

Managing a Multiplicity of Interests

The Case of Irregular Migration from Libya

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■ **ABSTRACT:** Libya is a significant transit country for irregular migration to Europe and is therefore the site of much effort by external policy makers, notably the European Union. External actors have been unable to formalize workable agreements with Libyan authorities to address or stop onward migration to Europe. Instead, they have been forced to develop arrangements with Libya's neighboring countries to work around this impasse. This article examines the rhetoric behind efforts by individual European countries and the European Union to implement externally produced migration policies. From crisis narratives to invoking a humanitarian imperative to "save lives," it is argued that these tropes justify various, at times competing, agendas. This results in almost no tangible improvement to the situation of irregular migrants or the capacity of authorities to deal with irregular migration, with one exception being that of the Libyan coast guard.

■ **KEYWORDS:** irregular migration, Libya, migration systems, refugees, transit, transit migration

Introduction

Irregular migration and the false perception that it constitutes a "threat," mainly to citizens in the global North, continues to be a matter of public attention and governmental policy interest in many corners of the globe (Andersson 2016a). This article investigates the way in which these threats are dealt with by external actors using the Central Mediterranean route as an example, specifically focusing on Libya as a transit country and departure point for irregular migration to Europe. It draws on desk-based research, policy analysis, and interviews with two Libyan employees of civil society organizations working in Libya on migration.¹ Specifically, it outlines three external approaches that try to address Libya's irregular migration "problem." It explains how a status quo has been reached in Libya where local groups benefit from facilitating smuggling and trafficking, and members of local communities are able to access a cheap, exploitable source of labor in undocumented migrants. Diversely positioned and fragmented national and local authorities permit smuggling and exploitation both explicitly or by turning a blind eye.

The Central Mediterranean route from Libya to Italy is one of three irregular migration routes across the Mediterranean that preoccupy (primarily European) policy makers, border management officials, and others involved in migration industries.² It has long been of concern to European governments, and Italy in particular as the main receiving country for boat arrivals,



evidenced by multiple multilateral and bilateral policy efforts. The level of effort is due to the relatively high number of people reaching Italy using this route—23,370 in 2018 and 119,369 in 2017—and the high number of fatalities recorded at sea—638 in 2018 and 1,364 in 2017 (IOM 2018; UNHCR 2018).³ Policy makers have tended to promote a so-called migration management approach (Andersson 2016b; McNevin et al. 2016; Oelgemöller 2011), which is defined here as “a notion that is mobilized by actors to conceptualize and justify their increasing interventions in the migration field” through interconnected actors (Geiger and Pécoud 2010: 1).

This article shows that the different migration management approaches being promoted inside Libya are incoherent. Additionally, there is little consideration as to what constitutes “Libyan” interests, as compared to the EU-Turkey statement, which was based on a perceived advantage for Turkey, in providing the state-accelerated entry into the European Union. Since the 2011 revolution, Libya has been grappling with serious governance, economic, and security matters. Throughout this period there has been no reduction in irregular arrivals by sea, a marked increase in the number of deaths, and little change in the policy domain despite a multitude of proposals. This lack of policy change is largely due to systemic incoherence, including at multilateral and bilateral levels, with the promotion of individual agendas at the expense of a coherent and holistic direction. If external actors fail to find ways to align interests, then this situation looks set to continue in the near future to the detriment of migrants and refugees. The result of this will be stasis at the policy level, and an increased number of deaths at sea and of migrants and refugees who remain stuck in transit.

This article is informed by the many critiques of the securitization of migration (Galemba 2018; Gerard and Pickering 2014) and builds on research that highlights the central place of smuggling and trafficking in Libya’s political economy as an economic livelihood that is connected with trade in weapons, drugs, and smuggled goods (Lacher 2014; Phillips and Missbach 2017a; Raineri 2017; Shaw and Mangan 2014).⁴ In describing Libya as a transit country, “transit is understood as a space that is both constructed and contested,” but also as one that reflects the reality for many migrants and refugees who are often themselves in transit, which is “a space of great connection, solidarity, disconnection and exploitation” (Phillips and Missbach 2017b: 114, 118; Missbach and Phillips, this volume). Transit has also become a policy category, and “transit state” is used here to explain how Libya is viewed by external political and policy actors who remain concerned about people using the country as a departure point for Europe. It also considers the perspectives of a diverse group of Libyan actors who would rather see the presence of migrants within Libya as a temporary phenomenon.

This article first examines Libya’s migration system, then discusses external approaches to migration, including the border management approach promoted at an EU-wide level, and finally focuses on country-level efforts, with the example cited here of the Italian government. All of these approaches and actors are operating concurrently in Libya at the present time. Adding further complexity is the fact that migration is but one agenda among many efforts to promote peace and stability in the country. These agendas are driven locally but directed with a heavy hand by foreign donors, governments, and international organizations. The result is a very complex picture of postconflict reconstruction and development in a country that is also trying to develop a national identity and central government structure (Sayigh 2015).

Analyzing the interconnectedness or disconnectedness of different stakeholders—Libyan authorities, other Libyan interests, nongovernment organizations, and European governments—shows that there are multiple competing agendas. Making a distinction between Libyan *interests* and Libyan *authorities*, the latter includes detention center authorities, coast guards, and border officials whose work comes under the Ministries of Interior and Defence. These entities are most often the target of foreign-funded migration management policies and programs, and sit within

the internationally backed Government of National Accord (GNA) based in Tripoli in the west of the country. A second rival administration backed by the Libyan National Army (based in the east of the country) is fighting the GNA for power and control of the country. Given this context, Libya is arguably facing more urgent domestic priorities related to economic conditions and security than migration (El Zaidy 2017; Phillips and Missbach 2017a).

Libya's Migration System

Due to its relatively small population, estimated to be just over six million people, Libya has long relied on seasonal and temporary migrant labor to fill gaps in the domestic labor market and the oil sector (Paoletti 2011). Current International Organization for Migration (IOM) figures show that as at February 2019 there were 666,717 migrants inside the country (IOM 2019). While most media attention on Libya has been on present-day human rights abuse of migrants and refugees, this reporting often lacks a historical understanding as to why migrants first came to Libya using inter-African trading routes for the purposes of regional labor migration (Boubakri 2004; Hamood 2006). Irregular migrants mainly originate from sub-Saharan and West African countries where free movement agreements are in place (see Moretti, this volume), joining conationals in particular segments of the labor market where, after earning money, they can return to their country of origin as circular or seasonal migrants (Adepoju 2003).

Prior to the 2011 revolution that removed Muammar Gaddafi from power, smuggling was tightly controlled. It has now opened up to a wider network of smugglers across the country. Members of what are often denominated as Libya's southern tribes are still identified as being among the main beneficiaries (Bredeloup and Pliez 2011; Lacher 2014), and other local tribes with immense power in Libya's security vacuum are also recognized as being involved in people smuggling (Shaw and Mangan 2014). At the same time, many detention centers are controlled by *katibas* (militias) who benefit financially from the exploitation of people in detention. Under pre-2011 legislation regulating foreign nationals, irregular migration to Libya is considered a criminal offense. Given that most people can only enter Libya irregularly by land, their irregular status facilitates their exploitation, as it can go unpunished. Thus, in Libya the migration context is one driven by irregularity and illegality—of migrants themselves and of the diverse groups of Libyans who profit from them.

Onward movement of people expressly traveling to Libya with the intention of then being smuggled to Europe was not a key concern for external actors until the early 2000s, but even then it was managed through bilateral agreements such as the 2008 Treaty on Friendship, Partnership and Cooperation between Italy and Libya. After the 2011 revolution and the cessation of these bilateral agreements with Italy, irregular migration by other nationals departing from Libya increased again, with many pointing to the insecure and unpredictable situation for migrants and refugees in the country as the driver. However, according to figures collected by IOM in 2018, the number of people using Libya to transit to Italy remains at around 20 percent of the total migrant population.⁵ Libya is regularly cited by European representatives as one of the most important transit sites requiring policy attention. For example, the Maltese prime minister, Joseph Muscat, has called for an agreement on migration similar to the 2016 EU-Turkey agreement, saying, "there is no doubt that unless the essence of the Turkey deal is replicated in the central Mediterranean, Europe will face a major migration crisis" (quoted in Baczynska 2017).

In sum, Libya has a long history of intraregional migration, including circular migration, labor migration, and irregular migration. Libya's migration system comprises governmental

authorities and a wide range of other interests, including nonstate actors, tribal groups, militias, and, to a certain extent, the local population, who all benefit from irregular migration in one way or another. This leads to a situation of passive acceptance of the status quo and an ambivalence for change in a context with many other pressing demands. All of this takes place in a country where there is no one central government and where regions that have come to be viewed as synonymous with smuggling, such as the south of the country, operate relatively autonomously. Migrants and refugees themselves have long been moving in and through Libya utilizing well-established migrant community support networks. Similar to many other sites along the Central Mediterranean route, irregular migration and smuggling are normalized in Libya, compounded by inertia at the level of Libyan authorities. As a result, it is arguably Libyan interests that continue to benefit most as irregular migration thrives. “Libyan interests” include marginalized groups who rely on smuggling for a livelihood, border communities who have historically been involved in the movement of people, people offering various services along migration routes, and criminal gangs who profit from smuggling (Raineri 2017).

Multilateral Efforts Promoting Border Management

European Union–funded measures can be grouped into technological, financial, political, and security-centered actions, discussed next, and are underpinned by policy narratives and “migration management” tropes justifying EU intervention (Andersson 2016b; Boswell et al. 2011; Lavenex 2006; McNevin et al. 2016). Technological interventions at borders, such as scanning passports, were intended to be delivered in Libya with the establishment of an EU Border Assistance Mission (EUBAM) in 2013, which was announced as the start of an integrated border management strategy for the country (EUBAM 2016). These tools, which Ruben Andersson (2016b) has termed “coercive infrastructure,” were planned for land, sea, and air borders. However, the implementation has been slow, with EUBAM only moving into Libya in 2018 due to security concerns. The EU also funds an antismuggling and trafficking naval mission, EUNAVFOR MED Operation Sophia, which patrols international waters, as well as a Seahorse Mediterranean Network that includes the use of drones and radar equipment (Casas-Cortes et al. 2016). Large sums of money have been pledged by the EU to address migration in Libya, including through technical missions such as EUBAM. The EU pledged €90 million in April 2017 to “protect and assist migrants and the people that host them,” on top of €120 million to support authorities (European Commission 2017). Overall, the North Africa window of the EU Trust Fund for Africa⁶ consists of close to €200 million for migration management, with Libya a priority country. Funds are dispersed to UN agencies, NGOs, and various institutions of the GNA only. This great variety of stakeholders highlights one of the biggest political hurdles for the EU on how to “manage” migration matters—namely, the absence of one accepted authority that can deal with migration across the country.

One local civil society representative interviewed by the author expressed a lack of confidence in these external actions, mainly because of the internal situation in Libya: “I don’t see any improvements at least in the near future due to the lack of authorities on the ground, the continuous state of lawlessness and political disagreement.”⁷ There is an absence of insight as to the efficacy of programs in a context where authorities are not present on the ground, law enforcement is partial, and a wider political disagreement keeps the country in a deadlock. It could be that “pretending to care,” as has been claimed in other contexts such as Niger, allows for funding to continue to flow (Raineri 2017: 72). This funding benefits not only governmental

authorities but also international organizations, which are a relatively new presence in Libya, where civil society was restricted until 2011.

Despite the local realities, many of the proposed solutions mirror suggestions from other contexts where irregular migration is seen through a securitized lens with a preference for deterrent-based “solutions,” including immigration detention (Andersson 2016a; Gilbert 2009; Grewcock 2014; Raineri 2017). Libya is no exception, and in addition to the investment in border technology, there has been a proliferation of detention centers since the revolution. In the early 2000s, detention center funding came directly from the EU or from Italy, but following widespread criticism, the EU now channels assistance, such as food, through international organizations (Brachet 2016). Inhumane conditions in Libyan detention centers have been well documented and are characterized by human rights abuses in an environment of arbitrary detention (e.g., Amnesty International 2015; Danish Refugee Council 2013; Human Rights Watch 2014). Despite the potential for entrenched corruption and the absence of rigorous monitoring due to insecurity and large amounts of money being spent rapidly on short-term projects, there is an uncritical assumption that EU funding channeled through international organizations will protect refugees and migrants at disembarkation points (European Commission 2018). Additionally, EU funding to build the capacity of Libyan coast guards directly increases the number of people interdicted at sea and held in detention in Libya. As long as the EU promotes a policy that results in fewer irregular arrivals in Europe by boat, there will be an uneasy truce, with immigration detention as the least preferred but inevitable consequence of a securitized response to irregular migration.

Bilateral Efforts to Cease Irregular Migration

Italy has always been the country with the greatest stake in Libya, both as a former colonial power and as the main point for boat arrivals, and thus it is used here as an example of a state with a significant bilateral relationship with Libya on migration (Bredeloup and Pliez 2011; Paoletti 2009). Before his ousting, Gaddafi demonstrated his understanding in negotiations with Italy that contestation over migration and mobility are “a symptom and signal of domination in international relations,” perhaps best exemplified by his infamous 2010 comment that the EU should pay Libya to block the arrival of people moving irregularly or “Europe would turn black” (El Qadim 2017: 2). Fear of migrants in Libya remains a significant local issue, as was noted in an interview with one civil society representative because of concerns about large numbers of undocumented persons in the country, an inability to manage migration in a volatile context, and the risk of abuse of migrants particularly due to the increased power that diverse groups of smugglers have in the country.⁸

The Italian government made a bold step in 2017 when it allegedly paid militias in key departure points to stop smuggling (Human Rights Watch 2017). This move undermines multilateral efforts described earlier to establish mechanisms for governance by potentially emboldening smugglers. It also risks damaging local community relations where, as one interviewee noted, “there’s . . . fear of increased control of smugglers over the country, as they make millions . . . and stand in the way of having a stabilized state.” The 2017 Italian agreement with militias came after an earlier Memorandum of Understanding (MoU) between Italy and Libya to which there was also a mixed reaction, as according to one observer, “the Libyan public feels that this MoU does not seek to help Libya, but is rather a familiar manoeuvre to impose responsibility for border control and migration management upon Libya and leave it to handle a huge burden alone”

(El Zaidy 2017: 3). These actions on the part of Italy neither support the agenda of the EU nor address local concerns.

Conclusion: A Cacophony of Irregular Migration Agendas

In all, this article has detailed the multiple migration agendas that can be identified as currently operating in and acting on Libya. First is Libya's own internal migration system, which is based on a strong domestic political economy of smuggling, a wider ambivalence toward irregular migration out of the country, and an acceptance that irregular migrants inside the country provide labor. The second system is a migration management approach promoted at an EU-wide level, which emphasizes technological, financial, political, and security components. Significant political agreements made on migration include the Valletta Summit and Khartoum Process, from which funding has flowed mainly to international organizations with local NGOs as implementing partners and, to a lesser extent, to government institutions. Technological and security programs promote a deterrent-based approach, including measures that bring people rescued at sea to immigration detention. At the same time, funding is also provided to international organizations to assist migrants and refugees in detention and on programs with a protection and human rights emphasis. Such a migration system is based on opaque messages, promoting an agenda of stopping irregular migration while trying to uphold a humanitarian narrative. A third migration system explored above with reference to Italy pertains to bilateral approaches. Italy has prioritized its own interests in stopping the number of people reaching Italy by sea through agreements with Libya's GNA and reportedly making agreements directly with militias involved in smuggling.

The parallel nature of external actions and Libya's migration system reflects a collective failure to target the motivations and drivers of diverse local authorities and interests (Raineri 2017). Additionally, the lack of coordination across systems risks placing multiple demands on already overstretched and often precarious government institutions and creates a wider problem of not speaking with one voice (Crawley and Blitz 2018). This finding supports other research that has critiqued "the contradictions of the EU security strategy in the extended neighbourhood" (Raineri 2017: 81), and the way in which external policies are based on misunderstandings of what drives individuals to move (Crawley and Blitz 2018).

The case of Libya detailed in this article highlights the many ways in which a transit country's migration system can be affected by external actors who are overly concerned with one component of out-migration, which in this case is irregular migration to Europe. Libya's migration system is largely dominated by South-South migration, featuring both circular and seasonal migration. However, its designation as a transit country has been given disproportionate attention, when compared to the actual number of people departing Libya, by European actors who are seeking to "manage" migration to and through the country. These actions, which include a number of different components, are not aligned with local conditions or local concerns and do not always adequately involve appropriate local actors. Furthermore, there is a lack of coordination between European states and EU institutions. In problematizing irregular migration, as governments of so-called destination countries do as detailed in this special section, Northern actors are intentionally or otherwise demonstrating a misunderstanding of the issues relevant to Southern actors. There remains a need for more research of migration systems within countries of transit in the global South that are not solely driven by a focus on irregular out-migration. Without this a clear picture of the conditions in countries of transit, especially with regard to South-South migration, cannot be established.

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■ NOTES

1. These interviewees were known to the author. They have asked to remain anonymous.
2. The others are the Western Mediterranean route from Morocco to Spain and the Eastern Mediterranean route from Turkey to Greece. With an unknown number of people risking their lives trying to reach departure points along sea routes, land routes receive relatively less attention, both in counting the number of people who die in desert crossings and those who remain stranded en route during “fragmented” or “stepwise” journeys (Collyer 2010; Schapendonk 2010).
3. All figures cited are taken from United Nations High Commissioner for Refugees (UNHCR) Refugee Situations Operations Portal (<http://data2.unhcr.org/en/situations>) unless otherwise noted.
4. While smuggling and trafficking are often conflated, there are significant distinctions between the two, with trafficking having a coercive or deceptive element for the purposes of exploitation. This article refers to smuggling as “procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or permanent resident” (United Nations 2000). The dominant image of smugglers as violent has been widely critiqued, including by Gabriella Sanchez (2017, 2018) and Wendy Vogt (this volume), who present more nuanced portrayals of the interdependence between smugglers and migrant and refugee communities.
5. The Libyan government does not collect figures of people in detention or irregular migrants in the community.
6. See “EU Emergency Trust Fund for Africa,” ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund/north-africa_en.
7. Interview, November 2017.
8. Interview with local civil society representative, November 2017.

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