

2014



**STRATEGIC PROGRAMME DOCUMENT**  
**- DRC/DDG in Libya and Tunisia**

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## 1.0 Summary

At the end of 2010 a Tunisian street vendor, Mohamed Bouazizi, immolated himself in protest over his harassment by local officials. He died in January 2011 and his sacrifice became a catalyst for the Tunisian Revolution and a series of uprising and protests throughout North Africa and the Middle East which became known as the 'Arab Spring'. At its roots were decades of dissatisfaction with autocratic government, corruption, wealth disparities and human rights abuses. Rising levels of education and widespread access to information technology helped protesters to organise and communicate with each other and the media, internally and across national divides.

In Tunisia civil protest promptly led to the ousting of President Ben Ali, the repressive leader who had been in power for 23 years. The Libyan Revolution quickly followed that of Tunisia and the ensuing humanitarian crises in each country were inextricably linked. There was little violence in Tunisia as the Army sided with the people early on. In Libya the revolution was much bloodier. Conflict broke out in February 2011 and lasted until October 2011 when Col. Gaddafi, a dictator who had been in power for 42 years, was killed. The fighting was bitter in many towns where revolutionaries fought Gaddafi loyalists over the course of weeks. Some 5,000 revolutionaries alone are thought to have died and several urban centres were left in ruins. One consequence of the chaos associated with the civil war was a mass exodus of third-country nationals fleeing the conflict and xenophobic harassment by elements of Libyan society. At least 800,000 left with tens of thousands of them crossing into Tunisia. These were mainly economic migrants who had played a fundamental role in the Libyan economy but among them, in mixed migration flows, were around 4,000 asylum seekers from the Horn of Africa, the Middle East and elsewhere who had already been seeking refuge in Libya when the Revolution began.

Thousands of economic migrants were assisted to return to their home countries by their governments or by IOM. The asylum seekers in Tunisia who could not return home were registered by UNHCR and provided with services by DRC and other agencies in Shousha Transit Camp near the Libya border. Most were subsequently offered resettlement and the camp officially closed in the middle of 2013. The economic and political problems which gave rise to the Tunisian Revolution have not disappeared: unemployment remains high and its political structures are still in transition. Since elections in October 2011 Tunisia has had a Constituent Assembly led by the moderate Islamist Ennahda party, but there have been delays in drafting a constitution and widespread dissatisfaction with lack of progress on the economy. The assassination of a left-leaning opposition politician in February 2013 heightened tensions between the secular and Islamic strands of Tunisian society.

The suffering of Libyans embroiled in the civil war was to some extent mollified by the country's comparative wealth as a major oil producer. Major infrastructure survived relatively intact and oil production recovered quickly once the fighting ended. Nonetheless the tribal nature of Libyan society, the bitterness and distrust unleashed by the conflict, and the release of massive stockpiles of weapons into the hands of militia and individuals has profoundly undermined the return of stability. Successive transitional governments have struggled to exert control over national security and there remains a confusing array of armed local militia, committees and councils who are the de facto security providers in most towns and suburbs. Spurred on by public sentiment which is tired of the myriad irregular forces, attempts are being made to co-opt these revolutionaries into the reorganized national army and police. But these forces were seen as pro-Gaddafi institutions before and during the Revolution and remain relatively weak. Sporadic conflict erupts from time to time between rival communities, militia or criminal gangs, and the East is the subject of a low-intensity insurgency by Islamist groups, one of which attacked the American Consulate in Benghazi in September 2012 killing four people including the US Ambassador. Gaddafi's huge arsenals of weapons and ammunition are now in the hands of disparate groups and individuals ranging from quasi-official 'katibas' ('brigades') to criminals and militant Jihadists. The outskirts of many towns are still littered

with UXOs; there are dangerous ammunition bunkers throughout the country; and large mine fields remain from the Second World War and the Gaddafi-era war with Chad. The conflict produced winners and losers. Losers include Gaddafi's own tribe and other ethnic groups and towns which had been favoured by him. The populations of Sirte and Beni Walid for instance now feel corralled by a ring of hatred and the inhabitants of Tawergha were ethnically cleansed for their perceived role in the conflict. Black African migrants and members of non-Arab minorities in Libya feel threatened. Thousands of people, including migrants and some asylum-seekers, are thought to be held in detention in squalid conditions and without recourse to the law.

Libya was very isolated during the Gaddafi era. Its legislation, judiciary, governmental apparatus and education system are not fit to meet its current challenges. Key international conventions underpinning DRC and DDG's work, such as the UN Convention on Refugees and the Anti-personnel Mine Ban Convention have never been signed. Paralysis in government means the country's considerable wealth is not being spent efficiently or equitably and resentment at the perceived political and economic dominance of the Tripoli conurbation has led to persistent calls for Federalism and to key oil and gas installations being blockaded. Fuel shortages, in a country which is Africa's 4th largest oil producer, only serve to heighten the Libyan people's sense of frustration.

DRC started humanitarian operations in southern Tunisia in April 2011 in response to the influx of asylum seekers (third-country nationals) fleeing the conflict in Libya. It began protection and community services in Shousha for around 4,000 refugees. By the summer of 2011 an office had been established in Tripoli, Libya, which became the headquarters of the two-country programme under DDG's management lead. Protection work was conducted with IDPs in the Nafusa Mountains of Libya with funding from OFDA and a mine action team started explosive ordnance disposal activities in Sirte in September 2011 under an ECHO contract. By mid-2012 there was a UNHCR-funded projection project for asylum seekers in Tripoli and in August DRC opened an office in Sabha, southern Libya, for protection and mine action, using 'own funds', but anticipating the negotiation of two EC contracts which were signed at the end of that year. In September 2012 the programme became part of the Middle East and North Africa division of the International Department of DRC and in November 2013 an Armed Violence Reduction project was started in Sabha, following a scoping exercise done a year previously.

As the population of asylum seekers in Tunisia dwindled, DRC lost its only source of funding (UNHCR) for protection work in early 2013. This was a blow, as maintaining an integrated two-country presence allows for key linkages and economies of scale to be developed including cross-country analysis and programming on common issues (e.g. migration and border management), the mixing and sharing of experienced Arabic-speaking staff and the use of Tunisia as a relatively safe and convenient support base (e.g. for collecting Libya visas and as a 'bolt hole' if security becomes untenable in Libya. At the time of writing (late 2013/early 2014) DRC is doing new assessments of opportunities to work in Tunisia and there seems reason to be optimistic that a modest, but useful, presence can be sustained in the sectors of protection and armed violence reduction. The intention, therefore, is still to have an integrated two-country programme which incorporates DRC and DDG activities under a unified management system. As the general economic, political and security outlooks for North Africa are not encouraging - and as the mixed migration phenomenon in the region is also unlikely to scale down any time soon - maintaining a strategic presence and being prepared to address new emergencies will be necessary and valuable for DRC and DDG.

## 2.0. Situational analysis

### 2.1. Root causes of conflict and displacement

Despite the profound risks associated with being smuggled into Libya as an irregular migrant, the country's relative economic strength and robust labour market continue to make it a magnet for economic migrants from the Sahel and West Africa. A person crossing the border from Niger to Libya jumps 122 places in the Human Development Index from bottom (186th) to 64th. No wonder that hundreds of thousands choose to cross the open borders each year. Many of them will not fully understand that they are breaking any law and most will seek only to stay for a season or a few years to earn some money and invest it in their lives back home. A much smaller number of asylum seekers, thousands rather than tens of thousands, make the same type of clandestine journey each year from countries in the Horn Of Africa, mainly Somalia and Eritrea whence they flee conflict or oppression. They, by contrast, will almost certainly have their sights on Europe, knowing that Lampedusa and Malta are just a few hours' boat ride from north-west Libya. However they may also know that Libya can be a place to recoup their financial resources en route and – by design or accident – may end up staying many months in transit in Libya. An even larger caseload of asylum seekers from the Middle East is now present in the country. In the last 2-3 years Syrians have added vastly to the numbers of Iraqis and Palestinians. There are known to be 15,000 Syrians registered as asylum seekers by UNHCR, but there could easily be three times that number. Middle Eastern asylum seekers are usually able to enter the country at official border crossings, even if they are not being granted official refugee status. As fellow Arabs they also tend to integrate more easily into Libyan society. However the increasingly factionalised nature of the Syrian crisis has led to some asylum seekers being ostracised and generally they are not welcomed as much as before. That may be one reason why Syrians started to cross the Mediterranean to Europe from Libya in 2013.

It is sometimes said that the Libyan Revolution is not over. During 2013 the broad coalition of official and quasi-official security providers which had ensured a degree of stability since Gaddafi's death continued to unravel. Certain powerful provincial militia, some of which had been given official status as 'Libya Shield Forces', remain wary of the more inclusive and pragmatic politicians in Tripoli and oppose any accommodation with those who once held office under Gaddafi. They see themselves as the true (hardcore) Revolutionaries. On the other hand ordinary people are fed up with de facto local-level control being in the hands of militia of various flavours and who don't come under democratic control. Elements of the powerful Misrata militia who had bases in Tripoli were ousted through popular demonstrations in November 2013. Officially, all militia should disband and join the national army or police by the end of 2013. So there's a growing tension between 'official' and 'unofficial' forces, all of whom see themselves as legitimate however. At the same time there is a growing insurgency based in eastern Libya which is Islamist and broadly anti-western in nature and which targets members of the official security forces which it holds responsible for anti-Islamist crack-downs during the Gaddafi era.

At the end of 2013, in a country awash with weapons, the Libyan government is struggling to contain or demobilise the mosaic of armed groups which emerged from the Revolution or to keep the flourishing criminal sector in check.

### 2.2. Situation of refugees, IDPs and other affected population groups

Refugees and asylum seekers in Libya are part of a mixed migration context that includes up to 1.5 million migrants. Libya's oil-driven economy has long been a magnet for migrants: casual work is plentiful and relatively well paid by African standards. Gaddafi at various times encouraged or discouraged this migration according to the prevailing political and economic dynamics. During his leadership Libya acceded to The United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2004. He also played an integral role in the foundation in 1998 of the

Community of Sahel-Saharan States (CEN-SAD), a regional free trade bloc which promotes the free movement of people, amongst other things. At other times he ordered waves of round-ups and deportations of irregular migrants. This flip-flopping of policy led to a situation in which Libyan government officials and the migrants themselves were often uncertain what the prevailing migration rules were. Irregular migration became the norm for African migrants and the situation became even more chaotic after the Revolution. For xenophobic or racist reasons migration as a phenomenon is often frowned upon by Arab Libyans although most tacitly accept the vital role these workers fulfil in the economy. European governments, Italy in particular, also see Libya as a conduit for illegal migration into Europe although it is only a small percentage of migrants who have Europe as their final target destination. Migrant labourers are mainly male West Africans, although women also come as domestic labourers, hairdressers etc. Most probably have the intention of staying in Libya for a few years and remitting money to their families back home. Some will come and go on a semi-seasonal basis. Migrants from the Horn and West Africa mainly enter Libya by using informal land routes across the desert from southern Egypt, Sudan, Chad, Niger or Algeria. These journeys are fraught with hardship and risk. It involves paying smugglers who may end up cheating their clients, travelling in open vehicles across the desert, being denied food, water and medical care, the risk of being detained and beaten etc. Unknown numbers of people die each year making these perilous journeys.

The number of asylum seekers is much less, but still significant ( 21,968 registered with UNHCR as at November 2013 and 8,499 refugees) and they mainly come from the Horn of Africa and the Middle East. Those from the Horn have fewer linguistic and cultural ties to North Africa and may have designs on reaching Europe in time. They tend to use the same routes and means of travel as economic migrants, but may see Libya as a country of transit rather than a final destination; it is a country close to Europe with relatively open borders where you can find work. Asylum seekers also include significant numbers of women and children including unmarried females and female-headed households. Libya has not signed the 1951 Refugee Convention; however it is a state party to the 1969 Organisation of African Unity Convention on Specific Aspects of Refugee Problems in Africa (which has many of the same provisions and a broader definition of who is a refugee). No domestic refugee law has been enacted however and fact that Libya has no official system for asylum, coupled with the preference of certain refugees to seek asylum in Europe, means the number who register with UNHCR as asylum seekers (an unofficial process) may be far less than the true number and unrepresentative in terms of country of origin. There is a steady flow of mixed migrants trying to reach Malta or the Italian island of Lampedusa by boat from Libya each year [with UNHCR reporting 32,000 arrivals in 2013]. In recent years they have been predominantly Somalis, Ethiopians and Eritreans, but large numbers of Syrians also started using boats in 2013. Significant deaths at sea occur each year, BBC estimates 19,142 people have lost their lives at sea since 1998. There were 695 deaths reported in 2013 and over 500 in 2012. Many boats are stopped in international waters and some occupants have been sent back to Libya. Here they are likely to be detained and some may even have been deported in the past which amounts to refoulement.

Prejudice towards migrants, and especially dark-skinned Africans, is widely documented; see DRC's 2013 report on this issue at <http://drc.dk/news/news/artikel/new-report-on-mixed-migration-in-libya-reveals-serious-protection-gaps/>. Routine abuses and rights violations include name-calling, stone-throwing, arbitrary detention, beatings, being robbed, lack of due legal process, extortion, exploitative labour practices (including refusing payment) and forced eviction from lodgings. During the revolution latent xenophobic tendencies were stirred by reports that Gaddafi was recruiting mercenaries from among migrants and ethnic minorities. Across the country new detention camps for irregular migrants and asylum seekers were built and others were expanded. Thousands of people were forcibly deported. Detention centres are often crowded and insanitary. Some are run by the government's Department for Combating Illegal Migration (DCIM), whereas others are managed by militia. In either case, detainees have little or no recourse to the law and are sometimes even contracted out as informal work gangs – the same irregular

labour status they were detained for in the first place. The Libya government has sought assistance to confront all kinds of smuggling across its huge open borders and the European Union Border Assistance Mission started its assistance programme in 2013.

Two population groups, the Tebou and the Tuareg, have occupied and moved around the Sahel region since long before the current country borders were established. As ethnic groups both have long associations with Libya although individual people who are now resident in Libya may have been born in neighbouring states according to what their families' seasonal or opportunistic movements may have been at the time. The Tebou are also found in Chad and Niger and the large Tuareg group stretch from South-west Libya through Niger, Algeria and Mali. Both peoples have been described as 'stateless' in the sense they have a distinct identity but belong to no one country; but individuals often also lack routine citizenship documents such as national identity cards or passports or other documents such as birth or marriage certificates upon which claims to citizenship could be made. Both groups are marginalised in Libyan society. They live in the climatically harsh southern territories, tend to be poorly educated, have Berber or other languages as their mother tongue, live in poor quality housing, work in the informal – or even illegal – economy and lack political representation. In addition, Gaddafi's use of the Tuareg as paid fighters during the Revolution, and the Tuareg-led rebellion in Mali and its association with Al-Qaida in the Maghreb (AQIM) have recently put the spotlight on the Tuareg as a people, their movements, their access to weapons and their smuggling activities. All in all, both they and the Tebou are populations under pressure.

At the height of the Revolution there were hundreds of thousands of IDPs. They were mainly accommodated with relatives and returned to their home areas as soon as possible. In early 2013 there is a significant residual population of IDPs, numbering possibly in the region of 60-80,000. They are mainly families from tribes or places which, rightly or wrongly, were associated with Gaddafi, and who feared for their lives and did not have the economic means or connections to leave the country. They may also be living with relatives or in scattered groups of families in locations which they consider to be less threatening. A few IDP camps exist which contain several hundred families. The largest and best-known IDP group is that of families from the town of Tawergha (near the northern coastal city of Misrata) who were ethnically cleansed en masse in the aftermath of the intense fighting in the area. Tawergha historically has an ethnically mixed population including many people of West African and sub-Saharan African descent and whose ancestors may have been slaves. During the Revolution Gaddafi's forces based themselves in the town during their assaults on Misrata and recruited some of its men to fight with them. After Misrata was liberated Tawergha was subjected to revenge attacks and the entire town's population (about 40,000 people) became tainted as 'loyalists'. They were forced to flee the town which was then looted and subjected to wanton destruction. Attempts to mediate reconciliation and the return of Tawerghans have so far failed. IDPs may get some assistance with rent, food and NFIs from the government and NGOs, but this tends to be on an ad hoc basis.

Tunisia is undergoing a period of immense political transition, which has also been characterised by migration flows into and out of the country. Efforts to deal with remaining refugee populations following the closure of Shousha camp have resulted in a stalemate with refugees refusing to be locally integrated and demanding resettlement. Similar to Libya there is a gap in the legal and policy framework in relation to migration in the country. These gaps unfortunately sometimes result in the mistreatment of migrants – including everything from discrimination, to the criminalization some migrants face when crossing borders irregularly. It also affects the means in which migrants are treated in detention, where there appears to be no standard practice for receiving migrants.

Mixed migration is a regional issue and as such developments in Tunisia are heavily influenced by the situation in Libya and vice versa. Approaching mixed migration in the context of North Africa necessitates a focus on both Libya and Tunisia when trying to address common border issues and security of migrants and

asylum seekers in both countries. The fragile security situation in Libya is affecting the situation of mixed migration in both countries and DRC's presence in both Libya and Tunisia allows for programmatic responses that can assist vulnerable migrants, refugees and asylum seekers on both sides of the countries' borders. These can include the sharing of best practice, provision of NFIs and other basic assistance, training and awareness raising. DRC's programmes in the mixed migration field are built on research conducted in both Tunisia and Libya looking at trends and protection issues. Through such programmes a baseline can be built up that will allow DRC to monitor community profiles, track mixed migration routes, work to establish baseline data and record figures for mixed migration populations. Such work is being carried out in consultation with the Regional Mixed Migration Secretariat (RMMS).

In terms of explosive remnants of war, weapons proliferation and armed violence, there cannot be a country on Earth that has greater numbers of weapons per person – or that has poorer systems for containing and controlling its weapons stocks than Libya. Indeed, post-Revolution Libya has been described as an open weapons 'supermarket'. Broadly speaking, Libya has three kinds of weapons problem: 1) a UXO problem from the fighting during the Revolution, 2) a historical landmines problem and 3) an arms and ammunition stockpile management problem whereby massive arsenals are not under the effective control of the central government or the official Army or Police. From a public health and national security point of view, the latter problem is certainly the greatest. The lack of security during and after the Revolution persuaded most ordinary civilian families to acquire weapons for their own protection; it also put weapons - sometimes huge arsenals including battle tanks - into the hands of militia and allowed criminal gangs to operate with near impunity. Even two years after the Revolution there is direct evidence of smugglers simply driving up to unguarded weapons storage facilities, breaking the locks and filling up trucks with what they want. Accidents, armed violence between rival groups, and armed criminality give rise to a daily death toll that probably amounts to hundreds of deaths and thousands of injuries each year. The worst of the UXO contamination from the Revolution -i.e. that scattered in densely-populated areas - has largely been dealt with, but there is no effective national capacity for dealing with the residual contamination - or new contamination resulting from fresh clashes. The mines problem is extensive, even though the contamination tends to be in sparsely populated areas. There are still vast minefields dating from WW2 towards the Libya border and more recent ones laid on Gaddafi's orders along the border with Chad and as defensive fields around military positions. Most of these minefields are poorly marked or protected and accidents still occur.

### 2.3. Identification of key duty-bearers

**Government of Libya.** As stated above (2.2) Libya has a confused policy with regard to migrants and asylum seekers. Gaddafi turned the migration 'tap' on and off at will and signed certain international agreements where he thought they might further his geopolitical aims. In his time however there was a dearth of legislation defining the status of refugees and economic migrants and the duties of the Libyan state towards them. This policy void reinforced the irregular nature of migration, allowed a people-smuggling business to flourish and gave licence to unscrupulous government officials, employers and landlords to harass abuse and exploit migrants when it suited them. Latent racist tendencies in Libyan society unleashed by the Revolution resulted in a wave of rights violations. The continuing lack of strong central government, the unpopularity of migration issues in national political discourse and alarmism over national security concerns have all combined to erode the status of migrants even further.

The Constitutional Declaration of the interim National Transitional Council (Aug 2011) guaranteed the right of asylum, but neither the NTC nor its successor, the General National Congress, has yet established any national legislation or administrative structures to deal with refugees and asylum-seekers. A 2013 Refugee Law remains in draft and until such time as this legal framework is finalised and concurrent policies implemented, there is nothing to officially distinguish illegal migrants from asylum seekers and both can

suffer prolonged detention under highly abusive conditions. The Libyan Government and UNHCR do not have a MOU which would give legitimacy to UNHCR, their partners and beneficiaries. State institutions are still in the process of being re-established and tend to operate in a policy vacuum. Key ministries with a stake in migration issues are Foreign Affairs, Interior, Labour and Social Welfare. There are likely to be mounting pressures on the government to clean up the policy environment for migration. Economically, Libya cannot function without migrants in a range of occupations and there will be internal and external pressures to end the 'open borders' situation which encourages smuggling and irregular migration.

**The National interim Government of Tunisia** has declared migration a 'national priority' and committed itself to the development of an asylum law. Given the current political situation within Tunisia, the timeframe for such legal developments is unclear and no adequate national refugee status determination process exists. Meanwhile there is a need for border management with a protection approach, sensitive to the situation of mixed migration in the country. As of November 2013, UNHCR reported there being more than 480 refugees and approximately 195 asylum seekers living in Tunisia – with the majority of this population having been registered by UNHCR at the Shousha camp during 2011 and 2012, while others represent groups rescued in 2013 from boats in the Mediterranean – which last year totalled a number of 7 rescues at sea. The top five countries, from which they originate, are Sudan, Somalia, Eritrea, Iraq and Ethiopia, and they are almost without exception all located in the southern part of the country, residing at Shousha, Medenine, Zarzis and Benguerdane. The Shousha camp itself is closed however there are still a number of people living there with rejected claims, as well as recognized refugees who refused local integration offered to them by UNHCR and the Tunisian government. These groups, who find themselves in both a difficult legal as well as humanitarian situation, pose a challenge in regards to what will eventually happen to the camp area, placed approximately 9 km from the Libyan border.

In 2004, Tunisia reformed its current Migration Law, which is still in effect today, as is also the law concerning foreign nationals in Tunisia, of March 8th, 1968. The reform made to the Migration Law in 2004, which among other issues concerned the smuggling of Migrants (Palermo Protocol), resulted in a toughening of sanctions against any form of contribution whatsoever (organized, unorganized, profit, not-for-profit) in relation to irregular migration of foreign and Tunisian citizens. The former law (1975) and that of 1968 already included a possibility for penalization of irregular migrants. These legislative entities control temporary labour migration, and are therefore also linked to the rights of those concerned within the country. Tunisia has so far been reluctant in signing the Convention on the Protection of all Migrant Workers and Members of their Family, but has through bilateral and international agreements instead sought to address the issue. The following governmental institutions handle outward Migration: Ministry of Foreign Affairs, Ministry of Social Affairs, Solidarity and Tunisians Abroad, Secretary of State for Tunisian Expatriates and the Ministry of Labour. The following governmental institutions handle inward migration: Ministry of Interior, Ministry of Labour, Ministry of Social Affairs, Solidarity and Tunisians Abroad and the Ministry of Women's Affairs.

**UNHCR** operates in Libya with the government's tacit approval but without an overarching operating agreement. As such it can provide limited protection monitoring and direct assistance programmes, with some preliminary refugee status determination taking place informally. It can only provide 'asylum seeker attestation' certificates to certain vulnerable categories and these carry limited weight as protective documents in Libyan society. UNHCR intends to roll out training projects in future for Libyan Authorities and civil society, provides basic assistance to people in migrants holding centres and operated a community development centre through implementing partners to support refugees and asylum seekers living in urban communities. UNHCR also operates in Tunisia, conducting registration and refugee status determination under a cooperation agreement signed in 2011. Without a national Asylum law however its role is constrained and there remains a lack of domestic procedures to assist asylum seekers, refugees and migrants, especially those crossing the border or rescued at sea.

**IOM** supports the government in its endeavours to address migration management challenges and develop related policies, enhancing capacities to address key issues in migration, such as counter trafficking, and assisted voluntary return of mostly sub-Saharan African migrants, who are in irregular circumstances or in detention in the country. IOM works with the authorities and concerned embassies in its Assisted Voluntary Returns (AVR) programming, ensuring safe passage for those who choose to return home with IOM. The portfolio of ongoing IOM activities in Libya has a total budget value of over €21 million. With 11 international and 54 national staff, IOM currently has two offices in Libya in the cities of Tripoli and Benghazi and runs psychosocial centres in Tripoli, Benghazi and Misurata. IOM has established a Migration Coordination Task Force for the Eastern African Migratory Route and North Africa (MTF-NOAH) which is being led by its Regional Office in Cairo. DRC Libya/Tunisia is a member of the MTF-NOAH. IOM also has a specific project empowering governments to address mixed migratory flows and protect migrants transiting to, through and from North Africa that is at a preliminary stage gathering background information. In future there might also be scope through the project to track movements and data. In Tunisia, IOM also carries out its AVR programme and assists with the transportation of refugees selected for resettlement. Currently there are 105 people still awaiting departure, all housed in Medenine.

Mine action has been a contested area of control within the Libya government. A **Libyan Mine Action Centre** was established in 2011 under the Ministry of Defence and its authority is recognised by most international mine action agencies, several of which provide capacity-building support. However, a rival MAC has also existed under the Army Chief of Staff and at the local level various militia and military councils may be the 'gatekeepers' when it comes to negotiating practical mine action activities.

#### 2.4. Activities by and plans of other assistance actors

International protection actors in Libya coordinate activities through the Migrants in Detention Working Group. Meetings are led by UNHCR with DRC running a google group to share information between agencies. The main actors include:

**ICRC** – conduct visits to detention centres (country-wide) in partnership with the Libyan Red Crescent, providing basic assistance including restoration of family links (family tracing/phone calls), NFIs and health/hygiene tools.

**IMC** – medical assistance to migrants in detention and community (Sabha and Tripoli) as well as the establishment of a CDC in Tripoli

**CESVI** – support to asylum seekers in Tripoli area and Eastern Libya with cash assistance for UNHCR registered ASR and refugees, provision of medical assistance to migrants in holding centres in eastern Libya

**Italian Council for Refugees (CIR)** – visits to detention centres in greater Tripoli area and provision of cleaning items and NFIs.

**MSF** – operates a psycho-social clinic in Tripoli and has a program in Sabha

In addition there are a growing number of local NGOs who are involved in humanitarian assistance to migrants and refugees and human rights. DRC has a long-standing partnership with IOCEA and has run joint activities including visits to detention centres and training for DCIM staff. Other LNGOs include the Libyan Red Crescent, Mercy Wings which focuses on victims of trafficking and others.

#### 2.5. Critical conditions for provision of assistance

Humanitarian agencies tend to work in 'empty spaces' in Libya in a number of ways. Libya is a rich country on paper, but funding often does not reach critical areas and – after 42 years of isolation – there is a lot of

paralysis in government and a need for external technical assistance. The initial humanitarian funding has largely dried up, so NGOs must attract themselves to the themes for which there is money, namely human rights, civil society development, security sector reform, governance and rule of law. It follows that there is no tradition of working with or through NGOs in Libya. International NGOs are poorly understood and often viewed with suspicion. In DRC's case it does not help that two of our core areas of interest – mine action and mixed migration - are controversial. Migrants, particularly black migrants, are generally vilified in Libyan society. On the other hand, the weakness of Libyan government also means that there is no heavy-handed oversight; it just means that permissions can take a long time to acquire and that a long-term view is needed for engagement with government on policy and practice. Generally speaking INGOs have not faced too much direct opposition or resistance in Libya, whereas diplomatic missions have been targeted. There are exceptions though and DDG's Sirte office was attacked with small explosive devices 3 times in 2012. In a slowly deteriorating security environment, safety management is important. Maintaining broad acceptance is critical, as is 'hardening' ourselves against the criminal elements as need be.

### 3.0. DRC- DDG's strategic vision and objectives in the area

#### 3.1. Vision and contextual exit criteria

DRC aims to maintain the ability to provide short- and long term humanitarian assistance to those affected by displacement and conflict in Libya and Tunisia, and to become a primary regional and global reference point for information, research and best practices on mixed migration.

**Phase-Out Strategy:** DRC will over the next year - provided that the situation does not change drastically - concurrently evaluate certain components of its operations. DRC has already in 2013 sustainably reoriented the focus of assistance away from provision of relief to supporting longer term protection and safety activities targeting mixed migrants and those affected by conflict. DRC will over the next three years further strengthen migration and safety focused programming based on the prevailing needs of the beneficiaries in Libya and Tunisia with consideration to the broader enabling environment in Libya. As neither Libya nor Tunisia are very stable – and Libya especially so, there is a need to be prepared for new emergencies.

**Program Exit:** The DRC CO in Libya will continue to ensure coordination with the regional office and HQ allowing the CO to sustainably cease its operations in Libya and Tunisia when relevant. Even though funding opportunities are challenging and core focus areas (mine action and mixed migration) are somewhat controversial the needs certainly remain. Nonetheless, based on the how the situation evolves in Libya and Tunisia in 2014 maintaining the CO will be concurrently evaluated based on the needs on the ground, the donor situation, the size of portfolio, the strategic relevance of maintaining a presence in Libya/Northern Africa etc.

#### 3.2. Objectives and target groups

**3-year programme objective:** To improve the lives of those affected by forced migration and conflict in Libya and Tunisia

**3-year capability objective:** All programme operations receive relevant high quality operational support and are compliant with DRC rules and operations

#### **Programme Objectives for 2014:**

- The worst violations suffered by mixed migrants will be addressed by Libyan/Tunisian society

- DRC/DDG will maintain the ability to respond to emergencies in Libya and Tunisia
- To recreate a safe environment where the people of Libya can live without the threat of landmines and unexploded ordnance
- To reduce people's exposure to armed violence

**Capability objectives for 2014:**

- Roll out of Navision 'field' package
- Logistics systems reviewed by regional expert and resulting improvement plan is enacted
- Full national HR systems package is developed and rolled out (as opposed to piecemeal elements)
- Common IT systems and compliance further elaborated and supported
- Safety: MOSS compliance maintained at 95% minimum

In accordance with DRC's Assistance Framework, DRC positions its interventions within the "displacement scenario" that covers protracted displacement situations and lack of durable solutions. This will include maintaining an emergency preparedness capacity in case an intervention would be necessary. The main focus will be to carry on activities to safeguard, restore and develop the self-reliance capacity among displaced people in particular those who suffer from vulnerabilities which affect their capacity to cope with the displacement situation and with the lack of proper durable solutions. Activities focusing on institutional and organizational change in Libya will also be part of the action.

The target population: Mixed migrants, Syrians and the people affected by conflict are the main target groups. Within the overall target population are characterized by one or several of the following vulnerability criteria:

- Single women and single female headed households
- People with serious medical/mental health condition who are not self reliant in Libya
- Unaccompanied and separated children
- Survivors of GBV and trafficking
- Disabled people
- People in detention for immigration purposes

### 3.3. Application of critical operational principles

DRC strives toward guaranteeing **accountability**, which means that DRC is committed under the Humanitarian Accountability Partnership to ensure quality and accountability of in all facets of the humanitarian action. **Monitoring & Evaluation** is of particularly importance to DRC. DRC staff visit the beneficiaries regularly after implementation. Regular focus groups are held to better tune implementation and identify the needs, progress and outcome is monitored against set indicators and reported on. The DRC management team will hold regular weekly SMT meeting, monthly team meetings, in both Tripoli and Sabha, and have quarterly Program Coordination Meetings. Work plans will be carefully developed, which will outline the plans from the beginning of all projects to their conclusion. This will allow for on-going monitoring and will allow for any future changes in expatriate staff. Further, in Sabha and Tripoli, where DRC has local program partners, monitoring of partner progress will be conducted on a weekly basis, with monthly narrative and financial reports provided to DRC. Finally, DRC intends to remain **gender** sensitive in all areas of implementation. The Libyan Revolution has left the country more conservative in respect to women, and women's rights. In Sabha, particularly, the attitude towards women is very conservative. Wherever possible DRC will direct project activities to promote women, women's rights, gender sensitivity and increase access for women to services. The DRC HR policy will always be geared to support qualified women, and provide training where necessary and relevant.

As per the criteria set out above, DRC acknowledges the specific vulnerabilities of migrants, refugees and asylum-seekers due to their gender that may include, in the case of women, sexual and gender based violence. Many female mixed migrants are pregnant or caring for young children which can place them in particular hardship. Additional attention shall be paid to the needs of female headed-households and unaccompanied minors.

## 4.0. Enabling factors

### 4.1. Relations with key stakeholders and partners

The political dynamics in Libya mean that it may be difficult for International NGOs to have access to higher levels of government (i.e. Ministry level) and there is a wariness about the involvement of 'outsiders' in Libyan affairs. Efforts may be better directed towards working at departmental and government agency levels and, better still, through national NGOs and civil society organisations. A firm collaboration has been established with the **International Organisation for Cooperation and Emergency Aid (IOCEA)**, which is a Libyan civil society organisation concerned for the plight of migrants in the country and which has drafted new legislation on migrants and asylum for consideration by the General National Congress. IOCEA was able to open a number of doors to DRC, especially access to detention centres, some practical activities have been conducted in partnership and this relationship is likely to develop and expand. In Sabha, DRC and DDG are exploring the options to form partnerships with several local CSOs.

There are few official coordination meetings in Libya. The monthly mine action meeting held by LMAC is one of the few regular ones. UNHCR runs a **Migrants in Detention Working Group** which DRC attends, but the meetings are not held on a frequent enough basis. Informally DRC tries to take a lead where possible in coordination efforts (e.g. hosting and chairing a number of NGO security meetings) and bringing other actors together in an ad hoc manner as required. One of our two EU grants is for a consortium comprising DRC and DCA and for which DCA is the lead partner.

**UNHCR** is the Chair of the Migrants in Detention Working Group and DRC cooperates with UNHCR outside of these meetings to coordinate on activities in detention and share information on common clients. DRC and UNHCR also work together on referrals to avoid duplication and ensure the best interests of common clients are met at all times

**Regional Mixed Migration Secretariat (RMMS)**. DRC has conducted exchange visits with RMMS (one in Libya and one in Kenya) and shares information on a regular basis to ensure trends and new developments are included in the RMMS monthly update. DRC and RMMS will work together on joint research as appropriate and consult RMMS for its expert opinion on mixed migration matters.

**IOM**. DRC and IOM are both members of the Migrants in Detention Working Group and coordinate on referrals outside of these meetings particularly for migrants in detention who may require IOM assistance or are requesting to be referred to IOM's AVR programme. At a regional level DRC participates in IOM's MTF-NOAH (Migration Taskforce)

**The Tunisian government** seems committed to the development of an asylum law, even so given the current political situation within Tunisia, which understandably remains top priority. Meanwhile there is a need for border management with a protection approach, sensitive to the situation of mixed migration in the country. The lack of expert organisations in country who are able to deal with stranded migrants and people refusing resettlement was mentioned when DRC carried out a scoping exercise on mixed migration in 2013. In addition to UNHCR, IOM and ICRC and Caritas (Archdiocese of Tunis) the Tunisian Red Crescent

and Islamic Relief are UNHCR implementing partners. The Swiss Cooperation and Terre d'Asile provide assistance to refugees in southern Tunisia and legal aid in Tunis respectively.

There are a number of local NGOs with an interest in this area who require capacity building and training assistance: **1) TFDES (Tunisian Forum of Economic and Social Rights)**, an organization that carries out actions and activities intended to support and defend the causes of refugees and asylum-seekers in the camp at Shousha. The TFDES has also helped plan, staged and supervised demonstrations with the families of those Tunisians missing at sea. This became particularly important after the accidents at sea in March 2011 and at the beginning of September 2012. **2) CeTuMA (Tunis Centre for Migration and Asylum)**, who has staged demonstrations and advocacy actions as well as proposals on how to promote the rights of migrants, refugees and asylum-seekers. It also proved interested in the principles guiding the establishment of a new immigration policy based on good migration governance. **3)** A local group of sub-Saharan former students living in Tunisia have established themselves, and are trying to set up an organization – **Afrique Intelligence** - wanting to get involved with migrants as well as refugees within Tunisia. **4)** Finally, Professor **Hassan Boubakri**, Professor at the University of Sousse is a well known local expert on this issue who could assist in future research and knowledge building on mixed migration in Tunisia.

## 4.2. DRC's capacity

### 4.2.1. Organisation and logistics

Transportation is difficult due security issues, which as a side-effect means that DRC staffs are losing the "feeling" for the country. Previously staff used to move around more freely between multiple geographical locations, while flying to and from the two remaining offices in Libya and between the latter and Tunisia is presently the main mode of transportation. Also, the security incident in late 2013 in Sabha made certain additional security measures necessary.

### 4.2.2. Staff capacity

The DRC staff comprise of 35 nationals and 11 international staff in Libya, and 1 half time national in Tunisia (December 2013). Recruiting qualified national staff with sufficient English skills is difficult. Libya has been isolated for decades during the Gadhafi regime and ordinary people/the work force haven't been exposed to international thinking. Also, having 2-3 "pretend jobs" in the public sector is not an uncommon practice - meaning that many Libyans have "jobs" in the public sector for which they receive a salary without actually working. This practise clearly undermines a healthy work ethics. Still, the national staffs currently employed by DRC are highly qualified even though motivation and work ethics remain a challenge, which is why DRC will keep pursuing a HR strategy focusing on creating opportunities for the local staff who show promise and willingness and focus recruitment efforts on nationals with an education and work experience from outside of Libya.

Retaining international staff in Libya has been difficult, exemplified by the fact that 15 months constitutes the longest DRC deployment in Libya (current CD, Nigel Clarke). Making the Libya CO an attractive duty station for qualified international staff remains a challenge over the next three years. Lack of security, restriction on movement, compound living etc. are all viable explanations. However, compared to other DRC programmes globally, the Libya CO should be competitive, which means that greater efforts should be made to communicate together with the HR department the CO as an attractive duty station.

### 4.2.3. Handling safety

DRC will maintain the current security management practices. DRC is currently 95% MOSS compliant. Both our main office and programmes in Tripoli and our sub office in Sabha are affected by the volatile security situation in Libya. Especially the sub office in Sabha has been dealing with a number of security related

issues during late 2013 and in the beginning of 2014, such as an armed robbery, and hibernations in and evacuations from the office due to heavy fighting between different competing armed groups in the near proximity of DRC premises. DRC CO – with the support from RO and HQ - will continue to monitor the situation and consult staff and sources within Sabha regularly, analysing information received and appraising the security situation, so that staff are kept safe and operations uncompromised. The volatile security situation in Sabha has and will continue to heavily impact the way programming is designed and implemented in Sabha. Based on the how the situation evolves in Libya in general and Sabha specifically 2014 maintaining a office in Sabha will be concurrently evaluated based on the needs on the ground, the donor situation, the size of portfolio, and the in-country strategic relevance of maintaining a presence in Sabha.

### **4.3. Funding**

Donor relations are good where DRC have existing relationships (EU and UK) and DRC is attracting attention for the quality of its work in mixed migration (EU) and for its innovative approach to addressing armed violence (UK). However, the need to co-financing one EU project and to expand the range and scope of our work means DRC now needs to reach out to more donors and compete for the limited funds available. As well as being a target for funding proposals the EU is also a key advocacy target when it comes to migration issues. A senior DRC staff visited Brussels twice in 2013 and was able to address relevant bureaucrats about the situation for migrants in Libya. These efforts need to be strengthened in 2014 and 2015 e.g. by working more closely with the European Council on Refugees and Migrants (ECRE). DRC currently has a lot more knowledge than other actors, but not enough 'voice'.

Sabha has potential in terms of funding, activities and staff. DRC is one of the few agencies present in the area, and the only one which has t capacity stretching across AVR, HMA and protection. In Tripoli capacity within protection programming (especially in detention centres) is highly needed – the same goes for knowledge on mixed migration and programme solutions. The first capacity building workshops for detention centre staff have started and can be scaled up and potentially replicated regionally. Small scale protection assistance to Syrian refugee has been provided, but could easily be scaled up. A limited number of Syrians compared to the rest of the region is residing in Libya, but the Libya assistance to Syrian refugees is part of the DRC regional response to the crisis. Hence, DRC will invest collection funds for the response in Libya, thereby putting Libya “on the map” give profile to activities and attract funding from other sources.

## **Annexes**

A Map

B Action points 2014

C Results Contract Libya 2014