

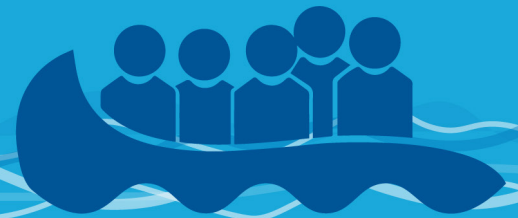


# EU migration policy towards Libya

A policy of conflicting interests

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Mr. El Zaidy focuses primarily on the fast-changing situation concerning mixed migration in Libya, and he is a certified cub-scouts leader with over 8 years' experience volunteering in the Libyan scouts movement, a co-founder/former manager of a local NGO in Libya, and a Member of the Global Shapers/World Economic Forum – Tripoli Hub, Libya, leading a self-funded project of a website sharing information regarding mixed migration in general with articles on Libya ([www.migrantsinlibya.com](http://www.migrantsinlibya.com)).

# **EU migration policy towards Libya**

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## Introduction

It has been two years since the signing of the memorandum of understanding (MoU) on February 2nd, 2017 between the Presidential Council of Libya, represented by Mr. Fayed Al-Sarraj as both President of the Council and Prime Minister of the Government of National Accord, and the Italian government, represented by Prime Minister Mr. Paolo Gentiloni.<sup>(1)</sup> Since then, much has changed in terms of migration management, especially with regards to the movement of people from Libya en route to Europe.

At a glance, the MoU contains 12 points that emphasize the need for collective collaboration between Libya and Italy to confront the challenges that threaten the peace, security and stability of both countries and the Mediterranean region as a whole. These challenges include securing borders, combating the steady rise of smuggling (itself a multi-million dollar industry), and reaffirming Libya's sovereignty, independence, territorial integrity, and national unity. At the same time, both countries agreed on ensuring non-interference in Libya's internal affairs. On this point, they largely agreed that the measures undertaken pursuant to the MoU for addressing irregular migration must not in any way damage Libya's social fabric, nor threaten the nation's demographic equilibrium, economic situation, or the security of Libyan citizens.

The aim of this paper is to build on a previous paper published by FES Libya titled "EU Migration Policy Towards Libya", while provide an insight on the current situation, policies, stakeholders, challenges and suggested recommendations.

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1. El Zaidy, Zakariya, "EU Migration Policy towards Libya."  
<http://library.fes.de/pdf-files/bueros/tunesien/13752.pdf>.

## Current migration status quo

The EU's policy towards Libya has never been consistent or coherent, as each of the different European states have always had conflicting priorities and interests in Libya. However, as a united institution, the EU continues to pursue a specific policy in Libya in accordance with the United Nations Support Mission in Libya (UNSMIL). This policy includes supporting political transition, stability and democracy, resolving the current political crisis, and reaching a multilateral consensus for conducting elections. Yet, in terms of its migration policy, the EU continues to externalize and outsource border management, political deal-making, and humanitarian assistance for displaced populations to Libya, with little to no advocacy for the human rights situation of said displaced migrants remaining on the Libyan soil.

The EU's externalization policy in Libya, including its official mission and the EU Border Assistance Mission (EUBAM), has always been weak. As a result, Libya's policy regarding migration is constantly affected by the unilateral actions of European states, namely Italy and France, who represent the main interfering rivals. As the European state closest to Libya that still accepts migrants crossing the sea, Italy has fully adopted this externalization policy, constantly advocating for more EU support for ironclad borders, while also striking give-and-take political deals with whichever party controls the northwestern shores of Libya to ensure less migrants reach its shores, whether that party be fragmented armed groups or the weak internationally-recognized government. In the end, the rest of the EU considers this a win-win situation.

France, on the other hand, continues to pursue a policy of externalizing military support to combat terrorism rather than to halt migration flows. So far, France has supported the Libyan National Army (LNA) in its attempts to fight the terrorist groups in the east and, until recently, the LNA's movements to control larger parts of Southern Libya. In this regard, France's effort to support

the LNA was an act of political gain completely unrelated to curbing migration flows.

## Who is involved in the migration?

Migration management in Libya has been one of the most complex issues in the nation's modern history. The issue involves a variety of stakeholders, including different institutions, individuals, and countries. The following are the most important stakeholders with the authority to potentially change the current draconian policies in place to more effective and humane alternatives:

### 1. Libyan Presidential Council (PC)

The Mol has authority over the Department of Combating Illegal Migration (DCIM), as it recently appointed a new Undersecretary at the Ministry in charge of migration. This Undersecretary oversees all issues related to migration management within the scope of the Mol's jurisdiction, which includes, but is not limited to, supporting the DCIM with the decision-making capacities, as well as coordinating, authorizing, and following up with international non-governmental organizations (INGOs) that work on migration issues in Libya and provide humanitarian relief to migrants.

### 2. Libyan Ministry of Interior (Mol)

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### **3. Department (Directorate) of Combating Illegal Migration (DCIM)**

This agency was established by the Mol in 2014 to manage migration and enforce Law No. 19 of 2010 on combating illegal migration in Libya. The law defines the concept of illegal migration/migrants, determines penalties for smuggling and harboring illegal migrants, and outlines the deportation process.<sup>(2)</sup> The DCIM is also responsible for managing detention centers, supervising migrant repatriation and deportation, and staffing check-points and patrols in urban areas to arrest and detain illegal migrants.

### **4. Libyan Coast Guards (LCG)**

This entity has been the only Libyan agency in charge of search and rescue (SAR) operations at sea. As such, it also intercepts boats smuggling migrants from Libyan shores to Europe, as well as arrests and detains smugglers before they are handed over to the Mol for prosecution. The LCG not only combats human smuggling/trafficking by sea, but also that of fuel, weapons, drugs, etc.

### **5. Libyan Ministry of Foreign Affairs (MoFA):**

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### **6. Libyan Red Crescent (LRC)**

Although not an official part of their mandate, the LRC is the main agency responsible for retrieving and burying the bodies of deceased migrants found on Libyan shores. To this end,

it has even established a specific task force for handling corpses. Aside from this, the LRC also provides aid and relief to migrants both within detention centers (DCs) and urban settings, especially during armed conflicts.

### **7. Embassies of Migrants' Countries of Origin**

Many migrants enter Libya from other African or Asian countries, either to stay there or move onto Europe. As such, the embassies of their countries of origin play a major role in supporting their citizens, especially with regards to official identification papers (ID cards and passports).

### **8. Other national stakeholders**

The Libyan Ministry of Health supervises clinics that offer medical (blood) tests for migrants to ensure they do not have any transmittable diseases, such as HIV, Hepatitis, A, B, C, Tuberculosis, etc. The Ministry of Social Affairs provides some support to female migrants, as well as promotes anti-GBV campaigns. The Ministry of Labor organizes migrant worker recruitment and adjusts some migrants' irregular civil statuses in Libya. Additionally, the local Libyan NGOs/CSOs, which form the local basis for advocating migrants' rights, provide relief and aid to migrants in times of armed conflicts, negotiate policy reforms, and influence decision-making.

## **EU's initiative to manage migration**

According to OCHA's Libya office, there are an estimated 823,000 people (including around 248,000 children) in need of humanitarian assistance in Libya as a result of persistent political instability, conflict and insecurity, as well as the breakdown of the rule of law, a deteriorating public sector, and a dysfunctional economy.

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2. Libyan General People's Congress, "Law No. 19 of 1378 FDP – 2010 AD." <https://security-legislation.ly/node/32174>

Out of this total are 288,000 migrants in need for humanitarian assistance across Libya.<sup>(3)</sup>

Sector	No. of refugees in need	No. of migrants in need
Education	24,000	29,000
Food security	23,000	94,000
Health	54,000	250,000
Protection	125,000	214,000
Shelter and NFIs	22,000	102,000
Water, Sanitation, and Hygiene	14,000	56,000
<b>Total</b>	<b>262,000</b>	<b>745,000</b>

The EU’s policy of externalization goes far beyond the North African countries, as it seeks to extend its border management past Europe’s southern shores of Europe and pushes for interventions into the Sahel countries. The fact that the EU Trust Fund for Africa is worth €3.9 billion is should be indication enough of the EU’s intent to pour money on the problem and hope it goes away. As of December 2018, there have been 187 programs approved across three regions with a total budget of €3.59 billion, which is divided as follows: €1,286.6 million to the Horn of Africa; €582.2 million to North Africa; and €1721.1 million to the Sahel/Lake Chad. This budget also includes 5 cross-window programs worth €167.1 million.<sup>(4)</sup>

All of this money may be interpreted as Europe’s clear commitment towards African states to resolve the various root causes of conflict, displacement and poverty. However, these goodwill gestures have more to do with its migration externalization agenda than what is readily apparent. With consideration to Libya’s ongoing instability and conflict, the EU has adapted its perspective to conform to the changes in the Arab states in the wake of the so-called Arab Spring. As such, the EU is diverging from its previous policies that sought to broker political deals with the region’s strong regimes.

Nevertheless, the EU has always aimed to reduce and normalize the flow of migrants from Africa,

ultimately to attract the necessary skilled and cheap labor and satisfy the market needs in different EU states. This task used to be much easier before the sudden pronounced presence of terrorist groups throughout the region. As a result, the EU has added multiple layers of security constraints to prevent terrorist groups from reaching its shores while also asserting Europe’s control over the flow of migration.

If we look closer at Libya since 2014, the EU has mobilized €286 million for migration-related projects: €266 million under the EU Emergency Trust Fund for Africa and €20 million in bilateral assistance. Since 2017, however, there were 7 major projects budgeted at €285.3 million to support, protect and assist those in need, stabilize Libyan municipalities, and implement integrated border management.

All of this could be seen as a European investment to ensure stability in Libya and prevent the wave of migrant smuggling into Europe that was triggered by the conflict back in 2014. Clearly, Europe has taken a positive, holistic approach to tackling the issue of migration as indicated above, especially through supporting municipalities that serve the local public regardless of their political allegiances. Yet, the major projects and investments in Libya still fall under three main pillars:

1. Repatriation of stranded migrants to their countries of origin and away from Europe (the Commission also broadened its support of Voluntary Humanitarian Return and Reintegration operations in Libya by €7m.)
2. Increased support to the LGC to combat illegal migration and intercept/rescue migrants at sea, in effect building walls across the sea in the name of “integrated border management” (€46.3m for integrated border and migration management adopted in July 2017, and €45m for integrated border and migration management adopted in December 2018). Moreover, the EU Emergency Trust for Africa has increased its commitments to

3. Humanitarian Country Team, “2019 Humanitarian Needs Overview.”

4. European Commission, “EU Emergency Trust Fund for Africa.”

border and migration management by €45m, with an extra emphasis on three key areas:

- a. Capacity development and institution building of the LCG.
  - b. Establishment of the Maritime Rescue Coordination Center.
  - c. Development of integrated border management in southern Libya.
3. Provision of protection services and humanitarian assistance to the migrants inside Libya (€48m for mixed migration management adopted in April 2017, also known as the “protection pillar;” €25m for protective and sustainable solutions for migrants and refugees along the central Mediterranean route; and €29m for an integrated approach to protection and emergency assistance for vulnerable and stranded migrants in Libya adopted in July 2018). In coordination with UN agencies, the Trust Fund has provided major support to the most vulnerable.

Since 2017, 61,300 refugees and vulnerable migrants in Libya have received direct assistance (non-food items and hygiene kits), 89,700 persons have received medical assistance, and 14,600 children have received education supplies. Libyan communities have also received significant help, including equipment that provide essential services to over 1.2 million people.

The Commission’s proposals under the next Multiannual Financial Framework have responded to the experience gained over recent years and proposed a major two-and-a-half-fold increase in support for Asylum and Migration policy (totaling €10.4 billion over 2021-2027). This proposal demonstrates the EU decisionmakers’ clear intent to continue down the path of fortifying borders, externalizing border control, and controlling migration flows.

The majority of these activities seem reactive, rather than proactive, in nature. They avoid tackling the root causes of migration in a sustainable manner. Instead, they focus

on curbing the flow of displaced populations, intercepting them along their journey, and returning them whence they came, all while attempting to change their mindset about migrating back to Europe.

Moreover, the EU rarely attempts to tackle corruption in Africa. Rather, the majority of European politicians tout the supposed benefits of their migration agenda in a bid to win elections. They brag about reducing the number of people reaching Europe and portray it as a success story, which only goes to further desensitize the general public to the plight of many migrants. Realistically speaking, people will continue to leave African countries for Europe, even though there is more intra-African migration than migration to Europe. In the absence of real policies, conflicts remain unresolved, corruption persists, regimes oppress and violate human rights, security continues to deteriorate, and economic hardships improve at a very slow rate. As such, many African leaders prefer that their citizens leave, work-abroad, and send remittances back home to their families.

The EU has faced some understandable challenges in attempting any political changes in Africa after the so called Arab Spring, which justified the increased investment in developing and improving the human rights conditions of displaced populations along the migration routes. Yet, without a strong political will, no militarization, nor externalization of border control, nor increased investment in Africa will stop displaced populations and migrants from moving across the Mediterranean. As long as they believe they can secure a safe job and send money back home to their families, migrants will not stop coming to Europe. Therefore, political, security, and economic stability in Libya is paramount to the migration issue. In this regard, investment is crucial, as it will lead to sustainable solutions. The same applies for the Sahel countries. Though the issue may seem overwhelming, all that is necessary is a strong political will to solve the problem, instead of merely managing it.



## Humanitarian visas

The EU has always been pressured to provide a legal and safe pathway for skilled migrants to reach Europe, while also sheltering asylum seekers in need of international protection.

To significantly curb the number of boats crossing over the Mediterranean from Libya to Europe, dozens of NGOs have promoted the idea of a permit that would allow anyone whose life is in serious danger to come to Europe safely and then present their case for consideration to a competent authority. These discussions resulted in the concept of the “humanitarian visa” to benefit any vulnerable displaced persons from any region wracked with instability and conflict.

The EU parliament requested last December that the EU Commission bring a legislative proposal to establish a European Humanitarian Visa<sup>(5)</sup> up for a vote by the end of March 2019. The visa would give migrants exclusive access to the member state issuing the visa for the sole purpose of applying for asylum. This proposal came as a potential way to solve the problems posed by the Dublin Regulations, as well as to ease some of the burden off of the states that regularly receive inordinate numbers of migrants (specifically Greece, Spain, and Italy). Needless to say, this would also provide legal and safe pathways for migrants to seek asylum and international protection, which the EU states could actually provide according to their obligations. The initial legislative report was backed by 429 MEPs, with 194 voting against it and 41 abstaining.

This is a major step towards providing realistic and effective solutions to the current flow of migration towards Europe. Aside from the political facet, the proposal addresses the most important aspect of the whole migration issue: a migrant’s safety during his/her journey towards finding asylum and protection in Europe.

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5. European Parliament, “Humanitarian visas to avoid deaths and improve management of refugee flows.” <http://www.europarl.europa.eu/news/en/press-room/20181205IPR20933>

## Italy’s position: collaboration or intervention?

Since 2017, Italy has taken a bilateral action towards intervening in Libya in response to irregular migration flows. Several steps were taken since the signing of the Treaty of Friendship in 2017, one of the most important being the establishment of the Solidarity Bridge Initiative. As explained by the Italian embassy, the initiative is an emergency assistance program aimed at supporting 1.5 Libyans through spending €20 million on the 20 municipalities most affected by migration flows.<sup>(6)</sup>

More specifically, the program plans to provide 150 tons of medicine, 180 tons of medical equipment, and 500 medical devices for 30 clinics, as well as 11 ambulances, school buses for 30 classrooms, 6 garbage collection trucks, firefighting trucks, 70 water pumps, and 45 electrical generators.<sup>(7)</sup>

The following list includes all of the funding that has either been promised or already allocated by Italy to Libya under the migration management portfolio:

- €3.5m for funding rural development projects in the Fezzan Region in southern Libya.
- €2m for garbage collection and waste management in Tripoli.
- €2m to WFP to ensure the most vulnerable people’s access to food.
- €0.5m to ICRC for water facilities and medical equipment for 12 medical centers (Benghazi, Misurata, Sebha and Tripoli).
- €0.5m to WHO to improve basic services and provide medicine to areas of Jufra, Wadi-Ashshati, and Murzuq.
- €1.1m to WHO to improve health assistance to migrants.
- €0.5m to UNHCR to implement quick-impact projects for IDPs.

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6. السفارة الإيطالية تعلن انطلاق برنامج “جسر التضامن” لصالح المناطق المتضررة من الهجرة” <https://bit.ly/2WSNKH1>.

7. Guiseppa Perrone, Tweet from July 14, 2018.

- €4m allocated to UNICEF to assist and support vulnerable families and unaccompanied minors.
- €50m: €22 of which will be managed directly by the Italian MoFA's Directorate General for Development Cooperation to assist migrants in 24 Libyan municipalities.
- €1.5m to UNICEF for a safer environment for vulnerable children through better access to healthcare services and education opportunities.

According to information shared by the Italian embassy<sup>(8)</sup>, Italy plans to provide €15m to DCIM to support the conditions inside migrant DCs. So far, however, there is no clear strategy on when it will be provided or who will implement the activity with this funding.

Under the framework of the Treaty of Friendship, Italy's parliament last July approved the donation of 12 patrol vessels to the LCG to help them stem the flow of migrants from reaching Europe, with 3 of them having been delivered in 2018. While still waiting for the remaining 9 boats, the LGC currently has 7 boats operating in its SAR zone, as Italy had provided them with 4 refurbished Libyan boats back in 2017<sup>(10)</sup>.

As of last September, the EU trained 237 LCG officers as part of its efforts to stop people from reaching Italy by boat. Italian Transport Minister Danilo Toninelli stated that the aid package was worth €2.5m and included the 12 boats and funds for training and maintaining the LCG officers.

In September 2017<sup>(11)</sup>, Italy launched 3 tenders for NGOs worth €6m to work inside DCs, provide assistance, and improve the conditions therein. No other news or updates on the success of these

projects have come since July 2018. However, the embassy had stated at that time that there would be another €6m call for tenders launched soon for the same purpose as the first tender.

All of this does not fall under the EUTF for Africa, but rather is solely provided by Italy itself to support its own policy of managing migration in Libya. Yet, it is not clear if this funding falls under the Treaty of Friendship or not.

Italy has been working towards providing continuous support to the GNA, starting with the opening of its embassy in Tripoli and ending with the summit between rival Libyan parties in Palermo last November 2018. After careful examination of the above-mentioned projects, it is clear that Italy's support to the GNA stems from its desire to stop migrants from reaching its shores. Italy hopes that its support will allow the GNA, its ministries, and law enforcement divisions to act as a wall that blocks migrants from reaching Europe. In return, the GNA receives more political support and international recognition, thus gaining more power in political negotiations. Italy's intervention is a unilateral act based on the agreed treaty/MoU that neither fully supports the EU externalization policy nor is fully in line with UNSMIL.

## Change is inevitable, but is it good?

As of January 2019, according to the International Organization for Migration's (IOM) Displacement Tracking Matrix (DTM) in Libya, there are 55 migrant DCs in Libya, 26 of which are functional, while 29 are not. 15 of these centers host around 4,000 migrants, many of whom are asylum seekers who cannot find international protection inside Libya.<sup>(12)</sup>

IOM's Libya office stated that by the end of 2018, 15,428 migrants were intercepted/rescued at sea and returned to Libyan shores, while 1,306 migrants lost their lives and 23,370

8. Italy in Libya, Tweet from December 3, 2018. <https://twitter.com/ItalyinLibya/status/1069594974067585025>

9. Financial Times, "Italy donates 12 more vessels to Libya to stem migration." <https://www.ft.com/content/391ed012-9a28-11e8-9702-5946bae86e6d>

10. Daily Mail, "Libya navy bars foreign ships from migrant 'search and rescue' zone." <https://www.dailymail.co.uk/wires/afp/article-4779316/Libya-navy-bars-foreign-ships-migrant-search-rescue-zone.html>

11. Italy in Libya, Tweet from November 15, 2017. <https://twitter.com/ItalyinLibya/status/930900390752735238>

12. IOM, "Libya – Detention Centre Profile Generator (Feb-2019)." <https://migration.iom.int/reports/libya-%E2%80%94-detention-centre-profile-generator-february-2019>

arrived to Europe via Italy.<sup>(13)</sup> Compare this to 2017, where 20,335 migrants were intercepted/rescued at sea and returned to Libyan shores, 2,832 migrants perished, and 118,928 arrived to Europe via Italy.<sup>(14)</sup>

Between 2017-2018, we see a clear reduction in the number of arrivals by almost 80%, a 53% reduction in the number of deaths at sea, and a 24% decrease in the number of migrants intercepted and returned to Libyan shores.

Also, according to IOM, over 14,622 migrants were returned to their countries of origin during 2018, as compared to around 4,000 migrants returned in 2017.

Between January and May 2017, IOM managed to provide Voluntary Humanitarian Return (VHR) to more than 4,000 migrants stranded in Libya.<sup>(15)</sup> In November 2017, however, there was an escalation in the VHR program; between November 2017 and March 2018, about 10,171 migrants returned home from Libya with support from IOM, the EU, the AU and the Libyan government.<sup>(16)</sup> Between January 2018 and February 2019, 17,500 migrants returned home from Libya according to IOM.<sup>(17)</sup>

IOM resumed its voluntary humanitarian repatriation flights from southern Libya after a two-year suspension.<sup>(18)</sup>

According to IOM's DTM in Niger, most migrants come to Libya via the city of Seguedene. IOM's DTM team observed around 6,919 migrants

leaving Seguedene for Libya in December 2018, while only 630 migrants returned home from Libya (98% of which are Nigerien). These numbers are considered very low compared to previous years, due in part to the Nigerien government's crackdown on smuggling, especially in Agadez.

The lower numbers of migrants reaching Europe or of those intercepted/rescued by the LCG, the increased number of migrants returned home from Libya via IOM's VHR program, and the slightly reduced number of migrants reaching Libya all demonstrate Europe's policy of pushing migrants away from its borders. For the past two years, this cycle of interception, detention, and return has proved effective at keeping migrants away, which has led to increased investment in this regard. European politicians can boast of its efficacy through arguing that there are less deaths at sea or migrants in Europe now thanks to this policy. Yet, while this policy serves the politics of many European countries, it still does not solve the root problem, but rather creates another one. Sending people back to Libya before deporting them to their countries of origin violates the non-refoulement principle of international law. If Europe only wanted to reduce the number of deaths at sea, then they could have done better by empowering SAR missions that help migrants reach a safer zone. Although there are less deaths at sea, returning people back to their countries of origin, wherein they may encounter oppression, persecution, and human rights violations, may force them out of the frying pan and into the fire.

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13. IOM, "IOM Libya Maritime Fact Sheet: 16 Dec - 31 Dec." [https://www.iom.int/sites/default/files/libya\\_in\\_20181216-31.pdf](https://www.iom.int/sites/default/files/libya_in_20181216-31.pdf)

14. IOM, "Maritime Update Libyan Coast: 29 Nov – 29 Dec." [https://www.iom.int/sites/default/files/situation\\_reports/file/Libya\\_SR\\_20171129-20171229.pdf](https://www.iom.int/sites/default/files/situation_reports/file/Libya_SR_20171129-20171229.pdf)

15. UNSMIL, "IOM assists more than 4,000 stranded migrants so far in 2017." <https://unsmil.unmissions.org/iom-assists-more-4000-stranded-migrants-so-far-2017>

16. EU Emergency Trust Fund for Africa, "Voluntary Humanitarian Returns from Libya Continue as Reintegration Efforts Step Up." [https://ec.europa.eu/trustfundforafrica/all-news-and-stories/voluntary-humanitarian-returns-libya-continue-reintegration-efforts-step\\_en](https://ec.europa.eu/trustfundforafrica/all-news-and-stories/voluntary-humanitarian-returns-libya-continue-reintegration-efforts-step_en)

17. IOM, "Latest Voluntary Humanitarian Return Charter from Libya Brings Total Returnees to Over 40,000 Since 2015." <https://reliefweb.int/report/libya/latest-voluntary-humanitarian-return-charter-libya-brings-total-returnees-over-40000>

18. IOM, "Suspended for Two Years, IOM Resumes Voluntary Humanitarian Return Flights from Southern Libya." <https://www.iom.int/news/suspended-two-years-iom-resumes-voluntary-humanitarian-return-flights-southern-libya>

## What does the Libyan Government do?

As the ruling government, the GNA hopes to curry favor with European countries by helping to stop migration to Europe. It exploits this critical situation by calling on Europe to support it and utilizing the migration portfolio as part of its political negotiations. While the GNA managed to greatly reduce the number of people leaving Libya for Europe, crack down on some smugglers, and put more patrol boats in the sea, it did very little to improve socioeconomic conditions in

the geographical area under its control. On the contrary, armed conflicts rage on, security remains weak, and neither the Libyans – displaced or not – nor the migrants feel satisfied with the GNA's current political strategies. Instead, the people resort to coping mechanisms for survival until the next advertised elections take place perhaps in a year or two, perhaps longer.

The situation is made more complicated for asylum seekers in Libya since the nation is not a signatory to the 1951 Geneva Convention. As such, Libya cannot provide them with the international protection that they need. Yet, in November 2017, after years of negotiations between UNHCR and the Libyan authorities, the former established its Emergency Transit Mechanism (ETM) in Niger in collaboration with an Italian partner organization (Cooperazione Internazionale – COOPI). The ETM evacuates asylum seekers from Libya to Niger before further resettlement into another safe country. According to the plan, COOPI runs 17 transit centers in Niamey and 6 in Agadez, where asylum seekers remain temporarily before resettlement.

The first group evacuated from Libya to Niger flew out of Tripoli's airport in November 2017. Since then, UNHCR has managed to evacuate more than 3,303 persons. 2,619 still remain in Niger, in addition to 157 unaccompanied children, while 415 people were transferred to Italy and 269 to the Emergency Transit Center (ETC) in Romania.<sup>(19)</sup>

The main challenge for the asylum seekers evacuated by the ETM was selecting the safe third-party countries to accept the resettled asylees. To that end, evacuations from Libya to Niger were halted in March 2018, as the resettlement from Niger to other states was low compared to the people evacuated from Libya.

On a similar note, the distribution of asylum applications between Member States remains unbalanced. In 2018, Germany received the highest absolute number of applications for the sixth consecutive year with more than 130,000

migrants, followed by France with over 116,000, together accounting for 44% of all applications, whereas Greece, Spain and Italy jointly accounted for nearly 30% of all applications.

Although this resettlement option offers a reactive solution, it serves the GNA politically by keeping refugees out of Libya, while forcing the EU to take responsibility for them. The policy likewise serves EU interests in keeping down the number of refugees. However, the efforts remain largely insufficient, as only 5.79% of a total of 56,954 registered asylum seekers in Libya have been evacuated by UNHCR.<sup>(20)</sup>

This means that there are currently 53,651 people seeking international protection and refugee status who cannot receive it from Libyan authorities, nor be resettled to safe third countries, nor return home. They remain in Libya in a state of limbo for the time being, a country without the political will to offer them a humanitarian, effective, and fair solution.

## Migrant smuggling and trafficking

There are no publicly available statistics that indicate the definitive number of migrants smugglers arrested in Libya; however, the numbers are very low. On August 31, 2017, the Special Deterrence Force (SDF) stated that they had arrested two people believed guilty of crimes including human trafficking and migrant smuggling.<sup>(21)</sup> Additionally, the SDF also announced their arrest of one of Libya's smuggling kingpins in August 2017.<sup>(22)</sup> There was also a major crackdown operation in the western city of Sabratha.

Some reports indicated that the Italian government tried to cut a deal with a local militiaman, Al-Dabbashi (also known as Al-Amu),

19. UNHCR, "UNHCR Update: Libya, 8 March 2019." <https://data2.unhcr.org/en/documents/download/68324>

20. UNHCR, "Total IDPs in Libya." <https://data2.unhcr.org/en/country/lby>

21. El Zaidy, Zakariya, Tweet from August 31, 2017. <https://twitter.com/zakariyatz/status/903389311697117184>

22. Zaptia, Sami, "Libyan illegal migration trafficking and fuel 'king of smuggling' arrested." <https://www.libyaherald.com/2017/08/25/libyan-illegal-migration-trafficking-and-fuel-kingpin-of-smuggling-arrested/>

to stem the influx of migrants leaving on boats from Western Libya,<sup>(23)</sup> yet there were no clear evidence of such action. However, in late 2017, several militias hostile to Al-Dabbashi attacked him and his armed group, resulting in the release of over 10,000 migrants who were kept at various locations. Many of the migrants were forced to leave their neighborhoods; some moved to DC's in Tripoli, while others moved to other cities.

Anti-smuggling efforts in 2017 were followed by further actions in 2018, as the Libyan Attorney General's office issued arrest warrants for 205 individuals involved in human trafficking, migrant smuggling, and the physical abuse, rape, and torture of migrants in Libya. However, the office did not specify the names of those actually arrested on this list.<sup>(24)</sup>

Additionally, Rome and Tripoli agreed in December 2017 to form a joint unit involving the intelligence, coast guard, and justice sectors of both countries to combat smugglers and human traffickers.<sup>(25)</sup>

However, as migrant smuggling on boats to Europe may have dropped in northern Libya, the situation in the south remains relatively unchanged. Demographic shifts in the south represent a major reason why smuggling has not ceased. The various Tebu and Touareg tribes control a majority of southwestern cities in Libya, and therefore control the smuggling business. This causes them to divide their allegiances between the GNA and LNA. Meanwhile, southeastern Libya is controlled by Arab tribes, including the Zweiya tribe, who also hold conflicting allegiances.

The recent attempts by Khalifa Haftar, the LNA's commander, in 2019 to control the south was a significant military and political gamble to

secure the oil fields. While LNA troops stormed southern cities, the LNA held several meetings with the tribes to discuss prospects for stability and their specific demands, especially the needs of the urban citizenry. They also discussed the region's lack of resources, as southern Libya has always been marginalized and in need of extra support, regardless of whether it comes from the LNA or the GNA. Thus, tribal allegiances shift based on the current circumstances and political realities. However, with little options for a solid livelihood, there does not seem to be a short-term alternative source of income for the locals in this area outside of smuggling.<sup>(26)</sup>

Additionally, tensions between the tribes persist, even though the LNA consolidated its control over major portions of the south. The Tebu tribes especially remain uncertain about allegiances with the LNA, given that their rival tribes handed over oil facilities and fields to the LNA and negotiated with them to remain in control of said fields.<sup>(27)</sup>

Despite the conflicts between the different southern tribes,<sup>(28)</sup> there has always been a general consensus over the division of territory in terms of geography and smuggling operations. Many southern citizens rely on smuggling as a main source of income. Although trade likewise plays a major role in their livelihoods, smuggling is now considered a necessary means for making money. Considering the increased marginalization of the southern region, the crackdown on smuggling also takes on a socioeconomic dimension. There are also several non-Libyan tribes that never received Libyan citizenship,<sup>(29)</sup> and are therefore unable to fall under the purview of either the GNA or LNA like other armed groups can. Thus,

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23. The Washington Post, "Ouster of a brutal militia from Libya's smuggling hub chokes off migrant flow" <https://wapo.st/31gMFZ5>

24. MEMO, "Libya issues 200 arrest warrants for human traffickers." <https://www.middleeastmonitor.com/20180315-libya-issues-200-arrest-warrants-for-human-traffickers/>

25. Alharathy, Safa, "Libyan and Italian officials discuss joint cooperation to combat illegal immigration." <https://www.libyaobserver.ly/news/libyan-and-italian-officials-discuss-joint-cooperation-combat-illegal-immigration>

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26. Stephen, Chris, "Libya's oil fields fall into Haftar's hands." <https://www.petroleum-economist.com/articles/politics-economics/middle-east/2019/libyas-oil-fields-fall-into-haftars-hands>

27. Adel, Jamal and Tom Westcott, "Warring forces in Libya's south deadlocked as LNA seeks control of oil field." <https://www.middleeasteye.net/news/warring-forces-libyas-south-deadlocked-lna-seeks-control-oil-field>

28. Ghanmi, Lamine, "Foreign fighters add to threats in southern Libya, faced with power vacuum, rivalries." <https://thearabweekly.com/foreign-fighters-add-threats-southern-libya-faced-power-vacuum-rivalries>

29. <http://cadmus.eui.eu/handle/1814/52585>

smuggling directly contributes to their daily livelihood.<sup>(30)</sup>

According to a report by Clingendael,<sup>(31)</sup> the northern parts of Chad and Niger also rely heavily on smuggling for a stable livelihood. For example, many migrants and refugees pay to be taken to the Libyan borders, while some may pay for smugglers to take them to Northern Libya. If they cannot pay in cash, then they often pay in other ways to reach their destination, such as Tripoli or Europe.

The geographical location of the southern cities puts it far out of reach of the highly centralized capital of Tripoli. The same is true for Niger and its capital, Niamey. Niamey is 1,534km away from the nearest Nigerien city to the Libyan borders (Madama), while Tripoli is around 1,100km away from the major southern city of Gatroun. This large distance is a major factor in the current marginalization felt in the south, which leads to scarcity in resources and a diversion of economic drivers far away from formal sources.

If the GNA's current policies towards the south do not change, it is likely that migrants, armed groups, and smugglers will continue to operate interdependently with one another. Armed groups will turn a blind eye to smugglers in exchange for money, smugglers will facilitate the flow of migrants, who in return provide cash for a politically underrepresented region with little financial liquidity, goods, and subsidies.<sup>(32)</sup>

In this regard, the EU is working with Niger to reduce smuggling. Together, they formed a team including investigators from Niger, France, and Spain that arrested 211 people, resulting in 151 charges for crimes related to migrant smuggling and human trafficking, as well as the

dismantling of 17 international and 12 national crime networks. The EU's Operation Sophia, launched on June 2015 to counter migrant smuggling/trafficking from Libya to the EU, had its mission extended last March until the end of September 2019. Over the course of its short existence, the operation can boast of some admirable achievements. As of August 2018, the mission trained 237 LCG and Libyan Navy officers, stopped 551 boats, and turned over 151 suspected human traffickers to Italian judicial authorities. Moreover, it saved 2,292 people in 2018, 11,617 people in 2017, 22,885 in 2016, and 7,402 persons in 2015<sup>(34)</sup>.

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30. Westcott, Tom, "An open secret: The people-smugglers of southern Libya." <https://www.middleeasteye.net/news/open-secret-people-smugglers-southern-libya>

31. CRU Report, "September 2018: Chapter 4: Chad, a new hub migrants and smugglers?" <https://www.clingendael.org/pub/2018/multilateral-damage/4-chad-a-new-hub-for-migrants-and-smugglers/>

32. Westcott, Tom, "The Tebu: the little-known community at the heart of Libya's people smuggling trade." <https://www.irinnews.org/news-feature/2018/09/06/tebu-community-libya-people-smuggling-trade>

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33. European Council, "EUNAVFOR MED Operation Sophia: mandate extended until 30 September 2019." <https://www.consilium.europa.eu/en/press/press-releases/2019/03/29/eunavfor-med-operation-sophia-mandate-extended-until-30-september-2019/>

34. ANSAMED, "Migrants: 2,292 saved by Operation Sophia in 2018." [http://www.ansamed.info/ansamed/en/news/sections/generalnews/2018/08/28/migrants-2292-saved-by-operation-sophia-in-2018\\_a53f9211-70fb-4f27-853b-1f1fa70d4ee5.html](http://www.ansamed.info/ansamed/en/news/sections/generalnews/2018/08/28/migrants-2292-saved-by-operation-sophia-in-2018_a53f9211-70fb-4f27-853b-1f1fa70d4ee5.html)

## Current Challenges

### Smuggling, interception at sea, and pushbacks:

Migrant smuggling/trafficking continue to be a major challenge, as migrants continue to be smuggled into Libya from the south, east and west. Smuggling into Europe also still occurs, but to a lesser extent due to the major crackdown in 2017 as mentioned above. Boats still leave Libyan shores, are pushed back by the Italian Coast Guard, and then returned to Libya by the LCG. However, several boats are now intercepted solely by the LCG without the Italians having to push them back. All the migrants rescued/intercepted at sea return to Libya only to encounter indiscriminate and indefinite detention at overcrowded centers that are ill-equipped to handle the large numbers of migrants. This cycle is a major challenge, as the pushbacks by the Italians go against international law and the principle of non-refoulement, while indefinite detention goes against Libyan/international law. Once they enter detention, migrants have no choice but to apply for IOM's VHR program or UNHCR's ETM program. While boats are being intercepted, there is little to no effort being made to arrest and prosecute smugglers/traffickers, nor cut off their profits, which end up in the hands of gangsters or corrupt complicit officials. Similarly, nothing is being done to end the risky and fatal smuggling practice of overcrowding migrants into boats.

### Who is involved in the migration?

- **Continuous abuse and human rights violations inside DC's**

The UN has issued numerous reports highlighting the various abuses and violations migrants face inside DCs. Almost every year, UNSMIL details patterns of serious human rights violations and abuses suffered by migrants and refugees in Libya within DCs. Worst of all, these violations increase in times of armed conflicts and war, as several reports

have indicated the exploitation of migrants by armed groups. These groups sometimes force migrants to load ammunition and even fight on their behalf. Other times they are simply kidnapped and held hostage. Those who survive are unfortunately just transferred to other centers.<sup>(35)</sup> Thus, the question still remains as to when the GNA will carry out an effective investigation and prosecution of persons involved in these violations and abuses, as well as ensure the full respect for detained migrants' human rights as stated in international laws.

- **Deteriorating conditions in DC's**

Since DCIM's establishment as a governmental institution overseeing DC's in 2014, several changes have occurred in terms of increasing/decreasing the number of DCs across the country. Under different DCIM administrations, the numbers of DCs fluctuated. The organization lacked a comprehensive vision and simply adhered to the basic strategy of keeping DCs operational at all times and in compliance with Law 9 of 2010. However, most of these centers were buildings never meant to house people or operate as shelters. In turn, they became akin to prisons for migrants awaiting deportation under Libyan Law. Conditions inside these DCs continue to deteriorate, especially when there is a surge in the numbers of detained migrants. Despite many DCs having been rehabilitated and updated to provide basic services, such as washrooms and health facilities, many DCs remain in desperate need of improvement. Most lack proper ventilation and latrines, and this accompanied by constant confinement and very limited space often leads to the spread of skin infections, acute diarrhea, respiratory tract-infections, and other ailments. In short, these centers fall way short of international standards. The GNA still must improve the conditions at these centers, even though it is not one of its main priorities. Although it harps

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35. MEMO, "325 detained migrants evacuated as war reaches Tripoli." <https://www.middleeastmonitor.com/20190425-325-detained-migrants-evacuated-as-war-reaches-tripoli/>

on the fact that Libya is a transit country in need of support to house migrants, the GNA is usually unable to secure sufficient funding to improve the conditions inside these DCs.

- **Restricted access to DC's**

While the GNA continue to call on all INGOs to play a role in supporting Libya with migration management, especially in housing migrants inside the DCs, these organizations, along with UN agencies, still encounter several restrictions and obstacles in accessing these centers and operating at full capacity. Challenges in this regard include bureaucratic procedures, persistent lack of trust between DCIM and several INGOs, and lack of consent from DCIM to provide sufficient information out of consideration for "homeland security" and "state sovereignty." This challenge will continue to hinder progress towards improving migrants' conditions inside these DCs. Likewise, the INGOs will not be able to provide enough support to alleviate their suffering, especially as many of the detained migrants have endured severe abuse throughout their journey to Libya at the hands of smugglers and traffickers.

### **Lack of effective and sufficient collaboration/cooperation/coordination between INGOs/UN Agencies**

The number of INGOs involved in migration management and humanitarian support in Libya has noticeably increased over the past two years. As much as that is a good sign that more actors are offering solutions to respond to various needs and challenges, these actors still lack a continuous, effective, and sufficient triangle of cooperation, collaboration and coordination. This triangle would ensure effective remedies without overlapping responsibilities and wasting resources, thereby fostering an environment of complementarity in accordance with international standards. So far, a basic framework of communication and cooperation has been established between several agencies via basic reporting mechanisms, which are in

need of further improvement. Though progress has been made over the past two years, many INGOs still must develop inclusive and effective frameworks and procedures.

### **Continuous rejection of rescued migrants by EU states**

For migrants who reach international waters unnoticed by either the Libyan or the Italian Coast Guards, or who are rescued by NGO boats performing their own SAR missions, they face a perilous challenge of being rejected by EU states, namely Italy, Greece, Spain, France and Malta. Such rejection leaves the rescue boats in the sea for days without a place to disembark, until eventually one of these states accepts its responsibility and host these migrants. As such, rejection remains a major challenge that puts innocent lives at risk.

### **Lack of agreement/consensus on resettlement and quota division between EU states**

This challenge forces migrants to remain in a state of limbo, unsure of where they will be taken, especially if rescued at sea. This also has forced Italy to step up and take bilateral actions to reduce its burden of migration, especially since the majority of rescued migrants are disembarked at its ports. Moreover, under the Dublin Regulations, migrants asking for international protection must have their applications processed in Italy, which further complicates the migration management process. Ultimately, all of this results in more externalized border management and blocked migration.

### **Lack of agreement on a holistic EU migration policy/agenda**

In spite of the continuous efforts made so far to tackle it, EU leaders have yet to reach agreement on a comprehensive overhaul of migration and asylum policy. "On migration, I am less happy, because the Commission has proposed seven



initiatives. Five of them are close to agreement, but it was not possible to convince colleagues today to adopt these five proposals because there are the two missing elements,” said EU Commission President Jean-Claude Juncker at the summit’s closing news conference in reference to the proposed reform of the Common European Asylum System. The matter has not moved forward due to the issue of mandatory relocation of asylum seekers. The current system forces EU states to operate on a bilateral level, especially with Libya, to enforce policies that block migration, which highlights the EU lack of solidarity in tackling the issue. Each failure in this regard also weakens the EU’s ability to advocate for policy reforms in Libya.

### **Lack of reforms from GNA in current migration policies**

So far, the GNA has not been able to enforce any major, effective, or meaningful policy reforms in terms of migration management. All it was able to do was draft initiatives, form task-forces, close and reopen DCs, and negotiate increased support and funding. This challenge is, of course, a side effect of the current political dilemma, as the GNA remains entangled in a complex political environment with different priorities and demands and little capacity to take concrete and sustainable actions. It also has been met with major rejections in terms of forming new laws, especially due to its contentious relationship with the Libyan Parliament. As the GNA continues to shy away from taking any steps that might be exploited by its political opponents, efforts to create sustainable changes to migration management became that much more difficult. This puts everything on pause until hopefully a newly elected government is in place that has a better capacity and opportunity to make effective decisions.

### **Limited capacity of diplomatic missions/embassies**

When the embassy of a migrant’s country of origin has limited means to begin with, their

migrant citizens cannot expect much in the way of options and support from them. The reasons behind this limited capacity include the current political situation of Libya, the absence of a unified and strong political leadership, weak diplomacy, in addition to the political situation in many of these countries of origin. Many also suffer from conflicts, tyranny, high levels of corruption, and limited resources. The main form of support provided by them comes when assisting the migrant with IOM’s VHR program. However, the needs of migrants continue to increase and expand beyond facilitating their return to their home country.

### **Deteriorating security, economic, and political situation**

The overall situation in Libya makes it very difficult for the GNA as an internationally recognized government to provide sufficient support to migrants therein, especially since the GNA does not have control over all of Libya. Migrants in the urban communities face as much risk as Libyans face, if not more, especially in times of armed conflicts. During such times, many also experience forced displacement and evacuations alongside Libyan citizens, while local and international NGOs are prevented from providing the necessary help and relief. Economic hardships likewise force migrants to consider changing their minds about staying in Libya, as wages and job opportunities remain low. For those who plan on moving towards Europe, and depending on current low wages and fluctuating exchange rates, it may take anywhere between 1-2 or 4-5 years to collect the necessary funds to migrate. All these factors intersect to create several challenges that, if resolved, could benefit both Libyans and migrants. A holistic solution would allow for better migration management options, especially in terms of normalization and integration, as well as offer safe and legal pathways for migrants in search of work to enter Libya.

## Recommendations

Looking at the current challenges and the policies in place, the recommendations below shed light on the most important actions required, the complexity of the migration issue, as well as its connection to Libyan security, economy and demography. A one-size-fits-all solution is not possible. Rather, it is necessary to consider a kaleidoscope of parallel actions that all aim towards preserving the dignity of human life without jeopardizing security, countering acts of terrorism, and sustaining economic prosperity for future generations. The following proposed recommendations are divided based on the different stakeholders involved in shaping the current policies.

### Recommendation for the EU

- Refrain from pursuing further strategies of externalizing/outsourcing border control based on draconian policies that put the lives of migrants into greater danger. The EU must also stop seeking further agreements with third-party countries where oppressive regimes promise to block migration while at the same time doing very little to ensure compliance with human rights standards for their citizens and the migrants stranded inside their countries.
  - Seek direct funding for programs that support better integration and target the root socioeconomic causes of migration, rather than investing in increased security measures and expanding the so-called Fortress Europe mentality. We understand that securing the EU's external borders against illicit smuggling is a priority, but with regards to migration management, the answer is neither intensifying the blockade nor building higher walls. The alternative should be an increased effort towards combating transnational crime, human trafficking, and dangerous human smuggling via increased collaboration with third-party countries. With the EU's support, these countries could better dismantle and prosecute criminal gangs. In the end, eliminating risky and irregular migration pathways is just as important as providing safe and legal ones.
- Increase efforts to share responsibility internally within the EU, as expecting one country to continuously host these migrants alone is not fair. It should also provide for the needs of asylum seekers and refugees who reach the EU, especially with regards to family reunification. The EU should also agree on a policy/strategy to respond to and host migrants rescued from the international waters in the Mediterranean. Migrants in these cases are stuck in limbo on INGO boats for days at sea because EU countries refuse to host them. This practice must end.
  - Proceed rapidly and effectively to implement initiatives that provide safe and legal pathways for migrants to enter the EU, such as the humanitarian visa. This would create a humane alternative and offer far less risk for migrants fleeing an abusive and harmful environment.
  - The EU must uphold its responsibility and enforce further compliance with its own regulations and international law, especially when it comes to defining "safe third-party countries." The principle of non-refoulement must be upheld by all state members, so that none would push back migrants to Libya where they face detention and deportation to their home countries.
  - Seek increased support for political efforts to ensure a peaceful transition of the political leadership to a newly elected government, one which may hopefully have a better chance at creating the required policy reforms and holding more control over various territories in Libya.

### Recommendation for Italy

- Refrain from pushing back migrants from international waters to Libya. This action is not only in violation of the non-refoulement principle, but it also puts migrants' lives at

risk, especially as much of the LCG lacks the capacity to perform safe rescue operations.

- Refrain from constantly implementing activities within DCs that are neither sustainable nor solve any actual problems, especially when said activities are carried out by Italian INGOs without proper coordination with other actors already providing similar services. This not only violates the principle of complementarity, but it also risks migrants' lives, especially when activities include providing health-care.
- Italy should continue providing services in communities most affected by migration along the Libyan migratory routes. However, it must be done in a sustainable manner that prevents the misuse of both the services and materials provided.

## Recommendations for Libya

- If the GNA is not capable of replacing the current detention system that holds migrants indefinitely until it is decided that they return them home through IOM, or until they are resettled to Niger/third-party countries with the help of UNHCR, then it must in the very least follow up with the current situations inside these centers and ensure that the conditions therein are safe, humane, and satisfactory per international standards.
- The GNA must take real steps to tackle the abuses and violations inside DCs seriously. It must also open investigations, ensure serious oversight, facilitate access, reduce the threats towards migrants' lives therein, and comply with the international human rights laws and requirements in order to uphold its responsibilities as a duty bearer.
- The GNA must proceed forward with the steps already taken to tackle smuggling and trafficking. As the attorney general has issued arrest warrants against many smugglers, this demonstrates the GNA's capacity to identify perpetrators, which must be followed with actual arrests and trials for smugglers/

traffickers. The international community can and must support the GNA in this regard. The GNA can also better demonstrate its own sovereignty by communicating its progress in the fight against smuggling/trafficking, as both are industries that prey on migrants and use their money for further criminal activities that endanger Libya's stability of Libya and potentially undermine the state's authorities.

- The GNA should offer increased support to the embassies/diplomatic missions of migrants' countries of origin, especially sub-Saharan countries, as the majority of migrants inside Libya are from these countries. These missions and embassies can greatly help to support their citizens, starting by providing and renewing documents, and ending with supporting family reunification and voluntary return if the migrants so choose.

## Recommendations for Embassies of Countries of Origin

- It is vital for the migrants' countries of origin to provide increased support to their consulates, embassies, and diplomatic missions in Libya. For those countries that have closed their offices, it is necessary for them to resume operations as soon as possible in order to respond to the needs of their citizens, especially as they endure significant risks and abuse. Most importantly, they should also cooperate and help dismantle regional trafficking and transnational crimes. We do not suggest merely increasing the capacity of these missions and offices to only respond to their citizens' needs, but also to be a proactive agent in finding solutions to the root causes of migration, as well as to offer legal and safe movement between Libya and Sub-Saharan countries. There should also be a study conducted on the Libyan need for labor to ensure better frameworks and agreements in that regard so that migrants can secure work in Libya without fear of discrimination or indefinite detention.

## Recommendations for INGOs

- For all INGOs involved in migration management and humanitarian response/relief, better cooperation, coordination, and communication all play a major role in ensuring relevant, timely, and effective responses to all migrants' needs inside Libya. While increased investment in the capacity to support migrants is important, it is equally important to offer support to the GNA and Libyan state/institutions to help them uphold their responsibilities as duty bearer in alignment with humanitarian and international standards. They should also continue pursuing objective advocacy to decrease human rights violations and improve the conditions of migrants inside and outside detention.
- Refuse political money and funds to implement strategies, agendas, and policies that support externalization/outsourcing border control, inhumane and degrading detention, and forced repatriation. All of this leads to the situation becoming much more complicated. While they may offer short terms solutions, these quick wins usually result in counter-productive outcomes that will create even more challenges and problems that go against international standards and principles.

## Recommendations from the local Libyan NGOs

- Refuse funding opportunities just for the sake of continuing operations. Many local NGOs proceed with projects that might not fall under their strategic vision, but since they offer an opportunity to sustain their operations, they pursue them. This is not helpful to the current challenges. Instead, it is important for local NGOs to offer sustainable solutions and better strategies to support migration management in Libya, be it through dialogue initiatives, advocacy, or volunteer-based projects through which Libyans can offer support to migrants. These sorts of initiatives could also increase empathy and reduce tension, discrimination, and radicalism among everyone living in Libya.
- Local NGOs must also refuse political money that serves political agendas and policies that may not produce effective solutions to the current challenges. Such should be only accepted in the case the principles of independence and neutrality are respected and followed.
  - Strive for better collaboration, cooperation, and communication. A few years ago, there were some migration management and humanitarian relief projects that were successfully implemented by a consortium of local NGOs working together. In this instance, it goes without saying how increased networking and persistent joint advocacy can provide effective solutions, not only in terms of project implementation, but also for reforms and policy changes.
  - Local NGOs must work relentlessly to raise the awareness of the local public on all issues related to migration and migration management in Libya, so that they may make informed decisions on policy reforms. Greater awareness of current issues could help the public to eliminate some of the greatest threats to civil society, such as abuse, racism, and discrimination. Additionally, when the public is aware, they are also empowered to launch and participate in initiatives that support and respond to the migrant challenges, as well as provide for the needs of migrants and the state.

## Conclusion

The EU and several European States, especially Italy, have been working hard to implement policies that ensure less migrants reach Europe. These policies include externalizing border control and supporting tyrannical regimes that block people from leaving their country, regardless of the deteriorating human rights conditions therein. They have also promoted more awareness campaigns to warn migrants on the dangers of leaving North Africa and crossing the Mediterranean Sea into Europe.

In Libya, the current policy is to intercept/rescue migrants in the Mediterranean Sea and return them to Libya in degraded DCs. These DCs are in desperate need of rehabilitation and are currently unfit for holding large number of migrants inside. Libya then spends money repatriating these migrants back to their countries of origin. As Libya is not a signatory to the 1951 Geneva Convention for Refugees, it cannot provide migrants with the ability to apply for asylum/international protection inside Libya. On the other hand, those migrants who manage to be rescued by NGO ships in the Mediterranean are not always welcomed and could spend days at sea before being allowed to disembark in a European state.

These policies not only violate international laws and principles, but they also risk the lives of women and children while tearing families apart. Many die along the way while seeking a better life. As such, this scenario must change. Now, more than ever, we need to offer alternative, safe, and legal pathways for migrants to reach Europe. It is of the utmost important to change the approach of political deals that block people from leaving conflict zones. We need to have an honest debate that offers solutions on a proactive basis, tackles the root causes of migration, and offers realistic and effective solutions. We must also engage in a dialogue with African countries of origin and transit to form regional policies, rather than enforcing unilateral actions that serve Europe's short-term, unsustainable interests.

In conclusion, there is a clear need to empower African states, combat corruption, advocate for more respect for human rights, defy and sanction oppressive tyrant regimes, promote regional dialogue, invest in livelihood options, increase educational capacities, and support political stability without risking the democratic transition process. In the end, rather than simply managing these problems, all parties involved should aim to solve migration problems in a holistic manner by focusing on the intersectional root causes forcing people to risk their lives on the dangerous migration to Libya and Europe beyond.



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