

FCO/NIO MEETING ON LIBYA-UK RECONCILIATION, 11 SEPTEMBER 2012

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A. Welcome and introduction of the FCO and Northern Ireland Office teams working on reconciliation

1. Mark Bryson-Richardson (MBR, Chair) welcomed representatives of the campaigns and groups seeking redress for Qadhafi's support of IRA terrorism. We had convened this meeting to provide an update on recent developments in Libya and outline what the Government is doing to promote UK-Libya reconciliation.
2. MBR and Peter Boxer, Deputy Director for Security and Legacy at the Northern Ireland Office, introduced the new FCO and NIO teams working on reconciliation. The team can be contacted by email at LibyaReconciliationUnit@fco.gov.uk or by phone on 020 7008 5788.

B. Update on recent developments in Libya

3. MBR updated the group on the latest developments in Libya. On 7 July, Libya held its first national elections for over 40 years and a month later the first meeting of the elected General National Congress (GNC) was held, which marked the handover of power from the National Transitional Council, and elected a Chairman – Dr Magarief. [NB. The day after the meeting, on 12 September, the GNC appointed interim Deputy Prime Minister Mustafa Abu Shagur to be the new Prime Minister. Abu Shagur now has one month to appoint his Cabinet].
4. MBR explained that the Government would engage with the new Libyan authorities on the importance of addressing the wrongs of the Qadhafi era as soon as it was in place. However, we needed to be realistic about the likely pace of progress on resolving these issues given the significant challenges the new Libyan government faced, including building transparent but decisive government institutions that deliver services for ordinary people, healing the grievances generated by 42 years of divisive misrule, revitalising a state-driven economy; and bringing informal security and justice under the control of the Libyan authorities.

C. Promoting UK-Libya reconciliation

5. MBR made clear that the Government remained absolutely committed to working with the new Libyan authorities to help address the wrongs of the past. The Government wanted to see a comprehensive resolution and reconciliation for UK victims of the Qadhafi regime, including as a result of its support for IRA terrorism. The Libyan authorities were in no doubt that resolving outstanding legacy issues from the actions of the Qadhafi regime was a top priority for the UK. He explained that the UK raised this matter at the most senior levels at every opportunity. The Prime Minister had raised the importance of taking forward reconciliation with communities affected by terrorism sponsored by the Qadhafi regime with both the NTC Chairman Jalil and interim Prime Minister al-Kib on a number of occasions. When the Foreign Secretary visited Libya in July, PM al-Kib assured him of Libya's cooperation to bring justice for UK victims of Qadhafi. FCO Minister Alastair Burt and former NIO Minister Hugo Swire had written to the Libyan Government setting out how the UK and Libya could work together to promote broad and lasting reconciliation between Libya and the UK communities directly affected by Qadhafi's support of IRA terrorism, through a range of activities that will benefit all communities.

6. MBR advised that once the new Government was in place and an initial proposal for a reconciliation package had been prepared, FCO and NIO officials would travel to Libya to discuss how to take forward the reconciliation agenda. Officials were now developing a range of activities to promote reconciliation. Important to recall that reconciliation needed to be a two-way process - we were not just asking Libya to pay for things in the UK. The FCO and NIO had identified the following broad areas of activities which could be included in a potential reconciliation package:
 - i) Sharing invaluable UK knowledge and experience of reconciliation and post-conflict issues, including the experience of Northern Ireland in post-conflict transition, justice and policing reforms, the importance of regional economic investment programmes, transitional justice, power sharing, minority rights, victim support and trauma advisory services;
 - ii) Commercial activities;
 - iii) Establishing links between Libyan and UK institutions and communities (eg professional exchanges, students studying in UK institutions);
 - iv) Gestures of reconciliation (eg PM al-Kib laying a wreath at WPC Fletcher memorial during his visit to London in May).

7. Peter Boxer explained that although the Government was working to promote broad and lasting reconciliation between Libya and all UK communities affected

by Qadhafi's support of terrorism, it recognised that Northern Ireland had been particularly affected. While FCO dealt primarily with engagement with Libya, NIO's role was to ensure that Northern Ireland aspects were appropriately addressed.

8. A number of participants underscored the importance of a bottom-up process for identifying reconciliation activities. A number of groups and individuals had previously sent the FCO suggestions for reconciliation projects. It was important that these proposals were considered as we take forward work on reconciliation. MBR made clear that the FCO and NIO were interested to hear ideas for possible activities which could help promote reconciliation. The FCO would devise a suitable mechanism to consult all interested parties to ensure that activities would be appropriate and help promote reconciliation (**Action: FCO**).

D. Compensation campaigns

9. A number of participants asked what this meant for compensation claims against the Libyan authorities, highlighting the pressing needs of some victims and survivors. MBR explained the Government's long-standing position that compensation claims are best pursued with the Libyan Government directly through private campaigns. Although the Government was not involved in any negotiations with the Libyan authorities on securing compensation payments, the FCO would continue to provide facilitation support, where it has been requested. The Government would also continue to press the Libyans to engage with representatives of UK victims to discuss the issue.
10. MBR explained that facilitation meant helping set up meetings for the campaign and groups with the Libyan authorities, including with Embassy in London; offering updates on the situation in Libya and providing advice, if requested, on any proposed approaches to the Libyan authorities.
11. There was a discussion about the nature of the various compensation claims. One representative noted that only those who were party to the original legal action brought against the Qadhafi regime in the US could be considered to have a legal claim for compensation. Other groups or campaigns only had a moral claim for compensation. A number of participants explained that they were looking for a comprehensive settlement, including truth and justice, rather than compensation payments.
12. A number of participants asked about funding available to victims groups to take forward their activities. MBR undertook to look into the situation and provide a response to the groups. [NB: we can advise here that the Government does not consider it appropriate to use public funds to finance activities of the private campaigns seeking compensation that if paid would only benefit some of the many victims of Qadhafi's support of IRA terrorism. The Government will, however, continue to encourage the Libyan authorities to engage with

representatives of the UK victims, and, as detailed above, to provide support to the victims groups. NIO explained that there is funding available in Northern Ireland for groups carrying out services for victims. FCO is investigating further whether there is similar funding available for UK-based groups and will provide an update at the next meeting].

13. In response to a question about whether Libyan frozen assets held in the UK could be used to pay compensation, MBR explained that after having examined the matter closely, the Government concluded that, as the assets belong to the people of Libya, the UK Government had no legal basis for withholding Libyan assets once the relevant Libyan entities meet the conditions for unfreezing as set out in UNSCR 2009.

E. Next Meeting

14. It was agreed that the FCO and NIO would host a further meeting at the end of October to update on progress following initial contacts with the new Libyan authorities. It was suggested that the next meeting be held in Belfast and that the FCO would look into ways in which we can enable others not able to travel to these meetings to participate. We will be in touch shortly with details of the next meeting. **(Action: FCO/NIO)**

**Libya Reconciliation Unit, FCO
September 2012**