



Council of the
European Union

Brussels, 13 April 2015
(OR. en)

7886/15

LIMITE

**COPS 105
CSDP/PSDC 201
CFSP/PESC 41
CIVCOM 58
MAMA 7
LIBYE 7**

COVER NOTE

From: European External Action Service (EEAS)
To: Political and Security Committee (PSC)
Subject: Interim Strategic Review of EUBAM Libya

Delegations will find attached document EEAS(2015) 435.

Encl.: EEAS(2015) 435

EEAS(2015) 435
Limited

EUROPEAN EXTERNAL ACTION SERVICE



CMPD

Working document of the European External Action Service

EEAS Reference	EEAS(2015) 435
Distribution marking	<i>Limited</i>
To [and/or GSC distribution acronyms]	Political and Security Committee CSDP/PSDC, PESC, CIVCOM, COPS, COMAG, LIBYA
Title / Subject	Interim Strategic Review of EUBAM Libya
[Ref. prev. doc.]	

EEAS(2015) 435

Limited

EUBAM Libya Interim Strategic Review

I Introduction

1. On 8 September 2014, the PSC tasked the EEAS to prepare an Interim Strategic Review (ISR) of EUBAM Libya in response to the dramatic deterioration in the political and security situation in Libya that has occurred since July 2014.
2. Presentation of this ISR to Member States (MS) was originally envisaged to occur in November 2014. The presentation of the ISR was rescheduled to allow the review to be in line with broader discussions by MS on Libya at the 9 February 2015 Foreign Affairs Council (FAC), at Gymnich on 6 March and the FAC of 16 March 2015. In addition, the delay in presentation had been designed to reflect further on the reinvigorated political dialogue, brokered by UNSMIL, which commenced in Geneva.
3. Nevertheless, with the mandate expiry of EUBAM Libya due on 21 May 2015, it is appropriate that the ISR is presented to guide decision-making on the mission's immediate future. This decision is, by necessity, separate but complementary to the PSC discussion on possible alternative CSDP options to support EU political objectives regarding Libya and the region which are currently being elaborated in an updated Political Framework for a Crisis Approach in Libya (PFCA) due in April 2015.
4. The previous Strategic Review of EUBAM Libya¹, undertaken in May 2014, had highlighted the importance (and fragility) of a political transition and stable security situation as essential prerequisites to underpin the viability of the mission. These two key assumptions have not been met, although it should be noted that many elements of the previous review, in particular the decision to focus on operational activities through pilot projects in Libya, might still be applicable in the event that a sustainable political and security transition does eventually occur.
5. The various decisions to relocate the mission from Libya, to reduce the size of EUBAM Libya to an absolute minimum capacity of just 3 international staff operating from Tunis and to return the Peacock Compound headquarters have all been pragmatic responses to the volatile situation in Libya. EUBAM Libya's ability to deliver its mandate has consequently proved extremely difficult, and therefore a strategic re-assessment of the mission is now required ahead of the existing mandate expiry.
6. In parallel to commencing the ISR process, the PSC tasked the EEAS on 7 October 2014 to develop an initial PFCA² in order to shape possible options as a comprehensive EU response to the Libya crisis in the short term (i.e. one year), including on related security issues

¹ EEAS 9552/14 dated 6 May 2014.

² 13829/14 dated 1 October 2014.

EEAS(2015) 435

Limited

involving EUBAM Libya.

7. An EEAS issues paper detailing suggestions for a stronger articulation of EU engagement in Libya was also presented to MS on 14 January 2015 in order to promote debate in the FAC on 9 February, including on immediate options for EUBAM Libya.
8. The PFCA confirmed the EU's key strategic interest in supporting Libya's transition and emphasized that only a ceasefire agreement could eventually allow for a meaningful resumption of EU support, including a return of EUBAM Libya to Tripoli. The aim of this ISR is therefore to guide decision-making on the immediate future direction of EUBAM Libya in support of this overarching political imperative, noting the essential ceasefire constraint and timeline of one year as outlined in the PFCA.
9. This ISR therefore builds on the broader context of the PFCA and the issues paper noted above. The review process has also guided thinking and prudent planning on a number of possible alternative CSDP options to support EU political objectives regarding Libya. These options will be presented in the updated PFCA to reflect latest political and security developments.
10. The ISR draws upon elements of the previous review where appropriate and has been fully coordinated with the relevant services in the EEAS, the Commission, EU Delegations and FRONTEX. The analysis has been updated through a CMPD-led fact finding mission to Tunis in October 2014; discussions with MS capitals; meetings with a broad number of interlocutors including, *inter alia*, UNSMIL, the US State Department and US AFRICOM, the Tunisian MoFA, FRONTEX, NATO, and IoM.
11. EEAS discussions with the legitimate Libyan political authorities were not possible in the circumstances. A series of meetings between the Head of the EU Delegation in Libya and EUBAM Head of Mission with a broad political spectrum of Libyan interlocutors did take place 23-29 October in Tripoli, Tobruk and Beida³. These discussions were inconclusive, reflecting the confusing nature of contemporary Libyan politics, and exposing once more the uncertainty regarding legitimate Libyan political ownership of EUBAM Libya.

II. Situation - Political and Security Context

12. The political and security context is comprehensively described in both the PFCA and subsequent issues paper. Key updates of relevance to this ISR include the:
 - Continued evacuation/relocation of almost all international organisations, including the EU Delegation and the mission, from Libya;
 - EEAS instruction of 14 October 2014 for EU programmes, including EUBAM Libya, not to conduct activity with Libyan individuals and agencies whose allegiance to the legitimate Libyan authorities cannot be confirmed;

3. COREU EAS/1187/14

EEAS(2015) 435

Limited

- Continued lack of political transition, exacerbated by the existence of 2 parallel governments both vying for control over Libya. The Tobruk government is increasingly isolated and resembles a government in exile. It remains heavily influenced by regional neighbours and has recently made overtures for support from international backers in the Gulf (UAE, Saudi Arabia) and Russia;
- Libya's political landscape was significantly complicated by the Supreme Constitutional Court of Libya ruling of 6 November 2014 which declared the process that led to the elections of the HoR unconstitutional;
- Whilst the International Community (IC), in coordination with the UN, does not recognise the legitimacy of the rival Tripoli government, the latter body has increasingly taking de facto control of many of the key government ministries and other instruments of State which have direct relevance to EUBAM Libya's mandate. Significantly, this control includes government installations such as border crossing points, airports and ports extending from Misrata westward to the Tunisian border. Ultimately, in the case of the Libyan MoI and MoFA, it is open to interpretation whether EUBAM Libya's mandate remains at the invitation of the 'host nation authorities';
- Fighting intensifying in many areas, notably in Benghazi and in Tripoli and its surroundings. In Benghazi the Libyan Army has made important gains against the Ansar al Sharia militias, while in Tripoli Libya Dawn forces have gained considerable ground. The rift between the opposing forces has become more marked as both sides strive for as strong a bargaining position as possible ahead of any negotiation;
- Increasing evidence of Daesh presence in Libya, most evident in the attack on the Corinthia hotel, Tripoli, which occurred in late January 2015 and the atrocities committed against Egyptian nationals in Derna during late February 2015;
- UNSMIL-led initiative, following an inaugural meeting of 29 September 2014 in Ghadames, to commence exploratory political and diplomatic dialogue between rival Libyan political factions and develop Confidence Building Measures (CBMs) to give credibility to this mediation and ultimately secure a lasting ceasefire. This dialogue was effectively overtaken by the Supreme Constitutional Court of Libya ruling;
- Decision on 14 October 2014 to commence reducing the size of the mission formally from 57 to 17 personnel (in line with Annex 13 to the EUBAM Libya CONOPS Plus), which provided a minimum, but partially untested, operational training and advisory capacity for the Libyan coastguard, customs services and border management personnel deployed at Ras Adjir Border Crossing Point (BCP). Within this framework the mission had also retained an ad hoc and temporary planning capacity to liaise with and support UNSMIL efforts on an airport CBM;
- FAC Conclusions of 20 October and 15 December 2014 re-affirming the EU's strong

EEAS(2015) 435

Limited

political interest and commitment to Libya, including through the efforts of EUBAM Libya;

- Launch of FRONTEX maritime operation TRITON on 1 November 2014 and announcement of a phased reduction of Italian maritime operation Mare Nostrum;
- Listing by the UN Security Council of Ansar Al Sharia-Derna and Ansar Al Sharia-Benghazi on 19 November 2014;
- UNSMIL announcement on 2 December 2014 to revitalise the political dialogue process on Libya through meetings and consultations with key Libyan interlocutors including militias, religious and tribal leaders, and the media. After a period of considerable uncertainty, UNSMIL re-commenced this dialogue in Geneva on 14 January 2015, subsequently relocating to both Libya and Morocco on an ad hoc basis commensurate with the political and security situation. Despite a hesitant start, Libyan reactions to this process appear to be increasingly positive notwithstanding the intransigent stance of some militias and key elements within the General National Congress. Whilst this latest development is encouraging, the paradox remains that the political rhetoric is at odds with the deteriorating security situation. Consequently, the timeline and prognosis for the dialogue still remain unclear, but the P3+5 grouping is increasingly viewing the current process as a last opportunity for dialogue;
- Discussions on the southern neighbourhood during the NATO MFA Ministerial meeting on 2 December 2014, in which NATO highlighted Libya as a key area of immediate concern. In response, a number of EU MS and the US stressed the urgency of addressing the deteriorating security situation in Libya;
- PSC discussion of 14 January 2015 on the issues paper in which a majority of MS indicated their support in principle to suspend EUBAM Libya and no longer retain the mission's headquarters in Tripoli. On the basis of this discussion, the CivOps Cdr directed the mission to cease planning on all training capacity delivery forthwith;
- PSC decision of 17 February 2015 to further direct EUBAM Libya to commence the process of reducing mission strength to 3 international staff as a contingency measure to take into account the revised timing of the ISR. This process will be completed by 31 March 2015 and the mission is *de facto* already 'on hold';
- FAC discussions of 9 February 2015 during which HRVP concluded that MS should maintain EUBAM Libya, but downsize its mission strength further in light of the current political and security situation in Libya;
- UNSC decision on 5 March 2015 to extend UNSMIL's existing mandate, under UNSCR 2144, a further month to 14 April 2015;
- Gymnich meeting of 6 March 2015 and FAC of 16 March 2015, which further

EEAS(2015) 435

Limited

confirmed the EU's political interest and commitment to Libya.

13. The above update confirms the PFCA's assessment that the situation continues to be extremely challenging and dynamic, with no clear end in sight which would suggest a credible political transition occurring in at least the immediate term. In this regard, international support to Libya, under the aegis of UNSMIL, remains crucial but planning on its delivery is being conducted in a vacuum. In the absence of a credible ceasefire, any short-term response will likely remain modest and will take time to have any discernible effect other than supporting political messaging.
14. The decision to re-engage EU efforts in Libya itself (i.e. including the EU Delegation and EUBAM Libya) will require agreement by MS on the political and security conditions that would need to be in place to allow a sustainable return of the mission to Libya. These conditions could include the following:
 - An agreed political settlement to form a Government of National Unity (GNU);
 - An effective ceasefire is in place which would allow sufficient freedom of movement for the mission;
 - The functioning of a legitimate government in control of key institutions;
 - At least a Unilateral Declaration signed by the GNU to confirm, in writing, its political commitment to EUBAM Libya (and subsequently leading to signing of the mission SOMA);
 - Effective lines of transport communication established to allow the IC to operate in Libya safely;
 - A functioning headquarters which can accommodate the mission in accordance with the security requirements;
 - A probation period of at least one month to prove that all of the above conditions are fully met.

III. Overview/Analysis of actions undertaken

a) EU engagement in Libya.

15. The EU's ability to pursue a comprehensive approach in support to Libya, noted in the last review and updated in the PFCA, has essentially been put on hold with limited engagement being made by EUBAM Libya, and some minor EU instrument activities which have focused on key democratic institutions and civil society.

EUBAM Libya

16. Immediately after relocation from Libya at the end of July 2014 the mission operated at

EEAS(2015) 435

Limited

reduced capacity from Tunis, with the majority of mission personnel initially tele-working from Europe. Although collocated in Tunis with the EU Delegation from Tripoli and the majority of the IC, the mission was essentially "fixed in position". Issues on the cost, logistic arrangements and diplomatic status of the mission operating in Tunis have been of concern, and progress on mandate delivery in Libya itself soon stalled.

17. Mission activity focused on contingency planning by senior management in response to the dynamic situation and in anticipation of the eventual outcome of this ISR. Regional planning support and liaison visits to EUCAP Sahel Niger and EUBAM Rafah allowed the mission to provide technical expertise and lessons learnt on IBM issues. Some limited contact was maintained with key Libyan IBM interlocutors in an attempt to maintain strategic level dialogue, but this was hampered by uncertainties regarding their political allegiances.
18. At the operational level, delivery of IBM capacity in Libya through advice, mentoring and training ceased owing to the prevailing political and security conditions, with some training events cancelled at short notice. Remote planning for training in Libya remained resource-intensive, required a lead-time of several weeks and delivery was wholly dependent on a favourable political and security situation. Efforts comprised planning for training in mid-November 2014 with border police authorities at the Ras Adjir BCP, and with naval coastguard and customs personnel in the neighbouring Zuwara port area; this would have resulted in one training event of approximately 5 days per month. However, this training was put on hold for political and operational reasons on 10 November. A limited series of study visits was undertaken in Europe for customs (4 events) and naval coastguard personnel (2 events) and concluded in January 2015. No further activity is planned pending the outcome of the ISR.
19. Consequently the potential to focus on pilot projects; co-locate advisers in key ministries; and further develop Libya's maritime Search and Rescue (SAR) and Customs organisations, all previously identified in the last strategic review as the mission's main effort, cannot be achieved.
20. The mission's Peacock Compound headquarters in Tripoli remained vacated during the period July 2014 to March 2015, at which stage the lease was terminated and, at the time of the drafting this ISR, the facility was in the process of being returned to the landlord. The mission had previously offered the usage of the premises to the EU, Member States, UNSMIL, and other international organisations, but no expression of interest was ever received. Following the PSC's endorsement to commence downsizing the mission to essential staff on 14 October 2014, EUBAM Libya reduced to a core team of 17 nominal personnel on 21 November 2014 (within an authorized ceiling of 111). The mission began the downsizing to 3 international staff (+ 3 local staff) on 17 February 2015 and this significant reduction to a minimum on hold capacity will have been completed by 31 March 2015.

EU instruments and tools

EEAS(2015) 435
Limited

21. Planned cooperation assistance is described in detail in both the PFCA and previous strategic review. A recent DEVCO and FPI review of the EU cooperation portfolio has taken into account the ongoing conflict and identified those projects that could most effectively benefit the Libyan population. Activities have therefore reduced significantly owing to difficulties in obtaining adequate security provision and authorisation issues arising from the effective paralysis of the Libyan ministerial structure. Moreover, problems in identifying if civil servants are working with the legitimate government or the self-established government in Tripoli continue to pose a serious impediment to progress for cooperation assistance. This situation is further exacerbated by the continuing absence of almost all international project experts in Libya.
22. Cooperation activities being considered or actually being conducted (shown in bold) have accordingly been reduced to the following:
- Governance: Support to UNDP “**Libya Electoral Assistance Programme**” (LEAP) (HNECI training in Tunis), **CDA in Beida** and HNEC in Tripoli **with International Management Group. Media support to CDA in Beida with Deutsche Welle.** Support to possible GNU or other key institutions and support to local governance in preparation;
 - Health: **GiZ in Tripoli (training of nurses with local NGO);**
 - Reconciliation: **Support to conflict mediation with the Humanitarian Dialogue Centre (HDC) in various parts of Libya and in meetings abroad (e.g. Tunis);**
 - Security: **Support to UXO and ERW clearance and Community safety with Danish Refugee council and Danish Church Aid in various parts of Libya;**
 - Migration: **Support to migrants through IFRC and IOM throughout Libya and Tunisia;**
 - Human Rights/protection: **Protection of persons deprived of freedom with ICRC in Tripoli, Benghazi, Misrata, Sebha and Zliten. Support for mental health, psychosocial rehabilitation for vulnerable and at risk groups in the whole of Libya with IFRC;**
 - Civil Society: **Support to civil society and local governance with ACTED in Tripoli, Sebha, Benghazi, Misrata and Tunis. Support to the constitution on gender issues with GCI in Beida, Tobruk, Tripoli, Benghazi and Tunis.**
23. Prior to downsizing, close liaison by EUBAM Libya in respect to cooperation activities remained a key planning requirement, but was hampered by the political situation and the relocation of DEVCO and FPI personnel from Tunis to Brussels. Cooperation activities in the security and migration sectors noted above would appear to represent areas of planning relevance to EUBAM Libya in advance of any resumption of the broader EU cooperation

EEAS(2015) 435

Limited

programme and the mission.

24. Post ceasefire activities that would allow the EU to engage at local level in terms of security and development outside of Tripoli therefore remain a longer-term priority in order to help achieve a synergistic approach i.e. at a border crossing point, seaport or airport through development of potential pilot projects identified in the last review. Efforts to harmonise capacity delivery in regards to migration and strengthening border control (e.g. Project Seahorse) also remain relevant, and should be exploited once conditions allow.

EU Delegation and Special Envoy

25. The EU Delegation in Tripoli has provided essential political support to EUBAM Libya in order to aid the mission in its dealings with the Libyan authorities and to reaffirm and revitalise Libyan awareness and buy-in of the CSDP mission. At the operational level, the local coordination, programming and implementation of EU cooperation programmes in Libya remains a key activity for the Delegation. This role has increased in significance following the UNSMIL initiative on CBMs. In this regard the continued presence of the 3 security advisers seconded from MS to provide specialist advice to the Head of Delegation and Brussels on Defence, Security and Reform and Policing issues remains crucial. This capacity remains weakened following the departure of the SSR adviser in late October.
26. The role of the EU Special Envoy remains vital in terms of political policy coordination and messaging with the Special Envoys from relevant MS and partners in order to help underpin IC/UNSMIL efforts in securing a political agreement and ceasefire.

EU Agencies

27. Cooperation by EUBAM Libya with FRONTEX was undertaken during the reporting period. The mission directly facilitated Libyan participation in a number of FRONTEX events in Europe since the latter organisation does not have a Working Agreement with the Libyan authorities. This facilitation has complemented in some measure the mission's efforts in trying to maintain a strategic dialogue with senior Libyan interlocutors. Discussions on the modalities concerning future FRONTEX support to the mission have still to be resolved within a wider FSJ-CSDP context.
28. FRONTEX launched Joint Operation TRITON in the central Mediterranean region on 1 November 2014. TRITON is effectively a merger of two of its existing maritime operations (Hermes and Aeneas) which FRONTEX has conducted during the last 7 years, with Italy being the host nation for all 3 operations. TRITON aims to implement coordinated operational activities within its limited operating area in order to control irregular migration flows and tackle cross border crime through border surveillance and the gathering of information through debriefing and screening activities. In this regard mission efforts to develop a Libyan SAR concept and capacity would appear appropriate.
29. Cooperation through EUBAM's assistance between the Libyan Customs and the World

EEAS(2015) 435

Limited

Customs Organisation (WCO) was conducted and focused on in-trade facilitation and the use of WCO tools.

30. Given the limited capacity and non-executive mandate of EUBAM Libya, future consideration could be given to the more deliberate fusing of activities and information also provided *inter alia* by other JHAs in order to develop a focused response to border security issues.
31. Discussions at HQ level continued with EUROJUST and EUROPOL to explore possibilities for cooperation with EUBAM Libya. This included the provision of support through specialized training from these organisations to the Libyans to complement mission activities, and through the provision of intelligence and threat assessments.

EU Member States

32. Several MS have bilateral cooperation programmes which focus on equipment provision, training, advising and mentoring of Libyan personnel in the security sector. These programmes have effectively been put on hold in response to the prevailing circumstances in Libya.
33. The technical agreement between Italy and Libya for the employment of Italian unmanned aerial vehicles in border control surveillance activities in southern Libya is of particular note as an update to the last review. Furthermore, Italy and Libya have agreed the re-commissioning of the contract between Finmeccanica SELEX and Libya on the provision of radar surveillance equipment which was originally signed in 2009. Initially conceived for the southern border, for security reasons it has been reformulated for the northern borders.

b) Overview of other significant engaged actors and their activities

34. In the wake of latest developments, the majority of the IC have variously adopted a 'wait and see approach' in order to reassess what might be possible once conditions allow. Analysis of these programmes continue to indicate that they share many of the problems facing both MS and EUBAM Libya particularly regarding absorption capacity, lack of coordination and security considerations.
35. UNSMIL retains its key mandated role under UNSCR 2144 to support a Libyan transition to democracy, including through promoting, facilitating and providing technical advice and assistance to a single and inclusive national dialogue. The recent political and security situation is severely testing UNSMIL's capacity to deliver its mandate and current efforts are focused in bringing together opposing Libyan political rivals through dialogue in order to seek an effective end to hostilities which could in turn underpin the desired political transition and allow a GNU to form.
36. This political dialogue has already undergone various iterations and appears to be gaining some traction. Nonetheless, it will require careful nurturing if it is to maintain further

EEAS(2015) 435
Limited

momentum and result in the Libyans themselves developing their own solution to the crisis, guided through IC support.

37. UNSMIL's initial request for EU support on CBMs to support the former Ghadames dialogue process focused on the "functioning of regional airports in Libya". With the ruling of the Supreme Court, the initial Ghadames process came to an end, rendering the CBMs irrelevant at that stage. Nonetheless, the experience from this process has highlighted the importance of the EU's offer for close engagement with UNSMIL planners to allow the EU to be able to respond quickly with appropriate resources and capacity should the need arise.
38. A number of fundamental questions will need to be addressed to guide planning should UNSMIL successfully resume the CBM process as a result of the current political dialogue, including; whose confidence is being built (and whose therefore potentially undermined); the level of Libyan buy-in and agreement on the process; the location of activity, provision of security and the situation on the ground; the role of the militias, the timeline and funding/logistic issues.
39. UNSMIL is restricted by a lack of capacity on the ground in Libya and currently operates from both Brindisi and Tunis. It has benefited from what it describes as "excellent cooperation" with EUBAM Libya. In this regard, both the EU Delegation and former EUBAM Libya staff are well-placed to liaise further with UNSMIL as their experts potentially have effective 'eyes-on' knowledge and experience of some of the key infrastructure and security issues likely to pertain to CBMs.
40. At the technical level, EU support could be provided under the local coordination and political guidance of the EU Delegation which could provide a clearing house role for MS equipment/expertise contribution (including through FRONTEX) and ensure the use of existing EU instruments where appropriate. EUBAM Libya's potential involvement in any IBM-related CBMs (e.g. airports) would clearly require the mission to be regenerated with appropriate personnel and facilities which is currently lacking owing to the process of downsizing.
41. UNSMIL completed an internal strategic review of its mission in January 2015 to guide planning on the revision of its mandate originally due on 14 March 2015, but extended exceptionally to 14 April 2015. Whilst the findings of this review have not yet been made available at the time of writing, it is clear that the SSR component of the mission will remain substantially reduced (i.e. current strength is only 5 persons from the original 18 staff) and that robust financial constraints are being forced on UNSMIL as a whole. A decision on the possible extension of the mandate for a further month is also anticipated at the time of writing this ISR.
42. In summary, UNSMIL's aspirations for immediate impact on CBMs will likely only be partially met and thus a focus on developing much-needed situational awareness and planning capacity, as outlined in the PFCA, will remain the priority for the immediate period. The

EEAS(2015) 435 *Limited*

possibility for UNSMIL to brief the PSC on the eventual outcome of its planning on CBMs could be considered in order to further inform MS with regard to potential EU involvement.

43. The US has relocated its staff to Malta and put on hold all of its activities in Libya, pending an improvement in the political and security situation. It is currently considering relocating to Tunis in the coming weeks. Funding for a rapid expansion of the Libya support programme (variously reported at €16M) remains frozen, and unless there is an improvement in Libya, it is likely that this funding will be reallocated in support of other regional programmes in neighbouring countries, and in particular Tunisia.
44. The US had unofficially noted the possibility to support EUBAM Libya through the provision of funding for equipment which has already been identified by mission experts to help develop Libyan border security capacities. In response to the recent downsizing of EUBAM Libya, US counterparts have indicated during further informal discussions that this funding could now possibly be aligned in support of IBM-related CBMs or diverted to support other related EU activities in the region.
45. Libya is included into NATO's Defence Capacity Building Initiative that was launched at the Wales NATO Summit in September 2014 as a potential pilot project for defence capacity building. This initiative builds upon earlier Libyan request for support, but owing to the political and security situation on the ground NATO has not been able to enter into any meaningful dialogue with Libyan authorities on these matters (i.e. provide advice on the necessary structures, procedures and arrangements required to develop a national security policy and strategy). The lack of such policy and strategy to underpin Libya's eventual security structures, once a transition has taken hold remains of strategic significance to EUBAM Libya planning. Staff to staff dialogue at informal working level is being maintained.
46. Planning for the continuation of General Purpose Forces (GPF) training of the Libyan army in 2015 and beyond has ceased in response to the current uncertain situation. The first phase of training already undertaken in 2014 by Turkey, Italy and the UK is complete and no follow-up training is envisaged at this stage. Large-scale US training of the GPF in Bulgaria has not commenced and has been put on hold indefinitely. It is evident from the experience of GPF training that numerous problems exist in the vetting, and provision of suitable recruits. Concerns regarding the future employment, political loyalty and accountability of GPF trained personnel in Libya also remain unresolved.

c) Threat assessment

47. Reference is made to the latest SIAC Assessments⁴. Of note, these Threat Assessments conclude that a sustainable ceasefire is not considered feasible in the immediate future. The Daesh attack on the Corinthia hotel in Tripoli on 27 January, and recent upsurge in violence

⁴ EEAS (2015) 10018 of 16 January 2015, and (2015) 10061 of 18 February 2015.

EEAS(2015) 435

Limited

in Tripoli as a whole, are of particular concern and may be the precursor of future attacks directly targeting European interests. The implications from the terrorist attack in Tunis on 18 March 2015 will also need to be taken into account.

IV Mission assessment

a) Review of the mission planning assumptions (MPAs)

48. The five 5 MPAs for EUBAM Libya identified in the CMC are further re-assessed as follows:

- Libyan political stability is maintained throughout the mission mandate. This assumption has not been met and the prognosis remains bleak in the short term. The evolution of the recent UNSMIL-led mediation efforts will be an important indicator of possible progress.
- The Libyan government confirms its commitment and preparedness to cooperate with the CSDP mission. This assumption has not been met. The ruling of the Supreme Court has created confusion as to the legitimacy of the democratic institutions. Recent discussions between the EU Delegation and the legitimate government had indicated a continued desire for EUBAM Libya support, but this message did not result in tangible activity that the mission could work upon and the longevity of the Tobruk government remains a concern. Translating these political commitments into effective action will remain challenging since the ministerial institutions are weak and inefficient. The loyalty of the institutions remains unclear, more so after the Supreme Court ruling. Some are trying to remain neutral in this political contest while others are effectively under the control of the rival Tripoli government. The current uncertainty casts serious doubts whether EUBAM Libya's mandate remains at the invitation of the 'host nation authorities'.
- A Status of Mission Agreement (SOMA) is concluded with Libya. This assumption has not been met. Previous negotiations with the government had reached a very advanced stage and will need to be revitalised as soon as possible to conclude the SOMA. Pressure will need to be applied on the GNU to secure a Unilateral Declaration granting Privileges and Immunities as a minimum precondition for the mission to return to Libya. This could both demonstrate Libyan intent and help to address the many administrative challenges the mission has faced in the absence of formal status.
- The EU MS will provide necessary resources. This assumption had mostly been met but mission capacity was limited by the lack of suitable candidates in certain key posts that could have had increasing relevance in the mission's activities (e.g. airport security, maritime coastguard and customs). In addition, the future availability of these experts to redeploy into Libya will be dependent on MS authorisation in respect to the challenging security situation.
- The Security situation allows the Mission to operate effectively. This assumption has

EEAS(2015) 435

Limited

not been met and the prognosis is extremely bleak. The situation has made the mission's permanent presence in Libya untenable. A return to Libya can only be envisaged after a sustained and durable ceasefire and other appropriate conditions have been achieved.

The increasing threat from Daesh requires a full evaluation and policy to address it.

49. In summary, it is assessed that the MPAs have not been met. The current political and security conditions in Libya seriously weakened the ability of the mission to conduct its mandated tasks and, unless a ceasefire is reached, the prognosis will remain poor. As previously noted, close attention will need to be maintained in this regard to ensure the safety of mission personnel and to gauge the sustained viability of the mission itself.

b) Mandate evaluation

50. The analysis and assessment of progress in mandate delivery is based on EUBAM Libya's End State⁵, and the objectives and tasks as defined in the CMC.
51. The previous review highlighted the absence of a favourable broader context in which the mission is operating. This challenging situation has deteriorated with no progress evident in key sectors such as political transition and engagement with militias; national security architecture; functioning institutions; SSR and DDR; a legislative framework; effective human resources; provision of alternative livelihoods to counter systemic smuggling; procurement and key infrastructure.
52. The SMR⁶ highlights that a brief spike in mission activity occurred in June 2014 following the commissioning of the Peacock Compound and shows what could be possible if conditions allowed a sustained approach. However, the subsequent relocation to Tunis in late July reduced activities in Libya to a standstill. Accordingly some limited progress was made from that already reported upon in the last review. Areas of activity prior to the relocation have included:
- **Task 1: Through training and mentoring support Libyan authorities in strengthening the border services:** Some further development of the IBM air and land pilot projects at Tripoli airport and at Ras Adjir BCP and Zuwara respectively. Implementation of the seaport BCP was not possible owing to the delayed deployment of the relevant expert. In comparison, positive progress was reported in the maritime domain including a variety of training courses both in Tripoli and Malta which reached 'Train the trainer' level. Efforts on finalising a proposal for a national SAR plan were undertaken.
 - **Task 2: Advise the Libyan authorities in the development of a Libyan IBM strategy: Limited progress was made with the Border Management Working Group (BMWG) and since the knowledge and ownership of Libyan authorities in**

⁵ End State: "a Libya-led concept compliant with EU and international standards for IBM is in place and being delivered by Libyan authorities without further EU CSDP assistance. Libya has engaged in a structured and efficient partnership with the EU on border management issues".

⁶ EEAS 02416/14 of 5 December 2014.

EEAS(2015) 435 *Limited*

the field of border management remained poor, activity largely comprised study visits rather than the formulation of strategic policy.

- **Task 3: Support the Libyan authorities in strengthening their institutional operational capacities: Work on the Border Integrated Security Operations Network (BISON) continued at conceptual level but lacked Libyan capacity and vision to advance to the next stage. The establishment of the Rabat Secretariat to take forward policy on regional border security cooperation, as envisaged in the Tripoli Action Plan, was stalled despite mission efforts. The mainstreaming of the Rule of Law, Human Rights and Gender Equality continued where training was delivered and the mission had reflected this in the drafting of relevant strategic concepts.**

c) Key Additional Challenges

53. In addition to the challenges to mission progress already noted in the last review, a number of additional considerations have arisen as a result of the mission's relocation to Tunis.
54. The mission's legal status in Tunis is still unclear, with the Tunisian authorities unofficially indicating that they would prefer not to explore the issue.
55. Security arrangements for the mission remaining in Tunis will need to be revisited as a consequence of the 18 March terrorist attack in the city.
56. Even if the mission is augmented with appropriate expertise above the planned limit of 3 international staff, its presence in Tunis will make it difficult for mission staff to assess conditions and operate in Libya to support UNSMIL on CBMs. Significant resource effort is required to assess and react to the dynamic situation, deal remotely with Libyan interlocutors, leaving limited time left available to operate in Libya even before cost and security considerations are taken into account. Close engagement with UNSMIL will be important.
57. The decisions to downsize the mission have led to a marked loss of expertise and corporate memory. This skill fade could limit the mission's future ability to regenerate quickly, should a post ceasefire situation be appropriate, and indicates that a more modest, phased approach will need to be pursued rather than any rapid return in strength to Tripoli. Such an approach is likely to be common to most IC activity once a return is possible.
58. The ability of the security company, Garda World, to fulfil its contracted security obligations was proved to be at some risk, as it is understood that the company had reduced its security capacity in line with the mission's downsizing. It is therefore questionable whether it could have supported the mission in Libya effectively. This issue will need to be explored ahead of any new security contract negotiations should the mission be regenerated.
59. The PSC decision of 17 February 2015 to return the Peacock Compound to its landlord focused MS attention on the significant financial implications of the long term retention of a

EEAS(2015) 435 *Limited*

vacated facility. As of 19 March 2015, the contract had not yet been terminated. Prior to the PSC decision, the compound had remained vacated since July 2014 but remained under the protection of Garda World and its recently-updated facilities remained fully operational with the capacity to house a minimum of 75 personnel in a secure location. The previous contract for the compound expired on 12 November 2014 and was subsequently renewed for a further year (at an approximate cost of €100K/month, with a maximum 45 day notice period)⁷ in order to allow for the eventual return of EUBAM Libya to Tripoli. Static security and supplementary utility charges were also applicable and increased the total monthly cost of the Peacock Compound to approximately 250K/month.

60. Consideration had been given to sub-let surplus facilities not in use by EUBAM Libya to other EU organisations, Member States, UNSMIL or other relevant international partners, as this was permitted in the new lease without further recourse to the owner. In March 2015, the owner agreed that, on eventual termination of the contract, he would not exercise his contractual right obliging the mission to return the site in its original condition i.e. minus the essential security upgrades that cost approximately €2.3M to install. The cost of this removal work would likely have been approximately of €300-500K. Contractual arrangements for containers ordered (but not delivered) to provide additional accommodation amounted to a financial liability of exactly €100K.
61. By Mid-November the mission had spent approximately €5.2M of its current €6.2M budget allocation and was forecasted to spend a maximum of 33% of this figure at the end of the financial year on 21 May 2015. The cost of returning mission and personal equipment (i.e. armoured vehicles, personal baggage and equipment) from the Peacock Compound is estimated at some €200K. Operating costs, for a reduced mission located in Tunis (HoM + 2 seconded + 2 local staff) could equate up to approximately €80-90K/month. By comparison, operating costs for a mission of 17 nominal personnel operating in Tunis are approximately €60-170K/month.

d) Conclusion on progress in mandate delivery

62. Mission progress since the last review and subsequent relocation to Tunis remained slow in respect to the mandate and the situation remained extremely challenging. Delivery of capacity in Libya was not possible for the majority of this period, and EUBAM Libya will consequently not achieve its End State by the end of the existing mandate period in May 2015.

V. Way ahead – possible future engagement

63. Options for future engagement by EUBAM Libya *within its current non-executive mandate* fall into two broad categories; namely those possible prior to a ceasefire, and an option which is only achievable once the mission is based in Libya itself (i.e. following the formation of the

⁷ The Peacock Compound Lease for 24 staff = €100K/month, for 25-40 Staff = €120K/month, for greater than 41 staff = 150K/Month.

EEAS(2015) 435
Limited

GNU, a ceasefire and a decision to return to Tripoli based on the conditions set in Para 14).

64. Options which fundamentally amend EUBAM Libya's non-executive mandate and foresee an entirely new role for the IBM mission are not considered further owing to the mission's current extremely limited capacity, the timeline required to start all planning from first principles and, not least, the operating environment in Libya.
 65. Potential options for alternative CSDP engagement, which do not involve EUBAM Libya, also exist and are already being taken forward under prudent planning covered in the updated PFCA.
 66. Consideration of all options will need to take into account the timing of the existing EUBAM Libya mandate expiry on 21 May 2015, and Ramadan, which will occur during the period 18 June-17 July 2015, and represents a period of typically reduced engagement with Libyan interlocutors.
 67. Given the overall uncertainty in Libya, and the timeline and strategic parameters outlined in the PFCA, it is assumed that an initial mandate extension, if considered appropriate for EUBAM Libya, would be limited to one year only i.e. expiring in May 2016.
- a) Pre Ceasefire Options that do not allow an immediate return of the mission to Libya**
68. **On Hold.** This option reflects the status quo for EUBAM Libya which commenced on 17 February 2015, following PSC direction to commence the process of reducing mission strength from 17 nominal personnel. Consequently, under this option, the mission would remain downsized to the absolute minimum structure necessary to maintain an effectively 'suspended' mission based in Tunis (or possibly Brussels) with no capacity retained other than to maintain a nominal presence to monitor the situation, engage with the IC and legitimate Libyan border management authorities as appropriate, and deal with administrative issues (i.e. it could be limited to HoM + 2 essential administration staff + 2 local staff for interpreter/transport duties).
 69. A decision on the possibility to extend the mandate post May 2015 in anticipation of a ceasefire and a more favourable situation possibly allowing a phased return to Libya should be taken as soon as possible.
 70. **In the event that the political process in Geneva takes hold more quickly than currently anticipated and security conditions improve, consideration could possibly be given within this On Hold option to regenerate key elements of the mission as soon as possible, but on a very modest scale in order to respond to any IBM-related CBM requested by UNSMIL. This limited regeneration might also be appropriate if conditions allowed a refocus on providing capacity for the naval coastguard and customs support.**
 71. **The viability of this sub-option is however questionable as it is heavily dependent on, not least; the emergence of a clear and feasible UNSMIL request for support on CBMs**

EEAS(2015) 435 *Limited*

which MS can adhere to; limited regeneration capacities and the need to identify and establish an appropriate headquarters in Libya. It is thus likely that the political and security conditions that have previously prevented the mission conducting light operations in Libya effectively would still prevail.

- Pros: Simple and not directly dependent on conditions in Libya; in line with majority of IC effort; possibility to be co-located in Tunis with the majority of the IC; minimal cost to maintain mission; retains limited statement of intent regarding future EU support to Libya; pragmatic response to current situation which could allow mission to continue (in name only) beyond May 2015 mandate expiry in anticipation of a ceasefire and an eventual return to Libya; legal basis of mission maintained with some limited capacity to respond to an improving situation (e.g. support on IBM related CBM).
- Cons: Does not address EU regional interest or immediate Libyan border security needs; limited capacity to regenerate the mission quickly once conditions allow; legal status of the mission in Tunis; lacks a functioning headquarters in Libya.

72. **Closure.** A decision to close the mission runs counter to the well-defined political imperatives the EU has repeatedly set itself regarding engagement with Libya. It would however be applicable if the Libyan authorities withdrew their consent for the mission, and/or Libya entered into full-scale civil war, and/or MS considered the mission no longer viable/sustainable.

73. The mission could be closed on 21 May 2015 through not renewing the relevant Council Decision. A deliberate decision by MS to close the mission earlier would allow additional financial savings to be achieved.

- Pros: Clear decision ending a sustained period of considerable uncertainty; long term financial savings to CFSP budget.
- Cons: Does not address EU regional interest or immediate Libyan border security needs; no mission support to UNSMIL on possible IBM related CBMs; negative political signal to Libya, the region and IC partners; EU credibility weakened; any future decision to re-establish IBM activity in Libya would need to start from first principles i.e. an entirely new planning process.

b) Post Ceasefire Option that allows a return of the mission to Libya

74. **Consolidated Operations.** This option assumes that a ceasefire and the follow up conditions to allow the mission to return to Libya have held and a decision is taken to return to Libya. It further assumes that the mission's mandate will already have been extended by one year to May 2016 in the event that the ceasefire has not occurred before May 2015.

75. The option could provide EUBAM Libya the opportunity to recommence planning afresh (to be articulated in the mission's first OPLAN) and lay the foundations to start delivering initial

EEAS(2015) 435

Limited

effect and progress on its mandated tasks. The capacity to support UNSMIL on IBM-related CBMs could also be developed further. The response throughout the mandate would remain measured, in line with the mission's limited capacity and adhering to the basic principle of "crawl, walk, run" to avoid overwhelming Libyan absorption capacities in the crucial post ceasefire period.

76. The mission's current authorized personnel ceiling of 111 would require reducing to a more modest total commensurate with the prevailing circumstances in Libya and the practical difficulties likely in force generation following the mission's downsizing decided in October 2014. A more balanced presence of operational expertise within the revised overall strength would likely be appropriate.
77. The option would commence with the main effort initially focused on the phased return to Tripoli itself. The identification and establishment of an appropriate headquarters would be a key consideration and deliverable in this period. It would consist of an administrative reinforcement of the mission to allow the draw down from Tunis and the phased build up at the mission's headquarters.
78. The second phase would consist of consolidating the mission's footprint in Tripoli and re-establishing the initial operating capacity of the headquarters. During this phase immediate capacity would also be delivered to the Libyan authorities through the deployment of a small number of co-located advisers in the key ministries associated with IBM (e.g. the PM's Office (BMWG), MoI, MoD and MoFA). These advisers could help garner Libyan ownership and awareness of the mission; refocus strategic thinking in terms of the BMWG and regional cooperation, and help underpin the political transition.
79. In addition, the second phase would comprise the consolidation of links with Libyan authorities to identify operational engagement opportunities and start delivering capacity. The immediate priority would be on developing the Libyan naval coastguard's capacities and delivering a SAR concept that would allow Libya to fulfil its international commitments in this regard. This capacity could be reinforced initially through an emphasis on coastguard training in Malta until such time as local conditions allowed otherwise.
80. The second priority would be to recommence activities on all 3 pilot projects, as recommended in the last review, but without overwhelming fragile Libyan absorption capacities. This capacity delivery could logically focus upon Ras Adjir BCP, and at Tripoli International Airport and Tripoli seaport as these locations would be closest to the mission's headquarters and allow a much more sustained presence than has been achieved before.
81. Consideration would also need to be given in this second phase to commencing an emphasis on CT and SALW issues, identified in the last review and the PFCA as an emerging key priority both in Libya and the wider region.
 - Pros: Strong signal of continued support to Libya; increased visibility with IC, some limited capacity to address immediate Libyan border security needs, support to

EEAS(2015) 435

Limited

UNSMIL on CBMs possible; EU credibility strengthened; allows mission to continue beyond May 2015 mandate expiry; increased flexibility to regenerate beyond 2016 mandate expiry.

- Cons: Demonstrated lack of absorption capabilities of the Libyan authorities and lack of ownership; unclear reporting lines of border management agencies; immediate response limited by challenges in the return itself; time and ability to force regenerate key IBM expertise; lacks a functioning headquarters in Libya.

VI. Conclusion and Next Steps

82. A political settlement and establishment of a ceasefire in Libya do not seem imminent despite the welcome and renewed efforts of UNSMIL and the IC. The Libyans do not yet appear sufficiently united or in charge of the security situation to be able to seize the opportunity presented to them and progress towards the transition their country desperately needs. The situation is further complicated by the Daesh presence in Libya.
83. The mission planning assumptions will not be met in the foreseeable future and conditions to return to Libya therefore remain unlikely in the near term. The ability of the mission to remain based in Tunis and conduct operations in Libya has not proved sustainable and its de facto status is now one of a 'suspended' mission.
84. Planning options could be further developed in the immediate term in anticipation of a possible request for support to CBMs following a positive and sustained outcome of the current UNSMIL-led political dialogue and subsequent ceasefire.
85. **A PSC decision on this ISR** should ideally be taken as soon as possible **in order to establish a clear way ahead. It will need to decide whether to Hold the mission or Close it. A decision is also required** on a possible extension of the mandate expiry to May 2016.

VII. Recommendations

86. The volatility in Libya, and not least the uncertainty of the UNSMIL-led political dialogue, makes it challenging to recommend any one particular option. However, in the current circumstances it would appear that putting the mission on Hold could offer the most political flexibility at such a crucial juncture. However, should the situation not improve, mission closure would be the appropriate response.
87. It is recommended that the PSC:
 - Endorse the findings of this Interim Strategic Review;
 - Maintain EUBAM Libya on Hold;
 - Agree to extend the on Hold mission mandate to 20 May 2016;
 - Task CPCC to update operational planning accordingly.