



Security Council

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Implementation of resolution 2578 (2021)

Report of the Secretary-General

I. Introduction

1. In resolution 2578 (2021), the Security Council extended for a fifth time the authorization for the inspection of vessels on the high seas off the coast of Libya, initially established in resolution 2292 (2016). The resolution supports the implementation of the arms embargo, established in resolution 1970 (2011).¹ The present report on the implementation of the resolution, as requested by the Council, 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.²

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 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.³ In resolution 1970 (2011), the Council also called upon Member States to conduct inspections of cargo to and from Libya in their territory, including at seaports and airports, and authorized the seizure and disposal of any prohibited items discovered during the inspections.⁴

3. Following the postponement of the 24 December 2021 presidential and parliamentary elections in Libya, and amid the ongoing efforts of the United Nations, including to bring together the High Council of State and the House of Representatives to agree on a constitutional basis for the holding of fair and inclusive national elections, the arms embargo can continue to help facilitate a conducive environment for advancing the political process. The arms embargo can help to prevent violence against civilians in Libya, assist the Libyan authorities in ensuring security and prevent the

¹ Outside the scope of the arms embargo, the 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 off the coast of Libya, vessels designated by the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya. In resolution 2598 (2021), the Council, seeking to combat migrant smuggling and human trafficking in the Mediterranean Sea off the coast of Libya, renewed the authorization to inspect vessels suspected of being used for such acts on the high seas off the coast of Libya until 29 September 2022. In addition to the arms embargo, the sanctions regime in relation to Libya also includes a travel ban, an asset freeze and measures aimed at preventing illicit exports of petroleum from Libya.

² For previous reports on this issue, see S/2018/451, S/2019/380, S/2020/393 and S/2021/434.

³ For the first reference by the Security 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 the termination of this provision, see para. 8 of resolution 2040 (2012).

⁴ The Council reiterated its call in resolutions 2174 (2014) and 2213 (2015).



proliferation of arms in Libya and the region. It remains critical that this measure – combined with the authorizations related to the inspection of vessels – be strictly implemented in a comprehensive manner to prevent illicit transfers by air, land and sea.

4. While reports, including by the Panel of Experts, identified fewer violations of the arms embargo during the reporting period as compared with previous periods, they also revealed that armed groups had acquired new types of military equipment. Twelve months after the signing of the Libyan ceasefire agreement of 23 October 2020, the 5+5 Joint Military Commission⁵ agreed on an action plan for a gradual, balanced and sequenced process of withdrawal of mercenaries, foreign fighters and foreign forces from Libyan territory. The Commission held direct consultations with concerned countries with a view to coordinating and exchanging information on the withdrawal of those elements. The continued presence, use, and activities of these elements, despite the agreement on the action plan, continue to pose a significant threat to the security of Libya and of the region.⁶ In the present political and security environment, the threat of terrorism also persists.⁷ Therefore, the full implementation of the arms embargo and of the ceasefire agreement remain critical.

5. During consultations for the present report, Libya, through its representation in New York, indicated that it had no concern on the implementation of the authorizations and highlighted the importance of additional capacity-building support for the Libyan agencies and authorities involved in the implementation of resolution [2578 \(2021\)](#).

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

6. The European Union military operation in the Mediterranean (operation EUNAVFOR MED IRINI) has been the only regional arrangement acting under the aforementioned authorizations during the reporting period.⁸

⁵ 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](#)).

⁶ During consultations for the present report, the African Union, which co-chairs the security working group of the International Follow-up Committee on Libya of the Berlin process, through its representation in Tunis, highlighted the importance of a coordinated withdrawal of foreign fighters, foreign forces and mercenaries from Libya, accompanied by a disarmament, demobilization and reintegration programme in which the African Union was ready to participate.

⁷ In its twenty-ninth report to the Security Council, dated 3 February 2022 ([S/2022/83](#)), the Analytical Support and Sanctions Monitoring Team, which was established pursuant to Security Council resolutions [1526 \(2004\)](#) and [2253 \(2015\)](#) concerning Islamic State in Iraq and the Levant (Da’esh), Al-Qaida and the Taliban and associated individuals and entities, noted that terrorist activity in Libya had declined while observing that unresolved political issues could provide space and opportunity for terrorist groups to reappear in the country, especially in the Fazzan region. In both its twenty-ninth and twenty-eighth reports, the latter dated 15 July 2021 ([S/2021/655](#)), the Monitoring Team also provided information on the links and cross-border activities between terrorist groups in Libya and the Sahel region.

⁸ 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 upholding of the arms embargo. Implementation of the arms embargo is a primary objective of operation IRINI. As secondary tasks, the operation’s mandate includes 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 26 March 2021, the European Union renewed the mandate of operation IRINI for two years, until 31 March 2023.

Inspections

7. Paragraph 3 of resolution [2292 \(2016\)](#) authorized Member States 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 any inspections, and called upon all flag States of the aforementioned vessels to cooperate with such inspections.

8. The European Union has informed the Secretariat that, from 16 April 2021 to 15 April 2022, operation IRINI had carried out 3,642 hailings, 141 friendly approaches and 11 vessel inspections related to the arms embargo. Of those 11 vessel inspections, 4 received the consent of the flag State, although in one case, consent was received shortly after the four hours provided by the operation for a response. Seven requests for consent remained unanswered.

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

Seizure and disposal of prohibited items

10. Paragraph 5 of resolution [2292 \(2016\)](#) authorized the Member States acting under the provisions of that resolution, 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. As reported by the European Union, no vessel inspection carried out by operation IRINI involved the seizure of cargo determined by the operation to be prohibited.

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 that resolution were given reporting obligations to the Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya. In addition, 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.

13. During the reporting period, the European Union conveyed 11 inspection reports to the Committee and engaged with the members of the Council in a closed videoconference on 28 May 2021. Operation IRINI reported that, similar to its predecessor, the European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA), it maintained strong relations with the European Union Satellite Centre and the Panel of Experts. It noted, furthermore, 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, also continued. Drawing on aerial and satellite assets in addition to the maritime assets, and through intelligence gathering, the operation continued to share information with the Panel of Experts on potential violations of the arms embargo in both eastern and western Libya.⁹

⁹ In accordance with para. 24 (b) of Security Council 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.

14. The Panel of Experts informed the Secretariat that it continued to maintain the procedures for the exchange of information between operation IRINI and the Panel. The working arrangement between the United Nations Office on Drugs and Crime (UNODC) and the operation, which had been signed on 15 March 2021 to provide a framework for cooperation in areas of mutual interest, in accordance with the respective mandates, including the implementation of resolution [2292 \(2016\)](#), also remained in place.

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

15. During consultations for the present report, two States neighbouring Libya informed the Secretariat that they had 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 the headquarters of operation IRINI had made 45 recommendations for inspections in the ports of European Union member States, 44 of which had been carried out by relevant law enforcement agencies with one remaining pending. UNODC informed the Secretariat that its Global Maritime Crime Programme, which had launched a subprogramme for the Mediterranean in 2020, had deployed a coordinator to Tunis in 2022 and continued to work towards initiating technical assistance, maritime law enforcement capacity-building and cooperation projects that would reinforce national capacities within the region.

V. Observations

16. I would like to express my renewed appreciation for the efforts of the European Union, through operation IRINI, acting under the authorizations renewed by the Security Council in resolution [2578 \(2021\)](#). Information-sharing by the operation with the Panel of Experts regarding potential violations of the arms embargo is an important contribution to its implementation. Continued engagement with the Libyan authorities, as well as engagement, as relevant, with countries neighbouring Libya, the African Union and other relevant regional organizations, will remain 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 Council resolutions. Inspection by Member States in their territory, including at seaports and airports, of cargo bound to or from Libya should be complemented by the provision of training and capacity-building support in law enforcement tasks related to the implementation of the arms embargo, as identified by the Libyan authorities for the Libyan Coast Guard, Navy and border authorities. Such support should be contingent on respect for human rights, the protection of which should be guaranteed.

18. Strict compliance with the arms embargo and full implementation of the ceasefire agreement, including a coordinated withdrawal of mercenaries, foreign fighters and foreign forces in accordance with the action plan agreed by the 5+5 Joint Military Commission, can contribute to creating a conducive environment to advance the political process in Libya. I reiterate my call upon all Libyan, regional and international actors to take the necessary steps in that regard. The Security Council and the Committee, with the assistance of the Panel of Experts, continue to play an important role in sending a strong message to arms embargo violators that their actions are unacceptable and risk hindering the political process.