



Security Council

Seventy-ninth year

9644th meeting

Friday, 31 May 2024, 3 p.m.

New York

Provisional

President: Mr. Afonso (Mozambique)

Members:

Algeria	Mr. Bendjama
China	Mr. Geng Shuang
Ecuador	Mr. De La Gasca
France	Mr. De Rivière
Guyana	Mrs. Rodrigues-Birkett
Japan	Mrs. Shino
Malta	Mrs. Frazier
Republic of Korea	Mr. Hyunwoo Cho
Russian Federation	Ms. Evstigneeva
Sierra Leone	Mr. Sowa
Slovenia	Mrs. Blokar Drobič
Switzerland	Mrs. Baeriswyl
United Kingdom of Great Britain and Northern Ireland . .	Ms. Dix
United States of America	Mr. Wood

Agenda

The situation in Libya

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2024/421, which contains the text of a draft resolution submitted by the France and Malta.

The Council is ready to proceed to the vote on the draft resolution before it.

I shall first give the floor to those members of the Council who wish to make statements before the voting.

Mrs. Frazier (Malta): As this is our last working day this month, I wish you take the opportunity to congratulate you, Mr. President, on your skilful steering of the presidency. Our thanks go out to you and your team for the work done this month.

France and Malta, as co-penholders, are honoured to present this draft resolution (S/2024/421) to renew the authorizations and measures designed to implement the Libyan arms embargo for another year. We remain deeply committed to the protection of the Libyan people, who are the primary victims of conflict, and to advancing peace and stability in Libya, the Mediterranean and beyond. Regrettably, such efforts are often undermined by the proliferation of arms and weapons under the control of various State and non-State actors operating in Libya. That has consequences, both inside the country and beyond its borders.

It is essential that the United Nations arms embargo imposed on Libya be fully respected and adhered to in line with international law. The European Union (EU) Naval Force Mediterranean Operation IRINI is proof of the EU's commitment to contribute to the return to peace and stability in Libya. To that end, this draft resolution renews the authorizations for Member States, acting nationally or through regional organizations, to continue inspecting vessels on the high seas off Libya's coast believed to be in violation of the arms embargo. Operation IRINI plays an important role in the implementation of the arms embargo, in full compliance with resolution 2292 (2016) and subsequent Security Council resolutions. Since the start of its mandate, Operation IRINI has inspected 27 vessels, performed more than 14,000 hailings and more than 600

friendly approaches and provided over 50 special reports to the United Nations Panel of Experts.

Leading up to the negotiations on the draft resolution, France and Malta conducted significant outreach with all Council members, Libyan authorities and other stakeholders. Throughout the negotiations, we engaged in a spirit of compromise and displayed flexibility to reconcile divergent views. The final text, which the Council will now vote on, addresses the concerns raised by some delegations. It provides an enhanced role for the Sanctions Committee established pursuant to resolution 1970 (2011) in approving the disposal of any seized items, except in cases where they are destroyed or rendered inoperable. It also maintains the operability of that framework and provides enforcement actors with the necessary conditions and safeguards to conduct their work effectively.

We count on the Council to reaffirm its commitment to those measures seeking to prevent a further deterioration of security and stability in Libya and beyond, and we urge all members to vote in favour of the text.

The President: I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Ecuador, France, Japan, Malta, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

None

Abstentions:

Algeria, China, Guyana, Mozambique, Russian Federation, Sierra Leone

The President: The draft resolution received 9 votes in favour, none against and 6 abstentions. The draft resolution has been adopted as resolution 2733 (2024).

I shall now give the floor to those members of the Council who wish to make statements after the voting.

Mr. Sowa (Sierra Leone): I have the honour to deliver this explanation of vote on behalf of the three African members of the Security Council — Algeria, Mozambique and Sierra Leone — as well as Guyana (A3+).

The A3+ reiterates the importance of the implementation of the arms embargo on Libya and supports the inspection of vessels on the high seas off Libya's coast that are believed to be in violation of the arms embargo imposed

on the country. Rigorous and transparent enforcement of the arms embargo is crucial to de-escalate the violence, protect civilians and create an environment conducive for a political solution in Libya. We owe it to the people of Libya to take concrete actions to halt the inflow of arms that have fuelled such devastation. Only then can we help facilitate a genuine, inclusive dialogue whereby Libyans determine their future through legitimate institutions.

The Security Council adopted resolution 2292 (2016) and extended in subsequent resolutions the mandate to allow Member States, acting nationally or through regional organizations, to inspect vessels on the high seas off the coast of Libya, bound to or from Libya, that they suspect to be carrying prohibited arms or related material to or from Libya. In that regard, the A3+ is of the firm view that the Committee established pursuant to resolution 1970 (2011) should play a leading role in how those items are disposed of.

The A3+ abstained in the voting today because the proposed amendments on strengthening the role of the Committee in the decision-making about the disposal of prohibited seized items were not reflected in the text just adopted (resolution 2733 (2024)). Despite several calls on the co-penholders to consider the legitimate concerns of the A3+ concerning greater transparency in its implementation and the strengthening of the Sanctions Committee's role in the disposal of those items, they were not appropriately given due consideration. The resolution therefore does not adequately address the key concerns raised by the A3+ countries. The A3+ engaged constructively in the negotiations and brought forward formulations that would have brought about a consensus outcome on the product. Unfortunately, this text fails to address our main concerns and does not reflect the spirit of compromise that guided our deliberations.

The Council has a responsibility to uphold the integrity and credibility of the arms embargo we have established. Increasing transparency will only enhance the legitimacy and effective implementation of the Libya arms embargo. It is a worthy investment to help Libya emerge from the cycles of violence and make progress on the path to peace.

In conclusion, the A3+ remains committed to peace, security, stability and prosperity for Libya and its people.

Mr. Wood (United States of America): I would like to first thank the delegations of Malta and France for their work on resolution 2733 (2024).

The United States welcomes the adoption of this resolution and its renewal of the vessel-inspection authority that supports implementation of the United Nations arms

embargo. The United States applauds the European Union (EU) Naval Force Mediterranean Operation IRINI for its successful use of that authority. The presence and diligence of Operation IRINI in the Mediterranean provide a deterrent to would-be arms smugglers. Operation IRINI also serves a critical information-sharing function, especially with the United Nations Panel of Experts on Libya.

We are disappointed by the newly inserted requirement that Committee approval must be obtained prior to the use of some modes of disposal of seizures. We believe that will unnecessarily politicize and significantly impede the interdiction process. Nevertheless, we thank the EU for its dedication of resources to monitor and disrupt illicit activities at sea and in the air off the coast of Libya, and we call on other Member States to make use of that authority as well.

Mr. Geng Shuang (China) (*spoke in Chinese*): During the consultations on resolution 2733 (2024), many Council members, including China, proposed improving the monitoring mechanism for the arms embargo on Libya so as to ensure that the Sanctions Committee approves the disposal of the embargo items being seized. That will help the Sanctions Committee to play a leading role in monitoring sanctions and ensuring that the relevant mechanism is impartial and transparent.

In response to that request, the co-penholders made some improvements to the resolution, which deserves recognition. However, the resolution still allows for the arbitrary disposal of seized items. It is not in line with China's propositions, nor is it conducive to upholding the authority of the monitoring mechanism. More importantly, it runs counter to the wishes of the concerned country and the calls by the African members of the Council. Therefore, China abstained in the voting on the resolution that was just put to vote.

Libya is still facing a series of challenges at present. The international community should respect Libya's sovereignty, independence and territorial integrity and support a Libyan-led and Libyan-owned political process. China calls on the European Union and other parties not only to support the arms embargo implementation, but also to increase their input into Libya's security capacity-building and economic and social development so as to help Libya assume responsibility for its own security and achieve lasting peace, development and prosperity.

Before I conclude, I would like to take this opportunity to congratulate Mozambique on its successful completion of its Security Council presidency this month. I also wish the Republic of Korea success next month.

Ms. Evstigneeva (Russian Federation) (*spoke in Russian*): The Russian Federation abstained in the voting on the resolution prepared by France and Malta on the extension of the special inspection regime on the high seas off the coast of Libya in order to implement the arms embargo (resolution 2733 (2024)). We would like to remind the Council once again that Russia, together with other members of the Security Council, was at the heart of its establishment. At that time, we had hoped that this mechanism would be able to contribute to the reduction of illicit arms trafficking, and thereby help bring about the long-awaited political solution to the protracted conflict in the former Libyan Arab Jamahiriya. In reality, however, the European Union (EU) Naval Force Mediterranean Operation IRINI, which took over inspections under this regime, did not contribute to that goal at all.

From year to year, we consistently and reasonably express concerns about Operation IRINI, its geographical scope, functionality and accountability, as well as the adherence of its actions with the mandate of resolution 2292 (2016). During the entire period of its mandate, it is difficult to talk about unequivocally successful interceptions of any smuggled cargo. Questions are raised by the hasty — and, as it turned out later, not always correct — conclusions made by the leadership of the operation regarding the military nature of the latter. Another chronic defect of Operation IRINI is a selective approach to patrolling areas and the inspection targets. Finally, the operation is simply ineffective. According to the latest calculations of the Sanctions Committee Panel of Experts on Libya established pursuant to resolution 1970 (2011), the country is still awash in weapons. We must note that the brainchild of the European Union has not brought about practical results in terms of stabilizing the situation on the ground.

However, our greatest concern has to do with the leadership of Operation IRINI, which takes liberties when handling the confiscated cargo. The case of the transfer of seized cars from the *MV Victory Roro* vessel to a third country is outrageous. In a similar way, they tried to sell aviation fuel confiscated from the *Royal Diamond 7* vessel. We would like to remind the Council that, pursuant to resolution 2292 (2016), the transfer of confiscated property to a third party does not imply its subsequent use for its intended purpose. Therefore, this decision by the EU runs counter to the relevant documents of the Council. Such actions set a dangerous precedent that opens up broad scope for abuse in other regional contexts. It is unacceptable to turn a blind eye to that.

In the course of the work on drafting today's resolution on extending the regime under resolution 2292 (2016), we proposed balancing language aimed at specifically defining its framework and establishing the leading role of the Committee established pursuant to resolution 1970 (2011) in determining the means for disposing of confiscated cargo. We believe that such a measure will contribute to more scrupulous compliance with the Libyan arms embargo and will help put an end to the liberties taken all these years. That goal also fits in with the overall approach of that subsidiary body of the Council, whose role is to monitor compliance with the sanctions measures.

At the same time, we regret that the co-penholders did not fully take into account our concerns. There are still many ambiguities in the current resolution that set the stage for ambiguous interpretations and possible abuse. Unfortunately, this resolution does not surmount the critical number of our grievances with regard to Operation IRINI. In the coming year, we will continue to closely monitor the work of Operation IRINI, especially in terms of the compliance of its actions with the norms of the law of the sea and the provisions of the relevant Security Council resolutions.

In conclusion, I would like to thank the delegation of Mozambique for its skilful stewardship of the Security Council during the month of May. We wish the delegation of the Republic of Korea every success in the month of June.

The President: There are no more names inscribed in the list of speakers.

Before adjourning the meeting, as this is the last scheduled meeting of the Council for the month of May, I would like to express the sincere appreciation of the delegation of Mozambique to the members of the Council and to the secretariat of the Council for all the support they have given us. Indeed, it has been a busy and difficult month, and one in which we rallied to consensus on several important issues within our purview. We could not have done it alone or without the hard work, understanding support and positive contributions of each and every delegation and, more important, the representatives of the Secretariat, including the technical support team, conference service officers, interpreters, verbatim reporters and security staff. They have all made the work of the presidency much easier and better.

As we end our presidency, I know I speak on behalf of the Council in wishing the delegation of the Republic of Korea good luck for the month of June.

The meeting rose at 3.25 p.m.