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Migrants in the throes of multiple crises: fragmented state authority, informal networks and forced (im)mobilities in Libya

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ABSTRACT

This article investigates the influence of non-state actors' activities on migrants' journeys and the resulting phenomena of 'stranded migrants' and forced (im)mobilities in Libya. Due to the intense instability in Libya in the post-Gaddafi era and increasing restrictions on EU borders, return migration became a major plank of the EU's migration policy. The article examines the distinct nature of the European Union's externalisation policies and practices regarding migration. Specifically, it explores how these policies, when implemented in politically unstable contexts such as Libya, involve armed actors (or militias) who enforce immigration control through the use of violence against migrants. As a result of these practices, distinct dynamics of multi-level governance (MLG) have emerged, in which informal non-state actors play leading roles in the complicated nexus between informality and formality, making migration to Europe and the return of stranded migrants to their home countries difficult.

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Introduction

Amidst increasing public anxiety over migration to Europe, particularly since the 'migration crisis' of 2015–2016 arising from the huge influx of refugees, asylum-seekers and migrants (hereafter generally referred to as migrants) to the continent, the EU and its member states adopted farther-reaching policy instruments meant to deter arrivals and expedite return of migrants from Libya to their countries of origin. Due to the intense instability in Libya in the post-Gaddafi era and increasing restrictions on EU borders, return migration became a major plank of the EU's migration policy. The regional body and its member states engaged with international agencies, transit countries and migrants' countries of origin to formulate and implement policies to address the urgent evacuation of stranded migrants in Libya in a process that could be described as multi-level governance (MLG) of migration. At the same

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time, the combined effects of the EU's securitisation of migration, the externalisation of migration control to third parties such as the Libyan Coast Guard (LCG), the absence of overarching state authority in Libya, and the resulting vulnerability of migrants have encouraged an extraordinarily complex informal environment in which armed non-state actors have sprung up to serve as immigration enforcers to fill the vacuum created by the absence of a centralised security force.

Using qualitative data based on life stories of returning West African migrants from Libya, this article examines the influence of these informal actors' activities on migrants' journeys and the resulting phenomena of 'stranded migrants' and forced immobility, characterised by the kidnapping of these migrants for ransom and their incarceration in detention centres administered by militia gangs in Libya, and how this situation creates pressure for forced mobility in the form of 'voluntary return'. The article also looks at the migrants' agency, specifically at how they try to get around the practices that stand in the way of their migration to Europe. We argue that understanding the migration dynamics in contexts like Libya requires insight into the ways in which EU/member states' externalisation policies and strategies interact with migration control strategies of informal networks and the agency of migrants. By examining the nexus between informality and mobility in a fragile state such as Libya and within the context of securitisation of migration by the EU (Kaunert 2012; Léonard and Kaunert 2019; Triandafyllidou and Ricard-Guay 2019; Bello 2022), this paper contributes to understanding the influence of informality on the MLG of migration, and how these factors influence migrants' return decisions.

While significant attention has been given to the EU migration crisis, the majority of extant scholarship has focused more on the roles of governments (central, regional and municipal) and regional organisations such as the EU and other more formal bodies, including United Nations (UN) organisations like the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). Even though attention has begun to be given to non-state actors such as civil society organisations and non-governmental organisations (NGOs) as critical stakeholders in MLG, the question of how the activities of armed groups as informal actors, the complex informal–formal processes involved in their activities, and how these activities affect migrants' decision to return is still under-researched. This paper adds to the literature on EU border externalisation and security outsourcing in Libya (Pacciardi and Berndtsson 2022) as well as MLG of migration (Zincone and Caponio 2006; Triandafyllidou 2014; Scholten and Penninx 2016; Caponio and Jones-Correa 2018; Panizzon and van Riemsdijk 2019) and emerging civil war literature on the nexus between armed groups and MLG (Kasfir, Frerks, and Terpstra 2017) to argue that the ascendancy of violent non-state actors in migration control, as is the case in Libya, adds a new layer of complexity to the familiar MLG arrangements or dynamics. This has produced negative consequences for migrants' human rights and the decision to actualise their migration dream to Europe through Libya, with many choosing to abandon their trip to Europe while in Libya and return home.

The article demonstrates how the configuration of multi-level power/authority relationships or the specific 'multi-level character of [the EU's migration] externalization policies and practices' (Triandafyllidou 2014, 7) in relation to Libya, which is intended to prevent migrants from entering Europe through the country, is linked to the actions of non-state actors who have used violence against migrants. This illustrates the unintended effects of the EU's externalisation of migration, and the instability in Libya has contributed to this. Yet the EU's

support for what has been described as a 'shadow migration system' (Urbina 2022) lends credence to the claim that the multi-level externalisation in which informality through non-state networks/actors in Libya plays a decisive role is also part of what has been described as the strategic use of institutional ambiguity (Stel 2021) to evade responsibility for migrants' exposure to violence and abuse under that system (Hayden 2022).

Methodology

This article utilises qualitative evidence based on the life experiences of 15 returnees from Nigeria (five), Ghana (four), Gambia (three), and Ethiopia (three) obtained through interviews conducted by the authors. The interviews were supplemented with published documents such as books and journal articles, reports by and opinions from policy/academic experts, international organisations, and NGOs working on the topic. The returnees were identified and contacted using the authors' networks and the snowball technique to solicit their time for a discussion of their experiences from their home countries to Libya and return. Due to security concerns and COVID-19 restrictions, interviews were conducted over the phone, for one hour, and returnees' verbal and ethical consent was obtained prior to the discussion for the recording of their voice notes. The narratives provided by the interviewees are quoted at length in the analysis section.

The returnees were informed of their rights and responsibilities, including confidentiality and protection of their information, the right to decline participation in the discussion if they believe recounting their experiences will have a psychosocial impact, and the ability to withdraw from the discussion at any time they feel uncomfortable. They were also instructed to take a break if necessary, during the interview. Only those who assured us that they can endure the art of telling their stories without emotional trouble and difficulty were granted interviews.

The article is divided as follows. A brief literature review of migration movements from Africa through the central Mediterranean Sea to Europe via Libya, as well as the EU's efforts to prevent these flows, is provided. The next section provides an explanation of the theoretical lens. Subsequently, the analytical part applies the theoretical framework of informality to the journey and decision to return of West African migrants, concentrating on informality and informal–formal practices and their multi-level dimension.

Migration from Africa to Europe through post-Gaddafi Libya

Since Muammar Gaddafi's ousting in 2011, Libya has faced two interrelated challenges of limited statehood and contested order, characterised by prolonged political conflict due to the absence of a unified central government that commands legitimacy in all parts of the country and the rise of rival groups vying for power in different regions (Capasso et al. 2019, 3–4). Following the 2014 election disputes between the General National Congress (GNC) and its National Salvation government in Tripoli and the Libyan House of Representatives (HoR) in Tobruk, the UN mediated the formation of the Government of National Accord (GNA), led by Prime Minister Fayeze al-Sarraj and head of the Presidency Council (PC). However, the GNA that was formed in December 2015 had its legitimacy to rule challenged by the HoR in Tobruk and by Khalifa Haftar, who leads the Libyan National Army (LNA). As a result,

the GNA could only exercise limited control over the entire country, while security was provided by various local factions of claimants to governing authority and their militias (Eaton 2018), with clashes between these rival claimants resulting in many deaths, including migrants killed in detention facilities (Hayden 2022, xv). Today, the national political space in Libya consists of two rival governments, one led by Abdul Hamid Dbeibeh, prime minister of the UN-backed Government of National Unity (GNU, formerly the GNA) based in Tripoli, and the other by Fathi Bashagha, prime minister of the government based in eastern Libya, supported by the Tobruk-based HoR (Hendawi 2023).

This complex environment in Libya, combined with increasing migration flows through the country, has sustained the 'development of well-established and resilient smuggling and trafficking networks' (European Council 2023). Generally, the rise in the number of people attempting to enter Europe illegally reached a climax during the so-called EU migration crisis of 2015–2016, when these migratory flows were overwhelming. Indeed, the UNHCR reports that by the end of 2016, approximately 5.2 million migrants reached European shores, and over one million of these people arrived in Europe by sea in 2015, with nearly 4000 believed to have drowned.

The bulk of those crossing from North Africa to Europe were Africans, and they mostly left through Libya (United Nations Office on Drugs and Crime [UNODC] Observatory on Smuggling of Migrants 2021). For example, the period labelled as the EU migration crisis saw a burgeoning increase in migration from sub-Saharan African nations: while it had previously remained consistent over time, with individuals from these countries ranking high among the top 10 countries sending migrants who disembarked in Italy via Libya, the percentage of migrants from these countries to Italy increased from 35% in 2011 to 94% in 2016 (Becucci 2020).

In February 2017, EU leaders in Malta reached an agreement with Libya to 'ensure effective control of [their] external border and stem illegal flows into the EU' via the Central Mediterranean route (European Council 2017). This agreement proposed a number of measures, including increased training and equipment for the LCG, increased EU involvement with countries near Libya to slow the influx, provision of better conditions for migrants at Libyan reception centres, and support for local communities on migration routes and in coastal areas to improve their socioeconomic situation (European Council 2017; BBC News 2017). The agreement sets aside €200 million (\$215 million, £171 million) for the UN-backed Libyan government, part of which will be used to bolster the LCG (BBC News 2017). Despite the fact that the EU recognises the actions of the LCG pose a threat to migrants (Brito, Jordans, and Cook 2022), the EU continues to work with the agency by providing ongoing surveillance through Frontex and organising capacity-building trainings in 2016 and 2017 through the European Union Naval Force Mediterranean's Operation SOPHIA (EUNAVFOR MED SOPHIA) and Operation IRINI (EUNAVFOR MED IRINI) (Vasques 2023).

However, Libya's governance issues, particularly the lack of a central state authority to enforce security, have led to the emergence of armed groups or militias as shadow state actors who, in addition to the usual human smugglers who facilitate migrants' movements from their countries to Libya, fill the gap left by the weakness of the Libyan state by influencing migration flows.

The activities of these informal actors have been both enabling and restricting. On the one hand, the facilitation roles of smugglers have helped to sustain the migrants' aspiration of emigrating from their countries and escaping what they perceive as vulnerabilities or

obstacles to a fulfilling life, such as conflict, persecution, poverty and unemployment. On the other hand, however, many migrants suffered oppressive circumstances throughout their migration, including kidnapping, extortion, terrorism, torture and – for some – murder, in Libya, before ultimately disembarking in Europe (Kuschminder 2021). Many of the migrants, however, experienced the horror on the Mediterranean Sea without being able to reach Europe, because of pushbacks designed to stop migration from reaching Europe's shores, which forced them to choose ever-more dangerous routes only to be intercepted by the LCG and returned to Libya. For instance, in 2021, more than 1500 individuals perished and more than 32,000 were apprehended and deported to Libya, where they are incarcerated in detention centres operated by armed militias (European Council on Refugees and Exiles 2022). Instead of continuing to Europe, as many of these migrants had initially hoped, they became trapped in detention centres in Libya. Against this backdrop, many migrants were forced to make the difficult decision to return to their home countries rather than endure the suffering and misery exacerbated by fighting and insecurity in Libya.

Informality and MLG of migration

Polese (2021, 24) enjoins us to view informality as 'the art of bypassing the state, as a mode of governance and as a proxy of the quality of a country's institutions'. Banks, Lombard, and Mitlin (2020) suggest we pursue a more nuanced study of informality by treating it as a site of critical analysis of political economy of governments at different levels, from the local to the national. They argue that attention to the social and political connections between the state and multiple sets of agents across these government levels (and across economic, spatial and political domains within them) helps us to better understand resource distribution and power consolidation. Such a multi-scalar view of informality as a critical site of analysis is useful because it provides deep insights into a wider range of 'actors involved, including their roles, relationships, and strategies; and how these simultaneously offer opportunities for extraction, exploitation, and exclusion for diverse groups across different domains' and how these 'diverse groups secure different terms of "informality" in their negotiations with and positioning vis-à-vis the state' (Banks, Lombard, and Mitlin 2020, 224).

This understanding highlights the importance of MLG as a crucial lens for better comprehending informality and migration flows. In general, the securitisation of migration and externalisation of border control have resulted in an increase in the 'multi-leveilling' of EU external governance, which is characterised by a complex institutional interplay between the EU and key international organisations such as the IOM and the UNHCR (Lavenex 2016). In addition to bilateral partnerships, this practice is reflected through a vast array of inter-governmental cooperation with third countries facilitated, for Africa, by the EU Emergency Trust Fund for Africa (EUTF), which aims to ensure stability and address 'the root causes of irregular migration and displaced persons in Africa' in partnership with 26 African countries across three regions of Sahel and Lake Chad, Horn of Africa (previously a part of the Khartoum Process), and North Africa. The EUTF funds are disbursed to a variety of organisations, including the IOM and UNHCR, other international organisations, EU member states' implementation organisations, NGOs, state actors from the African partner countries and private actors (companies, universities, publishing companies, etc.) (Bartels 2019), who are responsible for implementing the EU agenda within a complex MLG framework (EU Agenda 2021).

Formality is central to understanding informality as the strategies and positions that different groups utilise in their struggle to gain advantage or to cope with disadvantage because it offers state resources and social status, and hence power. A focus on informality highlights those disadvantaged by their inability to be “formal” but also those advantaged by their ability to be selectively “informal” (Banks, Lombard, and Mitlin 2020, 223–224). One illustration of the former category pertains to migrants who are compelled to navigate the absence of established channels for migration by resorting to informal methods, such as relying on smugglers. The latter group, on the other hand, includes the armed organisations that have profited from playing the role of gatekeepers to political power in Libya by supporting and sustaining the ‘victorious’ party laying claim to being the legitimate government in Libya. These armed groups assume the responsibilities of de facto immigration controllers and implementers of MLG agreements that Libya has entered into with the EU or its member states, notably Italy. This article explores the tension between the aforementioned informal activities which, as several scholars have argued, is partly shaped by the EU externalising migration control to third countries, which is done to deter migrants from reaching Europe (Scipioni 2018; Kuschminder 2021; Müller and Slominski 2021; Panebianco 2022a, 2022b; Cusumano and Riddervold 2023; Cardwell and Dickson 2023), and the informal practices migrants employ in order to evade these ‘dialectics of im/mobility’ (Tošić and Lems 2019, 6).

To reiterate, the EU’s approach to externalised migration control, especially in the context of large migration flows, has been largely defined through MLG, which institutionalises cooperation with third-country governments (Panizzon and van Riemsdijk 2019, 1225). Defined as ‘the reallocation of authority upward, downward, and sideways from central states’ (Liesbet and Gary 2003, 233), and as a theoretical perspective that specifically emphasises ‘the intersection between intergovernmental vertical interactions and state–society horizontal relations’ (Adam and Caponio 2018, 26), the MLG theoretical approach is particularly well suited to capturing the complexity of current migration governance dynamics (Panizzon and van Riemsdijk 2019, 1225).

One primary critique of the concept of MLG is that, despite its intention to signify a transition from government-centric approaches to governance-centric approaches, the works produced by even the prominent scholars on this topic have tended to prioritise the role of governments while neglecting the governance dimension (Börzel 2020). This deficiency is unhelpful because, similar to formal institutions, non-state actors can complement, substitute for or even replace formal institutions. Recent works have begun to remedy this government bias in MLG scholarship. These studies have noted how recent large migration flows

in the wake of the Arab spring, the Syrian civil war, the disintegration of Iraq, and instabilities in the Horn of Africa and its Great Lakes region’ have shifted the centres of command and the capacities of states to govern international migration. (Panizzon and van Riemsdijk, 2019, 1225)

However, while works with a ‘local turn’ to MLG have begun to emerge, paying particular attention to the critical role of cities (Hackett 2015; Caponio 2022) and non-state actors (Şahin-Mencütek et al. 2021; Triandafyllidou 2022) in the migration process, the vast majority of these studies have focused on stable Western liberal democratic states (see, for example, Polat and Lowndes 2022; Hackett 2015; Caponio 2022; Horak and Young 2012; Gunn 2012). We still know very little about processes and MLG dynamics in fragile contexts

or countries with fragmented governments as a result of violent conflicts, and especially the role of armed groups as key MLG in these contexts, despite scholars' calls for a 'plural understanding of governance' that prioritises 'de-centring' analysis 'towards different world regions, along a spatial approach (views from the city vs. views from the rural areas), and with reference to a multitude of governance actors (state, civil society, private sector, migrants and their households)' (Triandafyllidou 2022, 812).

In addition, the predominant forms of these works have emphasised the importance of MLG actors cooperating or coordinating towards the protection or integration of migrants/refugees. For example, Panizzon and van Riemsdijk (2019, 1225) noted that 'civil society actors, regions, and cities have provided hospitality and refuge to those in need, taking on some of the roles traditionally performed by national governments and international organizations'. Panebianco (2022b) described how non-state actors can challenge central governments' securitisation discourses aimed at border control that dehumanises migrants with their more humane interventions such as providing food and shelter to those in need, promoting migrants' rights and protecting the vulnerable, and advocating for the regularisation of irregular migrants (Panebianco 2022b, 432). On the other hand, scholars have criticised the overly benign view of MLG as 'negotiated order among public and non-public actors' and argued that MLG interactions such as local policies of reception should be viewed instead as 'a playing field where different actors come together with different interests, values, and frames' (Campomori and Ambrosini 2020, 1; See also Dimitriadis et al. 2021 for similar argument). This perspective implies that MLG can potentially result in outcomes that conflict with the commonly perceived beneficial goals for migrants and refugees. Other scholars have argued that a more nuanced position is one that recognises MLG actors play a range of roles, from coordination and cooperation to contestation and resistance, with temporality playing an important role in these interactions such that 'in each (MLG) response or in the assemblage of responses (sometimes even the contradicting ones), scope of policies, boundaries of institutions and types of cooperation are re-negotiated and re-defined in relation to the notion of crisis' (Şahin-Mencütek et al. 2021, 7).

This paper builds on these critiques by focusing on armed groups as important migration externalising/MLG actors in violent conflict settings. In doing so, it addresses the questions pertaining to the mechanisms through which policymaking levels interact, clash or disengage within the framework of evolving MLG dynamics resulting from crises, and how the various dichotomies associated with the migration 'crisis' have reconfigured the power dynamics among global, supranational, regional and national levels (Panizzon and van Riemsdijk 2019, 1226).

Finally, in order to comprehensively analyse the evolving dynamics of MLG and the growing complexities of migration phenomena in their contextual and temporal dimensions, this study employs a multi-dimensional framework encompassing micro, meso and macro perspectives (Bonfiglio 2011; Şahin-Mencütek et al. 2021). This is consistent with the conceptualisation of MLG as a methodology that prioritises the study of interactions (Adam and Caponio 2018). In fact, according to Castles (cited in Bonfiglio 2011), 'a conceptual framework as a general guide for migration research should provide methods for analyzing the interactions of socio-spatial levels and the relationships between structure and agency ...' This article will therefore focus on the interaction between migrants as active agents of MLG dynamics (micro level), armed groups as non-state actors with the capacity to structure migration flows (meso level), and EU/member state externalisation policies and strategies (macro level).

Analysis: sub-Saharan African migrants' journey to Europe via Libya, informality and return migration decision

In this section, we demonstrate how the concept of informality can help us understand the migratory dynamics of Africans attempting to reach Europe via Libya, which can be defined as patterns of (im)mobility in which migrants attempting to reach Europe are trapped in Libya, with no other option than to return home. The relationship between informality and the migration experiences of Africans will be investigated along two major dimensions: the migration from their home country to Europe via Libya, the subsequent imprisonment in Libya, primarily in detention centres, and the eventual decision to return home. Three key informality research mechanisms, namely everyday governance and the art of defying the state, the social embedding of informality, and the informality–formality links, as well as their multi-layered dimension, will be employed to investigate the nexus between informality and migration, particularly under the multiple crises of entrenched insecurity in post-Gaddafi Libya and the increasing securitisation of migration aimed at stopping irregular migrants from reaching Europe.

Polese (2021, 24) enjoins us to view informality as 'the art of bypassing the state, as a mode of governance and as a proxy of the quality of a country's institutions'. Migrants' journeys using smuggling networks can be understood in this way. This art of bypassing the state is carried out by the migrants as well as the smuggler. A Nigerian returnee interviewee explained:

I was not forced by anyone, but by my circumstance. I am a tailor and my trade in Nigeria was not doing well, so I decided to go and practise my trade in Italy where I learnt that I would have good business. I knew I wouldn't get visa from the Italian embassy, and I was told that if I reach Italy's shores, NGOs will help me get in. So, I made my own findings and contacted relevant people who have helped others to travel before. My friend and I were the ones who looked for the 'connection man' (local name for smuggler) to help us to travel, but we only met his brother in Benin city [Nigeria], and I even know their family house; they are popular people in the community and many people use their services. He arranged terms with us on behalf of his brother. We were asked to pay 1200 USD each, and we paid 600 USD each before leaving Nigeria with promise to pay remaining balance of 600 USD in Libya. I did not speak with the main connection man until we reached Agadez. I met him physically when we arrived Libya, and few days later the remaining money [in Naira] was transferred by my brother into his Nigerian bank account.

The above narration demonstrated that emigration from Nigeria was considered a coping strategy in response to job precarity, and the migrant relied on informal networks in deciding on his migration option, as well as the use of smuggling as a method to circumvent migration control in Libya and Europe that he saw to be skewed against migrants. All of the migrants we spoke with paid their smuggler or *connection man*. However, despite the fact that money was exchanged, researchers who take a critical mobility and informality viewpoint have urged us to pay enough attention to the social embeddedness of smuggling rather than reducing it to a purely commercial practice (Polese 2021; Sanchez 2020). Sanchez (2020, 2) argued that despite encouraging 'the emergence of often unequal and abusive interactions ... that put human lives at risk' it is inaccurate and reductive to refer to the facilitation of migrant journeys as 'smuggling' because 'they are part of a larger continuum of strategies crafted to advance people's need and desire for mobility.' Corroborating this view, research by the UNODC Observatory on Smuggling of Migrants (2022, 23) revealed that despite indications of abuse of migrants by smugglers,

comparatively few of the Nigerians surveyed in transit and destination countries in 2021 who had used a smuggler or facilitator considered that actor to be a criminal (18%). In fact, most saw them as a service provider or businessperson (50%), an information resource (24%) or a protection resource (17%), while 15% saw them as a fellow migrant and 3% as a friend.

Historically, Gaddafi exercised a degree of influence over smuggling activities, selectively permitting specific families, tribes and groups to engage in such practices as a means of implementing a divide-and-rule political tactic aimed at incentivizing local allies of the regime. However, alongside exerting control over smuggling, Gaddafi also sought to derive advantages from it and wield political influence over European states by means of migration control (Eaton 2018, 8). In 2008, he signed a cooperation agreement with Italy, committing to halt departures from Libya to Italy in exchange for Italy providing economic assistance to Libya (Becucci 2020, 117). This led to a drastic reduction in the number of migrant arrivals to Italy by sea in 2009 and 2010.

However, the post-Gaddafi political economy saw an increase in the smuggling of migrants into Libya. This coincided with other global events such as civil wars and protracted conflicts that led to forced displacements resulting in 7.6 million internally displaced people and 3.88 million Syrian refugees at the end of 2014, Afghanistan (2.59 million refugees) and Somalia (1.1 million refugees), as well as migrants and refugees from other conflict-ridden countries (UNHCR 2015), with some of these arriving in Libya in an attempt to reach Europe. The smuggling networks capitalised on the easy availability of migrants, including those already in Libya. The period beginning in 2013–2014 witnessed the development of a real economy based on irregular migration, with a vertical smuggling organisational structure that provided smugglers with a variety of resources, such as connections with recruiters in the migrants' countries of origin, financial resources, and militia protection (Becucci 2020). This development occurred at the same time that the GNA has been unable to establish its authority over a substantial portion of Libya, which has bolstered smuggling operations. For instance, Al-Arabi (2018, 7) revealed that smugglers from the Tebu and Tuareg ethnic groups have used the lack of basic amenities and services in places like southern Libya's Fezzan to develop relationships with a wide range of local community members. As smuggling became a significant economic sector and provider of jobs in Libya's primary oil-producing region, which had suffered from years of economic neglect (Fitzgerald and Wilson 2021), it also became deeply ingrained in the larger society, and the smugglers became synonymous with local socio-economic development as a result of their decision to reinvest their profits in social sectors such as health (Al-Arabi 2018, 3–7; see also Sanchez 2020).

However, it is important to note that the above statements should not be interpreted as glorifying or downplaying the detrimental effects of smuggling on Libya's political, social and economic progress. It is also crucial to acknowledge that smuggling does not always enjoy widespread support from the populace. For instance, in 2015, civil society members in the Amazigh town of Zuwara organised a political movement to resist human smugglers, following a sequence of maritime accidents that occurred along the city's coastline which led to the devastating loss of many migrant lives (Farrah 2021). In addition, following clashes between the Zawiyah Refinery Coastguard and smugglers, which resulted in the death and arrest of the smugglers, Mutrud municipality officials expressed strong opposition to the human smuggling trade, which has drawn an unwarranted amount of attention to the city, and tasked its own militia, the West Zawiyah Anti-Crime Unit, with driving out the smugglers and their trade (Micallef and Reitano 2017).

Yet the case of Libya vividly illustrates this complex system of interdependence/entanglement, as well as its shifting patterns in the conflict-ridden post-Gaddafi era, with significant implications for the situation of migrants in the country. In the years following 2011, the role of official migration control bodies (primarily the border guard and the Department of Combating Irregular Migration (DCIM) or the Anti-Illegal Immigration Agency (AIIA), created in 2014) has been hampered by their dependence on weak and divided governments, as well as the smugglers' military capabilities (Al-Arabi 2018). Border patrol and DCIM have avoided direct confrontation with smugglers to prevent escalation of tensions due to the fact that the majority of smugglers are shielded and protected by well-armed local militia groups, and members of the DCIM have either directly participated in smuggling or collaborated with traffickers for payment due to poor wages and deplorable working conditions (Al-Arabi 2018). One critical element of this complexity for mobility flows is that the armed groups are compensated with official migration control responsibilities. The case of Mohammed al-Khoja, a militia commander accused of mistreating migrants but appointed by the GNU in December 2021 to oversee DCIM (European Council on Refugees and Exiles 2022), is a good example of the entanglement between the militia and the Libyan government. The DCIM is the interior ministry in charge of overseeing Libya's notoriously abusive jail facilities for migrants (Johnstone and Naish 2020). According to the European Council on Refugees and Exiles (2022), for many years, Al-Khoja, who formerly worked as DCIM's deputy head, administered the Tarik al-Sikka detention camp in Tripoli, which is known for atrocities including beatings, forced labour, and a large ransom scheme, and he also reportedly maintains close links with human smugglers and other heads of militias that are under UN sanctions.

The complexity of the ties between various Libyan players and the European Union is crucial to understanding the informal–formal linkages that drive migrants' immobility and return decision. On one end of the spectrum is the European Union and its member states, notably Italy which, due to its proximity to Libya, signed an agreement with the country in 2017 for the interception of thousands of migrants at sea by the LCG and their return to Libya. Italy's Memorandum of Understanding (MoU) on Migration with the Libyan government was renewed in 2020 for three years (Médecins Sans Frontières [MSF] 2022), and automatically renewed in February 2023 for an additional three years (Tranchina 2023). Generally, based on these agreements, the LCG has been receiving funding and technical assistance from Italy and the European Union to improve its maritime surveillance capabilities as part of this arrangement. Italy has provided €32.6 million since 2017 for overseas operations to aid the LCG, with €10.5 million earmarked for 2021 (MSF 2022). Since 2017, the European Union has contributed €57.2 million for 'Integrated Border and Migration Management in Libya', and in November 2022, it announced its intention to significantly enhance its assistance to the country, including by providing surveillance data from Frontex, the EU's border agency, to Libya for the purpose of intercepting migrants (Human Rights Watch 2023). Over 82,000 refugees and migrants captured at sea have been returned to Libya since these agreements were signed (Amnesty International 2022). In this regard, human/migrants' rights groups and activists have argued that Italy and the EU are complicit in the violation of migrants' rights by aiding the LCG in capturing migrants at sea, knowing full well that this will make it easier for these migrants to be returned to Libya where they face serious human rights violations (Human Rights Watch 2023), with MSF (2022) characterising the situation as 'EU-sponsored abuse'. As E. Van der Velden stated during the debate of the European Parliament's Committee on Civil Liberties Justice and Home Affairs on 'the situation of

migrants in detention centres in Libya and of migrants returned by the Libyan coastguard; 'Libya remains the most extreme example of how containment-based politics not only obstructs the right to seek asylum but even turns the EU complicit to the extreme abuses of migrants and refugees that are happening there' (European Parliament 2019).

The situation also suggests the helplessness of international organisations, particularly those affiliated with the UN system. According to the Associated Press, UN officials were aware in some instances that militia networks were receiving funding from the EU, and its own investigations revealed that these militia groups frequently operate in detention centres that receive millions of dollars from Europe and torture, blackmail and otherwise abuse migrants for ransom in UN-supervised facilities (Michael, Hinnant, and Brito 2019). In addition, militias divert European funds, provided through the UN to feed and otherwise assist famished migrants, even as millions of euros in UN food contracts were being negotiated with a business owned by a militia commander while other UN teams voiced concerns about starvation in his detention centre and migrants going hungry (Michael, Hinnant, and Brito 2019).

Against this background, it is not surprising that migrants we interviewed ranked starvation and thirst alongside abuse and torture in Libya as the top two reasons for their decision to return. According to a Gambian migrant, the militia or police administering the detention centres and relocation centres were probably stealing the food items supplied by the UN agencies (UNHCR and IOM), which resulted in severe hunger. According to him:

I believe these UN personnel had good intentions, and we can see that they wish to assist us. However, their efforts were incomplete. Every day, we only see food that they supply being delivered, but we cannot see the food itself, and so we faced aggravated hunger. Even if you are not physically abused, the hunger will humiliate you and make you lose your dignity as a person. We do not know why IOM did not check to see if the food they bring reaches us, but my feeling is that they were either genuinely scared of the militia or they want us to really starve so that we do not attempt to remain in Libya longer, or come back when we return to our own countries.

A migrant from Cameroon who was incarcerated at the Abu Salim detention centre for nine months supported the claim that groceries and supplies meant for migrants were stolen. She said that she saw the militias stealing 'European Union milk' and diapers brought by UN personnel before they could be handed out to migrant children, including her toddler son (Michael, Hinnant, and Brito 2019).

In addition to sheer human misery arising from scarcity of food and water, gender-based violence was also experienced by migrants. An Ethiopian migrant detained in the all-female Sorman Detention Centre recounted her experience, stating that she had no choice but to consent to return home due to the sexual predation women endured in the facility, which made her fear that she could be the next victim:

We were not brutally attacked as the men were, and we may not have physical scars to show for it, but we were subjected to serial abuse and dehumanisation, nonetheless. Despite being housed in a separate facility from the male migrants, which I assume is meant to better accommodate our specific needs as women, this separation has been rendered meaningless by the fact that guards have been known to barge into our rooms at any time, including when we are undressed. The guards are always acting strangely when they are high on drugs, which is most of the time, and they start harassing us to have sex. During my seven months there, two Ethiopian women were raped and got pregnant in the detention camp, and many more would have experienced the same fate without speaking out until the pregnancy comes out.

The long list of abuses suffered by migrants in Libya, particularly in detention centres, has been exhaustively documented (Amnesty International 2022; Hayden 2022; Human Rights Watch 2019, 2023; OHCHR 2022; Urbina 2021), and our interviewees have confirmed these. However, at this juncture, we should emphasise one institution – migrant detention centres – that are central to understanding the informal–formal practices and how these deepen migrants’ vulnerability. According to the UN, over 12,000 migrants are held in 27 prisons and detention facilities across Libya, and this number does not include migrants held illegally and frequently in ‘inhumane conditions in facilities controlled by armed groups or “secret” facilities’ (Global Detention Project 2022). The migrants in these detention centres are primarily those who were intercepted at sea by the LCG and the Stability Support Authority (SSA) and forcibly returned to Libya, where they have no rights (Amnesty International 2022), as well as those who were not even intending to go to Europe but were raided by militia or security and arbitrarily detained. Even though it was created by a government decree in January 2021 and became part of the Ministry of Interior, the SSA is described as a militia that allegedly committed various forms of human rights violations and abuses against migrants, and it is led by a prominent militia leader who has a ‘well-documented history of crimes under international law and other serious human rights violations committed by militias under his command’ (Amnesty International 2021).

Noteworthy regarding the dynamics of detention centres in Libya are the informal–formal linkages in which the informal, represented by militias who are accountable only to themselves, play a central role in migration management, in spite of some efforts by government actors, who are themselves former militias, to distance themselves from these militias. For instance, as Kalush (2020, 7) noted, while these detention centres ‘are nominally administered by the ... DCIM’, an agency of the Ministry of Interior of the UN-backed government in Libya (GNA, and now GNU), they are ‘largely operated by militias with their own vested interests’. In fact, ‘local militias, some of whose members have been formally integrated into the DCIM, often effectively remain in charge of or retain influence over individual DCIM centres in the neighbourhoods that they control, with limited central oversight’ (Amnesty International 2021, 16). Since local militias essentially run some official detention centres, like the Nasser detention facility in Zawiyah, and unofficial detention centres that they created, it is not surprising that migrants are abused in these settings. In 2020, the DCIM decided to close and replace some of the most notoriously abusive migrant detention centres (in Tajoura, Misrata, and Al-Khums), with Mabrouk Abd al-Hafiz, then head of the DCIM, stating, ‘We are opening centres in areas beyond the control of the militias’ (Creta 2021). However, the new DCIM detention centres that were established, such as the Al-Mabani DCIM, were ‘managed and staffed by many of the same individuals who worked in the former Tajoura DCIM centre’, with ‘similar patterns of abuse documented in closed DCIM centres ... reproduced in [the] newly opened or re-opened ones’ (Amnesty International 2021, 17–20). This highlights how informal and formal practices are frequently blurred because the same actors control or operate both spheres. Due to Libya’s immigration legislation, which criminalises all forms of ‘illegal’ entry into the country, including those of refugees and asylum seekers (Kalush 2020; Amnesty International 2017), migrants who cannot pay to secure their freedom will either remain in these detention camps without knowing when they will be released, or be sold to traffickers for money or forced into prostitution (Amnesty International 2017; Brito, Jordans, and Cook 2022).

One final informal practice around detention centres that is critical to understanding the plight of migrants is the transfer of migrants from one holding facility to another. As an extortion strategy to justify the payment of multiple ransoms to the militia, migrants are continually transferred between formal and informal detention facilities or warehouses, where the new facility managers appear to be oblivious of whatever ransom payments the migrant has previously made. A Ghanaian migrant recounted his experience:

After we paid the agreed-upon amount, they claimed that our connection man owes money to his Arab business associates that he cannot pay and that he instructed them to collect it from us, and that they would not let us leave until we paid the debt. They transferred us from the transit camp to another detention facility, where we were beaten with water hose and slapped several times (to the point that I now have hearing problem) to force our families back home into paying a second sum of money, instead of transporting us to Italy as was agreed. I spent several months in the detention centre before my family was able to pay half of the money, but they refused to release me. During this period, IOM arrived to the prison inquiring if we wanted to return, and I said yes because my family had informed me that they could no longer send me money. This was how I returned to Nigeria after six months in Libya: from a transit camp to a detention centre, then back home.

According to a Gambian returnee, the suffering was too much, and he could not continue the journey after his ordeal but decided to go back home. According to him:

A detained migrant must pay equivalent of 700 USD for release. If your family cannot provide the funds, you will remain in prison or be sold as a slave, as the people who are in charge of the detention facility will not release you. It took my people three months to raise the money, but one month after the payment, I was moved to another detention facility and asked to pay another money (680 USD) for my release. When I told the detention centre guard that I paid money previously, he told me that whatever took place in the previous detention centre had no impact in the new one. I was tortured constantly to produce the money. I suffered in the detention centre for three more months until the IOM came and asked us if we want to go back and I rushed at the opportunity because I know that the demand for money will not end.

Vernhes (2022) emphasises the problem when she says:

In Libya, migrants are at the heart of a well-oiled business orchestrated by militias, under the guise of government action. The 'business model' is simple: militia leaders receive money to run detention centres and prevent migrants from crossing the ocean to reach Europe, while increasing their income by selling detainees' freedom away.

Conclusion

There is a huge body of literature that aims to explain African migrants' conditions as they migrate to Europe via Libya. Utilising a critical informality and migration lens, this article contributes to existing research by analysing the (im)mobility dynamics of three types of informal mobility practices as an interconnected whole, rather than as separate entities. This involves the interaction between migrants as active agents of MLG dynamics (micro level), armed groups and smugglers as non-state actors with the capacity to structure migration flows (meso level), and EU/member state externalisation policies and strategies (macro level). At the macro level, migration is a highly political issue, and it also involves both non-state actors and state actors, or informal-formal linkages. This aligns with the idea put forth by Banks, Lombard, and Mitlin (2020, 224) that

reconsidering informality as a site of critical analysis, rather than a setting, sector, or outcome, requires 'zooming out' to explore patterns and processes at the meso- and macro-level, as well as 'zooming in' more narrowly [to the micro level] on given sectors, settings, or outcomes, or particular groups [or individuals] within these.

In this article, we contend that greater emphasis should be placed on the impact of informality on the vulnerability of migrants within the complex framework of multi-level migration governance. This is particularly relevant in the context of Libya, where armed state actors have become increasingly involved in shaping migration patterns. This argument does not suggest that we should stop paying attention to formal actors like the European Union or its member states and the governments of third-party countries, even in cases where said government may be fragmented and lacking in overall authority, as is the case in Libya. Rather, it seeks to highlight the significant interconnections between informal and formal elements within the dynamics of MLG in response to the call by migration scholars for a 'decentering [of] the study of migration governance' (Triandafyllidou 2022). Certainly, the prominence of state actors remains significant, particularly in the context of the narratives of 'migration crises'. This is due to their ability to exploit the securitisation of migration for their own benefit. Léonard and Kaunert (2022) have illustrated this phenomenon by examining Turkey's utilisation of the inherent vulnerability associated with the securitisation of migrants by European nations during the Syrian refugee crisis to strategically secure concessions from the European Union. In the case of Libya, there is a discernible pattern of exploiting migration and the vulnerabilities in the EU's border control system for Libya's own benefit (Kalush 2020). This strategy, described as coercive migration diplomacy, has been observed in both the Gaddafi regime and the subsequent Libyan governments relations with Europe, and even other African countries (Tsourapas 2017; Tsourapas 2018; Adamson and Tsourapas 2019). However, unlike during Gaddafi's rule, the current Libyan crisis has resulted in concessions granted to the Libyan state being implemented by militias to whom the state is politically indebted, and to whom it has delegated or abandoned migration management despite lacking the authority to ensure their accountability, with disastrous consequences for the migrants.

This does not imply that Sub-Saharan migrants always had it too easy under Gaddafi. Yet, as Eaton (2018, 2) argues, the post-Gaddafi political economy milieu, which may be defined as 'a war economy', offers dramatically different incentives for the exercise of state power, with implications for migration. There has been a proliferation of networks of armed groups and criminal networks, who sustain their activities through illicit businesses and predatory practices; in turn, the limited capacity for coercion available to state actors has pushed them to adopt the strategy of co-opting these informal actors (Eaton 2018). This generates a self-reinforcing cycle: the state's failure to provide resources, services and security lends credence to informal actors who claim they are filling the gap (and who frequently have connections to the state). At the same time, the presence of these groups makes it more difficult for the government to regain control on a local and national scale or carry out its duties (Eaton 2018, 6). This article demonstrates how this environment in which the EU externalises border control to Libya, as well as the complex MLG arrangements that sustain it, affects migration, from the dominance of these informal actors in migration management through migrant smuggling to the operation of detention centres or the rewarding of militia leaders with official migration roles, as suggested by the case of the DCIM boss.

Consequently, while the EU or European countries such as Italy partner with the Libyan state through interstate and intergovernmental frameworks, and accords such as Italy's MoU on migration, to help stem migration to Europe, the weakness of the Libyan state has resulted in the practical delegation of these roles to armed militia or an alliance between Libyan state agencies and armed groups. From this perspective, not only is informality introduced through the externalisation of the EU's border control responsibility, but in crisis-stricken countries like Libya, informality has become the defining characteristic of the implementation of this EU strategy on the ground, with disastrous consequences for migrants who are trapped in Libya, suffer abuse and persecution, and are forced to abandon their migration goals and return home. This article has demonstrated the diverse ways in which informality and informality–formality linkages occur in this MLG arrangement and has highlighted the role of violent non-state actors such as militias, who have exploited the weakness of the Libyan state to play the salient role in migration management. Future research is needed to provide more empirical country examples of the role of violent non-state actors in migration-related MLG and the mechanism by which this shapes migrants' everyday migration aspirations, their plight along the transit routes, and decisions to continue their voyage or return home.

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