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Strategic Review of Operation EUBAM Libya – 2021

REFERENCES:

- A. COUNCIL DECISION (CFSP) 2018/2009 of 17 December 2018 amending and extending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya);
- B. Strategic Review on EUBAM Libya – EEAS (2020) 397 07 April 2020;
- C. Strategic Review on EUNAVFORMED IRINI – EEAS (2020) 13878 10 December 2020;
- D. EUBAM Libya Six-Monthly Report (2020) 10382 01 September 2020
- E. UNSC Resolution 2510 (2020) of 12 February 2020 on the Berlin Conference;
- F. Operational Plan for the CSDP Mission EUBAM Libya EEAS (2020) 15023 30 November 2018;
- G. Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the establishment of a Civilian CSDP Compact 14305/18 19 November 2018;
- H. Suggestions for crisis management procedures for CSDP crisis management operations of 18 June 2013, ST 7660/2/13.

I. EXECUTIVE SUMMARY

1. The outbreak of violence in Libya in April 2019 has severely affected institutional reunification and stability in Libya. However, the UN SRSG's three-step plan and the subsequent international conference in Berlin held on 19 January 2020 supports paving the way for intra-Libyan talks and conflict resolution. Elections have been announced for the 24 December 2021 and a Ceasefire Agreement was signed on 23 October, although its provisions (notably the withdrawal of all foreign fighters and the setup of a ceasefire monitoring mechanism) have not yet fully materialised. On 5th February, the 74 members of the LPDF selected a transitional unified executive authority for Libya composed of Abdul Hamid Mohammed Dbeibah as the Prime Minister and Mohammad Younes Menfi as the head of the Presidential Council. Menfi will serve with Mossa Al-Koni, and Abdullah Hussein Al-Lafi as vice-presidents in the Council. The process for the nomination and parliamentary endorsement of a new transitional government should be finalised by 19 March 2021.
2. The EU strongly supports the implementation of the Berlin process for Libya and the UN-led efforts to push for progress in the intra-Libyan talks on the political process, security and economy. As a decisive step, the EU launched EUNAVFOR MED Operation IRINI. In addition, the Council expressed the EU commitment to support the operationalisation of each of the six thematic baskets agreed at the Berlin conference.
3. The political situation and the outbreak of the COVID-19 pandemic has significantly affected the deployment and activities of a number of international actors throughout Libya. The security situation remains of concern in the country, and even more with regards to human rights and gender. Border management, counter-terrorism and fight against organised crime continue to show severe lacks. The current threat rating assessed as "high" in Libya, the political and security situation, as well as the current COVID 19 pandemic are likely to continue hampering the international support to the peace process in Libya.
4. International efforts to stabilise the country through the full implementation of the Berlin process are led by the UN Support Mission in Libya (UNSMIL), under the principle of national ownership. UNSMIL is mandated to provide for the coordination of international assistance, advice and assistance to the internationally-recognised Government of National Accord (GNA) to consolidate the governance, security and economic arrangements of the Libyan transition process.

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5. The EU is actively engaged in support to the UN-led efforts both through CSDP (and the EULPC) and cooperation/financial support. The EU Liaison and Planning Cell provides significant support to UNSMIL and EU on security analysis. In addition, EU Member States are engaged in Libya on a bilateral basis or in support to broader actions. International actors are also involved in an increasing manner. Some international actors' involvement include defence and military support at various degrees.
6. While there has been considerable progress made by the Mission in implementing its mandate, the security and political environment and the COVID-19 pandemic have severely affected EUBAM's efforts to fully achieve its objectives. EUBAM Libya remains, however, a credible and high profile actor amongst its Libyan counterparts and within the international community. It is deployed in Tripoli and implemented activities when many others have not been able to do so.
7. EUBAM's support has, to date, been limited only to the (internationally recognised) GNA which has prevented EUBAM from exploring the possibilities to support other relevant Libyan non-State actors (where there is little or no GNA control or presence, including in the Eastern part and the South). The recent election of a new interim executive authority, welcomed by the international community, may address this gap in the future. However, at the time of drafting this SR, the appointment of a new government and its endorsement by the Parliament has not yet taken place and uncertainties remain on future political developments.
8. Looking at possible future scenarios for Libya, there remains a degree of uncertainty in regard to a possible ceasefire and a political process leading to the establishment of a unity Government, despite the selection of an interim executive authority on 5th February. Much will depend on the progress of the UN Action Plan and the Berlin process, but should there be a political breakthrough, good opportunities should arise for further enhancing the contribution of EUBAM Libya in the implementation of the Berlin Process.
9. This review looks to identify opportunities which could derive from improvement in the political and security conditions in Libya and progress within the framework of the Berlin process. The Mission mandate should allow appropriate flexibility and readiness in responding to emerging needs in the future.

Therefore, it is recommended:

- To extend EUBAM Libya's mandate for two years until 30 June 2023;

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- To amend EUBAM's Libya's mandate with the addition of a second strategic objective to support the UN-led efforts as a visible sign of the EU's commitment to operationally contribute to the outcomes of the Berlin process:
 - o Strategic Objective 1 - EUBAM Libya is to assist the relevant Libyan authorities in the building of state security structures in Libya, in particular in the areas of border management, law enforcement and criminal justice, with a view to contributing to efforts to disrupt organised criminal networks involved notably in smuggling migrants, human trafficking and terrorism in Libya and the Central Mediterranean region.
 - o Strategic Objective 2 - Within the scope of its core areas of engagement (law enforcement, border management and criminal justice) EUBAM Libya is to contribute to the UN-led efforts for the peace process in the country.

As for Strategic Objective 2, the Mission may provide additional support on the basis of a dedicated strategic analysis to be conducted by the EEAS and presented to the Council for decision.

- To coordinate with Operation IRINI and EULPC as appropriate and seek best ways of cooperation and mutual support, as well as with CSDP Missions and Operations in Sahel.
- To coordinate as well, with the same purpose and as appropriate, with other EU actors engaged in Libya, including EU-funded projects.
- To continue to implement relevant and appropriate commitments of the Civilian CSDP Compact.
- To continue the dialogue with the Libyan authorities to secure the legal status of the Mission (SOMA).

II. INTRODUCTION AND BACKGROUND

10. This Strategic Review (SR) of EUBAM Libya assesses the progress of the Mission in implementing its current mandate and the relevance of its mandate in regard to the political and security situation in Libya as well as what other actors are or intend to do in the country and region. This SR also looks to identify opportunities for continued engagement in Libya and sets out recommendations for the way ahead. Finally, it provides an outline of the EU Liaison and Planning Cell (EULPC) activities and informs on its potential ways forward.
11. The SR has been conducted against the backdrop of a much-changed context, due to the progress of the Berlin Process for Libya, the evolution of the conflict dynamics, and the agreement on a country-wide ceasefire reached between the parties on 23 October 2020.
12. The current mandate of EUBAM Libya will expire on 30 June 2021. A decision by Member States on the future of the Mission needs to be taken in light of Council working group discussions on the findings of this SR and the broader political and security situation in Libya, the Central Mediterranean and the surrounding region.
13. The last EUBAM Strategic Review was presented to the Member States on 7 April 2020, but was not discussed in substance: PSC took note of the SR and a one-year “technical” extension was granted, with an “unchanged mandate”. This SR is, therefore, based on the EUBAM mandate adopted by the Council in June 2018, also taking into consideration the main findings of the last SR distributed to Member States in April 2020.
14. The SR has been conducted in compliance with the "Suggestions for crisis management procedures for CSDP crisis management operations - June 2013" and under the responsibility of the High Representative (HR).

III. SITUATION – GENERAL CONTEXT

a) Changes on the ground

➤ Political situation

15. The outbreak of violence in Libya in April 2019 severely hampered institutional reunification and stability in support of the 2015 Libyan Political Agreement and the 2017 UN Action Plan. As a result, the political priority shifted to rallying international and Libyan support to agree on a permanent cessation of hostilities.

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16. During the United Nations 74th General Assembly in New York in September 2019, the then UN Special Representative of the Secretary General (SRSG) Ghassan Salamé presented a three-step plan, convening, *inter alia*, an international conference on Libya followed by an intra-Libyan meeting. The plan of an international conference ultimately resulted in the Berlin Conference, held in the German capital on 19 January 2020, with the participation of the Governments of Algeria, China, Egypt, France, Germany, Italy, Russia, Turkey, the Republic of the Congo, United Arab Emirates, the United Kingdom and the United States of America, as well as the United Nations, the African Union, the European Union, and the League of Arab States.
17. The Berlin Conference, endorsed by the subsequent UNSCR 2510, and the plan for a new conference in Libya, namely the Libyan-Libyan dialogue, resulted in the establishment of three negotiating tracks, which started to meet in February 2020: the Joint Military Committee (JMC, also known as 5+5); the economic track; and the Libyan Political Dialogue Forum (LPDF).
18. The Libyan Joint Military Committee negotiations led to a Ceasefire Agreement, signed on 23 October 2020 in Geneva, which provides for an overall framework and calls for the withdrawal of all foreign mercenaries and the suspension of foreign trainings within 90 days. It foresees the establishment of a demilitarised zone in central Libya and the creation of a Joint Police force to operate in the area. Sub-committees composed of the two sides are expected to finalise a ceasefire implementation plan, including a ceasefire monitoring mechanism to be supported by the international community. However, discussions on the form of a possible ceasefire monitoring mechanism, and on the support that the UN and the international community would provide thereto, are still ongoing. The EU continues to engage with the UN to gain a better understanding of a possible ceasefire monitoring mechanism and identify the best way to support it.
19. The Libyan Political Dialogue Forum convened in person in Tunis in November 2020 and approved a Roadmap leading to national elections on 24 December 2021. On 5th February, the 74 members of the LPDF selected a transitional unified executive authority for Libya, composed of Abdul Hamid Mohammed Dbeibah as the Prime Minister and Mohammad Younes Menfi as the head of the Presidential Council. Menfi will serve with Mossa Al-Koni, and Abdullah Hussein Al-Lafi as vice-presidents in the Council. This interim executive

authority shall form a Government within 21 days, and another 21-day period is foreseen for the endorsement of this Government by the House of Representatives. If all goes as planned, the process should be finalised by 19 March 2021. However, at the time of drafting of this SR, uncertainties remain on the parliamentary endorsement and on the next political and institutional developments.

20. In parallel, four international Berlin Working Groups have been established: an International Follow up Committee, tasked to coordinate messages and oversee the implementation of the Berlin conclusions in four working groups on Security, Economy, Politics and Human Rights and International Humanitarian Law (HR/IHL). The EU co-chairs of the Economic Working Group together with the US and Egypt. Turkey and Russia have lately sought a rapprochement, which could point at the possibility that they are trying to reach a mutual understanding preserving their respective interests, including in Libya.
 21. The EU strongly supports the implementation of the Berlin Process. On the 17th February 2020, EU Foreign Ministers confirmed their commitment to support the implementation of the UN's arms embargo through the launching of a new executive military CSDP operation. The decision to establish EUNAVFOR MED Operation IRINI was taken by the Council on 31 March 2020. In addition, the Council expressed its commitment to potential support to the operationalisation of six thematic “baskets”.
- Security situation
22. The 14 months-long military confrontation in Libya between spring 2019 and June 2020 has had a significant impact on the deployment and activities of many international actors – especially in Tripoli, where the UN, its Agencies, EU Member States and the EU (through EUBAM, EUDEL and the EU Liaison and Planning Cell-EULPC) have had to minimise their presence. The dependency on the Tripoli Mitiga airport remains a critical vulnerability for the EU and international presence in Tripoli. The airport was regularly targeted by the Libyan Arabic Armed Forces (LAAF), and civilian use has been severely restricted.
 23. The security situation in Libya has, however, improved in recent months since the attack on Tripoli was repelled by the forces of the Government of National Accord (GNA). A *de facto* truce was established in June 2020, and Sirte/Jufra axis has become the frontline between the two sides, with an increasing level of fortifications. International efforts have thus focused on demilitarising the area of central Libya, stretching from Sirte to Jufra.

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24. The end of military activities has gradually led to the reopening of the Tripoli Mitiga airport and allowed for some return of international presence in Tripoli, including by EUBAM, EUDEL and some Member States - although the COVID-19 pandemic has limited this return.
25. Despite the 23 October Ceasefire Agreement, the security situation in Tripoli and beyond remains fragile. Other vulnerabilities relate to the fragility of the security arrangements on the Western Coastal Road between the Palm City compound (hosting the international community) and the Tunisian border, and on the Eastern Coastal Road from Tripoli to Misrata. The latter has suffered recently from criminal activity and armed clashes, and the former remains volatile due to alliances between armed groups controlling the Janzour area and its surroundings.
26. Despite the efforts to stop the violations of the UN arms embargo, foreign interference has continued with significant Turkish and Russian military build-up, notably through the delivery of heavy weaponry, mainly by land and air, but also deployment of foreign mercenaries. Following continuous UN arms embargo violations, the EU has imposed further sanctions on the entities and individuals involved in the UN arms embargo violations.
27. The GNA is trying to integrate militia and raise the military standards with Turkish help, while they are prosecuting and arresting “corrupt” officials within its lines, some of them with links to supportive militias and tribes. This has resulted in increased clashes between militias, with the Government’s intention not to lose cohesion against the LAAF and negotiation power in the ongoing political talks.
28. The social unrest due to water and fuel shortage and frequent power cuts has an impact on the overall security situation. Partly due to the loss of income from the oil industry, the living conditions of the population are deteriorating, exacerbated by the COVID-19 pandemic. This has subsequently led to spontaneous demonstrations that where, initially, ended by use of force. Demonstrations ended with the imposition of lockdowns and curfews justified as responding to Covid-19. In December 2020, a devaluation of the Libyan Dinar agreed between eastern and western authorities went into effect in January 2021, causing sharp drops in the purchasing power of salaries (denominated in LYD) and a steep rise in some prices, given that Libya imports most of its consumer goods in dollars or euros.
29. The situation in the South also remains volatile. The agreement from 31 May 2018 on strengthening the cooperation on border security and surveillance between Libya, Niger,

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Soudan and Chad has yet to materialise in practical terms. Ongoing intra-communal (Tebu, Tuareg, Chadian/Sudanese Mercenaries) fighting and the local repercussions of the rivalry between the GNA and the LAAF through their proxies are also a source of concern.

➤ Migration

30. Addressing migration remains an important part of the EU's engagement in Libya. EU activities and advocacy, together with the UN and the AU, have continued to focus on an integrated approach, aimed at saving lives, protecting the most vulnerable, supporting host communities, and putting an end to the current arbitrary detention system in Libya, including via alternatives to detention.
31. The Libyan Coastguard and Navy (LCG&N, Ministry of Defence) continued to be active in the conduct of search and rescue operations, while the General Administration for Coastal Security (GACS, Ministry of Interior) also intervened towards the end of 2020. In 2020, 11,891 people were intercepted/rescued in different locations along the Libyan coast, compared to 9,225 rescued in total during 2019. In January 2021, 478 migrants were intercepted/rescued and brought back to Libyan shores. Decreased figures of departures from Libya since 2018 coincide with the retreat of coastal militias from smuggling and human trafficking, with many adopting a law-enforcement role, trying to consolidate positions and gain legitimacy at national level. However, smuggling patterns have continued on the Western coast within smaller smuggling outfits operating under the loose cover of local governors and law enforcement.
32. As of end of January 2021, the total population of registered asylum-seekers and refugees is 44,199. Estimates indicate a decreasing presence of migrants in Libya, with around 574,000, mostly from neighbouring countries such as Niger, Chad and Sudan, against 653,000 identified beginning of 2020. Three quarters of them are estimated to be working. The decline in the number of migrants coincides with the start of the COVID-19 pandemic and the associated socio-economic impact and mobility restrictions.

➤ Smuggling and trafficking

33. Libya has become the main location for trafficking and smuggling routes from Sub-Saharan Africa to many Middle Eastern and North African countries and Europe. The geographical location of Libya, covering some of the oldest trans-Saharan trade and smuggling routes, combined with very weak or no border control, provide ever increasing opportunities for

organised crime. In addition to the very structured organised criminal groups which operate in the country (mostly in human trafficking), a myriad of smaller groups exist that collaborate with each other only for one or a small series of smuggling operations. The main source of income for organised crime groups in Libya is generated through migrant smuggling and human trafficking. Other illicit activities include the smuggling of subsidised goods, drugs, weapons, which are all inter-connected and interdependent, but have different strategic importance.

34. The wide range of groups and networks currently involved in trafficking in human beings and migrant smuggling in Libya and between North Africa and Europe makes it difficult for law enforcement agencies to adopt a systematic and standardised approach. Approaches to combating trafficking in persons and smuggling of migrants are also relatively new to criminal justice practice in Libya.

➤ Counter-Terrorism

35. The outbreak of fighting in April 2019 has impacted Da'esh, as well as Al Qaeda (AQ)-related entities to a lesser extent. The disruption of local social and power dynamics due to the ongoing conflict provided them with opportunities for reaffirming their presence in Libya, but they both suffered defeats in 2019 and 2020 and failed to exploit the momentum. Da'esh capabilities to coordinate actions and maintain a presence in Libya were heavily impacted by Libyan military operations in the Central region and airstrikes from AFRICOM in the South at the end of 2019. No major attacks related to Da'esh were recorded in 2019 and 2020. Nevertheless, the security situation throughout the country remains fragile, as illustrated by an unclaimed, but particularly significant, attack on an UNSMIL convoy in Benghazi in August 2019, where three UN staff members were killed.
36. The current conflict entails a risk of radicalisation among the (young) population. An Islamist posture remains mainly rhetoric, but both sides of the Libyan conflict rely on certain units composed of Madkhali-Salafists or hard-line Islamists who could gain legitimacy from their involvement in support to one side or the other. The spread of repression of the freedom of speech within the Libyan society remains a concern. Furthermore, operations led by “morality guided” units against “deviating behaviours” in the Western and the Eastern regions regularly occurred during 2019 and 2020.

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37. International pressure on Libya to act against terrorist groups is high. In 2020, the National Counter-Terrorism Strategy was developed and endorsed by the Presidency in late November 2020. However, pending its official release and the implementation of the Strategy, the fight against terrorism and violent extremism will remain fragmented among different players overseeing different areas, both in the civilian, military and Prosecution spheres, with a severe lack of coordination. The Libyan Minister of Interior of the GNA has expressed an interest for the establishment of a Political Dialogue on CT with the EU.

➤ Human Rights and Gender

38. Gross violations and abuses of human rights and international humanitarian law, including summary executions, enforced disappearances and torture, continue to be committed throughout Libya with almost total impunity. Attacks against civilians and civilian infrastructure have been committed on a wide scale since the conflict broke-out, all in blatant violation of international humanitarian law. Since April 2019, the rights of civil society activists and human rights defenders were clearly further curbed, with the right to freedom of association and speech drastically targeted. Linked to this has been the extensive use of fake media campaigns to advance military aims since the outburst of fighting in April 2019. On 9 November 2020, gunmen killed Hanan Al Barassi, a female activist, the last in a series of murders of activists. In December, the GNA started implementing Decree 286 (signed in 2019) which severely restrict the freedom of CSOs to deal with foreign donors and receive funds. OHCHR reports confirm that migrants and refugees continue to be systematically subject to arbitrary detention and torture in official and unofficial places of detention. Sexual violence, abduction for ransom, extortion, forced labour and unlawful killings are reported to be widespread. According to the UN, perpetrators of violations include government officials, members of armed groups, smugglers, traffickers and members of criminal gangs. This situation applies not only to migrants detention centres but concerns as well ‘formal’ prisons under the MoJ and ‘informal’ prisons under militia control. Only one official detention centre, the Tariq al-Sikkah centre, employ female guards.

➤ State of play regarding Border Management, Law Enforcement and Criminal Justice

39. The security and political situation in the country and the current pandemic inhibits travel and prevents actors engaged in Libya from determining the extent to which the GNA controls the relevant parts of the security sector, both geographically and in terms of functionality.

Communication lines at technical level are open and cooperation continues between border management, law enforcement and criminal justice actors in the West and the East of the country. The South is more of a challenge, especially when it comes to border management. Security agencies did not adequately complete the integration of former revolutionary or post-revolutionary fighters within their ranks. The absence of comprehensive capacity building programmes for those newly integrated personnel has had a negative impact on their level of institutional and operational capacity.

40. Prosecutors, judges and lawyers continue to work in a difficult security and operational environment. The level of training of the judiciary (especially for its leadership and mid-management) is currently inadequate to meet the needs of the population, and provisions ensuring political control over the judiciary limit its independence. While criminal courts are in place throughout the country, they are not functioning properly, especially in the South. The lack of active and independent courts has contributed to raising the recourse to informal settlement methods and tribal-based justice proceedings.
41. Legal representation for defendants and victims is in principle available across the country, with varying degrees of functioning in the different regions. Capacity building is required to improve access to justice and the respect for human rights principles. The Judicial Police, responsible for the management of correction and rehabilitation centres, needs strong capacity building support, especially training, including on international human rights standards. The Libyan Penal Code and Criminal Procedural Code are outdated and not in line with international standards and conventions, and are being reviewed with ongoing support from UNODC.

b) Overall threat assessment

42. The political and security situation in Libya remains fragile and it will likely remain instable in the midterm. The military situation is calm but the ceasefire agreements are not fully implemented, with the risk of further mistrust or even resume of hostilities. The warring parties are awaiting and trying to reach agreed political decisions. Despite the current low intensity contacts, forces continued to maintain their military presence with ongoing patrols along the disputed areas and to build new fortifications in facilities and trenches in basic positions. The current frontline positions fall within areas where the density of the population is low. Both the GNA and the LAAF can still use most of their military equipment the way

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they would do in an open war environment. However, coming nearer to more densely populated areas will likely change the type of warfare conducted. The proliferation of semi-autonomous armed militias has led to a rise in crime in most areas, including kidnapping, violent robbery or fights among rivalries for local power. The level of the threat for EUBAM in Libya is “HIGH”.

43. In Tunisia, the political and security situation has been significantly worsening in the early 2021 and the government reshuffle did not suffice to calm down the social instability. Protests are ongoing in the main towns as people struggle with the serious economic crisis worsened by Covid-19 pandemic. The level of the threat for EUBAM in Tunisia is “MEDIUM”.

The surge in violence in Libya in April 2019 has severely affected institutional reunification and stability in Libya. The UN SRSG's three-step plan and the subsequent international conference in Berlin held on 19 January 2020 supports paving the way for intra-Libyan talks and conflict resolution. Elections have been announced for the 24 December 2021 and a Ceasefire Agreement was signed on 23 October, although its provisions (notably the withdrawal of all foreign fighters and the setup of a ceasefire monitoring mechanism) have not yet fully materialised. The EU strongly supports the implementation of the Berlin process for Libya and the UN efforts to push for progress in the intra-Libyan talks on political, security and economy tracks, including through the launching of EUNAVFOR MED IRINI. In addition, the Council expressed the commitment to support the operationalisation of each of the six thematic baskets agreed at the Berlin conference. The political situation and the outbreak of the COVID-19 pandemic impacted the deployment and activities for number of international actors throughout Libya. The security situation remains of concern, even more as regards to human rights and gender. Border management, counter-terrorism and fight against organised crime continue to show severe lacks. The current threat rating assessed as "HIGH" in Libya, the current situation, as well as the COVID 19 pandemic are likely to continue hampering the international support to the peace process in Libya.

IV. OVERVIEW OF ACTIONS UNDERTAKEN (Annex A)

a) Overview of EU engagement

44. The EU is prominent in supporting the UN in implementing the Berlin conclusions, and plays a pivotal role in the post-Berlin International Follow-up Committee and the four working groups on the political process, security, economy and International Humanitarian Law. The

EU is also assisting the operationalisation of the Berlin Process through financial support. Notably, the first meetings of the Committees established on the occasion of the Berlin Conference of 19 January 2020, as well as most of the track-2 efforts (Security) held in 2020, have been financed by the EU through the Instrument contributing to Stability and Peace (IcSP).

45. **Cooperation-financial support (see ANNEX A):** DG NEAR programmes supporting Libya amount to over EUR 550 million during the 2014-2020 period through the European Neighbourhood Instrument (ENI) and the EU Emergency Trust Fund for Africa (EUTF). The EU is also supporting crisis response in Libya through projects, with EUR 43,75M under the IcSP, including support to mediation, conflict monitoring and human security as well as preparation of the elections planned on 24 December 2021. Funded by the EU under the EU's Instrument contributing to Stability and Peace (IcSP), the CT MENA project covers also Libya. Libya is as well one of the countries beneficiary of the DG HOME Regional Development and Protection Programme (RDPP) North Africa (protection pillar under AMIF-Union Actions) implemented by a consortium of EU MS lead by the Italian Ministry of Interior.
46. CSDP contribution to stability and peace in Libya has initially focused on improving Libya's capability to manage its borders. While support to border management remains an important aspect of the EU's engagement, in particular through EUBAM, the Berlin Conference created a new momentum for enhanced support from the EU, with a particular focus on creating the conditions for the return of peace and stability to Libya. This led to the closure of Operation Sophia and the launch of Operation EUNAVFOR MED IRINI on 31 March 2020. **Operation IRINI**, with its core task of contributing to the implementation of the UN arms embargo on Libya, is a concrete demonstration of EU support to the Berlin Process. IRINI's action is reinforced and complemented by the targeted use of sanctions against individuals and entities violating the UN arms embargo against Libya. The **EU Liaison and Planning Cell (EULPC)** is the main security analysis provider for the EU (including EUBAM Libya) and international community (including UNSMIL) in Tunis and has a high level of situational awareness and knowledge of politico-security dynamics in Libya. The UNSMIL Joint Assessment and Reporting Hub (JARH) and the Security Institutions Service (SIS) units are EULPC's main interlocutors. This mutually beneficiary relationship applies to existing cooperation in

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Tunis/Libya and would be of continued relevance as the Ceasefire Agreement is being implemented.

47. **EU Member States:** Numerous EU MS have bilateral programs with Libya, either directly, in partnership with third countries or via implementing partners. Italy is particularly active in Libya, 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, FR and NL with projects on State building, strengthening public institutions and domestic security, promoting democratic dialogue, de-mining, CT, senior leader dialogue, policing and security programs or naval training. In addition, several MS have cooperated with EUBAM on activities such as trainings, study trips and workshops for relevant Libyan counterparts.

b) Overview of other actors' engagement

48. **United Nations:** Formally under the leadership of a Special Representative of the Secretary-General (SRSG), UNSMIL is overseen by the United Nations Department of Political Affairs, which provides guidance and operational assistance. On 15 September, the UN Security Council renewed UNSMIL's mandate for 12 months [UNSC Resolution 2542 (2020)], replacing the role of the SRSG with two new positions: a Special Envoy of the Secretary General, and an UNSMIL Coordinator. On 16 December Raïsedon Zenenga (Zimbabwe) was appointed as Assistant Secretary-General and UNSMIL coordinator. On 18 January 2021, Ján Kubiš (Slovakia) was appointed as Special Envoy on Libya and Head of United Nations Support Mission in Libya. UNSMIL has capacities in the areas of political affairs, human rights, transitional justice, mine action, demobilisation, development, women's empowerment, public information and communication, and is mandated to provide for the coordination of international assistance, advice and assistance to efforts led by the GNA to consolidate the governance, security and economic arrangements of the Libyan transition process.
49. **Berlin process for Libya:** The international efforts to stabilise the country in the framework of the 55-points conclusions of the 2020 Berlin Conference [later endorsed by UNSC resolution 2510 (2020)] are led by UNSMIL, under the principle of national ownership. UNSC Resolution 2542 (2020) requires UNSMIL to help achieve a ceasefire and provide

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support in its implementation, alongside pursuing the political process and security and economic dialogues. On 29 December, the UNSG delivered to the UNSC an interim report covering options on the Libyan Ceasefire Monitoring Mechanism (LCMM) which will be based in Sirte, with more concrete details under development. The UN Secretariat is working on a hypothesis of 15-35 international monitors and is looking to recruit police and military personnel from UN Member States, who would be deployed as unarmed, individual international monitors. The Libyans have made clear to UNSMIL that certain nationalities would be excluded from the international monitoring, in particular of those countries currently active in Libya.

50. **Other International actors** that are particularly active in Libya include the AU, NATO, Russia, Turkey, the United States, Egypt and Qatar (see Annex).

International efforts to stabilise the country through the full implementation of the Berlin process are led by the UN Support Mission in Libya (UNSMIL), under the principle of national ownership. UNSMIL is overseen by the United Nations Department of Political Affairs and is mandated to provide for the coordination of international assistance, advice and assistance to the internationally-recognised GNA to consolidate the governance, security and economic arrangements of the Libyan transition process. On 15 September, the UN Security Council renewed UNSMIL's mandate for 12 months, replacing the role of the SRSG with two new positions: a Special Envoy of the Secretary General, and an UNSMIL Coordinator. On 16 December Raisedon Zenenga (Zimbabwe) was appointed as Assistant Secretary-General and UNSMIL coordinator. On 18 January 2021, Ján Kubiš (Slovakia) was appointed as Special Envoy on Libya and Head of United Nations Support Mission in Libya. UNSMIL

The EU is actively engaged in support to the UN-led efforts both through CSDP, the EULPC and cooperation/financial support. In addition, EU Member States are engaged in Libya on a bi-lateral basis or in support to other stakeholders. International actors are also involved, number of ones in an increasing manner. Some bilateral actors' involvement include defence cooperation and military support at diverse levels.

V. MISSION ASSESSMENT

a) Overall assessment

51. Following the surge in violence in Tripoli in early April 2019, the Mission was temporarily relocated to Tunis. As a consequence of the spread of Covid-19 pandemic to the country, EUBAM relocated the majority of its staff to their countries of origin, from where they continued to telework, whilst retaining an essential presence in Tripoli and Tunis. At the time of writing, EUBAM has increased its staff presence in Tripoli, including the acting Head of Mission and operational staff. EUBAM personnel have, and continue to be, some of the few international players actually deployed and engaged in-country. Coupled with the commitment through Operation IRINI and the efforts of the EULPC and EUDEL (CT/Security expert), the combined effort of CSDP in the region is not without significant political impact and lends great credibility to the EU engagement in Libya as a committed actor.
52. The ongoing political and security dynamics in Libya have hampered EUBAM's progress against its strategic and operational objectives. However, EUBAM Libya continues to deliver results in the areas of border management, law enforcement, criminal justice, strategic coordination and promotion of human rights and gender.
53. EUBAM Libya's role as a facilitator in offering Libyan parties to coordinate and share information is, in itself, a step forward in a context where many agencies have overlapping responsibilities and where a culture of transparency is lacking. In general, the credibility of the Mission among the Libyans at agency level has increased and there is a demand for more prolonged and deepened EUBAM engagement. The transition of the Mission from a planning and scoping mission to an operational one – as set in its current mandate - has been successful.
54. The Mission has also played a positive coordinating and enabling role in matching Libyan needs with other EU and international actors' interventions, including EUDEL. This role has been particularly effective as and when Mission personnel have been able to deploy to Tripoli, while other actors (including EU Member States) have not been able to do so.
55. Finally, EUBAM has effectively implemented commitments from the Civilian CSDP Compact through strengthening efforts within the framework of the EU Integrated Approach, a more in-depth and systematic mainstreaming of human rights and gender aspects, synergies and complementarity between the civilian and military dimension of CSDP, closer CSDP-

JHA cooperation including through building on the mini-concepts and pilot projects (as described further) as well as cooperation with partner organisations such as the UN.

b) Detailed assessment

56. EUBAM Libya’s current strategic objective is to “*assist the Libyan authorities in the building of state security structures in Libya, in particular in the areas of border management, law enforcement and criminal justice with a view to contributing to efforts to disrupt organised criminal networks involved notably in smuggling migrants, human trafficking and terrorism in Libya and the Central Mediterranean region.*”, and is **implemented with 4 pillars.**

a) *Support strategic coordination between donors and project implementation in response to Libyan needs in the fields of border management, law enforcement and criminal justice.*

57. In the area of strategic planning within the Ministry of Interior, the Mission’s engagement has faced several challenges. The ongoing political situation and the settings amongst departments in the MoI have prevented progress in this field, including on the finalisation of a MoU between the Ministry and EUBAM. It is noteworthy that the Geneva Centre for Security Sector Governance (DCAF) has succeeded in signing a MoU with the MoI on SSR in December 2020, and a British commercial advisory group (Rose Partners) was commissioned by the MoI to propose a comprehensive reform for the Ministry. Nevertheless and despite the accumulation of actors in this matter, the Mission will continue to engage and coordinate with stakeholders in view of supporting the reform process.

58. The Mission has continued to create synergies with other EU and EU—funded programmes and actors: Mission’s Small Scale projects (SSP) are funded through the Mission’s budget, EUDEL is consulted on SSPs to ensure overall coherence with EUTF/ENI-funded programmes. EUBAM also continues to provide technical support to the implementation of the 'Support to Integrated Border and Migration Management in Libya' (SIBMMIL) project. EUBAM, currently being the only EU entity partly physically represented in Tripoli, has provided logistical and security support to EUDEL presence in Tripoli and played a coordination role for the EU and other international organisations' activities in Libya within the Missions areas of engagement. EUBAM-EUDEL Justice Matrix, compiling a list of activities by the International Community in the field of Justice served as a kick off initiative to set up the EUBAM/EUDEL Technical Justice Coordination Forum in support to the International Community. A Border Management Training Matrix was drafted by EUBAM,

which contains the inputs from all the international stakeholders engaged in this matter in Libya and is updated and discussed on a need basis. A MoU on mutual cooperation has been signed with the International Centre for Migration Policy Development (ICMPD), on border security and management as well as the drafting process of the White Paper. A MoU has also been signed with International Organisation for Migration (IOM) on 22 April 2020 on border management, migration governance, rule of law and criminal justice capacity building, law enforcement projects, as well as the promotion of Human Rights and gender policies.

59. Coordination with UNSMIL was ensured throughout the entire EUBAM coordination processes. This coordination includes also UNODC, UNDP, UNICRI, and UNHCR. A more formal UNSMIL-EUDEL-EUBAM coordination platform has been established in order to improve cooperation and coordination. The Mission continued its close cooperation with EUNAVFORMED IRINI (MoU signed in November 2020), including in developing a maritime strategy, identifying best practices and exploring ways to benefit from the vetting mechanisms applied by the Operation, as well as providing logistical support on monitoring and visits.
60. In line with the Mini-concepts on irregular migration and organised crime and within the framework of cluster three of the civilian CSDP Compact, EUBAM cooperates closely with Frontex, Europol and Interpol, including in enabling cooperation between the host State authorities and EU JHA actors (as detailed in following paragraphs). The Mission cooperates with Frontex EU4BorderSecurity project, based on an exchange of letters. The agency aims to conclude a Working Arrangement with EUBAM Libya, thus building upon the preceding ToRs for the cooperation between EUBAM Libya and Frontex. Several exchanges with EUCAP Sahel Niger, EUCAP Sahel Mali and EUTM Mali on border security challenges have occurred.
61. The Project and Coordination Cell (PCC) was established within EUBAM in November 2019 and supported the development of 16 small-scale projects (SSPs) as an enabling function for mandate implementation. SSPs enable EUBAM to have a quick impact instrument that strengthens the coherence and coordination between the Mission's operational units, as described below.

- b) Support the development of a broader border management framework, notably through the development of a White Paper on an Integrated Border Management Strategy, including a maritime security strategy.
62. The two maritime law enforcement agencies with border security and management responsibilities – the Libyan coast guard and Port Security (LCGPS) and General Administration for Coastal Security (GACS) – both have limited operational capacities. EUBAM's main counterpart in the area of border security and management is the National Team for Border Security and Management (NTBSM). The NTBSM was tasked by the GNA to represent all relevant border agencies in all international fora.
63. A key achievement for EUBAM is the support provided to the NTBSM in the development of the White Paper (WP), as requested in its mandate. The WP was endorsed by the NTBSM in October 2020 and sent to the Presidential Council (PC) for approval. Unfortunately, the PC headed by Faiez Serraj has not signed the White Paper and further efforts will be needed in order for it to become official. EUBAM Libya further supported the drafting of the National Strategy for Border Security and Management, aiming at establishing a clear understanding of the steps towards the implementation an integrated border management (IBM) in Libya. This work with NTBSM helped increasing the Libyan awareness on the gaps and urgent needs in this matter, among which a necessary comprehensive institutional reform of border security and management in compliance with international human rights standards. With EUBAM's support, NTBSM has completed its task with the development of the WP, and is awaiting further mandate from the PC to move the process forward. NTBSM informally expressed expectations on a continued support from EUBAM in the reform and IBM implementation phase. The Mission is actively reviewing which steps could be undertaken both with and without PC endorsement of the WP.
64. EUBAM also focused on the Libyan maritime strategy, the development of an Operational Concept for maritime law enforcement agencies, as well as "in land" and maritime capabilities of the General Administration for Coastal Security (GACS). EUBAM established the Maritime Sub-Working Group under the Border Management Working Group (BMWG) and overall coordination of the NTBSM. The sub-working group agreed to assist the Libyan Port Authority in the drafting of the Maritime Strategy (in accordance with the White Paper) and to support the Maritime Law Enforcement Agencies (MLEA) to assess and enhance their operational capabilities.

65. The Mission, together with the Italian MoI and Frontex, initiated a joint Pilot Project with the purpose of increasing GACS operational capacity to conduct Search and Rescue (SAR) operations, including training sessions on human rights obligations as border officers and conduct SAR operations in-line with a rights-based and do-no-harm approach. This Pilot Project provides a good example of CSDP being more joined up with other actors, as foreseen in the civilian CSDP Compact and the above mentioned Mini-concepts.
66. In the South of the country, EUBAM has faced significant challenges on mandate implementation due to the unstable political and security situation. However, EUBAM provided support to several projects including to the EU-funded Integrated Border and Migration Management in Libya (SIBMMIL). With EUBAM's support, NTBSM has also identified potential candidates to start the dialogue with key partners in the South. The Presidential Council's authorisation to move the process forward is, however, still pending.
67. The Mission has faced similar challenges along the Libyan-Tunisian border where the political and security situation on the ground changes continuously. Nevertheless, EUBAM has taken the first steps towards an increased support to the Border Crossing Point (BCP) at Ras Al Jadir: a small scale project is underway for an assessment of the BCP in order to develop dedicated support – potentially a Pilot project to be replicated to other BCPs.
- c) *Support capacity building and strategic planning, including regarding the police, within the Ministry of Interior on law enforcement (...) and support coordination functions among relevant Libyan authorities in fighting organised crime and terrorism.*
68. Many overlaps persist between the competencies of border management and law enforcement agencies, and the lack of coordination between counter-terrorism (CT) agencies is replicated between organisations working in the fight against organised crime, including on smuggling and trafficking activities, money laundering and corruption.
69. Key achievements in the field of law enforcement include the set-up and the establishment of an Organised Crime Coordination Panel (OCCP), notably gathering the Criminal Investigation Directorate (CID), the Anti-Narcotics General Administration (ANGA) and the National Bureau for Interpol (NCB) in Libya. Based on EUBAM-organised study trips to Austria and to EUROPOL HQ in 2019, the Mission supported the OCCP in creating and establishing a Crime Information Unit (CIU) to fill gaps related to criminal information sharing. The CIU was set up with the purpose of collecting, collating, analysing OC-related information on tactical and strategic levels and, subsequently, share this information with

relevant partners on a need-to-know-basis. Daily contact with the CIU's members remains challenging, given the sensitivity of the topic of criminal intelligence and the Libyan's focus on sovereignty in this regard.

70. With support from EUBAM, from the IcSP-funded Counter-Terrorism in the Middle East and North Africa Project (CT MENA), from the CT expert from EUDEL and from the UK, the National Counter Terrorism Team (NCTT) developed a national CT strategy for Libya, in-line with international standards. The work on the strategy was completed through different milestones, including a threat assessment and a resource mapping. The national CT Strategy was finalised in September 2020 and approved by the Presidential Council in November. During the consultations conducted with Mission's Libyan counterparts in the framework of this SR, the NCTT has informally requested continued support for the implementation phase of the CT strategy, designating EUBAM as the preferred actor in the coordination of the broader international support. This is in line with by a recent similar request also made at political level for a dialogue with the EU on CT matters. These moves, would they materialise, will require best alignment of EU's instruments to deliver an integrated EU support on CT in Libya.
71. The Mission contributed to the internal Pilot Model Police Station (PMPS) structure. As part of this EUTF-funded and UNDP-implemented project, the Mission drafted the job descriptions (JDs) and training curricula for all future PMPS officials as well as SOPs ensuring a solid baseline on Human Rights and a gender responsive approach. However, the actual construction of the police station has not been finalised and the station is awaiting handover to Libyan authorities, hence its impact on improving policing in Tripoli has so far been negligible. A second phase for this project is being prepared. Coordination with EUBAM activities, including on the linkages between the PMPS and the broader law enforcement reform, will be needed.
72. As regard financial crime, EUBAM activities have been limited, due to the fragmented Libyan landscape on this matter. However, the newly created Department for Combating Financial Crimes, Money Laundering and Terrorism Financing, which reports to the Minister of Interior, has informally requested international support to operationalise its international cooperation and to build its capacity through technical assistance and equipment. This support could be provided by EUBAM and EU-financed actions (UNODC, UNICRI).

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- d) Support institutional reform and provide strategic planning assistance for the Ministry of Justice and provide broader capacity building for relevant criminal justice actors including the Attorney General's Office and the High Judicial Institute.
73. The Libyan criminal justice system, under the Ministry of Justice (MoJ), is the only system that has managed to remain unified across the country, allowing EUBAM to engage more comprehensively with the MoJ, the Public Prosecutor's Office and the High Judicial Institute.
74. A MoU between the MoJ and EUBAM was signed during the current mandate, and notably allowed the setup of the Criminal Justice Working Group (CJWG), with EUBAM support. The CJWG is a primary mechanism through which the Mission engages with the MoJ on operational and policy reforms and in developing a national and strategic plan for the Rule of Law. As one of the direct outcomes of the CJWG meetings, the MoJ - in coordination with EUBAM and with the support of the Dutch Embassy - finalised the first draft of a comprehensive list of strategic priorities, to be completed by June 2021. The Mission has also managed to include Legal Defence and legal drafting as a key priorities for the MoJ. The Mission enhanced support on this topic through the recruitment of a dedicated advisor and the build-up of a core group of Libyan legal experts able to draft and review laws in a manner that ensures alignment and compliance with international standards.
75. The CJWG also contributed to the establishment of two Technical Coordination Working Groups (TCWG), on Forensics and on Transitional Justice. Both TCWGs are led and facilitated by EUBAM and bring together EU actors, Member States and representatives from the UN and international organisations. The discovery of mass graves during 2020 in Tarhuna has shown the need to expand this coordination setting. As a result, a joint EUBAM-UNODC action has been established to bring together the MoJ, MoI, the General Authority on the Search and Identification of Missing Persons (GASIMP), the Ministry of Health (MoH) and the Prosecutor's Office to work towards a harmonised and coordinated system of forensic evidence collection, preservation and analysis. Another main EUBAM achievement has been the support in establishing the Public Lawyer's Sub-Working Group, to assess their needs, share best practices, discuss challenges, and ensure inclusion of public lawyers in the MoJ's institutional reform process. A list of identified priorities was agreed upon.
76. The Mission has worked in close cooperation with the Prosecution Office, particularly in the area of counter-terrorism, trafficking and international legal assistance in criminal matters focusing on strengthening investigation and prosecution capacity to deal with organised

crime, but despite this, little impact has been monitored in those areas. Moreover, despite support provided by EUBAM to the Judicial Police (prison guards), institutional reforms and capacity building programs are still required, notably on human rights standards and the treatment of women prisoners.

77. The Mission continued to engage with and support the High Judicial Institute (HJI) via the CJWG and the implementation of small scale project activities aimed at strengthening the HJI capacity to Provide Legal Training (study visit and follow-up training). Also, in cooperation with the Dutch Embassy and the Dutch Centre for International Legal Cooperation, the Mission designed and obtained approval for the implementation of a second small-scale project focusing on curriculum development.
78. The Mission, in cooperation with the Geneva Centre for Security Sector Governance (DCAF), organised a third training on the promotion and application of the Mandela and Bangkok Rules for the protection of Human Rights principles in prisons in June 2019, this time through a training of trainers (ToT) format, including judicial police and social workers from the East and West. This ToT workshop focussed particularly on the special treatment of women prisoners, pre-trial detainees, and juveniles, thus adopting a vulnerable-category approach. To ensure follow up and impact evaluation of the ToT workshop, a monitoring and evaluation project is currently being discussed with DCAF to assess the impact of the project on the application of human rights standards in Libyan prisons run by the MoJ.

Promotion of Human Rights and Gender

79. The Mission continued to mainstream gender and human rights by ensuring that programmatic activities, training, study visits and coordination meetings always include gender and human rights analysis and recommendations. At the internal level, key achievements notably include unit-specific gender action plans and systematic application of gender analysis in planning, implementation, evaluation and reporting. EUBAM also issued its first thematic "Special Report on Gender in Libya" distributed to CIVCOM in 2020.
80. EUBAM has a prominent role on gender-responsive rule of law, justice and security coordination more broadly. The roundtable coordination meetings by EUBAM on gender-responsive rule of law, justice and security have led to strong interest from Member States to step up focus on gendered dimensions to policing, police-prosecution collaboration, human trafficking, and the criminal justice system overall, including the management of prisons. EUBAM supported the training of trainers on the specific treatment of women prisoners, pre-

trial detainees, and children for the Libyan Judicial Police and commissioned a sector-specific gender analysis on border management. EUBAM has also successfully started to secure growing participation of women in the Mission's activities. As a visible sign of the Libyan partners' increased buy-in in HR and Gender issues has been the establishment of Women's Empowerment Offices within both the MoI and the MoJ. The MoI request for support to EUBAM and the international community is an indication of how insistence on this as a priority area has reaped results. The Mission is exploring how to further engage with the Libyan Judicial Police on a reform of Libya's penitentiary services in view of their alignment with applicable HR and Gender policies.

81. EUBAM's successful efforts in integrating gender and human rights provisions within the White Paper on Integrated Border Management structures has further underlined a growing interest from Libyan authorities in these matters, as proven by the agreement of the NTBSM to include strong language on human rights even in the final recommendations of the document. Earlier in 2019, direct feedback from the General Administration for Coastal Security (GACS) recognising the benefit of having women in their service marked a positive start to the Mission's mandate implementation.

c) Gap analysis and challenges

82. The Mission undertook a series of efforts to increase its footprint in Tripoli. However, these efforts were to a large degree curbed by the deteriorating sanitary situation in Tripoli and Tunis, which forced the Mission to further reduce its physical presence in both locations. Nonetheless, the Mission continued framework operations by shifting most of its interactions with its counterparts from physical to virtual formats. This shift was, however, not seamless, as it required reprogramming of planned activities to fit the new format and hampered interactions with the Mission's counterparts due to technical constraints. All in all, these mitigation measures rendered coordination on all levels increasingly difficult, but allowed the Mission to continue implementing its mandate even if at a slower pace than normal.
83. Relocation to Tunis during the outbreak of hostilities in 2019 and staff relocation to home countries during the COVID-19 pandemic in 2020 have significantly affected EUBAM's efforts to fully achieve its objectives, in support to the Libyan institutions but also in the coordination with EU and international actors engaged in the country and in Sahel.
84. As the Mission's activities are often a multi-agency and inter-ministerial exercise, this requires bridging different organisational cultures, agendas, views and priorities. As a

consequence, the implementation of activities has often been slow and undermined by diverging views, priorities and actions.

85. EUBAM's support has been limited to the (internationally recognised) GNA. This has limited EUBAM capacity to further explore mandate implementation through support to relevant Libyan non-State actors where there is little or no GNA control or presence, including in the Eastern part and the South (notably municipalities and tribes, de facto engaged in the security and border management issues in the area). It is worth noting that other international stakeholders, including within EU-funded projects, interact with relevant non-State actors, including through confidence-building/inclusive activities. This gap also affected the overall Libyan ownership in the reform processes supported by the Mission. The recent election of a new interim executive authority, welcomed by the international community, may address this gap in the future. However, at the time of drafting this SR, the appointment of a new government and its endorsement by the Parliament has not yet taken place and uncertainties remain on future political developments.
86. Given the political and security situation in this area and the current Mission format, the Mission's deployment in the South is deemed unrealistic at this stage. However, there is a need for relevant Tripoli-based activities in coordination with EUDEL, as well as through enhanced support to EU-funded projects design and implementation in the South.
87. EUBAM is confronted with challenges due to MoI internal weaknesses that are beyond the Mission's sphere of influence. Despite the Mission's support to the development of key policies (including on border management and counter-terrorism), implementation of legislative and policy reforms was also affected by the fragmentation of the institutions and the absence of a unite government to impulse legal, policy and institutional reforms. An additional result is an impact on absorption capacity for new support, as a consequence of a bottling up of uncompleted processes.
88. Although the current mandate allows for a wide range of Mission's activities, the highly evolving political situation in Libya requires a high responsiveness of the Mission to emerging needs and/or requests by the Libyan authorities, as appropriate.
89. A significant part of EUBAM's activities are in line with and/or directly contribute to the UN-led efforts in the implementation of the Berlin process. However, there is no reference to the Berlin process in the current Mission mandate. Furthermore, the Mission's posture and experience in capacity building/support to coordination constitutes a genuine potential to

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further contribution to the UN-led efforts in the peace process, including in the following tracks: security (SSR and DDR), IHL/IHR, and possibly the “Economy” basket through a support in addressing corruption and money laundering. Moreover, the request by the Libyan authorities for an international support for the upcoming elections, including on security, may trigger the need for capacity building activities for relevant national authorities. As for the Ceasefire, the agreement foresees the creation of a Joint Police Force which capacity building needs are unknown at this stage, as are the format and nature of this force (military/civilian). In both areas, it is impossible to currently elaborate on a potential EU CSDP support.

90. Various challenges remain in promoting Human Rights and Gender throughout EUBAM’s activities. Consistent inclusion of Human Rights and Gender principles in EUBAM’s activities are furthermore difficult due to their persisting de-prioritisation by the Libyan authorities. The Mission's engagement with Libyan civil society has also been hampered by the difficulty of operating out of Libya.
91. The SOMA for the Mission has not yet been secured, notably due the current political situation and fragmentation of the legislative chain.

In most areas, progress has been hampered by the security conditions in Libya and the COVID-19 pandemic. EUBAM Libya has delivered tangible results in the areas of border management, law enforcement, criminal justice, strategic coordination and promotion of human rights and gender and has gained trust and credibility with key Libyan interlocutors. The Mission successfully ensured coordination with the EU, UN, Member States and other partners. EUBAM remains confronted with challenges due to institutional weaknesses that are beyond its sphere of influence. The endorsement and implementation of key policies (including on border management and counter-terrorism) was affected by the fragmentation of the institutions and the absence of a unite government to impulse reforms.

Activities requiring multi-agency and inter-ministerial actions have been undermined by inconsistent or diverging views on the Libyan side and EUBAM activities have been limited to the GNA, preventing from further exploring support to relevant Libyan non-State actors where there is little or no GNA control or presence, including in the Eastern part and the South. This also affected overall Libyan ownership in the Mission supported reform processes.

A significant part of EUBAM’s activities are in line with and/or directly contribute to the UN-led efforts in the implementation of the Berlin process, not covered by the Mission’s current

mandate. Beyond EUBAM's current activities, the Berlin process "baskets" could present opportunities for an enhanced mandate in the future, would the conditions be met – including sufficient progress and Libyan/UN request. Various challenges remain in promoting Human Rights and Gender throughout EUBAM's activities, notably due to their persisting de-prioritisation by the Libyan authorities.

VI. WAY AHEAD - ACTIONS FOR FUTURE ENGAGEMENT

a) Main parameters

➤ ***COVID 19:***

92. Whilst some of the technical challenges have been removed, it has become increasingly obvious that virtual formats cannot replace physical interaction/negotiation with the counterparts. The infection numbers in Libya remain high and, at this stage, there is little or no prospect for a mass vaccination programme. This implies that mitigating measures – both within the Mission itself and within Libya as a whole – are likely to persist in some form or another in the foreseeable future. In the near future, risk mitigation and Mission credibility will need to be carefully balanced.

➤ ***Duration of the mandate:***

93. Although EUBAM has made progress during the reporting period, there is still some considerable way to go before reaching the desired end-state. In line with the Civilian CSDP Compact, extending EUBAM's mandate for at least 2 years would send a strong signal of EU's commitment to contribute to peace and stability in Libya and allow the necessary time to make focus on its core mandate and adapt to any new tasks that might come its way.

➤ ***Mission presence in Libya:***

94. Sustained physical presence of EUBAM personnel in Libya is key in delivering on the Mission's mandate. The Mission's full redeployment to Tripoli, taking into account the security, sanitary and political situation should be a major focus for EUBAM in the near term, as conditions allow (at this stage, the Mission would need nevertheless to keep the Tunis sub-office). Given the political and security situation in this area and the current Mission format, the Mission's deployment in the South is impossible. However, relevant Tripoli-based

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activities could be envisaged in coordination with EUDEL, as well as through enhanced support to EU-funded projects design and implementation in the South.

➤ ***Cooperation with EU actors in Libya and in the region:***

95. The Mission has developed interactions with Operation IRINI, EULPC and CSDP missions in Sahel (including EUCAP Sahel Niger), as well as EUDEL and EU-funded projects. Continuous exchange and exploration of further mutual support is needed in the future, as provided notably in the mini-concept on border management and maritime security. Furthermore, this will also facilitate a “one-EU” message of commitment to the Libyan authorities and people.
96. EULPC: The Cell is not a CSDP Mission. The EULPC currently consists of Voluntary National Contributions (VNCs), all of whom remain under the full command of their sending MS. Discussions on the opportunity to re-activate the European Gendarmerie Force (EUGENDFOR) contribution are ongoing. EUROGENDFOR had previously contributed to the Cell, bringing an added value in enhanced police planning capacity, supporting and complementing the work of EUBAM Libya and of the Police Advisory Section in UNSMIL. Due to the dynamic nature of the political and security situation in Libya, the EULPC has been designed as a flexible tool, able to quickly adapt to the evolving needs whether in number of staff or scope of expertise. In the future, the focus could be on enhancing the common situational awareness of EU actors (notably EUDEL, EUBAM Libya and Operation IRINI, as well as EEAS HQ in Brussels) and support overall EU coordination and planning efforts on security issues. Liaison with UNSMIL and intelligence support would however remain instrumental for mutual benefit to both organisations.
97. The composition of the Cell could vary in case of unexpected change in the situation in Libya occur and/or a new request for increased support emerge from UNSMIL. MS contribution in this regard is key, thus increasing the credibility and the coherence of EU engagement in the region. The possibility could also exist for some MS to provide VNCs under a shared basis where they would work for both national authorities and for the EULPC, pending clarification on command and control arrangements. Finally, the EULPC could discuss with UNSMIL on future support in terms of both planning and information sharing. As for the possible EU support to the implementation of the Ceasefire Agreement, a EULPC role could be envisaged pending communication of UNSMIL’s requirements. However, the discussions are not yet advanced enough to further shape the Cell’s potential role in this regard.

➤ ***Civilian CSDP Compact***

98. Following the last Strategic Review, EUBAM’s activities and approach take into account the civilian CSDP Compact. As foreseen for Missions’ mandates in the Compact, a scalable and modular approach in the EUBAM mandate would allow for flexibility and adjustments in a timely and effective manner, especially so given the dynamic nature of politics in Libya and the possible implications of the Berlin process.
99. Enhancing the on-going cooperation with JHA agencies (notably Frontex and Europol) and with EUROGENDFOR (EGF) should also be explored, and further steps should be taken to enhance the implementation of the current Mini-Concepts (including on Irregular Migration, Border Management and Maritime Security and Organised Crime).
100. The enhancement of the existing cooperation and mutual support with other CSDP Operations and Missions operating in the Mediterranean area and Sahel should also be pursued, including in terms of information exchange, risk mitigation and complementarity of efforts. Finally, appropriate communication package and activities should be developed.

➤ ***Berlin Process:***

101. CSDP in support of peace in Libya is already delivering effects and EUBAM could further contribute in building up competent and effective state security institutions in Libya, when conditions are met. While continuing to concentrate on its core mandate in close support to, and coordination with the UN, EUBAM should be able to further support the UN-led efforts in the implementation of the Berlin Process, in consultation/coordination with UNSMIL. This would constitute another demonstrable, concrete and visible sign of the EU’s commitment to operationally contribute to the outcomes of the Berlin process - along with the support provided through EUNAVFOR MED Operation IRINI and the continued availability of advice and support to UNSMIL through the EU Liaison and Planning Cell.
102. Depending on the developments and addition to what EUBAM is already accomplishing within its current mandate, this potential enhancement of EUBAM’s contribution should remain in line with its core mandate (support to criminal justice, law enforcement and border management). It could notably include increased support to the following Berlin process tracks: security (SSR and DDR), IHL/IHR, and possibly the “Economy” basket through a support in addressing corruption and money laundering. Potential EU support to the Libyan institutions in charge of securing upcoming elections and/or to the future Joint Police Force in

charge of securing the Central area could also be assessed, although careful attention should be given to the most suitable tool on these matters. EUBAM specific tasks in further support to the UN-led efforts in the peace process would need to be evaluated, shaped and fine-tuned, once conditions are in place for such developments.

103. Nevertheless, progress should be foreseen in the implementation of the Berlin process, and therefore it is proposed to include a secondary Strategic Objective within the mandate of EUBAM. This would present an important political signal of the EU's commitment to operationalise support for the UN and the Libyan peace process. As the situation develops and if conditions are met for a stronger EU commitment, the nature of additional support will depend upon a separate strategic analysis conducted by EEAS, the Mission and other stakeholders (as appropriate) and presented to the Council for decision. This proposal would bring into line commitment from all CSDP actions in relation to support of the peace process in Libya, as a collective "package" would add more weight in the message that the EU's overall operational commitment is broad and coherent.
104. The civilian CSDP Compact has called for swifter operational decision making in civilian CSDP and this commitment is reinforced in the Council Conclusions for waypoints in the Compact process. With the proposal of a new Strategic Objective in the recommendations of this SR, the strategic framework of the mandate for EUBAM Libya allows for a shorter planning process to deliver operational impact through adjustment of the Council Decision on the basis of a dedicated strategic analysis and subsequent adjustments to the OPLAN.

b) Proposed Strategic Objectives

105. It is assessed that the Mission's current one strategic objective remains relevant. Coordination and strategic support to Libyan institutions is of particular importance, as a key shaping activity complementing current and future EU and international support projects. The proposal is to amend the current mandate with a second strategic objective enabling the Mission to foresee a possible further contribution to the implementation of the Berlin process (the nature of which, of course would need to be examined and presented to Member States for decision).
- **Strategic objective 1:** EUBAM Libya is to assist the relevant Libyan authorities in the building of state security structures in Libya, in particular in the areas of border management, law enforcement and criminal justice, in view of disrupting organised criminal networks

involved notably in smuggling migrants, human trafficking and terrorism in Libya and the Central Mediterranean region.

- **Strategic objective 2:** Within the scope of its core areas of engagement (law enforcement, border management and criminal justice), EUBAM Libya is to contribute to the UN-led efforts for the peace process in the country.

As the situation develops and if conditions are met for a stronger EU commitment, the nature of additional support will depend upon a separate strategic analysis conducted by EEAS and presented to EU Member States for decision.

Strength and budget of Mission:

106. The adoption of a second line objective in support to the Berlin process could mean a change to specific competencies of personnel required. The additional secondary tasks would mainly be accomplished through a flexible management of Mission's existing resources, and it is unlikely that the suggested recommendations would trigger any substantial budgetary increase in the short term. In the future, Mission strength and budget would depend upon future tasks that may fall from UNSMIL/Libyan requests, and would be subject to subsequent amendments in the relevant planning documents and in the Council Decision
107. Nevertheless, taking into account the intention of consolidating EUBAM's presence in Tripoli, if conditions allow, the salary indexation for the 65 authorised staff, and some necessary structural adjustments of Mission's premises, the budget for the next two-year mandate is estimated to be around EUR 67 and 70 million, assuming that all positions are filled and that the Mission is able to work at its maximum capacity according to plans.

c) Desired strategic End-state and transition/ exit strategy for the proposed mandate

108. The desired End-State for EUBAM Libya is reached when it is assessed that the respective Libyan authorities the Mission supports are able to conduct their business without supervision or with only minimum supervision undertaken by an entity other than EUBAM. With regards to support to the UN-led peace process, the desired End-state for EUBAM Libya is reached when it is assessed that a stable and sustainable governance has been established in Libya.
109. Whenever so decided and, on the basis of a Strategic Review, and if so agreed by the Council, the Mission will phase out and hand over, where feasible, its tasks to other actors in the field. Transition or closure would take place in the event that the Council decides to do so based on a number of scenarios; (i) that the political and security conditions are so difficult that the

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Mission is unable to operate effectively and/ or the threat to the safety of its personnel is unacceptable, (ii) that the desired End-state has been reached. All such decisions would be based on a strategic review or analysis for consideration by the Member States. The transition or closure of EUBAM Libya may take a number of forms:

- Transition to the Libyan authorities. The ideal, and desired, transition where possible. As there may be concerns that Libya is not ready to sustain the progress made by the CSDP mission, impact assessments and evaluations should support this option.
- Transition to a Third Party (UN, AU, etc.). Close coordination with a prospective partner organisation would be crucial should this be the agreed option for transition for EUBAM. Close coordination with UNSMIL as part of the proposed new mandate would present significant advantage should a decision to handover to the UN be agreed.
- Transition to MS bilateral activity or to another EU instrument. Transition to another EU instrument has historically been the most common transition strategy for CSDP (with previous examples being EUPM Bosnia and EUPOL Afghanistan). There is a range of options available, principally development programmes, but this could also include other forms of CFSP support under the possible use of Article 28 TEU, or dedicated teams within the EUDEL. Agreement would have to be reached that another EU instrument will take on the transition activity, and a clear coherent strategy from the outset would be instrumental in this.

Extending EUBAM's mandate for at least 2 years would send a strong signal of the EU's commitment to contribute to peace and stability in Libya and allow the necessary time to focus on its core mandate and adapt to new tasks. Sustained physical presence of EUBAM in Libya, conditional upon the political and security environment, is key. Continuous exchange and coordination is needed also with Operation IRINI, the EULPC and CSDP missions in Sahel, as well as with EU actors engaged in Libya. An important role is played by the EULPC.

EUBAM activities should focus now on implementing its core mandate, including activities already in line with the Berlin process underway. Nevertheless, progress should be already foreseen in the implementation of the Berlin process, and a second Strategic Objective within the mandate of EUBAM would allow support to the UN. This would be in line with the civilian CSDP Compact (swifter operational decision making in civilian CSDP). As the situation develops and if conditions are met for a stronger EU commitment, the nature of additional

Mission support will depend upon a dedicated strategic analysis conducted by EEAS and presented to EU Member States for decision.

VII. RECOMMENDATIONS

110. Taking the above into consideration, it is recommended:

- To extend EUBAM Libya's mandate for two years until 30 June 2023;
- To amend EUBAM's Libya's mandate with the addition of a second strategic objective to support the UN-led efforts as a visible sign of the EU's commitment to operationally contribute to the outcomes of the Berlin process:
 - Strategic Objective 1 - EUBAM Libya is to assist the relevant Libyan authorities in the building of state security structures in Libya, in particular in the areas of border management, law enforcement and criminal justice, with a view to contributing to efforts to disrupt organised criminal networks involved notably in smuggling migrants, human trafficking and terrorism in Libya and the Central Mediterranean region.
 - Strategic Objective 2 - Within the scope of its core areas of engagement (law enforcement, border management and criminal justice) EUBAM Libya is to contribute to the UN-led efforts for the peace process in the country.

As for Strategic Objective 2, the Mission may provide additional support on the basis of a dedicated strategic analysis to be conducted by the EEAS and presented to the Council for decision.

- To coordinate with Operation IRINI and EULPC as appropriate, and seek best ways of cooperation and mutual support, as well as with CSDP Missions and Operations in Sahel.
- To coordinate as well, with the same purpose and as appropriate, with other EU actors engaged in Libya, including EU-funded projects.
- To continue to implement relevant and appropriate commitments of the Civilian CSDP Compact.
- To continue the dialogue with the Libyan authorities to secure the legal status of the Mission (SOMA).

VII. PLANNING PROCESS – NEXT STEPS

111. A revision of the subsequent Mission planning documents will be developed by the Civilian Operation Commander for EUBAM Libya, upon direction from the PSC, providing *inter alia*

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the detail required for the necessary funding and resources to follow. Revised Council Decision will be required thereafter before 30 June 2021 in order to extend EUBAM Libya until 30 June 2023.

112. It is recommended that the PSC:

- Agree with the findings of this Strategic Review and endorse its recommendations;
- Agree that the mandate of EUBAM Libya be extended until 30 June 2023;
- Task CivCom to provide an Advice on this Strategic Review.

113. A revised Council Decision will be required before June 2021 to extend the mandate of EUBAM Libya for two years until 30 June 2023 within the framework of the adapted operational planning documents.

ANNEX A

COMPREHENSIVE OVERVIEW OF EU AND INTERNATIONAL ENGAGEMENT

I. EU ENGAGEMENT

The EU is prominent in supporting the UN in implementing the Berlin conclusions, and plays a pivotal role in the post-Berlin International Follow-up Committee and the four working groups on the political process, security, International Humanitarian Law and the economy - the latter of which the EU co-chairs together with the US and Egypt.

The EU is supporting the operationalisation of the Berlin Process through support to mediation and to conflict monitoring, as well as to human security. Notably, the first meetings of the Committees established on the occasion of the Berlin Conference of 19 January 2020, as well as most of the track-2 efforts (Security) held in 2020, have been financed by the EU through the Instrument contributing to Stability and Peace (IcSP).

Formerly an essential part of EU's work to dismantle the business model of traffickers and smugglers, Operation Sophia was closed following a decision at the Foreign Affairs Council on 17 February 2020. Member States launched a new CSDP operation, EUNAVFORMED IRINI on 31 March 2020, drawing on naval, aerial and satellite assets in support of the implementation of the UN arms embargo operating within the framework of existing UN Security Council resolutions.

On 21 September 2020, the Council adopted new listings for the Libya sanctions regime. The restrictive measures concerns three entities (private operators) involved in violating the UN arms embargo, as well as two individuals involved in human rights violations. On 14 October, the Council designated Mr. Prigozhin (RU) under the Libya sanctions regime, for his role with regard to the private military company Wagner, involved in continuous violations of the UN arms embargo in Libya.

a) CSDP

EUNAVFORMED IRINI

CSDP contribution to stability and peace in Libya has initially focused on improving Libya's capability to manage its borders. This support has been multifaceted and involved CSDP actions through EUBAM Libya and EUNAVFOR MED Operation Sophia. All efforts were aimed at enabling relevant Libyan institutions to effectively operate a control of the country borders through personnel, equipment, facilities and procedures responding to international standards, with particular reference to International Humanitarian Law and Human Rights. While support to border

management remains an important aspect of EU's engagement, in particular through EUBAM, the Berlin Conference created a momentum for the EU to enhance its support to the implementation of the UN arms embargo, leading to the closure of Operation Sophia and the launch of Operation EUNAVFOR MED IRINI on 31 March 2020.

Operation IRINI, with its core task of contributing to the implementation of the UN arms embargo on Libya with aerial, satellite, and maritime assets, is a concrete demonstration of EU support to the Berlin Process. As secondary tasks, the Operation also contributes to the implementation of UN measures to prevent the illicit export of petroleum from Libya, to capacity building and training of the Libyan Coast Guard and Navy, and to the disruption of the business model of human smuggling and trafficking networks. The Operation has not yet been able to implement its secondary task related to the capacity building and training of the LCG&N, in the absence of the necessary arrangements with the Libyan partners. Cooperation between EUBAM Libya and Operation IRINI on training and migration related tasks is essential. An administrative arrangement between both CSDP entities was concluded in November 2020.

EULPC

The EU also supports the UN in leading the international efforts in support of the peace process in Libya through the EU Liaison and Planning Cell (EULPC), established in April 2015. This Cell is the main security analysis provider for the EU and international community in Tunis and has a high level of situational awareness and knowledge of politico-security dynamics in Libya.

The EULPC, being physically located within the EU Delegation to Libya (temporarily relocated in Tunis), receives functional direction from EEAS/ISP.3 and political guidance from the Head of the EU Delegation to Libya, through its Security Expert who also acts as Head of the Cell. The Cell is not a CSDP Operation or Mission, as the structure currently consists of (8) Voluntary National Contributions (VNCs), all of whom remain under the full command of their sending MS. Discussions on the opportunity to re-activate EUGENDFOR contribution are ongoing. EUROGENDFOR had previously contributed to the Cell, bringing an added value in enhanced police planning capacity, supporting and complementing the work of EUBAM Libya and of the Police Advisory Section in UNSMIL.

So far, the support provided to UNSMIL has been mainly focused on intelligence and planning. The UNSMIL Joint Assessment and Reporting Hub (JARH) and the Security Institutions Service (SIS) units are EULPC's main interlocutors. This support aims at raising UNSMIL's situational awareness - in return, EULPC is able to benefit from an exchange of information with UNSMIL, allowing for

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a common operational and intelligence picture for EU actors engaged in Libya and EEAS headquarters in Brussels. This mutually beneficiary relationship applies to existing cooperation in Tunis/Libya and would be of continued relevance once the Ceasefire Agreement is implemented.

b) Cooperation

The EU's cooperation in Libya is articulated around two strands: (i) support to the Libyan Political Agreement, the Government of National Accord (GNA) and local authorities to restore public infrastructure and improve inter-governmental coordination through institution building and access to service delivery; and (ii) interventions that directly benefit conflict-affected and vulnerable communities, Internally Displaced Persons (IDPs), refugees and migrants.

➤ DG NEAR

DG NEAR programmes supporting Libya amount to over EUR 550 million during the 2014-2020 period.

Under the European Neighbourhood Instrument (ENI), EUR 97.9 million are dedicated to programmes in the fields of governance (including support to public administration, rule of law, criminal justice and human rights), economic development, service delivery including in the health sector, support to civil society, and youth. In the absence of a multi-annual programming document since 2017, Libya benefits from the European Neighbourhood Instrument (ENI) through annual Special Measures. Due to the unstable political and security situation in the ground, the EU cooperation portfolio is under constant revision to enable it to respond flexibly to emerging needs.

As part of its support to the Governance sector in Libya, the EU supports the reinforcement of public administration capacities at central and local levels. EU assistance promotes good governance, protection of human rights and the reinforcement of the rule of law. Examples of programmes include:

- The EU Shared Action: Rule of Law project (EUR 2 million). The project aims at: (i) Improving the ability of national institutions to respond to citizens' needs and strengthen respect of the rule of law; (ii) Contributing to positive changes in organisational behaviour within the Libyan public administration (with focus on rule of law and justice areas) that reflect a greater ability to programme and engage adaptively at the central and local levels.
- The programme “European Union Mousanada for Libya – European Union Support to Public Administration in Libya” (EUR 28 million) focuses on:
 - the fight against corruption (EUR 2.5 million, implementation by UNODC and UNICRI): The intervention aims at enhancing the country’s ability to provide a more coordinated and

effective response to corruption and illicit financial flows, as well as to trace, freeze, seize and confiscate assets linked to criminal activities.

- stability, unity and social cohesion - an Integrated Approach to Boost Local Stability, National Unity and Social Cohesion in Libya (EUR 10 million, implementation by UNDP). This includes several inter-connected initiatives: (i) Stabilization Facility for Libya”, (ii) Toward National Reconciliation in Libya”, (iii) Local Elections Project supporting the Central Committee for Municipal Council Elections, (iv) Prevention of violent extremism.
- capacities of public institutions to deal with vulnerable groups in contact with the law (EUR 3.5 million, implementation by UNDP, UNICEF and UNODC): The programme will contribute to strengthening a comprehensive juvenile justice system in Libya
- European Union Support to Public Administration in Libya (EUR 8.5 million, service contract). This will include notably: technical assistance/capacity building activities, support to policy dialogue, governance related analyses, as well as monitoring of EU programmes.
- Towards a new Multilevel Shared Approach for Libya Local governance - TAMSALL (EUR 3.5 million, implementation by (ART-ER, Informest and EURADA).TAMSALL aims at creating the conditions for the improvement of different services in targeted municipalities, with a focus on environment and youth related services.

Under the EU Emergency Trust Fund for Africa (EUTF), additional EUR 455 million are allocated for migration-related activities in Libya, on the management of mixed migration flows to Libya with implementing partners like IOM, UNHCR, UNDP ,UNICEF, Italian Cooperation and GIZ. The majority of these funds goes to the protection and assistance of migrants, refugees and internally displaced people: (EUR 237.3M) and the support for municipalities along the migratory routes (protection and assistance; EUR 160.8M) on stabilisation of Libyan municipalities and, alongside actions strengthening border management (EUR 57.2M).

The EUTF for Africa projects also focus on improving border management and the fight against transnational trafficking and criminal networks. On the latter, the EU is strengthening the border management in Libya through 'Support to Integrated border and migration management in Libya (SIBMMIL), first phase' with a budget EUR 46.3M and an operational duration of Dec 2017-Dec 2023. SIBMMIL Phase II signed in December 2020 has increased the EU Funding to the programme by additional 15 M EUR with specific objective to supply 3 new SAR vessels for LCGPS. The implementing partner for SIBMMIL programme is the Central Directorate of

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Immigration and Border Police of the Italian Ministry of Interior and IOM Libya for IBM component in South of Libya.

The implementing partner is the Central Directorate of Immigration and Border Police of the Italian Ministry of Interior and IOM Libya for Southern component. The project is aiming to: i) Strengthening of GACS and LCGPS fleets; ii) Setting up of a basic NCC and MRCC; iii) Establishment of a Libyan SAR area and iv) Strengthen the integrated border management in the South of Libya. The feasibility study of the MRCC has been delivered and the SAR zone has been declared but due to the ongoing conflict, the project has been delayed in its implementation. EUBAM is closely associated with the project and is part of its Steering Committee.

In 2020, the EU funded regional project managed by UNODC on "Dismantling the criminal networks operating in North Africa and involved in migrant smuggling and human trafficking" (15 M € – Libya component: 5.2 M €) was restructured. The overall objective is to support the effective dismantling of criminal networks involved in migrant smuggling and human trafficking to contribute to reducing enablers of - and mitigating vulnerabilities arising from - irregular migration in the North of Africa region by focusing on the dismantling of organised criminal groups involved in migrant smuggling and human trafficking. Beneficiary countries should include Libya, Egypt, Tunisia, Morocco (on hold), Algeria (only for regional activities).

➤ **FPI**

EU projects focusing on stabilisation (EUR 43.75 million under the IcSP) enable the EU's strategic support to the UN action plan for stability in Libya. This work includes support to mediation and to conflict monitoring, as well as to human security across the political divides, including by fostering State presence through State and non-State Actors cooperation for service delivery, and by conducting mine action. Through the IcSP the EU has managed to provide timely support to finance the first meetings of relevant committees as part of the conclusions of the Berlin Conference on 19 January.

All actions have been specifically designed to support the UN in the facilitation of the Libyan Political Process and the implementation of the Berlin process. They include de-mining actions in Southern Tripoli and Sirte, as well as a broad range of confidence building actions, and are regularly updated to reflect the changing reality on the ground and to provide further support to ceasefire implementation. On-going actions, including their relevance to the ceasefire:

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Immediate Assistance to the Libyan Political Dialogue and the Government of National Accord (€0.8 M): This action financially supports the UN-facilitated intra-Libyan talks (directly in follow-up to Berlin Conference, i.e. Joint Military Committee, and Libyan Economic Group, Libyan Political Dialogue Forum).

Providing stability in Libya through mediation implemented by the Centre for Humanitarian Dialogue (€4 M): This action, in consultation with UNSMIL, facilitate dialogue between Libyan factions to support the political process following the 23 October Ceasefire Declarations, notably preparing and supporting the Libyan Political Dialogue Forum.

Conflict Monitoring with SATCEN (€4 M): This action provides satellite imagery and analysis to UNSMIL for evidence-based ceasefire monitoring.

EULEAD - Libya Expertise, Analysis and Deployment (LEAD) (€3 M, ended on 30/11/2020) and EULEAD II - Libya Expertise, Analysis and Deployment Phase II (€3.5 M): These actions support the deployment of security-related expertise (e.g. training to Libyan authorities for identification, forensic analysis, and clearance of improvised explosive devices), including options for additional expertise in support of ceasefire implementation.

Creating Safer Communities to Support Stabilisation and Reconstruction in Sirte (Libya) (€14.4 M): This action is focused on the explosive remnants of war clearance in Sirte, this will have a positive impact on the stabilisation and reconstruction process in western Libya, in particular with the expected demilitarisation following the August 21 ceasefire declaration.

Humanitarian Mine Action (HMA) activities in Libya (€5 M): Following a decline in military activity over the summer 2020, the implementing partner 3F was able to start and intensify frequency of mine survey and spot task clearances to facilitate return to Southern Tripoli.

Social Dialogue implemented by EUI (€1.8 M): This action was deployed to re-animate a Libyan owned dialogue, building national consensus on required reforms to address the underlying political economy of the conflict and seeks to create a public constituency to support a re-animated political process.

Supporting reduction of tensions in Southern Libya through dialogue and mediation (€1.5 M): This action aims at supporting local peace initiatives in Southern Libya and building the capacity of local Southern leaderships to actively participate in dialogue and stabilisation efforts at national and cross-border levels.

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Strengthening international and civil society capacity to build stability and peace in Libya (€1.5 M): This action aims at building conflict resolution capacities of local peacebuilding networks across Libya and promoting the conflict sensitive approaches to international assistance at policy and implementation levels.

Libyan electricity sector stabilisation and transition support (€0.55 M): This action implemented by the UNDP/UNEP provides urgent support to the Libyan state agencies and ministries to maintain critical electricity and power dependent water supply services, thereby underpinning national stability during the political dialogue and possible future transition.

[SUSPENDED] Promoting Elections for the People of Libya (€6.7 M): As soon as a sustainable way to elections is charted by the political dialogue forum (and related political initiatives as relevant), support for the National Election Commission to prepare elections will resume.

➤ **DG HOME**

Libya is one of the countries beneficiary of the Regional Development and Protection Programme (RDPP) North Africa (protection pillar under AMIF- Union Actions) implemented by a consortium of EU MS lead by the Italian Ministry of Interior. The projects in Libya are carried out by IOM, UNHCR and CEFA and focus on supporting reception and protection capacity and improvement of refugee status determination processes and assistance to migrants. Within the Regional Development and Protection Programme North Africa, AMIF funding of three projects on refugee status determination, resettlement and direct assistance (by UNHCR, IOM and CEFA) is under consideration in 2020. Within RDPP, UNHCR has an overall budget of 8.83M, IOM 4.27M, CEFA EUR 900,000, to cover activities in North Africa and the Sahel.

CT MENA Project:

Funded by the EU under the EU's Instrument contributing to Stability and Peace (IcSP), the CT MENA project covers the following countries: Algeria, Egypt, Iraq, Jordan, Lebanon, Libya, Morocco, Tunisia, and the Occupied Palestinian Territories. The project emerged from decisions made by the European Council in 2015 and 2017, which prioritised:

- Comprehensive and urgent counter-terrorism (CT) action (CT) in the MENA region;
- The enhancement of specific national counter-terrorism capabilities;
- A strong partnership with the League of Arab States (LAS).

Thus, the project intends to promote CT coordination within the Arab world through the LAS Secretariat, the Arab Interior Ministers Council (AIMC) Secretariat, and individual MENA

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countries, as well as with the EU. The project's objective is to increase awareness of CT-relevant policies, programmes, procedures, training, and best practices to help these countries:

- Develop their criminal justice systems based on the Rule of Law;
- Become more efficient in their fight against terrorism;
- Strengthen their abilities to cooperate regionally and internationally.

In May 2017, CT MENA was officially launched under the aegis of the European Commission and Expertise France, alongside FIAPP (Spain), Carabinieri (Italy), CIVIPOL (France), and JCI (France) as members of the consortium. The team in charge of its implementation became fully operational in November 2017 and now has eight people working from the Tunis field office.

➤ **FRONTEX:**

On 1 February 2018 the European Border and Coast Guard Agency (Frontex), launched the Joint Operation Themis in the Central Mediterranean to assist Italy in border control activities. Operation Themis includes search and rescue as a crucial component while having an enhanced law enforcement focus compared to the previous Operation Triton. Its operational area spans the Central Mediterranean Sea from waters covering flows from Algeria, Tunisia, Libya, Egypt, Turkey and Albania. The security component of Operation Themis includes collection of intelligence and other steps aimed at detecting foreign fighters and other terrorist threats at the EU external borders.

Due to the unstable situation in Libya, for the time being Frontex does not have any direct cooperation with the Libyan authorities, but continues to work closely with EUBAM Libya and EUNAVFOR Operation IRINI (as also with its predecessor Operation Sophia). Cooperation between Frontex and the Operation IRINI was formalised by a Working Arrangement, which was concluded on 15 January 2021. Cooperation takes place with the view to promote European integrated border management standards, including through European cooperation on coast guard functions. For example, Frontex (together with EMSA and EFCA as well as other EU and international partners) is part of the Maritime Sub-Working Group, co-chaired by EUBAM Libya, in charge of drafting the Libyan Maritime Strategy. Other examples of relevant activities include the support of the White Paper on an Integrated Border Management Reform process together with EUBAM Libya and training of personnel from the Libyan Navy and Coast Guard (LNCG) and the General Administration for Coastal Security (GACS).

Frontex is also implementing the following two regional projects:

- The EU4Bordersecurity project, financed through the European Neighbourhood Instrument for the Southern Neighbourhood (2018-2023). The project's objective is to enhance border

security through light capacity building activities to the benefit of relevant national authorities from Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine* and Tunisia, in all areas of integrated border management. Representatives of the Libyan National Team for Border Management and Security and their respective authorities routinely participate in regional workshops organised by Frontex. In the framework of the project, a joint webinar with EUBAM Libya on integrated border management and risk analysis methodology recently took place at the end of 2020 in support of the White Paper process for institutional reform of border management in Libya;

- The Strengthening of the Africa-Frontex Intelligence Community (AFIC) project, financed by DG DEVCO for the benefit of 26 African countries, with the objective to build the capacity for risk analysis to fight against migrant smuggling and cross-border crime. Libyan representatives of relevant authorities regularly participate in regional workshops. 5 Libyan analysts have also participated in a 2-week training in Spain in 2019.

➤ **DG ECHO**

ECHO has yearly funding strategies: the HIPs (Humanitarian Implementation Plan)

- HIP 2021: 6,000,000 EUR to be contracted
- HIP 2020: 6,000,000 EUR + 3,000,000 EUR ongoing activities;

Federation of Red Cross and Red Crescent Societies (IFRC) to provide immediate financial support to Libya Red Crescent National Societies, enabling them to respond to the displacements in Libya, to distribute emergency assistance to vulnerable households.

DG-ECHO is focused on responding to the direct consequences of the conflict for the most vulnerable people across Libya. Some of the actions have been adjusted to include COVID-19 activities, such as awareness-raising, hygiene promotion and support to health facilities.

DG ECHO, in line with a needs based approach, is partnering with the main humanitarian actors helping to respond to essential needs of conflict affected vulnerable people including newly displaced. Protection interventions focus on the impact of the conflict on civilians such as sexual and gender-based violence (SGBV), and other forms of violence, abuse and exploitation.

Education in Emergencies (EiE) for children out of school or at risk of dropping out is provided in areas where access to education is jeopardized due to conflict and displacement. EiE is linked to recreational and child protection services; Health interventions include emergency healthcare and war surgery; physical rehabilitation and orthopedic services, primary health care also through

mobile clinics, mental health and psychosocial support, reproductive health services and clinical management of rape. ECHO also supports coordination and logistics of the humanitarian response including the WFP managed UNHAS flight as well as advocacy to promote respect for IHL and HRL.

c) Additional support

Libya also benefits from the Developments Cooperation Instrument's civil society organisations and local authorities programmes (over EUR 13M since 2014-2020) and from the European Instrument for Democracy and Human Rights (approximately EUR 7M covering 2014-2021). Programmes under DCI have been geared towards building the capacities of Libyan civil society organizations to support service delivery at community level and contribute to local policy dialogues, as well as women's empowerment, support to Libyan municipalities to improve service delivery and capacities of civil servants. Programmes under EIDHR have focused on support to survivors of ill-treatment or torture, capacity building to Libyan authorities and civil society organizations to improve reporting against UN Treaty Bodies and promote and protect freedom of expression and freedom of association, as well as support to human rights defenders.

II. ACTIONS TAKEN BY THE INTERNATIONAL COMMUNITY

➤ United Nations

The international efforts to stabilise the country through the full implementation of the Libyan Political Agreement of 2015 are led by the UN Support Mission in Libya (UNSMIL). Despite staff shortages, UNSMIL is working on the following areas: political affairs, human rights, transitional justice, mine action, demobilization, development, women's empowerment, public information and communication, and provides for the co-ordination of international assistance, advice and assistance to efforts led by the Government of National Accord to consolidate the governance, security and economic arrangements of the Libyan transition process. In cooperation with Germany, UNSMIL organised the Berlin Conference on 19 January 2020. All participants agreed on the support to the Libyan Political Agreement as a viable framework for the political solution in Libya in order to resume the inclusive Libyan-led and Libyan-owned political process under the auspices of UNSMIL. A series of six "baskets" for the actions to be performed under a truly comprehensive approach have been defined, namely the Ceasefire, the Arms Embargo, the Return to the Political Process, the Security Sector Reform, the Economic and Financial Reform and the Respect for International Humanitarian Law and Human Rights. Aiming at maintaining the required

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coordination on all activities in the aftermath of the Berlin Conference, an International Follow-Up Committee (IFC) consisting of all countries and International Organisations that participated in the conference was also established. As part of the security basket, a Joint Military Committee of 10 representatives (5 from each side) has commenced meeting in Geneva on 3 February 2020 and eventually reached a Ceasefire Agreement on 23 October. On the economic track, Libyan experts gathered in the Libyan Expert Economic Commission (LEEC) and developed proposals with the support of the co-chairs of the Economic Working Group, included the EU, which provided also specific consultants to the LEEC. On the political track, the Libyan Political Dialogue Forum was launched virtually on 26 October and held first in-person meetings on 9 November in Tunis. An agreement was reached by LPDF participants on 15 November on a Roadmap towards credible, inclusive and democratic national elections to be held on 24 December 2021. The International Humanitarian Law and Human Rights (HR/IHL) working groups has held several meetings on various topics (missing persons and mass graves, transitional justice, accountability, IHL and confidence-building measures etc.). The co-chairs presented key principles for a rights-based roadmap towards sustainable peace in Libya, which was subsequently endorsed by the LPDF.

➤ **African Union (AU) / Neighbouring countries**

The situation in Libya remains a priority for the African Union, which is actively working to promote a Libyan-led and Libyan-owned durable solution to the crisis. In this context, with the support expressed by United Nations Secretary-General the AU is seeking a more prominent role in mediating the Libyan crisis. The AU has reiterated its offer to provide ceasefire monitors to the UN, leveraging also its position as co-chair of the Berlin Security Working Group. The AU has also expressed, including in the context of the Berlin Process HR/IHL Working Group, an interest to work with Libyans in the field of transitional justice, drawing from the experiences of its various Member States.

➤ **NATO**

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". The cooperation and coordination at tactical and operational levels that existed between EUNAVFOR MED Operation Sophia and NATO Operation Sea Guardian has not yet been extended to IRINI and discussions are ongoing with NATO on this matter. NATO has been also directly engaged by the GNA, following an official request from Prime Minister Serraj in February 2017 aimed at requesting advice and

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expertise to Libya in the field of "Defence and security related Capacity Building". The topic was discussed several times in the North Atlantic Council (NAC) and currently remains at the planning stage.

➤ **United States**

Since the overthrow of the Qadhafi regime in 2011, the United States has invested more than \$550 million in assistance to Libya, as well as more than \$164 million in humanitarian assistance. Through other stabilisation and governance programs, the United States support recovery in conflict-affected areas and are implementing more than \$11 million worth of early recovery activities to stabilise Sirte, following the liberation of the city from IS. The US co-chairs the Berlin Economic Working Group together with the EU and Egypt, and is highly engaged with the political process since the appointment of a fully-fledged Ambassador to Libya in 2019. During his confirmation hearing at the Senate Foreign Relations Committee, U.S. Secretary of State Antony Blinken expressed commitment to leverage the US's influence with external actors that are involved in Libya, in particular with a view to curtailing the influence of Russian private military contractors.

➤ **Turkey**

On 27 November 2019, Turkey and the GNA signed two Memoranda of Understanding: one on security and defence cooperation, and one on the demarcation of maritime borders. On the latter, the Council adopted Conclusions (12 December 2019) stating that this MoU infringed upon the sovereign rights of third States, did not comply with the Law of the Sea and could not produce any legal consequences for third States. The MoU on security cooperation led to an increasing, and ultimately decisive, Turkish intervention in the war with drones, war ships and thousands of Syrian mercenaries. In the second half of 2020, Turkey has also started significant programmes of training both for Libyan soldiers and for the coast guard, with the first batch of cadets graduating in November from a newly refurbished training centre in Tajoura, East of Tripoli. Turkish military presence was reported also in the military part of Mitiga airport in the capital and in the al-Watayah air base close to the border with Tunisia.

➤ **Russia**

Russia has increased its intervention in Libya in recent years. Politically and diplomatically, Russia's actions in the UN Security Council have been more assertive, in particular by questioning EUNAVFOR MED IRINI. Since the summer of 2019, Russian private military company Wagner has been active in support of the LAAF with the deployment of hundreds of mercenaries to Tripoli

and elsewhere in Libya. Starting from spring 2020, Russian jets run by Wagner have been deployed to Jufra air base, leading to public condemnation by the US Africa Command. In December 2020, a report from the U.S. Defence Department's Office of the Inspector General revealed for the first time publicly that the United Arab Emirates may be funding the Wagner group in Libya.

➤ **Egypt**

Egypt is an important partner of the EU as Egypt's 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. Egypt supports the Libyan Arabic Armed Forces (LAAF), both in terms of political – and technical support. On security and counterterrorism, Egypt is focused on fighting Muslim Brotherhood, which is designated as terrorist organisation in Egypt. Egypt's challenges are mostly related to counter a possible renewed 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 bilateral and multilateral level and has reaffirmed its regional role. Egypt co-chairs the Global Counterterrorism Forum East Africa Working Group and is vice chair to the UN Disarmament Commission, representing the African continent (2018-2020). After a major past effort in fostering the negotiations aimed at reforming the Libyan Army through the Cairo talks, Egypt is now fully involved in the Berlin process and facilitated talks in Hurgada which eventually lead to the signature of a ceasefire framework agreement in Geneva on 23 October 2020.

➤ **Qatar**

On 13 November 2020, Qatar and the GNA signed a defence cooperation agreement to “train and build military capacities”. This came after a MoU signed on 26 October by the GNA's Ministry of Interior with the government of Qatar which aimed at fighting terrorism and organised crime.

➤ **Algeria**

The North Africa's largest country and an important stabilising presence in the region, is currently facing multiple political, economic and social challenges. Algeria recognized the GNA, trying at the same time to maintain neutrality and encouraging the warring sides to find a peaceful solution. The new President Abdelmadjid Tebboune, elected in December 2019, has launched several initiatives on foreign policy and on Libya in particular. Since early 2020, Algeria has hosted visits of all major Libyan leaders sending public messages in favour of reconciliation.

➤ **Tunisia**

Tunisian President Kais Saied has also shown an increasing interest for Libya, meeting with both Prime Minister Serraj and the President of the High State Council Khaled Meshri. The mutual interests are very important e.g. security and movement of people and goods between the countries but not exempt from difficulties. Tunisia pursues an open-door policy for those fleeing neighbouring countries in fear of violence although resources are a constrained. Covid restrictions have somehow shielded Tunisia from a massive influx of Libyans fleeing the war in the early months of 2020. Tunisia hosted the second meeting of the Libyan Political Dialogue Forum on 9 November 2020 although Saied's plans to host a big Libyan tribal conference never materialized for lack of Libyan support. On this file, Saied has come under intense domestic criticism for not distinguishing enough his policy from that of the speaker of the People's Assembly Rachid Gannouchi, from the Islamist party Ennahda, who sided publicly with Turkish president Erdogan.
