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NOTE

From: General Secretariat of the Council
To: Political and Security Committee

Subject: Joint CivCom Advice and PMG Recommendations on Strategic Review on EUBAM Libya, EUNAVFOR MED OP Sophia & EU Liaison and Planning Cell

Delegations will find attached the Joint CivCom Advice and PMG Recommendations on Strategic Review on EUBAM Libya, EUNAVFOR MED OP Sophia & EU Liaison and Planning Cell, as finalised by the Committee for Civilian Aspects of Crisis Management (CivCom) and Politico-Military Group (PMG), on 28 June 2017.

**JOINT CIVCOM ADVICE AND PMG RECOMMENDATIONS ON
STRATEGIC REVIEW ON EUBAM LIBYA, EUNAVFOR MED OP SOPHIA &
EU LIAISON AND PLANNING CELL**

I. INTRODUCTION

1. On 19 May 2017, the PSC tasked CIVCOM and PMG to provide an advice and recommendations on the Strategic Review on EUBAM Libya, EUNAVFOR MED Op Sophia and the EU Liaison and Planning Cell (doc. 9202/17 R-UE/EU-R, dated 15 May 2017).
2. On 24 May 2017, CIVCOM, reinforced by PMG, received a presentation of the Strategic Review and had an exchange of views with a view to preparing a joint Advice and Recommendations.
3. On 31 May and 7, 12, 14 and 21 June 2017, CivCom and PMG discussed and agreed the following joint Advice and Recommendations.

II. CONSIDERATIONS

General

4. CIVCOM and PMG welcomed the presentation of the Strategic Review and in particular the holistic approach taken in this Review on the CSDP engagement in Libya as part of an Integrated Approach within the broader framework of EU efforts in the region.

5. CIVCOM and PMG further noted that the political and security situation in Libya is both dynamic and unstable. A Libyan-owned political solution remains crucial for durable stability; therefore EU efforts should contribute both to support the Presidential Council (PC) and the Government of National Accord (GNA) as the sole legitimate government authorities and to help the UN-facilitated process to advance an inclusive political dialogue within the framework of the Libyan Political Agreement (LPA).
6. CIVCOM and PMG highlighted that the EU's long-term policy for Libya and the region is focused on the development of stability. This aspiration requires local ownership for a sustained, integrated, inclusive and ambitious approach.
7. Any CSDP action needs to be focused and gradual, as well as realistic and prudent, while opportunities to engage must be seized as and when possible and when political and security conditions allow. These actions would need to be coordinated with other EU actions and with other national, regional and international actors.

Challenges

8. CIVCOM and PMG noted that irregular migration and organised crime, including human smuggling and trafficking, terrorism and weapons smuggling are reflecting the instability in Libya and the region and recalled the clear direction given in both the Malta Declaration of 3 February 2017 and by the Foreign Affairs Council on 6 February 2017 to increase efforts wherever feasible. In addition to Tripoli, a focus must be given to southern Libya where the EU should explore ways to address underlying reasons behind the human smuggling business.
9. Loss of life and continuing migratory flows of primarily economic migrants on the Central Mediterranean route, of which a large part is rescued at sea, is a structural challenge and remains an issue of urgent and serious concern. Strengthening regional cooperation in Search and Rescue activities, in accordance with international law and in line with Member States' competencies, is equally a high priority.

10. CIVCOM and PMG underlined that the difficulty in gaining sustained access to Tripoli and beyond represents an important limitation. Moreover, EU action in the country faces other major challenges such as: a lack of institutional GNA capacity at both the central and political level; the challenge of sustainable capacity building, vetting, training and monitoring; the lack of absorption capacity and the persistent turf wars between the nominal Libyan institutions. Dealing with these challenges requires strategic patience and a realistic, phased approach.

CSDP engagement

11. Despite the complexity of the situation CIVCOM and PMG noted that the existing CSDP activity is starting to deliver some tangible effect and remains a viable and prominent instrument of EU political intent towards Libya and the region.
12. CIVCOM and PMG stressed the need for Operation Sophia, EUBAM Libya and the EULPC to further develop synergies and coordinate in line with the EU comprehensive/integrated approach with the different EU partners, in particular the EU Delegation including its EU counterterrorism expert, EU Member States and their bilateral efforts, CSDP missions in the Sahel, SEAHORSE, Europol, Eurojust, FRONTEX. Further cooperation with EUROGENDFOR should also be explored.
13. CIVCOM and PMG furthermore supported the cooperation and coordination with international actors such as the UN, in particular UNSMIL but also UNDP, UNODC, IOM, UNHCR as well as NATO, AU, LAS, INTERPOL and individual countries like the United States on a case by case basis as deemed necessary and in full respect of the EU's institutional framework, in order to avoid duplication of efforts.
14. CIVCOM and PMG recognised that, on coastguard capacity building, continued coordination with key actors and partners, among others regarding training and equipment needs, will be crucial in order to avoid duplication of efforts, identifying suitable sustainable partners and delineation of responsibilities between the Libyan coastguard and the coastal police.

15. CIVCOM and PMG furthermore underlined that for Operation Sophia, EUBAM Libya and the EULPC human rights and gender should be an integral part of their planning and operational activities.

EU Liaison and Planning Cell (EULPC)

16. CIVCOM and PMG welcomed the contribution of the EULPC which has ensured continued and effective liaison with the UN and provided much-needed situational awareness for the EU. They underlined the need for the EULPC to maintain the current ad-hoc format, but proposed to transform the Cell's personnel to SNE status as soon as possible, including through formalising an agreement with UNSMIL addressing security, travelling and subsistence needs regarding EULPC's possible deployment to Libya.

EUNAVFOR MED OPERATION SOPHIA

17. PMG noted the current challenges of Operation Sophia to move to phases 2B and 3 but recognised that, in line with its core mandate, the presence of Operation Sophia on the high seas off the coast of Libya continues to contribute to efforts to disrupt the human smugglers' business model and is having a deterrent effect with regard to weapons smuggling, through the implementation of UNSCR 2357.
18. PMG also took note of the benefit for Operation Sophia to enhance intelligence gathering in relation to broader illegal trafficking and thereby contribute to improving overall maritime security in the Central Mediterranean, through sharing intelligence with relevant Justice and Home Affairs (JHA) agencies to facilitate their activities, including on counter-terrorism. In that regard, the relevance of conducting focused surveillance activities to improve maritime situational awareness in the Area of Operations within means and capabilities, including by enhancing the intelligence picture in line with the provisions of UNSCR 2146 and sharing information with the formally appointed Libyan authorities, was recognised.

19. PMG underlined progress made in terms of the training provided to the Libyan navy coastguard. It also highlighted the need for sustainable funding and Libyan ownership in the building of that capacity. It however emphasised the importance of Operation Sophia's contribution to the establishment of a monitoring mechanism, in close coordination with other relevant stakeholders, to both assess training effectiveness and determine further steps to enhance a sustainable capacity. This monitoring mechanism should exclude any military embedded mentoring activities towards the LNCG. Results and progress of the monitoring should be reported on a regular basis.

EUBAM Libya

20. CIVCOM noted the relative successes made in terms of identifying key civilian security needs in terms of policing, fight against organised crime and borders.
21. CIVCOM pointed out the necessity of a realistic and focused approach prioritising the tasks of EUBAM Libya. CIVCOM noted that achievable goals would have to be identified for the Mission, inter alia, in order to manage expectations of the Libyan authorities.
22. CIVCOM noted that EUBAM Libya should continue planning for a possible future civilian CSDP mission while gaining a better understanding of the priorities for such future support and advance, primarily in Tripoli, its engagement and assistance related to border management, law enforcement and the broader criminal justice system. In parallel, the Mission should continue working towards establishing the light presence in Tripoli provided that appropriate security arrangements are in place.
23. CIVCOM further noted that during the next mandate EUBAM Libya should continue to progressively engage with and assist the Libyan authorities in the following priority areas:

Border management:

- Support the coordination of the inter-ministerial National Team for Border Security and Management including developing of the broader border management framework (White Paper) and the operational cooperation through the EUBAM-Libya Border Management Working Group;
- Support, with other international actors involved, the development of capacity delivery to the Ministry of Interior (MoI) coastal police and engage with the Libyan coastguard on the law enforcement aspects of its activities including in order to pursue a delineation of responsibilities between the coastal police and the Libyan coastguard;
- Enhance contacts with legitimate Libyan authorities on the Southern borders, in particular through the Border Management Working Group, to improve the level of operational conduct and internal Libyan coordination in order to develop southern border capacities.

Law enforcement:

- Broader capacity building and strategic planning assistance to the MoI;
- Support to the development of coordination capacities among relevant Libyan authorities in fighting organised crime and terrorism;
- Support to MoI on the development of law enforcement in Tripoli, i.e. 'areas of legality', including on the possible establishment of "model police stations";
- Engage with the police component of the Presidential Guard, aiming in particular at clarifying its role and remit.

Criminal Justice:

- Broader capacity building and strategic planning assistance to the Ministry of Justice (MoJ);
- Establish the Criminal Justice (Reform) Working Group and potential sub-groups.

24. CIVCOM concluded that the conditions for a new civilian CSDP mission are not yet ripe and that efforts must continue to help shape Libyan ownership and the EU preparedness to establish a new mission once conditions are in place while increasing the ability for EUBAM Libya to further engage and assist legitimate Libyan authorities in priority areas.

III. RECOMMENDATIONS

25. Taking into account the considerations above, CIVCOM and PMG recommended:

- To extend the mandate of Operation Sophia, EUBAM Libya and the EULPC until the common expiry date of 31 December 2018 in order to allow the EU the flexibility to capitalise on opportunities as they arise;
- To update the Operations Plan for Operation Sophia in order to reflect the PSC conclusions and PMG recommendations and refine the necessary financial resources via the Athena Special Committee;
- To update the Concept of Operations Plus for EUBAM Libya in order to reflect the PSC conclusions and the Joint CIVCOM Advice and PMG Recommendations, and adjust moderate financial and personnel resources accordingly.

EULPC

- To maintain the current ad-hoc format for the EULPC, but to transform the Cell's personnel to SNE status as soon as possible.

Operation Sophia

- To continue Operation Sophia as it is and build on the current mandate to enhance:
 - focus on intelligence gathering in relation to broader illegal trafficking by conducting surveillance activities in the Area of Operation within means and capabilities, thus contributing to maritime security;
 - information sharing with Justice and Home Affairs (JHA) agencies;
 - cooperation with duly designated Libyan authorities through a continued investment in coastguard capacity building;
 - information sharing with the Libyan authorities and contribute to the establishment of a monitoring mechanism, in close coordination with other relevant stakeholders, to assess training effectiveness and determine further steps to enhance Libyan ownership and sustainable capacity.

- To inform the PSC and EUMC, on a regular basis and whenever required, on the progress made on these matters, including on the results of the monitoring.

EUBAM Libya

- To continue planning for a possible future civilian CSDP mission and gain a better understanding of the priorities for such future support;
- To continue progressively engage with and assist the Libyan authorities in the fields of border management, law enforcement and the broader criminal justice system in the priority areas indicated in the Strategic Review, including by enhancing contacts with them on the Southern borders;
- To continue work towards establishing the light presence in Tripoli provided that appropriate security arrangements are in place.

26. CIVCOM and PMG invite the PSC to take note of this joint Advice and Recommendations and endorse its recommendations.
