

10. The situation in Libya

During the period under review, the Council held twelve meetings concerning the situation in Libya and adopted three resolutions, including two under Chapter VII of the Charter³⁴⁷, and one presidential statement.³⁴⁸ All the meetings that were not devoted to the adoption of decisions of the Council took the form of briefings.³⁴⁹ More information on the meetings, including on participants, speakers and outcomes, is given in table 1 below. In addition to the meetings, Council members held informal consultations of the whole and one informal interactive dialogue.³⁵⁰

In 2023, the Council heard briefings by the Special Representative of the Secretary-General for Libya and Head of the United Nations Support Mission in Libya (UNSMIL). Other briefers included the Chair of the Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya, who briefed the Council on the activities and developments relating to the work of the Committee and its Panel of Experts; the Prosecutor of the International Criminal Court (ICC), who provided updates on the Court's ongoing investigations regarding the situation in Libya; and two civil society briefers. Invitations under rule 37 of the provisional rules of procedure to speak during meetings were limited to Libya.

During his briefings to Council members, the Special Representative of the Secretary-General and Head of UNSMIL focused on his engagement with Libyan actors to move forward the electoral processes towards the holding of overdue elections. He also reported on the progress made on the security track such as, inter alia, the implementation of the 2020 ceasefire, the withdrawal of mercenaries and foreign fighters, and the agreement among security forces to ensure a secure environment for the elections. He also raised concerns about the potential destabilizing effects on Libya of the conflict in the Sudan and the unconstitutional change of government in Niger. He expressed concern about the serious humanitarian and human rights

³⁴⁷ Resolution [2684 \(2023\)](#) and resolution [2701 \(2023\)](#) (adopted under Chapter VII).

³⁴⁸ [S/PRST/2023/2](#).

³⁴⁹ For more information on the format of meetings, see Part II, sect. I.

³⁵⁰ See [A/78/2](#), part. II, chap. 37, and [S/2023/1064](#).

situation of migrants, refugees and asylum seekers, and continuously lamented over the reduction of civic space in Libya.

On 27 February, the Special Representative noted that the political process in Libya remained protracted.³⁵¹ He reported that, by and large, all regional and international partners agreed on the necessity to hold inclusive and transparent elections in 2023, while indicating that disagreements persisted on the constitutional basis for the elections. He announced the decision to establish a high-level steering panel to facilitate the adoption of a legal framework and time-bound road map for the holding of elections in 2023 and to provide a platform for advancing consensus on related matters among all relevant Libyan stakeholders. He also informed that the African Union and the Libyan Presidential Council were planning to convene a national reconciliation conference in Tripoli and emphasized the continuing United Nations support for Libyan partners and the African Union.

On the security track, he was pleased to report that the ceasefire had continued to hold and that the 5+5 Joint Military Commission (5+5 JMC) had endorsed the terms of reference for its disarmament, demobilization and reintegration subcommittee, and informed that UNSMIL, at the request of the 5+5 JMC planned to facilitate a dialogue with representatives of armed groups. He also stated that he had chaired a meeting in Cairo on 7-8 February together with the 5+5 JMC and the liaison committees of Libya, the Sudan and Niger on facilitating the process of the withdrawal of mercenaries and foreign fighters from Libya. On the economic track, he reiterated the importance of establishing a Libyan-led mechanism to agree on spending priorities and ensure the transparent and equitable management of oil and gas revenues. Regarding the human rights situation, he lamented the continued restriction of civic space in Libya and expressed alarm concerning the wave of arrests of women human rights defenders accused of offending Libyan traditions, following the activation of the anti-cybercrime law on 17 February.

On 16 March, the Council adopted a presidential statement by which it reaffirmed its strong commitment to an inclusive Libyan-led and Libyan-owned political process, facilitated by the United Nations and supported by the international community, and underlined the need for new momentum, building on recent progress, to secure the legal basis and political agreement

³⁵¹ See [S/PV.9270](https://www.un.org/en/sc/repertoire).

essential to conduct free, fair, transparent, inclusive and secure national presidential and parliamentary elections in 2023 and complete Libya's political transition.³⁵² The Council also reiterated its support for the Special Representative of the Secretary-General and Head of UNSMIL and was encouraged by his initiative to launch a UN-facilitated Libyan High-Level Panel for Elections (HLPE) intended to complement other processes.³⁵³ In that connection, the Council urged all stakeholders to engage fully, constructively, transparently, and in a spirit of compromise with the Special Representative and to uphold guarantees concerning the independence and integrity of the inclusive electoral process and election results.³⁵⁴ The Council also encouraged the Special Representative to continue to take advantage of the contributions of neighbouring countries and regional organisations, in particular the African Union and the League of Arab States, in finding a lasting and peaceful solution to the Libyan crisis.³⁵⁵ The Council further welcomed the support provided by the United Nations to the Libyan High National Elections Commission (HNEC) and encouraged the continuation of that support, including the deployment of a needs assessment mission, to enable the HNEC to deliver free, fair, transparent and inclusive national presidential and parliamentary elections across Libya.³⁵⁶

By the same statement, the Council underlined the importance of an inclusive reconciliation process and welcomed the efforts of the Presidential Council to launch the national reconciliation process with the support of the African Union.³⁵⁷ The Council reiterated its call to Member States to respect and support the full implementation of the 23 October 2020 ceasefire agreement and Action Plan, including through the withdrawal of all foreign forces, fighters and mercenaries, and recalled its demands for full compliance with the arms embargo.³⁵⁸ The Council further welcomed the efforts of the Economic Working Group of the International Follow-up Committee on Libya of the Berlin process to support Libyan efforts towards the unification of financial institutions and to establish a transparent Libyan-led mechanism to improve revenue management and transparency for the benefit of all Libyan people, while also

³⁵² [S/PRST/2023/2](#), first and second paragraphs.

³⁵³ *Ibid.*, third and fourth paragraphs.

³⁵⁴ *Ibid.*, fourth paragraph.

³⁵⁵ *Ibid.*, fifth paragraph.

³⁵⁶ *Ibid.*, sixth paragraph.

³⁵⁷ *Ibid.*, ninth paragraph.

³⁵⁸ *Ibid.*, tenth and eleventh paragraphs.

reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya.³⁵⁹

On 18 April, the Special Representative informed Council members that he had launched the implementation of his elections-enabling initiative, adding that he had engaged with key Libyan political leaders through shuttle diplomacy to seek common ground and encourage them to make compromises that would clear the path to elections.³⁶⁰ He also noted that he had facilitated the 5+5 JMC's engagement with Libyan security and military actors, including armed groups from all three regions of the country for the purposes of promoting the country's territorial integrity, furthering national reconciliation, strengthening the ceasefire and mobilizing all armed actors for election security. He added that leaders and representatives of military units and security formations operating in western, eastern and southern Libya had committed to supporting all stages of the elections, to reject violence, to take practical steps for the safe return of internally displaced persons, and to release detainees and address the missing persons issue in the context of reconciliation. He also stated that he had offered the technical expertise and logistical support of UNSMIL to the 6+6 committee of the House of Representatives and High State Council to enable its work in preparing the electoral law. He regretted, however, that the Committee did not include any women. He also confirmed that UNSMIL and United Nations Headquarters were considering the Government's request for electoral assistance. On the security track, he indicated that while the overall security situation remained tense, the ceasefire continued to hold and that there had been positive developments on cooperation between the Libyan army and the Libyan National Army and on the withdrawal of foreign fighters and mercenaries and informed that he had recently travelled to the Sudan, Chad and the Niger to discuss how to improve conditions for the return of foreign fighters and mercenaries from Libya. On the issue of human rights, he noted that the situation continued to be tense, adding that the civic space had been further restricted and operations of civil society organizations had been deemed illegal.

³⁵⁹ Ibid., twelfth and thirteenth paragraphs.

³⁶⁰ See [S/PV.9306](https://www.un.org/en/sc/repertoire).

On 19 June, the Special Representative reported on his continued engagement with Libyan stakeholders as part of his initiative to enable successful elections.³⁶¹ He noted that between 22 May and 6 June, the 6+6 committee tasked by the House of Representatives and the High State Council with finalizing the electoral laws had met in Morocco, with the support of an UNSMIL technical team, and had reached agreement on draft laws for presidential and parliamentary elections. He added, however, that the agreement had not been sufficient to resolve the most contested issues and to enable successful elections and noted that the High National Electoral Commission had officially written to the House of Representatives and the High State Council expressing its concerns about serious loopholes and technical shortcomings in the draft laws. He pointed out that the eligibility criteria for presidential elections, the linkage between presidential and parliamentary elections and the issue of forming a new unified Government were highly contentious and required a political agreement among the major stakeholders and key constituencies across the Libyan political spectrum and warned that to avoid the gloomy prospect of a new crisis, it was crucial to take steps to overcome the persistent disagreement over that long-standing issue. He therefore called on the Council to increase its pressure on the relevant actors and use its collective and individual leverage to ensure that they demonstrated the political will needed to take their country to successful elections.

On the security front, he indicated that Tripoli remained relatively calm but underlined that the ongoing operations conducted by the Government against trafficking activities in drugs, weapons, fuel and humans in Zawiya and the surrounding areas had prompted allegations of political motives and could risk undermining the relative stability in Tripolitania. He also raised concerns about the potential destabilizing effects on Libya of the conflict in the Sudan, especially the potential influx of refugees and the cross-border movement of armed elements. He reported that the dialogue he had been facilitating among security and military actors was continuing, as was the work of the International Follow-up Committee on Libya of the Berlin process and its Working Groups, which for the first time had held two in-person meetings inside Libya in May and continued to serve as the framework for international support to the intra-Libyan dialogue tracks. On the economic front, he asserted that UNSMIL would support the implementation of

³⁶¹See [S/PV.9351](#).

the recommendations agreed upon between the International Monetary Fund and Libya. Addressing the situation of human rights, he observed a concerning increase of excessive controls by security agencies to restrict fundamental rights, including freedom of assembly and movement, and expressed alarm at new restrictions on civil society and on women's freedom of movement.

At the same meeting, the Council heard a briefing by a professor from the University of Benghazi and Head of the Washm Centre for Women's Studies, which focused on the human rights situation in Libya from a gender perspective. She indicated that women were suffering from unjustified measures restricting their movement and encroaching on their privacy by depriving them of the right to travel, as well as from the reluctance on the part of the legislative authority to enact laws combating violence against women and the violations of women's right to live in safety and dignity in both public and private spaces. She recalled the stigmatization that had affected women in civil-society organizations who had called for establishing a national strategy to implement resolution [1325 \(2000\)](#) and underlined that a national strategy would bring justice for women who had suffered from war and displacement.

On 22 August, the Special Representative reported on his intensified consultations with Libyan stakeholders with respect to electoral laws and the way forward.³⁶² He shared written proposals to address the technical flaws and contested aspects of the draft electoral law with key Libyan leaders, who had all agreed, in principle, to the amendment of those drafts. In that context, the President of the Presidential Council had informed the Special Representative of his intention to convene the leaders of the two legislative chambers to fine-tune the draft electoral laws, in light of the comments received. In addition, these leaders were exploring jointly convening Libyan-led and UNSMIL-facilitated negotiations among Libya's main political and institutional leaders. He further reported that he had urged those leaders to meet and agree on the politically contested issues pertaining to the elections and repeatedly indicated to them that all election-related issues should be resolved through discussions and compromises. Unilateral steps must be avoided at all costs and the electoral landscape should be a level playing field for all candidates, the Special Representative added.

³⁶² See [S/PV.9402](#).

On the financial front, the Special Representative reported that the efforts to put in place a Libyan-owned mechanism for the transparent management of public funds had yielded a positive result, when the Presidential Council had decided on 6 July to create a high financial management committee to oversee public finances and to promote fairness, accountability and transparency in public spending, which would also help to ensure that public funds would not be used to create an uneven electoral playing field. In addition, the Governor of the central Bank of Libya announced the finalization of the reunification of the Central Bank as a sovereign Libyan institution. Both events offered cautious optimism that with political will, Libya's stakeholders could come together in an inclusive manner to address issues of common concern for the greater good of the nation.

Turning to the security situation, the Special Representative regretted that the fragile stability that had prevailed in Tripoli since last year had been shattered by fierce armed clashes on 14 and 15 August, which only ended when local elders and other leaders brokered a truce. The Special Representative assessed that those developments underlined the absence of command-and-control over the fragmented security apparatus in western Libya and the precarious state of the security situation. They also undermined the ongoing efforts to cultivate a security environment conducive to the elections. In addition, he reported that the unconstitutional change of government in Niger prompted Libyan authorities to close the border with Niger on 26 July and deployed reinforcement to the border zones.

Regarding human rights, the Special Representative remained concerned about ongoing violations, including abductions, arbitrary arrests and disappearances in both east and west, while noting the recent partial access accorded to UNSMIL to a detention centre in Tripoli and called for more consistent access to places of detention throughout the country. Additionally, he expressed concern about the serious humanitarian and human rights situation of migrants, refugees, and asylum seekers at the Tunisia-Libya border. Noting a recent agreement between the two countries to relocate several hundred individuals, the briefer called for an end to expulsions and urged the Tunisian and Libyan authorities to ensure that people were sent to safe locations and to allow the United Nations and partners humanitarian access to all locations.

Following the Special Representative, a Libyan women's rights activist briefed the Council on what she assessed to be severe restrictions on the space for civil society in Libya

today, including through the imposition of draconian laws and regulations, unwarranted investigations, arbitrary detentions, enforced disappearances of human rights defenders and activists, hate speech, disinformation, continued violations of women's rights and the lack of accountability. In that regard, she asserted that it was imperative for the international community to prioritize safeguarding the digital spaces of Libyan human rights defenders and activists from hate speech and violence, including pushing Libya to enact and enforce laws against online hate speech and violence targeting women, collaborate with technology companies to develop effective counter-monitoring tools, and support women's organizations in their effort to combat online gender-based violence. Noting recently introduced procedures to restrict women's movement, the briefer opined that such restrictions reflected the broader gender inequality in the Libyan society and paralleled the lack of women's representation in the current political dialogue, concluding that the absence of women's and youth's voices in political dialogue would hinder any real progress in a transition to peace and stability.

During his briefing to the Council on 16 October, the Special Representative reported on his observations and activities in the wake of the floods that devastated Derna and the surrounding area.³⁶³ He commended ordinary Libyans and Libya's international partners on their respective merits, while expressing deep concern about the continued division among the leaders of Libya regarding reconstruction. Turning to the electoral process, he was pleased to announce some progress where the members of the 6+6 committee achieved compromise on many contentious issues and completed its work earlier this month.

On 5 October, the House of Representatives issued the revised electoral laws and the High National Elections Commission officially received it on 9 October. The Special Representative observed that, from a technical perspective, although the revised laws were an improvement on the previous drafts, several concerns remained, including voting eligibility of members of the military and clarity on the sequencing of elections, on seat distribution in both legislative chambers and on the electoral dispute resolution mechanism. From a political perspective, he reported that the most contentious issues remained unresolved, including, *inter alia*, the possibility of misuse of the conditionalities attached to the mandatory second round of

³⁶³ See [S/PV.9438](#).

the presidential elections, the linkage between the presidential and parliamentary elections and the highly contentious issue of the new Government, all of which could potentially become disruptive to the electoral process. Particularly, the Special Representative assessed that the rejection of the 6+6 committee's amendments by the High State Council, who insisted on the earlier version deliberated in Bouznika, Morocco, could risk jeopardizing the hard-won gains of the two chambers. He called on the High State Council to renounce that position, which could risk obstructing the electoral process. In addition, he alerted Council Members to the risks of violent conflict involved in a unilateral appointment of a government by any of the rival parties and called on the Council to use its influence to prevent that dangerous occurrence and to mobilize the Libyan parties for dialogue.

Regarding the security situation, the Special Representative reported that a fragile calm had returned to Tripoli, although tension had persisted, and minor incidents continued to occur. He called on all to embrace de-escalation through dialogue and to place the principles of the protection of civilians at the centre of their operations. Against that backdrop, he commended the positive role and moral responsibility taken by tribal leaders in diffusing tensions across Libya and called on them to strengthen their role as actors of peace and national reconciliation. On human rights and humanitarian issues, the briefer reiterated his concern over continuing attacks on civic space and the rule of law and the systematic deportations and mass expulsions from Tunisia into Libya of migrants and asylum-seekers, who are in desperate need of international protection. The Special Representative called on all international partners of Libya to support the electoral process as the only way to provide the country with legitimate institutions and a future of peace, unity, stability and prosperity.

In his briefing on 18 December, the Special Representative continued to focus on the electoral laws.³⁶⁴ He reported that in November he had formally invited the heads of five key institutions, chosen due to their capacity to either reach consensus and advance the political process or prolong the stalemate and prevent Libya from holding peaceful elections, to a meeting in the coming period. None of the actors outright rejected the invitation, although some set out conditions for their participation. The Special Representative delineated their respective

³⁶⁴ See [S/PV.9510](#).

positions on the electoral laws to the Council. He also ascertained that electoral laws alone could not lead to elections if relevant actors were not genuinely committed to their implementation, and the formation of a unified Government leading the country to elections can be realized only if the major actors had acted in a spirit of political compromise. He then reported on his good-offices activities involving consultations with segments of Libyan societies on how to resolve the remaining contentious issues through a truly inclusive, Libyan-led, Libyan-owned and peaceful process, as well as his extensive bilateral engagement with Libya's international partners and neighbours.

Turning to the security situation, he said that while the ceasefire continued to hold, sporadic armed clashes and other security incidents continued to be recorded in each of the regions, and in particular, military expansion in the western region had led to increased tension. Regarding the human rights situation in the country and humanitarian situations of migrants and refugees on the border with Tunisia and on the Mediterranean Sea, the Special Representative reiterated his concerns. He concluded that, except for a few political office holders whose terms of office had expired and who were keeping the country hostage to their particular ambitions, Libyans of all walks of life expressed their strong aspiration for a unified Government to lead the country to elections, legitimate and unified institutions, peace, stability and the unity of the country. The national mood, he assessed, was ripe for a new political deal in Libya, a new dispensation for a brighter future for the country.

During the period under review, the Council also heard regular briefings by the Chair of the Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya. In his five briefings to the Council in 2023,³⁶⁵ the Chair reported on the activities and developments relating to the work of the Committee and its Panel of Experts. His briefings highlighted the implementation and violations of the sanctions regime, namely, the arms embargo, assets freeze, travel ban and the timebound authorizations and measures aimed at preventing the illicit exports of petroleum from Libya. The Chair also reported on the implementation of the assets freeze, including discussions regarding the preservation of the Libyan frozen assets for the benefit of the Libyan people, exemption requests and notifications with respect to the illicit export of

³⁶⁵ See [S/PV.9306](#); [S/PV.9351](#); [S/PV.9402](#); [S/PV.9438](#); and [S/PV.9510](#).

petroleum, the travel ban, assets freeze, and arms embargo, and the consideration of delisting requests by the Committee.

In 2023, the Prosecutor of the International Criminal Court (ICC) provided two briefings to the Council to report on the Court's ongoing investigations regarding the situation in Libya. On 11 May, the Prosecutor indicated that over the previous six months, significant progress had been made as a result of more dynamic and field-focused investigations, including twenty missions and the collection of more than 500 items of evidence.³⁶⁶ He emphasized that the Court was working under the principle of complementarity and announced that four additional warrants had been issued by the independent Judges of the Court, while also noting that he had recently applied for two additional warrants. He also expressed his intention to establish a field office in Tripoli.

On 8 November, the Prosecutor reported that in the last six months, his team continued to accelerate investigative activities and revolutionize the use of technology, including the transition of evidence holdings into a cloud-based evidence management system, which would allow the team to draw on artificial intelligence and machine-learning tools, such as automated transcription and translation of video and audio material.³⁶⁷ Particular progress was achieved with respect to the crime related to the 2014-2020 period, where the Prosecutor's office successfully concluded lines of inquiry against key suspects. He also reported that he had recently launched a new 2023-2035 strategic plan, in which he identified significant resource shortfalls and requested a budget increase. Looking ahead, the Prosecutor expressed his intention to work with relevant key stakeholders to prepare a plan for the completion of activities by his office as mandated by resolution [1970 \(2011\)](#), and to continue to rely upon engagement and cooperation with the Council, the survivors, Libyan authorities and all international partners.

In their deliberations in 2023, Council members discussed a wide range of topics on the political front with a particular focus given to elections. Throughout the year, Council members persistently emphasized the importance of holding the postponed elections.³⁶⁸ In that context,

³⁶⁶ See [S/PV.9320](#).

³⁶⁷ See [S/PV.9469](#).

³⁶⁸ See [S/PV.9270](#) (United Kingdom, Switzerland, Japan, United Arab Emirates, Albania, Mozambique (also on behalf of Gabon and Ghana), Ecuador, China, United States, France, Russian Federation, Malta); [S/PV.9306](#)

many members expressed support for the Special Representative's engagement with Libyan actors to move towards the protracted electoral processes, including the Special Representative's initiative to launch a UN-facilitated Libyan High-Level Panel for Elections, in addition to his overall good offices efforts. The majority of the members welcomed the progresses made by the joint 6+6 committee in terms of electoral legislation.³⁶⁹ The Russian Federation consistently advocated that the electoral process should include the entire spectrum of Libyan political forces, including former government officials, in a non-discriminatory manner.³⁷⁰ Most members underscored the importance of Libyan-led and Libyan-owned processes and solutions, while others emphasized the need to respect and uphold the sovereignty, independence, territorial integrity and national unity of Libya.³⁷¹ Brazil continuously suggested that the Peacebuilding Commission could play a role, at Libya's request, in promoting sustainable peace in the country.³⁷² Many Council members expressed support for national reconciliation processes and underscored the importance of unifying Libyan leadership and institutions, especially the military and security forces as well as the Central Bank³⁷³. After the devastating floods in eastern Libya in September, a majority of Council members called for unified responses from Libyan actors and supported the Special Representative's proposal of a unified national mechanism to mobilize resources for relief and recovery.³⁷⁴

As to the security situation, many members welcomed progresses made on the security track by the 5+5 Joint Military Commission.³⁷⁵ In that context, they called for the full implementation of the ceasefire agreement, especially after the clashes around Tripoli in mid-August, and for the withdrawal of mercenaries and foreign forces from Libya. Some members

(Switzerland, Mozambique (also on behalf of Gabon and Ghana), France, China, Malta, United Arab Emirates, Japan, Albania, Ecuador, Russian Federation); [S/PV.9351](#) (Japan, France, Albania, Russian Federation, United Arab Emirates); [S/PV.9402](#) (United Kingdom, Japan, France, Switzerland, Russian Federation, Albania, United Arab Emirates, Ecuador, Malta, United States); [S/PV.9438](#) (United Kingdom, Japan, Mozambique (also on behalf of Gabon and Ghana), United Arab Emirates, France, China, Switzerland, United States, Russian Federation, Brazil); and [S/PV.9510](#), Malta, Switzerland, Mozambique (also on behalf of Gabon and Ghana), Albania, Russian Federation, Brazil, France, United Arab Emirates, Ecuador).

³⁶⁹ See [S/PV.9306](#); [S/PV.9351](#); [S/PV.9402](#); [S/PV.9438](#); and [S/PV.9510](#).

³⁷⁰ See [S/PV.9270](#) (Russian Federation); [S/PV.9306](#) (Russian Federation); [S/PV.9351](#) (Russian Federation); [S/PV.9402](#) (Russian Federation); [S/PV.9438](#) (Russian Federation); and [S/PV.9510](#) (Russian Federation).

³⁷¹ See [S/PV.9270](#); [S/PV.9306](#); [S/PV.9351](#); [S/PV.9402](#); and [S/PV.9438](#).

³⁷² Ibid.

³⁷³ See [S/PV.9270](#); [S/PV.9306](#); [S/PV.9351](#); [S/PV.9402](#); [S/PV.9438](#); and [S/PV.9510](#).

³⁷⁴ See [S/PV.9438](#) and [S/PV.9510](#).

³⁷⁵ See [S/PV.9270](#); [S/PV.9306](#); [S/PV.9351](#); [S/PV.9402](#); [S/PV.9438](#); and [S/PV.9510](#).

stressed the importance of compliance with the arms embargo measures.³⁷⁶ In particular, following the developments in the Sudan, Niger and the Sahel, many members took on a regional perspective when addressing the issues of security and stability, proliferation of illicit weapons and movement of armed groups and fighters, drawing a connection between the events and dynamics in Libya and those in the region.³⁷⁷

All members underscored the importance of economic development, and most on the competent management of Libya's wealth and resources, and fair distribution of revenues.³⁷⁸ Others lodged concerns regarding Libya's frozen assets, underscoring the importance of preserving those assets to ensure that they would benefit the Libyan people at a later stage.³⁷⁹ In that context, the United Arab Emirates³⁸⁰ welcomed the inclusion of new language to that effect in resolution [2701 \(2023\)](#).³⁸¹ Brazil suggested that there must be a technical solution to mitigate the risk of unintended losses due to the assets freeze measures and that authorities in foreign jurisdictions needed to seek advice from the Committee established pursuant to resolution [1970 \(2011\)](#) before taking decisions that could impact Libya's frozen funds.³⁸²

Council members also reiterated concern about the humanitarian and human rights situation in the country, in particular, the condition and arbitrary detention of migrants and refugees and the reduction of civic space. Gender issues, cross-cutting into many of the aforementioned topics, featured prominently in the Council's discussions. In particular, several

³⁷⁶ See [S/PV.9270](#) (Brazil, France, and Malta); [S/PV.9306](#) (United States, France, Brazil and Malta); [S/PV.9351](#) (France, Albania, Malta, United States and United Arab Emirates); [S/PV.9402](#) (France, Albania, Ecuador and Malta); [S/PV.9438](#) (Brazil); and [S/PV.9510](#) (Russian Federation).

³⁷⁷ See [S/PV.9270](#) (Switzerland, Mozambique (also on behalf of Gabon and Ghana), Brazil); [S/PV.9351](#) (Japan, China, Albania, Russian Federation, Mozambique (also on behalf of Gabon and Ghana, Ecuador, United States); [S/PV.9402](#) (United Kingdom, Japan, Ghana (also on behalf of Gabon and Mozambique), China, Albania, United States); [S/PV.9438](#) (Albania); and [S/PV.9510](#) (Malta, Mozambique (also on behalf of Gabon and Ghana), Albania and China).

³⁷⁸ See [S/PV.9270](#); [S/PV.9306](#); [S/PV.9351](#); [S/PV.9402](#); and [S/PV.9510](#).

³⁷⁹ See [S/PV.9270](#) (Mozambique (also on behalf of Gabon and Ghana)); [S/PV.9306](#) (Mozambique (also on behalf of Gabon and Ghana), China and Russian Federation); [S/PV.9351](#) (China, Russian Federation, Mozambique (also on behalf of Gabon and Ghana), Brazil and United Arab Emirates); [S/PV.9402](#) (Japan, China, Brazil, United Arab Emirates and Malta); [S/PV.9438](#) (United Arab Emirates, Malta, China, Russian Federation and Brazil); and [S/PV.9510](#) (Mozambique (also on behalf of Gabon and Ghana, Brazil and China).

³⁸⁰ See [S/PV.9438](#) (United Arab Emirates).

³⁸¹ Resolution [2701 \(2023\)](#), fifteenth paragraph.

³⁸² See [S/PV.9510](#).

members underscored the need for full, meaningful, and secure participation of women in the political and electoral processes.³⁸³

During his participation at Council meetings on Libya, the Special Representative for Libya reiterated the importance of ownership and leadership by Libyans of any political process and called on the Council to support genuine national efforts to address challenges and develop a comprehensive Libyan solution, and on the United Nations to provide effective assistance to the electoral process.³⁸⁴ He also called for the amendment of the sanctions regime for Libya to manage its frozen assets and recalled Libya's delisting requests.³⁸⁵ The representative called on Council members to participate actively in supporting all efforts to implement national reconciliation and transitional justice. He also welcomed the Council's response in its March presidential statement³⁸⁶ to the Government's request for technical and logistical support for the electoral process³⁸⁷ and reiterated the Government's support of United Nations' efforts and its willingness to spare no effort to guarantee the success of the elections.³⁸⁸ Towards the end of the reporting cycle, while regretting the elections were still pending, the representative called upon the Council to support all genuine national efforts seeking an inclusive solution.³⁸⁹ He further called on the Council not to use the situation in Libya as grounds for settling political scores. The representative also noted the negative impact of destabilizing events taking place in the region,³⁹⁰ as well as the display of national solidarity by the Libyan people after the floods, which sent a message to all political parties to unite and overcome the current crisis.³⁹¹

Regarding briefings by the Prosecutor of the International Criminal Court (ICC), the Russian Federation expressed reservation about the presence of the Prosecutor in the Security Council Chamber³⁹² and questioned the legitimacy of the presence and activities of the Court in Libya, opining that the Court was not engaged in the implementation of resolution 1970 (2011)

³⁸³ See [S/PV.9270](#); [S/PV.9306](#); [S/PV.9351](#); [S/PV.9402](#); [S/PV.9438](#); and [S/PV.9510](#).

³⁸⁴ See [S/PV.9270](#).

³⁸⁵ See [S/PV.9270](#), [S/PV.9351](#), [S/PV.9402](#) and [S/PV.9438](#).

³⁸⁶ [S/PRST/2023/2](#).

³⁸⁷ See [S/PV.9306](#).

³⁸⁸ See [S/PV.9351](#).

³⁸⁹ See [S/PV.9510](#).

³⁹⁰ See [S/PV.9306](#) and [S/PV.9402](#).

³⁹¹ See [S/PV.9438](#).

³⁹² See [S/PV.9320](#).

and was serving the interest of the collective west.³⁹³ Most Council members expressed support for the work of the Court and welcomed the progress made in recent months, including through the utilization of new technology in evidence collection.³⁹⁴ Council members also took note of the issuance of new arrest warrants and of the plans of the Court to establish a field office in Tripoli. Many Council Members expressed concern about the lack of progress in investigating certain cases or in implementing arrest warrants issued by the Court.³⁹⁵ Council members welcomed and encouraged further collaboration between the Office of the Prosecutor and the Libyan judicial system and all relevant stakeholders in seeking accountability for crimes committed in Libyan territory. In that context, most Council members recalled the importance of observing the principle of complementarity regarding ICC investigations and national investigations.³⁹⁶ Others called on the Libyan authorities to cooperate with the Office of the Prosecutor, including the issuing of needed visas.³⁹⁷ Most Council members also commended the Office of the Prosecutor for its commitment to increased engagement between the Office of the Prosecutor and victims, witnesses, and survivors. Several Council members expressed concern about crimes committed against migrants and refugees. Several Council members recognized the cross-cutting nature of gender issues and expressed concerns over the wellbeing of women and girls in the contexts of, inter alia, sexual and gender-based crimes, human rights and experience of migrants.

Following briefings by the Prosecutor, the Special Representative reiterated that the cooperation of the Government of Libya with the ICC was on the basis of the principle of complementarity, and called on the office of the Prosecutor to cooperate with the General Prosecutor's Office and to issue warrants against all those who had perpetrated the crimes that were under the jurisdiction of the Court, as well as those who were sheltering them or were

³⁹³ See [S/PV. 9320](#) and [S/PV. 9469](#).

³⁹⁴ See [S/PV. 9320](#) (Ghana, Ecuador, Gabon and Switzerland); and [S/PV. 9469](#) (Japan and Switzerland).

³⁹⁵ See [S/PV. 9320](#) (Japan and Ecuador); and [S/PV. 9469](#) (Japan).

³⁹⁶ See [S/PV. 9320](#) (Ghana, Mozambique, Brazil, Ecuador, Malta, Gabon, China and United Arab Emirates); and [S/PV. 9469](#) (Switzerland, Ghana, United Arab Emirates, Malta, Brazil, Ecuador, Gabon, Mozambique and China).

³⁹⁷ See [S/PV. 9320](#) (United Kingdom, United States and Ghana); and [S/PV. 9469](#) (Japan, Switzerland, Ghana, United Kingdom, United States, Malta, Brazil, Ecuador and France).

refusing to extradite them.³⁹⁸ In addition, the representative also pressed the Court for results and progress.³⁹⁹

In addition to the afore-mentioned presidential statement, on 2 June, the Council adopted resolution [2684 \(2023\)](#) under Chapter VII of the Charter, with the abstention of the Russian Federation. By the resolution, the Council extended the authorizations concerning the implementation of the arms embargo on the high seas off the coast of Libya, as set out in resolution [2635 \(2022\)](#) for another 12 months.⁴⁰⁰ After the vote, the representative of the Russian Federation indicated that the opportunities offered by the special inspection regime had become effectively locked up by the European Union, and added that the activities of its IRINI naval operation had not brought about practical results in terms of stabilizing the situation on the ground.⁴⁰¹ She further noted that Libya was still awash in weapons and stated that the IRINI inspections were selective in nature, while also asserting the fundamental importance of establishing effective and genuinely multilateral formats in order to arrive at sustainable solutions to the pressing issues of Libya and the Mediterranean region as a whole.

On 19 October, the Council adopted unanimously resolution [2701 \(2023\)](#) under Chapter VII of the Charter. In that resolution, the Council decided to extend until 1 February 2025 the authorizations provided and measures imposed by resolution [2146 \(2014\)](#), [2441 \(2018\)](#) and [2509 \(2020\)](#).⁴⁰² The Council also extended the mandate of the Panel of Experts established by resolution [1973 \(2011\)](#) until 15 February 2025 and requested from the Panel to provide recommendations on possible actions that could enable the reinvestment of the Libyan Investment Authority's frozen assets for the purpose of preserving their value and benefitting the Libyan people at a later stage.⁴⁰³ The Council also demanded full compliance by all Member States with the arms embargo and called on all Member States not to intervene in the conflict or take measures that exacerbated the conflict.⁴⁰⁴

³⁹⁸ See [S/PV.9320](#).

³⁹⁹ See [S/PV. 9469](#).

⁴⁰⁰ Resolution [2684 \(2023\)](#), first paragraph.

⁴⁰¹ See [S/PV.9335](#).

⁴⁰² Resolution [2701 \(2023\)](#) second paragraph.

⁴⁰³ Ibid., fifteenth and seventeenth paragraphs.

⁴⁰⁴ Ibid., fifth paragraph.

On 30 October, the Council unanimously adopted resolution [2702 \(2023\)](#),⁴⁰⁵ by which it extended the mandate of UNSMIL until 31 October 2024 and reiterated support for the Special Representative of the Secretary-General for Libya and Head of UNSMIL, in particular his mediation and good-offices role.⁴⁰⁶ In the same vein, it further requested UNSMIL to facilitate confidence building measures, dialogue and reconciliation between armed actors to prevent violence and conflict escalation through the Mission's mediation and good offices.⁴⁰⁷ The Council also requested UNSMIL to explore all avenues to increase efficiency and redeploy existing resources, in particular, to facilitate an effective, sustainable political process and with a focus on expanding the Mission's footprint and operations in eastern Libya.⁴⁰⁸

Developments in Libya were also considered under the item entitled "Maintenance of international peace and security".⁴⁰⁹

Meetings: The situation in Libya, 2023

| <i>Meeting record and date</i> | <i>Sub-item</i> | <i>Other documents</i> | <i>Rule 37 invitations</i> | <i>Rule 39 and other invitations</i> | <i>Speakers</i> | <i>Decision and vote (for-against-abstaining)</i> |
|--|---|------------------------|----------------------------|--|--|---|
| S/PV.9270 27 February | | | Libya | Special Representative of the Secretary-General for Libya and Head of UNSMIL | 13 Council members, ^a all invitees | |
| S/PV.9284 16 March | | | | | | S/PRST/2023/2 |
| S/PV.9306 18 April | Report of the Secretary-General on the United Nations Support Mission in Libya (S/2023/248) | | Libya | Special Representative of the Secretary-General for Libya and Head of UNSMIL | 13 Council members, ^b all invitees | |
| S/PV.9320 11 May | | | Libya | Prosecutor of the International Criminal Court | All Council members, all invitees ^c | |

⁴⁰⁵ See [S/PV.9458](#).

⁴⁰⁶ Resolution [2702 \(2023\)](#) second paragraph.

⁴⁰⁷ Ibid., ninth paragraph.

⁴⁰⁸ Ibid., third paragraph.

⁴⁰⁹ For further details, see part I, sect. 34 concerning "Maintenance of international peace and security".

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|--|--|--|-------|---|---|
| S/PV.9335 2 June | | Draft resolution submitted by France and Malta (S/2023/388) | | | Resolution 2684 (2023) 14-0-1 ^d (Chapter VII) |
| S/PV.9351 19 June | | | Libya | Special Representative of the Secretary-General for Libya and Head of UNSMIL, a civil society representative (Head of Washm Center for Women's Studies) | 13 Council members, ^e all invitees |
| S/PV.9402 22 August | Report of the Secretary-General on the United Nations Support Mission in Libya (S/2023/589) | | | Special Representative of the Secretary-General and Head of UNSMIL, a civil society representative | 13 Council members, all invitees ^f |
| S/PV.9438 16 October | | | | Special Representative of the Secretary-General and Head of UNSMIL | 13 Council members, all invitees ^g |
| S/PV.9445 19 October | | Draft resolution submitted by United Kingdom (S/2023/782) | | | Japan Resolution 2701 (2023) 15-0-0 (Chapter VII) |
| S/PV.9458 30 October | | Draft resolution submitted by United Kingdom (S/2023/800) | | | Resolution 2702 (2023) 15-0-0 |
| S/PV.9469 8 November | | | Libya | Prosecutor of the International Criminal Court | All Council members, all invitees ^h |
| S/PV.9510 18 December | Report of the Secretary-General on the United Nations Support Mission in Libya (S/2023/967) | | Libya | Special Representative of the Secretary-General for Libya and Head of UNSMIL | 13 Council members, all invitees ⁱ |

^a The representative of Mozambique spoke on behalf of the three African members of the Security Council (A3), namely, Gabon, Ghana and Mozambique.

^b The representative of Mozambique spoke on behalf of the three African members of the Security Council (A3), namely, Gabon, Ghana and Mozambique. The representative of Japan spoke also as Chair of the Committee established pursuant to resolution [1970 \(2011\)](#), concerning Libya.

^c The representative of the Russian Federation and the Prosecutor of the International Criminal Court spoke twice.

^d For: Albania, Brazil, China, Ecuador, France, Gabon, Ghana, Japan, Malta, Mozambique, Switzerland, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America; Against: none; Abstaining: Russian Federation.

^e The representative of Mozambique spoke on behalf of the three African members of the Security Council (A3), namely, Gabon, Ghana and Mozambique. The representative of Japan also gave a briefing in his capacity as Chair of the Committee established pursuant to resolution 1970 (2011) concerning Libya.

^f The representative of Ghana spoke on behalf of the three African members of the Security Council (A3), namely, Gabon, Ghana and Mozambique.

^g The representative of Mozambique spoke on behalf of the three African members of the Security Council (A3), namely, Gabon, Ghana and Mozambique. The representative of Japan spoke also as Chair of the Committee established pursuant to resolution [1970 \(2011\)](#), concerning Libya.

^h The Prosecutor of the International Criminal Court spoke twice.

ⁱ The representative of Mozambique spoke on behalf of the three African members of the Security Council (A3), namely, Gabon, Ghana and Mozambique. The representative of Japan spoke also as Chair of the Committee established pursuant to resolution [1970 \(2011\)](#), concerning Libya.