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WORKING DOCUMENT

From: Presidency
To: Delegations

Subject: Draft Action file on Libya

In view of the Moroccan roundtable of 13 January 2023, delegations will find attached the Draft Action file on Libya.

Specific objectives

Libya is a key third country along the Central Mediterranean Migration Route. The difficult situation for migrants in Libya and the increase of irregular departures across the Mediterranean call for more EU action. At the same time, the fragmented political and security context in Libya, compounded with the current challenging institutional situation effectively limit the possibility to engage and to support the development of sustainable and effective policies by Libyan actors. The precarious situation also impacts the possibilities for humanitarian organisations to operate in the country. The role of certain militias in the area of migration management further contributes to the complexity of the situation. Engagement conditions must be carefully assessed.

The objective for the action file is to further operationalise the EU ACTION PLAN FOR THE CENTRAL MEDITERRANEAN with regard to Libya and to identify short- and medium-term actions that, in the context described above, can contribute to more effective Libyan border and migration management, prevent irregular departures, and reinforce search and rescue capacities, whilst fostering better respect for fundamental rights of migrants and international obligations of the Libyan authorities.

It is important to apply a whole-of-route perspective in the case of Libya, looking at the entire migration route from Sub-Saharan Africa and Asia to North Africa. In a longer perspective it is crucial to continue addressing the root causes of irregular migration in countries of origin of migrants transiting through Libya through NDICI/Global Europe and other funding.

Results: A first progress report will be prepared Q2 2023.

Objective: Identify concrete possible actions based on a common approach on European cooperation with Libya

Action 1:

Organise in-depth work in relevant Council working groups (geographical working group MAMA, enforced with migration experts from Member States) to develop a set of guiding principles to foster cooperation with the Libyan authorities on migration in accordance with human rights and international obligations. The aim should be to reach a common understanding on which public actors in Libya the EU is ready to engage with on migration.

The work should be based on an updated mapping of the main public actors in the migration field in Libya, notably in border management, and recommendations on who to engage with at technical and political level. This mapping should be developed at local level and coordinated by

the EU delegation and with the involvement of the Member States present, international actors and NGOs.

Lead actors:

EEAS, Presidency, Member States

Timeframe:

S1 2023:

Action 2:

Building on existing international and EU frameworks, coordinate at EU level the political and diplomatic outreach to be conducted with international actors such as UNHCR and IOM and relevant NGOs with a view to developing dialogue on migration related issues, including the respect of human rights, with the relevant Libyan authorities, possible and appropriate.

Lead actors:

Commission, EEAS and Member States

Timeframe:

S1 2023:

Objective: Prevent irregular departures through increased efforts to counter human trafficking, criminal and smuggling networks

Action 3:

Following thorough assessment of the migration management actors in Libya, support relevant Libyan entities in countering migrant smuggling and trafficking in human beings and dismantling criminal networks through the regional programme in North Africa, also building on the renewed EU Action Plan against migrant smuggling and the EU Strategy on Combatting Trafficking in Human Beings 2021-2025. Agree ways to strengthen the capacities of those actors to prevent irregular departures from Libya

Lead actors:

Commission, EEAS, Frontex, Europol and Member States

Timeframe:

S1 2023:

○ **Commission:**

- Until mid-2023, continue implementing the EUR 15 million EUTF regional action with UNODC, aimed at dismantling the criminal networks operating in North Africa and involved in migrant smuggling and human trafficking (*specific amount for Libya TBC*).
- Adopt and start implementing new regional actions in the area of anti-smuggling and trafficking in North Africa, for a total package of EUR 46 million under NDICI, including:
 - ✓ Adopted EUR 10 million regional action on enhancing international police cooperation against migrants smuggling and trafficking in human beings (*specific amount for Libya TBC*)

- ✓ Adopted EUR 6 million regional actions to support Cross-Border Cooperation and Integrated Border Management in North Africa (*specific amount for Libya TBC*)
- ✓ New regional action on anti-smuggling and trafficking in human beings in North Africa, to be adopted in 2023 (specific amount for Libya TBC).
- Encourage and support increased regional cooperation between Libya and other countries in North Africa and Sub-Saharan Africa, in order to tackle anti-smuggling and trafficking in human beings more effectively.

Objective: Support more effective border management and reinforce search and rescue capacities in respect of human rights

Action 4:

Based on an assessment of EU support to date and the involvement of other international actors, identify means to further build the capacity of relevant Libyan actors, both in maritime border management and SAR capacities and incorporating stringent measures for the protection of human rights while building on the activities already completed, notably the SIBMMIL project: there are already technical parts of an MRCC which have been delivered and are not used.

Lead actors:

Commission and Member States

Timeframe:

S1 2023:

- **Commission:**
 - ✓ Continue implementing the EUR 59 million EUTF programme “*Support for Integrated Border and Migration Management in Libya (SIBMMIL)*”, implemented by the Italian Ministry of Interior.
 - ✓ Launch the implementation of two new actions to strengthen border management in Libya (total of EUR 10 million under NDICI), adopted in 2021 in the framework of a EUR 45 million multi-country action on Libya and Tunisia. The two actions will support respectively the *Maritime Rescue Coordination Centre (MRCC)* and the training academy for border guards in Libya.
 - ✓ Work towards setting-up a Rescue Coordination Group and developing arrangements for more coordinated search and rescue and interception operations, by linking up Maritime Rescue Coordination Centres in Libya and Tunisia with their equivalents in Italy and Malta.

Action 5:

Reinforce coordination of all EU actors engaged in Libya, including Frontex, as well as the CSDP missions/operations (EUBAM Libya and IRINI), notably to streamline maritime and border management support from the EU and support southern border controls, particularly in relation to Niger and Chad, building on the EUBAM mandate and on the recommendations of EUBAM Libya’s Food for thought paper on the southern borders of Libya.

Negotiate and swiftly conclude the working arrangement between Frontex and the EU Border Assistance Mission in Libya (EUBAM).

Lead actors:

Commission, EEAS, Frontex and Member States

Timeframe:

S1 2023:

Action 6:

Explore ways to improve the process to disembark migrants in Libya in foreseeable locations, for them to be treated in full respect of their human rights by Libyan authorities, with full access by UNHCR and IOM.

Agree a common approach with UN actors and international NGOs regarding access to unofficial detention centres in Libya and engage Libyan authorities on putting an end to the overall detention system and establish open alternatives.

Lead actors:

Commission, EEAS and Member States, liaising with IOM and HCR.

Timeframe:

S1 2023:

- **Commission:**

- ✓ Continue the implementation of the EUR 55 million NDICI action on increasing the protection and resilience of migrants, forcibly displaced persons and host communities in Libya.
- ✓ Continue and strengthen the EU's third-party monitoring on Human Rights over operations in Libya, including conflict sensitivity aspects.

Action 7:

Coordinate joint diplomatic demarches vis-à-vis third countries, notably demarches to main countries of origin of migrants on the Central Mediterranean route (Egypt, Tunisia, Bangladesh and Pakistan).

Work with transit countries like Egypt and UAE on strengthening border control with a view to address the increasing migratory flows of third country nationals (e.g Asian nationals entering the Eastern part of Libya via their borders). Including continuous dialogue with UAE and Türkiye operators on preventing becoming transit hubs to Libya.

Lead actors:

Commission, EEAS, Member States, EU delegations

Timeframe:

S1 2023:

- **Commission:** continue the implementation of the recently launched EUR 23 million NDICI action to strengthen the operational capacity of the Egyptian Navy and Border Guards in managing migration flows and provide Search and Rescue at Sea. The action is to be followed by a second phase in 2023 (EUR 57 million), which will focus more specifically on Egypt's land border with Libya.

Objective: Address migration management as a whole, including on the humanitarian response

Action 8:

Continue EU and Member States' support to UNHCR and IOM in their protection, assistance and humanitarian return activities, with the aim to ensure appropriate access to all official facilities involved in migration management in Libya.

Lead actors:

Commission, EEAS and Member States

Timeframe:

S1 2023:

- **Commission:** Continue the implementation of the EUR 55 million NDICI action on increasing the protection and resilience of migrants, forcibly displaced persons and host communities in Libya (EUR 39 million in total allocated to UNHCR and IOM).

Action 9:

Scale-up the evacuation of vulnerable persons notably by an enhanced use of humanitarian corridors from Libya to the EU and through an enhanced use of the Emergency Transit Mechanisms.

Lead actors:

Commission, Member States, UNHCR

Timeframe:

S1 2023:

- **Commission:** Continue the implementation of the EUR 55 million NDICI action on increasing the protection and resilience of migrants, forcibly displaced persons and host communities in Libya (EUR 22 million allocated to UNHCR for 2022 and 2023).
- **EU Member States:** Open Humanitarian corridors/evacuations from Libya to EU Member States, if applicable, and increase the number of direct resettlements from Libya and pledges from ETM in Niger and Rwanda.

Action 10: Support the IOM Voluntary Humanitarian Return and reintegration programme and ensure sufficient funding for stepping up Voluntary Humanitarian Returns from Libya to countries of origin or safe destinations.

Lead actors:

Commission, Member States

Timeframe:

S1 2023:

- **Commission:** Continue the implementation of the EUR 60 million NDICI regional action (EUR 25 million indicatively earmarked for voluntary humanitarian returns from Libya to countries of origin).

Action 11:

Resume/pursue dialogue with the Libyan authorities to promote human rights, allow unhindered access to detention centres for international and humanitarian organisations; promote and support alternatives to detention with the objective of putting an end to arbitrary detention; work towards the evacuation of vulnerable migrants from detention centres, notably by a multilateral action coordinated within the tripartite taskforce to be reactivated by rapidly concluding the ongoing work on the terms of reference.

Lead actors:

Commission, EEAS and Member States

Timeframe:

S1 2023:

- **Commission:**

- ✓ Continue to work with international partners, notably IOM and UNHCR, to improve support to migrants in detention centres, at disembarkation points and in urban areas, while also implementing the recommendations stemming from the EU's Third-Party Monitoring in Libya alongside EU Member States;
- ✓ Continue the implementation of the EUR 55 million NDICI action on increasing the protection and resilience of migrants, forcibly displaced persons and host communities in Libya;
- ✓ Continue the implementation of the EUR 60 million NDICI regional action (EUR 25 million indicatively earmarked for voluntary humanitarian returns from Libya to countries of origin).
- ✓ Continue and strengthen the EU's third-party monitoring on Human Rights over operations in Libya, including conflict sensitivity aspects.

Action 12:

Strengthen integration of migrants in Libya by support of ongoing projects to address current challenges related to labour migration in Libya. This action is relevant as many migrants arrive in Libya as labour migrants and would remain in the country provided that the legal environment would allow an employment in the formal sector.

Lead actors:

Commission, EEAS

Timeframe:

S1 2023:

- **Commission:**

- ✓ Encourage international cooperation on labour migration, including when it comes to the signature of Bilateral Labour Agreements and the process started by the Libyan Ministry of Labour aimed at granting work visas to nationals of a number of African countries with the goal of reducing the number of irregular migrants in Libya and increasing safe mobility.

- ✓ Introduce potential scenarios for the management of foreign labour workers in Libya, which can as a springboard for the development of a comprehensive regularization process and social security actions in the future.
- ✓ Continue the implementation of the EUR 55 million NDICI action on increasing the protection and resilience of migrants, forcibly displaced persons and host communities in Libya, among which 2 partners are working on labour migration: IOM and the French NGO Supernovae, with a small pilot programme.

ANNEX: Common messages

To be developed.