



## 18.

## Migrant smuggling in the Libyan context: re-examining the evidence

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***Abstract:** This chapter examines the interactions between migrants and the facilitators of their journeys. It argues that European Union-centric concerns over irregular migration that attribute smuggling to organized criminal networks alone have led to simplistic views of mobility facilitation processes in Libya and beyond. The findings show that people behind migrants' journeys are most often men, women and children from marginalized and impoverished communities, who have historically relied on the provision of mobility and transportation services to generate income, and they do so to achieve their own mobility and/or migratory goals and to reduce the impact of poverty and disenfranchisement. Yet stricter border controls and migration enforcement efforts, coupled with the shortage of legal, safe and dignified paths for mobility, have led to the emergence of unequal, abusive and violent interactions between migrants and facilitators.*

## 18.1. Introduction

Migrant smugglers figure prominently in the European Union's irregular migration discourse. References to their organization, activities, reach and callousness are also common in the migration literature, particularly in the case of Libya, commonly considered ground zero of the so-called European Union "migration crisis" and, until recently, one of the Mediterranean's main hubs for irregular departures into Europe.

Migrant smugglers operating in Libya have been depicted as members of transnationally organized crime networks, set up into militias and tribes scattered across the country. They are said to profit financially from the desperation of migrants eager to reach Europe, and to subject them to heinous exploitation and abuse. There are also claims of smugglers' involvement in other criminal activities, ranging from terrorism and jihadism to organ and drug trafficking.

The violence faced by migrants in transit through Libya must not be underestimated. There is abundant evidence on the specific crimes they endure (ranging from kidnapping for ransom to forced labour and human trafficking). However, there is limited empirical evidence specific to migrant smuggling facilitation. Despite the abundant references to smugglers' activities, only a few researchers have been able to carry out research within Libya over the years. Furthermore, most literature on smuggling endorses European Union perspectives on law enforcement and migratory control and focuses

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on containing irregular migration, constructed as a threat to the security of the European Union. This has led to the proliferation of a characterization of smuggling and its actors which is more reflective of European concerns over irregular migration, rather than those of the people who are forced to rely on smuggling, both as a mobility strategy and as an income-generating mechanism.

This contribution summarizes some of the findings of a case study on the dynamics of migrant smuggling in Libya post-Gaddafi. It argues that European Union-focused concerns over irregular migration that attribute smuggling facilitation to organized criminal networks alone have led to the proliferation of simplistic insights into mobility processes in Libya and beyond. Data show that the people behind migrants' journeys are most often men, women and children from marginalized and impoverished communities across Libya (including migrants themselves) who rely on the provision of mobility and transportation services to generate income. Also, they aim to achieve their own mobility and/or migratory goals, to reduce the impact of the growing inequality that afflicts them.

The facilitation of mobility in Libya is deeply and historically rooted in socioeconomic community life. For generations, it has been facilitated by transporters and traders of migrant, tribal or pastoral origin. Yet stricter border controls and migration enforcement efforts from the European Union, and the virtual absence of legal, safe and dignified paths for mobility, have led to the emergence of often unequal, abusive and violent interactions between migrants and those behind their journeys. This contribution sheds light on some of these interactions, their roots and implications.

## 18.2. Defining smuggling

Transporters and traders of migrant, tribal or pastoral origin have facilitated human mobility across the Maghreb, the Sahara and beyond for generations (Bredeloup and Pliez, 2011). However, growing concerns over irregular migration into the European Union have led to these services being considered as conducive to irregular migration to Europe, and in turn to be conceptualized as smuggling of migrants by a growing number of nation-States (Brachet, 2018).

A relatively new concept – it was articulated as such only in the year 2000 – smuggling of migrants designates “the procurement of the irregular, unofficial or undeclared entry of a person into a country different from his or her own for a material benefit” (UNODC, 2000). Its facilitators are described in the criminal justice literature almost singularly as smugglers, further showcasing the way the activities they perform are constructed as almost inherently illicit and/or criminal (Baird and Van Liempt, 2016; Van Liempt and Sersli, 2013).

The European Union literature on irregular migration generally describes smuggling facilitators as “criminal networks [which] organise the journeys of large numbers of migrants desperate to reach the EU” (European Commission, 2015) and as “unscrupulous smugglers who seek to benefit from the desperation of the vulnerable” (European Commission, 2016). They are also depicted as people who engage in “callous and inhuman business” (EMSC, 2019:27), through “closed [groups] only accessible through trusted partners and associates” (Frontex, 2019:29).

The victimization migrants face in their journeys is documented by numerous sources, in the form of media coverage, reports from intergovernmental organizations and academic research, and is almost singlehandedly attributed to smuggling facilitators. In Libya, this violence is often reported as procured by militias and tribes who prey on migrants' desperation (Bocchi, 2018; Reitano and Tinti, 2015). However, there is growing consensus that the demand for smuggling services emerges from the systematic decrease of paths for legal, safe and dignified mechanisms allowing people to move (Zhang, Sanchez and Achilli, 2018; Ayalew, 2018a). In other words, neither smuggling nor its facilitators are inherently violent. However, empirical research on the facilitation of migration and its actors is limited, as is our understanding of the migrant–facilitator dynamics, especially from the perspective of the actors themselves.

## 18.3. Facilitation of migration in Libya: the literature

The available literature shows that the facilitation of irregular migration across the Mediterranean is not a recent practice. In fact, the nature of Libya as an important smuggling hub had already been identified during the time of Gaddafi (Monzini, Pastore and Sciortino, 2004; Monzini, 2007). Researchers argued smuggling facilitators were organized into “a complex network of small- and medium-sized organisations... [operating] on a short time-scale, responding to changing problems with flexible solutions... aware of moving on unstable territory and in a situation of continuous change” (Monzini, 2007).

Recruiters or “go-betweens” were largely from the same countries as migrants, as Libyans were perceived as prone to engage in abuses and scams. Sara Hamood described how tasks were split along nationality lines, with Libyans being in charge of the boat journey itself, while non-Libyans were facilitated the contact between the non-Libyan “clients” and the Libyan “smuggler” (Hamood, 2006:60).

Hans Lucht also found that Ghanaian migrants departing from Libya often performed the role of boat captains to offset their fees, relying on their seafaring experience. “For this effort [migrants] are paid in the form of a ride for themselves as well as seats they can sell to friends or relatives at a reduced price. The appeal of this deal, however, is not financial. Most are themselves migrants en route and view the captaincy primarily as a means to reach Europe” (Lucht, 2012:131).

Abuse was also identified as commonplace, and was often traced to authorities, and not to smuggling facilitators alone. Hamood, for example, explained how migrants often had no option but to accept abusive financial terms on the part of authorities that yet afforded the possibility of continuing moving onward.

The end of the Gaddafi regime in 2011 and the start of a series of attempts of a military nature by actors seeking to gain control over the country (including the European Union) have had devastating impacts on the people who call Libya home. Civil war, continued political division and widespread insecurity have contributed to societal tensions, economic challenges, significant loss of life and population displacement, further straining public services and social cohesion (Fitzgerald, 2018; Human Rights Watch, 2019). United Nations data, however, indicate that none of these factors has stopped migration into Libya (UNHCR, 2019). However the end of the regime marked the beginning of a new series of attempts to control irregular migration and for Libya to regain visibility as a migrant smuggling hub, primarily as a result of its proximity to Italy. The persona of the smuggler, however, emerged in the literature with a new face. References to militias and tribes – comprising both tribal leaders and members, and local councils and armed groups established primarily after the fall of the regime, and seeking to protect their families and interests (Governments of Belgium, the Netherlands, Norway and Sweden, 2014) – as having taken over Libya’s smuggling market began to emerge in policy reports and journalistic content. Here militias and tribes were not depicted as the traditional traders and transporters, but instead as having violently taken over both migrant smuggling and trafficking activities in Libya, posing a serious threat to the European Union’s security, given their ability to facilitate the arrival of irregular migrants across the Mediterranean (Bocchi, 2018; Reitano and Tinti, 2015).

Today, most publications on the facilitation of irregular migration take as a fact the claim that smuggling has given place to “domestic servitude and sexual exploitation” (Reitano and Tinti, 2015:13), controlled by militias and tribes that “mushroomed” after the end of the regime. This claim is simplistic at best. Not only does it reveal the European Union’s attempts to construct irregular migration from Africa as a security threat. It is also ahistorical, for it fails to recognize the long-standing and extremely diverse practices of mobility facilitation that have existed across Africa and Libya itself. It also criminalizes socially embedded practices of fundamental importance for the survival of migrant, tribal and pastoral communities in the region, conflating long-standing trade and mobility strategies, with the criminal designation of migrant smuggling. This in turn has systematically justified European Union-funded measures to control and criminalize irregular migration and its facilitation. The designation of the tasks that facilitators perform under the blanket designation of migrant smuggling has certainly impacted their lives, those of their communities and the people who rely on the services they provide. Yet this characterization is based on scant if any empirical insights into the dynamics of mobility facilitation and its actors.

## 18.4. Smuggling of migrants in Libya: Re-examining the evidence

The contribution to this publication is an effort to provide grounded, empirically informed insights into the facilitation of migrant smuggling in and out of Libya. It is part of a larger case study carried out from 2017 to 2019 on the trajectories of migrants from Libya into the European Union and the interactions with the facilitators of their journeys (Sanchez, 2020). The study involved semi-structured, face-to-face individual interviews with 25 migrants, and three focus groups with an additional 14 migrants who lived in Libya from 2011 to 2017. The interviewees were all men, 18 to 45 years of age, who had relied on the services of a facilitator to transit through or leave Libya. They were from Ghana (4), Nigeria (4), Senegal (2) and Bangladesh (29). Fieldwork was conducted in the metropolitan area of Rome, Italy, and along the Tunisia–Libya border in communities known for their ties to migrant smuggling from Libya (Medenine, Ben Gardane, Zarzis and the checkpoint of Ra's Ajdir). This second part of the research involved 21 interviews with law enforcement officers, staff from intergovernmental organizations and civil society, and was supplemented with field observations and unstructured interviews with local informants to gain further insights on local migrant smuggling activities connected to Libya.

There are limitations to this research, starting with the number of interviewees. However, as a qualitative and ethnographic exercise, the research seeks, rather than to examine frequency patterns, to interrogate the relationships that emerge among actors – specifically, those related to power differentials – between migrants and the facilitators of their journeys. Another limitation is the fact that the interviews involve the perspectives of male migrants only. No contacts were made among female migrants who could describe their experiences in Libya. Future research must examine the dynamics of smuggling facilitation as experienced by women, through the lens of gender. While attempts were made to conduct research in Libya, institutional authorization was denied, given the security conditions. This challenge was ameliorated by carrying out supplemental work along the Tunisia–Libya border (where smuggling activities tied to Libya were known to take place). The security conditions and the increasing criminalization of migration facilitation prevented the researcher from openly contacting smuggling facilitators. As in prior work documenting other smuggling markets in North Africa, the researcher overcame this limitation by asking migrants questions not about the contacts or identities of smuggling facilitators, but about the nature of the interactions they had as migrants with the people behind their journeys. This strategy generated abundant information on facilitators and the strategies they relied upon to carry out their business, as well as those of the migrants at securing services conducive to mobility. Several of the people interviewed had themselves performed smuggling-related tasks in exchange for services, and openly discussed their experiences. As other researchers carrying out research in the Sahara and the Maghreb have noted, the deeply embedded and non-stigmatized nature of migration facilitation also allowed for information to be shared openly (Ayalew, 2018b; Richter, 2019). The sections below summarize some of the case study findings.

### 18.4.1. Smuggling and its actors

Facilitators of migration were ordinary people, living in border areas along migration pathways and in migrant enclaves in coastal towns and cities. They provided both mobility and/or smuggling services to either generate an income or to offset the costs of their own migratory journeys. They were both Libyans and nationals of other countries. Facilitators did not openly identify themselves as members of particular militias or groups. They were for the most part adult men, young men seeking to offset their smuggling fees and, reportedly, women on occasion.

Migrants who lived in Tripolitania stated that the people behind their journeys were often migrants who, lacking financial resources to reach Europe, worked for facilitators recruiting other migrants, acting as lookouts or guards at safe houses, bringing food or water to migrants as they waited, or performing general chores. Interviews with stakeholders and site visits helped confirm that facilitators were for the most part residents from communities with high levels of marginalization.

### 18.4.2. Motivations of smugglers

Most facilitators work in smuggling seeking a financial return. Transporting migrants across long distances or from remote locations for a fee was in this sample socially perceived as a legitimate form of labour without the stigma and risk present in other forms of smuggling, such as drugs or weapons. For some young people, it was also a source of visibility and status amid a widespread lack of employment opportunities. Young people often performed smuggling-related activities to offset the costs of their own journeys, given their families' or their own inability to cover costs.<sup>2</sup>

### 18.4.3. Migrants' perspective: Most migrants wanted to remain in Libya

Most migrants interviewed had no aspirations to reach Europe.<sup>3</sup> They arrived in Libya with the intention of staying there, having learned from their peers that jobs were available despite the conflict. Their goal was to earn money and pay off any debt incurred as a result of their journeys. Many encountered relatively stable jobs that allowed them to support their families back home and themselves.

### 18.4.4. Conflict, violence and abuse were widespread

Living conditions were manageable, yet not optimal. Migrants reported often being the target of verbal abuse, scams, robberies and assaults – often racially motivated. Several lost their employment in the aftermath of the war and found themselves without a place to go. Libyan and non-Libyan facilitators were also known to engage in abusive behaviours. Once they accessed migrants' information, facilitators often followed, threatened or assaulted migrants to convince them to opt for their services. Scam artists would also pretend to be facilitators to then steal migrants' money without providing any mobility or smuggling services. Several migrants stated that facilitators and scammers observed and profiled migrants and their habits in order to target them without fail.

### 18.4.5. The decision of migrants to leave Libya for Europe was often the outcome of a series of violent acts, the overall sense of insecurity and its implications

An interviewee who was abducted four times decided he could no longer remain in Libya, not only because of the insecurity but also because of the financial toll that ransoms had on his family. Family pressures were often cited as a reason to cross the Mediterranean. Having lost their livelihoods and being unable to send remittances, migrants faced high levels of stress given their families' financial needs and the demands for payment of previously acquired debt by creditors.

### 18.4.6. The risks inherent to the migrant-facilitator relationship were ameliorated by social networks

Contact details for reliable, trusted facilitators were available through migrants' own social networks. Facilitators were also known to frequent cafes, restaurants or other places where migrants congregated to recruit potential customers. Most migrants were aware of the widespread nature of scams, extortion and theft, which led them to proceed with caution. Referrals and recommendations reduced to a degree the likelihood of abuse. In other words, migrants were aware of the risks related to travelling clandestinely, and sought support from others like themselves.

### 18.4.7. There is not a specific “smuggling business model”

Smuggling fees varied widely and were almost invariably negotiated. It was common to find two migrants who, having travelled on the same boat, had paid significantly different amounts. Facilitators also had to work hard to generate their own income. They provided room and board; acted as security guards or lookouts; and served as guides, drivers, or performed other transportation-related roles. The data suggest their profits were slim given the variation

<sup>2</sup> On children in the facilitation of trans-Mediterranean migrations, see IOM (2015).

<sup>3</sup> Only 2 of 29 Bangladeshi migrants had heard of the possibility of heading to Europe; only 1 had planned to reach the continent from the onset.

in prices and the number of people among whom fees were often split. There is no indication that facilitators thrived financially and in fact most continued to live in their communities. This suggests limited social mobility, if any. Participation in smuggling was always an attempt to reduce precarity.

The facilitation of migrant journeys benefited many other people in the communities where it took place – for example, taxi drivers transported migrants to meeting or departure points, and shopkeepers sold food and water while they waited for their boats to depart. Many communities depended financially on the profits derived from migrants' journeys. This includes not only those concerning smuggling, but also other forms of mobility.

#### 18.4.8. Departures and journeys were stressful

Payment terms were for the most part clear. Travel arrangements, on the other hand, were hardly ever shared with migrants. Uncertainty was high. Facilitators never provided specific departure dates, since the likelihood of leaving depended on multiple variables – for example, weather, a confirmed number of paying passengers, the ability to transport them without detection, the availability of a working vessel, the prepayment of bribes to local authorities or other State actors, the presence of authorities and other facilitator groups who could be attempting to “steal” clients and by so doing charge separate and/or additional fees. Several migrants reported having waited at safe houses for days before being allowed to board a boat. Facilitators would often join forces and bring together groups of migrants to maximize profits, but coordination was difficult. Overcrowding, limited availability of food or water, absence of restrooms, and migrants' inability to contact their families caused tension in safe houses. Interactions among anxious, tired and hungry people meant facilitators often relied on threats or physical displays of violence to regain control or establish order. Many migrants also opted to escape, or to abandon the places where they waited once conditions worsened or when they lost hope that the journey would take place.

### 18.5. Conclusions

This contribution aimed to shed light on some poorly understood dynamics present in smuggling facilitation. It does not intend to capture or summarize all interactions between migrants and those who facilitate their migration in the Libyan context. Neither does it suggest the findings and observations made by other researchers on the topic are inaccurate or wrong. Its goal is to provide a grounded lecture of the dynamics of the migrant–facilitation interaction.

The limitations of this study are recognizably plenty. Travel to Libya was denied given security conditions. While many migrants performed smuggling-conducive activities, interviews with people systematically involved in the facilitation of migration were scant. The lack of female participants who could provide insights into the gender dynamics present in the facilitation of mobility is another significant and unfortunate gap (it is likely that significant numbers of women participate in smuggling, yet the gendering of the tasks they perform may imply they are not seen or perceived as relevant). An extended and detailed examination of young people and children as facilitators of mobility, based on their experiences and perceptions, is also much needed.

While labelled as migrant smuggling by the European Union, the facilitation of migrant journeys in and out of Libya must be recognized as part of a vast continuum of mobility strategies that throughout history have been practiced throughout North Africa by migrants, tribes and pastoral groups. The facilitation of mobility constitutes the livelihood of many communities in the region, which perform these tasks along with trade activities. They are, however, far from constituting smuggling alone, and they should not be referred to or described monolithically as such. Therefore, solutions to counter predatory, abusive migration facilitation must include initiatives to reduce the precarity faced not only by migrants, but by the facilitators of migrants' journeys and their communities, whose livelihoods have been impacted by the labelling of their labour as a form of organized crime by the international community in an attempt to control migration.

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