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ANNEX

**Neighbourhood, Development and International Cooperation Instrument (NDICI) –
Global Europe
Exceptional Assistance Measure regarding Libya**

1. IDENTIFICATION

Action: **Stabilisation through continued mediation and mine action support in Libya**

Action Reference: NDICI CR 2021 / 43

Cost: EUR 15 000 000 (European Union 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

This action aims to provide continued support to political stabilisation and economic recovery in Libya through mediation and peacebuilding as well as through mine clearance and community safety. This programme builds on previous activities in these areas and continues to build longer term capacities amongst Libyan stakeholders.

The assistance includes supporting international community led mediation efforts and independent dialogue activities aimed at addressing long-term stability at the national level. The action will reach out to key political, military and social stakeholders, engaging in local mediation efforts with the aim of facilitating inclusive dialogue initiatives, engaging all actors in non-violent conflict resolution at the local level. It will also support knowledge building and policy recommendations, in order to move from a political agreement to longer term peace building and development.

The support also includes scaling up mine clearance efforts in residential areas in Tripoli, Sirte and Benghazi, including Tripoli International Airport and Sirte Airport, as well as along the Benghazi to Tripoli coastal road, recently opened as part of implementation of the ceasefire agreement. The decontamination, mine clearance and community safety actions will equally facilitate renovation of key infrastructure, such as water and electricity supply and

medical and educational sites, while providing psychosocial support, including renovation and provision of safe spaces, to conflict affected women, children and youth.

3. BACKGROUND AND RATIONALE

3.1 BACKGROUND

The UN-led political process, endorsed in UNSC resolution 2570 (2021) and stipulated in the conclusions of the Berlin and Paris conferences, and the consequent roadmap aimed at supporting a political transition in Libya achieved a series of major breakthroughs in 2020 and 2021. A ceasefire was signed in October 2020 and a Government of National Unity was formed in February 2021. Despite these positive achievements, many challenges remain, with the potential to undermine the stability and progress achieved in Libya over the past 18 months. Contrary to the agreed roadmap, the presidential and parliamentary elections foreseen for 24 December 2021 were postponed and political consensus in Libya remains hard to reach. Charting a way out of the current impasse will require striking a fine balance between maintaining momentum towards elections while taking into account the shifting political reality and security concerns on the ground. To support the political process in moving forward, it is necessary to address some of the remaining challenges the country is facing.

As a result, it is essential to continue supporting peace building and mediation focusing on the local, national and international aspects of the conflict through supporting the international community led mediation efforts and pursuing independent dialogue activities aimed at addressing long-term stability at the national level.

At the same time, an environment rife with arms and explosives continues to hamper the prospects for political stabilisation and economic recovery. More specifically, local-level rehabilitation of basic public services and re-establishment of economic activities, are hampered by lack of access due to mines and explosive remnants of war which threaten local communities and prevent the safe return of internally displaced persons (IDPs). International support is needed for clearing the land from explosives with the purpose of facilitating the reconstruction and stabilisation process, return of IDPs and increasing access to key areas in the country.

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

For the political process to continue, building on recent developments, it is necessary to address some of the remaining challenges the country is facing. Foremost among the challenges are the need to reinforce the UN led mediation efforts and independent dialogue initiatives with a view to supporting the drawing up a new roadmap for elections, as well as improving community safety through removal of explosive remnants of war. These measures aim at fostering economic recovery, rehabilitation of key infrastructure and safe return of the IDPs, constituting an exceptional and unforeseen situation in the sense of Article 4(4) 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.

Annex IV, paragraph 1, second paragraph, points (d), (j), (n) and (q) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI Rapid Response pillar to provide (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.

3.3 RISKS AND ASSUMPTIONS

Risk	Impact	Mitigating measures
The security situation deteriorates further and in conjunction with a renewed spread of COVID-19, international access, freedom of movement and assembly are severely restricted in Libya.	High	The selected implementing partner will have direct presence in Libya as well as the capacity to manage remotely the action, if necessary, and through well-established local partners. 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 both mine action and mediation support work closely with local authorities and depend on good partnerships already established during earlier phases of their actions.

<p>Mine accidents occur during clearance activities which bring the action to a halt.</p>	<p>Low</p>	<p>Strict enforcement of adherence to Standard Operating Procedures (SOPs) for mine action following best international practice by all concerned staff.</p>
<p>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.</p>	<p>Low</p>	<p>EU supported mediation actors comply with UN-identified standards with regard to consensus-building, inclusiveness, impartiality and national ownership. They are also required to conform to the recommendations issued in this regard by the EU financed 'Mediation Review for Libya' completed in 2018. 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.</p>
<p>With regard to mine action, Libyan authorities may disregard the importance of environmental measures to be taken into account when carrying out clearance activities</p>	<p>Low</p>	<p>During implementation of mine action, the need for respect of minimum environment protection norms and standards will be emphasised.</p>
<p>Alternative 'authorities' continue to challenge the legitimacy of the Government of National Unity and further undermine its ability to work effectively in all parts of the country either with regard to mine action or mediation support.</p>	<p>High</p>	<p>Implementing partners of both mine action and mediation support are impartial towards the different powerbrokers in East, West, and South and work not only with authorities affiliated to the Government of National Unity but also with local authorities and alternative powerbrokers, such as military governors, tribal leaders, local militias etc. as necessary for ensuring the effective implementation of mine action and mediation support. Wherever possible, projects will help build bridges between local stakeholders, alternative powerbrokers, and the Government of National Unity, within the existing national framework.</p>

4. OBJECTIVES

4.1 OVERALL OBJECTIVE

The overall objective of the programme is to stabilise Libya through mediation, peacebuilding, and mine action, while also progressively building longer term capacities in these areas amongst Libyan stakeholders.

4.2 SPECIFIC OBJECTIVES

- 4.2.1 Reduce the risk of tensions and violent conflict where possible and support the national political process through mediation and peacebuilding at the local level;
- 4.2.2 Prepare for the reconstruction of community and public infrastructure by clearing explosive remnants of war and increasing community safety.

5. ACTION COMPONENTS AND EXPECTED RESULTS

This exceptional assistance measure will have two components. Component 1 covers objectives and expected results in the area of Mediation and Peacebuilding (See section 4.2.1). Component 2 covers objectives and expected results in the area of Mine Action (See section 4.2.2).

The main expected results/outcomes include:

Expected Result (1): Tensions and violent conflicts are prevented, de-escalated, or resolved through dialogue where possible and the national political process is supported through mediation and peacebuilding at the local and regional level.

Activities (indicative):

- 5.1.1 Facilitate international mediation efforts with a view to support non-violent conflict resolution, paving the way for the elections and improving human security;
- 5.1.2 Build consensus through independent dialogue activities aimed at addressing long-term stability at national level by holding dialogues on the drivers of conflict.
- 5.1.3 Facilitate dialogue between key political, military and social stakeholders and build conflict resolution capacity of local actors with a view to reinforcing links between local actors and the national political process;
- 5.1.4 Facilitate humanitarian access and support international actors in Libya, especially humanitarian organisations, with access to conflict areas and actors.
- 5.1.5 Engagement with Libya's neighbouring countries and regional partners, in order to reinforce regional stability efforts, will be explored.

Expected Result (2): Reconstruction of community and public infrastructure is prepared as explosive remnants of war are cleared in key strategic locations and community safety is increased.

Activities (indicative):

- 5.2.1 Conduct unexploded ordnance surveys and scale up clearance operations through Explosive Ordnance Disposal teams in residential areas in or around Tripoli, Sirte and Benghazi to increase community safety, prepare rehabilitation of key infrastructure and facilitate return of internally displaced persons;
- 5.2.2 Conduct mine survey and clearance of Tripoli International Airport and Sirte Airport;
- 5.2.3 Conduct clearance operations through Explosive Ordnance Disposal teams around the coastal road, reopened in 2021 as part of implementation of the ceasefire agreement.

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

A grant will be awarded for the implementation of component 1 and the achievement of objective 4.2.1, as set out in detail in section 5 above, result 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.

(d) Exception to the non-retroactivity of costs

The Commission authorises that the costs incurred may be recognised as eligible as of 1 January 2022 because of urgency in the crisis management and a situation of immediate danger to the stability of Libya, including by an armed conflict, where an early engagement of the Union may prevent an escalation.

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.

6.1.2 Grant: direct award (direct management)

(a) Purpose of the grant

A grant will be awarded for the implementation of component 1 and the achievement of objective 4.2.1, as set out in detail in section 5 above, result 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.

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6.1.3 Grant: direct award (direct management)

(a) Purpose of the grant

A grant will be awarded for the implementation of component 2 and the achievement of objective 4.2.2, as set out in detail in section 5 above, result 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.

(d) Exception to the non-retroactivity of costs

The Commission authorises that the costs incurred may be recognised as eligible as of 1 January 2022 because of urgency in the crisis management and a situation of immediate danger to the stability of Libya, including by an armed conflict, where an early engagement of the Union may prevent an escalation.

6.1.4 Grant: direct award (direct management)

(a) Purpose of the grant

A grant will be awarded for the implementation of component 2 and the achievement of objective 4.2.2, as set out in detail in section 5 above, result 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.

(d) Exception to the non-retroactivity of costs

The Commission authorises that the costs incurred may be recognised as eligible as of 1 January 2022 because of urgency in the crisis management and a situation of immediate danger to the stability of Libya, including by an armed conflict, where an early engagement of the Union may prevent an escalation.

6.2 INDICATIVE BUDGET

The total European Union contribution under this Financing Decision **will not exceed EUR 15 000 000**. 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
6.1.1 – Direct grant (direct management)	3 400 000	N/A
Expected Result (1): Tensions and violent conflicts are prevented, de-escalated, or resolved through dialogue where possible and the national political process is supported through mediation and peacebuilding at the local and regional level.		
6.1.2 – Direct grant (direct management)	1 600 000	N/A
Expected Result (1): Tensions and violent conflicts are prevented, de-escalated, or resolved through dialogue where possible and the national political process is supported through mediation and peacebuilding at the local and regional level.		
6.1.3. – Direct grant (direct management)	8 000 000	N/A
Expected Result (2): Prepare for the reconstruction of community and public infrastructure by clearing explosive remnants of war and increasing community safety		
6.1.4. – Direct grant (direct management)	2 000 000	N/A

Expected Result (2): Prepare for the reconstruction of community and public infrastructure by clearing explosive remnants of war and increasing community safety		
Total	15 000 000	N/A

6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES

The action shall be implemented under direct management for specific objectives 4.2.1 and 4.2.2. 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, an 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

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

Acknowledging that activities financed under this action will be politically sensitive and/or may constitute a security risk for the implementing partner/beneficiaries, the communication and visibility plan for this measure should develop a differentiated approach to satisfy the requirements from the legal obligations to which EU external funding is bound to without putting at risk the actions supported by this measure.

7. COMPLEMENTARITY, COORDINATION AND FOLLOW-UP

Given the high level of international interest in supporting Libyan peace process, particular emphasis will be given to ensure good coordination with other support initiatives by the EU, EU Member States and other donors.

The action will be in direct support to the ceasefire agreement of 23 October 2020 and a new roadmap for elections and seeks to reinforce the UN led mediation efforts and independent dialogue initiatives. The action is also fully aligned with EU support 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, within the framework of the conclusions of January 2020 and June 2021 Berlin Conferences and the November 2021 Paris conference. It further builds on the ongoing IcSP/NDICI crisis response support to mediation and EU mine action, fostering peace and restoring national sovereignty and territorial integrity in Libya. All mine survey and clearance actions are done in collaboration with the Libyan Mine Action Centre and the Ministry of Defence.