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Abstract

This paper analyses the work carried out by non-governmental organisations (NGOs) and civil society organisations (CSOs) in Libya from 2009 to 2020 to shed light on its ambivalent relationship to the EU externalisation of migration and border management. While also looking at Libyan organisations, and at initiatives such as EU-funded professionalisation projects, which aim to co-opt the nascent local civil society into the EU border externalisation mechanism, the paper largely focuses on international NGOs, with specific attention being paid to the Italian NGO CIR. The paper shows that even in the difficult Libyan context there is some potential for NGOs/CSOs to radically and effectively oppose EU externalisation, or at least try to do so through activities such as public information and advocacy. However, in a context in which migrants are systematically exposed to a wide range of abuses, and foreign or foreign-funded actors are seen with suspicion, NGOs/CSOs have limited room for manoeuvre. In fact, they mostly end up filling the gaps of the local migration and border management system on behalf of their (European) donors, thus supporting the smooth operation of externalised border management. This is also visible in the way NGOs/CSOs address human rights, interact with donors and local authorities, and perpetuate dichotomies and categorisations that support migration containment policies.

Keywords

NGOs/CSOs, libya, EU externalisation, migration, borders

Introduction

This paper analyses the work carried out by non-governmental organisations (NGOs) and civil society organisations (CSOs) in Libya in its ambivalent relationship to the EU externalisation of migration and border management. While opportunities to effectively counter externalisation drivers are limited by the difficult Libyan context, NGOs/CSOs largely contribute to filling the gaps of the local migration and border management system on behalf of their (European) donors.

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Externalisation is the process through which states directly or indirectly operate activities related to border control outside their own territories, i.e. in other countries or on the high seas, for example by providing countries of transit and origin with equipment and training to manage their borders, or implementing readmission agreements with them. In order to externalise migration and border control, destination countries engage in cooperation with diverse state and non-state actors (Zaiotti, 2016; Lahav and Guiraudon, 2000). Externalisation allows to circumvent sovereignty issues, whenever direct intervention in a foreign territory is not possible but the relevant local government accepts to cooperate in controlling migration (on Libya see Bialasiewicz, 2012), or non-state actors such as NGOs/CSOs, international organisations (IOs) or private companies carry out activities that support the containment policies of a donor outside the latter's territory (Brachet, 2016). Externalisation may also help circumvent legal obligations, most notably in the field of asylum (Hyndman and Mountz, 2008; Mc Namara, 2013). Finally, externalised operations often happen in contexts that are hidden from public view, which allows externalising actors not just to circumvent but also to breach legal obligations (Ghezelbash, 2022) with a much lower risk of being held liable therefore. However, externalisation is not a unilinear, univocal process: governments of countries of origin and transit (Adam et al., 2020; Cassarino, 2005), IOs (Lavenex, 2016) and NGOs/CSOs (Cuttitta, 2020) are not just passive partners of destination countries trying to externalise their borders: they play more complex roles, which may significantly differ depending on the context. They are mostly neither entirely compliant with, nor entirely against the logics of externalised control. More broadly, the cited literature suggests that externalisation should be relativised and seen as one among the main drivers of border regimes.

Bearing this in mind, the paper identifies migration-related international and local NGOs/CSOs as crucial components of the EU externalisation process in Libya. In looking at the 2009-2020 period, the paper also highlights continuities between pre- and post-revolution periods.

The paper contributes to the growing body of literature on the role of NGOs/CSOs in the governance of migration, and specifically addresses the dearth in research on NGOs/CSOs in so-called transit countries, such as Libya. Scholarship has highlighted the NGOs/CSOs' implication with power at increasingly humanitarianised borders (Walters, 2011), the inevitable entanglement of care and enforcement (Agier, 2010; Fassin, 2012; Pallister-Wilkins, 2018; Williams, 2015) – notably the NGOs/CSOs' involvement as state partners in restrictive governmental policies such as deportations (Kalir and Wissink, 2016), border securitisation (Prokkola, 2020) or border control (Kox and Staring, 2020) – and even the emergence of anti-migrant NGOs/CSOs (Cusumano, 2021). Research has further shown that NGOs/CSOs across the continents also engage in politically motivated activities aimed at supporting the freedom of movement and choice of (would-be) migrants (see Castañeda, 2013; Johnson, 2015; Squire, 2014 on the US borderlands; Feischmidt et al., 2019; Millner, 2011; Sandri, 2018 on EU internal borders; Cusumano, 2017; Cuttitta, 2018; Mainwaring and DeBono, 2021; Stierl, 2018 on international waters; Stierl, 2016 on transnational spaces). Thus, literature on the role of NGOs/CSOs in migration governance has mainly focused on wealthy destination countries of the Global North.

Only recently did scholars start looking at countries of transit and origin, and, more specifically, at the relationship between NGOs/CSOs' activities and externalisation. Literature has shown how local NGOs/CSOs are attracted by (mostly European) funding and co-opted into the externalisation mechanism (Andersson, 2014; Dini and Giusa, 2020; Gazzotti, 2021; Rodriguez, 2019). It has been also pointed out that these programmes may have only limited, if any, impact, because of lack of interest from would-be beneficiaries (Rodriguez, 2019) or lack of cooperation from local governments (Stock, 2021). Roman (2019) has further noted that local NGOs/CSOs are not adequately involved by donors in decision-making. What these important contributions left unaddressed – with the, if only partial, exception of Cuttitta (2020) and Stock (2021) – is the role of international NGOs (I-NGOs). Moreover, they mostly limit themselves to stressing the role of NGOs/CSOs as

‘executors’ of European externalisation policies. However, recent work on Egypt and Tunisia (Cuttitta, 2020), as well as Morocco (Gazzotti, 2021), has shed light on the different attitudes towards externalisation that can be observed among NGOs/CSOs. Cuttitta (2020) also shows how NGOs/CSOs’ activities may – intendedly or unintendedly – produce effects opposed to those envisaged by externalising actors. Along the same vein, this paper asks whether international and local NGOs/CSOs are just passive implementers of externalisation policies or have some leeway to oppose externalising trends. It does so by looking at Libya, a major country of departure of migrants attempting the sea-crossing to Europe, and one in which NGOs/CSOs are a relatively new phenomenon, as they hardly existed until the 2011 regime change. Thus, the paper also addresses a gap in the literature on EU externalisation to Libya, as this has only focused on state-state relations (see Bialasiewicz, 2012; Hamood, 2008; Paoletti, 2010 for the Gaddafi era; Baldwin-Edwards and Lutterbeck, 2019; Ferstman, 2020 for the post-Gaddafi period), or, more rarely, on state-IOs relations (Brachet, 2016).

The research draws on 52 semi-structured interviews with representatives from NGOs/CSOs (34), IOs (9) and governmental donors (7), as well as with researchers (2), that were carried out between June 2019 and December 2020.¹ Moreover, 3 written responses were received from interview partners (representing 2 NGOs and 1 governmental donor) who refused to respond orally. Organisations represented by the interviewees were active in Libya at the time of the interview, with only very few exceptions of I-NGOs that had just concluded their activities there. All interviewees, as well as their organisations, have been anonymised to protect their privacy and security.²

The first section after this introduction provides background information on the Libyan context. The second presents the work carried out by the Italian NGO CIR (Consiglio Italiano per i Rifugiati) in Libya from 2009 to 2018. CIR is exemplary of the ambivalent relationship I-NGOs have with EU externalisation, oscillating between opposition and support. The following section provides a broader overview of I-NGOs’ activities in Libya, pointing out the issues these organisations face with regard to where to provide their services, what kind of services to provide, and with whose funding. The section also engages with the relationship between NGOs and governmental actors, as well as with human rights. A further section introduces Libyan NGOs/CSOs and EU-funded professionalisation projects that may contribute to co-opting local civil society actors into the EU’s externalisation mechanism.

The Libyan context

Libya has suffered political instability and internal conflict since Gaddafi’s ousting in 2011 (Bensaaad, 2018; Morone, 2018). The power vacuum is filled by armed groups that vary “widely in their make-up and the extent to which they [a]re under the direction of state authorities. These disparate groups [have] committed various human rights abuses, including unlawful killings” (US Department of State, 2020). Even borders “are not controlled by a unitary state-actor, but instead are managed by a number of factions, military forces from several states, numerous militias and groups of foreign armed security guards and mercenaries” (Pacciardi and Berndtsson 2022: 11), also including local tribes (Bensaaad, 2018).

In this context, migrants and refugees “are systematically subjected to a litany of abuses” “both in and outside detention”. Human rights violations include labour exploitation, slavery, exclusion from the housing market, abduction, rape, forcibly conscription into militias, arbitrary detention, killings etc. Those held in detention suffer an increased risk of specific abuses such as extortion, deprivation of healthcare, trafficking, torture and other inhuman and degrading treatments. Perpetrators “include government officials, members of armed groups, smugglers, traffickers and members of criminal gangs” (UN Security Council, 2020: 9). Indeed, while crimes are often committed “with the collusion of government officials” (Ferstman, 2020: 463), namely “Libyan Coast Guard (LCG)

officials, immigration officers, security officials, Ministry of Defense (MOD) officials, members of armed groups formally integrated into state institutions, as well as officials from the [Ministry of Interior (MOI)] and MOI's Department to Combat Illegal Migration (DCIM)" (US Department of State, 2020), state authorities are also directly responsible for gross human rights violations. The fact that one of such perpetrators is the Libyan Coast Guard,³ which has long been equipped, supported and trained by Italy and Europe in the field of border management, including forced returns from international waters to Libya (Pijenburg, 2018), shows a clear correlation between externalisation and human rights violations. Importantly, militias and smugglers, as well as local tribes, are Europe's partners in externalisation, too, based on informal agreements (Michael et al., 2019; see also Raineri and Strazzari, 2019).

Libya has no national asylum policies. National authorities have always denied the presence of refugees in their territory,⁴ with the consequence that asylum-seekers can be more easily labelled as 'illegal' and subjected to criminalisation, exploitation and abuses. Refugee status, indeed, is only recognised by the UNHCR (United Nations High Commissioner for Refugees), which is unable to reach all asylum seekers and cannot provide effective protection for those recognised as refugees (UNHCR, 2020).

In December 2015, the international community, having considered that the civil war was "depriving the most vulnerable of their basic needs and triggering large-scale displacements", while "[a]ccess to food, water, sanitation and shelter ha[d] deteriorated dramatically and the fragile healthcare system [wa]s on the brink of collapse" (Libya Humanitarian Country Team, 2015: 4), launched the first humanitarian response plan for Libya. The humanitarian emergency is still ongoing, and makes large amounts of funding available, including in the field of migration and asylum. The move was criticised by many of my interviewees (including representatives of NGOs, donors and IOs alike): "European countries are creating a humanitarian situation out of no humanitarian situation" (a donor representative), thus enabling formal actors in the field "to launch appeals to get money" (an NGO representative). While migration eventually attracts – according to many of my interviewees – a disproportionate share of attention and resources from the international community, Libyan formal and informal actors remain free to abuse and exploit migrants. Additional resources in the specific field of migration have been made available in Libya by the EU and (mostly European) state governments of the Global North. So far, the largest funding scheme has been the 'European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa' (EUTF) (Pacciardi and Berndtsson, 2022). The EUTF was established in 2015 for a five-year period⁵ based on the three pillars of protection, community stabilisation and border management, thus linking humanitarian, development and security concerns under the umbrella of mobility containment.

Whatever the funding source, however, Libyans are reluctant to support projects for migrants. Especially national authorities tend to see migrants, particularly sub-Saharan ones, as second-class individuals, as people "who have less rights, or as criminals" (as a representative of an IO told me), and do not think they deserve any assistance. As a result, projects for migrants are not welcome: "if you go to Libya, and talk with your partner ministry, or even with the mayors, and say we want to come here to support migrants, they will slam the door in your face!" (a donor). According to another donor, Libyan national authorities put "blockages on humanitarian organisations' ability to implement their humanitarian programs".⁶ Moreover, authorities are always suspicious of foreign actors and foreign-funded activities, fearing they might support their political opponents. This attitude is also widespread among the population.⁷ As a representative of an IO told me, "in Libya I think it is wise to assume that anything that is foreign is to be suspected, be it UN or NGO". This also means that foreign funding bodies can hardly tell what the actual outcome of their projects will be: "putting conditions in Libya is almost impossible. We do not have the leverage vis-à-vis our [governmental] partners", a governmental donor told me. According to an NGO representative,

“there has not been a political negotiation in order to ensure that they [IOs and NGOs/CSOs] can actually work”. A typical problem is access to detention centres (DCs). First, it must be noted that NGOs, as well as IOs, are only allowed to work in official DCs – those that are, on paper, under the direct control of the Libyan DCIM, but are often managed by militias. They have no access to the unknown number of unofficial DCs (those ‘officially’ under the control of militias) and investigation centres (police facilities where people are brought temporarily, before being transferred elsewhere) (Cuttitta, 2021; UNHCR, 2020). Second, even access to official DCs is often restricted, and organisations are not allowed to see all detainees or visit the entire premises. Third, a DC may suddenly turn from official to unofficial, putting a halt to IOs’ or NGOs’ projects. This adds to the inaccessibility of specific places, areas and regions because of ongoing fighting.

Between support and opposition to externalisation: The Italian Refugee Council

NGOs/CSOs hardly existed in Gaddafi’s Libya. While they were formally tolerated, the political framework made the emergence of an independent civil society impossible (Mikaïl, 2013). Thus, the few existing NGOs/CSOs were actually GONGOs (Government Organised NGOs), as they were under the direct control of the regime. Foreign NGOs/CSOs, also including humanitarian ones, were seen with even greater suspicion and not allowed to work in the country. Of the few Libyan GONGOs, just one worked in the migration field: the International Organization for Peace, Care and Relief (IOPCR). IOPCR was established in 2000 but only started working in the migration field in 2006, after the lifting of international embargoes boosted Gaddafi’s cooperation with Europe and Italy: Libya accepted Italian and European funding and equipment to manage migration, and agreed to readmit to its territory people who had made the sea-crossing to Italy (Paoletti, 2010). Thus, the IOPCR’s involvement in migration-related activities was only made possible by Libya’s opening to the EU’s externalisation policies. It was the European process of externalisation that created the conditions for NGOs in Libya to work in the migration field in the first place.⁸

The Libyan civil society scenario changed after Gaddafi’s overthrow. Since then, dozens of larger and smaller I-NGOs, as well as hundreds of newly established, independent Libyan NGOs/CSOs have been active in different fields, also including migration.

However, there had been already an exception to the ban on I-NGOs just two years before Gaddafi’s fall: the Italian Refugee Council (CIR), a humanitarian NGO mandated with the protection of refugees and asylum seekers, could start its activities in the *Great Jamahiriya* in 2009. This section looks at the work carried out by CIR from 2009 to 2018, when it stopped all its activities in North Africa.

CIR opened its Tripoli office in April 2009, upon the invitation of the UNHCR. With the UN refugee agency, CIR was involved in a project funded by the European Commission that was aimed at providing humanitarian assistance to refugees and migrants as well as monitoring the situation in 11 Libyan DCs. Further project partners included the above IOPCR and the International Centre for Migration Policy Development (ICMPD), a European IO that currently counts 18 member states, is active in 90 countries across the continents, and whose mandate is to contribute “to better migration policy development worldwide”, also including the analysis of “current and potential migratory flows to European receiving countries” as well as the development of “measures for the improved recognition and control of migratory movements” (ICMPD, s.d.).

Thus, and not surprisingly, the first foreign and non-governmental humanitarian intervention in the migration field in Libya was only possible within a strongly control-oriented partnership framework. Moreover, CIR’s presence in Gaddafi’s Libya demonstrates how humanitarian organisations tasked with refugee protection in so-called transit countries may be used by governments of destination countries to legitimate the latter’s deportation policies. In May 2009 – just a month after the opening of CIR’s office in Tripoli – the Italian authorities started pushing back people from

international waters to Libyan ports. The Italian government responded to allegations that push-backs would violate the principle of *non-refoulement* – a cornerstone of international and refugee law – by arguing that CIR’s presence in Libya guaranteed the rights of the returned would be respected.⁹ An even clearer example of how NGOs/CSOs may be used as fig leaves to cover inhuman state policies and practices¹⁰ is the EU-funded Sahara-Med project, which had been launched by the Italian Ministry of Interior, in partnership with the IOM as well as the Greek and Libyan governments (CIR, 2015: 52; Ministero dell’Interno, 2015: 1611–1612), in 2010, and was aimed at the prevention and management of irregular migration from Libya (European Parliament, 2010). The project was suspended because of the civil war in Libya, then resumed in 2012 and revised in 2013 (Ministero dell’Interno, 2015: 1612, 2016: 22; CIR, 2014, 2015: 53). As a former representative of one of the project partners told me, the European Parliament asked the Commission to amend the project contents, arguing that a humanitarian component was lacking. The Italian government asked CIR to fill the humanitarian gap by providing assistance to people in need of international protection. CIR’s decision was not easy, an interviewee told me, but in the end ethical concerns were overcome: CIR became part of a project aimed at strengthening border control, in the conviction that “being there is better than not being there”.

“Being there”, for CIR, meant to keep providing humanitarian assistance and socio-legal support to migrants in and outside detention (also including covering school fees for children, as well as participating in assisted voluntary return projects), monitoring the situation of DCs, supporting local migration-related NGOs/CSOs and providing capacity-building for Libyan institutions (including workshops in the field of human rights). This was done until 2018, not only within the Sahara-Med project but also within a series of projects funded by various Italian governments – the same governments that, first, carried out the above mentioned unlawful push-backs to Libya, and, then, strengthened cooperation with dubious Libyan authorities such as militias, local tribes (Michael et al., 2019; see also Raineri and Strazzari, 2019) and the Coast Guard, and supported the pull-backs carried out by the latter from international waters.

CIR could also carry out important (and, in Gaddafi’s Libya, unprecedented) advocacy work. In 2010, after the Libyan regime banned UNHCR from the country in June, CIR was able to continue its activities, as the only I-NGO operating in Libya. CIR transferred information to international human rights organisations, which made possible the launch of an international media and political campaign against the indiscriminate and unlawful forced repatriations of Eritrean asylum seekers, as well as the detention of and abuses on those resisting deportation (Human Rights Watch, 2010). The campaign eventually resulted in the release of all Eritrean and Somali refugees from Libyan DCs. In March 2011, at the outbreak of the war, CIR could also successfully advocate with the Italian government for the opening of a small humanitarian corridor which allowed for the relocation of 108 Eritreans from Tripoli to Italy.

In a country with a long-lasting tradition of racist sentiments, policies and practices (Jacques, 2013; UNSMIL and OHCHR, 2018), which also include denying the presence of refugees in its territory, these initiatives were ground-breaking for Libya in that they allowed for refugees’ rights to enter the country’s international relations agenda. However, in doing this they arguably bowed to the principles of an orderly global migration management (Geiger and Pécoud, 2010). Indeed, asylum-related NGOs/CSOs’, pretty much like IOs such as the UNHCR, can be seen as partaking in the global policing of human mobility (Düvell, 2003), insofar as they support the dichotomy between forced and voluntary migrants (Allen et al., 2018; Crawley and Skleparis, 2018), resulting in the irregularisation of many people, and, more broadly, facilitate the transfer of know-how and practices related to migration management (Lavenex, 2016). Arguably, the ‘migration management’ approach has been developed in the interest of wealthier destination countries of the Global North (Boucher, 2008), and the transfer of the relevant values (also including the dichotomy forced vs. voluntary migration), (soft) norms (also including humanitarian protection and human rights issues)

and know-how to other countries can be seen as part of the externalisation process. While the above initiatives also provided relief and opportunities to many people, they were still based on the distinction between ‘deserving’ and ‘undeserving’ or ‘forced’ and ‘economic’ migrants. Such distinction allows for the increasing stigmatisation and criminalisation of the ‘undeserving’, and, as a result, for further (externalised) border enforcement (Scheel and Ratfisch, 2014). More broadly, asylum NGOs, pretty much like the UNHCR, contribute to the externalisation of asylum (Valluy, 2007), which consists in turning transit countries into ‘safe countries’ to which asylum seekers can be returned in compliance with international law. The 2009 push-backs show that even the mere presence of an NGO in a given country may convey the message that that country is ‘safe’ and refugees receive appropriate protection there. In sum, CIR’s activities in Libya, by perpetuating the refugee-migrant dichotomy, and thus supporting asylum externalisation, did not contribute to weakening border externalisation as such, but rather perpetuated the logics of selective and differential inclusion (Mezzadra and Neilson, 2013) on humanitarian grounds.

Another CIR initiative had a wider and long-lasting impact on European cooperation with Libya instead. Following the push-backs of May 2009, CIR’s staff in Libya was able to collect the signatures of 24 deportees in order for them to file an application against Italy with the European Court of Human Rights (ECtHR). This case resulted in a landmark judgement¹¹ that condemned Italy for violating the prohibition of inhuman or degrading treatment, the prohibition of collective expulsions and the right to effective remedy, thus putting an end to direct push-backs to Libya. This was a huge obstacle in the process of EU externalisation. In this case, and importantly, the (potential) beneficiaries were all the migrants, regardless of their condition of (would-be) refugees, since the principle of *non-refoulement*, and thus the ban on push-backs to Libya, is applicable to any passenger of any boat.¹²

In sum, CIR’s action oscillates between compliance with and opposition to externalisation logics, with the Sahara Med project and the collection of signatures for the ECtHR application, respectively, at the opposite ends of the spectrum. In between these two poles there is a grey zone in which CIR, like most NGOs operating in this field, remains trapped in the care-control nexus, possibly also acting, from time to time, against the logics of territorial exclusion, but only at the individual level of the people directly involved (i.e. mostly people entitled to international protection), not at the systemic level of the externalisation policies as such.

Another reason for taking CIR as an example of I-NGOs operating in Libya is that it was among the Italian NGOs participating in a highly contested series of ten short-term projects funded by AICS (the cooperation and development agency of the Italian Ministry of Foreign Affairs) to provide humanitarian assistance (e.g. food and non-food items, as well as medical care and equipment) in Libyan detention centres (DCs),¹³ which are typically seen as an example of the NGOs’ passive acceptance of externalisation policies. In Italy, these projects were criticised before they even began: first, because of their too short duration and too limited budget, which would make it impossible to effectively improve the conditions of the detainees in a durable way; second, because of the questionable choice to work in facilities managed by militias; third, because of some project activities going beyond the humanitarian field. In the case of the project that CIR implemented together with two further Italian NGOs, non-humanitarian activities included the rehabilitation of the sanitation system, the improvement of the sewage system, the installation of a power generator and a pump for potable water. The next section shows why other AICS-funded projects were more problematic.

I-NGOs in Libya

The AICS-funded projects in Libyan DCs caused disconcert in the international community. Not only did some Italian NGOs not coordinate with the other organisations in the field, causing

duplication and overlap, as representatives of several I-NGOs lamented (see also [El Zaidy, 2019: 19](#)). Some were – in the words of a donor – “just implementing blindly the politics of the Italian government” without respecting humanitarian principles. This prompted the Libyan I-NGO Forum (the network of foreign NGOs operating in Libya) to draft a ‘Principled framework for intervention in detention centres’, a non-binding document stating that humanitarian actors should limit their intervention in DCs to life-saving activities. While the ‘framework’ was eventually endorsed by the UN humanitarian mechanism, some NGOs continued carrying out non-life-saving activities in DCs.

Within the AICS-funded projects, some NGOs helped installing fences and gates in the DCs ([ASGI, 2020](#)), while items that should have been delivered to the detained people were given to the DC managers, who staged a delivery to the detainees only for the duration of a visit made by international agencies at the centre ([Le Iene, 2019](#)), and then sold them on to third parties ([Presa Diretta, 2019](#)). Thus, these NGOs supported the Libyan detention system and DC staff rather than migrants. The fact that “an Italian NGO hired a former DC guard” (an NGO representative) and a medical I-NGO hired “doctors who had connections with the direction of the centre, so they would never speak out” (another NGO representative) shows the dubious relationship between the humanitarian actors and the DC personnel. Indeed, these NGOs entered into a conflict of interest, acting in breach of the most basic principles of humanitarian action: activities that are supposed to protect detainees from their jailors should not be carried out by individuals who are likely to be colluding with the latter. Importantly, DC staff are often militia members, and often involved in the economic and political exploitation of detention, also including smuggling ([Achnich, 2021; Malakooti, 2019; Micalleff, 2017](#)).

DC managers also play a fundamental role in granting or denying NGOs/CSOs access to detained migrants. NGOs’ negotiations to gain access to official DCs or specific parts of them are not always successful. Because of access problems, and, more broadly, because they don’t want to legitimise the abusive Libyan detention system, some NGOs (ACTED and Intersos among others) prefer not to work there, as I learnt from my interview partners. Others have a more pragmatic approach and think that ‘being there’ is a necessary step towards long-term objectives such as the end of migrant detention, or to at least improve detention conditions in the short term. Others, again, believe their ‘being there’ gives them the knowledge and authority to speak out, which justifies the compromise.

Another kind of compromise is the one NGOs make when taking funds from state sources, MSF being the only I-NGO that exclusively funds its activities through private donations. The question, in this case, is not about where to work but with whose money. The EUTF is particularly disliked by many NGOs because of its overt support of the Libyan border management system, also including the – allegedly unlawful – forced returns from international waters operated by the Libyan Coast Guard. As an NGO representative put it: “there is this big question about using EUTF money, for example, particularly in Libya it is very sensitive, because they are funding the Libyan Coast Guard. I think any NGO will reflect. Some are very strict and just say: we don’t take any EUTF money”. Others only accept EUTF money indirectly: “if UNICEF takes EUTF money and gives it to me, it’s an acceptable compromise, because the project will be guided by the UNICEF principles, which are OK for us”, another NGO representative told me. What counts, in other words, is not the original source but the way the money is spent. This is exemplified by what [Gazzotti \(2021: 85\)](#) calls ‘juggling’, that is “strategising aid in a way that does not clash with the values and politics of the organisation”, and by what another NGO representative told me: “What we do with EUTF money is based on humanitarian principles. At the same time, we constantly raise issues and advocate for change”. Similarly, UNHCR funding is perceived as highly problematic by many NGOs, both for ethical reasons (because of the UN agency’s high degree of willingness to compromise with – especially Libyan – authorities, e.g. by accepting asylum requests from citizens of nine countries only, or by limiting the provision of services to refugees) and for practical ones (because of the

UNHCR's tendency to treat subcontracting NGOs as passive executors). Some NGOs stopped their (or never engaged in any) cooperation with the UN agency for these reasons, and prefer funds from selected national cooperation agencies. Others keep working with UNHCR, either because they think they are strong enough to impose their principles or because they passively accept their dependence on the UN agency. In sum, the question of what an NGO does, and how, is at least as important as the question of where it works or who is providing the necessary funding.

However, what NGOs do in Libya is currently not likely to challenge the extant migration regime, which is to a large extent the result of EU externalisation. Large part of the services NGOs provide directly to migrants is in the health sector. The provision of information, besides the referral to health providers, is mostly limited to advice on how to ask for repatriation with IOM or asylum with UNHCR. Repatriations – within so called 'assisted voluntary return' programmes that are mostly not really voluntary, as people held in arbitrary, indefinite detention are not in the position to make any voluntary choice (Crane and Lawson, 2020)¹⁴ – are clearly aimed at keeping people away from Europe. Even refugee status hardly ever results in resettlement to Europe: most of the recognised refugees remain in Libya with little improvement of their condition, while some refugees and asylum seekers are evacuated to Niger and Rwanda (others, again, only manage to reach Europe with the help of smugglers).¹⁵

While some initiatives were being planned, no legal advice or support was provided to migrants at the time of fieldwork. More broadly, fundamental rights exist only in theory for both detained and non-detained migrants. This is no surprise, given the unsympathetic attitude of Libyan formal and informal authorities towards migrants and pro-migrant activities, and the fact that law in Libya "is created and used more than elsewhere in the region, but it serves to dismiss rights" (Perrin 2018: 78) rather than support them. In the current Libyan political context, there don't seem to be the necessary conditions for any non-governmental initiative to go beyond a mere legalistic approach to human rights, one that sticks to those human rights that are codified and recognised by states (Perolini, 2022) – which is the approach typically promoted by externalisation (Stock, 2021). This is obviously the case for the human rights workshops held for Libyan DC guards (by CIR in a Tripoli hotel in 2018; by CEFA in Tunis in 2019), where beneficiaries were trained about the rights of refugees and detained migrants in Libya according to national and international law, also including international human rights conventions in the field of migration and asylum. But this is the case for NGOs' activities for migrants as well. These only support a limited number of rights: the right to life, to healthcare, to asylum and to return to one's own country. These rights all serve the goal of 'keeping them there' and 'letting them live'. Other rights, which may empower them and possibly encourage the sea-crossing, such as the right to a fair trial, the right to self-determination or even that to leave any country, are not supported.

In sum, the Libyan context leaves I-NGOs only little autonomy. While some I-NGOs are happy with the status quo, advocacy is supposed to be an important component of other I-NGOs' work. However, not even these organisations – with the notable exception of MSF (Médecins sans frontières) – have enough autonomy from donors, so they "do not speak out" (an NGO representative), neither by publishing reports, nor in the framework of multilateral fora with other actors: "they filter themselves a lot when donors are there" (a donor representative).¹⁶ There seems to be some more leeway for negotiation at the bilateral level, at least with some donors who consider themselves, and are considered by NGOs, as more enlightened because they acknowledge – and try to prevent – the risk that humanitarian funding for migrants ends up being detrimental rather than beneficial to the beneficiaries. However, there is broad consensus from both donors and I-NGOs that "most NGOs are donor-driven" and could be "more creative and vocal" towards European policy-makers, making governmental cooperation policies in Libya less prone to containment objectives. The only I-NGO that dares to speak out is MSF, which regularly publishes reports, updates and press releases on the conditions of migrants in Libya, denouncing abuses from Libyan formal and

informal authorities, as well as the European policies that create the conditions for such abuses. Since it does not accept governmental funding for their migration-related activities, MSF can be bold enough to speak out with the representatives of European governmental authorities, as donors confirmed in the interviews. MSF's advocacy work is possibly the only example of a continued, systematic attempt to counter externalisation trends in Libya. However, such attempt is limited to voicing criticism, denouncing abuses and trying to prevent further ones. Thus, its effectiveness can hardly be measured.

I-NGOs also interact with Libyan governmental and non-governmental actors. As far as the Libyan authorities are concerned, capacity-building (e.g. the above human rights workshops for DC guards) is very limited, but other kinds of formal and informal interaction are frequent. These may regard negotiations on how to implement certain activities (e.g. access to DCs) or on what kind of projects to implement: some I-NGOs only agreed to support Libyan medical centres on the condition that services be opened to migrants, whereas others had to accept "to do something for the Libyans" in order for them to be allowed to provide healthcare for migrants.

These interactions with donors and Libyan authorities can be read through the lens proposed by [Lavenex \(2016\)](#) for IOs. Lavenex, in analysing the external dimension of EU migration policies, argues that IOs act simultaneously as counterweights, subcontractors and rule-transmitters. I-NGOs in Libya surely serve to a large extent as subcontractors, while their role as counterweights seems to be quite limited. Finally, their role as rule-transmitters is surely not as strong and direct as that of IOs. However, it goes beyond the isolated workshops on human rights for DC guards to include more tenuous, often informal but stable relations, which keep reminding the Libyan authorities of the differences between the legal and moral norms inspiring their own policies and practices towards migrants and those inspiring other international actors.

Support to Libyan civil society

After Gaddafi's fall, Libya's "vibrant civil society" ([Romanet Perroux, 2015: 4](#)) could finally enjoy the right to freedom of association. Since then, around 5000 NGOs have been officially registered. However, mainly because of the ongoing civil war, just few hundreds of them were actually active as of 2020.

In the migration field, many small NGOs only work on a volunteer basis, with hardly any external financial support. Others are implementing partners of IOs and I-NGOs instead: besides carrying out project activities, Libyan partners can play a crucial role as mediators with local formal and informal actors, e.g. to gain access to the field.

Some Libyan NGOs have grown to large enterprises, and are seen with suspicion by small and more principled ones, who think they are "not an authentic expression of civil society", and "ready for anything" (two interviewees about the largest IOM partner). However, most are small-sized and still have only limited experience. Their efforts may be "a first step towards improving the situation of migrants in Libya, but are still very much tied to a general system of migration management that is abusive and focused on cordoning migrants off from society" ([El Kamouni-Janssen et al., 2019: 60](#)).

All in all, a widely shared opinion among my interviewees is that Libyan NGOs/CSOs are "not well developed" (a donor) and basically "unreliable" (an IO) because of their "very limited capacities" (an NGO representative) or "lack of independence" (another NGO representative) from political actors or fighting parties. In sum, it is difficult to find suitable (i.e. professional, reliable and loyal) non-governmental local partners in Libya. Therefore, not only donors and I-NGOs but also local NGOs/CSOs themselves ([Altai Consulting, 2015](#)) think that the Libyan civil society needs to be 'professionalised'.

Accordingly, IOs, the EU and national cooperation agencies launched several projects to support the development of Libyan CSOs in recent years. The French NGO ACTED for instance was

carrying out an EU-funded project in over 15 Libyan municipalities in 2020, whose aim was for Libyan CSOs to “better understand the system of international cooperation” and be “more able to access available funding” (ACTED, s.d.). ACTED also established an online platform to facilitate exchange between Libyan CSOs and increase their visibility. Further projects to strengthen Libyan civil society were initiated by UNFPA (United Nations Population Fund) and the UNSMIL (United Nations Support Mission in Libya) Human Rights Division. Last but not least, two migration-related IOs, namely IOM and ICMPD, were running one professionalisation project each at the end of 2020.

At least some of these projects may also foster the development of a critical Libyan civil society, engaging itself for the migrants’ right to self-determination and against the indiscriminate expansion of the European externalisation process. However, they may end up reproducing Western canons of civil society and privileging bureaucratic and utilitarian interpretations of the ‘professionalisation’ concept (Le Naelou, 2004). In projects such as those by IOM and ICMPD, ‘professionalisation’ is the acquisition of the capacities needed to become competitive in the global marketplace of international cooperation: how to develop a proposal, apply for funding, manage the resources, monitor the project, report to the donors etc. This reflects the idea of professionalisation shared by donors and I-NGOs.

EU engagement in the development and professionalisation of NGOs/CSOs in neighbouring countries is not new (O’Dowd and Dimitrovova, 2011; Dini and Giusa, 2020), and may be seen as part of an ongoing post-colonial process of re-territorialisation involving the entire EU-neighbourhood. Bürkner and Scott (2019: 26) note that this kind of support “appears to be targeted at specific actors with whom the EU deems it can work: [...] these include well-established, professionalized non-governmental organisations (NGOs) and westernized elements of national civil societies”. Where such elements are scarce, like in Libya, the EU steps in to fill the gap through initiatives such as professionalisation projects.

Interestingly, projects may be embedded in control-oriented institutional/political contexts which may significantly limit the NGOs/CSOs’ autonomy. The ICMPD initiative to support Libyan civil society, for example, is part of a broader project called “Strategic and institutional management of migration in Libya” and carried out in cooperation with the *Libyan National Team for Border Security and Management*, a state authority tasked with establishing a national strategy for controlling borders (with a specific focus on irregular migration). Consequently, representatives of several ministries, as well as the *Commission for Civil Society* (the authority responsible for the NGO’s registration), participate in the project workshops (and, despite their observer status, they influence the workshops’ agenda, according to some interviewees). This caused unease among a number of NGO representatives. Indeed, Libyan authorities are famous not only for abusing migrants’ rights, but also for their widespread suspicion against NGOs/CSOs (especially if foreign-funded), and, more broadly, for hindering rather than supporting civil society (Altai Consulting, 2015), with recent NGO legislation that looks like “a punitive instrument rather than an enabling instrument to allow civil society to thrive in this country” (an IO representative). As a result, as I learnt during interviews with representatives of the relevant organisations, some CSOs decided to step out after the first meeting, while others only reluctantly decided to continue.

In the ICMPD project, Libyan migration-related CSOs are trained on how to identify funding opportunities from donors, engage with authorities, establish relations and networks with other CSOs, draft projects, apply for funding and manage a project. Training also includes the international and national legal framework on migration and human rights, as well as the humanitarian principles that should guide NGOs/CSOs’ action. Finally, CSOs may be given small grants to conduct projects.

Professionalisation, then, means producing a shared (technical, but also political) knowledge of what migration is and how it should be dealt with, a shared vocabulary and a common understanding of the objectives of non-governmental action, as well as of human rights (focusing on the ones that

should be prioritised, insofar as they help keeping people away from Europe, while ignoring others), and, finally, transferring the know-how for participating in the international marketplace of co-operation. Thus, Libyan NGOs/CSOs are trained to get involved in global migration management (Geiger and Pécoud, 2010), and to become state partners in the worldwide disciplining of human mobility (Geiger and Pécoud, 2013).

During the interviews, all Libyan NGOs/CSOs representatives participating in the ICMPD project expressed a high degree of satisfaction with the networking opportunities provided, as well as with the training received on how to draft, submit and manage projects. Moreover, even representatives of more principled and possibly radical voluntary organisations said they would be happy if they had the chance to earn some money, at least to “find a kind of stability”, rather than keeping “struggling with resources”. This suggests that professionalisation projects may end up co-opting even more critical, pro-migrant Libyan NGOs into the global marketplace of international cooperation, whose rules are mainly written by the donors.

Conclusions

The Libyan context, shaped by the long-lasting political crisis that followed the regime change of 2011, leaves only little room for non-governmental pro-migrant initiatives to go beyond humanitarian assistance and become projects of ‘repoliticisation’ (Cuttitta, 2018) and ‘resistance’ (Schwartz and Steinhilper, 2020).

Surely, most international and local NGOs/CSOs operating in Libya are critical of externalised migration containment policies, as I learnt from my interviewees. While aware of the risk of serving the interests of externalising states, these organisations think ‘being there’ allows them at least to improve, if slowly, the condition of migrants. CIR’s active role in the Hirsi case demonstrates that even in Libya there is some potential for NGOs/CSOs to engage in activities whose effects radically oppose EU externalisation objectives – which, indeed, would not be possible without ‘being there’. MSF represents at least an attempt to oppose externalisation through public information and advocacy. Mostly, however, ‘being there’ contributes to the smooth operation of the system of externalised border management – to filling its gaps rather than creating cracks in it (Dadusc and Mudu, 2020) – and to the self-perpetuation of NGOs/CSOs. This is also visible in the legalistic and limited way in which NGOs/CSOs address human rights, and in the way their activities perpetuate dichotomies and categorisations that support externalised policies of migration containment and differential inclusion into the European space.

In sum, while further research is needed on the (potential) role that NGOs/CSOs (might) play in countering EU externalisation in Libya (and, more broadly, in EU-neighbouring countries), this paper has mainly highlighted the positive correlation between NGOs/CSOs’ activities and EU border externalisation.

With regard to the relations with Libyan and European governmental actors, what has been observed in other EU-neighbouring countries, namely that “[n]ot just the EU, also the third states themselves pass their obligations within the area of the migration policy on to non-state actors” (Bruns, 2019: 13), is not entirely true in Libya. Not only are NGOs/CSOs funded by non-Libyan (mostly European) governmental sources in the first place, but Libyan authorities do not even feel they have any obligations towards migrants. They do not think they should provide services for them, and their main policy in the migration field is to detain migrants and turn them to sources of economic profit (Achtmich, 2021). Thus, NGOs/CSOs act on behalf not of Libyan authorities but of their own (mostly European) donors to fill the gaps opened up by the Libyan authorities’ inaction. Moreover, the presence of I-NGOs in Libya inevitably results in an often informal but stable interaction with Libyan authorities, which contributes to establishing a platform of exchange in which different norms and values enter into a dialogue and thus can be slowly ‘transferred’. Thus,

NGOs/CSOs prospectively contribute to the gradual co-optation of Libya into the globalised system of migration and border management aimed at disciplining human mobility.

Especially I-NGOs seem to function as bridgeheads for the externalisation of EU migration management policies to Libya, insofar as they help “Western development agencies to get around uncooperative national governments” (Ferguson and Gupta, 2002: 993). However, local organisations are likely to play an increasing role in the future, also in light of their growing involvement in EU-funded professionalisation projects. These, indeed, provide Libyan NGOs/CSOs with the set of norms, concepts and capacities that are required on the international cooperation marketplace, where the dominant logic is that of selective migration containment through the externalisation of the European borders.

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Notes

1. For security reasons, international actors (embassies, IOs, NGOs etc.) operating in Libya moved their offices and coordinating staff to Tunis in 2014. For the same reasons, I could not enter Libyan territory. As a result, my fieldwork took place in Tunis. 18 interviews were carried out face-to-face (2 in Paris, 16 in Tunis), 34 remotely. Two interviews with Libyan interview partners were carried out in Arabic with the help of an interpreter. The others were carried out in English, German or Italian, without interpreter. The interviews aimed to collect information on the organisations’ activities (e.g. kind of services provided, where, for whom), sources of funding, formal and informal cooperation and relations with other actors, political/ethical positioning of the organisations, etc.
2. This was necessary, given the situation in Libya and the research topic. All sensitive aspects of the research have been designed in agreement with the ethics advisor and the data protection officer of the University Sorbonne Paris Nord, and in compliance with the applicable legislation.
3. In several instances, the Libyan Coast Guard has killed (Magdy, 2020; Westcott, 2013) or shot at (O’Brien, 2017; Scavo, 2021) migrants. Moreover, some of its officials have directly participated in migrant smuggling (Tondo, 2020).
4. Under Gaddafi, Libyan authorities used to “deny the presence of refugees and asylum-seekers in the country, arguing that all foreign nationals in its territory are there for economic reasons” (Amnesty International, 2010). The situation has not changed after Gaddafi’s fall, as reported by CIR (2014, 2015: 53), and as a representative of an NGO confirmed during an interview.

5. The EUTF's aims are now pursued in the broader context of the Neighbourhood, Development and International Cooperation Instrument (NDICI).
6. Many of my interview partners confirmed this statement.
7. Libyans "would often distrust CSOs working with or being funded by the international community" (Altai Consulting, 2015: 34). According to the same source, Libyan CSOs "worry that they will be seen as political actors or agents of foreign governments" (48). More broadly, "people often accused CSOs working with the international community of being spies or of trying to influence the internal politics of Libya" (39). This attitude did not change recently, according to my Libyan interviewees. On the other hand, I-NGOs are cautious when they look for Libyan partners, because "Libyan NGOs can turn out to be a spy of authorities or other", an NGO representative told me.
8. The same can be said about IOs: the International Organization for Migration (IOM) was allowed to open its Tripoli office in April 2006.
9. The CIR's president denied, and asked the government to take responsibility for its actions instead (Stranieriinitalia.it, 2019).
10. As a donor told me, NGOs "are the gatekeeper of the good conscience of the Western world. Just look at the budget, how much budget is being put in humanitarian assistance versus how much budget is being put under defense, under security, defense and whatnot. It's a tiny fraction, it's a very tiny fraction. So it's easier to say, let's give some money to NGOs and let them do the work. And, in the meantime, we have other... you know, we have other interests."
11. ECtHR, Hirsi Jamaa and Others v. Italy, Appl. No. 27765/09, 23 February 2012.
12. Since 2017 Italy and the EU have circumvented the *non-refoulement* principle by delegating forced returns to the Libyan Coast Guard and Navy (Pijnenburg, 2018).
13. See AICS calls for proposals AID 11273 (2017), AID 11242/1 (2018) and AID 11242/2 (2018). The most recent projects were completed in 2020.
14. A donor acknowledged that the voluntary return projects funded by their government in Libya had been criticised for not having "the voluntary correct character".
15. Between 2017 and early 2022, the number of registered refugees and asylum-seekers in Libya was always more than 40,000, with peaks of almost 60,000 in 2018. Given the high turnover in the population of refugees and asylum seekers, with (tens of) thousands people crossing the Mediterranean to Europe each year, and others arriving to Libya from neighbouring countries, the number of potential beneficiaries of resettlement/evacuation measures must have been much higher. In the same period, however, only "8485 vulnerable asylum seekers and refugees flew out of Libya on evacuation and resettlement flights and through complementary pathways" (UNHCR, 2022). As of December 2011, 3710 of them had been evacuated to Niger (UNHCR, 2021) within an EU-funded mechanism. There, asylum seekers face high rejection rates (Lambert, 2021).
16. Some meetings are held regularly: the sector meetings within the UN humanitarian country team; donors' meetings which NGOs may be invited to attend; etc. Others, like the First Humanitarian Senior Official Meeting on Libya, organised by AICS and ECHO (European Commission's Directorate General for Humanitarian Aid and Civil Protection) in Rome in October 2019, take place *una tantum*.

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