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WORKING PAPER

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From:	EEAS/COM
To:	Political and Security Committee

Subject:	Non-paper on the provision of equipment under the SIBMMIL project and the delivery of capacity-building and training activities by Operation IRINI
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With a view to a future PSC meeting, delegations will find attached the non-paper on the provision of equipment under the SIBMMIL project and the delivery of capacity-building and training activities by Operation IRINI.

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EU Integrated Approach to supporting the peace process in Libya

Non-paper on the provision of equipment under the SIBMMIL project and the delivery of capacity-building and training activities by Operation IRINI

I) Context and background

As part of the Support to Integrated Border and Migration Management in Libya (SIBMMIL) project under the EU Trust Fund (EUTF) programme (phase II, 15M EUR for 2018-2024), DG NEAR, through its implementing partner the Italian Ministry of the Interior (MOI), is due to provide three Search And Rescue (SAR) vessels and a containerised modular Maritime Rescue Coordination Centre (MRCC) to the Libyan Coast Guard and Navy (LCG&N).

In addition, DG NEAR is about to finalise a top up of Phase II of the existing SIBMMIL contract that would see the delivery of two refurbished second-hand vessels to the LCG. Furthermore, under the Annual Action Plan for 2021, two Actions are prepared to provide enhanced support to the MRCC and the establishment of the Border Management Academy.

The first vessel and the modular MRCC are expected to be delivered to the Libyan authorities by the end of the year¹.

Meanwhile, Operation IRINI has been in contact with the LCG&N since April 2020 in order to conclude the arrangements required to resume capacity-building and training activities, pending approval from Tripoli. The High Representative raised the issue with the Libyan authorities on several occasions, the latest being his visit to Tripoli on 8 September.

On 15 July 2021, in its conclusions, PSC *recalled that the training on EU financed vessels should only be conducted by EU actors and invited the EEAS and the Commission to swiftly propose options, with a view to ensure that the equipment provided to the LCG&N is also delivered alongside the provision of proper training by IRINI.*

Ideally, the necessary arrangements for the delivery of capacity-building and training by Operation IRINI would be in place at the time of the delivery of the first vessel. However, no progress could be registered in our discussions with the Libyan authorities. The EEAS and NEAR have therefore identified the following scenarios

II) Possible Scenarios

a) Cancel the delivery of vessels in the absence of a MoU with IRINI

Politically, this decision would run counter other EU efforts to reengage with the Libyan authorities and would further damage IRINI's reputation in Libya. Based on the contractual terms of the SIBMMIL project, it is legally impossible to cancel the delivery of the patrol vessels in the absence of a MoU between IRINI and the LCG&N.

¹ The deadline for commitments and contracting under EUTF AFRICA (including modifications) is 31 December 2021. The deadline for project implementation under EUTF AFRICA is 31 December 2025.

b) Defer the delivery of vessels pending the signature of the MoU with IRINI

There is no guarantee that this would leverage any change in the Libyan attitude towards IRINI. Likewise, this is not legally possible.

c) Delivery of the vessels and modular MRCC as planned

As per the SIBMMIL contractual arrangements, the Italian MOI will deliver the three vessels and the modular MRCC together with the associated technical training (handling and maintenance of the vessels, scuba diving, and running of the MRCC), with no involvement of Operation IRINI.

Beyond the delivery of initial training by the Italian MOI (EU trainers), however, there is a risk to see the LCG&N be trained on this EU-funded equipment by non-EU actors.

d) Delivery of the vessels as planned with the understanding that the Italian MOI delivers the initial training – and possibly future trainings as well – in cooperation with IRINI

On 11 June 2021, DG NEAR and Operation IRINI exchanged letters, to allow IRINI to seek and conclude an arrangement with the Italian MOI whereby the latter would deliver its planned initial training for the crews of the three SAR vessels and the personnel of the modular MRCC in cooperation with IRINI.

This cooperation could include the development of the training map, or IRINI's participation in the delivery of some of the training modules. The exact content of the cooperation would have to be agreed upon between the Italian MOI and IRINI.

As a first step, DG NEAR will invite IRINI to attend the SIBMMIL Monthly Progress meeting and contribute to the development of a training plan.

This is a pragmatic and low profile option and the recommended course of action in the current context. It would ensure that the EU is perceived as united and would reflect the integrated approach.

III) Way ahead

In response to the Libyans' request for support in the South, DG NEAR has developed two new actions under the Annual Action Plan 2021.

There is an opportunity to present these new DG NEAR Actions and IRINI's training as part of a wider support package to the Libyans. Other border management related activities and programmes could be included in this package.