

Check against delivery

**Briefing by Mr Ian Martin
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**Meeting of the Security Council
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Madam President,

Last Sunday, I had the great privilege of representing the Secretary-General at Libya's Declaration of Liberation in Benghazi, the city where the popular movement had begun on February 17 this year. A peaceful movement, sparked on that day by the demand of families to know the fate of their loved ones who had disappeared in a notorious prison massacre, was met with lethal repression, and civilians across Libya took up arms in a revolution to end decades of denial of political freedoms and human rights, corruption and social inequality.

The Declaration brings to a close a long and painful chapter in the history of Libya. Four decades of brutal dictatorship and autocratic government have tragically wasted the potential of an entire generation, and immense opportunities and resources that could have been invested in creating a prosperous, modern nation-state.

The Declaration thus marks a new beginning for the people of Libya. While expectations must be managed, the aspirations of its youth and the sacrifices they have made must guide the next phase of Libya's transformation. We should remind ourselves that achieving liberation has come at a huge cost, both in terms of those who have died or been maimed, and the damage to cities and towns that bore the worst of the fighting, in particular Misrata, Zawiyah, Bani Walid and Sirte. Nor should we forget the still volatile security situation in parts of the south of Libya, with tensions related to a complex mix of ethnic and political loyalties in previously marginalized areas with limited presence of the state. The path to national reconciliation and healing must begin by recognising the

suffering of all Libyan people during the course of the eight-month conflict, and addressing their needs to allow them to re-build their lives.

Several weeks ago, amid the widespread international recognition of the National Transitional Council (NTC) and the clear indications that it had the support of the overwhelming majority of Libyans, the Secretary-General called on the remaining supporters of the former regime to cease fighting. Regrettably, in Sirte, Bani Walid and Sabha they did not do so, and the final weeks of conflict have added to the toll of deaths, serious injuries, civilian suffering, displacement and destruction. We called on all sides to respect human rights as the battles neared their end, and issued appeals in support of those of the NTC itself, that there should be no revenge, even against those responsible for war crimes and other grave violations. We hoped that Muammar Qadhafi and others with the heaviest responsibility for such crimes would be captured and brought to justice.

However, Muammar and Motassim Qadhafi were mistreated and killed in circumstances which require investigation, and there are other disturbing reports that killings amounting to war crimes were committed on both sides in the final battle for Sirte. Such killings were contrary to the orders of the National Transitional Council, and we welcome their announcement of an investigation. They are also within the scope of the International Commission of Inquiry mandated by the Human Rights Council. The period covered by the Commission's mandate begins only in February this year, and so does not extend to the myriad human rights violations in the period since Muammar Qadhafi took power in 1969, but it will nonetheless have a heavy task. The evidence has mounted of deliberate killings of prisoners by the Qadhafi regime during the conflict, including in its last days in Tripoli, as well as some abuses by the revolutionary fighters. Meanwhile, the whereabouts of the other two persons indicted by the International Criminal Court, Saif al-Islam Qadhafi and Abdullah al-Senussi, remain uncertain: it is the responsibility of the NTC to ensure that if captured inside Libya they are treated in accordance with international humanitarian law, and it is the responsibility of all signatories to the Rome Statute to ensure that they are arrested and brought before the International Criminal Court.

I have previously informed the Council of the preparations of United Nations humanitarian agencies for the end of hostilities, by prepositioning relief supplies near to the final areas of conflict. The Deputy Special Representative and Humanitarian Coordinator was in Sirte on Monday, opening the way for missions to that city and to Bani Walid that have just taken place. They report that current levels of stockpiling are considered adequate to provide immediate response, including food, non-food items and potable water. Priorities are the restoration of electricity and water services, rapid clean-up of explosive remnants of war, and the rehabilitation of accommodation for returning residents. Destruction of buildings is severe, and housing will be a serious issue, and a factor constraining return: the NTC has highlighted its concern, and is looking at various solutions in coordination with international partners. The Libyan people have demonstrated exceptional resilience and a strong capacity to meet most humanitarian needs of the population in areas affected by the conflict. To support them, the Humanitarian Coordinator has taken steps to ensure that residual needs of vulnerable groups will still be met while the overall humanitarian effort in Libya is winding down.

From Sirte, the Humanitarian Coordinator again expressed our concern for the safe return of civilians to their towns of origin. Monitoring and advocacy with central and local authorities to ensure the protection of groups perceived by Libyans to have supported the previous regime during the conflict will continue, in support of national reconciliation efforts.

Madam President,

With the end of the Qadhafi era, the new Libya can move forward to build a modern nation-state, based on the principles embraced by the revolution: democracy, human rights, the rule of law, accountability, respect for minority rights, empowering women and promoting civil society, while addressing the past through proper judicial and truth-seeking processes. Despite violations committed in the heat of battle, I believe that the leadership of the NTC is indeed committed – as the Declaration of Liberation re-

emphasised - to avoiding revenge, achieving reconciliation, and overcoming the manipulation of tribalism and regionalism which the former dictator promoted to entrench his own power, thereby ensuring that the past will never be repeated.

With Sunday's Declaration of Liberation, the clock has started running on commitments the National Transitional Council has made in its Constitutional Declaration. First, to establish an interim government within 30 days, where the challenge is to form an administration which is inclusive and also possesses the expertise to be able to lead and deliver on key sectors, including public security, basic services, the economy and financial management. Then, within the first 90 days, to adopt electoral legislation and establish an electoral management body; and within 240 days to hold elections for a National Congress, to give democratic legitimacy to a new government and the body which will draft a constitution. Here the task is not solely or even primarily technical, despite the challenge of mounting Libya's first election for over 45 years. First and foremost, it is the need to engage in a broad consultation, including with civil society, which will build consensus regarding the electoral system for this first election and on other key issues to be determined in electoral legislation, and to establish an electoral management body whose independence and integrity cannot be disputed from any quarter.

Since the very beginning of its mandate, UNSMIL – supported by two visits from the Director of the Electoral Assistance Division - has been engaging closely with members of the NTC and with its legal and political sub-committees on the electoral process, in particular with respect to the electoral law and the future electoral management body. Our meetings with civil society have made clear their determination to be engaged closely in the ongoing discussions on the electoral law, and in efforts to promote civic education. Work has also started on defining the framework for developing the voter register. Our engagement will intensify as the NTC clarifies the designation of responsibilities for electoral matters. We are encountering high expectations of the United Nations, which is overwhelmingly seen as the key guarantor of the integrity of the electoral process,

although it is the Libyans who must reach agreement with respect to the electoral system and other essential elements of electoral legislation.

In Benghazi and Tripoli, the liberation ceremonies included public commitments and the first handovers of weapons by the armed groups. While symbolic and limited in nature, these have sent a public message that the issue is top of the agenda for the NTC and the forthcoming government. There is broad consensus on the need to remove immediately all heavy weaponry from city centres, to be followed later with moves to collect light arms. Equally important is the need for a gradual redeployment of brigades away from population centres, in parallel with agreed mechanisms being put in place to provide security in major cities and towns. There have been some positive developments in Tripoli under the authority of the Supreme Security Committee established by the NTC, in coordination with the Ministries of Interior and Defence, which we expect to be built upon by Ministers in the new government. Their challenge will be to develop rapidly opportunities for the future of combatants, making available to them support in returning to normal civilian life, or integrating them into a professional police force and national army.

Madam President,

In my last briefing, I highlighted the terrible legacy of the extraordinary quantity of weaponry and munitions on which the Qadhafi regime squandered the wealth of Libya, to the benefit only of diverse arms suppliers, and now to the menace of Libya and its region. UNSMIL continues to facilitate coordination among the Libyan authorities, relevant international organizations including the Organisation for the Prohibition of Chemical Weapons (OPCW) and the International Atomic Energy Agency (IAEA), and Member States offering assistance regarding chemical weapons and nuclear materials, as well as other non-conventional weapons. The Ministry of Foreign Affairs and other Government focal points, together with UNSMIL, are assisting visits in the near future of OPCW inspectors and of the IAEA. While NTC forces appear to be controlling all relevant chemical and nuclear material sites, centralized command and control remains a concern.

It has become clearer that there are additional sites with previously undeclared chemical weapons or materials that the Government is about to formally declare to the OPCW.

Under the Qadhafi regime, Libya accumulated the largest known stockpile of shoulder-fired anti-aircraft missiles, known as MANPADS (Man-Portable Air Defense Systems), of any non-MANPADS producing country. Thousands were destroyed during NATO operations. But I have to report to you our increasing concerns over the looting and likely proliferation of MANPADS, as well as munitions and all sorts of mines in large numbers, with the most serious potential local and regional implications. International partners have been working with the Ministry of Defence on identifying MANPADS sites and storage areas primarily in the eastern part of Libya. Some hundreds of suspected sites still need to be visited. Moreover, the prevalence of newly laid mines, in particular around Zlitan, Brega and Ajdabiya but also parts of the Nafusa mountains, remains of great concern: mine action, and its immediate funding, is a key priority for the United Nations. Large quantities of unexploded ordnance and ammunition stockpiles in Sirte and Bani Walid need immediate attention. In Tripoli, many stockpiles are suspected in residential areas, including in schools and hospitals, where they seem to have been moved by Gaddafi forces to conceal them from airstrikes; they mostly remain unsecured.

The flow of weapons across borders is naturally a major anxiety for Libya's neighbours and beyond, but the implications of events in Libya for the region also include the outflow of people – not just migrant workers, but also armed elements from the former regime - and concerns for those third country nationals who remain. Together with the African Union, the United Nations will work with Libya's neighbours to support them in addressing these issues. Inside Libya, the NTC has taken steps towards transferring responsibility for detainees from the brigades to proper state authorities, but much remains to be done to regularize detention, prevent abuse and review cases to bring about the early release of those whose detention should not be prolonged. This week UNSMIL's first human rights advisers will begin to add their efforts to those of humanitarian agencies, to recommend and advise on action to address this urgent priority. We will be following up on the visit of senior officials of the Office of the High

Commissioner for Human Rights by offering comments on draft transitional justice legislation and recommending broad consultation with civil society, and by trying to mobilise assistance for the hard-pressed National Commission on Missing Persons.

Once the new interim government is formed and has put in place its mechanisms for the coordination of international assistance, we will discuss with it how to go forward with a coordinated, Libyan-led needs assessment process. Many international actors stand ready to assist, but the authorities rightly insist that it is for Libyans to set the framework and to lead, and they continue to tell us that they wish the United Nations to be their key partner in coordinating international assistance.

Less than six weeks into the mandate of UNSMIL, our 36 international staff in Libya include experts in the priority areas we have been asked to assist. The Ministry of Foreign Affairs has formally handed over to us a compound of offices which is very suitable for our mission headquarters, and mission support staff are working hard to make it ready for use as soon as possible. We expect that preliminary discussions will enable a Status of Mission Agreement to be formalized soon after the interim government takes office. That will also be the time when we will be able to begin detailed discussions on the longer-term role and requirements for UNSMIL. We will report to the Council on next steps as the situation becomes clearer, but given the delays to date, it seems likely that we will have to request an extension of the initial three-month UNSMIL mandate for a further few months to have time for this assessment.

Madam President,

With liberation now completed, the challenges facing the Libyan people and the new incoming Government will nonetheless be extraordinary. It will be critical, therefore, for the international community to remain focused and measured in our engagement with the Libyan authorities during this transition time, following closely their sense of immediate priorities and not attempting to impose over-ambitious expectations or longer-term programs. When I and my colleagues listen to NTC members, Government officials and

civil society activists, the priorities identified are the same: in addition to those of security and elections, already mentioned, they include public financial management, including the urgent preparation of a budget for 2012, new rules to ensure fiscal transparency, and clarification of liquidity requirements. Also a key priority is the beginning of a national reconciliation process and a coherent approach led by the NTC to all the human rights and transitional justice issues which have surfaced in recent weeks, and will be challenges for the months to come. Above all, we must support the NTC in handling the difficult political processes involved in implementing the roadmap contained in the Constitutional Declaration, and in managing the inevitably increasing socio-economic expectations of the Libyan people.

When a country which has been denied the development of so many of the institutions of an effective democratic state faces challenges of such enormity, it would be easy to make a case for pessimism, and indeed it would be foolish to expect the path ahead to be smooth and easy. But Libyans point out, with justice, how far they have already surprised us, and perhaps themselves, in what they have achieved. They have done so by an extraordinary display of civic responsibility and initiative, by women and men, and especially by their youth. They may seek from us lessons in the detail of democracy, but they can offer lessons in its spirit. They express repeated gratitude to the United Nations for the action this Council took in its resolutions 1970 and 1973, and to NATO and the non-NATO countries which acted under that mandate, but they are proud that they made their revolution and are determined to maintain their sovereignty in building their future. They trust the United Nations to support the process they intend to lead, and it is for us to fulfill their expectations.

Thank you.