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Contact:  
Matt Pennigton

## LIBYA: PROTECTING CIVILIANS IN A DRAWN-OUT CONFLICT

As the conflict in Libya evolves into a drawn-out stalemate, affected civilian populations remain largely inaccessible to humanitarian agencies. The UN Security Council rightly took action to prevent an all-out slaughter in Benghazi. But to fully protect civilians now, the UN must better identify the needs of people inside Libya and ensure they can access assistance. Furthermore, the U.S. and other governments in the region should commit to resettling the growing number of refugees on Libya's borders and continue funding the evacuation of third-country nationals.

### BACKGROUND

Following the popular uprisings in neighboring Tunisia and Egypt, pro-democracy protesters took to the streets in eastern Libya in February to demand regime change. In response, Colonel Muammar Gaddafi brutally clamped down on protestors, igniting a wave of violent clashes between government forces and anti-government militias. A UN-backed military coalition and NATO-led fighter jets

have now targeted Gaddafi's forces and military assets to prevent large-scale atrocities, but civilians continue to be caught in the violence.

To date, almost 500,000 of Libya's estimated 6.4 million people have fled the country, mostly to Tunisia and Egypt. At first, the majority of those fleeing Libya were male migrant workers from Egypt, Tunisia, Sub-Saharan Africa, and Asia. In recent weeks, the makeup of the migrant

### POLICY RECOMMENDATIONS

- The UN must establish an inter-agency team in Benghazi to conduct ongoing humanitarian needs assessments and work with organizations that can operate in the west to increase assistance to vulnerable Libyans.
- The U.S. Envoy to Libya should make clear to the Interim Transitional National Council that any future bilateral assistance, including weaponry, will be conditioned on full compliance with international humanitarian law, especially with respect to the protection of Sub-Saharan Africans who live in Libya.
- The U.S. must leverage its strong bilateral ties with Egypt's Supreme Council of the Armed Forces to ensure that the Government allows UNHCR to provide shelter for all inhabitants at the Saloum transit site.
- The U.S. should use its influence as chair of UNHCR's Annual Tripartite Consultations and the Working Group on Resettlement to ensure the resettlement of growing numbers of mostly non-Libyan refugees on the borders.
- The U.S., the European Commission, and key regional partners should fund the UN's Regional Joint Flash Appeal for the Libya Crisis and sustain the ongoing evacuation operation of third-country nationals.

population leaving Libya has shifted, and Sub-Saharan Africans now comprise the majority of those in the transit camps on Tunisia and Egypt's borders. The UN estimates that 2.5 million migrants were living and working inside the country prior to the conflict.

Initially, Libyan nationals were crossing the borders in relatively low numbers, and most did not require urgent humanitarian assistance. However, the changing nature of the conflict has recently led Libyans to cross in much higher numbers. Some are seeking temporary shelter with relatives or families in nearby border towns until they decide it is safe to return home. Others cross daily to take part in normal trade activities. As the conflict in Libya draws on, the trends may shift, but for now, most Libyans are choosing to stay within their own borders to care for their families and property or simply out of patriotic commitment to their revolution. As one man explained to RI in eastern Libya, "People would rather die than abandon their country."

#### **IDENTIFY HUMANITARIAN NEEDS INSIDE LIBYA**

As the conflict intensifies in Libya, people face rising insecurity. Medical professionals, especially specialized nurses, are in short supply, as well as medicine and potable water. Food shortages have led to escalating prices. Everyday services, transportation and supplies have also been disrupted due to the fighting. Shops are shuttered and schools remain closed. Less than a dozen humanitarian organizations have been able to navigate the fluid security situation to conduct needs assessments of conflict-affected populations inside the country. As yet, the complete picture of Libyans affected or displaced by the fighting within the country is unclear. The UN must continue to increase its efforts to identify needs and provide critical assistance within the country.

In the east, the violence, instability, and continued fear of pro-Gaddafi sleeper cell reprisals have forced tens of thousands of Libyans to flee. With assistance from community volunteers, many of the displaced are being hosted by other families or in university dorms until they can safely return to their homes. Thousands of Libyans have also resorted to temporary stays in outdoor settlements. Their numbers continue to fluctuate based on the intensity of the conflict, but upwards of 25,000 Libyans have fled the fighting near Ajdabiya in recent weeks to makeshift settlements in nearby Al Butwen and Albethnan. These displaced Libyans have been provided shelter and aid by the local Bedouin community, the Libyan Red Crescent and other NGOs, until the fighting subsides and they are

able to return home. A small number of NGOs and UN agencies are also providing humanitarian assistance in and around many of the cities that were highly unstable weeks ago, including Benghazi and Ajdabiya.

In the west, the needs are expected to be greatest given the severity of the conflict in that region. According to OCHA, 95 percent of shops in the contested cities of Zawiyah, Misrata and Sirte are shuttered, and several gas stations in Tripoli have closed. Gaddafi forces have shelled a number of these western cities, including Misrata, targeting hospitals and civilian doctors with ties to the opposition. The Gaddafi government has largely denied access to humanitarian organizations, including the UN, from accessing civilians in conflict-affected areas. Despite the government's antagonistic position towards humanitarian organizations and the rising insecurity, the World Food Programme (WFP) recently delivered food aid via the Misrata port, the World Health Organization (WHO) and Médecins Sans Frontières (MSF) are providing medical assistance and supplies in Misrata and the International Committee of the Red Cross (ICRC) is negotiating with authorities in Tripoli to expand its humanitarian operations in the west. MSF reported recently that in Misrata the "remaining functioning clinics are overflowing with severely injured patients and are desperately running short of medical supplies." One sign that the violence is escalating in the west is the increasing number of reports of desperate attempts by migrants and asylum seekers to flee by boat for Lampedusa and Malta.

Many of the aid agencies working inside Libya have provided vital information regarding the size and needs of those accessible populations. Despite their laudable efforts, however, the insecurity and limitations on access and information have prevented a more comprehensive and objective needs assessment. The UN only recently deployed an inter-agency team to eastern Libya on April 7 to conduct a week-long assessment of the humanitarian situation in the east. Given the unstable and unpredictable nature of the conflict and the dearth of reliable assessments and information inside the country thus far, the UN should establish a more permanent inter-agency presence in Benghazi. This will allow the relevant agencies to conduct ongoing humanitarian assessments in the east and sufficiently respond to the ever-changing needs on the ground. Until the conflict subsides in the west and the UN is able to safely deploy there, the UN should work with humanitarian actors currently stationed in the west to carry out needs evaluations and to provide critical assistance.

## PROTECTION FOR SUB-SAHARAN AFRICANS

Of the estimated 2.5 million third-country nationals inside Libya before the conflict, more than 1.3 million were estimated to be Sub-Saharan African. In part due to early rumors and reports circulating inside the country that Colonel Gaddafi had imported black mercenaries by the thousands to fight off opposition forces, Sub-Saharan migrants have become vulnerable targets of violence and harassment by Gaddafi forces and opposition fighters. As a result, thousands of poor Sub-Saharan Africans, many of whom previously faced severe discrimination in Libya, have fled the country – by land and sea – out of fear of attack. Given the high number of reports of attacks on Sub-Saharan Africans since the fighting began, RI remains concerned for their safety and urges the United States' Special Envoy to Libya to address this with the Interim Transitional National Council.

Most Sub-Saharans were robbed of all their money and possessions on their way out of Libya. Many were victims of brutally violent attacks and abuse. During RI's visit to the Egyptian transit camp in Saloum, doctors reported that three Chadians, including one child, were receiving treatment for gunshot wounds at a nearby hospital. RI heard unconfirmed reports that in some cases the Interim Transitional National Council had attempted to protect Sub-Saharans from abuse by organizing safe transport to the border or arranging shelter in communal facilities. Nonetheless, an overwhelming majority of the Somali, Eritrean, Ghanaian, Nigerian and Sudanese individuals RI interviewed at Shousha camp on the Tunisian border reported they were targets of violent attacks and harassment by both sides of the conflict, also having been denied access to medical facilities and even food from shopkeepers once the conflict began.

RI's findings have been confirmed by an early UN inter-agency report from Shousha camp. Based on interviews with 300 male migrants and 50 families, the report reveals that 50% of third-country nationals interviewed fled Libya due to insecurity and threats of violence from both and opposition forces, and 16% reported being fired upon or caught in crossfire. Many were robbed at checkpoints as they fled; some faced up to as many as 100 checkpoints.

The United States' Envoy to Libya should make clear to the transitional authority in eastern Libya, the Interim Transitional National Council, that any future bilateral assistance will be conditioned on full compliance with international humanitarian law, especially with regards to the protection of Sub-Saharan Africans and regardless of their suspected affiliations. From the Council's perspective,

this should be seen as an opportunity to move beyond aspirational statements of support for human rights and democracy and toward international legitimacy.

## HUMANITARIAN RESPONSE ON THE BORDERS: TUNISIA AND EGYPT

Over 235,000 people have fled Libya to Tunisia and more than 200,000 have fled to Egypt. To their credit, the Tunisian and Egyptian governments, both overwhelmed by significant internal political changes, have allowed humanitarian agencies unhindered access to the populations in need of evacuation and assistance on their borders. The Egyptian government has also played a key role in facilitating the entry of humanitarian organizations and supplies into eastern Libya. Nevertheless, Egypt's ruling government has significantly blocked UNHCR from providing adequate assistance for all people currently stranded at its border and must immediately reverse this position.

On the border, many people are forced to live under quite inhumane conditions. At the government's insistence, humanitarian agencies have set up a reception site for migrants in Saloum, the small 1-kilometer strip of "no man's land" between the two borders. There, the UN and NGOs are providing assistance to an estimated 3,000 migrants awaiting evacuation and 555 "persons of concern" seeking asylum or refugee status.

Shelter at the site is simply inadequate. Most families are being temporarily housed in the Egyptian border arrival and departure halls. The rest of the population – mainly male migrants – has been forced to sleep outdoors in makeshift shelters made of blankets, wooden posts and suitcases, exposed to low nighttime temperatures. UN agencies at Saloum have appealed to the Egyptian and local Port authorities to allow the construction of temporary tents for incoming arrivals, but Egyptian officials have refused the tents due to unfounded concerns that allowing any form of shelter could increase the so-called "pull factor" to Saloum or be interpreted as a sign of permission to lengthen the stays of those already present.

When RI visited the Saloum site in mid-March, UNHCR was attempting to gain permission from Egyptian military authorities to erect two large, communal tents – or "rub halls" – as temporary cover for some of the families exposed to the cold. Egyptian authorities have now agreed to allow up to six rub halls to be constructed. While this is a welcome development, six halls will only provide shelter for 600 of the roughly 3,500 people currently at the site.

Egypt's ruling government, the Supreme Council of the Armed Forces has a responsibility to provide protection and assistance for those seeking refuge at its border. Moreover, as the 2011 chair of UNHCR's governing body (ExCom), the Government should exhibit the necessary leadership consistent with its position and immediately allow UNHCR to provide adequate, temporary shelter to all inhabitants at Saloum.

On the other hand, the Tunisian government has responded generously to the enormous influx of people into its country, allowing the UN and humanitarian agencies to respond adequately to the basic needs of this population. Thanks to the heavy presence of humanitarian organizations on the border, the basic needs of the population are being met. Given the relatively large size of the camps and the steady daily outflows from Libya, the chief concern for aid agencies and the Tunisian government is to sustain the evacuation of third-country nationals to relieve pressure on the border.

### **PROTECTION FOR THE GROWING NUMBERS OF ASYLUM SEEKERS AND REFUGEES**

Of the estimated 12,000 people currently in the camps on Tunisia and Egypt's borders, nearly 3,000 are deemed by UNHCR as "persons of concern" because of their particular vulnerabilities to persecution. Most are Sub-Saharan Africans of Somali, Eritrean, Ethiopian and Sudanese descent. There are also a smaller number of Palestinians and Iraqis. When RI visited the borders in mid-March, these people of concern amounted to a mere 5% of the population in the camps. Now, this vulnerable group represents almost 25% of those temporarily on Tunisia and Egypt's borders.

Many of these people were previously registered refugees and asylum seekers in Libya and cannot return to their home countries. Therefore, the only solution to their plight is to resettle them to third countries. As chair of UNHCR's Annual Tripartite Consultations and the Working Group on Resettlement, the United States should use its influence to ensure the growing numbers of (mostly non-Libyan) refugees on the borders will be resettled. Making early commitments to the governments of Tunisia and Egypt regarding resettlement will help allay their concerns regarding the temporary nature of the transit sites and will help relieve some of the burden from these significantly overstretched governments.

### **SUSTAINED EVACUATION FOR THIRD-COUNTRY NATIONALS**

Most of the migrants who have crossed into Tunisia and Egypt have been evacuated to their countries of origin, either directly by their own governments or through the International Organization for Migration's (IOM) air assistance program. IOM, with support from UNHCR, has efficiently led one of the largest humanitarian evacuations in history, airlifting more than 100,000 migrants back to their home countries, many as far away as Bangladesh. At its peak, IOM airlifted 5,400 people per day. And yet, funding for these critical evacuations has nearly dried up. In recent weeks, the pace of evacuations has slowed remarkably to an average of 1,700 per day due to the limited funds available for the project, as well as the painstaking negotiations with consular officials in a number of countries of origin.

In order to keep pace with the number of daily arrivals at the borders and prevent an even greater exodus of migrants to Europe, this airlift operation – which costs an average of \$1100 per evacuee – must be sustained at high levels. Without the necessary funding, flights will come to a halt, causing the camps on Tunisia and Egypt's borders to swell in size and tensions to rise among already impatient migrants awaiting return home. Moreover, any halt or decrease in the evacuations could further test the patience of the Tunisian and Egyptian governments, who could respond to the shortfall by simply closing their borders. This would be extremely dangerous for those attempting to flee the violence inside Libya.

To date, Western donors, including the United States, have pledged nearly \$44 million to IOM's evacuation operations, slightly more than one-third of the total \$120 million required. In light of the growing migration crisis in the region, the United States, the European Commission and its members, and key regional partners, including member states of the League of Arab States, Organization of the Islamic Conference and the Gulf Cooperation Council should commit to fund the UN's Regional Joint Flash Appeal for the Libya Crisis and prioritize contributions to sustain the ongoing evacuation operation of third-country nationals.

*Matt Pennington, RI President Michel Gabaudan and Dara McLeod traveled to Libya, Tunisia and Egypt in March 2011 to assess the humanitarian situation for people affected by the conflict in Libya.*