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ANNEX

Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe

CBDSD Exceptional Assistance Measure regarding Libya

1. IDENTIFICATION

Action:	Support to strengthen the political processes and address major challenges in Libya
Action Reference:	NDICI CR 2023 / 34
Cost:	EUR 13 500 000 (European Union (EU) contribution).
Budget Line:	14 02 03 10
Duration:	Maximum 18 months. The authorising officer responsible may decide to extend this period twice by a further period of up to six months, up to a total maximum duration of 30 months, under the conditions laid down in Article 23(6) of Regulation (EU) 2021/947.
Lead service:	FPI

2. ACTION SUMMARY

Although the ceasefire and the Government of National Unity are still in place, the overall situation in Libya remains fragile. The political processes to bring the East and the West of the country together have come to a standstill and there has been little real progress on the overall process, including the path towards elections. The security setup is also highly volatile and there is clearly a risk of collapse of the situation in the absence of a sustainable and comprehensive political solution. The civil war in Sudan and the coup d'état in Niger have also highlighted the volatility in the region and put further emphasis on securing the borders of Libya. In September 2023, the devastation caused by dam failures in connection with Storm Daniel and which severely hit mainly Derna in Eastern Libya was another factor of instability.

This Capacity Building of Military Actors in Support of Development and Security for Development (CBDSD) Exceptional Assistance Measure aims to advance on some of the key issues needed to unblock the current standstill. It contains support to dialogue/mediation efforts by international actors (mainly UN) and to the internal political process between GNU and LNA. In addition, it also supports efforts to involve a wide spectrum of political actors and actors from civil society in discussing and elaborating responses to key issues relating to Libya's future. Reacting to recent developments, it will also include an element on mitigating

the effects of the cross-border crises through initiating dialogue amongst the key Libyan stakeholders considering the withdrawal of foreign armed groups.

In addition, a direct support will also be provided to the United Nations Support Mission in Libya (UNSMIL) activities related to their Libyan Political Dialogue.

Confidence building between the East and West of the country is supported through the EULINK project, where the action will continue providing support for a 'joint police force' within the context of securing the coastal road both through concrete investments in facilities as well as advising the authorities on how to create a coherent structure for the management of the joint force. In addition, it will also support through a CBDS component an initiative by the two respective armed forces, towards taking initial steps in favour of the unification of the Libyan armed forces through the establishment of a joint Head Quarters and joint accommodation facilities.

The action will also support the return of internally displaced persons and economic development through a mine action programme where local mine actors will have a focus on awareness raising about the existence of mines and unexploded ordnances in affected communities.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

Twelve years after the fall of Ghadaffi and subsequent years of armed conflict and division in Libya, the UN managed to lead efforts towards relaunching political negotiations. Some of the major breakthroughs achieved in 2020 and 2021 are still valid. The ceasefire signed in October 2020 still holds and the Government of National Unity is still in place, although controlling only a part of the country whilst the East is under the control of Field Marshal Haftar's Libyan National Army. However, the political processes have come to a standstill. To revitalise the political process, the UN Special Representative of the UN Secretary General for Libya presented an alternative mechanism to advance the political process and pave the way for national elections intensifying outreach and consultations with main domestic stakeholders to address outstanding issues and agree on the way forward.

It should be noted that the overall situation in Libya remains fragile. The Libyan political process continues to be at a standstill, often hostage of delaying tactics, parallel initiatives, and conflicting agendas of both domestic and international actors. The civil war in Sudan and the coup d'Etat in Niger have also highlighted the volatility in the region and put further emphasis on securing the borders of Libya. The devastation caused by dam failures in connection with Storm Daniel, which severely hit mainly Derna in the east of the country in September 2023 has been an additional shock.

Political support to the UN has been the cornerstone of the EU's approach to the ongoing crisis.

3.2 RATIONALE FOR CRISIS RESPONSE ACTIONS UNDER THE RAPID RESPONSE PILLAR OF THE NEIGHBOURHOOD, DEVELOPMENT AND INTERNATIONAL COOPERATION INSTRUMENT

Although Libya has been in several stages of crises for over a decade, the current stalemate in the political processes needs to be addressed. The recent disaster in the East (Derna) could potentially offer openings for a reinforced dialogue between the East and the West of the country. This constitutes an exceptional and unforeseen situation in the sense of Article 4(4) (a) of the NDICI Regulation. An adequate response cannot be provided under any other European Union Instrument due to the urgency with which the funds are required and due to available resources already being firmly committed. In line with Article 9 paragraph 3 point (a) of Regulation (EU) 2021/947, the situation constitutes a threat to the existence of fully functioning State institutions or to the protection of human rights and fundamental freedoms and State institutions cannot cope with that threat. The objectives of the action cannot be met by recourse to non-military actors because the armed forces on both sides play a central role in the political process.

Annex IV, paragraph 1, second paragraph, points (a), (d), (j), (n) and (q) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI rapid response pillar to (a) support, through the provision of technical and logistical assistance, for the efforts undertaken by international, regional and local organisations and by State and civil society actors in promoting confidence-building, mediation, dialogue and reconciliation, transitional justice, women's and youth empowerment, in particular with regard to community tensions and protracted conflicts; (d) support for the development of democratic, pluralistic state institutions, including measures to enhance the role of women in such institutions, effective civilian administration and civilian oversight over the security system, as well as measures to strengthen the capacity of law-enforcement and judicial authorities involved in the fight against terrorism, organised crime and all forms of illicit trafficking; (j) support for measures to address, within the framework of Union cooperation policies and their objectives, the socio-economic impact on the civilian population of anti-personnel landmines, unexploded ordnance or explosive remnants of war. Activities financed under the Instrument may cover, inter alia, risk education, mine detection and clearance and, in conjunction therewith, stockpile destruction; (n) support for measures to promote and defend respect for human rights and fundamental freedoms, democracy and the rule of law, and the related international instruments, and (q) support for measures to promote the development and organisation of civil society and its participation in the political process, including measures to enhance the role of women in such processes and measures to promote independent, pluralist and professional media. Such activities are in accordance with Article 9 of Regulation (EU) 2021/947, which specifically provide for the use of the NDICI to (1) build the capacity of military actors in partner countries to deliver development activities and security for development activities; and to (2) support the provision of capacity building programmes in support of development and security for development, including training, mentoring and advice, as well as the provision of equipment, infrastructure improvements and services directly related to that assistance.

The integration of opposing military forces is a core step in the ceasefire agreement, which is a major achievement under the United Nations (UN)-led and EU supported peace process. Following the confidence built through the integration of eastern and western police forces in the joint police force managing the hugely important coastal highway in Libya, it is now possible to promote a joint military force integrating elements from the east and from the west. If successful, this will be a pivotal step towards a durable peace in Libya and will be essential

to establishing the conditions for sustainable development. As this concerns integration of military actors, there is no alternative to military actors to reach the EU objective.

3.3 RISKS AND ASSUMPTIONS

Risk	Impact	Mitigating measures
The security situation deteriorates further and international access, freedom of movement and assembly are severely restricted in Libya.	High	The implementing partners will have direct presence in Libya as well as the capacity to manage remotely the action, if necessary. The implementation of the action may require prioritising virtual meeting spaces and other online based communications.
Project activities overlap with actions by other members of the international community.	Low	Mine action interventions are coordinated through the Libyan Mine Action Centre (LIBMAC). Mediation actors have committed to coordinate not only amongst themselves but also under the leadership of the EU Delegation and are required to report on coordination. In addition, mediation and peacebuilding actors financed by the European Union are working at distinctly different levels. Where actions are directly relevant to the national peace process, activities are coordinated by the United Nations Support Mission in Libya (UNSMIL).
Unwillingness of national and local authorities hamper implementation.	Medium	Implementing partners for all actions work closely with local authorities and depend on good partnerships already established during earlier phases of their actions.
Negative attitudes towards the mediation actors (due to difficult Libyan context or association to the international community / specific EU Member States) puts at risk implementing partners and their staff or may lead to backlash of mediation efforts.	Medium	EU supported mediation actors comply with UN-identified standards with regard to consensus-building, inclusiveness, impartiality and national ownership. In addition, the EU Delegation to Libya, with the support of the European Commission Service for Foreign Policy Instruments, will continue to closely follow mediation efforts to ensure their neutrality, to foster good coordination, and to avoid competition and overlap. Furthermore, alignment of mediation initiatives with the global UN strategy is a pre-requisite for EU-supported mediation initiatives and acts as a safeguard for neutrality.
Alternative ‘authorities’ continue to challenge the legitimacy of the	High	Implementing partners of all actions are impartial towards the different conflict

Government of National Unity and undermine its ability to work effectively in all parts of the country with regard to all activities of the action.		parties and work not only with authorities affiliated to the Government of National Unity but also with local authorities and alternative organisations, such as military governors, tribal leaders, local militias etc. as necessary for ensuring the effective implementation of the activities. Wherever possible, projects will help build bridges between local stakeholders, alternative powerbrokers, and the Government of National Unity, within the existing national framework.
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4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the action is to contribute towards a stable Libya through mediation, peacebuilding, mine action as well as contributing to the unification of the security sector.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 The risk of tensions and violent conflict is reduced, the effects of contagion from the Sahel crisis on Libya is mitigated and the Libyan political process and the efforts of international mediators are supported;
- 4.2.2 A permanent platform for inclusive political discussions on medium-term issues, that is independent and possibly complementary to the official mediation is set up and animated;
- 4.2.3 Reconstruction of community and public infrastructure and economic development is facilitated through clearing of explosive remnants of war and increasing community safety;
- 4.2.4 Building on the ceasefire agreement, support the unification of the security sector.

5. ACTION COMPONENTS AND EXPECTED RESULTS

The main expected results/outcomes include:

Expected Result (1): Violent conflicts are prevented/de-escalated through dialogue, spill-over effects of the crises in neighbouring countries are reduced and the national political process is supported through mediation and peacebuilding at the national and regional level.

Activities (indicative):

- 5.1.1 Facilitate dialogue amongst key Libyan stakeholders taking into account the withdrawal of foreign armed groups from Libya;
- 5.1.2 Address the effects of crises in neighbouring countries on Libya by establishing contacts with foreign armed groups, facilitating dialogues with relevant authorities, and working towards a more comprehensive and sensitive withdrawal of these groups;

- 5.1.3 Support dialogue between the Government of National Unity and the Libyan National Army with the aim to foster a longer-term political agreement on the elections and post-electoral period;
- 5.1.4 Provide advisory support on coordinated and effective mediation strategies;
- 5.1.5 Engage with regional partners and neighbouring states in North Africa on the effects of stability in Libya on the region.

Expected Result (2): A permanent platform for inclusive political discussions on medium to long-term issues between Libyan stakeholders from diverse backgrounds is established.

Activities (indicative):

- 5.2.1 Meetings are organised between political parties, professional unions, civil society organisations, and other relevant actors;
- 5.2.2 Production, and publication of political analysis reports and policy papers by Libyan and international experts on relevant topics;
- 5.2.3 Design and launch the platform website in Arabic;
- 5.2.4 Organise on-line meetings and thematic workshops for the permanent political platform to discuss key political issues and formulate political and policy options.

Expected Result (3): Human security, economic development, and stability in Libya are strengthened through increased access to land and facilities following clearance as well as changed behaviour due to mine education of local populations.

Activities (indicative):

- 5.3.1 Two emergency clearance teams active, one in the West and one in the East of the country;
- 5.3.2 A non-technical survey team active, covering the whole country, assisting with an initial step in the clearance process, determining the extent and type of contamination and making recommendations about further mine action interventions;
- 5.3.3 Explosive ordnance risk education.

Expected Result (4): Steps taken under previous measure to support a unification of the police forces along the coastal road are further reinforced and formalised and initial steps towards the unification of the armed forces are taken.

Activities (indicative):

- 5.4.1 Development of a training center for continuous training of staff deployed on the security gates along the coastal road;
- 5.4.2 Deliver training both by local trainers and international experts;
- 5.4.3 Support integration of relevant Government agencies to solidify the unification of forces;
- 5.4.4 Installation of the joint military force core units in Sirte through refurbishing HQ and accommodation facilities.

6. IMPLEMENTATION

6.1 IMPLEMENTATION MODALITIES

The Commission will ensure that the appropriate EU rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures¹.

6.1.1 Grant: direct award (direct management)

(a) Purpose of the grant

This concerns the actions related to Specific Objectives 4.2.1, and Expected Results 1.

(b) Type of applicants targeted

The type of applicants targeted are non-profit organisations and private companies.

(c) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because **the action entails crisis management aid as referred to in Article 195(a) and as defined in Article 2(21) of the Financial Regulation** at the date of the Financing Decision. The grant may be awarded without a call for proposals to the Centre for Humanitarian Dialogue.

6.1.2 Grant: direct award (direct management)

(a) Purpose of the grant

This concerns the actions related to Specific Objectives 4.2.2 and Expected Results (2).

(b) Type of applicants targeted

The type of applicants targeted are non-profit organisations and private companies.

(c) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because **the action entails crisis management aid as referred to in Article 195(a) and as defined in Article 2(21) of the Financial Regulation** at the date of the Financing Decision. The grant may be awarded without a call for proposals to the Centre for Humanitarian Dialogue.

6.1.3 Grant: direct award (direct management)

(a) Purpose of the grant

This concerns the actions related to Specific Objectives 4.2.3, and Expected Results (3).

¹ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website, it is the OJ version that prevails.

(b) Type of applicants targeted

The type of applicants targeted are non-profit organisations and private companies.

(c) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because **the action entails crisis management aid as referred to in Article 195(a) and as defined in Article 2(21) of the Financial Regulation** at the date of the Financing Decision. The grant may be awarded without a call for proposals to the Centre for Humanitarian Dialogue.

6.1.4 Grant: direct award (direct management)

(a) Purpose of the grant

This concerns the actions related to Specific Objectives 4.2.4 and Expected Results (4).

(b) Type of applicants targeted

The type of applicants targeted are non-profit organisations and private companies.

(c) Justification of a direct grant

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because **the action entails crisis management aid as referred to in Article 195(a) and as defined in Article 2(21) of the Financial Regulation** at the date of the Financing Decision. The grant may be awarded without a call for proposals to the Centre for Humanitarian Dialogue.

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 13 500 000**. A breakdown among components is provided hereunder, and is indicative.

Indicative budget breakdown

Components	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
Component 1: composed of	13 500 000	
6.1.1 – Direct grant (direct management)	2 500 000	N.A.
6.1.2 – Direct grant (direct management)	1 500 000	N.A.
6.1.3 – Direct grant (direct management)	1 500 000	N.A.
6.1.4 – Direct grant (direct management)	8 000 000	N.A.
Total	13 500 000	

6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES

The action shall be implemented under direct management. It will be devolved and sub-delegated to the **European Union Delegation in Libya**, with the support of the Commission for the conclusion of the contracts implementing the action.

6.4 PERFORMANCE AND RESULTS MONITORING AND REPORTING

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical, and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final report. Each report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and outcomes) as measured by corresponding indicators, using as reference the Logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

6.5 EVALUATION

Having regard to the nature of the action, a final evaluation will not be carried out for this action or its components.

The Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

6.6 AUDIT

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

6.7 COMMUNICATION AND VISIBILITY

The 2021-2027 programming cycle has adopted a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

It will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers,

grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

The 2022 “Communicating and Raising EU Visibility: Guidance for external actions” reference document shall be used to establish the appropriate contractual obligations.

7. COMPLEMENTARITY, COORDINATION AND FOLLOW-UP

The action is in direct support to the ceasefire agreement and overall UN-led efforts for peace and stability in Libya. It seeks to reinforce the fragile political and institutional context in view of enabling concrete steps towards elections and to consolidate the stability of the country through the unification of the security sector. The Delegation will ensure that these actions are fully coordinated with ongoing and planned bilateral actions, primarily those supporting governance and stabilisation in Libya. It further builds on the four currently executed actions, and will use the networks of contacts established during their implementation.

Planned activities will be closely linked to The European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) (EUBAM) efforts to support the Ministry of Interior's strategic planning and the development of the organisational structure of the Joint Police Force. To ensure the full complementarity of these efforts, all partners will work closely with EUBAM to coordinate a range of activities such as the planning of the Joint Police Force, the initial steps towards a Joint Military Force as well as the curricula for the training of Joint Police Force/Joint Military Staff.

The action is also fully aligned with EU support to the UN-led efforts for peace and stability in Libya in terms of implementation of the ceasefire, supporting the Libyan political process, conflict monitoring, mediation, developing of state security structures, law enforcement, security sector support and reform, service delivery, good governance, protection of human rights and the reinforcement of the rule of law. Close coordination with those actions will be ensured.