



**EUNPACK**

A CONFLICT SENSITIVE UNPACKING OF  
THE EU COMPREHENSIVE APPROACH  
TO CONFLICT AND CRISES MECHANISM

## WORKING PAPER

# The implementation of EU Crisis Response in Libya: Bridging theory and practice

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## 1. Introduction

This working paper explores how the EU substantiates its crisis response in Libya by focusing on local stakeholders' perceptions and practices. Complementing EUNPACK's study on the EU's framing of the crisis in Libya (Ivaschenko-Stadnik et al. 2017) and our preliminary survey on local perceptions of EU crisis response (Loschi and Raineri 2017), the present paper provides an in-depth analysis of the output level and impact of these measures.

At the time of writing, the crisis in Libya is still unfolding. Conflict dynamics, territorial instability and institutional fragmentation do not allow for a comprehensive unravelling of the EU's crisis response, as its overall outcome is far from clear. Nevertheless, there is a mismatch between the weight of EU commitment to the crisis in Libya on the one hand and the persistent conflict that thwarts long-term solutions on the other. This calls for a greater effort to unpack both the intention-implementation gap and the implementation-local reception gap (i.e. the gap between crisis response on paper and its implementation in practice).

As a consequence, and in line with the overall logic inspiring this research (Batora et al. 2016), the top-down understanding of policy design must be combined with a bottom-up investigation of the implications and practicalities of crisis response on the ground. To this end, we focus on the security *practices* (see Bigo 2011 and Pouliot 2010) of key stakeholders in Tunisia – that is, the practitioners. The practices we investigate connect decision-makers to beneficiaries. The analysis discusses how the EU substantiates crisis response by translating abstract templates designed in Brussels into actual measures implemented in Libya, while ensuring the commitment to a number of pillars of intervention, including policy coherence and consistency, a comprehensive approach to security, local ownership, human rights obligations and humanitarian principles. The investigation also attempts to situate the context- and conflict-sensitivity of the EU's crisis response in Libya.

The paper relies on literature review, desk analysis, and in-depth qualitative interviews carried out between September and December 2017 in Tunisia and Italy. Given the security situation in Libya, both the research institutions' duty-of-care regulations (Peter and Strazzari 2016) and highly volatile visa delivery procedures on the part of the Libyan institutions contacted by our team made it impossible to conduct fieldwork in Libya as initially planned.<sup>1</sup> Our research team carried out a total of 50 semi-structured qualitative interviews, 46 of which face-to-face (in some cases more than once with the same respondent), and 4 remotely (by Skype and phone) when security constraints so advised. The reliance on the snowball sampling technique has allowed a greater degree of flexibility to accommodate for sudden openings and to locate hidden individuals. Targets have included EU officers (including within the EU Delegation to Libya in Tunisia and CSDP-missions), UN staff, members of international organisations and NGOs, Libyan political officers as well as members of Libyan NGOs and CSOs.

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<sup>1</sup> Our research team requested visa permits authorising entry to Libya on three different occasions. As advised by international researchers, journalists and local partners, to this end it solicited national and municipal authorities, and diplomatic representations. Our demands could not be met, however, most probably also because of changing regulations and contact persons within Libyan institutions at this time.

Further input for our analysis was collected during both official events and informal exchanges with participants and stakeholders. These include, in particular, the “Libya International Peace Forum: Supporting the Role of Municipalities, Civil Society & Citizens in Peacebuilding at the Local Level”, organised by the Centre International de Développement pour la Gouvernance Locale Innovante (CILG) and the Dutch Ministry of Foreign Affairs (Tunis, 6-7 September 2017); the conference “Migration Movements around the Mediterranean: Realities and Challenges”, organised by the Rosa Luxemburg Stiftung - North Africa (Tunis, 22 September 2017); the “Shared Awareness and De-confliction for the Mediterranean Sea” (SHADE MED – Rome, 23-24 November 2017); the “Strategic and Institutional Management of Migration in Libya” seminar organised by International Centre for Migration Policy Development (ICMPD), in collaboration with the Libyan Government of National Accord’s National Team for Border Security and Management (Tunis, 11 December 2017). The preliminary considerations shaping the present analysis were discussed during the *café débat* organised by the project partners in Tunis on 29 November, where participants shared their points of view on EU crisis response in Libya, in particular in the fields of security sector reform and humanitarian assistance.<sup>2</sup>

The analysis of the practicalities of the EU crisis response in Libya is structured as follows: in the first and second sections, we focus on the CSDP-missions EUNAVFOR MED Operation Sophia and EUBAM Libya; section 3 is devoted to the European Trust Fund for the North Africa and Libya; and section 4 examines the humanitarian response delivered by the EU in Libya through ECHO and other instruments. The concluding section teases out the main findings and identifies the general trends of EU crisis response in Libya.

The ongoing international debate surrounding EU action in Libya; the anxieties of European audiences vis-à-vis perceived threats of migration and terrorism originating in Libya; and the expectations of EU member states are all indications that the stakes are higher than crisis response alone when it comes to Libya. The implications of all the above factors may be broader and deeper than expected.

## 2. EUNAVFOR MED Operation Sophia

In the aftermath of a major shipwreck involving a migrant boat on the Central Mediterranean Route that occurred in April 2015, a decision by the Council of the European Union launched the CSDP-mission EUNAVFOR MED - Operation Sophia (22 June 2015). The mission was mandated to

undertake systematic efforts to identify, capture and dispose of vessels as well as enabling assets used or suspected of being used by migrant smugglers or traffickers, in order to contribute to wider EU efforts to disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean and prevent the further loss of life at sea. (EEAS 2017c)

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<sup>2</sup> During the *café débat* EUNPACK researchers presented the results of perception surveys. Attendees included staff from different EU institutions, UN agencies, INGOs and local CSOs, Libyan activists, journalists, scholars, and many others from Tunisia, Libya and Italy in an informal exchange session (a total of approximately 70 participants). Discussions were held in English and Arabic and triggered a lively debate among the audience. For a full report, see <http://www.eunpack.eu/publications/workshop-reports-european-café%20debates-libya>.

As already observed (Ivaschenko-Stadnik et al. 2017), the mission's strategic documents increasingly framed the Libyan crisis as essentially being a migration crisis,<sup>3</sup> thereby questioning the comprehensiveness of the EU's crisis response. EEAS (European External Action Service) officers acknowledged that "what we try to do today, is to focus not so much on the crisis itself, which is complex and multidimensional, but on the repercussions that this crisis has in Europe, namely in terms of terrorism and migration" (Ivaschenko-Stadnik et al. 2017: 29). This shift signalled a broader reconfiguration in priorities, from conflict transformation to containment (Richmond et al. 2016).

This situation partly changed by the time the first-year mandate had expired. In June 2016 EUNAVFOR MED was prolonged for another 13 months, and two complementary tasks were added: the implementation of the UN arms embargo on the high seas off the coast of Libya, and training Libyan coastguards to combat smuggling and trafficking. Lastly, in July 2017, the Council of the EU extended the mandate until December 2018, supplementing it with yet another task: surveillance activities and information-gathering on illegal crude oil exports violating UN Security Council resolutions 2146 (2014) and 2362 (2017) (Council of the European Union 2017d). To carry out these mandates, EUNAVFOR MED has access to sophisticated surface and air assets that are made available by contributing member states, including six ships (one landing platform dock, one auxiliary ship, one survey ship, and three frigates), three helicopters, and four aircrafts (EEAS 2017d).

On the one hand, these multiple tasks may denote a broader engagement with the different dimensions of the Libyan crisis, thereby signalling a deeper and more comprehensive understanding of its security implications; on the other hand, however, the latest Strategic Review of EU CSDP-missions in Libya (EEAS 2017c), including EUNAVFOR MED, stresses that the political framework of EU future engagement in Libya will need to build on the Joint Communication on the Central Mediterranean of 25 January 2017, especially (European Commission 2017a) and on the Malta Declaration of 3 February 2017 (Council of the European Union 2017a). This specification amounts to emphasising the continued centrality of migration among EU security concerns. Beyond the 'good intentions' that are posited on paper, the following paragraphs will analyse how the different missions entrusted to EUNAVFOR MED have been carried out in practice.

## **2.1 Disrupting the smugglers' business model**

From its inception in June 2015 to November 2017, EUNAVFOR MED contributed to capturing and disposing of more than 800 boats used by migrant smugglers and traffickers.<sup>4</sup> A minority of these vessels (presumably less than one third, although no accurate figures are available) are medium-sized wooden boats: each with a carrying capacity of more than 800 individuals, these assets are seen as critical infrastructure in the migrant smuggling business (EEAS 2017c). However, this achievement, measured in terms of seizures, "is unfortunately compensated for by a steady supply of cheaper rubber boats increasing smugglers' profits" (*ibid.*: 28). Produced in China and Turkey, long and floppy rubber boats can be purchased online for \$3-500: they are loaded by smugglers with approximately one hundred passengers (i.e., irregular migrants) per journey, each of them paying between \$350 and \$800

<sup>3</sup> However, one could find an attempt – albeit delayed and partial – to bridge the gap between the Libyan crisis and the migration crisis in the EU Council Conclusions of 6 February 2017, stressing that the smuggling of migrants and trafficking of human beings contributes to destabilising the political and security situation in Libya (Council of the European Union 2017b).

<sup>4</sup> Declaration of Admiral Enrico Credendino, EUNAVFOR MED Commander, during the Shade Med event, Rome, November 2017.

per ticket, depending on various circumstantial factors. As soon as it is intercepted the business model adapts: the assets can be replaced easily and their potential loss does not significantly affect the smugglers' capacity to operate.<sup>5</sup>

Such developments testify to the cartels' resilience, flexibility and adaptability to changing circumstances, as several observers have pointed out (see for instance Altai Consulting 2017; EEAS 2017c; GIATOC 2017). And indeed, in spite of the deployment of EUNAVFOR MED's sophisticated assets for interception and surveillance, the operation appears to have had a rather limited effect in constraining or deterring migrant flows: irregular crossings along the Central Mediterranean Route rose steadily until mid-2017 at least, leading the UK's European Union Committee of the House of Lords to conclude that Operation Sophia amounts to a "failed mission" (House of Lords 2017). In July 2017, the Council adopted the countermeasure to restrict the export and supply to Libya of inflatable boats (dinghies) and outboard motors (Council of the European Union 2017e), but the effectiveness of this measure is yet to be seen.

At the same time, the massive use of unseaworthy rubber boats crammed with passengers is responsible for the sky-high rate of shipwrecks and deaths at sea. On several occasions, EUNAVFOR MED strategic documents (EEAS 2015b; EEAS 2017c) have reiterated that search and rescue (SAR) activities are not part of Operation Sophia's core mandate. One might think that this was an attempt to shield the mission from the criticism of unintentionally facilitating the traffickers' business model, an allegation that did not spare the Italian Navy Operation Mare Nostrum (Toaldo 2015). In compliance with international laws, however, EUNAVFOR MED assets were involved in 233 SAR events between October 2015 and May 2017, helping to save more than 34,000 migrants – that is, 11.8% of the total number of migrants landing irregularly on Italian shores in that period (EEAS 2017c).

By mid-2017, EUNAVFOR MED had contributed to the arrest of 109 suspected smugglers (although numbers might have increased since). Most of the apprehended individuals are reportedly 'small fish' in the trafficking supply chain: their conviction does not contribute significantly to disrupting the business model of the migrant smuggling industry.<sup>6</sup> Additional hurdles hamper EUNAVFOR MED's ability to bring migrant smugglers and traffickers to justice: first, this task is not explicitly and operationally spelt out in Operation Sophia's mandate, although in the immediate aftermath of the abovementioned April 2015 shipwreck that prompted the launch of EUNAVFOR MED, the EU Council had agreed to step up efforts to "disrupt trafficking networks, *bring the perpetrators to justice* and seize their assets" (Council of the European Union 2015, emphasis added). Second, as the July 2017 Strategic Review of the mission underlines, "the fact that circumstances do not currently allow Op Sophia to operate inside Libyan sovereign space continues to limit the operation's ability to have a more comprehensive intelligence picture and reduces in particular its ability to disrupt the smugglers' business model" (EEAS 2017c: 29), given that the 'big fish' do not venture outside of Libyan sovereign space, where they may enjoy local protections (Altai Consulting 2017). And third, Operation Sophia's officers recognise that bringing the perpetrators to justice and ensuring prosecution would prove problematic even if they were given the mandate and the authorisation to operate inside Libyan

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<sup>5</sup> Information made available by EU officers during the Shade Med event, Rome, November 2017.

<sup>6</sup> Declarations of Eurojust and Europol officers during the Shade Med event, Rome, November 2017.

waters, due to the manifest limitations of Libya's judicial system.<sup>7</sup> These observations can be taken as evidence of the limited degree of context sensitivity in the design of the Operation, and further corroborates the idea – illustrated in (Ivaschenko-Stadnik et al. 2017) that the hastily developed Crisis Management Concept's (CMC) assumptions were somewhat problematic.

Since summer 2016, EUNAVFOR MED assets have been patrolling in front of the shores of Libyan cities known to harbour jihadist organisations, such as Sirte and Derna. This move was meant to intercept illegal arms cargoes destined for Libyan terrorist groups sanctioned under UN resolutions, including the Islamic State/Daesh, al-Qaeda and Ansar al-Sharia. Reports (e.g., CAR 2016; UNSC 2017) confirm that illegal arms smuggling has in fact occurred between Libya and the Middle-East in recent years, including by sea. In the fulfilment of this mandate, by late 2017 EUNAVFOR MED had carried out a thousand or so friendly approaches to suspicious boats.<sup>8</sup> Nevertheless, only three on-board inspections had taken place by then. Two factors help to explain such a low record: first, the smugglers' adaptability to changing conflict dynamics. The Libyan National Army (LNA) strengthened their hold over the east of the country and progressively reduced arms flows towards Benghazi and Derna, while part of the smuggling was confined to minor trafficking routes out of the reach of EUNAVFOR MED, including by land or within Libya's territorial waters.<sup>9</sup> Second, the "reasonable ground" that is legally required to authorise on-board inspections entails a level of intelligence-sharing that seems to prove problematic, including among EU member states and NATO countries (EEAS 2017c). In this situation, interdiction operations were often conducted by national navies and authorities (e.g., Greece, Italy) in their respective territorial waters. And while the mission's Strategic Review concludes that the limited mobilisation of the Operation in relation to this mandate is the result of its deterrent function (*ibid.*), one might question whether this does not amount to a mere *petitio principii*. Our research has been unable to ascertain whether and how EUNAVFOR MED as a whole is subject to an impact evaluation mechanism that could provide an answer to this question.

Since May 2017, the Interim Strategic Review of EUNAVFOR MED aired the hypothesis that the mission would devote greater effort to combating illegal exports of crude oil from Libya, which had the effect of feeding territorial militias, fuelling the war economy and preventing the internationally recognised government from establishing its authority (EEAS 2017c). Tunis-based EU officers confirm that Libyan authorities repeatedly requested international assistance to this end, and grew increasingly frustrated at the misalignment between national and international priorities.<sup>10</sup> In July 2017 Operation Sophia's tasks were expanded to include the fight against oil smuggling. However, the phrasing of the mandate eventually limited the mission to a surveillance and information-gathering activity, short of any commitment to robust intervention and interdiction (Council of the European Union 2017d). No doubt the inclusion of this task represents a development that contributes to the overall coherence, conflict sensitivity, comprehensiveness and acceptance of the EU crisis response in Libya. While it is too early

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<sup>7</sup> Information made available by EU officers during the Shade Med event, Rome, November 2017. The recognition of human trafficking as a crime against humanity, endowed with universal jurisdiction, is seen as a potential avenue to partly circumvent this obstacle. It remains to be seen how realistic such a strategy can be in the current political context, however. In the meantime, EUNAVFOR MED Sophia and the Italian *Direzione Nazionale Antimafia* signed a Protocol in July 2017 with a view to improving the understanding of criminal phenomena, and contributing to the analysis and exchange of essential data.

<sup>8</sup> Information made available by EUNAVFOR MED officers during the Shade Med event, Rome, November 2017.

<sup>9</sup> Information made available by UN officers, Tunis, October 2017, and by EUNAVFOR MED officers during the Shade Med event, Rome, November 2017.

<sup>10</sup> Interviews with EU officers, Tunis, October 2017.

to assess the actual impact of EUNAVFOR MED in this domain, the August 2017 arrest of the Libyan oil smuggling kingpin Fahmi Slim Ben Khalifa by a militia aligned to the Government of National Accord (GNA) is an important step forward. Notably, Ben Khalifa's arrest has led to the dismantling of a broad criminal network stretching to Malta and Italy, which was devoted to the smuggling of Libyan oil.

## **2.2 Training the Libyan coastguard: good intentions, mixed results?**

The lack of authorisation to operate inside Libyan waters has made the fulfilment of EUNAVFOR MED's original mandates particularly problematic. The recognition of this impasse highlighted the need to strengthen local partnerships with Libyan stakeholders (EEAS 2017c). As a result, the training of the Libyan coastguard, in spite of its late inclusion in EUNAVFOR MED's tasks, has admittedly become one of its most prominent activities in recent months (Council of the European Union 2017a, 2017c; EEAS 2017c).

The objective of strengthening the capacities of the Libyan coastguard was announced as a priority from the very beginning of planning EUNAVFOR MED. In April 2015, the Interim Strategic Review of EUBAM made it clear that, if the mission were to be reopened, "the immediate priority would be on developing the Libyan naval coastguard's capacities and delivering a SAR concept that would allow Libya to fulfil its international commitments in this regard" (EEAS 2015a: 20). Nevertheless, the training of the Libyan coastguard was not included in EUNAVFOR MED's mandate before June 2016. By the end of the same month, and less than three months after their own establishment in Tripoli, the Libyan authorities, backed by the international community and by the EU in particular, promptly notified Brussels that they had appointed a committee under the Ministry of Defence to discuss the training and capacity-building of Libya's coastguard. Two months later, the Libyan Ministry of Defence signed a Memorandum of Understanding (MoU) with Operation Sophia. Soon thereafter, a needs assessment phase was launched. This led to the design of three complementary training modules to enhance the Libyan coastguards' ability to fight illicit smuggling and save lives: i) at-sea training focused on seamanship in EUNAVFOR MED units; ii) training in EU member states' naval bases; iii) at-sea advanced training in Libyan coastguard vessels. Allocations from the EU Trust Fund (see below) have contributed to funding the delivery of each module. At this stage, the lack of proactiveness demonstrated by the Libyan counterparts (EEAS 2017c) cast doubt on whose needs the assessment was meant to address, thereby calling into question the local ownership of the entire process. Subsequent interviews with EU officers suggested that in fact Libyan coastguards' seamanship skills did not seem to require any particular strengthening.<sup>11</sup> At the same time, Libyan officers repeatedly urged international partners to address their more urgent need for equipment, rather than training.<sup>12</sup>

In early September 2016, the Political and Security Committee of the EU authorised the start of building the capacity of Libya's coastguard. The delivery of the first package of activities destined for 93 trainees started in late October 2016. It took place on board two Sophia ships, San Giorgio (10 weeks) and Rotterdam (4 weeks), and was concluded in early 2017. Official documents stress that this module placed substantial emphasis on applicable human rights law, of which we found no conclusive

<sup>11</sup> Interviews with EU officers, Tunis and Rome, November 2017.

<sup>12</sup> Phone interview with Libyan Coastguard high-ranking officer, November 2017. The same source reported that such imbalances were partly addressed in mid-2017, when Italy returned four repaired patrol vessels to Libya to beef up the latter's efforts to stop people smuggling, as part of the bilateral MoU between Rome and Tripoli signed in early February 2017; he praised Italy for its transparent and participatory approach.



evidence, however. Some interviewees suggested that training courses on human rights were limited to a few days; those on gender to a few hours; with none being adequately monitored or assessed.<sup>13</sup>

These remarks, if confirmed, could lead one to speculate that in some cases a checklist mentality might have taken precedence over a genuine commitment to core EU values. The delivery of the second package was underway by mid-2017: 40 trainees received capacity-building in Greece, and 65 in Italy, while in early 2018 another 30 will be trained in Greece, 36 in Spain and 85 in Italy.<sup>14</sup> The third package is expected to start by mid-2018, and by the end of the year EUNAVFOR MED aims to have contributed to the training of 400 Libyan coastguard officers<sup>15</sup> (out of a total estimated amount of 3,000 men, see EEAS 2017c).

The monitoring of progress and the evaluation of the impact of training modules tailored to the Libyan coastguard has proved particularly controversial. For the first year, in fact, no specific mechanism had been put in place to this end.<sup>16</sup> As a result, building on the recommendations of the joint report of UNSMIL and the Office of the High Commissioner for Human Rights (UNSMIL and OHCHR 2016), in July 2017 the Council decided to include in the renewal of EUNAVFOR MED's mandate a provision to set up a monitoring mechanism for the Libyan coastguard trainees (Council of the European Union 2017d). However, by the end of 2017, the monitoring of the training courses was still unsystematic, essentially based on the collection of anecdotal evidence through informal exchanges and single-day visits: a wide consensus emerged about the need for further enhancement of the monitoring mechanism.<sup>17</sup>

The trainees' selection processes are another thorny issue. Libya's hybrid security governance, which has deteriorated since 2011 (see for instance Cole and Mangan 2016; Akl 2017; El Kamouni-Janssen and de Bruijne 2017), has required a rigorous vetting process to prevent potential peace spoilers and human rights abusers from benefiting from EU-sponsored trainings (EEAS 2017c).<sup>18</sup> Notwithstanding this caution, the available information on applicants is often very poor, and the dire situation of Libya's judicial systems has hampered data collection on individuals to the extent that the vetting procedure may have fallen short of appropriate standards of due diligence.<sup>19</sup> As it turned out, some individuals accused by the Final Report of the UN Panel of Experts on Libya of being responsible for smuggling oil and trafficking human beings (UNSC 2017a) appear among the beneficiaries of the EU trainings to the Libyan coastguard (Amnesty International 2017; El Kamouni-Janssen and de Bruijne 2017). Similar circumstances carry a serious risk of tarnishing the otherwise positive image of the EU in Libya (Loschi

<sup>13</sup> Interviews with UN officers, Tunis and Rome, October and November 2017.

<sup>14</sup> Information made available by EUNAVFOR MED officers during the Shade Med event, Rome, November 2017.

<sup>15</sup> Declaration of Admiral Credendino, EUNAVFOR MED Commander, during the Shade Med event, Rome, November 2017.

<sup>16</sup> Interviews with UN and NGO officers, Rome and Tunis, June, October and November 2017.

<sup>17</sup> Information made available by EUNAVFOR MED officers during the Shade Med event, Rome, November 2017.

<sup>18</sup> Understanding the practical inner workings of the vetting process was not straightforward, and our team was sometimes confronted with a tendency to pass the buck. According to our reconstruction, the process is as follows: the applications of candidate trainees are inspected by two commissions, one from the Libyan coastguard, and another from Operation Sophia; applicants without a documented background in the Navy are considered to be suspects and generally disregarded (which has led to veiled allegations by Libyan counterparts about the patronising attitude of EUNAVFOR MED officers); in some cases, applicants' background is further scrutinised by Europol, Interpol and UNSMIL human rights division to ensure that those accused of major human rights violations are not taken; and lastly, EUNAVFOR MED officers have the right to exclude potential infiltrators spotted during the trainings. Sources: interviews with EUNAVFOR MED officers, UN officers and Libyan coastguard officers, Tunis and Rome, October and November 2017.

<sup>19</sup> Interviews with UN and EU officers, Tunis, October 2017.

and Raineri 2017), casting a shadow over the crisis response and bringing the gap between intention and implementation into sharp relief.

International experts' reports about the alleged misconduct of Libyan coastguard officers – among which beneficiaries of EU-sponsored trainings are to be found – have raised doubts about the effectiveness and sustainability of this strategy – doubts that the lack of adequate monitoring and evaluation mechanisms do not address. Libyan coastguards have been accused of aggressive and abusive behaviour vis-à-vis both migrants and international non-governmental organisations (NGOs) engaged in SAR activities (Amnesty International 2017; Spaggiari 2017). Libyan coastguard trainees have responded to allegations of improper, heavy-handed responses by claiming that “they wanted to make a good impression on their European partners”,<sup>20</sup> and that “NGOs represent the greatest threat to Libya's coastal security”.<sup>21</sup> Moreover, official and media reports reveal that Libyan coastguard officers collude with smuggling and trafficking networks (UNSMIL and OHCHR 2016; Altai Consulting 2017; Amnesty International 2017; El Kamouni-Janssen 2017; GIATOC 2017; UNSC 2017a). Needless to say, the trend manifested by such episodes risks undermining any comprehensive approach to EU crisis response in Libya. The risk of being considered legally or morally complicit with grave human rights abuses and corrupt practices could damage the reputation and the credibility of the EU, thereby compromising its room for manoeuvre in the future.

However unfortunate, these outcomes were not unpredictable. The literature on protection economies in Libya, in fact, warned about how purely security-oriented responses to irregular migrations prove to be largely ineffective, also because “far from being partners in ending the trade, state actors are key facilitators” (GIATOC 2017: 52). As a consequence,

attempts to re-establish state structures in an environment where protection economies are strongly established may be a hopeless endeavour, particularly where the desire is to frame such assistance as purely 'technical'. [...] Few trained border guards will themselves become quickly part of the protection economy (Shaw and Mangan 2015: 109).

Sharing similar concerns, international observers warn that in the absence of more all-encompassing security sector reform (SSR) and thorough vetting procedures, short-sighted security responses may well lead to the unwarranted legitimisation, co-option and institutionalisation of highly controversial security actors: “the EU is subcontracting to crooks and thieves”, and “criminal groups have already infiltrated everything as a result of thugs being turned into cops”.<sup>22</sup> Tunis-based EU officers have proved wary about the dangers of a partial and untimely partnership with Libyan security actors (EEAS 2017b). A soberer and realistic approach to EU crisis response initiatives in Libya would require, *a minima*, a stricter compliance with the do-no-harm principle, starting with the enhancement of the mission's vetting, monitoring and impact assessment procedures.

In light of these controversial findings, the perceptions of EU capacity building in Libya that our team has captured (Loschi and Raineri 2017) lend themselves to a more nuanced interpretation. While it is true that capacity building represents one of the most well-known and best-rated domains of EU crisis response in Libya, it is unclear to what extent these evaluations can be stretched to ‘training of the

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<sup>20</sup> Information reported during an interview with a UN officer, Tunis, October 2017.

<sup>21</sup> Phone interview with Libyan Coastguard high-ranking officer, November 2017.

<sup>22</sup> Interviews with UN and NGO officers, Tunis, October 2017. See also Akl 2017.

Libyan coastguard’, given that only a very small minority of the respondents were aware that military and security actors were among the beneficiaries of EU capacity-building initiatives (12.7% and 16.7% respectively). It is possible that the specific timing of our survey captures only very partial aspects in a situation that is in rapid evolution – and where, for example, perceptions about coastguard training initiatives are yet to be formed and settled. Opinions about EU capacity building contrast sharply with those concerning EU support to security sector reform, which ranks among the least known and worst-rated domains of EU crisis response in Libya.

### 3. EUBAM

The civilian CSDP-mission EUBAM Libya (EU Integrated Border Management Assistance Mission) is the oldest EU crisis response initiative in Libya, but remains one of the smallest CSDP-missions worldwide. The mission was launched in May 2013 and mandated to help Libyan authorities, in partnership with UNSMIL, to develop a concept for integrated border management in Libya. As a result of deteriorating security conditions, however, it has been *de facto* on-hold since February 2015. One year later, in view of the establishment of the Government of National Accord, EUBAM’s mandate was amended by adding capacity building and SSR advice. Furthermore, EUBAM was tasked with carrying out the preliminary planning of a possible future CSDP-mission for more comprehensive SSR and capacity building in the fields of police, counter-terrorism, criminal justice and integrated border management (IBM) to counter irregular migration and smuggling of migrants and trafficking of human beings, “as part of broader Security Sector Reform support” (Council of the European Union 2016: 7). As a result of protracted insecurity, however, in the following months the mission barely shifted its position from being on-hold: EUBAM remained essentially a planning cell tasked with mapping the security field (European Commission 2017a).

In 2017, mounting pressure from European leaders and constituencies to deal resolutely with irregular migration flows along the Central Mediterranean Route affected EUBAM, too. Recalling the 2015 European Agenda on Migration’s framing of migration management in terms of as “saving lives and securing external borders” (European Commission 2015a: 10), the Joint Communication “Migration on the Central Mediterranean route. Managing flows, saving lives” (European Commission 2017a) emphasised a correlation between SSR assistance, stabilisation and support for Libyan actors to develop southern border controls (European Commission 2017a). Building on this document, as well as on the so-called Malta Declaration (Council of the European Union 2017a) of early 2017, the Interim Strategic Review of EUBAM<sup>23</sup> was released in May 2017 in view of the end of the mission’s mandate in August 2017 (EEAS 2017c). Noting that no clearly identifiable actor is in charge of IBM interventions in Libya, the Strategic Review stressed the need to develop a “broader border management framework”. To this end, it suggested paying greater attention to the southern borders, most notably by reframing the mission’s mandate as a regional template of action with other EU missions such as EUCAP SAHEL Niger, EUCAP SAHEL Mali, Frontex, Europol and Eurojust. On the northern maritime border, the mandate was “to develop a migrant registration system through advice on training for law enforcement agencies operating at the ports of migrant disembarkation” (EEAS 2017c: 69) in

<sup>23</sup> Interestingly, the Interim Strategic Review focused at the same time on EUNAVFOR MED and on the EU Liaison and Planning Cell mission (EULPC).

partnership with IOM. Building on this review, in July 2017, the Council again extended the mandate of EUBAM until 31 December 2018; it also extended the mandate of the mission's head, the Italian senior police officer Vincenzo Tagliaferri, until August 2018. In November 2017, it was announced that EUBAM would soon be returning to Libya with a wider mandate, including guidance on internal policing, rule of law and justice.<sup>24</sup> No further details to this end were delivered at the time of writing, and EUBAM remains under reorganisation.

In spite of the mission's changing and broadening mandate, however, the specificities of Libya's security sector, including justice and border management, set important challenges to delivering EUBAM's mandate in practice, most notably in terms of coherence, inclusiveness and effectiveness. The following sections discuss the main practical constraints faced by the mission.

### **3.1 The challenges of security sector reform in a hybrid security environment**

Security sector reform (SSR) advice and planning are increasingly at the core of EUBAM's mandate, especially in the fields of internal security, criminal justice and counter-terrorism. In theory, all CSDP-missions, including EUBAM, should abide by the framework of SSR intervention outlined in the Joint Communication "Elements for an EU-wide strategic framework to support security sector reform" (European Commission and High Representative 2016). To this end, EU-sponsored support to SSR in third countries should; i) be premised on a structured assessment including a political economy analysis; ii) rely on a context-sensitive theory of change with measurable targets; iii) foster inclusive societal participation across all relevant stakeholders including, most notably, non-state security actors, guerrilla movements, informal providers of security, etc.; iv) promote coordination with other conflict management tools, including DDR (disarmament, demobilisation and reintegration), support to transitional justice and control of small arms and light weapons; and v) ensure a comprehensive and holistic approach to security, also focusing on the strategic sectors allowing to bridge, for instance, "criminal justice chain and border management policies" (European Commission and High Representative 2016: 8).

In practice, however, these ambitions collide with the reality on the ground. The entire body of scholarship on this topic agrees that Libya's security sector is far from being coherent and united (e.g., Shaw and Mangan 2014; Akl 2017; El Kamouni-Janssen and de Bruijne 2017). This is most probably the result of a very partial – to say the least – DDR process, especially during the 2011-14 phase that preceded the deployment of EUBAM, and of the parallel institutionalisation of local militias who, according to local commentators "are not ready to relinquish their influence, privileges and vested interests" (Sawani 2017: 184). Efforts at SSR and DDR have suffered from the lack of an integrated and over-arching institutional framework, as these were "only progressing in an ad-hoc manner" (Chivvis et al. 2012). Adding a further layer of confusion, the 2015 Libyan Political Agreement has created more institutional fragmentation/disaggregated sovereignty than it has consensus. In this context, scholars contend that Libya displays a quintessential case of hybrid security governance (Shaw and Mangan 2015), one in which "the state does not have a privileged position as the political framework that

<sup>24</sup> Libya Herald reporters, "EUBAM returning to Libya with wider mandate than just borders", The Libya Herald, Tunis. 8 November 2017. <https://www.libyaherald.com/2017/11/08/eubam-to-returning-to-libya-with-wider-mandate-than-just-borders/>. News confirmed by EUBAM staff, Tunis, November 2017.

provides security, welfare and representation; it has to share authority, legitimacy and capacity with other structures” (Boege et al. 2008: 10).

Nevertheless, and in contradiction to the EU’s own guidelines on SSR, EUBAM’s mandate forces the mission to deal with Government of National Accord (GNA) representatives as the sole internationally recognised authority responsible for security sector reform. This leaves out a wide variety of other actors, irrespective of their actual capacity to deliver security on the ground. The choice to omit non-GNA security actors that may well have considerable authority, territorial control, and/or capacity of nuisance, magnifies the challenges of data collection and contextual understanding, and weakens EUBAM’s capacity to deliver proper guidance.

At the same time, cooperation with institutional partners is undermined by the reported lack of a deep-seated institutional culture and shared governance template among Libyan stakeholders. EUBAM is in fact tasked with enhancing official security institutions which, however, have been seriously eroded by four decades of informal rule under the Gaddafi regime. Contradictions and overlapping often stem from the personalised and discontinuous nature of Libyan chains of command. The mismatch between local institutional (informal) culture and European guidelines points to the problematic relationship between local ownership and external support. As a result, needs assessment sometimes mirrors top-down imposition by Brussels at the expense of the genuine expression of local needs.<sup>25</sup>

The Tunis-based EUBAM staff found itself forced to ‘muddle through’ such an unintelligible situation.<sup>26</sup> The lack of a mandate for clear and detailed actions has necessitated much adaptation, flexibility and creativity to avoid a stalemate. On the ground, EUBAM ends up devoting considerable effort to balancing local needs and externally driven needs, while at the same time acting as a facilitator between competing Libyan institutions. While the mission’s efforts to provide assistance to Libyan authorities through mentoring, advice and mapping is commendable, the poor authority and reach of EUBAM’s beneficiaries raises serious concerns about the mission’s potential impact on the ground. And indeed, the improvement of justice, rule of law and integrated border management in Libya has so far failed to materialise. These observations call into question the untimely mandate of EUBAM, and show that a more strategic commitment to a really comprehensive SSR – encompassing all the relevant security sectors and actors – remains paramount to consolidate the process of state-building. These findings help to explain why SSR remains among the least known domains of EU crisis response initiatives in Libya. In this case, limited awareness combines with a very high degree of dissatisfaction (Loschi and Raineri 2017).

### **3.2 Integrated Border Management: whose borders?**

Assisting Libyan authorities in the field of IBM is admittedly not an easy task. In the first place, one should stress that Libya’s current legal framework is inadequate vis-à-vis the international standards in this domain. Not only does it provide a very limited recognition of the rights to asylum and to non-refoulement, it also entails an opaque threshold between ‘legal’ and ‘illegal’ immigration that leaves much room for abuse (Amnesty International 2017). The criminalisation of each person entering the country without authorisation – adopted by Libyan authorities as standard practice since the Gaddafi

<sup>25</sup> Interviews with EU and UN officers, Tunis, October 2017.

<sup>26</sup> Interviews with EUBAM officers, Tunis, October 2017.

era – represents one of the most critical aspects of the international assistance to Libya.<sup>27</sup> At the same time, consideration of context sensitivity and political opportunity have caused Libya's international partners – including in the EU – to refrain from challenging Libya's authorities more resolutely.

Furthermore, border management makes no exception to Libya's incoherent and fragmented security governance, as discussed above. With a view to fulfilling its mandate to assist Libyan authorities in the field of IBM, the mission resumed the former Border Management Working Group (BMWG) and established the National Team of Border Security and Management (NTBSM), created in October 2016 by decree of the Presidential Council (EEAS 2017c). The team includes the Ministry of Defence – whose representative chairs the team – the Ministry of Interior the Ministry of Justice and the Ministry of Finance. However, most of these actors lack the capacity – if not the will – to exert any real control over Libyan territory, let alone of remote borders. While EUBAM officers are well aware of these limitations, their mapping of the Libyan actors entrusted with border management seems to lack a thorough analysis of Libya's border economy (EEAS 2017b), despite this being seen as crucial by practitioners on the ground.<sup>28</sup>

The enhancement of border management in the south of Libya is also fraught with challenges. The Strategic Review's call to devote more effort to this end manifests a questionable degree of context-sensitivity. It is true that enhancing Tripoli's grip on Libya's poorly controlled south has the potential to address the needs expressed by Libyan counterparts and to increase EUBAM's acceptance. At the same time, the control of the GNA – the only avenue through which EUBAM may exert some leverage – is very limited in southern Libya (i.e. the Fezzan), if it exists at all. Reports suggest that local networks build loose affiliations with national and cross-border actors based on patron-client relationships, and escape any substantial state control (ICG 2017; Wherey 2017). Shifting loyalties and the coexistence of legal and illicit economies undermine all attempts at planning – let alone building – long-term IBM, especially if one considers that strict security regulations prevent EU officers from leaving (certain neighbourhoods in) Tripoli. One is therefore left wondering whether EUBAM represents the most appropriate tool to foster IBM across the whole country, in the absence of a consolidated state apparatus.

At the same time, other providers of international assistance have tried, through bilateral actions, to fill the void left by EUBAM. These include, notably, Italy, as highlighted in the MoU signed by Italy and Libya in February 2017. While subsequent EU documents seem to acknowledge and endorse Italy's action in migration management in Libya (Council of the European Union 2017a; EEAS 2017c), the spearheading of IBM by a single member state may raise further criticalities, including in terms of coherence, acceptance and local ownership. Interestingly, Libyan institutional counterparts perceive the EU to be the best-placed actor to deliver longer-term solutions to enhance Libya's border control. In particular, they praise the EU's approach to IBM for being coherent and comprehensive, while single member states (MS) lack the capacity to deal with development and security in the broader Sahel region, and may therefore exacerbate local conflicts.<sup>29</sup> To date, it remains unclear to what extent individual MS and EU actions in the field of IBM, especially along Libya's southern borderlines, can reinforce each other, by crafting and facilitating synergies, flexibility, complementarity and

<sup>27</sup> Interviews with NGO and IO officers, Tunis, October 2017.

<sup>28</sup> Interviews with NGO, CSO and IO officers, Tunis, October 2017.

<sup>29</sup> Interviews with Libyan political actors and stakeholders, Tunis, October and November 2017.

intelligence-sharing, or risk instead fuelling distrust, competition and incoherence. Meanwhile, existing attempts have reportedly failed to deliver a comprehensive IBM framework and to strengthen Libyans' security, as the south of Libya is dogged by rampant criminality, widespread impunity, and smuggling and trafficking.

#### 4. The EU Trust Fund for Africa

On 20 October 2015, the European Commission launched the EU Emergency Trust Fund (EUTF) “for stability and addressing root causes of irregular migration and displaced persons in Africa” (European Commission 2015b). Building on the May 2015 European Agenda on Migration (European Commission 2015), the EUTF was officially set up at the Valletta Summit on Migration of November 2015. The new instrument aimed to provide a rapid, flexible and effective response to an emergency situation related to the ‘migration crisis’. As stated in the constitutive agreement of October 2015, it focused on three priority areas of intervention: the Sahel and Lake Chad, the Horn of Africa and North of Africa, of which Libya is part (European Commission 2015c). By signing the Constitutive Agreement in 2015, 25 EU member states, as well as Norway and Switzerland, joined the EUTF for Africa with an initial allocation of EUR 1.88 billion (with EUR 1.8 billion from the EU and the remaining EUR 81 million from EU MS as well as Norway and Switzerland; European Commission 2016c). By December 2017, the overall EUTF had increased to EUR 3.3 billion.

##### 4.1 Allocations and projects of the EU Trust Fund in Libya

The North Africa Window of Trust Fund focuses on five countries for five years: Algeria, Egypt, Libya, Morocco and Tunisia. It is managed by the Directorate General for Neighbourhood and Enlargement Negotiations (DG NEAR). In 2016, the EUTF approved projects for a total amount of EUR 64.5, although the disbursement started in 2017 (European Commission 2016c). Within this amount, it provided EUR 26 million for Libya, a figure that represents the highest percentage of allocations within the whole of the North of Africa Window, i.e. almost 40%.<sup>30</sup> The bulk of the allocation supported a project focused on “protection and humanitarian repatriation and reintegration of vulnerable migrants”, with EUR 20 million, implemented by the IOM and a number of local NGOs. The remaining EUR 6 million were directed to strengthening “stability and resilience through supporting IDPs in Libya”, implemented by a consortium led by Danish Refugee Council (European Commission 2016c).

The year 2017 saw a boost to the EUTF budget, with about EUR 200 million mobilised in 2017 only. Such a sharp increase builds on the priorities set by the European Commission in the Joint Communication “Migration on the Central Mediterranean Route: Managing flows, saving lives” released on 25 January 2017 (European Commission 2017a) and further developed by the Malta Declaration of 3 February 2017 (Council of the European Union 2017a). These policy documents are seen as responding to the increase of irregular migration along the Central Mediterranean route that

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<sup>30</sup> Allocations to the other countries divided as follows: Egypt EUR 11.5 million; Tunisia EUR 11.6 million; Morocco EUR 5.5 million; Regional framework: EUR 10 million (European Commission 2016c).

was recorded in 2016,<sup>31</sup> and refer to the so-called EU-Turkey Deal as source of inspiration to effectively manage migration flows along the Eastern Mediterranean route (European Commission 2017a).

As a result of these developments, on 12 April 2017, the Operational Committee of the Trust Fund North of Africa Window adopted one single programme worth EUR 90 million, titled “Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development”. The programme has two subcomponents. The first part allocates EUR 49 million to humanitarian protection, with a particular focus on Assisted Voluntary Return (AVR) carried out by IOM; support to detention centres and distribution of non-food items by UNHCR; and provision of safe shelters for migrant children by UNICEF. The remaining EUR 42 million contribute to the “stabilisation strategy through support to local authorities and their developing capacities. The overall idea is to address the migration crisis by ensuring local ownership through service delivering enhancement, infrastructure reinforcement addressed to both migrants, refugees and host communities, in an inclusive and comprehensive manner” (Action Fiche 2017: 1). The strategy was to focus on municipalities as legitimised interlocutors, close to citizens and able to manage rapid-impact stabilisation projects such as creating job opportunities, restructuring local services, and reinforcing education infrastructures. The United Nations Development Programme (UNDP), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), and most notably IOM are among the main recipients of these funds.

On 28 July 2017, a complementary programme of EUR 46 million was announced to meet the EUTF engagements of the year. Co-financed by the EUTF and Italy, and implemented by the Italian Interior Ministry, its ambition was to reinforce the integration and border management capacities of Libyan authorities (European Commission 2017c). The expected beneficiaries include the Libyan Coast Guard, Libyan maritime authorities, and Libyan border guards in the south. While the researchers faced certain challenges in accessing project documents, the press release outlines the planning of a capacity-building pilot activity in the Ghat area aiming “to set up or restore the border area surveillance facilities”. The document emphasises the humanitarian dimension of the initiative, claiming that “the financing of the facilities will be linked to the access of humanitarian actors for protection of migrants in the region and the opening of 'safe spaces'” (European Council 2017b).

On 6 December 2017, the European Commission announced the adoption of three new programmes in the framework of the EUTF North Africa Window, globally worth EUR 29.6 million. Some EUR 4.6 were earmarked for Morocco. The remaining EUR 25 million mainly focused on Libya, with EUR 10 million devoted to enhancing IOM-run AVR programmes, and EUR 15 million assigned to UNODC (UN Office on Drug and Crime) for the support of North African governments’ efforts to disrupt human smuggling networks in the region (European Commission 2017d).

These allocations clearly indicate that Libya has become a key target country of the EUTF, and that, conversely, the EUTF has become a major tool of crisis response in Libya, making other – more traditional – crisis response tools pale in comparison, in terms of resources mobilised. However, the EUTF allocations in Libya still fall short of the promises for 2017 by approximately 17%. At the time of writing, there seems to be no further allocation in sight, and the promise of EUR 200 million in 2017

<sup>31</sup> According to available data, 2016 saw 181,436 arrivals in the Central Mediterranean route, against the 153,842 recorded in 2015. Cfr. IOM. <https://www.iom.int/news/mediterranean-migrant-arrivals-top-363348-2016-deaths-sea-5079>.



has not been fulfilled. At the same time, allocations should be made available depending on the needs on the ground, and not on the mere availability of funds or bombastic political declarations. Moreover, the lack of consideration for local absorption capacities carries a risk of exposure to blackmail and opportunism.

#### **4.2 The problematic project cycle management of EUTF-sponsored projects**

The design of specific EUTF-funded programmes in Libya has not escaped criticism, calling into question the principles of participatory planning and local ownership. The perception of a ‘migration emergency’ among the EU public has prompted a demand for effective solutions from EU headquarters. In order to speed up decision-making, the EUTF project design and administrative chain features a marked top-down flow centralised in Brussels. This has contributed to marginalising the role of local stakeholders. In this sense, our interviews suggest that i) Libyan authorities, both at national and local level, have been called to sign-off pre-conceived projects with limited consultation about their inputs, priorities and needs; ii) Libyan civil society organisations claim to have been neglected, their proposals disregarded and their role as implementers excluded; iii) INGOs perceive to have little room to influence and renegotiate EUTF strategies, and that, due to rigid bureaucracy, their interventions risk being more politically-driven than needs-driven; iv) some humanitarian actors claimed that EUTF-funded projects serve the inappropriate purpose of projecting EU policies onto North Africa rather than responding to local demands; v) the EU Delegation to Libya has found itself squeezed between high expectations from Brussels and very limited room for manoeuvre. Moreover, the overemphasis on migration management instruments and strategies alone collides with the Delegation staff’s perception of having a broader mandate towards Libya’s political transition.<sup>32</sup>

The limited room for local stakeholders to provide input carries the risk of shielding EUTF-funded projects from valuable contributions that could increase their conflict sensitivity. No systematic conflict sensitivity scrutiny had been conducted on the projects approved and funded by EUTF in Libya before late 2017.<sup>33</sup> This may exacerbate tensions, given the sensitivity of the issues tackled and the magnitude of the resources mobilised. Since late 2017, however, all projects funded by the EU in Libya must undergo a prior conflict sensitivity assessment. This represents a positive step forward, which implicitly acknowledges the inadequacies of the previous approach, although how far such an assessment can influence the EUTF projects’ negotiation and design in Brussels remains unclear.

The assistance to humanitarian organisations intervening in detention centres has probably attracted the harshest criticism. Several reports (Mangan and Murray 2016; OHCHR 2016, 2017a and 2017b; UNSMIL and OHCHR 2016; Amnesty International 2017) have documented the dreadful conditions in Libya’s detention centres, including both formal and informal facilities.<sup>34</sup> At the same time, Libya’s legal framework makes the violation of the right to non-refoulement systematic, access to legal remedy impossible, and impunity widespread. In this context, critics contend that the generalised resort to detention for the management of irregular migration in Libya is, at best, something the EU should condemn and not support, even indirectly, in order not to breach its duties under international law. At worst, it is the foreseeable result of the EU’s restriction of regular avenues to Europe. Calling into

<sup>32</sup> Interviews with EU, UN, INGOs, Libyan authorities and Libyan CSOs officers, Tunis, September and October 2017.

<sup>33</sup> Interviews with EU, UN and INGOs officers, Tunis, October and November 2017.

<sup>34</sup> Interviews with NGO and international organisation officers, Tunis, October 2017.

question the coherence of the EU's crisis response, several organisations deliberately declined to apply for funding so as to distance themselves from controversial EU migration policies in Libya. Some humanitarian actors interviewed for this research have gone as far as qualifying EUTF interventions in this field as “dirty money”.<sup>35</sup>

At the same time, Assisted Voluntary Returns (AVRs) risk being unsustainable, in spite of their increasing significance and frequency. In the first place, an individual repatriation from a detention centre where grave violations are the norm seems to be less of a ‘voluntary’ choice than a mere necessity. As a matter of fact, humanitarian organisations in Libya increasingly resort to the new notion of ‘evacuations’. Moreover, the rate of these evacuations gives rise to some scepticism and highlights a major intention-implementation gap. Through EUTF-funded projects, the IOM has set an initial objective of evacuating 15,000 individuals in two years from detention centres, mostly in Tripoli and Sebha. At this rate, however, it would take several years to evacuate the estimated total of migrants currently detained in Libya, without considering that, according to local observers, another 15,000 migrants are reportedly accessing Libya every month. Recent calls to double the efforts and pace of evacuations,<sup>36</sup> while pointing in the right direction, still fall short of identifying realistic targets, and reiterate the EU's unrealistic expectations on AVRs.

The choice to include internally displaced people (IDPs) among the beneficiaries of EUTF projects conveys a subtle – and perhaps inevitable – trade-off between humanitarian values and conflict sensitivity. Libyan authorities and local actors have frequently complained about EU over-emphasis on migration, and the parallel neglect of the needs of Libyan civilians struck by enduring domestic conflict. One could argue that such criticism points to the existence of a unilateral – and therefore non-comprehensive – approach to security on the part of the EU in Libya, which has ended up subsuming a complex crisis in a purely ‘migration crisis’. As a result, some IO and NGO professionals tend to agree that working on IDPs might not be the best needs-driven choice, but nonetheless it contributes significantly to diluting tensions, dispelling negative perceptions and increasing acceptance.

As suggested above, another crucial component of EUTF is aimed at fostering stabilisation through quick-impact development projects. While stabilisation and development are valuable objectives per se, it is unclear how far their implementation in Libya can contribute to the EUTF-stated objective of tackling the root causes of irregular migration and reducing migratory pressure on Europe. The promotion of alternative economic opportunities for the absorption of migrants and the reconversion of smugglers has to be coherent with a context-sensitive political economy analysis. The incentives of a vibrant traffic-based economy that enjoys widespread legitimacy, coupled with the general impunity and the lack of meaningful deterrence, create an uneven playing field that seriously undermines the attractiveness and potential of legitimate businesses. The precedent of the EU Strategy for Security and Development in the Sahel, and of its failure under similar circumstances (Reitano and Shaw 2014), raises questions about the institutional learning capacity of the EU.

<sup>35</sup> Interview with humanitarian INGO, Tunis, October 2017.

<sup>36</sup> See, for instance, the declarations of Emmanuel Macron during the EU-Africa summit in November 2017. “Macron annonce des ‘opérations d’évacuation d’urgence’ de migrants esclaves en Libye”. *Le Monde International*, [http://www.lemonde.fr/international/article/2017/11/29/la-communaute-internationale-se-reunit-en-urgence-sur-la-question-de-l-esclavage-en-libye\\_5222350\\_3210.html#U3AXA6374mQaXrfV.99](http://www.lemonde.fr/international/article/2017/11/29/la-communaute-internationale-se-reunit-en-urgence-sur-la-question-de-l-esclavage-en-libye_5222350_3210.html#U3AXA6374mQaXrfV.99).

Moreover, the choice to leverage on municipalities for the implementation of stabilisation projects, while endowed with its own logic (Toaldo 2015) carries a number of risks. First, it may inadvertently contribute to strengthening centrifugal dynamics by providing local actors such as municipal councils with a sort of international status at the expenses of the national reconciliation and consensus building processes. Moreover, the legitimacy and local rooting of municipalities should not be always taken for granted. In the east of Libya (i.e., Cyrenaica), some mayors have been replaced by appointed military officers. Elsewhere, armed actors or informal groups have repeatedly attempted to replace democratically elected authorities (e.g., in Misrata, see El Kamouni-Janssen and de Bruijne 2017: 8-9). In many cases, including in the south, the extra-legal economy flourishes and it is a challenge to disentangle smugglers, militias, and local chiefs (ICG 2017). Support for local communities via migration projects may be a double-edged sword stirring the competition and opportunism of local actors that often escape adequate assessment. It also carries the risk of further jeopardising the local economy without fostering community development. It remains unclear to what extent mitigation strategies have been considered in this respect. Other international actors have pursued a different strategy in this regard: the UNDP, for instance, promotes the involvement of municipal governments in stabilisation programmes, always in combination with central government representatives, such as the Ministry of Infrastructure in particular, in order to respect inter-governmental relations between national and sub-national tiers, and to enhance the GNA's legitimacy.

Lastly, one should observe that remote management – brought about by security concerns and strict EU regulations – is far from ideal in terms of monitoring, evaluation and accountability. Apart from daily visits to (some neighbourhoods of) Tripoli, EU staff are prevented from accessing Libya, especially from entering the main areas where EUTF-funded projects are carried out. Similar constraints apply to other INGO staff. Interviewed for this research, a humanitarian operator stressed that “We are all in the same fog, no one has a real understanding of what happens on the ground”.<sup>37</sup>

While existing guidelines underline the need to mitigate remote management drawbacks by relying on local NGOs (Action Fiche 2017), this could not represent a definitive solution. Reliance on local stakeholders for data collection, in fact, carries the risk of hindering objective and impartial oversight, especially when local stakeholders also happen to be implementers or beneficiaries of the project. At the same time, locally available technical expertise is limited, while the resort to third-party evaluation remains underdeveloped in EUTF-funded projects. As a result, it becomes very hard to assess the real impact of the projects thus developed, as well as to spot and address unexpected drawbacks in a timely fashion. These observations further highlight the risk of widening the gap between the ambitions on paper, and realities on the ground, between intention and implementation, and between security discourses and security practices of the EU.

## 5. Humanitarian assistance

The specific humanitarian assistance provided by the European Union to respond to the Libyan crisis can be divided into two distinct components. On the one hand, the civil war that erupted since mid-2014 has prompted the European Civil Protection and Humanitarian Aid Operations Directorate

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<sup>37</sup> Interview with INGO officer, Tunis, October 2017.

General (ECHO) to recognise the humanitarian dimension of the Libyan crisis and to step up action in favour of the Libyan victims of war. On the other hand, the increasing framing of the complex Libyan crisis predominantly in terms of a 'migration crisis' has resulted in growing attention to humanitarian initiatives addressing the needs of migrants and asylum-seekers in transit through Libya. As the resources, instruments and outcomes of the EU humanitarian crisis response in these fields differ greatly, they will be treated separately.

### **5.1 ECHO and the humanitarian assistance to victims of the conflict in Libya**

ECHO is the most well-established and all-encompassing instrument of global humanitarian assistance in the EU. Since the recognition of the humanitarian concerns raised by the crisis in Libya, ECHO has strived to premise its action on an accurate needs assessment, in line with EU and international standards. As a result of this exercise, in 2015 ECHO estimated that 2.4 million people were affected by the crisis, of which 1.3 million (about one-fifth of the entire population) would need to be targeted by humanitarian assistance, including IDPs, host communities, returnees, and migrants (including long-term migrants, refugees and asylum-seekers). These figures have not been disputed in the updates and adjustments of the ECHO humanitarian implementation plan for Libya in subsequent years (see, for instance, ECHO 2017a, 2017b), in spite of the noticeable reductions in the number of IDPs<sup>38</sup> and conflict events (De Bruijne et al. 2017a) in recent years.

However, Tunis-based humanitarian actors, including within the EU, are sceptical about the accuracy of this needs assessment, and claim that independent oversight is limited by stricter security regulations<sup>39</sup> that constrain access to the field. The reliance on indirect information and knowledge gatekeepers may seriously affect the quality of the needs assessment, and increase its vulnerability to manipulation.<sup>40</sup> As a matter of fact, the assessments produced by different organisations differ, raising concerns about the potential for institutional relevance struggles. However, most senior humanitarian officers agree that no grave humanitarian crisis is occurring in Libya,<sup>41</sup> and that existing figures represent an overestimation of the actual needs on the ground. Against what a Brussels-based point of view might suggest (Ivaschenko-Stadnik et al. 2017), the European resources funnelled by ECHO for the humanitarian response to the Libyan crisis are not underrated; instead, they may be exaggerated vis-à-vis the needs observed by practitioners on the ground. The latter have repeatedly expressed their frustration at being 'flooded' with aid money, which is considered as being more driven by electoral deadlines and partisan domestic politics in EU member states than by the needs of the victims of the Libyan conflict. Tunis-based officers have reportedly expended considerable effort in resisting the pressure to implement misconceived projects, to make sure that EU humanitarian action remained needs-driven and not politically or funds-driven.<sup>42</sup> At the same time, fragile governance structures and the lack of institutional culture have limited the scope for local ownership and participation in the

<sup>38</sup> Compare for instance <http://www.internal-displacement.org/middle-east-and-north-africa/libya/figures-analysis> and <http://www.globaldtm.info/libya/>.

<sup>39</sup> Security regulations of the kind increasingly highlighted by critical scholars such as Duffield (2010); Andersson and Weigan (2015); Peter and Strazzari (2017).

<sup>40</sup> Interviews with EU, UN and INGO officers, Tunis, October 2017.

<sup>41</sup> Interviews with EU and UN high-ranking humanitarian officers, Tunis, October 2017.

<sup>42</sup> Interviews with EU officers, Tunis, October 2017.

needs assessment phase, and raise serious concerns about the absorption capacity in the implementation phase.

With a view to avoiding further politicisation, and to preserving the core values of humanitarian action – including impartiality and independence – since the beginning ECHO has worked to address the needs of Libyan residents affected by the conflict, while abstaining from a more resolute action in favour of migrants and asylum-seekers in transit in Libya. In particular, ECHO has funded UN agencies (including IOM, UNHCR, UNICEF, the World Food Programme and World Health Organization), the ICRC (International Committee of the Red Cross and Red Crescent) and international NGOs (including the Danish Refugee Council, Première Urgence Internationale, the Agence d’Aide à la Coopération Technique et au Développement, the International Rescue Committee, as well as REACH for needs assessments, etc.), with a view to supporting projects to rehabilitate damaged health structures; enhance the provision of basic social services; provide non-food items and cash-transfers to vulnerable populations; treat the war-wounded; and support education in an emergency. The total amount of ECHO funding to Libya in 2017 is approximately EUR 16 million (including both the 2017 budget and the 2016 rest).<sup>43</sup> This figure represents about half of the ECHO’s total allocations to Libya since 2014 (ECHO 2017a), thereby suggesting the growing involvement of European decision-makers. At the same time, it pales in comparison to the budget of the EU Trust Fund destined for Libya, and points to a major restructuring between different EU crisis response tools and priorities.

ECHO’s extensive focus on Libyan IDPs and war victims has not been exempt from criticism. On the one hand, as in the case of EUTF-sponsored projects on IDPs (see above), it testifies to a greater sensitivity to local security perceptions, and is largely praised for increasing the acceptance of EU action in Libya in general. On the other hand, practitioners concede that priorities set on a genuinely needs-driven basis would require the diversion of limited aid resources to other potential beneficiaries, such as vulnerable migrants and asylum-seekers in Libya, or victims of forgotten humanitarian crises elsewhere in the world.<sup>44</sup> Furthermore, the same logic has led to some geographic imbalance, with the risk of exacerbating existing tensions: while east and west Libya are equally targeted by ECHO-funded projects, in fact, the south (both south-west and south-east) is largely neglected. Interestingly enough, these observations are mirrored in Libyans’ perceptions of the EU’s crisis response (Loschi and Raineri 2017): humanitarian action is by far the most well-known domain of EU crisis response initiatives in Libya, although less so by those most in need. It is also generally well appreciated, but less so by marginalised populations living in the peripheries of the country.

## **5.2 Preventing deaths at sea: contested rescues on the Central Mediterranean Route**

As a result of the collapse of the Libyan institutions, the size of the Search and Rescue (SAR) area of responsibility of the Italian Maritime Rescue Coordination Centre (IMRCC) almost doubled. SAR activities off Libyan waters have since been in turmoil, putting unprecedented pressure on the Italian coastguard. EU institutions repeatedly pledged to prevent further deaths at sea and step up efforts to address this major humanitarian crisis. After the shipwreck that occurred on 19 April 2015 off the Sicilian coast – when more than 800 migrants in transit from Libya to Europe died in what the UNHCR later defined as “the gravest humanitarian disaster in recent times” – a Special Meeting of the

<sup>43</sup> Interviews with EU officers, Tunis, October 2017.

<sup>44</sup> Interviews with officers from EU, UN, INGOs and MS national cooperation agencies, Tunis, October 2017.

European Council concluded that the EU would “mobilise all efforts at its disposal to prevent further loss of life at sea and to tackle the root causes of the human emergency” and “decided to strengthen our presence at sea” (Council of the European Union 2015). However, EUNAVFOR MED's CMC, designed immediately afterwards, explicitly ruled out SAR activities from the mission's mandate, while the Frontex mission Triton was deployed away from the areas where the majority of the SAR events were taking place.<sup>45</sup>

Critics contend that these choices proved “misjudged and catastrophic” (GIATOC 2017: 36) because it was based on the wrong assumption that reducing the scope of rescue operations would stop migration flows as the danger faced on the route would act as a deterrent (Toaldo 2017). Instead, reported migrant deaths kept on rising in subsequent years, from 2,877 in 2015 to 4,581 in 2016.<sup>46</sup> By mid-2017, the UNHCR estimated that one in every 47 migrants died – a rate far higher than had been observed at any point during the duration of the crisis (see GIATOC 2017). The mismatch between the declared “EU humanitarian imperative to save lives at sea” (European Commission 2017a) and the actual situation is also the result of a difficult alignment between Brussels' commitments, and the spearheading initiatives of individual member states, often through their Ministries of Interior and/or of Defence, who felt pressured by their domestic constituencies to stem migratory flows. The uneasy balance between dissuasion and humanitarian obligations has undermined the coherence of the EU's response to this crisis and the coordination among European actors.

This regrettable state of affairs prompted a change of strategy. In June 2017 the Commission (and in particular DG Home and EEAS) invited the Italian coastguard to assist the Libyan coastguard to fulfil its SAR duties, by setting up a Maritime Rescue Coordination Centre in Libya in line with international standards. A few days later, the European Commission issued an “Action plan to support Italy and stem migration flows” in which “establishing Maritime Rescue Coordination Centres in Libya” featured among the key measures to save the lives of migrants in distress (European Commission 2017b). The needs assessment phase started soon thereafter, for an expected duration of one year. While relying on the contributions of other EU and UN actors in the field, it will admittedly face the kinds of challenges common to other similar exercises in the Libyan context: security constraints, data collection and accuracy, independent oversight and lack of institutional templates.

The cooperation between the Italian and the Libyan coastguards produced a first tangible result in early August 2017, when the Libyan coastguard unilaterally declared its own SAR area of competence. This declaration came alongside an injunction to stay away from the Libyan SAR zone, a measure implicitly directed to humanitarian NGOs operating in the area.<sup>47</sup> The actual implications of this declaration remain controversial. On the one hand, the Italian authorities immediately welcomed the declaration of a Libyan SAR zone, and felt bound to avoid all interference within it.<sup>48</sup> On the other, given the lack of adequate SAR infrastructure in Libya, other neighbouring countries failed to issue a declaration recognising Libya's claims. This confusion has increased the scope for overlapping competence, increasing the vulnerability of migrants in distress at sea. A number of preventable deaths

<sup>45</sup> The Italian coastguard and private NGOs partly filled this gap, and their assets combined carried out about half of the rescues having taken place in the subsequent months along the Central Mediterranean Route (Italian Coast Guard 2017).

<sup>46</sup> See Missing Migrants Project. <https://missingmigrants.iom.int/region/mediterranean>.

<sup>47</sup> AFP, “Libya navy bars foreign ships from migrant ‘search and rescue’ zone”, *Arab News*, 19 August 2017, <http://www.arabnews.com/node/1142751/middle-east>.

<sup>48</sup> Interviews with Italian officers, Rome, December 2017.

highlighted how aggressive interception attempts by the Libyan coastguard resulted in the capsizing of several boats (Amnesty International 2017). It is also unclear how the SAR concept of ‘place of safety’ applies to Libyan disembarkation points in the current situation of protracted conflict. Perhaps as a result of these uncertainties, by mid-December 2017 Libyan authorities unilaterally withdrew their declaration, leaving their European partners in disarray and raising further doubts about the sustainability of the EU’s approach.

At the same time, as the Libyan coastguard’s role in delivering SAR increased, that of humanitarian NGOs declined. Throughout the first half of 2017, NGOs engaged in SAR activities in the Mediterranean Sea were publicly accused by different European authorities (including the Director of Frontex) of contributing to the pull factors of migration and – more disturbingly – of collusions with Libyan smugglers (Wintour 2017). At the time of writing, these allegations have not proved to be true. Nevertheless, they triggered a demand by Italian authorities, promptly backed by the EU (European Commission 2017b), that all NGOs operating in the Central Mediterranean Route abide by an “ethical code of conduct”.<sup>49</sup> According to human rights organisations, “the code includes provisions that do not comply with international human rights law or with humanitarian provisions within the law of the sea” and that are considered in contradiction “with the principle that the safety of life must be prioritized at all times” (Amnesty International 2017: 48). In private, Italian Coast Guard officers concede that the controversy about the code of conduct may have well depended on “political, not technical issues”,<sup>50</sup> which in turn refer to the broader debate on the (re)politicisation of border management and humanitarian assistance (Cuttitta 2017). In spite of the code of conduct not being legally binding, Italian authorities announced that failure to sign would trigger unspecified retaliatory measures. A few days later the Libyan coastguard also threatened to adopt robust measures against all NGOs operating in the (unrecognised) Libyan SAR zone, including within international waters. As a result of these growing pressures, in the subsequent days several NGOs announced the end of their SAR activities in the Mediterranean, because of an “increasingly hostile environment for lifesaving rescue operations”.<sup>51</sup>

One is left speculating whether this is the unfortunate consequence of an awkward lack of coordination, or the intended outcome of a deliberate policy aimed at undermining the role of civil society organisations that are transnationally mobilised in the delivery of humanitarian assistance. In fact, only the full externalisation of border controls, and the complete exclusion of European humanitarian agencies – be they public or private – seems to offer an avenue to circumvent the legal obligations contained in the 2012 European Court of Human Rights ruling (in the case of *Hirsi Jamaa and Others v. Italy*) that disembarking any migrants and asylum-seekers in Libya would be unlawful under EU human rights law. However, this conjecture has been disputed by human rights organisations, on the ground that the principle of non-refoulement entails extra-territorial obligations that could be violated by the provision of international assistance to a third country, such as the support to the Libyan coastguard (Fundamental Rights Agency 2016; Amnesty International 2017;

<sup>49</sup> “Migranti: 11 regole per il codice condotta delle Ong: ‘Stop ai trasporti su altre navi’”, *La Repubblica*, 12 July 2017. <https://goo.gl/bk2BYi>

<sup>50</sup> Interviews with coastguard officers, Rome, December 2017.

<sup>51</sup> “Hindrance of humanitarian assistance will create a deadly gap in the Mediterranean Sea”, Médecins Sans Frontières, 12 August 2017, <http://www.msf.org/en/article/hindrance-humanitarian-assistance-will-create-deadly-gap-mediterranean-sea>.

OHCHR 2017b). Be that as it may, the failure to integrate a civilian component in the response *dispositif* runs against a pillar of the EU's comprehensive approach to security and crisis management (Pirozzi 2013).

These developments could lead to a serious gap in the humanitarian response to this crisis, as also suggested by scholarship on civil-military cooperation and maritime rescuing (Cusumano 2017). It is true that building the capacity of the Libyan coastguard may contribute to decreasing the number of shipwrecks, most notably by limiting the departures of unseaworthy migrants' boats from Libyan shores. Since the second half of 2017, in fact, the reduction of migrant flows, deaths at sea and EU-bound rescues along the Central Mediterranean route is attributed by EU officers to the Libyan coastguard's capacity to deliver tangible results quickly and cost-effectively.<sup>52</sup> These results are nevertheless elusive and lend themselves to a nuanced interpretation: deaths of migrants at sea still exceeded 3,000 in 2017, thus consistently attributing to the Mediterranean the dubious record of being the most dangerous frontier worldwide to cross for migrants (Fargues 2017). In the first 10 days of 2018, this figure reached 160, a rate that – if confirmed for the rest of the year – would reach the unprecedented number of 5,840 deaths in the Mediterranean Sea.

These figures suggest that migratory flows and dangerous sea crossings come and go, because the networks devoted to human smuggling are quickly reorganised, depending on changing circumstances. One may therefore contend that the sustainability of this strategy is dubious because it is informed by a limited degree of context- and conflict-sensitivity: first, because it risks exposing the GNA to allegations of being more accountable to EU than to Libyan interests, thereby further weakening its (already fragile) grip. Second, because the outsourcing of migration management to Libyan authorities and the dramatic increase in the number of people in custody in Libyan detention centres (OHCHR 2017c) is fuelling a criminal economy of exploitation and traffic.<sup>53</sup> This, in turn, has the potential to further empower non-state armed actors and militias, given the reported collusions between security officers and trafficking networks (Shaw and Mangan 2014; Altai Consulting 2017; Amnesty International 2017; De Bruijne et al. 2017b; El Kamouni-Janssen 2017; GIATOC 2017; UNSC 2017a and 2017b). As a recent report on security governance in Libya confirms: “recent events in the city of Sabratha are perhaps the clearest example how EU interventions in local Libya are not sensitive enough to the local context” (El Kamouni-Janssen and de Bruijne 2017: 13). As a result, the short-sighted containment of migration flows, perceived as threatening by Europe, may run counter to the achievement of Europe's declared strategic objective of building a viable state and solid institutions in Libya.

## 6. Concluding observations

One may be tempted to say that, in theory at least, the overall framework of Europe's approach to the Libyan crisis has remained fundamentally unchanged since the 2014 recognition of the security crisis unfolding in Libya. Confirming the key orientations of the Political Framework for a Crisis Approach (EEAS 2014), the European Council concluded in July 2017 that “there is no solution to the Libyan crisis through the use of force. The Council reiterates its firm support to the Libyan Political Agreement and

<sup>52</sup> Information made available by EUNAVFOR MED officers during the Shade Med event, Rome, November 2017.

<sup>53</sup> Interviews with NGO and UN officers, Tunis, October 2017.



to the Presidency Council and Government of National Accord led by Prime Minister Fayeze Sarraj established under it as the sole legitimate government authorities in the country” (Council of the European Union 2017e).

In practice, however, analysis suggests that short-term objectives have often taken precedence over the stated strategic goal. EU leaders have sought quick-fix solutions to offer immediate answers to the anxieties of their constituents, who allegedly perceive growing migrant flows from Libya as an existential threat. Debates held during the electoral campaigns in a number of key European member states have illustrated how proposed crisis management measures primarily aimed to do as little damage as possible to election results. In other words, as migration became securitised and framed as an emergency, EU leaders appeared to address the needs of European audiences more than those of local stakeholders and vulnerable groups. One could argue that the mismatch between the grandiloquent declarations and the action actually implemented on the ground is the result of internalising foreign issues for domestic political purposes.

Our findings show a troubling lack of monitoring and impact evaluation schemes across most of the EU crisis response initiatives in Libya. This lends weight to those who fuel the suspicion that crisis response initiatives are designed not to bear any meaningful consequence in practice. The decoupling of rhetoric and practice, however, can lead to EU external action and crisis response being seen as no more than a rhetorical wish-list than seriously considered policy options (see Chandler 2007).

The gap between ambitious objectives and aspirations on the one hand, and the capacity or willingness to achieve them on the other emerges in different areas of EU response policies in Libya, generating distorted expectations among beneficiaries, local counterparts, and European audiences. There is no lack of empirical illustrations of this. In particular, the increasing emphasis on Libyan coastguard capacity building – cutting across most of the EU crisis-response initiatives analysed in this paper – suggests that the EU and its member states are unwilling to engage in longer-term strategic SSR (let alone DDR), but are keen to sponsor short-term capacity-building measures in favour of a few selected security forces for containment purposes. Yet leaving the most fundamental security problems unaddressed foments frustration among Libyan stakeholders<sup>54</sup> and undermines the strategic objective of building stable state institutions in Libya.

This approach raises issues of coherence and sustainability. Even more importantly, it shows that conflict sensitivity should be further strengthened, especially when compared to other international actors’ crisis response in Libya. While EU officers in Brussels praise the establishment of the “Conflict Sensitivity Leadership Group and associated Conflict Sensitive Assistance Forum in Tunis”, specifically set up to ensure greater attention to conflict sensitivity across all EU-sponsored projects in Libya,<sup>55</sup> most EU officers in Tunis only have a vague understanding – if any – of these tools, and recognise the shallow impact on their work in practice.<sup>56</sup> True, the situation might have changed since late 2017, but NGO officers and conflict sensitivity specialists have expressed fears that this may amount to “a

<sup>54</sup> Interviews with Libyan politicians and NGO officers, Tunis, September and October 2017. Interestingly, this finding echoes the conclusions of scholars studying international crisis response in other countries (see Tull 2017).

<sup>55</sup> Correspondence with EU officer in Brussels, October 2017.

<sup>56</sup> Interviews with EU officers, Tunis, October 2017.

superficial exercise with no meaningful consequence”, “a belated manifestation of a checklist mentality”, and “a lip-service without a genuine interest”.<sup>57</sup>

Finally, we argue that the intention-implementation gap of EU crisis response in Libya has high reputational costs, which in turn may bear political consequences. Controversy about the abuses perpetrated on migrants and asylum-seekers in Libyan detention centres offers a clear illustration of this. Indeed, through the externalisation of border controls, the EU has indirectly promoted the massive resort to unsafe detention schemes for the management of irregular migration in Libya, prompting allegations that the EU crisis response brought about a “policy-made humanitarian crisis”.<sup>58</sup>

In late 2017, the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein issued a statement expressing with unprecedented virulence a strong condemnation of EU policies in Libya, contending that the European Union's strategy of containment was “catastrophic” and “inhuman”:

“The international community cannot continue to turn a blind eye to the unimaginable horrors endured by migrants in Libya, and pretend that the situation can be remedied only by improving conditions in detention. [...] The increasing interventions of the EU and its member states have done nothing so far to reduce the level of abuses suffered by migrants”.

Calling for the decriminalisation of irregular migration, the statement concluded, interestingly, that “only alternatives to detention can save migrants' lives and physical security, preserve their dignity and protect them from further atrocities” (OHCHR 2017c).

These declarations show how, in Libya, the EU's crisis response has come in for unprecedented levels of criticism. The securitisation of migration, and the framing of the latter as a crisis with destabilising potential, have led to the EU's normative commitments being overlooked, if not abandoned, in spite of their relevance precisely in times of crisis. Such a patent intention-implementation gap has prompted the censure of a broad set of actors, from human rights organisations to UN agencies, which theoretically share the EU's same normative standpoint and could therefore represent natural allies in times of crisis. The reputational costs of the EU's crisis response in Libya may therefore have broader repercussions, yielding the risk of furthering isolation in an international arena characterised by the global recession of liberal values. The shortcomings of the crisis response in Libya, in fact, suggest that for the foreseeable future the European Union may face serious challenges if it wishes to be perceived as a credible actor inspired by “principled pragmatism” (European Commission 2016a), let alone as a “force for good” (European Commission 2003) in its foreign policy and in its neighbourhood.

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<sup>57</sup> Interviews with NGO officers, Tunis, October 2017.

<sup>58</sup> “Europe Is Feeding a Criminal System of Abuse in Libya”, Doctors Without Borders, 7 September 2017, <http://www.doctorswithoutborders.org/article/europe-feeding-criminal-system-abuse-libya>.

## References

- Akl, Z. 2017. "Militia Institutionalisation and Security Sector Reform in Libya". *leMed Euromesco Paper* 35. Barcelona: June 2017.
- Altai Consulting. 2017. *Leaving Libya: Rapid Assessment of Municipalities of Departures of Migrants in Libya*. Tunis: June 2017.
- Amnesty International. 2017. *Libya's dark web of collusion. Abuses against Europe-bound refugees and migrants*. London: December 2017.
- Andersson, R., Weigand, F., 2015. Intervention at Risk: The Vicious Cycle of Distance and Danger in Mali and Afghanistan. *Journal of Intervention and Statebuilding* 9(4)
- Bátora, J., Blockmans, S., Ferhatovic, E., Peters, I., Rieker, P., Stambøl, E. 2016. "Understanding the EU's crisis response toolbox and decision-making processes", *EUNPACK Working Paper D.4.1*. EUNPACK project.
- Bigo, D. 2011. Pierre Bourdieu and International Relations: Power of Practices, Practices of Power. *International Political Sociology* 5(3)
- Boege, V., Brown, A., Clements, K., Nolan, A. 2008. "On Hybrid Political Orders and Emerging States: State Formation in the Context of 'Fragility'", *Berghof Handbook for Conflict Transformation*, Online Version.
- CAR – Conflict Armament Research. 2016. *Investigating cross-border weapon transfers in the Sahel*. London: November 2016.
- Chandler, D. 2007. The security-development nexus and the rise of anti-foreign policy. *Journal of International Relations and Development* 10.
- Chivvis, C., Crane, K., Mandaville, P., Martini, J. 2012. "Libya's Post-Qaddafi Transition: The Nation Building Challenge". Rand Corporation Report. Washington D.C.: November 2012.
- Cole, P., Mangan, F. 2016. *Policing Libya. Form and Function of Policing since the 2011 Revolution*. United States Institute of Peace. Washington D.C.: June 2016.
- Cusumano, E. 2017. Straightjacketing migrant rescuers? The code of conduct on maritime NGOs. *Mediterranean Politics* 1(9)
- Cuttitta, P. 2017. Repoliticization Through Search and Rescue? Humanitarian NGOs and Migration Management in the Central Mediterranean. *Geopolitics* 23(1) (forthcoming)
- De Bruijne, K., El Kamouni-Janssen, F., Molenaar, F. 2017a. *European security interests at stake in Libya?* Clingendael Crisis Alert Report. Den Haag: July 2017.
- De Bruijne, K., El Kamouni-Janssen, F., Molenaar, F. 2017b. *Challenging the assumptions of the Libyan conflict*. Clingendael Crisis Alert Report. Den Haag: July 2017.
- Duffield, M. 2010. Risk-Management and the Fortified Aid Compound: Everyday Life in Post-Interventionary Society. *Journal of Intervention and Statebuilding* 4(4).
- El Kamouni-Janssen, F. 2017. *Only God can stop the smugglers. Understanding human smuggling networks in Libya*. Clingendael Report. Den Haag: February 2017.
- El Kamouni-Janssen, F., de Bruijne, K. 2017. *Entering the Lion's Den: local militias and governance in Libya*. Clingendael Crisis Alert Report. Den Haag: October 2017.
- Fargues, P. 2017. *Four Decades of Cross-Mediterranean Undocumented Migration to Europe. A Review of the Evidence*. International Organization for Migration. Geneva: November 2017.

- Fundamental Rights Agency. 2016. *Scope of the principle of non-refoulement in contemporary border management: evolving areas of law*. Vienna: March 2016.
- GIATOC – Global Initiative Against Transnational Organised Crime. 2017. *Integrated Responses to Human Smuggling from the Horn of Africa to Europe*. Geneva: May 2017.
- ICG – International Crisis Group. 2017. “How Libya’s Fezzan Became Europe’s New Border”. *Middle East and North Africa Report* 179. Brussels: July 2017.
- Ivaschenko-Stadnik, K., Petrov, R., Raineri, L., Rieker, P., Russo, A., Strazzari, F. 2017. “How the EU is facing crises in its neighbourhood: evidence from Libya and Ukraine”. *EUNPACK Working Paper D.6.1*, EUNPACK project.
- Loschi, C., Raineri, L. 2017. “Perceptions about the EU’s Crisis Response in Libya”. *EUNPACK Policy Brief D.6.4*, EUNPACK project.
- Mangan, F., Murray, R. 2016. “Prisons and detention in Libya”. *Peaceworks Report* 119, United States Institute of Peace. Washington D.C.: September 2016.
- Peter, M., Strazzari, F. 2017. Securitisation of research: fieldwork under new restrictions in Darfur and Mali. *Third World Quarterly* 38(7).
- Pirozzi, N. 2013. “The EU’s comprehensive approach to crisis management”. *DCAF*. Brussels: June 2013.
- Pouliot, V. 2010. *International Security in Practice: The Politics of NATO-Russia Diplomacy*. Cambridge: Cambridge University Press.
- Reitano, T., Shaw, M. 2014. “People’s perspectives of organised crime in West Africa and the Sahel”, *ISS Paper* 254. Dakar: April 2014.
- Richmond, O., S. Pogodda and R. MacGinty. 2016. “Good intentions, mixed results – A conflict sensitive unpacking of the EU comprehensive approach to conflict and crisis mechanisms”. *EUNPACK Working Paper D.3.2*, EUNPACK project.
- Sawani, Y. 2017. Security sector reform, disarmament, demobilization and reintegration of militias: the challenges for state building in Libya. *Contemporary Arab Affairs* 10(2).
- Shaw, M., Mangan, F. 2014. “Illicit trafficking and Libya’s transition. Profits and losses”. *Peaceworks Report* 96. United States Institute of Peace. Washington D.C.: February 2014.
- Shaw, M., Mangan, F. 2015. Enforcing ‘Our Law’ When the State Breaks Down: The Case of Protection Economies in Libya and Their Political Consequences. *Hague Journal of Rule of Law* 7/2015.
- Spaggiari, O. 2017. Mediterraneo: tutti gli attacchi della Guardia costiera libica alle Ong. *Vita*, 8 November 2017.
- Toaldo, M. 2015. “Libya’s Migrant-Smuggling Highway: Lessons for Europe”. *Policy Memo*, European Council on Foreign Relations. Rome: November 2015.
- Toaldo, M. 2017. “Don’t close borders, manage them: how to improve EU policy on migration through Libya”. *ECFR Policy Brief*. London: June 2017.
- Tull, D. 2017. “Mali, the G5 and Security Sector Assistance: Political Obstacles to Effective Cooperation”. *SWP Comments*. Berlin: December 2017.
- Wehrey, F. 2017. “Insecurity and governance challenges in Southern Libya”. *Report*, Carnegie Endowment for International Peace. Washington D. C.: March 2017.
- Wintour, P. 2017. NGO rescues off Libya encourage traffickers, says EU borders chief. *The Guardian*, 27 February 2017.

## Official Documents

- Council of the European Union. 2015. Special meeting of the European Council – Statement. Foreign Affairs and Home Affairs Council meeting. Brussels: 23 April 2015.
- Council of the European Union. 2016. Council Decision 2016/1339/CFSP, of 4 August 2016 amending and extending Decision (CFSP) 2013/233 on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya). Brussels.
- Council of the European Union. 2017a. Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route. Press Release 43/17. Brussels: 03 February 2017.
- Council of the European Union. 2017b. Council Conclusions on Libya 5321/17, of 6 February 2017. Brussels.
- Council of the European Union. 2017c. Council Conclusions EUCO/08/17, of 22-23 June 2017. Brussels.
- Council of the European Union. 2017d. Council Decision 2017/1385/CFSP, of 14 July 2017 amending Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA). Brussels.
- Council of the European Union. 2017e. Council Regulation 2017/1325/CFSP, of 17 July 2017 amending Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya. Brussels.
- ECHO. 2017a. “Echo Factsheet – Libya”. Brussels, January. [http://ec.europa.eu/echo/where/middle-east-north-africa/libya\\_en](http://ec.europa.eu/echo/where/middle-east-north-africa/libya_en).
- ECHO. 2017b. “Humanitarian Implementation Plan – North Africa. Modification 2”. Brussels, July. [https://ec.europa.eu/echo/sites/echo-site/files/hip\\_north\\_africa\\_2017\\_modification\\_2\\_-\\_version\\_3.pdf](https://ec.europa.eu/echo/sites/echo-site/files/hip_north_africa_2017_modification_2_-_version_3.pdf)
- EEAS. 2014. “Libya, a Political Framework for a Crisis Approach”. 13829/14, Brussels, 1 October.
- EEAS. 2015a. “Interim Strategic Review of EUBAM Libya”. Working document of the European External Action Service, 7886/15. Brussels: 13 April 2015. <http://www.statewatch.org/news/2015/jun/eu-eeas-interim-report-UBAM-7886-15.pdf>.
- EEAS. 2015b. “Crisis Management Concept”. Working document of the European External Action Service. Brussels: May 2015. [www.statewatch.org/news/2015/may/eu-med-military-op.pdf](http://www.statewatch.org/news/2015/may/eu-med-military-op.pdf)
- EEAS. 2017a. “EUBAM Libya Initial Mapping Report Executive Summary”. Brussels: 25 January 2017. <http://statewatch.org/news/2017/feb/eu-eeas-libya-assessment-5616-17.pdf>
- EEAS. 2017b. “European Union Naval Force – Mediterranean Operation Sophia”. Rome: 31 March 2017. [https://eeas.europa.eu/sites/eeas/files/eunavfor\\_med\\_mission\\_31\\_march\\_2017\\_en.pdf](https://eeas.europa.eu/sites/eeas/files/eunavfor_med_mission_31_march_2017_en.pdf)
- EEAS. 2017c. “Strategic Review on EUBAM Libya, EUNAVFOR MED Op Sophia & EU Liaison and Planning Cell”. Brussels: 15 May 2017.
- EEAS. 2017d. “Factsheet on EUNAVFOR MED mission”. Brussels: 19 June 2017. [https://eeas.europa.eu/sites/eeas/files/eunavfor\\_med\\_mission\\_19\\_june\\_2017\\_en.pdf](https://eeas.europa.eu/sites/eeas/files/eunavfor_med_mission_19_june_2017_en.pdf)
- European Commission. 2003. “European Security Strategy - A Secure Europe in a Better World”. Brussels, December 2003.

- European Commission. 2015a. "A European Agenda on Migration". Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions. Brussels, 13 May 2015.
- European Commission. 2015b. Commission Decision of 20.10.2015 on the establishment of a European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa. Brussels, 20 October 2015.
- European Commission. 2015c. Agreement Establishing the European Union Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa, and Its Internal Rules. Annex 1 to the Constitutive Agreement. Brussels, 20 October 2015
- European Commission. 2016a. "Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign And Security Policy". Brussels, June 2016.
- European Commission. 2016b. Communication from The Commission to the European Parliament, The European Council, The Council and The European Investment Bank on establishing a new Partnership Framework with third countries under the European Agenda on Migration. Strasbourg, 6 July 2016.
- European Commission. 2016c. "The Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa". 2016 Annual Report. Brussels, December 2016.
- European Commission. 2017a. "Migration on the Central Mediterranean route. Managing flows, saving lives". Joint Communication to the European Parliament, the European Council and the Council. Brussels, 25 January 2017.
- European Commission. 2017b. "Action plan to support Italy and stem migration flows". Brussels, July 2017.
- European Commission. 2017c. "Factsheet EU Trust Fund Africa 2017".
- European Commission. 2017d. "EU Trust Fund for Africa: new programmes adopted to reinforce protection of migrants and fight against smugglers and traffickers". Press Release IP/17/5144. Brussels, 6 December 2017.
- European Commission, High Representative of the Union for Foreign Affairs and Security Policy. 2016. "Elements for an EU-wide strategic framework to support security sector reform". Joint Communication to the European Parliament and the Council. Strasbourg, 5 July 2016.
- House of Lords, European Union Committee. 2017. "Operation Sophia: a failed mission". London: 4 July 2017.
- Italian Coast Guard. 2017. "The challenge of migration in the Mediterranean and the role of the Italian Coast Guard and its partners". Rome, May 2017.
- OHCHR. 2012. Nineteenth session. "Report of the International Commission of Inquiry on Libya".
- OHCHR. 2016. *Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings*. Annual report of the UN High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General. Geneva, February 2016.
- OHCHR. 2017a. *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity building measures received by the Government of Libya*. Annual report of the UN High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General. Geneva, January 2017.

- OHCHR. 2017b. “EU ‘trying to move border to Libya’ using policy that breaches rights – UN experts”. Geneva, August 2017.
- OHCHR. 2017c. “UN human rights chief: Suffering of migrants in Libya outrage to conscience of humanity”. Geneva, November 2017.
- UNSC. 2017a. “Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)” (S/2017/466). New York, June 2017.
- UNSC. 2017b. “Report of the Secretary-General on the United Nations Support Mission in Libya” (S/2017/26). New York, August 2017.
- UNSMIL and OHCHR. 2016. “Detained and dehumanized. Report on human rights abuses against migrants in Libya”. Geneva, December 2016.