

The Externalization of EU Migration Control as Delegation of Violence: Libya as a Repression Proxy

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Original Scientific Article

IZVLEČEK

Zunanja izvajanja evropskega nadzora meja so postala temeljna strategija migracijskega upravljanja EU v Sredozemlju. Članek raziskuje, kako se prek Libije uresničuje delegirana oblika nasilja, v kateri Evropska unija prenese izvajanje prisilnih praks na lokalne akterje in milice zunaj svojega pravnega nadzora. Takšna ureditev omogoča sistematično kršenje človekovih pravic migrantov, pri čemer se humanitarni diskurz uporablja za legitimiranje izključujočih praks. Z analizo političnih, pravnih in postkolonialnih vidikov članek pokaže, da zunanje izvajanje meja deluje kot neokolonialni aparat, ki ponavlja vzorce rasiziranega nasilja in neodgovornosti na evropski periferiji.

Ključne besede: zunanje izvajanje meja; Evropska unija; Libija; migracijska politika; neokolonializem

ABSTRACT

The externalization of European Union border control has become a structural pillar of its migration governance across the Mediterranean. This article interrogates how delegated forms

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of violence are enacted through Libya, where enforcement is outsourced to local militias and authorities operating beyond the EU's jurisdictional reach. Such arrangements enable systematic human rights violations under a humanitarian rationale that masks coercion and exclusion. Through the lenses of political theory, law, and postcolonial critique, the article demonstrates that border externalization functions as a neo-colonial apparatus reproducing racialized hierarchies of control and impunity along Europe's periphery.

Keywords: border externalization; European Union; Libya; migration governance; neo-colonialism

INTRODUCTION

The externalization of border control has become a cornerstone of the European Union's migration governance in the Mediterranean. It has fundamentally transformed the modalities through which migratory movements are regulated and contained. Within this strategic framework, Libya has emerged as a pivotal site, not merely as a transit territory, but as a deliberately instrumentalized actor through which the EU delegates enforcement functions to local authorities and non-state militias. This model of delegation, operating beyond the direct jurisdictional reach of European legal oversight, raises grave ethical, legal, and political concerns. It facilitates practices that systematically violate the fundamental rights of migrants.

This study seeks to interrogate the mechanisms by which the European Union externalizes violence to Libyan territory, effectively outsourcing human rights abuses under the guise of migration management. It focuses on how the EU has strategically capitalized on Libya's post-2011 political fragmentation and economic volatility to construct a buffer zone of enforcement. In this arrangement, sovereign responsibility is diffused and accountability is obscured. The article traces the historical trajectory of Euro-Libyan relations in the aftermath of the NATO-led intervention. It sheds light on the transformation of Libya from a migratory destination to a peripheral apparatus of European border control.

The rationale for this research rests on two critical dimensions. First, there is an urgent imperative to expose and critically assess the ethical contradictions embedded in EU externalization policies. Despite their humanitarian discourse, these policies routinely subject

migrants to extraterritorial violence and legal liminality. Second, by situating Libya's role within the frameworks of neo-colonialism and border imperialism, the article contributes to a broader scholarly discourse on the continuities of colonial logics in contemporary global governance. This perspective is especially relevant in understanding how postcolonial peripheries are mobilized to serve the security imperatives of the Global North.

Accordingly, this article aims to provide a critical legal and political analysis of the EU's externalization practices via Libya. It interrogates the modes of delegated violence and the architectures of impunity that such arrangements enable. To this end, the study sets out to: (1) examine how Libya became structurally central to EU externalization strategies, (2) unpack the contradiction between humanitarian rhetoric and coercive enforcement, (3) investigate the legal ambiguities and accountability gaps strategically employed by EU actors, and (4) discuss how these dynamics reflect broader neo-colonial patterns of geopolitical control and border securitization.

SHORT LITERATURE REVIEW

The academic literature on border externalization offers a critical framework to analyze how the European Union (EU) delegates migration governance to peripheral states, Libya being a central case. Walters' (2011) concept of the "humanitarian border" is foundational to this critique. He shows how humanitarian discourse, far from mitigating violence, legitimize coercive border practices by masking exclusionary policies as life-saving interventions. This paradox is echoed by Van Houtum and Pijpers (2007), who argue that the EU enforces a logic of selective permeability, facilitating the movement of desirable migrants while violently excluding racialized and marginalized groups, thus reproducing structural inequalities.

Marinoni and D'Aleo (2023) add a geopolitical dimension, tracing how the EU capitalized on Libya's post-2011 fragmentation to externalize border enforcement while evading responsibility for the abuses inflicted. Carrera Espriu (2024) reinforces this view, portraying Libya as a "laboratory" for outsourced repression, where European states delegate coercive control to militias and non-state actors, avoiding legal scrutiny. These claims are supported by Human Rights Watch (2019) and Michael, Hinnant, and Brito (2019), who document systemic abuses within EU-funded detention infrastructures.

Pijnenburg (2024) deepens the legal analysis by exposing the “accountability void” sustained by jurisdictional fragmentation. He argues that despite formal obligations under human rights law, EU actors exploit legal grey zones to shield themselves from extraterritorial responsibility. This legal vacuum intersects with structural critiques by Cappiali and Pacciardi (2025) and Cobarrubias and Lemberg-Pedersen (2025), who situate externalization within broader frameworks of neo-colonialism and border imperialism, where racialized violence is subcontracted to peripheral regimes.

Together, these scholars reveal that EU migration governance is not a neutral security response, but a strategy embedded in colonial continuity. This article contributes by exploring how legal ambiguity and humanitarian discourse co-produce a regime of delegated violence, where Libya becomes both a proxy enforcer and a symbolic frontier of European border imperialism.

THEORETICAL FRAMEWORK

This study is anchored in critical migration studies, postcolonial theory, and legal scholarship, seeking to understand how the European Union's strategy of migration externalization operates as a system of delegated violence. At the core of this analysis lies the concept of externalization as a mode of spatial and legal displacement, through which the EU projects its border enforcement into peripheral territories while strategically evading direct responsibility for the violence enacted against migrants.

Drawing from the work of Cappiali and Pacciardi (2025), externalization is conceptualized as a neo-colonial apparatus that perpetuates European dominance over postcolonial spaces by enforcing racialized mobility regimes through proxy actors. These practices are structured around forms of indirect rule, reproducing colonial modalities in which coercive power is outsourced to local intermediaries, thereby preserving imperial influence without incurring formal accountability (Cobarrubias & Lemberg-Pedersen, 2025). This perspective allows us to situate contemporary migration governance within a continuum of colonial governance logics, rather than as a departure from them.

From a legal standpoint, this framework engages with Pijnenburg's (2024) formulation of a structural accountability void, which arises from the deliberate fragmentation of

jurisdiction and the exploitation of extraterritorial legal grey zones. This ambiguity is not a peripheral flaw, but a central feature of how European states manage migration at a distance.

Taken together, these analytical lenses reveal that EU migration governance is not merely a collection of policies, but an infrastructural manifestation of border imperialism, one that systematically racializes, dehumanizes, and spatially excludes migrants while preserving the outward appearance of legality and humanitarianism.

METHODOLOGY

Methodologically, the article adopts a qualitative, interdisciplinary approach, drawing upon critical legal analysis and postcolonial studies. The empirical analysis is grounded in a comprehensive review of academic literature, policy documents, human rights reports, and investigative journalism. The discussion is structured in distinct sections. Following this introduction, a literature review outlines key debates on externalization and humanitarian governance. The theoretical framework introduces the concepts of neo-colonialism and border imperialism as interpretive tools. The empirical analysis then unfolds through thematic subsections addressing historical legacies, humanitarian paradoxes, legal indeterminacies, and the colonial entanglements of EU migration policy. Finally, the conclusion consolidates the main findings regarding the EU's strategic delegation of violence, the legal ambiguities enabling impunity, and the neo-colonial dynamics embedded in border externalization practices. It then critically reflects upon how these findings challenge prevailing assumptions within contemporary European migration governance and their implications for international human rights accountability.

1 THE RISE AND CONSOLIDATION OF BORDER EXTERNALIZATION IN LIBYA

The strategy of border externalization has become a foundational pillar of the European Union's migration governance, acquiring increasing centrality in the wake of the geopolitical transformations precipitated by the 2011 NATO-led intervention in Libya. As Marinoni and D'Aleo (2023) demonstrate, formal cooperation between Italy and Libya on migration control along the so-called "Central Mediterranean route" can be traced back to the early 2000s. During this period, migration was deliberately inscribed into a broader security agenda through bilateral agreements. Notably, the 2000 "Agreement for the Cooperation on

the Fight to Terrorism, Organized Crime, Illegal Trafficking of Drugs and Psychotropic Substances and to Illegal Immigration” established a framework wherein both states committed to exchanging “information on the illegal migratory fluxes, as well as on the organizations that support them, on the modus operandi and on the pathways” and to providing “mutual assistance and cooperation in the fight against illegal immigration” (Marinoni & D’Aleo, 2023). The embedding of migration management within a securitized policy matrix thus laid the conceptual and institutional groundwork for subsequent externalization measures.

Libya’s strategic role in EU border externalization cannot be grasped without situating it within the historical dynamics of Central Mediterranean migration. As Fargues (2017) notes, the corridor linking North Africa to Southern Europe has been a key route for undocumented migration since the 1970s, shaped by colonial legacies, structural economic disparities, and persistent labor demand in Europe. These enduring flows facilitated the securitization of migration, with Libya’s geographic position and post-colonial condition making it a convenient site for delegated enforcement by European states.

The transformation of Libya into a pivotal enforcement proxy intensified significantly following the collapse of its centralized governance after 2011. Prior to this intervention, Libya functioned primarily as a destination country for sub-Saharan migrants seeking economic opportunity. However, the ensuing political vacuum gave rise to a landscape defined by fragmented authority, proliferating militias, and institutional fragility, conditions that European actors rapidly mobilized to their strategic advantage (Marinoni & D’Aleo, 2023).

Firmian (2022) confirms that Libya remains deeply divided, with two parallel governments and numerous armed militias competing for legitimacy and territorial control. This absence of central governance provides an ideal scenario for externalization, precisely because accountability becomes diffuse and practically unenforceable.

In this environment, the EU, with Italy at the forefront, expanded its cooperation with Libyan counterparts, formalizing arrangements that effectively delegated migration control to non-state actors operating outside the bounds of international accountability.

This delegation did not merely reconfigure the spatial geography of border control. It also externalized the inherent violence of migration governance. Carrera Espriu (2024) incisively characterizes Libya as a "laboratory" for outsourced repression, where European

states systematically evade legal responsibility by transferring coercive practices to local intermediaries. Far from being an unintended consequence of instability, the pervasive human rights abuses in Libya, ranging from arbitrary detention to forced labor, constitute a deliberate outcome of European policy design. This intent is confirmed by public statements from high-ranking officials. Admiral Enrico Credendino, officer of the Italian Navy, admitted that Italy's strategy involved transferring maritime interception responsibilities to the Libyan Coast Guard precisely "to circumvent European accountability for human rights violations (Carrera Espriu, 2024). Such admissions starkly reveal the ethical contradictions at the core of European border governance.

The repercussions of this policy extend beyond the legal and humanitarian domains into the political economy of violence. Michael, Hinnant, and Brito (2019), through detailed investigative reporting, expose how European funding earmarked for migration management has directly empowered militia groups implicated in human trafficking, extortion, and abuse. These findings are corroborated by Human Rights Watch (2019), which documents conditions in EU-funded detention centers in Libya, describing them as sites of systematic torture, sexual abuse, forced labor, and other grave violations. Far from reducing human suffering, the EU's externalization model has created lucrative incentives for local actors to perpetuate cycles of violence and exploitation.

Viewed through a critical lens, externalization thus emerges not as a policy failure, nor as a humanitarian necessity, but as a calculated geopolitical strategy. In that sense, violence is not a collateral consequence but a structural feature of European migration governance (Carrera Espriu, 2024). This position is further elaborated by Cappiali and Pacciardi (2025), who locate the EU's externalization practices within enduring colonial logics.

In their analysis, Libya functions as a contemporary iteration of indirect rule, enabling Europe to sustain control while avoiding formal responsibility. The structural violence outsourced to Libyan actors mirrors the historical colonial tactics through which imperial powers maintained hegemony via local intermediaries.

From this perspective, the European Union's externalization model transcends mere pre-border migration control. It constitutes a deliberate architecture of delegated repression, wherein detention, coercion, and abuse are displaced to extraterritorial zones beyond the reach of European legal and institutional oversight, thereby rendering violations less visible, less denounceable, and effectively shielded from accountability mechanisms.

In light of this, the emergence of Libya as a principal site of externalization must be understood not as a contingent development but as a manifestation of long-standing geopolitical interests and neo-colonial configurations of power. The continuity of strategic bilateral agreements, coupled with the instrumentalization of Libya's post-2011 instability, underscores that its current role as a proxy enforcer is neither accidental nor exceptional. Rather, it is the logical extension of a broader European migration apparatus predicated on deterrence, displacement, and denial (Marinoni & D'Aleo, 2023; Carrera Espriu, 2024).

2 THE PARADOX OF HUMANITARIANISM AND VIOLENT EXTERNALIZATION

The European Union's externalization of migration governance in Libya embodies a troubling paradox: policies ostensibly anchored in humanitarian principles have, in practice, facilitated systematic violence against migrants. Walters (2011) incisively captures this contradiction through the concept of the "humanitarian border," wherein the language of moral obligation is deployed to justify the intensification of securitized and exclusionary border regimes. Far from mitigating suffering, humanitarian discourse is co-opted to legitimize practices of coercion and exclusion, reconfiguring the border as a site where care and violence are not in opposition but structurally intertwined.

This tension is particularly stark in the Libyan context, where the EU's externalization strategy intensified following the political disintegration post-2011. Carrera Espriu (2024) identifies how funding the Libyan Coast Guard is framed by European actors as a humanitarian measure aimed at preventing deaths at sea. Yet, such interventions routinely result in the forcible return of migrants to conditions that are widely documented as degrading and abusive. In this regard, the humanitarian rationale does not simply fail to prevent harm, actively facilitates it. It offers a moral alibi for strategies designed to deflect legal and ethical responsibility away from European institutions.

Pijnenburg (2024) reinforces this argument by examining the legal dimensions of this paradox. He recalls the European Court of Human Rights' landmark *Hirsi Jamaa* judgment in 2012, which condemned Italy for the collective expulsion of migrants to Libya in violation of international human rights norms. In the wake of this ruling, rather than curtailing such practices, EU states have refined their methods to avoid formal accountability. By exploiting jurisdictional ambiguities and outsourcing enforcement to non-European actors, member states continue to pursue coercive border control while shielding themselves from legal

scrutiny. As Pijnenburg (2024) underscores, humanitarian discourse is instrumentalized not to uphold rights but to mask the erosion of accountability.

The strategic nature of these policies becomes more evident when juxtaposed with extensive documentation of abuse within EU-backed detention facilities in Libya. Human Rights Watch (2019) has compiled exhaustive evidence of torture, sexual violence, forced labor, and extortion in these violations that persist despite their notoriety and visibility. Rather than prompting cessation of cooperation, this knowledge has been met with continued EU support to Libyan authorities. Such sustained engagement signals a deliberate policy choice: the containment of migration is prioritized over the protection of rights, with humanitarian language serving as a discursive cover for complicity in abuse.

This instrumentalization of humanitarianism is further complicated by questions of financial opacity. Marinoni and D'Aleo (2023) expose the profound lack of oversight surrounding European funds allocated to migration management and humanitarian relief in Libya. Their findings reveal that such funding, far from alleviating suffering, is routinely funneled to militias directly involved in human trafficking and exploitation. In this context, humanitarian aid becomes structurally entangled in the perpetuation of violence, transforming instruments of relief into mechanisms of repression.

Van Houtum and Pijpers (2007) add another dimension to this critique by unpacking the racialized underpinnings of humanitarian discourse. They argue that humanitarian narratives reinforce symbolic and material boundaries between a constructed European (self) and racialized migrant (others). In this framing, exclusionary border regimes are not merely tolerated but actively justified as protective measures. Humanitarian language thus serves to obscure the racial hierarchies embedded in EU migration governance, rendering them morally palatable under the guise of benevolence.

Walters (2011) ultimately characterizes this ambivalence as constitutive of contemporary border governance. Humanitarian rhetoric does not challenge the violence of externalization, it enables and sustains it.

Extending this analysis, it is possible to comprehend that such ambivalence is not a conceptual flaw but a deliberate strategic tool. It facilitates the relocation of responsibility to spaces beyond European jurisdiction, thereby neutralizing mechanisms of legal and public accountability. Libya, in this sense, operates as the paradigmatic periphery, where the illusion

of humanitarian concern is maintained, even as repression, exclusion, and abuse are systematically enacted out of sight.

3 LEGAL AMBIGUITY AND FINANCIAL OPACITY IN THE ARCHITECTURE OF EU BORDER EXTERNALIZATION

The European Union's externalization of border control to Libya operates within a carefully constructed legal grey zone, one that strategically exploits the ambiguities surrounding state accountability under international law. At the core of this indeterminacy lies the unresolved question of extraterritorial jurisdiction, particularly as interpreted under frameworks such as the European Convention on Human Rights (ECHR). In *Hirsi Jamaa and Others v. Italy* in 2012, the European Court of Human Rights (ECtHR) held Italy accountable for violating the principle of non-refoulement by returning intercepted migrants to Libya, thereby affirming that states may incur legal responsibility when exercising effective control over individuals beyond their territorial borders (Pijnenburg, 2024).

Yet, this ruling remains limited in scope. As Pijnenburg (2024) underscores, while *Hirsi Jamaa* clarified the illegality of direct pushbacks, it left unresolved the legal consequences of indirect state involvement, such as financial, logistical, or strategic support to third countries engaged in abusive practices. This lacuna has enabled European states to maintain a posture of legal detachment, even as they continue to fund and train Libyan actors responsible for systematic human rights violations. Pijnenburg (2024) aptly characterizes this as a structural accountability void, wherein responsibility is intentionally deferred and legal scrutiny evaded.

This void is compounded by the opacity surrounding European funding. Marinoni and D'Aleo (2023) demonstrate how financial assistance ostensibly allocated for migration management and humanitarian efforts in Libya is consistently marked by a lack of transparency, oversight, and governance. In the absence of clear accountability mechanisms, European donor states can disassociate themselves from the conduct of their Libyan partners, even when those same funds are implicated in grave abuses. Such financial ambiguity is not incidental; it is central to the architecture of legal insulation that sustains externalization practices.

This pattern extends beyond Libya. Statius, Popoviciu, and Jullien (2024) demonstrate that EU funding enables North African states to conduct violent pushbacks, abandoning migrants in desert areas under life-threatening conditions. Though executed far from European soil, such actions are materially sustained by EU resources, exemplifying how externalization operates through spatial and legal displacement. In a similar vein, Martín, Hierro, and Stacey (2024) show that the same financial flows support mass arrests and forced transfers carried out by local authorities trained and equipped with European backing. Framed as migration management, these practices constitute a regime of outsourced repression, allowing the EU to enforce border control through third-party violence while evading direct accountability.

This dynamic is starkly exposed in the investigative work of Michael, Hinnant, and Brito (2019), who reveal that European financial aid is routinely diverted to Libyan militias directly implicated in human trafficking, forced labor, and systematic abuse of migrants. In parallel, Malsin and Hinnant (2019) document how these militias have also enriched themselves through the appropriation of EU funds, illustrating how externalization not only fuels violence but also finance exploitation.

The EU's failure to enforce robust accountability standards over its aid portfolio facilitates an ecosystem in which systemic violence is both financed and normalized. Crucially, by avoiding formal links between funding and outcomes, European actors preserve plausible deniability, despite their material complicity.

By exploiting jurisdictional ambiguities, maintaining financial opacity, and outsourcing operational control, European states have constructed a legal environment in which human rights violations flourish beyond their direct legal reach. Migrants in Libya continue to face severe and systematic abuses, including torture, sexual violence, arbitrary detention, and forced labor. (UN Human Rights Council, 2023)

The involvement of the International Criminal Court further underscores the gravity of these violations. In 2022, Prosecutor Karim AA Khan announced the creation of a Joint Investigative Team focused specifically on crimes against migrants in Libya, signaling a growing recognition that the abuses facilitated by European-backed actors may amount to international crimes under the Rome Statute (International Criminal Court, 2022).

The European Union's externalization model does not simply operate within legal indeterminacy, it is fundamentally structured upon and sustained by it. This architecture of

ambiguity is not an unintended byproduct but a deliberate mechanism of governance, enabling European states to implement violent border control policies while circumventing legal and ethical accountability. Rather than revealing a failure of international law, this systemic ambivalence lays bare its structural deficiencies and inherent political biases. Through the creation of zones of exception and the fragmentation of jurisdiction, the legal regime itself becomes instrumental in perpetuating a system of outsourced repression. What emerges is not only a collapse of accountability, but the institutionalization of impunity, legitimized by legal frameworks, financed with public resources, and obscured beneath a carefully curated humanitarian discourse.

4 EU BORDER EXTERNALIZATION AS A NEO-COLONIAL APPARATUS

The externalization of European Union migration control to Libya cannot be interpreted merely as a contemporary strategy of border governance. Rather, it must be situated within a broader historical continuum that reproduces colonial modes of domination and indirect rule. As Cappiali and Pacciardi (2025) argue, the EU's externalization practices sustain a neo-colonial regime wherein Europe extends its political and economic influence over formerly colonized territories while simultaneously restricting the mobility of racialized populations historically subjected to imperial subjugation. Within this configuration, Libya functions not as a sovereign actor in migration management, but as a delegated enforcer tasked with implementing coercive policies on behalf of European states, thereby shielding them from direct responsibility.

Central to this analysis is the reproduction of colonial hierarchies of mobility. As Cappiali and Pacciardi (2025) observe, externalization mechanisms operate by reasserting a racialized distinction between European subjects, whose movement is facilitated and valorized, and non-European migrants, whose mobility is criminalized and contained.

Cobarrubias and Lemberg-Pedersen (2025) deepen this critique by describing externalization as an “upcycling of colonial logics.” In this perspective, European border practices in Libya repurpose imperial strategies of spatial containment, racial sorting, and indirect rule, adapting them to contemporary border regimes under the guise of technical migration management.

This racialized architecture of externalization is further sustained by Eurocentric epistemology. Cappiali and Pacciardi (2025) emphasize that European ideals and experiences are framed as universal standards against which other societies are measured, producing a binary distinction between a civilized Europe and a “backward” African Other. Migration control, in this sense, becomes a civilizing mission, a mechanism for reproducing colonial hierarchies of whiteness, development, and modernity. Consequently, EU migration governance is not simply exclusionary; it is actively racialized, reinforcing epistemic and material forms of domination rooted in colonial thought.

This analysis resonates with Toaldo’s (2015) observation that Europe’s securitization of migration through Northern African states not only fails to address the root causes of displacement but actively contributes to regional instability. The militarization of deterrence, channeled through Libya, mirrors colonial practices of destabilization and extraction, ensuring that migration remains framed as a threat to be neutralized rather than a human phenomenon to be governed ethically.

The humanitarian veneer applied to these practices further obscures their coercive core. Lecadet (2017) offers a compelling critique of how the EU integrates expulsion and border enforcement into a developmental rhetoric, transforming instruments of repression into ostensibly humanitarian initiatives. Through conditional aid and policy alignment, African states are disciplined into compliance, reproducing colonial power asymmetries under the guise of cooperation.

CONCLUSION

The European Union’s externalization of migration control to Libya reveals a deeply troubling architecture of delegated violence, legal impunity, and colonial continuity. What has been framed as a humanitarian response to irregular migration is, in practice, a regime of repression outsourced to a fragmented and unaccountable space, deliberately constructed to shield European actors from legal and moral responsibility. This is not a failure of governance, nor a gap in international law. It is a deliberate strategy, engineered through jurisdictional fragmentation, financial opacity, and partnerships with authoritarian or unstable regimes.

The legal outsourcing of border control to Libya, a state that is not a signatory to the 1951 Refugee Convention², only amplifies this dynamic. Such partnerships are not merely diplomatic choices, they constitute a strategic rerouting of responsibility toward jurisdictions where legal protections are weakest and oversight virtually nonexistent. This practice entrenches a two-tiered system of human rights: one robustly defended within European territory, and another suspended at its outsourced periphery. Migrants caught in this regime are not only denied access to protection but are subjected to cycles of violence that the EU enables, funds, and disclaims.

What emerges from this analysis is a structural configuration in which colonial modalities of control are rearticulated through modern legal and humanitarian vocabularies. Libya, as this paper has shown, operates simultaneously as a buffer zone, a proxy enforcer, and a symbolic frontier of European border imperialism. The EU's migration strategy, cloaked in humanitarianism, reproduces racialized hierarchies of mobility and dehumanization that trace back to imperial logics. In this system, not all lives are deemed equally worthy of protection, some are relegated to zones of invisibility and violence, out of sight, out of law, and out of reach.

This reality demands urgent political and scholarly reckoning. If legal frameworks are exploited to excuse extraterritorial abuse, and humanitarian discourse is manipulated to legitimize coercion, the EU's externalization model will remain a central pillar in the global architecture of inequality. Migration governance, under such conditions, becomes not a mechanism of care or cooperation, but a project of control fueled by historical amnesia and geopolitical convenience.

To disrupt this system is not merely a matter of legal reform. It requires confronting the enduring colonial structures that shape Europe's relationship with its southern border, and with the racialized bodies who move across it. Anything less is to remain complicit in a machinery of violence meticulously outsourced, institutionally established, and politically validated.

SUMMARY

² We find these non-signatory States mostly in the Middle East and in South and Southeast Asia. (...) In other regions of the world, non-signatory States include Eritrea, Libya, Mongolia and Cuba. (Janmyr, 2021)

This article examines the European Union's externalization of migration control to Libya as a mechanism of delegated violence and structured impunity. It argues that rather than a humanitarian intervention or policy shortcoming, this model represents a deliberate strategy of governance built upon legal ambiguity, financial opacity, and racialized hierarchies inherited from colonial rule. The EU's partnerships with Libyan state and non-state actors operate as a means of outsourcing coercion, thereby displacing both violence and accountability beyond the Union's territorial reach.

By tracing the historical evolution of Euro-Libyan cooperation after the 2011 NATO-led intervention, the study exposes how externalization transformed Libya from a migratory space of transit into an extraterritorial enforcement frontier. Grounded in critical migration studies, postcolonial theory, and international law, the analysis reveals a structural logic where humanitarian discourse legitimizes repression and turns mobility governance into an instrument of geopolitical control.

Ultimately, the paper contends that EU externalization policies perpetuate a dual regime of human rights—protected within Europe yet suspended at its externalized borders. Libya, as an enforcement proxy, exemplifies how the EU reconfigures colonial modalities of rule to sustain security and racial order while disavowing direct responsibility. The findings call for rethinking accountability within transnational migration regimes and for confronting the colonial continuities that underpin Europe's border politics.

REFERENCES

- Cappiali, T., & Pacciardi, A. (2025). Reorienting EU border externalization studies: A decolonial intersectional approach. *Geopolitics*, 30(1), 300–324.
- Carrera Espriu, B. (2024, March 20). How border externalisation became the EU's migration strategy. *Green European Journal*.
<https://www.greeneuropeanjournal.eu/how-border-externalisation-became-the-eus-migration-strategy/>
- Cobarrubias, S., & Lemberg-Pedersen, M. (2025). Beyond presentism in border externalization studies: Upcycled spatio-cultural geographies of imperial times. *Geoforum*, 159, 104197.

- Fargues, P. (2017). *Four decades of cross-Mediterranean undocumented migration to Europe: A review of the evidence*. International Organization for Migration. https://publications.iom.int/system/files/pdf/four_decades_of_cross_mediterranean.pdf
- Firmian, F. M. (2022, December 20). Libia: un governo bicefalo per un paese diviso. *ISPI*. <https://www.ispionline.it/it/pubblicazione/libia-un-governo-bicefalo-un-paese-diviso-37050>
- Human Rights Watch. (2019, January 21). *No escape from hell: EU policies contribute to abuse of migrants in Libya*. <https://www.hrw.org/report/2019/01/21/no-escape-hell/eu-policies-contribute-abuse-migrants-libya>
- International Criminal Court. (2022, September 7). *Statement of ICC Prosecutor, Karim AA Khan QC: Office of the Prosecutor joins national authorities in Joint Team on crimes against migrants in Libya*. <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-office-prosecutor-joins-national-authorities-joint-0>
- Janmyr, M. (2021). Non-signatory states and the international refugee regime. *Forced Migration Review*, 67. <https://www.fmreview.org/issue67/janmyr/>
- Lecadet, C. (2017). Europe confronted by its expelled migrants: The politics of expelled migrants' associations in Africa. In N. De Genova (Ed.), *The borders of "Europe": Autonomy of migration, tactics of bordering* (pp. 141–164). Duke University Press.
- Malsin, J., & Hinnant, L. (2019, December 31). Making misery pay: Libya militias take EU funds for migrants. *Associated Press*. <https://apnews.com/article/united-nations-tripoli-ap-top-news-international-news-immigration-9d9e8d668ae4b73a336a636a86bdf27f>
- Marinoni, F., & D'Aleo, G. (2023, May 31). The EU's externalization of borders in Libya: Historical path and main consequences. *TheSquare Centre*. <https://www.thesquarecentre.org/2023/05/31/the-eus-externalisation-of-borders-in-libya-a-historical-path-and-main-consequences/>

- Martín, M., Hierro, L., & Stacey, D. (2024, June 1). Mass arrests and forced transfers: How migrants are exiled in North Africa with European money. *El País*. <https://english.elpais.com/international/2024-06-01/mass-arrests-and-forced-transfers-how-migrants-are-exiled-in-north-africa-with-european-money.html>
- Michael, M., Hinnant, L., & Brito, R. (2019, December 31). Making misery pay: Libya militias take EU funds for migrants. *AP News*. <https://apnews.com/article/united-nations-tripoli-ap-top-news-international-news-immigration-9d9e8d668ae4b73a336a636a86bdf27f>
- Pijnenburg, A. (2024). Externalisation of migration control: Impunity or accountability for human rights violations? *Netherlands International Law Review*, 71(1), 59–88. <https://doi.org/10.1007/s40802-024-00250-y>
- Statius, T., Popoviciu, A., & Jullien, M. (2024, May 21). How EU funds enable North African countries to push back Europe-bound migrants into the desert. *Le Monde*. https://www.lemonde.fr/en/le-monde-africa/article/2024/05/21/how-eu-funds-enable-north-african-countries-to-push-back-europe-bound-migrants-into-the-desert_6672115_124.html
- Toaldo, M. (2015). *Migrations through and from Libya: A Mediterranean challenge*. Istituto Affari Internazionali.
- UN Human Rights Council. (2023). *Report of the Independent Fact-Finding Mission on Libya* (UN Doc. A/HRC/52/83). <https://www.ohchr.org/en/documents/country-reports/ahrc5283-report-independent-fact-finding-mission-libya>
- Van Houtum, H., & Pijpers, R. (2007). The European Union as a gated community: The two-faced border and immigration regime of the EU. *Antipode*, 39(2), 291–309. <https://doi.org/10.1111/j.1467-8330.2007.00522.x>
- Walters, W. (2011). Foucault and frontiers: Notes on the birth of the humanitarian border. In U. Bröckling, S. Krasmann, & T. Lemke (Eds.), *Governmentality: Current issues and future challenges* (pp. 138–164). Routledge.