



Security Council

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Implementation of resolution 2635 (2022)

Report of the Secretary-General

I. Introduction

1. The present report is the second of two reports requested by the Security Council on the implementation of its resolution 2635 (2022). The first report was issued in December 2022 (S/2022/910).¹ In the resolution, the Council extended for a sixth time the authorizations in relation to the inspection of vessels on the high seas off the coast of Libya. The authorizations were initially set out in resolution 2292 (2016), in support of the implementation of the arms embargo established in resolution 1970 (2011), and modified in subsequent resolutions.² The present report is informed by consultations with Member States, including Libya, regional organizations, the Panel of Experts on Libya and the United Nations system, including the United Nations Support Mission in Libya (UNSMIL).

2. In its resolution 2292 (2016), the Security Council authorized Member States, acting nationally or through regional organizations, with appropriate consultations with the Libyan authorities, to inspect, on the high seas off the coast of Libya, vessels bound to or from Libya that they had reasonable grounds to believe were carrying prohibited arms or related materiel to or from Libya and, upon discovery of prohibited items, to seize and dispose of those items and to collect evidence directly related to the carriage of such items during the inspections. In its resolution 1970 (2011), which established the arms embargo, the Council had called upon Member States to conduct inspections of cargo to and from Libya in their territory, including at seaports and

¹ For earlier reports, see S/2018/451, S/2019/380, S/2020/393, S/2021/434 and S/2022/360.

² Outside the framework of the arms embargo, the Security Council also mandated the inspection of vessels on the high seas off the coast of Libya in other situations. In its resolution 2644 (2022), the Council extended the authorizations and measures aimed at preventing illicit exports of petroleum from Libya until 30 October 2023, including the authorization to inspect vessels designated by the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya. In its resolution 2652 (2022), the Council renewed the authorization to inspect vessels suspected of being used for the smuggling of migrants and human trafficking until 29 September 2023. In addition to the arms embargo, the sanctions regime in relation to Libya also includes a travel ban, an assets freeze and measures aimed at preventing illicit exports of petroleum from Libya.



airports, and had authorized the seizure and disposal of any prohibited items discovered during the inspections.³

3. The first report submitted pursuant to resolution [2635 \(2022\)](#) had noted the latest findings on violations of the arms embargo by the Panel of Experts on Libya.⁴ Since that time, a new interim report has been submitted by the Panel⁵ and the Security Council has recalled its demands for full compliance by all Member States with the arms embargo.⁶ The arms embargo continues to play an essential role in helping to maintain conditions conducive to progress in the Libyan political process.

4. In Libya, the Special Representative of the Secretary-General for Libya and Head of UNSMIL, Abdoulaye Bathily, held extensive consultations with Libyan, regional and international stakeholders in support of a resolution of the protracted political impasse and to identify a consensual pathway towards the holding of inclusive and credible elections based on a solid constitutional framework. Based on his consultations, Special Representative Bathily proposed the establishment of a mechanism to enable the organization and conduct of presidential and legislative elections in 2023. Mercenaries, foreign fighters and foreign forces remained present during the reporting period, while positive steps were taken by the 5+5 Joint Military Commission, with the support of UNSMIL, to facilitate their withdrawal within the framework of the ceasefire agreement of 23 October 2020 and the related action plan.⁷ The threat from terrorist groups remained present.⁸ Against that backdrop, the arms embargo, when properly implemented, can help to prevent violence against civilians, assist the Libyan authorities in ensuring security and prevent the proliferation of arms in Libya and the region. It therefore remains critical that the arms embargo, together with the authorizations related to the inspection of vessels on the high seas off the coast of Libya, be strictly implemented in a comprehensive manner to prevent illicit transfers by air, land and sea.

³ That call was reiterated in Security Council resolutions [2174 \(2014\)](#) and [2213 \(2015\)](#). The Council also referenced inspections on the high seas, in the context of the arms embargo, in its resolution [1973 \(2011\)](#) when calling upon Member States to carry out such inspections, but that provision was terminated by resolution [2040 \(2012\)](#).

⁴ See the final report of the Panel of Experts submitted in accordance with paragraph 13 of Security Council resolution [2571 \(2021\)](#) ([S/2022/427](#) and [S/2022/427/Corr.1](#)).

⁵ Interim report of the Panel of Experts submitted in accordance with paragraph 13 of resolution [2644 \(2022\)](#).

⁶ [S/PRST/2023/2](#) of 16 March 2023.

⁷ The 5+5 Joint Military Commission was established under the conclusions of the Berlin Conference on Libya, held on 19 January 2020, and comprises regular military and/or police officers under United Nations auspices, five each from the west and the east of Libya, respectively (see [S/2020/63](#), annex II). On 15 and 16 January 2023, UNSMIL chaired a meeting in Sirte with the 5+5 Joint Military Commission, at which the Commission approved the terms of reference of a joint technical committee on disarmament, demobilization and reintegration, requested UNSMIL to facilitate its engagement with armed groups and decided to reinvigorate its liaison committees with Chad, the Niger and the Sudan and with the African Union on the withdrawal of mercenaries and foreign fighters from Libya. On 7 and 8 February, the Special Representative chaired a meeting in Cairo bringing together the 5+5 Joint Military Commission and the liaison committees of Libya, the Sudan and the Niger. On 15 March, UNSMIL facilitated a meeting in Tunis of the 5+5 Joint Military Commission and leaders of armed groups from eastern and western Libya to discuss ensuring a conducive security environment for elections and the protection of civilians. On 27 March in Tripoli and 8 April in Benghazi, UNSMIL facilitated further meetings of the 5+5 Joint Military Commission with military and security actors (see [S/2023/248](#)).

⁸ See the sixteenth report of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat ([S/2023/76](#), para. 24) and the thirty-first report of the Analytical Support and Sanctions Monitoring Team pursuant to resolutions [1526 \(2004\)](#) and [2253 \(2015\)](#) ([S/2023/95](#), paras. 32–37).

II. Implementation of the authorizations set out in resolution [2292 \(2016\)](#) and extended in resolutions [2357 \(2017\)](#), [2420 \(2018\)](#), [2473 \(2019\)](#), [2526 \(2020\)](#), [2578 \(2021\)](#) and [2635 \(2022\)](#)

5. The European Union military operation in the Mediterranean (operation EUNAVFOR MED IRINI) remained the only regional arrangement acting under the aforementioned authorizations during the reporting period (16 April 2022 to 14 April 2023).⁹

Inspections

6. In paragraph 3 of its resolution [2292 \(2016\)](#), the Security Council authorized Member States to inspect vessels that they had reasonable grounds to believe were carrying arms or related materiel to or from Libya, in violation of the arms embargo, provided that those Member States made good-faith efforts to first obtain the consent of the vessel's flag State prior to any inspections, and called upon all flag States of the aforementioned vessels to cooperate with such inspections.

7. The European Union has informed the Secretariat that, from 16 April 2022 to 14 April 2023, operation IRINI carried out 2692 hailings, 203 friendly approaches and, as previously noted in the first report pursuant to resolution [2635 \(2022\)](#), three vessel inspections related to the arms embargo. Of those three vessel inspections, one received the consent of the flag State. The other two requests for consent remained unanswered.

8. As previously reported, the European Union also informed the Secretariat that four additional vessel inspections had been attempted but not carried out, following explicit refusals of consent by the flag State.

Seizure and disposal of prohibited items

9. In paragraph 5 of its resolution [2292 \(2016\)](#), the Security Council authorized the Member States acting under the provisions of that resolution, upon discovery of items prohibited under the arms embargo, to seize and dispose of such items (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal).

10. As previously reported, the European Union informed the Secretariat that two of the three vessel inspections carried out by operation IRINI involved the seizure of cargo (specific types of vehicles) found onboard that was determined by the operation to be prohibited under the arms embargo. According to the European Union, a final decision on the disposal of those vehicles is pending. The Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya has not expressed a position on those vehicles in relation to the arms embargo.

⁹ Launched on 31 March 2020, Operation IRINI is a successor to the European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA), with implementation of the arms embargo as its primary objective. The operation's mandate also includes, as secondary tasks, efforts to contribute to the implementation of the measures aimed at preventing illicit exports of petroleum from Libya; disruption of the business model of networks of human smuggling and trafficking in persons in the central Mediterranean region; and capacity-building and training of the Libyan Coast Guard and Navy. On 20 March 2023, the European Union renewed the mandate of operation IRINI for two years, until 31 March 2025.

III. Reporting obligations and sharing of relevant information

11. Under paragraph 10 of resolution [2292 \(2016\)](#), Member States acting under the authorizations set out in that resolution were required to report to the Security Council Committee established pursuant to resolution [1970 \(2011\)](#) on the results of the inspections undertaken. In paragraph 11 of the same resolution, Member States and the Libyan authorities were encouraged to share relevant information with the Committee and with those Member States acting under the aforementioned authorizations. The Panel of Experts was also encouraged to share relevant information with the latter.

12. During the reporting period, the European Union conveyed three inspection reports and four attempted inspection reports to the Committee. With respect to one of the inspection reports, the European Union submitted a subsequent written report. Operation IRINI continued to report strong relations with the European Union Satellite Centre and the Panel of Experts, as well as cooperation with law enforcement agencies, such as the European Border and Coast Guard Agency (Frontex) and the European Union Agency for Law Enforcement Cooperation (Europol). The operation reported that it continued to share information with the Panel of Experts on potential violations of the arms embargo in both eastern and western Libya, drawing on aerial and satellite assets in addition to the maritime assets, and through the gathering of intelligence.¹⁰

13. The Panel of Experts informed the Secretariat that it continued to maintain the procedures for the exchange of information with operation IRINI. Following inspections of the two cargoes determined by operation IRINI to be prohibited, the Panel's investigation of the supply chain for each continued during the reporting period.

IV. Inspections within the ambit of resolution [1970 \(2011\)](#)

14. As in previous reporting periods, two States neighbouring Libya informed the Secretariat that they routinely carried out inspections of suspect vessels heading to or from Libya in their territorial waters. Similarly, the European Union reported that the crime information cell located within the headquarters of operation IRINI had made 15 recommendations for inspections in the ports of European Union member States, 10 of which had been carried out by relevant law enforcement agencies. The United Nations Office on Drugs and Crime also informed the Secretariat that it continued to support maritime law enforcement agencies of countries in the Mediterranean region in tackling illegal weapons trafficking by sea in the Eastern Mediterranean, including trafficking destined to Libya, within the framework of the subprogramme for the Mediterranean of its Global Maritime Crime Programme, which had established an office in Libya, where its regional coordinator is currently based.

V. Observations

15. I would like to reiterate my appreciation for the continued efforts of the European Union, acting, through operation IRINI, under the authorizations renewed by the Security Council in its resolution [2635 \(2022\)](#). Continued engagement with all

¹⁰ In accordance with paragraph 24 (b) of resolution [1973 \(2011\)](#), the Panel of Experts is mandated by the Security Council to gather, examine and analyse such information from a variety of sources for eventual reporting to the Council.

relevant partners and stakeholders, in particular the Libyan authorities, remains important in the implementation of the authorizations.

16. All Member States can complement the efforts of operation IRINI by inspecting, in their own territories, including at seaports and airports, cargo bound to or from Libya. Training and capacity-building of vetted members of the Libyan Coast Guard and Navy, as well as of the Libyan port and customs authorities, in accordance with the arms embargo, and incorporating guarantees for the protection of human rights, continue to remain relevant in that regard. The provision of border management support to countries neighbouring Libya, upon their request, can also enhance implementation of the arms embargo.

17. I reiterate my call upon all Libyan, regional and international actors to take the necessary steps to ensure strict compliance with the arms embargo and full implementation of the ceasefire agreement, including the action plan for the withdrawal of mercenaries, foreign fighters and foreign forces. Support for the disarmament, demobilization and reintegration of armed groups, once the conditions are conducive to such a process, is also important. The Security Council and its Committee can also take additional steps, based on the recommendations made by the Panel of Experts, to enhance the implementation of the arms embargo.
