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## Policy Paper

# Migration in North Africa

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## Migration in North Africa between sub-Saharan Africa and Europe

*Hassen Boubakri, Mehdi Lahlou, Saïb Musette, Marwa Mohamed*

The purpose of this policy paper is to outline key domestic developments and discussions related to migration in Morocco, Algeria, Tunisia and Libya. A more detailed account of the policy paper will be published later this month in form of a study, which looks at local perspectives and perceptions of migration in North Africa. It also examines the historical relevance, interconnectedness, and future prospects for the countries themselves.

### Introduction

HASSEN BOUBAKRI

Migration is at the very heart of the socio-economic challenges experienced in North Africa.<sup>1</sup> This part of the world has since the first decade of the 21<sup>st</sup> century witnessed deep changes in the patterns of migratory flows, be it at the departure, arrival, or transit levels. It is not only the nationals of sub-Saharan African countries who migrate to countries in Europe and North America, but also nationals of the Maghreb countries themselves. At least 10 million North Africans<sup>2</sup> are settled abroad. These outgoing flows come from all regions in all countries and from all social categories (workers, families, graduates, students). While part of these flows use legal channels, other migrants still cross the Mediterranean towards the Italian and Spanish coasts in an irregular manner. According to FRONTEX<sup>3</sup>, over a period of five years (2015-2019), 97,127 nationals from the Maghreb have been detected when entering the European countries illegally. 52,611 were Moroccans (54.1%), 27,639 were Algerians (28.4%) and 16,877 were Tunisians (17.3%). However, the issue of irregular migration does not concern North Africans only, but also nationals of countries in sub-Saharan Africa, who transit through the four countries of the region to cross the Mediterranean towards Europe. Indeed, the establishment of the

Schengen system since the last decade of the twentieth century and the growingly stringent entry and stay conditions on European territory have transformed North Africa into a transit platform to Europe at a time when there exists hardly any opportunity for migration through legal channels.

The Arab uprisings of 2011 have also deeply changed the migration landscape. The effects of the war in Libya (dismantling of the state authority, the relapse into civil war in 2014 and 2019 and the tight grip of militias and armed groups on the country) have spread across the border with the Sahel region where the situation has grown unstable by the return of fighters who took part in the Libyan conflict and the transfer of huge quantities of Libyan weapons. Since 2011, criminal networks of migrant smuggling and human trafficking transferred hundreds of thousands of African migrants mainly to Libya, then to Europe. The migration and asylum crisis in the Mediterranean between 2014 and 2018 is a direct consequence of the Libyan and Syrian civil wars. Terrorist attacks and growing insecurity in the Sahel, along with their destabilizing effects on the security and survival of local communities, are but additional ingredients that fuel migratory flows to North African countries on the way to Europe.

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<sup>1</sup> In this paper, the term North Africa refers to the region that includes Morocco, Algeria, Tunisia and Libya. Egypt, being part of this region, is not covered by this paper.

<sup>2</sup> This includes both the nationals of a Maghreb country only and the nationals of two countries.

<sup>3</sup> European Border and Coast Guard Agency.

Finally, North African countries have, in turn, become a destination for sub-Saharan migrants who cannot enter Europe legally or who have been prevented from crossing the Mediterranean by the security forces and the coast guards of the countries of the region. To this end, it should be noted that these countries have enjoyed strong support, including financial support, by the European Union (EU) and its member countries. Migrants have settled in these countries while continuing to prepare for the journey across the sea to Europe. New profiles of sub-Saharan migrants are emerging: students, athletes, informal workers, and domestic workers, among others.

This policy paper outlines the migratory characteristics of each of the four countries in the region (Morocco, Algeria, Tunisia, Libya), as well as the challenges that states face in managing migratory flows while taking into account both their own interests and their commitments to their European partners. The issues underlying the management of these flows are many: the migration policy agendas of the two sides, and the implications for the configuration of the southern European neighborhood. As North Africa has its own neighborhoods (Sub-Saharan Africa in the South and Europe in the North), we should seek to understand the logic behind the choices made and the constraints the states of the region face in their mode of management of the flows to which they are exposed. North African societies, as relevant dynamic bodies, cannot be overlooked in these analyzes.

## Morocco

*The starting point for the departure, transit and settling of migrants: regional context and political fallouts.*

MEHDI LAHLOU

Located south of the Strait of Gibraltar, only 14 km away from Europe, and less than 80 km from the Canary Islands across the country's Atlantic coast, Morocco became one of the main migration routes linking Africa and the European Union at the end of the 20<sup>th</sup> century, and probably the leading one in the period between 1998 and 2010.

In consequence, Morocco is today a major player as regards Euro-African relations in terms of the reception of foreign migrants and refugees - especially from sub-Saharan Africa - on its territory as well as in terms of the public policies that are implemented to manage the migratory flows entering and leaving the country's borders.

On the surface of it, Morocco, the country with the second largest population in the Maghreb region (35 million inhabitants in 2020), might seem to have been the main gateway used by African migrants to gain access to Europe since the beginning of the century and over a number of years. However, until today, this gateway has been mainly used by Moroccans themselves. Indeed, more than three million Moroccans currently live in EU countries such as France, Spain, Italy, Belgium and the Netherlands. Nationals of other countries entering Europe via Morocco rarely exceeded 20,000 per year and were no more than 7,300 in 2014.

Moreover, while Morocco represents a fairly important country of departure for its nationals, it is only a small host and transit country for foreign migrants looking for better living conditions outside their home regions.

This profile of the country was at the heart of today's Moroccan migration policy, particularly in light of the economic, financial and political relations that bind Morocco to the European Union.

Indeed, Morocco has become a country of migration since the early 1960s, when the labor needs of some European countries (France and Belgium in particular) and Morocco's own economic and social policies intermingled. But, since the mid-1990s, and the effective entry into force of the Schengen Agreement, Morocco has also become a transit country for sub-Saharan migrants seeking clandestine access to Europe. Later on, the country progressively turned into a land of refuge for migrants from sub-Saharan countries, but also from countries in civil war, such as Syria or Libya, or - sporadically, for a while - from countries experiencing economic crises such as Spain or Italy (notably in the period from 2008 to 2013).

This progressive change between 1992 and 2014 led to changes in Moroccan migration policy, particularly with regard to transit and residence migration in the country.

Before Morocco came to terms with the fact that irregular migration across its territory was a serious political problem, it went through a period of "non-migration" policies between the early 1990s and 2002 / 2003.

An important feature of this period was the increase in transit migration to Spain and other countries of the European Union, mostly in an irregular or illegal manner. Until then, the Moroccan government had shown a certain indifference to this phenomenon, partly because it considered that these migrations were not a matter of concern, nor that they would continue for a long period of time. Another reason for Morocco's stance on this issue was also that it believed that Spain, through its labor market, benefits from this contribution of young workers who supply the informal labor market, even if it is illegal.

However, as the number of migrants increased year by year - due to the growing importance of the main causes of migration from Africa, including youth unemployment, (social) insecurity, and global warming - and the link that became apparent between migration and terrorism after 2001 (following the September 11 attacks), Morocco's stance changed, partly in line with changes in European doctrine in this area.

Within this global framework, the first major step taken by Morocco early on in the second millennium was legislative in nature. Indeed, in the beginning of 2003, Rabat submitted a draft law on "irregular emigration and immigration in Morocco". After the Casablanca terrorist attacks on May 16, 2003, the Moroccan parliament unanimously adopted this law. Once the law, henceforth known as Law 02-03, promulgated, the Moroccan authorities enacted a set of institutional and operational measures that were deemed at the time necessary to support the state's new migratory approach and to best meet the country's interests in the framework of Morocco's

"Privileged Partnership" with the EU and its special relationship with Spain.

On the institutional level, since November 2003 the "Directorate of Migration and Border Surveillance" and the "Migration Monitoring Center" were both established. According to the Moroccan public authorities, this decision came to "streamline the working methods, fine-tune the analysis tools and optimize the deployment of the operational units in charge of surveillance of the illegal entry points along the country's borders, as well as to consolidate the considerations of all parties affected by the migration issue".

Europe showed full support for this move which was in line with the EU's objectives, thus sending a clear signal that the EU remained particularly attentive to all that was happening on the Moroccan side with respect to migration.

At the same time, at the operational level, the new "Moroccan Strategy to Fight Illegal Migration" promoted an intelligence-based proximity and prevention approach with a view to dismantling human trafficking networks. To this end, the necessary human and material resources were mobilized through a general and permanent system consisting of more than 7,000 members, 4,000 of whom were recruited to monitor the Moroccan coast.

This system, the most sophisticated ever implemented by Morocco to monitor the country's Atlantic and Mediterranean coasts, together with the Spanish "Integrated System of External Surveillance" (SIVE) established since 2002 in the south of Spain and then off the coast of the Canary Islands, and the intervention of the European Agency for the Protection of External Borders (FRONTEX), has made crossing the territorial waters between the two countries particularly risky.

More recently, since the end of 2013, at a time when Morocco was beginning to experience relative "migratory peace", with less than 0.40% of trans-Mediterranean migrations passing through its land and territorial waters in 2015, the country adopted a "New migration policy" then described as "more humane". Two key components of this

policy were the regularization of some categories of migrants and a National Strategy for the Integration of Migrants and Refugees.

In this context, a first migrant regularization operation in 2014 allowed the issuance of residence permits to 18,000 people in an irregular situation, enabling them to stay legally on Moroccan soil. In 2017, about 21,000 migrants from 113 different countries, mainly from sub-Saharan Africa, were regularized. According to Moroccan authorities, this number increased to 55,000 in 2018. However, in the same year, after the Turkish-Greek corridor in 2015 and the sea route between Libya and Italy in 2016/2017, the migration corridor in the Western Mediterranean became the first migration route between Africa and Europe.

The way the situation unfolded was just another reminder that nothing is a foregone conclusion when it comes to migration issues. Every time one migration route closes, another opens up. The reasons for this are obvious: the causes of migration of young Africans to other continents have remained unchanged in recent decades. In some countries, they have even worsened.

Indeed, Africa is still experiencing strong demographic growth, while poverty is rampant in some parts of the continent, partly because of the terrorism that has been ravaging the countries of the Sahel and / or the effects of global warming that have made natural resources, including water and forests, scarce.

## Algeria

*The key actors in Algeria's migration policy, the international dimension and the future prospects.*

SAÏB MUSETTE

The examination of Algeria's migration policy can be approached from two angles. A priori, there is no formulation of a policy with its principles, objectives, planning and budgeting according to international standards. From this point of view, Algeria is not unique in the world. The lack of a policy formulation is, in fact and in practice, a policy itself. No regulations have been issued. However, there is specific management of

migratory movements, which are regulated by the Algerian authorities through sectoral mechanisms.

### **Actors of the Algerian international migration policy**

The Algerian governance of migratory movements is based on a national policy whereby specific tasks are allocated between several ministerial departments. There are four categories of actors or stakeholders:

(i) The first category consists of four main actors, the Presidency, since 2020, with its deconcentrated institutions, including the national defense bodies, the Prime Ministry, the Ministry of Foreign Affairs (for regular migrations), and the Ministry of Interior, Local Authorities and Regional Planning (for irregular migrations).

(ii) The second category consists of two ministerial departments responsible for managing the migration of some specific categories; the Ministry of Higher Education for migrant students and the Ministry of Labor for foreign workers.

(iii) A third category of actors deals with the regulation of specific and unique missions, including those in the fields of justice, finance, health, and national and international solidarity.

(iv) A final category of actors consists of civil society actors (such as the Algerian Red Crescent, CNES) and social partners (workers' unions and employers' organizations).

This governance of migration is coordinated across sectors, albeit in a manner that is neither systematic nor regular. Indeed, this coordination is only cyclical in nature and takes place at times of crises and emergencies. It should be noted that the legislation organizing international migrations displays overlapping mechanisms. This horizontal distribution of the mandates to regulate migratory flows is nevertheless coordinated at the national and international levels with the Presidency and the Prime Minister's office in compliance with the international conventions to which Algeria has adhered, such as the conventions on fighting trafficking in human beings and smuggling of migrants.

### Findings relating to migratory movements

National data are used exclusively for the administrative management of incoming and outgoing flows. Movements can be observed on two tracks (in regular and irregular situations) using international data checked against national data.

According to national data, the number of Algerian migrants abroad is estimated at more than 2.3 million Algerian nationals registered with consulates abroad, i.e. 0.7% of the total Algerian population in 2019. They are mostly concentrated in Europe (87%), more specifically in France. Other destinations for Algerians include the Arab Gulf countries or even North America.

Most Algerian migrants in an irregular situation abroad are located in Europe. Eurostat data mentions an average of 18,600 Algerians residing illegally in EU countries over the past ten years (2008-2017).

Based on UN data, the estimated number of foreigners in Algeria stands at about 242,000 people from 56 countries around the world, i.e. 0.6% of the total population of the country. Most foreign workers are from China, while employers are from neighboring countries (Morocco and Tunisia). A tiny proportion of foreigners consists of migrant students while a more significant number are refugees and asylum seekers in need of international protection (namely, people from the Occupied Palestinian Territories, the disputed territory of Western Sahara or even Syria). It should be noted that most foreigners in Algeria are legal residents.

Foreign migrants in an irregular situation in Algeria come from more than 40 countries, according to data on interceptions by the security services. Most of those who have been intercepted come from three neighboring countries (Mali, Niger and Morocco), according to data published by the National Gendarmerie over the past five years (2012-2017).

### Algeria's actions at the international level

Having ratified most of the international conventions on migration, Algerian legislation has taken on board most of the provisions that

provide for the protection of the rights of migrants, be they Algerians abroad or foreigners in Algeria. In the framework of the implementation of these provisions, Algeria regularly prepares and presents [Reports \(2017\)](#) to the United Nations oversight bodies.

In addition to these official reports, Algeria is also bound by regional conventions and bilateral agreements concluded with foreign countries where significant numbers of Algerians live. Joint commissions have been set up to deal with priority issues within the framework of both bilateral consultations and regional bodies (African Union, League of Arab States, Arab Maghreb Union, Union for the Mediterranean or the 5+5 Dialogue Group).

Algeria's actions and spaces for consultation and dialogue therefore cover four geographical areas: the Mediterranean, the Arab world, Africa and Europe. With respect to Africa, Algeria has expressed reservations regarding the free movement of nationals of African countries on the continent. Regarding the European Union, Algeria has also expressed reservations about the establishment of platforms for the disembarkation of migrants in North Africa. Regarding the free movement of people in Maghreb countries, negotiations are underway with Morocco to reopen land borders.

### Current issues relating to international migration

Four migration-related issues are of particular relevance in Algeria today. First, irregular migration in both directions, either from abroad to Algeria or from Algeria to Europe. Second, the issue of migrant remittances to Algeria. The last two issues relate to the mobility of skilled workers and refugees, respectively.

(i) **Irregular migration** has been a major concern for the Algerian authorities over the past ten years. The enforcement of the 2008 Law on the conditions of stay for foreigners in Algeria has shown its limits, in particular with respect to the principle of non-refoulement of irregular migrants in Algeria: the collective repatriation process is systematically activated if migratory flows are deemed to be a threat to public order. The process

of regularization and / or naturalization is exceptional. With respect to Algerians living abroad in an irregular manner, Algeria has concluded readmission agreements with some European countries. However, some weaknesses have been observed in the implementation of these agreements. The issue of the return of migrants, both regarding the Algerians living abroad and the foreigners in Algeria has also been in focus.

(ii) **The issue of fund transfers** remains a problem with barely 1.2% of GDP in 2017. Most of the transfers are made by institutions and consist mainly of pensions. Personal transfers are of hardly any importance. In other words, the petering out process is underway. After more than ten years of decline, an upward trend in remittances was observed in 2015 ([World Bank, 2017](#)). Algeria is sparing no effort to replace money transfers with investments by the diaspora and to integrate the skilled nationals living abroad in the local development process in particular. This paradigm shift is not systematic.

(iii) **The mobility of skilled Algerians** is expressed as a brain drain abroad ([Musette, 2016](#)). Recent data show that the migration of high-level executives, in particular engineers and doctors, has accelerated. The need to put in place mechanisms to curb this trend is necessary because Algeria is unwillingly spending money to prepare skilled Algerians to migrate and work in foreign countries.

(iv) **The issue of foreign refugees in Algeria and of Algerian refugees abroad** remains currently unresolved. An Algerian law on the matter has been in preparation for several years. The majority (60%) of foreign refugees in Algeria are taken charge of by the UNHCR. Their relocation or return to their countries of origin remains a thorny issue, with geopolitical dimensions that fall under the remit of international bodies.

### Future prospects for Algeria

Algeria has taken its distance from the joint declaration of the Heads of States at the Valletta Summit between the EU and the AU as well as from its [Action Plan \(2015\)](#). It neither relates directly to the actions recommended within the framework of the Trust Fund, nor did it fully adhere to the African Union Protocol on the [Free Movement of People \(2018\)](#) on the continent. Algeria has not fully subscribed to the [Global Compact for Migration \(2018\)](#).

Algeria's handling of the migration issue needs to become more transparent and coordination between the different sectors needs to be strengthened. Likewise, the production of data on international migration indicators, which is part of the 2030 Development Agenda, should also make it possible to monitor migratory flows to, across and from Algeria, as well as the evolution of money transfers to and from Algeria.

### Tunisia

*Challenges and risks in a changing regional geopolitical and migratory context.*

HASSEN BOUBAKRI

### Multiple migratory functions

Tunisia's migratory functions have changed a lot between the 1990s and the second decade of the 21<sup>st</sup> century.

**Country of origin:** Tunisia remains mainly a country of departure for its own nationals seeking to settle abroad. Figures from the Office of Tunisians Abroad (OTA) indicate that 1.5 million Tunisians live abroad (OTA, 2018), 80% of which are settled in Europe.

Migration is central to the daily life of Tunisians. It cuts across all social categories, the rich as well as the poor, and all regions and cities of the country. Thanks to the remittances of the Tunisians living abroad (TLAs)<sup>4</sup>, migration makes a decisive contribution to the balance-of-payments equilibrium, without losing sight of the contribution of TLAs to social and territorial

<sup>4</sup> The volume of income from work abroad (or remittances) reached 6 billion Dinars in 2019, the equivalent of 1,9 billion Euros (Source: Central Bank of Tunisia. 2019 Annual Report)

development in the regions and communities of origin. Any disruption to the flow of remittances, regardless of whether its causes are related to Tunisia itself or to the countries of residence, can destabilize not only the families that have remained in Tunisia but also entire local communities, especially in regions of high migratory intensity that we can find throughout the entire country. The social milieu and the families that depend strongly on the remittances sent by TLAs are also found in large coastal towns such as Djerba-Zarzis, Sfax, Mahdia, Monastir, Sousse, Hammamet-Nabeul, Tunis, and Bizerte.

Besides this initial, and still predominant, function as a country of departure for the Tunisian nationals wishing to settle abroad, other functions have emerged.

**Transit country function:** Since the introduction of the Schengen visa system in the early 1990s, Tunisia has gradually become a transit country towards Italy and thus towards Europe. Moreover, the country was impacted, albeit indirectly, but to a large extent, by the fallout of political changes and upheavals that Africa in particular witnessed over two decades (1990-2010), such as civil wars and ethnic conflicts, or the international embargo against Libya between 1992 and 2003.

Irregular migration has since become the main mode of entry into Europe. In addition to Tunisian migrants, two other main categories of migrants in transit towards the Italian coasts have emerged:

(i) Nationals of other Maghreb countries (Algerians and Moroccans) who cross the Mediterranean from Tunisian ports to the Italian islands of Sicily and Lampedusa, and rarely to Sardinia.

(ii) Sub-Saharan migrants, or migrants from other countries (e.g. Pakistan, Afghanistan, Bangladesh, Sri Lanka), who use Libya or Tunisia as countries of departure to reach the Italian shores. Some of these migrants are refugees or asylum seekers, but the majority are economic migrants.

**The destination country function:** This function which is still only in its beginning, continues to gain momentum over the years: workers, adventurers, migrants in transit trapped in the country,

nationals of neighboring countries (Libyans, Algerians and Moroccans), European citizens settled in the country as investors and entrepreneurs or elderly populations (retirees and beneficiaries of other pensions).

Tunisia is also becoming a privileged medical destination for sub-Saharan patients seeking medical treatment, while Libyans and Algerians form the traditional clientele of the Tunisian private hospital sector.

Against this backdrop, Tunisia should foresee future developments which may strengthen this function of destination country, in relation to changes in its North African, sub-Saharan and European neighborhoods: the increased movement of people with the neighboring Maghreb countries (Libya and Algeria), and the increasingly frequent and extended stays of European retirees in Tunisia.

Tunisia must also reflect on how to manage the mobility of people across its sub-Saharan neighborhood in a context where it is stepping up its efforts to strengthen its economic relations with the two main regional economic communities, the Economic Community of West African States (ECOWAS) and the Common Market for Eastern and Southern Africa (COMESA). Opening up to sub-Saharan Africa will ensure that businesspeople, operators and experts from both sides could travel more frequently. To this end, regulations which are adapted to this mobility should be adopted to regulate the stay and movement of persons between Tunisia and its African partners.

The growing complexity of flows and the proliferation of categories of migrants who come to Tunisia, settle there, pass through its territory, or leave it, both in a regular and irregular manner, are a major internal challenge for Tunisia in terms of improving the way migrant flows are managed as well as in terms of ensuring good governance of migration. Externally, Tunisia faces other types of challenges related to its ability to control its borders, to mitigate the effects of geopolitical upheavals and security risks on its relations with its European, North African and sub-Saharan partners.

### Transit and irregular migration, internal challenges and regional geopolitical issues

The irregular migration of Tunisian nationals<sup>5</sup> is one of the symptoms of a deep and multifaceted internal crisis.

Domestically, the year 2020 witnessed an upsurge in the number of irregular migrants landing on the islands of southern Italy, the geographically closest EU Member State. Almost 14,000 Tunisians crossed the Mediterranean towards the Italian islands (Lampedusa and Sicily), i.e., 39% of the total number of migrants arriving on these islands. Tunisians therefore rank first among all irregular migrants.

In January 2021, the celebration of the tenth anniversary of the 2011 revolution was marked by a new wave of demonstrations, nightly protests and violent clashes with the police, the main actors of which are young people from the working-class and poor districts of many coastal Tunisian cities (Tunis, Monastir and Sousse) or of the interior regions (Siliana or Kasserine).

These violent social movements as well as the steep rise in the number of irregular migrants from Tunisia in 2020 (a country where young people make up 90% of the total irregular migrants) are but clear symptoms of the scale and depth of the social, economic and political malaise which has been worsening since 2011. The Covid-19 health crisis has further compounded the situation since the beginning of 2020.

The indicators and facets of this crisis are manifold:

(i) The economic crisis is reflected in deeper public deficits, rising debt, weak investments and the slowdown in the activities of many key sectors, such as the export industries. It is also evident in the fact that other activities, such as tourism, have come to a virtual standstill.

(ii) The social crisis, whose forms of expression are manifold. First, there are the soaring unemployment figures which are predicted to

stand at one million in 2021, against an average of 600,000 to 650,000 before 2020. Moreover, 100,000 students drop out of school every year (Boughzou, 2016; UNICEF, 2017) and the number of unemployed graduates is close to 250,000, i.e., 28% of the total number of unemployed (INS, 2019). Inflation and the depreciation of the value of the Tunisian currency against hard currencies (USD and Euro) have severely strained the purchasing power of the middle class and, even worse, that of the working classes. Hundreds of social protest movements take place every month. The interregional divide has not been addressed. The Regional Development Indicators (RDI) of the coastal regions are double those of the interior and southern areas.

(iii) The political crisis due to governmental instability (more than eleven governments in ten years), the sometimes tense competition between the three poles of power (Presidency of the Republic, Head of the Government and the Parliament), as well as the rampant corruption, have all contributed to a general decline in the Tunisian population's trust in the political elites. It should be recalled that these same young people express their anger in two ways: either by taking to the streets in Tunisia itself, or by fleeing the country as *harragas*.

### External challenges of migration for Tunisia

The reverberations of the Arab uprisings of 2011 continue to have an impact on migratory flows and on the way they are managed by the states concerned. Tunisia is directly concerned at three levels:

**The consequences of the Libyan civil war** have had a direct impact on Tunisia since 2014. The conflict has led to the collapse of the authority of the Libyan state and to the emergence of a situation of chaos where militias and local or regional armed groups are in control of the situation on the ground. One of the consequences of this situation is that Libya has become a platform for organizing migrant smuggling and human trafficking (see Marwa Mohamed's section on Libya below). Every time the victims of the

<sup>5</sup> In the three Maghreb countries, irregular migration is called '*harga*' (literally, burning the border, the travel documents and anything that could help to identify the migrant on his/her arrival

on European territory). The migrants themselves are called '*harraga*'.



conflict can escape these abuses, they flee Libya to seek refuge in neighboring countries such as Tunisia. For the past six years, Tunisia has experienced an annual influx of thousands of migrants (ITES, 2017)<sup>6</sup> who cross the border with Libya irregularly, forcing the army and security forces to engage in close border surveillance to combat this phenomenon<sup>7</sup> and to make sure that no members of terrorist groups cross the border with the migrants and refugees.

**Sub-Saharan countries** that have borders with Algeria and Libya, the two large neighbors of Tunisia, are still deeply destabilized by the consequences of the war in Libya as well as by the ongoing terrorist violence in countries such as Niger, Mali, Burkina Faso, Cameroon, or Nigeria, among others.

**Tunisia's relations with the EU member states** focus on three major areas related to Migration management:

- (i) The management of the affairs of members of the Tunisian diaspora living in Europe.
- (ii) Management of the mobility of persons and of irregular migration of Tunisians and foreigners departing from Tunisia.
- (iii) Trends in European public opinions and voters regarding migration issues and their impact on immigrant communities settled in Europe (strengthening of anti-immigrant parties, rejection of foreigners, reception of refugees and migrants, Islamophobia).

On the other hand, Tunisia must collaborate with the European programs to fight irregular migration, which requires the mobilization of the relevant departments, security services, and judicial apparatuses.

Tunisia needs to strike a balance between its national interests and its commitments and responsibilities vis-à-vis its European partners.

At the same time, Tunisian and foreign CSOs and academics as well as some Tunisian officials have

been critical of the outsourcing of the control of the EU's external borders on the grounds that this decision has undermined the fundamental human rights of migrants.

Finally, the Mobility Partnership project is considered by the opponents of outsourcing as an agreement intended to limit mobility instead of promoting it as part of a neighborhood partnership and shared prosperity perspective.

## Libya

*Unpacking Libya's Misinformed Migration Narrative.*

MARWA MOHAMED

Libya's relationship with migration is a complex one and not without its shortcomings. Yet, without unpacking the intricacies, policy will continuously fail to address the areas where impact is needed, in turn creating catastrophic results in the likes of what we see today. Accordingly, unpacking the narrative of migration in Libya requires a close examination of not only the uprising, and subsequent wars since, but also looking at the regional context as a whole. The closing of regional migratory routes along with general instability has equally impacted the reality of migration flows in and out of Libya over the past decade. Looking at migration in Libya through a historical lens offers insight into a Libyan narrative and should be the starting point when contextualizing the situation today. Yet today, the shift in migration discourse in Libya is largely impacted by the external discourse, one in which European priority pressures on the weakened Libyan state, fails to address.

### History of migration into Libya

Traditionally seen as a destination country, Libya's oil wealth, attracted many from neighboring countries, where close proximity, a strong currency and a largely uncomplicated entry and stay process due to Gaddafi's open-door policy, albeit ambiguous and informal, did ultimately prove appealing for those in pursuit of economic

<sup>6</sup> Tunisian Institute of Strategic Studies (ITES), 2017: The phenomenon of irregular migration (p. 31).

<sup>7</sup> In three years (2018-2019-2020), 1,560 people were arrested, three-quarters of them on the Tunisian-Libyan border.

opportunity.<sup>8</sup> In the time of the 2011 uprising that eventually ousted the 42-year rule of Muammar al-Gaddafi, according to data from International Organization for Migration (IOM), there were approximately 2.5 million migrant workers in Libya before the conflict started, a large number of which in fact fled during the conflict and in turn left a significant gap in key sectors including health.<sup>9</sup>

Long before the politicization of migration and before it took center stage of state policies at a global scale, trans-Saharan movement was very much part of the reality of the region.<sup>10</sup> Moreover, migrant workers played a significant role in the making of modern Libya. From educators, healthcare workers, to service providers, migrant workers are very much part of Libya's narrative in all its various phases. Although by the time Gaddafi came to power, migration trends soon became a reflection of his foreign policy and those who fall in his favor, clearly demonstrated by his shift from a pan-Arab rhetoric to one in favor of a pan-African dream in the early 1990's.<sup>11</sup> Thus, while migration was very much needed in Libya and largely encouraged by the Gaddafi regime, it always remained in line with his foreign policy positions, eventually utilizing migration as a political bargaining chip used with foreign powers.

### **Migratory trends and impact on Libya's political and economic stability**

The years just before the 2011 uprising followed by the subsequent wars over the past decade dramatically changed the migration context in

Libya. The 'golden age' of migration - one that was economically beneficial and lucrative for the migrant worker had come to an end.<sup>12</sup> Instead the post-Gaddafi Libya saw a breakdown in the rule of law, creating a security vacuum which eventually embolden criminal networks to take advantage of the crisis and enhance the smuggling networks into what would become a multimillion dollar industry.<sup>13</sup> This was exacerbated by the economic woes brought on by the 2011 uprising, along with political instability that saw the south largely neglected by the central authorities in the north. Serving as the ample push for those who lost their livelihood to turn to smuggling as an alternative and probably the only means of income generating activity.<sup>14</sup> Eventually, people smuggling became a lucrative business for a largely disenfranchised population.<sup>15</sup> While alternative migratory routes in the region i.e., Egypt and Morocco shut down, Libya's open borders and the absence of a central state authority, all contributed to the enhancement of the smuggling routes into and through Libya.<sup>16</sup> The Central Mediterranean Route (CMR) that cut through Libya would then become the most dangerous migratory route in the world.

The security vacuum created fertile ground for criminal enterprises in the likes of the smuggling and trafficking networks to thrive. In the absence of any form of accountability, migrants and refugees experienced violence and exploitation equally at the hands of criminal gangs as well as the state at all stages of their journey.<sup>17</sup> All these factors became equal contributors to the increase

<sup>8</sup> Katie Kuschminder, "Once a Destination for Migrants, Post-Gaddafi Libya Has Gone from Transit Route to Containment", Migration Policy Institute, 2020, <https://www.migrationpolicy.org/article/once-destination-migrants-post-gaddafi-libya-has-gone-transit-route-containment>

<sup>9</sup> *id.*

<sup>10</sup> Hein de Haas, Trans-Saharan Migration to North Africa and the EU: Historical Roots and Current Trends, Migration Policy Institute, November 2006, <https://www.migrationpolicy.org/article/trans-saharan-migration-north-africa-and-eu-historical-roots-and-current-trends>

<sup>11</sup> Sara Hamood, African Transit Migration through Libya to Europe: The Human Cost, American University in Cairo, Forced Migration and Refugee Studies, January 2006, [www.migreurop.org/IMG/pdf/hamood-libya.pdf](http://www.migreurop.org/IMG/pdf/hamood-libya.pdf) (hereinafter: Sara Hamood, African Transit Migration).

<sup>12</sup> Sylvie Bredeloup, Olivier Pliez, "The Libyan Migration Corridor" European University Institute. 2011, <https://halshs.archives-ouvertes.fr/halshs-00585315/>

<sup>13</sup> Global Initiative Against Transnational Organized Crime, The human conveyor belt: Trends in human trafficking and smuggling in post-revolution Libya, March 2017, <https://globalinitiative.net/analysis/report-the-human-conveyor-belt-trends-in-human-trafficking-and-smuggling-in-post-revolution-libya/>

<sup>14</sup> Peter Tinti and Tom Westcott, "The Niger-Libya corridor: smugglers' perspectives", November 2006, <https://sahelresearch.africa.ufl.edu/files/ISS-Niger-Libya-migrant-corridor.pdf>

<sup>15</sup> *id.*

<sup>16</sup> Paola Monzini, Nourhan Abdel Aziz, Ferruccio Pastore, The Changing Dynamics of Cross-border Human Smuggling and Trafficking in the Mediterranean, October 2015, [http://www.iai.it/sites/default/files/newmed\\_monzini.pdf](http://www.iai.it/sites/default/files/newmed_monzini.pdf)

<sup>17</sup> Global Initiative Against Transnational Organized Crime, "Responding to the Human Trafficking-Migrant Smuggling Nexus," 2018 <https://reliefweb.int/sites/reliefweb.int/files/resources/Reitano-McCormack-Trafficking-Smuggling-Nexus-in-Libya-July-2018.pdf>

in movement towards Europe, reaching its peak in 2016.<sup>18</sup> As a result, European states quickly responded by not only focusing their foreign policy on curtailing sea arrivals, but in some instances even circumventing a very fragile Libyan central authority, cutting deals directly with tribes, militias and armed groups.<sup>19</sup> This in turn threatens to further destabilize an already unstable state. Moreover, and more importantly, EU foreign policy priorities around migration, including the training of the Libyan Coast Guard, were made into Libya's priorities despite Libya's protracted conflict and failing institutions which required this attention in other, more pressing areas of institution-building.

#### **Libya's domestic discourse around Migration**

Addressing the historical significance of migration allows for a constructive dialogue on the ground in Libya and eventually an improved reality for refugees and migrants in the country. The reality is that the dichotomy of migration in Libya is one of a love-hate relationship. In the past, Libyans have openly expressed discontent and abuse against mainly sub-Saharan African migrants, at one point perceiving them to be mercenaries used by the al-Gaddafi regime to fight against the uprising in 2011. Moreover, Libya has on a series of occasions pushed back against fulfilling the EU's ambition to settle migrants and refugees in the country.<sup>20</sup> Yet in the same breath, given the nature of the rentier economy, and as history does demonstrate, Libya relies heavily on migrant labor, predominately in the service sector. However, the Libyan state, has failed to prioritize an environment of tolerance or establish a much-needed migration and asylum framework that is in line with its international legal obligations. Instead, Libya addresses migration outside the framework of law and judicial oversight, including the use of detention, while interceptions and forced returns remains active through the direct

assistance of the EU funded and supported Libyan Coast Guard.<sup>21</sup>

#### **Externalization policy Europe and Libya: Forward looking**

Generally, the narrative today, imposes a heavy emphasis on the 'transit' nature of migration used to justify the blocking of sea crossings. This reality is in large part due to the conflict, the state of lawlessness and ongoing violence directed towards refugees and migrants in Libya, leaving many with little option but to take to the sea, seeking refuge in Europe. Yet with greater policy emphasis on closing the sea departures which acted as a release valve, the situation has become increasingly more dire for those now contained in a war-torn Libya. While Libyan state responsibility to protect refugees and migrants under their international legal obligations is woefully neglected, Libya's inability to investigate the crimes nor put an end to the violence due to the weakened state institutions, demonstrates where the European policy priorities should be placed.

Despite this however, Europe continues to outsource the role of gatekeeper to the fragile state of Libya. Moreover, while Libya has persistently rejected permanent settlement camps in the country, paradoxically this has not prevented ongoing bilateral agreements as well as continued interceptions and returns carried out by the EU trained Libyan Coast Guard. This reality remains an unexplainable contradiction in Libya's approach to migration.

Thus, Libya's response to the changing migration trends is limited by its own shortcomings and largely reactive to external factors. A weakened state and a European foreign policy that prioritized curtailing migration have in turn made it a priority for Libya. This approach has ultimately failed to prioritize the human rights of migrants and refugees as well as Libyan stability and state

<sup>18</sup> Katie Kuschminder, "Once a Destination for Migrants, Post-Gaddafi Libya Has Gone from Transit Route to Containment", Migration Policy Institute, 2020, <https://www.migrationpolicy.org/article/once-destination-migrants-post-gaddafi-libya-has-gone-transit-route-containment>

<sup>19</sup> Amnesty International, Libya's Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants, 2017, <https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF>

<sup>20</sup> Patrick Wintour, The Guardian, "Libya rejects EU plan for refugee and migrant centres", 20 July 2018, <https://www.theguardian.com/world/2018/jul/20/libya-rejects-eu-plan-for-migrant-centres>

<sup>21</sup> Shoshana Fine and Tarek Megerisi, The European Council for Foreign Relations, "The unacknowledged costs of the EU's migration policy in Libya" 25 July 2019, [https://ecfr.eu/article/commentary\\_unacknowledged\\_costs\\_of\\_the\\_eu\\_migration\\_policy\\_in\\_libya/](https://ecfr.eu/article/commentary_unacknowledged_costs_of_the_eu_migration_policy_in_libya/)

building. All of this has led to a rather catastrophic migrant and refugee response and complete absence of protection, while further destabilizing the country.

**Key recommendations:**

- Libyan state authorities, including the interim Government of National Unity (GNU) must prioritize restoring the rule of law and ending the cycle of impunity by bringing an end to the prevailing environment of abuse and violence against refugees and migrants in Libya and holding all those responsible.
- The GNU must immediately end the arbitrary detention of migrant and refugees and close all detention centers, dissolving the Department of Combatting Illegal Migration (DCIM) and instead design a roadmap that will eventually realize a migration and asylum framework that is in line with international legal standards.
- The Libyan authorities must prioritize human rights and protection as key areas of focus when designing and engaging a migration and asylum policy. With that said, policy should be geared towards ending the environment of detention, extending protection to refugees and asylum seekers as well as upholding human right standards for refugees and migrants in the country.
- The current migration cooperation with Libya can have destabilizing impact if addressed in isolation of the larger country context. European member state cooperation and support for Libya must prioritize supporting the state building process, post-conflict peace building and the democratic transition. EU policy engagement with Libya should offer greater emphasis on supporting the fragile state, including disarmament, demobilization, and reintegration (DDR), fostering peace, institution building and restoring the rule of law.
- All forms of cooperation, namely that of EU funding, equipping, and training the Libyan Coast Guard must be conditioned on human

rights standards. EU and its member states ensuring that any support offered is conditioned on the adherence to international legal obligations and standards, including the end of the abusive detention system put in place following disembarkation in Libya.

- Libyan Coast Guard must immediately stop the interception and forced return to Libya. In accordance with UNHCR Guidelines on Libya updated in September 2020, examining the ongoing situation in the country, including the protracted conflicts, the prevailing lawlessness and impunity, Libya cannot be considered a designated safe third-country for return and thus disembarkation in Libya should seize immediately.<sup>22</sup>

<sup>22</sup> UNHCR POSITION ON THE DESIGNATIONS OF LIBYA AS A SAFE THIRD COUNTRY AND AS A PLACE OF SAFETY OR THE PURPOSE

OF DISEMBARKATION FOLLOWING RESCUE AT SEA, September 2020 <https://www.refworld.org/pdfid/5f1edee24.pdf>

## Conclusion

HASSEN BOUBAKRI

Migration, which has now become a daily reality in the countries and societies of the region, should be addressed as a key element of public policies and as a sustainable component of development policies in the countries' relations with their partners in the South (Sub-Saharan Africa) and the North (European Union), but also at the multilateral level within the region. The prospects for a stable Libya and the expected launch of major reconstruction programs in the country could pave the way for promising opportunities for south-south migration, and for Libya to reclaim its status as a great country of migration for Maghreb and sub-Saharan workers. This can only promote stability and greatly reduce the number

of irregular migrants crossing the Mediterranean. The networks of human trafficking and migrant smuggling could thus end up slowly dying out. If these changes come along with a strong political will on the part of North African states to improve the governance of migration on their territory and to guarantee better protection of the human rights of migrants, migration would then become, in concrete terms, an opportunity and a source of shared prosperity, which is one of the core objectives of the Global Migration Pact.

### Disclaimer:

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### Konrad-Adenauer-Stiftung e. V.

Thomas Volk  
Director  
Regional Program Political Dialogue South Mediterranean  
Tunis, Tunisia  
[www.kas.de/poldimed](http://www.kas.de/poldimed)  
[info.poldimed@kas.de](mailto:info.poldimed@kas.de)



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