

# 'Only God can stop the smugglers'

Understanding human smuggling networks in Libya

CRU Report

Floor El Kamouni-Janssen



**Clingendael**

Netherlands Institute of International Relations



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\* Statement by businessman in Sebha, believed to be a middleman in the smuggling business. Murray, R. 2016. ‘African Migrants Face Kidnapping, Torture and Robbery on Smuggling Route to Europe’, *Vice News*, 8 May.

## February 2017

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# Contents

Abstract	1
Executive Summary	2
Introduction	4
1 Migration and smuggling in Libya: a historical overview	6
2 Migration dynamics along the western Libyan route	10
3 Political order and the manifestation of human smuggling networks	23
4 Political order and countering human smuggling networks	30
Conclusion and recommendations	37
References	40

# Abstract

This report examines human smuggling networks in Libya. The smuggling of human beings is an established fact of today's political economy in Libya and it is firmly embedded in local subsistence economies. As such there is a dizzying array of actors involved in the business of which some claim to act on behalf of the state. The human smuggling business not only brings them money, it also offers the opportunity to acquire legitimacy and political and territorial power. An understanding of the incentives and objectives of these actors to engage in the human smuggling business not only shows why it is so difficult to root out human smuggling in Libya, but it is also essential in formulating realistic and humane policies to address human smuggling in and through Libya.

# Executive Summary

This country report examines the supply side of migration through Libya: the human smuggling networks. Human smuggling in Libya has many faces, and there is a dizzying array of actors that have a stake in keeping the market open. Actors directly involved in human smuggling include militias and brigades of which some are affiliated to state authorities, tribes, armed bandits and criminal gangs. Less obvious, however even more important, are, for example, taxi drivers and hotel owners and even former university students. Others, including jihadist groups, profit indirectly from the thriving and lucrative business of smuggling humans. The set of relevant actors, their interests and affiliates differ per local political economy in which the smuggling takes place. Taken together, the various local political economies of Libya dictate how human smuggling is performed.

The analysis presented in this report explores the different objectives and incentives behind engagement in the human smuggling market in Libya in more detail. For some, smuggling and the management of migrants is a way to acquire legitimacy and access to the state's financial resources. This is in particular true for many militias of which some claim to act on behalf of the government, and to which the government has contracted out the responsibility to provide 'law and order' in their localities. Other (armed) factions have no interest in the state and have established local fiefdoms in the areas under their control. For them, smuggling of people and commodities is a financial lifeline and a means to assert political control outside of formal state structures. These extremely violent armed groups are consolidating the control of the human smuggling market. They stand in the way of a more stable polity as they prevent the buildup of any credible state authority. Lastly, but importantly, there is a livelihood component to the human smuggling business in Libya: the smuggling of people offers a viable alternative to the scarce economic opportunities in the country and recourse against political and economic marginalisation. As this analysis shows, not only are there various reasons for Libyan individuals and groups to engage in the human smuggling business, state-affiliated actors are among the many who profit off the business.

Targeting such a multi-faceted phenomenon through international policies is highly complex, especially because human smuggling is rooted in Libya's history, an established fact of today's political economy and firmly embedded in local subsistence economies. The analysis shows how human smuggling networks, including state factions, have opportunistically responded to and even gained from recent policy interventions by the international community. Based on these insights, the report concludes with three critical policy challenges that lay bare the urgency to formulate

meaningful and humane ways to address human smuggling networks in Libya. These considerations should underpin practical recommendations for policy as part of a larger and comprehensive strategy for targeting instability in the region.<sup>1</sup>

### Map of Libya



1 This report is part of the research project 'Turning the Tide: The Politics of Irregular Migration in the Sahel and Libya.' For policy recommendations to address irregular migration in Libya and beyond, see Molenaar, F. and El Kamouni-Janssen, F. 2017. *Turning the Tide: The Politics of Irregular Migration in the Sahel and Libya*, CRU report, The Hague, the Clingendael Institute.

# Introduction

Human smuggling networks inside Libya have greatly proliferated and expanded in Libya's post-Qadhafi turmoil. Although they are rooted in Libya's political and cultural history, the networks have proven to be highly responsive to the changing circumstances since 2011. Following Qadhafi's downfall, longtime smuggling kingpins adjusted their strategies and newcomers easily claimed a place in this lucrative business sector. In the ideal surroundings for employing illicit activity that Libya provides, all could respond to the unprecedented demand from migrants willing to risk the dangerous journey to Libya or on to Europe. Smuggling services are now skyrocketing, and the market has evolved into a 'free-for-all.' Different and shifting sets of motives, backgrounds, levels of criminality and violence and *modi operandi* of the actors involved further characterise Libyan human smuggling networks.<sup>2</sup>

Libya provides a complex but highly relevant case to explore smuggling networks' political and socioeconomic functions. It is exemplary of the worrisome relationship between a fractured and in many areas absent state, empowered nonstate armed factions and militias and a policy of migrant criminalisation, which has blurred the line between human smuggling and trafficking. Libya is also an example of how the criminal economy—specifically human smuggling—can be the glue connecting the interests of otherwise opposing actors. And lastly, the case of Libya illustrates that it is problematic to tie antismuggling policies to weak state institutions and a government that cannot deliver.

This report is part of a larger research project that focuses on trans-Saharan human smuggling networks and their implications for political stability and conflict in the region. As one out of three case studies in that research project (next to Mali and Niger), this report looks at how human smuggling networks are embedded in the political order of Libya and discusses the opportunities and threats for political stability that it creates. This report will also consider the consequences of these dynamics for antismuggling operations and international policies targeting irregular migration through Libya. The report is structured as follows. First, the phenomenon of migration and human smuggling will be placed in the broader historical context of Libya, identifying the features of current human smuggling networks in Libya in relation to previous practices as well as irregular migration in other contexts. It proceeds by analysing actors and

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2 Reitano, T. and Tinti, P. 2015. *Survive and Advance: The Economics of Smuggling Refugees and Migrants into Europe*, Pretoria, Institute for Security Studies, and Geneva, The Global Initiative Against Transnational Organized Crime, 2.



interests involved in human smuggling, with specific attention to the relations between state and nonstate actors. Finally, the report connects these findings to existing policy responses aimed at curbing migration through Libya from the perspective of stability and conflict. It arrives at the conclusion that international policy interventions aimed at cracking down on human smuggling networks in Libya do not necessarily harbor more stability, and may potentially contribute to the factitious strife that has left Libya in shatters and that pushes migrants out of Libya onto Europe as an unintended policy consequence.

# 1 Migration and smuggling in Libya: a historical overview

## A longtime market for migration

Although the phenomenon of human smuggling in and from Libya, particularly the sea crossings towards Europe, has caught the world's attention in recent years, it is nothing new. For decades, Libya has been both a transit and a destination country, a major way station for those seeking a better life for themselves and their families. Libya's oil reserves are the largest in Africa, and the country's relative wealth has long attracted foreign companies and migrants from across the region in search of work. As part of his pan-African project, between 1998 and 2007 Qadhafi allowed an open door policy whereby African nationals could enter Libya without visas, greatly encouraging intraregional migration. Sub-Saharan Africans currently residing in Libya explain how common it has always been for men from their village to regularly take the journey to Libya in search for work.<sup>3</sup>

In the latter half of the 2000s, Qadhafi started using his country's strategic location for migration to leverage his own standing in the region and towards Europe, claiming that he could 'turn Europe black' at any time.<sup>4</sup> With success, in 2009 he struck a 5 billion dollar deal with Italy in return for measures to control migration towards Europe. As a consequence, the number of Africans caught trying to reach Italy illegally dropped by more than 75 percent in the following year.<sup>5</sup> At the same time, Qadhafi continued to orchestrate smuggling activities to keep up his leverage in Europe—but all under strict central control. As a Zuwara-based smuggler that has been in the business since 2006 explains: 'the state would allow some smugglers to use ports to send their ships.'<sup>6</sup>

More importantly in understanding migration dynamics in Libya is its key position in regional migration. Years of open door policies and high levels of state corruption, coupled with the economic opportunity that Libya provided, have created a pattern of circular migration that lasted even when formal restrictions on migration to Europe were

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3 Malakooti, A. 2013. *Mixed Migration: Libya at the Crossroads*, Paris, Altai Consulting and UNHCR, 98.

4 Squires, N. 2010. 'Gaddafi Will Turn Europe Black Unless EU Pays Libya 4bn A Year', *Telegraph*, 31 August.

5 Murphy, D. 2015. 'How The Fall of Qaddafi Gave Rise to Europe's Migrant Crisis', *The Christian Science Monitor*, 21 April.

6 Morajea, H. 2015. 'The People Pipeline: Behind The Scenes With A Libyan People Smuggling Boss', *ABC*, 17 June.

put up in the late 2000s. A network of smugglers—mostly foreign brokers from migrants' countries of origin—was formed that provided passage across the Sahara into Libya (and often also back home), with 'decisive support of corrupt border officials.'<sup>7</sup> Throughout history and even amidst today's violence, employment remains a primary 'pull' factor for migrants from across north and Sub-Saharan African regions travelling to Libya, and only a small portion of migrants intend to move onto Europe. When the Qadhafi regime fell in 2011, it was estimated that just under 2 million migrant workers were in Libya.<sup>8</sup> Currently, estimates are even more difficult to make, but observers say there are anywhere between 1 and 2 million migrants in Libya today.<sup>9</sup>

## Human smuggling post-2011

In the immediate post-revolution period, the signs that Libya would transition towards freedom and democracy were promising: the country saw broad political participation, exemplified by the elections of 2012, a nascent but active civil society and a general sense of optimism about Libya's future. The revolution's aftermath, however, made it painfully clear that the route out of dictatorship would be tortuous and that effective control was in the hands of the revolution's power base, specifically the armed brigades and militias that fought Qadhafi and that were not planning to lay down their arms and adhere to the new governing elite and a political road map in which they were not given a stake.<sup>10</sup> In the years that followed, an intense zero-sum struggle over power and resources emerged as the country fragmented along a wide array of often localised interests and actors which in turn formed manifold and fluid alliances based on ideological, tribal and social connections.<sup>11</sup>

State actors could not prevent Libya from plunging into chaos, violence and lawlessness, and its territory is now fragmented into a patchwork of local zones of influence, with none of the rivalling parties being able to cement its hold over entire regions. The struggle is between dozens of rival political interests that are often tied to specific

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7 Aziz, A., Monzini, P. and Pastore, F. 2015. *The Changing Dynamics of Cross-border Human Smuggling and Trafficking in the Mediterranean*, New-Med research report, Rome, Istituto Affari Internazionali, 32.

8 Sahan/IGAD, 2016, *Human Trafficking and Smuggling on the Horn of Africa-Central Mediterranean Route*, Nairobi, Sahan/IGAD, 13.

9 Telephone interview, member of the international community working in the field of migration, 2016. The Hague, The Netherlands, 6 September.

10 Smits, R., Janssen, F. and Briscoe, I. 2013. *Revolution and its Discontents: State, Factions and Violence in the New Libya*, CRU report, The Hague, the Clingendael Institute.

11 Janssen, F. and Abdo, I. 2015. *Addressing Libya's Multiple Crises: When Violent Politics, Extremism and Crime Meet*, CRU policy brief, The Hague, the Clingendael Institute.

regions, towns and (parts of) cities.<sup>12</sup> Observers argue that in today's Libya, there are only a 'few truly national actors'<sup>13</sup> and that the criminal economy is so widespread that it is the only factor 'binding Libya together.'<sup>14</sup> Indeed, the absence of state control, coupled with Libya's geography that includes vast terrains and permeable border regions, creates ideal surroundings for criminal networks to flourish. Throughout the post-Qadhafi transition, Libya could develop into North Africa's primary arms market, and other (interconnected) illicit markets have been developing rapidly since—of which human smuggling is only one.<sup>15</sup>

Indeed, one of the main characteristics of the post-Qadhafi human smuggling industry is that it is interlinked with other forms of illicit trade through the networks that enable it. For the actors involved in crossborder trading, migrants are just another 'commodity,' one that provides a 'durable and consistent form of income.'<sup>16</sup> The commoditisation of migrants has resulted in the blurring of the line between human smuggling and human trafficking, which is a second major feature of the Libyan human smuggling industry. As we will see below, forced labor, torture, extortion and sexual violence are common in the lives of migrants inside Libya. The criminality surrounding migration streams has increased severely with another major development in post-Qadhafi Libya: the influx of thousands of Syrian refugees with the aim of traveling to Europe, opening up the smuggling market in Libya to a range of opportunistic networks and boosting its lucrativeness.<sup>17</sup> A third central characteristic of human smuggling in post-Qadhafi Libya, therefore, is the 'free-for-all' nature of the market. While the demand for human smuggling of Syrians dried up, the active recruitment by smugglers among the pools of Sub-Saharan Africans living in Libya, and their families back home, lifted the request for human smuggling and the power of the human smuggling networks to unprecedented levels.

Despite the changing dynamics of Libya's human smuggling industry post-Qadhafi, in light of the public debate on migration in Europe, it is important to note that one feature has more or less remained the same: most migrants still view Libya as their destination. Although it is often feared that all migrants in Libya stand in line to embark on a sea

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12 Lacher, W. 2015. *Supporting Stabilization in Libya: The Challenges of Finalizing and Implementing the Skhirat Agreement*, Berlin, Stiftung Wissenschaft und Politik.

13 Toaldo, M. and Fitzgerald, M. European Council on Foreign Relations, 2015, 'A Quick Guide To Libya's Main Players', [http://www.ecfr.eu/page/-/Lybias\\_Main\\_Players\\_Dec2016.pdf](http://www.ecfr.eu/page/-/Lybias_Main_Players_Dec2016.pdf) (accessed August 2016).

14 Shaw, M. and Mangan, F. 2014. *Illicit Trafficking and Libya's Transition: Profits and Losses*, Washington, DC, USIP, 3.

15 Janssen, F. and Abdo, I. *Op. cit.*

16 Tinti, P. and Reitano, T. 2016. *Migrant Refugee Smuggler Saviour*, London, Hurst, 112.

17 Toaldo, M. 2015. 'Migrations Through and From Libya: A Mediterranean Challenge', in: *Changing Migration Patterns in the Mediterranean*, ed. Kamel, L., Rome, Istituto Affari Internazionali, 75–96.

crossing to Europe,<sup>18</sup> by far most migrants are still crossing into Libya in search of work and economic opportunity there, despite the high levels of violence and the ill-treatment of migrants. A large majority of 81 percent self-reports that Libya was their destination: only 15 percent has indicated that their ultimate aim was to reach Europe.<sup>19</sup> Despite the methodological caveats of self-reporting, these percentages are in line with a historical pattern in which, based on the number of returnees by land, only 10 to 20 percent of migrants who travel through Libya end up in Europe.<sup>20</sup>

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18 Tomlinson, C. 2016. '800.000 Migrants Lie in Wait in Libya, Ready to Break for Europe', *Breitbart*, 31 March, London section. Also see: Skynews. 2016. 'Interpol: 800,000 Migrants Ready to Head to EU,' *Skynews*, 18 May, World section.

19 *DTM Niger Flow Monitoring – Statistical Report (1 October – 31 October 2016)*, IOM, Niamey, 2016, <http://www.globaldtm.info/dtm-niger-flow-monitoring-statistical-report-1-october-31-october-2016/> (accessed November 2016).

20 Brachet, J. 2011. 'The Blind Spot of Repression: Migration Policies and Human Survival in the Sahara', in: *Transnational Migration and Human Security*, eds. Truong, T. and Gasper, D., Berlin, Springer, 2.

## 2 Migration dynamics along the western Libyan route

There are multiple migration routes passing through Libya, coming in from all neighboring countries: from Egypt in the northeast; out of Algeria and Tunisia in the northwest; from Sudan in the southeast and from Niger in the south.<sup>21</sup> This report focuses on migration streams arriving in Libya's southwest (Fezzan province). They then flow northwards, crossing major migration hubs like Sebha and Tripoli and encountering various power dynamics surrounding these places. This route is hereafter referenced as Libya's 'western route,' in contrast with routes leading through Libya's southeast.

### Box 1 Migration through Libya – going rates on the western route

Agadez-Sebha	EUR 80–500
Sebha-Tripoli	EUR 325
Tripoli-Italy	EUR 650–900
Detention center bribes	EUR 1,000–2,000

Westcott, T. 2016. 'Get to Europe or Die Trying: Inside Southern Libya's People-smuggling Hub, Where the Crime Rate is 150%', *The Guardian*, 4 April; Kingsley, P. 2015. 'On The Road in Agadez: Desperation and Death Along a Saharan Smuggling Route', *The Guardian*, 9 November.

### Routes into Libya: reaching Sebha

In Libya's south, most migrants enter out of Niger at the border town of Tummo, which was left by Qadhafi's security forces in 2011 and is in an area controlled by the African-ethnic Tebu tribe.<sup>22</sup> The Tummo border crossing is currently guarded by a small group of untrained former revolutionary fighters, all of who are Tebu, who claim to protect the border but who are widely known as corrupt—particularly because the guards have not received a salary since 2013.<sup>23</sup>

21 Sakuma, A. 2014. 'Damned for Trying', MSNBC, New York,

<http://www.msnbc.com/specials/migrant-crisis/libya> (accessed August 2016).

22 Tinti, P. and Westcott, T. 2016. *The Niger-Libya Corridor: Smugglers' Perspectives*, ISS paper 299, Pretoria, Institute for Security Studies.

23 Tinti, P. and Westcott, T. *Op. cit.*, 14.

As Niger is part of the Economic Community of West African States (ECOWAS), migrants can legally journey up to the Niger-Libyan border provided that they have proper documentation. The border crossing between Niger and Libya is therefore the first stage of the journey where migrants need the help of a smuggler to pass through or bypass the border crossing and head northwards.<sup>24</sup> The majority of migrants cross into Libya in Toyota pickup trucks crammed with about 30 people that often travel in convoys. Migrants are packed tightly so that the smuggler reaches a maximum profit: braving Libya's desert is dangerous for both migrants and smugglers, and crossing it requires skill and experience.<sup>25</sup>

Alternatively to entering from Niger directly, some migrants travel across the Malian and Nigerien desert up to Algeria where they can choose either to go west to Morocco or east to Libya, the latter being the most popular. Malians can enter Algeria visa-free, making it an attractive route despite the requirement of travelling through unstable northern Mali.<sup>26</sup> Those that choose this route must traverse a long stretch of the Algerian desert, which is also considered rather dangerous, and bypass or bribe Algerian authorities along the way.<sup>27</sup> Migrants pass the southern Algerian oasis of Tamanrasset, which is Algeria's main migration hub, and then cross into either Ghat or Ghadames on the Libyan side of the border. They subsequently continue onto Sebha or directly north to smuggling hubs like Tripoli and Zuwara.<sup>28</sup>

Notorious human smuggling networks also exist in Libya's southeast: migrants from East Africa and the Horn travel from Khartoum, Sudan, to the Kufra district in Libya—although smugglers reportedly attempt to avoid the city of Kufra because of the infighting between the Zway and Tebu tribes in that area, and opt to enter Libya out of Egypt instead.<sup>29</sup> A last option is to enter Libya from Chad, but while there were no border controls along the route as of late 2013, this route is relatively difficult, as migrants have to cross the Tibesti Mountains and the Fezzan, both of which present difficult obstacles to overcome.<sup>30</sup>

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24 *Ibid.*, 5.

25 Personal communication with member of Tebu tribe, Sebha, Libya, 2007.

26 The route via Algeria (Tamanrasset-Ghat) also involves a long journey through the Algerian desert, making it dangerous. It leads migrants to the Libyan border, which they cross by foot (in the area around the Debdeb border crossing). See Toaldo, M. *Op. cit.*

27 Tinti, P. and Wescott, T. *Op. cit.*, 5–6.

28 Malakooti, A. 2013. *Mixed Migration: Libya at the Crossroads*, Paris, Altai Consulting and UNHCR, 39–41.

29 Sahan/IGAD. *Op. cit.*, 16.

30 Malakooti, A. *Op. cit.*, 42.

Once in Libya, '[for migrants] the geographical environment changes considerably as does the social one: in the desert they have to deal with an underworld of drivers and smugglers and tribes, many of whom do not speak their language.'<sup>31</sup> Migrants are usually driven northwards by Tebu tribesmen,<sup>32</sup> who live a (semi)nomadic existence in south Libya, Niger, Chad and Sudan and who can navigate the everchanging sand dunes by ruts in the sand and the stars in the sky. The voyage through the desert takes between two and three days, and the drivers are sure to keep moving: there are countless stories of migrants who have seen their fellow migrants fall off trucks; of smugglers who have left migrants who died of disease, hunger and thirst; and there are many who perish in the desert because they are abandoned by their smuggler.<sup>33</sup> The trucks filled with nothing but humans and a supply of water and fuel eventually connect with the 600-km paved road leading to Sebha that serves literally as a 'smuggling highway'.<sup>34</sup>

## Box 2 Migration through Libya - nationalities

<i>Out of Niger</i>	<i>Out of Mali/Algeria</i>	<i>Out of Sudan/Egypt</i>
Nigeriens	Nigeriens	Sudanese
Nigerians	Nigerians	Ethiopians
Senegalese	Maliens	Eritreans
Gambians	Ghanians	Somaliens
Ivorians	Cameroonians	
	Beninese	
	Guineans	
	Burkinabe	
	Senegalese	
	Gambians	

*DTM Niger Flow Monitoring – Statistical Report (1 October – 31 October 2016)*, IOM, Niamey, <http://www.globaldtm.info/dtm-niger-flow-monitoring-statistical-report-1-october-31-october-2016/> (accessed November 2016); Westcott, T. *Op. cit.*; Malakooti, A. *Op. cit.*, 39–41.

31 Aziz, A., Monzini, P. and Pastore, F. *Op. cit.*, 37.

32 Westcott, T. 2016. 'An Open Secret: The People-Smugglers of Southern Libya', *Middle East Eye*, 18 March.

33 Sim, D. 2015. 'African Migrants Heading for Europe Die of Hunger and Thirst in Sahara Desert', *International Business Times*, 28 May; Danish Refugee Council. 2016. 'Forgotten Fatalities: The Number of Migrant Deaths Before Reaching the Mediterranean', *Reliefweb*, 15 July.

34 Tinti, P. and Westcott, T. *Op. cit.*



## Moving inside Libya: the road from Sebha to the coast

Libya's polity has severely fragmented along numerous ethnic, tribal, ideological and social cleavages since the fall of Qadhafi. For migrants, this means that they have to traverse a country that is carved up into spheres of influence (see Box 3) and where clear and unclear demarcation lines exist between local powerholders—mostly tribes and armed groups, or a mixture of the two. Going beyond these lines without permission or protection can be problematic and even lethal. Hence, migrants in Libya are faced with a context that consists of a set of different political economies, where human smuggling takes place according to the dictates of who is in charge.

### Box 3 Spheres of influence in Libya

*The border with Niger and the southwestern Fezzan:* Since 2011, when Tebu leader Barka Wardougou chased pro-Qadhafi forces out of the Murzuq oasis,<sup>35</sup> Tebu control over Libya's south-western Fezzan region has increased steadily.<sup>36</sup> The African-ethnic Tebu tribe was marginalized under Qadhafi, in contrast with the Arab Tuareg which was a favoured tribe of the regime. After Qadhafi was ousted, the Tebu made good use of the Tuareg's diversion of attention to the separatist conflict in North Mali and moved to take over oil fields and consolidate their hold over the region. Wardougou also led the Murzuq Military Council, the *de facto* governance body in the area, as well as at least two Murzuq based militia groups including Libya Shield.<sup>37</sup> Tebu tribesmen, who control the Tumu border crossing with Niger, profit from this regional dominance to drive migrants northwards: the Tebu have monopolized the smuggling industry in south Libya up to around 20 kilometers from the desert town of Sebha.

*Sebha:* Sebha is located some 770 kilometers south of Tripoli and forms the capital of the Fezzan region. The desert town is a central hub in the web of historical trade routes that stretch northwards towards the borders of the Mediterranean and southwards into Sub Saharan Africa.<sup>38</sup> The area around Sebha is also known for its agriculture, where a large percentage of farm workers have long been seasonal migrants from Sub-Sahara Africa. Nowadays, Sebha is the undisputed heart of the human smuggling industry in southern Libya. Although members of the Tuareg and Tebu also live in Sebha, the city is dominated by the Arab Awlad Suleiman tribe, a sedentary clan who

35 Carayol, R. 2016. 'Libye: le chef de guerre Barka Wardougou vaincu par la maladie', *Jeune Afrique*, 27 July.

36 Bousbouvier, C. 2012. 'Libye: quand les Toubous se réveillent', *Jeune Afrique*, 16 May, Political section.

37 Tinti, P. and Reitano, T. *Op. cit.*; Landinfo. 2014. *Libya: Militias, Tribes and Islamists*, Oslo, Landinfo.

38 Paton, C. 2015. 'Libya: Inside Sabha the heart of Libya's smuggling and human trafficking network', *International Business Times*, July 24.

has long controlled smuggling routes through the area and has earned an immense fortune through its ownership of 80 per cent of the petrol stations in Sebha.<sup>39</sup> Since the fall of Qadhafi, the Awlad Suleiman run the local council of Sebha, meaning that they basically have sovereign control over the area. The Awlad Suleiman is one in a patchwork of (rivaling) Arab tribes – including the Warfalla, Magarha and Qadhafa – which control the areas north of Sebha and are in charge of smuggling migrants to the coast.<sup>40</sup> The Magarha tribe plays a particularly prominent role in transporting migrants north.

*Ghat and Ghadames:* Alternatively, migrants enter Libya across the Algerian border at Ghat or Ghadames. Ghat is controlled by ethnic Tuareg militias linked to those that operate in North Mali and Niger. From here, smugglers transport their human cargo on to Sebha. Ghadames which is situated more north close to the border with Tunisia, falls under the control of the Zintani brigades. Initially one of the 'strongest, non-Islamist, Arab militia groups in the country'<sup>41</sup>, the militias from Zintan – which used to be one of Qadhafi's strongholds – lost control of key strategic sites to rival Misratan forces between 2011 and 2014. Zintani brigades extended their presence to Ghadames area to profit from the human smuggling networks running through that territory and thereby re-claim political and territorial control.<sup>42</sup> The Zintani brigades transport migrants up to the coastline.

*Tripoli and the northwestern coastline:* Libya's northwestern coastline (roughly spanning from the town of Zuwara eastwards to Tripoli) is the heartland of human smuggling to Europe as it is the area where most of Libya's embarkation points are located. It is also the area where historically most migrants arrived in search for work.<sup>43</sup> At present, significant parts of the coastal strip fall outside of the control of the national government, the Government of National Accord (GNA). Even the capital Tripoli from where the GNA currently operates has been carved up into the spheres of influence of various militias like the Tripoli Revolutionaries' Brigade of Haithem Tajouri (commonly referred to as Tajouri brigades, consisting of over 600 men) and the Special Deterrent Forces of AbdelRaouf Kara (also known as the Kara militias).<sup>44</sup>

39 Toaldo, M. and Fitzgerald, M. *Op. cit.*

40 Paton, C. 2015. 'Libya: Scores Killed in Ethnic Clashes for Control of South's People-trafficking Routes', *International Business Times*, 23 July; Tinti, P. and Westcott, T. *Op. cit.*; Cole, P. and McQuinn, B., eds., 2015. *The Libyan Revolution and Its Aftermath*, New York, Oxford University Press.

41 Tinti, P. and Reitano, T. *Op. cit.*; Landinfo. 2014. *Libya: Militias, Tribes and Islamists*, Oslo, Landinfo.

42 Lewis, A. and Elumami, A. 2016. 'Dangerous Migrant Smuggling Routes Flourish in Lawless Libya', *Reuters*, 3 June, World News section.

43 Telephone interview with a member of the international community working in the field of Libyan migration, 2016. The Hague, The Netherlands, 13 September.

44 Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, The Netherlands, 16 September.

Sebha is some 770 kilometers south of Tripoli and the capital of the Fezzan region. It is a central hub in the web of historical trade routes that stretch northwards towards the borders of the Mediterranean and southwards into Sub-Saharan Africa.<sup>45</sup> The area has long been a destination for seasonal migrants from Sub-Saharan Africa.<sup>46</sup> Nowadays, Sebha is the undisputed heart of the human smuggling industry in southern Libya.<sup>47</sup>

Sebha represents a physical boundary between Tebu-controlled areas and the spheres of interest of other Arab tribes. For migrants, it is a place of transaction; upon arrival in the Sebha area, migrants are held by Tebu smugglers in private residences after which they are sold to other smuggling groups or handed over to Libyan security officials who are most often associated with a certain militia.<sup>48</sup> Some smugglers report they simply 'drop off' migrants at the outskirts of Sebha, for security reasons to avoid interaction with rivaling clans.<sup>49</sup> Some migrants, on the other hand, explain how the smugglers who had brought them to Sebha met with 'lighter-skinned armed men' and 'handed over' their human cargo.<sup>50</sup>

Many migrants are held captive and exploited for weeks in Sebha. The lack of competent law enforcement in the town, combined with the resources of smugglers, makes migrants open to exploitation. Often, migrants are forced to call and ask their families for money in exchange for their release. Male migrants are bought by local businessmen and then forced into slave labor, while women often end up in prostitution to secure their release.<sup>51</sup> In Sebha, the line between human smuggling and human trafficking becomes blurry, and sadly that is a central feature of the subsequent stages in migrants' journeys along the western route.

Libya's northwestern coastline (roughly spanning from the town of Zuwara eastwards to Tripoli) is the heartland of human smuggling to Europe, as it is the area where most of Libya's embarkation points are located.<sup>52</sup> It is also historically the area where most

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45 Patton, C. 2015. 'Libya: Inside Sabha the Heart of Libya's Smuggling and Human Trafficking Network'. *International Business Times*, 24 July.

46 Shaw, M. and Mangan, F. *Op. cit.*

47 Patton, C. *Op. cit.*

48 *Ibid.*

49 Tinti, P. and Westcott, T. *Op. cit.*, 12.

50 Kingsley, P. 2016. 'They Were Psychopaths: How Chaos in Libya Fuels the Migration Crisis', *The Guardian*, 17 June.

51 *Ibid.*

52 WikiLeaks on EUNAVFOR Med, 2015, <https://wikileaks.org/eu-military-refugees/EEAS/EEAS-2016-126.pdf> (accessed October 2016); Rettman, A. 2016. 'EU Signs Deal to Train Libya Coast Guard', *EU Observer*, 24 August.

migrants arrived in search for work.<sup>53</sup> At present, significant parts of the coastal strip fall outside of the control of the national government—even the capital Tripoli from where the GNA currently operates can be carved up into the spheres of influence of various militias (see Box 3). Sources, however, suggest that the armed groups in and around Tripoli play a double game: they assist the government in providing 'law and order' and also in combating illegal migration—for example, by guarding immigration detention centres—but at the same time, they are in cahoots with people smugglers, according to a human smuggler from Tripoli we interviewed.<sup>54</sup>

Most migrants spend months or years in Libya's northwestern coastal towns as day labourers in jobs Libyans refuse to take on. In their jobs and daily life, migrants face exploitation, extortion, torture, sexual violence, religious persecution and racism almost by no exception and on a daily basis, but they have no legal avenues to fight the injustice done to them.<sup>55</sup> Although many African countries including Libya allowed visa-free travel from 1998 until 2007, migration in Libya is illegal, and the treatment of migrants happens in a legal vacuum—an asylum system is absent, meaning that migrants can be arrested and detained arbitrarily and that they have no chance of obtaining legal status while in Libya.<sup>56</sup>

Migrants are often intercepted or arrested by the Libyan police—or shadowy armed groups that act as police—and brought to migrant detention centres.<sup>57</sup> Most of these detention centres are located along the northern coastline.<sup>58</sup> There are currently 24 formal detention centres across Libya, controlled by the Department to Combat Irregular Migration (DCIM), which nominally fall under the control of the Ministry of Interior of the GNA, but which are in practice often run by members of armed groups.<sup>59</sup> The detention centre in Zawiyah, for example, which was formally operated by DCIM, is managed by

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53 Adepoju, A. 2006. *The Challenge of Labour Migration Flows Between West Africa and the Maghreb*, Geneva, International Migration Programme.

54 Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, The Netherlands, 16 August.

55 Amnesty International. 2015. *'Libya is Full of Cruelty': Stories of Abduction, Sexual Violence, and Abuse from Migrants and Refugees*, London, Amnesty International.

56 *Country Profile Libya*, Global Detention Project, 2016, <https://www.globaldetentionproject.org/countries/africa/libya> (accessed November 2016).

57 Detention centres are often lodges, barns and even empty schools. See مسددة الوطن الحلقة #18 جهاز مكافحة الهجرة غير الشرعية, Misrata TV, 2016, <https://www.youtube.com/watch?v=-fyLUB0rwQY> (accessed December 2016).

58 *Country Profile Libya*, Global Detention Project, 2016, <https://www.globaldetentionproject.org/countries/africa/libya> (accessed November 2016).

59 Malakooti, A. *Op. cit.*

the local Al Nasser militia.<sup>60</sup> There are even accounts of detention centres where control moves back and forth between DCIM and local armed groups.<sup>61</sup> Finally, an unknown number of illegal 'detention centres' exist, which completely fall outside the realm of the state.

Particularly in the northwestern part of Libya, migration is accompanied with absurdly high levels of crime and violence, and migrants are subject to the whims of the group that controls the area they are in. The line between smuggling and trafficking runs thin here,<sup>62</sup> as cases of kidnapping, torture, sexual violence and killings are widespread, and the situation in and around detention centres for immigration is horrific.<sup>63</sup> Many migrants recall how they ended up in detention centres or guarded bunkers and safe houses before they were transferred to the shore. A 20-year-old migrant from Benin explains: 'I had been working in Libya, trying to earn money for a sea crossing, and one day I was kidnapped from my home ... I ended up in a detention centre. The conditions were horrendous ... I escaped in a breakout [but I was then taken] to a beach where I was kept in a hole in the sand for days. [When the boat came] we had no choice. No one in his right mind would get on that rubber boat with 110 people. But with a gun at your back? It was the only choice I had.'<sup>64</sup>

Migrants that are intercepted or rescued at sea by the Libyan coast guard are sent back to detention centres where they often spend months languishing with no legal recourse, subject to the whims of their jailers.<sup>65</sup> Migrants are also forced to phone home and are tortured to secure the release of more money from their families,<sup>66</sup> or they are forced to work directly for a smuggler to repay their services and to continue their journey.<sup>67</sup> Moreover, migrants are reportedly sold to criminal groups if they cannot pay for their voyage across the Mediterranean: 'for EUR 15,000 they were sold to groups, mostly

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60 Micallef, M. 2016. 'Libya: 4 Migrants Dead, 20 Injured After Detention Centre Escape', *Migrant Report*, 2 April.

61 Personal interview, international migration expert working in Libya, 2016. The Hague, The Netherlands, 14 December.

62 'An essential feature for smuggling is the consent of the migrant to the migration process ... In the case of trafficking, there is either no consent or consent is obtained through coercion, deception, threat or use of force. In some instances, the individual initially consents to certain conditions but he/she ends up experiencing some form of exploitation.' Aziz, A., Monzini, P. and Pastore, F. *Op. cit.*, 13.

63 See, for example, Amnesty International. 2016. 'Refugees and Migrants Fleeing Sexual Violence, Abuse and Exploitation in Libya', 1 July.

64 Fraser, C. 2016. 'Push Factor Drives Migrants Away From Libya To Europe', *BBC News*, 17 May.

65 Amnesty International. 2016. 'EU Risks Fuelling Horrific Abuse of Refugees and Migrants in Libya', *Amnesty International Press Release*, 14 June.

66 *Ibid.*

67 Telephone interview, member of the international community working in the field of Libyan migration, 2016. The Hague, The Netherlands, 13 September.

Egyptians, who are involved in removing and selling organs.<sup>68</sup> Finally, based on self-reporting by migrants, up to 40 percent of migrants are forced onto boats.<sup>69</sup> They recall being put on a truck upon their release from a detention centre, and driven onto boats by human smugglers, being told to get on or be killed.<sup>70</sup>

The Libyan authorities explain the horrendous situation around the detention of migrants by the overburdening and underequipment of the detention centres. An official from the Office for Combating Crime in Zuwara, for example, reports that he no longer can send arrested migrants to the DCIM centres because they are full. He claims there is no other choice than to transfer migrants to 'other parties'—likely brigades—who are payed by the authorities to hold migrants captive.<sup>71</sup> The overcrowding and shortage of formal detention centres furthermore indicates that an increasing number of migrants are held in informal detention centres outside of the state's control. Where migrants in these informal centres are held, in what numbers and by whom is extremely difficult to assess. And while eyewitness reports claim that the Libyan authorities in detention centres tell migrants that they will ultimately will be returned to their countries—although no one knows when that will happen and who will coordinate that effort<sup>72</sup>—the fate of migrants in informal detention centres is completely unclear.

What is more, the ongoing conflict has caused the legal system in Libya to collapse, which means that no parties are held accountable for the criminality surrounding the human smuggling business, and there is no legal recourse for migrants. While remnants of state institutions still exist, they function in a context of a defective national government.<sup>73</sup> The DCIM is tasked with prosecuting smugglers, but its staff is overworked and has not been paid for over a year.<sup>74</sup> In this context, law enforcement and security provisions have taken on a different logic than might be expected of them, functioning as a radar in patron-client networks. As one respondent on the ground puts

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68 McKenna, J. 2016. 'Migrants Who Cannot Pay are Being Sold for Organs, Smuggler Tells Italian Authorities', *The Telegraph*, 4 July; Esslemont, T. 2016. 'Migrants Lured by Sex Into Egypt's Backstreet Kidney Trade, Says Report', *Reuters*, 2 September.

69 Mixed Migration Hub, 'Survey Snapshot: Italy – August 2016', Cairo, Mixed Migration Hub, 2016, <http://www.mixedmigrationhub.org/wp-content/uploads/2016/09/Italy-Survey-Snapshot-August.pdf> (accessed December 2016).

70 *Ibid.*

71 ضبط مجموعة من المهاجرين غير شرعيين بمدينة زوارة, Zuwara MC, 2014, <https://www.youtube.com/watch?v=TitU1r2ZigE> (accessed November 2016).

72 Morajea, H. *Op. cit.*

73 See, for example, Westcott, T. 2016. 'All at Sea: Libyan Detention Centres at Crisis Point', *Irinnews*, 1 June. Also see: personal interview with a member of the international community running good governance projects in Libya, 2016. The Hague, The Netherlands, 21 September.

74 *Ibid.*

it succinctly, “rule of law depends on who you know.”<sup>75</sup> It should, therefore, come as little surprise that, as a DCIM officer confirms,<sup>76</sup> hundreds of petty smugglers are held captive, but no smuggling kingpins have been arrested and their smuggling networks remain untouched. In a similar vein, sources suggest that coast guard patrols target the smaller smugglers launching boats along the coastline, but that these same patrols are off duty when smuggler kingpins launch their boats from the main ports.<sup>77</sup>

There is a growing assumption that many irregular migrants who cross into Libya to work end up in the hands of smugglers and traffickers and set out on boats to seek asylum abroad—particularly because a boat crossing to Europe is less lethal than a voyage back through the Sahara desert.<sup>78</sup> Even migrants who have lived and worked in Libya for years now want to flee the country because ‘they are at the mercy of local rulers and armed groups, living in constant fear of being arrested, beaten and robbed by gangs and police.’<sup>79</sup> People smugglers are well aware of this trend, and migrants have reported how smugglers come into their ghetto, for example, in the migrant neighborhood of Abu Salim in Tripoli, asking if anyone is interested in taking a boat to Europe. A Libyan smuggler we interviewed for this study confirmed that much of his business is about gathering migrants and earning their trust. He sees active recruitment among migrant communities as essential for his trade.<sup>80</sup> Hence, to understand migration between Libya and Italy, we must again take into account the blurring between human smuggling and human trafficking; reporting on the ground suggests that a substantial share of migrants do not willingly chose to cross the Mediterranean, but are forced on boats by smugglers and therefore do not choose to travel to Europe on their own account.<sup>81</sup> Many West African migrants in particular pass through a trafficking ‘system’

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75 Telephone interview with a member of the international community working in Libya, 2016. The Hague, The Netherlands, 14 November.

76 Libya’s Migrant Trade: Europe or Die, Vice News, 2015, <https://www.youtube.com/watch?v=XWrGSndkf6U> (accessed December 2016).

77 *Ibid.*

78 Danish Refugee Council. *Op. cit.*

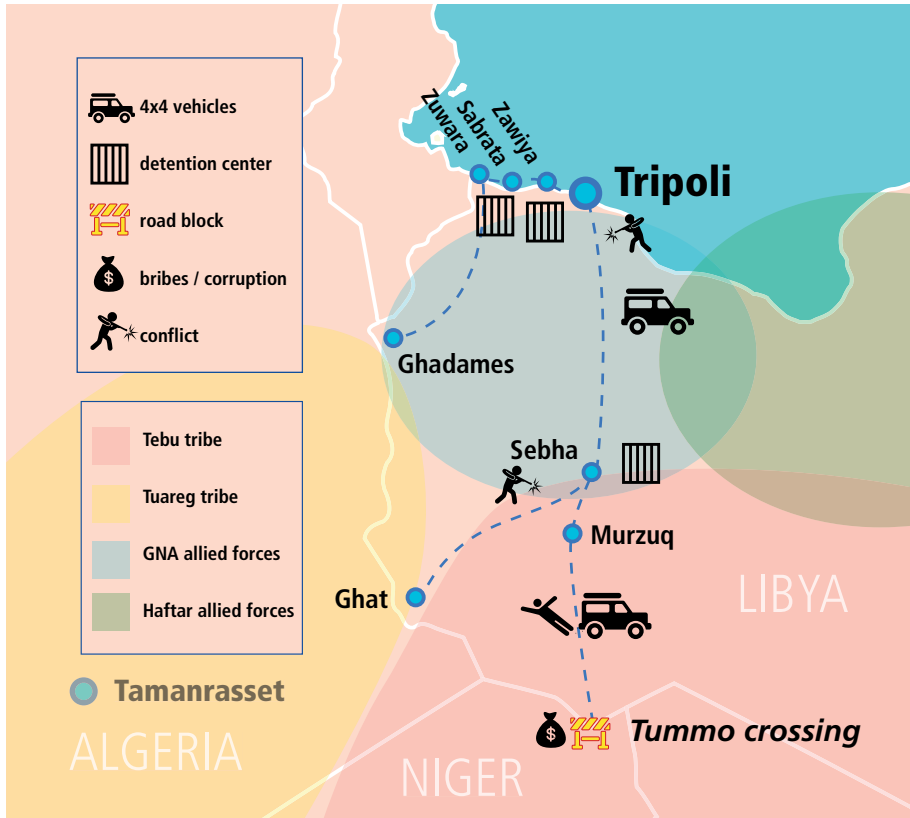
79 Amnesty International. 2015. *Op. cit.*

80 Telephone interview, Libyan smuggler operating from Zuwara, 2016, The Hague. The Netherlands, 16 September.

81 In one MHub survey, this is the case for 39 percent of surveyed migrants. Mixed Migration Hub, ‘Survey Snapshot: Italy – August 2016’, Cairo, Mixed Migration Hub, 2016, <http://www.mixedmigrationhub.org/wp-content/uploads/2016/09/Italy-Survey-Snapshot-August.pdf> (accessed November 2016). A second MHub survey reports that 21 percent of surveyed migrants were forced onto boats. Mixed Migration Hub, ‘Survey Snapshot: Italy – September 2016’, Cairo, Mixed Migration Hub, 2016, <http://www.mixedmigrationhub.org/wp-content/uploads/2016/10/Survey-Snapshot-Italy-September.pdf> (accessed November 2016). Also see: Fraser, C. *Op. cit.*

that ends in them being loaded onto a boat without their consent and without them having an idea of where they are going. The same goes for Nigerian trafficking victims that are caught in a transnational trafficking web.<sup>82</sup>

**Figure 1 The contested route**



82 Telephone interview with a member of the international community working in Libya, 2016. The Hague, The Netherlands, 14 November.



## The case of Zuwara: a smuggling hub evolving

The undisputed heart of human smuggling to Europe has for years been the Amazigh port town of Zuwara.<sup>83</sup> It is an open secret that Qadhafi's regime protected a network of well-placed smugglers, also in Zuwara. As a Zuwara-based smuggler recalls: '[Under Qadhafi], security was tighter and they had better control over territory ... And there was also Saadi [Qadhafi's flamboyant playboy son].<sup>84</sup> He could tell his friends, who ran the business at the time, to turn the tap off or on. And they would.'<sup>85</sup>

The Zuwarans are from a long-marginalised ethnic minority, and options for finding work in the Berber town have always been scarce.<sup>86</sup> A Zuwaran smuggler stated that he only turned to smuggling because he was unable to find a job, and that greater recognition for the Amazigh community [Zuwarans are from the Berber/Amazigh minority] in the post-Qadhafi polity could have turned the tide against smuggling.<sup>87</sup> Indeed, human smuggling networks operating out of Zuwara used to be run by a few well-connected and very influential families, but after Qadhafi many more actors and individuals wanted a piece of the lucrative smuggling pie.<sup>88</sup> Smugglers account how the market has liberalised since the revolution: 'There is no person in control. It is an open market ... It also does not take much [money and effort] to get started in the business.'<sup>89</sup> Given its long-standing position as a smuggling hub, the town deserves particular attention because of the recent actions by Zuwarans to brush up its image and push human smugglers out of the city.

For myriad reasons—including xenophobia and racism<sup>90</sup>—not all Zuwarans support irregular migration and human smuggling. When a boat filled with migrants capsized off Zuwara's coast and 183 migrants perished, it sparked public outrage and a number of local vigilante movements stepped in to fine and arrest smugglers operating in Zuwara.<sup>91</sup> As a result, smuggling activities have largely stopped in Zuwara and moved eastwards

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83 Sommerville, Q. 2015. 'Inside Zuwara, The Heart of Libya's People-smuggling Trade', *BBC News*, 4 September.

84 Saadi Qadhafi is held by militias in the town of Zintan. Until now, they have refused to hand him over to a government.

85 Micallef, M. *Op. cit.*

86 Kingsley, P. 2015. 'Libya's People Smugglers: Inside the Trade that Sells Refugees Hopes of a Better Life', *The Guardian*, 24 April.

87 Sommerville, Q. *Op. cit.*

88 Shaw, M. and Mangan, F. *Op. cit.*

89 *Ibid.*

90 Amnesty International. 2015. *Op. cit.*

91 O'Carroll, L. 2015. 'Libya, 183 bodies now recovered after capsizing of boat in Zuwara', *The Guardian*, 7 September; Stephen, C. 2016. 'Libya faces influx of migrants seeking new routes to Europe', *The Guardian*, 9 April.

instead to Sabrata, Garabulli and Khoms.<sup>92</sup> A similar dynamic was visible in the town of Zawiya, where communal outrage at human smuggling emerged after four migrants were killed and 20 were injured after guards at the local detention centre opened fire on them during a mass escape.<sup>93</sup>

What happened following the social unrest Zuwara, however, is not all about smuggling; rather it should be interpreted as a turf war between smugglers and tribal authority, the latter stepping in to restore social protection and reclaim power in the area.<sup>94</sup> Even though smuggling activity in Zuwara has gone down, it is assumed that some well-connected smugglers remain operational.<sup>95</sup> Given their ability to opportunistically respond to new developments, it is also not ruled out that human smugglers will at one point move their activities back to Zuwara. Nonetheless, the case of Zuwara illustrates that local communities can play a role in the fight against human smuggling and human rights abuses,<sup>96</sup> even in places where human smuggling networks are consolidated in the local political economy and in the context of a country where finding appropriate partners to address irregular migration with is extremely difficult.

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92 Personal interview, international migration expert working in Libya, 2016. The Hague, The Netherlands, 14 December; telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, The Netherlands, 16 August; personal interview with member of the international community working in Tunis, 2016. The Hague, The Netherlands, 14 December; Bühler, A., Koelbl, S., Mattioli, S. and Mayr, W. 2016. 'Following the Money: On the Trail of African Migrant Smugglers', *Der Spiegel*, 26 September.

93 Micallef, M. *Op. cit.*

94 Kamel, F. 2016. 'The Masked Crusaders Trying To Restore Law and Order in Libya', *The Guardian*, 1 January; Zurutuza, K. 2015. 'Libya's Dark Knights: Vigilantes Take on the People-smugglers', *The Guardian*, 3 December; Micallef, M. 2016. 'Libyan Smugglers Import Rubber Boats from China', *Migrant Report*, 19 February.

95 Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, The Netherlands, 16 September; *Migrant Report Geo Portal*, Migrant Report, 2016, <http://migrantreport.org/map/GeoPortal.html> (accessed November 2016).

96 Also see: Molenaar, F. and El Kamouni-Janssen, F. *Op. cit.*

# 3 Political order and the manifestation of human smuggling networks

## The organisation of actors

The wide array of actors involved, either directly as smugglers or indirectly as protectors or profiteers, is a distinguishing feature of human smuggling networks in Libya today. Passing through Libya as a migrant almost always involves a smuggler. Hence, the human smuggling market has become a fast-filling arena with smuggling ‘entrepreneurs,’ of which some are part of top-down or ‘mafia-type’ smuggling organisations, whereas others operate as ‘freelancers’ or ‘occasional’ smugglers in more horizontally oriented networks. The unprecedented demand for smuggling has boosted profit levels that only provide additional impetus for many Libyans and non-Libyan nationals to offer their services.

The inability and hesitance of Libya’s fragile government to effectively counter human smuggling activities, combined with high profit levels and increasing competition, has pushed the level of criminality surrounding human smuggling in Libya to extremely disturbing levels. The use of excessive violence against migrants and the necessity for smugglers to bear arms and buy protection from other (armed) groups has become common practice at different stages of the journey and in all of Libya’s smuggling hubs along the western route. Particularly, the newcomers in the industry need protection networks to grant them safe passage and local fixers to accompany them during the journey.<sup>97</sup>

Hence, the types of actors involved in human smuggling, the ways in which they organise their operations in the political economy they exist within, and their motivations for getting involved in smuggling in the first place are extremely diverse. A deeper understanding of these features is salient for effective policy making, as it makes it clear that a ‘one-size-fits-all’ approach to human smuggling in Libya will not be enough.

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97 Tinti, P. and Westcott, T. *Op. cit.*

## Horizontal and vertical

The organisation behind Libyan human smuggling networks is not uniform: there is no strict hierarchy in place; rather it is based on 'flexible coalitions managed through ad hoc contractual agreements and repeated interactions among different local and transnational networks.'<sup>98</sup> Along Libya's western route, human smuggling is mostly organised by Libyan individual entrepreneurs and businessmen of whom some have a historical stake in smuggling. Libyan nationals operate in collaboration with non-Libyan nationals, usually former migrants, who facilitate the journey towards Libya and bring together migrants for the smugglers in Libya. The *muharrib*, normally a Libyan national with an extensive local and foreign network, is the smuggler that facilitates the journey and transports migrants.<sup>99</sup>

Despite the proliferation of smugglers, we found only incidental examples of places where competition over control of migrants turned violent. Sporadic and deadly clashes do occur in places where the groups that control the smuggling routes 'meet'—for example, in the Sebha area that is 'segregated according to a patchwork of rival Arab tribes'<sup>100</sup> and where free movement of the African-ethnic Tebu tribe is restricted.<sup>101</sup> However, with the vast sums of money at stake, the rounds of conflict between opposing tribes have not obstructed the smuggling market. Or as an activist explains: 'With Awlad Suleiman and the Tebu, on the surface they fight and hate each other but then on the ground they are dealing with each other for the smuggling.'<sup>102</sup>

Generally speaking, smuggling networks operate as different links in the same chain, and there are many accounts of how different smuggling networks sell human cargo to one another inside Libya,<sup>103</sup> and across the Libyan border, such as around Ghadames near the Algerian border (controlled by Zintani rebels).<sup>104</sup> Indeed, the majority of Libyan smugglers is connected and entertains contacts with people smugglers from across northern Africa. As a source explains: 'One migrant was at one point in his journey stranded in Tripoli without work. He phoned home and his Nigerian smuggler found him

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98 Aziz, A., Monzini, P. and Pastore, F. *Op. cit.*

99 Malakooti, A. *Op. cit.*

100 Tinti, P. and Westcott, T. *Op. cit.*

101 Paton, C. *Op. cit.*

102 *Ibid.*

103 مسارات خطيرة لتهرب المهاجرين تزدهر في ليبيا <http://adenalgd.net/printpost/208179/> (accessed September 2016).

104 وثائقي تجارة الهجرة الغير شرعية في ليبيا, مركز الإعلام الجماهيري, 2015 <https://www.youtube.com/watch?v=PGfJay85VAg> (accessed September 2016).

a job in Sabrata through his network.<sup>105</sup> Another example tells how a Nigerian female was forced into a prostitution ring overseen by Libyans and Nigerians with houses in Sebha and Marzuq, where 'women lived like prisoners and were forced to have sex with "filthy people, bad people" for the equivalent of \$7 [EUR 6].'<sup>106</sup>

In the country's south, smuggling follows a more horizontal model whereby the business is open to many and smugglers step 'in and out.' Most Tebu allegedly 'get involved because they know or meet someone else who works as a smuggler.'<sup>107</sup> The Fezzan is mainly a transit area with relatively uncontested zones of influence, and involvement in human smuggling there seems to be a tool for empowerment rather than for competition over territory and the state. In the coastal area, by contrast, smuggling networking is both top-down and horizontal, and it is used for acquiring territorial power and state legitimacy in a context of direct competition between opposing actors.

Libya's north has long been a destination area for migration and smuggling networks, which tend to use the structural presence and desires of large amounts of migrants to further their interests *vis-à-vis* the state. Possibly as a result of this dynamic, smuggling networks in the north of Libya tend to be more hierarchically organised by a relatively smaller number of 'kingpins,' like 'the [alleged] lord of smuggling networks' Abdurrazak Ismail, and non-Libyan nationals like the Ethiopian Mered Yehdego Medhane and his henchmen Ghermay Ermias.<sup>108</sup> These big names in smuggling monopolise the networks that exist in a specific area, and they are often also involved in other types of illicit activity, such as the trade in drugs and weapons.<sup>109</sup>

The big fish in human smuggling, often with a powerful tribal or family background, handle the business of human smuggling but are not directly involved; they coordinate at a distance and employ local and foreign intermediaries to recruit and mobilise migrants. Abdurrazak Ismail, for instance, manages his financial affairs in Dubai. He reportedly has close relations with security officials that run Libyan detention centres, and regularly 'buys' migrants to send them off to Europe.<sup>110</sup>

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105 Telephone interview, member of the international community working in the field of Libyan migration, 2016. The Hague, The Netherlands, 13 September.

106 *Ibid.*

107 Tinti, P. and Westcott, T. *Op. cit.*, 12.

108 Sahan/IGAD. *Op. cit.*

109 There are strong rumours that the figureheads behind criminal (human) smuggling networks in Libya can be linked to the Italian mafia as well, although such stories remain unconfirmed. Telephone interview, member of the international community working in the field of Libyan migration, 2016. The Hague, The Netherlands, 13 September.

110 Sahan/IGAD. 2016. *Op. cit.*, 20.

Identifying such human smuggling moguls is extremely difficult, and they seemingly have little to no fear thanks to their backgrounds and connections. The Libyan people smuggler we interviewed confirmed that powerful smugglers operate with impunity even though the authorities are usually well aware of their operations.<sup>111</sup> Another Libyan smuggler reported: '[such actors] impose themselves on the state with their power and control over vital areas. The authorities have [nothing] on them.'<sup>112</sup>

## The organisation of interests

A deeper understanding of the actors involved and their *modus operandi* shows that there are multiple incentives to be active in the human smuggling business. In Libya, the financial profits of the smuggling industry are instrumental in the acquisition of political authority and territorial power, which in turn feeds into existing and emerging power dynamics in Libya's grinding conflict, that is fought out between many localised armed factions. Not all Libyan smugglers are members of armed groups, but the many militias in the country use migrants as pawns in their quest for power as competition among militias for legitimacy and control is fierce.

In the words of a Libyan people smuggler from Tripoli: 'The human smuggling trade in Libya has nothing to fear but the weather and armed groups ... There are two kinds of armed groups. Those that are seeking money and are directly involved in smuggling; they are becoming more powerful every day. And there are armed groups that are after power. They commit crimes in hiding but they are indirectly involved in smuggling.'<sup>113</sup>

Exploring the multiplicity of interests, direct and indirect stakes and the resources that the actors involved bring in helps to understand how smuggling affects the empirical manifestation of political (dis)order in Libya. Looking at how interests are organised, three identifiable objectives for entering into human smuggling surface.

### Objective 1: Legitimacy

First, there are actors who view human smuggling as a means to legitimise themselves and consolidate their position in Libya's political economy. Libya's revolution and subsequent transition has given rise to thousands of well-armed militia, of which some have utilised the rising tide of migration to carve out a role for themselves in the management of migrants. Their involvement is particularly visible in and around the

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111 Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, The Netherlands, 16 September.

112 *Ibid.*

113 *Ibid.*

detention centres where migrants are held captive. As we have seen, these detention centres are often located in areas where government control is lacking but where militias are calling the shots. Such militias, like the Alzwaya Brigade, the 9<sup>th</sup> Brigade and the militia of Abdul Razag (a former intelligence officer who controls parts of Tripoli),<sup>114</sup> have handily taken on the opportunity to maintain and extend their power.

Detained refugees have become 'a valuable commodity and a political bargaining chip'<sup>115</sup> not only in financial terms by selling detainees to external parties (like employers and smugglers), but also to align with the power holders at the national level and pick up state revenues. Libyan authorities have also contracted rebel regiments to secure the shores and stop illegal crossings to Europe.<sup>116</sup> Although local militias are probably the only actors who can effectively control areas with lax government control, their role in the management of migration is highly questionable. As it seems, militias are arresting high numbers of refugees to continue their strategy of legitimisation while the situation of migrants is completely subordinate to that goal. The people smuggler we interviewed went as far as saying that Tripoli's biggest militias are supporting Zuwara's Department for Combating Crime and the coast guard, but that they 'play a double game. They are combating illegal migration but they also have a stake in smuggling. They extort both smugglers and migrants.'<sup>117</sup>

The inability of state institutions to assert control is also apparent in the south. The DCIM recognises that its Investigation and Arrest Department is unable to operate in south Libya for the lack of means. In Sebha, for example, the Third Force—a powerful brigade from Misrata—is in charge of securing the area and enforcing law and order on behalf of the GNA. However, it is also making arrests, and the government is unable to control under what conditions migrants are arrested and held captive. Reportedly, the Third Force is even sub-contracting Tebu tribesmen—who have a clear interest in people smuggling—to control the border.<sup>118</sup>

In the north, furthermore, eye witness accounts by migrants tell how smugglers bribe detention guards 'with cars full of goods' to release detainees just so they could get

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114 *Country Profile Libya*, Global Detention Project, 2016, <https://www.globaldetentionproject.org/countries/africa/libya> (accessed November 2016).

115 *Libya's Migrant Trade: Europe or Die*, Vice News, 2015, <https://www.youtube.com/watch?v=XWrGSndkf6U> (accessed December 2016).

116 *Ibid.*

117 Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, The Netherlands, 16 September.

118 Telephone interview, member of the international community working in the field of Libyan migration, 2016. The Hague, The Netherlands, 13 September.

them to pay for another sea crossing, costing around \$1,000 [up to EUR 1,000] each.<sup>119</sup> The smuggler we interviewed was quick to admit that he regularly bribes members of state-affiliated armed groups: 'When they catch me, I have to pay them in cash. When migrants are caught, they have to pay them, too. Smugglers have to pay 10 to 100 thousand Libyan Dinars [EUR 6,500 to EUR 65,000] to be released whereas migrants pay 200 to 2,000 Libyan Dinars [EUR 130 to EUR 1,300].' When we asked whether the authorities were aware of this, the smuggler replied 'of course.'<sup>120</sup>

## Objective 2: Territorial and political power

In addition to militias that manage to secure government resources, there are many actors that use human smuggling and the lack of government control in Libya to earn money and consolidate their territorial and political control. Libyan brigades exert considerable authority independent of the wishes of (local) government, and funding from illicit activities is what encourages armed groups to recuse themselves of the state-building process.<sup>121</sup> The logic of smuggling, much like other logics behind other forms of crime, dictates maintaining a weak and corrupt state over a strong one. In that sense, the smuggling networks roaming Libya benefit from the *status quo* and are a spoiling factor in the government's quest to gain effective control over its territory.

The size of the industry only exacerbates this dynamic. There are simply too many groups that profit from human smuggling. Militias offer protection to passing smugglers; armed robbers are involved in kidnappings and extortion of convoys transiting the country; jihadi groups put up taxes for smugglers crossing through their territory, etc. These are the groups that want to 'keep migrants inside Libya as long as they can to profit from them, completely disregarding the humane treatment of migrants,'<sup>122</sup> keeping migrants 'months or even years [depending on their origins and networks] at the mercy of smugglers and other exploiters.'<sup>123</sup>

## Objective 3: Livelihood protection

Lastly, there are many Libyans who do not look at human smuggling as an illegal business. Numerous people smugglers argue they merely provide a service and ended

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119 Amnesty International. 2016. *Op. cit.*

120 Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, The Netherlands, 16 August.

121 Views expressed by members of the international community working on Libya during policy workshop on irregular migration, 2016. The Hague, The Netherlands, 1 November.

122 Telephone interview, member of the international community working in the field of Libyan migration, 2016. The Hague, The Netherlands, 13 September.

123 Aziz, A., Monzini, P. and Pastore, F. *Op. cit.*, 41.



up in the business because it is fast money with relatively little effort and risk.<sup>124</sup> To such local—and often young—'entrepreneurs,' smuggling is a way of coping in a tumultuous environment and therefore becomes a livelihood protection strategy. The Tripoli-based smuggler we interviewed also states that he turned to smuggling because he was unable to find work and because he had to drop out of university because of the state's inability to pay for scholarships.<sup>125</sup> Many Zuwara residents now use their fishing boats for the much more lucrative business of smuggling people.<sup>126</sup> Especially for communities that share a history of systemic marginalisation, like the Amazigh community in Zuwara and the Tebu in the Fezzan, in the chaotic Libyan polity smuggling is the only form of economic opportunity and historically an accepted way of earning a living. Several members of local communities report how they worked for several months as smugglers to earn money to start a business.<sup>127</sup>

In the coastal strip, where the number of deaths that washed up the shore has caused communal outrage, a Zuwara-based smuggler tellingly explained that '[they] know it's cruel. Capsizing boats are a possibility ... But we have to turn a blind eye as people are benefitting financially and there is no other work.'<sup>128</sup> Although the argument is easily made that such smugglers' plights are an excuse for organised crime, in many places in Libya, smuggling is an alternative source of income for people that are confronted with civil war and a government that cannot deliver. Simply put, human smuggling is an income-generating activity.

Taking away such a livelihood protection scheme would not logically contribute to more stability, particularly in the areas where human smuggling is a fundamental part of the local political economy. What is more, the inability of the government to generate employment and perspective in these areas will ultimately result in the further delegitimisation of state authorities in the eyes of local communities. That, in turn, may impede the collaboration with these communities in targeting the criminal economy and deconstructing the power of human smuggling networks.

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124 Malakooti, A. *Op. cit.*

125 Westcott, T. *Op. cit.*

126 تجارة الموت في مقبرة المتوسط, <https://www.alaraby.co.uk/politics/2015/4/21/%D8%AA%D8%AC%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D9%85%D9%88%D8%AA-%D9%81%D9%8A-%D9%85%D9%82%D8%A8%D8%B1%D8%A9-%D8%A7%D9%84%D9%85%D8%AA%D9%88%D8%B3%D8%B7> (accessed September 2016).

127 Westcott, T. *Op. cit.*

128 Micallef, M. *Op. cit.*

## 4 Political order and countering human smuggling networks

Despite Libya's long-standing position as a transit and destination country, a number of structural (policy) changes at the regional and domestic level led Libya to be the epicenter for human smuggling and gateway to Europe that it is today. Some developments pertain to the 'demand' side of the smuggling industry: conflict, repression, terrorism and lack of opportunity have caused mounting migration streams passing through North Africa, allowing smugglers to benefit from crisis and despair. Refugee flows undoubtedly fueled the human smuggling industry in Libya, but as the smuggling trade 'mushroomed in Libya, the impact reverberated all along the West African routes, as far back as coastal West African routes.'<sup>129</sup> A general increase in the demand for smuggling services occurred, which can only partly be explained by conflict and war. In addition to those fleeing violence and instability, there is growing demand from relatively stable places, leading smugglers to activate their networks and take advantage of an 'unprecedented opportunity' to operate freely.<sup>130</sup>

In addition to changes in the demand-side for smuggling, some significant developments in the 'supply-side' of smuggling—on which this report is focused—occurred that largely shaped the *status quo* of human smuggling in Libya. If anything, human smuggling networks have demonstrated a nonabating ability to opportunistically respond to new realities created by domestic developments and international policy efforts to counter the migration crisis in Libya.

### A changing context

Regionally, the market for smuggling people changed in the 1990s, when all former sea routes across the Mediterranean to Italy and Spain were put under more stringent controls. Around 2002, increased diplomatic relationships between European and North African countries resulted in concerted actions against people smuggling—including military action, putting up physical barriers and the seizure of boats—which effectively

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129 Reitano, T. and Tinti, P. 2015. *Survive and Advance: The Economics of Smuggling Refugees and Migrants Into Europe*, Pretoria, Institute for Security Studies, 13.

130 *Ibid.*

shut down smuggling via the three main routes between Albania and Tunisia to Italy, and from Morocco to Spain.<sup>131</sup> The contraction of the regional smuggling market and the diversion of smuggling routes to other countries prompted human smugglers to investigate new sites of embarkation,<sup>132</sup> which were found in Libya. The high degree of corruption among Libyan authorities combined with the direct orchestration of smuggling practices by Qadhafi's inner circle created the right conditions in which the market could drastically expand.

A clear turning point in history was the end of Qadhafi's totalitarian regime that ruled Libya for over four decades, opening the gates for a complete fragmentation of groups and interests that all wanted a piece of the post-Qadhafi pie. The revolution's brigades morphed into armed pressure groups linked to political groupings, and the many (new) factional militia sought control over their localities and constituencies. The fluidity and pragmatism of these actors' interests caused them to also connect with extremist groups and criminal networks and use these relationships as tools to acquire more influence and resources.<sup>133</sup>

The armed groups are both a producer and a product of the paralysis of government and the prevailing lawlessness.<sup>134</sup> The chaos enabled them to establish and exert territorial control essential in controlling illicit markets—much like the Tebu tribe that is dominant in the Fezzan, which monopolised the human smuggling business there, or the Zintani brigades that extended their presence to Ghadames area to profit from the human smuggling networks running through that territory. This dynamic has led many international observers and policy makers to continuously—and rightfully—argue that the migration crisis in Libya cannot be meaningfully addressed as long as Libya does not have a unified and stable government that is able to exert control over its territory, reel in brigades and militias and protect its borders. Policy measures that in the end serve the interests of smugglers may indeed obstruct the unity and accomplishments of the national government even further.

However, it is highly unlikely that the political situation in Libya will soon be 'fixed and gets back to being a reliable partner in reducing flows to Europe and a more attractive destination for migrants.'<sup>135</sup> First of all, factionalism is creeping back into the GNA, which was supposed to unify Libya's rivaling political coalitions and is 'counted upon by the

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131 Malakooti, A. *Op. cit.*, 32–33.

132 *Ibid.*

133 Janssen, F. and Abdo, I. *Op. cit.*

134 Smits, R., Janssen, F. and Briscoe, I. 2013. *Revolution and its Discontents: State, Factions and Violence in the New Libya*, CRU report, The Hague, the Clingendael Institute, 2.

135 Toaldo, M. 2016. 'After Warsaw: A 3-point Plan to Manage Migration Through Libya', *European Council on Foreign Relations*, 12 July, 2.

west as the best option in tackling the political chaos, security vacuum and economic collapse.<sup>136</sup> In reality, however, the GNA is plagued by boycotts and infighting, and it no longer represents the distribution of power on the ground. In fact, there is 'a long list of political actors who have a clear interest in its collapse or at least have felt insufficiently included in the negotiations.'<sup>137</sup> In a recent episode, for example, Eastern military factions have blocked the House of Representatives (parliament; HoR) in the east from approving the GNA because they believe it is dependent on rivalling militias and undermining eastern (armed) forces.<sup>138</sup> The HoR needs to approve the GNA before the latter can effectively assume office.<sup>139</sup>

The GNA currently lacks legal standing, and observers of the situation in Libya deem it questionable whether it can overcome its legal and political challenges. Furthermore, although the GNA is now situated in Tripoli, it is believed that it can only effectively operate out of the capital if it is carved up in definite spheres of influence between (formerly) warring parties and if the government's loyal forces protect it against extortion and attacks by 'spoiling' militias. Furthermore, minorities like the Amazigh and Tebu, who are controlling a significant part of the human smuggling market along Libya's western route, 'can field substantial military forces, [but] have repeatedly complained about inadequate representation at the negotiations [for the GNA], and support for the agreement is weak among both groups.'<sup>140</sup>

This militarisation of Libyan politics in the post-Qadhafi polity is problematic for two reasons: first, because many powerful armed groups have insufficient stakes in making a unified Libyan government work; and second, as this analysis shows, many armed groups that are affiliated with the state also have a stake in illicit activity, including the human smuggling industry, as it brings them legitimacy and resources.

## International antismuggling engagement

In addition to the chaotic Libyan polity that thus far has been the 'perfect storm' for human smuggling networks to expand and operate in, the dynamics and opportunities of Libyan human smuggling networks are also significantly impacted by international antihuman smuggling interventions, although not as was envisaged upon implementation of these policies.

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136 Lewis, A. 2016. 'Second Boycotter Says Will Rejoin Libyan UN-backed Government', Reuters, 28 August.

137 Lacher, W. *Op. cit.*

138 Lewis, A. *Op. cit.*

139 Muntasser, E.Z. 2016. 'The Coming Fall of Libya's GNA. And What To Do About It.', *Foreign Affairs*, 6 September.

140 Lacher, W. *Op. cit.*

A shipwreck on 13 October 2013, in which more than 300 migrants perished, prompted the Italian government to deploy a search-and-rescue and antismuggling mission called *Mare Nostrum*.<sup>141</sup> Although it helped mitigate some of the worst humanitarian drama in the smuggling trade, in its 11 months of operation (until October 2014), *Mare Nostrum* fundamentally changed the way human smugglers prepared and carried out sea crossings into Europe. The objective no longer was to arrange a boat crossing from Libya to Italy; rather, the smugglers would send off unseaworthy boats filled with migrants into international waters, counting on Italian naval ships to rescue and transport the migrants to Italy. The 'reduction of logistical and operational costs removed a significant (financial) barrier to entry into the Libyan smuggling market.' *Mare Nostrum* offered an unexpected but lucrative opportunity for Libyan smugglers, who consequently lowered the prices for their services, grew richer and more violent and started to actively recruit new migrants.<sup>142</sup>

On 19 April 2015, international outcry followed the death of 800 migrants after their boat capsized off the Libyan coast. On 18 May 2015, the EU reacted to this tragedy by deploying operation EUNAVFOR Med, also called Operation Sophia,<sup>143</sup> whose mandate is to contribute to the 'disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean, by efforts to identify, capture and dispose [of] vessels used or suspected of being used by smugglers.'<sup>144</sup> The operation focuses on capturing smugglers rather than on rescuing migrants, although actions to prevent further loss of life at sea are a visible part of the mandate.<sup>145</sup> In June 2016, the European Council extended Operation Sophia's mandate until 27 July 2017 and added two tasks to its mandate: the training of Libyan coastguards and navy, and contributing to the implementation of the UN arms embargo on the high seas off the coast of Libya.<sup>146</sup> In July 2016, NATO approved Operation Sea Guardian, to support and complement Operation Sophia. Its objectives are to tackle people smuggling and implement the UN arms embargo in Libya.

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141 Reitano, T. and Tinti, P. *Op. cit.*

142 *Ibid.*

143 The name Sophia refers to a baby who was born on 24 August 2015 from a Somali mother on a German frigate of the EUNAVFOR Med mission. Sophia and her mother were among 453 rescued migrants. See European Union External Action, 'European Union Naval Force – Mediterranean Operation Sophia,' 2016, mission update, 30 September.

144 Sophia, which began work in mid-2015, has five vessels—from Italy, Germany, Spain and the UK—as well as three helicopters and three other aircrafts. A. Rettman, *op. cit.*

145 Tardy, T. 2015. 'Operation Sophia: Tackling the Migration Crisis with Military Means', European Union Institute for Security Studies, 30 September.

146 EUNAVFOR MED Operation Sophia, <http://eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/> (accessed December 2016).

Despite its efforts to capture and destroy vessels used for dangerous sea crossings, Operation Sophia has proven unable to stop migration flows from Libya into Europe—in fact, casualties have gone up in the first half of 2016 compared to last year.<sup>147</sup> In light of the EU-Turkey deal that effectively pushed back migration across the Aegean, and the unflinching demand for human smuggling, the Central Mediterranean route through Libya has picked up. What is more, as found by a British parliamentary commission, even though Operation Sophia saved 9,000 lives in 2015, it is also putting migrants at risk as smugglers move from wooden crafts to even more dangerous dinghies.<sup>148</sup>

Consequently, the eye of the world turned to Libya's coast guard when a deal was signed in August 2016 between Operation Sophia's chief, rear admiral Enrico Credendino, and the head of the Libyan coast guard commodore Abdalh Toumia, who acted on behalf of the GNA. The agreement happened against a backdrop of political turmoil in Libya: at the time of signing, the HoR (one of the two major powers that predate the GNA) cast a vote of no confidence to the GNA. Further complicating the situation was the initial hesitance of the Libyan government to requesting or accepting EU assistance, including allowing EU ships into its coastal waters. Factions supporting the internationally recognised government, which was already fraught with division, heavily opposed the idea of being 'a puppet of the west.'<sup>149</sup> Eventually, under enormous domestic and international pressure, the Libyan government requested support of the EU in a bid to tackle human smuggling.

## Fuel to a fire?

The coast guard deal is the first example of a government-to-government agreement between the EU and Libya on cooperation against human smuggling networks. But despite that accomplishment, human rights organisations were quick to condemn the EU's plans to train, build up the capacity of and share information with the Libyan coast guard upon Libyan request. Close cooperation with the coast guard 'risks fueling the rampant ill-treatment and indefinite detention in horrifying conditions of thousands of refugees and migrants.'<sup>150</sup> Although the coast guard saves lives at sea, it sends captured and rescued migrants back to shore where they are transferred to detention centres.

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147 This development is largely explained by the EU-Turkey deal to curb migration along the Eastern Mediterranean route coming into effect. See 2016, 'EU Mission "Failing" to Disrupt People Smuggling From Libya', *BBC News*, 13 May.

148 Cooper, C. 2016. 'Operation Sophia: EU Naval Mission to Stop People Smugglers is "Not Working"', *Independent*, 13 May.

149 Asthana, A. 2016. 'British Naval Ship Poised to Be Sent to Libya on Anti-Smuggling Mission', *The Guardian*, 26 May.

150 Amnesty International. 2016. *Op. cit.*

As we have seen, shocking abuses happen at places of detention, which begs the question of how partnering with the Libyan coast guard can contribute to the prevention of further human rights violations and the struggle against human smuggling networks in general.

In addition to human rights concerns, the Libyan coast guard deal potentially feeds into the political instability and factitious strife that has torn the country apart. Support for any institution aligned with the GNA is contestable because of the wide array of Libyan actors who are uninterested in enhancing the GNA's standing. There are politicians, furthermore, who hinge on the protection of powerful militias to impose authority, but the same militias allegedly protect smugglers and benefit from the trade.<sup>151</sup> In a similar way, the role of the coast guard itself is debatable. A DCIM official, for example, revealed: 'Sometimes I watch them at night loading the people onto boats—five or six boats at a time—but I can do nothing. If I try to intervene, the smugglers will kill me, and probably my family too.'<sup>152</sup> The human smuggler we interviewed even argued the complicity of the coast guard in the human smuggling trade, saying that 'coast guards sell smugglers fuel for high prices [from Al-Zawya's refinery the western coast guard branch has control over]<sup>153</sup> and then later arrest smugglers in the sea.'<sup>154</sup>

Although it is close to impossible to verify such accounts, there is little doubt that Libya offers no neutral partners for international policy makers to engage with without substantial risk. Those who constitute the GNA are currently weak and countered by General Haftar's forces, who are gaining in strength.<sup>155</sup> What is more, there is little prospect that the current naval missions can overturn the business model of human smuggling<sup>156</sup>—because of the dubious role of state-affiliated armed groups in Libya, but also because Libyan smugglers themselves scoff at European policy interventions directed at breaking down the web of human smuggling networks. From their own statements, Libyan smugglers do not appear worried that EU interventions or the

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151 Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, The Netherlands, 16 September.

152 <http://www.irinnews.org/news/2016/06/01/all-sea-libyan-detention-centres-crisis-point> (accessed September 2016).

153 The Libya Observer. 2016. 'Al-Zawiya Coast Guard Rescues 8 Boats Stuffed With Illegal Migrants', *The Libya Observer*, 25 June.

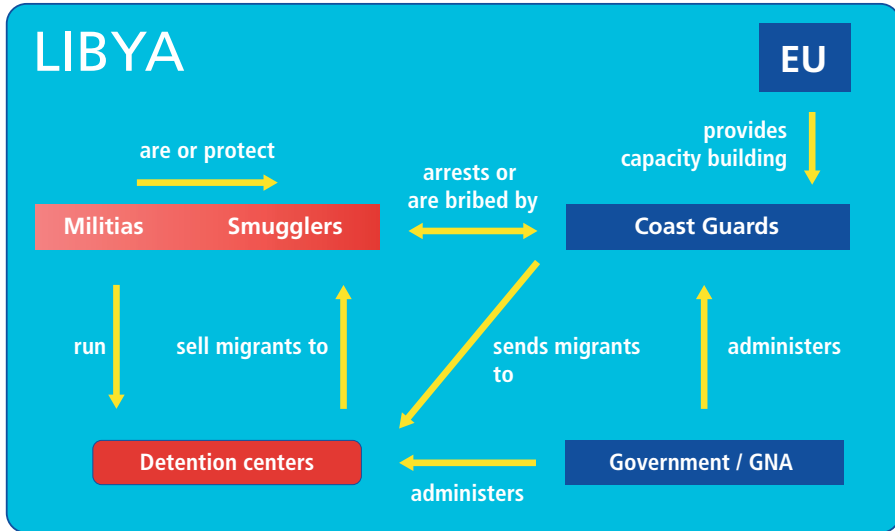
154 Telephone interview, Libyan smuggler operating from Zuwara, 2016. The Hague, The Netherlands, 16 September.

155 Views expressed at a policy meeting on Libya, 2016. The Hague, The Netherlands, 4 October. It is reported that up to 70 percent of Libyans currently support Haftar. Personal interview, international migration expert working in Libya, 2016. The Hague, The Netherlands, 14 December.

156 Although Operation Sophia managed to arrest around 50 suspected smugglers as of June 2015, these are 'mainly low-level operatives, not the real ringleaders.' Fetouri, M. 2016. 'The Real Reasons the EU Can't Stop Human Smuggling from Libya', *Al-Monitor*, 18 July.

Libyan government will end their trade. An influential Zuwara-based smuggler explains: 'What are they [the EU] going to do, put two frigates here? In Libyan waters? That's an invasion ... They are just lying ... It will be the same thing.'<sup>157</sup>

**Figure 2 Political dynamics of human smuggling in Libya**



157 Kingsley, P. 2016. 'Libyan People Smuggler Derides EU Plan for Military Action', *The Guardian*, 21 April.



# Conclusion and recommendations

Many observers agree that Libya holds the key to solving the migration crisis. It is Europe's gatekeeper and the single country funneling the largest flows of African migrants from up to a dozen different countries on their way to a better life. Some migrants embark on a sea crossing to Europe—either by choice, or by force. Others chose Libya as their destination but are now stuck in a place of danger and limbo.

Shutting off all migrant flows would mean taking away perspective, needs and opportunity of people spanning almost half a continent. The fact that migrants nowadays still consider Libya—a war-torn and lawless country—as their beacon of hope tells something about their levels of desperation and hunger for a brighter future. It also lays bare the difficulty for European policy makers to push back or prevent irregular migration in this part of the world. Libya's 'western' smuggling route is rooted in history, when the country still was a prosperous destination. Despite the current chaos, and international policy initiatives to destroy people smugglers' business model, they continue to sell safe passage and a new life to Africans—all just a phone call away.

At the same time, evidence makes it clear that at present there are many migrants stuck inside Libya; they want to escape the horror they are in but they either lack the means or choose a perilous boat crossing to Europe over the even more dangerous voyage back through the desert. The difficulties that migrants who wish to return to their countries face need to be prioritised by international policy makers since they can be addressed more meaningfully and humanely in partnership with the Libyan government—for example, by facilitating the returns of migrants, and possibly also by responding to the demand for smuggling through temporary work visas.

## Facing reality, tackling dilemmas

With every truck full of migrants entering Libya, human smuggling networks grow richer, more powerful and more entrenched in local political economies. A deep understanding of the organisation of human smuggling in Libya, and the reasons for smugglers to engage in this business, reveals that many of them are driven by the same need for economic opportunity and perspective as migrants. However, human smuggling in Libya is more than fast money with limited risk. It is also a means to acquire (more) territorial power and resources in a country ruled by weapons instead of government. At present, there is a dizzying array of groups in different localised political economies profiting off

Libya's role as a central migration hub, unafraid that the authorities or the international community are able to end their trade.

There are no easy answers to address human smuggling organisations in Libya. Migration will not cease to exist as long as there is a demand for it: for every smuggling vessel that is captured and destroyed, another—often more rickety—version will set off. And as long as Libya's central authority is paralysed and local actors are in control, human smugglers will maintain their business model. From our analysis of the supply-side of human smuggling in Libya, a number of policy-making challenges emerge that call for realistic, conflict-sensitive and humane interventions. The thinking on these challenges should underpin practical recommendations for policy as part of a larger and comprehensive strategy for targeting instability in the region.

### **Efforts to stop human smuggling through Libya may produce more instability.**

Although it cannot be an excuse for the high levels of criminality and violence surrounding human smuggling in Libya, the human smuggling trade is one of the few areas of economic opportunity and relatively little competition in the conflicted country. Many Libyans agree they have nothing to expect from the central state, so the smuggling of humans is a form of livelihood protection they cannot live without. For some local communities, it also is a vehicle for social empowerment and a tool to overcome political marginalisation. Many (petty) smugglers argue they would not be in smuggling if they were presented with other opportunities. Some even call on the international community to help them find alternatives, instead of destroying their sea vessels. In the unlikely scenario that international policy interventions are successful in pushing back migration streams through Libya without addressing local communities' political and economic needs, it is likely that this would contribute to instability as it opens up competition over other resources and forms of influence. If anything, it surely will prompt smugglers to find new 'clients' and new routes, possibly more dangerous and traumatic than the old ones.

### **Partnering against migration in Libya is always risky but also necessary.**

There are clear risks involved in partnering with a Libyan government that is lacking legal and political legitimacy and that is disconnected from the distribution of power on the ground. On the other hand, at the moment there is no plan B to engagement with the GNA. Deals on the provision of intergovernmental support, of which the EU's agreement with the Libyan coast guard is a recent example, are an achievement of itself, but the international community must accept that there is no Libyan actor who is fully separated from the political and military turmoil. Specifically on human smuggling, Libya is plagued by the lack of institutional memory after more than forty years of Qadhafi rule, and the state institutions that are in place are weak and struggling to effectively contribute to

counter-smuggling operations. Furthermore, there are elements within government-affiliated bodies that have an interest in maintaining a weak central government that is incapable of effectively cracking down on the human smuggling trade.

**Antismuggling efforts potentially contribute to factitious strife.**

In post-Qadhafi Libya, effective power is achieved through the barrel of a gun. Not only are armed groups consolidating their power through human smuggling organisations—thereby preventing the buildup of any credible state authority—others are acting as migration managers on behalf of the government. Others are doing both at the same time. In any case, as long as Libya's internationally supported government is dependent on local militias for protection and implementing antismuggling measures, it effectively feeds into these armed groups' interests. This may only contribute to the factitious strife that has torn the country apart in recent years and prevents the buildup of any credible state authority.

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