

ASGI's access to information concerning the EU Trust-Fund projects "Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya" and "Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya"

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Introduction

Libya maintains to be a hot spot for human rights violations against migrants, refugees and internally displaced persons, who are often exposed to precarious conditions and violence. In the frame of its external migration and development policy, the European Union is engaged in different projects in Libya which are financed large-scale through the European Union Trust Fund for Africa. Not seldom is it thereby supporting the Libyan Coast Guard and other authorities who are criticized for committing human rights violations and trafficking activities. In order to receive detailed information concerning two of the EUTF-financed projects implemented in Libya, the Association for Legal Studies on Immigration (ASGI) submitted two requests of information under the right of access to European Parliament, Council and Commission documents. However, the answers received by the European Union appeared to be unsatisfying and poorly reasoned. This Article aims to unveil the obstacles set by the European Union to impede the access of information concerning migration policies in Libya, which imposes difficulties to effective monitoring through the civil society. Therefore, the Article will firstly explain the structure and functioning of the EUTF and address related concerns. It will then present the main points of the projects "Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya" and "Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya". Furthermore, the Article will outline ASGI's two requests of information concerning these projects and subsequently analyse the sufficiency of the answers and reasons received from the EU. In order to do this, all provided documents have previously been evaluated in regards to whether and to what extend the particular question could be answered and in cases where an answer was not or only partly provided, whether and to what extend the EU provided reasons for the denial. From this, further problems set up in the way to the access of information as well as the organization of the EUTF in general could be derived.

The European Union Emergency Trust Fund for Africa

The 'EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa' (EUTF for Africa) serves as financial tool for helping to achieve the goals of the European Agenda on Migration of 2015 and to enhance partnerships between the European Union (EU) and Africa. Established at the Valletta Summit on Migration in 2015, the EUTF for Africa comprises a budget of 4.7 €

billion in total. An amount of 3.5 € billion comes from the European Commission, which represents over 89% of the fund, while the member states and other donors contribute around 11% to the EUTF.¹ Out of the 3.5€ billion of EU Commission contribution, 2.8€ billion originates from the external European Development Fund (EDF), the rest was reallocated from the regular budget.

The money is distributed to different projects implemented in 26 partner countries across three regions in Africa, namely the Sahel and Lake Chad, the Horn of Africa and North Africa as well as to five cross-window projects.² The funding is structured alongside the following four objectives: (1) create greater economic and employment opportunities (68 projects, 21% of the total budget), (2) strengthen resilience of communities (86 projects, 24% of the total budget), (3) improve migration management (63 projects, 31% of the total budget) and (4) improve governance and conflict prevention (62 projects, 21% of the total budget).³ In a first step, projects are mainly proposed and designed by member state embassies and EU delegations in partner countries. Later, they are implemented by EU Member States' development agencies, NGO's and International Organizations, whereby the highest amount of money goes with 387€ million to the International Organisation for Migration.⁴ So far, most of the funding remains without public tendering, meaning that only a number of selected organizations are beneficiaries of the fund.⁵

There are two governing bodies, alongside which the EUTF for Africa is organized: The Strategic Board and the Operational Committees, whereby there is one Operational Committee for each of the three regions. The first is responsible for setting a global strategy, the latter adopts actions that need to be implemented on the ground. Both bodies are chaired by the European Commission. While the European External Action Service (EEAS), the Commission and EU and non-EU donors (with a contribution of more than 3 € million) have an active role as full members, African partner countries and regional organizations have only an observer role in the meetings.⁶ The same applies for the European Parliament, which remains excluded from decision-making in the two bodies.⁷

The monitoring of the EUTF for Africa is conducted at three levels: each programme, each region and the EUTF for Africa as a whole. On the first level, each programme has its own budget to ensure monitoring and evaluation of the projects. Furthermore, independent experts conduct an on-the-ground-monitoring in the frame of the EU Results-Oriented Monitoring (ROM) system. Transparency shall be ensured by presenting project-related results on the online-platform Akvo.⁸ On the second level, each region has its own Monitoring and Evaluation Framework, whereby results can be found in quarterly and annual monitoring reports.⁹ Finally, at the level of the EUTF for Africa, a results framework based on a set of 41 indicators has been established around the Commissions four strategic objectives.¹⁰

Since its establishment in 2015, the EUTF for Africa has been subject to much controversy. It clearly has improved the fragmented funding structure of the EU external migration policy that existed prior to the Valletta Summit, by combining different funding lines in one instrument and thus allowing the money to be spent more flexibly and in response to shifting migration flows.¹¹ Furthermore, the coordination of the participating EU institutions such as the Directorate General for International Cooperation and Development (DG DEVCO), for European Civil Protection and Humanitarian Aid (DG ECHO), for

Neighbourhood and Enlargement Negotiations (DG NEAR), for Migration and Home Affairs (DG HOME) and the Official Development Assistance (ODA) could be advanced and the public communication and visibility were bolstered up.¹²

However, it can be observed that many projects under the EUTF for Africa are directly linked to the field of migration management and border controls, thereby falling at the expense of development cooperation projects.¹³ The North-of-Africa-window has the largest share in migration management, with 55% of the window's funding being directly spent on it and development cooperation projects being strongly connected with this category.¹⁴ Migration management includes actions such as capacity-building and training of security personnel, returns and reintegration, registration and exchange of data and awareness-rising about the dangers of migration.¹⁵ Today, five years after the funds establishment, the focus should shift from migration management towards long-term objectives, as the 'emergency situation' of 2015 has calmed down. A further issue is, that in many cases development funding is conditioned to the states' efforts in readmission of their nationals and positive rewards are granted for regimes that forcibly reduce human mobility by using military interventions.¹⁶ Under these circumstances, the sustainability of the EUTF for Africa appears questionable. However, as long as policies and finances are predominantly set by EU institutions and member-states, their domestic political interests will continue to determine the Agenda-setting.¹⁷

Project "Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya"

The EUTF for Africa is funding partner and reporting organization for the project "Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya", which is implemented in the North-of-Africa-window and amounts to a total of 19.8 € million. The project was adopted on 16/12/2016 and has no fixed expiry date up to now. It aims to support IOM, which is implementing partner, and other NGOs in their efforts to better protect and assist most vulnerable migrants and help their communities in Libya. Therefore, IOM receives an amount of 54.800.00€ of EUTF-funding. The objectives set by the European Commission are to (1) improve reception of migrants upon disembarkation, (2) ensure minimum decent living standards in targeted detention centres, (3) improve and scale up voluntary humanitarian return (VHR) and reintegration, (4) strengthen migration data and communication on migration flows, routes and trends and (5) enhance protection and timely access to basic services for most vulnerable migrants, both in detention centres and in communities.¹⁸ Actions taken under this project include Humanitarian Direct Assistance, VHR and reintegration, monitoring sessions, activities under the Migrant Resource and Response Mechanism (MRRM), trainings and a multiplicity of quick impact projects (QIPs).¹⁹ In order to monitor the actions, IOM makes use of a number of different monitoring instruments and reports, some of which are openly accessible.²⁰ According to the EUTF Akvo-Website, the projects' monitoring is conducted along a set of quantitative indicators, such as the number of people receiving social services, the number of staff from local authorities and basic service providers benefitting from capacity

building for strengthening services delivery and the number of people having improved access to basic services.²¹

ASGI's request for information

In order to get more detailed information on the project, ASGI submitted a request of information under the right of access to European Parliament, Council and Commission documents in accordance with Regulation (EC) 1049/2001 on the ASK EU platform registered on the 13/12/2018 on the following questions:²²

1. Number of individuals assisted through the project
2. Details on sex, age, movements and multi-sectoral needs of vulnerable migrants assisted
3. IOM's guidelines, implementation plans or documents (however named or referred to) regarding confidentiality (i.e. whether and how is the obligation to hide sensible data respected)
4. Number of interventions carried out throughout the implementation of the project
5. Number of monitoring reports drafted
6. IOM's guidelines, implementation plans or documents (however named or referred to) regarding the repatriation procedure from Libya to other countries, including the assessment of the voluntary nature of the repatriation (e.g. whether the information regarding the repatriation procedure are provided in any language that each beneficiary can understand; whether interpreters and/or mediators participate in the assessment; whether the will to participate in the procedure is expressed in written form; etc.)
7. Number of individuals repatriated
8. Statistics on the countries where individuals have been repatriated to
9. IOM's guidelines, implementation plans or documents (however named or referred to) regarding concrete safeguards in case of repatriation of unaccompanied minors (UAMs) or migrants with special medical needs
10. IOM's guidelines, implementation plans or documents (however named or referred to) regarding pre departure counselling interviews
11. Details on fit-to-travel checks
12. IOM's guidelines, implementation plans or documents (however named or referred to) regarding IOM's involvement in the issuance and/or replacement of missing, lost or expired travel documents
13. *Text of any agreements concluded by IOM with countries of destination of the repatriation procedure*
14. *Text of any protocols concluded by IOM with countries of destination of the repatriation procedure*
15. *IOM's guidelines, implementation plans or documents (however named or referred to) regarding IOM's activities within the migrant's country of origin, including its involvement in facilitating onward transportation to the final destination*
16. *Text of the Convention concluded by the European Commission with IOM*
17. *Text of any Protocols additional to the Convention concluded by the European Commission with IOM.*²³

Response:

On 05/02/2019 ASGI received – after third-party consultation with IOM – limited access to IOM's 5th Quarterly Report to the European Union²⁴ and full access to an IOM Power Point Presentation²⁵ on Protecting Vulnerable Migrants and Stabilizing Communities in Libya and, after a confirmatory application submitted by ASGI, partly access to the 6th Quarterly Report to the European Union²⁶ by IOM in its final decision from 31/07/2019.²⁷ According to both IOM and the Commission, a full disclosure of the documents was not possible, as it would undermine the public interest as regards public security according to Art. 4 (1) (a) first indent of Regulation (EC) 1049/2001. It was argued that a disclosure could put at risk IOM staff, partners, contractors and target groups such as vulnerable migrants, undermine the future implementation of the project and 'harm the trustworthy relationship between Libyan national and local authorities and certain governments.'²⁸ Furthermore, personal data such as names and photos of staff and beneficiaries was concealed due to the protection of privacy ensured in Art. 4 (1) (b) of Regulation (EC) 1049/2001.

However, this reasoning fails to explain why the Commission and IOM did not provide any (or insufficient) information regarding confidentiality (question 3), the repatriation procedure (question 6), safeguards in cases of repatriation of UAM's and migrants with special medical needs (question 9), the conduct of pre-departure counselling interviews (question 10), details on fit-to-travel-checks (question 11) and IOM's involvement in issuing travel documents (question 12). All these questions were concerning guidelines, implementation plans or documents on actions conducted by IOM. The Commission did not provide any reasons for concealing access to such documents so that it remains unclear, whether they actually exist. A sufficient answer was only received regarding the questions 1 (number of individuals assisted in the project), 2 (details on sex, age, movements and multi-sectoral needs of vulnerable migrants), 4 (number of interventions carried out), 7 (number of individuals repatriated) and 8 (statistic on destination countries for repatriation), which were all quantitative questions, even though the Commission failed to outline which concrete questions of the request it intended to answer with the respective documents. Question number 5 on the number of monitoring reports was not directly answered, however, the provided documents allowed for a speculation of an answer.

Even though the time limit set in the Regulation (EC) 1049/2001 is 15 days, the Commissions' final decision was sent more than seven months after ASGI's submission of the request. After a first timely extension of the deadline according to Article 7 (3) of the Regulation due to the necessary consultation of IOM as third party, ASGI received only insufficient information and inadequate reasoning by the Commission and therefore submitted a confirmatory application on 22/02/2019. Subsequently, the Commission once again extended the deadline. After its expiration, the Commission failed to inform ASGI to further extend the deadline, despite its obligation after the Regulation to do so. With an apology and reference to the time-consuming third-party consultation, the decision letter finally arrived on 01/08/2019 on the AskEU-platform.

Summary:

- Only partly access to documents granted with the reasons to protect public interest as regards public security according to Art. 4 (1) (a) first indent of Regulation (EC) 1049/2001 and the protection of privacy ensured in Art. 4 (1) (b) of Regulation (EC) 1049/2001.
- Neither information nor reasons for a disclosure granted regarding the qualitative questions 3, 6, 9, 10, 11 and 12.
- Quantitative questions 1, 2, 4, 7 and 8 (and 5) answered sufficiently, though without allocation of the information to the respective question.
- Massive extension of the time-limit of 15 days according to Article 7 (3) of Regulation (EC) 1049/2001.

Project “Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya”

A second project in the frame of the North-of-Africa-window, which is funded by the EUTF for Africa with a total amount of 29 € million is called “Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya”. This project, having started on 06/07/2018, will be running until 06/07/2020 and is implemented by IOM and UNHCR as implementation partners. Its objective is to reinforce protection, assistance and resilience of migrants and host communities, including IDPs and returnees in Libya and supporting improved capacities for migration management along migration routes in the country.²⁹ In detail this covers the provision of multi-sectoral assistance and protection to migrants and host communities in different locations inside Libya, mostly at disembarkation points, detention centres, urban settings and desert locations, and the enhancement of labour migration policy legislation, structures and coordination mechanisms for effective labour migration management.³⁰ These objectives shall be achieved through capacity-building of the relevant Libyan authorities, for example by training on migration management, the protection of individual’s rights, registration procedures or detention policies. Furthermore, the implementing partners shall improve the protection of migrants at disembarkation points and detention centres and establish alternatives to detention. Finally, sustainable economic opportunities for migrants in the domestic labour market shall be developed together with the Libyan Ministry of Labour.³¹ In order to monitor this project, there is a set of 51 quantitative indicators, such as the number of jobs created and the number of institutions and non-state actors directly supported through capacity building on migration management.³²

ASGI’s request for information

On 12/03/2019 ASGI submitted a request on information on the Ask-EU-platform regarding the implementation of this EUTF-project, asking for access to the following information:³³

1. In-depth Guidelines on how to carry out the activities generically indicated in the Action Document T05-EUTF-NOA-LY-06

2. Any agreement signed between the EU and the project managing partners, which are the International Organisation for Migration (IOM) and UN High Commissioner for Refugees (UNHCR)
3. Information concerning detailed activities that are being implemented by the IOM and the UNHCR with local partners (like DCIM and Libyan Coast Guard), especially:
 - a. implementation plans and agreements
 - b. data on beneficiaries reached and estimated to be reached
 - c. monitoring reports on performed activities
 - d. a list of actions that have already been planned for the future
4. Minutes of the meetings of the Operational Committee, as the body responsible for reviewing and approving the actions financed by the EUTF for Africa, and evaluating reports of the impact of this project on migrants and refugees human rights in Libya
5. Financial reports detailing the expenditure items of the 29.000.000 Euros budget so far invested in the project

Response:

Again, the time-limit to grant access to the documents was prolonged twice due to third-party consultation and a decision letter was only received on 17/05/2019.³⁴ In response to questions 1 and 5, the Directorate General for Neighbourhood and Enlargement Negotiations (DG NEAR) did neither provide information on how to carry out the activities generically indicated in the project's Action Fiche nor on any financial reports on the expenditure of the project's budget, on the ground that the requested documents would not exist. In answer to question 2, DG NEAR refused access to contractual documents between the EU and IOM/UNHCR, with the reason of Art. 4 (1) (a) of Regulation (EC) 1049/2001, namely the protection of the public interest as regards public security. As above, the argumentation was based on the risk of IOM and UNHCR staff, partners, contractors and target groups, the impediment of future access to final beneficiaries and a possible undermining of the strategy for future activities. However, access was partly granted to the Minutes of the 1st Steering Committee from 18/10/2017³⁵ and the Minutes from the 2nd Steering Committee from 07/12/2018³⁶ on the programme 'Managing mixed migration flows in Libya through expanding protecting space and supporting local socio-economic development'. The documents contain information on challenges in implementation, coordination measures, monitoring and evaluation, tools for implementation as well as visibility and communication. Also, an insight of actions of the different implementing partners was provided. However, the Minutes referred to a completely different programme under the EUTF for Africa and thus failed to provide an insight into the implementation of the project 'integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya', as requested.

Question 3 on information concerning detailed activities that are being implemented by the IOM and the UNHCR with local partners was answered by DG NEAR directly on the AskEU-platform, saying that IOM

has been providing trainings on a broad range of topics (i.e. human rights, the combatting of human trafficking, first aid, English language and IT skills) and UNHCR on long-term solutions and legal avenues for refugees and asylum seekers for relevant Libyan authorities (Ministry of Interior, Ministry of Foreign Affairs and Immigration Department), as well as to local NGOs (including the ones that are working in hard-to-reach areas, such as South and East Libya) on coordination, protection and humanitarian principles. However, the formulation was very poor and unconcreted and did not include details about the concrete content, scope or monitoring. While there was no reaction whatsoever on the questions 3a (implementation plans and agreements), 3c (monitoring reports on performed activities) and 3d (a list of actions that have already been planned for the future), DG NEAR listed an incomplete number of beneficiaries as asked in question 3b, which cannot be considered exhaustive though. The 1st and 2nd Minutes of the Steering Committee, which were sent in answer to question 2 on agreements signed between the EU and the project managing partners, named further local partners, however, it remains upon suggestion in which scope these partners are also included in the project 'Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya'. Question number 4 is the only question which was answered sufficiently by provision of the Minutes of the 1st, 2nd, 3rd, 4th, 5th and 6th³⁷ Operational Committee for the North of Africa Window of the EUTF, covering a time frame from 16/06/2016 - 13/12/2018 and only reduced for data-protection reasons according to Art. 4 (1) (b) of Regulation (EC) 1049/2001.

Summary:

- Extension of the time-limit of 15 days according to Article 7 (3) of Regulation (EC) 1049/2001.
- No information granted regarding the questions 1 and 5 with the reason of non-existence of such documents.
- Disclosure of requested documents of question 2, with the reasons to protect public interest as regards public security according to Art. 4 (1) (a) first indent of Regulation (EC) 1049/2001. Partly access to documents of different EUTF-project granted with a limitation for reasons of protection of privacy ensured in Art. 4 (1) (b) of Regulation (EC) 1049/2001.
- Very poor and unconcreted answer to question 3 (b) directly on the Ask-EU-platform.
- Neither information nor reasons for a disclosure granted regarding the questions 3a, 3c and 3d.
- Satisfactory answer to question 4, with the only limitation for reasons of protection of privacy ensured in Art. 4 (1) (b) of Regulation (EC) 1049/2001.

Conclusion

From the responses to the access requests firstly it can be concluded, that the simplicity of access to information as intended by the Regulation (EC) 1049/2001 in practice gets undermined by excessive prolongations of the 15-day time-limit as provided for in the Regulation, at least in cases of third-party consultations. This is especially problematic in requests that concern current affairs, as – by the time of an

answer – their topicality might be gone. Furthermore, it was observed (in the first request), that without any apparent reason, a detailed justification and additional documents were only provided after the confirmatory application. This practice impedes the access to information, as this step can hardly be made without the consult of a lawyer.

Although the public communication and visibility of the EUTF for Africa has improved since its starts, a lack of transparency is still in place. It becomes apparent by the complete denial of documents or only unsatisfactory and superficial answers. In many cases in which documents were provided, the Commission failed to explain which concrete question it intended to answer with the information. In many cases in which the Commission did not react at all, there was no justification whatsoever for the rejection provided. When a justification was given, their similarity in both requests was striking, including prefab text blocks and overlapping arguments.

Secondly, it is conspicuous that information could only be provided on questions that concerned quantitative monitoring indicators (e.g. the number of beneficiaries, the number of individuals repatriated), but not on the quality and actual conduct of certain actions. Furthermore, the Prior Risk Assessments included in the two project's Action Fiches do not mention any risks concerning measures that might have a negative impact on human rights. The effectivity of a monitoring system solely based on quantitative indicators and not including variables on the protection of human rights seems highly questionable.

The non-provision or non-existence of information regarding the detailed conduct of certain actions also implies there is a lack of regulation on the implementation of actions or requirements that need to be met by the implementing partners themselves in order to guarantee procedural standards and human rights protection. This leads to the conclusion that the EU does not link its funding with any requirements or guarantees for the implementing partners in the conduct of their work. This is highly problematic, especially in the light of the cooperation between the implementing partners and Libyan authorities.

Although the EUTF for Africa Risk Register recognizes the risk of 'Wrong perception that EUTF-funded actions support security & mitigation agenda of countries violating human-rights' as being high,³⁸ and the Action Fiche of the second project explicitly calls for 'an improved accountability for both implementing partners and donors in a volatile context where remote management adds to the difficulty of delivering aid in an efficient manner',³⁹ it remains unclear how human rights protection and accountability in the frame of the EUTF-projects are concretely realized. Given the outcome of the two requests, one is rather left with the impression that the EUTF for Africa lacks qualitative monitoring, access to information for the public society and control over the actions carried out by its implementing partners.

Summary:

- Impeded access to information due to excessive prolongation of the time-limit.

- Lack of transparency and weak or no justifications for disclosure.
- Monitoring only alongside quantitative, not qualitative indicators and lacking human rights consideration.
- No guarantees or requirements set for the implementing partners in order to receive funding.
- Lack of control of EUTF on actions carried out by implementing partners.

Notes:

¹ Kipp, D. (2018). *From Exception to Rule – the EU Trust Fund for Africa*. Berlin: Stiftung Wissenschaft und Politik. Available from: <https://www.swp-berlin.org/en/publication/eu-trust-fund-for-africa/#fn-d17371e602> [Accessed February 26, 2020]; European Commission. (2020). *EUTF for Africa. The EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa*. Available from: https://ec.europa.eu/trustfundforafrica/sites/eutf/files/facsheet_eutf_short_17-01-2020.pdf [Accessed February 2020, 20].

² An overview of all projects currently financed by the EUTF can be found here: <https://ec.europa.eu/trustfundforafrica/navigation/all-projects> [Accessed February 2020, 20]. The project's Action Fiches can be retrieved from: <https://eutf.akvoapp.org/en/projects/> [Accessed February 2020, 20].

³ The cross-cutting projects make 2% of the total budget; European Commission. (2020). *Supra* note 1; All projects can be explored according to themes on: https://ec.europa.eu/trustfundforafrica/thematic_en [Accessed February 2020, 26].

⁴ Kipp, D. (2018). *Supra* note 1; Raty, T. and Shilhav R. (2020). *The EU Trust Fund For Africa. Trapped between aid policy and migration politics*. Oxfam GB. Available from: DOI: 10.21201/2020.5532 [Accessed February 2020, 25]. 'The material "The EU Trust Fund for Africa: Trapped between aid policy & migration politics - Tuuli Raty and Raphael Shilhav – Oxfam – January 2020" is adapted by the publisher with the permission of Oxfam, Oxfam House, John Smith Drive, Cowley, Oxford OX4 2JY UK www.oxfam.org.uk. Oxfam does not necessarily endorse any text or activities that accompany the materials, nor has it approved the adapted text.'

⁵ Kipp, D. (2018). *Supra* note 1; European Parliament, Committee on Foreign Affairs, Committee on Development. (2017). *Report on addressing refugee and migrant movements: the role of EU External Action (2015/2342(INI))*. Available from: http://www.europarl.europa.eu/doceo/document/A-8-2017-0045_EN.pdf?redirect [Accessed February 2020, 20].

⁶ European Commission. (2020). *EUTF*. https://ec.europa.eu/trustfundforafrica/content/about_en [Accessed February 2020, 26].

⁷ Kipp, D. (2018). *Supra* note 1; European Parliament, Committee on Foreign Affairs, Committee on Development. (2017). *Supra* note 5.

⁸ Details of the projects can be accessed on: <https://eutf.akvoapp.org/en/projects/> [accessed on February 2020, 27].

⁹ European Commission. (2020). *EUTF. Results, Monitoring and Evaluation*. https://ec.europa.eu/trustfundforafrica/content/results-monitoring-and-evaluation_en [Accessed February 2020, 20].

¹⁰ European Commission. (2016). *EU Emergency Trust Fund Results Framework*. Available from: https://ec.europa.eu/trustfundforafrica/sites/eutf/files/eu-emergency-trust-fund-results-framework-25042016_en_2.pdf [Accessed February 2020, 27].

¹¹ Kipp, D. (2018). *Supra* note 1.

¹² Kipp, D. (2018). *Supra* note 1; Raty, T. and Shilhav R. (2020). *Supra* note 4.

¹³ Raty, T. and Shilhav R. (2020). *Supra* note 4.

¹⁴ Raty, T. and Shilhav R. (2020). *Supra* note 4.

¹⁵ According to Oxfam, projects relating to migration management can be divided into five subcategories: ‘Migration containment and control’; ‘Returns and reintegration’; ‘Population registration systems’; ‘Awareness-raising’; ‘Regular migration pathways’. See also: Raty, T. and Shilhav R. (2020). *Supra* note 4.

¹⁶ Raty, T. and Shilhav R. (2020). *Supra* note 4.

¹⁷ Raty, T. and Shilhav R. (2020). *Supra* note 4.

¹⁸ European Commission. (2020). *EUTF. Supporting protections and humanitarian repatriation and reintegration of vulnerable migrants in Libya*. https://ec.europa.eu/trustfundforafrica/region/north-africa/libya/supporting-protection-and-humanitarian-repatriation-and-reintegration_en [Accessed February 2020, 20].

¹⁹ International Organization for Migration (IOM). (2018). *5th Quarterly Report to the European Union. EU-IOM Joint Initiative on Migrant Protection and Reintegration: Libya. 1 May 2018-31 July 2018*. Available from: https://www.asktheeu.org/de/request/6163/response/23143/attach/7/C%202019%205884%200%20ANNEX%20EN%20V1%20P1%201044591.PDF.pdf?cookie_passthrough=1 [Accessed February 2020, 20]; International Organization for Migration (IOM). (2018). *6th Quarterly Report to the European Union. EU-IOM Joint Initiative on Migrant Protection and Reintegration: Libya. 1 August 2018-31 October 2018*. Available from: https://www.asktheeu.org/de/request/6163/response/23143/attach/5/C%202019%205884%200%20ANNEX%20EN%20V1%20P1%201044593.PDF.pdf?cookie_passthrough=1 [Accessed February 2020, 20].

²⁰ Available from: <https://dtm.iom.int/libya> [Accessed February 2020, 27].

²¹ European Commission. (2020). *Summary on the project T05-EUTF-NOA-LY-02*. Available from: <https://eutf.akvoapp.org/en/project/6015/> [Accessed February 2020, 24].

²² The full correspondence is available from: https://www.asktheeu.org/request/iom_activities_in_libya_3#outgoing-12427 [Accessed February 2020, 13].

²³ In the frame of the confirmatory application, IOM had renounced a response to questions 13-17.

²⁴ International Organization for Migration (IOM). (2018). *5th Quarterly Report to the European Union. EU-IOM Joint Initiative on Migrant Protection and Reintegration: Libya. 1 May 2018-31 July 2018*. Available from: https://www.asktheeu.org/de/request/6163/response/23143/attach/7/C%202019%205884%200%20ANNEX%20EN%20V1%20P1%201044591.PDF.pdf?cookie_passthrough=1 [Accessed February 2020, 20].

²⁵ International Organization for Migration (IOM). (Unknown date). PowerPointPresentation: Protecting Vulnerable Migrants and Stabilizing Communities in Libya: EUTF-IOM Joint Initiative for Migrant Protection and Reintegration. Available from: https://www.asktheeu.org/de/request/6163/response/23143/attach/4/C%202019%205884%200%20ANNEX%20EN%20V1%20P1%201044592.PDF.pdf?cookie_passthrough=1 [Accessed February 2020, 20].

²⁶ International Organization for Migration (IOM). (2018). *6th Quarterly Report to the European Union. EU-IOM Joint Initiative on Migrant Protection and Reintegration: Libya. 1 August 2018-31 October 2018*. Available from: https://www.asktheeu.org/de/request/6163/response/23143/attach/5/C%202019%205884%200%20ANNEX%20EN%20V1%20P1%201044593.PDF.pdf?cookie_passthrough=1 [Accessed February 2020, 20].

²⁷ European Commission. (2019). *Decision of the European Commission pursuant to Article 4 of the Implementing Rules to Regulation (EC) No 1049/2001*. 31.07.2019. Available from: https://www.asktheeu.org/de/request/6163/response/23143/attach/6/C%202019%205884%20F1%20DECISION%20LETTER%20EN%20V2%20P1%201044585.PDF.pdf?cookie_passthrough=1 [Accessed February 2020, 13].

²⁸ European Commission. (2019). *Supra* note 27.

²⁹ European Commission. (2020). *EUTF. Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya*. https://ec.europa.eu/trustfundforafrica/region/north-africa/libya/integrated-approach-protection-and-emergency-assistance-vulnerable-and_en [Accessed February 2020, 22].

³⁰ European Commission. (2020). *Supra* note 29.

³¹ European Commission. (2020). *Full report on the project T05-EUTF-NOA-LY-06*. Available from: <https://eutf.akvoapp.org/en/project/7238/#report> [Accessed February 2020, 27].

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