

Memorandum of understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic.

The Libyan Government of National Accord and the Italian Government hereinafter referred to as “The Parties”:

Are determined to work in order to face all the challenges that have negative repercussions on peace, security and stability within the two countries and in the Mediterranean region in general.

In the awareness of the sensitiveness of the present transition phase in Libya and given the necessity to continue on supporting the efforts aimed at national reconciliation, in view of a stabilization that would allow the formation of a civil and democratic State.

Recognizing that the common historical and cultural heritage and the strong bond of friendship between the peoples of Libya and Italy are the basis to face the challenges deriving from continuous and high flows of clandestine migrants.

Reaffirming the principles of sovereignty, independence, territorial integrity and national unity for Libya, besides the principle of non-interference in internal affairs.

In order to implement the relevant agreements undersigned by the Parties, among which the Treaty of Friendship, Partnership and Cooperation signed in Bengasi on August 30th 2008 - in particular with respect to Article 19 of the same Treaty-, and the Tripoli Declaration of January 21st 2012 as well as other agreements and memoranda on the subject.

The Parties have acknowledged Italy’s commitment to relaunch dialogue and cooperation with African Countries of primary relevance for migratory routes, which has led to the establishment of the ‘Fund for Africa’.

Considering the Italian initiatives implemented pursuant previous bilateral agreements and memoranda of understanding, besides the support ensured to the revolution of February 17th.

In order to achieve solutions regarding some matters that negatively affect the Parties, including the clandestine immigration phenomenon and its impact, the fight against terrorism, human trafficking and fuel smuggling.

Reaffirming the resolute determination to cooperate in identifying urgent solutions to the issue of clandestine migrants crossing Libya to reach Europe by sea, through the provision of temporary reception camps in Libya, under the exclusive control of the Libyan Ministry of Home Affairs, pending voluntary or forced return to the countries of origin, and working at the same time with the view that countries of origin accept the return of their own citizens, by concluding agreements to this end with these countries.

Recognizing that the measures and initiatives undertaken to address the illegal migrants’ situation in

accordance with this Memorandum must not damage in any way the Libyan social fabric or threaten the demographic equilibrium of the country or the economic situation and the security conditions of Libyan nationals.

Highlighting the importance of Libyan land and sea borders' control and security, in order to ensure the reduction of illegal migratory flows, the fight against human trafficking and fuel smuggling, besides highlighting the importance of benefiting from the experience of the institutions involved in the fight against clandestine immigration and border control.

Considering the obligations deriving from international customary law and agreements to which the Parties are bound, including Italy's membership to the European Union, in the framework of the legal systems in force in the two Countries, the two Parties confirm their willingness to cooperate to implement the provisions and the purposes of this Memorandum agreeing on what follows:

Article 1

The Parties commit themselves to:

- A) start cooperation initiatives in conformity with programs and activities adopted by the Libyan Presidential Council and the Libyan Government of National Accord, as regards the support to security and military institutions²—in order to stem the illegal migrants' fluxes and face their consequences, in accord with what is foreseen by the Treaty of Friendship, Partnership and Cooperation undersigned by the two countries and by the agreements and memorandum of understanding undersigned by the Parties.
- B) the Italian party provides support and financing to development programs in the regions affected by the illegal immigration phenomenon, within different sectors, such as renewable energy, infrastructure, health, transports, human resources development, teaching, personnel training and scientific research.
- C) the Italian party commits to provide technical and technologic support to the Libyan institutions in charge of the fight against illegal immigration, and that are represented by the border guard and the coast guard of the Ministry of Defence and by the competent bodies and departments of the Ministry of Home Affairs.

Article 2

In addition, The Parties commit to undertake actions in the following sectors:

- 1) completion of the system of border control in Southern Libya, according to what is foreseen in Article 19 of the abovementioned Treaty.
- 2) adaptation and financing of the above mentioned reception centres already active compliance with the relevant provisions, making recourse to funds made available by Italy and the European Union. The Italian party contributes, through the delivery of medicines and medical equipment, to the improvement of the illegal immigrants' medical needs in the centres, in the treatment of communicable and serious chronic diseases.
- 3) training of the Libyan personnel within the above mentioned reception centres to face the illegal immigrants' conditions, supporting the Libyan research centres operating in this field so that they can contribute to the identification of the most adequate methods to face the clandestine immigration phenomenon and human trafficking.
- 4) The Parties collaborate to propose within three months from the signature of this memorandum, a wider and more complete view of Euro-African cooperation, to eliminate the causes of irregular immigration, in order to support the countries of origin of immigration in the implementation of strategic projects for development, raise the level of

- tertiary sectors to improve life standards and health conditions, and contribute to the reduction of poverty and unemployment.
- 5) support to the international organizations that are present and operate in Libya in the migration sector in order to continue the efforts that are also aimed at returning migrants² to their countries of origin, including through voluntary return.
 - 6) start of development programs through adequate job creation initiatives within the Libyan regions affected by illegal immigration phenomena, human trafficking and fuel smuggling as “income replacement”.

Article 3

In order to accomplish the purposes of this Memorandum, the parties commit to establishing a mixed committee, composed of the same number of members for both ~~the~~ parties, identifying the priorities in action and the instruments to finance, implement and monitor the commitments undertaken.

Article 4

The Italian party provides for the financing of the initiatives mentioned in this Memorandum or the ones proposed by the mixed committee indicated in the previous article without additional obligations for the Italian State’s budget in respect of the allocations already foreseen, besides making use of available funds from the European Union, in respect of the laws in force in the two countries.

Article 5

The Parties commit to interpret and apply the present Memorandum in respect of the international obligations and the human rights agreements to which the two Countries are parties.

Article 6

The disputes between the Parties regarding the present Memorandum’s interpretation and application will be friendly negotiated by diplomatic means.

Article 7

The present Memorandum of understanding can be amended upon request of one of the two Parties through an exchange of notes during the period of its validity.

Article 8

The present Memorandum comes into force from the signature. It has triennial validity and it will be renovated by tacit agreement at the deadline for an equivalent period, unless a written notification is presented by one of the two contracting Parties at least three months before the deadline of the period of validity.

Elaborated and signed in Rome on February 2nd 2017 in two original copies, each one in Arabic language and Italian language, all texts being equally authentic.

For the Libyan Government of National Accord:
Fayez Mustafa Serraj, President of the Presidential Council

For the Italian Government :
Paolo Gentiloni, President of the Council of Ministers

[Translated by Sandra Uselli, revised by Marcello Di Filippo, Elena Marati and Anja Palm]