

CHECK AGAINST DELIVERY

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

When I last briefed the Council a month ago, I noted that the public mood in Libya was gradually changing, as it increasingly demanded improved institutional performance that meets popular expectations, and accountability and transparency in public affairs; and that as the countdown towards elections began, civil society was becoming increasingly assertive in monitoring and critiquing the performance of the National Transitional Council (NTC) and the Government. Criticism of Libya's interim leadership has grown, and in recent days has been expressed in ways which go beyond a healthy democratic spirit, including some physical violence, and has led to the resignation of the Vice-Chairman of the NTC.

Meanwhile the challenge of reconciliation has been highlighted in the most serious way, by the outbreak of fighting in Bani Walid. Last week, Chairman Abdul Jalil discussed with me the challenges the NTC has been encountering in its efforts to appoint new leadership of the local councils in Bani Walid and Sirte which would be broadly acceptable to the people of each city. In the case of Bani Walid, an NTC committee had held local discussions with all stakeholders in efforts to find a solution. Following my Deputy's visit to the two cities on 3 and 4 January, UNSMIL issued a call for more attention including focused reconciliation efforts to accelerate their full return to normalcy, and we have pursued this in our contacts with the authorities. Regrettably, in the charged local atmosphere, a security-related incident triggered clashes between members of the local population and the revolutionary brigades stationed in the city, as a result of which several were reportedly killed. This has been misreported as pro-Qadhafi forces taking back control of the city. The Government responded by dispatching units

from the National Army, and is currently engaging with all stakeholders to contain the situation and address the underlying security and political challenges in Bani Walid.

In very different ways, each of these developments indicates the problems associated with the transitional period, while the interim authorities continue to lack the full legitimacy of elected bodies, both at the national and local levels. The protests in Benghazi began as part of a movement to “correct the path of the revolution”, and appear to have been triggered following widely publicised comments in early December, made as part of the debate regarding national reconciliation, about a possible amnesty being granted to former Qadhafi fighters or members of his regime. The protests acquired momentum as they evolved into a platform critical of the NTC’s performance. Demonstrators focused their demands on calls for greater transparency and accountability, as well as the needs of the war wounded. There have also been calls for supporters of the former regime to be barred from the political process and purged from all state institutions, and for the re-appointment of local councils based on local elections. Public frustration regarding the perceived shortcomings in delivery by the Government is growing.

When full legitimacy can only be established by elections, some interim legitimacy must be accepted to determine the framework for the first elections, which is a key responsibility of the NTC. The interim Government was established only in late November, after months during which there was an almost complete vacuum of governance. Transparency, communication and consultation are indeed important elements of fostering confidence and trust in the interim authorities. But the handicaps are not only on the part of Libya’s leadership: Libya’s new media are as yet very far from being a reliable channel to convey correct information to the public, and civil society is only beginning to organize itself into forms which facilitate consultation. The former regime may have been toppled, but the harsh reality is that the Libyan people continue to have to live with its deep-rooted legacy: weak, at times absent, state institutions, coupled with the long absence of political parties and civil society organisations, which render the

country's transition more difficult. This is further complicated by what was a systematic distortion of the country's socio-political fabric.

Those of us who engage with the interim Government meet committed and capable ministers, struggling to address major challenges with little support, in a context of institutional inexperience and an over-large bureaucracy of uncertain competence and allegiance. But the public experiences only the delay in delivery of funds and services. The agreement of the Sanctions Committee to the request for the delisting of the Central Bank and Foreign Bank has cleared the way to overcoming the crisis of liquidity, but this is barely beginning to be experienced by national and local institutions, let alone by the public at large.

The combination of a tight timeline, inexperience in drafting electoral legislation, shortcomings in communication and the lack of proper mechanisms for consultation have set limitations to the process of drafting the electoral law. The NTC and most stakeholders have remained determined that the commitment in the Constitutional Declaration to elect a National Congress by late June must be respected. This has left little time for consultations on the legislative framework, which must embody some difficult and inevitably controversial political choices. Within the limits of the time available, the NTC's Electoral Committee made real efforts to engage the public, publishing the draft law and convening or participating in a number of public consultations. They also welcomed close engagement with UNSMIL's electoral team, adopting many of its technical recommendations, as well as responding to concerns expressed in the public consultations. As a result, we believe that both the main electoral law and the parallel electoral administration law, which establishes a 17-member High National Electoral Commission, gained in clarity and focus. UNSMIL had presented its concerns in regards to the restrictions in the eligibility criteria for both voters and candidates, and welcomes some progress in making these criteria more inclusive.

Criticism that public consultation has, however, been inadequate is sharpened by the fact that the proposed division of the country into constituencies and allocation of seats has

not been published, and remains under discussion by the NTC. Political groupings are concerned that the law makes no mention of the rights and responsibilities of political parties. Of particular concern to UNSMIL, and indeed to the Secretary-General, is the rejection by the full NTC of the proposal by the Electoral Committee which would have ensured the presence of at least ten per cent of women in the National Congress - a proposal which some women's groups and civil society voices rejected as insufficient, while according to the Electoral Committee there did not appear to be general public support for any quota.

The NTC has adopted the electoral administration law and appointed the High National Electoral Commission, and had intended also to announce the main electoral law on 22 January. Amid the protests in Benghazi, however, the NTC decided to continue consultations and consider further amendments until 29 January. UNSMIL's electoral experts remain engaged with the NTC team, and are opening discussions with the Chairman of the High National Electoral Commission regarding United Nations support during the operational stage. We particularly hope that the extended period may allow for reconsideration of the case for special measures to promote the representation of women.

Mr President,

As I have highlighted in all my previous briefings to the Council, security remains a major concern. Events on the ground over the past month highlight the risks associated with both the continued abundance of weapons on the streets, and the diverse armed "brigades" in the country with unclear lines of command and control. In the capital, clashes in early January between rival brigades from Misrata and Tripoli resulted in several fatalities and injuries; armed clashes later in the month between brigades in Gheryan and al-Asab'a, and earlier this week in Bani Walid, required high level intervention to put an end to the fighting. Although authorities have successfully contained these and other more minor incidents that continue to take place across the country on a regular basis, there is the ever present possibility that similar outbreaks of violence could escalate and widen in scope.

Those at the head of the interim Government regard it as their highest priority to assert the authority of the state and address the future of the members of the brigades. The success of any integration process will hinge on the ability of the authorities to conduct consultations with relevant stakeholders to forge a consensus on the way forward, including agreement on processes for the integration or reintegration of ex-combatants, while at the same time setting up workable mechanisms to deal effectively with security challenges, including those related to the upcoming election. As experience has shown elsewhere, this process cannot be treated as a purely technical exercise, but requires a political framework to ensure its viability.

Amid some initial confusion, an inter-ministerial committee has initiated a process for registering ex-combatants, the first phase of which will be carried out by local councils across the country. Information collected would then be centrally processed, to be followed by the referral of registrants to the Ministries of Interior, Defence or Labour in accordance with their preferred option. UNSMIL and UNDP are in discussion with the relevant ministries and bodies about their needs for technical assistance. As regards the police, the Ministry of the Interior faces the dual challenge of integrating ex-combatants at the same time as it strengthens and reforms the inherited police force, its training and administration. At the request of the Minister, UNSMIL is increasing its direct advisory support within the Ministry, as well as supporting its overall coordination of international assistance. Several Member States have come forward with offers of training and other assistance, and some have signed bilateral agreements to support the police force in a number of areas. UNSMIL's assistance includes supporting the Ministry in the development of a training strategy and curricula for a number of courses, including for election security.

Mr President,

Following the mandate given to UNSMIL in resolution 2022, I am now supported by a special adviser on the threats and challenges posed by arms and related materiel in Libya.

Amongst his responsibilities is the continuing coordination of efforts around the identification and eventual control of MANPADS and other explosive remnants of war, ammunition storage management and mine action. UNSMIL has further strengthened its team by bringing in a MANPADS expert to support ongoing mapping efforts and an arms registration advisor. The joint United Nations/African Union mission to several Sahel countries in December confirmed previous assessments that there is as yet little evidence that MANPADS have been smuggled out of Libya in significant numbers. This reinforces the need to focus on arms control measures within Libya. In this respect, UNSMIL has started co-hosting with the Ministry of Defence an operational sub-group on MANPADS, which coordinates the bilateral mapping and identification efforts currently underway. While so far 123 weapons holding sites have been visited and an estimated 5000 MANPADS systems and components have been accounted for, access to many of the holdings of brigades remains a challenge.

A number of donors have come forward to lend their support for action against landmines and explosive remnants of war in the period since I last briefed the Council, and I express my thanks for this generous response. We now have 28 clearance teams and 30 risk education teams working throughout the country. New reports of mines and explosives contamination however are being recorded almost on a daily basis. The current capacity on the ground remains insufficient to meet the growing demand, and in the short term at least, greater external financial support remains necessary to tackle this issue effectively until Libyan funding becomes available.

There also has been further progress in the inspection and verification of chemical materials, particularly of those previously undeclared materials located after the end of the previous regime and identified by the new Libyan authorities in their declaration of 28 November. From 17-19 January, inspectors of the Organisation for the Prohibition of Chemical Weapons (OPCW) visited the sites and verified the declared chemical weapons, which consist of sulfur mustard agents that were not loaded into munitions. Libya must now submit to the OPCW a plan and timeline for the destruction of the declared materials by the end of April. Several Member States have indicated their

support in this effort. Regarding nuclear materials, the eventual sale and transfer of the 6,400 barrels of nuclear material stored in Sabha remain a key priority.

The concerns of Libya's neighbours regarding arms proliferation are mirrored in Libya's own concern that former Qadhafi supporters may be regrouping and training in neighbouring countries in order to destabilise parts of Libya. This, together with an increase in illegal immigration and drug trafficking at its southern borders, has led border security and management to become a top priority of the interim Government. To this end, UNSMIL has now convened two coordination meetings with senior representatives of the Ministries of Defence, Interior, Finance and Foreign Affairs and relevant bilateral partners, to identify Libya's priority needs in this area and to facilitate offers of assistance. UNSMIL is coordinating closely with the European Union, which is fielding its border management assessment team in February. UNHCR and the International Organization of Migration are participating in a sub-group on illegal immigration, and supporting the Libyan authorities regarding the current influx of Syrian refugees via the Egyptian border.

On all of these issues, an intensified dialogue with Libya's neighbors on the threats emanating from a porous regime on both sides of Libya's borders is indispensable, and has been promoted by the first visits of the Minister of Foreign Affairs to Niger, Mali and Chad. Chairman Jean Ping told me during his recent visit to Tripoli of his positive discussions with the Government, and welcomed the intention of Prime Minister El-Keib to head Libya's delegation to the African Union Summit later this week.

Mr President,

You are about to hear from the High Commissioner for Human Rights, so I will limit my own remarks regarding human rights issues. I regret to report that there has been only limited progress regarding the situation of detainees since I last briefed you, with the justice system continuing to face significant challenges in its operations. To date, the Ministry of Justice has been able to manage six transfers of detention facilities from

brigades to the Ministry, two since my last briefing. The process of transferring facilities is hindered by many factors, including insufficient numbers of judicial police who carry out core prison administration functions. UNSMIL continues to press the government to expedite these handovers, so that a comprehensive review of cases of detainees can be undertaken, culminating either in their release or in formal charges in accordance with legal standards. The large detainee caseload is taxing the Ministry's current level of capacity with frustrations mounting, and culminated into a riot two weeks ago at one facility by inmates protesting their continued detention without due process.

The outbreaks of local conflicts highlight the pressing need to adopt and implement a national framework for transitional justice and reconciliation. Towards that end, the NTC has adopted a law on transitional justice, but has so far not made it public, pending the further development of the judicial and legal institutions necessary to implement its provisions. In this regard, UNSMIL, in partnership with the Ministry of Justice, as well as with UNDP and UNODC, organized a conference on 23-25 January, to discuss advancing the transitional justice agenda with national government counterparts and members of civil society. The Conference was opened by the Prime Minister who stressed the importance of transitional justice to Libya's progress.

Regarding Libya's efforts to locate and identify missing people, the Government has decided to incorporate this responsibility within the Ministry for the Assistance to the Families of Martyrs and Missing Persons, and dissolve the Commission which had been established last October. UNSMIL remains committed to supporting these efforts within whatever framework the Government has decided, and has urged that the transfer to the Ministry should not prevent the process for the search for and identification of missing persons from remaining neutral and independent, and implemented in accordance with international standards. The Prime Minister and other Government officials have assured us that these principles will continue to guide the Government's actions.

A positive step towards advancing the protection of human rights in Libya has been the NTC's establishment in December of the National Council for Public Liberties and

Human Rights. The 11-member Council, comprising human rights defenders including women and youth, is currently engaging in consultations with government officials, civil society and the international community while they prepare their start-up. UNSMIL will be providing technical assistance in response to their request.

My Deputy, as Humanitarian Coordinator, and Lib Aid continue to discuss with representatives of the Tawergha community displaced in Benghazi and representatives of the local council ways to address on-going humanitarian needs, as well as the possibilities of promoting a durable solution to this issue. Approximately one half of the remaining IDPs in the country are Tawerghans who, as previously reported, remain unable to return to their hometown.

Mr President,

On 30 and 31 January, United Nations, European Union and World Bank representatives will be participating with Libyan Ministers, officials and civil society in a workshop aimed at aligning assistance from the international community with the Government's urgent priorities. The Government has decided that this should focus on seven Government priorities outside the security sector: Civil Society and Media, Elections, Public Administration, Public Financial Management, Social Service Delivery, Strategic Communications and Transitional Justice. We expect that this workshop will determine whether the Government wishes to proceed with assessments of needs in these areas, and its future framework for coordination of international assistance. Following the Government's identification of its priorities, and the ministries' efforts to identify their objectives and targets for a National Transitional Plan, the United Nations has been assisting the Deputy Prime Minister's Office and the Ministry of Planning regarding coordination within Government and with respect to international assistance. This has included meetings between UN Country Team members and ministries to link agencies with their respective counterparts, so that the United Nations recovery and development activities are in line with their priorities.

I am very pleased to inform members of the Council that on 10 January, the Status of Mission Agreement (SoMA) was signed by the Minister of Foreign Affairs and International Cooperation, Mr. Ashur Bin Khayyal, and myself. The signature of the SOMA in such a short period of time since the establishment of the Mission in mid-September and the formation of the interim Government in late November is a reflection of the excellent relationship already established. Meanwhile we have consulted the Libyan authorities regarding the role of UNSMIL beyond its current mandate, and are finalizing the integrated mission planning process which will be reflected in the Secretary-General's recommendations in the report to be submitted to you by the end of February.

Mr President,

It is not hard to understand the contexts of the difficulties facing Libya's interim authorities which have been manifested in recent days. They do indeed require determined political management by the transitional leaders, who must be given the space to address their internal priorities, rather than the longer-term interests of external actors. UNSMIL remains focused on supporting them in these key challenges, and this will be reflected in the proposals which I look forward to discussing with the Council on the basis of the Secretary-General's recommendations in March.