



# Security Council

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## Implementation of resolution 2473 (2019)

### Report of the Secretary-General

#### I. Introduction

1. In resolution 2473 (2019), the Security Council renewed for a third 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).<sup>1</sup> Pursuant to the request of the Council, I submit the present report on the implementation of resolution 2473 (2019),<sup>2</sup> 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. I am deeply concerned by the continued violations of the Security Council-imposed arms embargo on Libya, which is aimed at preventing violence against civilians, supporting the Libyan political process, assisting the Libyan authorities in ensuring security and preventing the proliferation of arms. Notwithstanding the Council endorsement<sup>3</sup> of the conclusions<sup>4</sup> of the Berlin Conference on Libya, held in that city on 19 January 2020, in which commitments were made to abide by the arms embargo, continuing violations have been widely reported, including by the Panel of Experts.<sup>5</sup> It is critical that the arms embargo, combined with the authorization for 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.

<sup>1</sup> 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 2509 (2020), for example, the Council extended the duration of an inspection regime to prevent illicit exports of petroleum from Libya and authorized, until 30 April 2021, the inspection, on the high seas, of vessels designated by the Security Council Committee established pursuant to resolution 1970 (2011). Another example is resolution 2491 (2019), 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 2020.

<sup>2</sup> In my two previous reports, S/2018/451 and S/2019/380, submitted on 11 May 2018 and 10 May 2019, pursuant to resolutions 2357 (2017) and 2420 (2018), respectively, the authorizations contained in resolution 2292 (2016) were renewed.

<sup>3</sup> See resolution 2510 (2020), para. 2.

<sup>4</sup> See S/2020/63, annex, paras. 1–9.

<sup>5</sup> See S/2019/914, sect. III.



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. In resolution 1970 (2011), the Council called upon Member States to conduct inspections of cargo to and from Libya in their territories, including at airports and seaports, and authorized the seizure and disposal of any prohibited items discovered during the inspections. The Council reiterated its call, in resolutions 2174 (2014) and 2213 (2015), for Member States to conduct such inspections in their territories. In resolution 2292 (2016), the Council authorized Member States, acting nationally or through regional organizations, with appropriate consultations with the Government of National Accord, 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.<sup>6</sup>

4. In my previous report (S/2019/380), I noted that Member States, the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya, regional organizations and the Panel of Experts had all reported on illicit transfers of arms and related materiel into and out of Libya, involving both State and non-State actors, including foreign and Libyan armed groups, as well as criminal entities. Since the resumption of active conflict in Libya and the launch on 4 April 2019 of a military offensive on Tripoli by the Commander of the Libyan National Army, General Khalifa Haftar, violations of the arms embargo have increased at a sustained pace. The illicit flow of arms out of Libya has enabled terrorist groups to expand their influence in the region.<sup>7</sup> It therefore remains critical that the arms embargo and the subsequent inspection regime on the high seas, core objectives of the Berlin Process and endorsed in Council resolutions 2509 (2020) and 2510 (2020), be fully implemented.

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

5. The European Union Naval Force military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA) had been the only regional arrangement acting under the above-mentioned authorizations until 31 March 2020, when its mandate ended. The military operation informed the Secretariat that, between 6 September 2016 and 5 March 2020, it had carried out a total of 2,642 hailings and queries, 161 friendly approaches, seven flag enquiries and six vessel inspections, which had led to two arms seizures. Moreover, the suspension of the deployment of maritime assets on 1 April 2019 precluded the possibility of conducting further friendly approaches, boardings and inspections at sea.

6. However, the military operation informed the Secretariat that six aircraft, supported by remotely piloted aircraft systems, had gathered information on and hailed vessels suspected of involvement in illicit arms trafficking activities. Following the Berlin Conference, and in support of the implementation of

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<sup>6</sup> For the first reference by the Security Council to inspections on the high seas in relation to Libya, see resolution 1973 (2011), para. 13. For reference to the termination of that provision, see resolution 2040 (2012), para. 8.

<sup>7</sup> Since the publication of my previous report, the Analytical Support and Sanctions Monitoring Team, which was established 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, neighbouring countries and the Sahel, although without reference to movements by sea, and referenced reported movements of weapons from Libya to terrorist groups in the region; see S/2020/53, paras. 24, 29, 30 and 102.

resolution [2473 \(2019\)](#), the military operation had intensified its aerial monitoring with satellite surveillance, resulting in an increase in maritime patrols off the eastern coast of Libya. Previously, the patrol area had been centred mostly on the western part of Libya, covering the main route used by migrants to reach Europe.

7. On 31 March 2020, the Council of the European Union established the European Union military operation in the Mediterranean (EUNAVFOR MED operation IRINI), a successor to operation SOPHIA. Drawing on aerial, satellite and maritime assets, operation IRINI supports the implementation of the arms embargo, in compliance with relevant Security Council resolutions, including resolutions [1970 \(2011\)](#) and [2292 \(2016\)](#).

8. No other information was brought to the attention of the Secretariat regarding 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.

### **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 \(2016\)](#). Under paragraph 10 of the same resolution, the Panel of Experts was also encouraged to share relevant information with Member States acting under the authorizations.

10. During the reporting period, no vessel inspection reports were submitted to the Committee. On the basis of a close relationship with the European Maritime Safety Agency, operation SOPHIA reported that it had supplemented information collected by aerial assets with satellite data. The military operation had also maintained an information exchange with key interlocutors, such as the European Border and Coast Guard Agency, the European Union Agency for Law Enforcement Cooperation, the European Union Integrated Border Management Assistance Mission in Libya, the North Atlantic Treaty Organization Allied Maritime Command, the Panel of Experts on Libya and the merchant shipping cluster. The European Union Satellite Centre, with which the military operation had strengthened its relationship, provided additional imagery and analysis in support of countering illicit arms trafficking. The operation's crime information cell shared information regarding vessels suspected of arms trafficking with relevant law enforcement actors and made six recommendations for port inspections, including one related to a vessel currently under investigation by a country's national judicial authorities for suspected arms trafficking. The Panel of Experts informed the Secretariat that it had extended the procedures for the exchange of information to operation IRINI, given the utility of its past cooperation with operation SOPHIA and the provisions set out under resolution [2292 \(2016\)](#).

### **IV. Observations**

11. I would like to express my appreciation for the efforts of the European Union, through operation SOPHIA, acting under the authorizations renewed by the Security Council in resolution [2473 \(2019\)](#), to deter the smuggling of illicit arms and related materiel to and out of Libya by sea. I welcome the establishment of operation IRINI and underscore the importance of close consultations with the Government of National Accord and engagement with countries neighbouring Libya, the African Union and other relevant regional organizations.

12. Since the Security Council imposed the arms embargo on Libya in 2011, its implementation has encountered persistent challenges, with devastating consequences for the country. I regret that continued violations of the embargo measures undermine my call for a global ceasefire to effectively address the threat of COVID-19, as well as to ensure unhindered access to humanitarian aid and realize the ceasefire being discussed under the auspices of the United Nations. A lasting ceasefire in Libya and a return to the political process necessitates a comprehensive and sustained international effort, drawing on the commitments reaffirmed at the Berlin Conference on Libya on 19 January 2020 to fully implement the Council-imposed arms embargo. I 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.

13. The Panel of Experts on Libya<sup>8</sup> and UNSMIL<sup>9</sup> have presented proposals for the strengthened implementation of the arms embargo. Efforts to support implementation must be comprehensive, with the aim of preventing or deterring violations by air, land and sea. The Council and the Committee, in shouldering their responsibilities and taking further action, can send a strong and clear signal to all parties that continued violations of the embargo are unacceptable and hinder the search for sustainable peace in Libya.

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<sup>8</sup> [S/2019/914](#).

<sup>9</sup> See [S/2020/63](#), annex II.