

Modified Action Fiche

1. IDENTIFICATION

Title/Number	Support to the short- and long-term management of migration flows in and from Libya		
Total cost	EU contribution: EUR 10,000,000		
Aid method / Management mode	Project approach; Joint Management Approach through contribution agreement with the International Organisation for Migration		
DAC-code	13010	Sector	Population policy and administration

2. RATIONALE

2.1. Sector context

The situation in Libya has considerably changed since December 2010 when this special measure in the migration sector was adopted.

On 17th February 2011 a revolution started in Libya and on 22nd February 2011 all European Union (EU) development cooperation with the Libyan Government was suspended. Meanwhile, the opposition forces based in Benghazi in Eastern Libya, established the National Transitional Council (NTC). The NTC is so far legally recognised by some Member States and some international organisations and the Commission considers it as a legitimate interlocutor. The EU opened a technical office on 22nd May 2011 in Benghazi in order to liaise with the NTC and to coordinate EU assistance on the ground

Migration remains an issue of concern for both parties, Libya and Europe, as well as other countries in North Africa, since the outflow of irregular migrants from Libya increased as a result of violence in the country. According to International Organisation for Migration (IOM) figures, at the beginning of September 2011, 679,194 migrants have fled to neighbouring countries (Algeria, Egypt, Chad, Niger, Tunisia and Sudan). Of this caseload 306,488 are third country nationals and 207,653 of them were assisted with transport arrangements. Some are recognised refugees who were stranded in Libya for a long time. It is Tunisia that received the greatest influx of migrants with a total of 288,700 persons.

But these figures should be considered only as the mountain peak of the estimated 1.5 to 2 million irregular migrants who settled in Libya before the civil war in addition to around 12,400 recognized refugees (including from Eritrea and Somalia)

By May 2011, around 64,000 Tunisian migrant workers returned mostly to the poor southern regions of Tunisia, specifically the Government Districts of Gabes, Medenine and Tataouine. Egypt received around 130,000 national migrants returning mainly to the Governorates of Al Fayyum and poverty stricken areas of Asyut and

Suhaj. These are skilled or semi skilled adult males and were likely to have been single and / or primary breadwinners for their dependent families at home through remittances which have been now disrupted. Their return has compounded the political, social and economic challenges which are now facing both countries and, unless substantive reinsertion and reintegration assistance is made available, could jeopardize immediate and medium- to long-term economic growth and political stability in Egypt and Tunisia.

The Ministry of Social Affairs of Tunisia expressed its concern and need for support of the reintegration of the Tunisian migrant returnees. This is particularly important as it contributes to the prevention of further irregular migration flows to Europe.¹ For Egypt, the Ministry of Manpower and Emigration would be the focal governmental entrance point and who requires institutional strengthening in order to respond effectively to the massive return migration flows and their contribution to local development.

In addition, the Tunisian government estimates that 90,000 Libyan refugees are currently in southern Tunisia. However, an initial count conducted through a house to house survey by United Nations High Commissioner for Refugees (UNHCR) in June 2011 provided the figure of 41,342 persons. This poses an additional burden on the Tunisian local infrastructure for basic services, mainly in the health sector. According to the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) an estimated number of 20,000 Libyan refugees are actually staying in Egypt.

Due to its geographical position, Libya will remain both, a country of destination for migrants and a potential transit point for migration to Europe and the following issues shall be taken into consideration:

First, the departure of Libyan citizens and the massive return of Egyptian and Tunisian migrant workers expose both Libya's economy and its neighbouring countries to an additional burden and are a considerable threat to the ongoing political transition processes. This is due to the fact that most of the migrants and returnees are re-settling in the most poverty-stricken areas of Egypt and Tunisia. The immediate stabilisation of communities at risk and the effective re-integration for the sake of the local development is of utmost importance for the successful democratization and economic recovery processes in the region. This will be the primary focus of the project.

Second, the institutional capacities and the establishment of a comprehensive migration policy, regarding the management of migration flows, in Libya are not yet developed and efforts of the new legitimate Government authorities in this area need to be supported. This includes the development of a rights-based legal framework and support to its implementation, in accordance with best practice and international standards. It shall include measures to support labour market assessment, recruitment procedures and skills recognition and matching for the benefit of the economic recovery of Libya procedures to deal with regular and irregular migrants, and a proper working asylum system.

¹ Since February 2011, more than 20,000 migrants arrived to Italy coming from Libya and Tunisia.

On 21 December 2010 a Decision for financing a EUR 10 million support programme to the migration sector in Libya was adopted. But according to changed circumstances in Libya, there is an urgent need to modify this Decision through the present modified action fiche in order to adapt the envisaged cooperation in the migration sector to the changed needs and requirements.

On the basis of a common agreement between involved stakeholders and EU decision-taking levels the following approach should apply for development cooperation with Libya: immediate, straight-forward, flexible and donor coordinated. This is in response to the fact that the current situation in Libya is still volatile and unpredictable.

This modification to the earlier decision addresses also the European Global Approach to Migration by linking migration management with medium-term development and capacity building. In addition, it is in accordance with European migration policy by preventing an eventual major migration outflow across the Mediterranean Sea to the southern Member State countries. And finally, it responds to the short- and long-term actions proposed under the Joint Communication of the High Representative of the EU for Foreign Affairs and Security Policy and European Commission of 8 March 2011 on “A partnership for democracy and shared prosperity with the Southern Mediterranean (COM(2011) 200), the Communication from the Commission of 24 May 2011 on "A dialogue for migration, mobility and security with the southern Mediterranean countries” (COM(2011) 292) and the Joint Communication of the High Representative of the EU for Foreign Affairs and Security Policy and European Commission on “A new response to a changing Neighbourhood” of 25 May 2011 (COM(2011) 303).

2.2. Lessons learnt

EU cooperation activities with Libya began in 2005 with the gradual normalisation of Libya's foreign relations. The European Commission cooperation has focused on health and HIV/AIDS, through the Benghazi Action Plan, and on migration, via the Thematic Programme for Cooperation with Third countries in the Areas of Migration and Asylum and its predecessor AENEAS.

EU-funded projects in the area of migration in Libya have had positive outcomes. Through them, Libya has cooperated on border management and has overseen, and to a certain extent supported, the work of a number of international and civil society organisations, which assist migrants on health needs and voluntary return and repatriation.

Experience shows that building trust over the long term is crucial for the success of any project in Libya. It is also particularly important under the current circumstances of transition towards democratization and peaceful re-foundation of the Libyan state. Nevertheless, the envisaged migration programme has to consider that the Libyan society and local / regional entities have very limited practical experience of international and multilateral cooperation and the public administration capacity is very low.

2.3. Complementary actions

This special measure is funded under the European Neighbourhood and Partnership Instrument (ENPI). Its activities will be complementary to other EU initiatives such as humanitarian aid, rapid response action under the Instrument for Stability and other EU programmes. The modification of the Decision responds also to a short- and long-term approach as outlined by the Communication from the Commission of 24 May 2011 "A dialogue for migration, mobility and security with the southern Mediterranean countries" (COM(2011) 292).

Importantly, this project is also complementary with the planned Regional Protection Programme, whose implementation in Egypt, Libya and Tunisia - to be funded by the Thematic Programme for the cooperation with third countries in the areas of asylum and migration - will be entrusted by the European Commission to UNHCR. The Regional Protection Programme will specifically address the situation of migrants in need of international protection in Egypt, Libya and Tunisia and promote the development of higher legislative and administrative capacities of national authorities of these countries in the area of asylum.

On 20th February 2011 the European Union Force (EUFOR) Hermes 2011 action was launched in order to assist Italy with regard to the real and potential migration influx from Northern Africa.

In addition to that, for the end of 2011 a regional programme, named 'Pole Emploi', is under preparation under the migration and asylum budget line which entails the capacity building and institutional development of national employment agencies building upon best practices in Morocco and elsewhere. In June 2011 a EUR 2 million Instrument for Stability (IFS) action began which aims to support the civil society and local, transitional authorities, starting in the Eastern part of Libya.

In response to the humanitarian needs as a consequence of civil war in Libya and major migration flows, the EU has so far committed a total amount of EUR 80.5 million (by the 31st August 2011) for humanitarian aid to assist and protect the Libyan population affected by the fighting, third country nationals and Libyan refugees in neighbouring countries. Further, the aid provides shelter, food assistance, water, sanitation, emergency health care, protection, demining, and coordination support.

As regards complementary Member State bilateral cooperation in this field, Italy has previously, provided Libyan authorities and border police with important quantities of equipment, training and technical and financial assistance with the aim to enhance capacities to prevent and stop the smuggling of human beings across the Mediterranean and to develop a border surveillance system. Other Member States and organisations have carried out or financed initiatives in Libya. In particular, the United Kingdom promoted a comprehensive study of the migration and border legal and administrative system of Libya, which was carried out by International Centre for Migration Policy Development (ICMPD).

According to a recent (May 2011) rapid donor mapping, the following international contributions in the migration sector are pledged:

So far, an amount of EUR 152 million was committed by the EU, including EUR 80.5 million out of which EUR 70 million for humanitarian aid and EUR 10.5 million for civil protection response to the crisis in Libya. A Regional Protection Programme with an overall amount of EUR 3.6 million, funded under the Non State Actors (NSA) thematic line, is planned to be launched during the second semester of 2011 of which Libya will be one of the beneficiary countries.

The EU will start during the second semester of 2011 a EUR 20 million programme in order to support the marginalized regions in inland Tunisia through actions supporting rehabilitation of poor local urban areas, employment generation through promotion of labour intensive public works and the access to local micro-finance facilities.

France committed EUR 40 million within others for employability and professional training aimed mainly for Tunisian returnees and manages directly a grant fund for the financing of micro-projects and small enterprises. The United Kingdom signed in June 2011 a grant contract about GBP 150,000 with the Tunisian non governmental organisation (NGO) Institution de Microfinance Inter-Arabe (ENDA) in order to facilitate access to micro-credit schemes for Tunisian returnees.

In addition, UNHCR is currently following up on the Libyan refugees in southern Tunisia with relevant municipalities in order to cover some of the facility costs (garbage collection, water and electricity bills) of refugees or host families. The World Food Programme is providing food and the International Committee of Red Cross (ICRC) is distributing hygiene kits.

Other donors pledged funds in order to support the Tunisian Government in its efforts to host more than 400,000 migrants who crossed so far the Tunisian-Libyan border points: China EUR 5 million for camp management and the Asian Development Bank (ADB) USD 1 million for refugee assistance.

2.4. Donor coordination

Before the 17 February Revolution, the EU Delegation used to participate with other diplomatic missions to Libya, International Organisations, United Nations (UN) agencies and Libyan authorities in the Donors Coordination Group on development issues chaired by United Nations Development Programme (UNDP).

In the field of migration, the EU Delegation in Tunis, accredited to Libya, hold regular meetings with Member States, IOM, UNHCR, other UN organisations and other stakeholders such as ICMPD and Italian Refugee Council (CIR).

As EU cooperation will be re-oriented, further mechanisms will be identified in order to promote coordinated actions in support of Libya in the field of migration. The EU's coordination role has been strengthened with the opening of a technical office in Benghazi on 22nd May 2011.

3. DESCRIPTION

3.1. Objectives

The Overall Objective:

- The overall objective of the project is to support the stabilisation of communities at risk and to support the management of migration flows inside and from Libya.

The Specific Objectives are:

As regards the stabilisation of communities at risk:

- (1) To enhance the social and economical reinsertion and re-integration of Egyptian and Tunisian migrant worker returnees along with support to hosting communities in Egypt and Tunisia of migrants and refugees from Libya in terms of facilitating the provision of social services, counselling, employability and income generation.
- (2) Depending on the evolution of the crisis and in case of continued needs on the ground, to support, in complementarity with international organisations, access to basic services and the development of self-reliance capacities for Libyans having fled in Egypt and Tunisia, and subsequently facilitate their reinsertion and re-integration once their return to Libya will become possible.

As regards support to the management of migration flows:

- (3) To promote and support the development of a comprehensive migration and asylum policy in Libya and strengthen capacities to manage regular and irregular migration flows.
- (4) Assist in capacity building and policy development on labour market and human capital developments issues.

3.2. Expected results and main activities

The list of results is indicative and shall be flexibly adapted to the evolving situation in Libya and the eventually changing needs of the final beneficiaries. In particular, for objective two, since East Libya is already accessible and thus the caseload might change dramatically, the factual needs of Libyan refugees (and related expected results of the EU intervention) will be further assessed before contracting the action.

The activities foreseen for the implementation of this programme may include, among others, logistical support, transport costs, technical assistance, grants, provision of services, training, policy advice, exchange programmes, rehabilitation and purchase of equipment. IOM will be the implementing partner due to its proven record of institutional expertise in the field of migration in accordance to its international mandate and its presence in the current UN humanitarian assistance mission to Libya.

(1) The expected results of the first objective are:

- Registration and needs assessment of returnees and origin communities are set up.
- Information, Counselling, Referral Services as well as assistance schemes such as support to social service provision, training, facilitation of access to micro-finance services, support to new micro and small enterprises and income generation activities etc. are effectively provided in origin areas, in close cooperation with local authorities and civil society.
- Local employment generation schemes and professional reintegration facilities in hosting communities are provided.
- The responsible authorities are strengthened through the provision of technical support aimed at the mainstreaming of migration into development strategies.

(2) The expected results of the second objective are:

- Support is provided to institutions providing basic services (in particular schools and hospitals) in the provinces of Egypt and Tunisia where Libyan refugees are concentrated, in order to enhance the capacity of these institutions to cope with the increased number of persons having access to their services, and to ensure that Libyans are not excluded from accessing the latter.
- Local employment generation schemes and self-reliance activities are provided for Libyans having fled to Egypt and Tunisia, as well as for the nationals of these countries belonging to the local communities that are hosting them.
- Libyan citizens residing in Egypt and Tunisia are registered and provided by the authorities of these countries with identification cards.
- Once return to Libya will be possible, Libyan citizens returning to their home country receive support in view of facilitating their social and professional reintegration back home.

(3) The expected results of the third objective are:

- Capacity for evidence-based policy-making through the collection of information on migration routes is strengthened.
- Capacity building for the collection of information on trafficking including data on smugglers and criminal related networks.
- The definition of a strategy for intercepting and disrupting irregular migration is promoted and supported.
- Procedures for identification, registration and handling of the intercepted irregular migrants are developed which includes providing specific assistance and treatment to persons in need of international protection and to migrants belonging to vulnerable categories.

- Provision of specific assistance and treatment to migrants in need of international protection and to migrants belonging to vulnerable categories.
 - Progress in the development of a rights-based legal framework for the management of migration flows in accordance with best practice and international standards.
 - Support capacities of relevant authorities, civil society and other actors in the provision of basic services to migrant communities.
- (4) The expected results of the fourth objective are:
- Improved conditions for access and integration of labour migrants into the Libyan labour market including labour market assessment.
 - Improved interaction with civil society in approaches to labour market and human capital development, including representative migrant groups.

These results will take into account the need to work as necessary with the European Training Foundation (ETF) on human capital development.

3.3. Risks and assumptions

Migration is a very sensitive issue for Libya and has been of international concern since the civil war has broken out. The uncertain political future of Libya is a major risk. This requires that the programme implementation follows a flexible, but also an immediately responsive impact-oriented approach.

A second risk relates to the political priorities and administrative capacities of the future new legitimate Libyan Government as well as of the regional and local institutions in facilitating the implementation of this project, and to ensure coordination between the different authorities responsible.

Another risk concerns the lack of experience of the new Libyan authorities in the implementation of cooperation programmes with the EU.

In order to mitigate these risks the EU is committed to continue developing its cooperation with Libya, as planned in the National Indicative Programme for 2011-2013, and strengthen its presence in the field according to the overall conditions in Libya. Effective coordination with all the involved stakeholders will be a key factor of success. The European Commission will foment partnerships and coordination with and between EU Agencies, EU Member States, International organisations and NGOs involved in the field of migration and asylum and which could have an added value and impact on the results of the project.

3.4. Crosscutting issues

The project addresses good governance and human rights issues. Good governance will be addressed through capacity building measures for the local and regional authorities in the area of migration. Human rights will be a central issue in all the activities undertaken by this action with a special focus on vulnerable groups

(unaccompanied minors, women, families with small children, victims of trafficking, war wounded, child soldiers and others).

3.5. Stakeholders

The final beneficiaries of this project are the Libyan population and the affected migrants. The main stakeholders are the national, regional and local authorities in the affected areas as well as local civil society organisations.

4. IMPLEMENTATION ISSUES

4.1. Method of implementation

Joint management through the signature of an agreement with the International Organisation for Migration (IOM). This organisation has been chosen because of its proven record of institutional expertise in the field of migration in accordance to its international mandate. In addition, IOM participates in the current UN humanitarian assistance mission to Libya and thus it is the sole capable and most efficient implementing partner under current war situation in Libya. This choice is in accordance with Article 53d of the Financial Regulation. The IOM complies with the criteria provided for in the applicable Financial Regulation, following the four pillar assessment carried out at the request of the Commission. A contribution agreement will be signed, based on the standard model published on the Commission's website.

Centralised management will be used for evaluation.

4.2. Procurement procedures

All contracts implementing the action are awarded and implemented in accordance with the procedures and standard documents laid down and published by the relevant International Organisation. Subcontracting for services, supplies, works and grant will be allowed.

The centrally managed contracts will follow EU procedures and be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

Participation in the award of contracts for the present action shall be open to all natural and legal persons covered by REGULATION (EC) No 1638/2006 - European Neighbourhood and Partnership Instrument.

4.3. Indicative budget and calendar

The Action will be financed by the EU with a contribution of EUR **10 million**. The operational duration of the Action is indicatively up to a maximum of 36 months.

The indicative breakdown of the budget is as follows:

Component	Budget (in EUR)
Contribution agreement with IOM - management of migration flows	9,900,000

Component	Budget (in EUR)
Evaluation	100,000
TOTAL	10,000,000

4.4. Performance monitoring

The project will be regularly monitored by the Delegation of the European Union to Libya. Result Oriented Monitoring (ROM) **could** be carried out by the European Commission. Monitoring indicators and sources of verification will be defined and applied throughout the implementation of the project. Monitoring reports will provide the base for corrective measures and will be followed upon by the team.

A permanent steering committee will be established whose tasks will consist in close monitoring, discussion and approval of each of the programme phases as presented by the implementing partner. Its final composition will be defined once the programme activities will start, but the steering committee might serve also as a further doorway for donor coordination, especially in Eastern Libya.

4.5. Evaluation and audit

An external evaluation might be carried out by independent consultants recruited directly by the Commission in accordance with EU rules and procedures and in line with specifically established terms of reference, in case it is deemed necessary.

The Commission reserves the right to carry out verification missions, in agreement with the contribution agreement it will sign with the IOM.

4.6. Communication and visibility

All visibility activities will be implemented in accordance with the "EU visibility Guidelines for External Actions".