



Brussels, 2.8.2019
C(2019) 5678 final

COMMISSION IMPLEMENTING DECISION

of 2.8.2019

**amending Commission Implementing Decision C(2018) 8257 final of 10.12.2018
adopting the special measure in favour of Libya for 2018**

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 110 thereof,

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures of the implementation of the Union's instruments for financing external action² and in particular Article 2(1) thereof,

Whereas:

- (1) The special measure in favour of Libya for 2018 was adopted on 10 December 2018 by Commission Implementing Decision C(2018)8257 final (the 'Decision').
- (2) The purpose of this amending decision is to change the management mode from direct to indirect management for the action entitled 'European Union for Civil Society in Libya' (Annex 3 of the Decision).
- (3) The action entitled 'European Union for Civil Society in Libya' foresees the implementation through a direct grant award without a call for proposals, an arrangement justified on the grounds of the crisis declaration in Libya. Following a joint effort to combine previous experience in a more strategic project in support of civil society organisations in Libya, a concept note was presented by the consortium of three partners: the British Council (BC), the non-governmental organisation Agency for Technical Cooperation and Development (ACTED) and the International Cooperation Agency of the Association of Netherlands Municipalities (VNG), all with solid and long-lasting experience in Libya. As the sole pillar-assessed entity, the BC was presented as the lead applicant in the consortium. Due to the difficulties finding experienced and capable implementing partners with wide experience of operating in Libya and the continued uncertainty of the outcome of Brexit (agreement or no-deal Brexit), with the possible risk of being obliged to terminate grant contract signed under direct management with British entities, this amendment to the Decision changes the management mode from direct to indirect management.
- (4) Commission Implementing Decision C(2018)8257 of 10 December 2018 should therefore be amended accordingly. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.

¹ OJ L 193, 30.7.2018, p.1.

² OJ L 77, 15.03.2014, p. 95.

- (5) This amending decision does not fall within the categories of measures for which the prior opinion of the Committee is required. The European Parliament and the European Neighbourhood Instrument Committee established under Article 15 of the financing instrument referred to in recital 4 should be informed of this Decision within one month following its adoption.

HAS DECIDED AS FOLLOWS:

Article 1

Commission Implementing Decision C(2018)8257 final of 10 December 2018 is amended as follows:

- (1) Article 3 is replaced by the following article:

"The implementation of the actions carried out by way of indirect management, as set out in the Annexes 2 and 3, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 5 of Annex 2 and in point 5 of Annex 3. "

Article 2

The Annex 3 to the Commission Implementing Decision C(2018)8257 final of 10 December 2018 is hereby replaced by the Annex to this Decision.

Done at Brussels, 2.8.2019

*For the Commission,
Johannes HAHN
Member of the Commission*





This action is funded by the European Union

ANNEX

Commission Implementing Decision amending Commission Implementing Decision C(2018) 8257 final of 10.12.2018 adopting the special measure in favour of Libya for 2018

Action Document European Union for Civil Society in Libya

1. Title/basic act/ CRIS number	European Union for Civil Society in Libya; CRIS number: ENI/2018/041-351 financed under the European Neighbourhood Instrument.	
2. Zone benefiting from the action/location	Libya/ Libya and Tunisia	
3. Programming document	In view of the volatile security situation, the Country Strategy Paper 2014-2016 is no longer valid.	
4. Sector of concentration/ thematic area	Sector 1: Civil Society	DEV. Aid: YES ¹
5. Amounts concerned	Total estimated cost: EUR 5,500,000 Total amount of EU budget contribution: EUR 5,000,000 This action is co-financed by partners in the consortium for an indicative amount of EUR 500,000	
6. Aid modality(ies) and implementation modality(ies)	Project Modality Indirect management with the British Council	
7 a) DAC code(s)	15150 - Democratic participation and civil society	
b) Main Delivery Channel	20000 – Non-Governmental Organisations (NGOs) and civil society	

¹ Official Development Aid is administered with the promotion of the economic development and welfare of developing countries as its main objective.

8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Global Public Goods and Challenges (GPGC) thematic flagships	N/A			
10. SDGs	SDG 16 Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. – 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.			

SUMMARY

An active and empowered civil society is a central component in the creation and maintenance of democratic processes and strong political institutions. Due to Libya's very distinct history, notably the legacy of 40 years of the Gaddafi regime, Libyan civil society organisations (CSOs) lack fundamental technical skills and capabilities to function as independent actors able to fully assume their role in taking forward inclusive and participatory policy dialogues. Therefore, Libyan CSOs need to strengthen their capacities and increase their participation and visibility in the development process.

As a response to these challenges, the proposed programme aims to strengthen democratic governance, accountability and local participatory development in Libya by empowering civil society actors and to advocate for participatory public policy dialogues. To achieve this overall objective, the proposed action will focus on building the capacity of Libyan CSOs to be effective and accountable independent actors and on enhancing the awareness amongst citizens and policy-makers of CSOs' role as partners in development, planning, implementation and monitoring both at local and national level.

These achievements will be accomplished through activities such as technical trainings, on-the-job coaching and other capacity building activities related to funds mobilisation and financial management, facilitation of networking, provision of safe offices and IT equipment, pilot projects and partnerships with local authorities.

As Libya's outlook remains uncertain and the crisis is not over, the proposed action is foreseen to be adopted through the Special Measure 2018 and will be provided through implementing partners with vast experience of operating in the field.

1 CONTEXT

1.1 Country context and thematic area

After the revolution in 2011 and the fall of Gaddafi's regime, Libya has seen an astonishing emergence of civil society organisations (CSOs) across its territory. The rise of CSOs and civic activism throughout the country is proof of the readiness with which Libyans wanted to embrace change and participate in the social and political transition. During the Gaddafi era, decision-making was mainly centralised and it was prohibited for CSOs to engage in political in Libya. The remarkable growth of CSOs after the post-Gaddafi period was followed by a retrenchment in mid-2013 and resumed in 2014. There were several reasons for this development, largely because of the division of political power in 2014 with two competing governments as well as due to the security situation severely deteriorating with the emergence of armed groups and escalation of local clashes. The political polarisation and fluctuating levels of armed conflicts and insecurity across Libya have particularly had a damaging impact on civilians. Criminal violations, lack of access to social services and restriction of freedom of expression are some of the many difficulties met. For CSOs, the escalated insecurity meant lack of safe environments to operate as well as difficulties to financially manage due to the economic recession and the departure of international donors.² Moreover, CSOs are subject to pressure or harassment given the severe restrictions in freedom of speech, in particular CSOs defending human rights or working on democratic culture and conflict prevention are affected, regularly forced to put their activities on hold or to stop their activities.

The Libyan Political Agreement of December 2015 aimed at bringing the two governments in Tripoli and Tobruk together by forming a Presidency Council (PC) in 2016 and the appointment of an interim Government of National Accord (GNA) established in Tripoli. However, the GNA has never been officially recognised by the House of Representative based in Tobruk which was a prerequisite of the Libyan Political Agreement. The internationally backed GNA continues to struggle for legitimacy, to restore security and to build institutions to provide basic services across the country.

In Libya's current fluid political and security context, conditions for non-governmental organisations to operate keep changing. Since mid-2015, a number of organisations have been able to resume their activities and new ones have emerged. In 2016 there were approximately 4500 officially registered CSOs³ under the Civil Society Commission (CSC) in Libya. In a dedicated consultation workshop with local CSOs and implementing partners at the EU Delegation (October 2017⁴), several CSOs, particularly those working in sensitive fields like human rights, expressed reservations towards registering with the CSC noting potential risks of becoming easily identifiable to internal security bodies or militias which, while collaborating with the CSC, are unaccountable. Additionally, CSOs also expressed concerns

² Altai Consulting for SJD (2015). *Libya Civil Society Mapping*. pp. 18-19.

³ Romanet Perroux, Jean-Louis (2017). *Libya Rapid Assessment Report*.

⁴ The EU held a consultation workshop 3rd 4th October 2017 in Tunis with local Libyan CSOs as well as with implementing partners.

as to the CSC's interference in their work, including in financial matters, and the CSC's bureaucratic registration system, with rules and requirements imposed by the CSC differing from region to region. It is therefore unsurprising that many CSOs prefer operating without registering officially. Nonetheless, despite the overall growth of CSOs in Libya in last years, recent assessments demonstrate that the quality of CSOs programmes and project delivery has been decreasing⁵. Some of the key reasons behind these challenges for delivery are that CSOs lack essential structural and funding capacities as well as skills to maintain structured policy dialogues. Consequently, civic engagement in civil society activities remains weak, likewise does the overall public level of trust in CSOs.

Given Libyan CSO's lack of essential structural and technical capacities, they have not been able to apply for funding under the civil society and local authorities (CSO-LA) thematic budget line. This limits direct support to Libyan CSOs as the thematic programmes have stringent eligibility criteria, notably in case of providing support directly to country-based CSOs. Given the potential CSOs have in contributing to participatory policy dialogues and in enabling an environment conducive to reconciliation, it is for the EU of strategic interest to support Libyan CSOs. Therefore, funding from the 2018 European Neighbourhood Instrument for CSOs in Libya will be provided through international implementing partners already operating in the field and through application and reporting procedures, which are less technically demanding and more tailor-made to the weak capacities of Libyan CSOs. The suggested action aims to strengthen the capacities of Libyan CSOs to become independent and visible actors in the development process and complement ongoing bilateral projects funded by the EU and other donors in Libya.

The difficult security conditions in Libya have forced the international community and the majority of implementing partners to work remotely from Tunis – a *modus operandi* that also applies to the EU Delegation where much of international coordination still takes place. In consequence of the volatile environment and more complex circumstances met when operating via remote control, action plans are adopted through special measures⁶ and with a flexible approach.

1.1.1 Public Policy Assessment and EU Policy Framework

Libya's persistent political polarisation provides the backdrop for collective efforts, led by the United Nations (UN), to lead the country towards a democratic transition. Priority must be to restore and reform Libya's governmental functions at central and local level, to improve services, and to prevent a further deterioration of social parameters. In this context, government, both at local and at central level, needs to be engaged and motivated to evolve from the repressive state it was in the past towards an government able to provide an enabling framework for a pluralistic society and a diversified economy. International assistance should aim to increase local participation and enable the emergence of accountable and transparent institutions. Currently, the involvement of civil society in public policies is close to absent, both at central and local level. At the present time, there is no agreed national development policy in Libya.

⁵ Romanet Perroux (2017).

⁶ The special measures have been elaborated on the basis of actual needs identified after consultation of key stakeholders and the Government of National Accord.

In the aftermath of the 2011 revolution, the Ministry of Culture and Civil Society took over the registration process of CSOs, a task assumed now by the current CSC, with the stated purpose to ‘provide technical and logistical assistance as well as allocate funds to CS activities’. However, due to lack of capacities, the CSC has not been able to deliver such support. On the contrary, it has introduced more strict requirements on registration, reporting and source of funding, thus limiting CSOs capacities to act in Libya.

Currently, Libyan CSOs continue to face legal restrictions and operate under difficult conditions with high risks. The proposed action seeks to mitigate the effects and help CSOs to become more effective agents in Libya’s democratic transition. This responds to the EU’s general commitment to strengthen CSOs’ capacities to operate more effectively as independent actors so as to advocate for more inclusive and pluralistic institutions and policies.

The proposed action derives from several civil society needs assessments and is in keeping with respective EU policies. In terms of guidelines, the action is designed notably in line with the ‘*Roots of democracy and sustainable development: Europe’s engagement with Civil Society in external relations*’,⁷ drawing on the importance of supporting CSOs to enable inclusive policy-making, democratic governance and inclusive growth. This communication sets out three priorities for EU support in external relations:

- a) to enhance efforts to promote a conducive environment for CSOs in partner countries;
- b) to promote a meaningful and structured participation of CSOs in domestic policies of partner countries;
- c) to increase local CSOs’ capacity to perform effectively their roles as independent development actors more.⁸

The objectives of the action are moreover based on the newly adopted European Consensus on Development (2017)⁹, which promotes capacity building of CSOs and civil society participation in development.

Furthermore, the proposed action – in keeping with the approach adopted in the context of the Special Measures for Libya – responds to needs identified directly in dialogue with Libyan CSOs and implementing partners, including international non-governmental organisations (INGOs). This action in particular, draws on the ‘*Libya Rapid Assessment Report*’¹⁰, which provides an assessment of civil society actors in Libya and proposes delivery mechanisms for civil society support in the country. Due to the aforementioned and ongoing cooperation with international and local CSOs, a thorough level of understanding of needs and challenges has been acquired. Nonetheless, as the situation in Libya remains uncertain and continues to change, adopting a flexible approach is required as well as continuous analysis of the country context and local dynamics.

⁷ COM (2012) 492 final: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations".

⁸ Romanet Perroux (2017) p 4.

⁹ European Consensus on Development. Official Journal C210/1 of 30.06.2017.

¹⁰ Romanet Perroux, Jean-Louis (2017). "Libya Rapid Assessment Report", provided within the framework of the Road Map Facility.

Given the political instability and volatile security situation in Libya, the EU is committed to apply a conflict-sensitive approach to its assistance in Libya. Consequently, the proposed action provides such approach in line with the principles developed among the Libyan focused Conflict-Sensitive Assistance (CSA) group¹¹. For instance, it implies ensuring a comprehensive analysis of the local dynamics before structuring the programme design and adopting extensive monitoring and evaluation activities in order to minimise negative impacts and maximise positive impacts of the intervention.

1.1.2 Stakeholder analysis

The main stakeholders to be involved in the proposed action include: Libyan CSOs, local and central authorities, the CSC, Libyan universities and research institutions as well as INGOs working on Libya and UN-mandated agencies.

The *direct beneficiaries*, more specifically, will include targeted Libyan CSOs,- notably grassroots and community-based organisations, local authorities and municipalities, Libyan universities and research institutions as well as public and private service providers.

The *final beneficiaries* of the proposed action are, Libyan citizen overall, as they will benefit from an increase in service delivery and participatory public policies. With sufficient capacities and capabilities, CSOs will raise awareness and advocate on service delivery and the rights of vulnerable groups, including youth, women and minority groups..

1.1.3 Priority areas for support/problem analysis

Based on recent needs assessments and consultations with Libyan CSOs and implementing partners, the following main priorities are identified as critical for enabling CSOs engagement and local participatory development in Libya.

i) Build local CSOs' technical, management and advocacy capacities

Libyan CSOs lack essential organisational, strategic and management capacities. Capacity building is needed to enhance CSOs' internal governance structures and overall strategic planning and transparency. This project will aim to provide basic rules and skills for CSOs to ensure that they develop a solid internal structure to guarantee independence in the identification, planning and implementation of their activities and create the foundations for enhanced sustainability of the organisations.

ii) Provide access to funds

The restrictive regulatory framework for CSOs' activities as well as the limited and irregular access to funds are a key challenge for Libyan CSOs. The current situation is often hindering planned actions and impedes long-term planning and sustainability. In general, Libyan CSOs are not properly structured and lack sufficient knowledge and skills to apply for foreign funding. The few CSOs that are able to do so are almost exclusively operating from outside of

¹¹ The CSA principles for Libya include: 1) assistance should be as inclusive as possible; 2) assistance should strengthen the ability of our partner to be equally accountable across communities and constituencies; 3) assistance should strengthen the connection between state institutions and communities across the country, by deliver tangible improvements. CSA Quarterly Review #1 (2017).

Libya. At the national level, the current economic situation does not allow the relevant Ministry to provide financial support to CSOs. With restricted and fluctuating possibilities to access funding sources, CSOs struggle to manage their operations. One component of this action will therefore focus on providing financial support to local CSOs’ initiatives through selected pilot projects.

iii) Support implementation of civic initiatives to address citizens’ needs and to enhance awareness amongst citizens and policy-makers of CSOs’ role in local development

As a consequence of security challenges and weak capacities, Libyan CSOs have difficulties in responding to citizens’ needs and in influencing policy dialogues (on access to health care, education, culture, basic municipal structures, etc.). Several CSOs find it difficult to network and build coalitions among kindred organisations and lack access to research and information. These constraints impede potential coordination of advocacy initiatives and provision of professional inputs in dialogues with local institutions. Consequently, the overall level of trust in CSOs leverage remains weak in Libya.

2 RISKS AND ASSUMPTIONS

Possible risks linked to implementation remain high given the volatile security and political situation in Libya. The main risks are the following:

Risks	Risk level (H/M/L)	Mitigating measures
Security challenges and lack of access may hinder the project implementation in Libya.	High	The security situation is continuously evaluated and assessed. A periodic risk re-assessment will be carried out. Projects are designed in a flexible manner to adapt to different and changing situations. Certain activities (e.g. workshops, training of trainers) may be implemented abroad dependent on the security assessment. Implementing partners will rely on their networks and established presence on the ground to ensure solid buy-in and local ownership.
Civil society actors cannot engage due to hostile attitude of local authorities and a lack of security of their members.	Medium	Local authorities/communities will be informed about the project incentives to effectively and without distrust be informed about CSOs activities. Regular dialogues with relevant institutional partners and CSOs will be convened to maintain close dialogues and open communication for mutual trust and respect for participants.
Rapid deterioration of Libya’s economy implying an exacerbation of the liquidity crisis may lead to issues linked to inefficiencies of funds transfer and/or fiduciary risks.	Medium	The ongoing assessment of remote management modalities and third-party monitoring will provide best practice guidelines on cash transfers into Libya and will be fully taken into account in future contracts/grants/etc. Economic and financial analysis will be continually carried out to adjust where necessary.
Political instability and possible changes	Medium	The interventions are mostly addressing the local

of governments may interrupt existing relations and impede work at national level.		level and will be designed in a flexible manner to enable adaptation of activities to different circumstances. Regular analyses of the situational context and continuous policy dialogues will be carried out so as to enable negotiations and trust building.
Project activities overlap with other interventions of the international community.	Low	The existing coordination mechanisms (e.g. United Nations Support Mission in Libya (UNSMIL), EU/Member States and donor coordination meetings) will be used by the EU and implementing partners so as to ensure complimentary and coordinated project activities.
The intervention unintentionally contributes to conflict and/or tensions between stakeholders in communities.	Low	Interventions will be implemented on the Conflict Sensitivity Principles ('do no harm'), where continuous context analysis and monitoring mechanisms will be undertaken.
Assumptions		
<ul style="list-style-type: none"> - The security and political situation does not deteriorate any further permitting to implement project activities. - Libyan authorities and beneficiaries continue to be committed to cooperate with implementing partners. - Local communities and beneficiaries understand the aim and support the envisaged intervention. 		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

As a response to the changes in the political landscape after the revolution in 2011 and the encouraging involvement of CSOs in the democratic transition process, the EU adopted a number of programmes and projects where support to CSOs was one of the focuses. The 'Civil Initiative Libya' (CIL), implemented in two phases from 2012 to 2016, comprised capacity building activities for Libyan CSOs as well as promotion of policy dialogues between CSOs and national and local authorities. The main lesson learnt from this initiative, together with other relevant EU funded projects, includes:

- In view of the volatile security situation, since 2014 project implementation in Libya should adopt a flexible approach so that activities are adapted to different and changing circumstances on the ground.
- As a consequence of the volatility of the security context, project implementation is currently operated by remote control, through implementing partners. Regular in-depth dialogue with implementing partners is therefore indispensable as is close monitoring and risk analysis.
- Implementing partners must support CSOs providing an integrated management structure, share information with relevant stakeholders and clearly define the activities and objectives. This is of significance to ensure coherence of actions and projects objectives, cost effectiveness of activities and synergies between different counterparts.
- Adopting a conflict-sensitive approach is indispensable to factor in local political, social and cultural conditions. A continued, meaningful dialogue with CSOs themselves must be a part of it so that trust is being built between CSOs and their operating environment.
- Recent assessments put emphasis on the need to strengthen the overall capacities of CSOs. It is essential to strengthen CSOs' capacities in strategic planning, financial management and

human resources development in order to effectively support the development and sustainable growth of Libya's nascent civil society.

- During the consultation workshop¹² with, among others, Libyan CSOs, it became evident that CSOs are often unaware of the EU support provided through implementing partners. The visibility of EU funding to CSOs and final beneficiaries therefore should be significantly improved.

Only if CSOs are being seen as catering to the aspirations of Libyan citizens and civil society actors by effectively supporting the resolution of the many political and societal issues can they fully perform their crucial role in a nation overcoming trauma and undergoing a deep transition. Through this project CSOs will be given the vital support to perform professionally and effectively, and thus contribute to sustainable peacebuilding at grassroots level.

3.2 Complementarity, synergy and donor coordination

The proposed action complements other ongoing and planned bilateral projects funded by the EU, namely those financed under the European Neighbourhood Instrument (ENI), the thematic programmes under the Development Co-operation Instrument (DCI), the European Instrument for Democracy and Human Rights (EIDHR) as well as the Instrument contributing to Stability and Peace (IcSP).

The proposed action will, in particular, ensure synergies and build upon the experience gained from the EU-funded project '*Civil Initiative Libya*' (CIL), implemented by the French Agency for Technical Co-operation and Development (ACTED) from 2012 to 2016. This intervention supported Libyan CSOs through organisational and technical capacity building trainings, enabled coordination between CSOs and LAs, networking opportunities as well as establishment of resource centres to provide basic services to CSOs (e.g. safe and available meeting rooms and places). The positive results produced in the context of CIL have demonstrated the potential of Libyan CSOs in local developments. However, due to the strict eligibility criteria under the CSO-LA thematic budget line, the EU-funded support to the CIL project was frozen. The proposed action, adopted under the Special Measures 2018, will hence build upon the experience and understanding gained from this previous EU-funded project.

Moreover, the action will be coordinated with the EU-funded intervention '*Enabling Libyan NGOs to Shape the Future of the New Libyan Democracy*', which aims to strengthen an inclusive civil society in Libya. The project is implemented by the World Wide Fund for Nature (WWF) under the DCI and targets CSOs working in the field of environment and sustainable development.

Close coordination will furthermore be ensured with the programmes under the EIDHR instrument, namely with one project providing training and capacity-building activities to Libyan civil society actors within the field of human rights as well as with another project aiming at enhancing women's rights and gender equality through increasing the local capacity to reduce the incidence of gender-based violence.

¹² As mentioned earlier, the EU held a consultation workshop 3 and 4 October 2017 in Tunis with local Libyan CSOs and implementing partners.

In terms of institution-building actions at local level, the EU provides assistance to improve municipal service delivery and strengthen local administrations in planning and management through the *‘Libya Local Governance and Stabilisation Programme’*, implemented by De Vereniging van Nederlandse Gemeenten (VNG). Additionally, under the Instrument contributing to Security and Peace, the multi-donor *‘Stabilisation Facility for Libya’*, implemented by the United Nations Development Programme (UNDP), contributes to community stability through reinstatement of basic services and supports strengthening of linkages between local and central authorities. Supporting the resilience of local communities hosting migrants through increased service delivery is also a priority under the projects funded by the EU Trust Fund for Africa¹³. These programmes encompass actions related to civil society capacity building, such as awareness-raising of CSOs’ role in public policy dialogues, and creation of synergies between local administration and civil society.

In addition, the proposed action complements the ongoing EU-funded *‘Public Administration Facility’*, a 36-month programme implemented by Crown Agents. A follow-up programme will be presented under the same Special Measure. This intervention supports the institutional governance in Libya reinforcing the capacity of democratically elected institutions. Coordination will be sought in particular in relation to the transition process engaging civil society in the policy dialogues at local and central level.

The EU Delegation to Libya recently contracted a framework contract in order to launch a study on remote management modalities and third-party monitoring mechanisms for EU-financed projects and programmes in Libya. The study, carried out from December 2017 to January 2018, intends to provide relevant mechanisms for third-party monitoring to improve accountability and mitigate risks associated with remote programming..

Given the fragile operating context and the difficulties of operating remotely, donor coordination for interventions in Libya requires a lot of additional effort. The UNSMIL has taken the lead in maintaining the overall coordination of the international support in Libya. UNSMIL have set up a number of coordination meetings and working groups on topics such as constitutional process, stabilisation, elections, local governance, civil society and health, in which the EU Delegation to Libya is actively participating or has a leading role in view of the importance of EU-funded programmes.

The EU Delegation to Libya holds regular coordination meetings with EU Member States, implementing partners and other donors working on the ground in Libya to make sure consistent and regular information-sharing is maintained. Since 2015, the EU Delegation to Libya has also been holding regular coordination meetings together with EU Member States representatives in Tunis to ensure sharing of information and coordination of EU programmes and EU Member States activities in Libya. Currently the Netherlands, France, Sweden, Italy, Germany, Austria and the United Kingdom have projects in Libya related to CSOs, municipalities and governance. Hence, particular attention will therefore be paid to maintain complementarity of the proposed action to these projects.

¹³ <https://ec.europa.eu/trustfundforafrica/region/north-africa/libya>.

3.3 Cross-cutting issues

The proposed action contributes to the EU Gender Action Plan (GAP II¹⁴), which provides a framework for the EU's engagement on gender equality through external action for the period 2016-2020. The GAP II is based on three thematic pillars, namely: 1) ensuring the physical and psychological protection of women and girls; 2) promoting social and economic rights and the empowerment of women and girls; and 3) strengthening the voice of women and girls. In addition, the GAP II is also based on a fourth, horizontal objective which strives to incorporate a gender perspective into the EU's institutional culture.

Despite women playing an active role in the 2011 revolution, Libyan women still remain underrepresented in the political domain and lack basic rights. There has also been a setback after the earlier progress in women's rights in Libya, as extremist groups have been weighing into the social and political space in all parts of the country. In 2012, the quota for women in the Parliament was reduced and there is an overall lack of women's representation in the political sphere and official institutions. Additionally, recent legal amendments further weakened women's rights¹⁵ and there is a poor legislative framework to protect women.¹⁶ The *'Update on the Gender Profile Libya'* (2017) calls specifically for gender mainstreaming in policy-making and legal reforms to engage women in the local decision-making and facilitate their integration into the economy.

In accordance with the GAP II, the proposed action intends to enhance gender equality and women's rights through empowering women organisations and strengthening the voice of women and girls, notably by enabling women to engage in civic activism and participate in decision-making. The action will be designed following a Rights-Based Approach (RBA)¹⁷ mainstreaming aspects such as gender, age and diversity, notably through a participatory approach. The action aims to strengthen capacities and ownership of targeted vulnerable groups, particularly women and youth, to empower them to raise their voice and to be more directly involved in the decision-making processes, especially at local level. Particular attention will be paid to ensure gender mainstreaming in the project design and to involve CSOs advocating for gender equality i. Moreover, additional efforts will be made to strengthen the capacities of CSOs promoting minority rights and to increase participation of vulnerable groups.

¹⁴ SWD (2015) 182 final: Joint Staff Working Document, EU Gender Action Plan II "Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020".

¹⁵ For instance, Law 14 of 2015 addressing an amendment of Articles of Law 10 of 1984 on marriage and divorce and cancelling Article 13 of the same law, provide that women are no longer eligible to witness marriage contracts and polygamy is once again legal.

¹⁶ Gashut, Huda (2017). *EEAS: Update of the Gender Profile Libya*.

¹⁷ The Rights-Based Approach is explicated in the SWD (2014) 152 final: "Commission staff working document tool-box: A Rights-based approach, encompassing all human rights for EU development co-operation".

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

The *overall objective* of the proposed action is to strengthen democratic governance, accountability and local participatory development in Libya by empowering civil society actors to become independent actors and participate in decision-making.

The *specific objectives* of the proposed action are:

Specific Objective 1. To build the capacity of Libyan CSOs to become effective, accountable and independent actors;

Specific Objective 2. Enhance awareness amongst citizens and policy-makers about CSOs' role as partners in local development, planning, implementation and monitoring.

The main results are:

Result 1. CSOs Libya have strengthened their capacities related to internal governance structures, strategic planning, communication, financial management and results monitoring and impact evaluation.

Result 2. CSOs in Libya have strengthened their capacities related to resource and information sharing, networking, coalition building and advocacy.

Result 3. Civil society actors are supported to become more visible and effective partners in local governance and local development delivery.

The Results 1 and 2 are linked to the Specific Objective 1, while the Result 3 is linked to the Specific Objective 2.

This programme is relevant for the Agenda 2030. It contributes primarily to the progressive achievement of SDG 16 'Peace, Justice and Strong Institutions', while also contributing to SDG 5 'Gender Equality' and SDG 10 'Reduced Inequalities'. While the overall objective of the action is interlinked to SDGs 16 by promotion of democratic governance, accountability and local participatory development; SDGs 5 and 10 will be mainstreamed throughout programme activities to promote the inclusion of women and girls, men and boys and vulnerable groups to ensure a gender rights-based approach.

4.2 Main activities

The main activities to achieve the expected results are foreseen as follows:

Indicative list of activities for Result 1

1.1. Technical training, on-the-job coaching and other capacity building activities related to funds mobilisation and financial management, strategic planning, results monitoring and evaluation, reporting, communications, evidence-based advocacy, human resources development and general IT-trainings, including awareness raising on IT-security.

1.2. Technical assistance, training, coaching and other capacity building activities related to research and evidence collection.

1.3. Establishment of a 'CSO assessment mechanism' to monitor and measure the progress related to internal governance, accountability and transparency of CSOs benefitting from the capacity building measures. The CSO assessment mechanism intends to regularly assess the structural, operational and internal capacities of CSOs, before and during the cooperation, so as to assess their capacities to better select associates, evaluate risks related to financial management and internal controls as well as to tailor the EU-funded support to CSOs' level of operational capacities and monitoring skills.

1.4. On-the-job coaching and mentoring related to the management of financial support to third parties.

Indicative list of activities for Result 2

2.1. Facilitation of networking and confidence-building cooperation between CSOs working on similar regional or thematic objectives, and between CSOs and central and local authorities, universities and research institutions.

2.2. Support to CSOs to establish or enhance existing thematic working groups providing opportunities for sharing knowledge and expertise as well as enhancing advocacy skills.

2.3. Establishment of CSO hubs to provide access to physical and digital safe spaces, meeting points and IT equipment.

2.4. Development of a digital platform for information sharing, peer-to-peer learning and networking.

Indicative list of activities for Result 3

3.1. Provide support to CSOs to facilitate access to funding through simplified application and reporting processes in Arabic and constant on-the-job coaching and mentoring.

3.2. Support concrete civil society initiatives advocating a more effective service delivery and improved access of citizen as well as strengthening CSOs' participation in policy-making, policy dialogue and cooperation at a local level.

3.3. Support concrete civil society initiatives (pilot projects) seeking partnership and dialogue with specific local authorities to enhance cooperation towards local development objectives.

3.4. Disseminate information and raise awareness on CSOs' initiatives and successes through social media, radio and social cohesion activities, including risk mitigation measures for social media and digital security.

4.3 Intervention logic

The intervention logic of the proposed action derives from the understanding that a strengthened democratic governance, accountability and local participatory development in Libya (*long-term overall objective*) can be realised by empowering civil society actors in the country. In order to realise this, the action will be focusing on: 1) building capacities of Libyan CSOs, and 2) raising awareness amongst citizen and policy-makers of CSOs' role in local developments (*specific objectives 1 and 2*). CSOs can in particular play a critical role in helping with stabilising conditions at local level and recognising the rights of citizens that are politically and socially excluded in society. Over time, civil society can fully assume its role in contributing to participatory policy processes, inclusive growth and service delivery, as well as fostering an environment of reconciliation.

A strong coordination between the applicant and co-applicants will be essential to ensure coherent and complementary actions as well as geographical consistency. As an example, the implementing partners shall develop a shared code of conduct and common rules regarding transparency and accountability.

5 IMPLEMENTATION

5.1 Financing agreement

No financing agreement with the partner country is foreseen for implementation of this action.

5.2 Indicative implementation period

The indicative operational implementation period for this action, during which the activities described in section 4.2 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of adoption by the Commission of this Action Document. Extensions of the implementation period may be agreed by the Commission's authorising officer responsible for amending this Commission Implementing Decision and the relevant contracts and agreements. Such amendments to this Decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

5.3 Implementation modalities

The envisaged assistance to Libya is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to article 215 of the Treaty on the Functioning of the European Union.

5.3.1. Indirect management with an entrusted entity

This action may be implemented under indirect management with the British Council (BC). Under a joint proposal from the BC, the Agency for Technical Cooperation and Development (ACTED) and the Association of Netherlands Municipalities (VNG), the three entities seek to form a consortium to implement the action. This action aims to strengthen the democratic governance, accountability and local participatory development in Libya by building the capacity of civil society actors to become accountable and independent actors and to enhance their participation in decision-making. This implementation modality is justified because it is of priority to provide continuous support to Libya's democratic transition process and – in view of the difficulty of finding Libya-experienced and competent implementing partners – the BC, ACTED and VNG, all with wide capacity and experience of working with CSOs in Libya, would through the consortium provide a solid and complementary partnership for the implementation of this action:

- The BC has shown an interest for this action based on its experience in working on youth leadership with young Libyans, namely supporting them to speak out about the cultural and political issues affecting their lives, as well as networking programmes, related mainly to women empowerment. Present in Libya since 1956, the BC retains a well-earned reputation¹⁸ for political neutrality, ensuring its ability to work discretely and with the trust of a wide group of relevant governmental and civil society

stakeholders as well as facilitating much-needed links between community and institutional levels.

- The ACTED can rely on a wide network of CSOs in the west of Libya and is actively working to strengthen the capacity of emerging CSOs and help them build a vibrant, active and independent civil society in Libya.
- The VNG, having a long experience in working with local authorities to improve service delivery and accountability at local level, including empowering local CSOs to play a more active role in local decision-making. VNG is operating in both the south and the east of Libya. Taking into consideration its proven expertise in working with CSOs and local authorities in Libya, in addition to its capacity to deploy local staff with permanent presence in Libya, the consortium would collectively provide a coherent partnership and effective implementation for this action.

The entrusted entity would carry out the following budget-implementation tasks: a) mobilisation of expertise for the preparation of an implementation plan during the inception phase, b) recruitment of a long-term project team operating frequently and, if possible, permanently from Libya, c) contracting of supplies and works related to the project set-up and operation, d) contracting of services related to the implementation of components of the action where external expertise is necessary, and e) bearing accountability for the financial contribution to third parties.

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased, as established in the basic act and set out in the relevant contractual documents, shall apply subject to the following provisions:

The Commission’s authorising officer responsible may extend the geographical eligibility on the ground of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.5 Indicative budget

	EU contribution (amount in EUR)	Indicative third party contribution (amount in EUR)
5.3.1 – Indirect management with the British Council (cf. section 5.3.1)	5,000,000	500,000
5.8. – Evaluation 5.9. – Audit	Will be covered by another decision	N.A.
5.10. – Communication and Visibility	N.A.	N.A.
Contingencies	N.A.	N.A.
Totals	5,000,000	500,000

5.6 Organisational set-up and responsibilities

The consortium will be fully responsible for the implementation of the action. Some of the activities may be delegated to a co-applicant, depending on the division of labour defined at the time of contracting. In such cases, the consortium will describe in detail the role of each stakeholder. The consortium will be responsible for the implementation of the proposed action under the close supervision of the Commission.

In order to ensure transparency and accountability and provide strategic guidance on programme implementation, a Steering Committee is foreseen to be established encompassing all major stakeholders. Apart from bringing together the EU and implementing partners, stakeholders from other relevant programmes (such as the Public Administration Facility) would partake so as to ensure coordination on a regular basis. The Steering Committee will meet three times per year to review the progress of implementation against planned achievements, endorse, where necessary, changes to the agreed work plan, facilitate the involvement of other stakeholders and discuss any other issue relevant to the programme. Further coordination in the field will be ensured by the consortium's project team. Regular field-level coordination meetings will be convened, bringing together the project team and local partners. Decision-making rights will lay with the representatives of the applicant, the co-applicants and the EU Delegation. Decisions should be made unanimously.

5.7 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and a part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal technical and financial monitoring system for the action and elaborate regular (not less than annual) progress reports and the final report. Every report shall provide an accurate account of the implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the log-frame matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits of both by its own staff and independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8 Evaluation

Having regard to the significance of the action, a mid-term and final evaluation will be carried out for this action or its components via independent consultants contracted by the Commission.

The mid-term evaluation will be carried out for learning purposes and for an independent assessment of progress. In case of lack of expected progress, an evaluation of its causes should be provided. The evaluation outcomes could lead to adjustments in the programme strategy and implementation if required.

The final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the impact achieved and the fact that some activities of this programme are innovative and pilot actions.

The Commission shall inform the implementing partner at least 30 days in advance of the dates foreseen for the evaluation mission. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and *inter alia* provide them with all necessary information, documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluation and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

5.9 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

5.10 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

This action will be carried out under the umbrella of the EU-funded programme Civil Initiative Libya (CIL). The visibility strategy of CIL abides by the following principle: the visibility is focusing on the name and the logo of the programme as well as on the EU, not on the name of the implementing partners. Several reasons justify this choice:

- Encouraging a Libyan ownership of the activities and outputs of the CIL;
- Preventing security problems that would arise if the emphasis was placed on the consortium members;

- Creating a brand independent from the implementers;
- Insisting on institutional cooperation (between Libya and the EU) more than on private or on INGO approaches.

APPENDIX - INDICATIVE LOG-FRAME MATRIX

The activities, the expected outputs and all the indicators, targets and baselines included in the log-frame matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative log-frame matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

	Results chain	Indicators	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Overall objective: Impact	To strengthen democratic governance, accountability and local participatory development in Libya by empowering civil society actors;	The capacity of the government to effectively formulate and implement sound and inclusive policies;	N/A	N/A	World Bank's Worldwide Governance Indicators, especially the indicator on the Voice and Accountability; Assessments/Reports of implementing partners, CSOs and international organisations;	N/A
Specific objective(s): Outcome(s)	Specific Objective 1: To build the capacity of Libyan CSOs to become effective, accountable and independent actors;	<ul style="list-style-type: none"> Level of progress related to internal governance, accountability and transparency; 	To be defined during inception phase;	Significant improvement amongst beneficiary CSOs, compared to baseline levels;	Detailed means and methodology of verification will be foreseen through programme implementation reports and surveys to question targeted CSOs. They will include the development of a 'CSO assessment mechanism' to monitor and measure the progress related to internal governance, accountability and transparency. Reports of implementing partners, CSOs and international organisations; Reports of public institutions;	Collaboration between local authorities, public institutions and CSOs is enabled and amplified. Local authorities attempt to enhance consultation and inputs from civil society actors.
	Specific Objective 2: To enhance awareness amongst citizens and policy-makers of CSOs' role as partners in development, planning, implementation and monitoring;	<ul style="list-style-type: none"> Evidence (number/quality) of (local) development outputs produced as a consequence of the proposed action. 				

Outputs	<p>Result 1 (Component 1): CSOs in Libya have strengthened their capacities related to internal governance structures, strategic planning, communication, financial management, results monitoring and impact evaluation.</p>	<p>Number of CSOs/civil society activists benefitting from EU-supported capacity building measures to strengthen technical and organisational capacities; Extent to which trained CSOs use their new skills; Perception of CSOs on their effective technical management capacity and activities;</p>	N/A	N/A	<p>Assessments/Reports of implementing partners, CSOs and international organisations; Reports of state institutions; Annual EU civil society meeting reports and minutes; Projects and programmes progress reports; CSOs' activities reports;</p>	<p>Collaboration between local authorities, public institutions and civil society organisations are enabled and amplified. Local authorities attempt to enhance consultation and inputs from civil society actors.</p>
	<p>Result 2 (Component 2): Civil society organisations in Libya have strengthened their capacities for resource and information sharing, networking, coalition building and advocacy.</p>	<p>Existence and use of thematic working groups/platforms to exchange information and practices between CSOs; Evidence of regular sharing of experience and networking among CSOs; Existence and use of office space made available through this programme; Perception of CSOs on their improved operation and management possibilities due to usage of EU-funded office spaces and IT equipment;</p>	N/A	N/A	<p>Survey to question targeted CSOs;</p>	
	<p>Result 3 (Component 3): Civil society actors are supported to become more visible and effective partners in local governance and local development delivery.</p>	<p>Number of EU-supported CSOs promoting the inclusion of CSOs in public policy formulation; Number of EU-supported CSOs working on improved service provision; Number of EU-supported CSOs using effective advocacy and analysis to</p>	N/A	N/A		

		<p>achieve objectives;</p> <p>Number of EU-supported CSOs seeking partnership and dialogue with specific local authorities to enhance cooperation towards local development objectives;</p> <p>Number of local policies and strategies elaborated using participatory approaches and in consultation with CSOs;</p> <p>Level of awareness and acknowledgement of CSOs' role in local developments among citizens and policy-makers;</p>				
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