



Security Council

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Implementation of Security Council resolution 2526 (2020)

Report of the Secretary-General

I. Introduction

1. In its resolution 2526 (2020), the Security Council renewed for a fourth time the authorization for the inspection of vessels on the high seas off the coast of Libya, initially established in resolution 2292 (2016). Resolution 2526 (2020) supports the implementation of the arms embargo, established in resolution 1970 (2011).¹ Pursuant to the request of the Council, the present report on the implementation of resolution 2526 (2020) is submitted,² 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, and in consultation as appropriate with the Government of National Accord of Libya,³ to inspect vessels on the high seas off the coast of 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 such inspections.⁴ In resolution 1970 (2011), the Council also called upon Member States to conduct inspections of cargo to and from Libya in their territories,

¹ Outside the scope of the arms embargo, the Security Council also mandated the inspection of vessels on the high seas in relation to Libya in other situations. In resolution 2571 (2021), the Council extended the authorizations and measures aimed at preventing illicit exports of petroleum from Libya until 30 July 2022, including the authorization to inspect, on the high seas, vessels designated by the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya. In its resolution 2546 (2020), the Council, seeking to combat migrant smuggling and trafficking in persons, renewed the authorization to inspect vessels suspected of being used for such acts on the high seas off the coast of Libya until 2 October 2021. 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.

² See previous reports on this issue: S/2018/451, S/2019/380 and S/2020/393.

³ In resolution 2570 (2021) of 16 April 2021, the Council underlined that references in previous resolutions, including resolutions 2292 (2016) and 2526 (2020), to the Government of National Accord should be read as references to the Government of Libya and therefore shall apply to the Government of National Unity, as the interim Government of Libya, as applicable.

⁴ For the first reference by the Council to inspection on the high seas in relation to Libya, in the context of the arms embargo, see para. 13 of resolution 1973 (2011). For reference to the termination of this provision, see para. 8 of resolution 2040 (2012).



including at airports and seaports, and authorized the seizure and disposal of any prohibited items discovered during the inspections.⁵

3. Recent developments in Libya have ushered in a new beginning. The signing of the ceasefire agreement by the Libyan parties on 23 October 2020 under the auspices of the United Nations, and the subsequent swearing-in of the new Presidency Council and the Government of National Unity on 15 March 2021 – as the new interim executive authority in Libya in the period leading the country until national elections are held on 24 December 2021 – provide hopeful signs of political progress. The arms embargo can help facilitate an environment conducive to further political progress. Specifically, the arms embargo can help prevent violence against civilians in Libya, support the Libyan political process, assist the Libyan authorities in ensuring security and prevent the proliferation of arms in Libya and the region. At this juncture of hope and opportunity for Libya, it is more important than ever that the arms embargo – combined with the authorizations related to the inspection of vessels – be implemented strictly and in a comprehensive manner to prevent illicit transfers by air, land and sea.

4. However, 10 years on from the establishment of the arms embargo, its implementation has been constrained. There continue to be persistent reports, including by the Panel of Experts,⁶ of widespread violations of the arms embargo, as well as reports indicating the presence of foreign forces and mercenaries in Libya. I am concerned that six months after the signing of the ceasefire agreement, the departure of all foreign forces and mercenaries, as contemplated in the agreement, has yet to occur. This unfavourable security environment may aggravate the threat of terrorism⁷ in the country and the region. It may also augment the risk of arms proliferation in Libya and the region, in particular in the Sahel. Therefore, it is critical that the arms embargo, the inspection regime on the high seas, as well as the ceasefire agreement, be fully implemented.

5. During consultations for the present report, Libya called for a comprehensive dialogue and coordination with its Government on the implementation of the authorizations. Libya further underscored the importance of a comprehensive plan to implement the arms embargo, including by air and by land.

II. Implementation of the authorizations set out in resolution 2292 (2016) and extended in resolutions 2357 (2017), 2420 (2018), 2473 (2019) and 2526 (2020)

6. The European Union military operation in the Mediterranean (EUNAVFOR MED operation IRINI) has been the only regional arrangement acting under the above-mentioned authorizations during the reporting period. A successor to the European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA), operation IRINI was launched on 31 March 2020 in support of the conclusions of the Berlin Conference on Libya which, inter alia, called for the

⁵ The Council reiterated its call in resolutions 2174 (2014) and 2213 (2015).

⁶ See S/2021/229, sect. III.

⁷ Since the publication of my previous report, the Analytical Support and Sanctions Monitoring Team established pursuant to Council resolutions 1526 (2004) and 2253 (2015) concerning Islamic State in Iraq and the Levant (ISIL) (Da'esh), Al-Qaida and the Taliban and associated individuals and entities, has reported on concerns expressed by Member States that designated terrorist groups may exploit an illicit market for excess weapons that may develop in Libya, and subsequently noted that the ceasefire between the Libyan parties had aided counter-terrorism efforts; see S/2020/717 and S/2021/68.

upholding of the arms embargo.⁸ While implementation of the arms embargo was a secondary task for operation SOPHIA, it is the primary objective of operation IRINI.⁹

Inspections

7. Under paragraph 3 of resolution [2292 \(2016\)](#), Member States were authorized to inspect vessels which 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 inspections and called upon all flag States of such vessels to cooperate with such inspections.

8. The European Union informed the Secretariat that, as of 15 April 2021, operation IRINI had carried out 2,018 hailings,¹⁰ 110 friendly approaches and 11 vessel inspections related to the arms embargo, which led to one cargo seizure. Of the 11 vessel inspections carried out, 7 were conducted with the consent of the flag State, whereas 3 requests for consent remained unanswered within the four-hour time limit set by operation IRINI. An eleventh request for consent was explicitly denied by the flag State during the inspection, following which the operation halted its inspection activities. Subsequently, an exchange of letters related to this case was brought to the attention of the Security Council ([S/2020/1156](#), [S/2020/1240](#), [S/2020/1178](#) and [S/2021/20](#)).

9. The European Union also informed the Secretariat that three vessel inspections were attempted but not carried out, following explicit refusals by the flag State to consent. Some friendly approaches were also declined.

Seizure and disposal of prohibited items

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

11. The European Union reported that one vessel inspection involved the seizure of cargo (jet A-1 fuel), which the operation determined to be prohibited and which the operation therefore intended to dispose of through the sale of the cargo. The Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya has not expressed a position on Jet A-1 fuel in relation to the arms embargo.

III. Reporting obligations and sharing of relevant information

12. Under the provisions of paragraphs 10 and 11 of resolution [2292 \(2016\)](#), Member States acting under the authorizations set out in the same are required to report to the Libya Sanctions Committee. Under the same provisions, Member States and the Government of National Accord are also encouraged to share relevant

⁸ On 26 March 2021, the European Union renewed the mandate of operation IRINI for two years, until 31 March 2023.

⁹ As secondary tasks, the operation's mandate includes efforts to contribute to the implementation of 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 coastguard and navy.

¹⁰ One vessel hailed by the operation was determined as being entitled to sovereign immunity under international law, a category of vessel to which the authorizations contained in resolution [2292 \(2016\)](#) do not apply.

information with the Committee and with Member States acting under the aforementioned authorizations. The Panel of Experts was also encouraged to share relevant information with the latter.

13. During the reporting period, the European Union conveyed 11 inspection reports and submitted one follow-up report to the Committee, in addition to engaging with the members of the Security Council in a closed video teleconference on 2 June 2020. Operation IRINI reported that, like its predecessor, it has maintained strong relations with the European Union Satellite Centre and the Panel of Experts on Libya. It further noted that 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), has also continued. The operation also drew on aerial and satellite assets in addition to maritime assets, and through intelligence gathering, in order to share information on potential violations of the arms embargo in both eastern and western Libya with the Panel of Experts on Libya.¹¹

14. The Panel of Experts informed the Secretariat that it has maintained the procedures for the exchange of information between operation IRINI and the Panel. The United Nations Office on Drugs and Crime (UNODC) informed the Secretariat that it has finalized a working arrangement with operation IRINI, which was signed on 15 March 2021, which provides a framework for cooperation in areas of mutual interest, in accordance with their respective mandates, including the implementation of resolution [2292 \(2016\)](#).

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

15. During consultations for the present report, two States neighbouring Libya informed the Secretariat that they conducted inspections of suspect vessels, heading to or from Libya, in their territorial waters. The European Union reported that the crime information cell located within operation IRINI's headquarters made 17 recommendations for inspections in the ports of European Union member States, of which 14 had been carried out by relevant law enforcement agencies, while the others were still pending. UNODC reported that its Global Maritime Crime Programme launched a subprogramme for the Mediterranean in 2020 and was working towards initiating maritime law enforcement capacity-building, technical assistance and cooperation projects that would reinforce national capacities within the region. The African Union, which co-chairs the security working group of the International Follow-up Committee on Libya of the Berlin process, supported strengthening the border control capacity of countries to the south of Libya, within the framework of the Berlin process.

V. Observations

16. I would like to express my appreciation for the efforts of the European Union, through operation IRINI, acting under the authorizations renewed by the Security Council in resolution [2526 \(2020\)](#). The contribution of operation IRINI to the implementation of the arms embargo by sharing information on potential violations with the Panel of Experts on Libya can help enhance its support to the Council and the Security Council Committee established pursuant to resolution [1970 \(2011\)](#)

¹¹ In accordance with para. 24 (b) of Security Council resolution [1973 \(2011\)](#), the Panel of Experts is mandated by the Council to gather, examine and analyse such information from a variety of sources and report it to the Council.

concerning Libya. Close consultations with the newly established Government of National Unity, and engagement with countries neighbouring Libya, the African Union and other relevant regional organizations, are also important in the implementation of the authorizations.

17. I reiterate my call upon all Member States to complement the efforts of operation IRINI to stem the illicit flow of arms to and from Libya by air, land or sea, in line with relevant Security Council resolutions. Efforts by Member States to inspect cargo bound for or from Libya in their territories, including at airports and seaports, should be complemented by the provision of support for training and capacity-building needs in law enforcement tasks related to the implementation of the arms embargo, as identified by the Government of National Unity for its coastguard, navy and port and customs authorities. Such support should incorporate measures that mitigate the risk of human rights violations.

18. Strict compliance with the arms embargo and full implementation of the ceasefire agreement can help create the conditions for continued advancement of the political process in Libya. I call upon all Libyan, regional and international actors to take the necessary steps in that regard. The Security Council and the Committee can send a strong message to those violating the arms embargo that their actions are unacceptable and that they place the recent gains made in the political process at risk. Recommendations to that end have been made by the Panel of Experts.¹²

¹² See [S/2021/229](#), sect. VIII.