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### ANNEX

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

### **Exceptional Assistance Measure regarding Libya**

#### **1. IDENTIFICATION**

Action: **Support to improved human security and implementation of the ceasefire agreement.**

Action Reference: NDICI CR 2022 / 17

Cost: EUR 9 000 000 (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 stability in Libya through improved human security and assistance in the implementation of the ceasefire agreement. It builds on previous stabilisation and peace-building actions and continues to build longer term capacities amongst Libyan stakeholders, complementary and in consultation with other EU actions, notably EU Border Assistance Mission in Libya (EUBAM Libya).

The action addresses challenges related to public security that risk undermining the ceasefire and the continuation of the political process, including the electoral roadmap. The action will reach out to key political stakeholders engaged in public security, including the Ministry of Interior, in areas such as improving election security, mitigating explosive threats and investigating violations of human rights and international humanitarian law. It will also support efforts to facilitate the reintegration of former fighters into the private sector through socio-economic initiatives.

In addition, the action supports UN-led efforts in the area of conflict and situational awareness in Libya through continued provision of high-resolution satellite imagery and analysis to the United Nations Stabilisation Mission in Libya (UNSMIL). This facilitates the monitoring of the

respect of the ceasefire agreement, including the movements of military equipment and troops, contributing to UNSMIL's security risk assessments. Given the political and security context in Libya, the action remains flexible to meet the needs identified during the implementation phase in close coordination with UNSMIL.

### **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 envisaged 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. The country is rife with arms and explosives and the continued presence of foreign fighters and mercenaries remains a challenge to human security, economic recovery and political stability. To support the political process in moving forward, it is necessary to address some of the remaining challenges the country is facing.

#### **3.2 RATIONALE FOR THE INSTRUMENT CONTRIBUTING TO STABILITY AND PEACE INTERVENTION**

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 improve public security, to mitigate the risks which may undermine the ceasefire and the continuation of the political process, as well as to reinforce UN-led efforts in conflict and situational awareness, supporting the assessment of the respect of the ceasefire agreement. These measures, aiming at improving human security in support of the political transition and the roadmap to elections, constitute 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, points (d), (h), (j) and (n) of Regulation (EU) 2021/947 specifically provides for the use of the NDICI Rapid Response pillar to (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; (h) support for civilian measures related to the demobilisation and reintegration of former combatants and their families into civil society, and where appropriate their repatriation, as well as measures to address the situation of child soldiers and female combatants; (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, and (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.

### 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 already has a direct presence in Libya as well as security protocols in place and Libyan staff are able to implement the action with remote support.
Project activities overlap with actions by other members of the international community.	Low	Mitigation of explosive threat is implemented in coordination with the Libyan Mine Action Centre (LIBMAC) that oversees humanitarian mine action. Where actions are directly relevant for the national peace process, UNSMIL coordinates security-related activities. Coordination with EUBAM Libya is also foreseen for activities in support to the Ministry of Interior.
Unwillingness of national and local authorities hampers implementation of the action.	Medium	The action is tailor-made to respond to local needs and requirements as per the request of national and local partners. Implementing partners for both human security and ceasefire monitoring work closely with local authorities and depend on good partnerships already established during earlier phases of their actions.
Mine accidents occur during clearance activities, which bring the action to a halt.	Low	Strict enforcement of adherence to Standard Operating Procedures (SOPs) for mine action following best international practice by all concerned staff.
Negative attitudes towards the EU could undermine the credibility of the action.	Low	EU supported 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 the implementation of the activities. Partners will be required to set out their detailed plans on how they intend to ensure

		transparency with regard to the source of funding while also ensuring the action is aligned with the global UN strategy.
Competing national authorities and the fragility of the ceasefire agreement further undermine the ability to work effectively in all parts of the country.	High	Implementing partners of both human security and ceasefire monitoring actions are impartial towards the different powerbrokers in East, West, and South and work not only with national authorities in Tripoli but also with local authorities and alternative powerbrokers to ensure 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.

The main assumptions for the implementation of the measure is that the UN Stabilisation Mission in Libya will remain the main facilitator of the Libyan political process and will continue to play a role in conflict/ceasefire monitoring in Libya.

#### **4. OBJECTIVES**

##### **4.1 OVERALL OBJECTIVE**

The overall objective of the action is to strengthen public security in Libya and to support the implementation of the Berlin and Paris Declarations, through the provision of assistance to the efforts of the United Nations Stabilisation Mission in Libya.

##### **4.2 SPECIFIC OBJECTIVES**

- 4.2.1 The first component aims to address challenges related to public security that risk undermining the ceasefire and, beyond, the political process and broader national reconciliation, including the electoral roadmap;
- 4.2.2 The second component aims to build evidence-based monitoring of the conflict to enable increased accountability of conflicting parties to foster a more dynamic environment for continued implementation of the ceasefire.

#### **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 public security with the view of peaceful transition process and broader national reconciliation (see section 4.2.1). Component 2 covers objectives and expected results in the area of ceasefire monitoring by providing the UN Stablisation Mission in Libya with satellite imagery as a tool to improve evidence-based monitoring of violations (see section 4.2.2).

**The main expected results/outcomes** include:

**Expected Result (1):** Improved public security, including in terms of emergency response, with the view of contributing to the ceasefire and continuation of the political process, including the electoral roadmap.

Activities (indicative):

- 5.1.1 Supporting the Ministry of Interior to address challenges related to public security, especially civil security and emergency response;
- 5.1.2 Training on election security and operation of the elections operation room of the General Department of Security Operations (GDSO);
- 5.1.3 Mitigating explosive threats and supporting investigation teams;
- 5.1.4 Supporting and training the forensic and specialised police for strengthening their role in investigations of violations of human rights and international humanitarian law, particularly related to the investigation of mass graves;
- 5.1.5 Training of tourism police to enhance the protection of cultural heritage sites;
- 5.1.6 Training and provision of psychosocial support and mentoring to former combatants with a view to their socio-economic reintegration.

**Expected Result (2):** Evidence-based reporting and documentation on violations of the ceasefire, including on the protection of critical civil infrastructure along the line of contact; the movement of military equipment and troops, and the withdrawal of foreign fighters and mercenaries.

Activities (indicative):

- 5.2.1 Gather information and report on the security situation in the areas of operation;
- 5.2.2 Report on specific security incidents and alleged violations of the ceasefire, including violations related to the critical civil infrastructure;
- 5.2.3 Support the United Nations Stabilisation Mission in Libya and other internationally mandated stakeholders as relevant in the area of conflict and situation awareness.

## **6. IMPLEMENTATION**

### **6.1 IMPLEMENTATION MODALITIES**

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>1</sup>.

#### **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.

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<sup>1</sup> [www.sanctionsmap.eu](http://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

Potential applicants for funding 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.

**6.1.2 Indirect management with an EU specialised agency**

A part of this action may be implemented in indirect management with the EU Satellite Centre. This implementation entails procurement and provision of satellite imagery and analysis products requested by the United Nations Stabilisation Mission in Libya to enhance its monitoring capacity as further detailed under objective 4.2.2 and with a view to obtain result (2) as above.

The envisaged entity has been selected using the following criteria: technical and operational capacity to carry out the action and to meet the specific requirements related to its nature.

**6.2 INDICATIVE BUDGET**

The total European Union contribution under this Financing Decision **will not exceed EUR 9 000 000**. A breakdown among components is provided hereunder, and is indicative.

**Indicative budget breakdown**

<b>Components</b>	<b>EU contribution (amount in EUR)</b>	<b>Indicative third party contribution, in currency identified</b>
6.1.3 Direct award (direct management)	4 500 000	N.A.
Expected Result (1): Improved public security, including in terms of emergency response, with the view of contributing to the ceasefire and continuation of the political process, including the electoral roadmap.		
6.1.1 – Indirect management with an EU specialised agency	4 500 000	N.A.
Expected Result (2): Evidence based reporting and documentation on violations of the ceasefire, including on the protection of critical civil infrastructure along the line of contact; the movement of military equipment and troops, and the withdrawal of foreign fighters and mercenaries.		
Total	9 000 000	N.A.

### **6.3 ORGANISATIONAL SET-UP AND RESPONSIBILITIES**

The action shall be implemented under direct management for specific objective 4.2.1 and indirect management for specific objective 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 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, based on 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, a particular emphasis will be given to ensure good coordination with other support initiatives by the EU, EU Member States and other donors. The action requires continued coordination with EUBAM Libya, whose mandate includes support to the Libyan law enforcement sector.

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, ceasefire monitoring 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 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 Instrument contributing to Stability and Peace/NDICI crisis response support to public security and ceasefire monitoring, fostering peace and restoring national sovereignty and territorial integrity in Libya.