

ACTION DOCUMENT

THE EUROPEAN UNION EMERGENCY TRUST FUND FOR STABILITY AND ADDRESSING THE ROOT CAUSES OF IRREGULAR MIGRATION AND DISPLACED PERSONS IN AFRICA

1. IDENTIFICATION

Title	Support to Integrated border and migration management in Libya - Second phase (T05-EUTF-NOA-LY-07)			
Zone benefitting from the action / Localisation	Libya			
Total cost	Total estimated cost: EUR 15 000 000 Total amount drawn from the Trust Fund: EUR 15 000 000			
Aid modality(ies) and implementation modality(ies)	Indirect management through Delegation Agreement with the Italian Ministry of Interior			
DAC – codes	15190 - Facilitation of orderly, safe, regular and responsible migration and mobility			
Main delivery channels	The Italian Ministry of Interior			
Markers	Policy objectives	Not targeted	Significant objective	Principal objective
	Participatory development / good governance	X	<input type="checkbox"/>	<input type="checkbox"/>
	Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and empowerment of women and girls	X	<input type="checkbox"/>	<input type="checkbox"/>
	Trade development	X	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, newborn and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	X	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition	X	<input type="checkbox"/>	<input type="checkbox"/>
	Disability	X	<input type="checkbox"/>	<input type="checkbox"/>
	Rio Markers	Not targeted	Significant objective	Principal objective
	Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>
	Migration marker	<input type="checkbox"/>	<input type="checkbox"/>	X
	Digitalisation	X	<input type="checkbox"/>	<input type="checkbox"/>
COVID-19	X	<input type="checkbox"/>	<input type="checkbox"/>	
SDG	- Goal 10: Reduce inequality within and among countries and in particular 10.7 facilitate orderly, safe, regular and responsible			

	migration and mobility of people, including through the implementation of planned and well-managed migration policies
Valetta Action Plan Domains	3. Protection and asylum
Strategic objectives of the Trust Fund	3. Improved migration management
Beneficiaries of the action	<p>DIRECT: Relevant Libyan authorities from Ministry of Interior (MoI), Ministry of Defence (MoD) and Ministry of Communications: 5,000 government officials from these institutions benefiting from enhanced capacity.</p> <p>INDIRECT: Future migrants rescued at the sea¹ due to the provision of life-saving equipment and training to the Libyan Coast Guard and Port Security (LCGPS) and General Administration for Coastal Security (GACS) for them to be able to save lives.</p>

2. RATIONALE AND CONTEXT

2.1. Summary of the action and its objectives

This Action Document is a reformulation of an earlier approved version of the Action Document “Support to Integrated border and migration management in Libya - Phase II”². It is part of a comprehensive approach and broad range of EU actions in relation to migration in Libya, which aims at saving lives and increase support and protection for migrants and refugees in Libya. In the previous version, the action foresaw an expansion of action towards institution building under component 1 as well as expansion of border management in the South under component 4 and the purchase of vessels, the support to fleet maintenance and the establishment of a radar network along the coast under components 2 and 3. The need for this revised version has emerged taking into consideration the very complicated situation inside Libya due to the armed conflict since April 2019. The spread of Covid-19 pandemic, in the first months of 2020, exacerbated the current crisis.

Italy came forward in May 2017 to the European Commission with a major proposal for integrated border and migration management in Libya, which responds to the above-mentioned priorities. The initial discussions were focused to support to the Libyan Coast Guards and Port Security (LCGPS) for better patrolling and rescuing at sea. This led to the decision by the EUTF to commit in December 2017 an amount of EUR 46.3 million for the first phase of the 'Support to Integrated border and migration management in Libya' T05-EUTF-NOA-LY-04’ which aims mainly to support the capacity of the General Administration of Coastal Security (GACS) through indirect management with the Italian Ministry of Interior. The coordination mechanism with the Libyan authorities is described in section 2.5.

¹ The ones rescued during the period of the Action are direct beneficiaries.
² AD approved in the EU TF Operational Committee of 13 December 2018

Due to the deteriorating security environment in Libya, which caused significant delays in the implementation of Phase 1, and after consultation with the Italian Ministry of Interior, it was decided to reformulate the commitments under Phase II and refocus the existing arrangements to new actions in the field of stabilisation³ and the Covid-19 response in Libya⁴. This led directly to the removal of components 1 and 4, which are considered not feasible in the current security environment in Libya, while the remaining action is composed of refocused components 2 and 3. The Italian Ministry of Interior has decided, in close consultation with the European Commission and based on priority needs of the relevant Libyan authorities, to reshape the activities ongoing under the first phase of the project and the activities to be developed carried out under the second phase.⁵ So far, under the first phase, technical trainings for crewmembers (including on human rights) have taken for the staff of the GACS and rubber boats have been procured. In addition, four vessels have been repaired at a shipyard in Tunisia, and are waiting to be handed over to the GACS after the end of the COVID-19 induced lockdown.

The **overarching objective** of the Action is to strengthen the LCGPS to increase its capacity for search and rescue activities and the fight against trafficking in human beings and the smuggling of migrants, thus contributing to providing a response to the migration crises in the Central Mediterranean in respect of international law and human rights. It aims to strengthen the LCGPS and GACS capability to contribute to border management operations and reduce even further the numbers of people dying at sea.

This Action proposes interventions in Libya under the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (the 'EUTF'), that provide additional support to Libyan authorities to enable them to better perform lifesaving Search and Rescue (SAR) operations at sea and improve the control/management of their borders.

Concretely it will supply new SAR vessels, set-up a mobile MRCC (Maritime Rescue Coordination Centre) and will make the LCGPS more efficient in accomplishing its tasks in line with Libya's international SAR obligations. The implementation of common maintenance and repair activities is part of the action, which will allow ordinary maintenance of the vessels in Libya and hence reduce the time that they are not operational. In a wider perspective, focusing on the GACS under the first phase of the project and on the LCGPS under the second phase, the Action aims to contribute to support these two Libyan institutions in gradually developing their mutual operational coordination and cooperation. The increased cooperation between the two institutions contributes to a more effective strategy and operations in the field of maritime border security.⁶

³ See AD "Recovery, Stability and Socio-Economic Development in Libya – Phase 2 Reference: T05-EUTF-NOA-LY-13 (EUR 25 million)

⁴ See AD "Protecting most vulnerable populations from the COVID 19 pandemic in Libya - T05-EUTF-NOA-LY-12 (EUR 20 million)

⁵ The Italian Ministry of Interior has confirmed the elements of the refocused Action in a letter to M. Popowski, DDG NEAR on 9 March 2020

⁶ White Paper December 2019 p.17: 'GACS lacks proper infrastructure and offices. The available maritime and inland assets, such as boats, vehicles, and fixed technical means for surveillance on land, are very limited. GACS maritime assets amount to eight vessels of which three are in Tunisia for maintenance. Reportedly, two of the five vessels in Libya are at present operational. Moreover, the mandate and area of responsibility of GACS are in

The Action also aims to support alignment of the work of the LCGPS and the GACS through cooperation with other actors, such as the European Border and Coast Guard Agency (FRONTEX), EUNAVFORMED Irini, the UN High Commission for Refugees (UNHCR), the International Organization for Migration (IOM) and the International Centre for Migration Policy Development (ICMPD).

The European Council of 22-23 June 2017 expressed concern about the loss of life and continuing migratory challenges on the Central Mediterranean Route. It specifically mentioned that "training and equipping the Libyan Coast Guard is a key component of the EU approach and should be speeded up" and that "cooperation with countries of origin and transit shall be reinforced in order to stem the migratory pressure on Libya's and other neighbouring countries' land borders".

The EU efforts, in addition to bilateral Italian efforts, in supporting the LCGPS to improve its operational capacities have achieved significant and tangible results since 2017. The Libya SAR region declaration and the publication of its coordinates under International Maritime Organisation (IMO) were instrumental in this development. So was the training of more than 477 personnel⁷ of the Libyan coast guard and navy through Operation Sophia. There was a significant increase of rescue capacities of the LCGPS.

Libya remains a major country of departure and the year so far has seen a significant increase in arrivals compared to the same period in 2019. The total number of arrivals at 7th June 2020 via the Central Mediterranean route to Italy and Malta is 7,152, compared to 3,085 arrivals in the same period in 2019. However, the efforts to improve LCGPS SAR capacities have shown some results. Figures are substantially lower than in the same period in the years 2016-2018 and significantly less migrants have lost their lives in the past two years. In 2019, 9,225 migrants were rescued and returned to Libya the LCGPS saved 7,848 migrants, while 11,471 migrants arrived in Italy, recording a drop of 50.9% compared to arrivals in 2018 (23,370). From the 1st of January to the 7th of June of 2020, 4,174, migrants were returned to Libya.⁸ An estimated 2,299 people died or went missing in the Central Mediterranean in 2018. In 2019, 270 people were confirmed dead and 992 missing in the Central Mediterranean.⁹

This Action Document is a continuation of the ongoing engagements through the above-mentioned 'Support to Integrated border and migration management in Libya'¹⁰ ongoing project implemented Italian Ministry of Interior. This revised Action Document takes stock of the work under the ongoing project and focuses on an intensification of the existing engagements and on the implementation of new areas of intervention such as a mobile Maritime Rescue Coordination Centre (MRCC) and vessel maintenance.

conflict and overlap those of CGPS. It is recognised that the CGPS is the responsible entity to patrol the territorial waters and coastlines to ensure the enforcement of the law and search and rescue. This suggest a need to review the GACS mandate to resolve the current overlap.

⁷ Training Matrix 265 LCG + 212 Navy trained. Total personnel trained 477 for 580 training spots (some have followed more than one course).

⁸ IOM Libya Maritime Update 7st of June 2020

⁹ Source: Italian Ministry of Interior

¹⁰ Contract reference T05-EUTF-NOA-LY-04/ T05.213

The action supports the Libyan authorities responsible for coast guards through the delivery of vessels, but also by supplying related technical maintenance and technical training. It also focuses on the establishment and equipment of a mobile Maritime Rescue Coordination Centre (MRCC) under the authority of the Ministry of Communications.

The action is in coherence with the White Paper on Integrated Border Security and Management Reform in Libya” (White Paper), which has been developed by the Libya National Team for Border Security and Management (NTBSM) and the European Union Integrated Border Assistance Mission to Libya (EUBAM).¹¹ The White Paper primarily reviews the current border security and management system in Libya; identifies the gaps, deficiencies, and needs for reform in this sector; and proposes specific solutions aimed at introducing a national Border Security and Management structure, incorporating the Integrated Border Management (IBM) concept. The White Paper proposes a coherent set of measures aimed at preparing Libya for the implementation of a fully-fledged border security and management structure and system, amongst them ‘a single border agency responsible for implementing border control at the air, land, and sea borders of Libya’.¹² The aim is to harmonize and integrate the various actions being undertaken, ensuring sustainability by aligning with the work of main actors and through cooperation with the regional actors.

The Action will contribute to the Specific Objective 1 (“Migration governance”) and Specific Objective 5 (“Improve information and the protection of vulnerable migrants along the migration routes”) of the Operational framework of the North of Africa window of the EU Trust Fund. The Visegrad 4 (Czech Republic, Hungary Poland, and Slovakia) have provided pivotal input and support in the preparation of this Action.

2.2. Context

2.2.1. National context

Since the fall of Gadhafi, Libya is witnessing a state of deep political conflict, societal divisions, insecurity and economic challenges nine years after the revolution of February 2011. The protracted conflict has severely damaged vital infrastructures, disrupted basic social services and critically affected incomes, weighing heavily on the most vulnerable segments of the population. This context is a fertile ground for militias and armed groups’ predation of resources be it with the aim of gaining legitimacy, territorial control, or purely financial gain. Their profits are contingent upon a weak rule of law, and conversely their profits weaken the rule of law, creating a vicious cycle of instability, lawlessness and criminal activity, which enable those groups to further undermine stability.¹³

Since 2014, Libya has been split between the internationally recognised Government (the Government of National Accord) established in the western region of the country and the House of Representatives based in the eastern region, each supported by different militias and tribes. In December 2015, the UN brokered an agreement that brought opposing parties together in Tripoli, creating a unity government and presidency council to govern during a transition period

¹¹ Concept note “Towards a White Paper on border security & management reform in Libya”, version December 2019

¹² White Paper, p.8

¹³ Clingendael - Netherlands Institute of International Relations, Only God can Stop the Smugglers (2017).

of two years. However, Libya continued to suffer from interlinked political, security and economic crises, which are driving conflict, damaging the economy, weakening state institutions and facilitating criminal gangs and the existence of non-state armed actors. Following the offensive launched in April 2019 by the LNA, the conflict between the two sides escalated. While fighting subsided in January and part of February, attacks resumed and resulted in numerous civilian casualties particularly in April and May 2020.

To stop the fighting and relaunch the political negotiations, the UN and Germany have launched the “Berlin process” in late 2019, fully supported by the EU. Following the Berlin Conference on 19 January 2020, the main international actors involved committed to a political solution to the crisis and called for a ceasefire and respect of the arms embargo. A 55 point Declaration with a clear follow up mechanism were adopted at the Conference and subsequently endorsed through the adoption by the UN Security Council of Resolution 2510.

To support this process, UNSMIL has started an International Follow up Committee and four thematic working groups on Politics, Economy, Security and IHL.

In addition, on 27 March 2020, the European Council adopted the decision to launch a new CSDP EUNAVFOR Med Operation Irini as from 1 April 2020, to enforce the UN arms embargo as well as prevent oil smuggling. The EU has strongly called on all the UN Member States to respect their international obligations and compliance with the relevant UN Security Council resolutions, in particular respecting the arms embargo and safeguarding Libya's oil resources and infrastructure.

2.2.2. Sector context: policies and challenges

Migration situation

Libyan law criminalises entering, exiting and staying irregularly in Libya. The country does not have a comprehensive migration governance framework nor an asylum system. Existing laws and regulations, some of which date back to the 1950s, contain significant gaps. Even though the country signed and ratified the 1969 OAU Convention on Refugees, Libya has never signed the 1951 Refugee Convention. In addition to this, Libya’s migration profile is characterised by different migration flows and patterns. Economic prosperity pre 2011, porous borders and the complex realities of the political and economic situation in Libya and other countries of the region, saw Libya hosting substantial mixed migration flows. Since 2014, in addition to being a major destination country for labour migration, Libya has also become a transit country towards Europe.

In fact, the presence of large numbers of migrants has a long tradition in Libya, from unqualified workers to highly skilled personnel. Despite the current challenges and conflict, higher salaries vis-à-vis neighbouring countries, and demand in Libya’s labour market continue to make the country an attractive destination for migrants. The vast majority of migrants interviewed through DTM in January and February 2020¹⁴ reported being employed (83%), although the restrictions placed on freedom of movement in Libya as a public health measure to counter the spread of COVID-19 are increasing migrant workers’ unemployment and its associated negative humanitarian consequences such as food insecurity. Furthermore, despite substantial

¹⁴ IOM-DTM Migration Report January- February, Round 29 – April 2020

decreases in sea crossings from Libya to Italy over the past two years, the country also remains an important transit point for migrants attempting to cross the Mediterranean Sea.

There are more than 47,000 persons registered as refugees or asylum seekers as of February 2020. As of beginning of June 2020, the total number of detained persons in the 11 official Department for Combating Illegal Migration (DCIM)-managed Detention Centres (DC) is around 2,000 (out of whom, almost 1,500 UNHCR-registered Person of Concern (PoCs). An unknown number of persons are kept in unofficial DCs, smuggling and trafficking camps and the new so-called “investigation units”, to which more and more persons from Disembarkation Points (DPs) and DCs are brought, and to which humanitarian agencies have no or very limited access. International stakeholders and humanitarian actors continue to advocate for alternatives to these DCs, where minimum dignified conditions are not ensured, and access for humanitarian partners is limited. The orderly release to urban settings is one of the main alternatives to detention that is being supported by the EUTF-NOA, although it is not free from risks as it may create new dangers for the most vulnerable.

People continue to attempt dangerous journeys across the Mediterranean Sea organised by smugglers and traffickers with a high risk to their lives. The first months of 2020 saw a slight increase in people rescued/intercepted at sea and reaching Italy (compared to the same period in 2019) in spite of unfavourable weather conditions (see Table 1). Current data (May 2020) suggest that the LCGPS is less active at sea due to the concerns over capacity at DCs and COVID--19 pandemic but it remains to be seen if the figures indicate a new trend. It should be noted that this action is implemented against a complex institutional setup where the LCGPS are at times subject to specific orders regarding SAR activities from other Libyan authorities.

Table 1: Comparison of Rescue at Sea/Interception and arrivals in Italy (31 May 2020)

	Arrivals by sea to Italy – (Source: Italian Ministry of Interior)					Migrants returned from the sea to Libya (Source: IOM)		
Year	2016	2017	2018	2019	2020	2018	2019	2020
Total	181,436	119,369	23,370	11,471	5,119	15,428	9,225	3,980

Smuggling activities

The Libyan political and security crisis has affected migration dynamics in Libya and in the region. In addition to being traditionally a country of destination¹⁵, Libya has become both a transit country and the main departure point to Italy on the Central Mediterranean Route. The smugglers’ business flourishes in the current unstable security situation in Libya. Empowering the Libyan authorities to counter those illegal activities would contribute to a more effective border control. This action will deliver an important contribution in this regard, including by helping the Government of National Accord to progressively restore integrated border management in the country. Border surveillance at sea and rescuing of irregular migrants are performed by the GACS and the LCGPS.

¹⁵ The latest figures from the Displacement Tracker Mechanism of IOM, round of 29 April 2020, 83% of the 653,800 migrants present in Libya are still employed. so Libya is still a country of destination.

The Libyan Institutions dealing with (sea) border management

The GACS is a law enforcement entity established within the structure of the Libyan MoI. Its competences at sea are up to 12 nautical miles, i.e. within Libya's territorial waters. Beyond this limit, the LCGPS is responsible, i.e. also in the wider Libyan SAR zone that was declared late 2018. The GACS is also responsible for a 30km band of land along the coastline, which is 1,700km long. It has law enforcement powers, and is in charge of countering any illegal activities in its area of responsibility, including irregular migration and trafficking of human beings. Moreover, it is in charge of controlling the violation of any administrative regulations within the territorial waters and along the coastline. The LCGPS is part of the Libyan Navy and, as such, comes under the authority of the Ministry of Defence. The LCGPS is the institution responsible for exercising the sovereignty and law enforcement of the Libyan State, within their waters, in accordance with the United Nations Convention on the Law of the Sea (UNCLOS) of 1982, national law, as well as agreements and resolutions related to maritime activities. The duties include surveillance of the national waters, controlling and combating any illegal activities at sea (smuggling, irregular migration, pollution, fishing, etc.), carrying out SAR, as well as establishing relations and cooperation with other national and international agencies.

The International background

The activities foreseen in this Action will contribute to the following Valetta Action Plan domains: 1. '...especially strengthening capacities of public administration in security and rule of law as well as improving border management in a way that facilitates legitimate economic activity'; 4. '...especially supporting national capabilities to control borders as well as maritime surveillance capabilities for the purpose of prevention of irregular migration, cross-border crime, as well as enhanced search and rescue'. To address this situation, the Joint Communication on Central Mediterranean Route, 'Managing flows, Saving Lives' (25 January 2017) and the Malta Declaration of 3rd February outlined a number of measures as part of a comprehensive strategy to strengthen the EU's work along this route.

The action is implemented in parallel to the European Union Naval Force Mediterranean Operation IRINI, which has been launched on 31 March 2020 with the aim to enforce the United Nations arms embargo to Libya. Operation IRINI is a European Union operation under the umbrella of the Common Security and Defence Policy. The operation is expected to use aerial, maritime and satellite assets.

2.2.3 Justification for use of EUTF funds for this Action

The proposed Action will contribute to strategic objective 3 of the EUTF, namely "Improved migration management in countries of origin, transit and destination". The Action is a scaling up of the ongoing EUTF-funded Support to the Integrated Border and Migration Management in Libya Phase I (T05-EUTF-NOA-LY-04) in terms of scope (support to GACS and LCGPS) and will focus specifically on the delivery of additional vessels, maintenance programs, technical training and the delivery of a mobile Maritime Rescue Coordination Centre.

2.3. Lessons learned

The persistent political-institutional instability in Libya remains a big challenge and does not facilitate the tasks of the implementing organization (the Italian Ministry of Interior (MoI) of

the current project "Support to Integrated Border and Migration Management in Libya - First-Phase" T05-EUTF-NOA-LY-04 / T05.213

The critical security conditions also have an impact on the project's implementation, as well as the inadequate flight connections between Libya and Italy¹⁶. The Ministry of Interior reported that normal working contacts and meetings are difficult to organise. The Italian MoI has deployed Immigration Liaison officers to the Italian Embassy, who are tasked to keep permanent contacts with the Libyan authorities involved in the project implementation for both the first and second phase of the action. Their presence in Tripoli is consistently contributing to mitigate the challenges related to the daily dialogue with the Libyans that is absolutely needed.

The commitment of the Libyan authorities to this project is crucial for the success of the project and the first phase of the project has in some cases been hampered by the lack of adequate local resources for vessel maintenance or availability of fuel. It should also be noted that the Italian Ministry of Interior has strengthened resources for the management of the project.¹⁷ The UN agencies are working with Libyan authorities to equip disembarkation points with the technical systems to support the registration of migrants with a view to enhance and prioritize protection of vulnerable individuals and improve identification of vulnerabilities and access to services to those in need. The system is currently under development, and upon finalization and instalment of equipment, Libyan authorities will be supported through a capacity building programme to enhance their skills in collecting, handling and protecting data, confidentiality and information sharing.

One operational issue that has to be addressed as a matter of priority is the maintenance of GACS vessels. The GACS technical staff are currently insufficiently trained for this work and there are no maintenance facilities available. The consequence is that, according to reporting from the Italian MoI, two out of the three vessels, which had been repaired and handed over to the GACS under the Italian bilateral programme, already broke down. Therefore, the improvement of operational capability of the Libyan authorities in the field of maritime border surveillance also depends on the Libyan capacity to keep their own equipment, notably their naval assets, well-functioning and efficient. The ongoing project implementation of the first phase has shown that it is important to share information and work together with the main EU and international stakeholders in Libya, such as EUBAM Libya, EUNAVFORMED-Op. Irini, Frontex, IOM and UNHCR.

The EU Delegation to Libya as well as EU CSDP mission EUBAM Libya prepared the ground for the implementation of the first phase. Through their presence on the ground, they are indispensable partners for the Italian MoI and will play a major role in the implementation and monitoring of this action.

The implementation of Phase I is showing the importance of a Steering Committee that convenes all actors operating in the migration and security sector in Libya, including the Libyan members of the NTBSM as well as other stakeholders coming from UNHCR, IOM and Irini.

¹⁶ Even before the Covid-19 crisis, flight connections were often disrupted.

¹⁷ The company Inviolata has been contracted to support the Italian MoI for the implementation of phase I

The current AD for Phase II will make use of the same governance structure of the project as under Phase I, ensuring the full integration of activities with those under Phase I.

Finally, reporting mechanisms have been strengthened, to provide independent information, such as the Third Party Monitoring reports on the programmes' effectiveness and their compliance with and support of rights based principles.¹⁸

2.4. Complementary actions and synergies

The revised AD is complementary to the EUTF programme 'Support to Integrated border and migration management in Libya – First phase' – implemented by Italy's Ministry of Interior. However, it will also take place in coordination with other ongoing Trust Fund supported actions in Libya.

The EU has devoted more than EUR 630 million in support to Libya during 2014-2020 under various funding instruments. This includes around EUR 98 million under the European Neighbourhood Instrument (ENI) in the fields of governance/support to public administration, private sector development, service delivery including in the health sector, support to civil society, youth and education. This also includes EUR 52 million have been provided as humanitarian assistance and EUR 76 million have been made available under the Instrument contributing to Stability and Peace (IcSP), focusing on mediation and conflict management, demining, community stabilisation, electoral assistance and security governance.

EUTF's priority is to protect the most vulnerable. Under the EUTF, the following projects have been funded:

- EUR 5.9 million: 'Strengthening protection and resilience of displaced populations in Libya' – implemented by a consortium of INGOs composed by DRC, IMC, IRC and CESVI
- EUR 19.8 million: 'Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya' - by IRC and IOM
- EUR 69.4 million (overall programme: EUR 148 million) 'Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development' - protection pillar – by IOM and UNHCR
- EUR 29 million: 'Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya' – by IOM and UNHCR
- EUR 56 million (overall programme: EUR 122 million): Protection and sustainable solutions for migrants and refugees along the Central-Mediterranean Route (cross-regional programme) – in Libya: Evacuation Transit Mechanism – by IOM and UNHCR
- EUR 5.2 million: Dismantling the criminal networks operating in North Africa and involved in migrant smuggling and human trafficking – by UNODC

¹⁸ The EUTF has launched two contracts at the end of last year in this field.

EUTF also seeks to improve the living conditions of host communities, internally displaced persons and migrants in the Libyan municipalities.

- EUR 78.6 million (overall programme: EUR 148 million): ‘Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development – local governance and socio-economic development pillar – by UNDP, GIZ and UNICEF
- EUR 50 million: ‘Recovery, Stability and socio-economic development in Libya’ – by AICS, UNDP and UNICEF
- EUR 700,000: ‘Regional Development and Protection Programme (RDPP) phase I’ – by IOM
- EUR 1.2 million: ‘Regional Development and Protection Programme (RDPP) phase II’ – by IOM
- EUR 6 million: ‘Regional Development and Protection Programme (RDPP) phase III’ – by civil society organisations

The Internal Security Fund police instrument is funding a project focused on Firearms Trafficking and Foster Cooperation among Countries along Major Trafficking Routes to and from the EU.

The European Union Naval Force - Mediterranean (originally EUNAVFOR MED Operation Sophia) and in 2020 replaced by EUNAVFOR MED Operation Irini¹⁹. It will have as core task the implementation of the UN arms embargo using aerial, satellite and maritime assets. In particular the mission will be able to carry out inspections of vessels on the high seas off the coast of Libya suspected to be carrying arms or related material to and from Libya in accordance with United Nations Security Council Resolution 2292 (2016). As secondary tasks, EUNAVFOR MED IRINI will also:

- monitor and gather information on illicit exports from Libya of petroleum, crude oil and refined petroleum products
- contribute to the capacity building and training of the Libyan Coast Guard and Navy in law enforcement tasks at sea
- contribute to the disruption of the business model of human smuggling and trafficking

The Seahorse Mediterranean Network, implemented by the Spanish *Jefatura Fiscal y de Fronteras de la Guardia Civil* and funded through the Development Cooperation Instrument (DCI), is now managed by DG NEAR. In particular, this Action allowed for training of officers of the border and migration authorities of Libya; the contract ended in January 2019.

The EU Integrated Border Management Assistance Mission (EUBAM) in Libya was launched in May 2013. Its mandate is to actively support the Libyan authorities in contributing to efforts to disrupt organised criminal networks involved in smuggling of migrants, human trafficking and terrorism. To achieve these objectives, the Mission supports the Libyan authorities in the areas of border management, law enforcement and criminal justice in: 1) the development of a

¹⁹ See: <https://www.operationirini.eu/>

broader border management framework in Libya, including a maritime security strategy; 2) in strengthening institutional capacity and by supporting strategic planning within the Ministry of Interior (MoI) on law enforcement; 3) institutional reform and by assisting strategic planning to the Ministry of Justice (MoJ) and broader capacity building for relevant criminal justice actors; and 4) strategic coordination between donors and project implementation in response to Libyan needs in the above three areas of engagement. In addition, the Mission is playing a coordinating/enabling role for Libyan needs with the EU, EU Member States and external donors within the Missions' three areas of engagement. It is increasingly focusing on the South of Libya, as conditions allow, working closely with other actors, including in this Action and other Common Security and Defence Mission (CSDP) missions in the region i.e. EU Capacity-Building Mission (EUCAP) Sahel Niger.

The Action will seek coordination of ongoing operations and activities by the European Border and Coast Guard Agency (EBCGA). In particular, this Action will ensure complementarity and coordination with the regional EU4Border Security programme funded under the ENI with Frontex to contribute to enhancing border security in the Southern Neighbourhood, through bilateral and regional co-operation, while facilitating bona fide travel. It will also link up with the activities funded under the Instrument contributing to Stability and Peace (IcSP) in its effort to support conflict resolution, implement an agreement among conflicting parties, and reinforce community-level efforts towards violence reduction, especially in Southern Libya.

2.5. Donor coordination

The EU Emergency Trust Fund for Africa is itself a coordination mechanism that allows the pooling of funds, and cooperation between EU Member States and other donors in the field of migration. This action in particular reflects a strong interest by the Visegrad 4 donors to support the North of Africa window of the EUTF and the commitment of Italy as an implementing partner.

There are various coordination mechanisms for migration, security and integrated border management. Several coordination bodies can be identified for border management such as the NTBSM and the (land and maritime) Border Management Working Group (BMWG) which are chaired by EUBAM.

From a Security Sector Reform perspective, the Libya Coordination Framework is guided by UNSMIL. It brings together the representatives of Libya and the international community, while guaranteeing national leadership and ownership of the coordination process.

The project will make use of a Project Steering Committee (PSC) co-chaired by Italy, DG NEAR and the EU Delegation involving representatives from the EC, EEAS, EUBAM Libya, Operation Iriini, UN Agencies and the Libyan counterparts and, whenever needed, with invitations to EU Agencies or EU Member State representations.

Role played by Italy

Italy is providing training to the Libyan authorities competent in the maritime domain. In 2017, the *Guardia di Finanza* (GdF) trained 40 LCGPS officers as crewmembers at its School in Gaeta. It also reconditioned and returned to the LCGPS four 27-meter long *Bigliani* class patrol

vessels as part of the Italian co-funding to Phase I of the IBM program, thus enhancing the operational capacity of those authorities in patrolling at sea.

Previously, the GdF and the Italian Coast Guard (ITCG) cooperated with EUNAVFORMED Sophia in planning and conducting successful training sessions on coast guard functions and law enforcement operations at sea for the benefit of the LCGPS and are engaged in supporting the SEAHORSE project in training LCGPS personnel on the same subjects.

In 2018, the Italian Government established that the *Guardia di Finanza* and the Coast Guard should transfer free of charge 12 vessels to LCG and deliver ad hoc training for the Libyan crews.

Beyond that, since the spring 2016, Italy has been undertaking various tailor-made initiatives in order to resume, on a bilateral level, cooperation with the Libyan Government of National Accord on security related matters and notably in the field of border and migration management.

In the last years, despite the difficult context in Libya, Italy has always maintained close bilateral cooperation with the Libyan authorities on border management, migration and security related matters. The bilateral cooperation framework is enshrined in a Memorandum of Understanding signed on 2 February 2017, which is currently under renewal procedures. Based on this Memorandum, a bilateral mixed committee composed of high-level representatives from the relevant ministries and entities of the two countries, met many times in order to foster, develop, steer and coordinate cooperation in the different areas of security with a priority focus on border and migration management. Moreover, various ad hoc bilateral technical meetings were held to address specific issues in the different areas of cooperation. All these meetings also gave the opportunity to the Italian Ministry of Interior to keep the Libyan authorities informed about the progresses in the implementation of activities under the EU-funded project “Support to Integrated Border and Migration Management in Libya – first phase”, as well as its possible future development. In particular, the Libyan authorities were made aware that depending on the results achieved under the first phase of the project, a second phase might be launched with additional EU funds, with the purpose of further enhancing the operational capacities of Libya in border and migration management, fight against migrant smuggling and search and rescue activities, according to international and European standards and models.²⁰

3. DETAILED DESCRIPTION

3.1. Objectives/Expected Results

The **Overall Objective** of the programme is to develop the capacity of the relevant Libyan authorities and strengthen institutional reform in the areas of land and sea border control and

²⁰ In a meeting with the Chief of the LCGPS, Admiral Toumia, which took place in Rome on 8 October 2018, a general agreement was reached on the following activities that might be developed and financed in a possible second phase of the SIBMMIL project: a) set up of a full-fledged MRCC; b) supply of new vessels to be used specifically for search and rescue; c) naval maintenance; d) training. More recently, during the second project steering committee under the 1st Phase, held in Rome on 10 July 2019, the relevant Libyan authorities were engaged in a discussion about possible re-modelling of project activities to better respond to urgent needs and pave the way for the 2nd Phase of the project. In this regard, references to the possible supply of a mobile MRCC and pluriennial maintenance program for GACS and LCGPS fleets were made.

surveillance; addressing smuggling and trafficking of human beings; saving lives through search and rescue at sea and on land, contributing to responding to the migration challenges in respect of international and human right laws.

The **specific objectives** of the project are as follows:

The improvement of the operational capacity and the integration of the LCGPS and GACS fleets by supplying new SAR vessels and an accompanying maintenance and training programme; as well as the development of a mobile MRCC to support SAR operations, addressing the challenges of irregular migration, including in relation to migrants and refugees rescued or intercepted at sea.

Additional crosscutting objectives of the activities will be:

- The improvement of the operational cooperation between the relevant Libyan agencies and bodies as well as the cooperating with UN agencies and their partners on coordination of activities, information sharing, processing and SOPs;
- The improvement of the human rights situation for migrants and refugees, particularly for women and children, seeking to ensure that the Libyan authorities targeted by this action comply with human rights based approach in SAR interceptions and during the disembarkation in SOPs in cooperation with IOM and UNHCR;
- The introduction of environmental friendly vessel maintenance schemes, focusing on the reutilisation of oil.

Other Results are:

- Addressing the challenges of irregular migration, including in relation to migrants and refugees rescued or intercepted at sea
- An improvement of the security situation for Libyan citizens and third country nationals;
- The utilization of the monitoring capacity of EUBAM and EUNAVFORMED-Op. Irini, thus improving the project implementation.

3.2. Activities

3.2.1. Activities associated with each output

The envisaged activities²¹ concern the improvement of the capacity in line with international law and human rights standards and the integration of the LCGPS and GACS fleets by supplying of new SAR vessels and an accompanying maintenance and training programme; as well as the development of the a mobile MRCC to support SAR operations:

- a. The analysis of the current performance capacity and the definition of requirements for additional capacity for additional vessels;
- b. The procurement of additional three SAR vessels;

²¹ The list of activities are not exhaustive.

- c. The formulation of operational procedures for GACS and LCGPS in coordination with EUNAVFORMED Operation Irini and other actors (for instance UNHCR/ IOM SOPs on disembarkation) and coherent with international standards;
- d. The formulation of communication protocols with third parties and UN agencies concerning rescue operations and disembarkation;
- e. The design and implementation of vetting procedure for staff and trainees of the LCGPS and GACS;
- f. The improvement of the reporting system and code of conduct based on human rights standards;
- g. The operational cooperation for sea based operations between Libya, the EU(MS) and the neighbouring countries.²² with the formulation of back-up arrangements for SAR with third parties;
- h. the provision of human rights and gender-based awareness training for coast guard officials
- i. The design and implementation of specific technical training plans for ship handling, technical maintenance, communication, etc.;
- j. The procurement of technical training equipment, manuals and tools;
- k. The design of a maintenance and repair master plan which includes an action plan for maintenance arrangements and supplies;²³
- l. The formulation of a monitoring master plan on the utilization of ships, their routes and maintenance facilities, including the design of digital logbooks;
- m. The design and implementation of a mobile MRCC which contributes to the container based MRCC in Tripoli and can be employed along the coast;
- n. The improvement of the operational cooperation through protocols between the relevant Libyan agencies and bodies as well as the cooperating with UN agencies and their partners on coordination of activities, information sharing, processing and SOPs.

3.2.2. Target groups and final beneficiaries

There are different types of target groups and final beneficiaries:

- Ministry of Interior: General Administration for Coastal Security (GACS); General Administration for the Security of Border Crossing Points (GASBCP); General Directorate for Combating Illegal Immigration (DCIM); General Administration for Passport, nationality and Foreign Affairs Department (PNFAD);
- Ministry of Defence: Land Border Guards (LBG) and Libyan Coast Guard and Port Security (LCGPS);
- Ministry of Finance: Libyan Customs Administration (LCA);

²² This will lead amongst others to the consultation with EUNAVFORMED Operation Irini.

²³ The feasibility study will determine the modality for maintenance, which could be imply the design of a specific shipyard for maintenance.

- Ministry of Transport: Ports and Maritime Transport Authority and Civil Aviation Airport Authority;
- Ministry of Communication;
- Local authorities;
- Border Management Working Group;
- Irregular migrants and refugees at sea, as well as vulnerable migrants and those in need of international protection at the vessels and the disembarkation points.

3.3. Risks and assumptions

Risks	Risk level	Assumptions	Mitigating measures
Risk of escalated political instability in the region and possible changes of governments.	High	The GNA government maintains authority, and environments are safe enough to implement planned activities.	The political situation is continuously monitored. The programme activities have been identified taking into account the current political situation and anticipated developments. Mitigation measures have been designed to apply if the security situation deteriorates.
Unwillingness to engage in cooperation between Ministries in institutional reform	Medium to High	Libyan authorities have expressed the willingness for the IBM concept	Bringing in incentives for cooperation and engagement with neighbouring actors. Intensify the cooperation with the National Team for Border Security and Management under the White Paper Process
Availability of suitable locations made available by the Libyan authorities for the implementation	Medium	Libyan authorities have expressed the willingness to provide secure land and buildings	Separate contracts will be made with supportive organizations Current situation is slowly stabilising
Control over shipyards and the maintenance facilities	Medium to High	Maintenance facilities will be in protected areas and possible co-sharing arrangements will be in place	A feasibility study will be done, which may possible lead to arrangements through co-sharing arrangements will be in place with third parties.
Access to MRCC sites along the whole coast, including the Central and Eastern Libya coastline	Medium to High	Armed groups and the local authorities/ governments allow continued access to MRCC sites and facilitate information flow to coast guards	Through this Action, maintaining effective and positive relationships with Libyan officials and groups of all sides will remain critical to ensure continued capacity building activities and to maintain access to coast guards operations of all stakeholders. The choice for a mobile MRCC ensures flexibility.
If the treatment of migrants during SAR interventions will not be improved, then it will further damage the narrative and reputation of the EU	High	Active intervention in the field of IBM will lead to reputational risks of the EU	Active focus on institution building, and a rights based approach to training as well as engagement with CSO in the intervention will change the treatment of migrants and hence positively change the reputation of the EU. Constant monitoring by different actors, among them Global Initiative and

The general assumptions for the success of the Action and its implementation include:

- The government, represented by the MoI and MoD (GACS and LCG), maintains authority;
- Relevant authorities grant permissions to carry out interventions, visits and provision of services in all premises. Authorities and other stakeholders remain cooperative and facilitate support to implementing partners' staff;
- The security, public health situation²⁴ and political environment are safe enough to implement planned activities and allow for access to facilities, it will not further deteriorate to a level preventing project implementation. Access to locations is not hindered by security, conflict, local authorities and leaders, government restrictions and military interventions;
- The responsible Ministries and the beneficiaries understand the aim of and support the project activities;
- Target population under the GACS and the LCG continue to be able and willing to participate in project activities.

3.4. Mainstreaming

The Action will continuously mainstream a **conflict-sensitive** approach (including the Do No Harm principles) during its implementation. It will prioritize activities and investments at local level that can reduce conflict-induced and migration related vulnerabilities for local communities, IDPs and returnees as well as migrants and refugees in southern Libya.

The Action will strengthen national ownership to take over newly created services, building in a gradual training and maintenance strategy from the onset of the interventions, leading to self-sustainability of the Libyan Coast Guard. In addition to sustainable capacity at institutional level, investments will be made in capacity development by using Italian training experts and specialists of the Italian Coast Guard and the Italian Ministry of Finance.

This action is based on a rights based approach to capacity development, training and the use of protocols in the field of IBM and where possible strives to implement the recommended principles and guidelines on human rights at international borders.²⁵

For Libyan government officials, including Libyan Coast Guard, awareness will be increased through capacity building, training, and assistance with infrastructure improvements. The Steering Committee will have the responsibility to adjust implementation to better mainstream crosscutting issues.

As far as gender mainstreaming is concerned, it is acknowledged that migrant women, girls and female unaccompanied minors have greater need for protection, especially after their interception on the land or at sea. This project will specifically address these concerns through the provision of human rights and gender-based awareness training for coast guard officials. This will be further elaborated in the capacity development component of the project for which engagement with UN Agencies will be sought.

²⁴ Current COVID-19 pandemic.

²⁵ Office of the High Commissioner for Human Rights (Report of the SG on protection of migrants (A/69/277) presented on the 69th session of the General Assembly in 2014.

Gender considerations are integrated in planning, implementation and monitoring and evaluation of all activities. Populations with specific vulnerabilities (physical disabilities or individuals made vulnerable due to gender such as young boys or women) will be served using GBV indicators and methodologies that ensure access and prevent harassment. Relevant data will be sex-disaggregated for target populations, serving as a reference point to tailor planning of responses under this Action.

3.5. Stakeholder analysis

For all activities, efforts will be coordinated with local and national authorities to receive authorisation and secure access to areas and facilities; understand needs; ensure uniformity of interventions and avoid duplication of efforts and exercises. The Action will also work in coordination with IOM, which is supporting the LCGPS through purchasing lifesaving equipment and hygiene kits²⁶.

At national level: Implementing partner have already established constructive cooperation relations and partnership with national authorities, including key ministries, such as the Ministry of Interior, and the Ministry of Defence. The Implementing Partner will closely work with Libyan representatives when implementing the Action and will ensure continuous engagement with them to address the actions on improving the services of the GACS and the LCGPS as well as to mitigate potential risks.

At international level: The Implementing Partner will coordinate with EC, EUDEL and the EUMS as well as other key international partners such as IOM and UNHCR and EUNAVFORMED, Operation Irini, in operational issues as well as promoting compliance with international standards and human rights.

The beneficiaries (already described in Section 3.2.2). Implementation Issues.

4. IMPLEMENTATION ISSUES

4.1 Financing agreement, if relevant

NA

4.2 Indicative operational implementation period

The implementation period will be 48 months from the date of contract signature.

4.3 Implementation modalities

A part of this action will be implemented in indirect management with the Public Security Department of the Italian Ministry of Interior in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012 and applicable by virtue of Article 17 of Regulation (EU) No 323/2015. This part of the action entails former component 2 'further development of the capacity and the integration of the LCGPS and GACS fleets by supply of new SAR vessels as

²⁶ This is funded under the project EUTF NOA LY 11; 'Managing mixed migration flows: protection, health assistance, resilience and community engagement

well as accompanying operational procedures and maintenance programme' and former component 3: 'the development of the MRCC communication network along the coast through a step by step approach'.

The selection of the Italian Ministry of Interior as implementing partner for this Action is based on the following criteria: presence on the ground, operational capacity, degree of expertise as well as the specific expertise gained through the implementation of Phase I of the Support to Integrated Border and Migration Management in Libya (Action Document T05-EUTF-NOA-LY-04).

The detailed list of activities and locations will be fine-tuned during the contractual negotiation phase with the Implementing Partner and confirmed in a consultation process with stakeholders.

4.4 Indicative budget

Component	Amount in EUR thousands
The total of the action is Composed of:	15 000 000
Indirect Management with the Ministry of Interior of Italy for component the improvement of the capacity and the integration of the LCGPS and GACS fleets by supplying of new SAR vessels and an accompanying maintenance and training programme; as well as the development of the a mobile MRCC to support SAR operations.	15 000 000

4.5 Monitoring and reporting

The implementing partner must establish a permanent internal, technical and financial monitoring system for the Action and prepare regular progress reports and final reports.

In the initial phase, the indicative logical framework agreed in contract and/or the agreement signed with the implementing partner must be complemented with baselines, milestones and targets for each indicator. Progress reports provided by the implementing partner should contain the most recent version of the logical framework agreed by the parties and showing the current values for each indicator. The final report should complete the logical framework with initial and final values for each indicator. The final report, financial and descriptive, will cover the entire period of the implementation of the Action.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

The implementing partners will report on a number of common EUTF indicators of the selected results for this Action (see list in English/French published on the EUTF website²⁷). As relevant,

²⁷ EN: https://ec.europa.eu/trustfundforafrica/sites/eutf/files/eutf_results_indicators_41.pdf

other indicators can be selected and reported on from the lists of sector indicators defined with thematic units.²⁸

Project implementing partner will be required to provide regular data, including the evolution of the actual values of the indicators (at least every three months) to the contracting authority, in a format which is to be indicated during the contract negotiation phase. The evolution of the indicators will be accessible to the public through the EUTF website (<https://ec.europa.eu/trustfundforafrica/>) and the Akvo RSR platform (<https://eutf.akvoapp.org/en/projects/>).

4.6 Evaluation and audit

If necessary, ad hoc audits or expenditure verification assignments could be contracted by the European Commission for one or several contracts or agreements.

Audits and expenditure verification assignments will be carried out in conformity with the risk analysis in the frame of the yearly Audit Plan exercise conducted by the European Commission. The amount allocated for external evaluation and audit purposes should be shown in EUR. Evaluation and audit assignments will be implemented through service contracts, making use of one of the Commission's dedicated framework contracts or alternatively through the competitive negotiated procedure or the single tender procedure.

4.7 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU. This Action shall contain communication and visibility measures, which shall be based on a specific Communication and Visibility Plan of the Action, which will be developed early in the implementation. The measures are implemented by the Commission, the partner country, the contractors, the beneficiaries and/or the entities responsible in terms of legal obligations regarding communication and visibility. Appropriate contractual obligations will be included in the financing agreement, purchase and grant agreements and delegation as well as contribution agreements.

Communication and visibility requirements for the European Union are used to establish the communication and visibility plan for the Action and the relevant contractual obligations.²⁹

FR: https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/eutf_results_indicators_41_fr.pdf

²⁸ <http://indicators.developmentresults.eu>

²⁹ Given the sensitive nature of the Action, a deviation of this obligation may be considered at the contract stage.