



Security Council

Distr.: General
10 May 2019

Original: English

Implementation of resolution 2420 (2018)

Report of the Secretary-General

I. Introduction

1. The Security Council, in its resolution 2420 (2018), with the aim of ensuring the strict implementation of the arms embargo, once again renewed its authorization for the inspection of vessels on the high seas off the coast of Libya, together with related authorizations, initially established in resolution 2292 (2016),¹ and also requested that I submit a report on the implementation of resolution 2420 (2018).² The present report, submitted in fulfilment of that request, was 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. Regrettably, the present report coincides with the recent military escalation and fighting in Libya, amid ongoing reports of violations of the arms embargo by air, land and sea. I am deeply concerned that an important opportunity for an inclusive dialogue and the search for a political solution for Libya may be undermined by such activities. Since 2011, the Security Council has maintained a two-way arms embargo on Libya to prevent the proliferation of arms in the region, contribute to the prevention of violence against civilians in the country, support the Libyan political transition and assist the Government of National Accord in establishing unified national forces that could ensure security and defend Libya against terrorism. In the current situation, it is critical that these measures, combined with the authorization

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 its resolution 2441 (2018), for example, the Council extended the duration of an inspection regime to prevent illicit exports of petroleum from Libya and authorized, until 15 February 2020, the inspection, on the high seas, of vessels designated by the Security Council Committee established pursuant to resolution 1970 (2011). Another example is resolution 2437 (2018), in which the Council sought to combat migrant smuggling and human trafficking and renewed the authorization to inspect vessels suspected of being used for such acts on the high seas off the coast of Libya until 3 October 2019.

² On 11 May 2018, I provided my first report thereon (S/2018/451), pursuant to resolution 2357 (2017), in which the Security Council renewed the authorizations contained in its resolution 2292 (2016) for a further 12 months and requested that I provide a report on the implementation of resolution 2357 (2017).



for inspections of vessels on the high seas off the coast of Libya, are strictly implemented.

3. Member States are required to fully abide by the relevant Security Council resolutions that are aimed at preventing the direct or indirect supply, sale or transfer of arms and related materiel of all types to Libya. To facilitate the implementation of the two-way arms embargo, the Council, in its resolution [1970 \(2011\)](#), called upon Member States to conduct inspections of cargo in their territories that was heading to and coming from Libya, including inspections at airports and seaports. The Council also authorized the seizure and disposal of any prohibited items that had been discovered during the inspections. The Council reiterated its call, in its resolutions [2174 \(2014\)](#) and [2213 \(2015\)](#), for Member States to conduct such inspections in their territories. In its resolution [2292 \(2016\)](#), the Council authorized the inspection, by Member States, acting nationally or through regional organizations, with appropriate consultations with the Government of National Accord, of vessels on the high seas off the coast of Libya bound for or coming from Libya. Under the terms of the resolution, Member States that are conducting such inspections, acting nationally or through regional organizations, are also authorized, 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

4. The arms embargo and the subsequent inspection regime on the high seas remain important decisions of the Security Council in addressing the smuggling of arms into and out of Libya that has been ongoing since 2011. Member States, the Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya, regional organizations⁴ and the Panel of Experts⁵ have all reported on illicit transfers of arms and related materiel into and out of Libya. Those transfers have involved State and non-State actors, including foreign and Libyan armed groups and criminal entities. The illicit flow of arms out of Libya has enabled terrorist groups to expand their influence in the region.⁶ It therefore remains critical that the arms embargo and the subsequent inspection regime on the high seas are fully implemented.

II. Implementation of the authorizations set out in resolution [2292 \(2016\)](#) and extended in resolutions [2357 \(2017\)](#) and [2420 \(2018\)](#)

5. The European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA) has been the only regional arrangement acting under the above-mentioned authorizations. The military operation reported that, during the period from 23 March 2018 to 22 March 2019, it conducted 1,083 hailings, 84 friendly approaches and three vessel inspections. There were no seizures

³ For the first reference by the Security Council to inspections on the high seas in relation to Libya, see paragraph 13 of resolution [1973 \(2011\)](#). For reference to the termination of this provision, see paragraph 8 of resolution [2040 \(2012\)](#).

⁴ Since the publication of my previous report, the European Union military operation in the Southern Central Mediterranean has informed the Secretariat of three instances of transfers of arms and related materiel by sea (see para. 10).

⁵ Since the publication of my previous report, the Panel of Experts on Libya has reported on additional investigations of transfers of arms-related materiel by sea (see [S/2018/812](#), paras. 75–88), as well as by air and land.

⁶ Since the publication of my previous report, the Analytical Support and Sanctions Monitoring Team pursuant to resolutions [1526 \(2004\)](#) and [2253 \(2015\)](#) concerning ISIL (Da'esh), Al-Qaida and the Taliban and associated individuals and entities has drawn attention to links between terrorist groups in Libya, in neighbouring countries and in the Sahel, although without reference to movements by sea (see [S/2018/705](#), paras. 31 and 32).

of arms or related materiel. Since June 2016, the military operation has conducted a total of 2,377 hailings, 170 friendly approaches and six vessel inspections, leading to two seizures of prohibited items. My previous report (S/2018/451) contained details of the two seizures, which occurred in May and June 2017.

6. The military operation further reported that, on 29 March 2019, the Council of the European Union decided to extend the operation's mandate until 30 September 2019, while at the same time temporarily suspending the deployment of naval assets for the duration of the extension, with the possibility of reverting to this matter whenever necessary. Under the extended mandate, the use of aerial capabilities to monitor the area of operations and the exchange of information between the military operation and other actors continues.

7. No further information has been brought to the attention of the Secretariat regarding additional inspections of vessels or seizures of cargo by Member States, acting nationally or through regional organizations, on the high seas off the coast of Libya during the reporting period.

Inspections: *Osman Prince*, *Ahmad Prince* and *Rusen Mete*

8. The military operation informed the Secretariat that, since my previous report, it had conducted three vessel inspections, on 23 September 2018, 1 November 2018 and 18 January 2019, respectively. The first inspection involved the motor vessel *Osman Prince*, which was bound for Benghazi; the second inspection concerned the motor vessel *Ahmad Prince*, destined for Tripoli; and the third inspection involved the motor vessel *Rusen Mete*, which was bound for Marsa el Brega. The military operation reported that, for all three inspections, good-faith efforts had been made to first obtain the consent of the relevant flag State, but no reply had been forthcoming in the specified four-hour time limit and, therefore, the inspections went ahead. According to the military operation, all three crews were cooperative during the inspections. No arms or related materiel were found aboard the three vessels.

III. Reporting obligations and sharing of relevant information

9. Under the provisions of paragraph 11 of resolution 2292 (2016), Member States and the Government of National Accord were encouraged to share relevant information with the Committee and with those Member States and regional organizations acting under the authorizations set out in resolution 2292 (2016). In that regard, during the reporting period, the military operation submitted reports to the Committee on the three inspected vessels. It also informed the Secretariat that it had increased its focus on the exchange of information with key interlocutors through the establishment of a crime information cell. The military operation further informed the Secretariat that it had continued to gather information through the issuance of requests for information to States members of the European Union and various entities. The Panel of Experts informed the Secretariat that it had established procedures in order to exchange information with the military operation.

10. In addition, the military operation informed the Secretariat of three instances involving the seizure of arms and related materiel by Libyan port and customs authorities in Khoms⁷ and Misrata.⁸ The Panel of Experts informed the Secretariat that it was investigating these cases.

⁷ Seizure of weapons and ammunition on 17 December 2018 and of armoured vehicles on 5 February 2019.

⁸ Seizure of weapons on 7 January 2019.

IV. Observations

11. I am deeply concerned by the current military operations in Libya, which, reportedly, are being reinforced by the transfer of arms into the country, including by sea. I would like to reiterate my appreciation for the efforts of the European Union military operation, acting under the authorizations renewed by the Security Council in its resolution [2420 \(2018\)](#), to deter the smuggling of illicit arms and related materiel into or out of Libya by sea. Given that the most recent extension of the military operation stipulated a temporary suspension of the deployment of naval assets, it is as relevant as ever for Member States, in order to complement the efforts of the military operation, to inspect cargo in their territorial waters or at their seaports that is heading to and coming from Libya, in line with relevant Security Council resolutions.

12. The reported seizures of arms and related materiel by Libyan port and customs authorities demonstrate the continued relevance and importance of training and capacity-building, as identified by the Government of National Accord, for its coastguard forces and its port and customs authorities. I thank the military operation for its engagement in the provision of such training to the coastguard forces.

13. In the eight years since the Security Council imposed the arms embargo in relation to Libya, the implementation of embargo measures continues to encounter challenges. I strongly urge Member States to fully implement the embargo measures, which are of immediate importance in de-escalating the current situation and remain of critical importance to the protection of civilians and the restoration of security and stability in Libya and the region. The Council and the Committee, with the assistance of the Panel of Experts, also have an important role to play in sending a clear and unequivocal message to all parties that the continued breaches of the embargo are a violation of relevant Council resolutions and detrimental to progress towards a political solution that would bring about sustainable peace in Libya.
