

10. The situation in Libya

During the period under review, the Security Council held seven meetings under the item entitled “The situation in Libya” and adopted five resolutions, including two under Chapter VII of the Charter, and four presidential statements.³⁶⁹ All the meetings that were not devoted to the adoption of decisions of the Council took the form of briefings.³⁷⁰ More information on the meetings, including on participants, speakers and outcomes, is given in table 1 below. Council members also held seven open videoconferences in connection with this item.³⁷¹ More information on the videoconferences is provided in table 2 below. In addition to the meetings and videoconferences, in 2021, Council members held closed videoconferences, informal consultations of the whole and informal interactive dialogues to discuss this item.³⁷² In 2021, the Secretary-General appointed a new Special Envoy of the Secretary-General and Head of the United Nations Support Mission in Libya (UNSMIL).³⁷³

In 2021, the Council heard one briefing by the outgoing Acting Special Representative of the Secretary-General and Head of UNSMIL and five briefings by the Special Envoy on Libya and Head of UNSMIL, who succeeded the Acting Special Representative in accordance with resolution [2542 \(2020\)](#). The briefings focused on the ongoing political, security, humanitarian and socio-economic challenges facing Libya and the implementation of the road map of the Libyan Political Dialogue Forum, including the preparation for presidential and parliamentary elections. The briefings also covered the work of UNSMIL towards the implementation of the Libyan-led Ceasefire Monitoring Mechanism as well as efforts to support the economic reform process and to improve the security and humanitarian situation across the country. 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

³⁶⁹ Resolutions [2570 \(2021\)](#), [2571 \(2021\)](#) (adopted under Chapter VII), [2578 \(2020\)](#) (adopted under Chapter VII), [2595 \(2021\)](#) and [2599 \(2021\)](#), presidential statements [S/PRST/2021/4](#), [S/PRST/2021/6](#), [S/PRST/2021/12](#) and [S/PRST/2021/24](#).

³⁷⁰ For more information on the format of meetings, see part II, sect. I.

³⁷¹ For more information on the format of meetings, and the procedures and working methods developed during the COVID-19 pandemic, see part II.

See [A/76/2](#), part II, chap. 37 and [S/2021/1084](#).

³⁷³ See [S/2021/58](#) and [S/2021/59](#).

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; the Secretary-General of the League of Arab States, who reiterated to the Council the position of the League of Arab States in favour of implementing the political road map in Libya; and two female civil society representatives, the co-founder of Tamazight Women's Movement and the Khalifa Ihler Institute, and an Assistant Professor at the University of Tripoli, political activist and member of the Libyan Political Dialogue Forum, both of whom briefed on the political environment in the lead-up to the elections and the latter also as a female parliamentary candidate. Invitations under rule 37 of the provisional rules of procedure were limited to Germany and Libya.³⁷⁴

During her last briefing to Council members, on 28 January 2021, the Acting Special Representative reported on the implementation of the outcomes of the Berlin Conference on Libya of 19 January 2020, as endorsed by resolution [2510 \(2020\)](#).³⁷⁵ While noting that the Conference had not put an immediate end to the conflict, nor halted foreign interference, she indicated that its political, military and economic tracks had produced tangible progress. A ceasefire was in place, a course had been charted for the restoration of democratic legitimacy and long-overdue economic and financial reforms were under way. She reported that the Berlin Conference had created an international umbrella for the United Nations to work directly with the Libyan parties, military officers, political forces and thought leaders to seek a "Libyan-Libyan" resolution to the conflict. She further noted progress made regarding the selection of a new executive authority to govern Libya in the lead up to the national elections. The Acting Special Representative also reported on the preparations for national elections envisaged for 24 December 2021. She also noted that while the guns had fallen silent, communities continued to face the repercussions of war and the convulsions related to the gross violations of human rights committed during the conflict. She also said that the situation regarding the uncontrolled proliferation of arms, ammunition and explosive ordnance continued to pose a major threat.

³⁷⁴ At the Council's 8783rd meeting held on 3 June 2021, 27 Member States who were co-sponsors of draft resolution [S/2021/523](#) were invited under rule 37 but did not speak.

³⁷⁵ See [S/2021/97](#).

On 9 February 2021, the Council issued a presidential statement by which it welcomed the agreement reached by the Libyan Political Dialogue Forum on a new unified interim executive authority charged with leading the country to elections.³⁷⁶ The Council also called upon the newly elected interim executive authority in Libya to swiftly form an inclusive Government and make the necessary preparations for presidential and parliamentary elections.³⁷⁷ The Council called on all parties to implement the 23 October 2020 Ceasefire Agreement in full, urged Member States to respect and support the full implementation of the agreement, including through the withdrawal of all foreign forces and mercenaries from Libya without further delay, and called for full compliance with the arms embargo by all Member States.³⁷⁸ Furthermore, the Council underlined the importance of a credible and effective Libyan-led Ceasefire Monitoring Mechanism under the United Nation auspices, welcomed the critical steps towards the United Nations support for the mechanism through the swift deployment of a United Nations advance team to Libya, and looked forward to receiving proposals on the tasks and scale of the ceasefire monitoring mechanism from the Secretary-General.³⁷⁹ On 12 March 2021, the Council issued a second presidential statement in which it welcomed the vote of confidence by the House of Representatives to endorse the cabinet of a new unified interim Libyan government charged with leading the country up to elections.³⁸⁰ The Council also called on the forthcoming interim government to make the necessary preparations for free and fair national presidential and parliamentary elections on 24 December 2021, improve the delivery of services to the Libyan people, launch a comprehensive national reconciliation process, adhere to obligations under international humanitarian law and prioritise the full implementation of the 23 October 2020 Ceasefire Agreement.³⁸¹ The Council again called on all parties to implement the ceasefire agreement in full and urged Member States to respect and support the full implementation of the

³⁷⁶ [S/PRST/2021/4](#), first paragraph.

³⁷⁷ *Ibid.*, third paragraph.

³⁷⁸ *Ibid.*, fourth, fifth and sixth paragraphs.

³⁷⁹ *Ibid.*, seventh paragraph.

³⁸⁰ [S/PRST/2021/6](#), first paragraph.

³⁸¹ *Ibid.*, fourth and fifth paragraphs.

agreement, including through the withdrawal of all foreign forces and mercenaries from Libya without further delay.³⁸²

In his first briefing to Council members, on 24 March 2021, the new Special Envoy notified the Council that the UNSMIL leadership had returned to Libya.³⁸³ Addressing the political situation in the country, the Special Envoy indicated that following the selection on 5 February by the Libyan Political Dialogue Forum of the new interim executive authority to govern Libya for the period leading up to national elections set for 24 December, the House of Representatives, on 10 March, had overwhelmingly endorsed the Government of National Unity proposed by Prime Minister Dbeibah. The Special Envoy stressed the need to maintain momentum on all intra-Libyan tracks in order to fulfil the objectives and underscored that for elections to be possible in December, the necessary electoral legislations needed to be adopted by 31 July. The Special Envoy also reported that on 3 March, the Secretary-General had deployed an advance team to Libya to assess possible United Nations support for the Libyan-led ceasefire monitoring mechanism. While the ceasefire agreement continued to hold, he made reference to reports of ongoing fortifications and the setting up of defensive positions in central Libya, as well as of the continuous presence of foreign assets and elements. He also indicated that despite a dramatic reduction in civilian casualties, UNSMIL continued to document killings, enforced disappearances, arbitrary arrests and detentions, attacks against activists and human rights defenders, hate crimes and sexual violence.

On 16 April, the Council unanimously adopted resolution [2570 \(2021\)](#), by which it welcomed the interim Presidency Council and the interim Government of National Unity as the Government of Libya charged with leading the country up to national elections on 24 December 2021. The Council also called on the interim Government of National Unity to make the necessary preparations for the elections and recalled the role of UNSMIL to provide support, including electoral support, to the Libyan transition process.³⁸⁴ By the same resolution, the

³⁸² Ibid., sixth paragraph.

³⁸³ See [S/2021/292](#).

³⁸⁴ Resolution [2570 \(2021\)](#), paras. 1, 2 and 6. See also [S/2021/70](#) which contains a letter from the Libyan Government of National Accord concerning the request by the Government for United Nations support and technical assistance to conduct national general elections.

Council approved the proposals of the Secretary-General on the composition and the operational aspects of the ceasefire monitoring component with the aim of implementing the 23 October 2020 ceasefire agreement in full, and requested UNSMIL to provide support to the 5+5 Joint Military Commission and the Libyan-led and Libyan-owned ceasefire monitoring mechanism.³⁸⁵

On 21 May, the Special Envoy provided a briefing to the Council on developments regarding the preparations for the holding of presidential and parliamentary elections on 24 December, including the support provided by UNSMIL to the legal committee of the Libyan Political Dialogue Forum on the legal framework for the elections.³⁸⁶ The Special Envoy also reported that on 5 April the Libyan Presidency Council had announced the establishment of a high national reconciliation commission. He also informed that the ceasefire continued to hold, and that, during the reporting period, hundreds of prisoners and detainees had been released by the two sides. However, progress on the reopening of the coastal road between Sirte and Misrata had stalled, as had the start of the withdrawal of foreign mercenaries, foreign fighters and foreign forces, entrenching the division in Libya. He further noted that the most recent report of the Panel of Experts “painted a bleak picture” of non-compliance with the arms embargo and emphasized that the continued presence and activities of mercenaries, foreign fighters and armed groups was a threat to the entire region. In connection with the deployment of UNSMIL monitors in support of the Libyan-led and Libyan-owned ceasefire monitoring mechanism authorized by resolution [2570 \(2021\)](#), he indicated that the Secretariat was planning to deploy a forward presence to Tripoli of a total of 10 monitors from existing UN capacities.

During a high-level meeting on the situation in Libya held on 15 July 2021, Council members heard a briefing by the Special Envoy on the support provided by his office to facilitate the establishment of a constitutional basis for the 24 December elections.³⁸⁷ The Special Envoy indicated that institutional, political and individual interests were impeding an agreement on the necessary legal framework for holding the elections, and underlined that UNSMIL continued to facilitate efforts to find common ground. He regretted that the ramifications of the political impasse and the risk it posed to the security and economic tracks were already beginning to

³⁸⁵ Resolution [2570 \(2021\)](#), para. 16.

³⁸⁶ See [S/2021/498](#).

³⁸⁷ See [S/PV.8820](#).

manifest themselves. He was further concerned that even though the ceasefire agreement continued to hold, the unity of the Joint Military Commission and the implementation of the agreement could unravel if the political process remained stalled. On the deployment of an UNSMIL ceasefire-monitoring component in support of the Libyan-led, Libyan-owned ceasefire monitoring mechanism, he also noted that preparations were ongoing but indicated that there was no clarity yet on when the Libyan component of the mechanism would be in place. He informed that the security situation was further complicated by recent attacks and a renewed terrorist threat by Al-Qaida in the Islamic Maghreb and the Islamic State/Da'esh, particularly in the south, and that there had been a dramatic increase in the number of migrants and refugees arbitrarily detained in official detention centres. He concluded that the security, political and economic tracks were interdependent, and that positive steps were needed to avoid backsliding on all tracks.

At that same meeting, the Council issued a presidential statement in which it welcomed the Second Berlin Conference convened on 23 June 2021, the Conference Conclusions and the commitment of the participants to the United Nations-facilitated, Libyan-led and Libyan-owned political process, expressed support for the interim Presidency Council and the interim Government of National Unity as the Government of Libya charged with leading the country up to presidential and parliamentary national elections on 24 December 2021, urged all relevant actors to support the full implementation of the 23 October 2020 ceasefire agreement, including through the withdrawal of all foreign forces and mercenaries from Libya, and recalled its decision that all Member States should comply with the arms embargo on Libya.³⁸⁸

On 10 September, Council members heard a briefing by the Special Envoy in which he reported on his July visit to Libya, when he urged major political actors and some civil-society representatives to secure an agreement for protecting the electoral path and managing the post-electoral situation.³⁸⁹ He provided updates on the preparations for the elections and called on the international community to help create conditions conducive for the holding of elections by facilitating the gradual withdrawal of foreign elements from Libya. He further underlined the

³⁸⁸ See [S/PRST/2021/12](#), first, second, tenth and eleventh paragraphs.

³⁸⁹ See [S/PV.8855](#).

critical importance of international and domestic observation of the electoral process. The Special Representative also brought to the attention of the Council that, since mid-August, there had been numerous calls by the Parliament to question the Government of National Unity for the lack of performance as well as calls for a vote of no-confidence against the Government in the Parliament. He cautioned that such attempts to change the interim executive so close to the date of elections could create more uncertainty and expressed dismay that the political stalemate was already casting a shadow over the security scene, with several western coastal areas experiencing sporadic conflict and fighting among various units of the security forces. The Special Envoy concluded that Libya was at a crossroads, where positive or negative outcomes were equally possible.

On 24 November the Council heard the last briefing by the Special Envoy, following his announcement that he would be stepping down from the role in December.³⁹⁰ The Special Envoy informed that the final declaration agreed upon at the Paris International Conference for Libya, which was held on 12 November and co-chaired by Libya, had stressed the importance of all Libyan stakeholders committing unequivocally to the holding of free, fair, inclusive and credible presidential and parliamentary elections on 24 December, as well as to the conclusions of the second Berlin Conference of 23 June and accepting the outcomes of the elections. He noted that the Conference had also highlighted the importance of a smooth transfer of power following the announcement of the results of both the presidential and the parliamentary elections. The Special Envoy also provided updates on preparations for the elections, including developments regarding the electoral framework and the electoral calendar. The Special Envoy reported that the political climate in Libya remained heavily polarized, with persistent opposition to the holding of the elections on the basis of the existing legal framework and tensions rising over the eligibility of some high-profile presidential candidates along with fears of armed confrontation or that the current framework might take the country back to authoritarianism. He warned that as the elections approached, there was a risk that entrenched political and institutional divisions would turn into confrontation. He also stressed that the fragmentation of the political context, lack of an inclusive political and electoral process, the ensuing lack of trust and consensus and continued

³⁹⁰ See [S/PV.8912](#).

controversies surrounding the electoral process could undermine its implementation. The Special Envoy warned that not holding the elections could deteriorate further the situation in the country and called on the international community to remain united in its support for elections and engaged in safeguarding the integrity of the electoral process in order to minimize the risks of polarization and confrontation.

On the security situation, the Special Envoy informed that while the ceasefire continued to hold, the presence of foreign fighters, foreign forces and mercenaries remained a cause of grave concern. He added, nonetheless, that the 5+5 Joint Military Commission with UNSMIL support and facilitation had convened in Geneva on 8 October and developed an Action Plan for the withdrawal of foreign forces in a synchronized, phased, gradual and balanced manner, in alignment with the ceasefire agreement of 23 October 2020 and resolutions [2570 \(2021\)](#) and [2571 \(2021\)](#) as well as the outcomes of the Berlin Conferences. He noted that the Action Plan had been presented at the Libya Stabilization Conference held in Tripoli on 21 October by the Government of National Unity. Subsequently, Egypt had hosted 5+5 Joint Military Commission coordination talks with Libya's southern neighbours –Chad, the Niger and the Sudan – in Cairo from 29 October to 1 November, which concluded with an agreement on a concept for an effective communication and coordination mechanism to support the implementation of the Action Plan. Also, in connection with the ceasefire, the Special Envoy announced that the first group of United Nations ceasefire monitors had been deployed to Libya on 10 October.

At the conclusion of the meeting, the Council issued a presidential statement by which it welcomed the Paris International Conference for Libya, the Declaration issued by the participants and their commitment to the full implementation of the ceasefire agreement and to supporting the United Nations facilitated Libyan-led and Libyan-owned political process.³⁹¹ The Council also welcomed the Libyan Stabilisation Conference convened on 21 October in Tripoli and expressed its support for parliamentary and presidential elections on 24 December while also stressing the importance of a peaceful transfer of power in Libya following the elections.³⁹² By the same presidential statement, the Council strongly urged all Libyan stakeholders to commit to

³⁹¹ [S/PRST/2021/24](#), first paragraph.

³⁹² *Ibid.*, second and third paragraph.

accept the elections' results and to respect the rights of their political opponents before, during and after the elections.³⁹³ The Council also recognized the important role of the good offices of UNSMIL and the Special Envoy of the Secretary-General to support dialogue and national reconciliation in the context of the elections.³⁹⁴ The Council also recalled that individuals or entities who threatened the peace, stability or security of Libya or obstructed or undermined the successful completion of its political transition, including by obstructing or undermining the elections, might be designated for its sanctions.³⁹⁵ The Council also welcomed the Action Plan agreed by the 5+5 Joint Military Commission on 8 October for the withdrawal of all foreign forces and mercenaries from Libya and called on all relevant actors to facilitate its synchronised, phased, gradual and balanced implementation.³⁹⁶

In addition to the security, political and economic situation, the Acting Special Representative and the Special Envoy reported throughout the year on the situation of migrants and asylum seekers in Libya, violations of international humanitarian law and international human rights law and the economic and institutional challenges facing Libya.³⁹⁷

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 three briefings to the Council in 2021,³⁹⁸ 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, asset 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 exemption requests and notifications received with respect to the travel ban, assets freeze and arms embargo.³⁹⁹

³⁹³ Ibid., fifth paragraph.

³⁹⁴ Ibid., sixth paragraph.

³⁹⁵ Ibid., seventh paragraph.

³⁹⁶ Ibid., ninth paragraph.

³⁹⁷ See [S/2021/97](#); [S/2021/292](#); [S/2021/498](#); [S/PV.8820](#); [S/PV.8855](#); and [S/PV.8912](#).

³⁹⁸ See [S/2021/498](#); [S/PV.8855](#); and [S/PV.8912](#).

³⁹⁹ For further details on the sanctions measures concerning Libya, see part VII sect. III. For more information on the Committee established pursuant to resolution 1970 (2011) concerning Libya and its Panel of Experts, see part IX, sect. I.

The Prosecutor of the International Criminal Court provided briefings to the Council twice in 2021, to report on the progress and challenges relating to the Court's ongoing investigations regarding the situation in Libya. In Prosecutor Bensouda's last briefing to the Council before the end of her mandate on 15 June 2021, she informed the Council of the engagement by her Libya team with the relevant Libyan national authorities following the discovery of multiple mass graves in the city of Tarhouna, including its visit to the crime scenes and meetings with prosecutorial, investigative and forensic agencies involved in the investigation.⁴⁰⁰ She reported that her team had also met with survivors and family members of victims of the air strike on the Al-Hadba Military College in Tripoli on 4 January 2020, as well as displaced persons from Benghazi and victims of the crimes committed in Tarhouna. The Prosecutor also reported on the activities of her office relating to investigations into serious crimes allegedly committed in official and unofficial detention facilities in Libya and emphasized that the failure to execute the Court warrants remained a major obstacle preventing her Office from seeking effective justice for the victims of atrocity crimes committed in Libya. In that connection, she informed that two of the individuals who remained at large, namely, Mr. Al-Tuhamy Mohamed Khaled and Mr. Mahmoud Mustafa Busayf Al-Werfalli, were reported dead, which, if confirmed, would mean that those suspects would have de facto escaped accountability. The third suspect, Mr. Saif Al-Islam Al-Qadhafi, remained at large and his arrest warrant remained unexecuted.

On 23 November 2021, the Council heard a briefing from the new Prosecutor of the International Criminal Court, Mr. Karim Khan, his first briefing to the Council on Libya since being sworn in on 16 June.⁴⁰¹ The Prosecutor emphasized that the Council's referrals, including that of the situation in Libya, were a priority to his office and noted that the reporting period had been challenging due to the COVID-19 pandemic and the security situation in Libya. He informed that his team had not been able to travel to Libya but expressed his intention to visit the country in early 2022. He reported progress in the investigations despite the challenges encountered and indicated that his office had taken steps to further confirm or to try to verify

⁴⁰⁰ See [S/2021/483](#).

⁴⁰¹ See [S/PV.8911](#).

reports of the deaths of two suspects, Mr. Al-Tuhamy Mohamed Khaled and Mr. Mahmoud Mustafa Busayf Al-Werfalli. The Prosecutor also indicated that his office looked further into the attacks on Tripoli in April 2019, including those related to the Tarhouna mass graves, as well as the allegations of human rights abuses in detention facilities, including rape, torture and sexual and gender-based violence. He also drew attention to the excessive use of violence against migrants and their arbitrary detention.

During the period under review, the Council also heard briefings by two female civil society representatives. On 10 September, the co-founder of Tamazight Women’s Movement and the Khalifa Ihler Institute emphasized the dangers of holding ill-prepared elections without a firm democratic foundation and due process.⁴⁰² She added that if the elections did not happen or the results were disputed, the result would be a more fractured society and a violent armed conflict that could destroy the country. She further warned that the planned presidential election was at best a flawed attempt at instating democracy and at worst leaving Libya to another despotic dictatorship. She called for the mandate of UNSMIL to be more clearly defined and its role more effectively communicated and urged Council members to consider supporting Libya’s democratic journey through a series of measures. On 24 November, an Assistant Professor at the University of Tripoli, political activist and member of the Libyan Political Dialogue Forum, expressed her concern about the 24 December elections, noting that the plan to hold parliamentary and presidential elections simultaneously was not being respected.⁴⁰³ She underlined that just weeks ahead of the elections, there was still no consensus among key stakeholders about their legal framework and no confirmation from the parties that electoral results would be accepted. That ambiguity, she added, threatened the outcome of the electoral process. She also expressed concern that if steps were not taken to strengthen the electoral environment, the elections could exacerbate geographic divisions and contribute to civil unrest. She stressed that there was much more the Council could do to secure the electoral process, including by insisting that international observers should be in place ahead of the elections, and

⁴⁰² [S/PV.8855](#).

⁴⁰³ [S/PV.8912](#).

by calling on UNSMIL to mediate between the parties so that differences could be addressed and basic consensus on the legal framework for the elections could be forged.

In their deliberations in 2021, Council members welcomed the progress attained in the implementation of the Libyan Political Dialogue Forum road map and expressed support for the holding of presidential and legislative elections on 24 December 2021. Many Council members also expressed support for the request by the Secretary-General for the Council to give UNSMIL a mandate for the deployment of ceasefire monitoring component to support the Libyan-led and Libyan owned ceasefire monitoring mechanism.⁴⁰⁴ In November, several Council members welcomed the deployment of United Nations ceasefire monitors.⁴⁰⁵ Council members called for the full implementation of the ceasefire agreement, including the withdrawal of mercenaries and foreign forces from Libya,⁴⁰⁶ compliance with the arms embargo,⁴⁰⁷ the need for the unification of institutions in Libya,⁴⁰⁸ the improvement of basic services in the country,⁴⁰⁹ national

⁴⁰⁴ See [S/2021/97](#), Estonia, France, India, Ireland, Mexico, Niger, Norway, United Kingdom, United States and Viet Nam; and [S/2021/292](#), Estonia, France, India, Ireland, Kenya, Mexico, Niger, Norway, Tunisia, United Kingdom, United States and Viet Nam.

⁴⁰⁵ See [S/PV.8912](#), United Kingdom, Ireland, Tunisia, United States, Estonia and Kenya.

⁴⁰⁶ See [S/2021/97](#), China, Estonia, France, India, Ireland, Mexico, Niger, Norway, Tunisia, United Kingdom, United States and Viet Nam; [S/2021/292](#), Estonia, France, India, Ireland, Kenya, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States and Viet Nam; [S/2021/498](#), China, Estonia, France, India, Ireland, Kenya, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States and Viet Nam; [S/PV.8820](#), France, Tunisia, Kenya, United States, India, United Kingdom, Russian Federation, Niger, Estonia, Saint Vincent and the Grenadines, Ireland, Viet Nam, Norway, China and Mexico; [S/PV.8855](#), United Kingdom, Niger, Tunisia, France, Norway, Russian Federation, Saint Vincent and the Grenadines, China, India, United States, Mexico, Viet Nam, Kenya and Ireland; and [S/PV.8912](#), United Kingdom, Russian Federation, Niger, Ireland, Norway, Tunisia, United States, China, India, Estonia, Viet Nam and Kenya.

⁴⁰⁷ See [S/2021/97](#), China, Estonia, France, India, Ireland, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States and Viet Nam; [S/2021/292](#), Estonia, France, India, Ireland, Kenya, Mexico, Niger, Norway, Russian Federation, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States and Viet Nam; [S/2021/498](#), China, Estonia, France, Ireland, Kenya, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States, and Viet Nam; [S/PV.8820](#), Kenya, India, Estonia, Saint Vincent and the Grenadines, Viet Nam, Norway and Mexico; [S/PV.8855](#), Niger, Tunisia, France, Saint Vincent and the Grenadines, India, United States, Viet Nam and Kenya; and [S/PV.8912](#), Niger, Saint Vincent and the Grenadines, Tunisia, India, France, Viet Nam and Mexico.

⁴⁰⁸ See [S/2021/97](#), United Kingdom and Viet Nam; [S/2021/292](#), France, Russian Federation, Saint Vincent and the Grenadines and United States; [S/2021/498](#), Kenya, Mexico, Saint Vincent and the Grenadines, United Kingdom and United States; [S/PV.8820](#), France, Kenya, Saint Vincent and the Grenadines, Ireland, Viet Nam and China; [S/PV.8855](#), Niger, France, Saint Vincent and the Grenadines and Viet Nam; and [S/PV.8912](#), India.

⁴⁰⁹ See [S/2021/97](#), Mexico; [S/2021/292](#), Ireland, Kenya, Norway; [S/2021/498](#), China, Mexico, Norway and Saint Vincent and the Grenadines, United Kingdom; [S/PV.8820](#), United Kingdom and China; and [S/PV.8912](#), Niger,

reconciliation,⁴¹⁰ full and meaningful political participation of women,⁴¹¹ and for addressing Libya's concerns regarding the management of its frozen assets.⁴¹² Council members expressed concern about the humanitarian and human rights situation in the country, in particular the condition and arbitrary detention of migrants and refugees.⁴¹³ Some Council members further underscored the importance of ensuring that efforts undertaken for the withdrawal of mercenaries and foreign forces should include disarmament, demobilization and reintegration measures in order to prevent instability in neighbouring countries and the Sahel region.⁴¹⁴ In November, most Council members welcomed the Action Plan from the 5+5 Joint Military Commission for the withdrawal of foreign forces and mercenaries.⁴¹⁵

Following the briefings by the Prosecutor of the International Criminal Court, several Council members welcomed the activities of the Office of the Prosecutor, including the recent missions to Libya and the intention to visit Libya in early 2022,⁴¹⁶ and encouraged further

⁴¹⁰ See [S/2021/97](#), Estonia, India, Ireland, Kenya, Niger and Tunisia; [S/2021/292](#), Ireland, Kenya, Mexico, Niger, Saint Vincent and the Grenadines, Tunisia, and United Kingdom; [S/2021/498](#), Estonia, India, Ireland, Kenya, Niger, Norway and Saint Vincent and the Grenadines; [S/PV.8820](#), Kenya, India, Niger and Saint Vincent and the Grenadines and Ireland; [S/PV.8855](#), Niger, Russian Federation, Saint Vincent and the Grenadines, India, Mexico, Viet Nam, Kenya and Ireland; and [S/PV.8912](#), Russian Federation, Saint Vincent and the Grenadines, Ireland, India and Viet Nam.

⁴¹¹ See [S/2021/292](#), Estonia, France, Ireland, Mexico, Saint Vincent and the Grenadines, United Kingdom and Viet Nam; [S/2021/498](#), Estonia, France, Ireland, Mexico, Norway, United Kingdom, United States and Viet Nam; [S/PV.8820](#), United Kingdom, Estonia, Ireland, Viet Nam, Norway and Mexico; [S/PV.8855](#), United Kingdom, Norway, Mexico, Viet Nam, Estonia, Kenya and Ireland; and [S/PV.8912](#), United Kingdom, Saint Vincent and the Grenadines, Ireland, Norway, Tunisia, Estonia, France, and Mexico.

⁴¹² See [S/2021/97](#), China, India and Russian Federation; [S/2021/292](#), India and Russian Federation; [S/2021/498](#), China, Kenya, and Russian Federation; [S/PV.8820](#), China; [S/PV.8855](#), Kenya; and [S/PV.8912](#), China and Kenya.

⁴¹³ See [S/2021/97](#), Estonia, France, Ireland, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United States and Viet Nam; [S/2021/292](#), Estonia, Ireland, Norway, Mexico, Niger and Saint Vincent and the Grenadines, Tunisia and United States; [S/2021/498](#), Estonia, France, Ireland, Kenya, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States and Viet Nam; [S/PV.8820](#), Kenya, Niger, Estonia, Saint Vincent and the Grenadines, Ireland, Norway, Mexico, Viet Nam, Norway and Mexico; [S/PV.8855](#), Niger, France, Saint Vincent and the Grenadines, United States, Mexico, Viet Nam, Estonia, Kenya and Ireland; [S/PV.8912](#), Niger, Saint Vincent and the Grenadines, Ireland, Norway, Estonia, France, Viet Nam, Kenya and Mexico.

⁴¹⁴ See [S/2021/97](#), China, India, Kenya and Niger; [S/2021/292](#), France, Kenya, Mexico, Niger and Norway; [S/2021/498](#), France, China, India, Ireland, Kenya, Mexico, Niger, Norway and Saint Vincent and the Grenadines; [S/PV.8820](#), France, Tunisia, Kenya, India, Niger, Saint Vincent and the Grenadines, Ireland, Viet Nam, Norway and China; [S/PV.8855](#), France, Tunisia, Russian Federation, Saint Vincent and the Grenadines, China, India and Kenya; and [S/PV.8912](#), Niger, Ireland, Norway, Tunisia, China, India and Kenya.

⁴¹⁵ See [S/PV.8912](#), United Kingdom, Russian Federation, Niger, Saint Vincent and the Grenadines, Ireland, Tunisia, United States, China, India, Estonia, France, Viet Nam, Kenya and Mexico.

⁴¹⁶ See [S/2021/483](#), Estonia, France, Ireland, Mexico, Niger and Tunisia; and [S/PV.8911](#), Mexico, Saint Vincent and the Grenadines, Niger, France, United Kingdom and Tunisia.

collaboration between the Office of the Prosecutor and the Government of National Unity and all relevant stakeholders in seeking accountability for crimes committed in Libyan territory.⁴¹⁷ Some Council members expressed concern, however, about reports of recent criminal activities, including disappearances, arbitrary detentions, murder, inhumane treatment, torture, crimes against migrants and refugees, and gender-based violence.⁴¹⁸ Some Council members welcomed the updates provided by the Prosecutor on the investigation of mass graves in Tarhouna.⁴¹⁹ Many Council Members expressed concern about the lack of progress in implementing the arrest warrants issued by the Court in the case of Al-Werfalli, Al-Tuhamy and Al-Qadhafi.⁴²⁰ Some Council members recalled the importance of observing the principle of complementarity regarding the Court's investigations and national investigations and prosecution of crimes committed within Libyan territory.⁴²¹ The representative of Libya also noted that his country viewed the role of the Court to be complementary, especially in regard to persons outside State jurisdiction, and called for cooperation by all States with the Libyan judicial authorities in conducting investigations and handing over wanted persons to the national justice system. He also called on the International Criminal Court to prosecute human traffickers, smugglers and their cross-border networks in Africa and Europe in addition to those involved inside Libya.⁴²²

During his participation at Council meetings and videoconferences on Libya, the representative of Libya called on all States to abide by the conclusions of the Berlin Conference on Libya and support the full implementation of the ceasefire agreement and the conclusions of the 5+5 Joint Military Commission, in particular the withdrawal of all foreign forces and mercenaries.⁴²³ He stated that harmful international interference in his country continued, that the Council remained divided, and that Libya was being used as “an arena to settle scores by

⁴¹⁷ See [S/2021/483](#), Estonia, Niger, Norway, Saint Vincent and the Grenadines and United Kingdom; and [S/PV.8911](#), Norway, Mexico, Saint Vincent and the Grenadines, Niger, Ireland, Estonia and Tunisia.

⁴¹⁸ See [S/2021/483](#), Estonia, France, Ireland, Mexico, Niger, Norway, United Kingdom and United States; and [S/PV.8911](#), Mexico, Niger, France, Ireland, United States, Norway, United Kingdom and Estonia.

⁴¹⁹ See [S/2021/483](#), France, Ireland, Mexico, Niger, United Kingdom and United States; and [S/PV.8911](#), United States.

⁴²⁰ See [S/2021/483](#), Estonia, France, Ireland, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom and United States; [S/PV.8911](#), Mexico, Ireland, United States, United Kingdom and Estonia,

⁴²¹ See [S/2021/483](#), France, Kenya, Mexico, Saint Vincent and the Grenadines, and Tunisia; and [S/PV.8911](#), Mexico, China, Saint Vincent and the Grenadines, France, Ireland, Kenya and Tunisia.

⁴²² See [S/2021/483](#); and [S/PV.8911](#).

⁴²³ See [S/2021/498](#).

proxy”.⁴²⁴ In that regard, he called on the Council to work to end all forms of interference in Libya.⁴²⁵ He demanded that all foreign forces, mercenaries and armed groups who were not under State control withdraw and disarm and called for Security Council support in that regard, to prevent them from becoming a threat in neighbouring countries and the Sahel and to the current political process in the country.⁴²⁶ He welcomed the role of UNSMIL in supporting the political process and called on the United Nations to send a team to Libya to evaluate electoral support needs.⁴²⁷ In that connection, he also underlined the importance of national reconciliation,⁴²⁸ and called on the Council to endorse the Libyan-owned and Libyan-led political process, including the road map to the 24 December elections, and to hold obstructionists to the electoral process accountable.⁴²⁹ Regarding the issue of sanctions, he expressed indignation about the status of Libyan funds and assets frozen pursuant to Security Council resolutions and objected to the manner in which some countries were taking advantage of the decision to freeze Libyan assets to the detriment of the Libyan people while also repeatedly requesting that the sanctions regime be amended.⁴³⁰

In addition to the decisions outlined above, on 16 April 2021, the Council also adopted unanimously resolution [2571 \(2021\)](#) under Chapter VII of the Charter. In the resolution, the Council decided to extend until 30 July 2022 the authorizations provided and measures imposed by resolution [2146 \(2014\)](#), [2441 \(2018\)](#) and [2509\(2020\)](#).⁴³¹ The Council also extended the mandate of the Panel of Experts established by resolution [1973 \(2011\)](#) until 15 August 2022 and requested that the Panel closely follow and report to the Committee any information relating to the illicit export from or illicit import to Libya of petroleum, including crude oil and refined petroleum products.⁴³² The Council also called on all Member States to comply fully with the arms embargo and not to intervene in the conflict or take measures that exacerbated the

⁴²⁴ See [S/2021/97](#).

⁴²⁵ See [S/2021/498](#); and [S/PV.8912](#).

⁴²⁶ See [S/2021/97](#), [S/2021/292](#), [S/PV.8820](#); and [S/PV.8855](#).

⁴²⁷ See [S/2021/498](#); and [S/PV.8855](#).

⁴²⁸ See [S/2021/97](#); [S/2021/292](#); and [S/PV.8820](#).

⁴²⁹ See [S/2021/97](#); and [S/2021/292](#), [S/PV.8820](#); and [S/PV.8912](#).

⁴³⁰ See [S/2021/97](#); [S/2021/498](#); [S/PV.8820](#), and [S/PV.8912](#).

⁴³¹ Resolution [2571 \(2021\)](#), para. 2.

⁴³² *Ibid.*, paras. 3 and 12.

conflict.⁴³³ In its statement following the adoption by written procedure,⁴³⁴ the delegation of the Russian Federation explained that it had voted in favour of resolution [2571 \(2021\)](#) to demonstrate its desire for consensus even though the Russian Federation did not see a need to include updated language on ending contacts with Libyan parallel institutions nor did it see the sanctions aspect to the problem of illegal imports of petroleum products into Libya.⁴³⁵ The representative of the United States, explained her country's affirmative vote on the resolution adopted on that date, underscoring that by passing this resolution and resolution [2570 \(2021\)](#), the Council was showing its support to the United Nations-facilitated political process in Libya and to the mandate of the Panel of Experts and the authorizations and sanctions measures related to illicit petroleum exports. On 3 June 2021, the Council unanimously adopted resolution [2578 \(2021\)](#) under Chapter VII of the Charter, by which it extended the authorizations concerning the implementation of the arms embargo on the high seas off the coast of Libya, as set out in resolution [2526 \(2020\)](#) for a further 12 months.⁴³⁶

On 15 September, the Council unanimously adopted resolution [2595 \(2021\)](#), by which it extended, until 30 September 2021, the mandate of UNSMIL.⁴³⁷ After the vote, the representative of the Russian Federation explained that his country supported the technical resolution to extend the mandate of UNSMIL because it aimed at giving all countries an opportunity to find a common denominator on the work of UNSMIL in the upcoming, complex stage in the political process in Libya and stressed that all of the Council's efforts should be aimed at helping the Libyan people adhere to the timetable for the 24 December elections.⁴³⁸ By contrast, the representative of the United States expressed disappointment in the inability of the Council to reach consensus on a new mandate for UNSMIL and expressed his country's commitment to achieving a mandate that put UNSMIL in the best position to advance preparations for the 24 December elections and to support the implementation of the ceasefire.⁴³⁹

⁴³³ Ibid., para. 5.

⁴³⁴ For more details on the procedures developed during the COVID-19 pandemic, see part II of this Supplement as well as *Repertoire, Supplement 2020*, part II.

⁴³⁵ See [S/2021/382](#).

⁴³⁶ Resolution [2578 \(2021\)](#), para. 1.

⁴³⁷ For further details on the mandate of UNSMIL, see part X, sect. II.

⁴³⁸ See [S/PV.8858](#).

⁴³⁹ Ibid. See [S/2021/716](#), annex.

He recalled that the independent strategic review conducted by the Secretary-General had concluded that the situation on the ground in Libya had changed since the UNSMIL mandate was last renewed and underlined that the ceasefire agreement created an opportunity for UNSMIL to engage directly with stakeholders on the ground in Libya to move the process forward. He also stated that the review had recommended that the Head of Mission be relocated to Tripoli as a matter of priority in order to increase engagement with Libyan actors, which was critical at that juncture in the political process. In closing, he called on all members of the Council to work together expeditiously to adopt a mandate that implemented the recommendations of the independent review so that UNSMIL could intensify its efforts.

Two weeks later, on 30 September 2021, the Council unanimously adopted resolution [2599 \(2021\)](#), extending again the mandate of UNSMIL until 31 January 2022. After the vote, the penholder for the draft resolution, the representative of the United Kingdom, echoed by the representative of Kenya, expressed regret that Council members could not arrive at a compromise text.⁴⁴⁰ The representative of France expressed full support for UNSMIL and its efforts in supporting the political transition process, the implementation of the ceasefire and the preparation for the 24 December elections, and indicated that the Council must restructure UNSMIL at the time of the next renewal in January 2022. He emphasised that such restructuring was not a goal in and of itself. It must be a tool to strengthen the effectiveness of UNSMIL's work. The representative of the United States referred to the vote as an unfortunate outcome for both the Libyan people and the Security Council and underscored that the Council had failed to implement the recommendation from the Secretary-General's independent strategic review at a crucial time, considering the critical importance of United Nations support for the December national elections. He reiterated that the recommendations of the independent review's report on the leadership structure of UNSMIL reflected the Libyan conviction that locating the Head of Mission in Libya was essential and the failure to do so then only served to undermine collective efforts to stabilize Libya. He called on the members of the Council to work together expeditiously over the following months to adopt a mandate that would offer the best approach to resolving stalemates and encouraging the political process. In the same vein, the representative

⁴⁴⁰ See [S/PV.8870](#).

of Kenya referred to the technical rollover of the mandate of UNSMIL as “disappointing” and a failure of the Council to reach a common understanding and approach to facilitating the success of UNSMIL, and a missed opportunity to include important elements into the mandate of the Mission, including support for Libya’s national reconciliation efforts, and taking into account issues of interest to neighbouring States and the region. He recalled that that the African voice was strong in seeking inclusion in the top leadership during the last mandate renewal and urged the Council to listen better to Africa, placing Africans in the leadership of peace processes in Africa. The representatives of China and the Russian Federation expressed support for discussing the adjustment of the leadership of UNSMIL after the conclusion of the electoral process.

Developments in Libya were also considered under the item entitled “Maintenance of international peace and security”.⁴⁴¹

Table 1
Meetings: The situation in Libya

<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.8783 3 June 2021	Report of the Secretary-General on the implementation of Security Council resolution 2526 (2020) (S/2021/434)	Draft resolution submitted by 30 Member States ^a (S/2021/523)	27 Member States ^b			Resolution 2578 (2021) 15-0-0 (adopted under Chapter VII)
S/PV.8820 15 July 2021			Germany, Libya ^c	Special Envoy of the Secretary-General and Head of the United Nations Support Mission in Libya (UNSMIL), Secretary-General of the League of Arab States	All Council members ^d , all invitees	S/PRST/2021/12

⁴⁴¹ For further details, see part I, sect. 34.

S/PV.8855 10 September 2021	Letter dated 6 August 2021 from the Secretary-General addressed to the President of the Security Council (S/2021/716) Report of the Secretary-General on the United Nations Support Mission in Libya (S/2021/752)	Libya	Special Envoy of the Secretary-General, Co-founder of Tamazight Women's Movement and the Khalifa Ihler Institute	All Council members ^e all invitees	
S/PV.8858 15 September 2021	Letter dated 6 August 2021 from the Secretary-General addressed to the President of the Security Council (S/2021/716) Report of the Secretary-General on the United Nations Support Mission in Libya (S/2021/752)	Draft resolution submitted by the United Kingdom (S/2021/795)		Two Council members (Russian Federation, United States)	Resolution 2595(2021) 15-0-0
S/PV.8870 30 September 2021	Letter dated 6 August 2021 from the Secretary-General addressed to the President of the Security Council (S/2021/716) Report of the Secretary-General on the United Nations Support Mission in Libya (S/2021/752)	Draft resolution submitted by the United Kingdom (S/2021/838)		Seven Council members ^f	Resolution 2599(2021) 15-0-0
S/PV.8911 23 November 2021		Libya	Prosecutor of the International Criminal Court	All Council members, all invitees	
S/PV.8912 24 November 2021		Libya	Special Envoy of the Secretary-General; Assistant Professor at the University of Tripoli, political activist and member of the Libyan Political Dialogue Forum ^f	All Council members ^e all invitees ^g	S/PRST/2021/24

^a Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Ukraine.

^b Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Ukraine.

^c Libya was represented by the Prime Minister of the Government of National Unity and Germany was represented by its Federal Minister for Foreign Affairs.

^d France was represented by its Minister for Europe and Foreign Affairs. Kenya was represented by its Cabinet Secretary for Foreign Affairs. Tunisia was represented by its Minister for Foreign Affairs, Migration and Tunisians Abroad. The United States was represented by its Permanent Representative and Member of the President's Cabinet. India was represented by its Foreign Secretary.

^e The representative of India briefed also in his capacity as the Chair of the Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya.

^f China, France, Kenya, Tunisia, Russian Federation, United Kingdom, United States

^g The Special Envoy of the Secretary-General and Head of UNSMIL and the Assistant Professor at the University of Tripoli participated in the meeting via videoconference.

Table 2
Videoconferences: The situation in Libya

<i>Videoconference date</i>	<i>Videoconference record</i>	<i>Title</i>	<i>Decision and vote (for-against-abstaining) and record of written procedure</i>
28 January 2021	S/2021/97	Letter dated 1 February 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council	
9 February 2021	A/76/2 , part II, chap. 37		S/PRST/2021/4
12 March 2021	A/76/2 , part II, chap. 37		S/PRST/2021/6
24 March 2021	S/2021/292	Letter dated 26 March 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council	
16 April 2021	S/2021/381	Letter dated 16 April 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council	Resolution 2570 (2021) 15-0-0 S/2021/373 (Record of written procedure)
16 April 2021	S/2021/382	Letter dated 19 April 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council	Resolution 2571 (2021) 15-0-0 (adopted under Chapter VII) S/2021/374 (Record of written procedure)
17 May 2021	S/2021/483	Letter dated 19 May 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council	

<i>Videoconference date</i>	<i>Videoconference record</i>	<i>Title</i>	<i>Decision and vote (for-against-abstaining) and record of written procedure</i>
21 May 2021	S/2021/498	Letter dated 25 May 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council	
