The Migration Emergency Response Fund and Mixed Migration Flows along the Mediterranean

THE ADDED VALUE OF A CONTEXT-SPECIFIC CONTINGENCY FUND

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Abbreviations and Acronyms

ANSA  Armed Non-State Actor
CICA  Collaborative Information Collection and Analysis
CRS   Catholic Relief Services
CTP   Cash Transfer Program
CWC   Communicating with communities
DFID  UK Department for International Development
ECOWAS Economic Community of West African States
ETM   Emergency Evacuation Transit Mechanism
EU    European Union
EUTF  EU Emergency Trust Fund
FSL   Food Security and Livelihoods
FYROM The Former Yugoslav Republic of Macedonia
GAMM  Global Approach to Migration and Mobility
IDMC  Internal Displacement Monitoring Centre
IDP   Internally displaced person
IFRC  International Federation of Red Cross and Red Crescent Societies
IMC   International Medical Corps
IOM   International Organisation for Migration
IRC   International Rescue Committee
ISIS  Islamic State in Iraq and Syria
JVAP  Joint Valletta Action Plan
MARRI Migration, Asylum, Refugees Regional Initiative
MdM   Médecins du Monde
MC    Mercy Corps
MEL   Monitoring, evaluation and learning
MERF  Migration Emergency Response Fund
MoU   Memorandum of Understanding
MPCA  Multi-purpose cash assistance
MSF   Médecins Sans Frontières
NFI   Non-food item
NGO   Non-Governmental Organisation
OAU   Organisation of African Unity
OCHA  United Nations Office for the Coordination of Humanitarian Affairs
OECD  Organisation for Economic Cooperation and Development
oPt   Occupied Palestinian territory
PSS   Protection and psychosocial support
RSD   Refugee Status Determination
SGBV  Sexual and gender-based violence
STD   Sexually transmitted disease
UAM   Unaccompanied minor
UNHCR Office of the United Nations High Commissioner for Refugees
UNICEF United Nations Children’s Fund
UNSMIL United Nations Support Mission in Libya
WASH  Water Sanitation and Hygiene
Executive summary

Scope: This independent report commissioned by the Start Network is part of a wider lessons learned endeavour to review the value added of the Migration Emergency Response Fund (MERF) and the obstacles encountered by the mechanism since its inception in January 2017. Through an analysis of secondary sources and a focus on four country contexts, it provides an overview of the complexity of mixed migration flows along the Mediterranean towards Europe, and the context for MERF activity.

Analysis of mixed migration flows: The report first places the so-called ‘European refugee and migrant crisis’ within the wider context of the global increase of all types of ‘people on the move’. It depicts the complex and often combined causes that trigger population displacement, while solutions to their plight remain scarce leaving many people ‘stuck’ in exile, often in precarious situations for an increasing period of time. The report then considers how the European Union (EU) and its member states have responded to the rise of people arriving on the continent by privileging policies containing population flows in transit countries through external border control management. While these policies may have reduced the overall scale of arrivals in Europe, they have been considered to jeopardise the right of people to seek asylum. The refugees and migrants who still attempt the journey are putting their lives at risk through irregular and dangerous crossings. The report follows on to describe some of the main challenges for humanitarian agencies in addressing mixed migration flows emerging from the volatility and politicisation of the working environment, the diversity of refugee and migrant profiles, their motivations, and the complexity of displacement pathways. Some of these trends are in turn influenced by external factors such as the presence of smuggling networks that often increase further the vulnerability of refugees and migrants.

Assessment of MERF activities: The report then offers a more detailed analysis of the value added and shortfalls of the MERF mechanism in the four examined countries. When triggered, the MERF clearly responded to urgent unmet humanitarian needs and also focused on specific displaced populations whose needs had not been catered for by mainstreamed assistance, also acting as a bridge to leverage additional funding. As a needs-driven mechanism, the MERF addresses the needs of the most vulnerable regardless of their status. While well suited to respond to emerging life-threatening situations, the mechanism has limitations in responding to a wider array of needs including protection-related needs that appear when the length of stay of refugees and migrants in the host or transit country is

1. The four countries of focus for the research were Libya, Morocco, Niger and Serbia, completed by interviews with Start Network members.
extended. The MERF is a fast mechanism whose speedy disbursement process increases chances of providing timely response, making it most fitted to situations requiring urgent action. The short project implementation timeframe, however, is conditioned to readiness for intervention and the existence of strong local partnerships, while external factors, such as obstructive national policies, can slow down implementation. The flexibility of the mechanism allowed agencies to conduct assessments in contexts where projects implementation was premature or unsafe, in order to better understand actual needs and programmes suitable for future responses. Partner-led interventions are valued for their capacity to provide fast and contextual responses to an extent and level that international organisations could not have reached on their own. The effect of partnership was, however, most beneficial in contexts where relations have long been established. Some factors, mostly related to security and politicised contexts have limited to scope of the MERF. Where projects implementation took place, the MERF was instrumental to foster relationship with host authorities and other humanitarian actors. The mechanism also successfully strengthened collaboration among member agencies. Nevertheless, this has not prevented some shortfalls in the coordination with stakeholders while the internal collaboration has been circumstantial in some occasions.

**Lessons learned and suggestions:** The new MERF programme that is about to be renewed for a longer period in eleven countries\(^2\) may benefit from incorporating some of the lessons learned gathered through this research. The suggestions made to ensure that the mechanism becomes even more responsive to the needs of refugees and migrants in mixed migration contexts can be summarised as follows:

1. The mechanism would gain from ensuring that more regular contextual analysis on migration and displacement into the countries and regions covered is carried out.

2. It should expand the use of assessments to fill-in remaining knowledge gaps on refugees and migrants to sharpen the understanding of their needs and devise responses that are appropriate to the contexts in which agencies are working.

3. Although addressing funding shortfalls at national level is beyond the scope of the MERF, including ‘sustainable plans’ in project proposals could play some role in pre-empting unforeseen funding shortfalls.

4. While the MERF should remain a needs-based mechanism, certain needs could be reduced if the mechanism also engaged with rights.

5. Whereas the MERF proved its suitability to address humanitarian emergencies situations, it would address a wider range of needs by broadening its scope for intervention.

6. The research confirms the value of strong partnerships throughout the project cycle and calls to strengthen it in countries where it remains weaker.

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\(^2\) The eligible countries are: Algeria, Burkina Faso, Cameroon, Chad, Egypt, Libya, Mali, Morocco, Niger, Sudan, Tunisia.
7. The MERF is a network that continues to expand and as such it should prioritise its role as a dynamic information sharing and learning platform.

8. While successfully activated in a limited number of countries, the MERF still needs to overcome difficulties related to politicised contexts in order to expand its geographical reach.

9. When information about needs is missing, the mechanism should accommodate a more flexible criterion for alerts as well as provide a follow-up mechanism for declined alerts.

10. While the MERF is a flexible mechanism in the way it functions, there would be scope to incorporate also some financial flexibility to prolong the impact of the response to needs that may remain after the implementation of projects.
Introduction

Basic information about the Start Network, Start Fund and the MERF

The Start Network is an international network made up of 42 aid agencies, ranging from large international organisations to national NGOs spread across five continents. It aims to deliver more effective emergency aid, harnessing the power and knowledge of the network to help people affected by crises. Network members collaborate in building a more equitable, connected and agile humanitarian ecosystem, more diverse and in which funding will be dependable and predictable, driven entirely by humanitarian need. Responses are defined by the recipients and early funding reduces the impact of crises and the cost of response.

The Start Fund is the first multi-donor pooled fund managed by Non-Governmental Organisations (NGOs). Launched in 2014 it is currently supported by the British, Irish, Dutch and Belgian governments and the European Commission. Able to respond within 72 hours of an alert, the fund can address many different underfunded and under the radar, small to medium size crises, as well as spikes in chronic humanitarian emergencies and provide a forecast for early action for impending crises.

The Migration Emergency Response Fund is a UK Department for International Development (DFID) funded rapid response, context specific, contingency fund run by the Start Network to respond to changes in the context, spikes, ongoing gaps and acute needs among refugees and other migrants along the central Mediterranean route. DFID initially invested £2.5 million into the fund that ran between January and December 2017. The decision-making mechanism of the Migration Emergency Response Fund (MERF) matches the Start Fund model with the possibility for member organisations to trigger an alert in 18 countries to react to a significant change of needs or assist previously unidentified vulnerable groups. The MERF allows NGOs to respond to crises that are not currently being covered under the ongoing response plans and, through a peer reviewed decision-making process, allows project allocations to be made in maximum 72 hours.

Initially the MERF had a single mechanism funding two-month projects with the aim to provide immediate basic lifesaving support; provide assistance

7. Albania, Algeria, Bosnia and Herzegovina, Bulgaria, Croatia, Egypt, Greece, Hungary, Italy, Kosovo, Libya, The Former Yugoslav Republic of Macedonia (FYROM), Morocco, Niger, Serbia, Slovenia, Tunisia, Turkey.
8. From when an alert is raised to when award letters are signed.
while the wider response system adjusts in order to facilitate a smooth transition to a new phase; or fill a gap before new funding comes in. The mechanism was reviewed as the short timeframe and the need to begin implementing activities within seven days seemed adapted for Europe but proved to be difficult in North Africa and Niger. A second mechanism was subsequently designed for this context allowing projects to run for up to four months and with a more flexible start date.9

**Background to the Migration Emergency Response Fund**

The ‘European refugee or migration crisis’ is the name given to a period beginning in 2015 when a rising number of people arrived in the European Union (EU) travelling across the Mediterranean Sea or overland through South East Europe. The flow of people arriving via these routes is diverse in its composition and fluctuates regularly driven by a complicated mix of factors. Political agreements and measures at the EU level and with third countries to halt migration across the Mediterranean from North Africa but also internal political decisions like border closures have impacted on the intentions and actual journeys of refugees and migrants. To respond to the critical needs of migrants and refugees along the Balkans route just before the winter period, in 2015 DFID allocated £16 million to the Start Network for Croatia, FYROM, Greece, Serbia and Slovenia over a five months period.10 The programme was subsequently extended for another five months with a further £5 million from DFID for activities in Greece, FYROM and Serbia.11

Data from organisations such as IOM and UNHCR show that the overall number of immigrants entering Europe is significantly less in 2017 than it was in 2016. Arrivals in Greece have fallen dramatically and to a lesser extent in Italy because of these agreements and policies, while arrivals in Spain have increased as people look for alternative routes into Europe. The reduction in numbers has however not lessened the protection and other humanitarian needs of refugees and migrants as they make the journey and when they arrive at a destination. The decline of arrivals in Europe has also led to a larger accumulation of migrants in North Africa, particularly in Libya. The fluctuating flows and routes exacerbate an already difficult operating context for humanitarian actors and make it difficult to plan for a response.

**Scope of the research and methodology**

The research comes at a critical time as the initial phase of the MERF ended in December 2017. It aims to complement the wider ‘reflections one

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9. There have been 13 alerts between January and October 2017: 6 alerts in Serbia of which 4 were activated with a total of 12 projects implemented; 2 alerts in Bulgaria of which 1 was activated with 1 project implemented; 3 alerts in Niger of which 1 was activated with 1 project implemented; 1 alert in Morocco which was activated and had 1 project implemented; 1 alert in Italy which was not activated.
10. After a project selection process, 17 humanitarian agencies were selected and implemented activities from October 2015 to March 2016.
11. The second phase ran from April to August 2016 and was implemented by 9 humanitarian agencies. Both phases included a variety of assistance and protection activities: Food Security and Livelihoods (FSL), Water Sanitation and Hygiene (WASH), camp management, protection, shelter, health distribution of non-food items (NFIs) and winterization items, Communicating with Communities (CWC) and contributing to improved coordination among partners and local authorities.
year on’ that look back at what the MERF achieved during its first year but also some of its limitations and to contribute to the MERF’s annual report. The findings will also feed into the new iteration of the MERF developed in cooperation with Start members.

The research methodology consisted of a mixed of scoping and synthesis of secondary data\(^\text{13}\) and country research. The research focused on the situation in four selected countries along the Mediterranean namely Libya,\(^\text{14}\) Niger Morocco and Serbia. These different contexts reveal the complexity of migration routes, the broad range of needs of refugees and migrants and the challenging working environments for agencies.\(^\text{15}\) The analysis of the written material was complemented by face to face discussions with the MERF Team and semi-structured phone interviews with Start Network members based in project locations or at headquarters in London.

**Purpose of the research and structure of the report**

The objective of the research is to assess the added value of the MERF contingency fund. It seeks to examine the impact of low value, fast and high impact interventions in a more localised, collaborative and adaptable way in the context of the humanitarian response to the ‘mixed migration crisis’ along the Mediterranean.

The report is divided into three parts. The first provides an account of global, regional and national migration trends and on the policy responses and its effects. The second looks more explicitly at the role of the MERF within that wider context. In its third and final part the research recapitulates some of the main challenges identified and makes suggestions for the next phase of the MERF.

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13. Selected recent secondary material, include papers, reports and evaluative work related to the theme of mixed migration towards Europe produced by the Start Network, academic centres and independent researchers, international organisations, think tanks, NGOs and to a lesser extent reliable media reports. Sources have been selected using key search terms, and a snowball sampling approach. A list of key references is included at the end of the report.
14. Libya remains the most important transit country along the Mediterranean and hosts up to 1 million migrants, most in very vulnerable situations as detention and human rights abuses are rampant. While no MERF project was implemented in 2017, two Collaborative Information Collection and Analysis (CICA) focusing on refugees and migrants in host communities were conducted.
15. Members of the MERF Team provided access to a range of publicly available and internal documents related to the four above mentioned countries. MERF documents reviewed included alert notes, allocation minutes, project selection recordings, mid-term catch up minutes, final reports, evaluations such as the 2016 Evaluation of the European Refugee Response and the two Start Fund evaluations.
Chapter 1: ‘People on the move’ towards Europe - unpacking the complexities of mixed migration flows

The first part of the report frames the ‘mixed migration crisis’ in Europe within a wider context of the global rise of people on the move and the interrelated causes that explain the phenomenon. It outlines policy responses of the EU and its effects on the affected transit and reception countries along the Mediterranean route, on refugees and migrants and humanitarian organisations operating in these contexts.

1. KEY TRENDS AND MAIN DRIVERS

This section provides an overview of the upward global trend in people's movements, including displacement which mainly affects developing countries and places the surge in the number of refugees and migrants arriving in Europe within that wider context. It then considers the multiple and inter-related causes that explain the rise in numbers of displaced people and their increased vulnerability.

The wider context and Europe in numbers

Reports and statistics confirm an upward trend of all types of population movements. According to the United Nations the global number of international migrants stood at around 258 million people in 2017, equivalent to 3.4 per cent of the population revealing a nearly 50 per cent increase since 2000.16

Displacement [coerced movement], both internal and across borders has also significantly increased. In 2016, displacement reached a historic high with 65.6 million individuals forcibly displaced due mostly to civil and transnational conflict, violence, persecution and human rights violations. The large majority, some 40.3 million internally displaced persons (IDPs), did not cross international borders17 while the number of refugees, including Palestine refugees, and asylum-seekers, reached 25.3 million people worldwide.18

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Some changes occurred in displacement trends since 2000, most notably the urbanisation of refugees. However, a consistent pattern over the years has been that refugees remain in their region of origin, and as such the great majority (84 per cent) are hosted by developing countries. In terms of where refugees are being displaced, Africa is hosting the largest refugee population. Syrians who make up the largest displaced population are hosted in three top hosting countries, Turkey, Jordan and Lebanon. The second largest and historically one of the oldest displaced groups, the Palestine refugees, are for the majority hosted in the occupied Palestinian territory (oPt) and in Jordan. Pakistan and the Islamic Republic of Iran are the top two hosting countries of Afghans, the third largest group of refugees worldwide. Uganda and Ethiopia are hosting the bulk of South Sudanese refugees, the largest displaced population in Africa and the fourth largest displaced group.

It is worth pointing out that the precise scale of ‘irregular migration’ is by its very nature unknown and hard to measure. A number of databases and reports on irregular migration nevertheless attempt to provide estimates at the EU level and for individual countries. It is believed that figures of recorded undocumented migrant flows are an underestimate of the actual numbers, as only those who are apprehended – upon entry or during their stay – are counted. While a portion of the migrants in irregular situation may fall completely outside of the above mentioned statistics about international migrants and refugees, some are included. In particular, a large proportion of refugees enter countries of asylum in an illegal manner. Similarly, some people may have been counted as regular migrants at a certain point in time before falling into illegality for a range of reasons such as the expiration of student or work visas.

Europe experienced a significant increase in arrivals of refugees and migrants since 2014, partly in direct link with the prolongation of conflict in Syria, the rise of the Islamic State in Iraq and Syria (ISIS) and its

19. Turkey is the largest hosting country with 3.4 million refugees and asylum-seekers.
22. While there is no clear or universally accepted definition of irregular migration it has been referred to as movement that takes place outside the regulatory norms of the countries of origin, transit and destination. From the perspective of destination countries it is illegal entry, stay or work in a country, meaning that the migrant does not have the necessary authorisation or documents required under immigration regulations to enter, reside or work in a given country. IOM “Key Migration Terms”, https://www.iom.int/key-migration-terms. See also Duvell, F., A. Triandafyllidou and B. Voller (2008), Ethical Issues in Irregular Migration Research, Project Report, Clandestino Project, http://clandestino.eliamep.gr/category/irregular-migration-ethics-in-research/.
seizure of territory in both Syria and Iraq. The peak was reached in 2015 when over 1.3 million people arrived mainly by sea in unseaworthy vessels thus increasing the number of casualties in the Mediterranean and in the Aegean Sea. In 2015, the European top receiving countries [the countries that had the highest number of asylum applications], on a per capita basis, were Germany in absolute terms, and Hungary, Sweden and Austria, relative to their population. In other countries such as France and the United Kingdom, the number of asylum seekers did not increase significantly. In 2015, almost one out of three first time asylum seekers originated from Syria while Afghanistan and Iraq were respectively the second and third country of citizenship of asylum seekers in the EU Member States.

An OECD briefing highlights that such movements have taken place at a time of large economic disparities in receiving countries across Europe. Countries at the southern Schengen border have high unemployment rates in contrast with Germany and Sweden- two of the top EU destination countries- that have low unemployment rates. The OECD study also shows an overall reluctant attitude towards additional immigration in several European countries in a context of economic crisis. The terrorist attacks that have been perpetrated in Europe around the same period and the rise in numbers of refugees and migrants also combined to create a potent climate of fear and uncertainty in Europe. The dangerous and distorted amalgamation between terrorism and immigration and refugee flows by right wing and nationalist movements have led to a significant political destabilisation on the continent.

The context was therefore highly volatile and unpredictable on political, legal and humanitarian levels. Yet, for many analysts, the situation in Europe has euphemistically been referred to as a ‘refugee or migrant crisis’. Their opinion is grounded on the fact that the word ‘crisis’ bears greater legitimacy in fragile socio-economic contexts where the presence of refugees, that make up to a fourth of the population [like Jordan and Lebanon for instance], strain existing resources to a critical level. Some described the situation in Europe more as a largely self-

inflicted crisis in terms of policy-making,\(^33\) or as ‘solidarity crisis’,\(^34\) or a ‘crisis of humanity’.\(^35\)

**Multiple drivers: causes of emergency and protracted displacement situations**

The continuous rise of uprooted people is the effect of both protracted and new civil or localised conflicts, and of on-going violence and instability in countries like Afghanistan, Burundi, DRC, Iraq, Somalia, Sudan, Syria, Ukraine and Yemen. The perpetuation of serious human rights abuses, the repression and persecution including of minorities also drag significant number of people across international borders. According to the United Nations, the Rohingya refugee crisis in Bangladesh was the fastest growing refugee crisis in the world in 2017.\(^36\) Furthermore, demographic, environmental and economic factors, including economic exclusion that have by themselves or by combination led to deprivation [or starvation in cases of famine] also generated a push for outmigration. This is especially the case for those refugees and migrants from sub-Saharan Africa, certain parts of Asia and from the Western Balkans.\(^37\) Projections about future migrations indicate that global trends, such as population growth, urbanisation, poverty, food insecurity and water scarcity will continue to push people to move within and across borders. And climate change is depicted as the main force multiplying the impact of all these trends.\(^38\)

The multitude of situations that have pushed people to leave their country was found in all four studied countries. For instance, of the refugees and migrants found in Morocco people had fled because of war or conflict, intra communal violence, persecution, political instability, economic insecurity caused by an economic crisis and lack of employment. Other causes included famine or natural disaster, aspiration to get better education and improve economic situation, family reunification, adventure spirit, and a migration culture that is prevalent in some countries but also family pressure.\(^39\)

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\(^39\) MdM (2017), «Interventions Sociales Efficaces et Humaines auprès des Migrants au Maroc, Manuel de Savoir Essentiel ». 
Currently, it is the mixture between the proportion of new displacement every year and the lack of solutions for refugees and migrants over the years that contribute to the continuous rise of global numbers. Many refugees and migrants are unable and/or unwilling to return to countries that may still be at war or remain severely impacted by its effects. Or to countries where return may lead to the resumptions of human rights abuses or imply continuous deprivation. Furthermore, alternative solutions are scarce as resettlement to third countries and complementary solutions such as humanitarian visas, family reunification or labour mobility schemes remain limited in scale. Political, legal, social, economic or practical barriers are also common impediments to the integration of refugees and migrants.

The outcome for the majority of cases is that displacement becomes protracted with exiles lasting for years leaving refugees and migrants often with precarious status and in situations of economic and social insecurity. The absence of prospects for the displaced populations is striking in contexts where local economies offer few livelihood options, especially if access to formal employment is restricted. It is also the case when host frontline states that are hosting the bulk of refugees reach maximum capacity and become overwhelmed by new arrivals of populations are and/or when the host country also faces violence and instability.40 This ‘limbo’ state of no return and no other solutions in sight has led some of these displaced populations to attempt secondary movements.

Increasing demands have however been met by diminishing capacity for responses. The humanitarian and development communities have been challenged to address the multiplication of situations requiring longer term needs while still addressing humanitarian needs. In 2017, OCHA confirmed that “over the past 10 years, the volume, cost and length of humanitarian assistance have grown dramatically”. It attributed the rise to “increased numbers of people trapped in perpetual cycles of need and vulnerability mainly due to the protracted nature of multiple violent conflicts combined with natural disasters, extreme poverty and structural fragility in countries in Africa, Asia and the Middle East”.41

2. IMPACT OF EU POLICY RESPONSES

Mixed migration is not a new phenomenon.\textsuperscript{42} However its scope and complexity, and the way countries of destination react to it has changed.\textsuperscript{43} While ‘mixed migration’ is a global phenomenon, it has mostly been used to designate those travelling towards Europe along the Mediterranean routes. On the one hand this reflects the reality of a wide range of individual profiles and journeys found among these population flows. On the other hand, it is also the result of a deliberate policy level choice to distinguish from the outset two types of exiles. The section below depicts the main characteristics of the EU policy response to the arrival of refugees and migrants and some of the questions and dilemmas this approach raises.

The EU policy response to mixed migration

Rather than trying to facilitate the mobility of potential refugees towards Europe, Europe’s dominant approach has been framed around containment through migration management aimed at reducing the flow to Europe with the externalisation of migration control, and a focus on securitisation of borders.\textsuperscript{44} Towards the end of 2015 the main destination countries in the EU (Germany, Sweden and Austria) began to scale back on their welcome policy and the EU engaged with Turkey in an effort to stem the influx. This pushed the countries along the Balkan route, as they became wary that large number of migrants and refugees would no longer just transit though but remain ‘stuck’ to introduce selective entry policies.\textsuperscript{45}

This approach has been instrumentalised through an overarching framework, the new European Agenda on Migration.\textsuperscript{46} Building on it, the Partnership Framework with third countries intensifies migration cooperation with countries in Africa, the Middle East and Asia and emphasise on preventing irregular migration and facilitating returns.\textsuperscript{47}


Europe has then addressed the situation through a plethora of new [or revisited] regional and thematic initiatives, all focusing on the external dimension of EU migration policy and third [transit] countries to tackle the challenges posed by mixed migration flows. These include the Rabat Process, the 2014 Khartoum Process and the November 2015 Valletta Summit on Migration which led to the adoption of the Joint Valletta Action Plan (JVAP).

Another key piece of the EU policy has been the November 2015 EU-Turkey Declaration and Joint Action Plan. Under the agreement Turkey would to stem the flow of refugees and migrants to Europe and cooperate on the re-admission of migrants not admitted in the EU in exchange for a European commitment of a €3 billion fund to address the humanitarian situation in Turkey. The March 2016 EU-Turkey Statement took an even stronger stance at ending irregular migration from Turkey to the EU in exchange of another €3 billion to support Turkey for the protection of asylum-seekers. The more recent February 2017 Malta Declaration only confirms the intention of the EU to stem people flow into the EU through external border control management.

There have also been some bilateral agreements between EU member countries and some transit states, among them the February 2017 Italy-Libya Memorandum of Understanding (MoU) that strengthens the cooperation between the two governments to control migration. The related dimension of the EU policy has been the confluence of security and migration control objectives. For instance, in 2015, the EU introduced as part of the mandate of the EU CAP mission in the Sahel and Niger a provision about preventing illegal migration. This adds a migration control element to a frame about trade relations, cooperation and development and the strengthening of security and military capacity of Niger. The budget for the EU CAP Sahel Niger mission nearly doubled between 2015 and 2016 and since 2016, it has an operational presence in Agadez, considered a key migration hub in the region.

While human rights and international protection aspects and broader assistance and development cooperation to address root causes may be included in some of these frameworks and initiatives, they are missing in some or come at a second stage, conditioned to the reduction of migratory flows, which is prioritised.56

The Malta Declaration does not consider the critical situation of refugees and migrants in Libya nor does it refer to alternatives for people who are unable to stay in Libya and whose lives would also be at risk if they returned home.57 Another example is the Italy-Libya MoU which is striking by the absence of positive conditionality, despite the political and the human rights situation in Libya and the lack of any national framework regulating migrant’s rights.58 Unlike the EU-Turkey Action Plan, the MoU makes no provision for resettlement and no reference to ‘access channels’ and ‘legal migration’ or the ‘international protection and human rights framework’.59 Furthermore, despite clear evidence of human rights violations in transit and recipient countries, progress reports issued by the EU do not report on human rights dimensions.

Also, while resettlement was the innovation of the EU-Turkey deal there has been little progress towards implementation of that provision to date. By the end of 2017, only 9,000 Syrians have been resettled from Turkey to the EU, out of a pledge to resettle 25,000 in 2017 increasing further the refugee caseload in Turkey.60

The effects of the EU policy response

The intended effect of the array of EU measures has been the reduction of flows towards Europe and drops in arrivals have indeed been recorded in what were the main entry points. However as not all movements can be prevented, when arrivals have been reduced at one place, they have increased in another. For instance, the activation of the EU-Turkey Statement and related border closure led to a clear reduction of sea crossings through the Eastern Mediterranean into Greece. However, boats

have since reportedly been arriving in Italy from Turkey and Egypt, and from the second half of 2017, an increased number of people have reached Europe through Spain from Morocco and Algeria.\textsuperscript{61}

Also, while some of these policies have put forward on paper as one of their objectives, the reduction of numbers of lives lost at sea, the means to achieve it has been through the calculation that a massive reduction of sea crossings would mathematically reduce deaths. But all crossings have not been prevented and for those who still attempt to move, journeys have become more dangerous. With 5,096 deaths in the Mediterranean recorded (90\% of them along the sea route to Italy), 2016 has been the deadliest year on record.\textsuperscript{62} Furthermore, support for rescue-at-sea operations which was seen by some EU states as a pull factor toward Europe has in some cases been halted (like Operation Mare Nostrum, the Italian-led rescue-at-sea operation stopped in December 2014). It was succeeded by smaller operation led by the EU’s Border and Coast Guard Agency, Frontex called \textit{Triton} that had more limited rescue capacity and a greater focus on border control.\textsuperscript{63} In February 2018, Frontex launched \textit{Themis}, a new Mediterranean operation that will have an enhanced law enforcement focus.\textsuperscript{64} In parallel, in June 2015, an EU naval operation (Sophia) was set-up with the core task to contribute to wider EU efforts to disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean.\textsuperscript{65} A July 2017 House of Lords inquiry found that an unintended consequence of Operation Sophia’s policy of destroying smugglers’ boats has been that they have adapted and sent refugees and migrants to sea in unseaworthy vessels, leading to more deaths.\textsuperscript{66} The other concern related to building the capacity of the Libyan coastguard is that under the current Libyan policy refugees and migrants are at risk of indiscriminate and indefinite detention.\textsuperscript{67}

In the absence of legal pathways to travel for asylum seekers in the EU approach, people inevitably fall back on irregular methods. This has led some analysts to argue that the efforts to prevent irregular migration have only

\begin{itemize}
  \item \textsuperscript{64} Triton was a Greek god and the messenger of the sea, while Themis was the goddess of divine law and order. Frontex (2018) “Frontex Launching New Operation in Central Med”, http://frontex.europa.eu/news/frontex-launching-new-operation-in-central-med-OESzij.
  \item \textsuperscript{65} From October 2016, the EU operation also became involved in the training of the Libyan Navy Coastguard and in the implementation of the arms embargo off the coast of Libya according to UNSCR 2292(2016) and 2357 (2017), European Council, Council of the EU (2017) “EUNAVFOR MED Operation Sophia: Mandate Extended Until 31 December 2018”, www.consilium.europa.eu/en/press/press-releases/2017/07/25/eunavformed-sophia-mandate-extended/.
\end{itemize}
made crossings more clandestine, costly and dangerous for the refugees and migrants. In that regard, for refugees and migrants, smugglers are both a resource and a threat. Furthermore, the significant increase in irregular crossings from 2013, a trend that was sustained during 2014 and 2015, was mainly due to a rise in the number of Syrians seeking asylum in Europe. Eritreans were the second most commonly detected nationality making irregular border crossings. These two nationalities are also the ones that receive the highest rate of refugee status recognition by EU member states which emphasises the absence of correlation between irregular crossings and the eventual status of migrants. An overemphasis of containment therefore runs the risk of leaning towards the denial of the right to seek asylum. For some analysts, the focus on enforcing illegal cross-border movement also fails to take into account people’s reasons for leaving and risks to exacerbate, rather than to address the drivers of displacement, including insecurity, inequality, injustice and marginalisation.

Furthermore, such policies have led to blanket measures without any screening for protection needs and where screening does take place, it generally serves only to identify refugees, often having a negative impact on the treatment of those who do not qualify as refugees. It is also important to highlight the continuous lack of suitable solutions for vulnerable migrants who may not be granted refugee status but who cannot return home. This concerns Afghans among other nationalities that are unlikely to be granted status as Afghanistan is labelled ‘post-conflict’ by many host countries which implies it is deemed safe for returns to take place. However, indicators show that violence and insecurity is widespread and still triggers displacement and prevents return in many parts of the country. In February 2016, FYROM and Serbia issued a joint decision to permit entry to only Syrians and Iraqis and denying entry to Afghans as they were viewed as ‘economic migrants’, leaving a growing number of them stranded along the route.

BOX 1 - MIXED MIGRATION IN SERBIA: THE EFFECTS OF EVOLVING EUROPEAN AND NATIONAL POLICIES

In 2016 and 2017 Serbia observed significant changes in the flow of refugees and migrants, the duration of their stay, their profile and their intentions that mostly resulted from the aggregation of three factors:

1. **Direct impact of EU regional initiatives**

The Western Balkan route has been the most frequently used to move from Greece to onward destinations in Europe [via FYROM and Serbia, into Hungary or Croatia]. However, the March 2016 EU-Turkey agreement and related border closures significantly reduced migration flows through the Eastern Mediterranean and subsequently along the Western Balkans route. It had an immediate effect of putting additional pressure on the borders along the ‘Balkan route’ with close to 90,000 arrivals in Serbia in 2016, while numbers decreased significantly over the course of the year. Irregular flows continued albeit at a much lower rate to Serbia, through FYROM and Bulgaria. Simultaneously it inflated the size of the stranded populations as well as increasing protection risks associated with clandestine border crossing and undocumented migration.

![Image of refugees](image.jpg)

© OXFAM (2017), Marija Piroški, refugees and migrants in Belgrade’s barracks, Serbia.

2. **National border management in Balkan states**

The containment policies pursued by certain Balkan states, aimed at preventing onward travel, coupled with harsh treatment from public authorities strongly influenced movement patterns. In 2015 Hungary built a fence along its border with Serbia (subsequently extended to Croatia). In 2017 Hungary set a policy that only five persons per day can enter in each of the two entry points from Serbia, with a total ceiling of ten per day. The limitation has been decreased to a maximum of two per day in December 2017. This brought legal population movements to a standstill with applicants having to wait many months for permission to enter. Pushbacks have also been recorded in many states in the Balkans, often denying access to asylum procedures. In addition, a June 2016 law that provided for the immediate returns to Serbia of asylum seekers found up to 8km from the border fence in Hungarian territory further increased the number of pushback of those crossing the border with Hungary irregularly. The size of the stranded population in Serbia increased as a result of limited exit opportunities and it reached a peak in February 2017 with an estimated 7,800 refugees, asylum-seekers and migrants, of whom 6,500 (85 percent) were accommodated in government facilities.

Yet border closures and risks of pushback did not deter all refugees and migrants to move forward and a significant number, mainly young males, still attempted illegal border crossings. Incidents of pushback and
deportations to Bulgaria or Macedonia and fear of being deported back to their country of origin pushed a significant number of refugees and migrants to remain outside the state sponsored camps.

3. Limited options for integration in Serbia

The number of people who transited through Serbia and expressed an intention to seek asylum there did not match the number of those who were genuinely interested in seeking asylum in the country. With a closed labour market, low salaries and relatively high costs of living, there are limited livelihood prospects for those seeking asylum. The socio-economic situation of the country and the cumbersome asylum procedure explain that very few people claimed asylum in Serbia while the percentage of those who received refugee status is also quite low. A new draft Law on Asylum and Temporary Protection currently under consideration by Parliament is expected to strengthen protection mechanisms, placing an emphasis on integration.

Sources:

- Start Network (2017), Alerts related documents.

3. IMPLICATIONS AND CHALLENGES

This section addresses how the humanitarian response has become more challenging because of the composition of mixed migration flows and the complex movement patterns that engender regular change in demographics and locations of refugees and migrants. It then assesses how needs can be unpredictable with the growing vulnerability of the displacement that makes the response very complex.

Challenges from diversity of profiles and motivations

A 2015 OECD briefing assessing the nature of the ‘displacement crisis’ in Europe found a greater diversity [than in previous humanitarian migration crises] in terms of countries of origin [of those applying for asylum in OECD countries]. It also noted a rise in the number of people who had travelled a long distance to claim asylum in Europe and in the number of unaccompanied minors (UAMs).73 Some of these trends were also noted by member agencies in countries where MERF projects were implemented. For instance, the significant and rising presence of UAMs

among migrant populations represented a challenge in all four countries. In Serbia, the diversity of refugee and migrant profiles added to the complexity of the response and represented an extra challenge in ensuring cultural cohesion and tolerance, not only between migrants and host communities but also between migrants themselves. The forced cohabitation of people from multiple origins, languages and cultures, limited mobility, lack of privacy and poor communal living conditions in the camps were identified as aggravating factors.\textsuperscript{74} Also while the majority of refugees and migrants in the four countries were young males, the proportion of women increased in 2017, especially in Serbia and Morocco.

The fact that most people move because of multiple drivers blurs the distinction between a refugee and a migrant. Some argue that such strict distinction may no longer be easily discernible or necessarily reconcilable with the international normative and institutional framework that manages and protects populations on the move that is based on the reasons behind movements and the prospect for return.\textsuperscript{75} The term ‘mixed migration’ itself tends to reaffirm the coexistence among population flows of these distinct categories of people. For UNHCR, the two categories (refugees and migrants) are fundamentally distinct and must be kept separate and “conflating refugees and migrants can have serious consequences for the lives and safety of refugees”. The organisation argues that “blurring the two terms takes attention away from the specific legal protections refugees require”.\textsuperscript{76}

\textbf{United Nations High Commissioner for Refugees (UNHCR):}
Refugees are defined as people fleeing persecution and conflict in their country of origin and for whom return would potentially have deadly consequences.
Conversely, migrants choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons and would face no impediment to safely return home.


The IOM definition of a migrant that is broad and inclusive and makes no distinction over the reasons for flight or the person’s legal status also includes refugees. To reconcile both approaches, one could say that all refugees are migrants but not all migrants are refugees.

\textsuperscript{74} While the majority of refugees and migrants found in Serbia originally came from Afghanistan, Pakistan, Iraq and Iran, member agencies also noted the arrival of people from North Africa, including Libya, Tunisia and Algeria; from sub-Saharan Africa, including Sudan, Eritrea, Somalia and Ghana and Asia with people coming from Bangladesh and India.
International Organization for Migration (IOM): A migrant is any person who is moving or has moved across an international border or within a state away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.


The distinction dangerously lends itself to simplistic binary oppositions notably by populist politicians and some media between the “good refugees” versus the “bad economic migrants”. Such approaches fail to engage with the complexity of factors that trigger movements to Europe.77 Some media and political statements have also often referred to “irregular migrants” or “illegal migrants” disregarding that it is the act of migration that is irregular not the migrant.78 Furthermore, the distinction does not account for people moving in response to the effect of environmental change, causing threats to life and livelihood (e.g. famine), natural disaster or man-made disaster (e.g. chemical or nuclear accidents). As argued by the Envoy of the Chair of the Platform on Disaster Displacement, Walter Käelin, people seeking refuge abroad “as their life and health are threatened by hazards such as flooding or drought and ensuing famine, or because they cannot access physical safety, necessary medical care or needed humanitarian protection and assistance in their own country do not belong to any category of persons recognised to be in need of protection,” and “all too often they become an invisible part of mixed migration flows.”79

The two UN-led parallel and complementary processes, the Global Compact for Migration and the Global Compact on Refugees that are to be adopted at the end of 2018 respectively aimed at better managing migration and protecting refugees still follow this binary approach. The processes could however be an opportunity to address the shortfalls and negative effects of current policy responses.80

Unpredictability of migration decisions and routes

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An important initial observation when looking at populations in transit countries, is that Europe is not (or at least not at first) the intended destination for all. For many, the ‘transit country’ was envisaged as a destination country. The case of Libya demonstrates this phenomenon as clearly shown in the REACH assessment conducted under the MERF that reported economic and security conditions as the main factors shaping the migratory intentions of refugees and migrants. The MEDMIG study also listed exposure to the effect of violence, persecution and human rights abuses in Libya as other reasons driving secondary movements. In practice however, the absence of savings could however curtail their intention to move forward to Europe [or to return to the country of origin] increasing the risk of abusive labour situations.

**BOX 2 - MIXED MIGRATION IN LIBYA: REDUCED LIVELIHOOD OPPORTUNITIES AND INCREASED ABUSES AS FACTORS OF SECONDARY DISPLACEMENT**

Libya has historically been both a country of transit and destination for refugees and migrants particularly coming from North and Sub-Saharan Africa. The high labour-intensive Libyan economy has attracted people in search of both short and long-term job opportunities for decades and the country occupies a hugely important position in migration patterns towards Europe.

Libya is not a signatory to the 1951 Convention relating to the Status of Refugees but is party to the 1969 Organisation of African Unity (OAU) Convention governing the Special Aspects of Refugee Problems in Africa. It only recognises a few nationalities and groups as “coming from refugee-producing countries” (Oromo Ethiopians, Eritreans, Iraqis, Somalis, Syrians, Palestinians, and Sudanese from Darfur). In the absence of a national asylum system, registration, refugee status determination for nationals from these countries are carried out by UNHCR. In principle once registered, they are granted access to basic services. The Libyan legislative framework has however failed to ensure protection of other migrants, criminalising their entry and stay in the

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country, exposing them to long periods of detention and exploitation risks and undermining their capacity to access basic services.

Refugees and migrants in Libya have been severely affected by the political instability that followed the fall of the Gaddafi regime in 2011, and the renewed hostilities in 2014. The IOM has estimated that around 700,000 to one million refugees and migrants to be in Libya of which it has located and identified some 432,574 migrants in addition to over 44,360 refugees and asylum seekers registered by UNHCR as of December 2017.

Refugees and migrants are considered to be a particularly vulnerable population group in Libya. The United Nations Support Mission in Libya (UNSMIL) has described the situation as an acute “human rights crisis” as refugees and migrants are exposed to multiples threats including the dangers of military operations and armed street gangs (‘Asma Boys’). They are also at risk of human rights violations including arbitrary detention, torture, other ill-treatment, unlawful killings, and sexual exploitation. In 2017, reports on migrant slave markets and detention suggest that the conditions are worsening against the backdrop of Libya’s upheaval.

Three main factors [that can combine] impact on migration patterns in Libya, influencing initial migration intention and the length of stay in the country:

1. **Security inside the country:** Those who had little intention of staying in Libya may have found their journeys interrupted and stay extended as a result of kidnapping and violence or the need to obtain resources for onwards movement. Others who had intended to settle, work and live in Libya came to realise that they would have to move on again to find somewhere safe.

2. **Economic factors:** Driven by the availability of employment opportunities and the relatively higher salaries in comparison to countries in sub Saharan Africa especially, many people came to Libya to work with the intention of gathering the necessary resources to return home in the future. However, many who have found themselves in an economically precarious situation especially after 2011, are now attempting to leave the country, a process that may be delayed and imply forced labour in order pay off smugglers.

3. **External factors:** The reduction of rescue operations on the Central Mediterranean route since the summer of 2017, increased capacity of the Libyan Coast Guard to prevent or intercept departure before people reach international waters or Italy and Spain since the implementation of Italy-Libya MoU also impacted on migration intentions.

Sources:
If and once people reach Europe, the journey is unlikely over for most as the first European country they reach (often Italy or Greece because of geographical reasons as the bulk of arrivals are by sea) cannot be the destination country for all.\textsuperscript{83} The preferred destination country is often linked to the presence of friends or relatives, language skills, the [perceived] potential for being accepted as a refugee and finding employment. However, the journey to reach it [or not] is influenced by a range of other factors, including accessibility of the country which in turn is influenced by EU regulations, treatment from public authorities, security issues, smuggling networks, etc.

The handling of the EU response has highlighted the limits of the current asylum system, notably of the Dublin regulation where the burden had largely fallen on states at Europe’s external borders, notably Greece and Italy.\textsuperscript{84} It also shows how certain responses to prevent movements of refugees and migrants (from erecting fences, closing borders to push-backs) were not easily compatible with the Schengen Agreement and may have violated international and European law.\textsuperscript{85}

\textbf{Addressing increasing vulnerability in politicised environments}

\textsuperscript{83} The MEDMIG research found that Greece was regarded by most refugees and migrants surveyed as a stopping point on their way to other parts of Europe and the difficult national economic circumstances were seen as limiting opportunities to secure employment and rebuild their lives. By contrast the majority of those in Italy expressed a desire to remain in the country, a sentiment related in part to the perception that finding opportunities for employment was possible particularly in larger cities. For those with families who had been left behind, the ability to work and send money back home was an important factor driving the decision to move on. Crawley, H., F. Düvell, K. Jones, S. McMahon and N. Sigona (2016), “Destination Europe? Understanding the Dynamics and Drivers of Mediterranean Migration in 2015”, Unravelling the Mediterranean Migration Crisis (MEDMIG), www.medmig.info/research-brief-destination-europe/.


Responses by humanitarian organisations in countries of origin and transit currently take place in politicised [and sometimes increasingly criminalised and militarised] environments. This has been the case for Niger and Morocco, as both countries play a strategic role within the frame of the EU action towards preventing illegal migration. Morocco’s policy towards refugees and migrants reflects the contradiction between its own national strategy towards integration and its engagement with the EU aimed at preventing onwards movement to Europe. In such contexts, refugees and migrants, especially those who are undocumented are often deliberately seeking to remain under the radar of the authorities and of mainstream humanitarian organisations. This can be a hurdle for humanitarian workers to identify them and understand their needs. The politicisation of the refugees and migrants in Europe also had repercussions on funding streams which in turn impacted on the response. In Serbia, political motivations, the closure of the Balkan route and the waning media attention are invoked as reasons explaining why the Balkans became less of a priority for donors.

**BOX 3 - MIXED MIGRATION IN MOROCCO: A CONTRASTED ENVIRONMENT WHERE INTEGRATION EFFORTS COEXIST WITH A HARSH BORDER MANAGEMENT CONTROL POLICY**

Opening of Morocco’s migration policy through integration efforts

Morocco is historically a country familiar with migration dating back pre-colonial times with exchange routes across the Sahara, migratory and trade routes towards the Mediterranean.

Over the past few years, Morocco has shifted from being a country producing migrants, to being, because of its geographical position, a transit country on the Central Mediterranean migration route. Its political, economic and security context and opportunities to work and study have also increasingly made Morocco a host country, attractive for middle to longer term stay. For those who had envisaged Morocco as a transit country, increased control at European borders that makes crossing more difficult and costly has led migrants and refugees to remain in Morocco for prolonged periods of time. Some found work opportunities and/or have had their status regularised through the two large-scale regulation campaigns that have taken place in Morocco in 2014 and 2016 following Morocco’s revision of its migration and asylum policy in 2013. As a result, over 23,000 migrants have had their stay regularised at the end of 2016. In 2016, Morocco was estimated to host 40,000 migrants, most of them undocumented while the number of refugees and asylum seekers stood at 6,733. While Morocco is a signatory of the 1951 Convention it does not yet have a national legislation in place.
but a new asylum law is to be adopted by the Parliament. Until a national process is effective, UNHCR continues to register asylum claims and conduct RSD.

**Strong migration control and border enforcement**

Regularisation campaigns undertaken in Morocco are indicative of openness towards migrants’ integration that is higher than in the other countries of the region. This has nevertheless been countered by a particularly aggressive ‘decongesting’ strategy carried out in parallel by Moroccan authorities and increasingly targeted migrants in both regular and irregular situation at the northern borders. This highly politicised and controversial border management is linked to the *Partnership for Mobility* signed with the EU about the externalisation of the European borders to Morocco [the Spanish enclaves of Ceuta and Melilla on the African continent being only 14km from Europe]. To date the security agenda prevails over the protection of migrants. Those migrants, including asylum seekers and refugees, minors and pregnant women, who are victims of violent treatments have been exposed to dangers and hardships that are contrary to basic human rights.

The shortage of funding adds to the lack of capacity of the current response system and is linked to the political complexity of the context. The Moroccan government systematically refuses to acknowledge the situation that migrants face at the northern borders as well as the forced displacement practice. Morocco’s application to join the Economic Community of West African States (ECOWAS) in 2017 may complicate further its migration policy as in principle the country would accept ECOWAS Protocol on Free Movement of Persons which may conflict with migration arrangements with the EU.

Sources:

Migration control may have deflected and rerouted population flows [for a time] but movement cannot be stopped, without the risk of massively violating the human rights of the migrants and refugees and increasing their vulnerability. As explained, mainstream policy choices have led to the inflation of the size and length of stay of the stranded populations in certain locations. This has affected their needs as well as increasing protection risks associated with clandestine border crossing and undocumented migration. The closure of the Balkan route has prevented

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86. For François Crépeau, the former United Nations Special Rapporteur on the Human Rights of Migrants, it is the barriers to mobility that are creating the irregular migration market; instead he favours a controlled mobility, that would reduce smuggling and also underground labour. Crépeau, F. (2016), “Banking on Mobility Over a Generation”, Destination Europe, Forced Migration Review, Issue 51, www.fmreview.org/destination-europe/crepeau.html.
most people to reach their intended destination legally and has increased
the number of those resorted to smugglers. With longer and more costly
journeys refugees and migrants faced greater protection risks, especially
women and children, who are particularly exposed to violence and
exploitation, with some being forced into prostitution to survive or
becoming victims of traffickers.87

The crackdown on smugglers is [so far] having little effect on smuggling
networks as the lack of alternative legal routes for those moving sustain
their existence. The presence and impact of smuggling networks is thus
an enduring reality in mixed migration contexts that represents a
challenge [and even a danger] in all four countries. In Niger to access
migrants, humanitarian organisations may have had to be in touch with
smuggling networks who are often keeping them in ‘ghettos’, an activity
that presents the risk of being inadvertently associated with smuggling
activities.88 In Morocco, well-established networks of trafficking and sexual
exploitation of migrant women in camps are challenging agencies’ ability to
provide vulnerable women with protection and shelter without endangering
their safety. The presence of these networks limits the access to women in
general, but especially to pregnant women and unaccompanied minors, as
women under the control of these networks can neither move freely nor
access health services, let alone seek protection.89

In most cases, smugglers have essentially ‘adapted’ to the more
repressive environment that is applied in some countries. In the Balkans,
the smugglers adapted to new circumstances by adjusting routes. In Niger,
while smugglers may carry less people as a result of the pressure put on their
activities, the cost for smuggling increased still making it a lucrative activity
despite the risk which is so far minimal in view of the limited number of
arrests.90 This has been accentuated because of the lack of alternative
livelihood for those who are making a living of the smuggling business.

What is emerging however in Niger, is that accessing the migrants is
becoming increasingly challenging as smugglers are changing their
location and migration routes, avoiding cities by using secondary

Borders, Programme Report on the Impact of the Borders Closures on People on the Move, with a
Focus on Women and Children in Serbia and Macedonia”,
88. Similar risks exists for organisations who have had to engage with Armed Non State Actors
(ANSAs) from Mali to access populations in needs.
89. Trafficking networks are present in camps in Tangier, Nador, Fez and Casablanca; the
consequences of the control of these networks over migrant women are multi-fold: unwanted
pregnancies, transmission of sexually transmitted diseases (STDs), physical and psychological trauma,
etc, MdM (2017), « Interventions Sociales Efficaces et Humaines auprès des Migrants au Maroc, Manuel
de Savoir Essentiel ».
90. In 2015, the Nigerien government adopted the ‘Loi relative au trafic illicite des migrants’ (law
pursuant to the illicit trafficking of migrants) that criminalises the transportation of migrants and
details how to process the return of ‘victims of illicit trafficking’; see also Le Monde (2017), «
Traverser le Sahara, coûte que coûte ». 

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smuggling routes deep in the desert. This exposes refugees and migrants to greater risks with many episodes of smugglers abandoning people in the desert. While there are less precise statistics of migrants who have died in the desert [than there are about casualties during sea crossings], such events have been reported and humanitarian agencies predict they are likely to increase.91

**BOX 4 - MIXED MIGRATION IN NIGER: MULTIPLES DISPLACEMENTS AND SHIFTING MIGRATION ROUTES INCREASE PROTECTION RISKS**

A landlocked country situated in a geopolitically sensitive area, linking the Sahara Desert with the Sahel, and West with Central Africa, Niger is the epicentre of multiple types of displacement. The country is also characterised by a particularly precarious socio-economic situation (high unemployment, one of the highest demographic growths in the world with a significant illiterate population, economic slowdown since 2015 and deep poverty). This accentuates the vulnerability of displaced communities and drives up the number of Europe-bound migrants. However, local circular economic migration, whereby mainly Nigerien migrants go to either Algeria or Libya to work for several years before going back to Niger, also remains prominent.

Niger has been hosting refugees from Mali since the outbreak of conflict in 2012 [some 56,838 as of January 2018], despite the signature of a Peace Agreement in Algiers in 2015 which has failed to halt conflict and insecurity in Northern Mali. The intensification of violence by Boko Haram since 2013 has also led to the presence of Nigerian refugees [some 108,470 as of January 2018] in the South East Diffa region in the Lake Chad Basin. The fighting against Boko Haram has taken a heavy toll on Niger’s economy as the government has cut spending on infrastructure in rural areas, to reallocate funding to the army.

Since the end of 2017, UNHCR also provided life-saving support to 707 refugees evacuated from Libya and in transit in Niger under an ‘Emergency Evacuation Transit Mechanism’ (ETM) until durable solutions are found, including resettlement to third countries.

As the conflict in Nigeria crossed the border into Niger in 2015, internal displacement has also spread across the Diffa region and at the end of 2017 the country counted over 129,000 IDPs.

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91 In June 2017 36 migrants died in Bilmâ some 600 km North Est of Agadez, Le Monde (2017), « Traverser le Sahara, coûte que coûte ». 

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With approximately 300,000 people passing through Niger per year according to IOM, the country has developed into a major hub of migratory movements northwards to Algeria, Libya and the shores of the Mediterranean Sea to cross into Europe. UNHCR estimates that up to 30% of these persons may be potential asylum seekers in need of international protection.

There are concerns that [at least to date] strategies deployed to prevent irregular migration have [as an immediate effect] exacerbated vulnerabilities of people on the move and could cause further instability and other root causes of migration and displacement in the medium term along the following four hypotheses:

1. **by creating risks for stability and livelihoods:** interventions are influencing political dynamics in the ECOWAS region. It is curtailing important livelihood strategies in the ‘migration industry’ without providing adequate alternatives, putting strains on circular migration. It is also leading to more negative perceptions of migration and therefore feeding discrimination

2. **by limiting protection and the right to seek asylum:** there is a significant risk that reinforced border controls could trap people fleeing from conflict or persecution

3. **by creating conditions that facilitate repression and abuse of migrants and prevent their access to services:** as migrants are staying longer in transit while looking for clandestine routes, this puts pressure on basic services (healthcare, access to water, food), encourage prostitution and other forms of exploitation, and contribute to anxiety mental disorders

4. **by pushing migrants onto more dangerous scattered and clandestine routes:** while the current crackdown on migration appears to have reduced the number of people moving along established routes in the short run, the effective number of people still on the move, especially on more precarious routes, remains unclear.

Sources:

Chapter 2: Singularity and adequacy of the MERF in mixed migration contexts

This part provides a more detailed analysis of the MERF mechanism in four mixed migration contexts. It reviews whether the objectives and characteristic and operational modalities of the mechanisms have enabled responses adapted to the context and the needs of refugees and migrants.

1. ROLE AND OBJECTIVES OF THE MERF

This section assesses whether there was a need for the MERF, either in the form of new needs, spikes, or changes in contexts not covered by the existing response, because of overcapacity or because time or money was needed for the response to adapt. It also considers whether and to what extent the mechanism facilitated needs-based responses, responding to emergent and unforeseen spikes in needs and if and how the MERF enabled the sustainability of projects.

Addressing operational shortfalls and funding gaps

Most alerts have been triggered to respond to sudden spikes in needs that had overwhelmed the local and established operational capacity. In Serbia, the first MERF alert demonstrated that while the cold winter season had led to some response by organisations and volunteer groups operating in the informal camp set up in barracks in the centre of Belgrade, limited capacity meant that needs were not adequately addressed. The sudden and drastic drop in temperatures created new risks including deaths caused by icy temperature, cold related illness such as frostbite, fever, respiratory disease including pneumonia, and hypothermia as well as the risk of epidemics.

The MERF also intervened in situations where the needs of certain groups were not [or not adequately] covered. In Niger the MERF mechanism provided an important added value to the current response coordinated by the Disaster Prevention and Management Regional Committee. Agencies were able to offer vital support when the situation of repulsed migrants reaching Agadez in appalling conditions, suffering from thirst and hunger, was not being addressed by existing humanitarian response towards refugees and migrants. The situation was clearly a spike in the emergency making the MERF intervention timely and appropriate.

In practice, as gaps in the response often coincided with a funding gap, MERF funds were also used as an immediate bridge while the actors pursued

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92. The MERF is intended to function as a rapid response fund to react to significant changes in needs, Start Network (2017), “Migration Emergency Response Fund Handbook”.
93. The MERF also aims to provide assistance to vulnerable groups that were not previously identified or covered by existing funding, Start Network (2017), “Migration Emergency Response Fund Handbook”.
both additional emergency and longer-term funding. In Serbia, the projects that supported basic needs of refugees and migrants provided critical bridge funding to activities whose funding streams were imminently ending, ensuring continuous service delivery before the arrival of new funding and to give time for the response system to adjust. The provision of basic needs support through cash distribution was essential for residents in government centres who overwhelmingly relied on it to supplement food, provide other essential items for their families and to prevent interruption of other basic needs related to hygiene and medical treatment. It also allowed time for longer term projects to begin, such as the set-up of complementary family kitchens within the camps.\(^\text{94}\) In Morocco the funding gap reflected the fact that existing programs or funding streams were funding development-focused activities focused around sustainable infrastructure, social development, economic development, education, etc, rather than emergency response.

There were divergent views about the applicability of the MERF when there is an on-going situation of needs [caused by constant arrivals with no significant spike] that is not being address by new funding. For some agency representatives, existing funding gaps that had not been met or adequately monitored or when faced with on-going needs caused by constant arrivals with no significant spike in needs were situations that did not neatly fit the MERF criteria. Others held the contrary view that the burden of new arrivals clearly justified a stretch in capacity from ongoing programmes and government efforts. However, all agreed that securing longer term and more sustainable funding was challenging in a context of overall depleted funding. The foreseen shortage of funding beyond the implementation of the MERF was also seen as limiting its impact, precisely because of the short-term gap-filling nature of the fund. In Serbia, the decreasing funding environment led to a more permanent disconnect of the needed response on the ground and the available funding.

**BOX 5 - THE MERF IN SERBIA: RESPONDING TO THE EVOLVING NEEDS OF DISPLACED PEOPLE WITH DIVERSE PROFILES AND INTENTIONS**

The reception system in Serbia had been designed as a rapid response to the emergency needs of thousands of migrants transiting through the country before the borders closed in 2016. The state response failed to adapt to the evolving needs of a smaller but diverse population comprised of two main categories of displaced people, families who had mainly been in Serbia for over a year waiting to access Hungary and a more mobile population, composed mostly of young males attempting irregular crossings. Refugees stranded in Serbia face increasingly

\(^{94}\) The set-up of kitchens for residents in several of the camps that would have allowed families to further supplement their diet and improve their nutritional status did not materialise to the extent expected as private catering companies operating from Belgrade kept the monopoly of the food distribution market:
uncertain circumstances, with changing border policies in the region, dwindling support and sparse service provision landscape, the lack of asylum responses by the government, and insufficient opportunities for inclusion and integration within local communities (refer Box 1). The MERF has attempted to respond to the evolving needs of this mixed population.

Responding to life-threatening situations outside the government centres

Institutional funding or Serbian government funding was never made available to support migrants and refugees living outside of the state sponsored reception centres. For many who had already been pushed back from Hungary, avoiding registration in the camps and staying in Belgrade or close to the border allowed them to remain under the radar and to access smugglers. The government strongly discouraged the support of refugees and migrants sleeping in abandoned buildings [the ‘barracks’ that were eventually demolished in May 2017] in the city centre of Belgrade around the main bus and train stations and those sleeping along the Hungarian border in makeshift camps hidden in the woods.

Yet around January 2017 with freezing temperatures the most critical situation in Serbia was affecting up to 2,000 ‘out of the system’ refugees and migrants across the country, including some 1,200-1,500 in Belgrade. The MERF allowed the member agency involved to respond to this situation by distributing through its local partners over 15,000 essential NFIs in Belgrade and in Subotica area to reduce the effect of the cold.

Addressing basic needs of refugees and migrants inside and outside camps

Needs also varied according to the location of the refugees and migrants and to the duration of their stay in transit. With the extension of their stay, many struggled to meet their basic needs and new vulnerabilities emerged. Gaps in nutrition for some vulnerable groups also appeared. Pregnant or lactating women as well as children were found to be most vulnerable to a number of health and developmental issues, including malnutrition, following long periods of lacking micronutrients (vitamins, minerals and proteins) and the additional calorie count necessary for their needs. This shortfall was addressed by two consecutive MERF projects that sought to improve food calorie ratio and provide more appropriate nutritional value for these groups.
Providing protection and psychosocial support

Feelings of uncertainty about onward migration options, of ‘being stuck’ on their journey and a lack of control over one’s circumstances all contributed to widespread psychological distress, isolation, and high level of anxiety among the refugee and migrant population in Serbia. Such circumstances have led to increased protection concerns with a rise in the number of GBV incidents including sexual and psychological harassment, sexual violence and exploitation, as well as cases of domestic violence. These were however mainly unreported as women feared reprisals from perpetrators and risks of long processes that would jeopardize their capacity to move onward. The MERF enabled a number of protection-related activities addressing GBV, including direct assistance for urgent cases, and mental health through psychosocial and psychological support through individual and group workshops, counselling, and psycho-educational workshops.

Sources:
- Start Network alerts and related material.

The value of a needs-based approach and some limits

While much of the debate around mixed migration and the institutional response toward migrants and refugees remain centred on status (see Chapter 1) the MERF has instead taken a purely humanitarian approach and its responses have focused on the needs and vulnerability of those on the move regardless of their status. In all the countries where the MERF was activated those with greater needs or deemed more vulnerable were not distinguished because they would have fallen or not under the refugee definition.95

What emerged from the analysis of the alerts and projects implemented is that vulnerability was often accentuated for people ‘falling outside of the system’, like in Serbia for the migrants who were outside of the government run centres in Belgrade and around the borders, precisely because they were excluded from the mainstream aid mechanism. Vulnerability was also striking for people that are ‘off the radar’ and not prioritised by humanitarian organisations as in the case of the migrants deported from Algeria in Niger. Similarly, the refugees and migrants living among host populations in Libya have received less attention (especially from the media) than those in detention. Vulnerability is also heightened when specific populations are the deliberate target of exclusion or repression as in the case of the victims of violent displacement operations in Morocco.

95. This is not to imply that refugee status [or its absence] has no link with the level of vulnerability.
BOX 6 - THE MERF IN NIGER: GIVING VISIBILITY AND ESSENTIAL NEEDS TO DEPORTEES

Mass deportation of migrants from Algeria to Niger

In 2014, the Algerian and Nigerien governments signed an agreement for the repatriation of 3,000 Nigerien migrants which led to the deportation of some 6,668 migrants by the end of 2015. In 2016, deportation by the Algerian authorities steadily increased in volume and 11,167 individuals were pushed back, mostly nationals from Niger, but also Sub-Saharan migrants from Mali, Senegal, Cameroon and Nigeria. Mass expulsions of Nigerien and other sub-Saharan migrants to Niger resumed in August 2017, following strong national criticism over Algerian Prime Minister Abdelmadjid Tebboune’s plan to integrate undocumented migrants into the country’s job market. By the end of 2017, a total of about 5,000 migrants had been forcibly returned to Niger in several waves.

The deportation process has been very opaque with no communication from the authorities on any deportation plan, making it both an unpredictable and ‘open-ended’ process. There is also limited information over the conditions in which these deportations take place in Algeria. While nationals from Niger are taken on trucks inside Algeria, foreigners are first forced to walk to the border for about 20 km across the desert. Some migrants have reportedly been threatened, beaten and shot at by Algerian forces in the process. The absence of transparency in the management of these deportations and the lack of national capacity to provide a comprehensive response in support to the coordination effort has complicated the positioning of operational organisations on the ground causing delays and ineffectiveness.

The situation of the returnees has had no visibility among donors who are more concerned by migration towards Europe. Besides the funding provided by DFID through the MERF and to IOM no other source of funding had been identified in 2017 which has led agencies to try to include them within wider projects for the protection of migrants.

Responding to the needs of deportees

The trip to Agadez from the Algerian border (Tamanrasset), through Assamakka and Arlit can take up to three days. Due to the lack of suitable means of transport, returns are carried out mainly on construction trucks increasing risks of injury, trauma and dehydration. IOM is present in the three towns and takes care of foreigners willing to return to their country of origin while others supposedly try to find a new route (there is an
information gap on the situation of foreigners unwilling to return to their country of origin).

After a brief transit in Agadez that varies from one to two or three days, Nigerians are sent back to their region of origin—mainly Zinder (a region prone to food insecurity) and Maaradi. Conditions for returnees are very poor in the transit site of Agadez exposing them to several security and sanitary risks. While all deportees are considered vulnerable, women and children are reportedly most at risk of gender-based violence, unwanted pregnancy, HIV and malnutrition. The current transit site is an open field which initially had no facilities to accommodate the migrants (some tents and WASH facilities have since been set up).

Following Algeria’s resumption of deportation of Sub-Saharan migrants in August 2017, Médecins du Monde (MdM) raised an alert to activate the MERF that provided support to some 3,466 deportees in Agadez. MdM and its partners assessed their needs, provided medical and psychological care, detecting and referring those requiring specific assistance like pregnant women, distributed food and NFI kits and the installation of water, sanitation and hygiene facilities on the arrival site. The emergency response project enabled agencies, mainly IRC, IOM, the Red Cross and the United Nations Children’s Fund (UNICEF), to set up a coordinated response on site. Valuable information was gathered, especially on the medical situation of returnees, while support and treatment was prioritised for the victims of torture and violence along the journey and those with diseases. Special attention was given to vulnerable groups, women, children, elderly and handicapped people who required specific and tailored care. With the contribution of UNICEF, MdM was also able to support the Sanitary Division in vaccination and nutritional screening for children which had a real and longer-term impact in the development of the children. MdM also provided a medical escort that accompanied deported migrants to their most common regions of origin.

*This includes 1042 migrants forcibly returned in August 2017.

Sources:

In Serbia, beneficiaries of MERF funded assistance have reportedly valued the attention paid to their needs (as opposed to assistance provided in the food sector where pre-cooked meals are prepared regardless of the beneficiaries’ culinary preferences). Hygiene items provided by MERF funded projects have especially been valued by the beneficiaries as they enabled people to take care of themselves and to feel clean. Some indicated how this brought them some dignity and respect in the midst of their distress.

During the implementation of MERF activities certain groups among the displaced stood out as having greater needs and/or as being more vulnerable to violations and abuses, yet they were also often hard to reach
or neglected populations. In Libya the second CICA revealed that cases of extreme vulnerability existed when refugees and migrants were unable to work and had no access to livelihood (e.g. those with chronic diseases or presenting medical needs and pregnant women). This was heightened when they had no savings and received no help from family or friends in the country or back home. Refugees and migrants originating from Sub-Saharan Africa were also more likely to be exposed to discriminatory treatments and experience sustained difficulties in accessing basic services. In Serbia, while emotional distress and anxiety were acute among single mothers and children waiting for reunification with family members in EU countries, young men and boys [UAMs], also emerged as a concerning group. They were often under additional pressure from their parents in home countries to continue their journey and had received little or no attention from protection services, especially psychosocial support as these usually target only women and children.

In 2017, the MERF largely focused on emergency needs or specific peaks in the needs which can be appropriately addressed over a short-term period especially when agencies have some assurance that funding will be available beyond the short-term response. However, the mechanism, in its current form, may not be so easily compatible to address a broader category of needs that require a more structured and prolonged response than the two or even four-month period provided by the MERF, especially if follow-up funding is not identified at the onset to sustain the impact of the activities. Furthermore, ensuring the sustainability of the response in a context of donor disengagement has proved difficult and often implies that some shortfalls in the response persist. For example, in Serbia, the need for supplementary nutrition remained beyond the implementation of several consecutive projects supported by the MERF. The lack of food supplements for the population defined as vulnerable is a recurrent issue in the country which to some is indicative that this gap is structural.

In Niger, the challenge presented by the expulsion of migrants from Algeria and their forced return has been the recurrence, unpredictability and scale of the phenomena. While the MERF project implemented contributed to improve response preparedness for forthcoming deportations, longer-term challenges around coordination were not fully addressed by a one-off support of limited duration.

Protection needs often require longer term and holistic responses which can only be partly tackled through punctual project responses. In Serbia, the short term protection projects conducted around psychosocial support and sexual violence had to be repeated to be sustained over a period extending two months. For one respondent, protection measures should be at the core of the emergency response as not addressing them can put the safety of people at jeopardy. Yet short term response was not so adequate as it did not address the causes as to why such [psychosocial] help was needed in the first place, comparing the situation to “one of pouring a bit of water on

a growing fire, only to acknowledge that the fire is still burning rather than engaging to extinguish the fire.” The MERF nevertheless arguably gave member agencies the space to work more closely with the government authorities to build their capacity to prioritise protection needs. However, as the Phase 2 programme of the MERF no longer applies to European countries, the services provided through MERF funding to address these needs will vanish in the absence of alternative funding.

For some agencies, longer term protection needs, and associated vulnerabilities were not related to a rapid change but came from an evolution in the context raising questions about the applicability of the MERF in such contexts. While longer term needs are often beyond the realm of humanitarian actors, early consideration of these needs beyond more immediate lifesaving ones can nevertheless pave the way to a more holistic response to the situation of refugees and migrants. In Serbia, a respondent suggested that devising activities involving the local community would facilitate the integration of refugees and migrants.

2. CHARACTERISTICS OF THE MERF

This section checks whether the speed, duration and level of flexibility of the mechanism have suited the contexts in which it operated. It looks at the added value and implications of a mechanism that provides for disbursements of funds within 72 hours but also with limited project timelines. It then explores how agencies made use of the flexibility of the mechanism and whether the ‘light touch’ process allowed them to adapt to changing needs in mixed migration context.

Fast disbursement mechanism but time-bound projects

The MERF is currently the only funding mechanism that can be disbursed in 72 hours specifically in the context of mixed-migration crises along the Mediterranean.97 The capacity of the fund to be activated within such a short time is well-suited for emergency response and has been a major advantage in addressing situations where fast action was required to save lives. In Serbia, the NFI distribution conducted to assist refugees and migrants suffering from the drop of temperatures prevented fatalities among the displaced population. In Niger the rapid and unexpected expulsion process of hundreds of migrants from Algeria also required a timely response. However, accessing, checking and producing timely information for putting together an appeal has been more challenging in contexts where information is at best scattered or non-existent. Some agencies saw this as increasing the risk of a refusal based on misunderstanding or misinterpretation of the information provided.

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97. At the global level the Start Fund also permits the disbursement of funds within 72 hours.
Views were mixed among respondent about the project duration (a sixty-day window for Europe and double for Niger and North Africa). Duration was considered adequate only if other conditions were already in place for an immediate start, including clear and updated data about the context and needs as well as the readiness of the agencies and local partners. Yet in the complex contexts where the MERF was activated, some external risks have been identified as slowing down the implementation process. These often relate to the politicised context and the security situation. For instance, in Serbia where the authorities discouraged humanitarian support to migrants and refugees living outside of the official reception system, for projects implemented under the first alert, assistance had to be provided quietly by appointment, without attracting public attention. Although the distribution took place in a controlled and safe environment, the speed of distribution was significantly hindered.

The short implementation period was deemed appropriate for time-limited responses such as the lifesaving activities carried out under the first alert triggered in Serbia during the peak winter season as the relief was punctual and the needs would reduce with the rise of temperatures. However, the limited duration for intervention tends to limit the possible range of interventions, especially those addressing protection needs that require longer timeframes.

There were divergent views among member agencies interviewed as to whether the timeframe was sufficient for agencies to be looking for alternative funding to address the gap in the medium to long term that the MERF may have filled in the short term. This was noted especially in Serbia where donor commitments decreased substantially requiring extended time and effort to identify funding. Even if the MERF process is light-touch, some agencies found the two-month duration really short to focus both on project implementation and fundraising. They argued that ‘once things had started it was time to think about wrapping-up leaving little time to look for alternative funding’. As another down side of the speedy nature of MERF project implementation, some organisations found the quick turnaround for reporting challenging.

**Different layers of flexibility**

The MERF’s flexible and light touch process is well adapted to the volatility and complexity of mixed displacement scenarios. It enabled agencies to make quick project adjustments in relation to locations, targeted groups, distribution cycles and specific assistance items, in order to adapt to the context to continue filling the most urgent needs. In Niger, the mechanism was flexible enough to accommodate an anticipatory influx of migrants in a context where agencies have very little notice of upcoming arrivals and enabled adjustments (such as the provision of tents) when the government designated a new arrival site for the returnees. In Morocco, the MERF

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98. The timeframe for intervention in Europe remained two months as initially conceived when the MERF was developed and with a budget ceiling per proposal of £300,000. For North Africa and Niger the implementation period was extended to four months and the ceiling removed after it became clear that the parameters had to change to enable agencies to make use of the MERF.
accommodated some changes in terms of the location and method of the distribution of sanitary items and related medical campaign after security concerns prevented a direct intervention initially planned to take place at a migrant camp in Casablanca. However, while the mechanism itself can accommodate change, it also requires that agencies use safeguards to adapt to the shifting or unforeseen needs of refugees and migrants during project implementation. For instance, in Serbia under the cold spell response, it turned out during the distribution phase that a majority of beneficiaries needed larger boot sizes to fit extra socks due to the cold or because they had blisters from walking and had bandages. This change was difficult to accommodate as boots had been procured at the inception of the project on basis of the average breakdown of beneficiaries according to their age and gender.

A valuable feature of the MERF has been the flexibility to conduct assessments before envisaging full-scale projects especially in contexts where the main need was precisely to obtain more information on the needs of refugees and migrants and/or where a MERF activity would have been difficult or premature. With increased humanitarian support to refugees and migrants by humanitarian actors and policy-makers expected in Libya in 2018, addressing some information gaps was a priority for REACH and the MERF. The objective was to focus on the intentions of refugees and migrants, their needs, the main barriers in accessing income and services, and coping strategies adopted and protection risks. Both CICAs undertaken in Libya were envisaged as a prelude to inform potential future interventions. The first assessment conducted on cash delivery mechanism was devised to potentially inform a multi-purpose cash assistance (MPCA) response for migrants, refugees and asylum seekers ahead of an upcoming MERF alert planned by ACTED, IRC, and MC. However, the information provided by the CICA convicted member agencies that it was premature to envisage such type of intervention under the current circumstances. Both assessments were deemed very timely and useful to the whole humanitarian community working in Libya. They provide a baseline on the needs of refugees and migrants- on which follow-up thematic assessments could eventually be built-in- to further support humanitarian programmes, advocacy or policy work.

**BOX 7 - THE MERF IN LIBYA: PROVIDING GREATER INSIGHT ON THE VULNERABILITY AND PROTECTION NEEDS OF REFUGEES AND MIGRANTS PAVING THE WAY FOR FUTURE RESPONSE**

In Libya undocumented migrants living in host communities, who live in fear of detention due to their precarious legal status and are typically

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99. The aim of the CICA is to gather data and evidence to potentially raise an alert or decide the data requires a different type of response than the MERF.


excluding from assistance programs, are a hard to reach population group on which there is very little information.

Below are the key findings of the MERF/REACH assessment based on 120 interviews with refugees and migrants residing in Sebha, Tripoli, Misrata and Sabha:

**Access to economic resources affects refugees and migrants’ ability to meet their basic needs as well as their future migratory intentions in the context of the ongoing crisis**

Most refugees and migrants drew their main source of income from low skilled occupations. Many were employed in daily jobs, often working in more than one occupation at the same time, characterised by unstable income and precarious working conditions and irregular payment. As most of them are undocumented they are unable to enforce their rights. Recently-arrived refugees and migrants were more likely to engage in exploitative forms of labour. Refugees and migrants from the MENA region were found to have easier access to employment and face less discrimination than their Western and Eastern African counterparts, due to common language skills, cultural affinity, and for Syrian nationals, empathy with their humanitarian condition.

Insecurity was reported as the first barrier to refugees and migrants’ access to economic resources. The deterioration of socio-economic conditions in Libya also affected refugees and migrants and compelled certain to reduce the quality or quantity of food intake. The reduced purchasing power of many refugees and migrants, their struggle to meet basic needs and inability to save money or send remittances back home is likely to affect their intentions to stay in Libya or move onward.

**Access to decent housing and healthcare, a challenge for many refugees and migrants because of their irregular status, limited access to economic resources, and widespread discriminatory practices**

Most refugees and migrants appear to live in rented shared apartments often overcrowded and offering poor living conditions or in accommodations provided by the employer at the workplace or in surrounding areas. Security concerns (risk of robbery and kidnapping) and a lack of means of transportation were identified among the main factors driving refugees and migrants’ decision to live close to the workplace or in accommodation provided by the employer. Even if living
in sub-optimal living standards refugees prioritised reducing daily commuting to their workplace.

**Healthcare provision in Libya has been severely affected by the crisis and renewed hostilities**

While inadequate emergency services and shortages of medical supplies, staff and equipment are the main challenges faced by the resident population, refugees and migrants face two additional barriers, discriminatory treatment and high healthcare costs. A majority of refugees and migrants, who had reportedly been in need of medical care since their arrival in Libya, indicated often not being accepted in public medical facilities. As a result, many were circumventing the healthcare system and undergoing self-treatment by accessing pharmacies or resorting to alternative medicine methods.

*People were interviewed regardless of their legal status; while some people in the sample were from the list of ‘refugee-producing countries’, they had not been registered by UNHCR. Some 60 experts on migration and service provisions were also interviewed as part of the assessment.*

**Sources:**

### 3. CONTEXT SPECIFIC CONTINGENCY FUND

This section reviews the role of local presence and knowledge, given the often-sensitive political nature of humanitarian response to refugee and migrant needs and whether access and local presence was possible in all the contexts. It highlights how local insight and intelligence adds value to interventions and its role in enabling accountability towards the beneficiaries and greater communication with them before, during and after project implementation. It then assesses whether the mechanism enabled greater coordination with wider stakeholders dealing with refugees and migrants and collaboration among member agencies.

**Partnership: the asset of local knowledge and presence**

Local knowledge and insight was seen as instrumental to provide detailed and nuanced analysis and address some of the complexities presented by mixed migration contexts allowing for context specific responses. The involvement of local partners was seen as a ‘time-saving’ factor reducing time for preparation and enabling quick implementation of activities while helpfully addressing various challenges arising on the ground and pre-empting issues around access to the beneficiaries. In Morocco local partnerships were key to reaching zones and people outside the range of action of international NGOs in a short timeframe. As reported by a Start network member, “without our local partners [who already had the local expertise and the affected population’s trust], it would not have been possible to cover 8 cities and reach over 3,000 people in less than four months.” In Niger, through its local partners, the implementing international agency was able to access crucial information regarding upcoming
deportation waves and to participate in the planning and general framework of the management of these waves.

Local partnerships also played an essential role on the communication with the affected communities given their access, constant presence and expertise, ensuring that support provided was appropriate and allowing for ongoing monitoring and adaptation to needs. For example, in Serbia extensive communication with camp residents on the types of items they lacked combined with cooperation with nutritionists and medical professionals shaped the food response in terms of the types and quantities of items distributed for each age group. In Morocco, the direct involvement of community leaders gave a voice to the population’s needs and played a crucial role in promoting the acceptance of the agencies and its partners’ work. For example, during the scabies campaign in the camp in Fez where 700 people were living in very poor conditions, community leaders encouraged the target population to properly use the anti-scabies treatment. Thanks to the role of community leaders and the involvement of several other actors, the scabies epidemic was eventually controlled. The engagement of local actors is also essential to ensure the sustainability of the relations with beneficiaries as the situation may gradually shift from requiring an emergency response towards more developmental support for the refugees and migrants remaining in the country.

But while partnership was valued by all member agencies, the nature and quality of that partnership varied substantially according to the country where MERF activities were implemented. Partnerships were much more well-established in Serbia than in the other countries and the implementation of twelve consecutive projects played a positive role in improving even further the relations between the international NGOs and their local partners. In contrast, in Libya all humanitarian actors including local partners have difficulties in operating and accessing refugees and migrants. Operational constraints around security and access even notably limited the quality of data collection on migratory intentions which were investigated under the CICA. In Niger the links forged with local partners still have to be consolidated in part because most agencies, had been operational in Agadez for a limited amount of time. Furthermore, in Niger and even more so in Libya, the capacity of local actors is weak while it is strong in Serbia. An added difficulty regarding Libya is that because the severity of the security context in country, many international organisations and UN agencies operate remotely from Tunis. In Morocco the response partly aimed to strengthen the relationship by supporting nine partners working around the camps near the border and in the urban displacement zones. Through the project implementation, local partners improved their capacity to meet increasing needs resulting from the rising numbers of migrants.

In contexts where aid delivery to refugees and migrants cannot be met by government interventions, local organisations and informal networks may be better placed to provide urgent support. In Serbia, the coordination with all stakeholders was maximised by the extensive experience of local partners in
working directly with camp management and local authorities, as well as other aid actors in the locations.

What also emerged from the implementation of projects, especially in Serbia, was the successful cooperation between local partners and international agencies. In the Serbian context, international NGOs are well established in the country. This facilitated relationships between member agencies and their local partners that were often solid and long-established, characterised by open, active and transparent communication. In Serbia some local partners that took an active part in the MERF process felt they were given freedom and space to share their views and recommendations on needs and in shaping responses. The global expertise of the member agencies was seen as adding value in terms of quality and technical implementation to the intervention. The synergy between local and international organisations that is promoted by the MERF enabled a mutual learning process. In Serbia, local organisations have found important that ‘their voice be heard more directly’ and also appreciated the close involvement of DFID in the process. The participation of local partners in the different phases of the mechanism and beyond the mere implementation of a given project has also been perceived as a great opportunity for capacity building. The deeper their involvement in the process was, the highest benefit local partners got from it.

**Factors preventing activation or obstructing implementation**

As already mentioned, migration is a politically sensitive topic in almost all contexts albeit to varying degrees. This has had repercussions over the capacity of the MERF to be activated or not. While the creation of a separate mechanism for North Africa and Niger added flexibility to the mechanism it has clearly not permitted activation in all countries where there are reported ongoing gaps in the humanitarian response that are currently not covered by other programmes. In some contexts, government policies may prevent humanitarian responses towards refugees and migrants, a situation which leaves their needs unaddressed and increases their marginalisation and suffering. In the current political landscape in Algeria it is very hard for NGOs to operate due to government restrictions. The focus on development work rather than humanitarian assistance is also prioritised by the Egyptian government and may explain why the MERF was not triggered in that country.

In Morocco, there has been a lack of interest from most donors in allocating funds towards addressing the humanitarian needs of refugees and migrants and as such most NGOs are implementing development projects and are not trained to alert the MERF for humanitarian needs or respond to them. In Libya, working on migration is considered ‘extremely sensitive’ and this [in addition to the lack of information on needs] has deterred the possibility of humanitarian response to date. As mentioned above, the conduct of the REACH/MERF assessment was valuable in enriching the knowledge base on the profiles and needs of refugees and migrants in the country but also by providing evidence to inform efficient and adequate programming. The first
assessment on Cash Transfer Programs (CTPs) was undertaken to ascertain the relevance of cash interventions to address the vulnerability of refugees and migrants and to allow them to contribute financially to host communities. The assessment results confirmed that providing cash-in-hand to refugees and migrants presented a number of security and practical risks that would override potential benefits and likely be challenged by the authorities. Despite current shortfalls,¹⁰² systems of electronic payments appeared safer, and more promising and could be transferable to other population at need.¹⁰³

In Niger, while upstream interventions along the deportation route could make a considerable difference by alleviating suffering of deported migrants from the moment they enter Nigerien territory; this is currently not feasible due to the security situation and logistical difficulties.

BOX 8 - THE MERF IN MOROCCO: ASSISTING THE VICTIMS OF VIOLENT DISPLACEMENT PRACTICE

Impact of violence against refugees and migrants

The MERF was triggered in the summer of 2017 to address the worsening living conditions of refugees and migrants caused by the combination of two parallel dynamics:

1- the increase of the number of migrants gathering at the northern borders in the forests around Tangier and Nador due to favourable weather conditions facilitating sea crossing

2- the more aggressive ‘decongesting’ strategies implemented by the authorities leading to pushback from the border to displacement zones and cities in the centre and south of the country, including Casablanca, Rabat, Fès, Meknès, Tiznit, and Agadir [refer TO Box 3].

Even if ‘displacement’ is not a new practice in Morocco, it became widespread since 2016 with the authorities carrying out police raids and arbitrary arrests in the north of the country (Nador, Tanger and Tétouan)

¹⁰² For instance, rent must always be paid in cash or through wire transfer and prices are reportedly lower in souks and open markets, where e payments are generally not accepted, while supermarkets sell goods at higher prices, Start Network (2017), “Cash Delivery Mechanism Assessment for Refugees, Migrants and Asylum Seekers in Libya”, https://start-network.app.box.com/s/76zpqa7lsaxgdphf5b8moa6y7suab.

¹⁰³ Electronic transfers were foreseen as more appropriate for migrants in transit for whom cash increases their exposure to safety related threats and for certain groups such as women by reducing the amount of time spent moving around outside the home with physical cash in hand, Start Network (2017), “Cash Delivery Mechanism Assessment for Refugees, Migrants and Asylum Seekers in Libya”, https://start-network.app.box.com/s/76zpqa7lsaxgdphf5b8moa6y7suab.
and in encampments in nearby forests. The objective of the authorities was to clear the northern border from the presence of refugees and migrants [so that they will take more time to return]. The methods however became more aggressive from 2017 involving the use of force - by means of burning the camps and the destruction of personal belongings and requisition of personal documents - to get the migrants into buses to push them back from the border to displacement zones. As a result, the number of victims of forced displacement increased significantly in 2017. While in 2014-2015 the vast majority of the forcibly displaced were adult males in irregular situation, in 2016-2017 a change in their profile occurred with a steadily increasing number of protected category individuals such as asylum seekers, regular migrants, women and minors.

The refugees and migrants living in temporary border camps and displacement areas are among the most vulnerable displaced groups in Morocco. They remain at the margin of society, isolated, ignored or mistreated by the host population. They have been the target of security forces persecution and are the victims of various forms of exploitation and abuses including by networks of smugglers or human traffickers. In the absence of any assistance system in place to address their needs, they live in precarious hygiene conditions and are at high risk of infectious disease and psychological disorders. Because of their restricted mobility to urban areas due to the risk they run of being arrested and detained, they face difficulties to access food and drinkable water, primary and emergency heath as well as protection services.

A comprehensive response addressing basic needs

For nearly four months, refugees and migrants in border camps around Nador and Tangier and in displacement areas in Casablanca, Rabat, Fès, Agadir and in the detention centre in Laayoune, benefitted from a comprehensive response aimed at improving their living conditions and ability to access basic services. This included the provision of medical emergency assistance, disease sensitisation & screening, including the detection and support of pregnant women and UAMs, the distribution of food and NFIs as well as supporting a response to a scabies outbreak in an urban migrant camp in Fès.

Sources

Coordination with stakeholders and collaboration among member agencies

The implementation of MERF projects helped to improve the engagement with a wide range of stakeholders, and primarily with the authorities. Building a direct and clear relation with the authorities at the inception of a project is especially important and strategic in politicised contexts where the authorities may have been opposed to certain types of interventions. In Serbia the authorities were initially rather hostile to interventions outside the government run camps as they believed that such support would lead to
large numbers of refugees and migrants remaining outside of the camp structures. As the first alert was mainly concerned with addressing the needs of those outside the camp structures, the risk of creating the wrong perception was real and could have led to the refusal or suspension of projects. However, efforts deployed to frame the first project as solely responding to the critical humanitarian needs created by the extreme weather conditions enabled member agencies to conduct the planned activities albeit in a discreet manner. Through the implementation of subsequent projects that also addressed the needs of the displaced inside the camps, agencies have been able to build trust with the authorities and the relationship with the Serbian Commissariat for Refugees and Migrants greatly improved over the year.¹⁰⁴ According to a respondent, the MERF played a key role in fostering relations with the authorities that are now based on mutual respect, continuous dialogue and joint efforts to address needs. In Niger, the MERF response created a dynamic of engagement with the government through enhanced communication and coordination around forced returns improved planning, response and evaluation of each intervention. The advocacy efforts to formalise roles and responsibilities further in the form of an official response plan have however not succeeded.¹⁰⁵ Even in Morocco where humanitarian interventions are not prioritised and can even be obstructed, the authorities did not prevent civil society’s work in central and southern displacement cities – even at times facilitating access to specific locations – provided that interventions don’t openly denounce displacement practices at the borders.

The implementation of MERF activities also led to increased relations with other major humanitarian actors involved around common efforts to avoid risk of duplicating activities, improve preparedness to respond and maximize efficiency of responses. Even when alerts were not activated, as was the case for the first alert raised in Niger, the mere process pushed organisations to gain more clarity over needs and while consultations undertaken enabled agencies to mobilise and to cover response gaps within existing funding streams.¹⁰⁶ In Niger the MERF motivated other actors to initiate or improve their response to returnees. Such improvements however did not prevent shortfalls and misunderstandings from occurring as in the case of the last alert raised [but not activated] in Niger which revealed somewhat difficult relations between one-member agency and IOM triggered by miscommunication around the actual needs of the returnees.

The collaborative processes promoted by the MERF led to better dialogue, planning and coordination among member agencies. In Serbia coordination

¹⁰⁴ The switch in the government’s attitude was most notable when activities outside of the camps that had been prohibited a year ago became tolerated as long as the government is informed. The authorities even invited agencies who had previously been responding to the needs in the barracks to work inside the camps.
¹⁰⁵ An intervention matrix that shows the roles and responsibilities of each actor on the arrival site has nevertheless been developed.
among member agencies was seen as a prerequisite to the successful implementation of activities with failure to prioritise coordination increasing the risk of failing to secure MERF funding and to maximise project implementation. In principle the MERF process allows a single agency to raise an alert. But in practice alerts were perceived as stronger and more legitimate when they followed prior consultations among agencies about whether a specific emerging situation meets the MERF criteria and requires the mechanism to be triggered (in the absence of other means for response). When alerts had been raised by a single agency without involving others those alerts were often refused. The MERF thus maximises its strength when it led joint work at every stage of the process and the collaborative processes promoted by the MERF led to better dialogue, planning and coordination among member agencies. Having said that, dialogue and collaboration at the inception of a project was not always sustained throughout the entire project cycle.
Chapter 3: Lessons learned and suggestions on improvements of the mechanism in the future

This final part sums-up key challenges that have emerged from the analysis of the MERF mechanism within the wider and complex context of mixed migration flows around the Mediterranean. It provides a set of suggestions on which parts of the mechanism should be improved or changed to adapt to better align the mechanism with the complex reality of mixed migration.

1. REGULAR CONTEXTUAL ANALYSIS ON MIGRATION AND DISPLACEMENT

Challenge: The MERF has been triggered in countries where complex scenarios of displacement and mixed migration flows are at play and present difficult working environments that have impacted on the responses of the agencies. Yet, the MERF as a mechanism does little to capture or engage, with the possible exception of the CICAs in Libya, with the complexity in which it operates.

Suggestion: More contextual analysis on migration and displacement [short but updated regularly to reflect changes] in each of the countries where the MERF can be activated would be useful. It would provide valuable information to those involved in the MERF decision making process who may have limited knowledge of the operational context and may give a good framework to agencies putting forward project proposals.

2. ASSESSMENTS FILL-IN KNOWLEDGE GAPS

Challenge: The knowledge gap about some characteristics of mixed migration flows along the Mediterranean and on the intentions, risks and needs of refugees and migrants remains significant. While a growing body of country-level research may have helped to fill-in some of this gap, more research is needed, especially over regional dynamics. The MERF played some role in building that knowledge in relation to a given context (especially through the CICAs). The mechanism also revealed some knowledge gaps with no expectation that it should be systematically addressed by the MERF [that mainly has a different role].

Suggestion: Making more strategic use of the possibility to conduct assessments (through CICAs) could contribute to address the knowledge gap. Doing assessments at the inception of the next phase of the MERF could be especially relevant and timely for contexts not previously covered by the MERF where data on the profiles, trajectories, motives for initial and secondary movements, intentions, and needs of refugees and migrants may be lacking. It could also be instrumental to explore both the potential and risks of specific humanitarian responses in such contexts but also in countries already covered in 2017 but where the lack of data was among the
reasons that prevented humanitarian intervention from taking place. Regional assessments could provide a wider vision of needs and foster trans-border coordination. Where appropriate, evaluations could also represent an opportunity to introduce some innovative elements to the response.

3. PRE-EMPT UNFORESEEN FUNDING SHORTFALLS

Challenge: The MERF is conceived to address new needs or spikes and leaves under the remit of agencies the responsibility to secure longer funding if needs persist or re-emerge. Yet this has proven to be challenging when sources of funding were few or shrinking.

Suggestion: It may be useful for project proposals to include ‘sustainability plans’ which would sketch what agencies expect to happen after the implementation of a MERF project and how forthcoming response to needs will be integrated in the structural response. This could help clarify the role of the MERF from the inception, guarantee that searching for funding to sustain the benefits of the supported activities becomes an inherent part of the mechanism. It would strengthen collaboration among participating agencies in searching longer term solutions, including through consortiums.

4. A NEEDS-BASED MECHANISM ALSO CONCERNED WITH RIGHTS

Challenge: A valuable asset of the fund is that it is needs based paying no attention to the status of those in need in a context that has over polarised the term refugees and migrants to the detriment of both populations. The MERF has instead prioritised responses addressing the immediate vulnerability of the targeted beneficiaries faithfully to humanitarian principles. However, on a number of occasions, their vulnerability may have been, at least to some extent, the result of the violation [or the insufficient respect] of their rights.

Suggestion: While the MERF should remain primarily needs-based it could also consider [when appropriate] including a rights-based approach in assessing a situation and devising responses. This may give more space for protection interventions that aim to promoting conducive environment for rights to be more fully exercised.

5. BROADER SCOPE OF INTERVENTION

Challenge: The MERF, because of its almost immediate response capacity and contained timeframe, best fulfil its role in contexts where the movements of people is mostly dynamic and the needs transient. The appropriateness of the mechanism has been less obvious when a situation becomes more stagnant with recurrent needs or needs that require more time to be addressed.

Suggestion: To broaden the scope of MERF beyond punctual lifesaving interventions and to ensure that it can address more complex needs notably around protection, the MERF should consider providing a flexible timeline for interventions. A short needs analysis would dictate the appropriate duration of project cycles based on a model offering a flexible scale of 1 to 6
months implementation where agencies would explain the rational for the suggested duration based on the evolving context and the specific response envisaged.

6. BUILD ON STRONG PARTNERSHIP MODEL

Challenge: The MERF process promotes the involvement of local partners. In countries where projects benefited from strong partnerships, this impacted positively on the speed, spread and quality of the interventions. Yet efforts to work with local partners have not achieved expected results in contexts where local capacity is weaker and external obstacles like a critical security environment act as deterrence.

Suggestion: The MERF should continue to be used to further build the capacity of local support especially in contexts where the capacity of local actors is currently weaker. Beyond achieving project objectives, engagement with local actors will ensure some sustainability for projects and help forging collaboration with the authorities and communication with beneficiaries especially in contexts where access to the refugees and migrants is challenging.

7. A DYNAMIC INFORMATION SHARING AND LEARNING PLATFORM

Challenge: The experience of refugees and migrants hosted by or transiting through countries around the Mediterranean depends, for a large part, on socioeconomic and political factors and on the country’s asylum and migration policies [accommodating or deterring their presence]. Notwithstanding these contextual differences there has so far been limited cross border inter-agency information exchange, about the experiences of refugees and migrants but also on challenges that agencies experience in their work and on opportunities they may have identified.

Suggestion: Agencies that are part of the MERF could take advantage of the size and spread of the network to share cross border information. In contexts where several projects were implemented, as in Serbia with four activated alerts and twelve projects, agencies have learned a great deal along the way, being better informed and prepared every time. Some of that ‘learning experience’ could to be valuable for other contexts [especially for the new countries added to the list of potential beneficiary countries in the second phase of the MERF] to improve preparedness, raise the quality of proposals, etc. In practice the information gathering, and exchange could be facilitated by the MERF Team, ideally someone posted in the region, by engaging with members agencies in the concerned countries. To minimise both time and cost, the sharing of experiences could be organised through on-line seminars.

8. OVERCOMING DIFFICULTIES RELATED TO POLITICISED CONTEXTS

Challenge: While the MERF model is light and has constantly sought to simplify, the number of countries where the mechanism has been triggered in 2017 remained limited (only triggered in six countries out of eighteen and activated in five). There is a wide range of reasons to explain this relatively
low number but in strongly politicised contexts, agencies seem to have had difficulties to foresee how to trigger the mechanism.

**Suggestion:** As the MERF will enter its second year and with a new configuration in place in terms of the countries covered and a longer overall duration of the fund cycle, the MERF Team should further engage through dialogue with its members and with DFID in better understanding what may be preventing the mechanism from being triggered in the first place and identifying avenues to support to process. This may include a range of combined actions, including greater information sharing about the mechanism with government authorities and civil societies by the MERF Team, member agencies and DFID.

9. MORE FLEXIBLE CRITERIA FOR ALERTS AND FOLLOW-UP FOR DECLINED ALERTS

**Challenge:** Efforts have been made to make the MERF decision making process for considering alerts and proposals both straightforward and transparent. Yet when negative decisions over alerts were taken because of a lack of information about the needs rather than the absence of needs, agencies saw that a blank refusal to action the mechanism ran the risk of failing to respond to genuine and urgent needs. The suggestion to resubmit a new alert which was often made in such cases was seen as cumbersome (requiring the renewal of the entire process).

**Suggestion:** In cases where the alert clearly does not fit the mandate of the MERF, the alert can be refused by the allocation committee under the current modalities. However, when the decision for not activating the alert is motivated by a lack of information or the need for greater clarity in the information provided, the alert could be accepted on a provisional basis granting another 72-120-hour window to gather any missing information and/or provide needed clarifications. This process would either lead to the release of funds or a decision not to action the mechanism while the information gathered would remain beneficial to the agencies and their partners. Also, whenever a decision is made not to action the MERF, the mechanism should ensure there is a minimum follow-up on situations to assess the pertinence of the decision. This process could be led by the MERF Team in collaboration with the monitoring, evaluation and learning (MEL) Team through the person based in region liaising with relevant agencies and partners in the concerned country.

10. FINANCIAL FLEXIBILITY ENTRENCHED IN THE MECHANISM

**Challenge:** The mechanism requires that any unused funds be ‘returned to the pot’ at the end of each project. While this is a fair process, specific circumstances triggered by the complexity of mixed migration flows, like ongoing but unpredictable deportations and resurgent seasonal needs, could benefit from being exempted from that rule.

**Suggestion:** Giving agencies the possibility to keep any unitised amount at the end of a project for prepositioned goods (e.g. NFI kits and medicine) for small new spikes in the crisis rather than sending such amount (likely to be
minimal) back to the pot would add financial flexibility to the current mechanism. This possibility would enable agencies to respond to remaining or resurgent need should however not be automatic but decided on a case by case basis upon request and validated by a short assessment of the specific circumstances.
Key references


107. The references below only include reports and journal articles cited in the report that are most relevant to the theme of mixed migration along the Mediterranean (when the url is available). Blogs, media articles and EU legislation are not included.


