ASGI's access to the activities of International Organizations in Libya

International organizations play a particularly important role in managing Italian resources from the Africa Fund in Libya.

The "Africa Fund" (established for the first time with the 2016 Budget law with an allocation of 200 million euros and then renewed in the budget laws 2017 and 2018) was placed under the responsibility of the Ministry of Foreign Affairs and international Cooperation (MFA).

On 2 February 2017 the MFAIC identified as implementers the Italian Agency for Development Cooperation (through projects implemented by Italian NGOs) and international organizations responsible for migratory issues including the International Organization for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR).

The projects

Following a series of "technical agreements" with the MAECI, funding was allocated for the following projects, some of which ASGI requested access to:

PROJECT'S NAME	INT'ERNATIONAL ORGANIZATION	OBJECTIVE	BUDGET	TECHNICAL AGREEMENT DATE	ACCESS REQUESTED
"*Comprehensive and Multi-sectoral Action plan in Response to the Migration Crisis in Libya*"	IOM	Strengthen IOM's activities in Libya	€ 2.000.000	27/05/2019	YES
"*WFP support to migrants in Libya*"	World Food program	Strengthen the response to primary needs of migrants and refugees in Libya	€ 1.000.000	26/05/ 2019	NO
"*Integrated Package to enhance access to water, sanitation, hygiene, Health and Nutrition and Protection services for refugees, migrants and conflict-affected children in Libya*"	UNICEF	Strengthen the assistance to minors and improve sanitary conditions in the Tripoli area	€ 2.000.000	24/05/2019	NO
"*Enhance access to basic needs and services for UNHCR persons of concern in Libya*"	UNHCR	Support IDPs in Libya and UNHCR's response strategy to refugees	€ 2.000.000	08/04/2019	YES

"*Enhance access to basic needs and services for UNHCR persons of concern in Libya*"	UNHCR	Strengthen the reception and assistance systems to refugees and vulnerable persons	€ 500.000	06/11/2018	YES
"*Enhancing Diagnosis and Treatment for Migrants in detention centers in Libya*"	WHO	Strengthen healthcare response for migrants and refugees	€ 1.118.700	23/10/2018	YES
"*Protection of Vulnerable Children in Libya including host communities, migrants and refugee children"*	UNICEF	Protection of unaccompanied migrant minors, including through involvement of local communities	€ 2.000.000	24/09/2018	NO
"*Expanding UNHCR engagement in Libya*"	UNHCR	Strengthen UNHCR's activities in Libya	€ 10.000.000	28/08/2017	NO
"*Comprehensive and Multi-sectoral Action plan in Response to the Migration Crisis in Libya*"	IOM	Strengthen IOM's activities in Libya	€ 18.0000.000	4/08/2017	YES

International organizations therefore seem to have so far received total funding of over 38 million euros, broken down as follows:

UNHCR:	€ 12.500.000, three projects
OIM:	€ 20.000.000, two projects
UNICEF:	€ 4.000.000, two projects
WFP:	€ 1.000.000, one project
OMS:	€ 1.118.700, one project
TOTALE	€ 38.6118,700, nine projects

Access requests

ASGI has submitted to the Italian MFA requests under the Freedom of Information Act (Legislative Decree 33/2013) to obtain information on:

1. The criteria based on which the MFA identified ad prioritized the activities to be implemented, during the funding approval phase;

2. The guarantees the MFA required to the implementing entity in order to ensure the good use of resources (objectives to be achieved, risk analysis, allocation of resources among the various activities, choice of possible implementing partners, transparency);

3. The control methods of the MFA on the use of resources, in light of

a) the Libyan context, characterized by armed conflict and a high presence of criminal groups, with the risk that resources are ineffective, are diverted for other purposes and / or end up (even unintentionally) to finance actors involved in the conflict;

b) the extreme vulnerability of the beneficiaries, with the risk that an inadequate implementation of the activities may aggravate their already fragile situation.

4. The report on the expenditures actually incurred during the project implementation.

MFA's response

The MFA, after consulting the international organizations involved in each project, declared that

• it did NOT request a list of activities to be implemented by the international organization;

• it did NOT request any guarantees or risk analysis in the implementation of the project.

The MFA therefore admitted that it never defined the international organizations' contractual obligations vis a vis the funding, including activities to be implemented or risk mitigation measures.

The MFA provided ASGI with a copy of the technical agreements with each international organization; the content of the agreements however is generic and limited to types of activities to be implemented, without further information.

Regarding reports on the activities carried out related expenditures, the MFA:

• DENIED access to such reports, claiming that disclosure of information would jeopardize mutual relations with the relevant international organization, which explicitly opposed the sharing of the document, for unspecified reasons.

At the moment it is therefore not possible to accurately identify the activities carried out by international organizations through MFA-funded projects.

FOCUS on IOM's project: "Comprehensive and multi-sectoral action plan in response to the migration crisis in Libya".

Total financing: € 18 million

Areas of intervention (as indicated by the technical agreement between IOM and MFA)

1) humanitarian repatriation and reintegration of vulnerable migrants outside Libya: € 10 million.

2) information to vulnerable migrants and assistance along the route: € 2 million.

3) Libyan local communities: interventions for stability and resilience: € 6 million.

Risk mitigation measures and precautions the implementing partner must enact: none.

Information on specific projects to be implemented through funding: not communicated.

Specific information on activities, places, beneficiaries, recipients: not communicated.

Statement of activities carried out and related expenses: not provided.

Issues identified:

Activity 1: voluntary repatriation of vulnerable migrants, including women trafficked, unaccompanied minors, people with disabilities or serious illnesses.

The MFA did not request from the international organization any specific guarantee on repatriation procedures, on information to be provided to the beneficiaries, on how to collect their consent, on the possible presence (in the case of minors) of parents or relatives in the country of origin, on the possibility to revoke consent at any time prior to repatriation.

In particular, the MFA did not ask for any guarantee or foresee any form of control for repatriation to so-called refugee producing countries. ASGI has learned from the MFA that through the project IOM repatriated 86 Somali citizens (nationality that in Italy is granted international protection in over 90% of cases) and some Eritreans, of whom at least one was tracked down by the Eritrean police and had to flee his country again.

Activity 3: interventions for stability and resilience in favor of Libyan communities.

The MFA did not foresee any criteria in selecting local partners and identifying beneficiaries that can or cannot be supported. The risk is therefore to exacerbate rivalry between different communities, fueling the conflict, or to finance actors that directly or indirectly commit abuses against refugees and migrants with public money. It is worth mentioning the recent case of the meeting between Italian officials and the

Libyan Coast Guard official Abdurahman Milad (also known as "Bijia"), on the one hand subjected to UN Security Council sanctions, on the other financed by Italy and the EU to strengthen the Libyan Coast Guard.

To obtain access to the information that MFA and IOM failed to disclose, ASGI has filed an appeal, currently pending before the second instance Administrative Court in Rome.

Conclusions

From the information obtained through the access requests made it can be concluded that:

- the MFA does not agree in advance the activities that the international organizations should carry out through the funds provided;
- the MFA is informed retrospectively of the activities carried out;
- the MFA does not require any risk analysis or transparency guarantees from the organizations;
- the MFA does not exercise any kind of control over the correct use of the loan.
- the MFA refuses to disclose reports that would make it possible to verify what activities international organizations carry out in Libya with over 38 million euros of taxpayers' money, and the quality of such activities.

Main issues identified:

- Substantive public funding of blank projects, without previously indicating the activities to be carried out, guarantees, transparency obligations and or prior risk assessment.
- Lack of transparency on the use of public funds, before and after project implementation.