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0. EXECUTIVE SUMMARY

1. The existing mandates of EUNAFVOR Med Op Sophia and EUBAM Libya will expire on 27 July and 21 August 2017 respectively. A decision on the future of these two CSDP activities and on the EU Liaison and Planning Cell in Tunis needs to be taken in light of the findings of this review and the broader political situation concerning Libya.
2. The review considers the extent of CSDP engagement in Libya from a holistic viewpoint, taking into account the need for an integrated approach within the broader framework of EU efforts in the region.
3. The review highlights that the political and security situation in Libya is both dynamic and volatile. Efforts by the International Community, which have included a prominent role by the UN and the European Union, have helped establish a nascent Government of National Accord in Tripoli, but Libya still remains a divided country with weak institutions in need of support. Continued strategic patience is required to stay the course.
4. The EU's long-term policy for Libya and the region is therefore focused on the development of stability which requires a sustained, integrated and ambitious approach; to do nothing, is not considered a viable option and opportunities must be sought and seized as and when they present themselves, including through CSDP.
5. Continued irregular migration and terrorism are visible and acute symptoms of the instability in Libya and the region. The review notes the clear direction given by MS in both the Malta Declaration and the Foreign Affairs Council to increase efforts wherever feasible and identifies that, in addition to Tripoli, a particular focus must be given to the South West of Libya in order to address root causes and help contribute to a sustainable solution.
6. Despite the complexity of the situation, existing CSDP activity is starting to deliver some tangible effect and remains a viable and prominent symbol of EU political intent towards Libya and the region.

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7. The review's assessment of CSDP activity notes relative successes made in terms of coastguard capacity-building and in identifying key civilian security needs in terms of policing, fight against organised crime and borders. In the latter regard, there is a need not only to continue mapping but to increase the ability for EUBAM Libya to engage and assist legitimate Libyan authorities in priority areas.
8. The prominence of Op Sophia on the high seas off Libya continues to hamper the human smugglers' business model and is having a deterrent effect in regards to the arms embargo. The operation's ability to support broader maritime security in the Mediterranean is also evident in the review. Finally, the robust contribution of the EULPC has ensured continued and effective liaison with the UN and provided much-needed situational awareness for the EU.
9. The review concludes 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. The review recommends that Op Sophia, EUBAM Libya and the EULPC be extended until the common expiry date of 31 December 2018 and that their existing core mandates be maintained.

I. INTRODUCTION AND BACKGROUND

10. The political situation in Libya remains unstable and the security situation is becoming more volatile. Neither a political nor military solution to the crisis looks likely in the immediate future, but international efforts through the new Libya Quartet (AU, EU, LAS and UN) and through the trilateral neighbours initiative (EG-ALG-TUN) are being stepped up. The Trump Administration have indicated that they do not see the US having a leading role on Libya, so the emphasis is on these initiatives and the efforts of the UN, EU and neighbours to help make progress. Politically, efforts to bring Easterners and Westerners together to discuss possible changes to the Libyan Political Agreement (LPA) and establish a more consensual Government of National Accord (GNA) continue to be blocked. On 3 April, 55 out of 200 Members of the House of Representatives (HoR) voted in Tobruk a motion outlining six conditions to advance dialogue on the Libyan Political Agreement with the High Council of State, including the rejection of article 8 of the Political Agreement on the transfer of military command to the Presidential Council; the call to have the Libyan National Army as the sole legitimate force, under Haftar's command, and the reform of the Presidency Council into a three-member format, with a separate Prime Minister who

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would form a government with a program subject to HoR prior approval. These conditions are likely to be unacceptable to Westerners and would not provide a basis for negotiation. The GNA under PM Serraj, continues to operate relatively freely in Tripoli, though without much traction in the rest of the country. The State Council, also based in Tripoli, has yet to nominate 15 negotiators to discuss LPA revision with the HoR.

11. The security situation also remains volatile. General Hafter has retaken the two largest oil terminals lost in early March to Benghazi Islamists, Jadhra's petroleum guards and Misratan fighters. After heavy fighting in mid-March in Tripoli between Misratan and local militias an uneasy truce appears to be holding, due mainly to the militias having found a precarious power sharing equilibrium though the Presidency Council claimed some involvement. In the south, clashes between Hafter's LNA and PC/GNA-allied Misratan 3rd Force continue, particularly around the strategic town of Sebha. In the West, following the liberation of the Qanfouda district of Benghazi, the LNA is now engaged in the Al-Sabri one; and it is also increasingly focusing its attention towards the city of Derna where Islamist militia remain influential.
12. The economic outlook continues to deteriorate. Oil production is fluctuating, with production levels of around 700,000 barrels a day which is inadequate to fund current expenditure, even if most revenue is being paid to the legitimate NOC and from there to the Central Bank. The Central Bank, which continues to pay salaries, generous fuel subsidies and maintain an increasingly unreal official exchange rate, is therefore running down reserves, which now stand at under \$40bn. Though the Central Bank has resumed funding of Government ministries, the funds are taking a long time to reach them. Major financial and public expenditure reforms are needed to salvage the budget, but the GNA has not yet been able to do this.
13. In terms of EU response, the Foreign Affairs Council of 6 February adopted conclusions that reaffirmed the EU's commitment to support the Libyan Political Agreement (LPA) of 17 December 2015 and endorsed four lines of action to promote Libya's stabilisation: 1) to engage more actively in efforts to galvanise the political process and to support the Libyan Political Agreement (LPA); 2) complement our support to the Presidency Council and the Government of National Accord with outreach to all Libyan stakeholders in all parts of the country; 3) working more closely and effectively with the UN; 4) support for initiatives by neighbouring countries and regional organisations' mediation efforts. In line with this, on 18 March in Cairo the EU joined the Libya Quartet - with the United Nations the African Union and the

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League of Arab States - which provides a new format in which the EU can play a more active political role.

14. The EU is also paying particular attention to Libya's southern regions and its southern borders. Key EU actions include: fostering the social economic development of local communities in the South in order to undermine the smugglers' business model and improve living conditions of migrants and local communities alike; supporting border management on the other side of Libya's southern borders, making use of the Agadez focal point and EUCAP Niger; and facilitating Libya-G5 Sahel countries cooperation on migration and security.
15. EUNAVFOR Med Operation Sophia (Op Sophia) was launched in the summer of 2015 as part of the EU comprehensive approach to irregular migration to disrupt the business model of the human traffickers and migrant smugglers in the Central Mediterranean off the coast of Libya. Following the recommendations of the last strategic review of April 2016, the Council decided to extend the mandate to 27 July 2017 and added two supporting tasks to the operation's mandate in June 2016; capacity building to the Libyan Coastguard and Navy, and contributing to information exchange and the implementation of the UN arms embargo in accordance with UN Security Council Resolution 2292. Op Sophia continues to operate on the high seas off Libya and remains the most prominent symbol of EU political intent towards Libya to date. Libyan political and legal challenges have prevented Op Sophia from transitioning to phases 2b/3 operations in Libyan territorial waters further. This underlines the importance of enabling the Libyan coastguard to take effective action against human trafficking and migrants smuggling networks.
16. On 13 January 2016, following the UN-brokered Libyan Political Agreement (LPA) of 17 December 2015, the PSC acknowledged the need to maximise the readiness for an appropriate CSDP and security engagement with the Government of National Accord (GNA) and to further support the UN's support mission to Libya (UNSMIL).
17. In February 2016, the Council extended EUBAM Libya for 6 months until 21 August 2016 and amended its mandate to move from an "on-hold" status to one of supporting civilian CSDP planning¹. This planning mandate was renewed for an additional year ending on 21 August 2017 with the core task remaining to plan and prepare for a potential civilian CSDP mission in the fields of police and criminal justice and border management, including a focus on migration and counterterrorism (CT). In addition

¹ Council Decision 2016/207/CFSP of 15 February 2016.

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to this planning mandate EUBAM has also commenced some practical assistance and engagement with Libyan authorities in order to address immediate needs and foster Libyan ownership and buy-in.

18. The EU's Liaison and Planning Cell (EULPC), currently located in Tunis, was formed in April 2015 with the core tasks of providing situational awareness to aid Brussels planning and to support UNSMIL planning on options to deliver security in Tripoli, with a particular focus on the development of a Presidential Guard (PG) concept.
19. The overall situation in Libya in 2016 has remained extremely dynamic and the creation of much-needed and lasting stability remains an elusive goal for Libya, its regional neighbours, and the international community (IC).
20. During this period, the EU has continued to support the legitimate Libyan authorities mainly through diplomatic engagement and encouragement, complemented where appropriate by targeted development and security support. This support has focused primarily on tackling the symptoms of instability, most notably lack of social services including healthcare, irregular migration and CT, including through the actions of Op Sophia and EUBAM Libya. The EU has continued to consistently engage with the Libyan authorities at all levels addressing the needs of migrants in Libya, aiming to ensure that conditions meet international humanitarian and human rights standards.
21. These manifestations are most immediately apparent in the North of Libya, but in reality their roots lie much further afield in Libya's remote southern borders. This dictates that a lasting security solution should increasingly seek to focus effect in the South and also link, where appropriate, to existing CSDP missions and further efforts on regionalisation with Sahel G5 countries². This reflects also Libyan interests which appear more focused in acquiring the capacity to control their land borders and thus the inflow of people rather than the outflow across their maritime borders.
22. While still maintaining strategic patience, the EU stands ready, once conditions allow, to offer increased assistance which could contribute to a more sustainable resolution of the current Libyan crisis.
23. In relation to migration, the Central Mediterranean Route continues to be the main route to the EU, with Libya as the main point of departure for crossing the Mediterranean Sea towards Italy. Following 181,000 arrivals in Italy 2016, numbers

² Burkina Faso, Mali, Mauritania, Niger and Chad.

since the beginning of 2017 are significantly higher than over the same period in the previous year³.

24. With the 25 January 2017 Joint Communication, the Commission and the HRVP set forth a number of concrete proposals to manage migration flows and save lives along the Central Mediterranean Route. These proposals were reconfirmed in the Malta Declaration of the Heads of State and Government of 3 February, and the related ten-point Implementation Plan. With hundreds having already lost their lives in 2017 and rising flows expected in spring, Heads of State and Government reconfirmed in the Malta Declaration their determination to take additional action to significantly reduce migratory flows along the Central Mediterranean route and break the business model of smugglers, while remaining vigilant about the Eastern Mediterranean as well as other routes. Work with Libya as the main country of departure should be stepped up, as well as with its North African and sub-Saharan neighbours. Activities carried out by Op Sophia and EUBAM Libya form central elements in the implementation of the Malta Declaration Implementation Plan, and the missions will play a key role going forward, taking additional action to more effectively manage irregular flows through the Central Mediterranean.
25. It is against this challenging backdrop that Member States (MS) are presented this strategic review and are invited to decide on the future mandates of Op Sophia and EUBAM Libya and the future of the EULPC.
26. The strategic review analyses the progress of Op Sophia and EUBAM Libya in the framework of the IC's activities and the EU comprehensive approach in Libya. It further assesses the achievements of EU political and strategic objectives, the tasks defined in the operational documents, and also identifies opportunities for continued engagement. This strategic review also explores the future for the EULPC, and proposes options for all three activities from a holistic viewpoint.
27. Opportunities to engage meaningfully with Libyan actors in the preparation of this review have been constrained by the current limited capacity of the Presidency Council (PC) and difficulties in identifying legitimate Libyan interlocutors who have the necessary authority to affect decision-making. Nonetheless, all three CSDP activities, supported by the EEAS and EU Delegation to Libya, are establishing contacts with key Libyan security actors, most notably in terms of coastguard, police

³ There is a 35,8% rise in the number of migrants disembarked in 2017 (26 672) compared to the same period of 2016 (19638). Source: EC DG Migration and Home affairs, Daily report on migration flows in Italy.

and border security domains. In this regard, Libyan appetite for EU support is starting to emerge but will need to be developed and further formalised through the PC.

28. The strategic review has been developed in consultation with relevant EEAS and Commission services. It builds on the impact assessments of Op Sophia, EUBAM Libya and the EULPC and is further informed by dialogue at Libyan Ministerial level achieved during an EEAS fact-finding mission to Tunis in February 2017 and in bilateral discussions between the HRVP and Libyan PM Serraj.
29. A CMPD-led workshop with MS was conducted on 27 January 2017 which included the Commission and other stakeholders with the aim of identifying opportunities for CSDP in Libya, MS intentions and informing this Strategic Review. A second workshop, hosted by Malta, was held on 24 February with the support of key Libyan coastguard, law enforcement and border security officials to further analyse the Libyan situation.
30. The analysis of this strategic review is influenced by broader political considerations which cannot be fully assessed at this stage. These include the future direction of the UNSMIL, which is also undergoing a strategic review process, and support provided by bilateral donors, including by Member States. Furthermore the analysis is influenced by potential support to be offered by NATO in terms of defence institutions building, and the approach of the US, Russia and key regional neighbours to Libya.
31. During the period of the review, support to the Libyan coastguard has been a prominent aspect of the EU's engagement with Libya so as to address existing challenges in the area of security and migration. Adherence to effective personnel vetting, monitoring and a focus on human rights and gender will remain prominent considerations for future CSDP options related to capacity-building.
32. Despite the many challenges and constraints outlined above and not least the fluidity of the situation, existing CSDP activities are providing a visible and potentially important lever with which the EU could help shape Libyan ownership for future support. This review therefore aims to describe how such support could be further developed through CSDP actions.

a) Situation

i) Political Situation (further description of the overall situation is shown in Annex A).

33. Renewed efforts need to be continued by the IC in order to overcome the gridlock in the LPA originally signed in Skhirat, Morocco in December 2015 which could in turn allow the PC to function as a more effective GNA whose legitimacy would be widely respected by the Libyan population.
34. This political flux shows no sign of abating particularly regarding the political and numerical composition of the PC and the issue of nomination of the supreme commander of the Libyan Armed Forces.
35. The PC returned to Tripoli on 30 March 2016 but has had limited ability since then to exert its authority in Tripoli and beyond; owing to the lack of political stability and the presence of numerous armed groups (AG) who are the de facto power brokers in the capital.
36. In addition, the PC struggles to ensure that the basic needs of the population are met (e.g. ensuring regular access to cash, electricity and water). The Libyan economy is a casualty of this crisis and remains almost exclusively dependent on revenues generated from oil and gas production. However production is heavily affected by the conflict and national budgetary reserves are depleting at an alarming rate. To note is that an exceptionally high percentage of Libyans, 25%, are on the public sector payroll, a number set to increase further as the conflict continues. But it is not the economic situation alone that fuels organised crime - notably human trafficking - as a highly-lucrative alternative for some elements of the Libyan population.
37. It is rather the retreat of the central state, and with it the lack of capacity to uphold the monopoly of force across Libya's vast territory (one of the least populated countries in the world with 85% of the population living in the few urban centres) that has opened the space for traditional smuggling to increasingly assume an international dimension, with large scale human trafficking at the forefront of illicit activities. This only adds to the continued political insecurity as there is very little progress on the political track following in the context of the LPA of December 2015. Today, Libya's rifts run deep, between east and west, shifting local power arrangements, regional interests and military confrontation at various flash points adding to the economic woes. It is the combination of these factors that could take Libya over the brink.
38. The legitimacy of the PC is further undermined by competing political structures vying for power in Libya. Key rival governments are; the Islamist General National

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Congress (GNC) and the National Salvation Government (NSG), both located in the west of Libya.

39. The nationalist House of Representatives (HoR) located in Tobruk is dominant in the east of Libya where the most prominent political actor is Field Marshal Haftar. Though affiliated with the HoR, Haftar appears to pursue a policy to consolidate political and territorial power across the entirety of Libya, notably through control of the key oil crescent region. Engagement with the east of Libya and Haftar in particular is becoming more prominent with some in the IC who see Haftar as an element that will need to be addressed in the context of a lasting solution.

40. This political rivalry hampers progress in many key areas vital to Libyan stability which include the drafting of the constitution, control of the national oil company and the central bank and further reinforce the *de facto* split between the West and the East of Libya.

ii) Security situation including terrorism (further description of the situation is also shown in Annexes A and B)

41. In parallel to the political process, considerable effort was undertaken by UNSMIL in 2016 (with the robust support of the EULPC) to develop security options to underpin the LPA. The focus of these options has been on security planning for Tripoli which foresees the withdrawal of the AGs and cantonment of their weapons. Planning by UNSMIL (supported by the P3+5)⁴ has sought to establish a PG, comprised of police and military personnel, to protect vital infrastructure, the PC and diplomatic community in the Capital⁵. Libyan ownership of the PG concept through the Temporary Security Committee (TSC) has taken time to develop and highlights the coordination challenge to external capacity providers and the need for a strategic communications perspective.

42. The provision of security in Tripoli is further complicated by the presence of rival structures⁶ to the PG which itself is at a nascent stage of development, and lack of

⁴ FR, UK, US + UNSMIL, EU, DE, ES, IT. The grouping has also been supported by Canada, Turkey and the UAE.

⁵ The concept of the presidential guard is still under discussion with the Libyan authorities. The essence of the PG is that it could initially comprise some 3 000 personnel (military and police elements). The main tasks of the PG are presidential (VIP) security, diplomatic police, (air)port control, territorial control of the capital and anti-terrorism. The PG currently has 300 military personnel deployed in Tripoli.

⁶ And which include the Tripoli Protection Force, National Guard and Sirte Protection Force.

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agreement amongst key Libyan decision-makers on the role and composition of the PG. Focus on this distracts from the need to tackle the overall security apparatus in Libya, in particular SSR/ DDR and establishing effective control of the southern borders, all of which are necessary for long-term and sustainable stability.

43. In relation to counterterrorism (CT) the key development has been the expulsion of Daesh from Sirte but whose remaining fighters are likely at large elsewhere in Libya (in Tripoli, Benghazi and in the south). The legacy of the conflict in Sirte (e.g. a need for demining and IED clearance) provides an opportunity to combine security and development activities and support municipalities and foster Libyan buy-in. Yet, the return of civilian life and delivery of international assistance has been hampered by local forces associated with combatting Daesh as they fear losing control over Sirte. The regional nature of terrorism demands a regional solution.

iii) Migration (Further detail is shown in Annex C)

44. The Central Mediterranean has become the dominant route for all forms of migration (including refugees) emanating from West Africa and the Sahel region to Europe. Almost 90% of the 180,000 migrants detected on the route in 2016 used Libya as a transit country where smugglers and traffickers are able to exploit political and economic instability to their advantage⁷. The indications are that this situation is likely to persist.
45. The lack of governance and security in Libya is particularly evident in the scarcely populated south where human trafficking, smuggling and crime co-exist. The area is dominated by the Tebu and the Touareg tribes, some of whom are involved in drugs trafficking, smuggling small arms and operating illegal border crossing points most notably in the so-called San Salvador triangle (Libya, Algeria and Niger). Though tribes are opportunistic in their affiliations and not dependent on political patronage, the Tebu mostly appear to be currently supporting Haftar.

iv) Rule of Law

46. The legitimate internationally recognised Libyan authorities have limited capacity to address rule of law challenges. Coordination and mutual awareness across GNA ministries, where they exist, is rudimentary and is an area where the IC should

⁷ Countries of origin at the central Mediterranean route are: Nigeria, Eritrea, Guinea, Ivory Coast, Gambia, Senegal, Mali and Sudan. The main transit countries are Niger, Chad and Libya.

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continue to support through capacity building and encouraging institutional reform while recognising that such efforts will remain very limited in the absence of a political solution, end of the military conflict and return to stability. Within the Ministry of Justice (MoJ) and Ministry of Interior (MoI), which are collectively the lead ministries responsible for rule of law and border security, the division of departmental responsibilities is complex and lack a unified approach.

47. Both ministries have little effective reach outside of Tripoli and consequently their tasks are effectively subsumed by a diverse array of state and non-state actors, including municipal authorities, tribes in the South, AGs and organised crime and terrorism networks.
48. This ad hoc reality is also noticeable in migrant detention centres and in respect to the key border security nodes, especially in the South of Libya where state authority and ability to operate effectively is currently lacking.
49. Priority needs for the MoI, as identified by the Libyan authorities, are focused on improving the limited capacity of policing in Tripoli including on countering organized crime together with improving law enforcement and border security capacities in the South.
50. In regard to the MoJ, it is assessed that immediate needs will need to be underpinned by longer term revision and development of Libyan legislation, the judiciary and penitentiary services, all of which are key components in furthering a rule of law and overall stability.
51. More broadly, there is a significant lack of access to justice amongst the Libyan population, especially vulnerable groups including women, children and migrants. The EU, at the FAC of 6 February 2017, reaffirmed its concern about the deteriorating humanitarian situation in Libya and condemned human rights violations in particular in migrant detention centres. Existing and future EU action in Libya must continue to recognise the fundamental importance attached to this issue in terms of policy, conduct and relevance to UNSCR 1325⁸.
52. The main Libyan interlocutors that Op Sophia, EUBAM Libya and the EULPC deal with are from the Ministry of Defence (MoD) and MoI, primarily the coastguard,

⁸ UNSCR 1325(2000) addresses the disproportionate and unique impact of armed conflict on women, and stresses the importance of women's equal and full participation as active agents in the prevention and resolution of conflicts, peace-building and peacekeeping.

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border security and police services. Whilst this engagement is starting to deliver some effect, dialogue is still predominantly at individual rather than institutional level.

53. In generic terms, there are 2 Libyan coastguards. The first organisation is the police coastguard, which is more formally termed the General Administration for Coastal Security (GACS) and is administered by the MoI and has links to the Ministry of Transport for port security matters. The second organisation is the Libyan naval coastguard, which is more formally termed the Libyan coastguard and port security (LCGPS), or more simply the Libyan coastguard. This organisation is administered by the Libyan navy under the MoD.
54. The Libyan coastguard and the police coastguard have overlapping functions inside of territorial waters. The police coastguard is a law enforcement entity operating within the 12 Nautical Mile (NM) zone and along the coast, whereas the Libyan coastguard is responsible for surveillance of territorial waters, search and rescue (SAR) and combatting illegal activities at sea including irregular migration, pollution and fishing beyond territorial waters. On paper both coastguards comprise some 3 000 personnel each but their capacities differ, particularly in terms of operational vessels.
55. The police (law enforcement) comprise a wide array of actors, with the main actors being the Libyan National Police and the municipal national security directorates which are divided into departments dealing with patrol duties, traffic police and criminal investigation. Apart from the entities under the MoI, the Ministry of Finance (MoF) is responsible for the law enforcement on customs and anti-smuggling and the financial information unit. The overall number of police personnel under the MoI is understood to be as high as 130 000. Approximately half of these are believed to be actual police officers.
56. The formal criminal justice system consists of a prosecution service, the courts, and the penitentiaries. Besides the formal justice system, Libya has other systems based on religious laws and on customary law. The latter deals with tribal issues and is based on the consent of the elderly. The customary tribal justice system remains dominant.

b) New basis for EU engagement

57. The HRVP presented the EU's Global Strategy in June 2016 which sets out the EU's core interests and principles for engaging in the world⁹. EU actions in Libya should be seen in this overarching policy framework.
58. The Joint Communication on the Central Mediterranean of 25 January 2017 and the Malta Declaration of 3 February 2017 further defined the EU's policy to manage irregular migratory flows along the Central Mediterranean route and disrupt the business model of human smugglers and traffickers¹⁰. With the Malta Declaration, EU Heads of State and Government reiterated their intention to step up work with Libya as the main country of departure as well as with its North African and sub-Saharan neighbours. Here, the instruments under review will be pivotal to further advance EU efforts to more effectively manage the flows in the Central Mediterranean. In addition the EU recognised the need to develop Libyan capacities to address irregular migration flows and save lives. The subsequent Implementation Plan adopted by the EU describes and emphasizes the need for a complementary and coordinated approach by the EU including through CSDP, the Seahorse Mediterranean Network and Frontex (European Border and Coastguard Agency), also drawing on International Organisations (e.g. IOM and UNHCR) working in Libya. The implementation plan outlines, among other actions; (i) an increase in training, equipping and supporting the Libyan naval coastguard (ii) further efforts to disrupt the business model of smugglers (iii) supporting the development of local communities in Libya and, (iv) helping to reduce the pressure on Libya's land borders.
59. At the FAC of 6 February 2017 the Council re-confirmed its commitment to an inclusive political settlement under the framework of the LPA, and to support the PC and the GNA as the sole legitimate government authorities¹¹. The Council noted that there can be no military solution to the Libyan conflict and welcomed the creation of the PG and the possibility of EU support in this regard.
60. In regard to CSDP engagement the Council stressed that Op Sophia should continue focusing on disrupting the business model of migrant smuggling and human trafficking networks and continue its supporting tasks to train the Libyan coastguard and navy and contribute to the implementation of the UN arms embargo. Furthermore the Council highlighted the need for EUBAM Libya to continue engaging and

⁹ Reference G.

¹⁰ References H and I.

¹¹ Reference J.

assisting Libyan authorities in view of a possible future civilian mission, once conditions allow, in the field of police, rule of law and border management.

61. Increased and systematic exchange of information between relevant stakeholders is an important element of joint actions to disrupt the business model of smugglers. Op Sophia and EUBAM Libya are exploring possibilities together with Europol and Frontex as well as MS to develop further recommendations in this regard.

II. OVERVIEW OF ACTIONS TAKEN

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

62. The EU is prominent in its support to the UN-led political process¹², assisting the GNA in its efforts to establish itself as the sole legitimate and internationally recognized authority throughout the country, and supports mediation efforts at local level. The EU is also enforcing restrictive measures, in line with the restrictive measures introduced by the UN Security Council¹³ in the resolutions that it has adopted to that effect, including restrictive measures against leading Libyan political opponents to the LPA.
63. The EU's overall cooperation strategy¹⁴ in Libya is aligned with the political intent in supporting the LPA, the GNA and local authorities and civil society through a broad set of programmes and projects funded through different EU financial instruments. These range from institution building, Public Finance Management reform, health, education and local development. More recently it has included projects responding to the emerging migration crisis aimed at directly benefitting vulnerable migrants, IDPs and refugees. Security related projects include building credibility by funding public service delivery and contributing to stabilisation by conflict mediation and resolution. However, relaunching these projects continues to be slow and arduous since implementing partners have limited access to Libya due to the persistent security risk and the lack of legitimate Libyan authorities, and hence they lack current Libya-specific experience.

¹² Reference K, extending UNSMIL's mandate until 15 September 2017.

¹³ Reference L, renewing the sanctions regime for a year.

¹⁴ See annex D under 'security related cooperation and development'; cooperation entails bilateral (ENI) funds, the EU Trust Fund and the IcSP.

64. Reducing the pressure on Libya's southern land border (both internally and externally) has been identified as a key action by the EU in tackling irregular migration and instability within the region. Libyan interlocutors have agreed this analysis at the technical level and have emphasised the need for G5 countries to have sufficient capacity to allow effective regional cooperation e.g. through joint patrols. The EU is supporting G5 cooperation through implementation of the regionalisation concept note agreed by the Council and through bilateral arrangements with Niger and Mali. The PSC agreed to implement phase 1 of the regionalisation concept. This regionalisation approach and complementary activity in Libya's southern borders could allow the EU to focus effort along key transit routes and further support national security and defence forces' efforts to address terrorism and irregular migration.
65. In the central Mediterranean the European Border and Coast Guard Agency (Frontex) Joint Operation EPN Triton continues to implement its activities involving seaborne, airborne assets and experts in order to control irregular migration flows, towards the EU, to tackle cross border crime and to enhance European cooperation on coastguard functions. Also Frontex closely cooperates with Op Sophia.
66. Capacity delivery to the Libyan coastguard¹⁵ is provided through a number of activities channels, including Op Sophia, EUBAM Libya, Project Seahorse, Frontex, (including provision of tailored Eurosur Fusion Services)¹⁶, on-going MS initiatives and the information exchange network of the European Maritime Safety Agency (EMSA). The aim of this capacity-building is to support the Libyan authorities in fighting all kinds of illicit activities, saving lives at sea and developing their own search & rescue zone, maritime rescue coordination and coastguard. This would allow Libya to work in partnership with regional partners including the EU and deliver a sustainable capability in the medium term. Frontex has reached a common understanding with NATO on the modalities of their cooperation and sharing of operational information in the Aegean Sea. This includes a regular exchange of classified information between both agencies. This experience could usefully inform inter-agency cooperation in the central Mediterranean. In addition to the naval coastguard, Italy commenced capacity building of the police coastguard in March

¹⁵ Under the Libyan MoD

¹⁶ Eurosur is an information-exchange framework designed to improve the management of Europe's external borders. It aims to support MS by increasing their situational awareness and reaction capability in combating cross-border crime, tackling irregular migration and preventing loss of migrant lives at sea.

2017. This capacity delivery could be complemented by EUBAM Libya which is also developing plans in this regard.

67. The EU Delegation to Libya remains temporarily relocated in Tunis, but with an increasing presence in Libya, where it oversees the EU's engagement with Libya at local level and promotes shared EU interests on inclusiveness and human rights. The EU Delegation provides essential political direction, guidance and synergy between EU instruments, including CSDP. In this regard, the delegation's efforts to support Libyan ownership and awareness, including at municipal level are of note.
68. A European Migration Liaison Officer (EMLO) has been deployed to the EU Delegation Tunisia with a mandate to also cover Libya in stepping up coordination to maximize the impact of EU actions on migration and enhance the engagement of the authorities on the entire spectrum of migration issues.
69. Security advice to the EU Delegation is provided by the defence and the CT/police advisors who also contribute to CSDP planning and includes also technical advice provided by EUBAM Libya. This is consistent with the requirements laid out in the Joint Communication on the EU-wide strategic framework to support security sector reform¹⁷.
70. Close coordination and cooperation between EUBAM Libya and the EU Delegation has been a feature of the past year. With the EULPC presence also in Tunis much has been achieved through the reciprocity in the provision of political guidance by the EU Delegation.

EU Member States

71. Numerous MS have bilateral programs with Libya, either direct or via implementing partners such as IOM. While the EEAS is not in the position to fully document on all on-going bilateral projects, it is understood that some MS play a more prominent role than others.
72. Building on the 2008 Friendship Agreement, a Memorandum of Understanding (MoU) was signed on 2 February 2017 between Italy and Libya which foresees cooperation in

¹⁷ Joint Communication to the European Parliament and The Council "Elements for an EU-wide strategic framework to support security sector reform" (SWD (2016) 31 7.7.2016) page 13 "Instructions to Heads of Delegation will include the task to ensure the local coordination of all EU stakeholders in security sector dialogue and support. This will not impact on the CSDP missions' line of command. The mandate of CSDP missions should include the provision of technical advice to EU Delegations."

the development sector to combat irregular immigration, human trafficking and contraband and on reinforcing border security¹⁸. Despite the fact that the Libyan courts have challenged the legitimacy of the MoU in March 2017, the MoU is further evidence of the need for external support in tackling irregular migration and security needs. It highlights the importance that Libya places on its southern borders and the need to develop capacity there as underlined also by the Libyan Foreign Minister Siala on a number of occasions after the Libyan - EU meetings in Brussels on 2 and 3 February, stressing the need to address the issue of human trafficking in a comprehensive way, at sea, on Libya's southern borders and beyond them where some of the root causes lie. This priority was further reinforced in the 31 March 2017 meeting between southern leaders, facilitated by the Italian MoI, in Rome. Consideration for further EU engagement in this regard should take into account the need to coordinate and identify synergies where appropriate.

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

i) UN

73. The UN and its existing support mission in Libya are of fundamental relevance to existing EU engagement and future planning options. Throughout 2016, UNSMIL has led international efforts in facilitating the Libyan political process and identifying security options in support of the PC, primarily focused on the establishment of the PG in Tripoli. In the latter regard, the robust cooperation between the EULPC (and increasingly EUBAM Libya) and UNSMIL has been a model of effective working relationships in the field between the EU and UN.
74. In December 2016, the UNSC extended the existing mandate of UNSMIL to September 2017¹⁹. This 9-month extension was a compromise reflecting the uncertainty and concern with which the UNSC views the current Libyan crisis.
75. At the time of writing UNSMIL is preparing a strategic review of UNSMIL and a final decision on the replacement of the incumbent SRSG, Martin Kobler, has yet to be taken and follows the recent withdrawal of the candidature of former Palestinian Prime Minister Salam Fayyad which was vetoed by the US while a further candidate was early on in the process rejected by Russia.

¹⁸ See reference M.

¹⁹ See reference K.

76. It is assessed that under the influence of the new UN SG Guterres, UNSMIL's strategic review could recommend key changes in UN strategy and UNSMIL's engagement in Libya. These changes could include an increased focus on high level political dialogue, and a reduced direct involvement in other dossiers (e.g. migration, coordination of cooperation, security, rule of law). This would imply a greater role for other UN agencies and possible increased burden-sharing with the IC, including the EU. In order to guide its decision-making, the UN is in the process of consulting Libyan stakeholders and regional political organisations including the EU, AU and LAS. Detailed planning by UNSMIL for its eventual return to Tripoli (originally foreseen by April 2017) is also currently suspended awaiting the results of the strategic review, but temporary field visits to both Tripoli and other parts of Libya are still being conducted on an ad hoc basis.
77. UNHCR and IOM are working closely together with Op Sophia and EUBAM Libya. Both organisations have appointed advisors on human rights, refugee law and gender to the operational headquarters of the Op Sophia, and personnel has received training on human rights and international humanitarian law.

ii) AU/ Neighbouring countries

78. In addition to UN initiatives in Libya, engagement by regional organisations is becoming increasingly prominent, reflecting the seriousness of the situation in Libya. The AU, LAS and the UN have come together to support mediation efforts and have also recently invited HRVP to lead the EU participation as part of an expanded quartet. The quartet met in Cairo for the first time in this format on 18 March 2017 and reiterated the urgent need for a Libyan-led peaceful resolution of the situation, rejected the threat or use of armed force by the Libyan parties as well as any foreign military intervention in Libya²⁰. The EU will host the next Quartet meeting in May. In parallel, a reinforced engagement is ongoing with the AU High Level Committee on Libya, AU Chair (Moussa Faki) and AU High Representative for Libya, Jakaya Kikwete.
79. The AU is also concerned about the spread of terrorism and affiliated criminal networks in the region²¹. The AU is considering strengthening the cross-border cooperation pillar of its Border Programme in respect to Libya, whereby the AU would assume an advising rather than an implementing role which could prove to be

²⁰ See reference N.

²¹ African Union Communique of the AU High Level Committee on Libya, 8 November 2016.

of particular value as smuggling routes are already shifting and will need monitoring across borders. This suggests a potential synergy between the regionalisation of the CSDP missions in the Sahel initiative and EUBAM Libya.

80. Regional countries are also engaged and include Algeria, Egypt, Morocco and Tunisia which have expressed a shared view that foreign military intervention is not appropriate and that focus should remain on the LPA. Algeria, Egypt and Tunisia are increasingly undertaking mediation efforts to bring all actors round the table. EU engagement with these key regional partners must continue to recognise the value of the regional perspective and shared concern regarding the spill over of instability from Libya.
81. A recent EEAS visit to Tunisia also underlined the potential for strengthening bilateral cooperation on defence and crisis management. Egypt and Tunisia are both cooperating with Op Sophia with a view to agreeing on the provision of Role III hospital facilities. Development of coastguard capacities in both countries could provide a continuity of surveillance capacities with Libya that is currently absent. The potential use of both Egypt and Tunisia to host aspects of EU-led capacity-building in support of Libya could also be explored as part of further regional cooperation with the EU.
82. Numerous neighbouring countries have interest in Libya, acting often through non-state actors. Though the overall stated aim of all actors is to regain stability and security in the country. Turkey and Qatar seem to be close to the GNC, whereas the Emirates and Egypt have closer links to the HoR.

iii) NATO

83. Cooperation at sea and mutual reinforcement of activities in the Mediterranean is a key tenet of the Common proposals on the implementation of the Joint Declaration adopted at the Warsaw summit in July 2016. This has been followed by an exchange of letters between the HRVP and the NATO SG regarding concrete areas of cooperation with Op Sophia²². NATO has also been assisting Frontex and the Greek and Turkish coastguards in their efforts to tackle the migrant and refugee crisis in the Aegean. The practical arrangement put in place to share information in this context served between the EU and NATO offers a useful model for future interactions

²² These are exchange of information and logistic support at sea.

between Frontex operations in the Central Mediterranean and NATO Operation Sea Guardian.

84. In October 2016, NATO's Op Sea Guardian was launched to conduct maritime situational awareness and CT at sea and contribute to the development of maritime security in the Mediterranean. Arrangements are being finalised for Op Sophia and Op Sea Guardian to interact in the fields of info-sharing and logistics. This will lead to the signing of an administrative arrangement between Op Sophia's OHQ and NATO Maritime Command located in Northwood.
85. In February 2017, NATO received an official request from PM Serraj to provide advice and expertise to Libya in the field of defence and security institutions building. The request focuses on NATO's assistance particularly in advising Libya in developing its security architecture, its MoD, its Chief of Defence Staff and effective security and intelligence services, under the civilian oversight of the government. The North Atlantic Council (NAC) had already agreed to respond positively to Libya's requests for advice in the same fields in October 2013. On 1 March 2017, it agreed to the Secretary General's proposals to re-engage the Libyan Authorities through the NATO Task Force established in 2013, ensuring complementarity with the efforts of the EU, the UN and key international actors. The Task Force will engage with the Libyan Authorities, possibly outside Libya in light of the security situation on the ground and will provide a political and intelligence assessment as well as an evaluation of the financial, security, legal and public diplomacy aspects of NATO's assistance to Libya. On the basis of the report, the NAC will take a formal decision on the content of NATO's advice. Awareness of, and coordination with, any eventual plan will need to be undertaken by the EU as appropriate.

iv) Russia

86. Russia has recently increased its engagement in the east of Libya and with Haftar, through political support and most visibly by the visit of the Kuznetsov carrier battle group to Tobruk in January 2017. It remains to be seen whether such engagement will result in more practical support in terms of capacity-building or in other areas. In addition, Russian views on the renewal of UNSCR 2292 for the extension of the arms embargo in June 2017 may have consequences for Op Sophia.

v) *US*

87. The new US administration has yet to articulate any change to its policy towards Libya and the region; CT is likely to remain a priority. The focus of the US administration in the last year has been on CT and economic reform. US Africa Command has successfully provided air support to operations to remove Daesh from Sirte, which have been led on the ground by the Presidency Council and essentially conducted by Misratan forces. The US has expressed a continued interest in participating in EUBAM Libya.

c) Overall threat assessment

88. Reference is made to the Threat Assessment EU CSDP mission in Libya – EEAS (2017) 10181 dated 24 March 2017.

89. The highlights of the assessment are that Libyan political factions have limited control over the AGs; the Oil Crescent and the Southern and Central regions will be the main focal point for the warring factions; and it is assessed that the LNA objective is to consolidate its position in the East and on the Oil Crescent and increase influence in the south-western part of Libya.

90. Threat rating is assessed “CRITICAL” in Tripoli; while for Tunis it is "MEDIUM".

The EU is prominent in its overall support to Libya, assisting the GNA in its efforts to establish itself as the sole legitimate and internationally recognized executive authority throughout the country

Efforts to develop Libyan coastguard capacities are underway in the Mediterranean. CSDP activities (EUBAM, Op Sophia and the EULPC) are central amongst other EU and bilateral efforts in this regard.

Reducing the pressure on Libya's southern land border (both internally and externally) has been identified as a key action by the EU in tackling irregular migration and stability within the region.

The IC is actively engaged in Libya and the region highlighting the need for cooperation and coordination at both political and executive levels.

III) EU NAVFOR MED Op Sophia

a) Mandate assessment

i) Current state of play

91. Op Sophia transitioned to the second phase of its mandate on the high seas on 7 October 2015 and was formally authorised on 20 January 2016 to conduct search, boarding, seizure and diversion of vessels on the high seas under the conditions provided for in UNSCR 2240(2015). Due to continued political and legal challenges preventing the operation from entering Libyan sovereign waters and thereby transiting to subsequent phases of its mandate, the operation has been constrained to continue operating on the high seas.

92. Mindful of the complexity of the above challenges, the Council decided on 21 June 2016 to prolong Op Sophia by one further year until 27 July 2017 and to broaden its mandate with two additional supporting tasks; (i) training of the Libyan coastguards and navy and (ii) contributing to information sharing as well as implementation of the UN arms embargo on the high seas off the coast of Libya, thereby supporting broader efforts to improve stability in Libya.

93. Number of available surface assets need to satisfy operational requirements. Critical shortfall was observed over the period covered by this review to implement the core and supporting tasks. The availability of key personnel and enablers, in particular for intelligence, surveillance and reconnaissance (ISR) purposes according to the agreed CJSOR has not always been consistent and has, at times, limited the operation's ability to implement the full spectrum of its mandate, with regards notably to its contribution to the arms embargo as outlined in UNSCR 2292²³.

ii) Mandate evaluation

- Core tasks

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

94. In order to gather and share information close complementarity has been maintained and sought where appropriate with relevant Justice and Home Affairs (JHAs) and military entities. This has led to the development of an extensive network of

²³ See reference O. On the overall state of play, see also the latest Six Monthly Report under reference P.

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interlocutors that has enhanced Op Sophia's ability to operate and contribute to efforts to disrupt the business model of those involved in migrant smuggling and human trafficking.

95. This cooperation has been underpinned inter alia by:

- Effective MS National Intelligence Cells and National Intelligence Liaison Officers functions within Op Sophia's Operations Headquarters;
- A liaison officer to UNSMIL;
- Regular information and data sharing with Frontex (based on i.a. risk analysis and continued exchange of near and real time situational pictures provided also through the Eurosur Fusion Services) and the deployment of Frontex Liaison officers, including at sea in Op Sophia warships to facilitate interaction with Italian National authorities at point of disembarkation;
- Enhanced contact with Europol, i.a. through the deployment of an Op Sophia liaison officer (under the status of "working visitor") and the strengthening of info-exchange capability through Europol's encrypted SIENA system;
- Close working relationships with the Italian prosecuting agency against organized crime, *Direzione Nazionale Antimafia and Antiterrorismo* (DNAA);
- The signing of a working arrangement with UNODC to provide a framework for cooperation and to facilitate collaboration in areas of mutual interest focusing on transnational organized crime as defined in the respective mandates of the two Organizations;
- Exchange of knowledge and expertise with the OSCE, through the participation of Op Sophia experts to workshop organized by the Office of Special Representative and Co-ordinator for Combating Trafficking in Human Beings and participation of OSCE personnel to the INCHOP training delivered by Op Sophia to incoming naval assets;
- Enhanced cooperation with the International Criminal Court (ICC) with a view to ensuring its contribution to the vetting process and the exchange of information related to the possible commission of international crimes in Libya;
- Further interactions with INTERPOL as provided for in Council Decision (CFSP) 2016/2314 of 19 December 2016.

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96. On 6 October 2016, the regime established under UNSCR 2240 (2015), for the inspection of vessels, on the high seas off the coast of Libya, suspected of being involved in migrant smuggling or human trafficking from Libya, was renewed for a further one year through the adoption of UNSCR 2312 (2016)²⁴. The extension was a technical roll-over with minimal changes.

97. The fact that circumstances do not currently allow Op Sophia to operate inside Libyan sovereign space continues to limit the operation's ability to have a more comprehensive intelligence picture and reduces in particular its ability to disrupt the smugglers' business model. Enhanced cooperation with other actors is therefore required to mitigate existing limitations. This also includes increasing efforts to enable the Libyan coastguard to disrupt the smugglers' networks.

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

98. The presence of EU vessels on the high seas in the vicinity of Libyan territorial waters has continued to constrain smugglers and traffickers to mostly operate within the remit of Libya's territorial waters and has resulted in fewer opportunities for Op Sophia assets to conduct boarding operations on the high seas.

99. To date, Op Sophia has been able to dispose of more than 400 assets used by smugglers and traffickers, including 74 large wooden boats. Whilst reportedly barely seaworthy, these wooden boats are in relatively short supply and are particularly useful for the smugglers as they are able to embark up to 800 persons and thereby generate significant profits per voyage. Denial of these wooden vessels to the smugglers is having a marked effect, which is unfortunately compensated for by a steady supply of cheaper rubber boats increasing smugglers' profits.

100. The existing legal basis for suspected migrant smugglers and human traffickers apprehended in international waters is based on guidelines issued by the Italian judicial authorities, which are in accordance with Italian domestic criminal law. To date, Op Sophia has been able to apprehend 109 suspected smugglers on the high seas who have all been handed over to competent Italian authorities and are currently either awaiting or facing trial.

²⁴ See reference Q.

101. There has been ample evidence throughout the period covered by this review that the smuggling networks remain very reactive and able to adapt to changing circumstances, taking full advantage of the fact that the operation is restricted to the high seas. Tactics have varied from escorting migrants to the boundary of the territorial waters or allowing them to put to sea unescorted but equipped with navigation aids and communications to make a distress call to escorting vessels on the high seas.
102. In late 2016, tactics observed in the previous year became a preferred modus operandi again entailing the use of two rubber boats shadowed by a facilitator, usually on a skiff disguised as a fishing vessel. Once the migrants had been rescued, the escorting skiff would close in and attempt to recover the rubber boats to take them back to shore for re-use.
103. Whilst it is not a task of the Operation, assets deployed in the framework of Op Sophia nevertheless conducted a significant number of search and rescue operations in accordance with their obligations to do so under international law. In accordance with PSC Decision of 9 June 2015 on EEAS document No 855 (2015) of 8 June 2015 and Council Decision (CFSP) n. 2015/972 of 22 June 2015, all rescued migrants and apprehended individuals will be transferred under the facilitation and coordination of FRONTEX Op TRITON and follow the arrangements already detailed in the FRONTEX OPLAN for Op TRITON. Under the letter, the aforementioned individuals are to be disembarked to Italy and the operation has maintained in this regard close relationships with the Italian Coastguard as the coordinating authority through the Italian Maritime Rescue Coordination Centre (IMRCC) and the Italian National Coordination Centre. The flow of migrants at sea is monitored by the IMRCC through updated information provided by maritime actors operating in the area and the appropriate SOLAS (safety of life at sea) response is decided by the IMRCC based on the availability of assets in the concerned area. At the time of writing, Op Sophia has been involved in 233 SOLAS events and rescued more than 34.500 persons since October 2015.
104. It is assessed that in addition to the continued presence of Sophia assets a daily average of more than 50 merchant vessels and up to 10 Non-Governmental Organisations (NGO) are operating in the Central Mediterranean and are actively involved in search and rescue activities. Given the density of maritime traffic in this part of the Mediterranean, rescues would take place regardless of the presence of Op

Sophia, which since its launch has only rescued 11,8% of the total number of migrants.

- Additional supporting tasks

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

105. The operation started contributing to the implementation of the arms embargo on the high seas off the coast of Libya under UNSCR 2292 in early September following PSC approval on 30 August 2016. Two ships were initially tasked to patrol the Eastern part of the Area of Operations (AOO) on a permanent basis. The two assets were split between two areas of interest respectively north of Derna to monitor the inter-theatre route into the AOO and the Gulf of Sirte, to monitor whereabouts intra-theatre.

106. The aim of UNSCR 2292, adopted on 14 June 2016, is to ensure strict implementation of the arms embargo on Libya, and thus reduce the illicit flows of prohibited materiel. The resolution granted member states acting nationally or within the framework of a regional organisation the legal permission to inspect vessels on the high seas off Libya that are suspected of carrying weapons bound to or from Libya. Its provisions also include the need to identify a port of diversion, which was subsequently offered by France in Marseille. Discussions were also initiated to define a funding mechanism for the extra costs incurred by France for storage and destruction of potential seized cargoes. Initial thoughts that common funding under the Athena Special Committee could apply in this regard have proved inconclusive to date and the issue remains unresolved. In addition, no other port of diversion in the Mediterranean has yet been identified by MS.

107. Following formal adoption of Op Sophia's extended mandate by the Council, contacts were established by the EEAS with the UN Sanctions Committee on Libya and the panel of experts responsible for the monitoring of arms trafficking to ensure appropriate notification procedures and clarity to the Security Council. This

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transparency is also important in respect of the renewal of UNSCR 2292 due in June 2017²⁵.

108. The Countering Illegal Arms Trafficking (CIAT) task is an intelligence-led maritime interdiction activity that requires the availability of a range of capabilities, notably surface boarding capacities and actionable intelligence. To date, 448 CIAT-related events have taken place, but only one visit physically conducted (in addition to 41 friendly approaches) as the implementation of the UN arms embargo towards Libya necessitates sound and reliable intelligence information for implementers to reach the "reasonable grounds" threshold in order to be authorised to inspect suspected vessels as provided for in UNSCR 2292. Despite the limited number of boarding events, the physical presence of Op Sophia is assessed to be having a deterrent effect.
109. Mindful that reliable intelligence could facilitate effective implementation of UNSCR 2292, Op Sophia rapidly expressed the need to enhance exchange of information with relevant entities and underlined in particular the added value of being authorised to interact at operational level with the US and NATO. In the latter regard, it was assessed that a pragmatic solution in this regard would be the signing of an administrative arrangement between the Op Sophia's OHQ and NATO Maritime Command focusing on information sharing requirements and mutual logistical support. This arrangement should shortly be completed and could help Op Sophia to have a better picture of suspicious vessels operating near its AOO. In line with NATO's proposals at the Warsaw summit in July 2016, this arrangement between the two operations also reflects ideas of practical logistic support within means and capabilities. More broadly, the arrangement could in the future allow for a more flexible use of assets employed by the EU and NATO (e.g. SMNG2 and Op Sea Guardian) to further enhance pragmatic interaction and thereby complement efforts in the Mediterranean.
110. Efforts are also being pursued to secure the designation of a Libyan Focal Point officially mandated by the GNA for the implementation of the arms embargo as well as the provision of a list of vessels chartered by the Libyan authorities which are entitled to sovereign immunity, in accordance with the United Nations Convention on the Law of the Sea. Discussions to date with the Libyan authorities have not yet made

²⁵ A) Report transmitted on 30 September 2016 to HE Mr Ramlan Bin Ibrahim, chair of the Security Council Committee established pursuant to resolution 1970 concerning Libya. B) 15 March 2017 response to the letter from the panel of experts on Libya dated 20 February 2017.

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it possible to progress this sensitive issue. Resolution of this issue is nonetheless required to further develop future cooperation with the Libyan authorities including where monitoring issues might be concerned.

(IV) Capacity building and training of, and information sharing with, the Libyan coastguard and navy, based on a request from the legitimate Libyan authorities taking into account the need for Libyan ownership.

111. Given the current inability of Op Sophia to operate inside Libyan territorial waters, where many drownings occur, the provision of training and capabilities to the Libyan coastguard and navy was identified by the strategic review conducted in 2016 as an effective complementary tool to contribute to the return of stability along the Libyan coast and prevent further loss of life at sea. The decision to add training as an additional supporting task to Op Sophia's mandate was also consistent with the inherent ability of a military operation to act as a first entry force in a crisis management context.
112. In this context, following an initial exchange of letters between the HRVP and PM Serraj, the Libyan authorities formally notified the EU at the end of June 2016 that they had nominated a 7-man technical committee of experts under the responsibility of their Ministry of Defence to commence dialogue on capacity building through Coastguard and Navy training. The establishment of that structure subsequently led to the signing of a MoU with Op Sophia on 23 August 2016. Further to PSC approval on 30 August, Op Sophia finalised preparations for an initial package of activities on board two of its ships, which commenced on 28 October 2016.
113. The Libyan coastguard that is being trained by Op Sophia is currently part of the Navy with which it shares logistics, personnel and some basic training. Both the coastguard and the Navy belong to the MoD. These entities were created before the fall of the Gadhafi regime and have remained in place in spite of the political and security turmoil. They are separate from the coastal police created in 2008 and under the responsibility of MoI.
114. From the outset, Op Sophia has been fully engaged with European Commission (EC), Frontex and EU MS representatives to ensure appropriate coordination between Op Sophia's proposed training, the EC-funded Seahorse project, planned assets delivery and bilateral training being considered for the Libyan coastguard²⁶. A

²⁶ Initial joint EC-EEAS chaired stakeholders meeting on the Libyan coastguard 25 July 2016.

coordination mechanism jointly chaired by the EEAS and DG HOME was put in place to that effect in July 2016 to include stakeholders across the board. Regular meetings have taken place since the establishment of this mechanism and have included Libyan coastguard representatives as appropriate.

115. These efforts have been underpinned by the overall objective of bringing clarity and coherence in respective endeavours to build a capable and reliable Libyan capacity. A joint EEAS/DG Home non-paper first drafted in July 2016 is being updated to reflect what is known about the current capabilities and needs of the Libyan naval and police coastguards and how the EU could develop those capabilities through the various instruments at its disposal and within what timeframe. In parallel, activities proposed respectively by Op Sophia and the Seahorse programme, both engaged with the Libyan coastguard and navy, are duly de-conflicted to ensure complementarity.
116. However, the Libyan coastguard authorities have yet to develop a sense of ownership and articulate a fully detailed training needs analysis for the Libyan coastguard. Current efforts are primarily focused on the need to train crews to man the patrol vessels destined to re-enter Libyan service in 2017.
117. The long-term Libyan coastguard training requirement would logically reflect a marked increase in patrol vessel capacity required to monitor effectively Libya's extensive coastline (including the East). Initial estimates of a 40 vessel Libyan coastguard recently indicated by the Libyan authorities would likely require the training of some 1 500 personnel, assuming a rotation of 3 crews per hull.
118. In addition, capacity to the Libyan coastguard has not been delivered to personnel from the East of Libya despite attempts by the committee of experts to get them involved. Representation from eastern Libya will nonetheless be required in the longer term, post LPA settlement, in order to fully develop a sustainable structure.
119. Op Sophia's current provision of training has been designed to be conducted in three different packages ranging from basic seamanship to operational sea training, all focusing heavily on human rights responsibilities²⁷. It is further aimed at enhancing Libyan abilities to fight illicit smuggling activities, and contribute to saving lives at sea within their territorial waters. The proposed training programme is also

²⁷ Package One – at sea training in Op Sophia units, Package 2 shore training in EU MS, Package 3 at sea consolidation training in Libyan coastguard vessels

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underpinned by the objective to meet Libyan coastguard requirements to have several crews appropriately trained to operate available patrol vessels.

120. To date, Op Sophia has been able to formally complete an initial package of sea-based training for an initial group of 93 trainees, including 39 personnel for 3 patrol boat crews. An arrangement was signed between the OHQ and *Guardia di Finanza* on 30 January 2017 to allow practical training of Libyan personnel on board *Guardia di Finanza* patrol boats for familiarisation purposes, in view of the planned delivery of the 4 units currently based in Naples.
121. In line with the objectives outlined in the MoU signed with the Libyan committee of experts, Op Sophia initiated a second package of shore-based training in late January 2017. This part of the training is being provided through a series of modules scheduled to be delivered in Mediterranean member States training facilities. To date, Greece and Malta have completed the outlines training and Italy has confirmed its contribution. An offer for subsequent modules was recently confirmed by Spain and technical arrangements are being finalised.
122. The training initiated by Op Sophia for 3 crews (39 personnel), as outlined above, will be completed by the Italian *Guardia di Finanza* bilaterally with training anticipated to start in June 2017. This will be followed by other similar trainings, with a view to facilitating the timely return by Italy of Libyan Coastguard vessels currently in Naples.
123. At the request of some member states, Op Sophia was tasked to provide an impact assessment of the training activities that had been conducted under package 1 of the programme²⁸. In addition to outlining the objectives the operation had sought to attain, notably to ensure the sustainability of the expertise put in place, the document highlights a number of helpful lessons to guide subsequent capacity-delivery activities, including the need for effective monitoring. The impact assessment underlines the willingness and professionalism of the Libyan coastguard to receive external support.
124. The vetting of Libyan personnel has relied from the outset on careful selection by the Libyan authorities and further analysis by member states involved in the vetting process. The OHQ's report on vetting for the initial package of activities highlights the comprehensive nature of the process put in place and the helpful support of

²⁸ Training package 1 final report, 9 March 2016.

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external actors such as Europol and UNSMIL²⁹. Whilst the existing mechanism is deemed effective, the report also underlines the added value of broadening the scope of supporting entities.

125. To ensure completeness and further reliability of the vetting mechanism, Op Sophia requested, in this regard, authorisation from the PSC to enhance the exchange of information with a number of actors. This process led to the adoption of Council Decision (CFSP) 2016/1314 (amending Council Decision (CFSP) 2015/7780) whereby Op Sophia is authorised i.a. to interact with INTERPOL, the ICC and the United States for the vetting of Libyan personnel.

iii) Gap analysis and Challenges

126. To implement its current mandate, Op Sophia is required to transition to operations in Libyan territorial waters as soon as conditions allow. However, almost two years since Operation launch, a number of key challenges remain to be addressed to ensure this transition:

- Political and legal requirements.

127. Operations within the territorial waters of Libya, as envisaged in the Council Decision establishing Sophia³⁰ require the consent and willingness of the Libyan authorities (i.e. a formal invitation from the GNA) to operate in their sovereign territory and, as requested by several MS, the adoption of an applicable UN Security Council Resolution. It also requires a solution to the so-called legal finish issue for persons rescued or apprehended in Libyan waters. Securing consent from the GNA in the current context in Libya is likely to remain challenging but continued EU support to strengthen a Libyan Coastguard capacity could provide helpful leverage to create conditions of trust. It could also further develop Libyan capacity to deal with the problem in the continued absence of Op Sophia's ability to operate inside Libyan territorial waters.

128. In this respect, the ability to share operational information with the Libyan coastguard, in line with their forthcoming connection to the Seahorse network and the establishment of a Libyan MRCC with the support of the European Commission and

²⁹ Libyan Navy and Libyan Naval coastguard candidates vetting process final report. IT-EU OHQ/0387/2017/CG

³⁰ (CFSP) 2015/ 778 of 18 May 2015.

Italy (Italian coastguard) could lay the foundations for operational cooperation and potentially joint patrols in due course.

129. Current arrangements regarding the legal finish of all persons apprehended or rescued by Op Sophia are processed in accordance with Italian criminal law. However, this arrangement applies only for suspects encountered on the high seas. In the event that Op Sophia would be authorized to operate in Libyan territorial waters, legal arrangements allowing the transfer and prosecution by competent authorities would be required. The issue is widely recognized as a major hindrance for the implementation of the mandate and discussions with MS to date have not allowed the identification of a satisfactory solution. In this respect, the current efforts made by the operation in reaching international consensus for defining migrant smuggling and human trafficking as a crime against humanity would help in this issue as it would give more tools to the legal process – universal jurisdiction, arresting, transferring, prosecuting and sentencing.
130. In light of these challenges, it appears that existing collective efforts to strengthen the Libyan coastguard capacity as well as continued dialogue with them constitute for the time being the most effective way to disrupt the activities of those involved in trafficking and thereby prevent migrants from putting to sea and risking their lives. It is evident, in this regard, that complementarity of efforts should continue between EU and MS interactions with the Libyan authorities, not least at political level.
- Force generation of assets and personnel.
131. There have been some significant shortfalls in the provision of key ISR assets, ships and the provision of some specialist capabilities. The two Force Generation Conferences that took place in late 2016 confirmed that these shortfalls will continue to impact the operation in the coming months as some of the assets, personnel or capabilities requested by the OHQ have not yet been offered by Member States. Op Sophia faces frequent personnel rotations and longer tours (12 months), in particular in key specialist positions, would be beneficial.
132. Key positions to external organisations are also yet to be filled, including liaison officers'/working visitors' functions to EUROPOL, NATO MARCOM and AFRICOM, thus forcing the operation to deploy existing staff and leading to gaps in the OHQ manning. Should these issues remain unresolved, Op Sophia will not be in a position to fully implement the various tasks of its mandate.

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- Intelligence.

133. Op Sophia's intelligence gathering capacity is still limited by the lack of dedicated over or in-country Intelligence assets, especially related to human intelligence and signal intelligence/ electronic warfare, which ultimately restricts its efforts in this regard to open sources. Moreover, as Op Sophia is not authorised to operate outside its AOO in the East, where inter-theatre arms flows are assessed to originate from, the operation is mainly reliant on Member States and external partners for information and intelligence. More broadly, the current limitation in actionable intelligence to reach the “reasonable grounds” threshold in order to be authorized to inspect suspected vessels accounts for the single boarding that the operation has achieved under UNSCR 2292 since the launch of this additional task in September 2016.

134. The above issue is further compounded by the absence of a Libyan focal point and a list of government-operated ships that would help the operation have a more accurate understanding of intra-theatre movements.

135. It is assessed that the authorisation granted to the operation by the PSC to enhance exchange of information at operational level with relevant organisations could help improve the intelligence picture on the whereabouts of vessels potentially involved in arms smuggling. To that end, an administrative arrangement will be signed shortly between Op Sophia and NATO Maritime Component Command in Northwood.

- Strategic communications / perception.

136. The migration crisis that has been affecting the EU over the past two years has now taken on a strategic dimension with significant domestic political implications for member states and the cohesion of the EU. In this context, it is clear that perception will continue to play a significant role and requires careful handling. This has particular relevance when emphasizing Op Sophia's focus on the smugglers' business model, interaction with NGOs and adherence to human rights.

137. The operation's responsibilities to conduct search and rescue operations when one of its assets is required to do so by the IMRCC remains particularly sensitive. The key challenge in strategic communication for the EU's handling of irregular migration is to demonstrate convincingly that we can control the flow and are not overwhelmed by it. Op Sophia is a small but important and visible component of the effort to address this challenge. An update to the operation's Information Strategy is required following this review.

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138. Shared Awareness and Deconfliction in the Mediterranean (SHADE) offers a useful forum to interact with NGOs and encourage cooperative dialogue, particularly in regards to the presence of NGO vessels in the vicinity of Libyan territorial waters. Significant strategic communication efforts are also required with regards to current and forthcoming efforts to support the building of a stronger Libyan coastguard capacity through the training of personnel, delivery of assets and handling ultimately of migrants in detention centres in Libya. The latter issue requires coordination with such actors as IOM, UNHCR and the relevant Libyan authorities and have significant reputational implications for the EU.

- Human Rights and Gender Awareness.

139. To achieve complementarity of efforts and full transparency, Op Sophia has, since its launch, deployed a full-time gender advisor and a human rights and humanitarian law expert in its OHQ. This has allowed Op Sophia to work closely with relevant international organisations on human rights and gender-related issues. To further strengthen the expertise in the OHQ, positions for “Social Affairs and Women Empowerment Advisor” and “Gender Advisor and migrants, smugglers and traffickers expert/analyst” are being created.

140. To ensure that the appropriate methodology applies when carrying out rescue operations, the operation has written a migrant handling manual for internal use of its personnel and more specifically adopted Standard Operating Procedures in relation to both the treatment of persons rescued at sea and the prevention of sexual exploitation and abuse (the SOPs are currently under review). A particular focus has been placed in this documentation on the handling of vulnerable persons such as unaccompanied minors and women. The operation is also establishing an observatory to foster enhanced cooperation between various actors involved in the efforts against migrant smuggling from Libya.

141. Op Sophia is routinely supported by organisations such as UNHCR and IOM (and sporadically by OHCHR) in the pre-deployment training offered to its crews in the specifics of human rights and refugee law.

142. The training provided by the operation to the Libyan coastguard also includes a substantial focus on international human rights and refugee law as well as gender mainstreaming which constitutes the best way to ensure that Libyan interlocutors become familiar with the highest standards in this regard. The training was supported

by inter alia, Frontex, UNHCR, IOM and UNSMIL, the Rava Foundation and the Order of Malta's Italian Relief Corps while support from OHCHR is currently being sought. Continued engagement with the above organisations will be required to ensure sustainability and credibility of efforts.

143. Effective monitoring to ensure adherence by Op Sophia and the Libyan coastguard will be required as part of the overall effort of compliance with HR and gender requirements.

- Funding.

144. From the outset, the funding of both additional supporting tasks has raised a number of significant difficulties. Further to several discussions on the issue, the PSC invited RELEX on 3 November 2016 to further investigate the identification of a funding mechanism for Op Sophia's additional supporting tasks. In line with the EC's legal service views on the matter, RELEX concluded on 21 December that the EU budget cannot be used to fund those activities owing to the fact that those activities are delivered through Op Sophia, this Operation being a military operation and being as such effectively excluded from EU funding under Art 41(2) TEU.

145. In line with the Malta Declaration Implementation Plan adopted in February 2017, the Athena Special Committee was officially tasked with assessing the possibility of funding the training provided by Op Sophia through common costs. As had been previously the case for the initial package of training activities in October 2016, the Committee concluded that funding should be provided through national voluntary contributions. Given the above (legal constraints under Art 41(2) TEU for use of the EU budget in this regard), further funding of training packages 2 and 3 will remain dependent on national voluntary contributions.

146. Further finance-related difficulties could also surface. Whilst Libyan coastguard interlocutors have indeed used the opportunity offered by several discussions with Op Sophia and EU officials to indicate their need to extend the training to a broader audience of up to 600 additional personnel, they have also highlighted that the lack of regular payment of Libyan coastguard personnel in addition to the non-payment of allowances as an incentive to attend training activities abroad, is a potentially serious obstacle to the pursuit of training activities.

147. The issue has been discussed a number of times between EU and Libyan representatives including at Libyan PM level. It is important that the GNA assumes

full responsibility for this matter. It will enhance its own legitimacy vis-à-vis the Libyan Coastguard and help develop much necessary loyalties. In any case, it is important that a common approach on this issue is ensured in the use of different EU instruments in support of Libyan Coastguard capacity building efforts.

iv) Possibilities for future activities

148. The achievements of Op Sophia to date should continue and be consolidated in particular in relation with the law enforcement agencies. In parallel, opportunities to use Op Sophia as a lever to foster further Libyan ownership should be exploited wherever possible. Emphasis should also be applied on further strengthening Libyan capabilities to permit them to manage crises themselves and work in partnership with the EU. More broadly a focus on maritime security operations could be developed to exploit the inherent flexibility of maritime force, including in areas such as embargo, deterrence and maritime interdiction operations³¹ and support where necessary to existing MS national arrangements for the evacuation of personnel.

149. To that end, it is assessed that the effectiveness of Op Sophia could be improved through the following:

- **1. Increased Maritime Security activities:**
 - The threats that continue to challenge the security of the Mediterranean space have strategic implications for the European Union and require as such a collective response. In line with the objectives of the EU maritime security strategy, the possibility could therefore be explored to enhance Op Sophia's focus on maritime security operations on the high seas, entailing notably surveillance activities of broader illicit trafficking within means and capabilities. It could also help increase opportunities for information sharing amongst a broad array of maritime and regional actors and further complement activities foreseen by NATO. This flexibility could help the EU react to contingencies as they arise and could complement Frontex efforts closer to Europe's land borders.
 - The issue of petrochemical products smuggling has in particular been repeatedly raised by the Libyan coastguard and has strategic relevance given

³¹ See annexes R, S and T on EU Maritime Security.

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the need to strengthen Libya's economic development. A new maritime surveillance task in this regard could combine the use of maritime, air and space assets and would seek to enhance the intelligence picture on oil-smuggling activities off the coast of Libya in accordance with UNSCR 2146 or any other relevant UNSCR. Should the political circumstances allow, this could prove a further example of practical cooperation with the Libyan coastguard.

- It is key to ensure that information collected by naval military assets within the framework of maritime surveillance activities and considered useful for the conduct of operational activities by other actors can be shared with these as necessary. A critical objective is the establishment of a common validated maritime awareness picture underpinned by a coordinated use of available space systems, remote sensing technologies as well as their derived applications and services.
 - Collecting intelligence takes time, not least to build confidence with partners. Op Sophia is in the position to further utilise its extensive intelligence on the networks of smugglers and traffickers on the high seas through increased efforts to share this information with selected partners and act as an information hub in this regard potentially to cue action by relevant agencies (e.g. Europol). This integrated approach would complement overall IC efforts to disrupt the business model of the smugglers and traffickers both on land and at sea. The role of Europol and Frontex in relation to the EU law enforcement hub on smuggling is obviously key in this regard.
 - In view of the future presence of EU personnel in Tripoli, modalities of Op Sophia's contribution to evacuation operations, in complementarity with existing MS national arrangements could also be considered.
- **2. Enhanced cooperation with law enforcement agencies ashore:**
- The role that EUBAM Libya could potentially play to support efforts to tackle organised crime ashore would constitute evident complementarity of efforts: this via increasing existing arrangements and liaison with INTERPOL, Frontex and EUROPOL and relevant Libyan entities.
 - In line with the above, should enough intelligence be available to establish the clear responsibility of individuals involved in the running of the trafficking

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networks ashore, there would also be merit for the EU to consider sanctions and to engage with the Libyan authorities and relevant law enforcement agencies to determine what additional legal instruments could be used to disrupt their financial activities of such individuals.

- **3. Continued cooperation with the Libyan authorities with regards to:**
 - Capacity building: As a logical follow up to the training, work in partnership could be envisaged with the Libyans to determine how Op Sophia can enhance the capacities of the Libyan coastguard in their activities against suspected migrant smugglers and human traffickers.
 - Enhanced ISR and info sharing: Real-time information could be shared with the Libyan coastguard to contribute to improve their maritime situational awareness. Subject to their availability, Op Sophia's sophisticated ISR assets could be used to support Libyan interdiction efforts, subject to sufficient legal conditions and assurances being in place (i.e. that these interdiction efforts are supporting authorized coastguard activities). In this approach, EU naval vessels would remain outside Libyan territorial waters; airborne ISR assets could however operate over Libyan territory, subject to Libyan consent.

- **4. Support to the establishment of a monitoring mechanism:**
 - The above activities would also be consistent with the addition of a monitoring and advising function to the ongoing training provided by Op Sophia
 - Monitoring procedures are already in place for Op Sophia's training of Libyan personnel (in accordance with the MOU the operation signed with the Libyan committee of experts) which set out that the operation's OHQ is to be provided regular updates with regards to the place of employment of the trained personnel as well as an analysis after six months of the suitability of the training received.
 - However, it is clear that current efforts to support the building of an effective Libyan coastguard capacity will require the establishment of a monitoring mechanism involving relevant Libyan, EU, MS and International Organisations stakeholders. The key objective will be to assess the overall

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effectiveness of the Libyan coastguard, including the employment of its maritime and aerial assets, and importantly the adherence to human rights standards and the handling of rescued migrants.

- Op Sophia warships and aerial assets could also monitor the physical movement of the Libyan patrol vessels from outside Libyan territorial waters. The possibility to conduct information sharing with the Libyan coastguard (through meetings and written reports) would further increase capacity and aid monitoring efforts. In addition, combined use of the SMART system developed by the Italian Navy and the communication infrastructure of the Seahorse Mediterranean Network due to be established in 2017 should be exploited. The latter must of course be considered as the long-term and sustainable solution.
- Should Op Sophia transition to phase 2b, operations inside Libyan territorial waters could allow Op Sophia to be in an even better position to assess the actual impact of the training and ascertain operational effectiveness of the Libyan Coastguard and Navy personnel.
- An additional option could be physical monitoring of the Libyan coastguard patrol vessels through embarkation of liaison officers which would require the explicit approval of the Libyan authorities. Use of Op Sophia personnel in this capacity would require the necessary political and legal authorisations to be in place which could be problematic and time-consuming. Security and political circumstances do not advice to follow this option for the time being.

b) Transition strategy

150. The current political and legal obstacles to disrupt the business model of smugglers and traffickers ashore, limits the action of Op Sophia to containing the phenomenon. Whilst it is self-evident that the root causes cannot be addressed at sea, it is assessed nonetheless that this containment function has contributed to improving maritime security in the central Mediterranean and remains vital as part of an integrated approach. If the sustainability of the operation can only stem from the willingness of MS to generate forces, the effective delivery of its mandate now depends heavily on its effective cooperation with law enforcement agencies and other organisations operating at sea (Frontex, NATO, EU MS) as part of an intelligence network to disrupt the traffickers. It is also heavily dependent on its continued coordination with the Libyan authorities and the other actors involved in laying the foundations of a fully

operational coastguard capacity. The establishment of an effective capacity and of the monitoring mechanism that supports it is also required to create the conditions of a future exit strategy.

c) Way ahead for future engagements

151. The circumstances that led to the launch of Op Sophia in 2015 have evolved into a strategic challenge for the EU. Faced with the continued threat and humanitarian challenge posed by the activities of smugglers and traffickers operating along the coast of western Libya, Op Sophia has assumed additional responsibilities which currently play a critical role in the EU's contribution to the return of stability in Libya. This review therefore considers that the closure of Op Sophia would incur a reputational risk in a context where more rather than less is expected from the EU and containment of the security challenges facing the EU would not be addressed. Although Op Sophia operates in tandem with other actors involved in coastguard training, its contribution is a key element of the overall capacity-building effort which should continue. In addition, whilst Op Sophia is likely not to be able to transition to Phase 2b in the foreseeable future, the necessity to exploit and reinforce information gathering and sharing alone justifies a continuation of effort. Whilst the closure option is not considered further, two alternative options are proposed below.

Option 1 - Status Quo.

Continue the operation as it currently is and prolong Op Sophia's mandate until 31 December 2018 to allow more time for the political and security situation in Libya to improve.

- Pros;
 - Continued political visibility of the EU through the presence of its naval operation;
 - Technical prolongation of the mandate.
- Cons;
 - Lack of perspective and risk of force generation issues turning the operation into an empty shell;

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- Lack of consistency with regards both to the EU's objectives in relation to external security and efforts to support the development of an effective Libyan capacity.

Option 2 – (recommended option) Continue the operation as it is, and prolong its mandate until 31 December 2018 to enhance 1) focus on maritime security operations on the high seas 2) information sharing with law enforcement agencies 3) cooperation with the Libyan authorities through training and information sharing and 4) support the establishment of a monitoring mechanism.

- Pros;
 - Increased political signal and leverage with Libya;
 - Consistency with the work initiated over the past year in line with the recommendations of the previous strategic review without significant further generation force requirements;
 - Maintain the visibility of the EU as a maritime security provider on the high seas in its southern neighbourhood;
 - Effective use in this regard of an already established maritime force with appropriate command and control in place, situational awareness gained and relations with the region to increase maritime security;
 - Effective contribution through a containment role to broader efforts put in place the return of stability along the Libyan coastline;
 - Increased law enforcement capabilities in order to improve border security and border management, in full respect of fundamental rights;
 - Continued role in preventing further loss of human life.
- Cons;
 - Feasibility dependent on adequate and available force flow, in particular ISR capabilities in sufficient number;
 - Ability of Libyan interlocutors to put in place long term solutions in a context of acute security and political instability.

d) Recommended option

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152. The recommended option (option 2) is to continue the operation as it is and build on the current mandate to enhance focus on maritime security operations on the high seas; information sharing with law enforcement agencies; cooperation with the Libyan authorities through a heavy investment in capacity building and information sharing and supporting the establishment of a monitoring mechanism.

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

a) Mandate Assessment

153. On 19 January 2016, the PSC agreed to use the extant EUBAM Libya mission to plan for a possible civilian CSDP mission in support of the GNA upon its request, and on that basis, agreed to prolong the mandate of EUBAM Libya for 6 months, until 21 August 2016. On 22 August 2016 the Mission's mandate was renewed for an additional year.

154. The Mission's objective, as set out in Council Decision 2016/207 on 15 February 2016, states that *'EUBAM Libya will assist in a comprehensive civilian security sector reform planning process, with a view to preparing for a possible civilian capacity building and assistance crisis management mission'* with the task to *'inform EU planning for a possible civilian capacity building and assistance crisis management mission in the field of security sector reform, co-operating closely with, and contributing to, UNSMIL efforts, liaising with the legitimate Libyan authorities and other relevant security interlocutors'*.

i) Current state of play

155. The Mission of 18 international staff is currently working from its headquarters in Tunis (in the EU Delegation to Libya) in the following three areas:

- Border management
- Law enforcement
- Criminal justice

156. The mapping and planning work is being carried out in close cooperation with UNSMIL, the EULPC and the EU Delegation as well as other EU and non-EU actors. The Mission is also increasingly "engaging and assisting" the legitimate Libyan

authorities in a number of areas³². All these efforts feed into the strategic planning for a possible new civilian CSDP Mission that could potentially be established and launched in Libya should MS so decide and upon the request of, and following consultations with, the legitimate Libyans authorities.

157. In this respect, the EU Delegation and EUBAM regularly meet jointly with Libyan political counterparts, including civil society representatives, to develop shared insight into relevant political and security developments.

158. EUBAM has established the capacity to conduct independent one-day visits to Tripoli and has commenced these visits on a planned frequency of one to two visits weekly, often as a joint endeavour with the Head of the EU Delegation.

159. The Mission has produced an assessment of general policing and law-enforcement entities, including border management and CT. Progress has also been made in the mapping of criminal justice institutions. The main findings of the mapping report, which has been shared with all member states, are summarised under the challenges and possibilities for future activities sections below³³.

- **Border management:**

160. The Mission has the sector lead through UNSMIL for engaging on Libya's border security and management and supports the coordination of the inter-ministerial National Team for Border Security and Management (established by the PC). The National Team for Border Security and Management works at the strategic level, responsible for the design of related policies and strategies and with an extended mandate to coordinate with EUBAM, EU MS and neighbouring countries.

161. The Libyan authorities in charge of border management and security have agreed with the Mission to reconvene the EUBAM-Libya Border Management Working Group; a bilateral format at the operational level between the Mission and Libyan institutional stakeholders which served as the main coordination platform up until 2014 and where Frontex is contributing with its expertise. The group is currently developing a "white paper" focusing on how best to coordinate the work of all state agencies involved in border management aspects.

³² See reference U on the CONOPS plus annex 14 in which the tasks of EUBAM are mentioned.

³³ See references V and W, on the initial mapping report and the six monthly report.

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162. The Mission is engaging with IOM and Libyan counterparts to agree on EUBAM's support for the development of training for law enforcement agencies operating at the ports of disembarkation. It would focus on key aspects of the identification process, in particular with regard to interview and debriefing techniques, human rights, data collection, and filing in order to support an effective and auditable process. The newly appointed EMLO, based in the EU Delegation Tunisia and dedicating part of his work to Libya, will be an important point of contact in this regard.
163. EUBAM is exploring potential support to the MoI coastal police (more formally termed the General Administration for Coastal Security (GACS)). The Mission will assess the capacity and needs of the coastal police, in coordination with other Libyan- and international actors, including the Department for Countering Irregular Migration, and Op Sophia. Capacity-delivery undertaken by Italy will be an important factor in this regard.
164. The Mission and Frontex jointly designed the law enforcement training curricula for Op Sophia's training of the Libyan coastguard and navy. Frontex also provides a tailored monitoring (map) application for situation monitoring purposes to EUBAM Libya which is a platform that enhances EUBAM capacity to collect, map events and analyse border activities, including through the access to satellite imagery. This is complemented by dedicated trainings and continuous service improvement activities.
165. On the southern Border, (which Libyan border management authorities have identified as a key area of support), contacts between the Mission and Libyan officials have been established. EUBAM has supported the establishment of a working group dedicated to southern Libya (chaired by the head of the National Team on Security and Border Management and including representatives of the three Brigades of the Salvador Triangle and the Military Council). The aim of the working group is to develop mechanisms to improve the level of operational conduct and internal Libyan coordination in the South.
166. In addition to the above, advising on the possibilities for cross-border cooperation (Libya-Niger) is being further explored in coordination with EUCAP SAHEL Niger, EUCAP SAHEL Mali and Frontex, where and when possible, including on exchange of information of migrant flows, smuggling networks and lessons learned. The CSDP missions in the region are also party to the Africa-Frontex intelligence community (AFIC) which provides them direct access to information and intelligence from the sub-Saharan countries.

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- **Law enforcement:**

167. UNSMIL has entrusted EUBAM Libya with taking the lead in the Police Technical Working Group (PWG) which acts as an adequate platform to coordinate international efforts on capacity building in the law-enforcement sector, integrating organised crime and CT aspects, including relevant intelligence aspects. The leitmotif of this coordination should remain the setup of a solid Libyan-led process and a sustainable approach for police reform in Libya.

168. The Mission has set up an exchange platform on criminal investigation with Libyan and international non-governmental organisations, the UN and Member States. This format serves to identify additional strengths and weaknesses in the wider judicial chain, including on fighting organised crime such as smuggling of migrants, and importantly includes senior Libyan representatives, most notably the Supreme Judicial Council.

169. On CT the Mission is engaging with relevant Libyan law enforcement agencies under the MoI, such as the General Investigation Department (GID), the Criminal Investigation Service (CIS) and the Central Security Forces on the necessity of coordination among the agencies and developing a national CT strategy.

170. The Mission is engaging with its Libyan counterparts, especially with the MoI, with the view to advising them on the development of "areas of legality" in Tripoli (focusing initially on selected areas but with a view to expand to greater Tripoli), a concept personally supported by the Minister of Interior. In that framework, EUBAM Libya is providing advice on:

- The development of an organised crime coordination capacity, focusing on the National Criminal Investigation Department (NCID), advising on the development of a Criminal Intelligence Database (policy, infrastructure, processes);
- The development of model police stations and model public order units, including delineation of responsibilities across law enforcement/rule of law sector entities, as well as command and control arrangements;
- The definition and set-up of the police component of the PG by providing advice in particular on the possible responsibilities/ structure/SOPs of such a police component and to act as a facilitator between the PG and the MoI.

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- **Criminal justice:**

171. The Mission is engaged with the Libyan Minister of Justice in setting up a Criminal Justice reform working group and potentially a sub-working group on penitentiary and rehabilitation.

172. The Mission is providing initial advice on the need for reinforcing the criminal justice chain (prosecution offices, public defenders offices, etc.), including highlighting the divide between the Libyan judiciary and the MoJ and the need for a broader capacity building of the ministry.

173. The Mission is also developing relations with civil society, including with an emerging "Female Lawyer's Association".

ii) Mandate evaluation

174. The mapping conducted by the Mission so far provides an overall broad assessment of the areas of border management and law enforcement, but the Mission should seek to elaborate further on the area of criminal justice.

175. The Mission has been liaising and coordinating with both Libyan and international actors, not least through different coordinating bodies and working groups in order to identify Libyan structures, capabilities, needs, absorption capacities, desires and visions for EU engagement and to coordinate international support. The Libyan desires and visions for future EU engagement needs to be further clarified and a closer liaising and coordination with criminal justice actors would be needed also here, including establishing the Criminal Justice (Reform) Working Group.

176. The Mission's ability within its current mandate to help the Libyans improve the level of operational conduct and internal Libyan coordination in the South has been limited.

177. EUBAM has lately increased its operational engagement through engaging and assisting its Libyan counterparts. The outlined support is very much in line with interests expressed by Libyan interlocutors but more time, resources and clarity will be needed in order to carry this support forward.

178. The developed capacity to conduct independent one-day visits to Tripoli has had a direct positive effect on the Mission's ability to liaise and coordinate and engage and assist with the Libyan authorities in Tripoli, especially through the joint visits with the

Head of EU Delegation. A more regular presence in Tripoli, including a security concept, is currently being discussed with MS.

iii) Challenges and Gap analysis for EUBAM Libya

179. The Mission's new mandate started in January 2016, but it was only in the summer that it had built up sufficient strength to tackle its tasks properly (the new HoM only joined the team in September 2016). The political and security situation has remained fluid and highly uncertain throughout the current mandate period and engaging the Libyans has been difficult as a result. The Libyan security sector is dispersed and uncoordinated and the Mission has, therefore, been forced to engage with individuals rather than institutions.
180. Mapping efforts, conducted to date, highlight the dramatic fragmentation and fundamental lack of capacity across all state institutions under the MoI and MoJ. The more the Mission engages with Libyans and the IC, the more the potential need for additional capacity delivery becomes evident. This highlights the need for a phased approach, both in time, space and scope, to take into account limited Libyan absorption capacities and the long-term engagement likely to be required.
181. Specialised know-how is required to address governance and accountability, such as on institutional reform, legislation, change management, evaluation, financial management, strategic planning and human resources. This capacity delivery will also need to include processes and means for vetting, monitoring, training, equipping and HR and Gender mainstreaming in the civilian security sector, and the need to develop Libyan skills to manage SSR support programmes strategically.
182. Civilian SSR related responsibilities fall to a large degree under the office of the Prime Minister rather than being dealt with by the appropriate line ministries such as MoI or MoJ.
183. Law enforcement in Libya (internally and at the borders) is not the prerogative of one single entity. Several different organisations, such as the Libyan National Police, the General Directorate for Central Security, the CIS, the Temporary Joint Task Force, the Counter Narcotics Directorate, the GID, the Libyan Intelligence Service and the Libyan Customs' General Directorate for Anti-Smuggling and Enforcement, are all tasked with fighting organised crime; all lack equipment and properly skilled staff.

Indicators show the lack or complete absence of professional coordination and cooperation to ensure intelligence sharing management, data storage and clear division of responsibilities.

184. In addition, as a product of post-revolutionary decisions and based on their political affiliations, different State and non-State security actors have *de facto* assumed policing functions which has led to an inconsistent and unsustainable security landscape.
185. On CT, no national strategy exist and a common understanding is lacking on the need for a comprehensive and coherent approach amongst the civilian Law Enforcement, Criminal Justice and Military actors to jointly counter the terrorist threat.
186. The dominance of AGs hinders the effective course of justice. Prosecutors are systematically threatened when AGs become the possible subject of an investigation. This endemic lack of governance and rule of law feeds organized crime and corruption. In addition Libya's criminal justice legislation is outdated and UN conventions, of which Libya is a signatory party, have not yet been implemented in Libya's domestic law.
187. Women and children have limited access to justice and the barriers for women in accessing positions in rule of law, and the risk of being accused of adulteries (under Sharia Law) after abuses, is of great concern. Human Rights violations and abuses are committed both by armed groups affiliated with and opposed to the legitimate Libyan authorities, as outlined in the report of the UN High Commissioner of Human Rights on the situation of Human Rights in Libya from January 2017³⁴.
188. Uncertainties exist with regards to clear definition of tasks, the legal framework and the strength of the police component of the PG and the actual component still needs to be established and staffed, including at police component commander level.
189. The MoI coastal police do not have an adequate operational capability to carry out its coastal surveillance activities. No operational concept is currently in place (even though EUBAM worked closely with the coastal police in 2013-2014), outlining operational deployment tasks, use and coordination of human and technical resources, and maritime and law enforcement training needs.

³⁴ See reference X.

190. The South offers particular challenges, both from a logistic and security point of view. The region is vast and the lack of central authority access to the area remains a problem.
191. The Mission can currently only engage with the legitimate Libyan authorities on the ground. This omits non-State security actors which are the *de facto* authority in the majority of Libya. This risks creating significant tensions with some relevant tribal, political and security actors who feel excluded from this sensitive process.
192. The general political and security dynamics of Libya create a lack of access to the proper Libyan stakeholders and do not always allow for verification of information gathered during the mapping process.
193. Another significant challenge is to encourage and support Libyan ownership. There is limited absorption capacity within the local public administrations to assess, design and implement reform processes, something which is further challenged by the fragile relationships and lack of coordination that exist between ministries and among agencies within a ministry.
194. This poor internal coordination forces the Mission to act as a facilitator between Libyan institutions at times rather than providing professional assistance.
195. The Mission has shown eagerness to do more, including in the areas of engaging and assisting. This would however require increased means and capabilities, including for establishing a light presence in Tripoli.

iv) Possibilities for EUBAM Libya's future activities

196. In the EUBAM mapping report the Mission confirms potential areas of support and recommendations outlined below and connected to the challenges presented above (see Reference P for the full report) for a possible future civilian CSDP mission in Libya. Such a new civilian CSDP Mission could support Libyan efforts inter alia through advice and capacity-building in the fields of police and criminal justice including on counterterrorism, border management, countering irregular migration, the smuggling of migrants and the trafficking of human beings, as part of broader support to security sector reform.
197. Some of those recommendations have already been taken on board by the Mission who has been progressively engaging and assisting the Libyan authorities through an

increased operational engagement. This support could be pursued along the lines suggested below.

- **Border management:**

198. Longer term efforts could aim to develop a border management system where the performance of each Libyan individual border agency is improved and where inter-agency cooperation and coordination mechanisms, both at national and international level, are introduced to achieve open, but controlled and secure, borders. This could also require support to be provided for the design and implementation of a National IBM Strategy.
199. In the short term EUBAM could continue supporting the coordination of the inter-ministerial National Team for Border Security and Management and developing the operational cooperation through the EUBAM-Libya Border Management Working Group.
200. The Mission could continue developing the "white paper" focusing on how best to coordinate the work of all state agencies involved in border management aspects.
201. EUBAM could further explore the support to IOM for the development of training for law enforcement agencies operating at the ports of disembarkation.
202. The Mission could continue assessing the capacity and needs of the MoI coastal police, in coordination with other Libyan- and international actors, with the aim of providing law enforcement capacity building, in full complementarity with efforts carried out by Op Sophia, SEAHORSE and bilateral MS support.
203. On the southern border EUBAM could provide further support to improve the level of operational conduct and internal Libyan coordination in the South in order to develop southern border capacities.
204. EUBAM could explore coordination with EUCAP SAHEL Niger, EUCAP SAHEL Mali on information exchange/best practices and the possibilities for cross-border cooperation (Libya-Niger).

205. Cooperation with Frontex could be further enhanced, in the field of training, in the participation of AFIC activities and through associating a Frontex expert to EUBAM Libya once conditions allow.

- **Law enforcement:**

206. Engaging through the support of Libyan organisations to disrupt and destroy organised crime networks supports Libyan stability and is a key objective for the EU. For a durable long-term solution, increasing focus could especially be applied on the southern borders to complement efforts at sea by Op Sophia.

207. In the short term the Mission could continue leading the work in the PTWG to coordinate international efforts on capacity building in the law enforcement sector.

208. The work on developing an organised crime and CT coordination capacity as well as a possible design and implementation of a CT database with the long-term aim of developing a national CT strategy (including addressing the regional dimension of the problem including foreign fighters on Libyan soil) could continue.

209. The Mission could assist the MoI with the view to advising them on the development of "areas of legality" in Tripoli, including the development of model police stations and model public order units, delineation of responsibilities across law enforcement/rule of law sector entities, as well as command and control arrangements.

210. The Mission could support the MoI in definition and set-up of the police component of the PG by providing advice in particular on the possible responsibilities/structure/SOPs of such entity. The possibility to use the EUROGENDFOR in training a future police component of the PG could also be further explored, including the possibility to provide such training regionally.

211. The broader capacity building of and strategic planning assistance to the MoI (and MoJ) is critical to ensure that further technical support is adequately directed. EUBAM could therefore aim at embedding advisors at the appropriate line ministry level as early as possible to pave the way for support and a future possible civilian CSDP mission.

212. Cooperation with Europol could be further enhanced, including facilitation of cooperation and operational and strategic information exchange with key partners in

the region. Temporary deployment of Europol officers to EUBAM could be considered.

- **Criminal justice:**

213. In the area of Criminal Justice, long-term priority could be given to the reform of the Penal Code and the Code of Criminal Procedure to encompass violations of international human rights and humanitarian law, including crimes under international law, and to ensure that procedures are consistent with international human rights standards.

214. The Libyan domestic legal system does not fully comply with international human rights standards and treaty obligations. Libya is a party to the core international human rights treaties (e.g. ICCPR, ICESCR, UNCAT, CEDAW and CRC³⁵) and these could be correctly implemented within the domestic legal system in order to prevent torture and other HR violations, combat sexual- and gender based violence and ensure the rights of women and girls, as well as men and boys³⁶.

215. Special focus could be given to both the implementation of Convention against Transnational Organized Crime and its Protocols (such as 'the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children') into Libyan domestic criminal justice system and the abolishment of domestic legislation in violation of international human rights and standards of asylum and refugee law.

216. In the short term the Mission could continue mapping and assessing the criminal justice sector actors as well as closely liaising and coordination with the same, with the aim of establishing the Criminal Justice (Reform) Working Group and potential sub-groups.

217. The Mission could continue providing advice on how to strengthen the criminal justice chain, including overcoming the division with the MoJ.

³⁵ The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, The Convention on the Elimination of all Forms of Discrimination Against Women, Convention on the Rights of the Child.

³⁶ See reference Y.

218. As with the MoI, the Mission could provide capacity building of and strategic planning assistance to the MoJ, through embedding advisors to pave the way for support and a future possible civilian CSDP mission.
219. The Mission could continue developing relations with civil society organisations.
220. Cooperation with Eurojust could be further explored in particular in the context of capacity building.
221. Building upon the recent increased operational engagement through "engaging and assisting", these activities could be further pursued within the Mission's next mandate with the aim of addressing some of the symptoms of Libya's instability, especially irregular migration, while continuing strategic and operational planning and shaping Libyan ownership and buy-in for a future possible civilian CSDP mission. The Libyan authorities have expressed their appreciation for EUBAM's efforts so far and their openness to further support. Engagement and coordination with other EU and CSDP and non-EU entities, in Libya and in the region, should continue, not the least with UNSMIL as the coordinator for international support.
222. Drawing on the experience from Op Sophia, future mission activities will need to focus on the development of an effective capacity monitoring mechanism to oversee Libyan performance in areas where capacity building has been provided.
223. The possibility of engaging with non-state actors should be considered as well as it could contribute to a more sustainable and inclusive solution in the long term.
224. A more permanent presence in Tripoli could be established, should conditions allow, to take forward increased operational engagement while continuing strategic and operational planning and shaping Libyan ownership and buy-in for a future possible civilian CSDP mission.

b) Transition strategy

225. The intent remains to transition the planning activity into a new or transformed civilian CSDP mission if and when the political and security conditions allow and if so decided by the MS.

c) Way ahead for future engagements

226. When the political and security conditions allow, **the medium/long-term** civilian CSDP support in Libya could be delivered. This could be envisaged either through i)

the establishment and launch of an entirely new CSDP mission (which would require the closure of EUBAM Libya), or by ii) transforming EUBAM Libya, (including renaming it) into a dedicated capacity building mission to better reflect the broader scope and nature of its activities. The conditions for either of those options are currently not in place and they are therefore not suggested as options.

227. On the other hand the political and security challenges facing both Libya and Europe and the reputational risk at stake for the EU does not make a closure of EUBAM Libya a possibility either and hence is not suggested as an option.

228. Therefore, in the **short-term**, CSDP support could be delivered through either of the two following options:

Option 1 – Extend EUBAM Libya's existing mandate (Status Quo).

229. This will allow EUBAM Libya to primarily continuing planning and mapping/assessing and coordinating and liaising while operational engagement will be very limited. This will include the capacity to conduct independent one-day visits to Tripoli in order to further identify Libyan structures, capabilities, needs, absorption capacities, desires and visions for future EU engagement;

- Pros;
 - Allows the Mission to be engaged and signal EU commitment while providing clarity and a more solid basis for future support;
 - Allows stability and focus on existing expertise until the conditions for possible future support have been met ;
 - Allows the current Mission to profit from work already undertaken and networks already established;
- Cons;
 - Possible disappointment on behalf of the Libyan authorities;
 - Confusion about the Mission's areas of engagement;
 - Does not allow for establishing a light presence in Tripoli;
 - Limited operational engagement;
 - Limited capacity does not provide the opportunity to engage with broader RoL and SSR communities.

Option 2 – Amend and extend EUBAM Libya's existing mandate to better reflect its increased operational engagement and add necessary means and capabilities (recommended option).

230. This will allow EUBAM Libya to increase its operational engagement, while continuing planning and mapping/assessing and coordinating and liaising while shaping Libyan ownership and buy-in for a future possible civilian CSDP mission. This will include establishing a more permanent presence in Tripoli providing better access to the Libyan authorities in order to further identify Libyan structures, capabilities, needs, absorption capacities, desires and visions for future EU engagement;

- Pros;
 - Provides clarity on actual areas of engagement (wider than BM);
 - Allows the Mission to progressively engage and signal increased EU commitment while providing clarity and a more solid basis for future support;
 - Allows stability and focus on existing expertise until the conditions for possible future support have been met;
 - Allows the current Mission to profit from work already undertaken and networks already established.
- Cons;
 - An amended and extended EUBAM Libya will still be a rather small mission with limited resources for operational engagement through assisting and engaging.

d) Recommended option

231. It is clear that the situation is not yet ripe for the launch of a new or transformed civilian CSDP mission. More immediate, short term efforts should instead focus on increasing EUBAM Libya's current operational engagement through engaging and assisting, continuing planning and mapping/assessing and coordinating and liaising, while shaping Libyan ownership and buy-in for a future possible civilian CSDP mission.

232. It is therefore recommended to:

- Extend EUBAM Libya until 31 December 2018;
- Continue planning for a possible future civilian CSDP mission;
- Increase existing engagement and assistance in terms of:
 - **Border management:**

Support to the development of the broader border management framework (White Paper);

Support to the Libyan plans to develop southern border capacities;

Support IOM to develop a migrant registration system through advice on training for law enforcement agencies operating at the ports of migrant disembarkation in Libya;

Support the development of capacity delivery to the Ministry of Interior coastal police in coordination with other international actors involved.
 - **Law enforcement:**

Broader capacity building and strategic planning assistance to the MoI;

Support to the development of organised crime and CT coordination capacity;

Support to MoI on the development of law enforcement in Tripoli, i.e 'areas of legality', incl. on the possible establishment of "model police stations" as well as the development of the police component of the PG;
 - **Criminal justice:**

Broader capacity building and strategic planning assistance to the MoJ;

Establish the Criminal Justice (Reform) Working Group and potential sub-groups;

Continue mapping/assessing.

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- Continue supporting coordination mechanisms and liaising with Libyan counterparts and international actors, especially with UNSMIL, with a view to clarifying Libyan plans for SSR and requests for future EU engagement;
- Explore further cooperation with EUCAP SAHEL Niger, EUCAP SAHEL Mali, Frontex, Europol and Eurojust, where and when possible;
- Continue identifying and advising on training and equipment needs for all of the above areas and support coordination of IC efforts in this regard.

233. Additional financial and personnel resources would have to be provided in order to cover these priorities in line with Council Decision 2016/207 which states that *'the immediate provision of a civilian planning capacity will be limited in number, although it may grow as circumstances and demands evolve, and the Political and Security Committee agrees'*.

V) EU Liaison and Planning Cell (EULPC)

a) Assessment

i) Current state of play

234. The EULPC was established by the EEAS as an ad hoc arrangement with UNSMIL in April 2015 in order to provide greater awareness of Libyan security issues and aid planning both for the EU and UNSMIL. The planning cell's current terms of reference expire in October 2017 and the 8 personnel currently provided by Member States remain under VNC status.

235. The EULPC operates under the political guidance of the Head of the EU Delegation and reports directly to the Defence Advisor to the EU Delegation who is dual-hatted as the head of the EULPC.

ii) Mandate evaluation

236. The main achievements of the EULPC in 2016 have been; the drafting of the Tripoli Security Plan; the Strategic Planning Directive for support to the GNA; the Code of Conduct for the removal of AGs from Tripoli, and more recently conceptual support to the creation of the Tripoli Protection Force, the PG, Libyan requests for exemption to the arms embargo and planning for UNSMIL's return to Tripoli (Op ULYSSES).

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237. This planning has been fundamental in shaping security options to support the PC at a crucial juncture, both for its return to Tripoli and attempts to consolidate its legitimacy and control within the Capital. The Cell's engagement and influence with key Libyan interlocutors builds upon its military composition to good effect. This has allowed effective engagement with the TSC and the Head of the PG and is of increasing importance in fostering Libyan awareness and ownership of security issues. In particular, the Cell has used its proximity to Libyan interlocutors to act as the principal channel of engagement between Op Sophia and senior leadership of the Libyan coastguard.

238. Recently more focus has been given to intelligence/information gathering and analysis. This latter function is also important in helping provide the EU Delegation with a comprehensive overview of key Libyan interlocutors and could further support the return under a light footprint of EUBAM Libya. In return, the EU Delegation and EULPC regularly meet jointly also with Libyan political counterparts, including civil society representatives to develop shared insight into relevant political and security developments.

239. The changing dynamics on the ground in Libya require the Cell to be flexible and to be able to change competences and abilities of its personnel as circumstances dictate. It is assessed that the Cell's personnel structure is sufficiently resourced to continue the demanding challenges set.

iii) Challenges and Gap analysis for EULPC

240. The value of the Cell's swift deployment was that a visible and technically competent EU representation was quickly established in support of UNSMIL; this was facilitated by the rapid generation of military personnel as MS VNCs. This mechanism of force generation, whilst effective and rapid in the short term does, however, present challenges over the longer term principal amongst which are (i) dependence on force protection in Libya which can only be provided by other actors and (ii) the regular turnover of personnel from MS which limits continuity.

241. Whilst the EULPC works well with both UNSMIL and the EU Delegation, its status as an ad hoc arrangement hampers progress to be much more than its constituent parts. Reconsideration of the tasks, composition and legal status of the EULPC needs to cater for the eventual return to Tripoli, once conditions allow, of UNSMIL and the EU Delegation. This realignment could be achieved through:

- Provided the necessary financial resources are available, changing the status of the EULPC to SNE making its personnel an integral part of EU Delegation and able to benefit from the delegation's force protection and legal status;
- A technical agreement between the UN and EU dealing with security, travelling and subsistence needs regarding EULPC deployment in Libya.

iv) Possibilities for future activities

242. Due to its high level of situational awareness and knowledge of politico-security dynamics the EULPC remains a critical actor in shaping the Brussel's decision making process. The EULPC has a unique position not least since it has a permanent liaison officer working directly with UNSMIL and is well-connected to both Libyan and international actors.

243. The EULPC will need to deploy to Tripoli, and potentially elsewhere in Libya, subject to the necessary legal and technical arrangements.

244. In addition to its current tasks the Cell could act as a coordinator or broker between identified Libyan needs and IC donors and ensuring that core EU values such as inclusiveness, HR and gender are taking into account.

245. The UNSMIL strategic review is an opportunity to highlight the benefits that arise from the work of the EULPC.

b) Exit Strategy

246. The EULPC is providing a vital military planning and intelligence capacity for UNSMIL and the EU on Libya. Its capacity should be retained until the security situation in Libya is suitably permissive (and sustained) to no longer warrant such capacity.

c) Way ahead for future engagements

Option 1 - Status Quo (Recommended option) .

Continue the Cell in the ad-hoc format it has and prolong its activities until 31 December 2018.

- Pros;
 - Simple, continuity of existing effort;

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- Political signal to Libyan interlocutors.
- Cons;
 - Does not provide a sustainable solution for the Cell to deploy to Tripoli and elsewhere in Libya;
 - Personnel churn through frequent rotations leading to loss of continuity.

Option 2 - Transform the Cell's personnel to SNE status (Mid-term recommended option), secure a technical agreement with UNSMIL and prolong its activities until 31 December 2018.

- Pros;
 - Allows greater continuity of personnel and effort;
 - Allows capacity for sustained deployment to Tripoli and elsewhere in Libya;
 - Political signal to Libyan interlocutors.
- Cons;
 - Resource implications in applying SNE status;
 - Time required transforming to SNE status and agreeing on a technical agreement with UNSMIL.

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d) Recommended option

247. The recommended option is to maintain the Status Quo in the interim period but to transform the Cell's personnel to SNE status as soon as possible, including through the securing of a technical agreement with UNSMIL.

Op Sophia's core mandate to disrupt the business model of human smuggling networks has allowed containing the phenomenon from the high seas. The conditions for the operation's transition into Libyan territorial waters are not in place and securing Libyan buy-in will take time.

The supporting tasks of capacity building to the Libyan coastguard and contributing to information exchange and the arms embargo are delivering effect, but require the necessary resource and persistence,

The effectiveness of Op Sophia could be enhanced through an enhanced focus on maritime security operations on the high seas, increased cooperation with the Libyan coastguard through training and information sharing and support to the development of an effective monitoring mechanism.

The conditions for a new civilian CSDP mission in respect to police, criminal justice and rule of law are not yet in place. In the meantime, EUBAM Libya needs to increase its operational engagement, including through establishing a more permanent presence in Tripoli as conditions allow. Continued efforts to "engage and assist" are required to foster Libyan buy-in for a new CSDP mission and to further identify areas for immediate support. The focus should be on Law Enforcement in the Tripoli area, including on capacity-building of the Libyan coastal police and support to the registration of migrants, and support to the Libyan plans to develop southern border capacities.

EULPC is a key capacity in shaping EU decision making and providing situational awareness and knowledge of security dynamics. The Cell ideally would be able to deploy with the UN, EU Delegation and EUBAM, should the conditions permit, to ensure seamless transition on security planning. Measures and processes to permit this deployment should be considered now.

VI. WAY AHEAD**a) Conclusion**

248. Europe's security is under heavy pressure arising from the uncontrolled flow of irregular migrants crossing the Mediterranean and through terrorist activities occurring in Europe itself. Stabilizing Libya and helping to re-establish effective governance there is vital to combat these symptoms effectively. This can only be done by applying a holistic approach, working with Libya and its neighbours to the East, West and South.

249. There are a number of common risks and limitation facing all EU instruments in Libya, these include the inability to gain access to Tripoli and beyond; a lack of institutional 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.

250. Given the current political and security situation the EU should follow a phased approach, which should remain realistic for the time being. Strategic patience is required to develop in-depth knowledge of the deeply rooted problems in Libya related to stability and security.

251. Three broad scenarios exist within which the conceptual framework for future CSDP engagement should be considered:

- A significant deterioration of the political and security situation in Libya in which case broader EU policy including CDSP would have to be redefined (PFCA and new strategic review). In this case a CSDP presence should continue in Tunis and at sea to both signal political resolve and support situational awareness and decision making;
- A continuation of the current situation (legitimate but fragile PC retaining international support) in which case CSDP and existing mandates continue but retain flexibility;
- Significant improvement leading to a resolution of the political process and improved security environment and conditions for further CSDP options.

252. The EU's long-term policy for Libya and the region is focused on the development of stability which requires a sustained, integrated and ambitious approach; lack of

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progress in the political process within Libya is no excuse for staying on standby and doing nothing: all opportunities must be sought and seized as and when they present themselves. Much will depend on the progress of the LPA, resolving funding liquidity and the response of key international actors; this may take time and will require strategic patience and acknowledgement of the political value that EU engagement (including CSDP) provides.

253. In the immediate term, the overall political and security situation in Libya described in this review indicates that the option for CSDP will need to be carefully focused to maximise value added. It needs to be coordinated with other EU instruments, actions of other national, regional and international actors and achieved within the constraints given. This approach might shape the conditions for future increased engagement and further develop Libyan ownership, capacities and more sustainable structures highlighting EU values on societal inclusiveness and human rights.
254. Maintaining and enhancing situational awareness in the Mediterranean should remain a priority with regard to migrant smuggling, trafficking of human beings and arms and countering terrorism. Op Sophia has played a critically important role in collecting and analysing relevant data and help the EU better understand how trafficking networks operate. Expanding this information base and having proper arrangements for sharing will be crucial both with JHA's, other IOs as well as with governments and the maritime industry and NGOs. In other words, we need to be able to utilize the intelligence/analysis gained both on land and at sea.
255. On EUBAM Libya, it is clear that the situation is not yet ripe for the launch of a new civilian CSDP mission. Depending on the prevailing circumstances and conditions efforts could increase on providing engagement and advisory capacity in the following areas; law enforcement/policing, related coastal police issues and border security in the South.
256. The main areas where CSDP can add value in the immediate term are assessed to be:
- Establishing a presence in Tripoli (initially through a light one) to foster Libyan ownership and improve situational awareness;
 - Supporting Libyan coordination and planning on irregular migration, CT and the southern borders;

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- Increasing/contributing to the further disruption of migrant smuggling criminal networks both at sea and on land;
- Supporting the planning and capacity building of the Presidential Guard;
- Capacity building (and monitoring) of coastguards (civilian and naval), police, and border security forces;
- Supporting EU cooperation/development instruments in regard to Libyan municipalities;
- Coordination with key actors and partners on the above, including through increased information exchange and cooperation on strategic communications;
- Shaping future CSDP options and Libyan ownership through planning, engaging and advising on the above immediate needs, including advice on training-and equipment needs;
- In its planning and operational activities human rights and gender should be an integral part.

257. The EULPC provides a key capacity in shaping EU decision making and gaining situational awareness and knowledge of security dynamics. Though supporting the UN under the guidance of the EU Delegation, the cell has a close working relationship with EUBAM Libya and Op Sophia.

258. In regards to an eventual return to Tripoli it should be considered that the EU's effectiveness would be enhanced if the EU Delegation, EUBAM Libya and the EULPC were to deploy together, preferably in the same location (and ideally at the same time as UNSMIL). This would maximise political engagement with the Libyans and other actors and ensure a timely and integrated approach to EU support.

259. Complementary to, and drawing on CSDP action against smugglers and human traffickers, consideration could be given to EU legal tools against key individuals associated with criminal networks.

b) Recommendations

260. Due to the protracted progress in Libya, it is recommended that Op Sophia, EUBAM Libya and the EULPC be extended until the common expiry date of 31 December 2018 in order to allow the EU the flexibility to capitalise on opportunities as they arise.

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i) Op Sophia. It is recommended to:

- Continue the operation as it is and build on the current mandate to enhance:
 - Focus on maritime security operations on the high seas and information sharing with law enforcement agencies;
 - Cooperation with the Libyan authorities through training and information sharing;
 - Support the establishment of a monitoring mechanism.

ii) EUBAM Libya. It is recommended to:

- Continue planning for a possible future civilian CSDP mission;
- Increase existing engagement and assistance in terms of:
 - Border management:

Support to the development of the broader border management framework (White Paper);

Support to the Libyan plans to develop southern border capacities;

Support IOM to develop a migrant registration system through advice on training for law enforcement agencies operating at the ports of migrant disembarkation in Libya;

Support the development of capacity delivery to the Ministry of Interior coastal police in coordination with other international actors involved.
 - Law enforcement:

Broader capacity building and strategic planning assistance to the MoI;

Support to the development of organised crime and CT coordination capacity;

Support to MoI on the development of law enforcement in Tripoli, i.e. 'areas of legality', incl. on the possible establishment of "model police stations" as well as the development of the police component of the PG;

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- Criminal justice:

Broader capacity building and strategic planning assistance to the MoJ;

Establish the Criminal Justice (Reform) Working Group and potential sub-groups;

Continue mapping/assessing.

- Continue supporting coordination mechanisms and liaising with Libyan counterparts and international actors, especially with UNSMIL, with a view to clarifying Libyan plans for SSR and requests for future EU engagement;
- Explore further cooperation with EUCAP SAHEL Niger, EUCAP SAHEL Mali, Frontex, Europol and Eurojust, where and when possible;
- Continue identifying and advising on training and equipment needs for all of the above areas and support coordination of IC efforts in this regard.

iii) EULPC. It is recommended to:

- Maintain the Status Quo in the ad-hoc format it has now but to transform the Cell's personnel to SNE status as soon as possible, including through the securing of a technical agreement with UNSMIL.

VII. PLANNING PROCESS – NEXT STEPS

261. A revision of the subsequent operation planning documents will be developed by the Operation Commander Op Sophia and the Civ Ops Commander EUBAM, upon direction from the PSC, providing the detail required for the necessary funding and force generation to follow. Revised Council Decisions will be required thereafter before 27 July 2017 and 21 August 2017 respectively in order to extend Op Sophia and EUBAM Libya until 31 December 2018.

262. It is recommended that the PSC:

- Agree the findings in the holistic strategic review and endorse the recommended options;
- Extend the mandates of Op Sophia and EUBAM Libya to 31 December 2018;

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- Task the CIVCOM and PMG to provide their advice/ recommendations on this review;
- Task the EUMC to provide its military advice on Op Sophia and take note of the recommendation for the EULPC;
- Invite the EEAS and OHQ ENFM to further develop operations planning on the basis of the recommended option with a focus on MSO.

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ANNEX A: OVERVIEW OF THE SITUATION IN LIBYA

Political situation

263. In December 2015 the LPA was signed in Skhirat, Morocco after a long UN-led mediation process. With the signing of the LPA, the PC, chaired by Prime Minister Fayed al-Serraj, was established and indicated by the UN as the sole legitimate governmental authority. The PC is responsible for proposing a GNA, the executive body in the future.
264. The Libyan political scene has been very fragmented ever since the signing of the Skhirat agreement. And it is unlikely that the GNA will be endorsed by the HoR as they have rejected a proposed constellation of the GNA twice already.
265. The fragmented political scene is also reflected in the PC which is split, suffers from internal tension and therefore is inefficient. Two PC members are boycotting the council and a third has since resigned. Negotiations to reshuffle the GNA remain tentative and plans to reduce the PC to three ministers, endorsed by the Libyan Political Dialogue are opposed by incumbent members.
266. The current PC is being challenged by the former PM of the NSG, Ghweil, who is under EU sanctions and has violently challenged the PC for a second time in December 2016 by staging another failed coup. Within Tripoli armed clashes have continued until mid-February between militias supporting him and those supporting the GNA. A UN brokered ceasefire has remained in place since then.
267. The UN has zealously been engaged in laying the groundwork for a viable political structure in Libya, but its mediation effort continues to face difficulties both within Libya and from differences of approach from some regional actors. The lack of a nominated successor to SRSG Martin Kobler, together with the dynamic political and security situation in Libya are affecting UNSMIL's return to Libya and limiting the missions overall room for manoeuvre.
268. The de facto split between the East and the West will not diminish with eastern leaders gaining international ground. After his second visit to Moscow, Haftar, the commander of the LNA went to Algeria, was welcomed aboard Russia's only aircraft carrier and met the French Special Envoy and the Ambassador for Libya, the UK and

lately the Italian ambassadors, while HoR Speaker Aguila Saleh (who is under EU sanctions) was received by Tunisian President Essebsi and received the UK, Italian and the Netherlands ambassadors in Tobruk.

269. Opening the dialogue between the PC prime minister Serraj and Haftar could prove to be a way forward in breaking the political stalemate in Libya. Algeria, Russia, Tunisia, Egypt and regional organisations are all trying to arrange this meeting, so far unsuccessfully.
270. Haftar has now captured all of Benghazi and is positioning his forces around desert military bases in the mid-south, with skirmishes against Misratan troops deployed there. His grip on the west is tightening, mainly through local alliances, and he is gaining consensus among ordinary Tripoli residents exasperated by the continued lack of basic services.
271. After an increase in oil production following the re-opening of the pipelines running through Zintan, with oil production exceeding 700 000 barrels/day, clashes at the beginning of March 2017 in the oil crescent proved a stark reminder of the instability of the situation. The increase has alleviated but not ended the financial crisis: drastic reforms are as urgent as ever to curb public expenditure (scrapping fuel subsidies) and eliminate financial distortions (devaluing the dinar). The PC/GNA and the Central Bank are willing to do neither and are still bickering.
272. Although the US/IMF/World Bank achieved some results, mediation is still in progress on the 2016 and 2017 budgets, with first tranches (reluctantly) disbursed by the Central Bank to the MoF. However, many ministries complained that they have received no money. With less than \$40 billion left, the Central Bank is quite rightly alarmed at the prospect of yet another huge deficit this year (about \$20 billion) which will have implications on all public wages, including for officials in the security remit.
273. The current political and security situation poses a challenge for EU MS to establish a presence in Libya. Italy was the first EU embassy to re-open in Tripoli in early 2017. The UK is the most likely MS to follow and both Greece and Hungary have indicated a possible return. The UN faces similar challenges and is not expected to return before mid-2017, at the earliest.
274. Against the backdrop of the complex political and security situation in Libya, the EU's objective is to support the UN-led political process, assist the GNA in its efforts to establish itself as the sole legitimate and internationally recognized authority

throughout the country, and support mediation efforts at the local level, as well as at a regional and international level. On 18 March 2017, the EU officially joined the AU-LAS-UN Troika, now renamed Quartet, to help solve the Libyan crisis.

275. It is paramount that central government is reinforced, that basic infrastructure is put in place and made functional across the country, and that public administration is strengthened at the local level. Good governance and in particular the establishment of a democratic state is strongly linked to development and existence of a professional and independent media system. This is particularly relevant for Libya since at the present there is almost no independent media.

276. The EU is enforcing three different sets of sanctions in relation to Libya. Firstly, there are EU sanctions mirroring natural or legal persons, entities and bodies designated by the UN Security Council. Secondly, the EU has adopted additional autonomous restrictive measures since 2011. Thirdly, on 1 April 2016, the EU has adopted restrictive measures for 6 months against Agila Saleh, (HoR); Khalifa Ghweil, GNC prime minister and Nuri Abu Sahmain, president of the GNC, as they are viewed as obstructing the implementation of the LPA of 17 December 2015 and the formation of a GNA in Libya. These sanctions were renewed by the Council a first time on 1 October 2016 and a second time on 1 April 2017.

Security situation

277. The security situation in Libya is extremely complex and evolves very quickly. Whilst the PC and GNA are based out of Tripoli, they do not control Tripoli.

278. Within Tripoli security is practically provided at a local level by the AGs. Whilst the dynamics within each group differ dramatically, they can be roughly divided into those that are more moderate, 'Pro-GNA', and those which are more hard-line, aligned to Al-Gharyani (Mufti) and Al-Ghweil (NSG). There are conventional troops available to the MoD and MoI, however, like the AGs, they are geographically bound.

279. The liquidity problems in Tripoli affect the safety and security of its inhabitants. The lack of cash means that militias try to make money by cutting power for extended period of time and resort to kidnapping to obtain cash. Despite the agreed ceasefire in Tripoli low-intensity armed clashes between militias still occur in Tripoli, in addition to rampant crime: 118 corpses were found on the side of a road between 15th December and the end of January 2017 and 293 kidnappings were reported over the same period.

280. The introduction of the PG, which is likely to incorporate a number of existing conventional troops will add an extra dynamic to the capital, especially if they look to impose themselves across additional neighbourhoods.
281. Outside Tripoli, Haftar and the LNA are manoeuvring hard to form alliances in order to tighten their grip around Tripoli. An effective info-ops campaign, citing the lack of security in Tripoli, along with promise to liberate the capital, is creating further instability. The current shortage of utilities such as electricity, water and communications and the corresponding civilian demonstrations, only add to this sense of disorder.
282. The battle for Sirte (led by the Misratans with US support) is over but reconstruction and reconciliation remain a distant prospect in the devastated town. Although most Daesh fighters probably died in the assault, the remainder are likely to be still in Libya, possibly in key urban areas and the South.
283. The intentions and capability of Daesh in the wider region are still unknown and a period of reconstitution accompanied with sporadic terrorist acts should not be discounted. However, it is likely that Haftar will continue to use the threat of terrorism to garner internal and external support.
284. The LNA for its part has only recently been able to seize Benghazi and is a further indication that the LNA lacks capacity to consolidate its influence in Libya.
285. In the central and south of the country, the LNA is looking to secure key areas including Air Bases around Jufrah and Sabha, which the Misratans will defend fiercely.
286. Furthermore, the support and influence afforded by the Southern Tribes should not be underestimated and might prove critical in determining the outcome in the South.

Rule of Law

287. Law Enforcement in Libya (internally and at the borders) is not the prerogative of one single entity. In addition, as a product of the absence of an agreed political settlement, exacerbated by internal violent power struggles and the fight against Daesh, different State and non-State security actors have assumed policing functions. This has led to an inconsistent and unsustainable security landscape that is extremely fragmented and full of gaps and overlaps.

288. At the moment the police have poor operational capacity and lack properly trained and equipped staff to stand up to armed groups. This also impacts severely on countering organised crime and terrorism since police directorates, with their patrolling and investigation activities are important contributors to criminal databases, essential for intelligence-led policing and structured organised crime and CT-related investigations.
289. The local police, which lack absorption capacity, are not seen as a trustworthy security provider by the population.
290. The Customs Administration of Libya (LCA) of the Ministry of Finance implements the customs policy of Libya. Libyan Customs exercises its authority throughout the whole of Libya, but cooperation with the other law enforcement agencies is quite weak, based on personal relationships, and not institutionalised.
291. The effectiveness of the judiciary system is limited. It appears that cooperation between the CID and the prosecution service is good, but the ability to prosecute any militia members is non-existent. Whilst prosecution services are said to be functional in Tripoli and Misrata, the situation is unclear in the rest of the country.
292. While courts and defence bars have continued functioning across the country, they mainly deal with commercial disputes and family law cases in most provinces. Criminal cases have ground to a halt across much of Libya, based on threats and attacks on both judicial personnel and premises, leading to a weak security situation resulting in an increase in prison populations. Many suspects are being held for months and years, with no prospect of trials being undertaken, and even when trials do take place suspects are being released due to trial delays.
293. There are many professional judges with a good legal background and standing, but the security situation on the ground makes it extremely difficult for them to carry out their duties.
294. According to the Libyan Penal Code, the Code shall in no manner affect the individual rights provided for by Sharia law. In Libya, the curricula at the various law faculties are apparently standard throughout the country and the students must take prescribed courses in the five departments of the law faculty: general law, private law, public law, Sharia and criminal law.

295. According to Libyan law, death sentences can be given and carried out. However, as far as it is known, no death sentences have been carried out to date.
296. There are four general categories of detention facilities operating in Libya run by several ministries and armed groups. At present, the number of prisons and detention centres is uncertain as is the precise number of persons in detention is unknown. It is estimated that more than 9 000 persons are currently detained in facilities operated by the MoJ and the Department for Combatting Illegal Migration of the MoI alone. This number does not include the significant number of persons held elsewhere, such as in facilities operated by the Ministry of the Interior, those under the control of the MoD, and/or those operated by armed groups, and private actors including smugglers.
297. The Judicial Police is officially responsible for the security of courts and state prisons, transportation of detained persons from prison to the court, the personal security of judicial officials, and the enforcement of judicial decisions. Their current effectiveness is unknown.
298. Besides the formal justice system, Libya has two other systems; the informal justice system (mainly tribal) and the traditional (based on traditional law). During the uprising in 2011, and in the course of the transitional period afterwards, the role of the tribes and the reliance on clans and families were largely reinstated. To a large extent, Libyans view tribal leaders as more trustworthy than official institutions, such as the police and army, with regard to the prevention of violence and crime. Official judicial institutions have until now not made serious attempts to integrate traditional mechanisms into the formal judicial structures. Due to the social sensitivity towards violence against women, it is most common that women seek justice outside both formal and informal justice sectors within their families.
299. The lack of an effective criminal justice system results in lack of compliance with the rule of law, international obligations and is fertile ground for corruptions and new forms of organised crime.
300. Although Libya is a State party to several treaties related to the prevention of torture (and the Libyan legal framework provides for certain guarantees to the prevention of torture and other ill-treatment), inhuman or degrading treatment or punishment have been frequently reported by detainees.

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301. UNSMIL/OHCHR and other organisations have reported on unlawful killings, by most major groupings of armed actors in Libya. Also, Human Rights defenders, journalists, judges and prosecutors have been the target of assassinations.
302. Corruption is widespread in Libya and there is a significant popular distrust of the judiciary, therefore informal justice mechanisms are often preferred. Lawyers and practitioners also lack confidence in the ability of Libya's judges to withstand pressure from the executive power. There is also the perception that prosecutors tend to downplay corruption and integrity issues.
303. The shifts in the political situation have supported the increase and development of new forms of organised crime. The geographical position of Libya covers some of the oldest trans-Saharan trade and smuggling routes and supports an established route for trade but also crime. The absence of border control and capable police provide ever increasing opportunities for gangs and armed groups that have no interest in a strong state. The organised crime economy includes four main markets: migrants (smuggling and trafficking), smuggling of subsidised goods, drugs, weapons and other illicit trade. The main source of income for organised crime-groups is generated through the smuggling of migrants and the trafficking of human beings. These are businesses with high gains and very low risks. The southern regions are scarcely populated and hence represent hubs of Organised Crime.
304. The armed conflict in Libya has increased violence and discrimination against women in the country. The assassinations, assaults, harassment and threats against women carried out by armed groups appear designed to send a broader message that women should not be vocal in the public sphere. In several parts of Libya, the ability of women to exercise their fundamental rights and freedoms such as freedom of movement or the right to work, has been restricted not only as a result of the conflict, but as a result of requirements for accompaniment by "male guardians". Children have been recruited into armed groups pledging allegiance to Daesh and used in hostilities and/or subjected to sexual abuse.
305. Libyan border security and management as well as migration management is a very complex issue with much overlap between various organs of the state. At present it is in complete disarray and in a dire need of institutional and legal reforms. If any form of border management is exercised at the Libyan land borders, particularly in the South, it is on the initiative from the local communities.

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306. At least nine organisations are tasked with fighting organised crime, all lacking equipment and properly skilled staff. Indicators show the lack/absence of professional coordination and cooperation to ensure intelligence sharing management, data storage and clear responsibilities.
307. Countering terrorism has been traditionally in the hands of the Moukhabarat (intelligence and security services). In Libya, these services do not only act as purely intelligence agencies but also as law enforcement agencies. In Tripolitania two competing services exist under the Prime Minister's Office (PMO). In the East, at least two civilian security and intelligence services are active in fighting terrorism, and one military intelligence agency supporting Haftar's efforts in the fight against Islamist groups.

ANNEX B: OVERVIEW OF THE SITUATION ON TERRORISM

308. Though most focus is on migration, the current threats challenging the EU strategic interest are both terrorism and irregular migration. The 16 April 2015 FAC Conclusion stated that "the EU is ready to step up its engagement on CT with Libya. It will offer support to neighbouring countries in order to enhance CT capacity in full compliance with human rights and rule of law, strengthen border security, disrupt the smuggling of weapons and the flow of foreign fighters. The EU offers support to civil society in Libya to prevent radicalisation and will mainstream CT aspects into existing capacity building projects where appropriate. The formation of a GNA would enable the EU to offer its full support to Libya to enhance CT capacity in full compliance with human rights and rule of law".
309. Daesh settled in Libya in 2014, precisely when the country was torn apart by inter-Libyan conflicts. In December 2016, one year after the signing of the LPA, progress has been made in the fight against terrorism in Sirte and Benghazi but the threat remains throughout Libya.
310. Daesh will likely continue to operate from the more remote Centre and the South West (Fezzan). They will likely pursue a secondary campaign of asymmetric attacks. It will also use cells in north-western and north-eastern Libya. It will try to utilise clandestine networks to undertake spectacular attacks to erode support for the already embattled GNA. A (partial) spill over into Tunisia and into Algeria has already taken place.
311. Governance solutions for the liberated areas will be essential to prevent a resurgence of terrorist organizations. The PC has already ordered a decree to establish a Sirte Protection Force of 3 000 staff consisting of former ABAM (Misratan) fighters. This force can be seen as counterbalancing the LNA and therefore the HoR has already protested against this decree. The replacement of elected mayors by military appointed governors in the Eastern region is also of concern.
312. Security of Libyan borders is key for the country as well as for the region. The return to Libya of Foreign Terrorist fighters after the collapse of the Caliphate might be an additional obstacle to the stabilization of the country.

313. Only a political solution can bring national reconciliation and lasting stability to Libya. No side can prevail militarily. Divisions and *coups de force* will lead to chaos and civil war which will only benefit the terrorists.
314. The priority in order to efficiently fight terrorism is to build security forces that unite forces from all regions under civilian command.
315. Close liaison between CSDP and other EU Instruments and tools is required in order to achieve best effect. This synergistic approach could allow the EU to engage at local level in terms of security and development, including through supporting reconciliation. Programmes of particular relevance which are already cooperating with EUBAM Libya include those dealing with migration and strengthening border control (e.g. Project Seahorse with its links to coastguard training; existing IfS efforts to build border management capacity at Tripoli and other international airports).
316. CT capacity building needs to be fully mainstreamed into CSDP solutions on Libya, including on wider SSR support.

ANNEX C: OVERVIEW OF THE SITUATION ON MIGRATION

317. Europe has seen a substantial increase in the arrival of irregular migrants since 2014. The scale of these migratory flows reached previously unseen heights in 2015 when more than a million people arrived on European shores, turning what had been primarily considered as a small scale, sporadic phenomenon into a strategic challenge for Europe.
318. This increase has generated both a serious humanitarian crisis and given rise to numerous opportunities for transnational criminal networks. Europol and INTERPOL assess in their May 2016 joint report that more than 90% of migrants coming to the EU use the facilitation services of a migrant smuggling network at some point throughout their journey.
319. Numbers on the Eastern Mediterranean Route have dropped significantly in the context of the EU-Turkey Statement of March 2016, Frontex and NATO activities in the Aegean and the closure of the FYROM border. Despite fears that continued restrictions on the Eastern route would result in an increased number of departures from Egypt and Tunisia, departure points in those countries have until now remained limited.
320. In the meantime, 2016 saw some 181 000 arrivals through the Central Mediterranean route, with around 4 700 people tragically losing their lives. This makes the Central Mediterranean Route and effectively Libya and its coastline the main entry gate for migrants and refugees seeking to reach Europe over the past 12 months, as roughly 90 % of departures in 2016 took place from Libyan territory. Data from the first three months of 2017 indicate a significant increase in the number of arrivals to Italy compared to the same period in 2016 (+30%).
321. The volatile political and security conditions that have been prevailing over the past years in Libya, combined with fragmented control of the country's borders, currently offer a fertile ground for smugglers and traffickers who continue to exploit the wish of many migrants to reach Europe.
322. The majority of these activities are run along the western coast of Libya within the so-called "Lampedusa triangle" covering the area between Zuwarah and Misrata off the island of Lampedusa. Networks are assessed to be well ingrained into local

communities in this part of Libya and can rely on a number of facilitators benefiting in this regard from a very lucrative source of income.

323. The overwhelming majority of migrants transiting through Libya on their way to Europe originate from sub-Saharan African countries. Amongst the 181 000 migrants rescued at sea and disembarked in Italy in 2016, the nationalities most represented comprised of Nigerian (21%), Eritrean (11%), Guinean, Ivorian, Gambian (7 %) or else Senegalese and Malian (6%). It is assessed that only just over half of those disembarked met the required criteria to qualify for asylum.
324. Migration has always taken place and there is little indication that the factors that underpin it will disappear in the short term. A number of violent conflicts across the whole of sub-Saharan Africa, ranging from Sudan to Northern Nigeria and Mali, combined with demographics and bleak economic prospects continue to destabilise local populations and create the conditions for structural migratory movements northwards.
325. In this light, the European Council on 3 February adopted the Malta Declaration with a view to more effectively manage migration flows in the Central Mediterranean. With the Malta Declaration and subsequent Implementation Plan the EU made clear its intention to "re-doubling its efforts, through the UN process and regional initiatives, to achieve the core objective of the establishment of stable governance and security in Libya, key to an effective and sustainable long-term response to the migration challenge (...)".
326. The Plan encompasses training, equipment and support to the Libyan national coastguard and other relevant agencies; further efforts to disrupt the business-model of smugglers; supporting where possible the development of local communities in Libya; improving reception capacities and conditions in Libya; supporting IOM in significantly stepping up assisted voluntary return activities; enhancing information campaigns and outreach targeted at migrants; helping to reduce the pressure on Libya's land borders; keeping track of alternative routes and possible diversion of smugglers' activities; continuing support to efforts and initiatives from individual Member States; and deepening dialogue and cooperation on migration with all countries neighbouring Libya.
327. The Malta Declaration builds on The Joint Communication on "Migration on the Central Mediterranean route Managing flows" from 25 January, focussing on managing the irregular migratory flows, and identifying a set of key actions:

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- Reducing the number of crossings and saving lives at sea, by ensuring sustainable sources of funding to cover various training needs; and supporting the provision to the Libyan coastguard of additional patrolling assets;
- Stepping up the fight against smugglers and traffickers by encouraging the participation of Tunisia/ Algeria/ Egypt in the Seahorse Mediterranean Network; targeting supplies of smugglers by pooling intelligence between Member States, Op Sophia, Frontex, Europol and INTERPOL;
- Protecting migrants, increasing resettlement and promoting assisted voluntary returns, by engaging with the Libyan authorities to ensure that the conditions in centres for migrants are improved; and by stepping up cooperation with IOM and UNHCR in this respect by supporting IOM in its work to improve the situation of the migrants in Libya and to implement a project for assisted voluntary returns from Libya;
- Managing migrant flows through the southern Libyan border by deploying the full range of EU missions and projects to support the Libyan authorities in border management and migrant protection in Southern Libya; and building on existing cooperation with Niger under the Partnership Framework, take action to address the northwards migration pressure, and promote assisted voluntary returns;
- Increased cooperation with Egypt, Tunisia and Algeria by deepening the dialogue and operational cooperation on migration flows management with Egypt, Tunisia and Algeria and enhance practical cooperation, including on returns;
- Stepping up funding: mobilise M€ 200 for the North Africa window of the EU Trust Fund for Africa for projects in 2017, with a priority focus on migration-related projects concerning Libya.

328. The increased efforts on the Central Mediterranean must be seen in direct continuation of the work undertaken through the Partnership Framework, firmly embedding migration in EU's foreign policy, with the spirit of the Partnership Framework also being applied vis-à-vis Libya. Thus, the work undertaken with Libya's southern neighbours, e.g. on increased return, in particular assisted voluntary returns, improved regional border management cooperation, addressing root causes and ensuring protection, will continue in parallel with the activities defined in the Malta Declaration.µ

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329. The increased efforts are accompanied by a systematic engagement and continuous dialogue with Libyan authorities focussed on border management, countering irregular migration, and addressing the needs of migrants stranded in Libya, particularly those in retention centres. For the efforts to bear fruit, it will require close cooperation with the relevant partners in North Africa and concerted efforts by EU institutions, Member States, as well as cooperation with International Organisations (e.g. UNHCR and IOM).
330. Human rights abuses and mistreatment of migrants, amongst whom a worryingly increasing proportion of unaccompanied minors – 28 000 in 2016 - are common practice. In parallel, migrants stranded in Libya, including IDPs, end up living in reception and detention centres that do not meet basic international human rights standards.

ANNEX D:OVERVIEW OF NON CSDP SECURITY ENGAGEMENT

The Seahorse Mediterranean project (DG HOME)

331. The objective of the Seahorse project is to increase the capacity of the authorities of the North African countries to tackle irregular migration and illicit trafficking by strengthening their border surveillance systems. Focal areas for this European commission financed project are situational awareness and the reaction capacity of North African countries.
332. The aim of the Seahorse programme is to establish a Mediterranean Network in line with the information-exchange framework Eurosur and its implementation is executed by Spanish Guardia Civil.
333. Once the Seahorse Med network becomes operational in Libya, it will allow the Libyan Coastguard to exchange information and cooperate directly with the border and coastguards of the Member States and neighbouring third countries in the Mediterranean including Algeria, Tunisia and Egypt.
334. The recent Joint Communication on Migration in the Mediterranean informed that funding for the training of the Libyan Coastguard under the Seahorse project would be increased by an additional M€ 1.
335. The activities for 2017 include training sessions in Spain, Italy and Malta and the participation of Libyan Coastguard officers in Triton and Indalo Joint Operations coordinated by Frontex in the Mediterranean Sea.

Security related cooperation and development (DG NEAR)

336. Libya has no association agreement with the EU and thus remains outside most of the structures of the European Neighbourhood Policy (ENP). However, Libya is eligible for other funding i.e. bilateral and thematic cooperation via the European Neighbourhood Instrument (ENI) or the EU Trust Fund. Where the EU TF has a regional approach and applies equally to other countries such as Egypt, the bilateral cooperation can focus efforts and be used for Libya specific needs such as capacity-building of the coastguard.
337. The EU's overall cooperation strategy in Libya consists of two main strands. First, supporting the LPA, the GNA and local authorities through institution building, including the deployment of Stabilisation Facility funding to restore public

infrastructure and improve inter-governmental coordination to the benefit of all Libyans. Second, undertaking projects to directly benefit vulnerable migrants, IDPs and refugees, as well as host communities.

338. Key elements of EU cooperation on the political process, security and mediation include helping the PC and the GNA build credibility by funding public service delivery through the Stabilisation Facility; contributing to stabilisation in Libya and the region by supporting conflict mediation and resolution, and reinforcing community-level efforts towards violence reduction; and improving the security situation by investing in the capability and capacity of Libyan authorities.
339. EU cooperation on governance and rule of law mainly focusses on reinforcing democratically elected institutions, including through the capacity building of technical staff at the central and local level; reinforcing local government management; specific support for Public Finance Management focusing on key institutions at central and local level; promoting the development of SMEs in Libya through widely accessible support services; and assisting the development of a regulatory framework for public service media, supporting the development of press offices of the government and educating journalists to deliver high quality impartial information in a conflict sensitive manner.
340. The EU currently has a package of M€ 121 in bilateral support to Libya in 37 projects across six sectors amongst which the political process, security and mediation. Many of these projects, which were suspended due to the rapidly deteriorating security situation in 2014, have been resumed with the arrival of the GNA that was formed under the terms of the Libyan Political Agreement in December 2015.
341. However, the process of relaunching projects continues to be slow and arduous. There are three challenges. First, implementing partners continue to have limited access due to the persistent security risk. Second, the EU does not have a reliable Government counterpart inside Libya since the GNA does not have control over its territory and the security forces, nor the necessary public administration and governance capability. Third, the quality of implementing partners is oftentimes inadequate e.g. due to a lack of access for international staff to the territory and/or Libya-specific experience and expertise.

EU Trust Fund

342. The EU Emergency Trust Fund for Africa established after the Valetta Declaration committed M€ 26 in 2016 to fund two projects related to protection and resilience of migrants, the first through a consortium with Danish Refugee Council and the second through IOM. Upon the release of the Joint Communication on the Central Mediterranean Route, the EU has pledged to mobilise M€ 200 for the North Africa window of the EU Trust Fund for Africa for projects in 2017, with a priority but not exclusive focus on migration-related projects concerning Libya. A first batch of projects for Libya of around M€ 90 is being prepared which will fund projects that would comprise components on protection and on stabilisation covering local governance and community stabilisation through socio-economic development.

Instrument contributing to Stability and Peace (FPI)

343. The EU Instrument contributing to Stability and Peace is funding 10 projects worth M€ 26, mainly focussing on humanitarian mine action, confidence building and on mediation and dialogue. Implementing agencies are UNDP, UNHABITAT, Folkekirkens Nodhjaelp Fond, Dansk Flygtningehjaelp Forening and Promediation.

Frontex

344. On 14 September 2016, the Council gave its approval to the effective launch of a European Border and Coast Guard. In addition to the establishment of an operational strategy for border management and the coordination of assistance from all member states, the adopted regulation, gave Frontex new tools for enhanced cooperation with third countries, in particular the possibility to carry out joint operations, deploy liaison officers and increase cooperation on return related issues.

345. This has already led to the deployment of a first liaison officer to Turkey and preparations are being made for the forthcoming deployments of liaison officers to Western Balkans (posted in Belgrade, Serbia) and to Niger. The latter will also be tasked with liaising and cooperating closely with EUCAP Sahel Niger.

346. Frontex has a mandate to start negotiating working arrangement with competent Nigerien authorities with the objective to establish bilateral cooperation and thereby contribute to existing EU efforts through migration compacts defined under the new Partnership Framework with third countries.

347. Frontex has contributed to the training package one under Op Sophia mandate with a “Law Enforcement” module.
348. Joint operations are the most visible among the agency’s activities. The agency deploys hundreds of border guard officers, along with vessels, vehicles and aircraft to assist Member States facing challenges at the EU’s external borders. These operations take place at Europe’s sea and land borders, as well as international airports. Frontex had relied on EU Member States and Schengen Associated Countries to provide the guest officers and the equipment, which at times had been difficult to secure. Frontex can now count on a pool of at least 1 500 officers who can be quickly deployed to deal with emergencies at Europe’s external borders. It can also lease and buy its own equipment.
349. While the agency’s two best known maritime operations take place in the Central Mediterranean (Triton) and Eastern Mediterranean (Poseidon Sea) focus on supporting Italy and Greece in dealing with migratory pressure, all of the agency’s operations also help tackle various forms of cross-border crime. In addition, the sea operations have coastguard functions components, including monitoring of pollution and illegal fishing. These are implemented with the cooperation of other EU agencies, including the European Maritime Safety Agency (EMSA) and European Fisheries Control Agency (EFCA).
350. As the migratory situation continues to change at the EU’s external borders, the agency has provided additional resources to the borders that are or may come under migratory pressure or may face other challenges, according to the agency’s risk analysis. Most recently, at the request of the Bulgarian government, Frontex increased its presence at the country’s borders as a precautionary measure.
351. The Central Mediterranean is the most affected by migratory flows. While the primary focus of Operation Triton, which was launched by Frontex in November 2014, is border control and surveillance, the operation also contributes to search and rescue. Since the beginning of the operation, Frontex vessels and aircrafts have on regularly been redirected by the Italian MRCC to assist migrants in distress at sea.
352. In the Eastern Mediterranean, Frontex supports Greece with more than 700 guest officers, who perform border surveillance, assist in the identification and registration of incoming migrants, as well as debriefing and screening. The Joint Operation Poseidon Sea is increasingly becoming a multipurpose operation covering a number of

aspects of cross border crime including smuggling of illegal substances, weapons, detection, forged documents and many others. It also covers several coastguard functions such as SAR, detection of illegal fishing and maritime pollution.

Europol

353. Europol assists the 28 EU MS in their fight against serious international crime and terrorism. As large-scale criminal and terrorist networks, including those involved in smuggling of migrants and trafficking in human beings, pose a significant threat to the internal security of the EU Europol takes an interest in Libya and they are present, among other EU agencies, in the EU Regional Task Force (EURTF) in Catania, Sicily to exchange information on these criminal networks. Europol does not currently have any representative working in Libya and the cooperation between EUBAM Libya and Europol could be further enhanced, including the temporary deployment of Europol officers to EUBAM Libya.

Eurojust

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

355. In October 2016 a Eurojust contact point was established within the General Prosecutor Office of Libya to coordinate on international criminal matters and to enhance and improve the coordination of investigations and prosecutions between competent authorities in the member states in relation to serious cross-border crimes and for CT matters.

EASO

356. The European Union is working towards a Common European Asylum System. European Asylum Support Office (EASO) supports its implementation by applying a bottom-up approach. The aim is to ensure that individual asylum cases are dealt with in a coherent way by all MS. As the central Mediterranean route became the main entry channel of irregular migration to Europe arriving from Libya and the high numbers of asylum applicants put a significant pressure on the reception system in Italy, EASO and Italy signed a " Hotspot-Relocation Plan to Italy". EASO support in those hotspots is provided in particular by joint processing of asylum cases by Asylum

Support Teams, composed of national experts deployed by EASO. EASO also exchanges information on disembarkations with external partners such as the EC, Europol and Frontex.

Sahel regionalisation

357. Security and stability in the Sahel is a priority for the EU. The key aspects of EU engagement in the Sahel, include the dialogue with the G5, CSDP regionalisation, efforts through the EU Trust Fund, cooperation on migration and border control, and initiatives targeted at youth in the region.

358. There are three CSDP missions already deployed in the region: a military one in Mali (EUTM Mali) and two civilian ones (EUCAP Niger and Mali). Regionalisation means moving further into the Sahel. It will allow for the enhancement of support to the security and defence structures in the Sahel countries, thereby providing an important contribution to EU security. This CSDP contribution is embedded in a wider EU approach. The linkages between internal and external security, including in areas such as addressing irregular migration, trafficking and terrorism are an increasingly important context for the further development of CSDP.

359. The strategic objectives of regionalisation of CSDP actions in Sahel are:

- to support cross-border cooperation;
- to support regional cooperation structures, in particular those of G5 Sahel;
- to enhance national capacities of the G5 countries.

360. The EU should aim at building the national capacities of the countries in the Sahel through training, advice and provision of equipment where appropriate, through fostering cooperation between national security and defence forces in the region, helping them to address terrorism, irregular migration, organized crime, arms trafficking, trafficking in human beings and smuggling of migrants.

361. Special attention should be given to regional initiatives like G5 Sahel to improve cooperation between those national institutions dealing with trans-border crimes, as well as enhancing communication and coordination capacities between cross-border institutions (e.g. border services/internal security forces, border posts, regional cooperation mechanisms).

362. The regionalisation concept envisages a gradual expansion of the CSDP support to the G5 countries in phases. The first step would be the establishment of a network of internal security and defence experts and a regional coordination structure (Regional

Coordination Cell – RCC). Engaging through the experts and the RCC at the regional and the national level in the Sahel region will help the EU Delegations to identify the possibilities and priorities for EU activities, in line with local needs. A key deliverable for the first phase will be a defence and security needs and gaps assessment of the G5 countries pertaining to regional and cross border cooperation and dealing with security challenges, and then the development of a CSDP regional implementation plan that will make recommendations for any subsequent phases.

363. The first step would be the establishment of a network of: (1) internal security and defence experts; (2) the three involved CSDP missions and (3) a regional coordination structure (Regional Coordination Cell – RCC). Engaging through the experts and the RCC at the regional and the national level in the Sahel region will help the EU Delegations to identify the possibilities and priorities for EU activities, in line with local needs. A key deliverable for the first phase will be a need assessment and gap analysis undertaken by the EEAS on the basis of the information obtained through the security expertise network. The aim would be to draft a regional implementation plan to identify gaps/areas that could be addressed through CSDP activities (training and advice by the existing missions) or other instruments (e.g. EU Emergency Trust Fund, IcSP, EDF or other actors or/and on a bilateral basis). The EEAS will report regularly to MS on the implementation of the regionalisation concept.

EU Member States

364. Numerous MS have bilateral programs with Libya, either direct or via implementing partners such as IOM or UNHCR.

365. The UK continues to support the Libyan Political Process, providing support to political institutions and Government ministries, including on communications. On migration, the UK is supporting Libyan migration authorities and migrants in detention through our work with IOM. The UK is also supporting local level stabilisation through the UNDP Stabilisation Facility for Libya and a joint project with USAID in Sirte; will scope out new work in the area of countering and preventing extremism; and will restart support for Libyan civil society organisations.

366. France is providing training on close protection of VIPs of military personnel already operating in units under the PG. The proposed training entails several 4-week courses under the leadership of a French military detachment in Tripoli.

367. The Netherlands has several on-going projects in Libya via implementing agencies such as Danish Church Aid, AKTES and IOM in the areas of demining in Benghazi

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and Sirte, SSR, enhancing community resilience and supporting the Libyan coastguard.

368. Germany provides support to the Stabilisation Facility for Libya. They also cooperate with Libyan municipalities, assist in migration issues inter alia by support to IOM and are involved in counter-IED measures.

369. Malta is engaged in police officer training coordinated through UNSMIL/UNDP. Malta is also providing training in the English language to 10 Libyan Municipal mayors coordinated through ARLEM.

370. Italy has recently signed a MoU with Libya on cooperation in the development sector to combat illegal immigration, migrant smuggling, human trafficking and contraband and on reinforcing the border security. The MoU covers the security and military institutions' support in order to stem the illegal migrants' fluxes and face the consequences coming from them, in accordance with the 2008 Italy - Libya Treaty of friendship, partnership and cooperation. Italy will also provide technical and technologic support to the Libyan institutions in charge of the fight against irregular immigration, and border guard and the coastguard. The completion of the land borders' control system of south Libya is also part of the agreement, as is the support to the so-called 'hosting centers' which operate in this field in order to contribute in the individuation of the most adequate methods to address the irregular immigration flows, migrant smuggling phenomenon and human trafficking.

371. Italy has a long track record in cooperation with Libya, which can be underlines by exemplary recent provision of a field hospital in Misrata. Before 2011, there was also close cooperation with the Italian Guardia di Finanza, which included carrying out the joint patrolling and practical training on board patrol vessels donated by Italy. The foreseen establishment of an MRCC in Tripoli is an EU project led by the Italian *Guardia Costiera* which also supports Libya on SAR activities, and the LCGPS.

EUROGENDFOR

372. The need for knowledge on military police is pertinent in the development of the Libyan security structure starting with the Presidential Guard. EUROGENDFOR (EGF) has been active in Libya by providing a planner to the EULPC.

373. The possibility to use the EUROGENDFOR in training a future police component of the PG could be further explored, including the possibility to provide such training regionally. EGF could support the establishment of the police component of the PG by a layered training, mentoring and monitoring programme starting with the senior

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leadership. If requested and agreed by the member states of EGF, the EGF could work under EUBAM Libya or separately via an EU program.

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ANNEX E: OVERVIEW OF NON EU ACTORS

United Nations

374. The IC engagement in Libya is developed and coordinated under the leadership of the UN which is of fundamental relevance to existing EU current and future engagement.
375. The main UN actor for Libya is UNSMIL which is a special political mission Libya established via Resolution 2144 (14 March 2014) and renewed via Resolution 2323 (13 December 2016). The current mission is to support implementation of the LPA and the consolidation of the governance, security and economic arrangements of the GNA. Valid until 15 September 2017, UNSMIL's core tasks involve the support to key Libyan institutions, human rights monitoring and reporting, countering the proliferation of uncontrolled arms and coordination of international assistance.
376. UNSMIL has continued to work closely with the PC and the MoI and MoD on the implementation of the interim security arrangements outlined in the LPA. Key areas of support include: assessments and planning for Tripoli security; the formation of a presidential guard and engagement with armed groups; and support to counter improvised explosive devices and clear explosive remnants of war. UNSMIL staff continues to visit Tripoli and other cities regularly to facilitate these and other related activities.
377. As a result of work by UNSMIL with the TSC, the PC issued decree No. 2 of 9 May 2016, establishing a presidential guard, to be composed of a mix of police and army personnel. On 31 August, the PC appointed a PG commander and two deputies. UNSMIL has worked closely with these interlocutors encouraging a focus on security for Tripoli.
378. UNSMIL has continued to engage with armed groups to widen the support for the LPA and enabled closer coordination among security actors in Tripoli. With the assistance of a EULPC, UNSMIL continues to monitor police and army unit deployments, principally in Tripoli, to assess the security situation and the implementation of the interim security arrangements. UNSMIL also remains engaged on policing reform and security sector development.
379. To address the challenges of security sector governance and provide greater support to the Libyan authorities, UNSMIL established the Security Sector Advisory and

Coordination Division (SSACD), later renamed to Security Infrastructure Division (SID) with the main focus to demobilization of armed groups in the Greater Tripoli area, while assisting in the reconstitution of legitimate state security forces. The Division advises the Libyan authorities on the formulation of policy in the security sector, provides some technical assistance and, where appropriate, helps to coordinate international efforts in the security sector.

380. UNSMIL has begun planning in earnest for its return to Libya by mid-2017 and intends to re-occupy the OEA complex in western Tripoli. Following the eruption of violent clashes in Tripoli and Benghazi in 2014, UNSMIL was evacuated to Tunis, where it has remained ever since. A safe and successful mission return will be dependent on political approval from the PC and security arrangements in the area.
381. In line with the principle of the integrated mission, UN Women and the Office of the High Commissioner for Human Rights (OHCHR) are integrated into UNSMIL. In addition to UNSMIL, there are several United Nations Specialized Agencies, Funds and Programmes operating in Libya, known collectively as the UN Country Team (UNCT). Several will be highlighted below.
382. United Nations Development Programme. UNDP provides support to all three pillars of government, the judiciary and the executive, as well as the promotion of civil society's role in the state-building process. Projects under preparation: UNDP is currently developing comprehensive projects on (i) strengthening rule of law and access to justice and (ii) supporting the development of central and local stakeholders in mine action activities in Libya.
383. United Nations High Commissioner for Refugees – UNHCR supports the Government and civil society in promoting a favourable protection environment for internally displaced persons, refugees and asylum-seekers, with the aim to build the capacity of national asylum institutions and promote durable solutions of resettlement and voluntary repatriation. UNHCR also supports the Libyan Government in delivering core relief items to stranded asylum-seekers and vulnerable migrants, and provides emergency health services for persons in detention. UNHCR is also developing training programmes to support the MoI and coastguard in subjects such as human rights, refugee protection. UNHCR supports LibAid and other partners in camp coordination and management of IDP sites, conflict management and the distribution of core relief items to displaced populations. UNHCR also provides training on human rights, displacement and protection for local authorities and civil society groups.

384. International Organization for Migration. IOM is assisting to increase the capacity of the judiciary to understand trafficking in Libya as well as to improve inter-governmental coordination to develop responses to the issue. IOM works with the Libyan government to assist the voluntary return of migrants from Libya to their country of origin, including establishing contact with the requisite embassies and government departments. In connection with this, support is provided to the MoI and the DCIM, through the provision of technical assistance to establish biometric registration systems and develop operational procedures for transit centres, as well as to provide staff training.
385. United Nations Office of Drugs and Crime – UNODC. Assistance is being provided to promote transparency and integrity and to strengthen anti-corruption measures in Libya. UNODC has collaborated with the Libyan government to develop a national anti-corruption strategy. Promoting judicial integrity and accountability in the public sector as well as to combat tax evasion are likewise areas of focus. On the rule of law, UNODC works closely with the Ministry of Justice on criminal justice reform; modernize legislation in juvenile justice and penal reform with a focus on improving detention and rehabilitation facilities; and review of the forensic facility of the MoJ.
386. The EU funds numerous projects by United Nations Children's Fund (M€ 4,48), UN HABITAT - Human Settlements Programme - (M€ 1,1), OCHA (K€ 3) and the World Health Organisation (M€ 4,4).

Regional actors

387. Over the course of the past year, the AU experienced advances and setbacks in its efforts to curtail Islamic-inspired terrorism. The fluctuations in successfully addressing this issue were particularly apparent in Libya. Daesh seized control of Sirte in May 2015, incorporating the coastal city as a key area of its global caliphate. Nonetheless, a campaign initiated by militias from the nearby city of Misrata in May 2016 – supported by United States air power – culminated in the liberation of Sirte this past December. While a significant achievement, the risk to Libya remains as many Daesh militants likely escaped to other parts of the country. This threat extends to Libya's neighbours as well. An attempt to take over the Tunisian border town of Ben Guerdane was repelled in March, while Chad recently closed its border over fears of militant movement in southern Libya.
388. The AU focus is on the elimination of violent extremists operating in the country, including the destruction of their affiliated criminal networks.

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389. To avoid the proliferation of small weapons, human trafficking, terrorism and other cross border activities, closer cooperation between neighbouring countries is required. Though the AU Border programme is not yet in use for Libya. The AU wants to strengthen the cross-border cooperation pillar of the AU Border Programme, whereby the AU would assume an advising rather than implementation role.
390. The AU's efforts on Libya have focused mostly on the political sphere. A conference on political reconciliation in Libya has been proposed and endorsed by the January AU Summit, in the hopes that resolving the differences between competing factions would shrink the space in which militants can operate. Neighbouring countries of Libya, namely Algeria, Chad, Egypt, Niger, Sudan and Tunisia will be involved in the organisation of the conference.
391. To achieve the national reconciliation a troika was established on 25 October 2016, representing AU, UN and the League of Arab States. The EU has joined the troika (now quartet). The AU thus recovers a role, after its initial engagement in 2011 had been eclipsed by UNSC intervention. Its strength is to have among its members Libya's neighbours, especially Egypt, Sudan Chad and Niger, with extensive knowledge of Libya and the stakeholders and a direct interest in stabilising the situation. The AU appointed in 2016 former Tanzanian President Kikwete as Special Envoy to Libya (supported by EU under the Emergency Response mechanism with M€ 0.3).
392. The Western Mediterranean Forum, commonly referred to as 5+5 Dialogue, was officially launched in Rome in 1990 as an informal sub-regional forum which main aim was to foster relations between European countries and the Arab Maghreb Union. The 5+5 Dialogue comprises Algeria, France, Italy, Libya, Malta, Mauritania, Morocco, Portugal, Spain and Tunisia. As a trans-Mediterranean cooperation initiative, the rationale of the 5+5 Dialogue is to provide an informal forum in which the five EU member states and the five Maghreb countries have the chance to discuss subjects of topical interest for the region and to identify new areas for practical cooperation.
393. Currently the 5 + 5 group deals with issues of economic partnership, development and security in the region and seeks to develop social and cultural relations and scientific and technological exchange among its members. In 2017 two meetings were held in Paris (January) and Malta (April). Despite the challenging political, security and economic situation, the meetings aim is to encourage investment in the region and

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ways to launch the economies of countries by creating favourable investment conditions.

Tunisia

394. The destabilising influence of the crisis in Libyan hit neighbouring Tunisia severely – both in terms of lost revenue in trade, as well as a significant surge in Libyan refugees in Tunisia. The border between the two countries remains porous and difficult to control, with heavy smuggling and contraband, notably of petrol. The return of Tunisian terrorist fighters from Libya and Syria is an issue of increasing concern for Tunis. The danger of increased radicalisation for marginalised Tunisian youths also is high.
395. Migration is not an urgent threat for Tunisia, but Tunisian authorities remain concerned about the crisis in Libya, which could cause a flow of migrants to the country. A debate is ongoing in Tunisia on the management of the return of Tunisian foreign fighters, while the issue of better cooperation with European countries in the repatriation of irregular Tunisians has been part of this debate. Tunisia has recently confirmed its opposition to the creation of migration centres on the Tunisian soil.
396. On migration, the Mobility Partnership concluded with Tunisia in March 2014 is proving successful in providing an integrated and structured framework for policy dialogue and better management of operational and financial support provided to Tunisia.
397. An EEAS/HOME/NEAR high level visit to Tunis on migration on 1 March confirmed Tunisia's willingness to engage with the EU on the migration agenda: on readmission and visa facilitation agreements launching negotiations swiftly; on readmission requesting support for the establishment of a fingerprint identification system and in applying voluntary return/integration packages for Tunisian citizens returning to Tunisia. The EU is ready to offer support on broader border management and security issues and encouraging Tunisia to join the Seahorse network.

Egypt

398. Egypt is considered a key partner for the EU and its sustainable stability and development is also key for the region and for the EU.
399. Egypt remains the most influential interlocutor in eastern Libya and it could exert pressure on Haftar and HoR Speaker Aguila Saleh to make them accept the UN's principles for a political solution based on power-sharing. Their reluctance to engage

constructively is among the main obstacles on the road to reshuffling GNA and reaching a comprehensive political agreement.

400. Since the election of President Sisi, Egypt has been engaging in an extensive foreign policy outreach at bi- and multilateral level. With its current seat in the UNSC and in the AU Political and Security Council, Egypt has been able to reassert its role in the region. Egypt has been hosting numerous meetings of the Libyan parties and, on 18 March 2017, the Quartet meeting on Libya, between the UN, the EU (represented by the High Representative), the AU and the LAS. In view of its strong involvement in Libya, Egypt's role within the LAS and the African Union is important for the success of the Quartet.
401. On migration, Egypt has a complex profile: it is a sending, receiving and transit country, as one's of Libya's neighbours. In 2016, 12 766 migrants arrived from Egypt to Italy an increase of 14.8% from an already low basis (11 114) in 2015. Although migration from Egypt is not a major issue today, there is a risk that it will become a real concern in the near future, due to demographic pressure and a deteriorating socio-economic situation.
402. On security and CT, Egypt's challenges are mostly related to Daesh's presence in the Sinai Peninsula and difficulties in stabilising the area have recently impacted the situation in Cairo and Alexandria. Egypt's strong engagement in Libya has allegedly prevented an overspill from the eastern border, although a clear assessment of cross border movements is not available. A CT and security mission to Cairo took place in September 2016 and is currently being followed up. This mission, as well as that of Op Sophia Deputy Commander in October 2016 addressed the details of cooperation (role hospital, flag state, focal points) but to the day these issues are still being discussed.
403. The August 2013 FAC conclusions (subsequently confirmed in 2014) restricting security assistance to Egypt remain in place.

NATO

404. NATO has also been assisting Frontex and Greek and Turkish national authorities in their efforts to tackle the migrant and refugee crisis in the Aegean. In October 2016, Sea Guardian started to support maritime situational awareness, counterterrorism at sea and capacity-building in the Mediterranean. It could also perform other tasks if decided by Allies, including upholding freedom of navigation, conducting interdiction tasks and the protection of critical infrastructure.

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405. At the meeting of NATO SG and the Libyan FM in June 2016, possible NATO's assistance to Libya in the defence and security field was addressed, which would be part of the international efforts to help the country address existing security challenges. In line with the decisions adopted by NATO Heads of State and Government at the 2014 Wales Summit, NATO stands ready to assist Libya in the field of defence and security institution building, if requested by the GNA and in complementarity with the UN and the EU.
406. NATO SG Jens Stoltenberg met Libyan PM Fayeze al-Serraj on 1 February 2017 for talks on the security situation in Libya. NATO was encouraged by the progress being made in the fight against Daesh in Libya and conveyed NATO's support to the GNA. During this meeting discussed how to take cooperation forward. NATO stands ready to assist Libya in building effective security and defence institutions, strengthening your ability to fight terrorism and create conditions for peace and could offer advice on establishing a modern MoD, a joint military staff, and security and intelligence services under civilian control. If requested, NATO could also support the efforts of the EU to strengthen the Libyan coastguard and navy.
407. On 1 March the NAC agreed to stand up a Libya team tasked to make an assessment on the possibilities for NATO support to Libya on defence and security related capacity building.

INTERPOL

408. The EU funded and INTERPOL implemented project Enhance Risk Detection and Crime Investigation Capability (RELINC) was suspended due to the 214 events. EUBAM Libya has engaged with INTERPOL on the possibility of the Mission recovering parts of the project's deliverables to strengthen the MoI's capacity to analyse crime reports, adapt its working methods and improve crime prevention. INTERPOL is exploring the possibility to support the Mission with trainers for a dedicated training module on reporting and criminal analysis for the Libyan MoI.

LIAM

409. Libya International Assistance Mission (LIAM) is an international coalition, under Italy as the lead nation, consisting of a core made up by the P3+3 (FR, UK, US + DE, ES, IT). Planning undertaken in 2016 focused primarily on providing potential training capacity to the GNA for the Libyans to provide their own security in Tripoli. LIAM envisaged three activities; military training, police training and coastguard training. The scope of these activities was initially limited in geography (Tripoli) and

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in time (by providing a bridging capacity). The EU has been regularly in contact with LIAM in order to ensure mutual awareness and avoid potential duplication of efforts. As a Libyan invitation for support by the LIAM coalition is not foreseen, LIAM planning remains on hold.

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