POLICY BRIEF

Understanding and Responding to the Role of Human Smugglers in Migration

September 2016

A lack of nuance in examining and responding to what are generally termed "human smugglers", "facilitators", "traffickers", "organized crime", the distinctions between them, and their role in facilitating large scale migration is undercutting the response to illegal migration. It has resulted in policy choices that have proven counterproductive not only to the goals of safe and orderly migration, but also to promoting stability, good governance, adherence to human rights and ensuring long-term development. Of particular detriment, flawed policy has created stagnant and concentrated pools of people easily exploited by highly organized and exploitative smugglers and traffickers.

This brief argues for a more structured understanding of the spectrum of the smuggling industry, and the importance of drawing a distinction between smuggling and trafficking. While the smuggling industry has become a significant vector in facilitating large scale migration, those working in it may range from altruistic actors who offer a critical lifeline and serve as a resilience or protection mechanism in situations of fragility, inequality and conflict where legitimate alternatives are absent or restricted. In other cases, however, those in the smuggling industry can form part of exploitative organized crime networks associated with violence, extortion, forced labor and other forms of abuse, including being used as a source of terror or a "means of war" by armed groups.

The brief concludes that law enforcement action and criminal justice penalties should be targeted at the most damaging end of the spectrum, where routes are controlled by pre-existing transnational organized crime groups and/or where there are practices of abuse, violence and extortion. Law enforcement responses to community based "smugglers" will require significant resources, yield few successes, and cause political alienation. Designing the appropriate targeted responses against the full spectrum of smugglers, and where law enforcement is only one strategy, is critical to successfully prevent, mitigate or combat unsought impacts and prevent further destabilization in transit countries.

Successful targeted responses by both governments, the UN Security Council and the wider migration management platform should include:

1. *Substantially strengthen the timely information, data and analysis available to the Security Council on the drivers (including root causes), changing smuggling routes, bottlenecks and on the nexus of migration, trafficking, organized crime and conflict, including the role of armed groups and/or state actors*

2. *Strongly enhance the capacity of member states and the UN to more effectively monitor the entire smuggling chain from origin through transit countries to end-destinations. This is in contrast to current*

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information that focuses on data collected by border control agencies and police in destination countries. Such a system should focus more clearly on places where there is a build-up of migrants and seek to ensure their wider dispersal.

3. *Through enhanced information capacity strengthen the full spectrum of proactive tools and policies available to countries and the Security Council to design appropriate measures to respond to smuggling and associated migration, including their link to conflict and insecurity. Such proactive interventions can only be designed on a better understanding of entire emigrant routes and the role of "smugglers" in different places, particular in those zones where there is a build-up of migrants.*

Contents

Introduction

On September 19th, 2016, the UN General Assembly convenes for its first High Level Meeting on Large Movements of Refugee and Migrants (HLM). As states grapple with devising a new global compact for safe and orderly migration, a critical issue around which they must come to terms is human smuggling.

'Smugglers' – a cadre of people who facilitate illicit movement for profit - have become an important vector in global migration. Not only do they enable movement of refugees and migrants, but they amplify demand, shape the routes used and the experiences people have during their journey, and bear considerable responsibility for the most severe human consequences: the loss of life, grave abuses of human rights and exploitation of the vulnerable. In both the public and policy discourse however, the term "smuggler" is used loosely, often interchangeably with "traffickers", and thus masking what is in fact a complex spectrum of actors.

While such figures are often difficult to determine with accuracy, human smuggling is now estimated now to be one of the largest global illicit markets, with a value of some 157 billion USD annually.[1] Globalization, including the rapid spread of information through social media in even the poorest and most marginalized communities, combined with expanding options for travel, by land sea and air, and the weakening of traditional forms of state control in many areas, has facilitated enormous movements of people, and a virtual industry to assist that process.

In Europe's migration crisis, which has spanned from 2013 and continues to the present day, smugglers have played a dynamic role in facilitating and shaping the nature and scale of movement. EU and EUROPOL estimate that between 90 and 100% of the people who arrived in Europe used "a smuggler", paying them on average $3-6,000 for their journey. Smugglers' practices of overloading boats and using unseaworthy vessels are largely accountable for the nearly 10,000 people who have died in the central Mediterranean in the last three years.
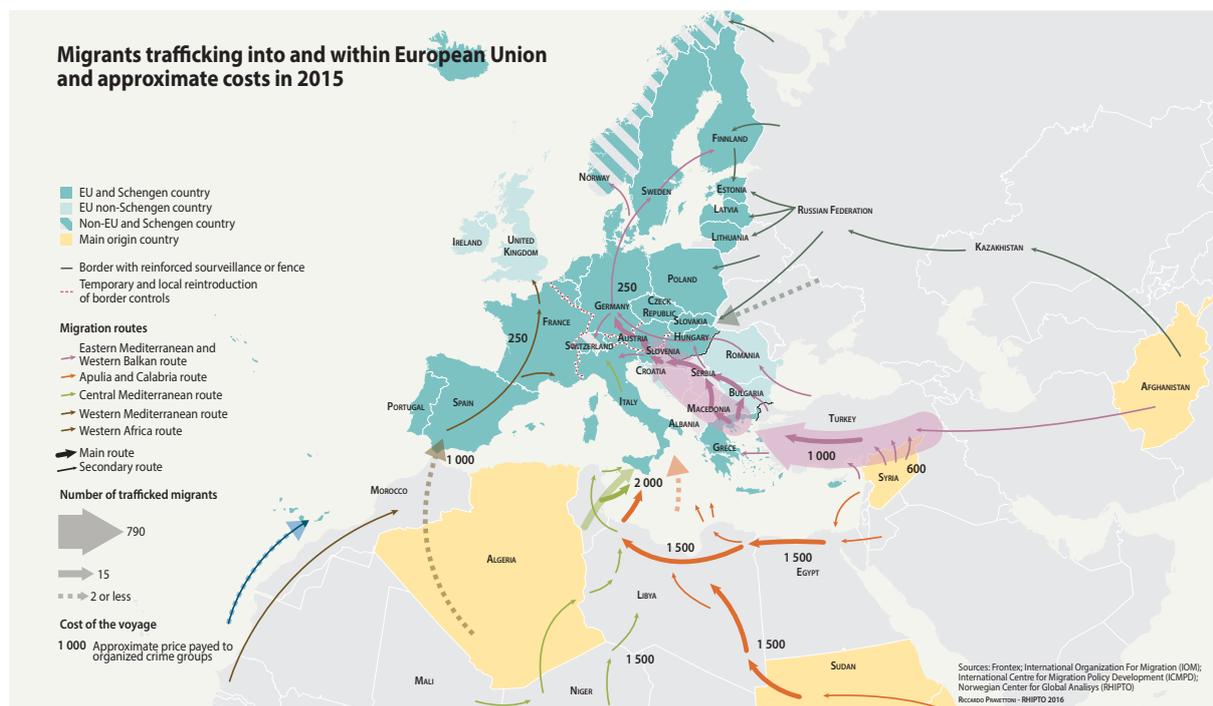
Fig. 1: Route costs for migrants and refugees to the EU.

In the Americas, the UNODC estimates that there are 3 million illegal entries to the US each year, with 60-75% entering secretly, and over 90% paying a smuggler. 14,500-17,500 are victims of human trafficking. Facilitating smuggling across the border has been estimated to generate profits between $10-20 billion a year, and the links to

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1   UNEP-INTERPOL. 2016 The rise of environmental crime. http://unep.org/documents/itw/environmental_crimes.pdf

drug trafficking cartels is often insinuated.[2] Meanwhile, efforts to counter this threat have resulted in the creation of a border patrol of para-military strength with over 60,000 border patrol officers, that has itself been accused of corruption and violence.[3]

In Asia, IOM estimates that some 30,000 people have attempted to migrate by sea through the Straits of Malacca in the last year alone, and to do so without the assistance of a smuggler is impossible. But while, in 2015, 6000 people were stranded at sea on the boats of smugglers in the Andaman Sea, responsibility for 800 deaths[4] was as much a result of the policy of regional states as the practices of smugglers.

Human smugglers are universally criminalized, and the response to their crime is enshrined within the United Nations Convention on Transnational Organized Crime (UNTOC) through a separate protocol. Yet interviews with migrants and those engaged in facilitating their movement suggests that rather than being a single typology, smugglers exist on a continuum of legality and illegality: they may indeed be secretive and wealthy individual enjoying state protection in some places, but are also equally likely to be ordinary people deeply embedded in their own communities, who are the only viable means of ensuring mobility for those whose lives or livelihoods depend on it.

Paragraphs 34-6 of the expected outcome document from the HLM,[5] highlight the challenge of human smuggling. However, their language and priorities express common assumptions – arguably misconceptions – that have repeatedly dogged international responses to the smuggling of migrants, and reinforce flawed policy choices.

The purpose of this brief, which brings together key findings from global research (both contemporary and historic) is to highlight the evidence basis on the human smuggling industry and the role it plays in the current large movements of people. It evaluates the proposed responses to human smuggling and in doing so concludes that the standard response to human smuggling which focuses on law enforcement outside of a broader strategic assessment of the flows of people and the different roles of smugglers in this process, is unlikely to achieve an effective response. Indeed, it may in fact be counterproductive to the stated goals of the summit and to the core values of the United Nations.

A response to human smuggling that focuses only on law enforcement and criminal justice responses results in greater measures of criminalization of both migrants and smugglers. The heightening of border securitization without addressing the situation in transit or origin country has proven in some cases to result in the commoditization of migrants and their increasing vulnerability - effectively a hardening of the criminality of the smuggling industry, resulting in greater levels of violence and abuse. That has resulted in a diversion of the profits of human smuggling from the informal economy and local resilience activities into the creation of a criminal infrastructure that exacerbates insecurity and corruption.

The lack of information and analysis of the entire smuggling chain, the root causes not only in country of origin, but also in the transit countries – such as the collapse of development and livelihood support to marginalized border towns after the fall of Gadaffi in Libya, that later transformed into the primary smuggling hubs.

2   UNODC (2010) The Globalisation of Crime, United Nations: Vienna.
3   Garrett M. Graff, 'The Green Monster: How the Border Patrol Became America's Most Out of Control Law Enforcement Agency',
     Politico Magazine, November/December 2014: http://www.politico.com/magazine/story/2014/10/border-patrol-the-greenmonster-112220?o=4
4   IOM Missing Migrants Project
5   The text of the pre-negotiated text of the "Draft outcome document of the high-level plenary meeting of the General Assembly on
     addressing large movements of refugees and migrants (A/70/L.61)" will be presented for ratification at the 71st session of the General
     Assembly on 19th September. The draft Declaration includes two appendixes that lay the groundwork for global compacts on
     refugees and migrants that should be adopted in 2018: http://www.un.org/ga/search/view_doc.asp?symbol=A/70/L.61
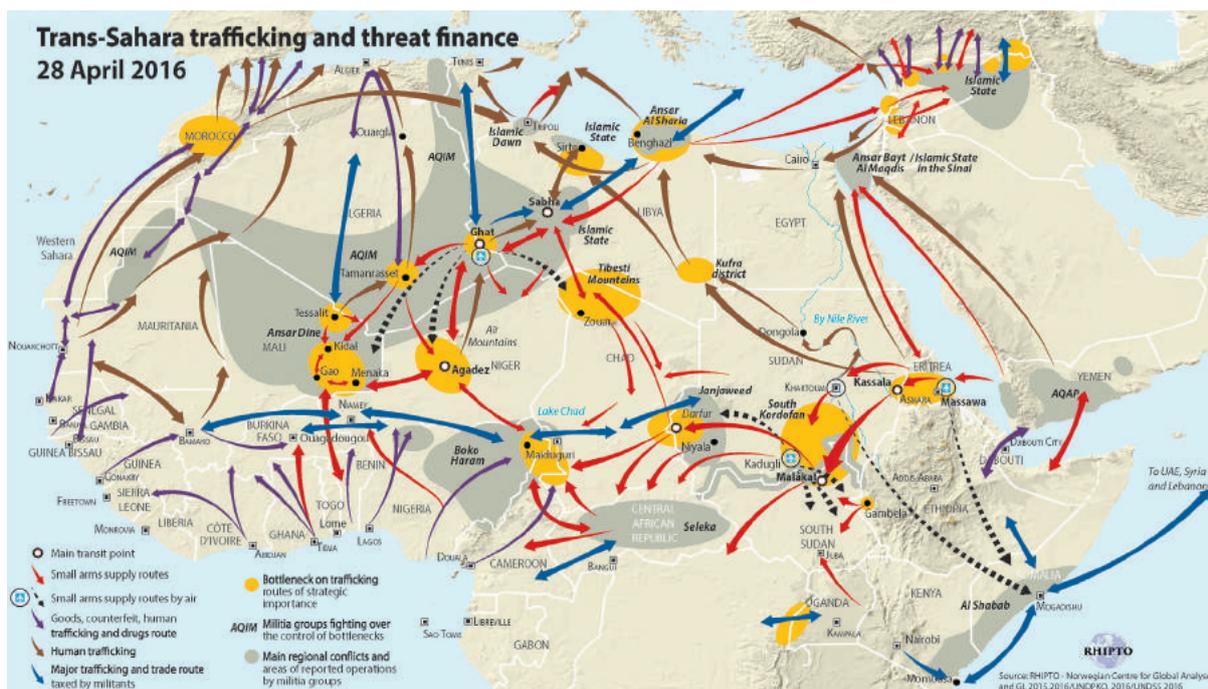
Fig. 2: Smuggling networks across the Gulf and the Middle-East involve anything from migrant facilitators to heavy organized crime, militant groups and even terrorist groups active along all routes, where some exploit stranded migrants for forced labor, sexual exploitation or even forced recruitment.

The brief instead suggests a new way of conceptualizing smugglers, understanding their industry, and a set of priority recommendations for future responses.

Redefining smugglers

Just as the humanitarian and migration community has demanded precision in defining correctly those who move – whether asylum seekers, refugees or migrants – the issue of human smuggling requires similarly precise treatment. The terms 'smuggler' and 'trafficker' are frequently applied interchangeably, despite their being significant differences in the crime to which they are attached.

While often aggregated and overlapping, the crimes of 'human trafficking' and 'smuggling of migrants' are distinct forms of organized crime. The United Nations Convention against Transnational Organized Crime (UNTOC), which has 187 states parties,[6] contains two specific protocols, one relating to each of these crimes. Under the Protocol to UNTOC, human trafficking is defined as "*the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, of fraud or deception*" whereas smuggling of migrants is defined as "*the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident*".

In the case of illicit migration, both human smuggling and trafficking involve the recruitment, movement and delivery of migrants from a host to a destination state. Thus, there are three key distinctions between them:

1. **Exploitation:** The criminal business of traffickers is to engage people into an ongoing situation of exploitation and profit from abusing them in forced labour or forced prostitution. By contrast, smugglers benefit from

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illegally moving people across borders, but once the border has been crossed, the transaction between a smuggler and a migrant ends, and the migrant is free to go.

2. **Consent:** Migrants usually consent to being smuggled. A trafficked person usually does not consent or their consent is meaningless because they have been coerced.

3. **Borders:** Smuggling always happens across international borders, trafficking does not necessarily do so. In fact trafficking does not necessarily imply any form of movement, and someone could be trafficked within their home town.

Smuggling is a crime against the state, involving facilitation of illegal crossing of borders for a fee. Trafficking is a crime against a person, involving the ongoing exploitation of another human being in forced labour or forced prostitution. While it is true that smuggled migrants may fall victim of forced labour or exploitation, and smuggling and trafficking thus sometimes overlap, it is important to ensure that the crimes are clearly defined so that appropriate responses can be developed, in accordance with international law.

While smuggling that translates into trafficking may be the worst possible scenario, it is by far the minority of cases. Millions of people are moved annually by smugglers with little or no infringement of their original 'contract' of services, and in fact interviews with migrants suggest that the smuggling 'industry' has developed a set of safeguards and guarantees that protect the migrants from such abuse.

Furthermore, while transnational crime groups are clearly active in the smuggling industry, at the same time the many thousand of individuals who facilitate the irregular movement of people arguably fall short of the formal designation of 'smuggler', although when arrested they are often described as such. In fact, many people working in the human smuggling industry bear a closer resemblance to the people they move, than to transnational or even domestic criminal groups to which they are often collated with.

The actual function a smuggler performs for the migrant is as a service provider, who provides assistance when migrants cannot move without help. In reality it may involve fierce abuse or exploitation of a highly vulnerable person, family or child. Smuggling networks are made up of actors with specialized, often highly localized knowledge and expertise, and, for many, these skills are also used in carrying out legal and legitimate economic activities. For example, smugglers' special local knowledge may enable them to chart a specific terrain, as in the case of nomadic tribes that facilitate smuggling across the Sahara, or they might be able to help navigate a customs regime at a remote border crossing.

Smugglers serve as a bridge between two regions, communities, or countries, perhaps speaking two or more languages, and are almost always equipped with knowledge of local cultures. Either through integration or violence, they are able to operate in both environments. As such, the role of diaspora populations has become critical to facilitating smuggling, as human smuggling networks and patterns often develop along ethnic and linguistic lines.[7]

7   Tuesday Reitano and Peter Tinti, "Survive and Advance: the economics of smuggling migrants and refugees into Europe", ISS Paper 289, *Institute for Security Studies*, November 2015.

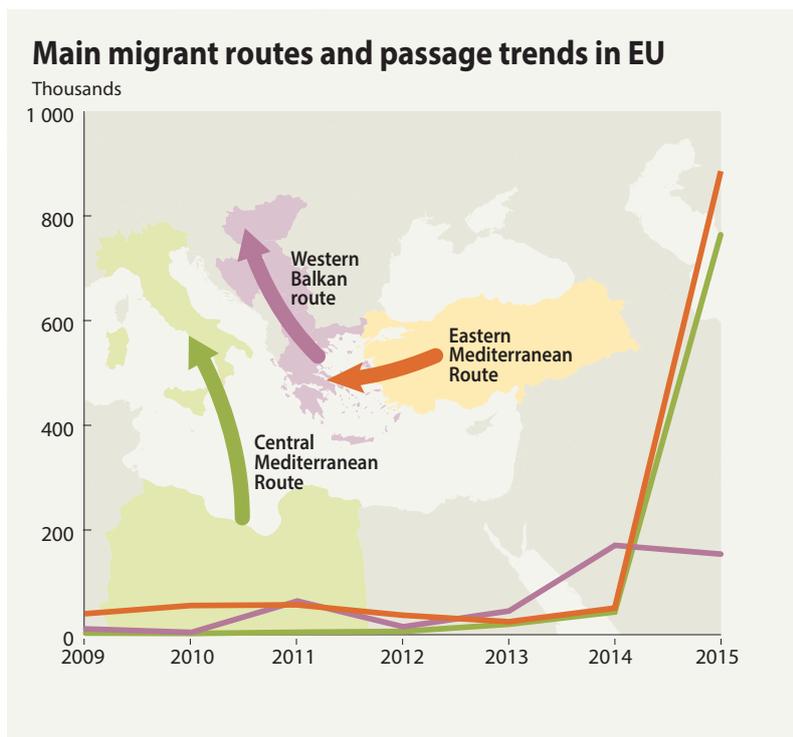## Main migrant routes and passage trends in EU

Fig. 3: The surge in migrants and refugees to the EU resulted in many short-term solutions including proposed use of military force against smugglers in Libya, without addressing the fact that the fragile state was a primary cause of the surge of its role as a transit country. This has put many migrants at higher risk both at sea and en route to and through Libya and resulted in a rise of links between certain armed groups and smuggling networks, exacerbating further instability. It is imperative that measures in at least the mid and long term acquire intelligence beyond Europe's borders alone.

Interviews with smugglers conducted in places as diverse as Turkey, the Sahel, North Africa and Mexico shows that the interactions between migrants and the people in charge of their transportation are highly complex, not necessarily profit driven, and are based on a negotiation that emphasizes the community-based nature of the smuggling.[8] In fact, many smugglers are proud to be part of a network that saves people from war, persecution and poverty.

Hamza*, a Syrian smuggler interviewed in Idlib in May 2016 explained: "People are forced to go to Turkey because it's not safe to stay in Syria, even in the camps. I started to do this, originally even without money because people need this. Most of my work is quasi humanitarian, I don't work in that kind of 'smuggling.'"[9]

A Syrian-Kurd from Damascus interviewed in Istanbul said: "I feel proud because I have helped many people get to a better life in Europe. And I am doing this to support my family, I saved a lot of money and am keeping it for them."

A female facilitator who worked the US-Mexico border said: "I get mad when I hear how people say we are criminals. I work hard to give my children what they need. I work all week at my regular job and then on the weekends I go to the border and cross children. Yes, I know this is not legal, but from there to say that what I do is a crime . . . I help people. I have always considered my job that of helping people. And I am proud of what I do."[10]

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8   Gabriella Sanchez (2016) Human Smuggling and Border Crossing, Taylor and Francis
9   Interviews with the Global Initiative and Migrant Report for a project funded by the Institute for Security Studies and the Hanns Siedl Foundation
10   Sanchez, op.cit. Pg. 53

To conflate the risks of human trafficking and that of human smuggling, however is a grave error. On 30 July, as the UN commemorated World Day Against Trafficking in Persons. UN Secretary-General Ban Ki-moon drew attention to the vulnerability of migrants and refugees to exploitation by human traffickers. He called on countries to use the HLM to renew their commitment to greater efforts to combat human trafficking and smuggling of migrants and refugees, ensure protection and assistance for victims, and promote respect for international law, standards and frameworks. He urged all States to adopt and implement the UN Convention Against Transnational Organized Crime and its protocol on human trafficking as well as all core human rights instruments. Consequently, one of the only three paragraphs that relate to smuggling expressly points to combatting human trafficking.

Human trafficking in Nepal - Patterns

PUSH FACTORS

Conflicts
Impoverishment
Open border
Natural hazards
Family disruption
Impunity
Domestic violence
Patriarchy
Illiteracy

Gulf Countries

China

India

DESTINATIONS

Overseas trafficking

Cross border trafficking

Nepal

RECRUITMENT AND TRANSPORTATION

Fraudulent marriage

Deception offering job and education

Provoking unconsciousness with drugs

Forced labour

Sex industry

Brothels

REASON FOR TRAFFICKING

SOCIAL STATUS

HIGH   LOW

LOW   HIGH

VULNERABILITY

Coercion

Systematic violence

Abduction

ENSLAVEMENT PROCESS

Sources: Maiti Nepal; Interpol; Hodge, D., and Lietz, C., *The International Sexual Trafficking of Women and Children: A Review of the Literature, 2009.*
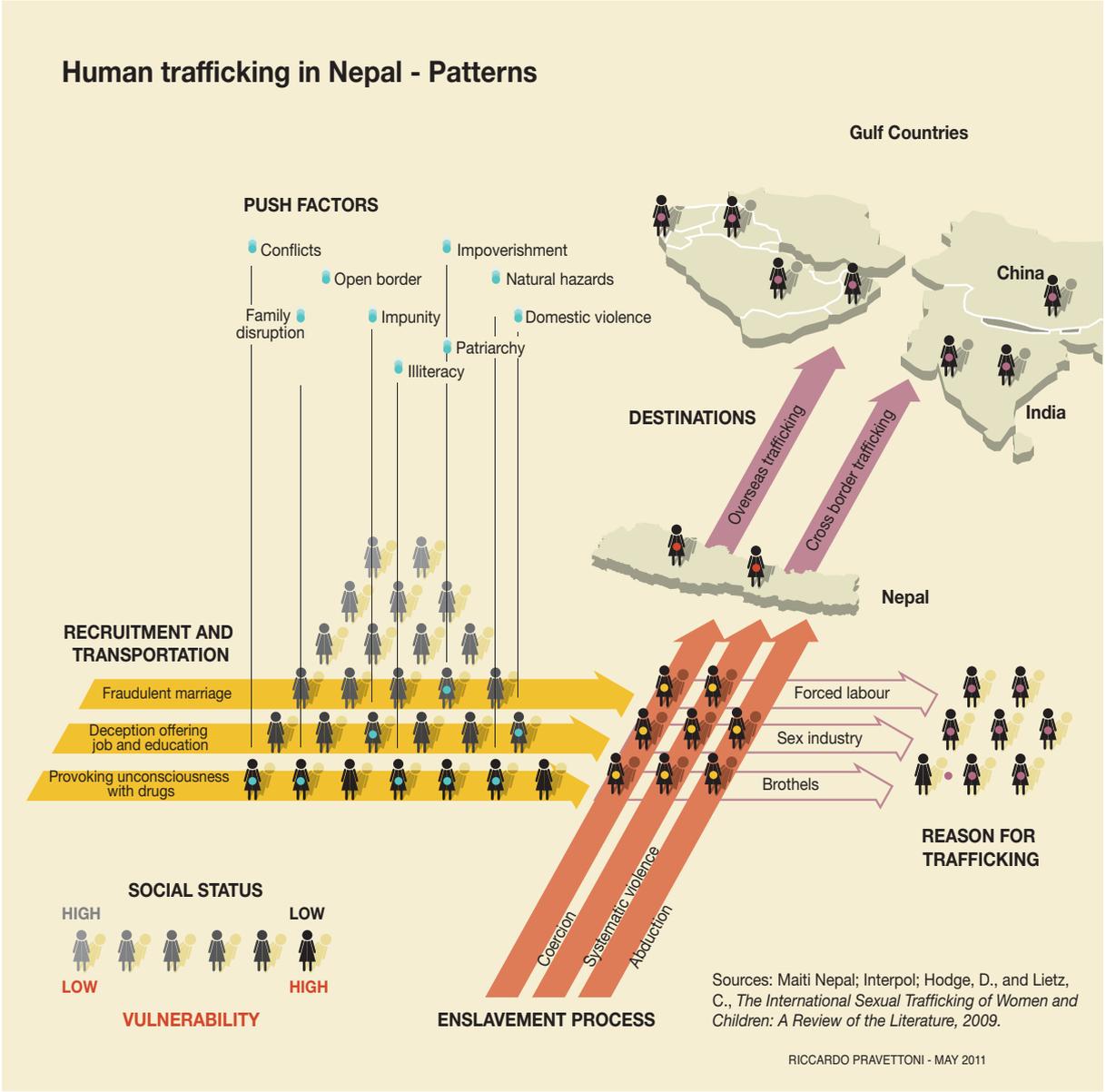
RICCARDO PRAVETTONI - MAY 2011

Fig. 4: Measures designed to address migrants are profoundly different from those needed to target ruthless exploiting traffickers or armed groups benefitting from human trafficking. Simply criminalizing all people involved in smuggling irrespective of their location or role in the chain may have severe repercussions on the most vulnerable.

Trafficking of women and girls in Nepal

High trafficking risk districts

Documented trafficking border crossing point

Main destinations

Estimates of trafficked girls and women for brothel based prostitution

Thousands

12
8
1.5
0.3

Estimates not available

Sources: Maiti Nepal; NHRC, Trafficking in Person Especially on Women and Children in Nepal, 2008, Interpol; *Press Review*.
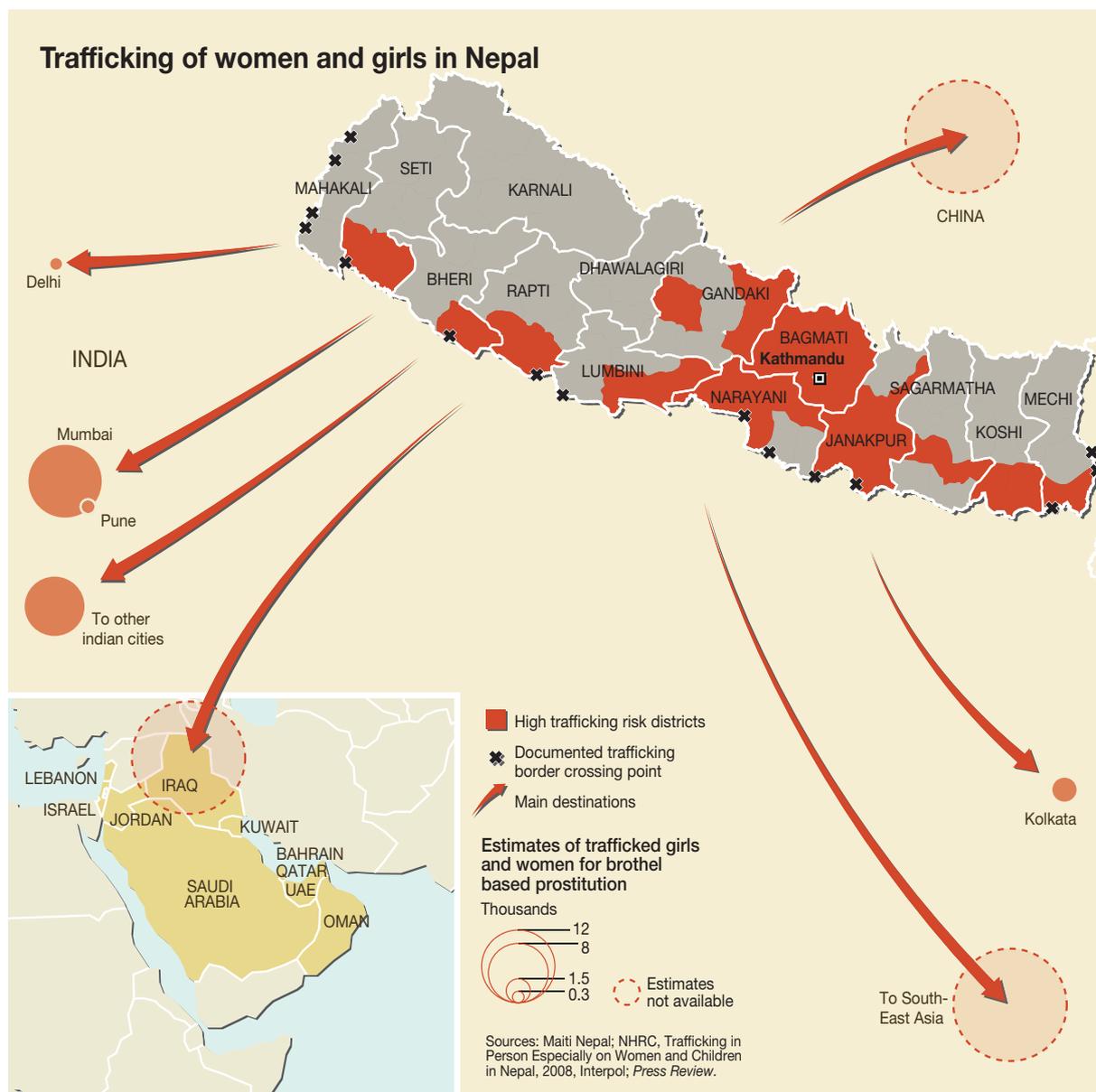
Fig. 5: Trafficking routes out of Nepal. It is imperative with good intelligence to determine whether you are dealing with migrant smugglers, traffickers, a mix – and of detailed knowledge in order to design effective measures that do not put vulnerable individuals at higher risk.

In addition, the majority of multilateral instruments being established have also focused on migrant smuggling and human trafficking as a twin threat. For example, the recently established Khartoum Process – a partnership between EU states and countries along the main migration route from the Horn of Africa to Europe – pledges "to undertake concrete actions to prevent and tackle the challenges of human trafficking and smuggling of migrants between the Horn of Africa and Europe, in a spirit of partnership, shared responsibility and cooperation."[11] However, the actions and interlocutors required to combat trafficking only marginally intersect with those required to combat smuggling. The former would require focus on recruitment agencies and on a very restricted portion of the human smuggling community. The latter requires a dialogue between states, targeted at improving democratic governance and the rule of law in the sending states in question, as on the whole the greatest threat to migrants across borders comes

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not from the smugglers, but from the border control efforts of the contested states in the Horn of Africa themselves. In this region, smugglers are predominantly recruited as protectors of migrants from predatory states. However, when the two are conflated, the Khartoum Process partners can take the relatively neutral and security focused actions to combat trafficking, whilst overlooking the broader requirements for managed migration, and still claim to have complied with the spirit of the compact.

The number of victims of trafficking, when compared to the numbers of smugglers facilitating border crossings, is only ever a minute fraction. While it may be the worst outcome of a rife smuggling market, if policies are not directed at addressing the root causes of mobile populations and directed holistically at the majority of the smuggling industry, the efforts to prevent trafficking will overwhelm and exacerbate the migrant smuggling challenge. Strengthening intelligence along the full chain, as well as a nuanced understanding of the various actors in the spectrum, is therefore imperative for identifying sustainable solutions.

Why a smuggling mafia develops

While the portrayal of smuggling as a community affair is true in many contexts, that irregular migration is also facilitated by transnational criminal groups, local mafias and violent militias is also not in question. The highest profits in the human smuggling industry are found where the routes being delivered span a vast distance, cross borders or environments that are high-risk, and where the level of surveillance or penalty is high. Where human smuggling becomes more profitable and dangerous, it attracts groups and networks already highly proficient in illicit trafficking in other commodities, or with capacity to strong-arm or corrupt local officials, extort criminal rents and protection taxes.

Fig. 6: Criminal economy along migrant and refugee streams to Europe, 2015.

In this way, therefore, human smuggling plays closely into the local political economy two ways: not only are sometimes the people being moved are often the most marginalized and under-served in society, but those who stand to profit from their movement are those with territorial control. Furthermore, helping people to escape from situations of conflict, persecution and political repression can itself be a political act. Human smuggling thus feeds into dynamics of influence, control, criminality, violence and conflict.

In the post-revolution political transition in Libya, control of human smuggling routes has directly influenced the success of the political transition, and human smuggling itself has become highly militarised. Militia groups heavily involved in central state politicking in the divided national government have profited significantly off the coastal boat trade; nomadic groups in the South have translated smuggling profits into territorial control, including over other trafficking routes and for the rights to 'protect' Libya's oilfields. The detention and subsequent extortion of migrants has become a source of revenue for another set of militia groups and political interests. The consequence for those migrating is clear: the commoditization of migration, skyrocketing levels of abuse, violence and death, whilst the nations stability and capacity for governance is irreparably eroded.

Libya has been a preferred departure point in North Africa because of the destabilizing civil war leading to lacking law enforcement capacity, which in turn has led to a permissive environment of increasingly entrenched criminal smuggler networks. Over three years, with repeated interaction and profits, what begins as opportunistic smuggling increasingly becomes replaced by larger and more resourceful networks that have unspooled to recruit new migrants from across sub-Saharan Africa.[12]

At its peak, in 2014, more than 170,000 people departed from Libya's shores heading towards Italy. While numbers declined in 2015, 2016 looks likely to exceed this record, not only in the number of people making the crossing, but in the numbers that have died.

By far the majority of migrants and refugees coming to Libya for onward shipment have to cross via four main bottle necks in the deserts villages and towns (see map). For transport to major shipping points out of Libya the majority have had to either cross what was, until recently, territory controlled by the Islamic State, or by a road in "no-man's land" just south of the coast, previously de facto in Islamic State control or within easy strike range (ca 40 km).

Shipments out from Libya have primarily concentrated on the west coast of Libya in an area known as the 'Lampedusa Triangle'. Until 2016, the favoured departure point was a coastal town called Zuwarah, west of Tripoli, where profits from the migrant trade fed into a self-determination struggle of the marginalized Amizagh people. When popular protests at the rate of deaths forced smugglers out of the town, control over boat smuggling has fragmented and dispersed across a broader stretch of Libya's coastline, including into areas with significant militia-fighting and Islamic State control.

The country-of-origin composition and numbers of migrants in Libya varies according to different agencies' assessments. Frontex reports more Nigerians (via Niger), Eritreans and Somalians entering the Central Mediterranean route in 2015, with a total of 47% from these three states.[13] IOM has a different picture of the nationality of migrants at present in Libya, with Niger, Egypt, Chad, Sudan and Ghana in the top five. They report 90% are male.[14] Niger reports a net outflow of about 30,000 migrants towards Al Qatrun in Libya. Some of the discrepancy between agencies may have to do with hidden identities and forged travel or identity documents. For example, a large number of North African migrants claim to be Syrian.

In the United States, the decades of so-called 'Coyoteros' or 'Coyotes' in smuggling migrants from Mexico to the US (the 'Coyotage') by a long range of systems including vessels, tunnels and other means effectively bypassing any border fence. With the country's extensive land border, it has proven almost impossible to block the flow. 17 major hubs for the migrant smuggling trade were identified, with larger criminal groups operating from Mexico to Texas, Florida, East Coast and even on the Great lakes as entry points for Latin-American migrants.

12   Europol and Interpol (May 2016), Migrant Smuggling Networks - Joint Europol-INTERPOL Report Executive Summary, p 8
13   Frontex (2015), Risk Analysis for 2016, p 17
14   IOM Libya Report (August 2016), *Displacement Tracking Matrix: Round 5 Mobility tracking*, p 20

Addressing only destination border control without addressing the full smuggling chain may reduce some flows, but also cause rise in the further involvement of organized crime and regular traffickers along with increased levels of human rights violations, abuse and deaths of border crossers.[15]

It is critical to understand that, counter-intuitively perhaps, due to the nature of the smuggling industry and the relationship between clients and smugglers, efforts that only target destination borders and disregard both root causes as well as fragile states and transit countries will invariably benefit organized crime and make migrants and refugees more vulnerable to exploitation. The more challenging a border becomes to cross, the more punitive and militarized the levels of enforcement, the more a smuggler is required, the more he/she can charge, and the more risk-accepting and professional he will need to be. Therefore, the more profitable and risky the industry becomes, the more likely it is to be run by the most violent and criminal in the human smuggling spectrum.

Furthermore, when punitive law enforcement action is targeted at relatively unsophisticated smuggling operations it is minimally effective: widespread arrests have little impact on the functioning of the market as the local agents are easily replaced by others from the community. Instead, this exacerbates confrontations between migrant communities and smugglers who serve as their facilitators and protectors, and closes down opportunities for longer term engagement and development.

Where law enforcement action can be effective is when targeted at the more sophisticated and longer route journeys that require a greater degree of criminality (such as the creation of fraudulent documents) or have closer links to the legitimate economy where investigative law enforcement tools can be potent. In the cash based informal economies of local routes and border crossings, these are largely ineffective, and threaten informal economic resilience mechanisms.

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15   See Pickering, S. and McCulloch, J. (eds) 2012, *Borders and crime: pre-crime, mobility and serious harm in an age of globalization*, Palgrave Macmillan, or for example, David Kyle and Marc Scarcelli (2009) 'Migrant smuggling and the violence question: evolving illicit migration markets for Cuban and Haitian refugees', *Crime, Law and Social Change*, 52:297-311

Trafficker gang arrests and Latin-American migrant smuggling hubs in the US

CANADA

Minneapolis

Boston

Detroit

Chicago

New York

Philadelphia

San Francisco

San Jose

UNITED STATES

Los Angeles

Atlanta

Houston

Miami

■ Main commercial hubs

Anti-immigration "filters
— Militarized barrier
— "Frontera olvidada": jointly controlled by USA and Mexico

Gang member arrests, 2013

150 100 50 25 5

Immigration as workforce
Percentage of irregular migrants integrated in the workforce

0 2 4 6 8 10

MEXICO

BELIZE

GUATEMALA

HONDURAS

EL SALVADOR

NICARAGUA

COSTA RICA

PANAMA

Gang member arrests, by gang

MS-13   18thStreet   Latin Kings   Ernesto Ramos Antonini PHP   Mexican Mafia   Linda Vista Crips   M18   Trinitarios   Tiny Radical   Latin Counts   Texas Syndicate

Surenos 13   Chirizos   Bloods   Barrio Azteca   Gangster Disciples   Raza Unida   Crips   Tango Blast   Santiago Iglesia PHP   Norteno

Fonti: The Washington Post, Who's crossing the Mexico border? A new survey tries to find out, 2013; Brooking Institute, Metro North America: Metros as Hubs of Advanced Industries and Integrated Goods Trade, 2013; Buzzfeed, The Deported: Life On The Wrong Side Of The Border For Repatriated Mexicans, 2013; Center for immigration studies., 2013
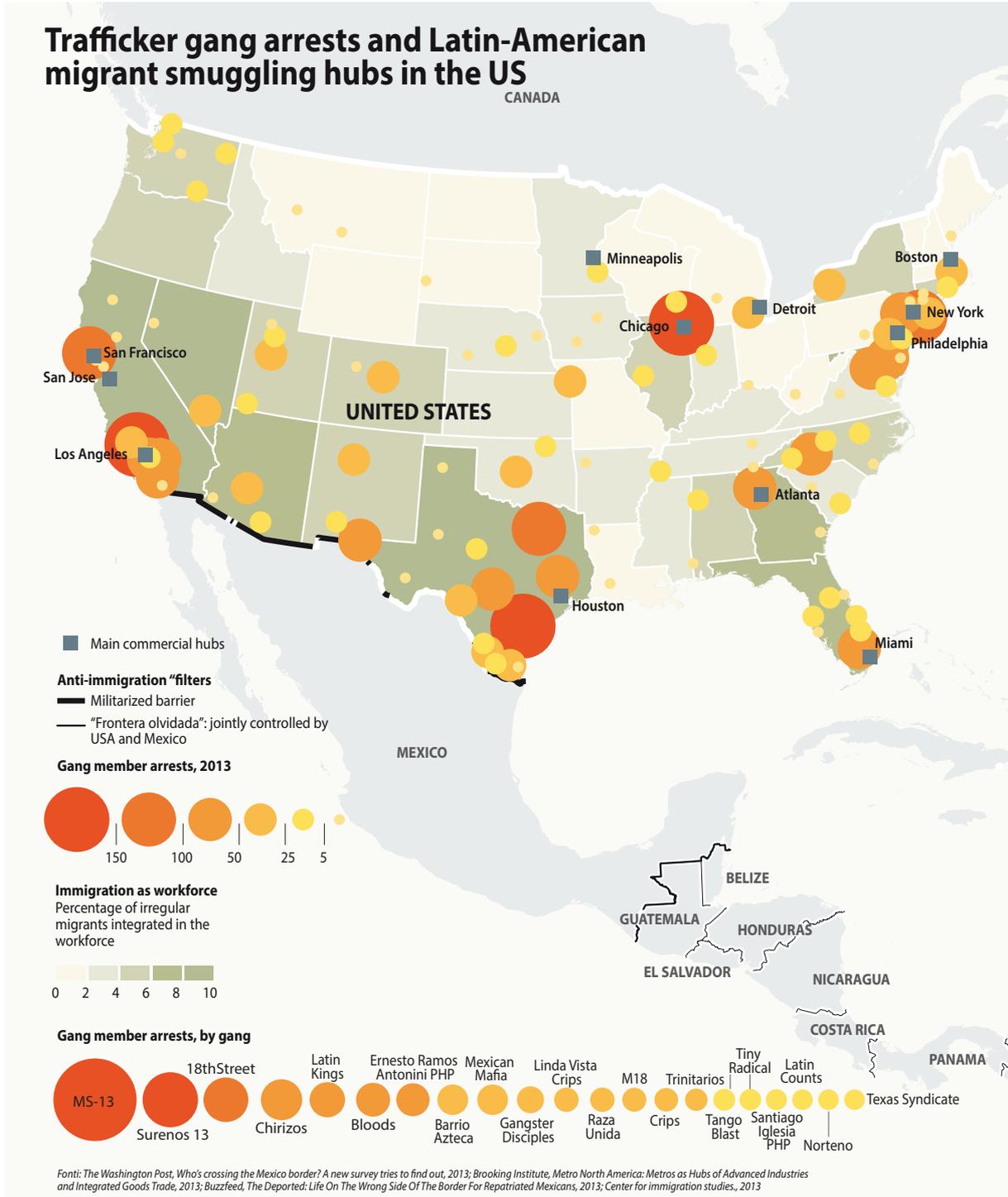
Figure 7: Smuggling hubs of migrants into the US are far from confined to Mexican border alone. Addressing the smuggling networks require more sophisticated approaches.

Migration Pressure and Stagnant Populations

One of the greatest risks of a strategy focused on border controls and restricted movement in isolation without also addressing the full smuggling chain is that it creates stagnant populations behind new borders. Whether these fall in Calais, Idomir, Gazientep, or in Dadaab, Karachi or Mexico City, large pools of frustrated and stagnant people become a source of are a significant risk and expense for the countries in which they are found. Therefore, in the logic of good migration management, there are very few incentives for states of transit to build up borders and restrict movement of people earlier in the journeys, but will rather facilitate transshipments and even allow smuggling networks to operate with impunity. It creates a source of insecurity and a recruitment ground not only for smugglers but also for human traffickers and other criminal groups.

Stagnant populations, particular where there is a strong unsatisfied desire to migrate, become easy recruiting grounds and visible potential profit centers. Migration and trafficking – along with deliberate use of atrocities to drive out populations - have been applied through conflicts in millennia, more so in recent years to gain territorial control for certain political or ethnic groups, or to generate incomes by controlling smuggling routes, or to sell fuel to refugee camps or to tax human traffickers. Examples include atrocities to drive out populace from Darfur to gain access to resource locations, atrocities in DRC to drive refugee streams and subsequently sell charcoal to refugee camps or utilize forced labor in illegal mines,[16][17] or the push in 2014-2015 of Islamic State to control the Syrian border to Turkey, vital for smuggling of oil and antiques.[18]

For the 3 million strong Syrian community in Turkey, for example, instances of early and forced marriages, polygamy, sexual harassment, human trafficking, and rape of Syrians in Turkey, are all key concerns, according to a 2014 report by the Association for Human Rights and Solidarity with the Oppressed (known in Turkish as Mazlumder),6[19] and reiterated by numerous reports since. Criminal gangs bring refugees to towns along the border or into the local bus terminals where "refugee smuggling" has become a major source of income. Professional criminals convince parents that their daughters are going to a better life in Turkey. The parents are given 2000-5000 Turkish liras ($700-$1700) as a "bride price" -- an enormous sum for a poor Syrian family -- to smuggle their daughters across the border. Yet despite significant anecdotal evidence, it difficult to determine the extent of human trafficking and related crimes due to a dearth of data and sensitivities around the topic. Victims of trafficking often fail to report crimes due to stigma, fears that they will be arrested or deported, and because of a lack of income generating alternatives. Similarly, since the closure of the Balkan route in early 2015, a Serbian NGO has documented increased cases of migrant children being targeted for sexual extortion, where criminal smuggling gangs send nude photos of children to family members back in the country of origin, and the raping of women and girls for online pornography. The failure to implement measures along the chain also in transit countries simply put migrants and refugees at higher risk, and often in more fragile or less resourceful transit countries.

Protecting vulnerable migrant communities in this stagnant state is critical, firstly for the sake of the migrants themselves, and secondly to prevent them becoming a security threat or a source of political unrest. Rather than encouraging them to pool and stagnate, and thus serve as a highly visible and profit recruitment ground for smugglers and criminal groups, finding multiple locations and means where migrants and refugees can safely disperse, and find productive livelihoods in alternative locations closer to source.

16   UNEP-MONUSCO-OSESG. 2015. Experts' background report on illegal exploitation and trade in natural resources benefitting organized criminal groups and recommendations on MONUSCO's role in fostering stability and peace in eastern DR Congo: http://www.unep.org/newscentre/Default.aspx?DocumentID=26802&ArticleID=34958

17   UNEP-INTERPOL.The environmental crime crisis. A rapid response assessment: http://www.unep.org/unea1/docs/RRAcrimecrisis.pdf

18   Tuesday Reitano and Mark Micallef, "Breathing Space: the impact of the EU-Turkey Deal on Irregular Migration through Turkey to the EU," *Institute for Security Studies*, forthcoming October 2016.

19   Mazlumder, "Report on Syrian Women Refugees", May 2014: http://world.mazlumder.org/webimage/files/The%20Report%20on%20Syrian%20Women%20Refugees(2).pdf

Migrants in the EU: main countries of origin and destination

First time asylum applicant, 2015
Thousands

430
100
50
10

Country of origin
Country of destination

Main destinations
Primary destination
Second and third destination by number of asylum seeker

Note: only the first 10 countries by origin and destination, and only the first three destinations by country are represented
Source: Eurostat 2016

Riccardo Pravettoni - RHIPTO 2016

Fig. 8: Intelligence is needed to design effective measure to address the full chain.

A new policy focus

To be effective in addressing migrant smuggling as a potent vector in the large scale movement of people requires a new mindset and some more innovative responses. The spectrum of smugglers are just a vector that feeds and amplifies existing demand for movement, and it will be challenging to fully address smuggling as long as demand exists, while it is also ineffective addressing only criminal networks in the recipient end without addressing the full chain.

The goal therefore, should be to reduce the level of criminality, violence and destabilizing impact of the smuggling industry in its entire chain and address both pull-push factors. There are some clear lessons and approaches that can be applied across the board; others will have to be tailored to the granular realities of the source, transit and receiving zones in question.

1. An ongoing and proactive capacity to monitor and analyse smuggling markets

Paragraph 25 of the expected outcome document states: "We will make efforts to collect accurate information regarding large movements of refugees and migrants." In order to achieve this, collecting information about the actors and status of smuggling markets will be essential, and must be built into the capacity of front-line migrant receiving organisations. For example, asylum seekers and illegal migrants need systematically to be interviewed: asking who has facilitated their journey; how much they have paid for their trip; at what point or how many times payments were made. This will allow a proactive capacity to monitor the formation of more organized networks and allow rapid responses to break them down, and to allow the humanitarian community to better anticipate and prepare for large scale population flows.

2. Closely analyzing the political economy of smuggling routes and hubs

The analysis shows that human smuggling is highly integrated into local political economies, and these need to be closely understood and monitored to understand the root causes of flows; their direction and scale, but also the likely impact on local socio-economic conditions that a growing migrant flow will have. How much money smugglers are earning, and how they are spending those funds, is critically important to understanding the potential impact of the trade on the stability of states and levels of violence and criminality. In situations of conflict, peacekeeping operations need to address the role of criminal networks in conflicts, especially where benefitting armed groups, and to understand smuggling as a source of insecurity.

As noted, smugglers often have a uniquely political motivation and affiliation to the communities they serve. They must then be understood to be a party to their domestic political economy, and not simply a criminal element to be excised. Instead, they should be expressly included in any political, economic or social negotiation or agreement as an interest group, and incentives provided to encourage them to renounce this form of illicit trade. Solutions generated with internal solutions are more likely to be successful and sustained than those imposed as an external priority with nothing other than financial incentives offered. This is quite different from where you are primarily dealing with traffickers who are directly involved in a large exploiting trafficking chain. In other cases, these have gradually merged – and the need for good intelligence even more important. Without solid insight, measures can produce detrimental impacts on the most vulnerable, namely the migrants.

3. Focused law enforcement action on high levels and high profit routes and traffickers

Lessons learned from breaking down other industries is that the target for law enforcement action should be higher up the hierarchy of industries, or by attempting to track and seize the profits. In this case, the mass arrest of low level brokers has little impact on the industry apart from to knock out the most benevolent actors and increase the risk for migrants. The goal should be to break down the groups with association to other forms of organized crime, those practicing high degrees of violence, extortion or abuse, and those where intelligence activities have the highest chance of success - on the full-package routes by air.

4. Targeted strategies to provide incentives and alternative incomes and livelihoods for the smuggling community

The repatriation and reintegration of refugees and failed asylum seekers has been a priority for the international community in addressing migration. Similar attention, however, needs to be paid to the communities and groups whose livelihoods have become reliant on income from smuggling of migrants. This is particularly true for marginalized border communities, such as in Libya and the borders to Eritrea. Here, enforcement operations must be aligned with targeted development support, a phenomenon so well known to anti-poaching operations and counter-insurgency operations.

The international community has a basic do no harm principle, and in some cases breaking down the smuggling industry will do more harm than allowing it to stand. Smuggling hubs have formed in remote border communities, serving as a crucial income source for where there are few other alternatives. When interventions are made to close
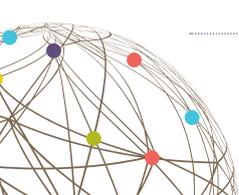
down smuggling routes and reduce the number of people travelling, the consequences on the local economies can be grave. Efforts to stop the industry shouldn't be attempted without a clear plan on what should replace it.

A Nigerian smuggler interviewed in Agadez explained in May 2016: "*If the government manages to stop this traffic it will kill us, literally. We would starve to death.*"

In some cases, engagement in human smuggling may be by far the lesser of evils. A Libyan smuggler explained to us: *When there are no more migrants, we will go back to war or kidnapping white people.*

5. Create safety valves rather than stagnant populations

Efforts that restrict movement and cause large stagnant populations to build up with no medium to long-term perspectives, as the EU-Turkey agreement in March 2016 has done, are inherently a great risk. They create the conditions for the worst forms of the smuggling industry to thrive. While border control may sometimes be deemed necessary, it must be associated with efforts to address the entire chain. The surge in part of the migrant and refugee flows out of the region surrounding Syria in 2015 coincided with collapse in aid to refugee camps.

We need to not only strengthen support to UNHCR and aid organisations to improve living conditions in refugee camps to reduce motivation to leave, but also to advocate for better policies in refugee and migrant hosting transit states to allow populations to integrate and become profitable members of society.

Rather than create stagnant populations in former transit states, and as an alternative to gathering people into camps and service centres, an optimal alternative would be to disperse them as thinly and widely as possible, by offering incentives and alternatives for localized movements. In regions where freedom of movement exists, for example in the ECOWAS zone of West Africa, the smuggling industry makes little profit and therefore remains a marginal or collateral activity.

Efforts should go into maximizing the number of potential places where migrant populations could move freely, and to maximize their rights to live and work on their own reconnaissance. Strengthened ODA targeting not only least developed countries, but also to transit countries to push stronger sustainable development and business opportunities along with democracy and post-conflict reconstruction.

EU and Turkey's agreement to reduce the number of asylum seekers arriving from Turkey took effect on 20 March 2016. Very soon after crossings over the sea from Turkey to Greece dropped by over 90% to an average of 100 arrivals per day in August 2016. There are currently relatively few migrants and operational smugglers left on the Turkish side. The smugglers that remain active in Turkey are now putting more migrants in per dingy, from an average 36 to 63.7[20]

In the meantime, emphasis has shifted towards routes by air, with the offers of fraudulent passports and air tickets to every major European capital skyrocketing. Following the closure of the boat routes, a smuggler in Aleppo in June 2016 boasted, "*People travel by plane from Turkey to Germany, France, Spain, Italy … for each person we ask €8000. We give a fake European passport, we make trips from any airport.*"

20   Frontex Biweekly Analytical Update EPN Poseidon 2015 01-14 August

6. Apply peacebuilding techniques to counter smuggling

As the Syrian conflict has done, it is clear that situations of conflict and mass displacement can catalyse widespread movement, even beyond the immediate impact of the conflict zone. Smugglers facilitating the primary and secondary movement of refugees apply their business models to create mass movements of people.

Therefore, we call upon the UN Security Council to specifically address and consider the impact on human migration and refugees when endorsing the use of force in conflict. Without strengthened efforts on peace and reconciliation, including post-conflict interventions and reconstruction, the systemic underpinnings to migration crises will continue to exist. It is imperative that the UN strengthens its information and analysis capacity in order to design more effective response, and hence, apply and strengthen the full spectrum and tools available to the Security Council.
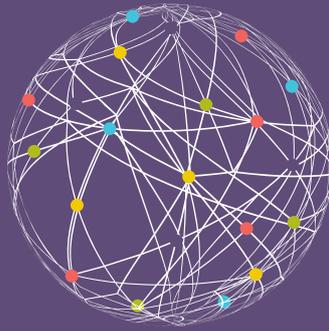
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