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**EEAS(2018) 835**  
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EUROPEAN EXTERNAL ACTION SERVICE



Crisis Management & planning Directorate

**Working document of the European External Action Service**

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**EXECUTIVE SUMMARY**

**I. BACKGROUND**

**II. SITUATION – GENERAL CONTEXT**

- a) Overall situation in Libya and the Central Mediterranean
- b) New elements in the framework of CSDP action in Libya and the Central Mediterranean

**III. OVERVIEW OF ACTIONS TAKEN**

- a) Comprehensive overview of EU engagement
- b) Actions taken by the International Community
- c) Overall threat assessment

**IV. EUNAVFORMED Op Sophia**

- a) Mandate assessment
- b) Transition strategy
- c) Way ahead for future engagements
- d) Recommended option

**V. EUBAM Libya**

- a) Mandate assessment
- b) Transition strategy
- c) Way ahead for future engagements
- d) Recommended option

**VI. EULPC**

- a) Assessment
- b) Transition strategy
- c) Way ahead for future engagement
- d) Recommended option

**VII. WAY AHEAD**

- a) Conclusion
- b) Recommendations

**VII. PLANNING PROCESS – NEXT STEPS**

**ANNEXES**

# EEAS(2018) 835

## *Limited*

### REFERENCES

1. EEAS: *Strategic Review on EUBAM Libya, EUNAVFOR MED Op Sophia & EU Liaison and Planning Cell* (9202/17) of 15 May 2017;
2. EEAS: The integrated approach to external conflict and crisis EEAS/COM (2017)8 of 6 June 2017;
3. EEAS: Report of the Baseline Study on Integrated Human Rights and Gender into European Union's Common Security and Defence Policy (15726/16), 28 June 2017;
4. EEAS: Revised Annex 14 to the CONOPS Plus for EUBAM Libya, (2017) 833 Rev 2, R-UE/EU-R of 20 July 2017;
5. UN: Report of the Secretary-General on the United Nations Support Mission in Libya for the information of the members of the Security Council, S/2017/726, 22 August 2017;
6. Joint Statement addressing the Challenge of Migration and Asylum, Paris (Versailles Declaration) , August 28, 2017;
7. EUNAVFORMED Op Sophia: Monitoring Mechanism Libyan Coast Guard and Navy (Oct 2017- Jan 2018), R-UE/EU-R of February 2018;
8. EUCO: Factsheet on the EU Emergency Trust Fund For Africa, 26 February 2018;
9. JHA: Outcome of the 3603rd Council Meeting (Justice and Home Affairs) (6952/18 ), 8-9 March 2018;
10. EUDEL: Final CT and security report on Libya, Limited, 15 March 2018;
11. EEAS: EUBAM Libya – Revised Mapping Report on Border Management, Law Enforcement and Criminal Justice Systems in Libya, (2018) 314, R-UE/EU-R of 21 March 2018;
12. EEAS: European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) Six- Monthly Mission Report 23 July 2017 to 22 February 2018, (2018) 158, R-UE/EU-R of 4 April 2018;
13. EUNAVFORMED Op Sophia: Oil Smuggling Report (Oct 2017 – Apr 2018), EU–C of May 2018;
14. EEAS: Threat Assessment EU CSDP missions in Libya (2018) 10226, EU-R of 28 June 2018.

**EXECUTIVE SUMMARY**

1. The existing mandates of EUNAVFOR Med Op Sophia (Op Sophia) and EUBAM Libya will expire on 31 December 2018. A decision on their mandates and on the future of the EU Liaison and Planning Cell (EULPC) needs to be taken in light of the findings of this review and the broader political and security situation in Libya, the Central Mediterranean and the surrounding region.
2. This review considers the extent of CSDP engagement in Libya from a holistic viewpoint, taking into account the need for a coordinated and integrated approach within the broader framework of EU efforts in the region.

**Concerning Libya**

3. The review points out that the political and security situation in Libya remains challenging. The overall situation has not improved much from that reported in the last strategic review despite increased international efforts to consolidate earlier gains. Thus whilst the EU should remain ambitious in its long term approach to support stability in Libya, efforts delivered under the integrated approach, including through CSDP activities, should remain flexible to the evolving circumstances and opportunities seized where they emerge.
4. Political views amongst the varying power-brokers in Libya remain entrenched and despite the efforts of the EU, UN and other regional actors, effective reform of the Libyan Political Agreement (LPA) and progress on the national congress are still required. It is uncertain whether national elections will occur before 2019. Consequently, the de facto split of the country remains and limits the EU's room for manoeuvre.
5. Moreover, the smuggling of oil from and within Libya continues unabated causing the loss of revenue, fueling and funding criminal networks and undermines the integrity and unity of the National Oil Company.
6. Within this challenging context, renewed efforts to secure effective co-ordination of support to Libya by the International Community (IC) will be required and will be increasingly relevant to CSDP activity.

7. The EU Emergency Trust Fund (EUTF) programme for "support to integrated border and migration management in Libya" provides a new impetus and within the collaborative arrangements of the integrated approach the EUTF will complement existing CSDP efforts with regards to EU's longer-term capacity building in Libya.
8. The review notes that despite the difficulties it has faced, CSDP engagement has delivered tangible effect not only through capacity delivery, but equally in the development of trust and credibility with key Libyan interlocutors who increasingly recognise the value-added of the EU's efforts. This nascent strategic partnership needs to be exploited and should be consolidated through increased interaction on the ground, as the experience from EUBAM Libya's return to Tripoli is highlighting.

#### **Concerning the Central Mediterranean**

9. The presence of Op Sophia has played a decisive role in improving overall maritime security in the Central Mediterranean. The operation's broad mandate, allowing to disrupt human and arms trafficking and to conduct surveillance activities, including in relation to oil smuggling, has effectively turned Op Sophia into a unique multi-faceted maritime security provider.
10. Op Sophia has so far contributed to the apprehension of 148 suspected smugglers and traffickers and has neutralised some 550 assets. In parallel, whilst the operation has only been in a position to inspect three vessels under the provisions of UNSCR 2420 (which led to seizures of prohibited items), more than 1,700 hailing and more than 100 friendly approaches have been conducted, thereby allowing a better understanding of how both inter and intra-theatre routes can be used on the high seas (notably between Misrata and Benghazi). Since the launch of training as an additional task in September 2016, Operation Sophia has been able to train more than 213 personnel of the Libyan coast guard and navy both at sea and in member states facilities.
11. As a consequence of Op Sophia's presence in the Central Mediterranean, the ability of smugglers to operate has significantly decreased in international waters and their actions have been mostly confined to Libyan territorial waters where the operation is not legally allowed to operate. This has had a highly beneficial impact on the activities of commercial vessels

**EEAS(2018) 835**  
*Limited*

operating in the area by reducing the risks they would be involved in Search and Rescue operations and by avoiding that maritime routes be disrupted as a result.

12. In terms of delivering overall effect, the review stresses the need to continue the fight against criminal networks involved in illicit activities (including human trafficking, smuggling of migrants, arms and oil) and terrorism which are visible and acute symptoms of the instability in Libya and the region. In this regard, continued focus on information-sharing and cooperation between CSDP activities and Justice and Home Affairs (JHA) actors is recommended.
13. The review concludes that Op Sophia should continue operating on the high seas, and in support of the Libyan Navy Coast Guard (LNCG) through training and monitoring and that EUBAM Libya is in position to build upon its light presence in Tripoli to focus on enhancing delivery and engagement and establish its coordinating/enabling role. Whilst it is clear that the EULPC should continue to provide much-needed situational awareness and planning capacity for the EU, it will also have to adapt to evolving UN priorities thereby requiring a reshaping of its structure and task as appropriate.
14. Increased cooperation between EUBAM and Op Sophia, but also EU MS projects in the Sahel, and especially the CSDP mission EUCAP Sahel Niger highlights the comprehensiveness of the solutions sought for the challenges on countering terrorism and the illegal aspects related to migration in the South of Libya.
15. The review therefore recommends that Op Sophia, EUBAM Libya and the EULPC are extended for 18 months until the common expiry date of 30 June 2020:
  - A) The recommendation for **Op Sophia** is to adapt and strengthen the existing mandate to
    - 1) revise the Council Decision to add the authorisation to conduct inspections of vessels on the high seas in accordance with the UNSCR in relation to oil smuggling;
    - 2) establish an information-sharing mechanism on oil smuggling on the high seas with relevant UN focal points;
    - 3) strengthen monitoring of the Libyan coastguard by enhancing monitor activities ashore;
    - 4) support EUBAM on the definition of a Libyan maritime strategy;
    - 5) enhance interactions with the EUTF project regarding the setting up of the Libyan MRCC and establish with the Italian authorities (as implementers of the project) and Libyan

**EEAS(2018) 835**  
*Limited*

stakeholders a transition process defining the complementary contribution of all actors;  
6) enhance cooperation with the maritime industry.

In order to ensure that Op Sophia continues fulfilling its mandate in full, new disembarkation procedures for persons rescued in SOLAS operations will have to be agreed upon;

B) **EUBAM Libya** should, in an amended and extended mandate shift from its current planning and mapping and focus solely on enhanced delivery and engagement in border management, law enforcement and criminal justice. This approach would support the overall EU objective to stabilise Libya and support capacity building to help the Libyan authorities acquire control over land and sea borders and to combat organised crime and terrorism. This shift in focus should be delivered through a phased build-up in which the mission will expand and consolidate its permanent and rotational presence in Tripoli while assessing the possibilities of expanding the Mission's activities also outside of the capital, including in the East and the South and engage with security actors, where and when feasible. The Mission should also establish a coordinating/enabling role to coordinate Libyan needs with EU actors, EU Member States (MS) and other external donors within the Mission's three areas of engagement, where applicable and while taking into account the EU Delegation's (EUDEL) overall responsibilities in this regard. Cooperation with Op Sophia and other CSDP missions in the Sahel region will also be maximized;

C) The **EULPC** should refocus its existing capacity, while retaining the VNC status of its intelligence analysts and planners until the end of the proposed mandate. The task of the EULPC will shift focus to enable increased support to the EU. The overarching objective of the Cell will be to generate a common operational picture in support of the EEAS in Brussels and provide situational awareness for relevant EU activities in the region; aid overall EU coordination and planning efforts on security issues, and liaise with the UN Support Mission in Libya (UNSMIL) regarding intelligence support.

**I. BACKGROUND**

16. This strategic review analyses the progress of Op Sophia and EUBAM Libya in the general framework of the EU overall engagement in Libya in accordance with the principles of the integrated approach. It further assesses the achievements of EU political and strategic objectives, the tasks defined in the operational documents, and also identifies opportunities for continued engagement given the situation in Libya. This strategic review also explores the future for the EULPC and proposes options for all three activities from a holistic viewpoint.
17. This strategic review has been developed in consultation with relevant EEAS and Commission services. It builds on the impact assessments of Op Sophia, EUBAM Libya and the EULPC and is further informed by dialogue at Libyan Ministerial level achieved during an EEAS fact-finding mission to Tunis and Tripoli, via a mission to Rome in April 2018 and in bilateral discussions at HR/VP level.
18. Despite the many challenges and constraints outlined above and not least the fluidity of the situation, existing CSDP activities are providing a visible and important lever with which the EU could help shape Libyan ownership for future support. This review therefore aims to describe how such support could be further developed through CSDP actions.
19. The core of the strategic review is the assessments of Op Sophia, EUBAM and the EULPC. But to put these reviews in the right context new EU initiatives and policies need to be taken into account, as well as the achievements of other EU and international community (IC) actors in the last year. The strategic review proposes an integrated CSDP way ahead and provides recommendations for MS to consider.

## **II. SITUATION – GENERAL CONTEXT**

### **a) Overall situation in Libya and the Central Mediterranean**

#### Political and economic situation

20. The political situation in Libya remains unstable and has not improved despite increased international and regional efforts. UN Special Representative of the Secretary General (SRSG) Ghassan Salamé launched the UN Action Plan for Libya on 20 September 2017 in New York proposing to amend the LPA, adopt the Constitution in a referendum, organise a National Conference and hold elections by 2018. However, political rivalries, competing institutions and individual ambitions are hampering the Action Plan's implementation. SRSG Salamé has convened several rounds of negotiations between the House of Representatives (HoR) and the High State Council (HSC) to amend the LPA with no agreement reached so far despite the initial endorsement by the HoR. Some progress has been made on the Constitution, following the Supreme Court's decision to ratify the draft submitted by the Constitution Drafting Assembly. However, the draft law on the referendum of the HoR - needed for its final approval - looks purposefully designed to ensure the Constitution is rejected, by requiring an unreachable two-third majority in each of four constituencies (Cyrenaica, Tripolitania, Fezzan and Libyans abroad).
21. The National Conference planned for February has been postponed several times without a date set yet, but with preparations underway, mainly through a series of town-hall meetings. SRSG Salamé is organising a National Conference to forge a common national narrative and unblock the political deadlock. Preparations for the elections continue and in March a total of 2.5 million voters were registered out of four million eligible citizens. On 29 May an international conference in Paris was chaired by French President Macron to unlock the political deadlock. The concluding statement detailed a stringent timetable for elections by the end of the year: the constitutional process would need to end by 16 September and elections held by 10 December. The Paris Statement has the potential to put elections at the heart of accelerated international efforts in Libya for the coming months. The introduction of deadlines could create a momentum but also presents opportunities for spoilers while the destabilisation of the status quo is already producing tension in Tripoli and elsewhere.

22. The economic outlook is bleak. Despite a marked increase in oil prices and production having surpassed one million barrels per day, oil revenues are still insufficient to overcome the national deficit. Public salaries comprise 62% of the budget while wasteful subsidies which are not being curbed, consume another 34%. Both crude oil and refined oil are subject to smuggling activities. Crude oil is being exported from Libya but due to the lack of refineries the latter needs to be imported. Refined oil is heavily subsidised for internal usage and therefore illicit trade is very lucrative and the Libyan authorities have repeatedly signaled their interest to counter it.

### Security Situation

23. The security situation remains highly volatile, unpredictable and prone to sporadic outbursts of violence because of the militias shifting allegiances and fighting for power, aimed at gaining access to commodities and to control smuggling and trafficking routes. The military situation in Libya significantly changed in 2017 through the expansion of the Libyan National Army (LNA), both territorially as well as in its influence combined with the retreat and diminishing influence of the Misratan forces. Consequently, the Misratans appear to have lost their role as the obvious "go-between" amongst the rival factions. The Government of National Accord's (GNA) power is limited and geographically confined to Tripoli and surrounding areas. To assert itself, the GNA relies on Tripoli's militias, which creates a dangerous interlinkage between the political and security interests. The GNA's dependency on the militias limits the GNA's chances to gain inclusive political support which can have serious political but also security consequences. Despite the fact that the threat of attacks and clashes remains and the situation is fluid and complex, conditions in Tripoli appear to be relatively stable. However, this can be assessed as a false sense of stability due to the fact that a number of militias are only nominally loyal to the GNA.

24. As a result, the IC is prudently building up its presence in Tripoli, some by opening their embassy or a diplomatic bureau but most by rotating personnel in a semi-permanent mode. The dependency on Mitiga airport is a critical vulnerability not least in case of the requirement for evacuation should the security situation dictate. In the south, Libya's problems are greater. It is in the south predominantly that migrants enter the country and where control of central power is effectively non-existent-and where numerous proxy conflicts are being fought. The

**EEAS(2018) 835**  
*Limited*

Arab tribes are in conflict with non-Arab tribes (Tebu and Touareg) and LNA-affiliated militia's fight those loyal to, or paid by, the GNA.

25. The unstable political and volatile security situation fuels the organised criminal networks involved in illicit activities, including smuggling of migrants, human trafficking and terrorism which further entrenches the instability in Libya and has a possible spill-over effect towards the EU.
26. Regarding terrorism, Da'esh as well as Al Qaeda (AQ)-related entities benefit from the power vacuum and the former is slowly building up after being ousted from Sirte. Da'esh is becoming bolder, is organised in smaller cells, and able to conduct hit and run attacks and intermittent suicide-bombings. It is probably also reinforced by the influx of returnees from Syria and Iraq and poses a threat to the region and Europe. The suicide attack on the High National Election Commission (HNEC) Headquarters in Tripoli on 2 May is an example of its capability and will. AQ is reorganising itself regionally and uses the deep south of Libya as a staging ground. To counter this transnational terrorism, Libya's Presidency Council (PC) announced the launching of an anti-terror military campaign entitled "National Storm" in early April 2018. Home-grown terrorism and certainly the vicious conflict between the Madkhali-salafists and the hard-line Islamists is more worrying, not only in its devastating effects, but because it finds its roots within Libyan society itself. In western Libya, Madkhalis have formed a policing force to patrol the streets of Tripoli, tackle crime, enforce Islamic norms and disrupt Da'esh cells and attacks. The Security Deterrence Force (SDF), also known as "Rada", is one of the most powerful Salafi militias in Tripoli and the GNA relies on it as an "official" policing force under the Ministry of Interior (MoI). In the East of Libya it is clear that the Madkhalis' have gained most power as a branch of the movement has made an alliance with Field Marshal (FM) Haftar.

Migration

27. Under increased international community and GNA pressure, militias and groups known to be involved in smuggling activities west of Tripoli have been constrained to shift their business model over the past year, which has thereby contributed to a significant fall in the number of migrants attempting to cross the Mediterranean. However, Libya reportedly still has several hundred thousand migrants (of more than 40 different nationalities) present on its soil potentially in the hands of traffickers. IOM also counts 179,400 internally displaced persons

**EEAS(2018) 835**  
***Limited***

(IDP) and 372,022 returnees in Libya. As of early July, more than 53,000 refugees and asylum-seekers are registered with UNHCR in Libya.

28. The above situation is being addressed through numerous activities, including via a tripartite Taskforce between the African Union (AU), EU and UN. The joint AU-EU-UN Taskforce was created in the margins of the November 2017 AU-EU Summit with the aim to save and protect lives of migrants and refugees along the routes and in particular inside Libya. It further aims to accelerate the assisted voluntary returns (AVR) to countries of origin, and the resettlement of those in need of international protection, as well as intensifying the work to dismantle traffickers and criminal networks. Despite some challenges, the work of the AU-EU-UN Taskforce has produced substantive results since the AU-EU Summit, notably with regard to humanitarian evacuations (with IOM assisting over 20,000 migrants to return to their countries of origin since the Summit, and UNHCR evacuating over 1,800 individuals of concerns for further resettlement). Further improvements on facilitating the work of IOM and UNHCR, the registration of migrants, creating alternatives to detention and integrating migrants in the labour market are needed. Fostering community stabilisation and access to services for the Libyan population and migrants alike also remains a priority.
29. The Libyan authorities issued a communication to the International Maritime Organisation (IMO) on 14 December 2017 to inform them that the Libyan Government had declared the Libyan Search and Rescue (SAR) Region. This SAR Region is not overlapping other SAR zones and no neighbouring countries objected to this declaration. The SAR Region was formally reflected by the IMO on the Global Integrated Shipping Information System on 27 June 2018.
30. In addition to highlighting the decision to step up support to the Libyan Coastguard, the 28 June European Council discussion on migration concluded that a new approach based on shared or complementary actions among MS was needed with regards to the disembarkation of people saved in Search and Rescue operations. To identify concrete proposals in this regard, Member States called on the Council and the Commission to swiftly explore the concept of regional disembarkation platforms, in close cooperation with relevant third countries as well as UNHCR and IOM. The European Council also agreed that, on EU territory, those who are saved, according to international law, should be taken charge of, on the basis of a shared effort, through the transfer in controlled centres set up in MS, only on a voluntary basis. A letter from

## **EEAS(2018) 835** *Limited*

the Italian Minister of Foreign Affairs was addressed on 17 July to the HR/VP, requesting a revision of the Operational Plan of Op Sophia disembarkation rules, in order to make them fully consistent with the conclusions of the June European Council.

### Central Mediterranean

31. Whilst since 2014 the Central Mediterranean had become one of the most active migration routes in the world, sustained efforts to disrupt trafficking activities, not least by Op Sophia over the past three years, have delivered substantial effect and the number of migrants reaching Italy from Libya has decreased by almost 86% since July 2017. With a total of 12 100 migrants having reached Italy from Libya's shores as of July 2018 compared to 89 000 in 2017 and more than 95 000 at the same time of year in 2016 and 2015, the overall number of successful crossings is now back to pre-crisis levels.
32. It is also of note that if between 2014 and 2016, most migrant fatalities in the Central Mediterranean were recorded during large incidents in which 100 or more people died or went missing, the frequency of these large-scale incidents and the proportion of total deaths attributed to them markedly reduced as smugglers became more constrained by the EU's operations.
33. More broadly, operations conducted by Op Sophia have played a decisive role in improving overall maritime security. The operation's multi-faceted mandate, allowing to disrupt both human and arms trafficking and to conduct broad surveillance activities, including in relation to oil smuggling, has effectively enabled Op Sophia to make the Southern Central Mediterranean a significantly less permissive environment.
34. However, given the fragility of the Libyan context, the above remains reversible and to deliver a lasting effect, efforts must be pursued with a view notably to establishing a sustainable Libyan capacity. It is also worth underlining that the improved situation at sea being the result of combined efforts, any revision of ongoing activities will have to be carefully assessed to prevent creating gaps that would inevitably be exploited by traffickers.

### EU actions and environment

35. The European Union and its Member States have progressively put in place a comprehensive external migration policy and strengthened the work along the Central Mediterranean route.

**EEAS(2018) 835**  
***Limited***

Saving and protecting the lives of migrants and refugees, breaking the business model of smugglers and traffickers and providing legal pathways, while addressing the root causes of migration, are at the very heart of the EU's policy.

36. The EU's long-term political goal for Libya and the region focuses on the development of stability which requires a sustained, integrated and ambitious approach. The strategic objective is to disrupt organised criminal networks involved in illicit activities, including smuggling of migrants, human trafficking and terrorism.
37. The presence of Op Sophia's assets on the high seas has played a decisive role in improving overall maritime security in the Central Mediterranean. The authorisation to disrupt human and arms trafficking and to conduct surveillance activities, including in relation to oil smuggling, has effectively turned Op Sophia into a multi-faceted security provider. The operation has offered in this regard a key contribution in liaising with an extensive network of organisations involved in ensuring safety of navigation (notably the International Chamber of Shipping and the International Maritime Organisation) as well as those tackling illicit activities in and from Libya (Europol, Frontex but also Interpol and UNODC). Op Sophia was therefore logically chosen by the Council to host as pilot project a Crime Information Cell (CIC) aimed at enhancing information exchange with Justice and Home Affairs partners such as Frontex and EUROPOL.
38. In terms of the EU response, the EU firmly supports the efforts of the SRSG Salamé to implement the UN Action Plan aimed at amending the LPA, adopting the constitution and holding elections. The EU welcomes and supports the regional initiatives in assisting Libya's political transition towards a stable, functioning country. The reinvigorated AU ownership can play an essential role in mitigating the challenges in Libya and discussions within the Quartet or similar platforms can expedite regional and Libyan commitment.
39. The recent signing of the EUTF project between DG NEAR and Italy on "support to integrated border and migration management" in Libya provides a new impetus and needs to be taken into account for capacity building in Libya, especially in the maritime domain. The programme aims to strengthen the capacity of relevant Libyan authorities in the areas of border and migration management, including border control and surveillance, addressing smuggling and trafficking of human beings, search and rescue at sea and in the desert. The project

**EEAS(2018) 835**  
*Limited*

encompasses four areas: 1) strengthening the fleets of the General Administration for Coastal Security (GACS) and the LNCG and enhancing the surveillance capacity in the coastal area in terms of patrolling, transportation and rescue in accordance with international law; 2) setting up a basic interagency national coordination centre and maritime rescue centre for operations at sea and along the coastal area, and SAR activity; 3) assistance to the Libyan concerned authorities with a view to setting up a fully-fledged MRCC in Tripoli associated with proper communication facilities, and 4) enhancement of territorial surveillance capacity of the Libyan Border Guards (LBG) along the southern borders, by means of a pilot project focusing on the area most affected by illegal crossings and other trans-border crimes.

40. Since the Libyan authorities have fulfilled all the obligations required by the International Maritime Organization (IMO) the declaration of the Libyan SAR region as submitted in December 2017 has been validated as of June 2018. Declaring the SAR region is therefore no longer a part of the EUTF project.
41. Increased cooperation with EU and EU MS projects in the Sahel, and especially the CSDP mission EUCAP Sahel Niger highlights the comprehensiveness of the solutions sought for the challenges on countering terrorism and the illegal aspects related to migration in the South of Libya.
42. The EU's cooperation with UN agencies such as UNHCR, OHCHR and IOM is instrumental to the EU human rights and gender approach which for CSDP activities includes specific targets and indicators to ensure integration of gender and human rights perspectives in all areas of engagement.
43. CSDP activities, with the political support of the EUDEL to Libya, will continue to seek the political engagement and support of the Libyan authorities and follow a conflict-sensitive approach while seeking the necessary buy-in. With the support of the EUDEL the activities will continue to seek synergies with other EU programmes and instruments, in particular the Instrument contributing to Stability and Peace (IcSP), the European Neighbourhood Instrument (ENI) and EUTF, and will facilitate the coordination of regional and international projects. Despite the deteriorated and fragmented political and security situation in Libya, the CSDP missions have achieved some successes for the EU even if these have come at a moderate pace. The credibility of EU CSDP engagement, especially EUBAM Libya, for the Libyans at

agency level is increasingly widespread. This developing strategic partnership needs to be exploited.

**b) New elements in the framework of CSDP action in Libya and the Central Mediterranean**

44. The EUTF project will complement CSDP efforts especially related to training and monitoring of the LNCG for Op Sophia; support in developing a White Paper (strategy) on Border Security and Management Reform in Libya, and the support to the GACS for EUBAM. Interactions between the project implementing parties and EUBAM and Op Sophia have been taking place in order to ensure synchronisation and prioritisation of activities. Whilst of a more limited impact for Op Sophia, the coordination between the project and the mission and operation appear to be of mutual benefit. CSDP engagement will benefit from the political drive, dynamics and volume of funds involved while Op Sophia and EUBAM's existing support to relevant Libyan stakeholders will facilitate the full implementation of the EUTF.
45. To optimise the collection and sharing of information and hence counter migrant smuggling, human trafficking, trafficking of firearms and trafficking of oil exports from Libya, the Justice and Home Affairs (JHA) Council of 8-9 March 2018 endorsed the general principle of the participation of European Union Agency for Law Enforcement Cooperation (Europol) and the European Border and Coast Guard Agency (EBCGA, Frontex) in a pilot project for a “Crime Information Cell (CIC)”. The CIC was launched as a pilot project on 5 July and is hosted by Op Sophia (embarkation on board of ENFM Flagship of CIC personnel, including the CIC coordinator, FRONTEX, EUROPOL and ENFM representatives) for the next 6 months. The CIC will facilitate timely and two-way information exchange for analytical and operational use between Op Sophia and the relevant JHA agencies without creating new entities or changing their legal framework. The project will be evaluated before the end of the six month trial period to assess the added value as well as legal and operational aspects before any decision is taken on its continuation or replication in other CSDP missions or operations. In parallel, Frontex and Europol embed experts on a rotational basis in EUBAM and the Mission and Frontex are cooperating on a complementary training project for GACS.

**III. OVERVIEW OF ACTIONS TAKEN**

**a) Comprehensive overview of EU engagement** *(A detailed overview of non CSDP engagement is in Annex A)*

46. The EU is prominent in its support to SRSG Salamé implementing the UN Action Plan, in particular through flexible action in support of the preparation of elections, and the national conference process. Through a contribution to the Stabilisation Facility for Libya (EUR 12M) the EU fostered the cooperation between the GNA and municipalities throughout Libya. The EU also works closely with the UNSMIL more generally on the legislative framework ahead of elections, and supports mediation efforts to ensure all parties come together in a spirit of compromise and reconciliation.
47. The EU engages with neighbours and regional partners including by coordinating efforts with the League of Arab States (LAS), the AU, and the UN in the Libya Quartet.
48. The overall EU envelope for bilateral assistance support to Libya amounts to EUR 354M. Main funding sources are the ENI, EUTF for Africa and the IcSP. Of this amount, EUR 70M is focusing on support in the fields of governance, health, civil society, youth and education, and mediation; and EUR 284M for migration.
49. EU projects under the bi-lateral EU projects (EUR 70 million) aim to foster Libya's transition towards a stable, functioning country. In the field of governance, the EU reinforces the capacity of democratically elected institutions; promotes the development of SMEs in Libya; and assists in the development of impartial and objective news media. In the health sector, enhancing the management and delivery of healthcare; providing primary health care services and psychosocial support and reducing avoidable mortality are the priorities. Young Libyans are offered skills training adapted to the local labour market that will boost their economic and social position, and prevent them from joining militia groups or embarking on criminal activities.
50. The EU's main priority (for which EUR 284M has been mobilised) is to protect migrants in Libya and support local communities. The support focuses on programmes that facilitate access to basic services; support to host communities by providing employment opportunities for both the local population and for migrants; assistance and protection to vulnerable

migrants; and projects on strengthening protection and resilience of displaced populations in Libya.

51. The EUTF for Africa is active in three regions in Africa: Sahel, Horn of Africa and North Africa, with a special focus on economic development, strengthening resilience, migration governance and management, and supporting improvements in overall governance. It aims to foster stability and contribute to better migration management, including addressing the root causes of destabilisation, forced displacement and irregular migration. Regarding Libya, the EUTF for Africa projects (representing EUR 266M of the EUR 284M mobilised for migration in Libya) focuses on a) the management of mixed migration flows to Libya with implementing partners like IOM, UNHCR, UNDP and UNICEF and b) on improving border management, fight against transnational trafficking and criminal networks and terrorism-related activities. On the latter the EUTF, as part of the Commission's Action Plan to support Italy from 4 July 2017, supports the integrated border and migration management in Libya (EUR 46.3M). This project, implemented by the Italian MoI, aims to improve the Libyan capacity to control the borders and to provide for lifesaving rescue at sea in a manner compliant with international human right standards and obligations. The programme will have a particular focus on the Southern regions of the country.
52. The principal activities of the Seahorse Mediterranean project aim at establishing the Seahorse Mediterranean Network by setting up a secure communication network in the Mediterranean to exchange information on irregular migration by sea and training of officers of the border and migration authorities of the North African countries. The objective is to increase the capacity of the authorities of North African countries to tackle irregular migration and illicit trafficking by strengthening their border surveillance systems. Despite lengthy setbacks due to the political situation in Libya the procurement and the installation of the equipment in Libya have restarted and full operational capability is expected by the second half of 2018 also in line and complementary to the actions foreseen under the EU Trust Fund project on Libya.
53. Frontex has been assisting the MS, notably Italy and Malta, primarily through Joint Operation Triton and then with JO Themis as of 1 February 2018, to address irregular migratory flows across the Central Mediterranean. This joint operation has also contributed to saving lives of migrants in distress at sea, as well as preventing and combating cross-border crime, such as human smuggling. Due to the unstable situation in Libya, Frontex has not engaged in direct

**EEAS(2018) 835**  
*Limited*

cooperation with the Libyan authorities. However, it has been working closely with the MS, especially with Italy, EUBAM (through its embedded experts), Op Sophia and supported relevant activities, including through the training of the LNCG and GACS personnel.

54. In the framework of the European Border Surveillance System (Eurosur), Frontex is monitoring the Libyan coast through satellite and airborne imagery. This information is analysed and provided as part of Eurosur Fusion services. Both the EUTF project and the Seahorse projects aim at installing in Libya a Eurosur-like system with a National Coordination Centre (NCC) where all Libyan Agencies involved in border management cooperate and communicate.
55. The EUDEL provides essential local political direction, guidance and synergy between EU instruments, including CSDP. In order to provide this support in Libya, the EUDEL has increased its temporary presence in Tripoli while still based in Tunis. EUBAM, which has a permanent presence in Tripoli, hosts the EUDEL once in Tripoli. Future EUDEL premises were inaugurated by the HRVP on the occasion of her visit to Tripoli on 14 July. These will allow a permanent presence from which the EULPC can also oversee the EU's engagement with Libya at local level and promote shared EU interests on inclusiveness and human rights.
56. Apart from involvement in EU funded projects such as the EUTF, numerous EU MS have bilateral programs with Libya, either direct, with third countries (US) or via implementing partners such as UNDP or IOM. The most prominent EU MS is Italy (IT), building on the 2008 Friendship Agreement and the Memorandum of Understanding (MoU) of 2 February 2017 in which Italy and Libya agreed on cooperation in the development sector to combat irregular immigration, human trafficking and contraband and on reinforcing border security. Other MS that are active include DE, ES, FR, NL and the UK with projects on de-mining, senior leader dialogue, policing and security programs or naval training.

**b) Actions taken by the International Community** (*A detailed overview of IC engagement in Libya is at Annex B*)

UN

57. UNSG Guterres mentioned in his August 2017 report to the Security Council (UNSC) on UNSMIL that "the priority of my new SRSG Salamé, will be to engage all Libyan stakeholders with a view to reinvigorate an inclusive political process within the framework of the LPA, and

## **EEAS(2018) 835** *Limited*

to support a legitimate government capable of unifying the country and its national institutions". SRSG and Head of UNSMIL Ghassan Salamé laid down his priorities for Libya in an Action Plan presented at a high-level event on Libya in New York on 20 September 2017 giving new impetus to the political track. The focus on the political process as elaborated in the UN Action Plan directly affects the economic and security track and hence the relationship with EU CSDP actors, most directly the EULPC. The SRSG, in his address to the UN Security Council on 21 March 2018, announced that UNSMIL has truly returned to Libya, and is currently looking to re-open offices in Benghazi and in the South. With the opening of UNSMIL's Oea compound in Tripoli, UNSMIL but also other UN agencies are able to work from Libya, which could give traction to the neglected economic and security track. Former deputy SRSG Ribeiro stated that UNSMIL will take the lead in the process for disarmament, demobilisation and reintegration (DDR) of the armed groups in Tripoli. The extension of the mandate of UNSMIL in September 2018 is expected to be a technical roll over, without an elaborate assessment. The UN is currently implementing full deployment of UNSMIL in Tripoli.

58. The EU agencies also work closely together with other bodies in the UN family such as UNHCR, IOM, UNICEF, UNDP, the United Nations Interregional Crime and Justice Research Institute (UNICRI) as well as the humanitarian country team (OCHA).

### AU/ Neighbouring countries

59. On 28 August 2017 African (Chad, Libya, Niger) and European leaders (FR, DE, IT, ES, HR/VP) met in Versailles to discuss the challenges of migration and asylum. The Versailles declaration provided new but short lived political momentum, supported SRSG Salamé in his endeavour and highlighted that no sustainable solution on migration can be found without political stability in Libya and that a regional approach for Libya should be pursued.
60. The AU showed political and diplomatic leadership in the context of the joint AU-EU-UN Taskforce, established during the 29/30 November AU-EU summit in Abidjan (Ivory Coast). There is a positive momentum that could inspire further work with the AU and partner countries based on shared responsibility and active involvement of all stakeholders concerned, taking into account that migration is not just a European issue but rather a global challenge requiring global solutions and shared responsibility at global level.

61. On 30 April 2018 the Fourth Quartet (UN, EU, AU, LAS) meeting on Libya was held in Cairo. Though the Quartet confirmed its support to the UN Action Plan, the authority of the platform has been compromised due to earlier calls to abandon the Quartet and return to the so-called Contact Group on Libya, which is less dominated by EG. The Quartet's usefulness is mainly in the diplomatic and political remit. In addition, whilst a considerable number of African countries are members of both organisations, AU and LAS views on Libya are not aligned and might magnify the Libyan East-West divide.
62. Egypt is an important partner of the EU and its sustainable stability and development is essential for the region and for the European cooperation with its Southern Neighbourhood. Egypt's main concern is the security of its Western border and protecting it against a spill-over of the terrorist threat. In this context, Egypt has facilitated talks to re-unify the Libyan army and to establish a "professional army without political, religious or regional affiliation to protect the civil state" and most importantly the Egyptian Western border. On security and counterterrorism (CT), Egypt's challenges are mostly related to the presence of Da'esh-affiliated groups in the Sinai Peninsula. Under President Sisi's auspices, Egypt has been engaging in an extensive foreign policy outreach at bi and multilateral level and has reaffirmed its important regional role. The country has been elected to chair the AU Assembly of Heads of State and Government for a one-year term in 2019, as well as vice chair to the UN Disarmament Commission, representing the African continent (2018-2020). Egypt's direct security and economic interests in Libya and its important role within the LAS and the AU have also implications for the success of the Quartet.
63. Tunisia is engaging, together with Egypt and Algeria, in mediation efforts towards a political resolution of the Libyan crisis, intended to support wider UN efforts. The destabilising influence of the crisis in Libya has affected neighbouring Tunisia severely both in terms of lost revenue in trade, as well as a significant surge of Libyan refugees in Tunisia. Migration is not an urgent threat for Tunisia, but the Tunisian authorities remain concerned about the crisis in Libya. The number of irregular migrants from Tunisia to Italy has expanded significantly in recent months.

NATO

64. The strategic partnership between the EU and NATO was boosted in 2016 with the signature of a Joint Declaration. It outlined seven concrete areas of cooperation between the two organisations including the "operational cooperation including at sea and on migration".
65. Cooperation and coordination at tactical and operational levels between Op Sophia and Operation Sea Guardian continues through regular information sharing and potential logistical support, including refueling. In July 2017, NATO Allies further agreed to support Op Sophia in the implementation of UNSC resolutions 2236 (2016), 2357 (2017) and 2420 (2018) related to the arms embargo on Libya.
66. In February 2017, NATO received a further official request from the Prime Minister (PM) Serraj to provide advice and expertise to Libya in the field of "Defence and security related Capacity Building". The request focuses on NATO's assistance particularly in advising Libya on developing its security architecture, its Ministry of Defence (MoD), its Chief of Defence Staff and effective security and intelligence services, under the civilian oversight of the government. The topic was discussed several times in the North Atlantic Council (NAC) and currently remains at the planning stage.
67. In addition UNSMIL has raised the issue on whether NATO is able to provide in extremis extraction support of the UN from Tripoli. The NAC has so far not endorsed the request due to the lack of information on the scale of the proposed extraction capacity envisaged.
- c) Overall threat assessment**
68. Reference is made to the Threat Assessment EU CSDP mission in Libya – EEAS (2018) 10226, dated 28 June 2018.
69. The highlights of the assessment are that even though the security situation in and around Tripoli has somewhat improved, tensions could escalate again at any time. Economic gains, territorial influence and score settling continue to be the main drivers of the militia's roadmap, while the power balance is significantly changing in the capital. The threat posed by Da'esh remains meaningful in Libya.
70. Threat rating is assessed "HIGH" in Tripoli; while for Libya it is "CRITICAL".

**Summary of the general overview and actions taken:**

The political situation in Libya remains unstable. The security situation is highly volatile and prone to sporadic outbursts of violence due to shifting allegiances of the militias. The overall situation has not improved despite increased international and regional efforts such as the Paris International Conference.

The EU supports UNSMIL and follows its lead but should retain its independence and flexibility also. UNSMIL is a political mission with limited capacity which is obliged to set priorities. The EU, and other organisations (such as the AU), should step in where appropriate.

Expectation management is needed and must be carefully addressed. In this regard a phased approach remains most feasible, given the political and security situation (in particular the South) and the need to sustain genuine Libyan ownership.

CSDP efforts should continue to focus on disrupting the organised criminal networks involved in illicit activities including the smuggling of migrants and terrorism. Working towards helping build the Libyan coastguard and coastal police, reforming the border management and fighting illicit activities through the whole law enforcement and criminal justice chain are cornerstones in that effort.

CSDP engagement through its Mission, Operation and the EULPC is credible and highly-regarded by local authorities and partners. It demonstrates EU intent and should retain close working links with other EU actors (including MS), partners, Libyan authorities and the EUDEL in order that best effect is delivered in pursuit of the interests of Libya, the region and the EU.

**IV. EUNAVFORMED Op Sophia**

**a) Mandate assessment**

*i) Current state of play*

71. Op Sophia moved to the second phase of its mandate on the high seas on 7 October 2015 and was formally authorised on 20 January 2016 to conduct search, boarding, seizure and diversion of vessels on the high seas under the conditions provided for in UNSCR 2240 (2015). Political and legal constraints combined with operational developments have led the operation to continue operating on the high seas.
72. The Council decided on 21 June 2016 to broaden Op Sophia's mandate with two further supporting tasks, (i) capacity building and training of the Libyan Navy and Coastguard (LNCG), and (ii) contributing to information sharing and contribution to the implementation of the UN arms embargo in accordance with UN Security Council Resolution 2292.
73. This addition to the original mandate was underpinned by the objective to use Op Sophia to contribute to the reduction of overall trafficking activities through the Central Mediterranean and enhance the LNCG's ability to perform search and rescue activities in Libya's SAR area of responsibility, thereby helping to prevent further loss of life and exercising greater pressure on smugglers.
74. To complement broader efforts in disrupting the business model of the smugglers and traffickers both on land and at sea, the Council amended Op Sophia's mandate on 25 July 2017 by authorising the operation to: set up a monitoring mechanism of Libyan Coastguard personnel that have benefited from training; conduct new surveillance activities; gather information on illegal trafficking of oil exports from Libya in accordance with UNSCR 2146 (2014) and 2362 (2017), as well as to enhance the possibilities for sharing information on human trafficking with MS' law enforcement agencies, Frontex and Europol. This latter authorisation has subsequently led the Council to agree on the launch of a Crime Information Cell as a JHA-related pilot project for a period of 6 months as of 5 July 2018.

ii) *Mandate evaluation*

75. The presence of Op Sophia's assets on the high seas has proved a key contribution to detecting and monitoring smuggling and human trafficking activities through the Central Mediterranean Route. The operation has notably been able to interact with an extensive network of organisations involved in the fight against smugglers and traffickers, which has helped improve situational awareness on the evolution of the tactics used by traffickers and ensure complementarity of efforts amongst relevant actors. With a view to increasing maritime situational awareness and ensuring safety of navigation on the high seas, periodic meetings with the maritime industry through the International Chamber of Shipping and the International Maritime Organisation are also held on regular basis. In the light of its interactions, Op Sophia was therefore logically chosen by the Council to host as pilot project a Crime Information Cell (CIC) aimed at enhancing information exchange with Justice and Home Affairs partners such as Frontex and EUROPOL.
76. To date, Operation Sophia has contributed to the apprehension of 148 suspected smugglers and traffickers who have all been handed over to the Italian authorities and has neutralised some 550 assets used for criminal purposes. Although search and rescue not a part of its mandate, Operation Sophia's assets have nonetheless been involved in rescuing almost 45 000 lives whilst operating on the high seas under the coordination and upon request of the Italian and Maltese MRCCs.
77. The report of the UN Secretary General on the implementation of UNSCR 2357, released on 11 May 2018, commends Op Sophia's efforts to deter the smuggling of illicit arms and related materiel to or from Libya by sea and highlights that the EU is, through the operation, the only regional organisation contributing to UN efforts in this respect. To date, whilst the operation has only been in a position to inspect three vessels under the provisions of UNSCR 2292 (which led to seizures of prohibited items), more than 1,700 hailings and more than 100 friendly approaches have indeed been conducted, thereby allowing a better understanding of how both inter and intra-theatre routes can be used on the high seas (notably between Misrata and Benghazi).
78. Since the launch of training as an additional task in September 2016, Op Sophia has been able to train more than 213 personnel of the Libyan coast guard and navy both at sea and in

## **EEAS(2018) 835** *Limited*

Member States facilities. It is planned that an additional 100 personnel will have completed training by the end of 2018 thus allowing the manning of additional vessels being provided to Libya by the Italian Authorities. It is assessed by the IOM that more than 10,000 migrants have already been rescued by the LNCG since the beginning of 2018.

79. Moreover, the smuggling of oil from and within Libya continues unabated causing the loss of revenue, fueling and funding criminal networks and undermines the integrity and unity of the National Oil Company. Greater efforts from Op Sophia in addressing this problem in line with relevant UNSC mandates will therefore contribute to overall stability in Libya.

### EUNAVFORMED Op Sophia Tasks

#### ***(I) Support the detection and monitoring of migration networks through information gathering and patrolling on the high seas***

80. On 5 October 2017, the Security Council extended for the third year in a row its authorisation to intercept vessels suspected of being used for migrant smuggling or human trafficking from Libya and to seize those confirmed to be engaging in such activities through the adoption of resolution 2380 (2017).
81. The presence of Op Sophia's assets on the high seas has remained a key contribution to detecting and monitoring smuggling and human trafficking activities through the Central Mediterranean Route. Its presence at sea has arguably led to a very strong reduction in the smuggler's ability to operate on the high seas and has restricted their operations solely to Libyan territorial waters. In particular the economic damage inflicted to smugglers by the seizure and loss of the boats used for smuggling on the high seas has been an essential element for disrupting their business model.
82. To achieve accurate situational awareness on the evolution of the smuggling activities and ensure complementarity of efforts with other actors, the operation has been able to rely on an extensive network put in place over the past three years. This has helped enhance cooperation with a wide range of organisations involved in the fight against smugglers and traffickers.
83. This cooperation is underpinned by specific arrangements and has materialised in particular through:

## **EEAS(2018) 835** *Limited*

- Regular exchange of information with the Italian prosecuting agency against organised crime *Direzione Nazionale Antimafia e Antiterrorismo* which coordinates investigations on migrant smuggling and human trafficking by the offices of public prosecutors on migrant smuggling and human trafficking;
- Enhanced interactions with Europol - facilitated by the presence of a representative of Op Sophia as a working visitor to Europol's HQ in the Hague - and contribution to Europol's Information Clearing House project;
- Information and data sharing with the European Border and Coast Guard Agency (EBCGA) – Frontex with one representative from this organisation being present permanently in the Op Sophia's OHQ;
- Collaboration with Interpol and Interpol NCB, interactions with the International Criminal Court (ICC), EUROJUST;
- Setting up the first *European Observatory On Migrants Smuggling And Human Trafficking*;
- Periodic meetings with the maritime industry through the International Chamber of Shipping and the International Maritime Organisation with a view to increasing maritime situational awareness and ensuring safety of navigation on the high seas;
- Hosting on a bi-annual basis the Shared Awareness and Deconfliction Forum (SHADE) for the Mediterranean as a platform for civilian and military stakeholders involved in efforts to fight smugglers and traffickers as well as rescue operations in the Central Mediterranean.

### ***(II) Enhance the possibilities for sharing information on human trafficking with Member States' law enforcement agencies, Frontex and Europol***

84. In line with overall EU efforts to improve its internal-external security nexus and building upon existing cooperation between Op Sophia, Frontex and Europol, notably through the signing of letters/memorandum of understanding, Op Sophia was chosen to host a Crime Information Cell (CIC) pilot project, following advice from MS at the JHA Council.
85. The CIC has been deployed on board the Flagship of the operation since June 2018. It was officially activated on 5 July and is established for a trial period of six months. Whilst initially comprised of 5 personnel, the cell could host a total of up to 10 staff subject to operational needs.

86. In relation to Op Sophia, the CIC is underpinned by two explicit objectives: firstly, to facilitate timely two-way information exchange for analytical and operational use between Sophia and relevant JHA agencies on crime types relevant to the mission mandate, and secondly to improve overall collaboration between Sophia and the JHA agencies, including by improving information collection and use.
87. The PSC will revert before the expiration of the six months trial period, on the basis of a report of the OpCdr together with the relevant JHA agencies, to assess the added value and performance of the Cell as well as any legal and operational issues. On that basis, a decision will be taken as to whether the CIC needs to continue within Op Sophia and if the concept should also be applied to other CSDP civilian or military missions and operations.

***(III) Conduct boarding, search, seizure and diversion on the high seas of vessels suspected of being used for human smuggling or trafficking***

88. Since the political and legal conditions to transition to originally planned operations in Libya's territorial waters have not materialised<sup>1</sup>, Op Sophia has continued to disrupt migrant smuggling and human trafficking activities on the high seas. This has resulted, at the time of writing, in Op Sophia disposing 551 assets used by criminal networks, including a significant number of wooden boats and engines.
89. The 'legal finish' for suspected smugglers and traffickers apprehended by Op Sophia on the high seas is being conducted in accordance with guidelines issued by the Italian judicial authorities. Under these procedures, more than 151 individuals suspected of facilitating smuggling have been handed over by Op Sophia to the Italian authorities for prosecution purposes.
90. As a result of increased pressure from the international community, controlling illegal migration flows to and from Libya has become a policy priority for Libya's GNA over the past year. In particular, the disruption of networks operating in areas known to be smuggling hotspots west of Tripoli has resulted in a significant decrease in the number of migrants attempting to cross the Mediterranean as of summer of 2017.

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<sup>1</sup> These are 1) the consent and willingness of the Libyan authorities to invite Op Sophia to operate in their sovereign territory and 2), for some Member States, the adoption of an applicable UN Security Council Resolution

**EEAS(2018) 835**  
*Limited*

91. In the meantime, the LNCG's capacity has increased also as a result of the training provided by Op Sophia and the delivery of further assets by Italy. This capacity enhancement has enabled the LNCG to increase its presence at sea visibly and contribute more significantly to rescue operations. The IOM assesses that more than 10,000 migrants have already been rescued by the LNCG since the beginning of 2018.
92. In parallel, the Italian authorities, supported by EU's Interior Ministers, launched in July 2017 an initiative to ensure that NGO vessels involved in Search and Rescue (SAR) activities in the Central Mediterranean operate within, and abide by, a set of clear rules, in the form of a code of conduct. This initiative was also included in the “Action Plan on measures to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity” submitted by the European Commission on 4 July.
93. Based on statistics provided by Frontex, the number of migrants reaching Italy from Libya's shores has decreased by almost 86% in the period from July 2017.
94. Although not part of its mandate, Op Sophia has supported search and rescue operations as necessary in accordance with its obligations under international law. The frequency of these operations has significantly declined as a result of the decrease in crossings reported above and an increased role of the Libyan coastguard and Navy acting effectively in the declared Libyan SAR region. At the time of writing, Op Sophia has only been involved in 21 SOLAS events since the beginning of 2018 concerning 2292 migrants, which amounts to 9.6% of the total of those rescued at sea by international or Libyan vessels.
95. To fulfill its responsibilities in this regard, Op Sophia has continued to operate in accordance with PSC Decision of 9 June 2015<sup>2</sup> and the Operation Plan approved by Council Decision (CFSP). 2015/972 of 22 June 2015 establishing that the transfer of persons rescued by Op Sophia needs to follow the arrangements detailed in the FRONTEX OPLAN for Op TRITON. Under the latter, all rescued migrants were to be disembarked in Italy.
96. Frontex Op Triton ended on 1 February 2018 and a new Joint Operation Themis was initiated. On the basis of the letter from Operation Commander addressed to the CEUMC on 1 February 2018, the Operation continued applying the procedures foreseen in the Oplan of Op Triton

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<sup>2</sup> Referring to EEAS document No 855 (2015) of 8 June 2015

until new PSC Guidance is provided.

97. On 18 July 2018, the High Representative received a letter by the Minister of Foreign Affairs of Italy requesting the immediate revision of the disembarkation procedures currently set out in Op Sophia's planning documents and indicating that pending that revision Italy would no longer be in a position to accept exclusive disembarkation of persons rescued at sea by the assets of the Operation in Italian ports.
98. On 20 July, after examining the Italian request, the PSC "reiterated the strategic importance of EUNAVFOR MED Operation Sophia and the implementation of its mandate in its entirety; stressed that until the strategic review is concluded the OPLAN continues to apply, and agreed that the disembarkation of persons rescued by assets of EUNAVFOR MED Operation Sophia would be re-examined in the context of the upcoming strategic review on the basis of the conclusions of the June European Council. In addition, the PSC took note that the EEAS would present the strategic review of Operation Sophia as early as next for speedy consideration by Member States, with a view to reaching agreement within five weeks".

***(IV) Contributing to information sharing, as well as implementation of the UN arms embargo on the high seas off the coast of Libya on the basis of a new UN Security Council Resolution***

99. The UN Sanctions Committee and the Panel of Experts designated to support it, have consistently reported on illicit transfers of arms and related materiel, underlining that these transfers have enabled terrorist groups to expand their influence in the region.
100. In line with this overall assessment and against the backdrop of the threat increasingly posed by Da'esh, the Security Council adopted UNSCR 2292 on 14 June 2016 to authorise the inspection on the high seas of vessels bound for or from Libya for which sufficient grounds exist to believe that they are involved in weapons smuggling. The provisions adopted in the resolution were renewed in 2017 for a further 12 months through the adoption of UNSCR 2357 and further extended on 11 June 2018 through the adoption of UNSCR 2420.
101. Under these resolutions, MS acting nationally or through regional organisations are granted the legal permission, to seize, dispose of and collect evidence related to the carriage of prohibited materiel, including by diverting vessels to a port.

**EEAS(2018) 835**  
*Limited*

102. As an additional supporting task to its mandate, Op Sophia started contributing to Countering Illegal Arms Trafficking (CIAT) on 6 September 2016 following formal approval by the PSC and has remained so far the only international organisation implementing relevant resolutions in this regard and achieved a deterrent effect in the high seas off coast of Libya as recognized by the UN.
103. Following extensive discussions, NATO notified the Security Council in July 2017 its readiness to support, if necessary, the efforts of the EU in implementing UNSCR 2357 with Operation Sea Guardian. No such request for support has been made by the EU to date.
104. CIAT is an intelligence-led maritime interdiction activity that is dependent inter alia on actionable intelligence and appropriate surface boarding capabilities. The need for MS to provide these capabilities in sufficient numbers has been highlighted in periodic Force Generation conferences but still is a gap to allow Op Sophia to act even more effectively.
105. Notwithstanding challenges presented by force generation, Op Sophia has sought to maintain the presence of two ships in the eastern part of the Area of Operation respectively off the Gulf of Sirte and off the coast of Tobruk.
106. The continued deployment of Op Sophia's assets in the above mentioned areas has allowed a better understanding of how both inter and intra-theatre routes can be used on the high seas (notably between Misrata and Benghazi).
107. To date, whilst the operation has only been in a position to inspect three vessels under the provisions of UNSCR 2292 which led to seizures of prohibited items, more than 1,700 hailings and more than 100 friendly approaches have been conducted. The report of the UN Secretary General on the implementation of UNSCR 2357 released on 11 May 2018 commends Op Sophia's contribution.
108. The EU has stressed to the GNA the importance of having a formal Libyan focal point in relation to the arms embargo who would help enable Libyan input to an improved information-sharing mechanism and provide the EU with an updated list of vessels chartered by the Libyan authorities entitled to sovereign immunity. However, whilst the Ministry of Interior was formally designated by the GNA in May 2017 as the organisation to lead on the focal point

**EEAS(2018) 835**  
***Limited***

issue, a list of GNA-chartered vessels was only provided on 15 August 2017 and the official appointment of interlocutors at operational level is yet to be formalised.

***(V) Capacity building and a) training of, and information sharing with, the Libyan coastguard and navy, based on a request from the legitimate Libyan authorities taking into account the need for Libyan ownership; b) setting up of a monitoring mechanism of trainees to ensure the long-term efficiency of the training of the Libyan Coast Guard and Navy***

109. The overall objective of the training is to enhance the capability of the LNCG to disrupt smuggling and trafficking in Libya and to perform search and rescue activities, aimed at saving lives in the Libyan SAR region and improving security in the Libyan territorial waters.
110. Training activities under the leadership of Op Sophia commenced in October 2016 following the signing of a Memorandum of Understanding between the OpCdr and the Libyan technical Committee of Experts and PSC approval.
111. In line with the objectives outlined in this document, the overall training programme was designed to be conducted in three different packages (sea training, shore training and sea consolidation in Libyan waters). Training activities include a number of different skills ranging from search and rescue procedures, first aid and medical care, International Human Rights Law, International Maritime Law, fighting illegal trafficking at sea, collecting evidence, navigation, as well as asylum request procedures and public information. It is of note that EU (Frontex) and UN (IOM, UNHCR) agencies, European Asylum Support Office (EASO) as well as an NGO (Rava Foundation, *Corpo Italiano di Soccorso dell'Ordine di Malta - CISOM*) have contributed to and participated in training sessions organised by Op Sophia.
112. Discussions with the LNCG have continued over the period covered by this review to select suitable training audiences and have led to the training of more than 200 Libyan personnel in Greek, Italian, and Maltese facilities. It is planned that an additional 100 personnel will have completed training by the end of 2018 (courses on going in Spain and planned in Italy and Croatia). To mitigate difficulties related to LNCG personnel attending training abroad and further facilitate Libyan buy-in at senior level, MS have authorised the payment of a per diem to trainees during the training sessions. The required funding is provided by national voluntary contributions and it is assessed that sufficient funds remain to provide per diems for the remaining personnel to be trained in 2018.

113. The vetting mechanism put in place by Op Sophia with the support of the LNCG, MS, EUROPOL and INTERPOL NCB, has sustained careful selection of the trainees. The experience of Op Sophia establishing vetting procedures is of potential relevance to other EU and external training providers in the Libya context and could serve as an effective baseline for overall EU efforts in this regard. The need to extend the vetting process to 7 weeks has been prominent amongst the various lessons identified in the process as this extension ensures more comprehensive screening and leaves space where necessary for further discussions with Libyan counterparts.
114. The LNCG personnel trained by Op Sophia have predominantly been drawn from the coastguard component of the Navy which falls under the responsibility of the Libyan MoD. However, increasing numbers of personnel from the Libyan Navy itself are being trained by Op Sophia. This increase reflects the enhanced needs of the Libyan Navy to manage Libya's territorial waters and take advantage of the increased availability of naval assets made possible through a package of maintenance support provided by Italy on a bilateral basis.
115. Coordination of capacity delivery to the Libyan authorities is a key aspect of Op Sophia's training provision both within the EU integrated approach and in conjunction with other relevant stakeholders. Op Sophia is also providing advice on the identification of training and related equipment needs in order to underpin the effective delivery of coordinated training capacity to the LNCG.
116. This coordination is delivered under the strategic framework of the informal coordination mechanism jointly chaired by the EEAS and the Commission (DG HOME and DG NEAR). In addition, Op Sophia is also part of the Steering Committee of the EU Trust Fund project implemented by the Italian MoI which has important relevance given the aspirations to establish a fully-fledged Libyan MRCC and NCC by 2020. Moreover, Op Sophia is supporting EUBAM Libya in the drafting of a Libyan Maritime Security Strategy and in accordance with the co-signed letters of 19 March 2018 to the Libyan Maritime Steering Group and the National Team for Border Security and Management, in which EUBAM and Op Sophia lays out further details on the cooperative support. This latter work is of fundamental importance as it aims inter alia at clarifying the delineation of responsibilities between both civilian and military components of the Libyan coastguard and reflects the potential inclusion of the eastern part of the Libyan coastline.

**EEAS(2018) 835**  
***Limited***

117. This overall approach has had tangible effect in the LNCG's increased ability to operate in its own areas of responsibility. Should this capacity increase and the LNCG prove capable of conducting effective operations in line with the standards set by Op Sophia, then, the prospect exists in due course for a re-examination by MS on the need for Op Sophia to move into the phases 2b and 3 in line with the original mandate.
118. The ability to monitor and assess what is being put in place is a key precondition to achieve lasting effectiveness which was identified as a priority in the previous strategic review.
119. The authorisation to establish a monitoring mechanism was added to Op Sophia's mandate by Council Decision (CFSP) 2017/1385 of 23 July 2017 and procedures regarding its implementation are reflected in the OPLAN (rev 5.0 October 2017) in accordance with a concept note distributed to MS and the Annex to the MOU with the LNCG signed on 21 August 2017. Within the agreed framework, the authorisation to deploy Op Sophia's personnel ashore was limited to periodic one day meetings in Tripoli.
120. An initial report on monitoring activities was distributed to MS on 27 February 2018 and discussed in the PSC on 20 March. Building on the three pillars of information agreed with the Libyan Committee of experts and reflected in an annex to the MOU signed for the training, the report highlighted that the LNCG is making progress in its fulfilling its tasks and is keen to follow advice and lessons identified.
121. However, appropriate monitoring, including on the conduct of SOLAS events by Libyan authorities, can only be achieved if sufficient intelligence, surveillance and reconnaissance assets are available. To be fully effective, the geographical scope of monitoring will also have to be extended to include coastguard sectors beyond the remit of Tripoli. The report also confirmed that effective monitoring requires more continuous presence ashore in Libya to allow a detailed overview of the conduct of operations and decision-making from a HQ perspective in the operation rooms used by the LNCG ashore.
122. To progress in this latter regard, logical prerequisites will be to ensure strong Libyan buy-in for permanent presence in support of the LNCG underpinned by appropriate security and legal arrangements.

123. This review recommends to plan the deployment of personnel in Tripoli in synergy with ongoing or future activities in support of the Libyan coastguards overall. Such a presence ashore would have a complementary role with the planned establishment under the EUTF project of a Libyan NCC and MRCC could constitute a relevant way forward.

***(VI) Conduct new surveillance activities and gather information on illegal trafficking of oil exports from Libya in accordance with UNSCR 2146 (2014) and 2362 (2017)***

124. In view of complementing broader efforts to disrupt the business model of the smugglers and traffickers both on land and at sea, Op Sophia was authorised within means and capabilities to conduct surveillance activities and gather information on illegal trafficking of oil exports from Libya in accordance with UNSCR 2146 (2014) and 2362 (2017). Authorisation was also granted to release available information to the legitimate Libyan authorities, relevant law enforcement authorities of MS and to competent EU bodies.

125. The smuggling of oil from and within Libya continues unabated. It is assessed by the Panel of Experts, supporting the Libya Sanctions Committee, to be generating a significant flow of revenues to both local armed groups and trans-national criminal networks. Op Sophia's report on oil smuggling also confirms the adverse effect of these activities underlining possible links between oil smuggling and human smuggling criminal activities. The current split in the Libyan National Oil Cooperation between the rival governments in western and eastern Libya further exacerbates the situation.

126. Whilst it remains difficult to have overall figures, the majority of illicit exports by sea of refined petroleum products in Libya are assessed to occur in the vicinity of Zuwarah with some 20 networks involved in trafficking activities. Given that criminal networks tend to diversify activities, groups involved in human trafficking are also involved in some of these activities.

127. The GNA is aware of the need to tackle the problem more effectively and more interceptions by the LNCG have been reported over the past year. In parallel, PM Serraj used the opportunity of a meeting with Op Sophia's OpCdr to request the EU's assistance in disrupting these activities. This message was conveyed to the EEAS by the OpCdr by letter dated 11 October 2017 and the point raised with MS on the occasion of the SMR discussion in early 2018.

**EEAS(2018) 835**  
*Limited*

128. Op Sophia has ensured that the presence of its assets could be used within means and capabilities to monitor the whereabouts of vessels in or from areas known to be used for oil trafficking. Since the beginning of its task, Op. Sophia exchanged information with the relevant stakeholders (EUROPOL, FRONTEX, INTERPOL, MARCOM). The Operation distributed to MS its first report on the matter in June.
129. In their current form, the provisions adopted in UNSCR 2146 (2014), and UNSCR 2362 (2017) only authorise the inspection on the high seas of vessels that are the subject of a formal designation made by the Libya Sanctions Committee, on a case by case basis for a renewable period of 90 days.
130. Under these resolutions, formal notification of vessels exporting illegally crude oil and refined petroleum products to the UN is the prerogative of the Libyan focal point officially designated by the GNA for communication with the Committee. It is understood however that updates are irregular and there is currently no vessel formally designated by the Sanctions Committee in relation to oil smuggling.
131. It is clear that enhancing information with relevant Libyan and UN focal points possibly leading to designation of vessels by the Sanction Committee, and authorising Op Sophia to inspect designated vessels could have a deterrent effect and would contribute to the return of stability in Libya. Regarding the latter, operational and legal implications, in particular in relation to returning seized cargoes to Libya, would need to be carefully assessed and underpinned by a revised Council decision.

*iii) Gap analysis and Challenges*

- Disembarkation procedures for persons rescued at sea by Op Sophia's assets

132. Op Sophia's OPLAN contains specific guidance on search, rescue and recovery to the effect that:

- The international obligations binding on masters of ships at sea and the Governments of States parties under UNCLOS (Article 98), SOLAS (Chapter V) and SAR Convention are applied under the coordination of the competent RCC;
- The place of disembarkation shall be designated in accordance with the guidance of EEAS document (2015) 855 concerning the arrangements already detailed in the

**EEAS(2018) 835**  
*Limited*

FRONTEX OPLAN for Operation Triton and in specific guidance and orders issued by FCDR".

133. In this latter regard, Italy announced on 18 July that the current disembarkation procedures reflected in Op Sophia's planning documents and implying an automatic disembarkation in Italian ports were leading to an excessive burden and therefore requested that they would be immediately revised, to ensure a greater participation of Member States in the disembarkation and subsequent processing of people saved at sea. The request for a fairer distribution of the effort in line with the principle that migration is a challenge not for a single Member State but for Europe as a whole is therefore an issue that requires an urgent response.
134. To this effect, the PSC on 20 July "reiterated the strategic importance of EUNAVFOR MED Operation Sophia and the implementation of its mandate in its entirety; stressed that until the strategic review is concluded the OPLAN continues to apply, and agreed that the disembarkation of persons rescued by assets of EUNAVFOR MED Operation Sophia would be re-examined in the context of the upcoming strategic review on the basis of the conclusions of the June European Council. In addition, the PSC took note that the EEAS would present the strategic review of Operation Sophia as early as next week for speedy consideration by Member States, with a view to reaching agreement within five weeks".
135. Whilst Search and Rescue is not part of the mandate of EUNAVFORMED Sophia, the Operation can be reasonably expected in the future to be called in to intervene in life saving operations by EU and non EU MRCCs in line with international obligations. This underlines the need to ensure certainty on disembarkation. In the light of the importance of predictable rules on disembarkation for the correct functioning of Operation Sophia, it is essential that in the context of this Strategic Review Member States agree on new arrangements to be then transposed in the Operational Plan. These disembarkation arrangements should take into account the evolving operational context in Libya and in the Central Mediterranean as well as the European nature of Operation Sophia and build on the guidance provided by the June European Council. In this context, the para 5 of the conclusions, whereby "In order to definitively break the business model of the smugglers, thus preventing tragic loss of life, it is necessary to eliminate the incentive to embark on perilous journeys. This requires a new approach based on shared or complementary actions among the Member States to the disembarkation of those who are saved in Search And Rescue operations" and para 6 "On EU

**EEAS(2018) 835**  
*Limited*

territory, those who are saved, according to international law, should be taken charge of, on the basis of a shared effort, through the transfer in controlled centres set up in Member States, only on a voluntary basis, where rapid and secure processing would allow, with full EU support, to distinguish between irregular migrants, who will be returned, and those in need of international protection, for whom the principle of solidarity would apply” are of particular relevance. The European Council also clarifies that “All the measures ... including relocation and resettlement, will be on a voluntary basis, without prejudice to the Dublin reform”.

– Political and legal requirements

136. Operations within the territorial waters of Libya, as envisaged in the Council Decision establishing Sophia, require first and foremost that a number of political parameters be in place: 1) the consent and willingness of the Libyan authorities (i.e. a formal invitation from the GNA) to operate in their sovereign territory and 2), as requested by several MS, the adoption of an applicable UN Security Council Resolution.
137. The issue of sovereignty remains extremely sensitive in Libya's politics and the perception of facilitating foreign military involvement is a powerful argument often used to influence domestic opinion and weaken political opponents. It seems politically unlikely under the current circumstances that Op Sophia could be invited by the GNA in the short term to deploy vessels to conduct operations in Libya's waters, not least in the context of UN efforts to create the conditions for parliamentary and presidential elections in the coming months.
138. The current arrangements for Op Sophia regarding the legal finish of apprehended persons suspected of the crime of human smuggling or trafficking relies on the processing of those individuals by Italian authorities. However, this procedure applies only to suspects apprehended on the high seas as authorized by UNSCR 2240 (2015), 2312 (2016) and UNSCR 2380 (2017). Should Op Sophia be invited by the GNA (and authorised by the Council) to operate in Libya's territorial waters, legal arrangements allowing the transfer and prosecution by competent authorities of suspects apprehended would be required to maintain a deterrent effect on smugglers and ensure the proper processing of migrants.
139. The exercise of law enforcement authority is normally the prerogative of the territorial jurisdiction in which the criminal acts have taken place. As migrant smuggling/ human trafficking is not subject to universal jurisdiction, arrests or apprehensions by Op Sophia's

**EEAS(2018) 835**  
*Limited*

units in Libyan territorial waters would, in effect, require the identification of an acceptable legal finish.

140. In light of the above, it is clear that the requirements that would need to be in place for the establishment of a legal finish to implement Op Sophia's original mandate are challenging to achieve. As previously highlighted in this review, efforts to enhance the building of an effective Libyan coastguard capacity, (supported by the monitoring of its needs and performance, the sharing of operational information and delivery of appropriate equipment) appear to be the appropriate way forward.

141. In particular, the enhanced effectiveness of LNCG elements operating in Libya's waters is being complemented by EU/IT joint efforts to support the establishment of a full-fledged MRCC that can cover effectively the Libyan Search and Rescue (SAR) area. This requires the emphasis to be increasingly placed on the need to assist the Libyan authorities in improving a standardised process whereby the migrants rescued by the LNCG are disembarked in given areas and taken to DCIM reception centres (not controlled by the LNCG) that demonstrably meet international standards. Significant efforts are being made in this regard with EU's support by IOM and UNHCR.

– Force generation of assets and personnel

142. Whilst it continues to benefit from well-established logistical support from Italian and Greek naval and air bases in Sicily and Crete, Op Sophia is still lacking a Role 2 Medical Treatment Facility afloat which effectively limits its flexibility in the event of boarding operations. Medical support is provided by available, but more limited capacities on board MS assets assigned to the operation. In parallel, attempts to finalise an arrangement for the provision of a Role 3 hospital with Tunisia are still ongoing.

**EEAS(2018) 835**  
*Limited*

143. Considering the dimensions of the AOO and the multi-faceted nature of the mandate, replenishment at sea is a fundamental enabler for the assets at sea, sustaining the operational tempo. The logistic limitation due to the recurring lack of Auxiliary Oiler has partly been mitigated with an Administrative Arrangement between NATO Allied Maritime Command and Op Sophia dated 30 May 2017. The Arrangement establishes the framework of logistic support between Op Sophia and NATO Op Sea Guardian.
144. In regard to the OHQ, manning is crucial to guarantee an adequate length of mandate at least for relevant ACOS and DACOS positions: a minimum period of 6 months (preferably 12 months) is therefore envisaged. Additionally, personnel should have the right experience and skills in accordance with job descriptions.
- Intelligence and exchange of information
145. The availability of key personnel and enablers, in particular for *Intelligence Surveillance and Reconnaissance (ISR)* purposes according to the agreed combined joint statement of requirements (CJSOR) has not always been consistent and has, at times, limited the operation's ability to implement the full spectrum of its mandate, with regards notably to its contribution to the arms embargo as outlined in UNSCR 2292. The decision by the Athena Committee to fund the deployment of unmanned aerial vehicles (UAV) on common costs was a positive step that needs to be extended.
146. Intelligence remains of critical importance for the effective implementation of Op Sophia's mandate, in particular with regards to the arms embargo and to a lesser extent to the monitoring of oil smuggling. The operation's efforts to monitor movements in the AOO and to get a better sense as a result of the pattern of life have improved situational awareness. This has made it possible to produce an internal list of Vessels of Interest regularly updated on the basis information coming from the FHQ, MS military sources, JHA and where appropriate NATO.
147. A primary shortfall remains the availability of timely and actionable intelligence for which Op Sophia is to a large degree dependent on MS ability to share. This is of particular relevance with regards to weapons smuggling. The Crime Information Cell pilot project will enhance capacity to better interact and exchange information with JHA agencies. Expected reciprocal

## **EEAS(2018) 835** *Limited*

benefits should allow fulfilling the respective mandates and achieving related objectives more effectively. At the end of trial period, if the assessment confirms the added value, consideration should be given to the establishment of the Crime Information Cell as a permanent integrated CSDP-JHA capacity working in EUNAVFOR MED.

– Strategic communications / perception

148. A number of concerns regarding in particular the conduct of operations by the LNCG in respect to adherence to human rights standards have been raised variously by Libyan civil society organisations, NGOs and international actors such as UNCHR. It is clear in this context that perception remains critical and that communication requires careful handling. This has particular relevance when emphasizing Op Sophia's focus on the smugglers' business model, interaction with NGOs and adherence to human rights as a key component of the training provided to the LNCG.

149. Significant strategic communication efforts are also required with regards to current support through the training of Libyan personnel, delivery of assets and handling ultimately of migrants in reception centres in Libya. The latter issue requires coordination with such actors as IOM, UNHCR and the relevant Libyan authorities in order to help promote the positive contribution being undertaken under the EU's integrated approach to Libya.

150. SHADE in the Mediterranean continues to offer a useful platform to interact with relevant national and international organisations – not least NGOs- and decision makers in the maritime arena, encourage cooperative dialogue and where necessary identify issues that need addressing. It is desirable that this initiative can be sustained over time.

– Funding

151. Op Sophia has been affected since the inclusion of supporting tasks to its mandate by the lack of a sustainable funding mechanism to fulfil them. Whilst on training the funding made available by MS through national voluntary contributions is sufficient (25% of available EUR 2.7 M budget spent so far) to train up to 500 course participants, the Athena Committee determined that, concerning CIAT, only the costs associated with the transportation of vessels that would be diverted to Marseille (as Op Sophia's official port of diversion for the implementation of the arms embargo) could be covered by common funds. Despite several discussions, no solution has been identified to date.

152. Recent discussions in the Athena special committee on funding for periodic monitoring activities in Tripoli under the proposed support of EUBAM as an interim solution have allowed to resume single day visits to Tripoli until the end of the current mandate. In parallel, Op Sophia is engaged in identifying longer term sustainable arrangements that will be presented to MS shortly.

*iv) Context of future engagement for Op Sophia*

153. Criminal activities including migrant smuggling and trafficking continue to pose many challenges to Libya and the International Community. The current policies to combat the networks involved in this trafficking appropriately combine security responses with development support and humanitarian assistance and are delivering effect. However, the GNA's still limited influence outside Tripoli, the unstable security situation but also dire economic conditions necessarily limit the full effectiveness of such a multi-layered approach.

154. It is therefore assessed that whilst the reduction in the number of smuggling activities through the Central Mediterranean is a positive indicator of Op Sophia's impact and greater LNCG ownership, the overall situation remains reversible and efforts must be pursued to build on initial progress, in close liaison with the Libyan authorities. Op Sophia's contribution is a key element of the overall capacity-building effort which should continue and must be seen as part of a broader architecture underpinned by separate but complementary efforts. The operation's ability to gather and share information, including through the newly established Crime Information Cell, but also the possibility to disrupt different trafficking on the high seas when necessary contributes to the return of stability and creates useful conditions for the gradual building of Libyan maritime capacities.

**b) Transition strategy**

155. End state considerations need to take into account whether the level of migrant smuggling has significantly decreased; that there is clear evidence that the smugglers business model has been irreversibly disrupted and that the local authorities are now able to generate sufficient structural capacity to deal with the issue in a sustainable manner.

156. Despite a significant reduction in the overall number of departures, the fact that migrant smuggling is still a major sector of the economy and a principal source of revenues for numerous actors in Libya constitutes a long term challenge. Due to the fragility of the political

and security process in Libya, the overall situation could quickly deteriorate again and efforts must be pursued to build on initial progress, in close liaison with the Libyan authorities.

157. This review assesses a persistent effort is required and that it is now necessary to conceive the operation not as an independent variable but as a component of a broader approach which requires close coordination with other international stakeholders operating ashore, notably IOM, UNHCR and Italy. Arguably the smugglers' business model is already diversifying adapting to the situation (e.g. shifting from human to oil smuggling) and only a holistic EU and Libyan effort focused on all aspects of organised crime that are feeding irregular migration and CT issues to Europe/regionally will be able to make a difference in the long run.
158. What is required for Sophia is therefore to ensure that its contribution usefully complements broader efforts and that its evolution be seen in synchronisation with the gradual building of a sustainable Libyan coastguard and in particular, the timeline envisaged for full operational capability of the developing Libyan MRCC and NCC in 2020 under the EUTF project implemented by Italy.
159. In the medium term, if continued engagement delivers expected results, the next strategic review planned for 2020 could allow for an in depth reorientation of the tasks of the operation.

**c) Way ahead for future engagements**

160. There is a strong case for the operation to remain in place and continue contributing to the improvement of maritime security in the Central Mediterranean (through gathering and sharing information, deterring and disrupting operations against human trafficking, arms and oil smuggling) whilst at the same time continuing its contribution on training and monitoring activities in synergy with other key actors (EUTF, IT) as part of a transition process and gradual handover to Libyan stakeholders.
161. Placeholder on disembarkation procedures
162. Possible amendments could lead to:
- More emphasis on contributing to the fight against oil smuggling. This latter activity is already very lucrative and the Libyan authorities have repeatedly signaled their interest to counter it. The following could be decided by MS in accordance with relevant UNSCRs:

## EEAS(2018) 835

### *Limited*

- Formal liaison with the focal point designated by the Libyan authorities for the implementation of UNSCRs 2146 and 2362 and the associated panel of experts should be established and information should be shared systematically with both with a view to facilitating the designation of suspicious vessels by the UN;
  - Op Sophia could also be authorised to conduct within means and capabilities inspections of vessels designated by the Sanctions Committee in accordance with the provisions of UNSCs 2146 and 2362;
  - As a further measure to foster ENFM deterrent effect, EU might propose to the UN Security Council to allow inspection - in case of reasonable grounds – even before the vessel is on the list of UN designated vessel.
- 
- Enhanced effectiveness of monitoring through a more continuous presence of ENFM personnel in LNCG facilities;
  - In this respect, Op Sophia will have to work closely together with the EUTF project regarding the setting up of the Libyan MRCC and coordinate on equipment needs for the LNCG. This should lead to establishing a transition process with the above actors and defining the exact duration of the capacity that can be offered by Op Sophia in the longer term;
  - There is merit in discussing LNCG's further training requirements, including on specific law enforcement activities (e.g. on oil smuggling but also boarding, searching, seizing and evidence gathering) improving its capacities working with Libyan prosecutors;
  - There is also a key role to play for the Operation in supporting EUBAM on the drafting of a maritime strategy for Libya outlining the respective roles of Libyan coastguard military and civilian elements. This is a logical follow up of the monitoring activities;
  - Enhanced situational awareness with the maritime industry;
  - Finally, alternative arrangements for disembarkation of persons rescued by Op Sophia will be agreed upon on the basis of the European Council June conclusions, as agreed in the PSC on 20 July.

***Option 1 - Close***

It could be argued that closure would be the logical option if, following this review, MS assessed that, in light of the reduction of departures from Libyan shores and the effective involvement of other actors ashore, the operation has reached its end state and that the presence of naval assets is no longer needed in the Central Mediterranean.

However, it is assessed that as those pre-conditions have not yet materialised, A decision to close the operation would have a particularly adverse effect on the credibility of the EU's contribution to the return of stability in Libya and would not be consistent with its overall stance on managing migratory flows more effectively, preventing further loss of life at sea, fighting criminal activities and smuggling and supporting the building of an effective Libyan capacity thus providing much needed security in the Central Mediterranean.

***Option 2 – Adjustments within the current mandate***

Continue the operation as it stands, prolong its mandate for a further 18 months and make changes within the existing mandate to 1) establish an information-sharing mechanism on oil smuggling on the high seas with relevant UN focal points; 2) further monitor activities of the LNCG ashore; 3) support EUBAM on the definition of a Libyan maritime strategy and GACS capacity building; 4) enhance interactions with the EUTF project regarding the setting up of the Libyan MRCC and establish a transition process defining the exact duration of the bridging capacity that can be offered by Op Sophia; 5) enhance cooperation with the maritime industry; and 6) agree on disembarkation procedures for persons rescued at sea by Op Sophia on the basis of June European Council conclusions.

– Pros;

- Continued political support and leverage with the GNA;
- Consistency with the work initiated over the past year by the operation and other actors without further generation force requirements;
- Effective contribution through the reduction of smuggling and trafficking to broader efforts for the return of stability along the Libyan coastline;
- Continued role in preventing further loss of human life at sea.

## EEAS(2018) 835

### *Limited*

– Cons;

- Subject to the ability to secure new disembarkation procedures following a SOLAS case;
- Feasibility dependent on adequate and available force flow and funding, in particular for monitoring activities.

#### **Option 3 – Revised Council decision on oil smuggling and adjustments suggested in option 2 (recommended option)**

Prolong the mandate for a further 18 months, make all changes suggested in option 2 and revise the Council Decision to allow the operation to conduct on the high seas inspections of vessels designated by the UN Sanctions Committee in relation to oil smuggling.

– Pros;

- Continued political support and leverage with the GNA;
- In line with international support with Libyan sovereignty over its territory and resources;
- Consistency with the work initiated over the past year by the operation and other actors without further generation force requirements;
- Enhanced deterrent effect and if necessary disruption of illicit trafficking off the coast of Libya;
- Effective contribution through a containment role to broader efforts for the return of stability along the Libyan coastline;
- Continued role in preventing further loss of human life.

– Cons;

- Subject to the ability to secure new disembarkation procedures following a SOLAS case;
- Feasibility dependent on adequate and available force flow and funding, in particular for monitoring activities.

**d) Recommended option**

163. For Op Sophia, it is recommended to agree with option 3 which entails to prolong Op Sophia's mandate for a further 18 months and adapt the existing mandate to:

- Establish an information-sharing mechanism on oil smuggling on the high seas with relevant Libyan and UN focal points;
- Further monitor activities ashore through a more continuous presence of ENFM personnel in LNCG facilities;
- Support EUBAM on the definition of a Libyan maritime strategy;
- Enhance interactions with the EUTF project regarding the setting up of the Libyan MRCC and establish with the Italian authorities (as implementer of the project) and Libyan stakeholders a transition process defining the exact duration of the bridging capacity that can be offered by the complementary contribution of all actors;
- Enhance cooperation with the maritime Industry;
- Revise the Council Decision to allow the conduct on the high seas of inspections of vessels designated by the UN Sanctions Committee in relation to oil smuggling;
- Agree on disembarkation procedures for persons rescued at sea by Op Sophia on the basis of June European Council conclusions.

**V. The European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)**

**a) Mandate Assessment**

*i) Definition of mandate*

164. Strategic objective. Following the last Strategic Review on CSDP engagement in Libya on 17 July 2017, the Council extended EUBAM Libya's mandate until 31 December 2018 (CFSP 2017/1342) and, under Article 2, amended the Mission's mandate to "EUBAM Libya will assist in a comprehensive civilian security sector reform planning process with a view to preparing for a possible civilian Common Security and Defence Policy (CSDP) Mission".

165. The objective of EUBAM Libya detailed in CFSP 2017/1342 is to "engage and assist the Libyan authorities in the fields of border management, law enforcement and the broader criminal justice system" and in order to achieve this, EUBAM Libya shall:

- Inform EU planning for a possible civilian CSDP mission in the field of SSR, cooperating closely with and contributing to the UNSMIL efforts, liaising with the legitimate Libyan authorities and other relevant security interlocutors;
- Support the development of the broader border management framework, including providing capacity delivery to the Ministry of Interior coastal police (General Administration for Coastal Security), engaging the Libyan coastguard and enhancing contacts with legitimate Libyan authorities on the Southern borders;
- Support capacity building and strategic planning within the MoI on law enforcement in Tripoli and the development of coordination capacities among relevant Libyan authorities in fighting organised crime and terrorism;
- Support broader capacity building and strategic planning assistance to the Ministry of Justice (MoJ), including establishing the Criminal Justice Improvement Working Group and potential sub-groups.

*ii) State of play*

**(I) Planning, mapping, liaison and coordination**

166. The Mission established a light presence in Tripoli in December 2017 with some staff on a permanent and rotational basis now staying overnight. The intent is to increase this number in

**EEAS(2018) 835**  
*Limited*

the near future, conditions allowing.

167. The planning/mapping and "assist and engage" work is being carried out in close cooperation with the legitimate Libyan authorities and the UN, primarily through the UNSMIL, but also through UNODC, UNDP, UNICRI, IOM and UNHCR.
168. The Mission coordinates its work with EU actors in line with the integrated approach. These include the EUDEL, Op Sophia, the EULPC, EU MS, CSDP Missions in the Sahel, the EUTF "Support to Integrated border and migration management in Libya", Project Seahorse Mediterranean, Europol, Eurojust and Frontex.
169. In this respect EUBAM, as the only EU entity on the ground, facilitates the overall EU engagement in Tripoli through logistic and security support, and plays a coordination role for the EU and other international organisations' activities in Libya within the Missions areas of engagement. EUBAM has for example coordinated with and advocated for training and equipment support for Libyan partners by several EU projects in the three areas of the Mission's engagement and has collected the training priorities of the MoI and the MoJ and its various agencies.
170. EUBAM cooperates closely with Frontex and Europol that have embedded experts in the Mission on a rotational and a needs-driven basis which demonstrates the close links between CSDP and JHA agencies in delivering effect in Libya. In this regard initial contacts with Interpol have also been established for identifying possible areas of cooperation.
171. Cooperation continues also with other non-EU actors such as the US, which has recently signed a framework agreement with the Libyan authorities on possible extensive support in the fields of justice, corrections, police and border security.
172. The Mission recruited a Human Rights and Gender (HRG) Adviser in February 2018 who has designed specific in-Mission briefings on Women, Peace and Security, gender-responsive SSR, and Human Rights to ensure integration of gender and human rights perspectives across the Mission's three focus areas.
173. The Mission is also coordinating closely with the Human Rights Division of UNSMIL and has identified opportunities for strengthened collaboration on human rights due diligence, including the possibility of providing support to an eventual profiling unit to be established

within UNSMIL. This could serve EUBAM and the EU more generally in screening and vetting its partners and carrying out appropriate human rights due diligence.

174. The Mission continues its close cooperation with Op Sophia, including in developing a maritime strategy, identifying best practices and drawing lessons learned from the vetting mechanisms applied by the Operation as well as logistic support on monitoring and visits.
175. EEAS together with the Head of EUDEL and EUBAM are continuing working towards securing the legal status of the Mission through the concluding of a Status of Mission Agreement (SOMA).
176. The Mission has recently produced a Revised Mapping Report (doc. 7598/18 R-UE/EU-R, dated 21 March 2018), which is a comprehensive update of the Initial Mapping Report describing the state of play of the Libyan institutions operating in the areas of border management, law enforcement and criminal justice; their needs and priorities; activities carried out by EUBAM Libya in these areas; and recommendations for future actions.

***(II) Support the development of the integrated border management framework***

177. The Mission continues its support to the work of the Libyan National Team for Border Security and Management (NTBSM), an inter-ministerial body which represents the Libyan authorities that have a stake in border security and management in Libya and cooperates with EUBAM and other relevant international stakeholders within the Border Management Working Group (BMWG).
178. Jointly with the NTBSM, the Mission developed the "Concept Note towards a White Paper" which was presented to the Presidency Council (PC) in November 2017 and subsequently endorsed through an official request by the PC for EUBAM to continue to support the NTBSM in the development of a White Paper on a border security and management reform in Libya. The concept note outlines the strategic architecture of a more efficient integrated border management system in Libya based on a border management model with three main agencies responsible for border checks and surveillance, migration, and customs, under an overarching coordination structure EUBAM, together with the NTBSM, is currently in the preparatory phases of initiating the process.

179. A Maritime Sub Working Group (MSWG), working under the BMWG, was set up in April 2018 to prepare a strategy for maritime border management, including areas of responsibility (suggestions on the delineation of competencies between the GACS and LNCG), operational presence and overall coordination amongst agencies operating in this area, to be realigned with the White Paper on a border security and management reform in Libya. The working group is co-chaired by the NTBSM, EUBAM and Op Sophia with participation of relevant Libyan maritime institutions, Frontex and the IT MoI. Currently the draft Terms of Reference for the group and the way ahead for its activities are being discussed.
180. Under the joint lead of IOM and the UNHCR, the Mixed-Migration Working Group (MMWG), with the participation of EUBAM (but without Libyan participation), is currently discussing the development of a detailed work plan, which aims to ensure a harmonised and coordinated approach among partners on activities related to rescue at sea (upon disembarkation and in detention centres). EUBAM has also supported the creation of the Migration Working Group, co-chaired by the Libyan MoFA, IOM and UNHCR, consisting of representatives from across Libyan Ministries and the international community and works on strategies and policies for migration management.
181. EUBAM is supporting the development of a new joint EUBAM-Frontex-IT MoI pilot complementary training project for the Libyan GACS. The Mission is also continuing to support GACS in developing its operational concept and improving its human resources and information technology management.
182. The Libyan authorities place considerable emphasis on the South and have repeatedly sought further EU's engagement in this regard. EUBAM is therefore carrying out needs assessments with the BMWG regarding border management in the South. In June 2018, EUBAM received a request from the Libyan authorities to assist in the development of an Action Fiche for Sector 3<sup>3</sup> aiming to help Libya to manage the security of its borders also in the South. The request has been passed to relevant EU Services to assess how EU could possibly take this forward.
183. The Mission has participated in three missions organised by EUCAP Sahel Niger to the Libyan-Niger border in the vicinity of the Madama/Toummo crossing point during the review's

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<sup>3</sup> Sector 3 corresponds to the area in south-west Libya close to the Toummo crossing adjacent to Sector 4 which is the border area around Ghat where the EUTF project implemented by the Italian MoI is focusing its activities

## **EEAS(2018) 835** *Limited*

mandate period. EUBAM has also actively contributed to the planning and preparation of an Italian-led Fact Finding Mission (FFM) to the southern city of Ghat, part of the EUR 46M EUTF project, which will deploy once the security situation allows.

184. EUBAM Libya is a member of the steering committee of the EUR 46M EUTF project "Support to integrated border and migration management in Libya" implemented by the IT MoI and works closely with the Italians in ensuring synergies and complementary of efforts between the two activities.

185. The Border Management Unit of EUBAM is also cooperating with the IcSP funded project Counter Terrorism Middle East and North Africa (CT MENA) on training on CT measures for the Libyan administrations working on border security management. This awareness training is linked to the Dutch training on falsified and counterfeited documents which was carried out in June 2018, facilitated by EUBAM.

### ***(III) Support capacity building and strategic planning within the MoI on law enforcement***

186. The Organised Crime Coordination Panel (OCCP) was established in February 2018 with the support of EUBAM bringing together four MoI agencies: the Criminal Investigations Department (CID), the Department for Combatting Illegal Migration (DCIM), the Anti-Narcotics General Administration (ANGA) and the Office for Disaster and Crisis Management (ODCM). The aim of the OCCP is to improve coordination and information sharing amongst the Libyan law enforcement agencies and its panel members is expected to develop a national counter organised crime strategy and action plan.

187. In enhancing coordination in CT, EUBAM has facilitated the foundation of the National Counter-Terrorism Working Group (NCTWG) in July 2017. Despite the positive launch and EUBAM's continuous efforts, the group remained inactive due to disagreements regarding the leadership of the group. In May 2018 a PC decree established the National Team for Counter Terrorism (NTCT) which will hopefully provide the political endorsement needed for all relevant CT actors to start working together.

188. EUBAM continues to bring together Libyan law enforcement agencies and the international community. To this end, the Mission has conducted numerous Criminal Investigation Roundtables in which various Libyan agencies have introduced themselves to members of the IC.

189. EUBAM Libya as a member of the Joint Technical Working Group (JTWG) is engaged along with UNSMIL, UNDP and the EULPC in the implementation of the EU-funded UNDP-run "Strengthening Local Capacities for Resilience and Recovery" project concerning the Pilot Model Police Station (PMPS) in Tripoli.
190. On the Presidential Guard (PG) police personnel have been moved from CID to the PG police component but there is a lack of clarity as to what this capacity will look like, how it will be structured and what it will do. The PG's overall role and presence in Tripoli has lately been challenged by the formalisation of the Special Deterrence Force (SDF) through PC decree 555 which further complicates the situation.

***(IV) Support broader capacity building and strategic planning assistance to the Ministry of Justice (MoJ)***

191. In September 2017, the MoJ presented to EUBAM a list of priorities related to capacity building and judicial sector reform. EUBAM's support in these areas was formalised through a bilateral Memorandum of Understanding (MoU), signed in February 2018, which outlines the main areas of cooperation and serves as a basis for strategic cooperation. In addition, the Minister has offered the possibility to co-locate one dedicated EUBAM adviser within the MoJ; this offer has not been extended to other actors and could allow EUBAM to further develop its partnership with the MoJ.
192. EUBAM is part of the PC's Working Group on Justice and Human Rights, a forum for enhancing sectorial coordination between the GNA (including the MoJ) and the international community. While this working group operates at a high coordination level, the Criminal Justice Improvement Working Group, yet to be established in accordance with the MoU, is intended to meet the needs of the participating entities on a strategic and technical level, including supporting development of a national vision and a strategic plan for justice and security.
193. Upon the MoJ's request, EUBAM has set up a Train the Trainer's course for Judicial Police on Libyan domestic law, the UN Mandela Rules and training skills for participants from all parts of Libya. With 18 potential trainers trained, the Judicial Police with the support of EUBAM Libya is devising a cascade plan to deliver domestic law and international human rights training to an envisaged target group of reintegrated revolutionaries.

**EEAS(2018) 835**  
***Limited***

194. EUBAM aims to increase its engagement with female criminal justice actors and Libyan NGOs/Civil Society Organisations (CSO) and has established good contacts with Tripoli University with the aim of promoting awareness training and campaigns on HR in universities, schools and to the wider public.

195. The Mission has facilitated the attendance of a Libyan prosecutorial representative at recent conferences on CT funded by the EU under the auspices of the International Institute of Justice and the Rule of Law (IIJ) and has also facilitated contacts between the Libyan MoJ and the EU funded CT MENA project.

*iii) Mandate evaluation*

**(I) *Planning, mapping, liaison and coordination***

196. The establishment of the light presence in Tripoli has enabled the Mission to enhance progress in its mapping of the relevant Libyan partners in the fields of border management, law enforcement and criminal justice. In addition, the Mission has increased its overall engagement with Libyan and international partners on the ground, in particular UNSMIL. The effect of this enhanced engagement in-theatre means that most of the mapping that the Mission was tasked to undertake has now been completed and does not need to be continued in the next mandate (except, perhaps for areas outside Tripoli as conditions allow).

197. The light presence has further established EUBAM as an important and credible coordinating and enabling partner for other EU/EU MS actors and international partners with a wide network of contacts operating in the area of civilian SSR (both at the Ministerial and agency level). Liaison and coordination functions retain a key importance and should be taken forward.

198. Work on EUBAM's legal status in the country has moved forward with a letter signed by the Chairman of the GNA addressed to the HR/VP granting the Mission privileges and immunities in accordance with the Vienna convention. Negotiations on establishing a SOMA with the Libyan authorities still need to continue to further enhance the Mission's ability to operate effectively.

***(II) Support the development of the integrated border management framework***

199. The development of the "Concept Note towards a White Paper" and subsequent endorsement by the PC with an official request for EUBAM to take the central and active role in its development is a positive sign of the trust the Libyan authorities place in EUBAM.
200. In the South the Mission has engaged actively with the BMWG at central level and through the FFM visits to the Libyan-Niger border in the vicinity of the Madama/Toummo crossing point. Once the planned Italian-lead FFM to Ghat has taken place, the Mission's engagement in the South could be further enhanced.
201. EUBAM has engaged with the GACS on much-needed capacity building through the development of a pilot training initiative, which is yet to be implemented, and the development of a maritime strategy in full cooperation with Op Sophia, Frontex and the EUTF for Africa project implemented by the IT MoI. Progress, however, has lately stalled due to recent changes in the leadership of the GACS and unresolved issues relating to the delineation of responsibilities between Libya's two coastguard services.

***(III) Support capacity building and strategic planning within the MoI on law enforcement***

202. The Mission has supported the establishment of two cooperation platforms in the area of law enforcement; the NCTWG and the OCCP and the participants in the latter have expressed appreciation of the Mission's efforts in this regard. A focus in enabling these platforms to deliver against their mandated tasks is nevertheless required and will need close support from partners, especially for the NCTWG which has in reality remained inactive. The Mission's engagement with these two groups is also important in delivering on the objectives to disrupt organised criminal networks involved in illicit activities, including smuggling of migrants, human trafficking and terrorism.
203. EUBAM has engaged with the MoI at the central level to assist in capacity building and strategic planning and experienced an improved level of cooperation thanks to the support of the Minister.
204. The Mission has however faced difficulties in supporting the MoI in the development of the PG police component as its set up has been stalled and further challenged by the formalisation of the SDF force which in practical terms will take over responsibilities from the PG. With this

complexity in mind it is not assessed viable at this moment for the Mission to engage any further with this component.

***(IV) Support broader capacity building and strategic planning assistance to the Ministry of Justice (MoJ)***

205. EUBAM has managed to create a trustworthy and solid professional relationship with the MoJ in a relatively short timeframe, since March 2017, with the appointment of the new leadership and managed to support directly or indirectly, through other EU instruments, successful training activities for criminal justice actors. The bilateral MoU, signed in February 2018, is a good sign of the professional relationship that EUBAM is managing to develop with the MoJ. This could be further developed once the MoJ decides on the composition and role of the proposed Criminal Justice Improvement Working Group which is required to take the reform process forward.

206. The Mission has managed to complete its mapping and assessment of the criminal justice sector which does not need to be taken forward in the next mandate.

*iv) Key Challenges and Gap analysis*

207. The challenges outlined below will have an effect on the Mission's ability to carry out its mandate and will have to be taken into consideration when assessing the effect EUBAM can realistically achieve in its next mandate. The absence of effective unified State control over Libya is an overarching challenge that necessarily limits the impact of any capacity building action. In the absence of political settlement and effective reestablishment of true State authority, most international support efforts will have at best a limited territorial impact and a preparatory nature in most cases.

**Border management**

208. The Libyan border management system suffers from a lack of central vision and strategy of organisations involved in the system. Moreover, a lack of central command and control poses obvious challenges to the execution of border control functions particularly in the South.

209. In addition, a lack of sufficient equipment and infrastructure, particularly at border crossing points, hampers the effective delivery of border management in Libya. Coupled with poor road and communication networks, the overall effect of border management is significantly impaired. Support is needed to design, equip and train Libyan authorities in an overarching and

integrated border management system from headquarters down to crossing points, especially in the South but also in the West on the border with Tunisia. The overall challenge is significant and clearly beyond the scope and capability of EUBAM to deliver by itself, but suggests a coordination role for the Mission.

210. The Concept Note towards a White Paper has identified a way forward in streamlining the structures necessary to deliver effective border management. The challenge in the next mandate is to maintain Libyan awareness and ownership to deliver on the proposals made in partnership with the EU and other actors and to foster increased cooperation amongst Libyan agencies.

211. While the strategic and operational capacities of agencies outlined above are limited, sustained progress can only be achieved if the necessary legal reforms, business strategies and relevant action plans are also in place.

212. The border management challenge is further compounded by a lack of human rights due diligence as well as proper gender- and responsive human rights-first based approaches that place the wellbeing and protection of all individuals first.

#### Law enforcement

213. Libyan law enforcement structures require support in determining and defining a clear division of tasks, a reformulation of mandates and streamlining areas of operation. Preparation and implementation of a strategic framework of this kind is an urgent need. Improved coordination amongst police and prosecutors to address the entirety of the criminal justice chain is required. In addition the fusion and subsequent distribution of information and intelligence in tackling crime and terrorism is lacking in Libya, exacerbated by cross-institutional dysfunction.

214. Whilst engagement at the technical level between EUBAM personnel and the MoI is producing results, the challenge remains in how to encourage and secure increased participation by senior management within the MoI including at the ministerial level

215. As is the case in all functional domains relating to the security sector in Libya, training and equipment requirements at the operational level of policing are in considerable need of support. The CID and ANGA are at the centre of Libya's fight against organised crime and trafficking. However there is no implementation at national level but just in specific places.

Both would require further support from international actors including on project management and strategic planning training for senior managers from both institutions.

#### Criminal Justice

216. Capacity building within the MoJ, as in other ministries, is desperately needed; training courses and equipment/infrastructure are required and should include, amongst others, support to leadership and mid-level management training. Judges, prosecutors and lawyers would benefit from specialised training courses across a wide variety of areas, including CT, corruption, money laundering, organised crime, fair trial rights, and legislative drafting. Facilitation of the reconstruction of courts and correction facilities is needed. The criminal justice system lacks general computerisation (information technology strategy and systems, as well as equipment and software delivery) while the Judicial Police also need infrastructure, equipment and training.

217. The Penal Code and the Criminal Procedure Code both require revision. It is crucial for those documents to preserve judicial and prosecutorial independence. A revised Penal Code and Criminal Procedure Code should also include improved legal provisions on the protection of victims of sexual and gender-based violence crimes, including defining rape as a crime in the penal code.

#### Security and mobility

218. The volatile security situation remains the main practical challenge for the Mission to continue implementing its mandate. Instability resulting from rivalries amongst various armed groups, who have, de facto, assumed law enforcement functions, is likely to continue in the near future.

219. A new Libyan authority to combat organised crime and terrorism has been established by the PC. It will be manned by members of the SDF (a militia with a questionable human rights record) and has been given powers in border management, law enforcement and criminal justice. Interacting with this new entity will present challenges.

220. While it is recognised that the ability for the Mission to operate in Tripoli itself is a significant challenge, consideration should still be given, subject to appropriate security conditions, to potential outreach beyond Tripoli, particularly in the East but also in the South. Notwithstanding the increased challenges of mobility and force protection this would present,

value-added could be achieved through engagement with relevant actors in the security domain. This engagement would need to be endorsed by MS, take into account political sensitivities in the broader Libyan context and be mindful of UNSMIL's overall efforts in securing a political solution to the existing crisis.

#### Expectation management

221. Expectations on the Mission by Libyan authorities are high, particularly in regard to the South, equipment and training provision. Whilst the Mission is a credible partner to its local interlocutors and partners, it is constrained in its ability deliver on such expectations due to the political and security situation and not least its current limited mandate, staff and resources.

222. Requests for assistance from Libyan counterparts often fall outside the Mission's focus on the core objectives of disrupting organised criminal networks involved in illicit activities, including smuggling of migrants, human trafficking and terrorism. The Mission must guard against drawing resources away from the key areas of support within its mandate and manage carefully counterparts' expectations.

223. The Mission's ability to deliver on its mandate is challenged by the lack of real Libyan ownership and the non-ability of the Libyan institution to absorb capacity building measures. Even when there is a genuine will among Libyan counterparts their efforts are often hampered by the general difficult political and security dynamics of Libya and fragile relationships between ministries and among agencies within a ministry.

#### v) *Possibilities for EUBAM Libya's future activities*

224. The challenges outlined above are many and varied. EUBAM Libya is making significant inroads in developing networks amongst the appropriate Libyan structures and with partners, but there is much still to be done. The Mission should manage expectations through a properly defined communication strategy with well-focused and realistic outputs taking into account local absorption capacities. EUBAM itself cannot tackle all the issues, but where it can lend immediate support to the overall SSR process in Libya is through a consolidation of its presence in Tripoli and increased endeavours within the three main pillars of the current mandate.

225. The mapping/planning element of the current mandate has been accomplished and more focus should now be undertaken to support the Libyans in tackling organised criminal networks

**EEAS(2018) 835**  
*Limited*

involved in illicit activities, including smuggling of migrants, human trafficking and terrorism through the three pillars of border management, law enforcement and criminal justice.

226. In addition, more effort could be made in exploring ways in which an enhanced coordination role on behalf of the EU, EU MS and other international donors could be achieved in the next mandate.

227. The ability for the Mission to coordinate and disburse funds for small scale projects should be explored. This should be in support of the Mission's mandate implementation by increasing the local buy-in, creating trust and credibility, and enhancing the Mission's visibility amongst

Libyan counterparts

228. Should political and security conditions permit, engagement in support of nationwide reform processes in the Mission's three areas of engagement could be supported by the exchange of information with Libyan security actors also in the East and South of the country. This is already being undertaken by some MS, as well as UNSMIL, leading to the potential to achieve synergies and more effective collaboration in this regard.

229. Efforts to integrate gender and human rights in all of the Mission's activities as part of its mandate should continue. The Mission should also continue to develop mitigating and risk-minimising measures to further strengthen operational efficiency from a human rights and "do no harm" perspective. Close coordination with the Human Rights Division of UNSMIL on strengthened collaboration on human rights due diligence should be maintained as well as with relevant civil society representatives. Other efforts to identify proper vetting and monitoring mechanisms should continue in close coordination with Op Sophia, UNSMIL and other relevant EU and EU MS actors.

Border Management

230. The development of a comprehensive national Integrated Border Management (IBM) strategy based on the "Concept Note towards a White Paper" should be continued in the next mandate. This should be followed by necessary legislative reforms defining the roles and responsibilities of the various law enforcement and border management agencies so that their currently overlapping mandates can be rationalised according to the model agreed in the "Concept Note". To encourage local ownership and ensure proper coordination of actions towards the

**EEAS(2018) 835**  
*Limited*

same goals, all activities carried out by the international community and/or Libyan authorities should be aligned with the "Concept Note towards a White Paper" and be coordinated through the BMWG, or its sub-working groups, under the overall authority of the NTBSM.

231. EUBAM should engage with Libyan counterparts in assessing needs in border management in the South specifically in relation to tackling irregular migration and human trafficking, including in Sector 3 in close coordination with EU institutions, Italy or other EU MS already in dialogue with the Libyan authorities about possible support to this area. Focus should be made on managing all activities through the BMWG including the integration of border management actors in the South. In this regard, close cooperation and coordination with EUCAP Sahel Niger would also be necessary.
232. The Mission should continue carrying work forward on developing a maritime border management strategy in the established Maritime Sub Working Group to the BMWG, co-chaired between the Mission, the NTBSM and Op Sophia and with the participation of relevant Libyan maritime institutions, Frontex and the IT MoI.
233. The Mission should continue supporting GACS in developing its operational concept and improving its human resources and information technology management. In addition, the Mission should continue supporting the development and execution of a new joint EUBAM-Frontex-IT MoI pilot complementary training project for GACS which, if successful, could be extended to include all relevant GACS staff.
234. Finally, EUBAM could also assist in setting up and acquiring information and communication technology systems and other equipment and infrastructure needed for border control services and support in developing training programmes for border management training facilities.

Law Enforcement

235. EUBAM Libya should formalise its cooperation with the MoI through a MoU and placing an integrated advisor, possibly in the MoI Office for Disaster and Crisis Management (ODCM) as it is charged with managing the overlaps between the MoI dependent agencies and which is now part of the OCCP.
236. With regard to the NCTWG the next steps could include the preparation of a work plan for the group after which it will be opened to include more authorities working on CT issues, all

depending on how the newly established NTCT function will be played out.

237. Special efforts in supporting the OCCP should be made and the Mission support could entail developing a work plan and arrange a study tour to present similar coordination bodies/agencies active in Europe. A fusion cell with seconded members from the participating agencies of the working group, that would collect, collate, analyse, and share information, should be established. Further activities could also include the Mission providing wider capacity building, training and equipment to the CID and ANGA.
238. EUBAM should also look into how the three main agencies dealing with the key issues of corruption and money laundering could be better coordinated with a view to avoiding overlaps in their work.
239. The Mission should continue its direct support to the creation of the EU funded Pilot Model Police Station (PMPS) in Tripoli, including providing advice on job descriptions/requirements and ensuring gender balance and gender-responsive capacities in the project.

#### Criminal Justice

240. The Mission must focus on support to the setting up of the Criminal Justice and Institutional Improvement Working Group and developing a related working plan. A forum is needed to ensure the provision of strategic advice to the MoJ's elaboration of a national vision and a strategic plan for justice and security together with an implementation plan. Placing an embedded expert inside the ministry would be desirable.
241. Provision of advice, support and training to the Prosecutor General's Office, and the High Judicial Institute will be necessary as well as looking at ways of how police-prosecution cooperation could be enhanced, especially in the areas of OC and CT.
242. EUBAM could support the Libyan authorities and other engaged international partners in the revision of the Penal Code, the Criminal Procedure Code and other legislation in areas relevant to the mission's mandate.

#### **b) Transition strategy**

243. The evolving situation in Libya and opportunities presented by EUBAM Libya under the proposed mandate will require a revision of the existing End State to better reflect the Mission's new areas of engagement. This revised End State, to be further elaborated in

operational planning, should logically identify that the End State would be met once a critical mass of a Libyan-led border management, law enforcement and criminal justice capacity is in place to disrupt organised criminal networks involved in illicit activities, including smuggling of migrants, human trafficking and terrorism and being delivered by Libyan authorities without recourse to further CSDP assistance.

244. The duration of the Mission would initially be for a period of 18 months as recommended in this review i.e. expiring on 30 June 2020 without precluding the possibility of further extensions. This potential longevity would be required to overcome existing and emerging challenges and thereby contribute to the development of sustainable Libyan structures compliant with international standards and best practice. In this regard, and similar to the conclusions already identified for Op Sophia, the necessary strategic patience from the EU will need to be in place to fully exploit opportunities as they arise and deliver the envisaged mandate.

245. In regards to transition, the current situation does not permit viable options to be considered at this stage. However, the next strategic review will need to assess whether continuation of the mandate is appropriate or whether it could be enlarged, modified, reduced or terminated. If the Mission terminates, activities could be transferred to other EU instruments, other international actors or indeed handed over completely to the Libyan authorities, should they be assessed as able to do so.

**c) Way ahead for future engagement**

246. Whilst the political and security conditions in Libya are far from optimal the Mission needs to increase and consolidate its activities and presence in Tripoli, building on the well-established relations with the Libyan authorities and their subsequent demand for a prolonged and deepened EUBAM engagement. This will likely require a phased build-up of activity and presence in Tripoli while assessing the possibilities during the next mandate of expanding the Mission's activities also outside of the capital, including in the East and the South and engagement with security actors, where and when feasible.

***Option 1: Close the Mission***

247. It could be argued that closing the Mission would be a logical option in a context where the planning and mapping task of the current mandate has now been completed and the Mission's

## **EEAS(2018) 835** *Limited*

ability to deliver on its other mandated tasks remains challenged by variable Libyan ownership and limited Libyan institutional absorption capacity and the potential for further deterioration in the Libyan political and security situation.

– Pros:

- Financial savings to the CFSP budget;

– Cons:

- Does not support EU political objectives and is not in line with the identified need to provide capacity to Libyan institutions at a key stage in the Libyan political process;
- This option would have a particularly adverse effect on the credibility of the EU's contribution to the return of stability in Libya;
- This would deny the possibility to build on EUBAM's progress to date and would undermine other EU actions being undertaken within the EU's integrated approach;
- This option would deprive the EU of using EUBAM's presence (as the only EU entity on the ground) and function as a key lever to engage with the Libyan authorities.

### ***Option 2: Status Quo - Extend the existing mandate***

248. MS could decide there is still merit in pursuing the objectives reflected in the current mandate whereby the Mission needs to: 1) continue engaging with and assisting the Libyan authorities in the fields of border management, law enforcement and criminal justice, and 2) continue to map and plan for a new non-executive civilian CSDP Mission.

– Pros:

- Allows stability and focus on existing expertise until the conditions for possible future support have been met;
- Mitigates financial risks.

– Cons:

- The political and security conditions on the ground, the level of Libyan ownership and absorption capacities do not suggest that launching a new mission is viable in the short to medium term;
- Does not satisfy likely expectation management of the Libyan authorities;
- Does not fully support the EU's integrated approach to Libya;

## EEAS(2018) 835

### *Limited*

- Does not allow for enhancing EU presence in Tripoli or assessing the possibility of engaging also elsewhere in Libya.

**Option 3:** *Amend and extend the existing mandate to focus on enhancing delivery and engagement in border management, law enforcement and criminal justice and discontinuing planning for a new civilian CSDP mission (recommended option)*

249. In line with the analysis reflected in this review, it is assessed that a logical way forward would be to acknowledge that the conditions for a new mission are unlikely to be in place in the foreseeable future and that as such EUBAM should cease mapping and planning for the new Mission.

250. This option would entail shifting from the current planning and mapping task to focus on enhancing delivery and engagement in border management, law enforcement and criminal justice.

251. It would specifically allow EUBAM Libya to build on the progress and the role it has managed to establish while focusing fully on operational, coordinating and enabling activities in relation to border management, criminal justice and law enforcement. This would be achieved through a modular approach, allowing a phased increase of personnel in Tripoli while maintaining a presence in Tunis. In addition, it would allow further needs assessment on the feasibility of engagement with relevant actors also in the East and South, dependent on the still unpredictable political and security situation.

– Pros:

- Supports EU political objectives;
- Contributes to EU efforts to fight OC, including smuggling of migrants and human trafficking, and CT;
- Supports much-needed Libyan capacity shortfalls;
- Allows the Mission to build on its progress so far;
- Allows strengthening of existing engagement with key Libyan actors given that EUBAM Libya is a known and valued EU partner;
- Still provides flexibility should the security situation on the ground significantly worsen.

– Cons:

- Comes with increased security efforts, costs and residual risks;
- The Mission's name does not communicate fully the extended areas of engagement.

**d) Recommended option**

252. For EUBAM Libya, it is recommended to agree with option 3 which entails to extend EUBAM Libya until 30 June 2020 and amend the existing mandate as follows:

- To shift from its current planning and mapping task and focus on enhancing delivery and engagement in border management, law enforcement and criminal justice;
- To expand and consolidate the Missions' permanent and rotational presence in Tripoli while also assessing possibilities of expanding its activities outside the capital, including in the East and the South and engage with security actors, where and when feasible;
- To establish a coordinating/enabling role to coordinate Libyan needs with EU, EU MS and other external donors within the Mission's three areas of engagement, where applicable and while taking into account the EUDEL's overall responsibilities in this regard;
- To continue the dialogue with the Libyan authorities to secure the legal status of the Mission (SOMA);
- To integrate gender and human rights in all Mission activities;
- To support the development of mitigating and risk minimising measures, including vetting and monitoring;
- To develop a properly defined communication strategy in cooperation with the Services;
- To amend operational planning as appropriate including the End-State.

**VI. EU Liaison and Planning Cell (EULPC)**

**a) Assessment**

*i) Current state of play*

253. The EULPC (the Cell) was established in April 2015 by the EEAS as an ad hoc arrangement with UNSMIL in order to provide greater awareness of Libyan security issues and aid planning both for the EU and UNSMIL. The Cell works with numerous UNSMIL entities, but mainly with: the Security Institutions Division (SID) where the Cell has a permanent Liaison Officer present; the Joint Assessment and Reporting (JAR) Unit under the Chief of Staff, where the intelligence officers work on a rotational basis and the office of the Senior Military Adviser (SMA) to the SRSG.

254. The Cell currently comprises 7 Voluntary National Contributions (VNC). It is physically located within the EU Delegation to Libya (relocated in Tunis) and receives functional direction from EEAS/CMPD and political guidance from the Head of the EU Delegation to Libya, through its Security Expert who also acts as Head of the Cell.

255. The recommendation of the 2017 Strategic Review was to maintain the *status quo* of the Cell in the interim period and transform the Cell's personnel to SNE status as soon as possible, including through the securing of an administrative agreement with UNSMIL. The Cell's current terms of reference expire in December 2018.

*ii) Evaluation of the terms of reference (ToR)*

256. The prime objective of the Cell is to support UNSMIL with military intelligence and planning support at their request. The core tasks are to provide intelligence support to the JAR Security Assessments and planning support on the international assistance coordination, the Tripoli Security Plan (TSP): including its command centre, the Joint Operation Cell, demobilisation of the armed groups, the arms embargo, the PG and on supporting adjacent agencies such as UNMAS.

257. The demand by UNSMIL for the Cell's planning support has fluctuated markedly during the mandate period, from that of heavy demand in early 2017 through to low-level routine requests since early 2018. However, the requirement for military intelligence support has remained unchanged and is a key area where the Cell adds value.

**EEAS(2018) 835**  
*Limited*

258. The fluctuation in demand is explained by the evolving political situation in Libya which has an influence on UNSMIL's priorities and reflects an increased focus on the political track over all other issues, including the security track. This change in priorities is directly affecting the relationship between the EULPC and UNSMIL. At present it is unclear if there will be an emerging and sustained requirement to support UNSMIL planning in either Tunis or Tripoli.
259. The evolution of the political and security situation on the ground has an impact on priorities within the UN Action Plan as agreed upon between DPA in New York and the SRSG. The EULPC, as a flexible tool, will need to reflect – in task and organisation – the evolving UN priorities.
260. Furthermore, both UNSMIL and the DPA have highlighted on a number of occasions that the practical limitations on the availability of accommodation and office space in the UN's Oea compound in Tripoli will mean that priority will be given to hosting only UNSMIL personnel, and that the Cell and other support organisations including from UN agencies will not be able to be accommodated.
261. At Tunis level the need for the Cell to provide intelligence support remains unchanged since it informs UNSMIL's situational awareness. In return the Cell is able to benefit from an exchange of information with UNSMIL to provide a common operational and intelligence picture for EU actors in Tunis and EEAS planners in Brussels. This mutually beneficiary relationship applies to existing cooperation in Tunis and would be of continued relevance once the UN deploys on a permanent basis to Tripoli.
262. As a consequence of the evolving UNSMIL requirement for the Cell's support the process of developing an administrative arrangement between the EU and UNSMIL on the level of support and arrangements required in both Tunis and Tripoli has not commenced.
263. The second objective of the Cell is to provide local support and liaison to other EU actors, primarily to the EU Delegation to Libya, EUBAM Libya and Op Sophia representatives. In addition, the Cell's locally supports the EC, relevant JHA liaison officers and CSDP missions in the Sahel region. More broadly, the cell remains a principle source of security information and analysis for the EEAS. This objective will likely continue to increase and is the Cell's de facto prime objective.

*iii) Challenges and Gap analysis*

264. Although UNSMIL places priority on the political track, the lack of progress achieved to date has inevitably led to a lack of momentum on related security planning particularly that focused on Tripoli.

265. In addition to the evolving planning demand by UNSMIL, the Cell currently faces additional challenges which restrict it being utilised at full capacity:

- Firstly, the ability of the Cell to deploy to Libya is limited both by the reluctance of the Libyan authorities to issue travel visas on time and also through the need for subscribing MS to authorise travel on a case by case basis;
- Secondly, the continued high turnover of the Cell's staff is impacting its effectiveness MS send their military personnel on tours ranging from 3- 12 months. Especially the short tours of between 3-6 months resulting in a loss of continuity and institutional memory, in particular with regards to the relationships with Libyan interlocutors engaged through UNSMIL;
- Finally, the Cell was reduced by one planner since the last review. The gendarmerie planner, a voluntary contribution from the EUROGENDFOR headquarters was withdrawn in October 2017 after a decision by its High Level Interministerial Committee (CIMIN). Though CIMIN will revisit its decision once there is clarity on the status and sustainability of the contribution (i.e. a planner drawn from the EUROGENDFOR member states and not the headquarters), the lack of the gendarmerie contribution had diminished the Cell's capacity to support both UNSMIL and EUBAM, particularly since the focus within UNSMIL's security track appears to be shifting towards police capacity building.

*iv) Possibilities for future activities*

266. The focus of the Cell's activities should move to provide increased support to the EU. The Cell's overarching objective could then be to generate a common operational picture in support of EEAS planners in Brussels and provide situational awareness for relevant EU activities in the region, and aid overall EU coordination and planning efforts on security issues, e.g.

## **EEAS(2018) 835** *Limited*

through supporting the EU Defence Attaché community. Liaising with UNSMIL regarding intelligence support would however remain instrumental for gaining situational awareness and be of mutual benefit to both organisations. Any direct support to UNSMIL would need to be on an ad hoc basis and be by request commensurate with the Cell's other priorities.

267. The lead in the security track will remain with UNSMIL. EULPC activities will be in support of UNSMIL as a flexible tool. Future possibilities for the Cell could be:

- To generate a common operational picture in support of EEAS planners in Brussels and provide situational awareness for relevant EU activities in the region;
- To aid overall EU coordination and planning efforts on security issues; and liaise with UNSMIL regarding intelligence support;
- Engage with Libyan military authorities, under the umbrella of UNSMIL, on topics such as the unification of the LNA, the TSP and the PG;
- Support the EU Defence attaché community in Tunis/Tripoli;
- Continue liaison and facilitation under the political guidance of EU Delegation to help generate synergy in the cooperation between EUBAM, Op Sophia and the LNCG and GACS in the maritime domain.

268. The capacity of the Cell should be reduced as a consequence of this refocused tasking and could comprise up to three planners (including the potential gendarmerie contribution) and the existing two intelligence analysts. The proposed reduction in staff could be achieved in a phased manner by not prolonging the tours of those surplus staff which are due to expire early 2019.

269. The Cell should improve its the ability to deploy to Libya and further improvement to the following constraints must be pursued:

- The relatively high turnover of personnel;
- The inability for the Cell's personnel to obtain the necessary visas to authorise travel to Libya before they first arrive in Tunis on joining the EULPC;
- The lack of timely authorisation by MS to allow their military personnel to deploy to Libya.

**b) Transition Strategy**

270. As identified in last year's review, the Cell's capacity should be retained and will likely be required to remain as a structure until the security situation in Libya is suitably permissive and sustained.

271. If the Cell was disbanded prematurely, the loss of dedicated security planning capacity, access to intelligence and situational awareness and analysis would have a detrimental effect on the EU's existing and future efforts under the integrated approach.

272. The transition strategy of the Cell could be to transfer its core functions directly to the EU Delegation. This could be achieved by refocusing two of the existing SNE security-related posts in the EU Delegation (i.e. the CT and SSR advisers) to provide security planning and intelligence analysis under the direction of the incumbent Delegation Security Adviser who is dual-hatted as the Head of the Cell. Support to generating an intelligence and security assessment will need to be provided by the returning defence attaché community of the EU MS and the UN once in full strength in Tunis and Tripoli. In this regard, residual police planning related tasks and capacities would effectively already have been subsumed by EUBAM Libya. It is assessed that this transition would not be feasible in the next proposed mandate.

**c) Way ahead for future engagements**

273. The EULPC's working relationship with UNSMIL and its composition need to be revisited. The tasking of the EULPC will shift focus from support to UNMSIL to primarily supporting the EU, reflect the evolving situation. This capacity could be delivered as follows:

***Option 1 – Refocus Existing Capacity***

274. In order to reflect the evolving situation in Tunis and Tripoli, the Cell should reduce in size to 6 personnel in total, comprising the Head of the Cell, two intelligence analysts and three planners (one of whom would be drawn from EUROGENDFOR). The ability to increase the size of the Cell should also be retained as needs arise.

275. The status as VNCs of the Cell's intelligence analysts and planners would remain for the time being whilst efforts to potentially convert these posts to SNE status are explored within the EEAS. Subscribing MS would be requested to consider increasing tour lengths of the VNC personnel provided where feasible.

## **EEAS(2018) 835** *Limited*

276. The tasking of the Cell will change: the overarching objective will be to generate a common operational picture in support of EEAS planners in Brussels and provide situational awareness for relevant EU activities in the region; aid overall EU coordination and planning efforts on security issues; and liaise with UNSMIL regarding intelligence support.

277. Any direct support to UNSMIL would need to be on an ad hoc basis and be by request commensurate with the Cell's other priorities.

- Pros: Simple, flexible; Maintenance of holistic contribution to other CSDP and EU engagement; VNCs serve both contributing MS and EU interest;
- Cons: Ability to deploy and length of deployment remains a national responsibility; Personnel churn likely to persist with consequent impact on effectiveness and key interlocutors; Variable workflows.

### ***Option 2 – SNE Status***

278. The objective would be identical to option one but would differ in the status of the Cell's personnel being transformed from VNC to SNE. This would require an increase of three SNE posts in addition to amending the terms of reference of the existing two SNE security-related posts in the EU Delegation. The status of the head of the Cell would remain the same. The transformation to SNE status would provide a sustained solution to the deployment challenges currently faced by the Cell's personnel and allow the inclusion of the EUROGENDFOR contribution. Nonetheless, legal and financial issues would suggest that the achievement of this option could only be envisaged in the medium term.

- Pros: Clear C2 structure; Deployment capacity and length of tours increased; Continuity of the Cell's capacity;
- Cons: Time to implement; Resource intensive; less flexible.

### **d) Recommended option**

279. Without precluding the transition to SNE status in the long term, the first option is recommended. The Cell should refocus its existing capacity, while retaining the status as VNCs of the intelligence analysts and planners for the interim period until the end of the proposed mandate on 30 June 2020.

**Summary of the CSDP activities:**

CSDP engagement works in synergy in supporting the Libyan authorities and contribute to the disruption of organised criminal networks involved in illicit activities, including smuggling of migrants, human trafficking and terrorism in the Central Mediterranean region. In order to achieve this, the review recommends that:

**Op Sophia** will need to adapt and strengthen the existing mandate to 1) revise the Council Decision to add the authorisation to conduct inspections of vessels on the high seas in accordance with the UNSCR in relation to oil smuggling; 2) establish an information-sharing mechanism on oil smuggling on the high seas with relevant UN focal points; 3) strengthen monitoring of the Libyan coastguard by enhancing monitor activities ashore; 4) support EUBAM on the definition of a Libyan maritime strategy; 5) enhance interactions with the EUTF project regarding the setting up of the Libyan MRCC and establish with the Italian authorities (as implementer of the project) and Libyan stakeholders a transition process defining the complementary contribution of all actors; 6) enhance cooperation with the maritime industry. In order to ensure that Op Sophia continues fulfilling its mandate in full, new disembarkation procedures for persons rescued in SOLAS operations will have to be agreed upon;

In an amended and extended mandate **EUBAM Libya** should shift from its current planning and mapping task and focus solely on enhancing delivery and engagement in border management, law enforcement and criminal justice. This is to be done through a phased build-up in which the mission will expand and consolidate its permanent and rotational presence in Tripoli while assessing the possibilities of expanding the Mission's activities also outside of the capital, including in the East and the South and engage with security actors, where and when feasible. The Mission should also establish a coordinating/enabling role to coordinate Libyan needs with EU, EU MS and other external donors within the Mission's three areas of engagement, where applicable and while taking into account the EUDEL's overall responsibilities in this regard. Cooperation with Op Sophia and other CSDP missions in the Sahel region will also be maximized.

**EULPC** should refocus its existing capacity, while retaining the VNC status of the Cell's intelligence analysts and planners for the interim period until the end of the proposed mandate on 30 June 2020. The task of the EULPC will shift focus from supporting UNSMIL to supporting the EU. The overarching objective of the Cell will be to generate a common operational picture in support of the EEAS in Brussels and provide situational awareness for relevant EU activities in the region; aid overall EU coordination and planning efforts on security issues; and liaise with UNSMIL regarding intelligence support.

**VII. WAY AHEAD**

**a) Conclusion**

280. Looking at possible future scenarios for Libya, based on the experience of the past year, the situation will not improve in the short term. It will most likely continue to "muddle through" and not allow a transfer of power from current stakeholders and militias. Moreover, a further deterioration in the situation cannot be excluded.
281. The EU's long-term policy for Libya and the region is focused on the development of stability which requires a sustained, integrated and ambitious approach. Despite the lack of progress in the political process within Libya, there are some opportunities to expedite progress at agency level and working with and within the ministries. Much will depend on the progress of the UN Action Plan, i.e. the national conference, the constitution and the presidential and parliamentary elections.
282. Within these circumstances the CSDP approach on Libya can add value by contributing to counter the illegal aspects of migration and terrorism. The focus should be to assist in disrupting organised criminal networks involved in illicit activities, including smuggling of migrants, human trafficking and terrorism in the Central Mediterranean region.
283. Accordingly, since EUBAM has finalised its mapping task, it should focus on enhancing delivery and engagement in border management, law enforcement and criminal justice and pursue increased strategic advising. Op Sophia will have a crucial role in collecting and sharing information related to maritime security. It will support capacity building of the Libyan coastguard but in parallel needs to remain a deterrence force on the high seas supporting enactment of an oil and weapons embargo in accordance with the relevant UNSC resolutions. The EULPC will need to respond in a flexible manner, to the declining request for UNSMIL support and refocusing its capacity to support EU agencies.
284. CSDP activities will need to work closely with other international actors, generate synergies with EU instruments, missions in the region, and agencies including through the EUTF project. All activities will be coordinated closely with UNSMIL. This approach could shape the conditions for increased engagement and further develop Libyan ownership, capacities and more sustainable structures highlighting EU values on societal inclusiveness and human rights.

285. The comprehensiveness of the approach is found in thematic areas where all CSDP activities contribute such as supporting the Libyan authorities in fighting establishing counter terrorism expertise, enhancing information sharing between Libyan authorities and international actors such as Interpol, drafting strategies for border management and the related sub strategy for Maritime Security, and improving the capacities of the coastguard and the coastal police.
286. These activities, aligned with the EUTF project particularly in enhancing coastguard capacities on land and at sea thereby, allowing enhanced surveillance in the coastal area in terms of patrolling, transportation and rescue in accordance with international law. In addition, this complementarity will firstly help enhance the surveillance capacity of LBG along the southern borders, by means of a pilot project focusing on the area most affected by illegal crossings and other trans-border crimes and secondly, in supporting Italy in setting up of a basic Interagency National Coordination Centre and Maritime Rescue Coordination Centre for operations at sea and along the coastal area, and SAR activity.

**b) Recommendations**

287. The review recommends that Op Sophia, EUBAM Libya and the EULPC be extended for 18 months until the common expiry date of 30 June 2020.
- A) On **Op Sophia**, it is recommended to agree with option 3 as described in paragraph 162. The recommendations are to adapt and strengthen the existing mandate to 1) revise the Council Decision to add the authorisation to conduct inspections of vessels on the high seas in accordance with the UNSCR in relation to oil smuggling; 2) establish an information-sharing mechanism on oil smuggling on the high seas with relevant UN focal points; 3) strengthen monitoring of the Libyan coastguard by enhancing monitor activities ashore; 4) support EUBAM on the definition of a Libyan maritime strategy; 5) enhance interactions with the EUTF project regarding the setting up of the Libyan MRCC and establish with the Italian authorities (as implementer of the project) and Libyan stakeholders a transition process defining the complementary contribution of all actors; 6) enhance cooperation with the maritime industry. In order to ensure that Op Sophia continues fulfilling its mandate in full, new disembarkation procedures for persons rescued in SOLAS operations will have to be agreed upon;

**EEAS(2018) 835**  
*Limited*

B) For **EUBAM Libya**, it is recommended to agree with option 3 as described in paragraph 251 and to extend and amend EUBAM Libya's mandate whereby the Mission should shift from its current planning and mapping and focus solely on enhanced delivery and engagement in border management, law enforcement and criminal justice. This is to be done through a phased build-up in which the mission will expand and consolidate its permanent and rotational presence in Tripoli while assessing the possibilities of expanding the Mission's activities also outside of the capital, including in the East and the South and engage with security actors, where and when feasible. The Mission should also establish a coordinating/enabling role to coordinate Libyan needs with EU, EU MS and other external donors within the Mission's three areas of engagement, where applicable and while taking into account the EUDEL's overall responsibilities in this regard. Cooperation with Op Sophia and other CSDP missions in the Sahel region will also be maximized;

C) Without precluding the transition of the **EULPC** staff to SNE on the long term, it is recommended to agree with option 1 as described in paragraph 278. This option recommends to refocus the existing capacity of the Cell, while retaining the VNC status of the intelligence analysts and planners for the interim period until the end of the proposed mandate on 30 June 2020. The task of the EULPC will shift focus from supporting UNSMIL to supporting more directly EU efforts. The overarching objective of the Cell will be to generate a common operational picture in support of the EEAS in Brussels and provide situational awareness for relevant EU activities in the region; aid overall EU coordination and planning efforts on security issues, and liaise with UNSMIL regarding intelligence support.

**VIII. PLANNING PROCESS – NEXT STEPS**

288. A revision of the subsequent operation planning documents will be developed by the Operation Commander Op Sophia and the Civilian Operations Commander for EUBAM, upon direction from the PSC, providing the detail required for the necessary funding and force generation to follow. Revised Council Decisions will be required thereafter before 31 December 2018 in order to extend Op Sophia and EUBAM Libya until 30 June 2020, and the Terms of Reference for the EULPC will need to be updated accordingly.

289. It is recommended that the PSC:

- Agrees on the findings of this strategic review and endorse the recommended options;
- Extends the mandates of Op Sophia and EUBAM Libya for a further 18 months to 30 June 2020, and update the Terms of Reference for the EULPC accordingly;
- Tasks the CIVCOM and PMG to provide their advice/recommendations on this review;
- Tasks the EUMC to provide its military advice on Op Sophia and take note of the recommendation for the EULPC;
- Invites the CivOpsCdr and OpCdr Op Sophia to further develop operations planning on the basis of the recommended option.

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**ANNEX A: OVERVIEW OF NON CSDP SECURITY ENGAGEMENT**

**The Seahorse Mediterranean project**

290. The overall objective of the Seahorse project is to increase the capacity of the authorities of the North African countries to tackle irregular migration and illicit trafficking by strengthening their border surveillance systems. The programme costs EUR 4.5 M and is totally funded by the EU and stems directly from the successful action being developed in Western Africa by Spain within the framework of Seahorse Atlantic network to prevent irregular migration and cross-border crime.
291. The specific objectives are to enhance the situational awareness of the authorities on the irregular migration flows and illicit trafficking originating in, transiting through or destined to their territories and in particular those taking place in their coastal regions and territorial waters, and; to reinforce their reaction capacity, both at national level and in cooperation with the other countries of the Mediterranean region, to preventing and tackling these phenomena including as regards the capacity to respond to emergencies requiring the search and rescue of stranded migrants or asylum seekers, with a focus on those embarking on dangerous journeys at sea.
292. The principal activities performed are: to establishing the Seahorse Mediterranean Network and to train officers of the border and migration authorities. The purpose of the Seahorse secure communication network in the Mediterranean is to exchange information on irregular migration by sea. This network is based on National Contact Points (NCP) in the concerned African countries that will be equipped through communication tools allowing their connection by satellite to the EUROSUR NCC for border surveillance in seven EU MS: Italy (which also hosts the Seahorse Med regional centre), Malta, Greece, Cyprus, France, Spain and Portugal. The project covers the procurement of equipment needed for setting up the secure network in the Northern African countries allowing their connection by satellite to the EUROSUR NCCs. Training of officers of the border and migration authorities of the North African countries involved in various issues, including maritime training (rescue and sea operations), border surveillance, repair and maintenance of patrol vessels, police codes of conduct, respect of migrants' human rights etc. The project started with the identification in each of the countries involved, of the public department to be named as the NCP within the framework of the Seahorse Mediterranean network.

**Security related cooperation and development**

293. The "European Union Emergency Trust Fund"(EUTF for Africa) aims to foster stability and contribute to better migration management, including by addressing the root causes of destabilisation, forced displacement and irregular migration. The EUTF is active in three regions in Africa: Sahel, Horn of Africa and North Africa, with a special focus on economic development, strengthening resilience, migration governance and management, and supporting improvements in overall governance.
294. Regarding Libya, the EUTF for Africa focusses on a) the management of mixed migration flows to Libya with implementing partners like IOM, UNHCR, UNDP and UNICEF; and on b) the improving border management, fighting against transnational trafficking and criminal networks and terrorism-related activities.
295. The EUTF has become the main tool in Libya with six programmes worth EUR 266 M having been committed so far for Libya. Actions funded under the EUTF for Africa are:
- Protection and sustainable solutions for migrants and refugees along the Central Mediterranean route (EUR 115 M out of which EUR 25 M are targeted to Libya) adopted on 26 February 2018 jointly between the three windows (Horn of Africa, Sahel & Lake Chad and North of Africa). This programme responds to the commitments made in the framework of the AU EU UN Task Force and will cover for the voluntary humanitarian return and reintegration of an additional 15,000 vulnerable migrants and the evacuation and eventual resettlement of 3,800 refugees and asylum seekers from Libya to Niger. It will be implemented by the IOM and UNHCR;
  - Recovery, Stability and socio-economic development in Libya (EUR 50 M) which will support the capacities of local public authorities and administrations in providing basic services. It will cover 24 Libyan municipalities, ensuring a wide and balanced coverage across the country. Implementing partners are the Italian Cooperation, the UNDP and UNICEF;
  - Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development programme (EUR 90 M). The program will be implemented by IOM, UNHCR, UNDP, GiZ and UNICEF);

**EEAS(2018) 835**  
*Limited*

- Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya programme (EUR 20 M) is aiming to step up efforts to tackle the migration situation in Libya with a focus on support for rescued at sea at disembarkation ports, alternatives to detention, voluntary return and reintegration as well as the provision of life-saving equipment, capacity building and training;
- Strengthening protection and resilience of displaced populations in Libya programme (EUR 6 M) focusing on protection and resilience of refugees, migrants, IDPs and host communities (implemented by a Consortium composed by Danish Refugee Council, Save the Children, CESVI, Première Urgence and International Rescue Committee);
- Supporting the establishment of an integrated border management system and fight against smuggling and trafficking in Libya (EUR 46.3 M as well as regional programme with UNODC).

296. Regarding the "Support to the Integrated Border and Migration Management in Libya"; the first phase of the programme (EUR 46.3 M) was adopted in July 2017 and signed on 8 December and is aiming at stepping up activities in support of the Libyan border and coastguards, to enhance their capacity to effectively manage the country's borders, to tackle smuggling and trafficking of human beings, perform search and rescue at sea and in the desert in a manner fully compliant with international human rights obligations and standards. This programme benefits from a contribution of the Internal Security Fund (DG HOME) worth EUR 1.8 M. The programme will be implemented by the Italian MoI and is co-financed by Italy (EUR 2.2 M). Activities in the first phase entail:

- Activity 1: Strengthening of the fleets of the GACS and the LNCG and enhancing the surveillance capacity in the coastal area in terms of patrolling, transportation and rescue in accordance with international law;
- Activity 2: Setting up of a basic Interagency National Coordination Centre and Maritime Rescue Coordination Centre for operations at sea and along the coastal area, and SAR activity;

**EEAS(2018) 835**  
*Limited*

- Activity 3: Assistance to the Libyan concerned Authorities with a view to enabling them to declare a Libyan SAR Region. Detailed design for the setup of a full-fledged MRCC in (vicinity of) Tripoli associated with proper communication facilities;
- Activity 4: Enhancement of territorial surveillance capacity of LBG along the southern borders, by means of a pilot project focusing on the area most affected by illegal crossings and other trans-border crimes.

297. Both EUBAM Libya and Op Sophia are already contributing to the activities mentioned above. EUBAM's focus is on activities 1 and 4; Op Sophia on 1, 3 & 4. Continued EU support to the programme 'Support to Integrated border and migration management in Libya' is foreseen.

298. Besides the EUTF contribution, the EU bilateral envelop under the ENI amounts to EUR 47 M. This amount is dedicated to fields of paramount importance for the stabilisation of Libya such as governance, health, civil society, youth and education. Besides migration, the main pillars underpinning DG NEAR interventions in Libya are the following:

- Institution building: This intervention entails contributions to the World Bank Trust Fund, which supports the institutions in the area of Public Finance management by providing training to 60 Libyan administrators to develop their public financial management skills and set-up a macro-fiscal unit in the Ministry of Finance assigned with the preparation of the consolidated budget;
- Health: Currently 3 ongoing health projects are funded under the ENI and 4 other projects with health components are funded under the EU TF for Africa;
- Youth: EU support in this sector is focusing on activities at municipal level on vocational training and offer an alternatives to joining militia groups or embarking in criminal activities;
- Economic Development aims to enhance entrepreneurship in Libya and attract and prepare young Libyans to start their own business and provide access to micro-finance facilities.

**Instrument contributing to Stability and Peace (FPI)**

299. The EU IcSP is funding 10 projects to support the stabilisation of Libya at a total of over EUR

30 M. IcSP actions focus on support to the implementation of the UN action plan for the stabilisation of Libya, notably through support to mediation and to the preparation of elections. In addition the IcSP supports reconstruction and rehabilitation of basic infrastructures and services through Mine Action and through fostering the cooperation and coordination between the GNA and municipalities within the framework of the Stabilisation Facility for Libya. In the framework of the instrument, support is also provided to OHCHR human rights monitoring and capacity building to address the situation of migrants in Libya.

### **European Border and Coast Guard Agency - Frontex**

300. The European Border and Coast Guard Agency (Frontex) has been assisting the MS through the multipurpose joint operations Triton and Themis to address irregular migratory flows across the Central Mediterranean.

301. Wider cooperation on the Libya dossier involves cooperation with Op Sophia via the exchanging of liaison officers, exchange of info, contribution to training LCG, and the European Observatory on Human Traffickers and Migrant Smugglers. Joint efforts with EUBAM are focused in the maritime domain (Maritime Sub-Working Group). The Europol cooperation entails systematic and timely cooperation with the information Clearing House established at Europol since September 2017.

302. In close collaboration between Frontex, Italy and EUBAM Libya, a joint pilot project on training of the GACS has been stood up. The three entities complement each other regarding the training of the GACS for which Frontex deals with the conduct of law enforcement operations at sea and SAR. The training will initially be given to 20 GACS crew members of vessels delivered by Italy and will last for 3 weeks in Italy after the summer. If the pilot is successful, continuation of this training is foreseen for all GACS crew members.

### **Europol**

303. Europol supports the 28 EU MS in their fight against serious international crime and terrorism. As large-scale terrorist and criminal networks, including those involved in smuggling of migrants and trafficking in human beings, pose a significant threat to the internal security of the EU, Europol is closely following developments in Libya and they are present, among other EU agencies, in the EU Regional Task Force based in Catania, Sicily to exchange information

on these criminal networks and liaise with Italian law enforcement. Furthermore, the establishment of an Information Clearing House on migrant smuggling within Europol, as foreseen in the Malta Implementation Plan, with the participation of EU MS as well as Op Sophia, Interpol, EUGENDFOR, and Frontex, is crucial to enhance information exchange and analysis with a view to better supporting MS' investigative activities in this complex crime field. Since enhancing cooperation and information sharing between CSDP missions/operations and JHA agencies is an ongoing priority for the EU, a pilot project of a Crime Information Cell is currently being hosted by Op Sophia, to improve information exchange between Op Sophia and JHA agencies. Europol does not currently have any representative based in Libya and the cooperation between EUBAM Libya and Europol could be further enhanced, including by further temporary deployments of Europol officers to EUBAM Libya.

304. Under the new legal basis in force as of 1 May 2017, Europol can negotiate working arrangements to formalise strategic-level cooperation. Europol can also receive personal data from a third country authority even without any kind of formal arrangement/agreement. However, to enable Europol to share personal data with a third country authority, there has to be an international agreement, negotiated by the Commission on behalf of the Union, on the basis of a mandate from Council, to provide a legal basis for the exchange of personal data between Europol and the third country. In this context, in December 2017 the Commission adopted recommendations to the Council to authorise the opening of negotiations for agreements between the EU and Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey respectively on the exchange of personal data between Europol and those countries' competent authorities. The negotiating mandates were adopted by the Council on 4 June 2018 and are very much data protection focused. The Commission is currently in the process of establishing preliminary diplomatic contacts with the eight countries.

### **Eurojust**

305. Eurojust stimulates and improves the coordination of investigations and prosecutions between the competent authorities in the MS, in particular by facilitating the execution of international mutual legal assistance and the implementation of extradition requests. Eurojust seeks to render the MS' investigations and prosecutions more effective when dealing with cross-border

crime.

306. In October 2016 a Eurojust contact point was established within the General Prosecutor Office of Libya to coordinate on international criminal matters and to enhance and improve the coordination of investigations and prosecutions between competent authorities in the MS in relation to serious cross-border crimes and for CT matters. In November 2016 the President of Eurojust met with the Prosecutor General of Libya at the International Criminal Court. Since then, contacts were made with CSDP mission EUBAM Libya and in March 2018 Eurojust sent in an invitation letter for a study visit to Eurojust to the Libyan authorities through EUBAM Libya. The study visit is planned for July 2018.

### **European Asylum Support Office**

307. The EU is working towards a Common European Asylum System. The European Asylum Support Office (EASO) supports its implementation by providing scientific and technical support to MS, particularly to those whose asylum and reception systems are under particular pressure. The objectives of EASO are to facilitate, develop and coordinate practical cooperation among EU States on asylum, to contribute to the implementation of the Common European Asylum System, to coordinate activities relating to information on countries of origin and to provide technical and operational assistance to EU MS subject to particular pressure on their asylum and reception systems.

308. While the central Mediterranean route is the main entry channel of irregular migration to Europe arriving from Libya, EASO is not currently participating in support activities in Libya. However, EASO exchanges information on arrivals with partners such as the Europol and Frontex.

### **Eurosur**

309. Eurosur is the information-exchange framework designed to improve the management of Europe's external borders. It aims to support MS by increasing their situational awareness and reaction capability in combating cross-border crime, tackling irregular migration and preventing loss of migrant lives at sea. The backbone of Eurosur is a network of National Coordination Centres, (NCC) - see also the topic on the Seahorse Mediterranean project. Each member state establishes an NCC, which groups the authorities responsible for border control

in a given member state. The main role of the NCC is to coordinate the border surveillance activities on national level and serve as a hub for the exchange of information.

310. The NCCs are also responsible for sharing the relevant information with other MS and Frontex. Based on this input and information from other sources, Frontex creates the European situational picture and the common pre-frontier intelligence picture (focused on areas beyond the Schengen Area and EU borders). In addition to maintaining and sharing the situational pictures, Frontex also provides information collected from satellites and other surveillance tools at the European level. Many of the services are delivered in cooperation with the European Maritime Safety Agency (EMSA) and the EU Satellite Centre (SatCen). The Eurosur Regulation contains a range of fundamental rights safeguards, including the principles of data protection and *non-refoulement*, or the practice of not forcing migrants to return to a state where they may be subject to persecution.

#### **EU Member States**

311. With a financial reserve of more than US\$ 50 billion Libya is not a "development" country seeking support from the international community. Support of the international community therefore focusses in many cases on rebuilding the state institutions, enhancing the Rule of Law and facilitating the democratic and inclusive process of installing a constitution and holding elections.

312. Though numerous MS have bilateral programs with Libya, many make use of implementing partners such as IOM or UNHCR.

313. The Netherlands has several strands in supporting Libya. Apart from numerous projects on human rights, stabilisation (the *Stabilisation Facility for Libya*) in Libya and migration (EUTF), the Netherlands is active on the political and security front. On the political side, the *Dialogue Advisory Group* and the *Centre for Humanitarian Dialogue* aim to enhance the dialogue between Libyan actors. The Netherlands also contributes to UNSMIL's project on "*promoting elections for the people of Libya*" which cooperates with the Libyan *High National Elections Commission*, and finally it sponsors the UNDP project 'AMEL' on the participation of women in the political process. On security and Rule of Law the Netherlands contributes EUR 1.5 M to the UNSMIL/UNDP *Security and Policing* project which supports the Tripoli

**EEAS(2018) 835**  
*Limited*

Security Plan and aims at reforming the MoI and starting the DDR process for militia members.

314. The UK is working in partnership with Libya to achieve prosperity, security and human rights for all. Areas of focus include promoting political processes, participation, and human rights; strengthening security, justice and defence; strengthening governance and strategic communications, and diversifying the economy and promoting prosperity. Active projects include the humanitarian and Health Assistance to Libya; and the Libya Technical Capacity and Economic Governance Programme under the Conflict Security Stability Fund. UK has also committed £75 M at the June 2017 European Council, to be funded from 2018-2020. It will provide humanitarian assistance and protection to migrants and refugees vulnerable in detention centres and the community through the IOM and NGOs.
315. France is supporting Libya on a number of tracks: humanitarian act and basic services – the stabilisation Facility for Libya and the EUTF ; strengthening public institutions and domestic security; promoting democratic dialogue; safeguarding cultural heritage, and developing initiatives for societal reconstruction. France is a keen supporter of SRSR Salame and the inaugural Versailles conference organised in August 2017, as well as the "Paris International Conference" to broker elections and force a break though in the Libyan political stalemate were clearly indicative of France's determination to support his efforts
316. In close coordination with other members of the international community, Germany support Libya state building. Germany's projects focus on the arms (including ammunition and mines) control, regional reconstruction, health, media and civil society besides the projects on the amelioration of the situation of refugees, migrants and IDP. The lion's share of the German support is provided via the UN (UNSMIL, Stabilisation Facility, electoral support) or the EU (EUTF). The humanitarian aid has facilitated UNHCR, UNICEF and the ICRC to support migrants and refugees.
317. On 10 January 2018 the Italian Embassy has been open for more than a year. The priority for Italy, as Minister of Foreign Affairs alluded during the anniversary is Libya's stabilisation with special reference to security, migration and the development of infrastructure. Italy has numerous projects in Libya, both bilaterally as within a UN or EU framework, but all in line with the 2017 MoU with Libya. Apart from the IT endeavours on border management (EUTF

funded), at the initiative of Italy and of the European Commission, in March 2018, the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa approved a EUR 50 M programme to provide socio-economic support to the population in 24 Libyan municipalities, in line with the bottom-up approach proposed by the SRSG Salamé. The programme aims to facilitate access to basic services by the population, especially the most vulnerable segments, including migrants.

318. Tangible support project by Italy are the field hospital deployed in Misrata; the refurbishment and delivery of patrol vessels for the Libyan coastguard; fielding the nascent Libyan NCC; financial support to development, humanitarian and emergency actions (including via UNHCR); and provision of a mobile tower at Mitiga airport in the view of constructing a new control tower and training the air traffic controllers / MRCC in Tripoli.

#### **EUROGENDFOR**

319. The need for knowledge on military police is pertinent in the development of the Libyan security structure starting with the Presidential Guard. The board of EUROGENDFOR (EGF) High Level Interministerial Committee (CIMIN) has withdrawn its planner in October 2017 from the EULPC. CIMIN is currently revisiting its contribution which could either be seconded to EULPC or EUBAM.

320. The added value of the EGF is the cross-over expertise between military and police which is not only beneficial for the EU but also for UNSMIL (SID) and UNDP such as in the project "Strengthening Local Capacity for Resilience and Recovery in Libya" and the model police station Hai Al-Andalus. The EGF could support the establishment of the police component of the PG by a layered training, mentoring and monitoring programme starting with the senior leadership. If requested and agreed by the member states of EGF, the EGF could work under EUBAM Libya or separately via an EU programme.

**ANNEX B: OVERVIEW OF NON EU ACTORS**

**United Nations**

321. The main UN actor for Libya is UNSMIL, an integrated Special Political Mission (SPM) established on 16 September 2011 by UN Security Council Resolution 2009 (2011) at the request of the Libyan authorities to support the country's new transitional authorities in their post-conflict efforts. UNSMIL's current mandate is stipulated by the latest UN Security Council Resolution 2376 (2017), which extended UNSMIL's mission until 15 September 2018. UNSMIL has 279 staff members, of which 196 are internationally recruited. Due to the prevailing security conditions in the country and concerns for the safety and security of the staff, UNSMIL temporarily evacuated by road from its premises in the OEA compound Tripoli to Tunis in July 2014. UNSMIL has been based in Tunis since then, but is gradually increasing its presence in Libya.
322. In accordance with the principles of national ownership, UNSMIL is mandated to exercise mediation and good offices to: (a) support key Libyan institutions; (b) support efforts to secure uncontrolled arms and to counter their proliferation; (c) support, upon request, the provision of essential services and delivery of humanitarian assistance; (d) monitor and report on human rights, and (e) coordinate international aid, including by providing advice and assistance for Government efforts to stabilise post-conflict zones, including those liberated from Islamic State in Iraq and the Levant (ISIL/ Da'esh). The Security Council also encourages UNSMIL to continue working towards re-establishing a presence in Tripoli and other parts of Libya, through a phased return, as security conditions allow and to make the necessary security arrangements to this effect in resolutions 2273(2016), 2291(2016), 2323(2016) and 2376(2017).
323. The Special Representative of the Secretary-General (SRSG) and Head of the UNSMIL Ghassan Salamé leads UNSMIL under the guidance and operational support of the UN Department of Political Affairs (DPA), (to be replaced by the: Department of Political Affairs and Peacebuilding (DPPA)). After taking on the position of SRSG and Head of UNSMIL on 22 July 2017, SRSG Salamé presented an Action Plan at a high-level event on Libya in New York on 20 September 2017. Shortly thereafter, the UN Security Council endorsed this Action

**EEAS(2018) 835**  
*Limited*

Plan for the resumption of an inclusive Libyan-owned political process under the facilitation and leadership of the UN.

324. The Action Plan aims at strengthening the security architecture through efforts to reunify the army under civilian oversight, but also through facilitating the security dialogue with the armed groups so as to include them in the political process. The other major question mark remains FM Haftar, whose military brinkmanship will fluctuate in function of his sense whether he can rise to power through a political deal.
325. On the political front, the SRSG expects to work closely with the Libyans on the following sequencing: political consensus on limited amendments to the LPA; a National Conference to open the doors to those that have been reluctant to join the political process; adoption of the Constitution by referendum, and holding general and presidential elections in 12-18 months. Strong Libyan ownership of the process is a prerequisite. The consultations between HoR and HCS on the LPA amendment initially started well but the process remains very delicate, as the inconclusive second round shows.
326. On building credibility in Libyan governance, the Action Plan envisages a need for strong Libyan public support and ownership of the institution-building process. . SRSG Salamé's plan to convene a National Conference (e.g. 'national meeting') gathering all previously excluded or self-marginalized stakeholders can provide this opportunity and may also become the only tool to push through the amendments to the LPA.
327. On coordinating international engagement, SRSG Salamé appealed to the international community to unite their efforts and various international initiatives in support of the UN single framework. For now, most international stakeholders, including those in Libya's neighbourhood, appear willing to work alongside Salamé
328. On economic recovery, SRSG Salamé's strong call for improving socio-economic conditions and provisions for goods and services reflects the deteriorating economic situation. In parallel, Salamé has called for an increase in humanitarian support to address immediate needs. UNSMIL is expected to take over the High Level Economic Dialogue – a process so far led by the US Embassy (supported by US Treasury, IMF and World Bank and a small group of EU MS). But it is the PC/GNA that really need s to take the tough decisions, including devaluation of the dinar and dismantling subsidies, especially on petrol, as these policies are

financially unsustainable besides contributing the clandestine economy and to widespread corruption.

329. Addressing the link between the political track, humanitarian assistance and development, SRSG Salamé singled out the Stabilisation Facility for Libya (SFL) as the prime tool to improve lives in the short term, in particular because the SFL is needed to be seen as impartial, operating across all regions. The EU, like other donors, is expected to significantly increase its assistance to this multi-donor trust fund that was specifically designed to support the internationally recognised GNA.
330. Regarding the security domain, UNSMIL has continued to engage with armed groups to widen the support for the LPA and enable closer coordination among security actors in Tripoli. With the assistance of the EULPC, UNSMIL continues to monitor police and army unit deployments, principally in Tripoli, to assess the security situation and the implementation of the interim security arrangements. UNSMIL also remains engaged on police reform and security sector development.
331. To address the challenges of security sector governance and provide greater support to the Libyan authorities, UNSMIL established the Security Sector Advisory and Coordination Division (SSACD), now renamed to Security Infrastructure Division (SID) with the main focus to demobilisation of armed groups in the Greater Tripoli area, while assisting in the reconstitution of legitimate state security forces. The SID advises the Libyan authorities on the formulation of policy in the security sector, provides some technical assistance and, where appropriate, helps to coordinate international efforts in the security sector. Other security actors in UNSMIL are the Joint Assessment and Reporting Unit reporting under the Chief of Staff responsible for intelligence reports, and the Senior Military Advisor to the SRSG.
332. With the signing of the LPA on 17 December 2015 and the establishment of the internationally-recognised Presidency Council in Tripoli in March 2016, the momentum for the “return” of the United Nations in Libya has increased. In January 2016, a UN inter-agency Needs Assessment Mission (NAM) recommended the deployment of a United Nations Guard Unit (UNGU) for the protection of UNSMIL compound and movement of senior UN officials. In late 2016, Nepal was identified as the contributing country for the UNGU and by March 2017 the Oea compound in Tripoli had been identified to serve as UNSMIL main premises.

**EEAS(2018) 835**  
***Limited***

The Oea compound has since been upgraded to enhance its security infrastructure ahead of the arrival of the UNGU. On 30 December 2017, the deployment of UNGU to the OEA compound in Tripoli was completed. As of 6 January 2018, UNGU had taken over full control of the compound security. UNGU consists of 230 personnel, including 26 medical staff, armoured personnel carriers, a canine unit, and heavy weapons. Although the UN was, as of 7 February 2018, allowed to expand its presence to other areas of Libya outside Tripoli it has remained focused in the Oea compound. The compound can host up to 450 UN Personnel including UNGU.

333. UNHCR advocates a universal right to seek asylum and find safe refuge in another State, with the option to eventually return home, integrate or resettle. During times of displacement, UNHCR provides critical emergency assistance in the form of clean water, sanitation and healthcare, but also transport and assistance packages for people who return home, and for those who resettle. For Libya, the overall objective in Libya is to improve protection and life-saving assistance to displaced people, refugees and asylum-seekers and host communities. Of the estimated 1.3 million people in need of humanitarian assistance 217,000 are IDPs and 43,000 are registered refugees and asylum-seekers. Currently UNHCR has access to 12 disembarkation points in western Libya. The work there focuses on providing life-saving assistance to people monitoring to identify those in need of international protection.
334. IOM is UN migration organisation that works to help ensure the orderly and humane management of migration, promote international cooperation on migration issues, and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people. One of the instruments used by IOM in Libya is the EU-funded Displacement Tracking Matrix which tracks and monitors population movements in order to collate, analyse and share information packages on Libya's populations on the move in Libya. Both IOM and UNHCR are involved in the tripartite EU-UN-AU Task Force on migration.
335. UNDP in Libya focuses on sustainable development, and democratic governance and peace-building. Since the outbreak of conflict in 2014 and the deteriorating humanitarian situation, UNDP continues to support Libya's transition to an inclusive political agreement, governance, stabilisation, economic recovery and resilience. UNDP implements the Stabilisation Facility for Libya (SFL) in collaboration with the GNA. The SFL is made possible by the contributions of 13 donors and focuses on rehabilitating critical infrastructure and enhancing

the capacity of local communities to take an active role in peace-building and to improve delivery of services to their citizens. Together with UNSMIL, UNDP has launched a Policing and Security Programme for Libya aimed at strengthening the politics and rule of law sector in the country, to ensure effective and democratic governance.

336. OHCHR's aim for Libya is to promote the rule of law and monitoring and protect human rights, in accordance with Libya's international legal obligations, including through assisting the Libyan authorities to reform and build transparent and accountable justice and correctional systems, a comprehensive transitional justice strategy, and providing assistance towards national reconciliation. The main activities therefore focus on: transitional justice, detained persons and prison reform, judiciary capacity-building, and support to human rights' advocacy.
337. OCHA, represented by the Humanitarian Country Team in Libya, will respond to the needs of the affected population and has identified three core strategic objectives in humanitarian response: save lives through safe and dignified access to emergency healthcare and essential medicines; protect the most vulnerable Libyan people, migrants, refugees and asylum-seekers, and save lives through safe and dignified access to multi-sector basic social services.

#### **African Union**

338. On 29/30 November 2017 the AU-EU summit was held in Abidjan (Ivory Coast). The AU EU summits are held on regular basis and refer to the joint action of how to improve stability and foster common security interests in the Euro-African region.
339. As a pull aside to the AU-EU summit, a meeting with the UN was held which resulted in the establishment of the joint AU-EU-UN taskforce on the migration situation in Libya. The core of the discussion was on the accelerated assisted voluntary return (AVR) of migrants stuck in Libya. This was a meeting without the Libyans. The AU showed true leadership and a pro-actively engaged in solving the migration crises in Northern Africa, esp. in Libya, which provided a window of opportunity in this dossier.
340. The goal of the Trilateral Task Force was to support an additional 15,000 assisted voluntary returns through IOM and 1,000 resettlements from Libya through the UNHCR's Emergency Transit Mechanism by February 2018. The long term aim is to the repatriation of all inmates from detention centres for migrants in Libya which will take at least 6 months.

341. During numerous follow up meetings, including a high level meeting with the HR/VP on 14 December 2017, numerous obstacles were identified such as the lack of identity documents, consular support and airplane capacity. Despite this the short term goal was achieved. The long term goal is and will not be achieved as long as the migrants will keep entering Libya from the south.

### **Tunisia**

342. The destabilising influence of the crisis in Libya has hit neighbouring Tunisia severely – both in terms of lost revenue in trade, as well as through a significant surge of Libyan refugees in Tunisia. The border between the two countries remains porous and difficult to control, with heavy smuggling and contraband, notably of petrol occurring. The return of Tunisian terrorist fighters from Libya and Syria also remains a cause of serious concern for Tunis. The danger of increased radicalisation for marginalised Tunisian youths is consequently high.

343. Migration is not an urgent threat for Tunisia, but Tunisian authorities remain concerned about the crisis in Libya, which could cause a flow of migrants to the country. Tunisia remains opposed to the creation of migration centres on the Tunisian soil. The EU has offered support to Tunisia to finalise a national migration strategy that would inter alia cover also the right of asylum and the protection of migrants.

344. On migration more generally, the Mobility Partnership concluded with Tunisia in March 2014 helps provide an integrated and structured framework for policy dialogue and better management of operational and financial support provided to Tunisia. The number of irregular migrants from Tunisia to Italy has expanded six times over, from 1000 in 2015 to 6000 in 2017. The tempo of negotiations has picked up on a visa facilitation agreement and a visa readmission agreement, though progress on substance remains slower. The EU is ready to offer support on broader border management and security issues and has encouraging Tunisia to join the Seahorse network.

### **Egypt**

345. Egypt is an important partner for the EU and its sustainable stability and development are key for the region and for the European cooperation with its Southern Neighbourhood.

346. Egypt's main concern remains to secure its Western border and to protect it against a spill-over from the terrorist threat. In this context, Egypt has facilitated six rounds of talks to reunify the Libyan army and to establish a "professional army without political, religious or regional affiliation to protect the civil state" and most importantly its Western border. Under Egyptian auspices an agreement (still unpublished) has been reached on the military structure, with job descriptions and positions. Egypt also considers that the military track has been much more successful than the political track and these two tracks shouldn't be linked to each other, to avoid the military track to lose traction. Egypt remains the most influential interlocutor in Eastern Libya and it could exert pressure on FM Haftar and HoR Speaker Aqilah Saleh to make them accept the UN's principles for a political solution based on power-sharing. Their reluctance to engage constructively is among the main obstacles on the road to reshuffling GNA and reaching a comprehensive political agreement.
347. Under President Sisi's auspices, Egypt has been engaging in an extensive foreign policy outreach at bi- and multilateral level and has reaffirmed its important regional role. The country has been elected to chair the AU Assembly of Heads of State and Government for a one-year term in 2019, as well as one of the vice chairs of the UN Disarmament Commission, representing the African continent (2018-2020). Egypt's direct security and economic interests in Libya and its important role within the LAS and the African Union have also implications for the success of the Quartet.
348. On migration, Egypt is a country of destination and transit for an estimated 1 million of migrants, as well as asylum seekers and refugees but it is also a country of origin of migrants. As of 31 January 2018, a total of 221,675 refugees and asylum-seekers are registered with UNHCR Egypt. The total number of registrations is growing due to both increasing levels of vulnerability as well as new arrivals. Although migration from Egypt is not a major issue today (only 79 departures to the EU in 2017 compared to 12,766 in 2016) there is a risk that it will become a real concern in the near future, due to demographic pressure and a deteriorating socio-economic situation. The EU-Egypt Migration Dialogue launched in Cairo in December 2017 as part of the EU-Egypt Partnership Priorities 2017-2020, offers the possibility to build stronger and more strategic cooperation on migration. Egypt will also be key to obtain positive results on migration in Libya in the tripartite task force (AU-EU-UN) established in the margins of the AU-EU Summit last November.

349. On security and CT, Egypt's challenges are mostly related to the presence of ISIS-affiliated groups in the Sinai Peninsula. The mainland is also more and more regularly the scene of attacks, with the Coptic minority being a regular target. Egypt maintains its military and police Operation Sinai, which is currently extended to the Western borders and areas in the Nile Delta and Upper Egypt. The EU-EG Stability Cluster that took place in Cairo on the 15th of March 2018 confirmed both sides' keenness to strengthen cooperation in the area of border control. This remains, nonetheless, at an exploratory stage, with a number of interactions between Op Sophia and the Egyptian authorities on possible arrangements (role 3 hospital, flag state consent and focal points) as well as exchanges of visits between Frontex and the Egyptian authorities to explore possible areas of cooperation.
350. The August 2013 FAC conclusions (subsequently confirmed in 2014) restricting security assistance to Egypt remain in place.

## **NATO**

351. In 2016 a Joint Declaration was signed cementing the strategic partnership between the EU and NATO and energising the enhancement of concrete areas of cooperation between the two organisations such as countering hybrid threats; operational cooperation including at sea and on migration; cyber security and defence, and defence capabilities.
352. HR/VP Mogherini on 27 April joined foreign ministers from all NATO countries to discuss how NATO and the EU can cooperate more closely to build stability. EU-NATO cooperation constitutes an integral pillar of the EU's work aimed at strengthening European security and defence, as part of the implementation of the EUGS. It also contributes to Trans-Atlantic burden sharing. A stronger EU and a stronger NATO are mutually reinforcing.
353. Regarding Libya, EU and NATO have operational cooperation between Op Sophia and Op Sea Guardian. On the topic of NATO possible (in extremis) support to the UN and on the potential Defence Capacity Building, the EU provides a liaison platform via the actors in Tunis.

**United States of America**

354. Whilst the main focus of the US is on CT cooperation, the US administration has intensified contacts with the Libyan authorities culminating with the visit of PM Serraj to Washington DC in December 2017. The visit included a bilateral meeting with President Trump but also meetings with the State Department in the context of CT and links with the sub-Saharan Africa.
355. Ongoing US activities regarding Libya are related to sanctions designation by the US Treasury of several persons and entities accused of oil smuggling from Libya; the preventing smuggling of antiquities and cultural artefacts, and the provision of tailored training for customs and police.
356. Support in the security remit focusses on training and equipping the Tripoli Joint Operation Cell (JOC) and key leader engagement via seminars and multinational exercises (e.g. AFRICAN LION).
357. The US has recently signed a framework agreement with the Libyan authorities on possible extensive support in the fields of justice, police, corrections and border security.

**INTERPOL**

358. Libya has been a member of INTERPOL since 1954 and was amongst the first Arab states to join the organisation. In 2014, the transfer of information from INTERPOL was frozen due to violations of the INTERPOL regulations. At that time, the Minister for Justice signed international arrest warrants and not, as required under INTERPOL regulations, the chief prosecutor. The EU funded and INTERPOL implemented project Enhance Risk Detection and Crime Investigation Capability (RELINC) was also suspended in 2014.
359. The National Central Bureau (NCB) for INTERPOL in Libya has collected intelligence on approximately 13,000 persons, including suspects of various crimes and missing persons. The NCB is also active in tackling violations against the protecting cultural heritage, in close cooperation with UNESCO. The main obstacle for communicating with the INTERPOL network is the lack of equipment within the NCB, the LIS and the GID. Currently NCB has access to all INTERPOL services but still cannot send out international arrest warrants.

**EEAS(2018) 835**  
*Limited*

360. Libya also cooperates in the Arab Criminal Police Office, which is an INTERPOL-like organisation for Arab States with much the same tasks as INTERPOL itself. The benefit of the organisation seems to be closer and more rapid cooperation between Arab states. The headquarters of the Arab Criminal Police Organisation under the Arab Ministerial Council is located in Tunis, under the Organisation of Arab MoIs. Thematic focal points are located in Tunis for OC and in Saudi Arabia for CT.

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