

Dissertation

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Humanitarian Action and Anti-migration Paradox:

A case study of UNHCR and IOM in Libya

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Abstract

Migration Management has long been part of the state and its national laws, yet governments have been relying on various actors in order to pursue their agendas, which contradicts with international standards. Such as using national civil society organizations, or international military as the NATO, or intergovernmental bodies like Frontex or the UN. Along with humanitarian organizations as non-governmental actors bound by humanitarian principles.

However, humanitarian organizations in such cases have been trying to maintain their core values, yet the challenges are many. Especially concerning the funds and conflict of interest of donor states, that consequently affect their moral integrity and the people they serve.

This research uses a qualitative approach to assess the implementation of the Do No Harm principle in managing migration by humanitarian organizations, with a case study on UNHCR and IOM in Libya. And because both are funded by the EU; this is studied further to assess the influence of their anti-migration policies and their impact on migrants and refugees.

The data confirmed the hypothesis that organizations in such contexts are driven by donors, which harms refugees and migrants. It also presents the limitations and their implications on the people they serve, the staff and the host country.

Key Words: Anti-Migration Policies, Do No Harm, Migration Management, Instrumentalization of Aid, Europe Migration Crisis, Refugees and Migrants, Humanitarian Ethics

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Disclaimer

This research aims to contribute to the improvement of certain practices in the humanitarian sector and not accuse or offend any individual or organization.

The empirical data is based solely on the perception of staff and publicly available information, and no further evidence was collected due to confidentiality of such documents, unless indicated in the text.

Table of Contents

Contents

- Abstract.....2
- Acknowledgement.....3
- Table of Contents5
- Acronyms.....6
- 1. Introduction.....8**
 - 1.1 Background and Problem Statement.....8
 - 1.2 Methodology and Limitations.....9
 - 1.3 State of the Art.....10
 - 1.4 Data Collection Plan10
- 2. Literature Review12**
 - 2.1 Conceptual framework12
 - 2.2 Global Migration Trends.....14
 - 2.3 North-South Divide.....15
 - 2.4 Externalization of Migration16
 - 2.5 Migration Management by Humanitarians.....17
- 3. Case Study: UNHCR and IOM in Libya.....20**
 - 3.1 Introduction20
 - 3.2 Background.....20
 - 3.3 Results and Discussion.....23
- 4. Conclusion and Recommendations37**
- 5. Annexes.....40**
 - Annex 1 – Geographical Location of Libya for Migration40
 - Annex 2 – Interview Guide.....40
 - Annex 3– Origins of Migrants in Libya.....40
 - Annex 4 – UNHCR Earmarked Funding by the EU.....45
 - Annex 5 – UNHCR and IOM Assistance45
 - Annex 6 – Analysis Chart46
- 6. Bibliography47**

Acronyms

EU European Union

UNHCR United Nations High Commissioner for Refugees

IOM International Organization for Migration

OECD Organization for Economic Co-operation and Development

OCHA United Nations Office for the Coordination of Humanitarian Affairs

DCIM Directorate for Combatting Illegal Migration

UNESCO The United Nations Educational, Scientific and Cultural Organization

OAU Organization of African Unity

UN United Nations

MMC Mixed Migration Center

GCR Global Compact for Refugees

GCM Global Compact for Migration

USA United States of America

NGO Non-governmental Organization

PEGIDA Patriotic Europeans Against the Islamisation of the Occident

AfD Alternative for Germany

HRW Human Rights Watch

HNO Humanitarian Needs Overview

GNA Government of National Accord

LNA Libyan National Army

WASH Water, Sanitation and Hygiene

EEAS European External Action Service

ETM Emergency Transit Mechanism

GDF Gathering and Departure Center

CDC Community Development Center/Community Day Center

DTM Displacement Tracking Matrix

VHR Voluntary Humanitarian Return

MOU Memorandum of Understanding

NFIs Non-food Items

ISIS Islamic State of Iraq and the Levant

USD United States Dollar

FTS Financial Tracking Service

MSF Médecins Sans Frontières

RSD Refugee Status Determination

RST Resettlement

TB Tuberculosis

CTG Committed to Good

HQ Headquarters

ODI Overseas Development Institute

OIOS Office of Internal Oversight Services

1. Introduction

1.1 Background and Problem Statement

The scale of the recent influx of refugees and migrants arriving in Europe is not new, yet presented several challenges for politicians and humanitarians alike. Over 1 million arrived in Europe by sea in a span of nine months, between 2015-2016 (J. Borton and S. Collinson, 2017). Evidence shows that previous mass influx of migration following the second world war were handled better than now. As states' reactions to the current crisis has changed due to multiple factors, including the public's reluctance in receiving more migrants, which led to stronger anti-migration policies (OECD, 2015). Hence, people entitled to international protection had limited options to seek asylum (UNHCR, p4, 2018). Moreover, donors and states have relied on humanitarian organization in migration management which helps them expand their sovereignty to control far away migrants from their borders. In addition, Düvell (2012) argues that even the concept of transit migration was created by IOM and other organizations to legitimize the EUs externalization policies in third countries, by using them to assist weaker states with border control, while applying their political agendas. (A. Pécoud, 2018). Nevertheless, this is not new, but it still leaves humanitarians in a difficult position that may jeopardize their principles, as Antonio Donini (2011) wrote about such contexts that "the higher the politics, the lower the principles".

However, with the complexity of the current migration flows, humanitarian actors are even more pressured to find solutions in line with states policies and interests, to ensure their support and participation. Yet, this may imply compromising on humanitarian ethics that will indeed have adverse consequences, if it wasn't assessed well. Such as affecting the organization's integrity and questioning its core values, but also impacts the people they serve (C. Lepora, R.E. Goodin, 2013).

In order to investigate the above-mentioned problem, this research will draw upon existing literature to 1) Identify the concepts related to migration and the debates around each. 2) Look at anti-migration policies and recent trends at a global level. 3) Present previous examples of instrumentalization of humanitarian action by donors, and more closely on the management of migration; by discussing the ethical considerations relating to the adaptation of humanitarian organizations to balance states interest and their mandate. Furthermore, to link theory with practice, a case study is selected to assess the implementation of the Do No Harm principle in such contexts. Therefore, Libya was chosen for being a transit country for those crossing to Europe, as explained further below, by analyzing the humanitarian response of UNHCR and

IOM. First for being the two lead agencies in managing the crisis, and second because they are mostly funded by the EU with previous history of instrumentalization of aid. Based on the above, this research aims to answer the question: **How are UNHCR and IOM affecting migrants and refugees when managing migration?** with the following sub-questions:

- How are they adapting with the emerging challenges?
- How are they communicating the limitations to the people?
- How are they applying the Do No Harm principle?

Therefore, this paper aims to test and confirm the hypothesis that **“Humanitarian organizations are driven by donors in managing migration and are harming migrants and refugees by that”**.

1.2 Methodology and Limitations

This research uses case study as a primary source of data for qualitative analysis, and additional secondary sources to explore existing literature, ranging from organizational reports, peer-reviewed journals, governmental documents, along with scholarly articles, books and publications by professionals and experts in the field. The main keywords used “Migration and Aid”, “Instrumentalization of Aid”, “Do No Harm in Migration”, “Anti-Migration Policies”, “Humanitarian Actors Managing Migration” and “Humanitarian Migration Crisis”, these are searched through Alnap.org, Google Scholarly Database, University Libraries ex, The Graduate Institute, Reliefweb.int and Odi.org.

However, it is important to note that this research will not address the foreign aid given by donor states directly to governments affected by migration; either to assist in border control or for development purposes. Hence, the scope of this research is rather limited to studying the funds given by donors to humanitarian actors to manage migration and/or assist third countries to do so, in relation to their programs and the harm they may have on migrants and refugees.

The case of Libya has been selected based on several factors, first for its geographical location situated between migrant-producing countries and countries-of-destination (Annex 1). “2004 Libya’s transformation from a destination country to a transit country received increasing visibility as it gained recognition as a key point of entry to Europe by sea” due to the legal difficulties faced in Libya (S. Hamood, 2006). In addition, the EU are considered the biggest donor for humanitarian actors in this context, namely UNHCR and IOM (UNOCHA,2018). Besides their other funds to the state itself for economic and development purposes. Furthermore, this context is unique due to the state of instability and on-going conflicts in some parts of it, which puts constraints for accessing vulnerable populations. And finally, the legislative system in the country that created Directorate for Combating Illegal Migration

(DCIM) under the Ministry of Interior, which detains migrants and refugees who enter the country illegally, according to a law enforced in 2014 (DCAF, 2014). In addition, Libya hasn't ratified the 1951 Refugee Convention which adds to the challenges that humanitarian actors are already facing (UNHCR, 2014). However, these are the main internal and external factors that make the case unique to be selected and further studied in this research. While UNHCR and IOM are chosen to test the hypothesis, for being mostly funded by the EU and European states, in addition to their conflict of interest in the context.

Furthermore, the identified gap in literature is the application of the Do No Harm principle in migration management. Therefore, it is chosen as guidance in order to assess how organizations can identify and reduce the negative impact of their assistance in such contexts. Finally, this case was selected for the researcher's familiarity with the context, along with the professional experience within humanitarian organizations in Libya and the great engagement with migrants and refugees. As these led to unanswered questions and ethical dilemmas, in which this research aims to answer.

1.3 State of the Art

According to the consulted literature, most scholars have studied the role of organizations in relation to anti-migration policies but not the impact they have on the people on the move. While other scholars have extensively wrote on the effect of foreign aid on countries producing migrants but not through humanitarian actors. On the other hand, there is a growing attention by media, policymakers and scholars on the case of humanitarian actors and non-governmental organizations rescuing migrants stranded at sea. Along with the debates around criminalizing them by European states affected by the current migration crisis. Additionally, more related to the research problem is a university dissertation that examines the restrictions enforced by some European states on civil society organizations working with migrants and refugees in Europe.

1.4 Data Collection Plan

The empirical data is collected from a total of thirteen semi-structured interviews and one discussion. The main two groups of informants are humanitarian staff and refugees with varying questions around seven categories (Annex 2 Interview Guide). They were conducted online between April – July 2019, lasting for around 45 to 90 minutes each. The languages used were English and Arabic depending on the interviewee, then the latter translated to English. Additionally, qualitative and quantitative data were collected from organizations' reports as secondary sources.

The first group is made of eight humanitarian workers for the Libyan operation either based in Tripoli or Tunis; **(1 international, 1 current and 1 former national staff from IOM, 2 international and 1 national staff from UNHCR, 2 national staff from IMC¹ – UNHCR implementing partner)**. They were selected based on their current roles and their experience with various international organizations, with three to fifteen years of experience in different departments around programme and protection. In addition to a discussion with an internal source from UNHCR headquarters and an interview with the founder of Belady Human Rights organization in Libya, Tarek Lamloom² who has been documenting and following up on the work of international organizations and the EU in and out of detention centers in Libya. The informants' identities will remain anonymous to not harm them, except for the ones who agreed to share it. The second group is made of three refugees in Europe and one asylum seeker in Libya. They were chosen for their different profiles; to analyze their experience and perception on the assistance provided by UNHCR and IOM in Libya; depending on gender, age and vulnerability;

- A female-headed household with a severe medical case at home, who has been evacuated by UNHCR to Niger and now is a refugee in Europe.
- A male-headed household with children who was evacuated by UNHCR to Niger, and is now a refugee in Europe.
- An individual male who stayed in Libya, crossed the sea and now is a refugee in Europe.
- An individual male with a medical condition, who has been trafficked and detained twice in detention centers in Libya, until he managed to escape. Now he is in the community in Libya and registered as an asylum seeker with UNHCR.

Eight other workers in Libya and headquarters were formally and informally contacted for an interview, yet no positive feedback was received. This reflects on the internal policies of each and the restrictions on the dissemination of information concerning sensitive topics. Therefore, most informants were strategically selected for the personal trust they have in the researcher, their moral integrity and their professional expertise. This ensured their openness in sharing their opinion and full participation in the research, aside from the way their organizations are representing them. Also, the topic was broadly explained before the interview for their agreement, then the lead questions were open-ended in order to reach their own conclusion and not impose the researcher's motives. However, for the refugees they were also contacted based

¹ International Medical Corps (IMC) was chosen because they manage Community Day Centers by UNHCR.

² (Belady, n.d.)

on personal connections, while others were selected from an online initiative the researcher founded in 2018, to shed light on migrants and refugee's issues in Libya (Who is in Libya³). At least an interview with one migrant was part of the initial data collection plan, yet was excluded due to their situation in detention centers, and the potential risk they would be exposed to for communicating with an external person. After the data was collected, the main findings were coded to the same categories of the interview guide, then rearranged into (Humanitarian Response, Challenges, Adaptation of Programs, Priorities).

2. Literature Review

2.1 Conceptual framework

Building on the ethical framework designed by Mary B Anderson in the 1990s, this research is guided by the *Do No Harm* principle. Which is a concept originally borrowed from medical ethics, then developed by Anderson for humanitarian action. Since then, it has been studied and used heavily by various humanitarian actors, some adopt it as an approach or a framework, but many integrate it in their mandate as a principle. It is about the impact that aid has on conflict settings, the positive impact is what organizations aim to achieve to ease the suffering and the negative is what they need to mitigate, by assessing their contribution and reducing its harm if any. However, several lessons and experiences have been documented and studied which show examples when aid contributes negatively in conflicts and prolongs the war, by legitimizing armed groups or by creating tensions within vulnerable groups and participating in war economy (M,Anderson, 1999).

On the other hand, more broadly for migration is the concept of *Mixed Migration* that has emerged in the 1990s, as another form of the nexus between asylum and migration (T. Linde,2011). Today it gained interest in the political arena while being debated between scholars and academics for its different interpretations and the implications these have on the rights of migrants (D. Bartram, 2015). In broader terms Mixed Migration Center define it as the “cross-border movements of people, including refugees fleeing persecution and conflict, victims of trafficking and people seeking better lives and opportunities. Motivated to move by a multiplicity of factors” those people are referred to as migrants or refugees/asylum seekers for legal and institutional purposes, yet, they are all entitled to the minimum international protection regardless of their legal status under human rights law (MMC, 2018). Other

³ www.facebook.com/whoisinlibya

definitions are used by scholars and actors that either refer to the different profiles of people taking the journey, the incentives or their legal status.

To explain further, this term leads to the debate around *voluntary* and *forced* migration that is highly contested, as it reflects the political practices which puts migrants in “bureaucratic” categories and draw definite lines between them. Yet, researchers argue that it is almost impossible to make a “clear-cut distinction” between a voluntary and a forced migrant due to the varying degrees in each. However, politicians insist on such categorization for the sake of migration management. Consequently, these labels highly impact the decisions migrants take and their migratory experiences and create the category of “illegal migrant” that doesn’t qualify for international protection (M.B. Erdal, C. Oeppen, 2017). Hence, it pushes them to invent stories of persecution to fit into the refugee definition and be legitimate (V. Squire, S. Scheels, p194, 2014).

Moreover, similar debates take place at the political level and within humanitarian organizations, which are concerned with the distinction between *Refugee/Asylum Seeker* and *Migrant* as stated in international law. Yet this merely serves a descriptive purpose to allow politicians and humanitarian actors to decide how refugees will be treated, vis-à-vis other migrant categories (M.B. Erdal, C. Oeppen, 2017). However, according to the 1951 Refugee Convention and its protocol 1967, a *refugee* is someone “Owing to well-founded fear of being persecuted (...) is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it” (UNHCR,2010). Yet the application of this law is continuously changing depending on each country and its national laws, in addition to the political interests of each (H. Crawley, D. S. Kleparis, 2017). The *asylum seeker* on the other hand is someone who hasn’t yet been granted the refugee status by neither UNHCR nor the state. Therefore, due to the confusion between the two, the term refugee will be used to refer to both in this research unless the differentiation is important in the text, according to UNHCR (2015). On the contrary, there is no universally accepted definition of a migrant except within the UN, because some practitioners use it as a term covering refugees as well, as they take the same route. This dates back to the 1950s when refugees were considered migrants, until politicians and organizations separated them according to whom they serve and want to protect (K.Long, 2013) For this research a *migrant* is a person who crossed an international border and is in the territory of another state; and who doesn’t enjoy the legal protection by that state nor fit the criteria of a

refugee. As defined by the Special Rapporteur of the Commission on Human Rights (UNESCO,2002).

2.2 Global Migration Trends

Since the 1990s researchers wrote on the *migration regime*, Van Hear defined it as the regime that comprises of regulations and policies dealing with the movement of people, in addition to the national and international laws concerning it (D. Rutledge and A.Roble, 2010). On the other hand, the term *migration governance* has also been heavily used by scholars, which is the organizational structures that would allow states to work together to meet their obligations towards migration, rather than working alone. And it dates to even before the 1990s, at the early times of passport regime and travel documents in 1919. (A. Betts, L. Kainz, 2017).

As the first effort to organize this, 1951 Refugee Convention was created for European refugees fleeing the aftermath of World War II and the Cold War, therefore, many states believe that it doesn't encompass the realities of refugees in Africa or elsewhere even with the additional protocol in 1967. Consequently, the Organization of African Unity (OAU) developed an Africa-specific refugee convention in 1969, that broadened the definition (D.Rutledge, A.Roble, 2010). Nevertheless, each state has its own rules and regulations, that does not necessarily reflect upon the global regime and international law. In addition, “national migration policies are driven almost entirely by the politics and concerns of the receiving countries” not taking in consideration the sending-countries or the needs of the people (JD. Sachs, 2016). This is due to their concern on national security, as states have a constant fear of strengthening such an international body that would jeopardize their state sovereignty (A. Betts, 2011).

However, continuous reforms and initiatives were taken by states in and out of the UN, in order to enhance the existing regime; yet were all legally non-binding. Also, in 2015 UN member states agreed on the 2030 sustainable development goals, including “the implementation of planned and well-managed migration policies” which call for the facilitation of orderly, safe and regular migration (JD.Sachs, 2016). During the same time, the world was facing many conflicts that led to the mass displacement of people, which is called the “migration crisis” of our time. As it affected receiving states, transiting and neighboring countries as well. Therefore, in 2016 political leaders and member states at the UN agreed on commitments for the rights of people on the move, which is the New York Declaration for Refugees and Migrants. This also laid the foundation for the two global compacts in 2018, one for refugees and the other for migration. Both call for orderly and safe migration, almost similar to the 2030 agenda yet are all non-binding (MK. Solomon, S.Sheldon, 2019). However, it is early to judge on their

implementation and the commitment of states to ensure the protection of people on the move. Yet the absence of such a unified system will surely lead to more mass migration, as seen in the crisis in Europe in 2015. With the consequences it had both on the people taking these journeys, and on the receiving countries and the uneven responsibility-sharing between them. However, while the Global Compact for Refugees GCR aims at filling the gap in the existing system, the Global Compact for Migration GCM is new. “It represents an important first step, and places migration squarely on the agenda of the UN system” (A. Betts, 2019).

Moreover, the GCM prompts states to amend their national legislative system, as there was mostly agreement on adopting a human rights approach on the detention of migrants, in addition to a recognition of the real threats facing them, such as climate change and environmental degradation that lead to displacement. So far, some states have started reviewing their national laws in light of the GCM. For instance, governments in Latin America and Costa Rica plan to review existing legislation, while the government of Bangladesh is drafting a national strategy, and South Korea is producing a manual to analyze its laws in relation to the GCM. (T.Domicelj, C.Gottardo,2019).

2.3 North-South Divide

Throughout these discussions and initiatives on the migration regime, the main division was on the interests of the countries in the global south and those of the global north. (JD.Sachs, 2016). Betts suggests that “North-South relations are central to the politics of forced migration” (2011). However, the 1980s was the start of a huge South-North migration, leaving the North with the fear of having African migrants as permanent residents, if they didn’t tighten their security border controls. Therefore, they created agreements such as the guest worker program as a top-down approach with the global south, to ensure they don’t reside permanently (D. Ozkul, F. Obeng-Odoom, 2013). In addition, more restrictions in the asylum system and the externalization practices were enforced in Europe, North America, and Australia. Which consequently led states in the global south to follow the same path by mid-1990s. (A. Betts et al, 2012). As the latter still host the majority of refugees and asylum seekers in the world, with a total of 84% in Asia and Africa, as stated in the International Migration Report in 2017 by the UN (UN, 2017).

However, for Europe, the current crisis was harder to deal with than the previous mass displacements in the 1990s. This is due to the lack of agreement and commitment between the EU member states in managing the current crisis, almost leaving Italy and Greece alone as

border countries with the burden of arrivals. Therefore, in 2015 the EU proposed the relocation scheme in The European Agenda on Migration, as burden-sharing between states. While there was mostly agreement among members, the actual implementation took a different turn. Only Malta and Finland were on track to meet their obligations, while others like Bulgaria, Croatia, Czech Republic and Slovakia were limited in their role. On the other hand, Austria and Poland were still refusing to participate (B. Ghosh, p20-72-73,2018). Hungary as well has refused, with its razor-wire barrier built along its border with Serbia and another in its border with Croatia (J. Borton, S. Collinson, 2017). On the other hand, Germany had the highest shares of asylum seekers in Europe, covering 36% of the total applications. Yet there was growing anti-immigration sentiment and xenophobia, especially against Muslim refugees. This was led by a group founded in 2014 (PEGIDA) and a newly founded far-right party AfD, that spread to many cities in Germany and influenced other parts in Europe as well. (V.Rietig et A.Müller, 2016).

2.4 Externalization of Migration

As a way of tightening border controls, states at the global north have been externalizing migration in its different forms through various actors. It is defined as the prevention of migrants and asylum seekers from entering states territories and of accessing legal jurisdictions; and these can be direct or indirect policies. The indirect actions can be the security and border management assistance provided to third countries, implemented as deterrence measures by countries like Europe, Australia and the USA mostly through governmental institutions, civil society or international organizations. According to Andrijasevic externalization may extend to diverting asylum seekers to third country processing centers, as the case in forced migration (B.Frelick et al, 2018). Externalization was first applied by the United States. They started using military bases located in host countries as processing centers, they also funded detention centers that lacked basic living conditions, such as the one in Guatemala City and offshore facilities in the Caribbean. Furthermore, the tightening of policies on migration and asylum at the US-Mexico border since the 2000s, that led to prosecution and detention of those crossing the borders, facing deaths and imprisonment. As it is considered “the busiest and deadliest corridor for migration” at that time (A.Buddige, 2009). It is important to note that some scholars refer to these practices as remote-migration controls. However, these policies with all their forms have always been controversial as they question the principle of *non-refoulement* in international refugee law 1951 (M.Lynn,2014). According to Amnesty International in 2016, a minimum of 36 countries repeatedly violated their international obligations in returning asylum seekers to possible risk of persecution (B.Ghosh, 2018). Moreover, Australia’s practices are

somewhat similar to the US. In 2001 they launched the Pacific Solution which enforces mandatory offshore detention of potential asylum seekers, by intercepting the boats of migrants and transferring them to Manus Island, Papua New Guinea and Nauru for screening and processing their applications. These policies have received complaints and criticism from refugee and human rights advocates for the inhumane conditions and the delay of processing vulnerable cases (B.Ghosh, 2018).

On the other hand, Europe is relying heavily on bilateral agreements with third countries. This is usually referred to as “policy transfer through conditionality” which is either welcomed as a development agreement; or in an authoritative manner by the main country enforcing it. Furthermore, individual European states continue funding processing centers in neighboring non-EU countries (M. Lynn, 2014). This is seen more recently in the EU-Turkey deal signed in 2016. It entails that Turkey contains refugees to keep them from reaching Europe, but only in exchange for visa liberalization and financial support. Although politicians refer to this deal as a success, yet human rights advocates call it “Immoral and illegal” as it also questions the principle of non-refoulement. (L.Haferlach , D.Kurban, 2017).

2.5 Migration Management by Humanitarians

In this context, humanitarian organizations have not only been filling the gap in managing migration, but Western states have always used them as transmitters of their migration control and externalization policies, especially UNHCR and IOM. (S. Lavenex, 2015). While not enough literature was found on other international organizations involved in migration management, however, both organizations partner with other local and international organizations in their implementation. For IOM, since its creation by Western states it was instrumentalized to organize movement of people according to political agendas. Critics and scholars have been writing on its voluntary return programs or repatriation as a way to filter unwanted migrants, in which it acts on behalf of states to only accept those meeting their interests (A. Pécoud ,2018). Nevertheless, while humanitarians have succeeded to some extent in integrating humanitarian principles in migration management, yet the focus started shifting in the 1990s. IOM and Caritas were key players in the Assisted Voluntary Return Program in Belgium for former Yugoslavian refugees at that time. Thus, was highly criticized and many questioned its “voluntariness” because refugees were induced with money to return to their countries, while for states this was considered a success (R. Vandevooordt, 2017). On the other hand, according to Geiger (2010), IOM also acted as quasi-government actor in Albania to manage migration, which was highly influenced by the EU. And this type of political

engagement in addition to questioning the core mandate of IOM, also weakened the Albanian state; by making it unable to design its own strategy and rely instead on foreign support (A. Pécoud, 2018). Furthermore, humanitarian organizations were also called to run detention centers as part of the Pacific Solution by Australia that was highly criticized for its inhumane conditions (I. Ashutosh, A. Mountz, 2011). In other instances, the European Commission funds IOM to oversee detention efforts in third countries, and in turn IOM partners with NGOs to monitor the asylum process (M. Lynn, 2014).

Moreover, both UNHCR and IOM started with the main goal was to organize the displacement of Europeans for a temporary period, yet there was growing demand for them to continue. Nevertheless, it wasn't easy, as such organizations have struggled to position themselves in these political debates and challenges, which is explained by the continuous developments in their mandate and scope. UNHCR for instance is considered in a better situation as the guardian of the refugee convention 1951, that gives it more authority to persuade and pressure states to collaborate and abide by the law while maintaining some autonomy. Yet this is not always the case, UNHCR has been adapting its mandate with the changing political environment which has competing implications. First for the refugees and their protection mandate, second for the organization and its staff morale, and third for their relationship with states on funding and access. Hence, UNHCR started realizing the clash of its mandate with states' interests in 1980s, with the emergence of the "boat people" crisis in Cuba, Haiti and Indochina, that led to growing restrictions of asylum in Western states. Consequently, UNHCR's assistance was unintentionally used to support freedom fighters at that time, while later it got involved in developing safe havens in Bosnia, and instead ended up providing material assistance to genocidaires. These examples "politicized humanitarian work and severely compromised UNHCR's independence and integrity" (A. Betts, G. Loescher, J. Milner, 2012).

On the contrary, IOM had a different experience with its continuous transformations over the years. Since 1951 when it was Intergovernmental Committee for the Movements of Migrants from Europe, till it became related to the UN in 2016. However, many scholars refer to it as a travel agency for migrants or service provider with states as clients due to its political engagement. In contrast with UNHCR and its legal basis, there is no such law for IOM as explained in (2.2). This "paves the way for an entrepreneurial attitude, which sees IOM take initiatives to venture into new policy arenas". Yet IOM is not even bound by the UN human rights frameworks, the reason why it is always criticized on its role in the protection of migrants. Moreover, it is making political decisions sound technical by adding humanitarian element to

it, such as the capacity building of states and persuading them to adopt new policies which claim to be for the benefit of all, but are influenced by Western states and their political agendas. Thus, IOM plays a key role in the transformation of the global politics of migration; and this is seen in the way it presents itself as a neutral entity and an ally to less-developed states like Morocco, Albania, or Ukraine, to help them cooperate with the EU. Yet it is already aligned with the agenda of EU and other states as donors. “In addition to counter-trafficking information campaigns, in which the risks of migrating and being trafficked are used as arguments to deter all forms of unauthorized mobility” (A. Pécoud, 2017).

As a consequence, evidence shows that such externalizations policies in different countries have proven to be inhumane and immoral. Therefore, the use of humanitarian organizations is very critical and certainly jeopardizes their core values. Because their policies always aim at satisfying different interests of actors “The result is morally and politically confusing situations” (S. Lavenex, 2015). Human Rights Watch stated in a report in 2016 that externalization directly affects the rights of migrants and refugees and impacts states obligations to protect them. Moreover, externalization policies not only implicate asylum rights and access to legislation, but it also puts them at risk of refoulement. In addition to their inability to get the refugee status especially when they are transferred to a Safe Third Country. Because either the country is not party to the refugee convention, hence, doesn’t grant the refugee status or the state is not able to provide basic human rights of liberty and security. However, the concept of “Safe Third Country” remains an issue, although it is embedded in 1951 Refugee Convention, but not all third countries called safe are actually safe according to law (B. Frelick,2016).

Furthermore, anti-migration policies not only affect people on the move, they also impact the organization’s mandate and its moral integrity. The controversial debates remain high on rescuing migrants at sea where governments have criminalized humanitarian organizations, hence the whole sector have been jeopardized and others have started questioning the principle of humanity. In addition, the crisis in Europe have led their focus on funding migration-related humanitarian activities on the migratory routes. such as the EU Trust Fund for Africa which prioritizes young males who usually migrate, while overlooking other vulnerable groups. Consequently, the principle of impartiality is also threatened and questioned by this limited scope of needs-based intervention (A.F.Atger,2019).

3. Case Study: UNHCR and IOM in Libya

3.1 Introduction

This case study analyzes the humanitarian response in Libya, focusing on UNHCR and IOM as lead agencies in managing the migration crisis in the country. To better situate the research with practice, the study seeks to assess their programs starting from 2015, at the peak of the crisis that presented many challenges, including “confronting the formal humanitarian sector with tests that it has struggled, and often failed, to meet” (ODI, J. Borton, S. Collinson 2017). In addition to identifying the limitations and their potential impact on migrants and refugees, from the perspective of the local and international staff and the refugees themselves.

As noted in the methodology chapter, Libya was selected as a single case study for its key role in the Mediterranean Sea for migration. And for being both a country of destination for some migrants and refugees, and the main transit country to pass to Europe. In addition to the researcher’s familiarity with the context and the access to various actors on the ground. However, today there are at least 641,398 migrants and refugees in Libya, who originate from more than 39 countries with 94% from Africa, including North Africa (IOM DTM, May,2019) (Annex 3 for the detailed numbers). According to a study conducted by IOM in 2017 with more than 16,021 migrants, 55% stated that Libya is considered their main country of destination, while 21% said Italy and 8% France. Nevertheless, Libya has a long history of migration and smuggling, as it was used before 2011 as a political instrument. “Gaddafi, for political reasons, decided to put pressure on certain European countries by exploiting the issue of illegal migration. He frankly stated in many of his speeches that he could either facilitate for thousands of sub-Saharan Africans to reach Europe or make Libya's shores out of reach for people smugglers” (Attir, M.O, p99, 2014). Until some control measures were enforced in 2008 when Italy signed a deal with Libya, paying millions to Gaddafi to stop migrants and refugees from leaving the country (M.Baldwin -Edwards, 2018).

3.2 Background

i. Libyan Context

Starting with the foreign intervention in 2011 in Libya, which only succeeded to overthrow Gaddafi’s regime. As researchers argue on its failure and the aftermath of the Responsibility to Protect, due to the coalitions’ support to rebel groups. Since then, Libya is in on-going conflict, torn between militias fighting over power and territory (C. Hobson, 2016) with political unrest and lack of security that left the country without a unified government divided between two, “the UN-backed Government of National Accord (GNA) and the Libyan National Army (LNA)

affiliated with the rival Interim Government” (HRW, 2019). Libya is also not a party to the 1951 Refugee Convention and doesn't have refugee law. Instead, it considers irregular migrants and refugees as illegal and detains them in detention centers. with an official body under the GNA Ministry of Interior. The Directorate for Combating Illegal Migration DCIM manages an estimate of 31- 34 formal migrant detention centers, while unofficial armed groups run illegal ones. In Tripoli alone there are around 13 unofficial detention centers, as the general living conditions are inhumane and severely overcrowded with limited access to WASH facilities and inadequate food (Beser, Elfeitori, 2018).

This unrest also left the EU's economic and security interests in the country at stake, as it has a long history of trade relations with Gaddafi. In 2007, Libya was the EU's tenth most important energy supplier, in addition to the growing interest in investment and construction in the country (G. Joffé, 2011). A communication by the council of EU in 2014 stated their security concerns, and how the lack of border control in Libya will increase irregular migration, hence, pose a major threat to Europe (EU, EEAS, 2014). As European measures have mostly been aiming to manage the migration flow from transit countries or those closer to them. Italy, backed by Europe, has signed several agreements with GNA government in Tripoli to prevent the passage of migrants to its shores. The main objective was to train Libyan coast guards which are also composed of unofficial armed groups. Yet it later developed to intercepting migrants leaving by boat to Europe and returning them to Libyan shores and then in detention centers (Beser, Elfeitori, 2018).

As a consequence of the situation, the country has been facing a humanitarian crisis ever since. In 2018, an estimate of 823,000 people were identified as in need of humanitarian assistance, including 288,000 migrants and 125,000 refugees. Almost 50% of the total affected are Libyans, as the majority are returnees from previous conflicts, then the host community, and lastly the internally displaced people. On the other hand, migrants and refugees make the other half of the vulnerable groups, with different profiles and motives (HNO, UNOCHA, 2018) While currently the capital Tripoli is in on-going conflict between the two governments since April 2019, which increased the vulnerabilities and the needs of the people. In addition, an airstrike hit a detention center of 600 migrant and refugee in July, that left many injured and more than 53 dead. (UNHCR, IOM, 2019), which implies the key role that both organizations are playing. In addition, the fact that the EU is their biggest donor (UNOCHA, 2019). Which may add pressure to both, with their conflicted interests in the management of migration as explained in the literature review. Thus this raises several questions on the role of humanitarian

organizations, but due to the limitations of the research in terms of time and words, this study aims at addressing the following question:

What impact do UNHCR and IOM have on migrants and refugees and how are they implementing the Do No Harm principle when managing the migration crisis in Libya?

ii. Humanitarian Response

According to UNHCR and IOM's reports, both are operating in disembarkation points, to assist refugees and migrants rescued/intercepted at sea. As they provide them with health services and core-relief items, in addition to their protection monitoring and screening. Also, they are both co-leading the Mixed Migration working group launched in 2016. UNHCR are also doing evacuations from detention centers to the emergency transit mechanism (ETM) in Niger. As for the last six months, they evacuated 295 individuals to Italy and 710 individuals to Niger. Furthermore, as an alternative to detention, they created Gathering and Departure Facility GDF in Dec 2018 managed by them, the government and a partner. Currently hosting 460 refugees. While in total 55,770 refugees and asylum seekers are registered in Libya as of June. In addition, they provide medical consultations and cash assistance in the community, through their partners IMC and Cesvi in Community Day Centers CDC (UNHCR, 2019).

On the other hand, IOM are the lead in collecting data of displacement, with their Displacement Tracking Matrix DTM. They also have access to 19 urban areas and disembarkation points, along with 29 detention centers. Moreover, they are working on voluntary humanitarian return (VHR). So far in 2019, they returned 2,463 to 24 countries across Africa and Asia. While in total there are at least 666,717 migrants in Libya, as of February. In addition to providing technical assistance and rehabilitation in detention centers, and also providing generators and equipment to the Libyan Border Security as part of the Immigration and Border Management Program (IOM, 2019).

3.3 Results and Discussion

3.3.1 Challenges

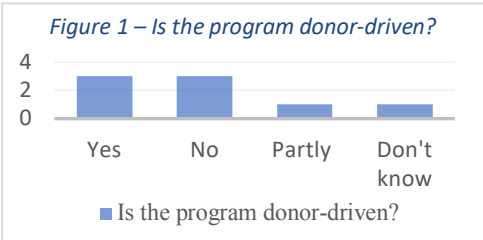
i. **Context related:** Due to the deteriorating security situation and political instability, organizations are struggling to have access to all areas in need in the country. Either their security regulations won't give them clearance as what Lara Ajawi, UNHCR Program officer reported. Or that the government is not granting them access. For IOM, capacity building trainings provided to governmental bodies are mostly concentrated in Tripoli or in Tunis. Which made other areas question IOM's support to the government in Tripoli, while discarding the rest. As reported by a national IOM staff. He also adds that DCIM is considered one institution in all the country and hasn't been divided like others. Yet, even the official MOU that IOM has with the Ministry of Interior is not always respected. because the GNA government doesn't have effective control over all armed groups among them. As stated by the national IOM staff. Moreover, staff witness mistreatment of migrants and refugees that they don't speak of, in order to not lose access; as reported by a national UNHCR staff. Yet if managed well, it shouldn't be seen as "diminution of government, rather than redeployment of law and order" (M. Givoni, p61, 2011) In some instances, they are not even granted access to finish their work. A national IOM staff said that some workers in detention centers pressured them for incentives because they know the main concerns of organizations and use critical timings to jeopardize their work. For example, before their VHR charter flight, they ask them for NFIs and they have to provide them, knowing it is not for migrants or refugees. Another limitation is that organizations don't have privacy when interviewing and screening migrants, said a former national IOM staff. This would question the autonomy of migrants and refugees and to what extent they have the free will to choose, especially concerning their decision to return home, or else to be evacuated with UNHCR. In addition, Tarek, the human rights advocate has mentioned how doctors from humanitarian organizations don't check patients inside the cells of the detention center, and instead they let the guards choose who is sick to be examined, as many have reported their inability to reach doctors. On the other hand, an international IOM staff mentioned the difficulty they have in working with a government that lacks coherent migration management. Yet, a national IOM staff mentioned that they feel welcome in different areas in the country as if they are part of the government, due to their efforts in Libya dating back to 2008. However, this is also reflected in the literature review on IOM's history, as they present themselves as an ally to third countries and maintain good relations, while implementing foreign policies and agendas (A. Pécoud, 2017).

For UNHCR it is somewhat different, as they are restricted in their registration of asylum seekers from nine countries only, as agreed by the government. While an International UNHCR staff said that there is no written agreement for this law, because even their presence in the country is not official nor legal. Yet, Tarek, the human rights advocate thinks that UNHCR can better use their presence to call for their protection, despite this legal barrier. Furthermore, a national staff mentioned once when they were preparing for evacuation flights, UNHCR staff were not granted access to refugees in UNHCR' GDF center, to force them to take certain nationalities that they are friends with. Another UNHCR staff thinks that the government don't cooperate well due to their agreement with the EU to intercept migrants at sea. This reflects the power that DCIM is gaining over humanitarian actors, that may increase over time. These "dynamic choice problems" as Hugo Slim calls them will start a series of choices leading to bad outcomes, that organizations will have less control on over time. (H. Slim, p160, 2015). Moreover, another limitation shared by an international IOM staff is the inability to invest in the capacity of migrants before their voluntary return, to prepare them for their reintegration back home. As this is due to detention centers and the security context, which is somewhat understandable. However, 'reintegration' in this sense wouldn't be as effective and may have repercussions for returnees. Such as taking the same illegal route to Libya again, in the hopes of reaching Europe. An international IOM staff stated that there is no mechanism to ensure those returned home are not again returning to Libya, saying it is not their role and not the mandate of IOM to stop people from migrating, yet they are documenting such data in their reports. However, a former IOM staff disagrees, saying *"The cycle is continuing and it is wrong, you basically put millions on this so people go back home, then the same people come and take them back home again, they get through trafficking, smuggling because they want a decent life"*.

On the other hand, three interviewed staff have pointed out the lack of awareness of the host community on the work of international organizations, as they also complain about the assistance given to migrants and refugees, not knowing that they assist Libyans as well. This is also linked with the information shared on the media by organizations and the focus on these categories. From the experience of the male asylum seeker interviewed, the lack of security made him unable to continue approaching UNHCR's centers, due to checkpoints that detain him for money. In contrast, during his time in detention center, he managed to go out for work during the day with the permission of DCIM, because they were taking a percentage from his money. In addition, he described the governmental detention centers as worse than the informal

ones in terms of living conditions, although international organizations are present. An international IOM staff has raised this point as well, saying that their policy is not to change anything inside detention centers, because they are advocating for their end. While there is a different perspective from a national IOM staff, she believes that the EU are not allowing such changes inside detention centers in order to push migrants to return home. Researchers wrote extensively on the voluntary return programs and referring to IOM as a “subcontractor” for migration policies on states behalf (A. Pécoud, 2018), in addition, it is not always clear that the label “voluntary” is entirely accurate (M.Collyer, 2012).

ii. **Donors and Receiving States:** Three interviewed staff think that their programs are donor-driven, while three others disagree; the rest were partly agreeing, or they didn’t know (Figure 1). One of the main points of concern raised by an international and national staff with UNHCR and IMC is the criteria for resettlement by states. A criteria based not only on nationality, but against the vulnerability criteria of UNHCR and humanitarian programs. For Norway and Sweden, they don’t accept refugees whose daughter or wife was married before the age of 18. A Syrian family was rejected due to the wife’s early marriage, although she is now 45, while others like Canada accept this. As no further details were provided, except that early marriage is indeed a vulnerability for humanitarian organizations and a priority. On the other hand,



France for example, rejects all cases with a history of military service. A national UNHCR staff have mentioned the above, along with the story of a family that was evacuated to Niger to be processed to France, then rejected due to their military service in the past.

UNHCR told them they will only stay for two weeks; while now they are stuck in Niger for almost a year. This is because France didn’t do the security background check while they were still in Tripoli, yet UNHCR agreed to evacuate them. In addition, some refugees of other nationalities namely, Eritreans, Somalians and Ethiopians are still now in Niger after being rejected for not meeting states’ criteria⁴ as reported by the national UNHCR staff. Also added that although their Libya office is covering the expenses of those cases, yet the assistance provided is not sufficient, so they resorted to prostitution and other ways of sustaining themselves. Therefore, he argues on these restrictions *“When you tell us bring people in a transit country and we feed them and let them leave their houses, you have to promise that you read the file well, or we support you so then when they arrive their travel would be*

⁴ No data or reports on the situation of such cases in Niger is available.

guaranteed’. Many other examples were shared on the tight criteria set by states in which keep UNHCR staff frustrated, saying this is not humanitarian, while not being able to even argue these decisions. Anthropologists have demonstrated how these practices end up favoring certain groups for historical and political reasons rather than humanitarian purposes and needs (R.Apthorpe, 2011). A national UNHCR staff said, *“In the assessment you try to invent a vulnerability even if they don’t have a criteria”*. On top of that, the constant delays by states in processing the files, or their sudden requests that are unexplainable. A national UNHCR staff stated that once in 2018, France requested 300 cases within two weeks, the interviewee didn’t have enough information on their reasons, which reflects the top-down approach of these decisions, and the authority that states have on humanitarian organizations. However, these contradictions are not new as explained in the literature review. UNHCR was struggling throughout 1980s to balance states interests and its protection mandate for refugees, as they were used by states to promote repatriation in Sri Lanka and El Salvador for the west, yet was criticized by advocates and scholars on their role and purpose which contradicts their protection mandate (A. Betts et al, p155, 2013).

From the side of asylum seekers and refugees, the expectations are raised when going through resettlement interviews. Once a refugee put fire to himself and committed suicide inside detention center, because he was rejected from UNHCR’s evacuation, although others were accepted, a national and an international UNHCR staff have mentioned the above. In addition, two men after being rescued from ISIS- held areas with a group of 23 women, UNHCR kept them for a long time in their shelter, finished their procedures then only evacuated the women and left these two men without support, as the interviewed refugee reported. Adding, if these men had bad intentions, they might harm others in the community due to what they’ve been through.

For IOM, donors were demanding yearly targets for VHR as their main goal is to decrease migration to Europe, as a national IOM staff stated and also adds *“It is not based on the needs of the beneficiaries, it is like you have to invent cases and push them to return home”*. While an international IOM staff said this is still needed to manage their planning. These discrepancies reflect the miscommunication between locals and expatriates, and also the influence that donors have on international staff, that they justify their requests according to them, rather than the real need. However, the former also expressed how people have no option but to agree to be returned home, and that they return them back to the same cycle of struggle, as if they didn’t meet any humanitarian organization. According to researchers also, governments always have their own

geographical priorities, and big funding in particular bring a “weight of influence” for the potential conflict of interest that they carry. (H. Slim, 2015). Therefore, the fund is mostly going to emergency activities, not allowing organizations to have long-term vision and sustainable projects. Such as the need for medical projects beyond just primary health care, or the counter trafficking unit in IOM that was working on development and capacity building of DCIM staff, yet it was cut from the budget. A former IOM staff stated the above, while adding that whatever they want to implement IOM refuse, on the basis that Libya is an emergency context, while this is the way migration been since before.

On the other hand, the earmarked funding is still an issue facing both organizations. For UNHCR Libya in 2019, 81.76% of the tightly earmarked funding is from the EU and Italy (UNHCR Website, 2019) as illustrated in Annex 4. However, their programme unit still discuss closely with donors to adapt their activities according to the changing needs; in terms of sectors, target population and geographical areas. Yet, it continues to be a struggle and not all activities can be adapted. as Lara Ajawi, UNHCR Program Officer stated. The restrictions for the fund extend even more, as donors put conditions on the assistance provided. For IOM the donors only allow assisting migrants wanting to return home as part of their VHR program. Two national staff have expressed how unethical they think this is, and even one refused to distribute NFIs to the migrants only returning home, while they are in the same place as others in detention center. In addition, their restriction on helping certain nationalities mostly from Africa, while they need to justify helping others who are in need. Another incident when UNHCR’s centers were temporarily closed, refugees started approaching IOM, so they had to justify to helping them with medical aid. The funding covered for IOM in 2019 is 8,703,581USD by European Commission as of June. (FTS, UNOCHA, 2019).

3.3.2 Adaptation of programs

i. **Coordination:** Since the Mixed migration flow started, both agencies strengthened their coordination efforts to tackle the related challenges (J.Elle, 2010). Almost all staff interviewed agreed on the good coordination between both UNHCR and IOM, and between them and other organizations. Yet a former national IOM staff stated that this good coordination is only at international staff level, not for the nationals in the field. In addition to the referral of severe medical cases to governmental hospitals or other organizations. However, this is due to the cut in budget by UNHCR for advanced medical care, that is unexplained for staff. Along with the unofficial referral between local staff of each, by relying on friends and connections to help vulnerable cases with cash assistance or medical aid; as two IMC staff reported. For IOM they

have an official agreement with MSF to refer cases in need of surgeries and advanced medical care.

ii. Operational Tools: As part of their mandate, IOM coordinate with embassies of migrants wanting to return home to arrange counselling via Skype in the office or detention centers, reported by a national IOM staff. While a national UNHCR staff has mentioned how both agencies started doing Joint Screenings to verify the security situation for refugees wanting to return to their countries. However, this is still questionable in terms of not providing many alternative options for refugees, therefore, they either stay in Libya or return to their countries. In addition, because of the security situation that didn't allow them to send their staff for RST and RSD interviews since 2016. They created Merged Interviews to accelerate the process for granting refugee status, but only those that match the criteria by states, not for all asylum seekers who apply. Such restrictions are also led by donors and justified on humanitarian basis, while they are conditions that fuel the practice of "Asylum Shopping" as S. Panebianco and I. Fontana wrote (2018).

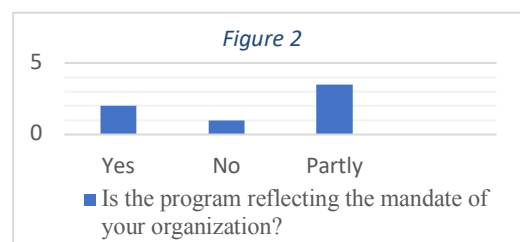
Some other adaptations were more challenging, the main one is remote management which still continues until today. Lara Ajawi, UNHCR Programme officer expressed how this led to the turnover of most international staff of their partners, hence, making their work harder. Along with the difficulty in monitoring and designing projects with refugees. As for their implementing partners, they were also frustrated on the role of UNHCR and the lack of presence of their staff on the ground due to security regulations, even for their nationals, stated by two IMC staff.

iii. Implementing Partners: UNHCR have also relied heavily on partners to overcome security constraints early in 2016, by designating tasks that are strictly for UNHCR, such as the registration of asylum seekers, and screening cases for resettlement, as reported by a national IMC staff. However, other tasks still continue until today. While for IOM, they partnered with a local NGO to manage a shelter as an alternative to detention for sensitive cases of migrants. Then it was closed by armed groups and migrants were put back in detention center. Because the local partner didn't inform the authorities, and IOM didn't have an MOU with them nor monitor their implementation; a former IOM staff stated. In addition, interviewees of the three organizations mentioned the continuous personal efforts of raising donations for severe cases, to overcome the cut in budget for hospitalization of cases for IMC, and for supporting caregivers by Cesvi. In addition, the security guards frequently volunteer and take-home sick refugees, especially those with Tuberculosis TB, as no one wants to accept them because they have contagious diseases; a national IMC staff reported. Furthermore, to overcome security

constraints, IOM contracted with CTG ⁵to hire staff for its operation, hence, they are present with their outreach activities in almost 75% of the country, a national IOM staff stated. On the other hand, a former IOM staff have mentioned the risk in working with a CTG contract, because they don't have authorization to work in the country and their staff can easily be considered spies by the state, in addition to not being appreciated as official IOM staff.

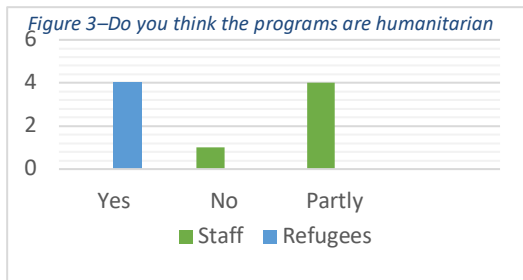
iv. **Ethical Concerns:** Other adaptations involved the organization's contribution to the wrongdoing of others, to achieve a greater good, yet these actions need to be thoroughly studied and assessed according to the level of wrongdoing that they participated in (C. Lepora, R. Goodin, 2013). As such actions may jeopardize their moral integrity. One incident where IOM were pressured to pay salaries of four DCIM members who escort migrants to the airport as part of IOM VHR program, although they are paid by the state. A national IOM staff said, *"it is against the rules of the organization, but they looked for a loophole and now each month one colleague gives them the money, it is a clear violation"*. Also, they once covered the hotel cost for a DCIM official for a month in Tunis, while he was only invited by IOM for a three days training.

On the other hand, for UNHCR they have the GDF center run by a local NGO, as a condition by the government that they agreed to. Yet, it is now controlled by DCIM. As reported by a national UNHCR staff, also adding about DCIM that *"they are the ones putting the rules"* while the fund is from UNHCR. In addition, a national and an international staff have mentioned how positive its main purpose was, which is to finalize the procedures of refugees before their evacuation, yet it didn't go as planned. Now refugees are not allowed to go out, and they don't let them stay for a long time to finish all procedures when delayed by states. Moreover, in some instances even UNHCR staff are not allowed in, because officials are demanding control on who gets to travel from refugees, as mentioned in the challenges. The national UNHCR staff concludes, *"It is a bit weird to feel like UNHCR runs a detention center in Libya"*. Figure 2 illustrates the impact of such adaptations on the mandate of the organization as reported by seven staff.



v. **Sudden Decisions:** According to two national IMC staff, and an international UNHCR staff, new policies and changes were suddenly applied from UNHCR management aiming to

⁵ Committed to Good, service provider for humanitarian actors www.ctg.org



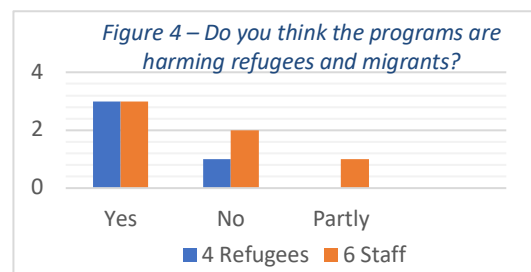
improve the work yet weren't applied properly. A new protection manager was hired and decided to suddenly stop the provision of cash assistance for many categories of refugees, claiming that the operation was spoiling them before and that they shouldn't receive as much. In addition, they stopped providing it for unaccompanied minors, with an assumption that they would use it on drugs, yet, no clear assessment was conducted, and no alternatives were provided. Furthermore, they canceled community leaders and women committees and tightened the space for face-to-face interactions with refugees. A national IMC staff expressed her frustration, after the effort put in building trust with the community. However, as a reaction to the current emergency in Tripoli, many asylum seekers started coming to the CDC to ask for cash and shelter, as they had no place to go to after being displaced. In May they had around 45 displaced refugee families that camped in front of the center demanding assistance. This created tension in the neighborhood, so they called the police that are mostly armed groups, hence, they fired gun in the air to control it and separate them. A national IMC staff also added that as a reaction to this, UNHCR Community staff were ordering refugee community leaders - who are usually volunteering to help - to force them to host the displaced families without providing any means of support, saying it is their responsibility. Another decision made earlier this year by UNHCR and partners at the CDC, to close the doors of the community center and only allow refugees with prior appointments to get in. And all due to the workload on staff; as a national IMC staff reported her frustration on this rule which almost made him resign. He concluded *"if you go to the top of the building and see how people have been waiting from morning till evening, it is a horrible scene and has nothing to do with humanitarian work"*. While at the management level, an international UNHCR staff stated that they don't have a contingency plan, which should be a top priority in a context like Libya. As a consequence, they couldn't handle such emergencies and closed the doors on displaced refugees, instead of providing alternative solutions. Figure 3 illustrates the opinion of five interviewed staff and four refugees, on whether they think the current IOM and UNHCR programs are in-line with humanitarian principles or not.

vi. Communications:

- a. **What is communicated:** Five interviewed staff stated that their organizations are creating a fake image of the reality in their social media, to show the world that they are

actively helping refugees and migrants. For IOM, staff get excited and work harder for certain nationalities for VHR program that only create media propaganda, while not caring about the rest; as dictated from HQ. Such actions are driven by the politics of compassion and its representations within each organization, as Fassin calls it the “humanitarian government”. In this sense, actors apply the moral sentiments of humanitarian values according to their interests, while discarding the rest. Hence, produce sociological inequalities in the relationship between the receiving populations of their aid and organizations themselves. (D. Fassin, 2012). A national IOM staff reported his frustration on this and also added that the creation of GDF for UNHCR has made a public media attention and is sending a misleading message to refugees. An international UNHCR staff also said on GDF, “*its work is all fake, they bring people before evacuations for 48 hours, take pictures and post them*”. In addition to adding how UNHCR visit areas out of Tripoli just for pictures on social media, without a real intervention on the ground. Scholars refer to this as disinformation, which in humanitarian emergencies is driven by partisanship and political influence, as organizations themselves use media to mislead their audience (M. Bunce,2019).

Moreover, three staff stated that UNHCR’s communications on social media for evacuations is like advertisements, creating promotions for more people to come, and that they are here to support and evacuate them, while they don’t have the capacity to do so. A refugee stated how depressed he gets when reading UNHCR’s reports on evacuating the most vulnerable, while he has vulnerabilities that are not addressed. These



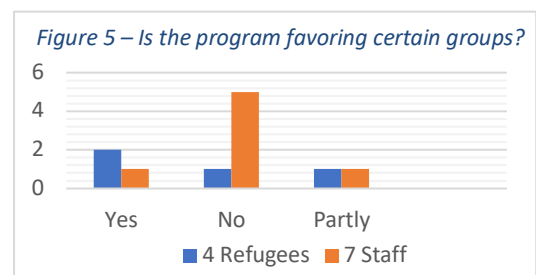
communications reflect on the tangible figures that donors usually request, and organizations have to show it to prove that they are accountable. However, as many researchers argue that accountability in humanitarian action is still not done right, because it is mostly directed to donors rather than to the people they serve (M. Madianou et al,2016). This is reflected for the Libyan case according to the interviews. While the clear focus on detention centers and neglect of the refugees in the community has been going on for a while, a harmful reaction started in the community recently. Interviewed refugees and UNHCR/IMC staff have reported that refugees are now paying money to DCIM to get inside detention centers, so UNHCR comes and assists them the second day, knowing the attention and fast procedures will be provided. In other cases, refugees

especially individual males, create issues at the CDC so the guards call the police and they get them into detention centers, as a national IMC staff explained. However, an international UNHCR staff said that they are fully aware of these trends and even reported it to the management, yet they acted like they know nothing. Figure 4 illustrates the perspective of four refugees and five staff on whether the programs are harming migrants and refugees or not. Moreover, researchers wrote extensively on the branding of humanitarian organizations, as communication managers are strategically using their media for marketing purposes. Additionally, “representations of humanitarianism are created in increasingly contested environments, with financial, political and cultural pressures shaping their production” (M. Lawrence, R. Tavernor, 2019).

b. What is not communicated: There was mostly agreement on the miscommunication between UNHCR and refugees, how those rejected from resettlement are not properly informed. In most cases the refugee insists and approaches the CDC many times enquiring, while receiving no reply. As UNHCR RST staff are not present at the center and partners are not informed of the decisions; or others that are informed over the phone without clear explanation, so they complain at the CDC. For once a mentally ill refugee was rejected over the phone, came to the CDC and started screaming on the floor and removing her clothes as a reaction. Also, two refugees added that they don't even know the type of interview they had or how long it should take to get a reply. On the other hand, for refugees from the community that apply for RST, UNHCR staff tell them don't go to detention center to be evacuated, or else they will not accept them, a national UNHCR staff reported this without having an official mechanism in place to communicate such a message. However, they had a complaints box, emails and hotlines, yet three refugees and two staff said they don't reply to back to complaints, so people stopped using them. A national IMC staff explained that if the refugee is educated enough and searches online to reach the HQ, then Libya office will work on his/her case, otherwise, no one will care about their complaints. However, communication channels in emergencies are indeed limited, yet with the various tools available now, organizations can adapt to provide a systematic communications approach, by engaging the community and getting them involved in the design of such tools. (ODI, 2011). While the adverse consequence of these actions are clearly harming refugees and staff, due to their frustration and lack of understanding, hence, they get disappointed. A refugee reported that if UNHCR speak openly about their capacities and say what they can and cannot provide, then it will allow them to make decisions on their own and

figure out their life and future. Furthermore, Tarek, the human rights advocate believes that there is huge communication gap between the organization’s offices in Tripoli, Tunis and in Europe. As this is because they hire the wrong local staff who lack efficiency and commitment. The second point has also been raised by four interviewed staff from both organizations. However, this would increase the inequalities between local and expatriate staff in a system already constructed this way. Humanitarian organizations are aware of such criticism, and thus kept trying to diversify their staff and give equal access to education and career opportunities to empower both. Yet some scholars still argue that the North-South gap between humanitarian staff is evident at a global level and within each organization, as seen in their policies and recruitment procedures (A. Fechter, 2012).

i. Priorities: For two IOM staff, they stated that the current priorities are migrants in detention centers, and the VHR program, especially for the extreme cases. Which is reflected on the mandate of IOM and its history with voluntary returns as explained in the literature review. Yet in a context like Libya, it is questioned. Because migrants have no other option inside detention centers but to agree to return home when offered by IOM, as a national IOM staff reported. Also, the priorities for UNHCR are detention centers and evacuations of refugees, as reported by all UNHCR staff interviewed. However, they also added the focus on registration of refugees, which is reflected by the expansion of registration unit from five to fifteen employees this year, yet it is inconsistent with the limited assistance provided in the community. IMC staff and a refugee have raised the point on what is the added value of providing a letter for more than 50,000 refugees that says they are protected under international law while the country is in on-going conflict. Hence, it is only directed to the international community. Moreover, as a reflection on the constrains and the focus, interviewees were asked on their



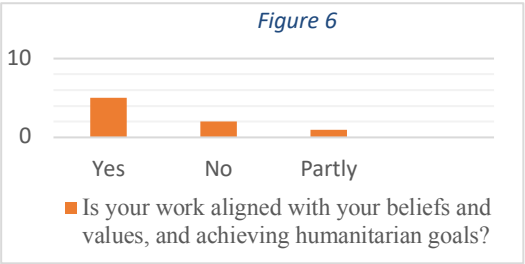
opinion about whether the current programs of both organizations are favoring certain groups or not. Figure 5 illustrates the informants’ opinions. A national UNHCR staff said that the program partly favors certain groups due to the restricted requirements by states for resettlement. Yet for an international UNHCR staff, the restriction of registering only nine nationalities in Libya is creating this favoring, as all vulnerable cases should be negotiated further aside from nationality. The rest disagreed.

Discussion

Based on the above-mentioned findings and observations made, they clearly indicate that UNHCR and IOM are stuck in between the context constraints and the pressure from donors and states receiving refugees. Hugo Slim describes humanitarian action in these situations as “Severely coerced and constrained by the power and decisions of others” (H. Slim, p186, 2015). However, as this research tried to assess the application of the Do No Harm in the management of migration, the empirical data shows that UNHCR and IOM don’t have a mechanism in place to monitor and mitigate the indirect harm associated with their assistance. Instead, they are justifying the limited capacity and lack of efficiency as a constraint of the context. Yet from the data collected, there is enough capacity and resources to be more efficient, but it is not managed well. Staff have also spoken of the improper use of resources, such as stacking items in warehouses until they are rotten or providing assistance that doesn’t meet people’s needs. In addition, the examples provided in this case study, although limited but bring an insight on what migrants and refugees suffer from in relation to humanitarian assistance, without clear actions to mitigate them. Such as the negative coping mechanisms developed by asylum seekers to cheat the system, by paying money to get to detention centers with their own will, or pretend they are minors, hence, get more attention and receive assistance. These are all known by organizations yet not acted upon. On the other hand, while the detention of migrants and refugees is a constraint of the context and it is the government’s responsibility. Nevertheless, the detention of refugees in GDF center that is funded by UNHCR and controlled by DCIM, is indeed the responsibility of UNHCR, even if it has better living conditions. Thus, they may be considered a collaborator in detaining people, instead of working to end detention in all its forms. Consequently, not acting on this is an ethical failure because UNHCR staff don’t know how refugees are treated after their working hours, and sometimes are not even granted access as mentioned by staff. However, the findings didn’t reflect on the type of agreement they had with the government for GDF, in order to assess further. For researchers, according to a complicity framework developed in 2013, an actor can be complicit depending on the level of collaboration and agreement on the wrongdoings of others (C. Lepora and Good, 2013). Therefore, UNHCR in this situation should continue monitoring and assessing the impact of their assistance. Furthermore, the ethical considerations of associating with armed groups, such as the examples shared on IOM’s incentives to officials, which not only gives them more power and legitimacy, but puts their staff at risk beyond that moment. Nevertheless, the data collected didn’t provide further details on the negotiations done, but such actions question the principle of neutrality and integrity. The law behind neutrality in this sense is how humanitarian action

shouldn't develop the capacity of the belligerent and only empower the people (H. Slim and M. Bradley, 2013). However, the efforts put in adapting to these constraints are clear, yet their outcome is considered minor compared with their implications and the needs on the ground. As all interviewees reported, in addition to organizations' reports that are illustrated further in Annex 5 for the assistance provided by UNHCR and IOM.

With regards to sensitive decisions such as rejection from resettlement, although this is a clear limitation by states, yet according to the findings UNHCR has no mechanism to convey such sensitive messages to refugees, which their future and life depends on; as the examples illustrated above. Furthermore, the false promises given by some staff that do more harm than good and affect the organization's reputation and the people. From the empirical data, refugees are not being informed of the progress on their case, although it is stated in UNHCR RST procedures⁶. Hence, it causes harm as one said, "*Stalling people*



might mean you are benefiting, and this is considered a crime". This miscommunication sends a wrong message to people and adds to their frustration. As the refugee who crossed the sea reported, he kept waiting in Libya for UNHCR's decision on his case until he lost hope and crossed the sea. Furthermore, the shortage of assistance has made refugees resort to negative coping mechanisms without providing alternatives. Such as the camping in front of the center in Libya and resorting to prostitution in Niger; as a national UNHCR staff reported. On the other hand, the mistreatment of staff at the CDC have been raised many times by three refugees and two national IMC staff; the latter also added that staff lack respect to the code of conduct, especially the confidentiality, as it is not monitored by their management. This is also supported by the audit report in 2019 on the operation, lack of monitoring was highlighted as a crucial point that needed improvement in the Libyan operation, in addition to the confidentiality in Refugee Status Determination process (OIOS, 2019).

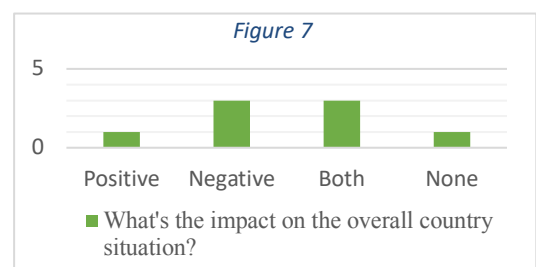
However, the empirical data went beyond the research question, and also indicated the harm on staff and on the host country. The interviewed staff have reported the ethical dilemmas they face at a personal level, in addition to their frustration on their organization and its core values. Figure 6 illustrates their own reflections and perceptions⁷. In addition, they went beyond the

⁶ UNHCR RST procedures state "It is important to counsel refugees and notify them of developments in their case, i.e. Submissions and decisions, throughout the process". (UNHCR Website).

⁷ These answers reflect their own tasks and efforts not their organizations' work.

questions raised by the researcher and discussed further details, which is interpreted from the extra time they took in their interviews. In addition, the way they are working to fit their vulnerability criteria with the states' requirements may question their humanitarian principles. Staff have also spoke of the extra efforts made out of guilt and sense of humanitarian responsibility that go beyond their capacity, which are mostly not even allowed by their organizations. Such as raising donations for the people or taking refugees to their home. While they are fully aware of this, no mechanism is put in place to protect staff and listen to their frustrations, hence, leading them to burn out and think of resigning due to the clash between their values and the reality on the ground. However, the usage of tightly earmarked funding by the EU is not shared publicly, therefore, no speculations can be made with his regard, except that it adds to the constrains faced by organizations. While the limited data doesn't provide evidence that staff are pushing migrants to return home, yet it leads them to that direction by the incentives provided upon their return and by the way they make migrants speak of their return as a great achievement to their peers. As supported by the previous examples mentioned in the literature review on IOM. Also, there are other needs not met due to lack of funds as some say, yet most interviewed staff believe that there are enough funds for both organizations yet are not spent well. The implications these have are huge, such as the wide spread of contagious diseases from TB, scabies and others, according to some interviewees of the three organizations, that this is not only because of funds, but lack of willingness. The latter has been raised by almost all staff, that their organizations are not committed to making a lasting impact on refugees and migrants and think that they don't care. An internal source from UNHCR also adds that UNHCR Libya are more concerned with ticking the box for activities to show that they are improving their work, rather than efficiently delivering aid to people.

For the impact on the overall country situation, figure 7 illustrates the perception of the interviewed staff on their programs. The main issues raised were the reliability and dependence of the Libyan state, which is created by their organizations. In addition, the diseases that are spreading in the community and left untreated, due to their lack of effort with this regard. Moreover, that the way they use their media to attract more refugees and migrants to come to Libya as some have reported, which is increasing their numbers and the country can't control it. However, the empirical data cannot be interpreted as such, and this needs to be studied further in coordination with the organizations. On the other hand, the positive sides were the



evacuations and repatriations of refugees and migrants out of the country, even if it was limited yet gives them better options than staying in detention centers. As for recommendations, the interviewees wish to strengthen local organizations and work on sustainable projects, like long-term capacity building for government officials, to benefit both the country and migrants and refugees. In addition, they wish that organizations become more transparent and accountable to the people, by honestly speaking of the limitations and their capacity to decrease the harm caused because of the raised expectations.

4. Conclusion and Recommendations

The results were analyzed according to a chart illustrated in Annex 6, to conclude that organizations in such politicized contexts are stuck in the constraints of the host country and the donors, hence they adapt their programs accordingly without considering their negative implications. Therefore, these adaptations cause harm to the people they serve, the staff and the host community. As this research aimed to assess the impact that humanitarian organizations have on migrants and refugees in the management of migration, by studying donor anti-migration policies, in addition to analyzing local constraints faced in mixed migration context. Therefore, the researcher chose a qualitative approach to test the stated hypotheses using literature review and a case study, by assessing the policies and adaptations of UNHCR and IOM programs in Libya. And accordingly, collected empirical data from thirteen interviews from various groups (1) national and international staff of IOM/UNHCR/IMC, (2) refugees and asylum seekers, (3) local human rights organization). As a result, the empirical data confirmed the hypothesis that humanitarian organizations are driven by donors in managing migration, hence, they indirectly harm migrants and refugees without a clear mechanism to monitor and apply the right measures. However, although the data was limited but it provided an insight on the negative coping mechanisms developed by migrants and refugees when they don't receive the right assistance, treatment or even the space for communicating with organizations, in addition to the confusion developed from the lack of transparency. Furthermore, the harm also reflected on their staff, with the extreme conditions that they go through, leading them to violate internal laws, such as providing incentives to armed groups, raising donations or taking refugees to their home. In addition to not fully working with humanitarian standards because it is conflicting with donor states, and the communication gap between local and international staff, as reported by all. Moreover, the empirical data indicated that the harm is also affecting the host country, as humanitarian organizations are taking the lead in managing migration with the influence of donors. Thus, making weak states like Libya heavily dependent and reliant on

them; in addition, the spread of contagious diseases from the released refugees and migrants from detention centers to the community, that are mostly left untreated.

Nevertheless, the data also indicated the constraints and the challenging position that organizations are put in, to balance donor interests, host country's interests and their target population. Therefore, it is almost impossible to achieve 'triple win' in such contexts. Consequently, in the case of Libya, UNHCR and IOM are regularly justifying their limited capacity with the emergency situation in the country and lack of cooperation of foreign states. yet, the results point out that they are using these as excuses to cover for their mismanagement of the situation, hence, they are questioning their integrity. As Naomi Zack stated that the chief points of integrity is to stay away from such justifications (D.O'Mathúna,et al, 2018). Several examples were shared, but most importantly is the communications with communities as the main issue raised regarding UNHCR. However, it wasn't reported that the donor nor the Libyan government restrict the communications with the affected population, rather it is an internal organizational issue.

This leads to yet another important point which is accountability, as seen in humanitarian action throughout history, accountability has been strengthened and highly focused on by donors, yet organizations are still putting the efforts for accountability to donors in order to not lose their funds and survive rather than to the targeted population and the host community. Some questions remain unanswered at this time yet should be further studied and assessed in close collaboration with the different actors involved. Such as their documentation of these examples in their monitoring and reporting , if they refer to these harmful impacts or not and how they handle it when they do, or the type of negotiations and agreements done with states in such contexts, or generally if their flaws and shortage of services are somehow due to their weaknesses or rather the lack of support from donors and the host country.

For the recommendations, organizations should clearly state their limitations without referring to the parties involved if it is critical, yet conveying such messages to the people they serve will help them understand the position organizations are put in, and not fully blame them. In addition, people should strongly be involved in the design of communication tools between them and the organization, to address their frustrations and build trust, even if the assistance is still limited. Furthermore, organizations should develop better strategies to bridge the gap between their local and expatriate staff, and between their different field offices, first by providing equal access to information, and a safe space for their complaints. By integrating

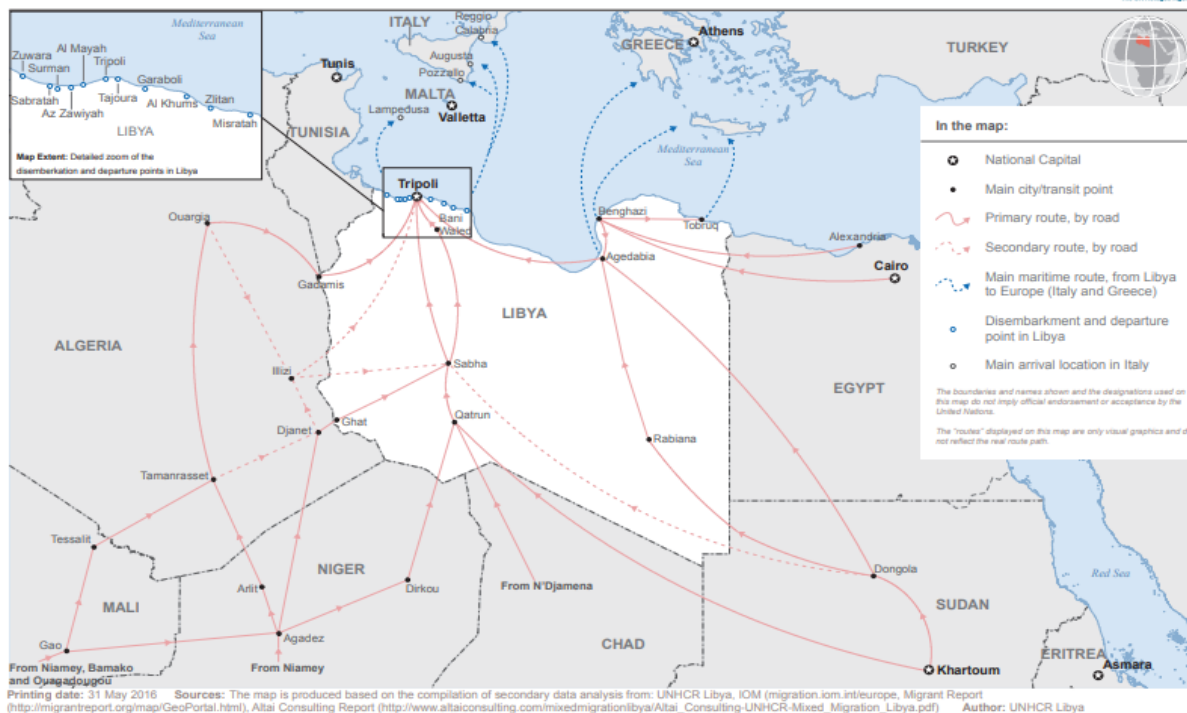
them in problem solving of critical issues and dilemmas, in addition to providing the right measures to protect them and ensure they are confident in their work and their organization's mandate, rather than the guilt they feel when they don't provide adequate support to vulnerable populations. This would be done by constant debriefing and trust-building activities for both locals and expatriates, that aim at reflecting on their own views and providing counselling. Also, developing better internal communications to feel they are listened to and that they have a mechanism to address their concerns, in addition to showing them appreciation of achieving tasks that put them at risk and require extra efforts. Moreover, organizations should be cautious and have legal status in unstable countries, in order to not jeopardize their programs nor put their staff at risk of manipulation. Furthermore, they should strengthen the compliance to code of conduct by their staff, in addition to the constant follow up of its implementation on the ground. And finally, organizations should continuously monitor the impact that donors have on their programs and provide clear evidence on it, to reposition themselves closer to the interest of the people, rather than the states. As efforts are surely being made by many other humanitarian organizations to reduce the political influence, yet organizations like UNHCR and IOM will still be highly influenced by politics because of their intergovernmental mandate.

5. Annexes

Annex 1 – Geographical Location of Libya for Migration ⁸

Main migration routes to and from Libya (to Italy and Greece)

May 2016



Annex 2 – Interview Guide⁹

I. Table 1 - For staff

Agreement	Do you agree to participate?
	Do you agree to be recorded?
	Do you agree to be quoted?
	Do you want your identity to be anonymous?
Introduction	What is your current position/role?
	How long have you been working in this position?
	What are your daily tasks/activities?

⁸ (UNHCR, reliefweb, 2016)

⁹ Follow up questions were asked according to the informant's answers.

Organization	How would you describe your organization's mandate?
	Does your work reflect the mandate/Strategy of your organizations?
	What are the organizational constrains and limitations on the ground?
	How are these limitations communicated to the people?
	What are the current priorities of the organization?
Program	How does your program align with humanitarian principles?
	Is the assistance meeting the needs of the beneficiaries?
	Is it effective and efficient? How can it be better?
	What is the criteria of assistance? Do you think it is fair?
	Is the program favoring certain groups of migrants and/or refugees and how?
	Are there red lines that the program can't cross and why?
	Is the program donor-driven or people-centered? How?
Host Country	Is the program creating tensions with Libyan community and the government?
	How is the relationship with coast guards/DCIM and/or armed groups?

	How is the relationship with the government and its other entities?
	How is the program affecting the overall situation in the country?
Beneficiaries	Are they making informed decisions regarding the assistance received?
	In detention/Community are there tensions between migrants and/or refugees?
	Is the program meeting their expectations? How do you manage these expectations?
Other Actors	How is the relationship with other humanitarian actors?
	Is the work coordinated?
	Is it achieving better or worse results?
Personal View	Do you feel that your work is aligned with your beliefs and values?
	Do you feel you are achieving humanitarian goals?
	Do you feel the program is doing harm and negatively impacting beneficiaries?
	Final remarks and recommendations

II. Table 2 - For Refugees

Agreement	Do you agree to participate?
	Do you agree to be recorded?
	Do you agree to be quoted?
	Do you want your identity to be anonymous?
Introduction	Tell me your story, nationality, current place and journey to/from Libya
	How was your experience with humanitarian aid in Libya? How did you first approach UNHCR/IOM or if they contacted you first, how did it happen?

Programs and Personal View	What type of aid did you receive? And how was it?
	Did it meet your expectations? Was it sufficient?
	Do you know the criteria of receiving aid? What do you think of it?
	Do you think organizations favor some groups over others? Why?
	Are you aware of the limitations that organizations face in Libya?
	Did you ever have tensions with humanitarian staff?
	Did you see any violations? What did you do?
	Were there tensions during distributions of aid? How were they handled?
	Are people making informed decisions?
	Are your complaints and requests listened to and well-handled?
	Do you think their programs are humanitarian?
	How is your contact now with those organizations?
	How is your experience different than others?
	Do you think the aid has negative effects on people? And how?
Final Remarks	What do you request from organizations?
Recommendations	How can their work be better?

Annex 3– Origins of Migrants in Libya¹⁰

DTM LIBYA - Flow Monitoring

MIGRANT REPORT R25

LIBYA

MAR - MAY 2019



NUMBER OF AFRICAN MIGRANTS IDENTIFIED IN LIBYA



DTM

10



DTM LIBYA - Flow Monitoring

MIGRANT REPORT R25

LIBYA

MAR - MAY 2019

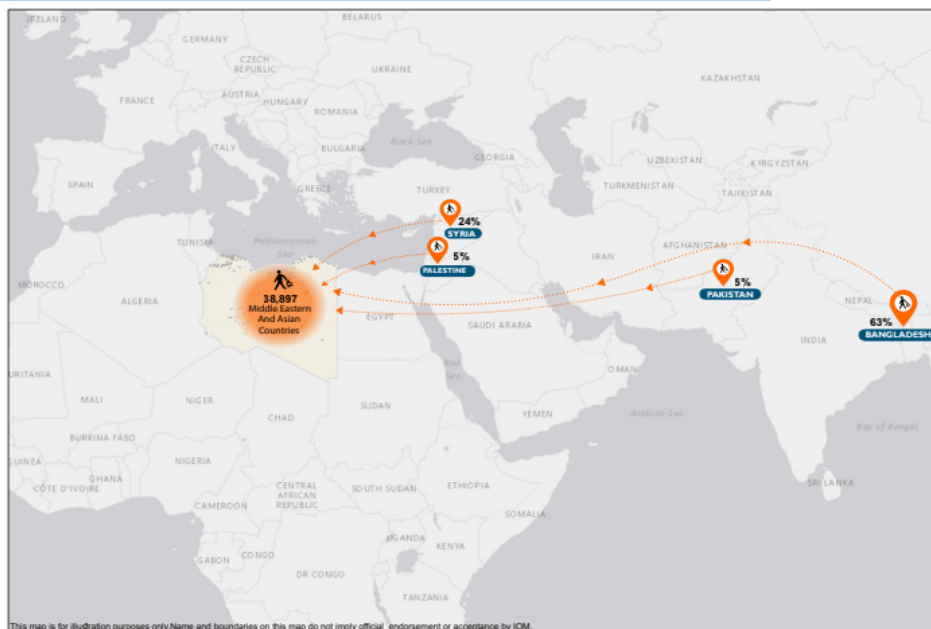


NUMBER OF MIDDLE EASTERN AND ASIAN MIGRANTS IN LIBYA



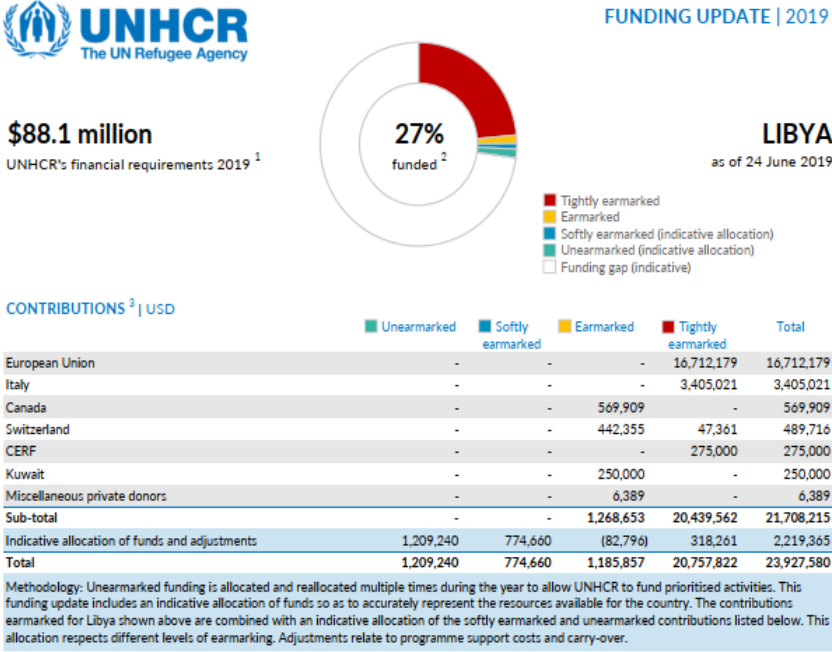
DTM

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¹⁰ (IOM, Libya Migrant's Report, 2019, May)

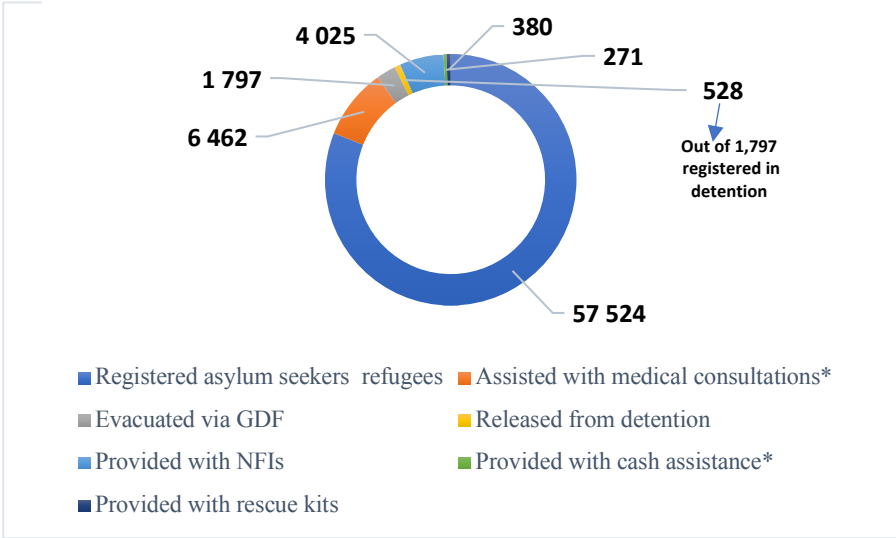
Annex 4 – UNHCR Earmarked Funding by the EU¹¹



*Note: No available data on earmarked funding for IOM.

Annex 5 – UNHCR and IOM Assistance¹²

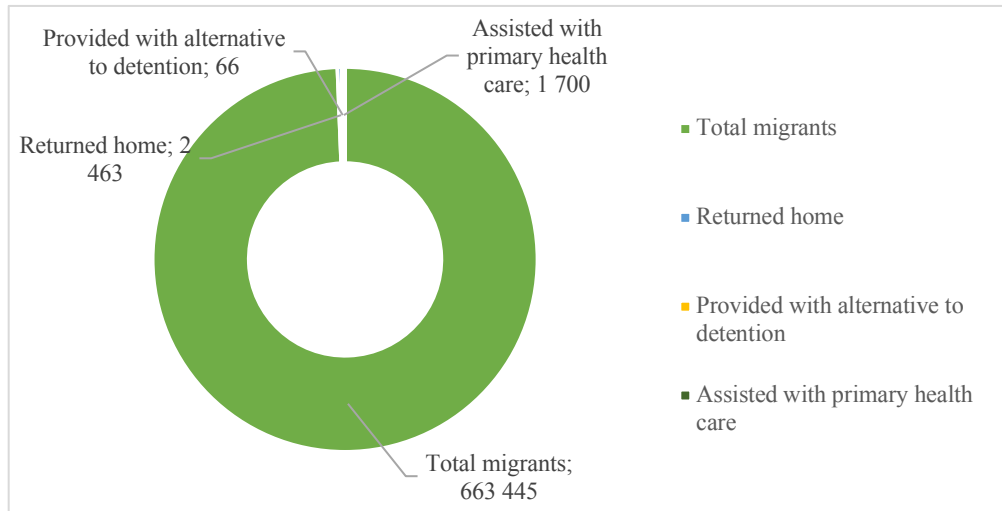
Figure 8 – UNHCR Assistance to Refugees (Jan-March 2019)



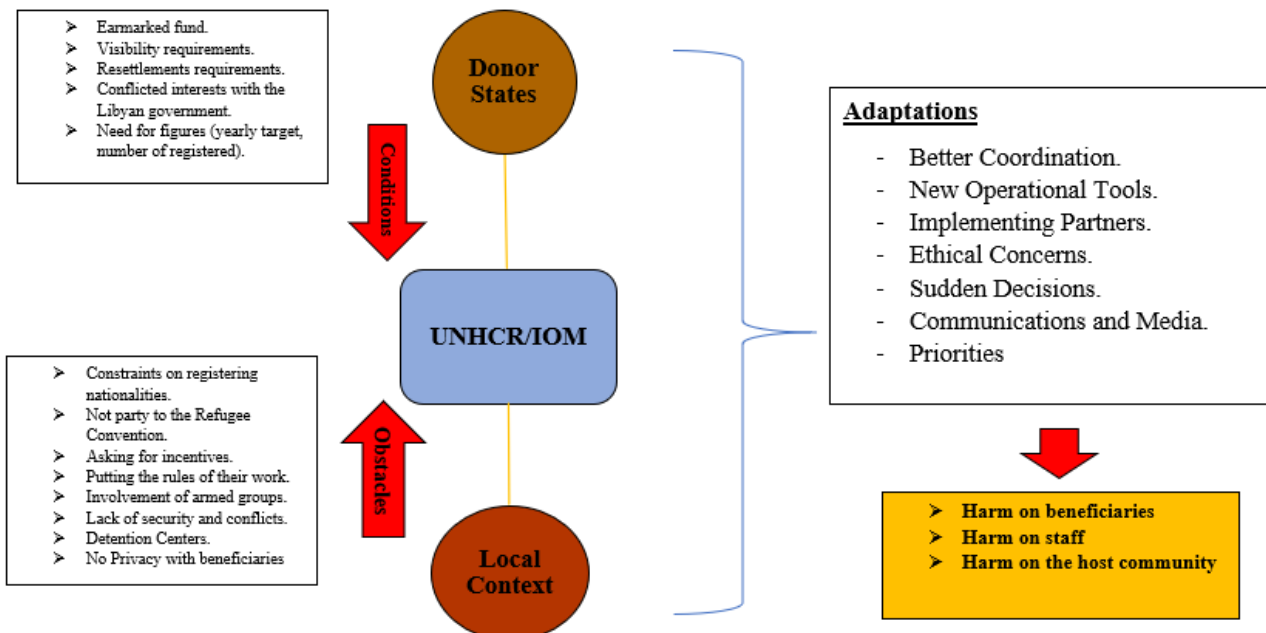
*These are not accurate, as they reflect the assistance to the Libyan population as well.

¹¹ (UNHCR, 2019)
¹² Only data concerning migrants and refugees is added

Figure 8 - IOM Assistance for migrants in and out of detention (Jan- Mar 2019)



Annex 6 – Analysis Chart



6. Bibliography

- Domicelj , T., & Gottardo, C. (2019, March). *Implementing the Global Compacts: the importance of a whole-of-society approach*. Retrieved from <https://www.fmreview.org/education-displacement/domicelj-gottardo>
- Anderson, M. B. (1999). *Do No Harm: How Aid Can Support Peace – Or War*. Retrieved from <https://www.cdacollaborative.org/publication/do-no-harm-how-aid-can-support-peace-or-war/>
- Apthorpe, R. (2011). *Coda: With Alice in Aidland: A Seriously Satirical Allegory*. Retrieved from https://www.researchgate.net/publication/290731499_Coda_With_alice_in_aidland_A_seriously_satirical_allegory
- Atger, Anaïs, & Faure. (2019, June). *EU migration strategy: compromising principled humanitarian action*. Retrieved from <https://search.proquest.com/openview/0fd7dc8cc4fb41530d5010a4fe1a0d29/1?pq-origsite=gscholar&cbl=55113>
- Baldwin. (2018, May 30). *The politics of evidence-based policy in Europe’s ‘migration crisis’*. Retrieved from <https://www.tandfonline.com/doi/full/10.1080/1369183X.2018.1468307>
- Bartram, D. (2015). Forced migration and ‘rejected alternatives’: a conceptual. *Journal of Immigrant & Refugee Studies*. Retrieved from <https://ira.le.ac.uk/bitstream/2381/32344/6/Forced%20migration%208.pdf>
- Belady, O. f. (n.d.). Retrieved from https://www.facebook.com/belady.hr/?eid=ARDh2KIi2OifuBiP_b6s6GCoivy_EF3o1m2OjvzWuV6hgyATzzGqGlReUvpvA7hRBwIUSuDN1yNxIMZ&fref=tag
- Beşer, M. E., & Elfeitori, F. (2018). *Libya Detention Centres: A State of Impunity*. Retrieved from https://aybu.edu.tr/gpm/contents/files/GPM_RaporEenesBeser.pdf
- Betts, A. (2019, January). (M. M. MMC, Interviewer) Retrieved from <http://www.mixedmigration.org/articles/mmc-interviews-alexander-bettsa-time-for-bold-vision/>

- Bill Frelick, I. M. (2016). The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants. *Journal of Migration and Human Security*. Retrieved from <https://www.hrw.org/news/2016/12/06/impact-externalization-migration-controls-rights-asylum-seekers-and-other-migrants>
- Borton , J., & Collinson, S. (2017, December). *Responses to mixed migration in Europe: implications for the humanitarian sector*. Retrieved from <https://odihpn.org/resources/responses-mixed-migration-europe-implications-humanitarian-sector/>
- Burridge, A. (2009). Differential Criminalization under Operation Streamline: Challenges to Freedom of Movement and Humanitarian Aid Provision in the Mexico-US Borderlands. *Canada's Journal on Refugees*. Retrieved from <https://refuge.journals.yorku.ca/index.php/refuge/article/view/32080>
- Cabinet, L. (2014). *DCAF*. Retrieved from DCAF: <https://security-legislation.ly/node/34978>
- Carrera, S., Allsopp, J., & Vosyli, , L. (2016). *The Effects of EU's Anti-Smuggling Policies on Civil Actors*.
- Centre, M. M. (2018). *MMC's UNDERSTANDING AND USE OF THE TERM*. Retrieved from http://www.mixedmigration.org/wp-content/uploads/2018/07/terminology_mmc.pdf
- Collyer, M. (2012, APRIL 25). *Deportation and the Micropolitics of Exclusion: The Rise of Removals from the UK to Sri Lanka*. Retrieved from <https://www.tandfonline.com/doi/abs/10.1080/14650045.2011.562940>
- Cornelio, M. M. (2016). The Appearance of Accountability: Communication Technologies and Power Asymmetries in Humanitarian Aid and Disaster Recovery. *Journal of Communication*. Retrieved from <https://onlinelibrary.wiley.com/doi/pdf/10.1111/jcom.12258>
- Donini, A. (2011). *Between a rock and a hard place: Integration or independence of humanitarian action?* Retrieved from International Review of the Red Cross: https://www.researchgate.net/publication/231929113_Between_a_rock_and_a_hard_place_Integration_or_independence_of_humanitarian_action

- Drent, M. (2018). Militarising migration? EU and NATO involvement at the European border. *Clingendael Spectator*. Retrieved from <https://spectator.clingendael.org/pub/2018/4/militarising-migration/>
- DTM, I. (2017). *Libya's Migrant Profiles*. Retrieved from <https://migration.iom.int/system/tdf/reports/DTM%20Libya%20-%20Migrant%20Profiles%20December%202017.pdf?file=1&type=node&id=2896>
- E. Punter, , Dagmar , van der Veen, Hasse , & Wing. (2019). *A 'distributive regime': Rethinking global migration control*. Retrieved from <https://www.mendeley.com/catalogue/distributive-regime-rethinking-global-migration-control/>
- Élie, J. (2010). The Historical Roots of Cooperation between the UN High Commissioner for Refugees and the International Organization for Migration. Retrieved from <https://heinonline.org/HOL/LandingPage?handle=hein.journals/glogo16&div=32&id=&page=>
- EU, C. o. (2014). Libya, a Political Framework for a Crisis Approach. Retrieved from <https://statewatch.org/news/2014/nov/eu-council-libya.pdf>
- Fassin, D. (2012). Humanitarian Government . In D. Fassin. Retrieved from <https://www.sss.ias.edu/files/Reason-Seminar.pdf>
- Fechter, A.-M. (2012). *The Personal and the Professional in Aid Work*. Retrieved from <https://www.tandfonline.com/doi/abs/10.1080/01436597.2012.698104>
- Flynn, M. (n.d.). *There and Back Again: on the Diffusion of Immigration Detention* . Center for Migration Studies of New York .
- Frelick, B. K. (2018, August 8). *The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants*. Retrieved from <https://journals.sagepub.com/doi/10.1177/233150241600400402>
- Gabriela Rodríguez Pizarro, T. S. (2002). *International Migration - Migrant Term*. UNESCO. Retrieved from <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant/>
- Givoni, M. (2011, July 7). *Humanitarian Governance and Ethical Cultivation: Médecins sans Frontières and the Advent of the Expert-Witness*. Retrieved from

https://journals.sagepub.com/doi/abs/10.1177/0305829811406037?casa_token=-_pWwDI5BzQAAAAA:ha6YePGN5XgdrjsWjvTQurcENuRFMIzhFF_t-5htHv3uEQUov8geZ9n8-EzFtElTlwvxCxVCqLtQ

Hamood, S. (2006). AFRICAN TRANSIT MIGRATION THROUGH LIBYA TO EUROPE: The Human Cost. *Forced Migration and Refugee Studies*. Retrieved from <http://www.migreurop.org/IMG/pdf/hamood-libya.pdf>

Harferlach, L., & Governance, D. K. (n.d.). *Lessons Learnt from the EU-Turkey Refugee Agreement in Guiding EU Migration Partnerships with Origin and Transit Countries*.

Heaven Crawley, D. S. (2017). Refugees, migrants, neither, both: categorical fetishism and the politics of bounding in Europe's 'migration crisis. *Journal of Ethnic and Migration Studies*. Retrieved from <https://www.tandfonline.com/doi/full/10.1080/1369183X.2017.1348224>

HRW, H. R. (2019). *Libya Report*. Retrieved from <https://www.hrw.org/world-report/2019/country-chapters/libya>

Humanitarian Affairs. (2019, January 1). *Humanitarian Communication in a Post-Truth World*. Retrieved from <https://www.manchesteropenhive.com/view/journals/jha/1/1/article-p49.xml>

Humanitarian Practice Network at ODI . (2011, October). *Humanitarian*. Retrieved from <https://odihpn.org/wp-content/uploads/1999/11/humanitarianexchange052.pdf>

IOM. (2019, JULY 3). *IOM, UNHCR Condemn Attack on Tajoura, Libya, Detention Centre and Call for an Immediate Investigation*. Retrieved from <https://www.iom.int/news/iom-unhcr-condemn-attack-tajoura-libya-detention-centre-and-call-immediate-investigation>

IOM. (2019). *Libya — Migrant Report 24*. Retrieved from <https://migration.iom.int/reports/libya-%E2%80%94-migrant-report-24-january-%E2%80%94-february-2019>

IOM. (2019, MARCH). *LIBYA UPDATE*. Retrieved from https://www.iom.int/sites/default/files/situation_reports/file/libya_sr_20190316-31.pdf

- IOM. (2019, May). *Libya Migrant's Report*. Round 25. Retrieved from https://migration.iom.int/system/tdf/reports/DTMLibya_R25_MigrantReport_FINAL_0.pdf?file=1&type=node&id=6113
- Joffé, G. (2011). *Libya and the European Union: shared interests?* Retrieved from <https://www.tandfonline.com/doi/full/10.1080/13629387.2011.531531>
- Khattab, N., & Mahmud , H. (2018, December 1). *Migration in turbulent time: perspectives from the global south*. Retrieved from <https://www.tandfonline.com/doi/full/10.1080/21632324.2019.1552501>
- Lavenex, S. (2016). *Multi Levelling EU external governance: the role of international organizations in the diffusion of EU migration policies*. Retrieved from *Journal of Ethnic and Migration Studies*: <https://www.tandfonline.com/doi/full/10.1080/1369183X.2015.1102047>
- Lepora, C., & Goodin, R. E. (2013). *On Complicity and Compromise*. Retrieved from <https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199677900.001.0001/acprof-9780199677900>
- Linde, T. (2011, March). *A Humanitarian Counterpoint*. Retrieved from *Refugee Survey Quarterly* : <https://academic.oup.com/rsq/article-abstract/30/1/89/1547245?redirectedFrom=fulltext>
- Long, K. (2013, January 25). *When refugees stopped being migrants: Movement, labour and humanitarian protection* . Retrieved from <https://academic.oup.com/migration/article/1/1/4/940995>
- Nations, U. (2017). *International Migration Report*. Retrieved from <https://www.un.org/development/desa/publications/international-migration-report-2017.html>
- OECD. (2015, September). *Is This Humanitarian Migration Crisis Different ?* Retrieved from <http://www.oecd.org/migration/Is-this-refugee-crisis-different.pdf>
- Oeppen, M. B. (2017). Forced to leave? The discursive and analytical significance of describing migration as forced and voluntary. *Journal of Ethnic and Migration Studies*. Retrieved from <https://www.tandfonline.com/doi/full/10.1080/1369183X.2017.1384149>
- others, L. A. (2014). *Libyan Law Concerning Detention Centers*.

- Ozkul, Derya , Obeng-Odoom, & Franklin. (2013). *Temporary Migration: Views from the Global South*. Retrieved from African Review of Economics and Finance.
- Panebianco, S., & Fontana, I. (2018). *When responsibility to protect 'hits home': the refugee crisis and the EU response*. Retrieved from <https://www.tandfonline.com/doi/abs/10.1080/01436597.2017.1369035>
- Panjabi, R. (2010, November 25). *The International Migration Crisis: State Sovereignty versus Human Rights*. Retrieved from <https://www.tandfonline.com/doi/pdf/10.1080/03612759.2010.514541?needAccess=true>
- Pécoud , A. (2018). *What do we know about the International Organization for Migration?* Retrieved from Journal of Ethnic and Migration Studies: <https://www.tandfonline.com/doi/full/10.1080/1369183X.2017.1354028>
- Reggio, A., & Mittelstadt, M. (2018, December 17). *Pushback to the Resistance: Criminalization of Humanitarian Actors Aiding Migrants Rises*. Retrieved from <https://www.migrationpolicy.org/article/top-10-2018-issue-5-pushback-resistance-criminalization-humanitarian-actors-aiding>
- Rietig , V., & Müller, A. (2016, August 31). *The New Reality: Germany Adapts to Its Role as a Major Migrant Magnet*. Retrieved from <https://www.migrationpolicy.org/article/new-reality-germany-adapts-its-role-major-migrant-magnet>
- Rutledge, D., & Rable, A. (2019, July 24). *The Infrastructure of Migration and the Migration Regime: Human Rights, Race, and the Somali Struggle to Flee Violence*. *Race/Ethnicity: Multidisciplinary Global Contexts*. Retrieved from Indiana University Press.
- Sachs, J. (2016). *Toward an International Migration Regime*. Retrieved from <https://www.aeaweb.org/articles?id=10.1257/aer.p20161064>
- Scheels, S. a. (2014). *The Oxford Handbook of Refugee and Forced Migration Studies*. In S. a. Scheels. Retrieved from https://books.google.com.ly/books?id=kzDKAwAAQBAJ&pg=PA479&lpg=PA479&dq=Squire+and+Scheels+mixed+migration&source=bl&ots=oFpnUfPtW_&sig=ACfU3U2JhUUaOTmsZmk8usSePwXNZB1k6A&hl=en&sa=X&ved=2ahUKEwjdsp_phZrkAhXGzaQKHUryDr0Q6AEwAXoECAkQAQ#v=onepage&q=Squire&f=

- Slim, H. (2015). *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*. Retrieved from https://books.google.com.ly/books/about/Humanitarian_Ethics.html?id=t5vymgEACA-AJ&redir_esc=y
- Slim, H., & Bradley, M. (2013, March). *Principled Humanitarian Action and Ethical Tensions in Multi-Mandate Organizations in Armed Conflict*. Retrieved from https://interagencystandingcommittee.org/system/files/legacy_files/Slim,%20WV%20Multi-Mandate%20Ethics%20FinalDraft.pdf
- Tavernor, M. L. (2019). *Global humanitarianism and media culture*. Retrieved from <https://www.manchesteropenhive.com/view/9781526117304/9781526117304.00006.xml>
- UN. (2018). *2019 Libya Humanitarian Needs Overview*. Retrieved from <https://reliefweb.int/report/libya/2019-libya-humanitarian-needs-overview-october-2018>
- UNHCR. (2014). *Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report* –. Retrieved from <https://www.refworld.org/country,,UNHCR,,LBY,,553a052e4,0.html>
- UNHCR. (2016). *reliefweb*. Retrieved from https://reliefweb.int/sites/reliefweb.int/files/resources/unhcr_a4_libya_migration_routes_31may2016.pdf
- UNHCR. (2018, December). *CENTRAL MEDITERRANEAN ROUTE SITUATION*. Retrieved from <https://www.unhcr.org/5aa78775c.pdf>
- UNHCR. (2019, June). Retrieved from <http://reporting.unhcr.org/sites/default/files/Libya%20Funding%20Update%2024%20June%202019.pdf>
- UNHCR. (2019, JULY 1). *Operation: Libya*. Retrieved from <http://reporting.unhcr.org/sites/default/files/pdfsummaries/GR2018-Libya-eng.pdf>
- UNHCR. (2019, JUNE 28). *UNHCR UPDATE: LIBYA*. Retrieved from <http://reporting.unhcr.org/sites/default/files/UNHCR%20Libya%20Update%20-%2028JUN19.pdf>

UNHCR. (n.d.). *Convention Relating to the Status of Refugees*. Retrieved from www.unhcr.org

unhcr. (n.d.). *Refugee Definition*. Retrieved from UNHCR Emergency Handbook:
<https://emergency.unhcr.org/entry/250585/refugee-definition%3E>

UNOCHA. (2018). *Humanitarian Response Plan*. Retrieved from
<https://fts.unocha.org/appeals/636/summary>

Vandervoordt. (2016, October 3). *Between humanitarian assistance and migration management: on civil actors' role in voluntary return from Belgium*. Retrieved from
<https://www.tandfonline.com/doi/abs/10.1080/1369183X.2016.1245609>