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Illegal immigrants are seen at a detention centre in Zawiyah, 45 kilometres west of the Libyan capital Tripoli, on June 17, 2017 - Taha JAWASHI / AFP

UNHCR in Libya Part 1: From standing #WithRefugees to standing #WithStates?

October 3rd is a day upon which the UNHCR "remember and commemorate all the victims of immigration and promote awareness-raising and solidarity initiatives."

With that very sentiment in mind, Euronews has undertaken an investigation into the UNHCR's operation in Libya, where tens of thousands of migrants live in detainment camps, hoping to make it to Europe.

We uncover the extent of neglect in terms of care that can be found where migrants wait to be processed. We ask why the UN's humanitarian agency cannot have the required access in Libya when the mother organisation - The United Nations - is working with the Tripoli-based government. We ask why there is a severe lack of transparency surrounding the agency's operation and we talk to some of the migrants involved in the process and allow them to tell their stories.

The tweet that got us thinking

In August, a couple of tweets sent by the UNHCR's special envoy for the Central Mediterranean, Vincent Cochetel, [raised more than one eyebrow](#).

First he expressed concern over what he termed the "radicalisation of migratory dreams", then he added that it is "abnormal" that some refugees refuse language and training classes just because they only want to go to the EU.

He later said he had been misunderstood. Nevertheless, the question arises: why is the UN refugee agency accusing people under their remit, people in need of international protection, of having unrealistic hopes for safety?

According to sources who know the mechanisms of the UNHCR, his remarks are symptomatic of a few things:

- increasing frustration due to the ongoing situation in Libya
- realpolitik
- a progressive shift towards the political disposition of its second biggest donor: the European Union.

Libya, migration, standards and human rights

Firstly, the European Union bankroll the [EU Trust Fund for Africa](#), counting on the International Organisation for Migration (IOM) and UNHCR to ensure that the migration management and asylum system in Libya is consistent with the main international standards and human rights. "The UN agencies are our main partners in our work in Libya mainly to protect people in need", an EU spokesperson tells *Euronews*.

Then there is a dysfunctional Libyan government (one of two) which is backed by the UN yet **does not recognise the UNHCR - the UN's very own agency - operating in the country**[without](#) a memorandum of understanding.

Finally, there are more than 50,000 registered refugees and asylum-seekers; the majority of them (91%) live in urban settings while 4,673 are [estimated](#) to be locked up in 26-30 detention centres often run by unlicensed parties, where human rights abuses are a daily issue.

This is the context in which the UN agency for refugees has to work "with a tenuous status and without ongoing guarantees of security", points out Dr. Melissa Phillips, an Adjunct Fellow at Western Sydney University and independent migration researcher.

Amid the "hyper concerns on the 'migration issue' in Europe, which previously funded detention centres in Libya, nobody has taken a step back to look at the system that needs to be put in place in the country. Everybody is just in reaction mode. Even though it may not be possible to build up an asylum system in the country at this time, greater efforts must be made to establish a system to work on the ground. This includes work visas and recognising temporary labour migrants," she went on.

The UNHCR, which claims it can only register asylum seekers and refugees [belonging to 9 nationalities or communities](#), (Iraqi, Syrian, Palestinian, Sudanese, South Sudanese, Eritrea, Ethiopian, Yemeni, and Somali) is facing criticism from various NGOs and human rights activists for the lack of transparency regarding its Libyan operations. Back in June, former UNHCR staff member, Jeff Crisp, now writing for the Refugee Studies Centre and Chatham House, asked [20 questions](#) that remain publicly unanswered at the time of writing in September. Among them:

Has UNHCR ever seen any evidence that people have been maltreated by the coastguard in the process of interception and return?

What degree of access does UNHCR have to refugees and migrants who are held in detention? Is access ever refused, and if so, on what grounds?

Is UNHCR able to make unannounced visits to the detention centres?

Has UNHCR ever received evidence that detainees are ransomed, subjected to forced labour, tortured or sold? Has UNHCR ever received evidence that smugglers and traffickers operate in the detention centres?

These questions reflect real concerns voiced by those migrants locked up in detention centres that *Euronews* had the chance to speak with. They accuse the Libyan staff of the UN agency of neglecting them, of severe delays in registration procedures and of complicity with the heads of the detention centres to the point of covering up their abuses. → [SEE PART 2](#) .

Shooting...or nothing at all?

When in April 2019 a revolt reportedly broke out in the Qasr bin Ghashir facility, near Tripoli, refugees described being shot at indiscriminately by militias. UNHCR - who said it evacuated 325 people - sent out this [press release](#) suggesting guns were fired in the air. However, both [MSF](#) and [Amnesty](#) concluded that migrants had actually incurred gunshot wounds, and made calls for war crimes investigations into the incident. UNHCR has been asked but has not responded to *Euronews* on why it published a [press release specifically denying this](#).

Refugees were subsequently transferred into the militia-run Az-Zāwiyah detention centre where they [reported](#) torture and extortion in its hangar. Here, in June another group of people was [shot at](#) while protesting about being deprived of food by the controlling militias. → [SEE PART 2](#)

This centre, where UNHCR operates, has known links to a coast guard unit and is run by the [infamous](#) Al-Nasr brigade, whose leader Mohammed Kachlaf is under [UN Security Council Sanctions](#) for [human trafficking](#). According to Jérôme Tubiana, a researcher working on sub-Saharan migration, UNHCR alignment with EU policies “even seems to contradict UN global policies as both EU and UNHCR consider acceptable to work with the Az-Zāwiyah Al-Nasr brigade although its leaders are under UN sanctions: cooperating with their forces may constitute a violation of the sanctions”.

An EU spokesperson, when appraised of our investigation, made a number of comments. One of which was a denouncement of the aforementioned Al Nasr brigade.

"The EU does not support the Al Nasr Brigade and we have worked closely with EU Member States to extend sanctions to traffickers under UN regimes." He added that "none of the coastguards trained by Operation Sophia is on the UN sanctions list."

Charlie Yaxley, UNHCR Global Spokesperson for Africa and the Mediterranean/Libya, notes the difficulties in coordinating any kind of operation in Libya.

"The work we are able to carry out in detention centres is limited, as these are run by the Libyan authorities. Our access is restricted and we are limited to carrying out registration, protection assessments, medical referrals/treatment and providing basic relief items. Visits to detention centres are coordinated in advance, visits are never unannounced and access to the UNHCR teams needs to be granted in advance. UNHCR does not consider the detention centres safe for refugees."

So how can this be resolved? The UN recognises the Government of National Accord in Libya, therefore if the 'Libyan authorities' run the centres, shouldn't the UN's agency be granted better access? Yaxley does not shy away from acknowledging that the "situation inside detention centres is appalling" so where is the plan?

Other accusations from sources both within Libya and international aid experts include

- discrimination against migrants living in an urban context;
- corruption in evacuation facilities;
- mismanagement of verification processes;
- a system of protection based on nationalities - creating favouritism;
- hundreds of migrants' messages left unanswered;
- laptops purchased for inflated prices - some more than 5,800 US dollars.

Each will be discussed in part 3 of this investigation, published on 3 October.

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Charlie Yaxley, UNHCR

Thirty years to resettle?

UNHCR's most effective talent lies in the evacuation of refugees out of Libya. However, “since resettlements from Libya began in late ‘17, they were able to resettle some 2,000 a year, which means **it would take them 30 years to resettle all those they already registered**”, argues Jérôme Tubiana. “And this is largely due to EU policies. Because of the lack of slots in Europe, UNHCR in Libya prioritises those they believe are the most vulnerable, young minors, women, families. For single adult males, even very political cases for whom returning home likely means arrest or death, being resettled seems almost impossible”.

“Further, such cases also face the fact that UNHCR agents in Libya know little about complicated contexts such as Eritrea or Darfur. In practice, fundamental criteria for political asylum are thus abandoned in favour of a selection based on numbers and types of individuals accepted by the EU. In fact, demands of asylum seekers are not "radical" at all, they are just asking for UNHCR to fulfil its mandate properly and respect the very principles which justify its existence”, asserts Tubiana.

UNHCR's mandate is to find a solution for refugees, but not necessarily one that a migrant will be content with. They simply have to find a safe solution. “Frustration arises from here”, a source told us. “Sometimes it is not what refugees want”.

Melissa Phillips says that all evidence points to the fact that migrants in Libya use smartphones and are well aware of stories such as Rahaf Al-Qunun, the Saudi woman [who was immediately granted asylum in Canada after she barricaded herself in an airport hotel in Thailand](#). “Refugees see this and it sends them a message about a different weight” in the resettlement policies by UNHCR, which celebrated it as a [success story](#). “People have aspirations and desires, it just might be that these dreams are inconvenient for us”.

Powerless?

“I can confirm that UNHCR does not have any power to stop or prevent the horrific tortures and rapes against refugees in the official detention centres”, Giulia Tranchina, an immigration solicitor in London who has worked for years with asylum-seekers in Libya, tells Euronews. “Widespread incidents of torture, intentional starvation and war crimes perpetrated against detained migrants and refugees in Libya, as documented in the [reports by the Office of the High Commissioner for Human Rights](#), clearly

show how UNHCR is not in a position to be able to 'improve conditions' in detention centres and how Europe's funding and support to the Libyan authorities amounts to complicity in these crimes. The EU's claims that funding to UNHCR is meant to 'improve conditions' in these centres is demolished not only by the evidence but also by UNHCR's own statements constantly stressing that they don't manage such centres and often don't have access or permission by the authorities to assist detained refugees".



Detention center in Tarik Sika. Photo: Sara Creta

Follow the money

So what is going on internally at UNHCR? "Follow the money is always a good rule", a professor of human rights told us, referring to this case.

Most of UNHCR funding comes from a dozen key donor states but the level of this funding has not kept up with the rising numbers the agency is expected to support, [argues](#) former UNHCR official, Jeff Crisp. Almost 90 percent of the agency's funding is provided by states and UNHCR's governing board consists entirely of states.

An informed source believes UNHCR fears losing funding from the US (its largest donor by far, contributing more than 40% of its budget alone) thus attempting a closer alignment with the EU.

For financial year 2018, [the U.S. contribution](#) to UNHCR reached an historic high of nearly \$1.6 billion, [up \\$0.2 billion](#) from 2017, when the Trump administration [threatened](#) to reduce UN funding by up to 50 percent. In the end, the US decided to spare UNHCR and cut their support only to UNRWA (the UN agency for Palestinian refugees). As for 2019, the US have only slightly reduced their funds pledge to UNHCR and at time of writing have already contributed up to 70 or 80% of it.

“It is always difficult to predict if states will actually fund UNHCR to the level they have committed to in the first place. What is sure, is that between 2015-2018, the EU's contribution to UNHCR's work has proportionally increased far more than the US's one which has, on average, remained more or less stable over that period of time”, analyses Marion Fresca, professor of anthropology of international aid at the University of Neuchâtel.

“This is, however, less due to UNHCR's willingness to be closer to the EU, then to the way the EU has been addressing the so-called "refugee crisis" since 2015, by funding an ever expanding security-humanitarian apparatus to contain migrants at its borders and externalise refugee protection to its neighbouring countries- an apparatus of which the UNHCR is a part.”

Over the past 20 years, the agency has tried to diversify its sources of funding by building partnerships with multinational corporations such as Microsoft, Nike or more recently IKEA, and raising funds from private foundations, NGOs and the wider public. It has also tried to convince non-traditional donor states such as Qatar, Saudi Arabia, South Korea or China to contribute to its work. “However, the major part of UNHCR's budget still relies on the same key countries, and its diversification efforts have not necessarily led the agency to be more neutral or less politicised” continues Fresca.

“First, because UNHCR remains, in any case, an intergovernmental organisation, and as such, its mandate has always been shaped by states' concerns and by a state-centred vision of refugees as being a "problem". Second, to fulfil its mandate (ensure the right to seek asylum and seek solutions for refugees), UNHCR is dependant on states' willingness to cooperate and thus, constantly needs to engage in highly political negotiations with them. Third, building financial partnerships with, for instance, other actors than states does not mean UNHCR will be less political: earmarked funding from big corporations may also have some significant political effects, such as turning refugees into commodities or transforming the protection of refugees into an economical rather than a political or humanitarian issue. So, diversifying its sources of funding does not necessarily make UNHCR a more "neutral" or "apolitical" organisation. Over time, UNHCR has actually become a political player in its own right within the complex field of migration management, defending its own organisational interests and visions of what refugee protection should be”.

This idea of a humanitarian body having to become a political player in order to be operational within the structures of international politics is not surprising, but it is worth examining how much this inevitable manoeuvring affects its ability to fulfil its remit.

Since its establishment, the primary goal of UNHCR has been to hold state signatories of the 1951 Refugee Convention accountable for their international commitments and obligations. This means monitoring states' efforts to comply with international refugee law and developing standards to guide them in their effort to develop national asylum systems.

Are the UNHCR a 'fig leaf' for the EU?

As Sandvick and Jacobsen have shown in the edited volume "UNHCR and the struggle for accountability" (2016), ambitious structural and managerial reforms were undertaken in the early 2000s to improve UNHCR's accountability towards its donors and beneficiaries. Yet, this had the unintended effects to make the organisation more bureaucratised, "thus, raising new challenges regarding the risk of transforming refugee protection into a merely technocratic endeavour, rather than a political issue," adds Fresca.

“I think UNHCR is becoming progressively less critical in the last years”, says a qualified source who prefers to remain anonymous. “Focussing on marketing branding and celebrity endorsement instead of focussing on refugees as they should be doing”.

James Hathaway, director of the program in refugee and asylum law at the University of Michigan Law School was quoted by development media outlet Devex as saying [the refugee convention that the UNHCR enforces is the only U.N. convention that doesn't have an independent supervisory authority, and that is part of its problem.](#)

Omer Shatz, an international law lecturer at the Paris Institute of Political Studies (SciencesPo) who [filed a legal case](#) to prosecute the EU and member states to the international criminal court (ICC), reckons “it is time the UNHCR remains neutral and ceases to serve as the fig leaf of the EU in Libyan concentration camps and the Mediterranean. The situation is under ICC investigation and all actors involved, including UN agents, may be held accountable”.

The same hope is shared by Tranchina (“EU government should stop hiding themselves behind the presence of IOM and UNHCR on the ground”) and Tubiana. “It seems UNHCR is gradually giving up defending asylum law and aligning on EU policies aiming at preventing migrants and refugees south-north movements, from Africa to Europe, pushing them as south as possible, and outsourcing migration control to African governments, without enough care for their poor records in terms of democracy and human rights”.

Cochetel himself [gave evidence](#) that UNHCR is doubling efforts to give migrants solutions before they reach Libya: “We must make resettlement work better in the first country of asylum and should remove all incentives for secondary asylum”.

Risking your life in the jungle. You may flee from wars or other good reasons, but these expensive and dangerous journeys do not make sense. They testify on how people are desperate & determined to move, but protection is available closer to home.
<https://t.co/LPuyGckW90>

— vincent cochetel (@cochetel) [September 13, 2019](#)

UNHCR in Libya, the investigation

- [UNHCR in Libya Part 1: From standing #WithRefugees to standing #WithStates?](#)
- [UNHCR in Libya Part 2: Migrants in detention centres: 'Why does UNHCR want to keep us in prison?'](#)
- [UNHCR in Libya Part 3: Former staffer blows whistle on favouritism and 'culture of impunity'](#)
- [UNHCR in Libya Part 4: The detention centres - the map and the stories](#)

Additional sources • **Video: Sara Creta**