



Security Council

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Implementation of resolution [2684 \(2023\)](#)

Report of the Secretary-General

I. Introduction

1. In its resolution [2684 \(2023\)](#), the Security Council extended for a seventh time the authorizations for the inspection of vessels on the high seas off the coast of Libya, initially established in resolution [2292 \(2016\)](#), in support of the implementation of the arms embargo in relation to Libya. The present report, which is the first of two reports requested by the Council on the implementation of resolution [2684 \(2023\)](#), was prepared after seeking inputs from all Member States, including Libya. In addition, consultations were held with regional organizations, the Panel of Experts on Libya established pursuant to resolution [1973 \(2011\)](#) and the United Nations system, including the United Nations Support Mission in Libya (UNSMIL) and the United Nations Office on Drugs and Crime. The report covers the period from 15 April to 31 October 2023.¹

2. The arms embargo was established in resolution [1970 \(2011\)](#) and modified in subsequent resolutions. By 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 such items and to collect evidence directly related to the carriage of such items during the inspections. In its resolution [1970 \(2011\)](#), the Council had called upon all States to conduct inspections of cargo to and from Libya in their territory, including at seaports and airports, and had authorized the seizure and disposal of any prohibited items discovered during the inspections.

3. Since the publication of the previous report, new findings on violations of the arms embargo have been reported by the Panel of Experts in terms of arms transfers both into and out of Libya. The Panel has also provided a summary, covering the period from the inception of the arms embargo in February 2011 until July 2023, that illustrates the variety and technical complexity of the arms and military materiel transferred into the country (see annex 25 to [S/2023/673](#) and [S/2023/673/Corr.1](#)). The Security Council has once again expressed serious concern over the continued

¹ For previous reports, see [S/2018/451](#), [S/2019/380](#), [S/2020/393](#), [S/2021/434](#), [S/2022/360](#) and [S/2023/308](#).



violations of the arms embargo and demanded full compliance by all Member States with this measure. In its resolutions [2701 \(2023\)](#) and [2702 \(2023\)](#), the Council also reiterated that individuals and entities determined by the Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya to have violated the provisions of resolution [1970 \(2011\)](#), including the arms embargo, or assisted others in doing so were subject to designation.

4. In Libya, the Special Representative of the Secretary-General for Libya and Head of UNSMIL, Abdoulaye Bathily, continued his engagement with all stakeholders to move the political process, in particular the electoral process, forward. On 2 October 2023, the House of Representatives adopted revised electoral laws submitted to it by the 6+6 joint committee, which, however, were rejected by the High State Council on the same day. On 1 November, the electoral laws were published in the Official Gazette. During his briefing to the Security Council on 16 October, the Special Representative had identified the politically contentious issues in the revised electoral laws that required a political compromise among key actors, and had called upon all relevant Libyan actors to meet and agree on a binding political settlement that would lay the ground for the holding of a peaceful electoral process (see [S/PV.9438](#)).

5. On the security front, armed clashes in Tripoli on 14 and 15 August 2023, in Benghazi from 6 to 8 October 2023 and in Gharyan on 29 October 2023 illustrate the fragility of the calm that currently exists in the country. Mercenaries, foreign fighters and foreign forces remained present during the reporting period, while the 5+5 Joint Military Commission, with the support of UNSMIL, continued to work towards facilitating their departure in compliance with relevant provisions of the ceasefire agreement of 23 October 2020 and the related action plan. UNSMIL met with the liaison committees from Chad, Libya, the Niger and the Sudan to advance the implementation of the action plan. Events in those countries are, however, hampering progress in that regard. The threat from terrorist groups remained present, in particular in the south (see [S/2023/549](#) and [S/2023/673](#) and [S/2023/673/Corr.1](#)).

6. In the aforementioned political and security environment, the arms embargo, when properly implemented, can continue to play an important role in helping to prevent violence against civilians, maintaining conditions conducive to advancing the Libyan political process, assisting the Libyan authorities in ensuring security and preventing the proliferation of arms in Libya and the region. It remains essential, therefore, that the embargo, combined 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.

II. Implementation of the authorizations set out in resolution [2292 \(2016\)](#) and extended in resolutions [2357 \(2017\)](#), [2420 \(2018\)](#), [2473 \(2019\)](#), [2526 \(2020\)](#), [2578 \(2021\)](#), [2635 \(2022\)](#) and [2684 \(2023\)](#)

7. 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.

Inspections

8. 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 vessels to cooperate with such inspections.

9. The European Union informed the Secretariat that, from 15 April to 31 October 2023, Operation IRINI had carried out 3,049 hailings, 128 friendly approaches and 1 vessel inspection related to the arms embargo. The vessel inspection received the consent of the flag State.

10. The European Union also informed the Secretariat that an additional vessel inspection had been attempted but not carried out, following refusal of consent by the flag State.

Seizure and disposal of prohibited items

11. 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).

12. On 22 August 2023, the Chair of the Committee informed the Security Council that the Committee had received a letter from the European Union concerning the status of cargo (specific types of vehicles) seized by Operation IRINI in 2022. He also reported that one Committee member had expressed varying views with regard to possible follow-up on the matter, referring to the implementation of resolution [2292 \(2016\)](#), and that there was an absence of consensus among Committee members in that regard (see [S/PV.9402](#)).

III. Reporting obligations and sharing of relevant information

13. In paragraph 10 of resolution [2292 \(2016\)](#), Member States acting under the authorizations set out in that resolution were required to report to the Committee 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 authorizations. The Panel of Experts was also encouraged to share relevant information with the Member States acting under the authorizations.

14. During the reporting period, the European Union conveyed one inspection report to the Committee and engaged with the members of the Security Council in an informal interactive dialogue on 17 May 2023. Operation IRINI 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 intelligence gathering. It also reported on its cooperation with law enforcement agencies, such as the European Border and Coast Guard Agency (Frontex) and the European Union Agency for Law Enforcement Cooperation.

15. The Panel of Experts informed the Secretariat that it continued to follow the procedures for the exchange of information with Operation IRINI. Following inspections by the Panel of the two cargoes seized by Operation IRINI in 2022, the Panel reported on its findings (see [S/2023/673](#) and [S/2023/673/Corr.1](#)).

IV. Inspections within the ambit of resolution 1970 (2011)

16. Two States neighbouring Libya informed the Secretariat that they routinely tracked or inspected vessels heading to or from Libya in their territorial waters. A third State in the region reported that it had conducted one vessel inspection in its territorial waters. The European Union reported that the crime information cell located within the headquarters of Operation IRINI had made four recommendations for inspections in the ports of European Union member States, two of which had been carried out by relevant law enforcement agencies. The United Nations Office on Drugs and Crime informed the Secretariat that it continued, as previously reported, 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.

V. Observations

17. I would like to reiterate my appreciation for the continued efforts of the European Union, acting through Operation IRINI, under the authorizations extended by the Security Council in its resolution 2684 (2023). I would also like to reiterate that continued engagement with all relevant partners and stakeholders, in particular the Libyan authorities, remains important in the implementation of the authorizations related to vessel inspections.

18. As demonstrated in the monitoring activities reported by some of the neighbouring States, 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 Libyan entities that intercept vessels in Libyan territorial waters and process cargo at Libyan ports, in accordance with the arms embargo and with mechanisms in place to ensure compliance with international human rights law, continue to remain useful in that regard (see S/2023/640 and S/2023/673 and S/2023/673/Corr.1). The provision of border management support to countries neighbouring Libya, upon their request, also continues to be one way of enhancing implementation of the arms embargo.

19. I reiterate my call upon all actors at the national, regional and international levels to take the steps necessary 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, as is support for the reunification of military and security institutions in Libya. The Security Council and its Committee established pursuant to resolution 1970 (2011) concerning Libya can also take further action, on the basis of various recommendations made by the Panel of Experts over the course of the past several years, to enhance the implementation of the arms embargo.