persons injured or bereaved as a result of terrorists acts which Libya has supported or encouraged.
 6. An international claims commission to be established to investigate compensation claims, with the power to make and enforce any awards on the basis of investigated claims.

Security Council Action

- 3 On the 27 November 1991 the British & U. S. authorities issued a joint note requesting that Libya
 1. Surrender for trial all those charged with the crime and accept complete responsibility for the actions of Libyan officials.

2. Disclose all it knows of this crime including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence.
3. To pay appropriate compensation

The note also called on Libya to "commit itself concretely and definitively to cease all forms of terrorist action and all assistance to terrorist groups and that Libya must, promptly, by concrete action prove its renunciation of terrorism".

- 4 At an EPC meeting on 2 December 1991 and again at a meeting of the European Council in Maastricht on 9-10 December 1991, Ireland, as part of the Twelve, called on the Libyan authorities to comply promptly and in full with the requirements of the joint Statement.
- 5 On 21 January 1992 the U.N. Security Council passed resolution 731 which in strongly condemning all acts of international terrorism called on Libya to comply with the requirements of the joint note of 27 November.
- 6 On 31 March 1992 the U.N. Security Council passed resolution 748. The resolution demanded that Libya "definitively cease all forms of terrorist action and all assistance to terrorist groups, and that it must promptly, by concrete actions, demonstrate its renunciation of terrorism". It provided, inter alia, for a ban on arm sales and air transport and limitations on the size of diplomatic missions.
- 7 With regard to points 1 and 2 in the UUP paper it should be noted that the Security Council has placed the onus on Libya to demonstrate by concrete actions that it has renounced terrorism. The sanctions, which have been in force since 15 April 1992, are to be reviewed every 120 days in the light of Libya's compliance with that obligation. The first review took place last month and the Security Council introduced no change in the sanctions. Moreover, the British and American authorities have made clear to the Libyans that they expect them to surrender for trial the suspects in the Lockerbie case. Ireland and the other EC member States have supported that demand.

Libyan Response

- 8 On 2 March 1991 in an address to the Libyan parliament Col. Gaddafi stated "When we say there is a mistake it means there is one. I have so often said that we consider the actions of the IRA ... as acts of terrorism. We have the courage to say that any relationship with the IRA must be severed." This statement was widely interpreted

an attempt by the Libyan authorities to forestall any further U. N. action in relation to the bombing of the 2 civilian aircraft.

- 9 On 14 May 1992 the Libyan authorities wrote to the U. N. Secretary General stating that the Libyan government was cutting all links with terrorist organizations; that there were no training camps on Libyan territory and inviting an independent set of UN observers to verify this; and that it would not allow Libyan territory to be used to mount terrorist attacks. It further called for a meeting to be arranged with the British authorities regarding financial assistance, weapons and training facilities provided to the IRA. The note also stated that if it were decided that the Libyan authorities were in part responsible for the bombing of the two civilian aircraft that the Libyan authorities would be willing to provide compensation.

Irish - Libyan Contacts

- 10 The Government have repeatedly raised with the Libyan authorities the question of Libya's moral and material support for the IRA. The matter was raised with Libyans by the former Minister for Foreign Affairs at a meeting en marge of an EC meeting in Brussels in November 1991, and in response the Libyan Foreign Minister, Mr. Bishari, gave very firm assurances that all contacts with the IRA had ended. In February 1991 Minister Collins also raised the issue with President Mubarak of Egypt. The President indicated that he had discussed the issue with Col. Gadaffi and that he was of the view that Libyan assistance to the IRA has been discontinued.

British - Libyan Contacts

- 11 On 9 June 1992 British and Libyan representatives met under the auspices of the UN in Geneva, where the Libyan authorities provided information on funding, weapons and training provided in the past to the IRA. Additional information was provided at a further meeting in Cairo on 9 August. At both meetings the Libyan authorities stated that they had severed all links with the IRA. The British authorities have briefed us through diplomatic and other channels on these contacts and the information provided is being reviewed at present. These briefings are confidential and should not be referred to in open exchanges. Public statements by the British authorities have stated that while the information provided may prove useful it cannot substitute for full Libyan compliance with resolution 731 in regard to the destruction of PAN AM 103 and UTA 772.

Comment

- 12 The relevance of the UUP paper to the issue of cross-border security cooperation is not immediately obvious. The international community through the Security Council

It is established in resolutions 731 and 748 the terms on which it wishes to deal with the Libyan issue. Britain is, of course, a member of the Security Council. To the extent that the proposals in the Unionist paper are at variance with the position adopted by the Security Council they are clearly not helpful to securing the objectives which the international community has set itself on this issue.

- 13 It might also be noted that in view of the evidence of arms supplies to loyalist sources from South Africa any attempt to explore the international dimension of terrorist activity in Northern Ireland should not be confined to a single country.

Possible Response

- 14 In commenting on the Unionist paper the following points might be made:

- the Government avails of all appropriate opportunities to convey to the Libyan authorities the necessity of ending all support for terrorism
- the Libyan authorities are fully aware of the Government's condemnation of any assistance to groups engaged in terrorism, including the IRA, and of the vital importance of recovering weapons and explosives which have previously been provided to the IRA.
- the Government both notionally and through the Twelve will continue to give full support to the measures being taken by the UN with regard to Libya.

Anglo-Irish Division
15 September 1992