



Council of the
European Union

Brussels, 4 September 2019
(OR. en)

11538/19

LIMITE

JAI 853
ASIM 93
RELEX 754
MAMA 120
LIBYE 4

NOTE

From: Presidency
To: Delegations

Subject: Libya and the surrounding area: current situation and need for immediate action

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (30.10.2019)

Delegations will find in the Annex the above-mentioned note, which will be discussed during the meeting of the High-Level Working Group on Asylum and Migration on 17 September 2019.

DELETED

DELETED

DELETED

EU involvement and assistance to help support migration management and fight migrant smuggling

Action taken by the EU and other international actors has affected the capabilities of militias in relation to smuggling activities to a limited extent. The dynamics and routes of migrant movements and smuggling services change constantly and require monitoring and further action.

The EU Action Plan against migrant smuggling (2015-2020) and **the Malta Declaration (2017)** are at the heart of several measures that have been undertaken to break the business model of smugglers and help better equip the Libyan authorities to fight smuggling.

EUBAM Libya is currently supporting the drafting of the "White Paper" on a Border Security and Reform in Libya. The proposed reform process is important for Libya to gain full control of its borders to disrupt organised criminal networks involved in illicit activities, including smuggling of migrants and human trafficking. The creation by EUBAM of the Organised Crime Coordination Panel, where activities by the Criminal Investigation Department, the Anti-Narcotics General Administration and the Interpol Office are better coordinated, including in capacity building efforts, have shown good results in improving Libyan coordination in fighting organised crime. EUBAM also focuses on supporting the Libyan judicial system and in particular the Prosecution Office in improving its investigation and prosecution capacity to fight organised crimes.

Since then, the Operation has placed an emphasis on surveillance activities by air assets, support to the Libyan Coastguard and Navy in law enforcement tasks at sea through training and increased monitoring. The decision was taken in parallel to relocate the FHQ and the Crime Information Cell to the Italian Navy Fleet Command (CINCPNAV) in Rome. Security challenges in Tripoli have not allowed Operation Sophia's personnel to conduct enhanced monitoring activities ashore to date. However, despite the deterioration of the security situation in Libya over the past two months, the number of departures along the coast has remained low and the Libyan Navy Coast Guards have continued operating effectively, thus confirming the progress achieved over the past three years.

Europol has set up an **information-clearing house** to pool data on smuggling networks, with a focus on third countries, including Libya, in order to support Member-State-led investigations.

Several other EU-funded projects to support border and migration management in Libya are ongoing and also address the smuggling of migrants. Most recently a regional programme covering Algeria, Egypt, Libya, Morocco and Tunisia has been implemented by the United Nations Office on Drugs and Crime (UNODC) to reduce enablers of and mitigate vulnerabilities arising from irregular migration by focusing on the dismantling of organised criminal groups involved in migrant smuggling and human trafficking.

EUCAP Sahel Niger: since 2015, the Mission assists Nigerien internal security forces in developing procedures and techniques to better control and manage irregular migration, and reduce the level of associated crimes. Training projects are focusing on detection of travel document fraud (with specific profiling techniques for airports identity checks). The Mission also supplies equipment to achieve an adequate capacity to control migration flows, taking into account the some 6000 km of porous borders Niger has. Recently (28 June 2019), the HoM signed with the Presidency a partnership to develop further actions in order to improve trust between security forces, judicial system and civilian society in the fight against terrorism, organised crime and migrant smuggling. The Mission is also currently supporting the creation and deployment of the Nigerien Mobile Border Control Companies (Compagnies mobiles de Contrôle aux Frontières)

G5 Sahel Joint Force / Police Component: Although smuggling of migrants is not its central objective, the Police component of the G5 Sahel Joint Force does respond to the border management requirements expressed by the G5 countries' law enforcement authorities. The ongoing Regionalisation of CSDP activities in the Sahel aims at improving the governance of the G5 structures such as the Permanent Secretariat, as well as the further operationalization of the Joint Force and the related Police component. The three CSDP missions in the region are already providing support in this regard. The EU also supports the G5 Sahel structures with financial support.

Several projects under the EU Emergency Trust Fund for Africa (EUTF for Africa) are helping to improve preparedness in relation to security threats and countering organised crime in the region. With regard to migrant smuggling, the EU – through French and Spanish law enforcement officials – supports the Nigerien authorities in apprehending and prosecuting smugglers and traffickers (joint investigation teams financed by the EUTF for Africa).

In addition, a **common operational partnership** is soon to be set up in **Senegal** to fight migrant smuggling. Furthermore, through information campaigns the Commission and Member States are also attempting to raise awareness among prospective migrants of the dangers of irregular journeys and the risks to which smugglers may subject them.

Similar action is being taken in the **Horn of Africa through large-scale projects** such as Better Migration Management, but also through targeted measures to fight migrant smuggling, such as the Regional Operational Centre in Khartoum (ROCK), which supports joint efforts by countries in the Horn of Africa to fight trafficking in human beings and smuggling of migrants.

DELETED

DELETED

EU involvement and assistance

Through **diplomatic action and concrete support**, the EU is assisting Libya's political transition towards a stable, functioning country and is supporting the UN led mediation efforts in this regard. The EU underlines the importance of inclusiveness of the political process and Libyan ownership, notably through the participation of all legitimate Libyan stakeholders. The EU provides assistance to Libya through a specific set of measures tailored to the needs of the Libya to support the implementation of economic reforms including improved revenue transparency, improved governance and socio-economic conditions, improved responses to the humanitarian needs and support youth and civil society.

The EU supports **the UN-led mediation process** and the efforts of Special Representative of the Secretary General Ghassan Salamé to implement the UN Action Plan on Libya and bring about a lasting solution to the political crisis. The EU works closely with the UN Support Mission in Libya (UNSMIL) under the leadership of the Special Representative to support the implementation of the Libyan Political Agreement (LPA), consolidation of governance, security and economic arrangements and assist in helping Libyans to prepare for elections through support for the High National Electoral Commission (HNEC).

Through **the Community Stabilisation Programme** of the EU Trust Fund for Africa, as well as through the Stabilisation Facility the EU helps the Government of National Accord (GNA) to gradually strengthen the institutional capacity in particular at municipal level to deliver basic services and rehabilitate local infrastructure.

The **EU has provided significant support** to Libya since the beginning of the crisis. As for migration and community stabilisation related projects, the EU currently has a package in place worth close to €355 million through the EU Trust Fund for Africa to Libya covering 21 projects, implemented by UN agencies, EU Member States and NGOs. This makes the North of Africa Window of the EU Trust Fund for Africa the biggest EU contributor to Libya and the most important instrument for funding external and migration action in Libya since the inception of the Trust Fund.

In addition, a package is in place of close to €70 million in **bilateral support to Libya** in 23 projects across several sectors, such as: civil society; governance; health; economy, youth and education; and support to the political process, security and mediation activities, mainly through the European Neighbourhood Instrument (ENI) and the Instrument Contributing to Stability and Peace (IcSP).

The EU supports the Libyans in **addressing security challenges** through the EU Trust Fund for Africa, Common Security and Defence Policy (CSDP) missions and operations, EUNAVFOR MED Operation Sophia, the EU Border Assistance Mission (EUBAM) to Libya and the EU Liaison and Planning Cell (EULPC).

The Commission has provided **humanitarian funding** worth €10 million in 2017 and €10.8 million in 2016.

Additional protection-related projects are implemented under **the Regional Development and Protection Programme**, co-funded by the Commission. The Commission Operational Committee of the EUTF for Africa North of Africa Window (EUTF-NOA) has approved five new migration-related programmes in the North of Africa totaling €61.5 million and on 2 July two new Libya Actions of a volume of €41 million. These new programmes adopted under the EU Emergency Trust Fund for Africa will reinforce ongoing actions to protect and assist refugees and vulnerable migrants in North of Africa especially in Libya, and improve the living conditions and resilience of Libyans as well as foster economic opportunities, labour migration and mobility in the North of Africa countries.

DELETED

DELETED

EU involvement and assistance

Since creating **the AU-EU-UN Task Force Taskforce** in 2017, the three organizations have worked together to save lives and support and protect migrants and refugees. The Task Force asked Libyan authorities to end their system of arbitrary detention, address the migrants and refugees' inhumane conditions, and manage asylum and migration in compliance with Human Rights and international law. Joint advocacy has helped ensure shelter to the survivors of the Tajoura attack.

The Taskforce has also helped establishing **the Gathering and Departure Facility (GDF)** in Tripoli.

Following the attacks on the Tajoura detention centre, the EU Delegation to Tripoli set **up a Post- Tajoura Working Group** composed by DE, SE, NL, FR, IT, CA, CH, UNSMIL, African Union , IOM, UNHCR and OHCHR) that aims at advocating for Libyan authorities to find solutions for the Tajoura survivors, the definitive closure of the Tajoura DC and the demilitarization of detention centres.

With **support from the EU, the IOM and the UNHCR** are also **providing protection and assistance in detention centres, at disembarkation points and in communities**. Local families are also benefitting from assistance provided by these organisations. More than 61 300 migrants have been provided with essential household items (such as blankets and mattresses) and hygiene kits, over 89 000 migrants have received medical assistance outside and inside detention centres and 14 600 children have received learning supplies. In an effort to improve community stabilisation, the EU has supported the rehabilitation of 16 social infrastructures across the country.

DELETED

DELETED

EU involvement and assistance

EU Member States contribute substantially to global **resettlement efforts both directly from Libya and via the ETM in Niger.**

With regard to the total number of individuals resettled or awaiting resettlement (those registered in and resettled directly from Libya, those evacuated to Niger from Libya and those registered in and resettled from Niger), 5 422 individuals have been submitted for resettlement since September 2017 and 2 711 of these have been successfully resettled. Currently 571 individuals have been accepted for resettlement and are awaiting departure from Libya and Niger.

DELETED
