



Date: 30th September 2022

Circular no.: 0061C/TG/09/22

To: Ship owners/ Ship-operators & Ship-managers / Masters/ Deputy Registrars.

Subject: **UNITED NATIONS RESOLUTIONS ON LIBYA**

**References:**

- a) UN Security Council Resolution 2292 (2016), concerning the strict implementation of the arms embargo on the high seas off the coast of Libya
- b) UN Security Council Resolution 2357 (2017), 2420 (2018), 2473 (2019), 2526 (2020), 2578 (2021), 2635 (2022) concerning the strict implementation of the arms embargo on the high seas off the coast of Libya

**General:**

The UN Security Council:

Recalling its resolution 1970 (2011) imposing the arms embargo on Libya and all its subsequent relevant resolutions,

Recalling its resolutions 2292 (2016), 2357 (2017), 2420 (2018), 2473 (2019), 2526 (2020) and 2578 (2021) concerning the strict implementation of the arms embargo on the high seas off the coast of Libya,

With Resolution 2635 (2022) adopted at its 9053rd meeting, on 3 June 2022 and acting under Chapter VII of the Charter of the United Nations, decided to extend the authorizations as set out in resolution 2578 (2021) for a further 12 months from the date of this resolution, therefore till 3 June 2023.

**Authorizations as set out in Resolution 2292 (2016) adopted by the Security Council at its 7715th meeting, on 14 June 2016 and all its subsequent relevant resolutions till Resolution 2635 (2022) adopted at its 9053rd meeting, on 3 June 2022.**





**The Security Council acting under Chapter VII of the Charter of the United Nations:**

1. Condemns the flows of arms and related materiel transferred to or from Libya in violation of the arms embargo, including to ISIL and other terrorist groups in Libya
2. Urges Member States to combat by all means, in accordance with their obligations under the Charter of the United Nations and other obligations under international law, including international human rights law, international refugee law and international humanitarian law, threats to international peace and security caused by terrorist acts;
3. Decides, with a view to addressing the threat posed by unsecured arms and ammunitions in Libya and their proliferation, to authorize, in these exceptional and specific circumstances for a period of 12 months from the date of this resolution Member States, acting nationally or through regional organizations, with appropriate consultations with the GNA, in order to ensure strict implementation of the arms embargo on Libya, to inspect, without undue delay, on the high seas off the coast of Libya, vessels bound to or from Libya which they have reasonable grounds to believe are carrying arms or related materiel to or from Libya, directly or indirectly, in violation of paragraphs 9 or 10 of resolution 1970 (2011), as modified by paragraph 13 of 2009 (2011), paragraphs 9 and 10 of 2095 (2013) and paragraph 8 of 2174 (2014), provided that those Member States make good-faith efforts to first obtain the consent of the vessel's flag State prior to any inspections pursuant to this paragraph, and calls upon all flag States of above-mentioned vessels to cooperate with such inspections;
4. Authorizes Member States, acting nationally or through regional organizations, conducting inspections pursuant to paragraph 3, to use all measures commensurate to the specific circumstances to carry out such inspections, in full compliance with international humanitarian law and international human rights law, as applicable, and urges Member States conducting such inspections to do so without causing undue delay to or undue interference with the exercise of freedom of navigation;
5. Authorizes all Member States, acting nationally or through regional organizations, to, and decides that all such Member States shall, upon discovery of items prohibited by paragraph 9 or 10 of resolution 1970, as modified by paragraph 13 of 2009 (2011), paragraphs 9 and 10 of 2095 (2013), and paragraph 8 of resolution 2174 (2014), seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) of such items, further reaffirms its decision that all Member States shall cooperate in such efforts, authorizes Member States, acting nationally or through regional organizations, to collect evidence directly related to the carriage of such items in the course of such inspections, and urges Member States, acting nationally or through regional organizations, to avoid causing harm to the marine environment or to the safety of navigation;





6. Affirms that the authorizations provided by paragraph 3, 4 and 5 of this resolution apply only with respect to inspections carried out by warships and ships S/RES/2292 (2016) 4/4 16-09889 owned or operated and duly authorized by a State and used only on government non-commercial service, and which are clearly marked and identifiable as such;

7. Underscores that these authorizations do not apply with respect to vessels entitled to sovereign immunity under international law;

8. Affirms that the authorization provided for in paragraph 4 includes the authority to divert vessels and their crews to a suitable port to facilitate such disposal, with the consent of the port State, affirms further that the authorization in paragraph 4 includes the authority to use, all measures commensurate to the specific circumstances, in full compliance with international humanitarian law and international human rights law, as applicable, to seize items set out in paragraph 3 in the course of inspections;

9. Affirms that the authorizations provided in this resolution apply only with respect to the smuggling of illegal arms and related materiel on the high seas off the coast of Libya and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under UNCLOS, including the general principle of exclusive jurisdiction of a Flag State over its vessels on the high seas, with respect to any other situation, underscores in particular that this resolution shall not be considered as establishing customary international law;

10. Decides that when any Member State, acting nationally or through regional organizations, undertakes an inspection pursuant to paragraph 3 of this resolution, it or the regional organization through which it is acting shall submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspection, the efforts made to seek the consent of the vessel's Flag state, the results of such inspection, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member State or regional organization submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report; and requests the Committee to notify the flag State of the inspected vessel that an inspection has been undertaken, notes the prerogative of any Member State to write to the Committee concerning the implementation of any aspect of this resolution, and further encourages the Panel of Experts to share relevant information with Member States operating under the authorization set out in this resolution;

11. Encourages Member States and the GNA to share relevant information with the Committee, and with those Member States and regional organizations acting under the authorizations set out in this resolution;



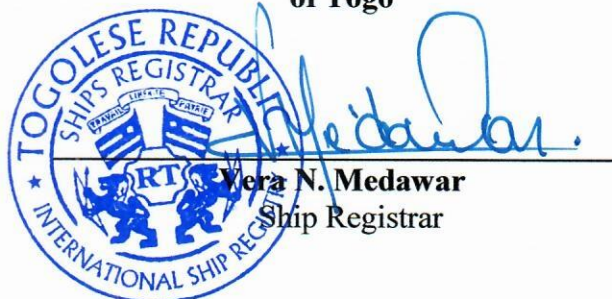


**Togolese Ships owners/ operators & managers / Masters/ Deputy Registrars attention is drawn particularly on the following:**

Since any violation of all the above may pose a threat to the peace, security, or stability of LIBYA we inform all interested parties:

- a) to accept the above inspections on the high seas off the coast of Libya carried out by warships and ships S/RES/2292 (2016) 4/4 16-09889 owned or operated and duly authorized by a State and used only on government non-commercial service, and which are clearly marked and identifiable as such.
- b) These Member States have to make good-faith efforts to first obtain the consent of the vessel's flag State (TOGO) since the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under UNCLOS, including the general principle of exclusive jurisdiction of a Flag State over its vessels on the high seas is not affected,
- c) in case of violation of the above and relevant UN resolutions after investigation or report of the competent bodies of UN apart of any other sanctions or penalties, the vessel will be canceled from the registry

**For the International Ship Registry  
of Togo**



**For the Togolese Maritime Authority**



**Encl.: a) UN Security Council Resolution 2292 (2016)  
b) UN Security Council Resolution 2635 (2022)**