



Brussels, 16.12.2013
C(2013) 9196 final

COMMISSION IMPLEMENTING DECISION

of 16.12.2013

**on the annual action programme 2013 part 2 in favour of Libya to be financed from the
general budget of the European Union**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the European Parliament and Council Regulation (EC) No 1638/2006 of 24 October 2006 laying down the general provisions establishing a European Neighbourhood and Partnership Instrument¹ (hereinafter referred to as 'the basic act'), and in particular Article 12 thereof, which foresees the adoption of this decision,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002² (hereinafter referred to as 'the Financial Regulation'), and in particular Article 84(2) thereof,

Whereas:

- (1) A revised 2011-2013 National Indicative Programme (NIP) has been signed on 30 August 2012 with the Libyan Government including the priority "Addressing jointly the challenge of managing migration"). The programme "Support to rights-based migration management and asylum system in Libya" has been developed under this 4th priority of the revised NIP.
- (2) In line with the two Joint Communications "A partnership for democracy and shared prosperity with the Southern Mediterranean"³ and "A new response to a changing Neighbourhood"⁴, the annual action programme 2013 part 2 in favour of Libya is focusing on democratic transition and institution-building and stronger partnership with the population by improving Libya's ability to manage migration, in its multi-faceted dimensions, through the migration programme.
- (3) The objective pursued by the Annual Action Programme part 2 is:
 - to support Libyan Government and civil society in building instruments and capacities to effectively manage migration and asylum and to improve migrant's living conditions.
- (4) This Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council

¹ OJ L 310, 9.11.2006, p. 1-14.

² OJ L 298, 26.10.2012, p. 1.

³ COM(2011)200 of 8 March 2011.

⁴ COM(2011)303 of 25 May 2011.

on the financial rules applicable to the general budget of the Union⁵ (hereinafter referred to as 'the Rules of Application').

- (5) The Commission may entrust budget-implementation tasks under joint management (indirect management with an international organisation) to the entities identified in this Decision, subject to the conclusion of a contribution agreement. The responsible authorising officer has ensured that these entities comply with the conditions of Article 53d of the Financial Regulation 1605/2002 and of Articles 35 and 43 of its Implementing Rules⁶.
- (6) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of the Financial Regulation and Article 111(4) of the Rules of Application.
- (7) The Commission is required to define the term "non-substantial change" in the sense of Article 94(4) of the Rules of Application to ensure that any such changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (hereinafter referred to as the 'responsible authorising officer').
- (8) The annual action programme provided for in this Decision is in accordance with the opinion of the ENPI Committee set up under Article 26 of Regulation (EC) No 1638/2006,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption of the programme

The Commission Decision on the annual action programme 2013 part 2 in favour of Libya to be financed from the general budget of the European Union, constituted by the actions identified in the second paragraph, is approved.

The action, the description of which is set out in the attached Annex shall be:

- Support to rights-based migration management and asylum system in Libya.

Article 2

Financial contribution

The maximum contribution of the European Union authorised by this Decision for the implementation of this programme is set at EUR 10 000 000 to be financed from budget line 19 08 01 01 of the general budget of the European Union for 2013.

Article 3

Implementation modalities

⁵ OJ L 362, 31.12.2012, p. 1.

⁶ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities. OJ L 357, 31.12.2002, p.1. These provisions remain applicable until 31 December 2013 according to Article 212 of the Financial Regulation.

Budget-implementation tasks under joint management shall be entrusted to the entities identified in the attached Annex, subject to the conclusion of the relevant agreements.

Section 4 of the Annex referred to in the second paragraph of Article 1 sets out the elements required by Article 94(2) of the Rules of Application.

The Commission authorises the eligibility of costs under joint management with the International Centre for Migration Policy Development (ICMPD) and the International Federation of Red Cross and Red Crescent Societies (IFRC) for the action set out in Annex 1 as of the date identified in Annex 1.

The financial contribution referred to in Article 2 shall also cover any possible interests due for late payment.

Article 4

Non-substantial changes

Increases or cumulated changes to the allocations of specific actions not exceeding 20 % of the contribution referred to in Article 2 shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the actions.

The use of contingencies shall be taken into account in the ceiling referred to in this article.

The responsible authorising officer may adopt these non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 16.12.2013

For the Commission
Štefan FÜLE
Member of the Commission

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ANNEX

of the Commission Implementing Decision on the
Annual Action Programme for 2013 (part 2) in favour of Libya

**Action Fiche for Support to rights-based migration management and asylum system in
Libya**

1. IDENTIFICATION

Title/Number	Support to rights-based migration management and asylum system in Libya CRIS number: ENPI/2013/024-962		
Total cost	Total estimated cost: EUR 10 000 000 Total amount of EU budget contribution: EUR 10 000 000		
Aid method / Method of implementation	Project Approach <u>Component 1</u> : joint management — contribution agreement with the International Centre for Migration Policy Development (ICMPD) <u>Component 2 and 3</u> : joint management — contribution agreement with the International Federation of Red Cross and Red Crescent Societies (IFRC)		
DAC-code	15110	Sector	Public sector policy and administrative management

2. RATIONALE AND CONTEXT

2.1. Summary of the action and its objectives

This action will contribute to good governance in Libya by strengthening the capacity of public institutions to effectively plan and deliver on migration management.

Programme activities will focus on improving the legal and institutional set-up and capacities of the authorities responsible for migration and asylum management, in line with international standards and best practices to guarantee that migrants are treated with full respect of human rights and human dignity and in line with international standards guaranteeing international protection.

A particular focus of the programme will be also on improving living conditions for migrants in retention facilities. It will do this by reviewing administrative procedures, improving services provided to migrants and facilitating their access to employment.

The programme has been designed to complement current EU support to Libya on migration management. It will build upon lessons already learnt to achieve its objectives.

2.2. Context

2.2.1. Country context

2.2.1.1. Economic and social situation and poverty analysis

In 2012, the Gross Domestic Product (GDP) per capita for Libya's population of 6.4 million averaged USD 12 059 (2012 estimate). The post-revolution recovery of Libya was favoured by a rebound in hydrocarbon production compared to the pre-conflict levels of 2011. However, taking into account population growth and composition¹ and the large influx of entrants to the labour market, per capita growth has increased only modestly (IMF, 2012). Libya's Human Development Index (HDI) value for 2012 is 0.769, ranking the country 64th out of 187 countries and territories.²

2.2.1.2. National development policy

Libya is adopting new administrative and management techniques, strengthening its capacity to plan and implement complex strategies, building its institutions and administrative capacity and developing its legislative and regulatory framework. The success of these processes will determine the speed of Libya's transition and the establishment of a successful partnership with the EU in key areas of common interest. These include integrated border management, migration, asylum, the improvement of basic services such as health and education, the development of energy resources in hydrocarbons and renewable energies, the creation of the necessary bases for successful investment in new sectors, as well as the improvement of fundamental freedoms and human rights.

The 2013 national budget totalled LYD 66.86 billion, about 2.39% less than the 2012 budget, which was massively underspent. Concerns remain about low efficiency in expenditure, poor absorption capacity, poor quality basic social services and insufficient access to them.

There is currently no policy framework for migration management. However, with EU support, the Libyan authorities are in the process of setting up two dedicated task forces on legislation and policy, and an inter-ministerial working group to improve internal coordination in addressing different aspects of migration management.

The management of mixed migration³ falls under the primary responsibility of the Ministry of the Interior as it is considered a threat to internal security. Over the course of 2012 and the first half of 2013, some progress has been recorded in bringing unofficial retention facilities under central control.

A National Justice Sector Strategy has recently been drafted, which enunciates a vision to enhance the performance, integrity, transparency, efficiency and independence of the justice institutions. Upgrading the judiciary is crucial to ensuring effective prosecution against traffickers of human being and fair trials for migrants accused of crimes and asylum seekers wanting to challenge decisions considered to be in violation of their rights.

2.2.2. Sector context: policies and challenges

Libya is both a destination for migrants, and a transit country. Libya is an important transit country for irregular migrants and persons in need of international protection

¹ Population growth rates at around 2.1% per year (2010 estimate) and close to 50 per cent below 25 years of age.

² The rank is shared with Malaysia and Serbia.

³ 'Mixed migration' includes legal, irregular and forced migration.

headed towards the EU. This has very important implications on Libya's management of its sea and land borders and the environment within which criminal networks involved in the trafficking and smuggling of migrants are allowed to operate. Furthermore due to its geographic features and size, Libya has a very scattered system of management of apprehended migrants with harsher conditions for instance imposed upon those apprehended in the desert at the Southern borders of the country. Despite media reports and misconceptions on the part of many Libyans, most migrants entering Libya wish to remain and work there, hoping to improve their living conditions.

Since the 1960s, following the discovery and exploitation of Libya's rich oil and gas reserves, migration flows into the country have been on the rise. Initially, migrants came from neighbouring countries such as Tunisia, Egypt, Niger and Chad, and subsequently from African countries further afield. Economic migrants have been joined by others fleeing drought and famine, as well as refugees escaping persecution and violence in countries such as Chad, the Darfur region of Sudan, Eritrea and Somalia.

In the 1990s, Ghaddafi's Pan-African strategy and open-door migration policy, meant to import manpower, attracted a significant number of migrants, particularly from Sub-Saharan countries. However, this trend was reversed in the 2000s, when Libya started to apply repressive policies in an attempt to curb illegal immigration, notably in response to the diplomatic efforts from European States.

More restrictive entry/visa policies went hand-in-hand with the setting up of retention centres for illegal migrants, pending their deportation or assisted voluntary return. Deportations continued after the 2011 conflict, frequently under conditions giving rise to concern and criticism.

Migration to/through Libya occurs in three major forms:

- Regular migration — migration of individuals who change their country of residence voluntarily in accordance with existing immigration regulations (migrant workers);
- Forced migration (refugees and asylum seekers)— people fleeing, either as individuals in fear of persecution or in masses, in fear of collective violation of human rights or humanitarian law; or escaping as a consequence of other circumstances, such as conflict or natural or man-made disasters in their country of origin;
- Illegal/irregular migration, characterised by illegal border crossing or unauthorised stay in a foreign state, mainly for economic reasons.

Estimations on the number of 'irregular migrants' in Libya prior to 2011 vary widely between 1.8 million and 3 million. During the 2011 conflict, many foreigners left the country, resulting in 'one of the largest migration crises in modern history' according to the International Organisation for Migration (IOM). Since the end of the conflict, more migrants have left Libya, either voluntarily or because of expulsion. However, some of them have now returned.

The legal and regulatory framework on migration appears poor, fragmented and has not been harmonised. Libya has not signed and/or has not applied relevant international conventions, and this is reflected in the weak recognition of international standards on the rule of law and human rights. In the current legal framework no distinction is made between illegal/irregular migrants on the one hand, and refugees and asylum seekers on the other hand. All categories are considered to

be ‘illegal migrants’ and subject to fines, retention and expulsion on the basis of law 19/2010 on illegal migration.

Even when the legal framework actually protects the rights of migrants, poor knowledge of legal provisions on the part of law enforcement officials and weaknesses in the judiciary system and among legal professionals hamper the protection of migrants.

Libya is not a signatory to the 1951 Geneva Convention on the Status of Refugees and has no domestic law on asylum. However, the ratification of the 1981 Organisation for African Unity (OAU) Convention on Refugees and the Interim Constitutional Declaration guarantee a certain level of protection for refugees and asylum seekers. The recent policy of the Libyan authorities not to return persons potentially qualifying for refugee/asylum (notably Syrians, Sudanese, Eritreans and Somalis) to their countries of origin should be formalised through a domestic law creating a status for refugees and asylum seekers, thus avoiding arbitrary interpretation and ad hoc treatment of those apprehended and ensuring a screening for the determination of protection needs.

The Libyan economy relies heavily on foreign workers. But militias, and in some cases, ordinary citizens motivated by xenophobia or misguided fears about diseases, detain foreign nationals on an almost daily basis, driven by what they believe is their ‘national duty’.

Recently, a number of Libyan non-governmental organisations (NGOs) and other civil society organisations have taken an interest in issues related to migrants, asylum seekers and refugees. One result has been the preparation of a draft law on asylum. This is currently being considered by an asylum law committee, including participants from the Ministry of Interior, the Ministry of Justice and Libyan lawyers. It is hoped the law will eventually be submitted to the Ministry of Justice for review and subsequently to the General National Congress.

Libya is however mainly a recipient country for migrants seeking employment. The country is not able to cover its labour markets needs solely by employing local manpower. To reduce irregular migration, a clear official procedure for processing job-seeking migrants is seen as a starting point. Most importantly, there is clear evidence that irregular migrants entering Libya are at high risk of coerced exploitation. This is particularly the case on the labour market, where they are paid very low wages while under threat of being reported to the Libyan authorities. Sub-Saharan migrants in low-skilled jobs are particularly vulnerable.

The illegal exploitation of low-skilled migrants increases the vulnerability of migrants and nourishes illegal migration and human trafficking. In a legal vacuum in which trafficking of human beings is not penalised, there is a high risk of perpetration of abuses and of reinforcement of criminal networks exploiting migrants.

The Ministry of Labour has started a regularisation process for labour migrants whose visas have expired. However, this needs to be developed to support the improvement of access to the job market for migrants.

The policy of the Libyan authorities with regard to employment of migrants in retention centres has been to allow them to work if an employer is willing to employ them. A work permit would regularise the migrant’s status and allow him/her to leave the retention centre in which they were held.

Despite the support provided by the international community, living conditions in migrant retention centres managed by the Ministry of Interior remain poor. The staff in the centres is not properly trained and the treatment of migrants is unsatisfactory. Regarding physical conditions of reception, food is generally considered satisfactory, but hygienic conditions are poor, potentially leading to the spread of communicable diseases. Migrants in need have limited access to health care. Unaccompanied minors and women are not recognised as vulnerable groups requiring greater attention. Retention under such circumstances, in most cases without a judicial order, is causing migrants undue stress.

2.3. Lessons learned

The EU has been supporting Libya's efforts in migration management since 2008 and the main lessons learnt can be summarised as follows:

To manage mixed migration flows effectively, there needs to be good coordination among various national stakeholders. There needs to be support for establishing a **national coordination mechanism** to promote a holistic approach to address a multi-faceted phenomenon. This is particularly relevant in a country whose public administration capacity is low, affecting intra/inter-agency coordination and cooperation.

Practical experience of international and multilateral cooperation is very limited. Therefore, the implementation of cooperation programmes requires building long-term relations among beneficiaries, donors and implementing partners, based on trust.

Data collection and analysis needs to be supported to ensure that a constantly fluctuating phenomenon such as migration is properly monitored, leading to informed decisions.

To ensure interventions are cost-effective, relevant national institutions should be enabled to make full use of allocations available under the National Budget. Training on **financial planning, implementation and monitoring** may help to support programme implementation. This would help to ensure that financial resources for the fight against illegal migration are properly used in coordination with external support.

2.4. Complementary actions

The proposed migration programme builds upon and complements EU funded interventions worth EUR 30 million in the sector, specifically the following:

- The EUR 9.9 million programme implemented by IOM seeking to improve migration management in Libya, by (i) strengthening capacities and mechanisms to address labour market gaps through human capital development and regular migration, especially in areas and sectors critical to Libya's transition and recovery; and (ii) supporting the Government in reviewing and strengthening migration-related policies and legislation in Libya and strengthening national capacities in managing migration flows. This programme includes provisions for assisted voluntary return.
- EU support for the prevention and management of irregular migration flows from the Sahara Desert to the Mediterranean, as conceived in the SAHARA-MED programme worth EUR 10.6 million and implemented by the Italian Ministry of Interior. This programme includes provisions for assisted voluntary return implemented by IOM.

- The EUR 1.4 million intervention implemented by the Danish Refugee Council to improve the protection and integration of refugees, asylum seekers and migrants in Libya.
- The EUR 3.6 million support for the United Nations High Commissioner for Refugees' (UNHCR) activities.
- The EUR 5 million upcoming programme on protection of vulnerable people in Libya. The aim is to promote resilience among vulnerable and at-risk populations through a community-based approach, with tangible deliverables for vulnerable groups and the host population alike. This programme will be implemented by the International Committee of the Red Cross (ICRC) and International Medical Corps UK (IMC).

The programme will complement the European Union Border Assistance Mission's (EUBAM) Libya strategic objectives to support the Libyan authorities in developing capacity to improve the security of land, sea and air borders, and to develop broader integrated border management to fight illicit trafficking, including human trafficking.

The SEAHORSE programme also aims at establishing a network between the authorities of Algeria, Tunisia, Libya, Egypt and six EU Mediterranean countries to tackle irregular migration and illicit trafficking by strengthening their border surveillance systems. This particularly applies to their coastal regions and territorial waters, and to reinforcing their capacity to respond to emergencies requiring search and rescue operations for stranded migrants or asylum seekers, with a focus on those embarking on dangerous journeys at sea.

Such support has a rights-based approach and integrates non-state actors (NGOs and the private sector) in implementing programme activities. It thus complements ongoing EU support to civil society and efforts to promote the respect of human rights in Libya.

Complementarities will be sought in selecting interventions under the European instrument for democracy and human rights, the budget lines for non-state actors and local authorities in development, and the Civil Society Facility. The current 'Civil Initiatives Libya' programme, with its four training centres in the country, will also be a useful resource for the new programme.

The labour component might develop synergies with the Technical and Vocational Education and Training programme (EUR 6.5 million) which aims at enhancing the availability of qualified human resources based on demand in the labour market to effectively contribute to the socio-economic development of Libya.

Synergies between the migration and the migration related programmes will be further designed during the inception phase to take into account the latest development of the Libyan context which is very fluid.

2.5. Donor coordination

As in any fragile context, donor coordination is a challenging exercise in Libya.

The EU Delegation holds regular monthly coordination meetings on cooperation, bringing together EU embassies in Tripoli on all sectors covered by EU and Member States' assistance.

In an effort to ensure external support is coordinated, the United Nations Special Mission to Libya (UNSMIL) has set up a number of coordination forums and working groups, on: human rights and transitional justice, constitutional process, the

security sector, demobilisation, disarmament and reintegration, border management and public administration.

However, no working group has been set up to coordinate interventions in the migration management sector. Attempts to ensure coordination were left to IOM and UNHCR, given their involvement in the sector. Therefore, donor coordination is still at an embryonic stage and needs to be reinforced.

The EU is the leading donor in migration management support and will therefore play an important role in ensuring donor coordination, together with the national authorities.

3. DETAILED DESCRIPTION

3.1. Objectives

The general objective is:

To contribute to peace and good governance in Libya by supporting the country in setting up a human rights-based migration management and asylum system that complies with international standards.

The specific objective is:

To support the Libyan Government and civil society in building instruments and capacities to effectively manage migration and asylum to improve migrants' living conditions.

3.2. Expected results and main activities

Results (by components)

Component 1: strategic and institutional management of migration.

(R1.1) The legal, regulatory and policy framework on mixed migration⁴ is improved (including the labour component).

(R1.2) The legislative and institutional set-up on asylum and international protection is improved.

(R1.3) Public institutions' capacities are reinforced including in asylum policy management; coordination between different ministries and with the local level is improved.

(R1.4) A policy dialogue on migration issues between Libyan authorities and civil society organisations is established.

(R1.5) Regional and bilateral dialogue and cooperation on migration issues with neighbouring countries are improved.

Component 2: migrant retention centres.

(R2.1) Migrant retention centre management is improved, including the screening of migrants in order to identify those in need of international protection.

(R2.2) Better access to legal and social counselling for migrants in retention centres.

(R2.3) Better access to basic social services (health, literacy programmes, food if necessary, etc.) for migrants in retention centres.

⁴ 'Mixed migration' includes legal, irregular and forced migration.

Component 3: pilot labour market programme.

(R3.1) The integration into the local labour market of job-seeking migrants from retention centres is increased (in pilot areas).

(R3.2) The capacities of Libyan employment agencies in the pilot areas are reinforced and their services improved, including institutional capacity to manage labour migration in line with the needs of the domestic labour market.

(R3.3) A cooperation platform including all local stakeholders in the pilot areas is established.

Main Activities

The list of activities below is purely indicative and will be flexible to respond to changing needs in a fragile environment.

Activities to accomplish Component 1 include, but are not limited to:

- Review of the current Libyan normative and regulatory framework relating to the different dimensions of migration.
- Drafting of recommendations for the revision of the above-mentioned framework, with the active involvement of key national stakeholders.
- Provision of technical assistance to support the adoption of a revised set of norms.
- Review of the current normative and regulatory framework on asylum and provision of legal advice and support for its development in line with the international standards.
- Preparation and implementation of a comprehensive policy on migration management through the involvement of key national stakeholders.
- Reinforcement of institutional capacity to gather and analyse migration-related data.
- Establishment of coordination mechanisms for migration management to efficiently steer migration policies and strategies.
- Strengthening regional and bilateral cooperation on migration between Libya and neighbouring countries.
- Training programmes for Libyan authorities on management of mixed migration.
- Capacity building of all stakeholders for Policy Dialogue on migration.

Activities to accomplish Component 2 include, but are not limited to:

- Off site and on-site training of Libyan officials on screening techniques for identifying persons in need of international protection and set-up of mechanisms to ensure referral to UNHCR and to proper Libyan authorities.
- Capacity building for civil society organisations on provision of assistance to migrants.
- Provision of technical advice to the Libyan authorities regarding administrative procedures, rehabilitation, equipment and maintenance of migration retention facilities, including health facilities, and material assistance to detainees.

- Provision of services to detainees, through local civil society organisations, among others.

Activities to accomplish Component 3 include, but are not limited to:

- Capacity building for the relevant Libyan institutions in pilot areas to reinforce their capacity to identify the needs of the domestic labour market, especially in key sectors for growth and the reconstruction of the country, and to manage labour migration in line with these needs.
- Facilitating access to employment for irregular migrants through, for instance:
 - Vocational training programmes;
 - Job creation schemes;
 - Job placement schemes.
- Follow-up of job placements to ensure respect of human rights.
- Capacity building for employment offices⁵ to match labour demand and supply in relation to the foreign work force.
- Develop communities' awareness on migration issues.

3.3. Risks and assumptions

<u>RISK</u>	<u>LEVEL</u>	<u>MITIGATING MEASURE</u>
Migration management is a time consuming and costly undertaking. Inappropriate sequencing, ad hoc and partial implementation, weak institutional structures and capacity may hamper expected results.	<u>Medium</u>	Formulation of a national migration management policy and strategy plan. National stakeholders' capacity building.
Lack of coordination among relevant stakeholders in the design and implementation of the migration policy.	<u>High</u>	The project specifically targets coordination among all relevant stakeholders to ensure a comprehensive approach.
Political changes in key positions in targeted institutions.	<u>High</u>	Broad based stakeholder engagement will be undertaken, including non-state actors. Particular attention will be paid to building the capacity of technical staff.
Difficulties in reaching the final beneficiaries, particularly irregular migrants.	<u>Medium</u>	One of the criteria for the chosen implementation agency is its access to retention centres. However, it is understood that access may be hindered as a result of unpredictable factors related to social and political volatility in Libyan centres.

⁵ Libyan labour law.

Possible resistance to engaging civil society organisations (CSOs) and citizens in policy dialogue and monitoring the performance of government administrations on migration management.	<u>Low</u>	Direct support to engage CSOs. Awareness campaigns on positive aspects of migration. Current civil society programmes can help in reaching out to the targeted communities.
Recurrence of civil strife, possibly resulting in a major economic, social and political setback.	<u>High</u>	The political situation is continually monitored and mitigation measures have been designed, to apply if the security situation deteriorates.
Lack of communication between the centre and local levels, making implementation difficult at local level.	<u>Medium</u>	The programme will closely monitor progress (or limitations) at both central and local level so that any misunderstanding can be addressed rapidly. The programme will ensure regular meetings at policy and technical level with all stakeholders concerned.

Assumptions:

- The Government of Libya remains committed to reform and to improving good governance and the rule of law.
- Qualified staff is recruited or assigned to support the implementation of the programme at central and local level.
- The Government of Libya will provide adequate financing and contribute to the implementation of relevant policies.
- Libya maintains some level of stability so that programme operations can take place.
- The Government of Libya continues to maintain positive relations with selected implementing agencies to ensure continued access.

3.4. Cross-cutting issues

By providing capacity building, the programme intends to support Libyan institutions to efficiently manage migration flows in accordance with human rights and the rule of law and good governance principles.

The project promotes a shift from a security-based to a rights-based perspective: there is a special focus on guaranteeing the respect of migrants' rights in line with international law and standards. Vulnerable groups such as asylum seekers, refugees, unaccompanied minors and women will be given particular attention. Even if women are in minority among migrants, they are highly exposed to potential exploitation and abuse. In most cases, they do not have access to legal employment and engage mainly in domestic work in the informal sector. The project will promote gender-based vocational training, job placement activities and counselling.

3.5. Stakeholders

The multi-faceted migration phenomenon touches upon aspects of relevance for a large number of national Ministries and Agencies, such as Defence, Health, Foreign

Affairs, the Interior, Labour (including Employment Agencies) and Local Government.

The project will mainly target two key national institutions: The Ministry of the Interior and the Ministry of Labour. Within the Ministry of Interior, a Department for Combating Illegal Migration is in charge of coordinating efforts to prevent and combat illegal migration and of the management of migrant retention centres.

The Ministry of Labour is also an important player in promoting good management of mixed migration flows. A regularisation process for skilled migrants whose visas have expired has started in the Ministry of Labour.

The local authorities in the pilot areas will be involved in the programme, as well as local communities, through civil society organisations.

Local CSOs are increasingly taking interest and becoming involved in human rights, migration and asylum matters. However, their role has been mainly humanitarian-centred until now. Capacity has to be reinforced to support CSOs in promoting respect of human rights and support initiatives at field level. CSOs should be strengthened so that they can contribute effectively to relevant policy dialogue and be part of peer-review mechanisms. Given their presence on the field, CSOs can play an active role in promoting local initiatives supporting migrants' integration and monitoring their conditions in retention centres.

The final beneficiaries of this programme are the targeted migrants.

4. IMPLEMENTATION ISSUES

4.1. Financing agreement

In order to implement this action, it is not intended to conclude a Financing Agreement with the partner country, as referred to in Article 184(2)(b) of the Financial Regulation.

4.2. Indicative operational implementation period

The indicative operational implementation period of this action, during which the activities described in sections 3.2. and 4.3. will be carried out, is 48 months, subject to modifications to be agreed by the responsible authorising officer in the relevant agreements.

4.3. Implementation components and modules

The programme will be implemented in joint management with the 'International Centre for Migration Policy Development' (ICMPD) and the 'International Federation of Red Cross and Red Crescent Societies' (IFRC). ICMPD and IFRC will work in coordination with UNHCR for what concerns the identification of refugees.

ICMPD is a European international organisation with extensive experience in institution and capacity building in migration management, especially in irregular migration.

UNHCR is the UN organisation which has the right and the capacity to identify potential refugees eligible for possible resettlements operations. ICMPD will be responsible for implementing Component 1. ICMPD will closely coordinate with the UNHCR regarding the activities carried out in the context of the regional protection programme managed by the UNHCR.

Should the Libyan authorities grant an official status to UNHCR, this organisation may implement part of the activities of the present programme.

The IFRC has significant experience (directly or through the National Societies) in migration project management. It will be responsible for implementing components 2 and 3. IFRC will work in partnership with the Libyan Red Crescent (LRC) which has extensive access to the retention centres and will mobilise complementary organisations with expertise on labour market issues. These implementing partners may include: international organisations, Member State agencies, national/international NGOs, etc.

Joint management with these two international organisations, in accordance with Article 53d of the Financial Regulation 1605/2002 is possible because the action has been drawn up jointly between the organisations and the EU.

The change of method of implementation constitutes a substantial change except where the Commission "re-centralises" or reduces the level of budget-implementation tasks previously entrusted to the international organisation.

4.4. Scope of geographical eligibility for procurement in direct centralised and decentralised management.

Subject to the following, the geographical eligibility in terms of place of establishment for participating in procurement procedures and in terms of origin of supplies and materials purchased as established in the basic act shall apply.

The responsible authorising officer may extend the geographical eligibility in accordance with Article 21(7) of the basic act on the basis of the unavailability of products and services in the markets of the countries concerned, for reasons of extreme urgency, or if the eligibility rules would make carrying out this action impossible or exceedingly difficult.

4.5. Indicative budget

Module	Amount in EUR	Third party contribution
Joint management with:		
- ICMPD for Component 1	3 000 000	
- IFRC for Component 2 and Component 3	6 200 000	
Evaluation and audit	400 000	
Contingency reserve	400 000	
TOTAL	10 000 000	

4.6. Performance monitoring

A permanent internal, technical and financial monitoring system, to be used to draw up progress reports, will be set up under each contract to implement the programme. Independent consultants recruited directly by the EU will carry out annual external monitoring missions. Indicators will be defined at the inception phase for each contract.

4.7. Evaluation and audit

Independent consultants recruited directly by the EU will carry out external mid-term and final evaluation. An ex-post evaluation may be carried out.

Auditing matters relating to implementation by ICMPD and IFRC will be detailed in the agreements to be signed between the EU and these organisations.

If necessary, the EU may conduct *ad hoc* audits or expenditure verification assignments.

4.8. Communication and visibility

The agreements to be concluded with ICMPD and IFRC will include information and communication activities in line with the Communication and Visibility Manual for EU External Actions.⁶ All communication and visibility activities will be carried out in close cooperation with relevant staff at the Commission services and the Delegation of the European Union to Libya.

⁶ The Communication and Visibility Manual for EU External is available at: http://ec.europa.eu/europeaid/work/visibility/index_en.htm.