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Annex IV to the Agreement establishing the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa and its internal rules

Action fiche of the EU Trust Fund to be used for the decisions of the Operational Committee

1. IDENTIFICATION

Title/Number	**Support to Integrated border and migration management in Libya - First phase** (T05-EUTF-NOA-LY-04)		
Total cost	Estimated total cost: **EUR 46 300 000** Total amount from Trust Fund: • EUR 42 223 927.28 Co-financing from Italy: • EUR 2 231 256 Parallel financing under the EU Internal Security Fund[1] : • EUR 1 844 816.72		
Aid method/Implementation methods	Indirect management with Member States agencies		
DAC code	150	Migration/Border Management	

2. GROUNDS AND BACKGROUND

2.1. Summary of the action and its objectives

Emergency continues along the central Mediterranean route, as expressed in continuing high numbers of arrivals, deaths at sea and lives saved in rescue operations. The EU Trust Fund for Africa already adopted in April 2017 a major programme (EUR 90 million) to address protection of migrants and socio-economic development in Libya.

Discussions have been ongoing for a number of months about possible support to the Libyan coastguards for better patrolling and rescuing at sea. The situation remains critical also at the Libyan southern border, where authorities have very limited capacity.

The European Council of 22-23 June has called for action. It specifically mentioned that *"training and equipping the Libyan Coast Guard is a key component of the EU approach and should be speeded up"* and that *"cooperation with countries of origin and transit shall be reinforced in order to stem the migratory pressure on Libya's and other neighbouring countries' land borders*".

Italy has come forward in May 2017 with a major proposal for integrated border and migration management in Libya which responds to the above mentioned priorities.

[1] "Assessment of the Libyan Coast Guard legal framework and capability in terms of SAR Services", HOME/2017/ISFB/AG/EMAS/0051, signed on 22/06/2017.

The dual objective of this action is to improve the Libyan capacity to control their borders and provide for lifesaving rescue at sea, in a manner fully compliant with international human rights obligations and standards. This Action Fiche covers the first phase of support. Additional funding should be envisaged in 2018 for its completion (for which the current estimate stands at EUR 38 million). This action will in particular cover:

- Support to both Libyan coast guards (General Administration for Coastal security [GACS] under the Ministry of Interior [MoI] and the Libyan Coast Guard and Port Security [LCGPS] under the Ministry of Defence [MoD]) in the form of training and equipment: repair of existing vessels + maintenance, supply of communication and rescue equipment, rubber boats and vehicles;

- Capacity building for ordinary maintenance of boats;

- Setting up of basic operational rooms in a joint building in Tripoli: interagency National Coordination Centre - NCC (M oI) and Maritime Rescue Coordination Centre - MRCC (MoD);

- Feasibility studies for the full establishment of operational rooms (full establishment to be foreseen under 2018 funding)

- Pilot activities to increase capacity for southern border surveillance: after having considered existing studies, refine assessment of the situation both in terms of border surveillance, migration management, socio-economic development potential, and security; set up of outposts and pilot surveillance bases; supply of equipment; work on the redefinition of procedures for rescue and treatment of migrants in dialogue with Libyan authorities and cooperation with international actors (IOM and UNHCR in particular).

The activities foreseen in this Action will contribute to the following Valetta Action Plan domains: *1. Development benefits of migration and addressing root causes of irregular migration and forced displacement* (especially strengthening capacities of public administration in security and rule of law as well as improving border management in a way that facilitates legitimate economic activity); *4. Prevention of and fight against irregular migration, migrant smuggling and trafficking in human beings* (especially supporting national capabilities to control borders as well as maritime surveillance capabilities for the purpose of prevention of irregular migration, cross-border crime, as well as enhanced search and rescue).

In addition, the activities will contribute to the Specific Objective 1 (“Migration governance”), Specific Objective 4 ("Tackling the drivers of irregular migration, including voluntary return and reintegration") and to Specific Objective 5 ("Improve information and the protection of vulnerable migrants along the migration routes") of the Operational framework of the North of Africa window of the EU Trust Fund.

The Action will also contribute to the following priority actions identified in the Central Mediterranean Communication and developed as follows in the Malta Declaration:

a) training, equipment and support to the Libyan national coast guard and other relevant agencies. Complementary EU training programmes must be rapidly stepped up, both in intensity and numbers, starting with those already undertaken by Operation SOPHIA and building on its experience. Funding and planning for these activities needs to be made sustainable and predictable, including through the Seahorse Mediterranean Network;

g) helping to reduce the pressure on Libya's land borders, working both with the Libyan authorities and all neighbours of Libya, including by supporting projects enhancing their border management capacity;

i) continuing support to efforts and initiatives from individual Member States directly engaged with Libya.

2.2. Background

Since March 2016, the Central Mediterranean Route is the dominant route for migrants and refugees to reach Europe. Already in 2016, 181 000 refugees and migrants arrived in Europe via this route; the vast majority of whom through Italy. Tragically, 2016 also represents a record year for the number of lives lost at sea with more than 4 500 reported deaths[2] along this route. The death toll has never been so high despite enhanced operational efforts and the fact that most rescue operations took place close to, or sometimes within, Libyan territorial waters. According to national and Frontex data, for the third consecutive year, detections of migrants departing from Libya have exceeded 100 000 (141,484 in 2014; 138 422 in 2015; 162 272 in 2016).

As regards 2017, the number of new arrivals stands at 93 292 as of 18 July, a 16.8 % increase compared to the same period in 2016. Based on IOM figures, as of 12 July, 2 206 persons died at sea since the beginning of 2017. Libya remains the main country of departure, with over 82 400 arrivals to Italy in 2017.

To address this situation, the Joint Communication on Central Mediterranean Route, 'Managing flows, Saving Lives' (25 January 2017) and the Malta Declaration of 3rd February outlined a number of measures as part of a comprehensive strategy to strengthen the EU's work along this route. The Communication pledged EUR 200 million to the North of Africa window of the EU Trust Fund for Africa with a priority to be given to Libya for 2017.

The European Council of 22-23 June called for further action by specifically mentioning that " *training and equipping the Libyan Coast Guard is a key component of the EU approach and should be speeded* up" and that "*cooperation ... shall be reinforced in order to stem the migratory pressure on Libya's ... land borders'".*

Building on the priorities of this strategic and political guidance, this Action Fiche proposes interventions in Libya under the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (the "Trust Fund"), that provide additional support to Libyan authorities to enable them to better perform lifesaving operations at sea and improve the control/management of their borders.

National situation

Ever since the fall of the Gaddafi regime, the situation in Libya has been characterized by instability, including in the political and security domains. In 2015, the United Nations recognized the Government of National Accord as the legitimate government under the United Nations Security Council Resolution 2259 (2015).

The Libyan political and security crisis has affected migration dynamics in Libya and in the region. In addition of being traditionally a country of destination, Libya is also increasingly

[2] https://missingmigrants.iom.int/mediterranean

becoming a transit country and the main departure point to Italy in the Central Mediterranean Route.

Libya's current migration crisis is characterized by different migratory flows and patterns in and through an increasingly fragile and conflict-ridden country. The roots and drivers of the country crisis are complex, involving underdevelopment, state fragility, marginalization and security threats in West Africa, East Africa and the Middle East. Political insecurity and conflict in Libya has led to failing governance, social and economic inefficiencies, collapse of service provision and direct threats to the life and liberty of all populations within Libya.

Economic prosperity pre-2011, porous borders, and the complex realities of the political and economic situation in Libya and other regional countries have seen Libya hosting different population groups, including refugees and economic migrants, with a growing minority seeking onwards travel to Europe while others are long term residents of the country. According to UNHCR, there are currently an estimated 100,000 refugees and asylum seekers, of which 38,670 have been registered by UNHCR. IOM estimates that migrants are ranging between 700,000 and 1 million. The human rights situation is also challenging, in particular the conditions in detention centres where irregular migrants are brought after being rescued.

Irregular migrants and refugees transiting through Libya are largely using smuggling networks. Therefore, activities that disrupt or deter those criminal groups are likely to have an impact on reducing the flow of irregular migrants into the EU.

The smugglers' business flourishes in the current unstable security situation in Libya. Empowering the Libyan authorities to counter those illegal activities would contribute to a more effective border control. This action implemented by Italy, with the financial support of the EU and in close coordination with the main EU actors, such as EUBAM Libya, EUNAVFOR MED Sophia, FRONTEX, SEAHORSE Project and relevant EU MSs, would deliver an important contribution in this regard, including by helping the Government of National Accord to progressively restore border and migration management in the country.

Border surveillance at sea and rescuing of irregular migrants are performed by the General Administration for Costal Security (GACS) and the Libyan Coast Guard and Port Security (LCGPS).

The GACS is a Law Enforcement entity established within the structure of the Libyan MoI. Its competences at sea are up to 12 nautical miles. Beyond this limit, the LCGPS is responsible. The GACS is also responsible for a 30 km band of land along the coast line, which is 1 700 km long. It has law enforcement powers, thus it is in charge of countering any illegal activities in its area of responsibility, including irregular migration and trafficking of human beings. Moreover, it is in charge of controlling the violation of any administrative regulations within the territorial waters and along the coast line.

The LCGPS is part of the Libyan Navy and, as such, belongs to the Ministry of Defence. The LCGPS is the institution responsible for exercising the sovereignty and law enforcement of the Libyan State, within their waters, in accordance with the United Nations Convention on the Law of the Sea (UNCLOS) of 1982, national law, as well as agreements and resolutions related to maritime activities. The duties include surveillance of the national waters, controlling and combating any illegal activities at sea (smuggling, irregular migration, pollution, fishing, etc.), carrying out Search and Rescue (SAR), as well as establishing relations and cooperation with other national and international agencies.

According to data provided by the United Nations Support Mission in Libya (UNSMIL), from January to May 2017, 6 243 people were rescued/intercepted at sea by the Libyan Coast Guard, a decrease of 15 % compared to 2016. In 2016, Libyan Coast Guard interceptions made up only 7 % compared to the number of arrivals to Italy and 9 % so far in 2017.

Role played by Italy

Italy has already been providing training to the Libyan authorities competent in the maritime domain. The Italian MoI - Polizia di Stato are delivering specific training to GACS of the Libyan MoI.

Guardia di Finanza recently trained 39 Libyan MoD - LCGPS staff and handed 4 Libyan vessels (Classe Bigliani) over to them, thus enhancing the operational capacity of those authorities in patrolling at sea.

In parallel, the Italian Coast Guard (ITCG) of Ministry of Transport has cooperated with the EUNAVFORMED Sophia in planning and conducting a successful training on Coast Guard Functions for the benefit of the above mentioned LCGPS and has committed to support the EU Project SEAHORSE in training GACS' personnel on the same subjects.

Beyond that, since spring 2016, Italy has been undertaking various tailor-made initiatives in order to resume, on a bilateral level, cooperation with the Libyan Government of National Accord on security related matters and notably in the field of border and migration management.

A number of high level expert meetings and technical meetings between the Italian authorities and their Libyan counterparts, such as the MoI - DCIM, the MoI - GACS, the MoD - LCGPS, the Libya Intelligence Service (LIS), and the Border Management Working Group (BMWG) have taken place since then.

Such meetings, both at political and technical level, have created the basis for the conclusion of a Memorandum of Understanding between Italy and Libya on cooperation in the field of development, fight against illegal immigration, trafficking in human beings, smuggling and on the enhancement of border security, which was signed by the Italian Prime Minister Paolo Gentiloni and the Libyan President of the Presidential Council Fayez Mustafa Serraj in Rome on 2 February 2017.

The Mixed Committee, in charge of implementing the MoU according to its Article 3, met for the first time in Rome on 14 March 2017. A second meeting took place in Tripoli on 1 May 2017. The Mixed Committee is composed, both on the Italian and the Libyan side, of representatives from the different relevant national services and bodies in the field of border security and migration management, including search and rescue activity. Italy was therefore best placed to: a) refine the structure and content of the training program for GACS coastal patrol vessel crew members; b) define a schedule to train about 132 GACS crew members within the end of 2017; c) identify priorities with a view to putting in place a sustainable technical assistance programme for GACS.

2.3. Complementary actions and donor coordination

A range of migration-relevant actions are being implemented or planned in Libya. The project will strive to ensure maximum synergies with other actions in Libya including with actions funded by the EU and by EU Member States and will attempt to act as a catalyser for

synchronisation and harmonisation of the various actions in the field of border and migration management.

Donor coordination will be ensured via a steering committee and technical meetings for the Action. Donor coordination will also continue to take place at a more strategic level in *ad hoc* coordination meetings between the Commission, the EEAS, Italy and other EU Members States, and other relevant actors. The EU Delegation to Libya (temporarily relocated in Tunis) and the Italian Embassy in Tripoli will also play a role in contributing to donor coordination *in situ.*

Reconciliation and mediation activities, engaging the relevant local actors in Libya, should pave the way for a balanced and effective action. Indeed, only a comprehensive, integrated and conflict sensitive approach, aimed at addressing peacebuilding, security aspects and the interlinked economic and social development issues, may be successful in a medium-long perspective.

The project will first and foremost be implemented in close cooperation and coordination with the action recently adopted for Libya under the North of Africa window of the EU Trust Fund for Africa *("Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development").* Italy is a permanent observer of the Steering Committee of this action. Complementarity will be first of all ensured with the organisations active under the protection pillar of this programme, notably the International Organisation for Migration (IOM) and the United Nations High Commission for Refugees (UNHCR), whose aim is to expand the protection space in Libya for migrants and refugees and improve the capacity of the competent Libyan authorities in managing mixed migratory flows. More specifically, complementarity will be sought with activities involving information awareness, counselling, early identification, and protection of victims of trafficking and smuggling and people of concern being developed by the IOM and the UNHCR in the Southern region of Libya. The same will apply to activities implemented by organisations active under the stabilisation pillar, i.e. UNDP, GiZ and IOM where complementarity and sharing of experience will be ensured as far as creation of socio-economic opportunities is concerned.

The *Programme "Support to Right-based Migration Management and Asylum in Libya"* funded by EU bilateral cooperation with Libya and implemented by ICMPD will also represent an important support for the reinforcement and the systematisation of the results achieved with the aim of improving migration management both at central and at local level.

Below is a non-exhaustive list of actions. The project will also focus its coordination and complementary efforts with:

- Ongoing Trust Fund supported actions in Libya, such as '*Strengthening protection and resilience of displaced populations in Libya',* adopted in June 2016 and implemented by a Consortium led by the Danish Refugee Council (DRC).

- The two EU-funded programmes implemented by the United Nations Organisations against Office on Drugs and Crime (UNODC): *Global action to prevent and address trafficking in persons and the smuggling of migrants* funded through the Thematic Programme on Migration and Asylum as well as *Project to Support Global Data on Firearms Trafficking and Foster Cooperation among Countries along Major Trafficking Routes to and from the EU* funded through the ISF police instrument.

- The European Union Naval Force - Mediterranean (EUNAVFOR MED Operation Sophia) set up in June 2015 to identify, capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers, in order to disrupt their business model in the Southern Central Mediterranean, and prevent the further loss of life at sea. This Action will complement EUNAVFOR MED's training of the Libyan Coastguard and Navy and its operations on the high sea adjacent to Libya. EUNAVFOR MED Operation Sophia is not currently mandated to operate inside Libyan territorial waters.

- The Seahorse Mediterranean Network implemented by the Spanish Jefatura Fiscal y de Fronteras de la Guardia Civil and funded through the Development Cooperation Instrument (DCI). In particular, this Action will complement the objective of establishing a secure network in the Mediterranean to exchange information on irregular migration by sea as well as training of officers of the border and migration authorities of the North African countries, in this case, of Libya.

- The EU Border Assistance Mission (EUBAM) in Libya, initially launched in May 2013. Its mandate was revised in February 2016 as a planning mission, in order to advise, train and mentor Libyan counterparts in strengthening the border services in accordance with international standards and best practices. The mission also retains a limited capacity to assist and engage with Libyan parties on providing advice to the MoI on "areas of legality" in Tripoli, supporting efforts to tackle organised crime ashore and reducing pressure on Libya's Southern borders.

- The EU Liaison and Planning Cell (EULPC) and the United Nations Support Mission to Libya (UNSMIL) lead the international efforts to support the peace and security process in Libya. The main objective for the EULPC is to support UNSMIL on operationalising the Libya security track, working closely together with the UNSMIL Security Infrastructure Division. The EULPC provides vital military planning and intelligence capacity to the UNSMIL Security Institutions Division (SID) currently focussing on the implementation of the Tripoli Security Plan, the Presidential Guard and the UN plan to return to Libya. The EULPC consists of seven military planners under the lead of the Security Adviser to the Head of the EU Delegation to Libya.

- Ongoing operations and activities operated by the European Border and Coast Guard Agency (EBCGA). In particular, this Action will ensure complementarity and coordination with the regional *EU4Border Security* programme to be funded under the ENI to contribute to enhancing border security in the Southern Neighbourhood, through bilateral and regional co-operation, while facilitating bona fide travel.

- Activities funded under the Instrument contributing to Stability and Peace (IcSP) in its effort to support conflict resolution, implement an agreement among conflicting parties, and reinforce community-level efforts towards violence reduction, especially in Southern Libya. The project will also be firmly tied into the Conflict Sensitive Assistance Forum, which is supported by the EU among other funders.

- Ongoing activities currently being undertaken in the Sahel region funded by programmes under the Sahel region and Lake Chad window of the EU Emergency Trust Fund for Africa as well as other EU instruments such as CSDP EUCAP Sahel Niger. In particular, complementarity and coordination will be sought with the ongoing and planned activities on migration management, return and reintegration and

those aiming at supporting stability and a comprehensive approach for security, resilience, dialogue and access to basic services in the areas south of the Libyan border.

3. DETAILED DESCRIPTION

Activities under the project will support:

- The relevant Libyan authorities, notably:
  - **Ministry of Interior**
    General Administration for Coastal Security (GACS)
    General Directorate for Combating Illegal Immigration (DCIM)
  - **Ministry of Defence**
    Land Border Guards (LBG)
    Libyan Coast Guard and Port Security (LCGPS)
  - **Border Management Working Group**
  - **Local authorities**

- Irregular migrants stranded in the desert and at sea, as well as vulnerable migrants and those in need of international protection.

3.1. Objectives

The **general objective** of the Action is to strengthen the capacity of relevant Libyan authorities in the areas of border and migration management, including border control and surveillance, addressing smuggling and trafficking of human beings, search and rescue at sea and in the desert,

The **specific objectives** of the project are as follows:

1. Enhance operational capacity of the competent Libyan authorities in maritime surveillance, tackling irregular border crossings, including the strengthening of SAR operations and related coast guard tasks;

2. Set up basic facilities in order to enable the Libyan guards to better organise their SAR, border surveillance and control operations;

3. Assist the concerned Libyan authorities in defining and declaring a Libyan SAR Region with adequate SAR Standard Operation Procedures, including finalising the studies for fully fledged operational rooms;

4. Develop operational capacity of competent Libyan authorities in land border surveillance and control in the desert, focusing on the sections of southern borders most affected by illegal crossings.

Additional cross-cutting objectives of the activities will be:

- Improve the operational cooperation between the relevant Libyan agencies and bodies;
- Develop the operational cooperation in the maritime domain between Libya, the EU, and the neighbouring third countries;
- Improve the human rights situation for migrants, including through ensuring that the

Libyan authorities targeted by this action comply with human rights standards.

3.2. Expected results and main activities

The expected results of the activities under the Action are as follows:

- Increased efficiency of naval unit deployment through staff training, fleet expansion, coordination, command and control of operational missions;
- Increased capability of coastal surveillance, tackling irregular migration and SAR at sea and other coast guard functions by integrating patrol boats capabilities by developing interagency cooperation and coordination;
- The competent Libyan authorities are enabled to declare a Libyan SAR Region (as per assessment results);
- A feasibility study for the setup of a Libyan MRCC in Tripoli (or nearby) associated with proper communication facilities;
- The Libyan Coast Guard enabled to organize SAR services and adequate SAR Standard Operating Procedures;
- Increased understanding on the situation in the South, concerning migration activities, socio-economic potential, and security concerns;
- Increased capability of land border surveillance, tackling irregular migration and search and rescue in the desert;
- Operational cooperation between the relevant Libyan agencies and bodies improved;
- Operational cooperation in the maritime domain between Libya, the EU, and the neighbouring third countries developed;
- Evidence of improved human rights protection for migrants in Libya, and improved human rights standards performance by the Libyan authorities targeted by the action.

Any exercise aimed at effectively building up and enhancing Libyan capacities in the areas of border and migration management and coast guard functions is undoubtedly challenging and complex. Bearing this in mind, the overall programme has been conceived in phases. Such gradual and modular approach should guarantee the progressive increase of Libyan buy-in and ownership and possibly financial contribution, while enabling the implementing actors to apply the 'more for more' principle. This action will cover initial funding for the first phase.

The following activities will be funded by this action, each one addressing the above specific objectives:

Activity 1: **Strengthening of the fleets of the General Administration for GACS and the LCGPS and enhancing the surveillance capacity in the coastal area in terms of patrolling, transportation and rescue in accordance with international law**.

This activity includes:

- Training for GACS crew members and technical personnel including on international standards and regulations on treatment of migrants, and Human Rights principles and on-the-job training, mentoring and monitoring;
- Integrate patrol boats capabilities into a network of existing radar stations or new radar stations along the coast and by developing interagency cooperation and coordination;
- Fleet maintenance programme, including repair of existing GACS patrol boats and the

supply of a mobile workshop and on-the-job training for technical staff;

- Supply of new rubber boats for coastal patrolling to GACS and LCGPS, SUV vehicles, buses and ambulances to GACS, DCIM and LCGPS as well as of workstations, radio-satellite communication devices, bulletproof vests and other equipment to GACS, DCIM and LCGPS.

Activity 2: Setting up of a basic Interagency National Coordination Centre + Maritime Rescue Coordination Centre (basic NCC+MRCC) for operations at sea and along the coastal area, and SAR activity.

This activity includes:

- Setting up of the basic structure of NCC+MRCC to be connected to the Italian National Coordination Centre (NCC), and those of other relevant Member States, Guardia di Finanza headquarters in Pratica di Mare hosting Frontex International Coordination Centre (ICC), Italian Coast Guards Maritime Rescue Coordination Centre (MRCC), as well as to SeaHorse Med network;
- Conduct on-the-job training, mentoring and monitoring for NCC and MRCC staff;
- Conduct technical assessment for detailed design of a full-fledged NCC.

The MRCC and the NCC will be located in the same premises in order to facilitate the necessary synergy and coordination between the different Libyan services involved in border surveillance and control, in particular between the LCGPS and the GACS in order to ensure efficient SAR operations.

Activity 3: Assistance to the Libyan concerned Authorities with a view to enabling them to declare a Libyan SAR Region (as per assessment results). Detailed design for the setup of a full-fledged MRCC in Tripoli (or nearby), associated with proper communication facilities.

This activity includes:

- Technical assessment for detailed design of a full-fledged MRCC ;
- Assisting the Libyan concerned authorities in defining and declaring a Libyan SAR Region, in consultation and agreement with the neighbouring countries and the International Maritime Organisation; [3]

  Assisting the Libyan LCGPS in organising their SAR units (taking into account Libyan coast morphology and port infrastructure alongside Libyan coast, national and non-national merchant vessel/fishing vessel traffic in front of Libyan coast, next expected delivered/assignment vessels);
- Assisting the LCGPS in developing adequate SAR Standard Operating Procedures (taking into account the SAR Organization, the availability of SAR Units, capabilities of the personnel, possible SAR agreements with neighbouring countries, MRCCs,

[3] This sub-activity is contracted separately via the EU Internal Security Fund (ISF) and will not be part of the Trust Fund contract with the Italian Ministry of Interior

local/central coordination of SAR operations);

- Training for the MRCC's operational personnel.

Activity 4: Enhancement of territory surveillance capacity of LBG along the southern borders, by means of a pilot project focusing on the area most affected by illegal crossings and other trans-border crimes.

As situation remains volatile in the South, this activity will be of a pilot nature and will include an initial assessment. The financing and completion of the activity will be conditional to the results of such assessment and will be agreed upon by the Steering Committee. The financing of border control facilities will be also conditional to a progressive access of humanitarian actors for protection of migrants in the region and the progressive opening of 'safe spaces', in negotiations with the national authorities.

This activity includes:

- Conducting a joint assessment mission to the South of Libya, notably in the areas of the land border section with Niger, most affected by illegal crossings and other border crimes, i.e. border Area n. 4, around the capital of the Ghat District in the Fezzan region of south-western Libya; building on the collation of existing assessments and relevant analysis, if not already covered by other EU-funded projects. Such a mission should also explore possible avenues to improve economic and social conditions of local communities, so that a legal economy could be developed as an alternative to the current illegal profit from migrant smuggling and trafficking in human beings.. The analysis will be conducted in full complementarity and coordination with ongoing activities, including under the Trust Fund financed action *'Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development*", as well as analysis and activity emanating from other projects such as those supporting mediation and peacebuilding;

- Based on the outcomes of such a mission, designing a pilot-project aimed at setting up or restoring in one of those border areas a facility of LBG, to be served as logistic and operational centre for LBG staff engaged in patrolling along the desert routes used by traffickers and smugglers. The pilot project would start in the Border Area n. 4, where an operational headquarters for about 300 staff would be established, by possibly restoring the existing facilities in the small town of Talwawet, not far from Ghat. The staff should be tasked with rapid interventions, support to the outposts and logistics. Moreover, 3 outposts, linked to central headquarters and each one hosting 20 persons, should be restored and adequately refurbished and supplied with proper means and equipment;

- Establishing with the relevant Libyan authorities (LBG and DCIM), and in close cooperation with IOM and UNHCR, the Standard Operational Procedures (SOPs) to be applied to the rescue of migrants stranded in the desert; possible trans-border cooperation mechanisms with relevant authorities of Niger could be explored and be included in the said SOPs;

- Supplying equipment to be used by the LBG headquarters in Talwawet and by the 3 outposts;
- Security conditions permitting, deployment in the area, for the whole duration of the pilot-project, of on-the-job training, mentoring and monitoring in close coordination with experts from EUBAM or other EU Member States concerned. Training will focus on the rules of engagement, rescue, assistance and treatment of migrants in full respect of their human rights, and addressing the smuggling/trafficking aspects.

3.3. Risks and assumptions

The risk of this action is unusually high. Because of the large amount of risk factors, the programme will include solid monitoring measures and a number of risk mitigating actions, as well as solid and factual information sharing. It will begin with a substantive baseline assessment and analysis, drawing on existing sources, to guide a conflict sensitive approach.

There are possibilities of escalated political instability in the region and possible changes in governments. In a context of political fragmentation, Libyan counterparts, notably the Libyan Coast Guards, lack a solid chain of command, which, for instance, raises concerns over the proper use of the equipment to be provided under the project. There are also concerns of possible collusion between persons among the action beneficiaries and smuggling and trafficking activities.

In addition to the risk of increasing power rivalries among Libyan actors at the national and local levels, as Libyan authorities progressively become more effective at tackling trafficking, there could be repercussions from those whose economic interests are affected. This might imply operational security risks.

Given the potential risk of raising expectations that are then impossible to meet and generate grievances - including for example expectations that compensation payments will be forthcoming from the EU -, the implementer will at all times ensure that expectations are managed.

In-depth understanding of the political economy will be required in advance and throughout the intervention. All efforts will be made to promote dialogue and cooperation between the different actors, including those who are relevant outside the direct beneficiaries. This will include engaging with migrants and local communities themselves to understand and monitor their perspectives.

The actions envisaged at the southern borders carry a possible risk of destabilisation of the established socio-economic models based on nomadic trade and activities. Moreover, they also raise concerns due to the difficult access of international actors and the very limited control from the authorities in the region.

This risk will be identified early in the action through an assessment of the socio economic situation and potential development of the region. Risk mitigation in the South is particularly important, because of the volatile situation. This explains why the programme envisages, in a first phase, pilot actions in this region which will need to be accompanied by continuous assessments of the situation. A more comprehensive progress assessment will be carried out in 2018.

In order to further mitigate these risks, reach out and trust with all stakeholders (beyond security actors) will need to be reinforced and maintained throughout the project implementation. These will include key additional actors at the central level Government of National Accord (such as the Ministry of Planning and the Presidential Council) and at the local level, such as tribal leaders, and mayors of municipalities affected by the Action.

The assumption, however, is that relevant administrative structures, despite their substantial weakness, are stable and autonomous enough to enable the project implementation. Strict selection criteria of the Libyan officials benefiting from the project will also be put in place, in consultation with international actors.

Italy, as well as partners in the implementation of this action, will actively participate in the Libya Conflict Sensitive Assistance forum based in Tunis, and in the associated Conflict Sensitivity Leadership Group at Ambassador level. This shall include active analysis sharing/joint analysis and drawing on good practice in the area of conflict sensitivity.

Under the existing Libyan legislation, once rescued, irregular migrants generally end up in detention centres which generate international concerns. The project will support, in dialogue with IOM, the ongoing progressive opening of 'safe spaces' as an alternative to detention, proceeding at the pace that conditions allow and in negotiation with the national authorities. Proper access of humanitarian actors for the protection of migrants will have to be duly negotiated with the Libyan authorities.

The scarce absorption capacity of the Libyan authorities is an additional risk to be taken into account. In this regard, the EU believes that the relevant Libyan authorities are able to gradually improve their organizational, logistical and operational capacities. Therefore, the project is designed according to a step-by-step approach and aims at fostering Libyan ownership in the project implementation since the very beginning. In this context, the deployment to Libya of Italian law enforcement and coast guard staff will ensure a permanent and effective support to the GACS and LCGPS in their reorganization process. Another objective of the project is to create the proper conditions to develop Libyan interagency cooperation, thus enhancing Libyan global absorption and operational capability. In this respect, coordination and synergies between GACS and LCGPS will be constantly pursued under the project implementation.

The risk of redundancies and duplications with other EU and international initiatives currently in place or planned in Libya will be transformed in an opportunity. The Action will take advantage of what the other actors are or will be doing in Libya, in order to make the activities under this Action more effective. Constant dialogue will be kept with the previously mentioned complementary actions. Such dialogue should not only allow to avoid duplications but also to build up synergies and maximise joint impact.

The political situation will be continuously monitored *in situ.* Italian presence on the ground will be ensured and the presence of the Italian Embassy to Libya will facilitate the monitoring activities. The monitoring activities will be carried out by an Italian law enforcement mission, (composed in principle by Polizia, Guardia di Finanza, and Guardia Costiera) who will *inter alia* monitor proper use of the sea and land equipment supplied. The Italian mission will ensure regular presence in the operational rooms for both technical assistance and monitoring purposes. Third party monitoring will also be contracted in order to support Italy's efforts. Monitoring activities will have to take due consideration of the involvement of the relevant Libyan authorities and ownership building.

The project has been designed taking into consideration the political situation and foreseeable future developments. Breaking down the project in different phases and actions contributes to mitigate the risk of possible disengagement of the Libyan authorities, as the latter will be aware that the more they strive in the project implementation, the more the project will go ahead for their benefit.

In the face of the deteriorating situation in Libya, it is nevertheless clear that the risks of inaction largely outweigh the risks of action. Entrusting the project and its monitoring to the responsible authorities of the EU Member State that are most knowledgeable about and concerned with the situation is possibly the primary risk mitigating measure.

3.4. Crosscutting issues

The project aims at ensuring the full buy-in of the relevant Libyan authorities, as well as at enhancing, in a gradual way, Libyan autonomous capacity and ownership. Having this in mind, an objective and reasonable evaluation of the relevant Libyan stakeholders' needs and expectations is already ongoing. Moreover, the project will foster their direct involvement at any stage, with active participation in the project implementation process.

As described above, the project will take a serious and deliberate approach to conflict sensitivity across all activities, including solid baseline analysis, application of good conflict sensitivity practice in the design and implementation of the action, and monitoring of conflict sensitivity.

An increased capacity of Libyan authorities in securing their sea and land borders, preventing irregular departures of migrants from their coasts and search and rescue has to be accompanied by an increased awareness of those authorities of the importance to guarantee a treatment of migrants fully compliant with international obligations and standards. In this perspective, a migration management inspired by the full respect for human rights and international standards is an across-the-board objective of all activities covered by the project.

Training, and careful vetting of the training candidates, is a key-component of this project that will be present in all activities, as it has to contribute to the improvement of the Libyan capacities in the areas of border and migration management and coast guard functions. Bearing this in mind, the Libyan authorities will be made aware of the importance to put in place efficient trainees selection procedures. In this regard, the Libyan authorities will be requested to select their personnel to be trained, taking into consideration the following aspects:

- The staff have to possess the minimum skills and the proper rank/position in relation to the corresponding profile, and will have to belong to the relevant offices/bodies;
- The Libyan authorities have to commit not to move the personnel, once they are trained, to a different office/body;
- The gender balance principle has to be adequately respected, to the extent possible;
- Where applicable, training will be delivered according to the "train the trainer" principle, in order to put in place an adequate multiplier mechanism, in close cooperation with the competent Libyan authorities;
- The staff selection as afore described is without prejudice of the Italian vetting

procedures aimed at satisfying the essential security requirements.

Training on human rights will have to be closely coordinated with the training already delivered in the context of the EUNAVFOR Med training of the LCGPS and possible upcoming trainings of other international actors.
The maintenance of vessels will also include training packages for Libyan technical staff, so that the latter can improve their capacity, thus ensuring the gradual autonomy of the relevant Libyan administrations in this respect.
In order to ensure sustainability of the actions, the possibilities for Libyan authorities to gradually take over the costs related to maintenance of vessels and all equipment will be explored.

3.5. Stakeholders and Action governance

Given the number of actors involved in Libya, it is important that stakeholders' coordination works.

For this purpose, a steering committee for the Action will be established. It will meet at least twice a year. Locations of meetings may vary, based on where coordination is deemed most effective and depending on the evolution of the situation. The Italian MoI and the Commission (DG NEAR/EU Delegation) will co-chair. The Presidential Council will also be invited to co-chair. The EEAS, DG HOME, the Italian Ministry of Foreign Affairs, Guardia di Finanza, Guardia Costiera, EUBAM, and the competent Libyan authorities will be invited to participate. Other actors may be invited to participate at the initiative of the Co-chairs.

Technical implementation meetings will also take place. They will be co-chaired by the Italian MoI and the relevant Libyan counterparts. Commission services and the EEAS will be invited to participate. If needed, the technical implementation meetings may be organised in different meeting configurations depending on the activities. Relevant actors will thus be invited depending on the activities and the agenda of technical discussions. Meetings will be held regularly and in an appropriate location depending on needs.

A donor coordination group overlooking progress and results of the Action in the wider context of migration management under the central Mediterranean route will meet regularly according to needs.

Coordination will need to be ensured with relevant EU agencies and other international actors acting on the ground. They may be invited to the technical implementation meetings when deemed necessary.

The Italian MoI, DG NEAR, the EU Delegation to Libya, and the Italian Embassy in Tripoli will be the main actors in ensuring that consultation and coordination with these stakeholders is ensured. Close cooperation and permanent operational links will be established with the main European and International stakeholders in Libya, particularly EUBAM Libya, FRONTEX, EUNAVFORMED- Sophia, SEAHORSE MED project, UNHCR, IOM any EU Member States concerned.

Bilateral consultations will also be regularly held between the implementing party and the direct beneficiaries of the action, i.e. the relevant Libyan authorities and administrations, the concerned community leaders and the migrants.

4. IMPLEMENTATION ISSUES

4.1. Financing agreement, where applicable

In order to implement this action, it is nor foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012 and Article 17 of Annex IV to the ACP-EU Partnership Agreement.

4.2. Indicative period of operational implementation

The indicative operational implementation period of this action, during which the activities described in section 3.2 will be carried out and the corresponding contracts and agreements implemented, is 36 months. It will not go beyond 31 December 2020.

4.3. Indirect management with a Member State agency

The action will be implemented in indirect management with the Italian Ministry of Interior - Public Security Department (PSD) in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation is justified because of the experience already gained by Italy and its presence and role on the ground as described.

The entrusted entity will carry out the budget-implementation tasks associated with the execution of activities and achievement of the results mentioned in section 3 above.

4.4. Indicative budget

The following is an indicative outline of the budget along the described activities. The main budget items will consist of equipment, restoration, studies, maintenance and training (as detailed in section 3 above). For Activity 4, the part of budget estimated for the renovation of border areas facilities will be conditional to the outcome of the initial assessment.

Component	Amount in EUR*
Activity 1	20 770 000
Activity 2	5 850 000
Activity 3	708 487.28[4]
Activity 4	11 590 000
Project Running - including stakeholders committees, evaluation, communication & visibility	660 000
Security Costs	300 000
Consultancy and Technical Assistance Services	1 668 413
Indirect Costs**	2 908 283
Total estimated cost	**44 455 183.28*** **
Parallel financing for Activity 3 (ISF)	1 844 816.72
Total estimated cost for the overall Action	**46 300 000**

** Indicative division per budget line. Amounts will be agreed during contract negotiations

[4] An additional EUR 1 844 816.72 which are contracted separately via the internal security Fund (ISF) contribute to this activity.

** Maximum 7% of total eligible costs
*** EU Contribution 42 223 927.28; Contribution from Italy EUR 2 231 256

4.5. Evaluation and audit

Partners implementing this Action will comply with the ad hoc Monitoring and Evaluation Framework developed for the Trust Fund's North of Africa Window, as well as with the reporting requirements and tools being developed by the EU Trust Fund.

Following regular field visit by the Italian implementing actors, Steering Committee and other coordination meetings with stakeholders and partners, a report every four months on the progress of the action, including conflict sensitivity analysis, and a financial chapter on expenditure occurred, will be produced by the Italian MoI.

Italian law enforcement and coast guard staff deployed to Libya on long-term mission will play a key role in monitoring progress in project implementation and gradual Libyan ownership on project activities. Their presence on the ground will also enable the implementing actors to constantly verify that technical means and equipment supplied under the project will be used in a proper manner and for the project purposes only. Any misuse of the assistance provided will be immediately signalled to the project steering committee members. The Italian Embassy in Tripoli will be an asset in this respect. An expert from the Italian Mol will also be seconded to the said embassy. The expert will permanently liaise with the relevant Libyan authorities, thus ensuring a continued and close interaction with the latter and the possibility to provide guidance on the project implementation.

Constant coordination mechanisms with the relevant International organisations, notably UNHCR and IOM, will be put in place to carefully monitor that irregular migrants, especially those vulnerable, are treated by the Libyan authorities in full compliance with international standard and obligations. The Italian and other MSs' experts delivering training to LBG staff deployed at the south-western border will also carry out monitoring tasks.

Participation in the Conflict Sensitive Assistance forum will also help monitor the situation and guide a conflict sensitive approach.

The Italian MoI will commission two external evaluations by independent consultants: a mid-term evaluation and a final impact assessment.

Ad hoc audits, evaluations, and third party monitoring may be contracted by the European Commission as appropriate. In addition to the remote monitoring conducted by the EU Delegation to Libya based in Tunis for all Actions funded by the EU in Libya, this Action will ensure the mobilisation of regular review and analysis of results under the Commission's Results Oriented Monitoring system. Evaluation and audit assignments, if launched by European Commission will be implemented through service contracts, making use of one of the Commission's dedicated framework contracts or alternatively trough the competitive negotiated procedure or the single tender procedure.

The monitoring and evaluation exercises mentioned above will represent milestones in the implementation of the activities. These regular assessments will constitute a basis for a possible decision of suspension of activities, should the conditions on the ground not allow for their proper implementation.

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including, where appropriate, compliance of the action with EU restrictive measures affecting the country of operation.[5]

4.6. Communication and visibility

A communication and visibility strategy will be developed in close coordination with the European Union, taking also into account Libyan sensibilities and need for conflict sensitivity. Local and international media might be involved during the implementation. Reports and audio-visual materials will be produced to divulgate achievements and results of the project.

[5] The updated list of measures in force can be found at: https://eeas.europa.eu/headquarters/headquarters-homepage/8442/consolidated-list-sanctions_en