Aalborg University
Department of Culture and Global Studies
Development and International Relations - Global Refugee Studies
10th Semester - Master Thesis

Pull-backs in the Central Mediterranean and detention in Libya: a study of the Italian - Libyan cooperation on border externalisation.

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Character Count: 166.119

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Abstract

Drawing on the Italian-Libyan cooperation on migration control, the thesis sets out to answer the following question: *How has the implementation of current policy provisions and practices for external migration control between Italy and Libya reinforced informal actors on the ground, and what are the consequences on migrants' lives?* To answer the question, the thesis examines the main policy provisions set in motion with the signature of the Memorandum of Understanding in 2017. The latter is an agreement that reinforces and consolidates bilateral cooperation on external migration control between the two countries. It further aims to reconstruct the Libyan institutions and infrastructures responsible for border and migration management with a view to completely outsourcing responsibility for containing migrants to Libya. The main practices that will be analysed are the pull-back operations carried out by the Libyan Coast Guards and the detention of intercepted migrants in Libyan detention facilities. The thesis employs qualitative mixed research methods including desk research, policy analysis, and case studies to collect and triangulate a different array of data from various sources. Conceptually, I employ literature on policy implementation to link border externalisation research with studies that aim to ground externalisation policies in third countries. Therefore, at a theoretical level, the argument guiding this thesis is that border externalisation literature can be enriched by the study of how third countries implement externalised policies for border control. The key findings of the research are the following. Firstly, by embedding the policies of external migration control in the context where they take place, one can observe frictional encounters and discrepancies between policy provisions and local dynamics. These are exemplified both by the way informal actors in Libya influence and contest policy implementation, but also by the controversial outcomes of this bilateral cooperation which ends up reinforcing networks of informality and internal fragmentation in Libya. Secondly, cooperation between Libya and Italy on external migration control contributes to dispersing governance and deflecting accountability over migrants' lives both in the Mediterranean and in Libyan detention facilities. Indeed, these policies for externalised migration control engage various actors in complex governance dynamics which blur questions over responsibility, transparency, and respect for obligations. Ultimately, this impacts migrants' lives negatively, as they are increasingly exposed to degrading living conditions, violence, tortures, extortion, sexual and physical violence, enforced disappearance, forms of border-induced displacement, and death.

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List of Acronyms

DCIM – Department for Combating Irregular Migration

GACS – General Administration for Coastal Security

GNA – Government of National Accord

GNC – General National Congress

HoR – House of Representatives

IGO – Intergovernmental Organization

IOM – International Organization for Migration

IMO – International Maritime Organization

LYCGs – Libyan Coast Guards

MENA – Middle East and North Africa

MoU – Memorandum of Understanding

MRCC – Maritime Rescue Coordination Centre

NATO – North Atlantic Treaty Organization

NGO – Non Governmental Organization

NTC – National Transitional Council

RHIB – Rigid-Hulled Inflatable Boat

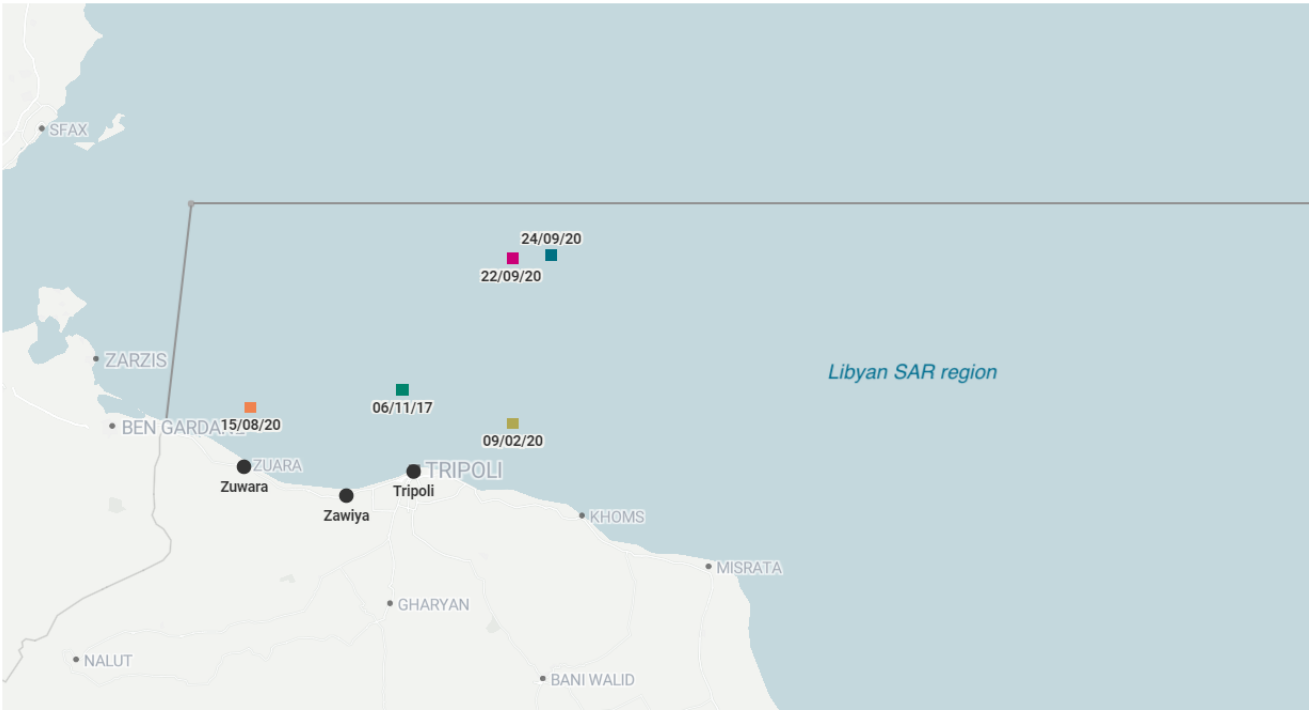
SAR – Search and Rescue

UNHCR – United Nations High Commissioner for Refugees

Maps and data visualisations

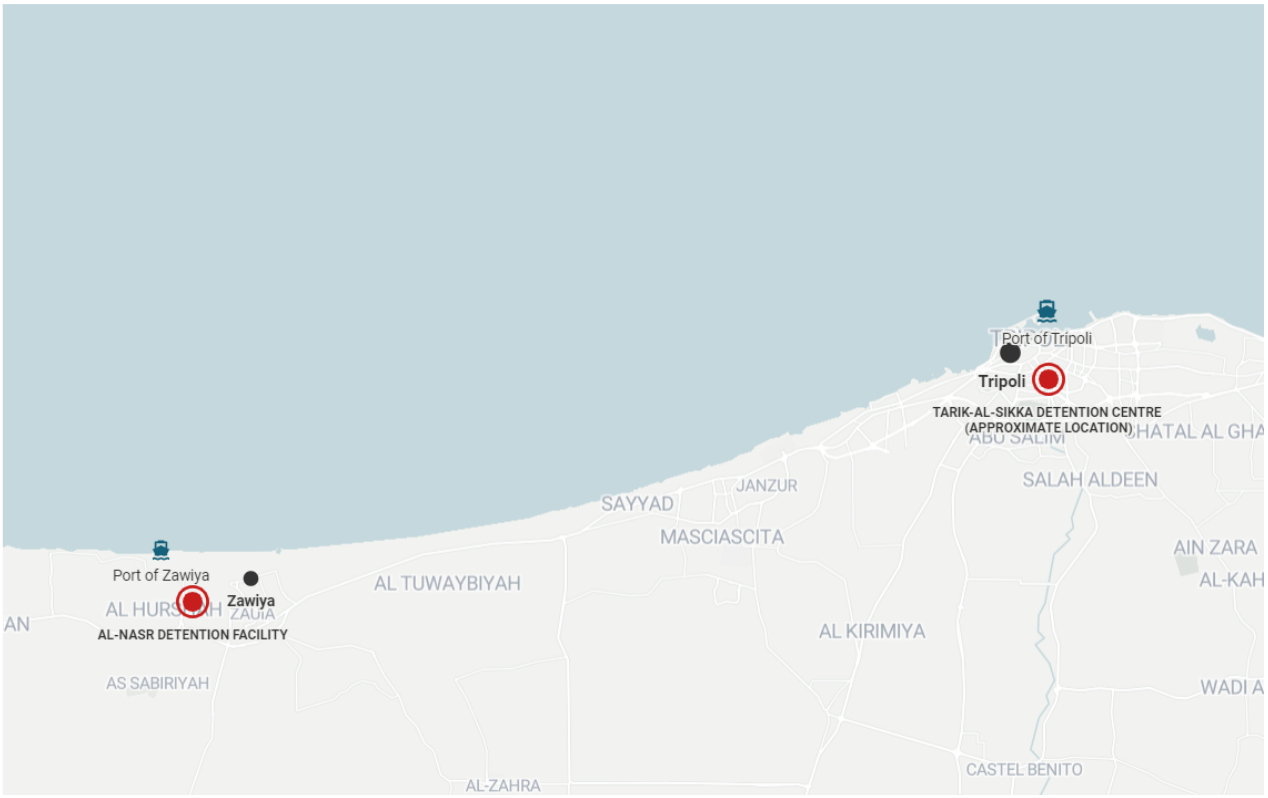
MAP 1: Overview of the geographical focus of the thesis

MAP 2: Location of case studies of sea interceptions
Author's elaboration of data presented by Alarm Phone.



MAP 3: Detention facilities of Tarik-al-Sikka and Al-Nasr

Author's elaboration of data presented by Amnesty International (2017) & Global Initiative Against Transnational Organized Crime (2019).



All maps were created with Datawrapper. https://www.datawrapper.de/.

Introduction

Since 2017, Italy and Libya have scaled up cooperation on migration and border control with a view to preventing migrants and asylum-seekers from reaching Italy. This type of cooperation is not new, as the two countries have had bilateral agreements in the area of migration management since the early 2000s. However, the cooperation resumed in 2017 after the signature of the Memorandum of Understanding (MoU) reached further steps, buttressing policies for border externalisation. Indeed, Italy and the EU have committed to rebuild and finance Libyan institutions and infrastructures responsible for border and migration management, so that Libyan authorities would intercept the migrants who try to reach Europe and bring them back to Libya. This renewed cooperation comes at a time when yearly sea arrivals to Italy peaked, reaching 181,000 people in 2016, and following which the number of arrivals dropped. Therefore, it has been praised by the Italian governments that succeeded each other since 2017 which all congratulated Libyan institutions, especially the Coast Guard, for the work carried out over the past three years (Tizian, 2021 April 7). However, the critiques against this collaboration have been abundant and coming from a different array of actors including experts, academia, intergovernmental organizations, and civil society amongst others (Il Manifesto, 2021 February 2). They have focused on the well-known human rights abuses migrants face in Libya, from torture, rape, extortion, physical abuses and others; they have highlighted the deplorable living conditions in the centres where migrants are detained; they have focused on the dangers of crossing the Central Mediterranean, which keeps figuring as the most lethal border to cross worldwide[1].

These preliminary observations served as an initial inspiration for this thesis. Following those, I narrowed the focus to understanding how current policies and practices of externalised border control between Italy and Libya are being implemented and which consequences they have on the local context in Libya and on migrants in the country. Therefore, the main research question guiding this thesis is:
How has the implementation of current policy provisions and practices for external migration control between Italy and Libya reinforced informal actors on the ground, and what are the consequences on migrants' lives?

[1] See the Missing Migrants Project by IOM: https://missingmigrants.iom.int/

I will argue that these policies and practices for external migration control ultimately reinforce and legitimise informal actors in Libya and condone various instances of violence against migrants while fomenting new forms of displacement. The main practices I will consider are the interception and pull-back operations carried out by the so-called Libyan Coast Guards (LYCGs), and the detention of intercepted migrants in Libya after disembarkation. Both are stemming from the bilateral agreement of the Memorandum of Understanding, following which, Italy and the EU have started sending funding, equipment and training to the Libyan border and coast guard agencies and have managed to rebuild the Libyan institutions and infrastructures responsible for border and migration management. The two practices will be analysed separately in the analysis, which will therefore be structured around the two sub-questions:

- How is the implementation of pull-back operations by the LYCGs challenged by the context on the ground and what does this imply for migrants crossing the Central Mediterranean?
- How is the system of detention of intercepted migrants in Libyan facilities reliant on informal actors on the ground and how does this affect the migrants?

In this thesis, I will mostly focus on the bilateral cooperation between Italy and Libya, but it is important to stress that Italy has always been supported by the EU in these past three years. Indeed, the day after the signature of the MoU, the EU has adopted the so-called "Malta Declaration on the external aspects of migration: addressing the Central Mediterranean route" where it endorsed the main provisions bilaterally agreed with the MoU and extended European support to them (European Council, 2017, February 3). These include the support to the authorities involved in border control and anti-smuggling activities, with a particular focus on training and equipping the Libyan coast guard and border agencies via EU training programmes (ibid.). They also include stepping up cooperation with UNHCR and IOM to improve conditions in Libyan reception facilities and to return migrants to countries of origin (ibid.). The Malta Declaration explicitly mentions that "the EU welcomes and is ready to support Italy in its implementation of the Memorandum of Understanding signed on 2 February 2017" (ibid.). Moreover, to fulfil these objectives, the EU Commission commits to mobilise an additional €200 million for the North Africa window of the EU Trust Fund for Africa to "migration-related projects concerning Libya" (ibid.). Therefore, in the past three years, the EU's involvement in externalised processes of migration control in Libya has been

substantial and hence, when relevant to the research, it will be mentioned as an element buttressing the bilateral cooperation between Italy and Libya.

I proceed as follows. Following the introductory overview, I sketch the methodological considerations underpinning this research. I will employ mixed research methods, ranging from desk research, policy analysis, use of case studies as well as a rich array of data to examine the discrepancies between policies for external migration control and practices taking place on the ground. Following, I will discuss the conceptual framework guiding this research. I will employ literature on policy implementation to link border externalisation research with studies that aim to ground externalisation policies in third countries. At a theoretical level, the argument guiding this research is that border externalisation literature can be enriched by the study of how third countries implement externalised policies for border control on the ground. By emphasising this focus, I am able to ground the practices discussed above in the local context in which they take place and shed light on the various frictional encounters and discrepancies that emerge between policy provisions and local dynamics. Before delving into the analysis, I will outline some historical and contextual reflections that are useful to better frame the information that will be presented. Finally, the analysis chapter will be the core of this research and will be structured in two sections: the first one dedicated to the interceptions and pull-backs carried out by the LYCGs and the second one dedicated to the arbitrary detention of migrants intercepted at sea in facilities in Libya. In the section about pull-back operations, I will first discuss how the MoU set in motion various policy provisions, including the reconstruction of the Libyan Coast Guards, the Maritime Rescue Coordination Centre (MRCC) and Search and Rescue (SAR) region, to delegate the responsibility of patrolling southern Mediterranean waters to Libya. I will then discuss the enhanced role of the LYCGs in the Mediterranean and their increasing 'success' in stopping migrants' boats before they reach Europe. Later, I will examine the main controversies surrounding the LYCGs and their work by presenting data coming from various sources and case studies. In the section about arbitrary detention after disembarkation in Libya, I will begin by discussing how the procedure of detaining people after disembarkation should be regulated according to the MoU. Then, I will use data coming from various sources as well as case studies to discuss the main issues relating to this system of detention, namely its reliance on the local networks of informality and the diffuse abuses against migrants that it instigates. Pull-backs in the Mediterranean and detention in Libya are discussed in two separate sections as it is easier to present diverse case studies and to go in-depth with each of

them separately. However, these two practices are highly interrelated: as the analysis will show, the one follows the other, sometimes creating a vicious circle of forced displacement that feeds itself. Therefore, although they are treated separately, pull-backs and detention are part of the same system of externalised migration management that aims to keep people away from Europe.

Before moving to the next chapters, I would like to clarify some terminological constructs and words employed in this research. In the thesis, I will often refer to the Libyan Coast Guards as well as employ the terms pull-backs, interception, and rescue whose specific meanings need to be clarified. At the moment, Libya does not have a unitary body acting as a Coast Guard but has two official institutions – the Libyan Coast Guard and Port Security and the General Administration for Coastal Security (GACS)– which are both responsible for patrolling Libyan coasts and have both intervened in the interception of migrants' boats. In the thesis, I will employ the general term Libyan Coast Guards (LYCGs) to refer to both of them unless it is necessary to make a distinction. Further reflections on the LYCGs, their role and the controversies regarding them will be presented in the analysis. As regards the terms pull-backs and interceptions, I will use them interchangeably but it is important to note that they should not be confused with push-backs or rescue operations. Push-backs and pull-backs are similar in their outcome, as in both cases migrants are returned to the country from which they departed. However, they differ in the actor implementing the returns: when one talks about push-backs, it is the bodies of the receiving state (like the Navy or Coast Guard) that return the migrants to the country of departure; in the case of pull-backs it is the bodies of the departure countries which intercept migrants while they are still in territorial waters or high seas (Ciliberto, 2018: 499). This implies that in cases of push-backs the international responsibility lies on the receiving country, in this case Italy, which risks violating refugee protection rights as in the *Hirsi Jamaa and Others v. Italy* case. When conducting pull-backs the responsibility is instead completely outsourced to the country of departure, which makes questions of legal accountability more blurry (ibid.). Instead, what distinguishes a rescue operation from an interception or pull-back operation is that a rescue operation can only be considered terminated when the people are disembarked in a Place of Safety; the latter is a place where there is no threat to a person's safety, basic human needs are respected and where the rescued person can be transported to his or her final destination (IMO, UNHCR & ICS, 2015). However, the UNHCR has on multiple occasions expressed that, considering the conditions migrants face in Libya, the country cannot be considered as a Place of Safety for

the disembarkation of migrants following rescue at sea (UNHCR, 2020c September). Therefore, in the thesis, I will use the terms pull-backs or interceptions when referring to the returns of migrants to Libya carried out by the LYCGs.

As a final remark, I would like to add a clarification about the temporal focus of this thesis. The thesis has a chronological focus on the years following the 2017 MoU, as the migration management practices in place nowadays between the two countries reach a further step in border externalisation. It is important to note that, if Libyan pull-back operations are a new development that followed the 2017 MoU, arbitrary detention in Libyan facilities is not new. As it will be expanded in the analysis, Libyan legislation criminalises irregular entry in the country, which is punishable by imprisonment, a fine and deportation (Amnesty International, 2020: 52). Therefore, in the case of arbitrary detention in Libya, what the MoU does is to formalise this system and integrate it as part of the external migration management mechanism. Moreover, the practices put in place since 2017, follow the first official bilateral agreement between the two countries after the previous one was nullified by the European Court of Human Rights verdict on the *Hirsi Jamaa and Others v. Italy* case and the fall of Gaddafi. Therefore, this temporal focus allows for an in-depth examination of the practices of border externalisation that were established and formalised after the MoU and are still in place at the time of writing, despite the harsh criticism they received from civil society, experts, academia and a minority of the political spectrum.

Methodological Considerations

In this chapter, I will lay out the methodological considerations that guide this research and the data that will be employed. I will start by discussing the methodological position of the research, which is inspired by the literature that will be presented in the next chapter. Following, I will present the research methods employed in this thesis and the data that will be used. I will then conclude by addressing some of the limitations to my data collection.

Methodological positioning

The methodological positioning of this research is inspired by that of the academic literature that will be discussed in the next chapter. As I will explain, this thesis makes use of literature coming from the fields of critical border and migration studies and critical geopolitics (Bialasiewicz, 2012: 843, Lemberg-Pedersen, 2017: 33, Cuttitta, 2012: 17). This implies that the scholars employed engage critically with the concepts of borders and migration, trying to go beyond traditional and positivist analysis of displacement. In particular, their study of borders aims to overcome what has been called "territorial trap" (Bialasiewicz, 2012: 843), "closed system perspective" (Lemberg-Pedersen, 2017: 32) or "methodological nationalism" (Wimmer & Glick Schiller, 2002), which reduces the study of displacement as a movement between fixed spatial entities – nation-states – and understands borders as fixed territorial boundaries delimiting nation-states. What these scholars argue is that such methodological assumption overlooks the complex processes and dynamics that characterise present-day borders and displacement, which overcome traditional understanding of what borders are. This critical methodological understanding underpins my research as well, since the practices that will be discussed in the analysis – interceptions, pull-backs, detention, and others – all point to a fundamental complexity characterising current borderspaces. Furthermore, these practices are all part of the overall externalised approach to migration management in the Mediterranean, which in itself challenges the idea of borders as linear territorial boundaries, since migration management is carried out extraterritorially and via third actors.

Research methods

To answer my research question, I employ qualitative mixed research methods with the aim

to collect a different array of data to be analysed. Through desk research, policy analysis and the use of case studies I collected different types of secondary data, including reports from NGOs and civil society, policy papers, academic studies, data from IGOs, online newspaper articles and journalistic investigations. This data was available online, on these organizations' websites, social media pages, and in some cases also includes video footage or images. The data was collected with the intention to triangulate different information and check them against each other. Moreover, the data collection was centred around the two main empirical themes presented in this research, namely pull-back operations and detention after disembarkation in Libya. I tried to gather information about these topics from different sources to find a new angle for analysis. When enough data was collected, I selected some case studies that are used to exemplify wider trends in the current practices of external migration control between Italy and Libya and that will be discussed in the analysis. Then, I structured data collection by following the main research question: *How has the implementation of current policy provisions and practices for external migration control between Italy and Libya reinforced informal actors on the ground, and what are the consequences on migrants' lives?* In the analysis chapter, I will follow the same structure both in the section about pull-backs in the Mediterranean and in the one about detention in Libya. I will first present a discussion of the policy provisions bilaterally agreed since 2017, which will be presented through policy papers like the MoU as well as data coming from IGOs like UNHCR or IOM. Then, by using reports coming from civil society, journalistic investigations, and academic research I will present some of the controversial aspects and dynamics emerging from the implementation of such policy provisions and the instruments they set in motion. These controversies and dynamics will then be exemplified by specific case studies referring respectively to five pull-back operations in the first section, and to the detention centres of al-Nasr and Tarik-al-Sikka in the second section.

Despite the effort to diversify the sources for data collection, this was not always possible as information about interceptions in the Mediterranean and detention in Libya is sometimes scarce or hard to find. Therefore, data coming from specific sources does in some cases outnumber that coming from other sources. For instance, the Libyan Coast Guard and Port Security does not have a website, nor any other information-sharing platforms besides a Twitter profile that has not been updated since the summer of 2019. The Libyan General Administration for Coastal Security does not have a website either but has a Facebook and Twitter profile that have been updated more constantly since 2020. Therefore, the information

I gathered about examples of pull-back operations mostly comes from various civil society organizations, most notably Alarm Phone, as they receive distress calls from migrant boats, communicate them to the relevant authorities, and publish follow-up information on each distress case they receive. Other civil society organizations employed to collect data were SAR NGOs and Amnesty International. Furthermore, IOM and UNHCR also share information about pull-backs as they are present at disembarkation points in Libya. As regards the section about arbitrary detention in Libya, most of the data was gathered through reports by Amnesty International and the Global Initiative Against Transnational Organized Crime, IOM press releases and journalistic investigations by various news outlets. Indeed, official data from the Libyan government about the people detained in detention facilities is impossible to find given the complex situation in the country and the fact that most of the detention facilities are run by local militias rather than the government. A considerable limitation of my data collection is the lack of Libyan sources. This is the consequence of various reasons, first of all my lack of knowledge of Arabic, but also the complex reality on the ground, where efforts to establish official sources of information, from newspapers, TV channels to government data are constantly challenged by the local insecurity and conflict (Lacher, 20202:14). Furthermore, for researchers or journalists it is not easy nor safe to enter the country (ibid.). Therefore, the collection of data for my research reflects the complexity of the case, where only few organizations, journalists or academics manage to access the country and the majority of the information available is reliant on them. Nonetheless, this does not undermine the reliability of the information presented here. The data and case studies were selected based on the amount of information available for each of them and on the reliability of the source. Indeed, there are unfortunately many examples of shipwrecks at sea, migrants' family members searching for their loved ones or violence in Libya that is shared on social media, reported by some individuals or news outlets and is sometimes hard to confirm. Therefore, I only chose some specific data and case studies where there was more information available and it was confirmed and presented by reliable sources. With these methodological reflections in mind, I will now move to a detailed description of the conceptual framework guiding this research.

Conceptual Framework

The following chapter aims to outline the conceptual framework underpinning this research. Rather than employing a single theory or concept, the thesis is built on the use of multiple concepts and scholars writing within critical migration studies, border and externalisation studies. The conceptual framework is elastic and is built around the link between two strands of research: literature on border externalisation and literature that aims to go beyond it. The link between these two groups of literature is represented by Wunderlich's argument that the study of externalised border control can be enriched by looking at how externalisation policies are implemented and unfold on the ground, in third countries (Wunderlich, 2012). Therefore, the chapter will first describe the development of European policies of external migration control since the 70s and address early literature on the topic. Following, it will look at how the concepts of borders and externalisation have been conceptualised by recent academic scholarship and will then discuss the main topics that the literature on border externalisation addresses. Afterwards, the chapter will present Wunderlich's argument about the importance of policy implementation in the study of border externalisation. This argument links the scholarship on border externalisation to the contributions of the authors presented in the last section of the chapter, who analyse the relevance of third countries' local interests and structures in shaping policies of external border management. The nexus between these two strands of literature allows me to discuss the complexity of current practices of border externalisation between Italy and Libya, as it brings up the discrepancies between the policies that are in place and the practices on the ground, represented by the data and the case studies discussed in the analysis.

The development of European border externalisation and early academic literature

The beginning of European attempts to draft policies for extra-territorial migration control can be traced back to the late 70s, with first agreements on readmission to third countries, visa policies, and pre-screening mechanisms that limited access to the EU preemptively (Lember-Pedersen, 2017: 35). These policies were strengthened during the late 80s and 90s, with the establishment of the Schengen area (Akkerman, 2018: 12). The opening of the borders between states inside the EU was associated with a perceived need to have highly controlled, strong, external borders (ibid.). This translated into an increasingly more popular association between migration and security, with attention and funding being spent on

making the EU's external borders more technologically advanced and militarised (ibid.). During the 90s, policies of readmission agreements with third countries were strengthened and expanded (Lemberg-Pedersen, 2017: 36). However, it was mostly since the 2000s that externalisation policies started proliferating and became central in the EU's political agenda. In 2004, the European Border and Coast Guard Agency (Frontex) was established and the EU's pressure on third countries' cooperation on migration management increased (ibid.). Third countries were both asked to manage asylum processes in their territory and to prevent migrants from reaching Europe by reinforcing their border control structures in exchange for EU trade and aid agreements (Akkerman, 2018: 13). Progressively, and especially after 2011, externalisation agreements with third countries started being less focused on return and readmission and more on border control (ibid.). Until present days, the EU's relations with third countries are highly framed within a security lens, being focused on third countries' willingness to accept deported migrants and to strengthen their border control mechanisms in exchange for funding, equipment donations, and training amongst others (ibid:15).

It was during the 2000s that academia started paying attention to the EU's various attempts to externalise migration control (Lemberg-Pedersen, 2017: 36; Zardo, 2020: 4). Early scholarship tried to enlighten the diverse types of externalisation policies that had been put in place, from preventive measures in the countries of origin, negotiations of migration policies in transit countries to forms of remote control over other states' border management mechanisms (ibid.). It also explained the export of European border policies to neighbouring countries in terms of ripple (Lavenex & Wagner, 2007) or mimicry effects (Gammeltoft-Hansen, 2011), in both cases claiming that the EU and its member states have conditioned neighbouring, less powerful, states to accept European border and externalisation policies (Lemberg-Pedersen, 2017: 37). Although this early literature partly acknowledges the possibility for third countries to also influence the EU's policies, it is still very much framed in a state-centric perspective that risks missing out on the complexity of current practices of border externalisation (ibid). In the following section, I will discuss the approaches of more recent scholarship and I will present the main topics addressed by the latter.

The complexity and multi-dimensionality of border externalisation

To begin with, recent scholarship that deals with externalisation understands borders as constructed, dynamic, produced and influenced by a multiplicity of actors and structures (Lemberg-Pedersen, 2017: 33; Cuttitta, 2012: 17). This understanding of borders aims to de-naturalise them and to go beyond a static understanding of geopolitics that reproduces state-centric analysis (ibid.). To do so, scholars have employed various concepts. To mention a few, Cuttitta (2012) employs the concepts of borderization – to transform something into a border – and borderness – the characteristics that turn a place into a border – to point out how a place is constructed as a borderspace (Cuttitta, 2012: 10). Lemberg-Pedersen uses the concept of borderscape to enlighten the complexity of current borderspaces (Lemberg-Pedersen, 2012: 36). The concept of borderscape entails a dynamic and multifaceted approach to the study of the border, that considers "political power, technological practices and knowledge-production. (...) It highlights the fact that borders are fluctuating landscapes always in the process of being constructed" (ibid.). These critical understandings of borders inform my analysis, as they allow for a multidimensional understanding of externalisation that is open to include multiple actors, power structures and practices.

Border externalisation is then defined by this scholarship as

> "the range of processes whereby European actors and Member States complement policies to control migration across their territorial boundaries with initiatives that realise such control extra-territorially and through other countries and organs rather than their own" (Moreno-Lax & Lemberg-Pedersen, 2019: 5).

What is important to highlight is that border externalisation is multidimensional. Spatially, it extra-territorialises asylum processes and border control mechanisms and therefore creates a geographical distance between the space of policy-making and that of policy implementation (ibid.). It also encompasses multiple actors, from states, supranational actors like the EU, agencies like Frontex, NGOs, IGOs, private industries, militias and armed groups to mention a few (ibid.). These actors enter into a variety of relations with each other, bilaterally, multilaterally, in a more or less coercive, formal or informal manner. This complexity and geographical distance also have ethical and legal implications, as it makes questions of accountability, transparency and legal responsibility more blurry (ibid.). In a similar vein, Bialasiewicz (2012) describes current policies of externalised migration management in terms

of off-shoring and out-sourcing, as they both aim to move asylum processes and border control to third countries as well as demand external actors, like North African states, to take care of migration management procedures for European Member States. She also points out that the current EU's border work is multifaceted, it "proceeds through a fluid assemblage of functions, mechanisms, and actors; a series of loose institutional arrangements, recomposed in variable geometries 'as necessary'" (Bialasiewicz, 2012: 844). These complex arrangements, made up of formal and informal agreements, make it possible to more easily escape EU legislation, as in the case of the cooperation between Italy and Libya aimed at refouling migrants and asylum-seekers (ibid: 855).

Recent scholarship on border externalisation has pointed out different aspects that characterise the current EU's regime for externalised border control. Many scholars have pointed out how the approach of the EU when it comes to external migration management is framed within a security lens and is "part of a broader attempt to 'secure the external'" (Bialasiewicz, 2012: 845). As Akkerman outlines, since the very beginning – and progressively more so – the EU has treated migration as a security rather than a humanitarian issue "framing migration and refugees as a threat to be dealt with by boosting and militarising border security" (Akkerman, 2018: 88). Rather than focusing on creating legal and safe channels for migration, the EU has fortified its border control mechanism and has then exported it to third countries (ibid.). Border externalisation is then part of a wider approach to migration management that makes use of military and technological tools like 'smart borders', biometrics, tracking systems as well as political agreements for deportation, return and readmission that "have turned Europe's neighbours into Europe's new border guards" (ibid: 2). These scholars have also pointed out the central role that private industries, especially from the military and security sectors, have had in shaping the EU's border politics (Andersson 2018; Lemberg-Pedersen 2013; Akkerman 2018). Finally, other scholars have pointed out how the securitisation of migration management has gone hand in hand with its humanitarisation (Cuttitta 2012 & 2018a; Pallister-Wilkins, 2017). Indeed, if migration is always framed as a security threat, there are also many examples of states actors or supranational agencies that describe their actions as aimed at saving lives, rescuing migrants from the network of traffickers and smugglers, enhancing stability and well-being and so on (Cuttitta, 2012: 69). Such scholars have shown how these two processes of securitisation and humanitarisation of migration management are two sides of the same coin.

Lastly, scholars have also examined the relations between border externalisation, irregularity, new forms of displacements and death. These analyses will inform my thesis, as they begin to address the issues raised by my research question: *How has the implementation of current policy provisions and practices for external migration control between Italy and Libya reinforced informal actors on the ground, and what are the consequences on migrants' lives?* As Akkerman explains, the predominant focus on securitised and militarised border control is

> "leading to a diversion of resources towards security and military, at the cost of much needed investment in education, health care, fighting poverty and other social and environmental issues, which would help to prevent situations that force people into migration. This perverse diversion of resources will ultimately create greater insecurity, and even more forcibly displaced persons" (Akkerman, 2018:88).

Furthermore, it strengthens authoritarian regimes and actors, as well as networks of traffickers and smugglers that make the risks of further displacement in the future more likely (ibid.). A concept that aptly explains this phenomenon is that of border-induced displacement (Lemberg-Pedersen, 2012). Starting from an analysis of externalised borderscapes, as the one between Italy and Libya, Lemberg-Pedersen observes how many of the people who manage to reach Europe had previously been intercepted, pushed-back, and fled multiple times. Therefore, he argues, border control should not only be seen as a response to displacement but as itself creating new forms of displacement and forced migration (ibid: 47). Border-induced displacement is a second-order type of displacement, as it is different from the original cause why people fled (war, persecution, poverty, natural disaster etc.) and it happens after the same people are "intercepted, detained or deported in instances of border control" (ibid.). It is a form of displacement "imposed on already displaced people" that has come to be a consequence of externalisation (ibid.). Therefore, border-induced displacement challenges us to go beyond the conceptualisation of forced migration as something external to the EU, and border control as a reaction to it. It enlightens how forced migration can indeed be a product of the same border control mechanism that aims to stop it. On a similar line of thought, another group of scholars has considered the relation between border control and deaths at the border. Starting from the observations that the increasing focus on migration as a security threat leads to less legal and safe ways for migration, and to the use of more dangerous routes, these scholars argue that border control is itself causing more deaths (Spijkerboer, 2007; Ferrer-Gallardo & van Houtum, 2012; Cuttitta & Last 2020). Indeed, even if border deaths are presented as accidental or natural, they are the result of the border policies that prevent migrants from reaching Europe safely (Cuttitta & Last, 2020: 12). Death

at the border is increasingly normalised, presented as something inevitable, as the result of evil traffickers and smugglers, or even as the consequence of the irresponsible decisions that migrants take (ibid.). This leads to a risk of

> "losing sight of the connection between border policies and border deaths, and of the difference between what is (or should be) normal and natural – migration – and what is (or should be) exceptional and unnatural – dying of migration" (ibid: 11).

What is relevant here, is that deaths are the most extreme consequence of a border control regime that perpetuates numerous other forms of suffering, violence and injustice: "Unjust and violent migration and border policies would remain unjust and violent even if border deaths decreased or zeroed" (ibid: 15). Therefore, in my research, I will follow these scholars' analysis of the causal relationship that exists between externalised border control, new forms of displacement, violence and death at the border to examine the practices that are in place between Italy and Libya at the moment.

Beyond externalisation: policy implementation, policy instruments and frictional encounters

In the remainder of this chapter, I will present the approaches of some scholars who aim to go beyond traditional analyses of European border externalisation specifically in the MENA region. In particular, I will start with Wunderlich's analysis of the importance of studying the implementation of externalisation policies in third countries, to gain a more comprehensive understanding of how border externalisation policies unfold on the ground. From this argument, I will then look at Zardo's critical analysis of the relevance of studying policy instruments to better ground border externalisation policies, and will finally present Fakhoury's concept of friction which also aims to go beyond traditional literature on externalisation. What these scholars agree on, is that the study of border externalisation has to take into account the agency and leverage that third countries have in shaping European border externalisation policies. Therefore, they consider how third countries' local interests, structures, and political arrangements influence the outcomes of border externalisation policies.

In his essay *The limits of external governance: implementing EU external migration policy*, Wunderlich argues that the EU external action on third countries is limited by these countries' willingness to cooperate, that such cooperation can change over time and that the EU is in

certain cases shaping its objectives to accommodate third countries' interests (Wunderlich, 2012: 1415). In particular, he argues that policy implementation should not be presented as the inevitable final stage of external policy, but should be understood in more dynamic and agentic terms (ibid: 1416). Therefore, he defines implementation as "a process of interaction and negotiation, taking place over time, between those seeking to put policy into effect and those upon whom action depends" (ibid: 1417). In particular, he identifies three elements that affect implementation: distributional, macro-political and organizational factors. Distributional factors refer to the fact that an actor's willingness to cooperate on migration management largely depends on how the actor understands migration and migrants (ibid: 1418). Macro-political factors refer to overall power relations in which third countries and the EU enter when cooperating on migration management (ibid: 1419). These macro-political factors do not pre-determine compliance of third countries in all instances, but only when third countries consider them relevant (ibid.). Finally, organizational factors refer to:

> "issues emerging from the political structures of the EU and the NMS [Non-Member States] and from relations with other organizations in the policy field that shape the role, capacities and understanding of the implementing organization" (ibid.).

Some examples of organizational factors may be administrative capacity, staff numbers, material resources, staff skills and similar (ibid.). In this sense, organizational factors are the most immediate, and hence most relevant, when considering whether or not policies for externalised migration control have the potential of being implemented (ibid.). Therefore, the focus on policy implementation is relevant for this research as it can bring to the fore the discrepancies between how policy prescriptions present externalisation practices to be, and what they happen to be on the ground given the complexity of the context. Implementation is hence a concept useful to localise and challenge policies, and the following arguments presented by Zardo (2020) and Fakhoury (2019) are in line with this approach.

In her essay *The EU Trust Fund for Africa: Geopolitical Space Making through Migration Policy Instruments* (2020), Zardo makes an argument for the critical analysis of policy instruments in the study of border externalisation policies. She employs a policy instrument approach to study how the 2015 EU Emergency Trust Fund for Africa is shaping new formal and informal geopolitical spaces (Zardo, 2020: 1). Overall, the paper suggests that a policy instrument approach can help in grounding and enriching the study of border externalisation as it looks at how such instruments unfold in the targeted territories and what impact they have (ibid: 2). Policy instruments are representative of policy choices and they produce

effects on the ground (ibid.). Furthermore, the author argues that policy instruments are spatial practices, as they are "capable of challenging the existing configurations of space by altering the conflicting forces that act upon it" (ibid.). The author makes a broader argument than the one presented in this research, as she invites for the study of the impact of policy instruments in a broad region that goes beyond border regions and border control operations. However, I will here follow her invitation to ground the study of border externalisation policies through the analysis of the impact of policy instruments on the ground. Importantly, she says, policy instruments are often presented as the technical aspects of the policy-making processes, following automatically from policy decisions; however, they can influence many aspects, from the creation of new formal and informal spaces, new social relations between states and other actors, to new understandings of migration itself (ibid: 6). Therefore, "the choice of policy tools is not neutral. It reflects the actors' interpretation of problems, solutions and the underlying values" (ibid: 15).

Finally, Fakhoury analyses how Arab refugee-hosting states, specifically Lebanon and Jordan, have "received, contested, and reconfigured EU refugee tools" (Fakhoury, 2019: 3). She employs the concept of frictional encounters to address the dissonance between the EU's policy templates aimed at dealing with displacement in the region and the complex realities existing on the ground (ibid: 9). If European policies are trying to address the issue of displacement as an opportunity for development in these countries and improvement of living conditions for the host community and the refugees, such objectives fall short when implemented on the ground. Without going into the details of the empirical cases here, the author demonstrates how third countries have managed to influence, contest, weaken, and instrumentalise the EU's migration policy. Friction therefore arises when stated objectives are only partially met, or not met at all, but also when policy goals are drafted with disregard of local sensibilities and dynamics (ibid: 10). Finally, friction arises when the internal European policy approach towards migrants and refugees clashes with its external demands from third countries (ibid:15). Indeed, the EU's focus on securitisation and on keeping refugees 'closer to their homes' might result in a perception of an unfair burden-sharing by third countries, who then may be less motivated to cooperate (ibid.) Third countries are also able in some cases to shape European external policies and norms (Fakhoury, 2019: 13), something that Cassarino labels reverse diffusion (Cassarino, 2018: 404). Therefore, rather than talking about a unilateral conditionality through which the EU is imposing an externalised policy for migration control on the MENA states, it is more appropriate to talk about reciprocal

conditionalities – where externalised migration management is continually reshaped both by MENA states, the EU and its Member States (Cassarino, 2018: 407).

To sum up, the present research is based on a conceptual framework composed of different authors and concepts. It takes a starting point in recent border externalisation literature and combines it with the studies on policy implementation, policy instruments and frictional encounters that aim to go beyond it. At a conceptual level, it understands borders as dynamic, evolving and constructed entities rather than fixed territorial boundaries. In this regard, externalisation is an example of how borders are expanding and shifting continuously. Border externalisation is understood as a complex and multidimensional process, whereby the EU and its Member States are off-shoring migration and border management to third countries, and outsourcing it to external actors like third countries themselves. It is a process in which multiple actors are involved, from states, supranational agencies and institutions, private companies, civil society, militias, or armed groups. Furthermore, border externalisation is influenced by the local dynamics and sensibilities of third countries and other actors within third countries. Indeed, through instances of norms friction and challenges deriving from policy implementation, third countries can condition and influence external migration policy – something that traditional externalisation literature tends to overlook. This elastic conceptual framework allows me to bring to the fore various aspects in the analysis of the data and the case studies that will be presented, which aim to answer the research question: *How has the implementation of current policy provisions and practices for external migration control between Italy and Libya reinforced informal actors on the ground, and what are the consequences on migrants' lives?* Indeed, the data will show discrepancies and frictions when it comes to implementing policies of externalised migration control in such a complex context. Such discrepancies, I will argue, result in further violence against migrants and new forms of displacement, as some previously mentioned scholars started pointing to.

Historical Contextualisation

The following chapter provides a brief historical overview of the period between 2011 until today, outlining the most relevant events that took place both in Libya and in the Mediterranean, to present a contextualisation for the data that will be discussed in the analysis. The chapter starts from 2011 as the political uprisings that took place in Libya on the wave of the Arab Spring revolutions have led to the creation of a new constellation of actors and political power in the country that has changed the migration policy landscape. Starting from the Libyan revolution and overthrow of Gaddafi, the chapter will then look at the most relevant local and foreign actors, conflicts and developments that shaped Libya's path after 2011. Following, the chapter will look at the main developments that took place in the Central Mediterranean after the Arab Spring. Special attention will be given to the 2017 Memorandum of Understanding in order to better contextualise the data that will be presented in the following chapter. The overall focus of this chapter will be to outline the fragmentation that characterises present-day Libya and the weakness of the internationally endorsed Government of National Accord (GNA) that was in office until 2020, which signed the 2017 MoU. Fragmentation is understood as the lack of any centralised authority resulting from the proliferation of diverse political and military actors which make different claims for power and authority. In the analysis, I will often discuss the relation between current externalisation policies and Libya's internal fragmentation, by examining the legitimation and reinforcement of informal actors in Libya, the exacerbation of political fragmentation, and the human rights abuses that migrants are subjected to. Thus, the background explanation laid out here serves to better frame the analytical reflections presented in the next chapter.

Libya's fragmentation post-2011

After the overthrow of Gaddafi in 2011, Libya has lacked an authority with power over the whole territory. There has not been an actor, either political or military, that has managed to control the whole country and the various governments that succeeded each other after 2011 were not able to establish a central state authority (Lacher, 2020: 1). Even if political and territorial fragmentation is common in situations of conflict and civil war, the extent of such fragmentation in Libya still appears radical (ibid.). The country has had two rival governments since 2014, and military power is mostly divided among militias and armed groups which organise themselves locally, around cities, tribes or neighbourhoods (ibid:2).

Political actors have often been unable to exercise control over the different armed groups on the ground, therefore creating a disconnect between political and military power, each of which is internally fragmented (ISPI, 2021a). Furthermore, some of these armed groups have nowadays become political actors of their own, being able to generate income and revenues and escaping the state's control (ISPI, 2021b). The only partial exception to this fragmentation is represented by Khalifa Haftar, an army officer previously affiliated with the Gaddafi regime, who now controls most of eastern Libya (Lacher, 2020: 2). On top of this, foreign support for competing local actors prevents the possibility to reach stabilisation (ibid: 9). In the following sections, I will provide an overview of the developments that took place in Libya after 2011 to explain with more details this fragmentation and multiplicity of local actors.

From the 2011 revolution to the civil war of 2014

Following the wave of the Arab Spring, during February 2011 the first protests emerged in Libya as well. Starting from Benghazi on the 15th of February, numerous other Libyan cities started protesting against the regime in the following weeks. These first protests were spontaneous and unorganised but escalated quickly in a revolution with different groups of rebels, split sovereignty, claims to leadership and militarisation (Lacher, 2020: 19). The protests were accompanied by defections of high-level representatives from the Gaddafi regime, who left him to join the revolution (ibid: 21). These figures, together with lawyers, academics and other local authorities formed the National Transitional Council (NTC) on the 5th of March 2011, whose aim was to represent all Libyan regions until new elections (ibid.). However, the leadership of the NTC was not strong, as it was experiencing internal divisions and lost control of the many local revolutionary forces (ibid: 22). This situation escalated in what was the first Libyan civil war, which saw the revolutionary movement and the NTC on one side, and the Gaddafi forces on the other. It is important to stress that already from these very first moments there was a high-level fragmentation, with political and military forces being organised for the most part along local communities (ibid: 7). Moreover, foreign powers took part in the civil war that saw a NATO intervention, as well as support to different armed groups coming from the Emirates, Qatar, France and Sudan (Wehrey, 20202: 12). Finally, on the 20th of October 2011, Gaddafi was captured and executed by the revolutionary fighters.

In July 2012 Libya held its first elections after the fall of the regime, which turned out to be successful and highly participated (Lacher, 2020: 28). The elections were based on an electoral system drafted by the NTC which aimed to be representative of the various actors in Libya, but effectively created a highly fragmented government – the General National Congress (GNC) – composed of a minority party representatives and a vast majority of individual candidates (ibid: 29; Megerisi, 2018: 4). In the following months, unrest started sparking up again as a result of an increased localism of the military and security forces, considering also that many members of the GNC were linked to or were leading their armed group (Lacher, 2020: 31). Disagreements started arising regarding the isolation of former regime officials from the government, which led to the adoption of the controversial Political Isolation Law (ibid.). Furthermore, the GNC started losing consensus over the duration of its mandate, with some actors advocating for its expiration in February 2014 (ibid: 32). Violence started escalating until it reached a peak after February 2014, when Khalifa Haftar publicly announced his lack of support to the GNC and started mobilising military forces for what was later going to be called Operation Dignity (ibid: 34). The latter was presented as a military operation to free Libya from former revolutionary and Islamist factions but was also perceived as a coup attempt since Haftar was publicly attacking the GNC and asking for a new emergency government (ibid: 36). When elections were finally held in June 2014, Libya was already on the verge of its second civil war. The elections were far less participated than the previous ones, and violent conflicts had already started emerging in different localities (ibid.).

Over the summer these localised turmoils and violent conflicts resulted in a full-scale civil war, led by Haftar and its so-called Libyan National Army (later called Libyan Arab Armed Forces) organised in the Operation Dignity on the one side, and the newly proclaimed Operation Dawn on the other side (Wehrey, 2020: 17). The latter was a mix of militias from Misrata, Tripoli, Zawiya as well as Islamist factions, who grouped against Haftar (Lacher, 2020: 39). Each party was also receiving foreign support, with the Emirates and Egypt supporting Haftar and Turkey and Qatar supporting Operation Dawn (ibid: 41). It was during this civil war that a split in the government took place, giving birth to two opposing governments, one in Tripoli and the other in al-Bayda and Tobruk, which were in place until 2020 (ibid: 38). In the following months, the conflict reached a stalemate, with neither military faction being able to defeat its opponent and political power being divided in the two governments. In the last months of 2014, the UN started a complex process of negotiations to

bring forward a unity government (ibid: 42). An initial agreement was finally reached in July 2015 with the formation of the Government of National Accord (GNA).

From the proclamation of the Government of National Accord to the third civil war of 2019

The GNA officially took office in December 2015 in Tripoli, under the new prime minister Fayez al-Serraj (Megerisi, 2018: 6). However, the government did not receive a formal endorsement by the House of Representatives (HoR) in Tobruk, where some of the members were backing Haftar (Lacher, 2020: 46). Therefore, the GNA already lacked national support from its very beginning. Furthermore, it did not manage to establish territorial control without the support of various militias from Tripoli, something that deepened the discontent in all those who expected a neutral state authority supported by formal security forces (ibid: 47). Scepticism towards the GNA also centred around its link to Western powers, as some saw it as a Western attempt to have

> "political cover and official authorisation to channel assistance to Tripolitanian proxy militias involved in countering irregular migrant flows across the Mediterranean (in the case of Italy and the EU) and the Islamic State (in the case of the United States and Britain)" (Wehrey, 2020: 20).

Over time, discontent over the GNA's ineffectiveness and its reliance on Tripoli's militias grew (Lacher, 2020: 49). Indeed, these militias were gaining more power, legitimacy and influence over state institutions (ibid.). In the meanwhile, Haftar was gaining more control in the East, by taking over oil export terminals and continuing to receive considerable support from the Emirates, France, Russia and Egypt (ibid.). The increasing local and foreign support that he received, coupled with his territorial expansion in central and southern Libya, gained him more legitimacy in the international arena with Western governments trying to establish contacts and deals with him (Badi, 2020).

This situation culminated in 2019 when Haftar launched an operation in January to gain control of the Fezzan region in the south and the following attack on Tripoli in April. As regards the Fezzan, the region had been mostly disregarded by all previous governments, including the GNA (Lacher, 2020: 53). Haftar framed it as an operation aimed to free the Fezzan from Islamists and foreign fighters and encountered large support from the local groups inhabiting the region (ibid.; Wehrey, 2020: 24). From the Fezzan, Haftar managed to organise an attack on Tripoli, confident of international support to his offensive (ibid.). He

carried out this surprise attack on April 4th, by mobilising his forces and militias from the east and the south (ibid: 54). At that point, forces in western Libya, including the GNA and powerful militia groups in Misrata and Zawiya, grouped and prevented Haftar from gaining control over Tripoli (ibid.). In the following months, both parties kept receiving fundamental military support from foreign backers, but the situation on the ground did not fundamentally change until Turkey's intervention in the last months of 2019 (Wehrey, 2020: 30). With the military support sent by Turkey, the conflict on the ground reached a new equilibrium with neither party being able to overcome the opponent (ibid: 32). In January 2020, after a first meeting between al-Serraj and Haftar held in Moscow and an international conference held in Berlin, international parties agreed on an arms embargo and on working towards a truce (ibid.). The arms embargo was not fully respected, as states kept shipping military equipment to Libya and hostilities kept emerging in different localities (ibid.). Nonetheless, in June Haftar retrieved its troops from Tripoli and since August both parties to the conflict started observing an informal nationwide ceasefire that was later formalised into an agreement on the 23rd of October 2020 (ICC, 2020).

The situation in Libya keeps evolving constantly, lastly with a new unity government that was sworn in in March 2021. This new transitional government is the result of the UN mediation process that started in 2019 and seems to be the first in many years that is supported by both Tripoli and Tobruk (Al Jazeera, 2021 March 16). This new government is led by Abdelhamid Dbeibah and has the task to prepare the country for new elections scheduled in December 2021 (ibid.). What this section has aimed to show is how highly fragmented the situation in Libya is, where there is a multiplicity of political and military actors all struggling to gain legitimacy and control over specific parts of the country. Inevitably, some of the events described above were simplified, and much more could be said about the past ten years in Libya. However, I hope that this general overview begins to problematise the Italian and European reliance on the GNA for migration and border management, as will be discussed more deeply in the analysis. In the remainder of this chapter, I will provide an overview of the developments that took place in the Mediterranean after the Libyan revolution to present a more comprehensive contextualisation of the MoU signed in 2017.

Migration control in the Mediterranean after the Libyan revolution

After the Libyan revolution, the situation in the Central Mediterranean has changed continuously. The Mediterranean is also a stage where multiple and diverse actors engage, following different purposes and motivated by different reasons. The chapter will show how both European and Member States' actors are present in the Central Mediterranean, with Italy playing a central role in shaping policies of migration management in this area. The Mediterranean is a highly dynamic borderspace and the following section aims to present the major changes and actors that shaped it in the last ten years.

From the Arab Spring to the peak of arrivals in 2016

Irregular sea crossings across the Central Mediterranean did not immediately increase with the first protests in the wave of the Arab Spring but started mainly increasing from 2013 when the protests in Libya had turned into an open conflict and the second civil war was about to start (Cusumano & Villa, 2020: 204). In this context, Libya transformed from being a destination country for migrants to being an ideal transit country to reach Europe (Kuschminder, 2020). The policies that were in place between Italy and Libya relating to migration and border management were nullified by the fall of Gaddafi's regime but were also ruled as illegal by the European Court of Human Rights. Indeed, under the 2008 Treaty on Friendship, Partnership and Cooperation, Italy and Libya committed to patrolling Libyan shores jointly, with Italian boats and a mixed crew to push migrants back to Libya (Cusumano & Villa, 2020: 205). However, in the 2012 *Hirsi Jamaa and Others v. Italy* case, the European Court of Human Rights classified these practices as breaching the non-refoulement principle (ibid.). Therefore, in the first years following the upheavals in Libya, there was no bilateral agreement relating to migration in place, and rescue operations were mainly carried out by Italian and Maltese authorities or by private vessels (ibid: 203).

However, irregular sea crossing started increasing during 2013 and on the 3rd of October 2013, 366 people drowned in a shipwreck close to the coasts of Lampedusa (Cuttitta, 2018a: 638). At the time, this was the deadliest shipwreck recorded in the Mediterranean and caused strong reactions both in Italy and Europe. The Italian government decided to launch the military operation Mare Nostrum in October 2013, with the explicit aim to rescue lives at sea

as well as monitoring and securitising borders (ibid.). The operation extended beyond Italy's SAR region and saved over 150,000 people (Cusumano & Villa, 2020: 205). However, it was shut down in October 2014 since it was increasingly accused by the EU of acting as a pull-factor that encouraged more people to leave Libyan shores (ibid.). After Mare Nostrum was shut down, the EU launched the Frontex operation Triton, which was however much more limited in scope, was patrolling the waters close to Italian coasts and had no explicit SAR mission (Cuttitta, 2018a: 638). A year later, after a shipwreck took place on the 18th of April 2015 where over 1000 people lost their lives, the EU launched another military operation called EunavforMed Sophia. Neither Triton nor Sophia had an explicit SAR mandate, as they were conceived as military operations aimed at defending borders. Therefore, after the shipwreck of October 2013, rescue operations in the Central Mediterranean were largely carried out by State military and law enforcement assets like the Navy and the Coast Guard, or by EU missions like Triton and EunavforMed Sophia (Cusumano & Villa, 2020: 203). Sea arrivals to Italy were on the rise since 2013, but it was first in 2014 that they overcame 100,000 people a year, with 170,100 people arriving in 2014, 153,842 in 2015 and 181,436 in 2016[2]. After 2016, the numbers of arrivals started dropping again, given to some changes in the Mediterranean that will be explained in the following section.

From the rise of Search and Rescue NGOs to present days

Motivated by the increasing numbers of arrivals and by the lack of an encompassing SAR mission after the shut down of Mare Nostrum, civil society started playing a central role in rescue missions in the Mediterranean in 2015. More and more NGOs started carrying out SAR activities under the coordination of the MRCC in Rome (Cusumano & Villa, 2020: 203). SAR NGOs contributed to the rescue of more than 100,000 people between 2014 and 2017 (ibid.). However, progressively, they became the target of harsh criticism and false allegations, ranging from the assumption that their presence at sea was working as a pull-factor, to assumed collaboration between NGOs and smugglers. Various measures were taken to hinder NGOs activities at sea, such as a Code of Conduct in 2017, the closure of Italian harbours to foreign-flagged SAR vessels, as well as political and mediatic propaganda aimed at discrediting their work (ibid: 204). At the same time, the Italian government was

[2] Figures taken from UNHCR, available at: https://data2.UNHCR.org/en/situations/mediterranean/location/5205. These figures also include sea arrivals from countries other than Libya, although Libya was the major departure point for migrants in those years.

busy strengthening Libyan authorities – especially the Coast Guard – to re-establish a Libyan SAR zone, a Libyan MRCC and therefore preventing migrants from leaving the North African country (Cuttitta, 2018a: 649).

This process started with the signature of the Memorandum of Understanding on the 2nd of February 2017, between the Italian government and the Libyan Government of National Accord. The main points of this bilateral agreement are summarised by its first five articles. With Article 1 the two parties agree on cooperation in the security area aimed at stemming migration flows (MoU, 2017). Specifically, Italy commits to support the Libyan relevant authorities – mainly the border and coast guard – financially, as well as via technical and technological support, personnel training and similar (ibid.). Article 2 establishes that the border control system in southern Libya shall be completed; Italy and the EU will finance and adapt reception facilities for migrants under the Libyan Ministry of Home Affairs; the parties will train the Libyan personnel working in these reception facilities; they will cooperate to eliminate the root causes of migration in origin countries; they will support international organizations present in Libya especially in their return and resettlement programmes, and will start development programmes in Libya (ibid.). Article 3 establishes a mixed committee responsible for the evaluation of the commitments taken (ibid.). Article 4 establishes that the initiatives listed will be funded by the Italian government and the EU (ibid.). Article 5 generally mentions that both parties commit to respect human rights and international obligations (ibid.). Finally, the MoU has triennial validity and can be renovated, as indeed happened in February 2020 (ibid.). The following day, on the 3rd of February 2017, the EU adopted the so-called "Malta Declaration on the external aspects of migration: addressing the Central Mediterranean route" where it endorsed all the points agreed bilaterally between Italy and Libya while making EU funds available as well (European Council, 2017 February 3).

The MoU has been commented on and criticised on multiple levels, starting from its general and vague language to the evident neglect of migrants' living conditions and human rights abuses in Libya. However, what is important for this thesis, is to look at the main practices and instruments it put into place: firstly, the project to reconstruct the Libyan Coast Guard and border agencies via equipment shipping, personnel training and funding; secondly, the support given to 'adapt' migrants' reception facilities in Libya with the ultimate aim to repatriate or resettle them via the international organizations present in the country. As Kuschminder points out, following the 2017 MoU, Libya transformed again from being a

transit country for migrants on their way to Europe to being a country of containment (Kuschminder, 2020). Following the MoU, the Libyan Coast Guards started receiving funding, equipment and training both by the Italian government and the EU, especially through the EunavforMed Sophia operation. Italy also stationed a military ship at the port of Tripoli to coordinate rescue operations while trying to officially establish a Libyan MRCC, which is a prerequisite to acknowledge a SAR region (Cuttitta, 2018b). Libya first notified the International Maritime Organization (IMO) of the request to recognise its new SAR region in August 2017, then withdrew its request in December of the same year (ibid.). Finally, the IMO acknowledged the existence of a new Libyan SAR zone in June 2018 (HRW, 2018).

After these developments, the numbers of arrivals dropped, with 23,370 people arriving via sea in 2018, 11,471 people arriving in 2019 and 34,154 people arriving in 2020[3]. Despite the decrease in the overall numbers of arrivals and hence the absolute number of deaths, crossing the Mediterranean became more dangerous after 2017. The death rate indicating the number of people who died in the crossing v. the number of people who attempted the crossing increased after 2017 and reached a peak between 2018 and 2019 (Cusumano & Villa, 2020: 211)[4]. The Central Mediterranean route became more lethal for a combination of factors described above, which were reinforced after 2017. On the one hand, European naval assets and Member States' Navy and Coast Guards progressively retrieved from the trafficked sea routes and stayed closer to Italian shores, while trying to hinder SAR NGOs activities in different ways (Cuttitta, 2018a: 649). On the other hand, Italian and European authorities have funded and effectively re-built the Libyan Coast Guard which became responsible for patrolling and intercepting migrants in the Libyan SAR zone (ibid.). Since 2017, the number of people intercepted by the Libyan Coast Guard has been increasingly more substantial[5], making it the largest provider of SAR activities in the southern Mediterranean in the last years. However, strong criticisms and concerns have been raised regarding its work: it has

[3] Figures taken from UNHCR, available at: https://data2.UNHCR.org/en/situations/mediterranean/location/5205. These figures also include sea arrivals from countries other than Libya, although Libya was the major departure point for migrants in 2018 and 2019, while in 2020 it was the second departure country after Tunisia. So far in 2021, it seems that Libya is again the first departure point.

[4] The calculation of the death rate can be quite challenging in the context of irregular migration, and different sources can report different rates. However, all agree that the death rate increased in the years following 2017, reaching a peak between 2018 and 2019. For a discussion on the calculation of death rates and its limitations see: https://publications.iom.int/system/files/pdf/mortality-rates.pdf

[5] In 2017, the Libyan Coast Guard intercepted approximately 20,000 people (Cammilli, A & Paynter, E, 2021). In 2018, it intercepted 14,949 people (UNHCR, 2019). In 2019, it intercepted 9,035 people (UNHCR, 2020a). In 2020, it intercepted 11,265 people (UNHCR,2020d).

failed to respond to SOS calls, promptly intervene, properly carry out rescue operations and has sometimes used violence and force against the people rescued (Cusumano & Villa, 2020: 207).

In conclusion, this chapter has presented an overview of the developments that took place in Libya and the Mediterranean in the last ten years. Inevitably, much more could be said and some events had to be simplified. However, I hope that this contextualisation helps the reader to better ground the data that will be presented in the next chapter. Indeed, the analysis will delve in-depth into the border externalisation practices that have been effectively implemented since 2017, most notably the pull-back operations carried out by the Libyan Coast Guards and the practice of detaining migrants after disembarkation in Libyan facilities.

Unfolding externalisation on the ground: complexity, friction and abuses against migrants

The following chapter constitutes the core of this research, as it will present the various data and case studies and discuss them in relation to the research question: *How has the implementation of current policy provisions and practices for external migration control between Italy and Libya reinforced informal actors on the ground, and what are the consequences on migrants' lives?* As previously mentioned, the chapter will be divided into two sections: the first one will discuss the practice of pull-backs carried out by the Libyan Coast Guards (LYCGs) while the second will discuss the practice of detaining migrants after disembarkation in Libya. In both sections, I will start by presenting the policy provisions relating respectively to pull-backs and detention in Libya, namely by discussing the Memorandum of Understanding and the specific policy instruments it set in place. Following, I will present data gathered from multiple sources to show some of the problematic aspects which emerge when implementing such policy provisions, such as the reliance on and legitimisation of informal actors in Libya and the abuses that migrants constantly face. Both regarding pull-backs and detention, it will become apparent how current policies for external migration control are both affected by networks of informality and fragmentation in Libya, while they are also reinforcing these same networks and internal fragmentation. Indeed, the policies have implications both in terms of increasing the power and legitimacy of actors other than the state in a country where political fragmentation is already highly widespread, as well as result in grave acts of violence and human rights abuses against migrants. In each section, I will then present some case studies to exemplify the dynamics just mentioned, by looking into five pull-back operations carried out in the last three years in the first section, and to the detention facilities of al-Nasr in Zawiya and Tarik-al-Sikka in Tripoli in the second section. I will conclude the analysis by presenting some final reflections on the dissonances between the policy provisions and context on the ground which result in buttressing Libya's internal fragmentation, in a deflection of accountability over migrants' lives and in forms of border-induced displacement.

Pull-backs in the Central Mediterranean: discrepancies in policy implementation, networks of informality and violence against migrants

In this first section, I will discuss the sub-question: *How is the implementation of pull-back operations by the LYCGs challenged by the context on the ground and what does this imply for migrants crossing the Central Mediterranean?* I will start by describing how pull-back operations should work according to the policy provisions that took shape since 2017 and by presenting the data on the number of people intercepted by the Libyan Coast Guards since 2017. As this data will show, the number of pull-backs has considerably increased in the last three years. However, such pull-back operations are much more complex and problematic than what the policy provisions describe them as being. Therefore, I will employ data coming from journalistic investigations, the IOM, UNHCR and other civil society organizations to discuss what kind of entities the Libyan Coast Guards are, particularly looking at their relation with informal actors on the ground. Then, I will present five case studies of pull-back operations that took place in the last three years to show how these can entail a high degree of confusion and violence, how on multiple occasions the LYCGs only intervened after many hours from the distress calls, and how in some occasions the LYCGs did not intervene at all leading to shipwrecks that could be avoided[6]. The overall argument guiding this first section is that, when looking at the implementation of the main policy provisions set in motion after 2017 to stop migration in the Central Mediterranean, there is a discrepancy between policy and practice which is influenced by the fragmented and informal context on the ground. This local fragmentation is further aggravated by externalisation policies themselves, which legitimise informal networks on the ground and exacerbate violence against migrants.

<u>Stopping migrants at sea: the increased role of the Libyan Coast Guards</u>

The Memorandum of Understanding signed in February 2017 between the Italian government and the Libyan GNA is at the basis of the following developments that make it possible nowadays to consider the LYCGs as the largest providers of SAR activities in the southern Mediterranean (Cusumano & Villa, 2020: 207). The MoU comes at a time where Libya did not have a SAR region and no official authority responsible for guarding Libyan coasts. Therefore, the policy paper establishes that the two parties will restart the cooperation on migration management that was in place with previous memoranda, like the 2008 Treaty of

[6] For a cartographic visualisation of the case studies' locations, see "MAP 2" on p. 4.

Friendship, Partnership and Cooperation. Italy commits to support Libyan security and military institutions in charge of the fight against illegal immigration financially, via equipment shipping and personnel training (MoU, 2017). More specifically, under Article 1 the Parties agree to cooperate and provide "support to security and military institutions' in order to stem the illegal migrants' fluxes and face their consequences" (ibid.). Also,

> "the Italian party commits to provide technical and technologic support to the Libyan institutions in charge of the fight against illegal immigration, and that are represented by the border guard and the coast guard of the Ministry of Defence and by the competent bodies and departments of the Ministry of Home Affairs" (ibid.).

Indeed, in the months following this bilateral agreement, Italy sent four fast patrol vessels to Libya, followed by another ten in 2019, and a contract for another six vessels to be provided in 2020 (Alarm Phone et al., 2020c: 6). Italy was always backed by the EU, which contributed financially via the European Trust Fund for Africa and by training personnel mostly through the EunavforMed Sophia operation (Amnesty International, 2020: 16). Furthermore, Italy and the EU have helped the GNA in the declaration of a Libyan Rescue Coordination Centre in Tripoli and a Libyan SAR zone in 2018 (Alarm Phone et al., 2020c: 7). The effective rebuilding of the LYCGs and its institutions, by increasing their staff, operational and technical capacity, has been the core element in the Italian and European external policy of migration control since 2017 (Amnesty International, 2017: 44).

Source: The Times, 29 June 2018
https://www.thetimes.co.uk/article/libya-takes-charge-of-refugee-rescues-in-the-med-zgrjl9dsd

While boosting and rebuilding Libyan institutions involved in migration management, Italy and the EU have progressively withdrawn their naval assets from the most trafficked migration routes and are increasingly present with aerial assets to minimise the chances of finding migrants' boats in distress and hence, having to carry out rescue operations (Amnesty International, 2020: 16; Alarm Phone et al., 2020c). Finally, these developments have been accompanied by a progressive anti-SAR NGOs rhetoric that translated into practical impediments to the activities of these civil rescue vessels in the Mediterranean (ibid.).

All these developments, set in motion after the signature of the 2017 MoU, have transformed the Mediterranean in the past three years as Libya is now responsible for SAR activities in a large part of the southern Mediterranean. The number of migrants intercepted by the LYCGs reached approximately 20,000 in 2017 when 119,000 people arrived in Italy and stayed high in the following years when the numbers of arrivals to Italy dropped, with 14,949 people being intercepted in 2018 (UNHCR, 2019), 9,035 in 2019 (UNHCR, 2020a) and 11,265 in 2020 (UNHCR, 2020d). In some instances, it even appears that the LYCGs have carried out pull-back operations from the Maltese SAR region, which should be under the administration and responsibility of the Maltese government (Alarm Phone 2020b). The work of the LYCGs has been praised on multiple occasions by the various Italian governments, not least during the recent visit of the current Italian Prime Minister Mario Draghi to Libya, where he thanked the Libyan Coast Guards for rescuing lives at sea (Tizian, 2021, April 7). Indeed, the work of the LYCGs appears to fulfil what the MoU initially prospected: a reduction of the number of arrivals through the effective rebuilding of Libyan institutions and infrastructure working on border and migration management. However, as I will argue in the next part of this section, the Libyan Coast Guards themselves and the pull-back operations they carry out are much more complex than what is described by politicians' public appraisals. The discrepancy between policy provisions and practices on the ground has an impact on the networks of informality in Libya, as well as negative consequences for the migrants trying to escape the country: they are victims of violence during interceptions, they are left at sea for many hours, and sometimes no authority intervenes to rescue them at all.

The so-called Libyan Coast Guards: complexity on the ground

Following Zardo's invitation to critically examine the policy instruments set up by externalisation policies, this section takes a closer look at the main policy instrument

supported by the MoU: the Libyan Coast Guards. As explained above, since 2017 Italy and the EU have committed to the effective rebuilding of the Libyan institutions involved in border control, via funding, equipment, and training. The goal of this project was to effectively outsource the responsibility to carry out SAR operations to Libya, which is now responsible for a large part of the southern Mediterranean. However, this section is going to examine how the so-called Libyan Coast Guards are rather a complex assemblage of more or less informal actors, who are in some instances cooperating with local networks of smugglers and traffickers. Therefore, it will inquire into how the implementation of the current bilateral cooperation between Italy and Libya is affected by the fragmented and informal networks on the ground, but also how this informality and fragmentation are themselves reinforced by the same bilateral policies of externalisation. Therefore, this section will discuss the first part of the sub-question: *How is the implementation of pull-back operations by the LYCGs challenged by the context on the ground and what does this imply for migrants crossing the Central Mediterranean?*

To begin with, it is important to remark how the Libyan Coast Guard is not a unitary body, as there are two main actors tasked with monitoring Libyan coasts. One is the General Administration for Coastal Security (GACS) under the Ministry of Home Affairs, the other is the Libyan Coast Guard and Port Security under the Ministry of Defence (Alarm Phone et al., 2020c). The mandate of the latter is broader than that of the GACS, as it is tasked with patrolling both territorial and international waters (Amnesty International, 2017: 35). The headquarters of the Libyan Coast Guard are in Tripoli, whereas the GACS is based in Zuwara. The Libyan Coast Guard's coverage of Libyan coasts is divided into various sectors, some of which are located in the eastern part of Libya, which is under the control of the rival Tobruk-based government (ibid.). Nonetheless, it seems that the operational capacity of the Coast Guard is not impacted by the country's political division (ibid.). In this thesis, I have employed the general term Libyan Coast Guards to refer to both of them, unless it was necessary to use their respective names in specific situations.

Besides the existence of two official institutions tasked with patrolling Libyan coasts, the main issues surrounding the LYCGs have emerged for their relation with informal networks of human smugglers and traffickers. Indeed, the LYCGs have been accused on multiple occasions of colluding with renowned traffickers who pay to secure a 'safe passage' to Europe, without the interception by the LYCGs (Amnesty International, 2017: 8; UN

Security Council 2017; AP News 2019, December 31; Tinti, 2017, October 5). Even if it is unclear how many members of the LYCGs cooperate with smugglers, multiple survivors' testimonies conducted by international organizations or journalistic investigations, confirm the existence of such collusion (ibid.). When the smugglers pay the LYCGs, the latter have different ways of securing the passage of the migrants' boat up to international waters: they may escort the migrants' boat, they may let it go after they see an agreed symbol marked on the boat, or they may let the migrants pass if they tell the name of the 'right' smuggler with which they embarked who had previously bribed the LYCGs (Amnesty International, 2017: 8). For instance, according to survivors interviewed by Amnesty, it is safe to depart on boats of the smuggler Ahmed al-Dabbashi as he pays the LYCG in Tripoli (ibid: 39). Some migrants who have attempted the journey multiple times told Amnesty that they were finally able to cross the Mediterranean when they embarked with the 'right' smuggler (ibid.). According to AP News, the amount paid to bribe the LYCGs is around $10,000 per boat; therefore, on some occasions, the LYCGs are bribed by local smugglers to do exactly what Italy and the EU pay them for preventing, which is migrants' boats reaching Italy (AP News, 2019 December 31). As it will be clarified later on, it is highly unlikely that Italian and European authorities are unaware of such collusion, as first evidence of it started to come out already in 2017 (UN Security Council, 2017). Statements about this collusion have been confirmed by members of the Libyan GNA themselves, as in the case of the head of the Department for Combating Irregular Migration (DCIM) – which is responsible for the detention centres under the Ministry of Interiors – who confirmed to AP News that there is a collusion between the local networks of smugglers and members of the Coast Guard, as well as members of the DCIM itself (ibid.). Therefore, from this initial overview, one can begin to observe how controversial this bilateral cooperation is. Indeed, Italy has committed to rebuilding Libyan agencies for border management in a country where territorial control is highly fragmented and largely held by non-state actors, thereby risking to provide support to those informal networks of smugglers and militias which the same policies claim to fight against.

The most representative example of the cooperation between the LYCGs, local groups of smugglers and militias is the case of the Coast Guard unit of Zawiya and its leader Abdel al-Rahman Milad (alias al-Bija). The section of the Coast Guard located in Zawiya is the one responsible for patrolling the western coast of Libya, including some of the ports and cities most renowned for the smuggling business (Amnesty international, 2017: 35; UN Security

Council, 2017: 63). Al-Bija is a militia leader from the city of Zawiya, who took control of the city's port when migration movements from Libya started intensifying and migration control increasingly became a business (Tinti, 2017 October 5). His militia was then recognised as a Coast Guard unit, and he became an institutional figure employed by the UN-backed GNA (ibid.). However, in June 2017 the UN Panel of Experts on Libya published a report that contained the names of specific individuals who are accused of human trafficking and smuggling and some of them cooperate with the LYCGs; al-Bija was one of them (UN Security Council, 2017). According to this report,

> "Abdel al-Rahman Milad (alias al-Bija) is the head of the Zawiya branch of the coast guard. He obtained this position thanks to the support of Mohammad Koshlaf and Walid Koshlaf. Both had leverage over the coast guard hierarchy, according to internal sources in the coast guard" (ibid: 133).

Mohammed Koshlaf is the head of the Zawiya militia group called Al-Nasr Battalion and has been himself accused of migrant smuggling and trafficking, as well as fuel smuggling (ibid: 103). Furthermore, the Panel of Experts reports that "Abdel al-Rahman Milad (alias Bija), and other coastguard members, are directly involved in the sinking of migrant boats using firearms" (ibid: 21). Therefore, since 2017 al-Bija has been accused of collaborating with local smugglers networks: he would only intercept the migrants' boats departed through rival smugglers and would send the intercepted people to the al-Nasr detention centre in Zawiya, run by the Koshlaf's militia that supports him (Tinti, 2017 October 5). Nonetheless, he kept being the head of the Coast Guard unit of Zawiya until 2019[7] and was even invited to official visits in Italy in 2017. As Italian journalist Nello Scavo reported after he was able to collect exclusive footage of a meeting held in 2017 between members of the Italian government, international organizations and a Libyan delegation from the Coast Guard, al-Bija had been granted a passport by the Italian embassy to attend the meeting in Sicily (Scavo, 2019 October 4). Al-Bija himself later confirmed to have taken part in such a meeting as a representative of the Libyan Coast Guard (Propaganda Live, 2019 October 30). While this is probably the most exemplary case of the collusion between informal networks of traffickers, smugglers and the LYCGs, migrants' interviewed by AP News mentioned similar cases in the cities of Zuwara and Tripoli, where members of the Coast Guard receive bribes from allied militias and only intercept the boat of smugglers backed by rival militias (AP News, 2019

[7] In October 2020, al-Bija was arrested with the charges of human and fuel smuggling; however, he was released in April 2021 by the new Dbeibah government for 'lack of evidence'(Scavo, 2021 April 13). With his release, he also received a promotion to a higher rank within the Libyan Coast Guard given to his contribution during the last conflict against Haftar (ibid.).

December 31). This is also confirmed by expert interviews conducted by Amnesty, who reports that in the cities of Zawiya, Zuwara and Sabratha "a number of militia members had joined the LCG seeking official status and control over the sea and its illicit smuggling trade route, while continuing to report to militia leaders rather than to central LCG command" (Amnesty International, 2017: 34).

Even if it is still unclear how widespread such collusion is, it is by now well-known that the LYCGs, local smugglers and militias have networks of collaboration and rivalry that determine the outcome of the interception of migrants' boats. On a general level, this implies that Italian and European policies for external migration control relating to sea interceptions have ended up backing and legitimising informal actors on the ground. Indeed, the reconstruction of the LYCGs and institutions for border management was the direct result of policies for external migration control bilaterally agreed between Italy and Libya and later backed by the EU. This reconstruction took place in a context – that of Libya in 2017 – that was already highly fragmented and where non-state actors like militias were effectively in control of different parts of the territory (Lacher, 2020: 48-52; Tinti, 2017 October 5). Even if at that point the Government of National Accord had been receiving international support, it did not have effective political nor territorial control internally as it was discussed in the historical chapter (Lacher, 2020: 49). Therefore, it seems that policies for external migration control were drafted with disregard of the implications they may cause on the existing fragmentation, and the case of the LYCGs is just an example of how these policies have supported controversial actors like the militia of Zawiya. This is particularly against what the MoU states in its Preamble, when it mentions "the sensitiveness of the present transition phase in Libya" and "the necessity to continue on supporting the efforts aimed at national reconciliation, in view of a stabilization that would allow the formation of a civil and democratic State" (MoU, 2017). Indeed, it seems that this bilateral cooperation has contributed to reinforcing those militia groups which were already preventing the GNA from having effective control over the territory (Lacher, 2020: 47). Therefore, as it will become clearer in the rest of the analysis, the bilateral cooperation between Italy and Libya has on the one hand reinforced non-state actors and hence local fragmentation, while on the other hand it has itself been affected by the country's internal fragmentation. As the various sources employed here agree on, members of local militias became part of the Navy, received training, equipment, funding and legitimacy from Italy and the EU, while still keeping linkages to local informal networks that support them (AP News, 2019 December 31; Tinti,

2017 October 5; Amnesty, 2017). This means that the implementation of the tasks and duties related to the work of the Coast Guard has been affected by the local context of fragmentation and informality, and has had negative consequences for the migrants trying to cross the Central Mediterranean. As the following case studies will show, despite the support and training the LYCGs received, it is still highly dangerous and even lethal to cross the Central Mediterranean from Libya.

Chaos and violence: the case of November 2017

The following case studies of pull-back operations relate to the second part of the sub-question: *How is the implementation of pull-back operations by the LYCGs challenged by the context on the ground and what does this imply for migrants crossing the Central Mediterranean?* After having laid out some of the critical considerations about the two countries' bilateral cooperation, namely the challenges and complexities that arise regarding the political and territorial fragmentation in Libya, I am now going to consider the implications for migrants crossing the Central Mediterranean. The latter keeps figuring as the most lethal border to cross worldwide according to data from IOM (Missing Migrants Project, n.d.), and what these case studies show is that policies for border externalisation have created and legitimised an outsourced system of sea interceptions where questions of accountability and responsibility for migrants' lives become very blurred. This leads to episodes of violence and death at the border which have been analysed by scholars as being the result of the externalised border regime itself (Spijkerboer, 2007; Ferrer-Gallardo & van Houtum, 2012; Cuttitta & Last 2020).

On the morning of the 6th of November 2017, the Italian Coast Guard received a distress call from a rubber boat in international waters approximately 30nm north of Tripoli (Krüger, 2017). The Italian Coast Guard informed the vessel of the NGO Sea Watch about the distress case and ordered them to move towards the migrants' boat (Forensic Architecture, 2018). At the same time, the Italian Coast Guard requested the intervention of the Libyan Coast Guard, which moved in the direction of the rubber boat with the military boat Ras Jaddir, which had been donated by Italy in May 2017 (ibid.). In the same area, there were also a French warship and a Portuguese military aircraft that were part of the EunavforMed Sophia operation. They both offered to help Sea Watch and the Libyan Coast Guard in case it was needed (ibid.). At about 9.00 a.m. the tubes of the rubber boat deflated and people started to fall in the water,

some of them drowned (ibid.). At this point the situation began to be chaotic, as both Sea Watch and the LYCG approached the rubber boat. The rescue operation was coordinated by the Italian MRCC, which had instructed Sea Watch to be the On-Scene-Coordinator; however, the LYCG had informed the Italian MRCC to be in charge of coordinating the rescue operation, but the latter did not pass the information to Sea Watch. Therefore, due to miscommunication, both the LYCG and Sea Watch started carrying out their respective operations while more people were already in the water. Already from these first moments, it becomes apparent how the LYCG was ill-equipped for the operation: they approached the migrants' boat so closely that it risked capsizing while avoiding deploying their RHIB because it was allegedly malfunctional (ibid.). Very quickly the chaos escalated as Sea Watch's RHIBs got closer to the LYCG boat, and migrants jumped in the sea in an attempt to reach the NGO.

Sea Watch RHIB in the lower-left corner, LYCG boat in the middle, migrants in the water, Sea Watch mother ship to the right. Image taken from Forensic Oceanography video reconstruction; min. 15.35
https://forensic-architecture.org/investigation/seawatch-vs-the-libyan-coastguard

In the meanwhile, an Italian military helicopter also reached the scene and started coordinating with Sea Watch for the rescue operation (ibid.). With tension increasing as migrants were attempting to swim towards the NGO, members of the Libyan Coast Guard started throwing objects at Sea Watch staff, so that they momentarily distanced themselves from the scene and two people drowned (ibid.). As the video reconstruction by Forensic Oceanography shows at min. 21.00, other members of the LYCG started beating the intercepted migrants with a rope so that one of them jumped in the water to try and escape and reach the NGO vessels. Finally, the LYCG started to speed up while another migrant was

still hanging on the external ladder of the boat (ibid.). Only after numerous rebukes by both Sea Watch and the Italian helicopter the LYCG slowed down and let the migrant up the ladder (ibid.).

Sea Watch RHIBs to the left, LYCG boat speeding up while a person is hanging on the ladder. Image taken from Forensic Oceanography video reconstruction; min. 24.00
https://forensic-architecture.org/investigation/seawatch-vs-the-libyan-coastguard

The operation ended with 59 people rescued by Sea Watch, 49 people intercepted by the LYCG, and approximately 20 people drowned. This case brings up many controversial aspects that problematise the narration of successful bilateral cooperation with Libya regarding sea interceptions. First of all, it is evident how miscommunication and confusion between the parties involved – mainly the Italian MRCC, Sea Watch and the LYCG – resulted in the death of approximately 20 people. From the information available, it is not clear why the Italian MRCC did not make it explicit to the actors present on the scene who should be in charge of the rescue operation. Arguably, this could have prevented some of the confusion and may have led to fewer lives being lost. However, even if that information had been available, the LYCG was still not properly equipped. Some of its manoeuvres directly put migrants' lives at risk, some of the equipment was supposedly not working (the RHIB) and above all, its members were using violence against the migrants and the NGO staff. At that time, the LYCG was receiving training, funding and equipment from Italian and European authorities, even if it was already known that some of its members were linked to networks of traffickers and smugglers in Libya.

From this first case study, one can begin to question the assumption that the implementation of policies of external migration management is as automatic or unproblematic as it is presented to be. In this case, the responsible authorities did not properly coordinate the rescue operation and the multiplicity of actors present added to the overall confusion. As Wunderlich argues, some of the elements that influence policy implementation on the ground are the capacity of the staff, the availability of equipment and machinery, administrative capacity and similar (Wunderlich, 2012: 1419). In this case, it is clear how some of these elements have had an influence on the turnout of the operation and created friction between the policy prescription of how pull-back operations should work, and how they happen to work (Fakhoury, 2019). Moreover, the chaos created by the presence of various actors and the confusion among them speaks to the wider conceptualisation of processes of border externalisation. As scholars argue, externalisation is a multidimensional process that both creates distance between the space of policy-making and that of policy implementation as well as outsources the responsibility of migration management to third actors (Bialasiewicz, 2012; Moreno-Lax & Lemberg-Pedersen, 2019). These actors can be various, from states, supranational agencies, NGOs, IGOs, private industries, militias, armed groups and others (Moreno-Lax & Lemberg-Pedersen, 2019). This creates complex governance scenarios in which questions of accountability, transparency and legal responsibility become blurry (Moreno-Lax & Lemberg-Pedersen, 2019; Bialasiewicz, 2012: 855). The case of the 6th of November exemplifies these complex governance dynamics, where it becomes hard to pinpoint questions of responsibility for the rescue operation and the death of approximately 20 people. Indeed, at that point in time, the IMO had not yet recognised the Libyan SAR region and that area of the sea had only been unilaterally declared by the Libyan government but was not internationally recognised as a Libyan SAR zone (Forensic Architecture, 2018). Therefore, the various actors present followed their duty to assist the boat in distress without properly coordinating with each other and ultimately leading to the death of approximately 20 people. These deaths took place despite the presence of the Libyan Coast Guard, aircraft from the Italian military, units from EunavforMed Sophia as well as an NGO. This is particularly telling of how the intensification of the monitoring and controls at the borders and their effective militarisation does not prevent deaths at the borders. Rather, the numbers of people who lost their lives in the Central Mediterranean keeps increasing at an even higher rate since 2017 (Cusumano & Villa, 2020: 211). In an article from 2007, Spijkerboer analyses data on the relation between the intensified control of EU maritime external borders and the number of deaths taking place along these migratory sea routes; already back then, the author argues

that an increase in external border control mechanisms leads to greater dangers for migrants escaping and a higher probability to die (Spijkerboer, 2007). This argument has also been backed by other scholars who analysed the relationship between externalised border control and deaths at the borders, who all come to the conclusion that externalisation leads to migrants taking more dangerous routes and hence a higher probability of dying (Ferrer-Gallardo & van Houtum, 2012; Cuttitta & Last 2020).

Nonetheless, it could be argued that this case is particularly exceptional given the multiplicity of actors present. Therefore, the following case studies will present other, more recent, examples of violence, arbitrariness and death taking place in the Central Mediterranean, showing how complex governance dynamics in the light of Italian-Libyan cooperation have impacted the situation of migrants trying to cross this sea border.

Neglecting distress calls: the cases of August and September 2020

The following case studies took place in 2020, when the practice of interceptions by the LYCGs had already been implemented for three years, the Libyan SAR region had officially been recognised and the 2017 MoU had been extended for another three years after it reached its deadline in February 2020 (Avvenire, 2020 February 3). What these cases show is how migrants were left at sea for many hours before being intercepted by the LYCGs or rescued by local fishermen. In all these cases, the LYCGs were the responsible authority as the cases took place within the Libyan SAR region, sometimes very close to Libyan shores. These cases shed further light on how border externalisation policies result in increasing the dangers for migrants trying to cross the Central Mediterranean by outsourcing the responsibility for SAR operations to the controversial LYCGs and creating a zone of blurred accountability and neglect of migrants' lives in the southern Mediterranean.

On the night of the 22nd of September 2020, Alarm Phone received a distress call from a boat with 86 people on board off the Libyan coast (Alarm Phone, 2020e). All relevant authorities were informed, but no one intervened immediately. At 12.30 p.m. Alarm Phone managed to contact the LYCG that allegedly said they were aware of the case but had not yet started any rescue operation (ibid.). In the afternoon of the same day, after many hours from the first distress call, Sea Watch's aircraft Seabird was able to locate the boat and confirm its position (Sea Watch, 2020 September: 3). The tubes of the boat were deflated and some people were

in the water (ibid.). A bit later, Seabird witnessed the LYCG intervention to pull the people back to Libya, approximately 12 hours after the first distress notification was communicated (ibid.). According to the UNHCR and IOM, no casualties were registered and the intercepted migrants were then sent to the Tarik al-Sikka detention facility (Alarm Phone, 2020e). A similar case was registered on the 24th of September 2020, when about 115 people called Alarm Phone at 10.30 p.m. from the Libyan SAR zone because their boat was capsizing and they already had some dead people on board (ibid.). Alarm Phone alerted the LYCG which said they would send a vessel (ibid.). Later the LYCG told Alarm Phone that two vessels had reached the boat in distress, but the migrants on board did not confirm that information (ibid.). It is unclear whether the LYCG had then reached another boat, or whether they gave false information. At 5.00 a.m. a merchant vessel approached the migrants' boat (ibid.). The morning after, at 1.00 p.m., Sea Watch's aircraft Seabird found the boat and confirmed its position (Sea Watch, 2020 September: 4). Seabird also saw two people in the water, one dead body, and the merchant vessel (ibid.). The latter was sheltering the migrants' boat but was not assisting it, as it had received orders from the LYCG to leave the scene as they were arriving (ibid.). In the end, Seabird witnesses the arrival of the LYCG and the interception of the migrants, approximately 12 hours after the first alert was sent out (Alarm Phone, 2020e). According to the survivors' testimonies gathered by IOM at the disembarkation points, 15 people died (Sea Watch, 2020 September: 4). Finally, in the case of the 15th of August 2020, Alarm Phone received a distress call from a rubber boat in the Libyan SAR region, off the coast of Zuwara (Alarm Phone, 2020d). Alarm Phone alerted the Libyan, Italian and Maltese authorities of this distress case, and the LYCG told them to inform Tunisian authorities; the latter however answered that they should be contacted again on the following Monday as they were not working at the moment (ibid.). The LYCG could not however confirm any rescue operation as they had two other targets and a malfunctioning vessel (ibid.). Indeed, on the Facebook profile of the Libyan General Administration for Coastal Security, there is a post about one pull-back operation carried out on the 16th of August (the specific time is not mentioned) that could refer to one of the two targets they mentioned to Alarm Phone (GACS, 2020 August 16). After contacting all relevant authorities once again, Alarm Phone lost contact with the boat at 10.30 p.m. What happened afterwards was reconstructed by Alarm Phone, the UNHCR and IOM based on survivors' testimonies. On the 16th of August the people were found by a boat with some Egyptians and Libyans on board, armed with weapons (Alarm Phone, 2020d). These individuals promised to take the migrants back ashore in exchange for their satellite phone; after they gave them the satellite phone, they navigated

for about 5 hours. Afterwards, these individuals asked for their GPS device, their phones, and money (ibid.). When the migrants said they did not have any money, these men started carrying the migrants' boat in the opposite direction of the shore and started shooting, then abandoned them at sea. Finally, the people were rescued by local fishermen with a total of 37 survivors and 45 dead (UNHCR, 2020b August 19). It is unclear who these Libyan and Egyptian armed men were, however what is relevant here is that the LYCG did not intervene to carry out a rescue operation in the area of its responsibility, due to the malfunctioning of one of its vessels and the presence of other distress cases. Differently from the previous cases, the LYCG never intervened this time and the people were only rescued by local fishermen who found them in the morning of August 17th – more than 48 hours after the first distress call.

All these cases are examples of delayed or non-assistance to boats in danger and neglect of distress calls and they are unfortunately not separate incidents. There are many more examples of similar cases, which cast doubts on the cooperation with the LYCGs. The cases presented above did not take place in any overall chaotic context: they were all about boats in distress in the Libyan SAR region, sometimes very close to the coast, and were therefore under the administration of the LYCGs. The migrants were in a severe distress situation and hence they needed an immediate intervention by the responsible authority, which however only arrived after many hours in the September cases, or never arrived as in the case of August. Considering how both the Libyan SAR region as well as the LYCGs have been created under the policies for externalised border control supported by Italy and the EU, the cases cast further doubts on the discrepancies between policy goals and events on the ground. The bilateral cooperation reinitiated in 2017 had as its ultimate goal for preventing migrants crossing the sea that of instructing and rebuilding the Libyan institution responsible for patrolling the southern part of the Mediterranean. Even if the increased numbers of interceptions may be interpreted as a signal that these policies were successful, these cases show how they are rather supporting the formation of an area in the southern Mediterranean where lack of accountability, disrespect of international obligations and a certain degree of arbitrariness are widespread. As it was mentioned before, scholars have argued that part of the processes of externalising border control involves the dispersion of legal responsibility and accountability over migrants' lives (Bialasiewicz, 2012; Moreno-Lax & Lemberg-Pedersen, 2019). The cases presented here took place in an area of the sea that is under Libyan responsibility and therefore may seem straightforward. Nonetheless, for reasons that

are not always transparent, the Libyan authorities did not (promptly) intervene and neither did any of the other authorities who were informed of the distress cases. Considering how these are not separate incidents, but rather examples of wider trends of delayed and non-assistance taking place in the southern Mediterranean, it is manifest how the bilateral cooperation has supported the formation of a system of externalised interceptions that disregards the consequences for migrants. Furthermore, by this time, allegations of the collusion between the Coast Guard and network of smugglers and traffickers had become more severe, indicating how the bilateral cooperation has been buttressing informal actors in Libya which contribute to the country's fragmentation. The consequences of this for migrants trying to cross the Central Mediterranean are therefore severe: as the first case study showed, violence is sometimes part of interceptions itself, where the LYCG has beaten migrants and put their lives at risk with dangerous manoeuvres. Violence is however also present in non-assistance, as the second case studies showed where the lack of immediate intervention put many lives at risk and caused the death of some. The last case that will be presented below, shows how on some occasions no one intervenes, leading to mass shipwrecks which are the direct result of this externalised system of border control.

When no one intervenes: the case of February 2020

On the 9th of February 2020, Alarm Phone received two distress calls from two rubber boats in the Libyan SAR region and reported the cases to the Libyan, Italian, Maltese Coast Guards as well as the civil rescue vessel Aita Mari (Alarm Phone, 2020a). One was rescued by the Aita Mari vessel. The other boat was carrying 91 people, its engine broke and water started coming in at around 5.30 a.m. (ibid.). Later in the night, Maltese authorities carried out a rescue operation of about 80 people, who however turned out to be from a third boat (ibid.). Despite the numerous alerts sent out by Alarm Phone, no authority intervened to rescue the 91 people whose fate to this day remains unknown. However, families and friends have been calling the civil society hotline looking for their family members who departed on the 9th of February, and based on that information – and the fact that all those 91 people are still missing at the time of writing – it can be assumed that none of them survived (ibid.). This case is unfortunately not a separate one, but one that we know more about because of the voices raised by the families of the people who went missing (Alarm Phone, 2021b). However, these mass shipwrecks are in all probability more common than what figures in official data on the numbers of deaths taking place in the Central Mediterranean (Farge, 2020

December 18; Alarm Phone, 2021a). This data usually includes only the number of certified deaths, whereas in many cases it is not possible to corroborate that a shipwreck took place if not with testimonies from family members and friends. Therefore, civil society groups, the IOM and media outlets have started to label these cases as 'invisible shipwrecks', pointing to the fact that the actual number of people losing their lives in the Central Mediterranean is with all probability much higher than we know (ibid.). As the IOM wrote in a press release from May 2020

> "The response to COVID-19 has had a definite impact on our ability to collect accurate data. The Central Mediterranean route remains the most dangerous maritime migration route on earth and in the current context, risks that invisible shipwrecks are occurring far from the view of the international community have grown" (IOM, 2020 May 12).

This case, together with the many others 'invisible shipwrecks' that take place in the Central Mediterranean, speak to the analysis of those scholars who make a causal link between external policies for border control and deaths at the border (Spijkerboer, 2007; Ferrer-Gallardo & van Houtum, 2012; Cuttitta & Last 2020). Border deaths, they argue, are too often presented as accidental or natural, but they are rather the result of border policies that prevent migrants from reaching their destination safely (Cuttitta & Last 2020: 12). As it was argued above, the current bilateral cooperation between Italy and Libya is supporting the formation of a zone in the southern Mediterranean where a widespread lack of accountability leads to episodes of violence, delayed and non-assistance and mass shipwrecks. The case studies presented here corroborate this argument, by showing how on specific occasions migrants died because of the system of external migration management that was put in place since 2017. More in detail, they showed how these deaths are often resulting from the inaction of the responsible authorities, from confusion or inappropriate behaviours that point to how these policies of external migration control are carried out.

<u>Pull-backs in the Central Mediterranean: local dynamics, discrepancies in policy implementation, and dangers for the migrants at sea</u>

This first section of the analysis has aimed to answer the sub-question: *How is the implementation of pull-back operations by the LYCGs challenged by the context on the ground and what does this imply for migrants crossing the Central Mediterranean?* I started

by outlining the main policy provisions set forth since 2017 to intercept migrants at sea. These entail the Memorandum of Understanding signed between Italy and Libya, the funding, training, equipment shipping to the Libyan border and coast guards that followed the MoU, and the declaration of the Libyan MRCC and SAR region. These developments effectively rebuilt all the institutions and infrastructures responsible for border control in Libya, and the impressive numbers of migrants intercepted since 2017 speak to the effectiveness of such measures. However, I moved on to examine how the so-called Libyan Coast Guards are rather an assemblage of various formal and informal actors, which on the one hand receive material support and legitimacy from Italy and the EU, while on the other keep close links to local networks of militias and smugglers. This collusion with smugglers and militias means that the LYCGs, at least on some occasions, will only intercept the boats of those smugglers who did not pay them, while they will let pass the boats of those smugglers who work with them (Tinti, 2017 October 5; Amnesty International, 2017: 8). These networks of allegiance and rivalry with informal actors on the ground speak to Wunderlich's analysis of how policy implementation can be a very dynamic and complex process, influenced by various factors. As Wunderlich argues, the actors tasked with policy implementation can challenge and influence it according to how they perceive such policies (distributional factors), to how best they can gain from the power relations that such policies entail (macro-political factors) and to the structures, capacities and resources that the actors themselves have access to (organizational factors) (Wunderlich, 2012). The LYCGs are gaining both by cooperating with Italy and the EU in terms of material resources like equipment and funding as well as gaining legitimacy on the ground; at the same time, they are using their position to maintain local networks of power and allegiances which also benefit some of their members. In this sense, we can identify friction between the policy provisions and the local context, as the LYCGs are adapting the role the EU and Italy have drafted for them to the reality on the ground. Furthermore, considering that the collusion between the LYCGs, local smugglers and militias has been documented since 2017, and that Italy renewed the MoU in 2020 without any alterations nor conditionalities, it appears how the EU and Italy have accepted – or decided to ignore – such allegations and to keep supporting and equipping the LYCGs. The latter shows how to a certain degree, actors involved in the externalised border control mechanisms can influence, negotiate and only partly implement the policies drafted by the EU, or Italy in this case; in this sense, policies of external border control are not just passively and unilaterally implemented by third countries, but they are continually reshaped by the actors involved, in what scholars defined reciprocal conditionalities (Cassarino, 2018:

407). Furthermore, when considering that the context in which these policies were drafted was one where territorial and political fragmentation was already highly widespread, it seems controversial to support and finance informal actors on the ground to play the role of Coast Guard agencies. Even if not all members of the LYCGs are part of militias or other informal groups, it is by now well-known that some sections of the LYCGs, especially in cities of the western coast, include members that have links to local militias and smuggling networks. These actors will then be empowered by the policies for external migration control as they will be responsible for stopping migrants' boats, but they will also only partially comply with these policies according to their local networks of allegiances and rivalry. Ultimately, this means both that policies of externalised migration control have reinforced non-state actors who contribute to the country's fragmentation, but also that the implementation of these policies is itself affected by the internal fragmentation and networks of informality.

This situation negatively impacts the conditions for migrants trying to cross the Central Mediterranean, as the risks they face are severe. Indeed, the case studies showed that the discrepancy between what policies for external migration control aim for and what the context on the ground implies, results in episodes of violence, non-assistance and death for the migrants attempting to cross. These case studies revealed examples of violence during pull-back operations, episodes of delayed and non-assistance to distress cases, and mass shipwrecks. In some of these cases, it was clear how distributional factors – like a malfunctioning RHIB, malfunctioning equipment in general, unprofessional manoeuvres, or disrespect of the duties characterising the Coast Guard's work – have resulted in the lack of or an inadequate intervention. Overall, these cases have demonstrated that contrary to the narrative of successful cooperation with Libya in the field of sea interception, the bilateral cooperation has effectively formed an area in the southern Mediterranean where lack of accountability, disrespect of international obligations and a certain degree of arbitrariness lead to violence against migrants and border deaths. Finally, something that emerges from this first section and that will become clearer in the remaining part of the analysis, is how there is a risk for migrants to become trapped in instances of border-induced displacement. As this section has discussed, the informal connections between members of the Coast Guards, local allied militias and smugglers mean that only some migrants will be intercepted. Those who are intercepted will then be sent back to Libya until they will try to cross the sea again via smugglers. In the following part of the analysis, I will discuss what happens after intercepted migrants are brought back to Libya and put in detention facilities. As it will

become clear, similar instances of collusion between government entities and local militias that run the detention facilities result in a problematic collaboration between Italy and the GNA, all the while exposing migrants to blatant examples of violence and disappearance which feed in a circle of border-induced displacement.

Detention after disembarkation in Libya: of informal actors, violence and border-induced displacement

In this second section of the analysis, I will discuss the sub-question: *How is the system of detention of intercepted migrants in Libyan facilities reliant on informal actors on the ground and how does this affect the migrants?* Following a similar structure as the previous part of the analysis, I will start by outlining the current policy provisions determining the detention of migrants after disembarkation in Libya. Already from these initial policy analysis, it is clear how controversial it is to rely on the system of arbitrary detention, as the policy provisions themselves mention – at least in their intentions – the will to improve the living conditions inside those centres. Following, I will employ different sources to discuss how these detention facilities are problematic in many aspects, mostly because of the human rights abuses that take place inside them and because of the close collaboration between the Libyan government, local militias that run the facilities and smugglers. From this overview, it will be evident how policy implementation is challenged on the ground, as informal networks of militias and smugglers become the actors responsible for implementing policies for external migration control. As in the previous section, I will argue that fragmentation and informality are both impacting the implementation of bilateral policies of externalisation but they are also impacted by them, as these policies empower local militia groups who run detention facilities. This situation is buttressing a system of blurred accountability and impunity in which abuses against migrants become the norm. To better exemplify these frictions and controversies, I will present the case studies of the two cities of Zawiya and Tripoli, which host some of the main detention facilities where intercepted migrants are brought after disembarkation. I will conclude this section by discussing how, based on the data presented, it is possible to argue that current policies of external migration control between Italy and Libya are reinforcing and legitimising informal actors on the ground. Furthermore, they condone grave acts of violence against migrants and create a circle of displacement in which many of the migrants currently in Libya end up being trapped.

The MoU and the provisions for detaining migrants after disembarkation

Besides the support to the border and coast guards, the other main provision stated in the Memorandum of Understanding is the support given to the Libyan "reception camps" under the Ministry of Home Affairs (MoU, 2017). Under Article 1, Italy commits to providing technical and technological support to the "Libyan institutions in charge of the fight against illegal immigration" which include "the competent bodies and departments of the Ministry of Home Affairs" (ibid.). The Ministry of Home Affairs includes the so-called Department for Combating Illegal Migration (DCIM), a body that was created in 2012 which is in charge of the detention facilities present in the country (Malakooti, 2019: 5). Therefore, the "reception camps" mentioned in the MoU are rather the detention facilities that fall under the control of the DCIM. Under Article 2, the Parties commit to adapt and finance these "reception camps" with funding provided by Italy and the EU; moreover, Italy commits to the delivery of medicines and medical equipment to improve the conditions of migrants living in the centres (MoU, 2017). Italy also commits to the training of Libyan personnel working in these camps and both Parties commit to supporting the work of the international organizations present in Libya (mainly IOM and UNHCR) in their efforts to return migrants to their country of origin (MoU, 2017). Just by analysing the policy paper, it is clear how the reliance on such detention facilities is problematic given the poor living conditions that migrants face. The system of detention is not a new tool that was put in place after 2017 but has been present in Libya from before. First of all, Libyan legislation criminalises irregular entry in the country with imprisonment, a fine and deportation (Amnesty International, 2020: 52). Furthermore, as the existence of the DCIM since 2012 shows, the practice of detaining migrants was already established before 2017. This implies that by 2017 the poor living conditions inside these centres, the numerous human rights abuses, the scarcity of food and medicine were already well-known. Therefore, the policy paper attempts on the one hand at "adapting and financing" the detention facilities to improve the conditions inside them, while on the other hand formalises this system of detention and makes Italian and European funds available without any conditionality. After 2017, reports coming from the civil society, intergovernmental organizations present in Libya, experts and journalists have kept adding evidence to the inhumane conditions that migrants face inside these centres. However, despite the pressure posed to the Italian government not to renew the MoU, or at least to do so with

greater attention to the human rights abuses, in February 2020 the MoU was prolonged for another three years without any amendments (Avvenire, 2020 February 3).

Implementing the policy of detention: militias, smugglers and human rights abuses

In the following section, I will take a closer look at the system of detention in Libya after disembarkation. The support to the detention facilities in Libya is indeed another central instrument in the Italian-Libyan cooperation, and therefore it is important to critically consider how it unfolds and impacts the local contexts (Zardo, 2020). As Zardo argues, policy instruments can influence the creation of new formal and informal spaces and new types of relations between states and other actors in the targeted territories (ibid: 15). It is hence the aim of the following section to consider the way the Libyan detention system is both impacted by and impacting policies for external migration control. Importantly, detention does not only follow disembarkation but in most cases also precedes the attempt to cross the Mediterranean. Because Libyan legislation criminalises irregular entry in the country, and because most of the migrants enter via smugglers, they already spend a certain amount of time in formal or informal detention facilities on the way to the coast. However, here, I will mainly focus on the detention that follows disembarkation as a way to narrow down my focus. Furthermore, this form of detention has become particularly formalised and practised since the recent re-establishment of the LYCGs and border control infrastructure.

As I have mentioned in the previous sections of the analysis, the system of detention in Libya is based on an assemblage of formal and informal networks, which sometimes cooperate to run the various facilities. The detention facilities can be of different types: first, some centres are under the control – at least nominally – of the DCIM (Amnesty International, 2020: 7). Then, there are informal detention facilities which sometimes are run by militias affiliated with the government, and sometimes by rival militias (ibid.). There are also some centres classified as "data collection and investigation facilities" in Tripoli and Zuwara, as well as other unofficial centres and holding locations in undisclosed places (ibid.; Malakooti, 2019: 11). It is hard to quantify the number of detention centres active at any given time, as they are often closed and reopened and the actor that runs each of them is often hard to identify (Amnesty International, 2017: 27). However, all of the sources taken into consideration agree that the DCIM has little control over any of the centres, and in the majority of the cases, the centres it controls are effectively run by militias affiliated with it (Malakooti, 2019; Amnesty

International, 2017; AP News, 2019, December 31; Tinti, 2017, October 5). More specifically, it seems that on many occasions the DCIM officialises informal centres run by militias in an attempt to increase its control over the detention system on the ground, while only holding a nominal control over these centres (Malakooti, 2019: 6). Receiving formal recognition by the DCIM can be profitable for some militias as their members are then able to receive the salary from the state (ibid.). Detention has therefore become an increasingly interesting business for local militias and armed groups, who can essentially follow three paths: first, they completely align themselves with the government, and are hence fully integrated as employees in the Ministry of Home Affairs or Ministry of Defence; second, they can officially align with the government while keeping autonomy on the ground and pursuing their business (ibid: 26). These groups sometimes open and run detention facilities which are later recognised by the government (ibid.). Lastly, some groups might want to maintain complete independence from the government, and in this case would run their unofficial detention centres as well as profit from other activities on the side (ibid). Therefore, it seems that the system of detention – formalised by the Italian and European policies for external migration control that turned Libya into a country of containment – has become a profitable business for the local militias and armed groups (Amnesty International, 2017: 27).

As regards the centres located on the western coast, where the intercepted migrants are disembarked, they are often under the nominal control of the DCIM but are run by local militias (Malakooti, 2019: 6). According to the Global Initiative Against Transnational Organized Crime, the majority of the migrant population transferred to official detention centres until 2019 was constituted of migrants intercepted at sea (ibid: 7). Some of the centres in which intercepted migrants are usually transferred are the al-Nasr centre in Zawiya, the centre in Zuwara, al-Krareem centre in Misrata, the centre in al-Khoms and various centres in Tripoli like the Tarik-al-Sikka facility (ibid: 31). After the migrants are disembarked, they are transferred with DCIM-contracted bus companies to detention centres in the western coasts, mostly located around Tripoli, Zuwara and Zawiya (ibid: 34). As the centres located on the western coast mostly host intercepted migrants, they usually host a large number of people; furthermore, they are close to smuggling networks that flourish in these coastal cities which implies that such centres can become perfect hotspots for further smuggling (ibid: 44).

As many sources point out, this system of detention based on the inclusion of militias and armed groups often leads to a climate of impunity and blurred accountability in which human rights abuses dominate. These entail overall degrading living conditions, malnourishment and lack of food, torture, extortion and other ill-treatment, sexual violence, forced labour and death (Amnesty International, 2020: 28-31). These abuses are often conducted by the same guards that run the detention facilities – be they formal or informal – and are both conducted by DCIM officials and militia members (ibid: 31). Most of these abuses are forms of profit-making for the authorities running the centres (Malakooti, 2019: 39). In particular, in unofficial centres the abuses can be "extortion, enforced labour, prostitution, selling migrants to Libyans who require labourers, selling migrants between centres, and armed groups using migrants in their own security or smuggling work" (ibid.). In official centres, the money-generating activities can be selling food and non-food items allocated for migrants on the local market, extortion, selling migrants to smugglers or other centres as a way to diminish the migrants' population when the centre gets overcrowded (ibid.). Typically, other centres would buy the migrants from overcrowded centres on the coast as they see an opportunity for profit-making themselves (ibid.). Extortion seems to particularly dominate in all kinds of centres, especially by torturing migrants while on the phone with their loved ones to ask them to pay a ransom as the only way out of arbitrary indefinite detention (Amnesty International, 2017: 31). As Amnesty International puts it, "the lack of any judicial oversight of the detention process and the near total impunity with which officials operate, has facilitated the institutionalization of torture and other ill-treatment in detention centres" (ibid: 7). Furthermore, a new practice that has taken place especially since 2020 is the enforced disappearance of migrants returned to Libya after interceptions at sea. In various statements released in the spring of 2020, the IOM mentions "grave concern" for the disappearance of hundreds of migrants after disembarkation (IOM, 2020 April 17). According to Amnesty International, migrants have gone missing both from detention facilities nominally under the Minister of Home Affairs and from unofficial detention facilities (Amnesty International, 2020: 22). As Amnesty notes, during 2020 the number of people detained in official DCIM centres has declined despite the rise in the number of interceptions carried out by the LYCGs (ibid: 25). This decline is not explicable with an increase in the resettlement and repatriation programmes carried out by UNHCR and IOM, as these were stopped because of the Covid19 pandemic (ibid). Therefore, there seems to be a change compared to previous years, where intercepted migrants are now transferred with more frequency to unofficial facilities and then subjected to enforced disappearance (ibid.). Both Amnesty and IOM believe that at least part

of the migrants who went missing were then handed over to smugglers and detained until they would pay a ransom (IOM, 2020 April 17; Amnesty International, 2020: 22).

From this overview, it is clear how the system of detention that was formalised by Italy and the EU with the signature of the MoU is largely reliant on non-state actors on the ground. As this section has shown, the Ministry of Home Affairs and its DCIM is trying to gather more control over the centres by officially recognising detention facilities run by local militias, and hence paying their members with state's money. This is particularly the case for the centres on the western coast where most of the intercepted migrants are brought to. However, the DCIM only holds nominal control over these centres and of everything that happens inside. In this sense, the implementation of the policy provision for the detention of migrants after interceptions at sea is highly influenced by local dynamics on the ground that challenge such policies. Indeed, the external funding and interest coming from Italy and the EU in boosting the system of detention have meant that local militias on the ground are gaining power and legitimacy as actors implementing the policies for external migration control. As it was argued in the previous section of the analysis, it is controversial to empower non-state actors in a country where political and territorial fragmentation is highly widespread. Especially in the case of the Libyan detention system, whose existence precedes that of the MoU, it is evident how externalisation policies were drafted with a disregard for local dynamics and have backed some of those militias which prevented the GNA from having effective control on the ground. Indeed, even if the DCIM has a strategy of formalising informal detention centres run by militias that support the government to gain more territorial control, it seems that this control is only nominal. In this sense, the bilateral cooperation between Italy and Libya appears to largely prioritise the goal of turning Libya into a country of containment to that of overcoming internal fragmentation and reaching stabilisation. Bilateral policies for external migration control have therefore contributed to legitimising local networks of informality which buttress internal fragmentation; at the same time however, the implementation of these policies has also been affected by the same networks of informality. As it was discussed, some of these informal actors are also pursuing personal interests and profit-making activities that result in abuses against migrants and the sale of migrants to smugglers – thereby feeding into forms of displacement that the system of external border control is claiming to fight against. This brings about various observations: first of all, as Wunderlich argues, policy implementation is often a highly complex, dynamic process that ultimately depends on the cooperation of those actors responsible for implementing a certain

policy – in this case, militia groups in the western coast of Libya (Wunderlich, 2012: 1417). Secondly, it speaks to the analysis of border externalisation as a multidimensional process whereby diverse actors enter in a variety of relations that can be formal, informal, multilateral, bilateral, coercive etc. (Moreno-Lax & Lemberg-Pedersen, 2019: 5). Indeed, we can see how in this case, the bilateral cooperation between Italy and Libya has buttressed complex relations on the ground between the Libyan government and informal actors that ultimately empowered the latter as they became the actors responsible for running the detention facilities that host intercepted migrants. Thirdly, this creates a climate of blurred accountability and responsibility for migrants' lives, as well as virtually total impunity, which translates into diffuse human rights abuses. As it was shown, some of these abuses are forms of profit-making, they constitute the business model on which some of the detention centres work and are hence highly widespread and notorious. Nonetheless, by formalising this system of detention without any conditionality, Italian and European externalisation policies have tolerated, supported and financed the systematic abuses against migrants. Finally, these centres are often related to smuggling networks so that they sell the migrants to smugglers, creating a new form of displacement which scholars have called border-induced displacement (Lemberg-Pedersen, 2012). The latter is a second-order type of displacement and forced migration that results from policies of external border control (ibid.: 47). It happens when migrants fleeing their country of origin remain trapped in circles of interceptions, detention and deportation that are hard to exit (ibid.). Border-induced displacement is indeed resulting from the policies of external migration control between Italy and Libya and especially derives from the networks of informality that these policies are strengthening. In the next section, I will present the case studies of the two centres of al-Nasr in Zawiya and Tarik-al-Sikka in Tripoli as examples of the dynamics just described. I will then conclude the analysis by presenting the final reflections on the sub-question: *How is the system of detention of intercepted migrants in Libyan facilities reliant on informal actors on the ground and how does this affect the migrants?*

Al-Nasr and Tarik-al-Sikka: two examples of the complex detention system in Libya

The cities of Zawiya and Tripoli were already mentioned in the analysis as they are two of the main locations where the Coast Guard operates, especially under the guidance of al-Bija in Zawiya. Both cities host various detention centres that work with close connections between local militias and smugglers and are therefore a perfect example of the vicious circle of

displacement that traps migrants. In this section, I will especially look at the centres of al-Nasr in Zawiya and Tarik-al-Sikka in Tripoli, as they are two of the main facilities where intercepted migrants are brought to[8]. Moreover, they exemplify how current policies for external migration control are boosting, financing and legitimising informal actors that profit from the migration-control machine on the one hand, and from the migrant-smuggling business on the other.

The al-Nasr detention facility in Zawiya was opened in 2015 by the al-Nasr Battalion to allegedly host an increasing number of migrants that were arriving in the city (Malakooti, 2019: 75). It can host about 1800 people but has reached 2400 detainees at peak times (ibid.). The centre is placed very close to the port of Zawiya, where the Coast Guard operates and has been at the centre of the local smuggling business (ibid.). Indeed, the al-Nasr Battalion is led by Mohammed Koshlaf, who has been sanctioned by the UN for human smuggling and trafficking (Malakooti, 2019: 73; UN Security Council, 2017: 133). Since 2017, he has been working together with the smuggler Ahmed al-Dabbashi who has also been sanctioned by the UN for the same reasons and has already been mentioned in the analysis as he works together with the Coast Guard (Malakooti, 2019: 73.; UN Security Council, 2017: 63). It seems that al-Dabbashi buys migrants from the al-Nasr centre to smuggle them again (Malakooti, 2019: 75). The centre was recognised as nominally under the DCIM in 2016, but the al-Nasr Battalion was still the actor responsible for running it (Malakooti, 2019: 75; UN Security Council, 2017: 133). As all the sources agree on, the al-Nasr Battalion supports the Coast Guard Unit in Zawiya and therefore is the primary location where intercepted migrants are brought to after they are disembarked in Zawiya (Amnesty International, 2017: 27; Tinti, 2017 October 5; UN Security Council, 2017: 133). Even if the centre has received visits from the IOM, UNHCR, the European Union and other humanitarian organizations, the conditions inside are terrible (Tinti, 2017 October 5). As the UN Panel of Expert writes, "the Panel collected testimonies of the inhumane detention conditions at al-Nasr, which is not suitably equipped to hold migrants. Women and children live in critical conditions" (UN Security Council, 2017: 133). Guards and personnel at the centre torture migrants to extort ransom, and detainees interviewed by AP News estimate that the militia running the centre receives about $14,000 every day from ransoms (AP News, 2019, December 31). Survivors' testimonies conducted by Amnesty also confirm the same abuses, with people recalling

[8] For a cartographic visualisation of the centres' locations, see "MAP 3" on p. 5.

episodes of beatings, torture for extortion, lack of medical equipment and similar ill-treatment (Amnesty International, 2017). Sometimes, when the centre becomes overcrowded, transfers are arranged through the DCIM (Malakooti, 2019: 77). Migrants are transferred to other detention facilities in the south of Libya, which pay the al-Nasr centre for each migrant they receive (ibid.). This is done because the centres in the south see an opportunity for profit by extortion or by selling migrants to smugglers (ibid.). If migrants manage to pay the ransom in the al-Nasr facility, they are often sold to smugglers in Zawiya that arrange the trips to Europe (AP News, 2019, December 31). Some of them work together with the Coast Guard, as was explained in the previous section of the analysis and can therefore guarantee that the Coast Guard will not intercept the boat (ibid.). Others however, do not have the same collaboration and therefore migrants are intercepted, transferred to al-Nasr and end up trapped in this vicious circle of detention, extortion, smuggling, and interceptions.

Tripoli hosts multiple detention facilities which are nominally under the DCIM but effectively run by local militias (Malakooti, 2019: 87). The Tarik-al-Sikka detention facility is one of them, and it is often used to detain intercepted migrants. Besides these, there are some unofficial detention facilities run by armed groups and militias. Living conditions in the centres in Tripoli are also known to be poor if not appalling (UN Security Council, 2017: 21). The Tarik-al-Sikka facility is managed by the al-Khoja militia led by Mohamed al-Khoja, who has his militia group while he is at the same time working with the DCIM (Malakooti, 2019: 87). The centre hosts intercepted migrants while also working as a base for the militia (ibid.). Reports of torture and abuses inside this centre are numerous and similar to the al-Nasr centre, they range from torture for extortion, appalling living conditions, starvation and similar (ibid.; Tinti, 2017, October 5). Detainees' interviewed by Al Jazeera said that when official visits from international organizations are scheduled, people who have been tortured or injured are hidden at the end of the hall, outside the facility or in the guards' toilets (Al Jazeera, 2018 November 12). Furthermore, detainees interviewed by AP News estimate that the militia earns $17,000 a day in ransoms (AP News, 2019 December 31). Mohamed al-Khoja has also been accused of aid diversion, as he allegedly managed to access a multi-million contract for food catering and migrant aid via a company run by him and afterwards the money went missing (ibid.). Indeed, reports from the detention facilities run by his militia often mention issues of malnourishment, starvation and lack of medical equipment. Claims of aid diversion in Tarik-al-Sikka were also confirmed by a legal analysis carried out by the Italian organization ASGI (ASGI, 2020). Furthermore, similar to the al-Nasr facility,

detainees in Tarik-al-Sikka are also sometimes sold to local smugglers that arrange trips to Europe. For instance, the detainees interviewed by Al Jazeera confirmed the existence of this practice (Al Jazeera, 2018 November 12), which was also confirmed by migrants interviewed by AP News (AP News, 2019 December 31).

The system of detention in Libya: reinforcing local militias, human rights abuses and border-induced displacement

This second section of the analysis has discussed the sub-question: *How is the system of detention of intercepted migrants in Libyan facilities reliant on informal actors on the ground and how does this affect the migrants?* I started by presenting the provisions indicated by the Memorandum of Understanding regarding detention in Libyan facilities. Even if the system of detention existed before 2017, the MoU has contributed to its formalisation as part of the Italian and European strategy for external migration control. This has made funding, support and training available without any conditionality despite the numerous reports of appalling living conditions and human rights abuses going on inside the Libyan detention facilities. I then moved on to look more closely at how the system of detention works on the ground, with strong connections between governmental actors, local militias, and smugglers. As many sources have pointed out, the DCIM has only nominal control over the majority of the facilities on the west coast, which are effectively run by local militias. These militias are gaining legitimacy and power by presenting themselves as the actors responsible for the containment of migrants in Libya. They sometimes receive official recognition by the government, thereby becoming members of the Ministry of Home Affairs or Ministry of Defence. As it was discussed, the reliance on these informal groups for the implementation of policies for external migration control is problematic, as it contributes to the reinforcement of non-state actors who add to Libya's internal fragmentation. The GNA has little control over the detention system in Libya, and one of the strategies it uses to expand control is that of cooperating with local militia groups who run the detention facilities but who maintain autonomy on the ground. This has implications as governance and accountability are dispersed and abuses over migrants lives' prevail. Moreover, many reports show how these militias keep networks to local smugglers who buy migrants from the centres to smuggle them again over the Mediterranean, feeding in a circle of border-induced displacement that externalisation policies foment. In other cases, when the centres by the coast get overcrowded, migrants are sold to other centres in southern Libya which buy them to extort

money or to sell them again to local smugglers, once again creating new forms of displacement. These dynamics were then exemplified by the two case studies of the coastal cities of Zawiya and Tripoli, and their detention centres of al-Nasr and Tarik-al-Sikka. These centres, nominally under the DCIM but effectively run by local militias, are well-connected to the branches of the Coast Guard present in the cities which send the intercepted migrants to them; they are also well-connected to local smuggling networks which cooperate with the centres to smuggle migrants again over the Mediterranean.

Therefore, what this section has shown is that there are evident frictions between policy provisions and their implementation, which result in grave human rights abuses against migrants and border-induced displacement. As it was mentioned before, friction can arise when policies are drafted without a sensitivity for local dynamics and it can influence, question, and ultimately weaken these same policies (Fakhoury, 2019: 10). In this case, it emerges how bilateral policies for external migration control between Italy and Libya were drafted without enough consideration to the local dynamics of informality and fragmentation, and have ended up reinforcing them. As it was mentioned, by 2017 it was already known that the Libyan detention system was functioning through militia groups that were in control of specific cities or regions, and also that this system was perpetrating a business model based on abuses on migrants' lives. Nonetheless, the MoU only mentions the intentions to adapt these centres, send equipment and train personnel by making fundings available without any conditionality (MoU, 2017). Therefore, it seems that Italy and the EU are ready to neglect these abuses, as well as the complex governance dynamics that externalisation policies generate on the ground, to fulfil the goal of containing migrants in Libya. They result in a dispersion of governance locally, as multiple actors engage in the business of migrants' detention and it becomes hard to pinpoint questions of accountability and responsibility for the way detention centres are run and for the abuses that take place inside. As scholars argue, this dispersion of governance and accountability is part of externalisation processes themselves (Moreno-Lax & Lemberg-Pedersen, 2019; Bialasiewicz, 2012: 855). Moreover, governance dispersion and local informality influence the outcome of policy implementation. As it was shown, the system of detention is largely in the hands of local militias who can decide whether or not they want to align themselves with the government. In case they do, they gain legitimacy and power by being entitled to receive the state's salary and by ultimately being the actors on which Italy and the EU have to rely on for implementing their policy for external migration management. However, the external policy interests and the

militias' local interests do not always align. As it was discussed, in many cases, militias running detention centres have contacts with local smugglers who arrange the crossing of the Mediterranean. Therefore, militias can both play the role of the actors implementing the policies of containing migrants in Libya, but also be the ones that sell migrants on to smugglers who will place them on boats crossing the Mediterranean. Considering the wide array of sources pointing to this collusion between informal networks in Libya, the LYCGs and the government, it is highly unlikely that Italy and the EU are unaware of these dynamics. Nonetheless, the policy agreement has been renewed without amendments nor any sort of conditionality in February 2020, pointing to how local dynamics in Libya managed to weaken and influence the policy agreements.

Furthermore, this section has shown that in this climate of blurred accountability and impunity human rights abuses dominate. These abuses are often forms of profit-making for the militias running the centres which earn money by torturing migrants for ransoms or selling them on to smugglers or other centres. Importantly, when looking at the consequences this system has on migrants it is especially worrying how the only way out seems to be to try and cross the Mediterranean. In many cases, this entails entering a vicious circle of border-induced displacement which is difficult to exit. As it was shown in the previous sections, being able to cross the Mediterranean is partly dependent on being smuggled by the right person – meaning the smuggler who pays the LYCGs not to intercept the boat. If this is not the case, the boat will most likely be intercepted and brought back to Libya. In some cases, like in Zawiya, the Coast Guard will send the intercepted migrants to the detention centre run by the militias that support them. In the detention centre, migrants are asked to pay a ransom to be freed. When they manage to pay the ransom, they are sold to smugglers who arrange the crossing of the Mediterranean. And the circle begins again. Therefore, what this section has ultimately argued is that current policies of external migration control between Italy and Libya, represented by the MoU signed in 2017 and renewed in 2020, have formalised the system of detention in Libya which is reliant on local militias. By doing so, they are reinforcing and legitimising non-state actors who are both acting as implementers of migration containment policies and pursuing personal interests on the ground. This has implications in terms of reinforcing networks of informality that contribute to the country's internal fragmentation, while also dispersing governance over the detention system and accountability for everything that takes place within it. In the next concluding chapter, I will bring together the main points discussed in each section of the analysis to answer the overall

research question: *How has the implementation of current policy provisions and practices for external migration control between Italy and Libya reinforced informal actors on the ground, and what are the consequences on migrants' lives?*

Conclusion

I started this research by asking the question *How has the implementation of current policy provisions and practices for external migration control between Italy and Libya reinforced informal actors on the ground, and what are the consequences on migrants' lives?* To answer this question I looked at the main policy provisions established since 2017 with the signature of the Memorandum of Understanding between Italy and Libya, an agreement that escalated the bilateral cooperation between the two countries on external migration control. The goal of the MoU was to reconstruct the Libyan institutions and infrastructures responsible for border and migration management so that the responsibility for containing migrants would be completely outsourced to Libya. The main instruments that the MoU set in motion were the reconstruction of the Lybian Coast Guards and border agencies, and the formalisation of the system of migrants' detention in Libyan facilities. Therefore, in my analysis, I looked at these policy instruments and at the practices they set in place to critically understand how the implementation of the bilateral policies of externalisation are influencing the local context in Libya and the conditions of migrants in the country. To do so, I conducted a policy analysis of the MoU and presented data on how pull-back operations and detention in Libya should work according to the policy paper. I then complemented this data with a critical analysis of how both the LYCGs and the detention facilities are working through complex assemblages of local informal networks which result in severe abuses against migrants. These dynamics were exemplified by various cases of pull-back operations in the Central Mediterranean and two detention facilities in Libya.

The main findings resulting from my analysis are the following. To begin with, when looking at the implementation of the bilateral policies for external migration control, mainly represented by the MoU, the analysis showed the existence of discrepancies and frictions between the policies and the practices taking place on the ground. Contrary to the narration of a successful bilateral cooperation on external migration control, the analysis has shown how this cooperation has led to the reinforcement of networks of informality in Libya which contribute to the country's fragmentation as well as exacerbate abuses against migrants. As it was discussed, when looking at the policy goals of rebuilding, financing and improving Libyan institutions and infrastructures responsible for migration control, the numbers of sea interceptions carried out by the LYCGs and of detention centres under the DCIM may suggest that these policies have been effective. Nonetheless, when examining more closely

the local context which they influence and are influenced by, it was shown how these policies are rather contributing to the country's fragmentation and to perpetrating systematic abuses from which migrants are trying to escape. In particular, the analysis has argued that the bilateral policies for external migration control have been drafted with a disregard for the implication they may cause locally, and have indeed resulted in buttressing local informal networks and internal fragmentation. At the same time however, Libya's internal fragmentation and informality have also been impacting the outcome of policies for external migration control. Indeed, the actors responsible for implementing such policies have adapted their role to local dynamics, as was shown by the collaboration the LYCGs and the detention facilities have with local networks of smugglers. Frictions and discrepancies therefore arise both in terms of the controversial outcomes of policies of externalisation (namely the reinforcement of Libya's non-state actors) but also in terms of the way these actors contest and adapt the implementation of such policies.

Furthermore, the analysis has argued that the outcomes of this bilateral cooperation on migrants' lives are severe. First of all, following the literature on border externalisation, I have argued that the current policies between Italy and Libya are contributing to the dispersion of governance and accountability over migrants' lives both in the Mediterranean and in Libyan detention facilities. Indeed, as regards sea interceptions, it was shown how these policies have supported the formation of an area in the southern Mediterranean where lack of accountability, disrespect of international obligations and a certain degree of arbitrariness lead to episodes of violence against migrants, non-assistance to distress cases, and border deaths. Similarly, in the case of Libyan detention facilities, the bilateral cooperation between Italy and Libya has buttressed complex relations on the ground between the Libyan government and informal actors that run the detention facilities which result in a climate of blurred accountability for the way detention centres are run and lack of responsibility for migrants' lives. The dispersion of governance and accountability is a result of externalisation policies themselves, which blur questions of responsibility by engaging multiple actors in complex types of relations. The consequences of the bilateral policies of externalisation on migrants' lives are harsh, and range from degrading living conditions, malnourishment, torture, extortion, sexual and physical violence, forced labour, enforced disappearance, and ultimately death. Another effect of these policies is that of fomenting instances of border-induced displacement, as migrants often end up being trapped in circles of detention, smuggling, interceptions and pull-backs that are hard to exit.

Moreover, knowledge about the abuses taking place in Libyan detention facilities and about the collusion between the LYCGs, the actors running the detention centres, local militias and smugglers was already widespread in 2017. After that, in the past three years, evidence has kept adding. Nonetheless, the MoU signed in 2017 and renewed in 2020 did not entail any sort of conditionality nor amendments. This is indicative of at least two aspects. Firstly, the bilateral cooperation between Italy and Libya appears to largely prioritise the goal of turning Libya into a country of containment to that of reaching the country's stabilisation. Secondly, the policies of externalisation that this cooperation put in place are completely neglecting the way they negatively impact migrants' lives. In this sense, policies of externalisation are actively contributing to violence and deaths at the border, and to new forms of forced displacement that result from the externalised border regime itself.

Ultimately, the research has followed the invitation to ground the study of border externalisation in the local contexts in which it takes place. Externalisation is a complex process that evolves over multiple dimensions and involves multiple actors in a variety of relations. In this research, I have tried to ground such complexity in the case of the Italian-Libyan cooperation to look at how the implementation of externalised policies and their outcomes are both shaping and are shaped by the local dynamics and practices. Indeed, by studying the way policy implementation is influenced by multiple actors, by taking a critical look at the instruments that externalisation policies set in motion, and by focusing on the frictions between policies and local realities, the research has contributed to gain a deeper understanding of externalisation processes in the Italian-Libyan borderspace. However, this invitation can be extended to other empirical cases and borderspaces. The externalisation of migration control is indeed increasingly spreading not just in Europe, but globally. Some of the examples of externalised practices for border and migration control can be found between the EU and Turkey, Spain and Morocco, the US, Mexico and other Central and Latin American countries, as well as between Australia, Papua New Guinea and Nauru. Therefore, in all these contexts as well as at a general level, it is necessary to continue and deepen the study of how externalisation constantly evolves, how it impacts local dynamics, what its long-term effects are and above all, how it affects migrants' lives.

Bibliography

Akkerman, M. (2018). *Expanding the Fortress: the policies, the profiteers and the people shaped by EU's border externalisation programme*, Transnational Institute, Amsterdam https://www.tni.org/files/publication-downloads/expanding_the_fortress_-_1.6_may_11.pdf

Al Jazeera (2018, November 12). Inside Libyan detention 'hell' where refugee burned himself alive. *Al Jazeera*. [Accessed 02/05/2021] https://www.aljazeera.com/news/2018/11/12/inside-libyan-detention-hell-where-refugee-burned-himself-alive

Al Jazeera (2021, March 16). Libya's interim government takes power after handover in Tripoli. *Middle East News | Al Jazeera*. [Accessed 02/05/2021] https://www.aljazeera.com/news/2021/3/16/libyas-interim-government-takes-power-after-handover-in-tripoli

Alarm Phone (2020a, February 19). *An Invisible Shipwreck?* AlarmPhone. [Accessed 29/04/2021] https://alarmphone.org/en/2020/02/19/an-invisible-shipwreck/?post_type_release_type=post

Alarm Phone (2020b, March 15). *Returned to War and Torture: Malta and Frontex coordinate push-back to Libya*. AlarmPhone. [Accessed 29/04/2021] https://alarmphone.org/en/2020/03/15/returned-to-war-and-torture/?post_type_release_type=post

Alarm Phone, Borderline Europe, Mediterranea - Saving Humans, Sea-Watch (2020c, July 17). *Remote Control: the EU-Libya collaboration in mass interceptions of migrants in the Central Mediterranean*. Jelka (Jelkajelka.Com). [Accessed 29/04/2021] https://eu-libya.info/

Alarm Phone (2020d, August 23). *Four shipwrecks in one week off Libya*. AlarmPhone. [Accessed 29/04/2021] https://alarmphone.org/en/2020/08/23/four-shipwrecks-in-one-week-off-libya/

Alarm Phone (2020e, September 28). *Stop the mass dying at sea!* AlarmPhone. [Accessed 29/04/2021] https://alarmphone.org/en/2020/09/27/stop-the-mass-dying-at-sea/

Alarm Phone (2021a, January 28). *A Struggle for Every Single Boat*. AlarmPhone. [Accessed 29/04/2021] https://alarmphone.org/en/2021/01/14/a-struggle-for-every-single-boat/

Alarm Phone (2021b, February 9). *CommemorAction: Solidarity with the families of the 91 people who disappeared at sea!* Alarm Phone. [Accessed 29/04/2021] https://alarmphone.org/en/2021/02/09/commemoraction-91-people/?fbclid=IwAR0FEEBuRdAla_O9NDiTOVp1tLUsqU707dwmXvsyXAbuZ7UP26vo5UarPIw

Amnesty International (2017, December 11). *LIBYA'S DARK WEB OF COLLUSION: ABUSES AGAINST EUROPE-BOUND REFUGEES AND MIGRANTS*. Amnesty International. [Accessed 30/04/2021]
https://www.amnesty.org/en/documents/mde19/7561/2017/en/

Amnesty International (2020, September). *'BETWEEN LIFE AND DEATH': Refugees and migrants trapped in Libya's cycle of abuse*. Amnesty International. [Accessed 30/04/2021]
https://www.amnesty.org/download/Documents/MDE1930842020ENGLISH.pdf

Andersson, R. (2018). *Profits and Predation in the Human Bioeconomy*. Public culture 30.3: 413–439. Web.

AP News (2019, December 31). Making misery pay: Libya militias take EU funds for migrants. *AP NEWS*. [Accessed 19/04/2021]
https://apnews.com/article/9d9e8d668ae4b73a336a636a86bdf27f

ASGI (2020, July). *A Critical Analysis of Government-funded Projects by Italian NGOs in Libyan Detention Centres*. Associazione per gli Studi Giuridici sulll'Immigrazione | Progetto Sciabaca & Oruka. [Accessed 22/04/2021]
https://sciabacaoruka.asgi.it/wp-content/uploads/2020/10/ENG-Legal-analysis-of-Italian-NGO-projects-in-Libyan-detention-centers.pdf

Avvenire (2020, February 3). Migranti. Prorogato il controverso memorandum Italia-Libia, le associazioni protestano | *Avvenire*. [Accessed 29/04/2021]
https://www.avvenire.it/attualita/pagine/rinnovato-memorandum-italia-libia

Badi, E. (2020, November 10). *Libyan Arab Armed Forces (Libya) – Guns and governance: How Europe should talk with non-state armed groups in the Middle East*. European Council on Foreign Relations. [Accessed 22/04/2021]
https://ecfr.eu/special/mena-armed-groups/libyan-arab-armed-forces-libya/

Bialasiewicz, L. (2012). *Off-shoring and out-sourcing the borders of Europe: Libya and EU border work in the Mediterranean*. Geopolitics, 17(4), 843–866.
https://doi.org/10.1080/14650045.2012.660579

Cammilli, A. & Paynter, E. (2021, January 12). Death on the Central Mediterranean: 2013–2020. *The New Humanitarian.* [Accessed 15/04/2021]
https://www.thenewhumanitarian.org/news-feature/2021/01/12/migration-central-mediterranean-timeline-rescue

Cassarino, J. P. (2018). *Beyond the criminalisation of migration: a non-western perspective*. International Journal of Migration and Border Studies, 4(4), 397.
https://doi.org/10.1504/ijmbs.2018.10018024

Ciliberto, G. (2018). *Libya's pull-backs of boat migrants: Can Italy be held accountable for violations of international law?*. Italian Law Journal. 4. 489-530.

Cusumano, E. & Villa, M. (2020). *Over troubled waters: maritime rescue operations in the Central Mediterranean Route*, in Migration in West and North Africa and Across the Mediterranean. pp. 202-214. IOM Online Bookstore. https://publications.iom.int/books/migration-west-and-north-africa-and-across-mediterranean-chapter-16

Cuttitta, P. (2012). *Lo Spettacolo del Confine: Lampedusa tra Produzione e Messa in Scena della Frontiera*, Mimesis Edizioni, Milano.

Cuttitta, P. (2018a). *Repoliticization Through Search and Rescue? Humanitarian NGOs and Migration Management in the Central Mediterranean*. Geopolitics 23.3 (2018): 632–660. Web.

Cuttitta, P. (2018b). *Pushing Migrants Back to Libya, Persecuting Rescue NGOs: The End of the Humanitarian Turn* (Part I). [Accessed 29/04/2021] Available at: https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/04/pushing-migrants

Cuttitta, P., & Last, T. (Eds.) (2020). *Border Deaths: Causes, Dynamics and Consequences of Migration-related Mortality*. Amsterdam: Amsterdam University Press. doi:10.2307/j.ctvt1sgz6

European Council (2017, February 3). *Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route*. European Council. [Accessed 17/05/2021] https://www.consilium.europa.eu/en/press/press-releases/2017/02/03/malta-declaration/

Fakhoury, T. (2019). *Working Paper Series The European Union and Arab Refugee Hosting States: Frictional Encounters*. 1–24.

Farge, E. (2020, December 18). "Invisible shipwrecks" belie falling migrant deaths: U.N. *Reuters*. [Accessed 15/05/2021] https://www.reuters.com/article/us-europe-migrants-libya-idUSKBN28S1VF

Ferrer-Gallardo, X., & van Houtum, H. (2014). *The not so collateral damage politics of deadly EU border control*. Acme, 13(2), 295–304.

Forensic Architecture (2018, May 4). *Sea Watch VS. The Libyan Coast Guard*. Forensic Architecture. [Accessed 22/04/2021] https://forensic-architecture.org/investigation/seawatch-vs-the-libyan-coastguard

GACS (2020, August 16). *Facebook - General Administration for Coastal Security* [Facebook Post]. Facebook. General Administration for Coastal Security. [Accessed 22/04/2021] https://www.facebook.com/GACS.LIBYA

Gammeltoft-Hansen, T. (2011) *Access to Asylum*. Cambridge: Cambridge University Press.

HRW (2020, October 28). *EU/Italy/Libya: Disputes Over Rescues Put Lives at Risk*. Human Rights Watch. [Accessed 29/04/2021]
https://www.hrw.org/news/2018/07/25/eu/italy/libya-disputes-over-rescues-put-lives-risk

ICC (2020, November 30). *Fleshing Out the Libya Ceasefire Agreement*. Crisis Group Middle East and North Africa. International Crisis Group. [Accessed 01/05/2021]
https://www.crisisgroup.org/middle-east-north-africa/north-africa/libya/b80-fleshing-out-libya-ceasefire-agreement

Il Manifesto (2021, February 2). Accordo Italia-Libia: 4 anni di fallimenti, abusi e torture nel segno del cinismo della politica. *Il Manifesto*. [Accessed 20/05/2021]
https://ilmanifesto.it/accordo-italia-libia-4-anni-di-fallimenti-abusi-e-torture-nel-segno-del-cinismo-della-politica/

IMO, UNHCR & ICS (2015, January). *RESCUE AT SEA: A GUIDE TO PRINCIPLES AND PRACTICE AS APPLIED TO REFUGEES AND MIGRANTS*. [Accessed 28/04/2021]
https://cms.emergency.unhcr.org/documents/11982/44933/SAR+leaflet+-+-+UNHCR%2C+IMO%2C+ICS%2C+Rescue+at+sea+-+A+guide+to+principles+and+practice+as+applied+to+refugees+and+migrants%2C+January+2015/9e88252e-0186-461e-a1d3-427958ad5eaa

IOM (2020, April 17). *Migrants Missing in Libya a Matter of Gravest Concern*. International Organization for Migration. [Accessed 29/04/2021]
https://www.iom.int/news/migrants-missing-libya-matter-gravest-concern

IOM (2020, May 12). *COVID-19 Control Measures, Gap in SaR Capacity Increases Concern*. International Organization for Migration. [Accessed 15/05/2021]
https://www.iom.int/news/covid-19-control-measures-gap-sar-capacity-increases-concern-about-invisible-shipwrecks

ISPI (2021a). *Libya 10 Years After the 2011 Revolution: A Democratic Transition Unfulfilled*. Italian Institute for International Political Studies. [Accessed 22/04/2021]
https://www.ispionline.it/it/print/pubblicazione/libya-10-years-after-2011-revolution-democratic-transition-unfulfilled-29252

ISPI (2021b). *Libya: Ten Years of Compounding Security Sector Hybridity*. Italian Institute for International Political Studies. [Accessed 22/04/2021]
https://www.ispionline.it/it/print/pubblicazione/libya-ten-years-compounding-security-sector-hybridity-29251

Krüger, J. (2017, November 8). *Clarification on the incident of November 6th*. Sea-Watch e.V. [Accessed 29/04/2021]
https://sea-watch.org/en/clarification-on-the-incident-of-november-6th/

Kuschminder, K. (2020, August 27). *Once a Destination for Migrants, Post-Gaddafi Libya Has Gone from Transit Route to Containment*. Migrationpolicy.Org. [Accessed 24/04/2021] https://www.migrationpolicy.org/article/once-destination-migrants-post-gaddafi-libya-has-gone-transit-route-containment

Lacher, W. (2020). *Libya's Fragmentation: Structure and Process in Violent Conflict*. Bloomsbury Publishing. London: I.B. Tauris.

Lavenex, S. & Wagner, W. (2007). *Which European Public Order? Sources of Imbalance in the European Area of Freedom, Security and Justice*, European Security, 16(3–4): 225–243

Lemberg-Pedersen, M. (2012). *Forcing Flows of Migrants: European Externalization and Border-induced Displacement*. 35-53. 10.4324/9781315614083-9. https://www.researchgate.net/publication/290580902_Forcing_Flows_of_Migrants_European_Externalization_and_Border-induced_Displacement

Lemberg-Pedersen, M. (2013). *Private security companies and the european borderscapes*. 152-172. 10.4324/9780203082737. https://www.researchgate.net/publication/283611352_Private_security_companies_and_the_european_borderscapes

Lemberg-Pedersen, M. (2017). *'Effective Protection or Effective Combat? EU Border Control and North Africa'*, in EurAfrican Borders and Migration Management. [Online]. New York: Palgrave Macmillan US. pp. 29–60. https://www.researchgate.net/publication/310466585_Effective_Protection_or_Effective_Combat_EU_Border_Control_and_North_Africa

Malakooti, A. (2019, April). *The Political Economy of Migrant Detention in Libya: Understanding the players and the business models*. Global Initiative Against Transnational Organized Crime. [Accessed 18/04/2021] https://globalinitiative.net/wp-content/uploads/2019/11/Final-Report-Detention-Libya.pdf

Megerisi, T. (2018, July 19). *Order from chaos: Stabilising Libya the local way*. European Council on Foreign Relations. [Accessed 22/04/2021] https://ecfr.eu/publication/order_from_chaos_stabilising_libya_the_local_way/

Missing Migrants Project. (n.d.). *Missing Migrants Project*. Missing Migrants Project | IOM. Retrieved April 28, 2021, from https://missingmigrants.iom.int/

Moreno-Lax, V. & Lemberg-Pedersen, M. (2019). *Border-induced displacement: The ethical and legal implications of distance-creation through externalization*. 5-33. https://www.researchgate.net/publication/335062852_Border-induced_displacement_The_ethical_and_legal_implications_of_distance-creation_through_externalization

MoU - Memorandum of understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic (2017). http://eumigrationlawblog.eu/wp-content/uploads/2017/10/MEMORANDUM_translation_finalversion.doc.pdf

Pallister-Wilkins, P. (2017). *Humanitarian Rescue/Sovereign Capture and the Policing of Possible Responses to Violent Borders*. Global policy. [Online] 8 (S1), 19–24

Propaganda Live. (2019, October 30). *Propaganda live - Francesca Mannocchi intervista Al Bija - Nello Scavo* [Video]. YouTube. [Accessed 29/04/2021] https://www.youtube.com/watch?v=aWOkLaS7zwQ

Scavo, N. (2019, October 4). La trattativa nascosta. Dalla Libia a Mineo, il negoziato tra l'Italia e il boss. | *Avvenire* [Accessed 29/04/2021] https://www.avvenire.it/attualita/pagine/dalla-libia-al-mineo-negoziato-boss-libico

Scavo, N. (2021, April 13). La Libia rimette in libertà Bija, poliziotto-trafficante di uomini. *Avvenire*. [Accessed 15/05/2021] https://www.avvenire.it/attualita/pagine/bija-torna-libero-e-promosso

Sea Watch (2020c, September). *Airborne Monthly Factsheet September 2020*. Sea Watch.org. [Accessed 29/04/2021] https://sea-watch.org/wp-content/uploads/2020/10/Airborne_Monthly_Factsheet_September-2020.pdf

Spijkerboer, T. (2007). *The Human Costs of Border Control*. 9(August 2006), 127–139. https://doi.org/10.1163/138836407X179337

The Times (2018, June 29). Libya takes charge of refugee rescues in the Med. *World | The Times*. [Accessed 21/04/2021] https://www.thetimes.co.uk/article/libya-takes-charge-of-refugee-rescues-in-the-med-zgrjl9dsd

Tinti, P. (2017, October 5). Nearly There, But Never Further Away. *Foreign Policy - Europe Slams Its Gates: Imperiling Africa — And Its Own Soul*. [Accessed 29/04/2021] http://europeslamsitsgates.foreignpolicy.com/part-3-nearly-there-but-never-further-away-libya-africa-europe-EU-militias-migration

Tizian, G. (2021, April 7). I migranti riportati in Libia non sono stati salvati ma condannati alle torture. *Domani*. [Accessed 03/05/2021] https://www.editorialedomani.it/fatti/migranti-libia-condannati-torture-non-salvati-draghi-tripoli-nuovi-documenti-abusi-d7iog5pj

UNHCR (2019, January 3). *UNHCR Update Libya (January - December 2018) [EN/AR] - Libya*. ReliefWeb. [Accessed 28/04/2021] https://reliefweb.int/report/libya/unhcr-update-libya-january-december-2018-enar

UNHCR (2020a, January 3). *UNHCR Libya Activities in 2019*. UNHCR Operational Data Portal (ODP). [Accessed 28/04/2021] https://data2.unhcr.org/en/documents/details/73290

UNHCR (2020b, August 19). *IOM, UNHCR call for urgent action after 45 die in largest recorded shipwreck off Libya coast in 2020*. UNHCR. [Accessed 28/04/2021] https://www.unhcr.org/news/press/2020/8/5f3d3f2a4/iom-unhcr-call-urgent-action-45-die-largest-recorded-shipwreck-libya-coast.html

UNHCR (2020c, September). *UNHCR Position on the Designations of Libya as a Safe Third Country and as a Place of Safety for the Purpose of Disembarkation Following Rescue at Sea* [Accessed 29/04/2021] https://www.refworld.org/docid/5f1edee24.html

UNHCR (2020d, December 31). *UNHCR Libya Recap 2020*. UNHCR Operational Data Portal (ODP). [Accessed 29/04/2021] https://data2.unhcr.org/en/documents/details/84024

UN Security Council (2017, June 1). *Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011) (S/2017/466) [EN/AR] - Libya*. ReliefWeb. [Accessed 09/05/2021] https://reliefweb.int/report/libya/final-report-panel-experts-libya-established-pursuant-resolution-1973-2011-s2017466

Wehrey, F. (2020, September 14). *"This War is Out of Our Hands"*. New America. [Accessed 20/04/2021] https://www.newamerica.org/international-security/reports/this-war-is-out-of-our-hands/

Wimmer, A. & Glick Schiller, N. (2002). *Methodological Nationalism and Beyond: Nation–state Building, Migration and the Social Sciences*. Global networks (Oxford) 2.4: 301–334. Web.

Wunderlich, D. (2012). *The limits of external governance: implementing EU external migration policy,* Journal of European Public Policy, 19:9, 1414-1433, DOI: 10.1080/13501763.2012.672106

Zardo, F. (2020). *The EU Trust Fund for Africa: Geopolitical Space Making through Migration Policy Instruments*, Geopolitics, DOI: 10.1080/14650045.2020.1815712