

Short-term Wins, Long-term Risks: Human Trafficking and People Smuggling in the Mediterranean Area

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As has been the case over the past three years, 2018 has been characterized by the increasingly urgent efforts by European states to quell the flow of irregular migrants across the Mediterranean, put to sea in lethal ways by human smugglers in Libya. And 2018 is worthy of note, because it appears that those efforts are finally beginning to take hold: sea arrivals in Italy have dropped by almost 75%.¹

Since the Valletta Summit held at the end of 2015, the European Union (EU) as a bloc and more so through the direct initiatives of some of its Member States has expanded its efforts to address the 'migrant crisis'.² The summit marked the launch of the EU's Emergency Trust Fund for Africa, which included a range of incentives to African states to partner more forcibly in the quest for migration control.³ It included, for example, a significant package of support to Niger, whose northern border with Libya was seen as a key staging post for West Africans heading towards Libya's coast. It also included

investments in Sudan and Chad, which, despite their complex political and human rights records, were seen as crucial partners if flows of people from East Africa and the Horn were also to be reduced. Individual Member States are reducing their investments in downstream development programming in order to support enhanced border security objectives.⁴

These efforts have borne the intended fruit, in terms of reducing migratory flows, though not without the ethics of the EU being called sharply into question. In Sudan, a part of the efforts to interdict migrants have been carried out by former Janjaweed fighters, resulting in NGOs reporting grave human rights abuses by those forces against migrants and in border communities.⁵ The Nigerien government, having agreed at the behest of the EU in 2015 to criminalize smuggling through a new law,⁶ has clamped down aggressively on the smuggling trade. Despite the strain that this places on the economy, sustainability and stability of the country's fractious northern regions, the government took steps to close down the migration hub of Agadez, arresting (largely low-level) smugglers and agreeing to take and dispatch migrants returned from Libya.⁷

¹ According to UNHCR arrivals data, 3,171 migrants crossed the Central Mediterranean between January and April 2018 compared to 12,943 during the same period in 2017. See: <https://data2.unhcr.org/en/situations/mediterranean/location/5205>

² EUROPEAN COUNCIL. *Valletta Summit on Migration*, 11–12 November 2015, www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-12/

³ EUROPEAN COMMISSION. The EU Emergency Trust Fund for Africa, n.d., https://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa_en

⁴ Catherine WOOLLARD. *Reclaiming security from migration*, European Council on Refugees and Exiles (ECRE), 23 March 2018, www.ecre.org/weekly-editorial-reclaiming-security-from-migration/

⁵ Suliman BALDO, *Border control from hell: How the EU's migration partnership legitimises Sudan's militia state*, Enough Project, April 2017, https://enoughproject.org/files/BorderControl_April2017_Enough_Finals.pdf

⁶ Abdoulaye MASSALAKI. "Niger passes law to tackle migrant smuggling, first in West Africa," *Reuters*, 12 May 2015, www.reuters.com/article/us-europe-migrants-niger/niger-passes-law-to-tackle-migrant-smuggling-first-in-west-africa-idUSKBN0NX1M020150512

⁷ Peter TINTI. "A dangerous immigration crackdown in West Africa," *The Atlantic*, 11 February 2018, www.theatlantic.com/international/archive/2018/02/niger-europe-migrants-jihad-africa/553019/

Italy Co-opts Militias to Reduce Migrant Departures, at the Cost of Migrant Rights

The intensity of these efforts has been seen in Libya, where an Italian strategy may have shown short-term results in reducing the number of boat departures, but in the long term may prove divisive and counter-productive for Libya's stability at a pivotal stage in its ongoing political transition.

The Italian intervention, with the aid of EU programmes, has led the Libyan Government of National Accord (GNA) to reclaim authority over its maritime search and rescue zone. NGOs operating in the central Mediterranean have seen their efforts stifled by judicial targeting, and the pitting of their rescue efforts against the Libyan coastguards⁸. The EU has bolstered the capacity of Libyan coastguard militias to intercept migrant boats and tow them back to Libyan shores, a practice that human rights and migration advocates have decried as being a violation of refoulement principles.⁹ After repeated incidents, in which the Libyan coastguard was documented as having fired upon some NGOs, a number of NGO agencies withdrew their rescue services.¹⁰ As a consequence, while the total number of arrivals may have fallen, the overall mortality rate for migrants in the Mediterranean has increased significantly.¹¹

More significantly, unilateral action by Italy – in competition with France over the control of the Libya file – pushed the GNA to co-opt a militia identified by the UN Panel of Experts as being heavily involved in smuggling and turn them into law enforcement entities in a mere six months. The move ended up destabilizing local political economies, triggering violent competition between militia groups in the coastal embarkation hub of Sabratha. The result was a 19-day war in

which more than 40 people were killed, 350 injured, and 15,000 displaced.¹²

With opportunity for onward movement stifled, the risk to migrants stranded in the country has increased with smugglers and militias seeking other means to monetize and exploit migrants, not least through the country's infamous detention system, or in unofficial smuggler facilities, facing harsh detention conditions, physical violence, abduction, extortion, sexual violence and forced labour.¹³

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The investment of considerable political capital by the European Union and its members in ending the migration crisis is understandable. Across the continent, elections are being lost, democratic norms and the rule of law eroded, and the strength of the Union has been weakened over the polarizing issue of migration. At the same time, however, the nature of the response is compromising much of the EU's moral capital, making it harder to advocate for partner states to hold higher governance standards themselves. For example, the EU was in no place to protest when Niger re-

⁸ Charles HELLER and Lorenzo PEZZANI. *Mare Clausum, Italy and the EU's undeclared operation to stem migration across the Mediterranean*, Forensic Architecture agency, Goldsmiths, University of London, May 2018, www.forensic-architecture.org/wp-content/uploads/2018/05/2018-05-07-FO-Mare-Clausum-full-EN.pdf

⁹ UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS. *EU 'trying to move border to Libya' using policy that breaches rights*, Geneva, OHCHR, 17 August 2017, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21978&LangID=E

¹⁰ GAVIN JONES. "More NGOs follow MSF in suspending Mediterranean migrant rescues," *Reuters*, 13 August 2017, www.reuters.com/article/us-europe-migrants-ngo/more-ngos-follow-msf-in-suspending-mediterranean-migrant-rescues-idUSKCN1AT0IZ

¹¹ INTERNATIONAL ORGANIZATION FOR MIGRATION, *Mediterranean migrant arrivals reach 16,847 in 2018; deaths reach 557*, 13 April 2018, www.iom.int/news/mediterranean-migrant-arrivals-reach-16847-2018-deaths-reach-557

¹² Mark MICALLES and Tuesday REITANO. *The anti-human smuggling business and Libya's political end game*, Institute for Security Studies, December 2017, <https://issafrica.s3.amazonaws.com/site/uploads/nar2.pdf>

¹³ HUMAN RIGHTS WATCH, "Libya: Events of 2017," *World Report 2018*, n.d., www.hrw.org/world-report/2018/country-chapters/libya

turned more than a hundred Sudanese migrants to Libya without consideration of their asylum rights, given that – despite all the evidence to the contrary – recognizing Libya as a safe destination for migrants was a necessary part of their own migration response.¹⁴

Growing Threats from Organized Crime

As far as the threat of criminal networks is concerned, the efforts to stem the irregular migration flow come late in the day. The protracted nature of the migrant crisis, which ran largely unchecked between 2013 and 2016, has had implications for the growth, connection and consolidation of criminal networks.

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Groups involved in the smuggling of migrants, which in 2013 might have been best characterized as a loose network of opportunistic ad hoc players, with the benefit of repetition have consolidated into profit-driven, exploitative criminal groups with true transnational reach. Furthermore, the

massive profits to be made on the migrant trade from Sub-Saharan Africa to Europe (which, according to EUROPOL, was valued at between €3 billion and €6 billion in 2016)¹⁵ has attracted criminal groups of other ilk, both in Africa and between Africa and Europe.

The smuggling trade has proved a boon to counterfeiters, document fraudsters and to corrupt officials along all of the routes.¹⁶ Closing down the established routes from Niger to Libya has dispersed migrants across other territories, using and enabling networks across North Africa.¹⁷

Nigerian groups with a long history in the human trafficking of women to Europe have taken advantage of the Libyan migrant routes and falling costs of passage to traffic vulnerable women into sexual exploitation in Europe.¹⁸ Camps of asylum seekers and refugees in Greece are reportedly a recruiting ground for smuggling networks and organized crime.¹⁹ Human trafficking groups across the Balkans have turned their hand to smuggling migrants desperate to get out of Greece and to continue to western Europe.²⁰ In Italy, the Italian mafia has infiltrated and captured many of the lucrative public contracts for the detention and processing of asylum seekers.²¹ The large population of migrants in Italy and beyond are also seeking employment in the informal and grey economies across Europe, are preyed upon by criminal groups, or disappear into the underworld when asylum claims are rejected. Most notable here is EUROPOL's claim that 10,000 unaccompanied child migrants have gone missing, assumed trafficked into forced labour, prostitution and forced begging rings.²²

¹⁴ Eric REIDY. "Niger sends Sudanese refugees back to Libya," *IRIN News*, 10 May 2018, www.irinnews.org/news/2018/05/10/exclusive-niger-sends-sudanese-refugees-back-libya

¹⁵ EUROPOL, *Migrant smuggling in the EU*, 2016, www.europol.europa.eu/publications-documents/migrant-smuggling-in-eu

¹⁶ Marion MACGREGOR. *Asylum seekers' trade in travel documents 'flourishing'*, InfoMigrants, 19 April 2018, www.infomigrants.net/en/post/8734/asylum-seekers-trade-in-travel-documents-flourishing

¹⁷ Matthew HERBERT. *At the edge: Trends and routes of North African clandestine migrants*, Institute for Security Studies, December 2016, <https://issafrica.org/research/papers/at-the-edge-trends-and-routes-of-north-african-clandestine-migrants>

¹⁸ Arwa DAMON, Brent SWAILS and Brice LAINE. *The sex trafficking trail from Nigeria to Europe*, CNN, 21 March 2018, <https://edition.cnn.com/2017/12/04/africa/nigeria-benin-city-sex-trafficking/index.html>

¹⁹ Helena SMITH. "Refugees in Greek camps targeted by mafia gangs," *The Guardian*, 20 August 2016, <https://www.theguardian.com/world/2016/aug/20/refugees-greek-camps-targeted-mafia-gangs>

²⁰ Tuesday REITANO and Jessica GERKEN. *The Balkans: A migrant gateway for jihadists?*, Global Initiative against Transnational Organized Crime, 1 May 2018, <http://globalinitiative.net/the-balkans-a-migrant-gateway-for-jihadists/>

²¹ Barbie LATZA NADEUA. "Migrants are more profitable than drugs: How the mafia infiltrated Italy's asylum system," *The Guardian*, 1 February 2018, www.theguardian.com/news/2018/feb/01/migrants-more-profitable-than-drugs-how-mafia-infiltrated-italy-asylum-system

²² Mario VIDAL. "No one is counting Europe's missing refugee children," *Refugees Deeply*, 20 July 2017, www.newsdeeply.com/refugees/articles/2017/07/20/no-one-is-counting-europes-missing-refugee-children

Long-Term Risks

As populist and anti-immigrant rhetoric continues to hold sway across Europe, the fear that migrants bring with them crime and possibly terror remains a strong rallying cry for right-wing politicians.²³

The response from the Union and its Member States to human trafficking and people smuggling across the Mediterranean continues to trade short-term wins, with questionable sustainability, against a serious escalation of the long-term risks of instability, criminality and possibly violent extremism

In several countries, laws are being changed to make it harder for asylum seekers to make a successful claim, to legally compete for domestic employment, and for refugees to reunify with their families or access citizenship.²⁴ The hope appears to be that these measures will reduce Europe's appeal for economic migrants. But, as with the interven-

tions in Africa, it is dangerously short-sighted and arguably counter-productive.

By restricting their access to legitimate employment opportunities, asylum seekers and migrants are forced into the underground economy. With the vast majority of migrants being male and within the young adult age range, depriving them of their families is to restrict access to a source of stability and an incentive to build a local community. The growing populist rhetoric in the European host populations increases migrants' sense of being alienated and undesired, making them more vulnerable to recruitment by criminal groups and to the narratives of violent extremism.

Both within and beyond EU borders, therefore, the response from the Union and its Member States to human trafficking and people smuggling across the Mediterranean continues to trade short-term wins, with questionable sustainability, against a serious escalation of the long-term risks of instability, criminality and possibly violent extremism. Democratic and human rights principles are being pushed aside by the political imperative to reduce migration flows. Sacrificing these principles and instead investing in securitized border control in countries of origin and transit with weak state institutions, damages the EU's leverage and credibility to demand better democratic governance from the states in question, a number of which are their own citizens' primary security threat.

²³ BBC News, *Germany: Migrants 'may have fuelled violent crime rise'*, 3 January 2018, www.bbc.com/news/world-europe-42557828

²⁴ Chloe LYNEHAM, "Family reunification in Germany: What's next?", *InfoMigrants*, 16 March 2018, www.infomigrants.net/en/post/8116/family-reunification-in-germany-what-s-next