



Security Council

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Implementation of resolution 2635 (2022)

Report of the Secretary-General

I. Introduction

1. In resolution 2635 (2022), the Security Council extended for a sixth 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 elaborated in resolution 1970 (2011) and modified in subsequent resolutions.¹ The present report is the first of two reports, as requested by the Council, on the implementation of resolution 2635 (2022), with the second report due in May 2023. The present report 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. 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.³

¹ Outside the scope of the arms embargo, the Security Council also mandated the inspection of vessels on the high seas off the coast of Libya in other situations. In resolution 2644 (2022), the Council extended until 30 October 2023 the authorizations and measures aimed at preventing illicit exports of petroleum from Libya, including the authorization to inspect vessels designated by the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya. In resolution 2652 (2022), the Council renewed until 29 September 2023 the authorization to inspect vessels suspected of being used for migrant smuggling and trafficking in persons. In addition to the arms embargo, the sanctions regime in relation to Libya also includes a travel ban, an assets 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, S/2021/434 and S/2022/360.

³ This call was reiterated in resolutions 2174 (2014) and 2213 (2015). The Security Council also referenced inspection on the high seas in relation to Libya, in the context of the arms embargo, in resolution 1973 (2011) when calling upon Member States to carry out such inspections, but this provision was terminated by resolution 2040 (2012).



3. Since the publication of the last report, new findings on violations of the arms embargo have been reported by the Panel of Experts established pursuant to resolution [1973 \(2011\)](#) concerning Libya,⁴ and the Security Council has expressed serious concern over the continued violations of the arms embargo.⁵ The role of the embargo in helping to maintain conditions conducive to political progress remained critical. On the ground, the continued political stalemate over the executive authority triggered sporadic clashes between armed groups on either side of the dispute. Meanwhile, the House of Representatives and the High Council of State continued to engage in discussions aimed at reaching an agreement on a constitutional basis for the elections. Mercenaries, foreign fighters and foreign forces remained present in Libyan territory, despite the adoption of an action plan for their gradual, balanced and sequenced withdrawal as part of the ceasefire agreement signed on 23 October 2020.⁶ The threat of terrorism also endured.⁷ The arms embargo can help to prevent violence against civilians, assist the Libyan authorities in ensuring security and prevent the proliferation of arms in Libya and the region. In this regard, it is critical that the arms embargo, together 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 \(2021\)](#) and [2635 \(2022\)](#)

4. 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.⁸

Inspections

5. 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.

⁴ For an overview, see the final report of the Panel of Experts ([S/2022/427](#)). While the Panel reported that the number of violations identified was much lower than in 2019 and 2020, it also drew attention to new ways of circumventing the arms embargo.

⁵ See para. 5 of resolution [2644 \(2022\)](#).

⁶ See [S/2022/427](#), paras. 24–31.

⁷ See [S/2022/427](#), paras. 21–23; and the thirtieth report of the Analytical Support and Sanctions Monitoring Team pursuant to resolutions [1526 \(2004\)](#) and [2253 \(2015\)](#), submitted pursuant to resolution [2610 \(2021\)](#) concerning ISIL (Da'esh), Al-Qaida and associated individuals and entities ([S/2022/547](#), paras. 35–37). Both the Panel of Experts and the Analytical Support and Sanctions Monitoring Team have noted that counter-terrorism operations have resulted in some mitigation of the threat.

⁸ Operation IRINI was launched on 31 March 2020, as a successor to the European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA), with implementation of the arms embargo as its primary objective. The operation's mandate also includes, as secondary tasks, 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.

6. The European Union informed the Secretariat that, from 16 April to 1 November 2022, operation IRINI had carried out 1,076 hailings, 143 friendly approaches and 3 vessel inspections related to the arms embargo. Of those three vessel inspections, one received the consent of the flag State. The other two requests for consent remained unanswered.

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

Seizure and disposal of prohibited items

8. In paragraph 5 of 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).

9. As reported by the European Union, two of the three vessel inspections carried out by operation IRINI involved the seizure of cargo (specific types of vehicles) found onboard that it determined to be prohibited. The Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya has not yet expressed a position on the seized vehicles in relation to the arms embargo.

III. Reporting obligations and sharing of relevant information

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

11. During the reporting period, the European Union conveyed three inspection reports and three attempted inspection reports to the Committee. In two of the inspection reports, operation IRINI indicated that subsequent reports would follow. Operation IRINI continued to report strong relations with the European Union Satellite Centre and the Panel of Experts and cooperation with law enforcement agencies, such as the European Border and Coast Guard Agency (Frontex) and the European Union Agency for Law Enforcement Cooperation. The operation 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.⁹

12. The Panel of Experts informed the Secretariat that it continued to maintain the procedures for the exchange of information with operation IRINI. The Panel was invited by operation IRINI to inspect the two cargoes determined by the operation to be prohibited, and the Panel's investigation of the supply chain for each continued during the reporting period, following the Panel's inspections.

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.

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

13. As in the previous reporting period, two States neighbouring Libya informed the Secretariat that they routinely carried out 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 nine 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 to support the 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, within the framework of the subprogramme for the Mediterranean under the Office's Global Maritime Crime Programme.

V. Observations

14. I would like to express my continued appreciation for the efforts of the European Union, through operation IRINI, acting under the authorizations renewed by the Security Council in resolution 2635 (2022). Continued engagement with all relevant partners and stakeholders, in particular the Libyan authorities, remains important in the implementation of the authorizations.

15. I reiterate my call upon all Member States to 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 the Libyan Coast Guard and Navy, as well as the Libyan port and customs authorities, carried out in accordance with the arms embargo and incorporating guarantees for the protection of human rights, remain relevant in that regard. Providing support as and when requested on border control to countries neighbouring Libya can also enhance implementation of the arms embargo.

16. I reiterate my call upon all Libyan, regional and international actors to take the necessary steps to ensure strict compliance with the arms embargo and the full implementation of the ceasefire agreement, including the action plan for the withdrawal of mercenaries, foreign fighters and foreign forces. The Security Council and the Committee can also take additional steps, based on the recommendations made by the Panel of the Experts, to enhance the implementation of the measure.