**Memorandum of Understanding**

**For**

**Joint Military Technical Cooperation ~~Agreement~~**

**Between**

**The Ministry of Defence of the Italian Republic**

**and**

**The Ministry of Defence of The Government of National Accord**

**December 2020**

**~~Joint Military Technical Cooperation Agreement between the Ministry of Defence of the Italian Republic and the Ministry of Defence of the Government of National Accord to establish a Joint Military Cooperation Commission~~**

**Preamble**

The Ministry of Defence of the Italian Republic and the Ministry of Defence of the Government of National Accord (hereinafter referred individually as "the Party" or jointly as "the Parties") hereby declare their compliance with the objectives and principles of the United Nations. At the same time, they consider the Treaty of Friendship, Partnership and Cooperation ~~signed in~~ done at Benghazi on 30 August 2008; the Tripoli Declaration ~~dated~~ of 21 January 2012; ~~the notes and joint meetings held and stipulated by the Parties;~~ the Memorandum of Understanding between the ~~Libyan Ministry of Defence and the Italian Ministry of Defence~~ Parties signed in Rome on 28 May 2012; the Memorandum of Understanding for cooperation in the field of development, fight against illegal immigration, trafficking in human beings, smuggling and strengthening border security, signed in Rome on 2 February 2017; as well as article 6 of the above mentioned Memorandum of Understanding (2012) on the creation of a joint commission for planned military cooperation in the field of defence.

All the above considered, the ~~parties hereby agree as follows~~ Parties have entered into the following Memorandum of Understanding (hereinafter “MoU”).

**Article 1**

**Purpose**

The Parties will ~~Establish~~ establish a Joint Cooperation Commission ~~between the Parties~~ with the purpose of laying the foundations for joint and effective bilateral cooperation in several defence-related fields (hereinafter referred to as the "Joint High Commission"). The Joint High Commission will enucleate a joint technical committee composed of representatives of the Armed Forces and their branches (hereinafter referred to as the "Joint Cooperation Committee").

**Article 2**

**Joint High Commission**

The Joint High Commission will consist of:

* The Minister of Defence or his/her representative;
* Chief of Defence or his/her representative;
* Head of the Joint Cooperation Committee.

Delegations may include other members deemed ~~necessary~~ appropriate according to the meetings’ agendas.

**Article 3**

**Joint Cooperation Committee**

The Joint Cooperation Committee will consist of:

* the Head of Delegation i.e., an official not higher in rank than Major General;
* a representative of the Ministry of Defence with rank not higher than the Head of Delegation’s;
* a representative of the Defence General Staff with rank not higher than the Head of Delegation’s;
* a representative of the Army with rank not higher than the Head of Delegation’s;
* a representative of the Navy with rank not higher than the Head of Delegation’s;
* a representative of the Air Force with rank not higher than the Head of Delegation’s;
* a representative of the Carabinieri Corps (Italy only), with rank not higher than the Head of Delegation’s;
* a representative of the Border Guard (Libya only), with rank not higher than the Head of Delegation’s;
* a representative of the Air Defence (Libya only), with rank not higher than the Head of Delegation’s;
* the legal advisors of the ~~parties~~ Parties as a speaker;
* Subject matterexperts and other personnel whose presence is deemed ~~necessary~~ appropriateaccording to the meetings’ agendas.

**Article 4**

**Work Schedule**

* The Joint High Commission will convene in the fourth quarter (Q4) of the year, preferably on a rotational basis at the Ministries of the ~~two~~ ~~parties~~ Parties.
* The Joint Cooperation Committee will meet at least twice a year. The first time it will meet in Q1 to define the first draft of the bilateral cooperation plan for the following year. The second time it will meet in Q4 and before the Joint High Commission meeting with a view to presenting it with the status of the current cooperation plan and the final draft of the cooperation plan for the next year for approval by the Heads of Delegation of the Joint High Commission. The official language during the meetings will preferably be English (to be ~~agreed~~ jointly decided ahead of the meetings).
* The agenda and the lists of delegations will be ~~agreed~~ jointly defined ~~between~~ by the ~~parties~~ Parties at least 15 days before the meetings. The host country will be responsible for coordinating the topics to be included in the agenda. The Heads of Delegation of the Joint High Commission (Minister of Defence or his/her representative) and the Heads of the Joint Cooperation Committee of the host country will serve as chairpersons of the meetings.

**Article 5**

**Terms of Reference for the Joint Cooperation Committee  
as mandated by the Joint High Commission**

1. Identify the general guidelines for the development of bilateral cooperation.
2. Prioritise the requirements for cooperation in the areas set out in Articles 2, 3, and 4 of the Memorandum of Understanding referred to in the preamble.
3. Encourage the exchange of views and opinions on topics of common interest and promote sharing.
4. Prepare a cooperation plan for approval by the Joint High Commission (Ministers of Defence).
5. The chairperson of the Joint Cooperation Committee will submit the cooperation plan drawn up by the Parties for discussion and approval by the Joint High Commission.

**Article 6**

**~~Binding~~ Regulations**

The Joint High Commission and the Joint Cooperation Committee will comply with the provisions of the 2012 Memorandum of Understanding to promote, implement, manage and monitor cooperation activities and to address and resolve any issues that may arise.

**Article 7**

**Decision-making Process**

The decisions and regulations governing the activity of this ~~Agreement~~ MoU will be ~~adopted~~ ~~by consensus~~ made consensually by the Parties.

**Article 8**

**Areas of Cooperation**

* Encourage joint military cooperation initiatives.
* Provide training, technical information, support, development and maintenance, as well as advice and organise exchange of visits between Parties.
* Training, military training, and exchange of experiences in the field of illegal immigration; land, sea and air border security; operations to counter drug trafficking, smuggling; ammunition and mine disposal operations, and relief operations in the event of natural disasters and health-related emergencies.
* Participation in military exercises and joint manoeuvres, short-term exercises, and visits to airports and ports for support purposes.
* Cooperation in the field of cyber security, in particular in the field of training and education.
* Cooperation in designing and organising military and security institutions and their legal regimes; building and equipping military and security units; managing and training personnel.
* Cooperation in the field of military medical services by qualifying medical and paramedical personnel and providing devices and equipment.
* Exchange of counsellors and staff for professional development purposes.
* Exchange of information and experiences in the fields of military security, and scientific and technological research.

**Article 9**

**Organising Cooperation**

Subject to the provisions of this ~~Agreement~~ MoU, the Parties may cooperate by means of:

1. Meetings and exchanges of visits between the relevant defence institutions at various levels;
2. Communications between the Parties' security and military institutions;
3. Interviews, consultations and joint meetings; participation in courses, seminars and conferences at civil and military organisations.

**Article 10**

**Minutes and reports**

When drafting the minutes of meetings, English is the preferred language ~~(to be agreed before the meetings)~~. The heads of delegation will sign the minutes. The Host Party will be responsible for drafting, translating (where required) and distributing the minutes, preferably at the end of the meetings. The minutes of the meeting ~~shall~~ will include the issues discussed and the decisions taken. Minutes will be in English and in the national language(s) of the Parties, as required. They will be signed in original, all versions being equally valid. In case of discrepancy of interpretation, the English version will prevail. The Parties will keep the minutes of the meeting according to due security measures. The minutes cannot be disclosed to other organisations or third countries unless otherwise ~~agreed between~~ consensually decided by the Parties. Once signed, the minutes can be amended by mutual consent ~~agreement between the Parties.~~

**Article 11**

**Financial Aspects**

* The Host Party~~shall~~ will bear the costs of organising the meetings (including translation and interpreting services), domestic transport, food and accommodation related to the agreed official programme, for a maximum of 10 people.
* Travel expenses will be borne by the ~~Guest~~ Sending Party.
* All activities conducted under this ~~Military Technical Agreement~~ MoU will be subject to the availability of funds from the Parties without any additional costs for the respective State budgets.

**Article 12**

**~~Entry into force~~ Effectiveness and validity**

* This ~~Military Technical Agreement will enter into force from~~ MoU takes on the date of ~~its~~ signature and ~~shall~~ will remain valid ~~unless~~ until one of the Parties ~~is notified of the intention of~~ notifies the other ~~Party to withdraw from~~ of its intention to terminate it. ~~in accordance with the customary procedures.~~ It does not constitute an Agreement under international law and will be implemented by the Parties in accordance with applicable international law, their respective national legislations and, as for the Italian Party, the obligations arising from Italy’s membership of the European Union.
* Both Parties ~~have the right to~~ may propose amendments or revisions in writing at any time based on mutual consent. Such amendments of revisions will take effect one month after receipt of notification by the other Party.
* The duration and validity of this ~~Military Technical Agreement~~ MoU will not affect the programmes and activities already in progress, unless otherwise ~~agreed between~~ jointly decided by the Parties.
* This ~~Military Technical Agreement~~ MoU ~~will replace~~ replaces the Military Technical Agreement signed in Rome on 15 April 2013 ~~between~~ by the representatives of the Italian Defence General Staff and the Libyan Air Staff.

**Art. 13**

**Signature**

~~Written and signed~~ Signed in Rome on 4 December 2020 in two originals, both in ~~Arabic,~~ Italian, Arabic and English, all texts being equally authentic. ~~Should translated version diverge, the English version will be used as reference.~~ In case of divergence, the text in English will prevail.

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| For the Ministry of Defence of the Italian Republic  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Mr. Lorenzo Guerini  Minister of Defence | For the Ministry of Defence of the Libyan Government of National Accord  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Mr. Salahedin Namroush  Minister of Defence |