

Human smuggling and Libya's political end game

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Italy's unilateral interventions in Libya are credited with a significant drop in migrant arrivals in Europe. But these actions and the competing agenda pursued by France in the beleaguered country risk undermining the Libyan peace process at a critical time.

Key points

- ▶ Italy risked a populist right-wing upheaval unless it made progress on its migrant challenge.
- ▶ An agreement with Libya's UN-sanctioned Government of National Accord (GNA) was an important turning point as Rome pledged to help the Tripoli government combat people smuggling, and promised investment to local government in smuggling hubs in return for migration control.
- ▶ This strategy was undermined by France's increasing backing of the head of the self-styled Libyan National Army, Khalifa Haftar, which in turn added haste to Italian action.
- ▶ With Libya's current political status quo nearing an end, militia groups found an opportunity in the migrant crisis and are now queuing to become law enforcement entities of the GNA. Yet their co-option sabotages state building and undermines any basis for a lasting peace. Militias must not be given a cloak of legitimacy whilst forgiving past transgressions. Rather, the current climate should be exploited to achieve true disarmament, demobilisation and reintegration.

Migrant boat crossings in the Mediterranean usually peak around July and August. Many expected more than 200 000 migrants to land in Italy by the end of the 2017, a record ahead of a crucial national election. But this year the number of boats declined dramatically. Puzzled rescuers gazed across the Mediterranean and saw empty seas, even on clear days when they expected to pick thousands of desperate people from crowded rubber dinghies. And the numbers stayed low, down 83% in August, 65% in September and 68% in October.

The dramatic drop follows a migration-focused unilateral intervention by Italy, which needed to show results to a frustrated electorate which has borne much of the cost for irregular migration in the Mediterranean. From 2013 to 2016 Italy received more than half a million migrants by sea. EU member states showed little solidarity with Italy's predicament, which will cost the country an estimated €3.8 billion in 2017.

Italy needed to make tangible progress or risk a populist right-wing upheaval. Returning asylum seekers to Libya was not an option after it was declared unlawful by the European Court of Human Rights in 2012.

Turning point

The February 2017 Memorandum of Understanding (MOU) between Italy and Libya's UN-sanctioned Government of National Accord (GNA) was an important turning point. Rome pledged training, equipment and investment to help the Tripoli government improve border security and combat the smuggling of people. It engaged local government in smuggling hubs, promising investment in return for help with migration control.

The agreement was seen to echo the EU-Turkey deal that closed the Balkan migration route. But Libya presents different challenges. It lacks a central government with capacity to claim control over the capital and its suburbs, let alone the whole country and its borders. The country is politically divided, and the functions of the military, police, coastguard and customs are in large part provided by a shifting spectrum of militias.

Unintended consequences and an unpopular deal

The first discernible and unintended shift after the MoU was actually a surge in migrants crossing the sea. The agreement had driven fears the sea route from Libya might soon be closed. There were reports of an instant increase in the movement of people towards coastal towns.

The Italian deal with the GNA was not universally popular. Many Libyans saw it as a tenuous government prioritising foreign interests, and the MoU was challenged (albeit unsuccessfully) in court. The leader of the self-styled Libyan National Army, Field Marshal Haftar, seized upon this popular discontent. Emboldened by an axis of support that includes France and Britain, he threatened to repel foreign vessels entering Libyan waters as part of a joint maritime surveillance operation between Italy and Libya. The message was that Italy had to go through him to make similar deals.

A risky breakthrough

The EU welcomed the drop in migration numbers as a potential breakthrough. Unable to engage on land in Libya due to ongoing political conflict, it had tried to co-opt Libya's neighbours to serve as a de facto EU border. In Niger, it exchanged millions in development cooperation for the criminalisation of human smuggling and a clampdown on smuggling hubs. It invested in the capacity of the Libyan coastguard and made plans to upgrade Libya's migrant detention centres.

Yet the coastguard, detention centres, and key branches of the fragile Libyan state's security apparatus are largely run by militias, some deeply involved in the illicit economy. In fact, it was not the EU's efforts that reduced the migrant flow from Libya, but Italy's strategy of engagement with the GNA and municipalities, based on aid in return for migration control.

Preparing for the end game

Libya's current political status quo is entering the end game and change is likely in coming months, whether through political or military means. Developments in the anti-smuggling agenda therefore take place as militia recognise their survival may depend on their ability to legitimise themselves.

With threats of International Criminal Court (ICC) indictments or asset seizures, there is no greater liability than being labelled a human smuggler or a terrorist. This puts militia leaders under pressure to launder their reputations and ensure they sit on the right side of important brokers and donors like the UN or the EU. Presenting oneself as the champion in the battle against terrorism and human smuggling may bend the rules of international diplomacy in their favour and the migrant crisis in this sense provides a golden opportunity.

Shifting market

Libya's smuggling market changed markedly since the 2011 revolution. After a brief period of liberalisation following the fall of Gaddafi, militias began creating a protection market around human smuggling before eventually taking over the business directly. Moreover, human smuggling forms part of a wider illicit economy, ranging from the smuggling of fuel to drugs and weapons.

Two important men in this parallel economy were singled out by the Libya Panel of Experts as smuggling kingpins on the west coast. One is Ahmed Al-Dabbashi, aka Al-Amu, from the town of Sabratha. The other heads the Refinery Coastguard unit in the town of Zawiya, Abdulrahman Milad, aka Al-Bija. Al-Bija runs the maritime crew with the highest rate of interceptions of all coastguard units in western Libya. According to the International Organisation for Migration (IOM), his team was responsible for more than half of the 10 989 migrants intercepted at sea between January and June 2017.

When these militias appeared to start cooperating in June, rumours suggested they had been brought together by a deal with the Italian security services. Locals spoke of extraordinary sums of money being transferred to both men, and assurances they would not face international prosecution.

Italy rejected the allegations and it was not possible to confirm the rumours. But what was clear was both militias had become official law enforcement entities of the GNA.

Whether or not the Sabrathan militias, particularly, were co-opted through direct Italian financing, the fact is that Ahmed Al-Dabbashi did turn from smuggling to policing after GNA sanctioning of his militia, creating an unacceptable existential threat for his enemies. It robbed competing smugglers of an important revenue stream, and gave their adversary legitimacy and a commanding position as an official law enforcement arm in the restive coastal town. A 19-day war ensued, killing at least 40 people, injuring 350 and displacing more than 15 000.

Despite the war, the Italian intervention has so far stuck and the number of crossings remain low. However, there are a number of questions to be asked before the strategy is declared a success.

Incentives fading

The role of militias in distorting and derailing the peace process is well documented. Communities, armed groups and tribes that felt marginalised or insufficiently rewarded in the political process have been specially motivated to turn to the illicit economy. Co-option invariably ends up empowering some groups at the

expense of others, fuelling confrontation and undermining any basis for a lasting peace. Moreover, if the political landscape does not change, or takes too long to do so, incentives for sustained cooperation by the militias to stem the smuggling trade are likely to wane.

Making it worse

Cutting off the sea crossing will do nothing to enhance migrant protection. On the contrary, it risks worsening the mistreatment of migrants and asylum seekers, as smugglers find alternative ways to monetise their investment. Along the land borders, particularly in the south, the reduction of human smuggling may see groups turning increasingly to alternative illicit activity such as kidnapping, forced labour and prostitution, trafficking and slavery.

Co-opting militias to fight human smuggling is not the same as demobilising and integrating them into a national security apparatus. Warlords are strengthened and legitimised by co-option, but their militias retain their

organisational structure and involvement in the broader illicit economy.

At this juncture, therefore, militias must not be allowed to reinvent themselves in a new cloak of legitimacy whilst forgiving past transgressions. Rather, the current climate should be exploited to achieve true disarmament, demobilisation and reintegration into a planned and managed national security apparatus. Ultimately, the UN should be given the space to lead the political process to fruition, without being undermined by the bilateral actions of governments seeking to deliver their own agenda in Libya.

This research draws from a 2016/17 monitoring exercise across Libya and the Sahel by the Global Initiative against Transnational Organized Crime and the Migrant Network, including more than 20 interviews with policy makers, law enforcement officials, academics, migration and Libya watchers, NGOs and humanitarian workers, and smugglers themselves.

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