Mixed migration and migrant smuggling in Libya: the role of non-Libyan smuggler intermediaries

Executive summary

Libya is a major point of departure for refugees and migrants crossing the Mediterranean to Europe. Given the difficulties of this journey, and of moving into and through Libya, such movements are almost entirely facilitated by a smuggler(s).[1] The majority of existing scholarship and research on Libya's smuggling sector focuses on Libyan actors to understand the linkages among smuggling operations, the conflict economy and local governance. In so doing, limited attention has been given to the role of non-Libyan actors - i.e., refugees and migrants - working within smuggling networks throughout the country.

To better understand the roles of non-Libyans working within these operations, and to provide a more nuanced understanding of the sector, this briefing paper provides a preliminary analysis of the sector through the eyes of a cross-section of non-Libyan smugglers. The paper takes a routes-based approach to analyse the changing dynamics between non-Libyan smugglers and others working within smuggling operations to understand the ways in which power shifts along the route impact the intra-network smuggling interactions.

Key findings and recommendations

- **Acknowledge shifting identities:** Smugglers have different profiles, which warrants a more nuanced policy approach that moves beyond criminalisation (while some smugglers are committing sanctionable abuses, not all smugglers are reported to be committing abuses). The distinction between people on the move and their smugglers is less clear cut than the way it is often portrayed in public discourse and anti-smuggling policies.

- **Increase data availability across a more nuanced understanding of smuggling:** Policy responses to mixed migration need to account for the complex and nuanced nature of movement processes, and the equally complex and nuanced smuggler structures that facilitate this movement. Furthermore, more qualitative instruments should be deployed to further understand the complexity of the many facets of

migration journeys. Specific thematic data gaps requiring additional qualitative and quantitative data collection include the following: Motivations for non-Libyan smuggling intermediaries to engage with the sector; non-Libyan smuggler intermediaries' perceptions of their Libyan counterparts; and the impact of labour market opportunities on the engagement of non-Libyans within the smuggling economy in Libya ("alternatives to smuggling").

- **Move away from security and containment-focused policies:** Stricter border measures are a factor in the rising demand for smuggling. Such policies increase the number of refugees and migrants using smugglers, the price of the journey and the use of riskier routes, thus amplifying the exposure of refugee, migrant and intermediary smugglers to protection incidents.

- **Advocate for legal change:** The criminalisation of migration in Libya will heighten refugees' and migrants' demand for smugglers when travelling to and through Libya. Liaise with Libyan authorities to first remove the provisions surrounding fines and detention of irregular migrants, and of the criminalisation of migration. Specifically, work with the Ministry of Interior and the Department for Combatting Illegal Migration to find alternatives to detention. Furthermore, encourage the Ministry of Labour and Capacity Building to continue to build legal channels and work to promote a legal framework that seeks to offer protection to refugees and migrants moving through Libya.

- **Increase legal pathways for movement:** Criminalising smuggling without increasing legal pathways for mobility overlooks the fact that the demand for mobility will continue to exist. Such legal channels for movement can be as follows: Expanding options for circular labour mobility at all skill levels; granting humanitarian visas; creating humanitarian corridors between transit countries and Europe; expanding family reunification programmes; and developing complementary protection pathways through higher education.

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1   MMC uses a broad interpretation of the terms 'smuggler' and 'smuggling', one which encompasses various activities — paid for or otherwise compensated by refugees and migrants — that facilitate irregular migration. These include irregularly crossing international borders and internal checkpoints, as well as providing documents, transportation, and accommodation. This approach reflects refugees' and migrants' perceptions of smuggling and the facilitation of irregular movement. Our interpretation is deliberately broader than the UN Protocol against the Smuggling of Migrants' definition. However, this does not imply that MMC considers all activities it includes in its broad understanding of smuggling to be criminal offences. MMC prefers to use the term 'human smuggling' instead of 'migrant smuggling' as smuggling involves both refugees and migrants.

Introduction

For decades, Libya has been a destination for refugees and migrants as well as a key node for migrant smuggling from Africa to Europe. Given the fractured control over Libya's territory by various armed groups, and the geographical challenges of entering and journeying through the country, migrant smuggling has been a cornerstone of the illicit economy in Libya.[2] Migrant smuggling networks rely on an intricate system of routes and connections that adapt within the ever-evolving operating environment.[3]

To date, most analyses of the smuggling sector in Libya have focused principally on Libyan actors – examining smuggling and trafficking operations vis-à-vis local governance and the conflict economy. Yet, qualitative inquiry suggests that non-Libyan smugglers are a key actor for refugees and migrants on their journey.[4] Although sub-Saharan intermediaries are known to take part in refugee and migrant recruitment and movement facilitation, comparatively little attention has been paid to intra-network dynamics and the varied roles of sub-Saharan African smugglers and intermediaries operating in Libya.[5] Moreover, existing research into Libya's smuggling economy does little to examine the relationships between sub-Saharan smuggling intermediaries and Libyan smugglers, and how social and demographic factors affect the structure and nature of intra-network interactions.

In terms of policy, frameworks at the national, regional and global level similarly do little to distinguish between the varied roles in migrant smuggling. The broad definition put forward by the United Nations (UN) Protocol on Smuggling of Migrants by Land, Sea and Air – which is "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" (Article 3) – means that anyone receiving monetary benefits, be that from hosting, transporting or organising irregular transnational movements, can be charged.[6]

This report draws upon 24 in-depth semi-structured interviews commissioned by the Mixed Migration Centre (MMC) with non-Libyan smugglers, of whom 23 are active smugglers and one a former smuggler, between November 2018 and April 2019. It seeks to better understand this cross-section of migrant smugglers by exploring the sector through the eyes of non-Libyan smuggling intermediaries along Libya's western migration corridor, from Agadez to Italy along the Central Mediterranean Route (CMR).

Structure of smuggling networks in Libya and intra-network dynamics

Several studies have explored the nature and structure of smuggling networks within Libya. The New-Med Research Network argues that smuggling networks across the region can be categorised in two ways – from highly organised criminal groups to individual occasional smugglers.[7] These two categories, however, are not mutually exclusive and when in their best economic interest, can and do frequently cooperate.[8] Undertaking a quantitative network analysis of a smuggling operation, Campana noted that a larger network operating out of Libya across the Mediterranean had a clear tendency of clustering around certain smugglers within the network, noting that individual smugglers had various degrees of importance within the network.[9]

Campana's quantitative analysis also noted a difference between "organisers" and "aides," arguing that much of this stratification is "task-based."[10] The way in which nationality contributed to such stratification was not explored within the papers. Tinti and Reitano suggest that, generally, migrant smuggling in Libya, particularly

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2   The Global Initiative Against Transnational Organized Crime (2018). Responding to the Human Trafficking-Migrant Smuggling Nexus. Geneva, Switzerland.
3   New-Med Research Network (2015). The Changing Dynamics of Cross-border Human Smuggling and Trafficking in the Mediterranean. Rome, Italy.
4   Tinti, P. & Reitano, T. (2018). Migrant, refugee, smuggler, saviour. Oxford, UK: Oxford University Press.
5   Ibid.
6   This is the same definition presented by the European Union in documents pertaining to Operation Sophia and IRINI.
7   New-Med Research Network (2015). Ibid.
8   Institute for International Research on Criminal Policy (IRCP). (2010) Organized crime involvement in trafficking in persons and smuggling of migrants. Ghent, Belgium.
9   Based on the evidence available, it was not possible to code the nationality systematically for all the actors; Campana, P. (2018). Out of Africa: The organization of migrant smuggling across the Mediterranean. European Journal of Criminology, 15(4), 481-502.
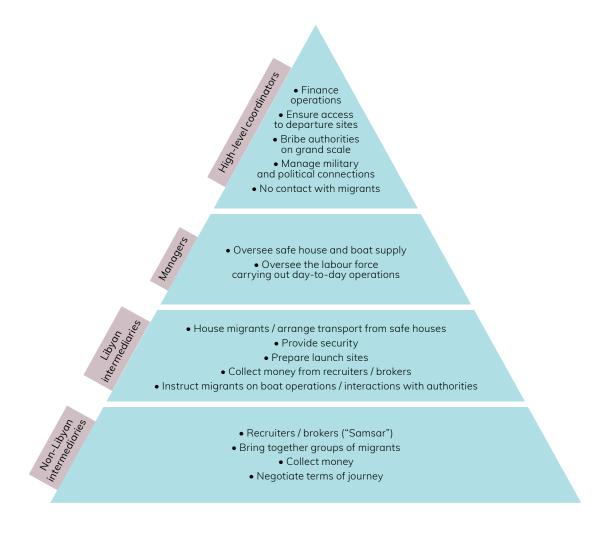10 Ibid.

within highly organised groups, is set up in a "layered pyramid structure" with high-level coordinators sitting at the top of the pyramid, far removed from the "recruiters" at the bottom.[11]

Tinto and Reitano's work highlights that the roles of the non-Libyan intermediaries are often the most visible, and the most interchangeable. They argue that intermediaries are the key players whom those on the move will refer to when discussing "their smuggler." Faced with fewer opportunities for employment in Libya, non-Libyans have utilised their contacts in their countries of origin, their language skills and their acquired knowledge of contemporary Libya to organise many of the elements of the process of transporting refugees and migrants to Libya. These intermediaries are almost always the same nationality and/or ethnicity as the refugees and migrants they are supporting, and have often also undertaken the migration journey towards Libya. Despite their key role, few if any accounts are available from sub-Saharan smugglers' own perspectives.

Figure 1: Tinti and Reitano Framework for understanding the stratification of migrant smuggling operations in Libya
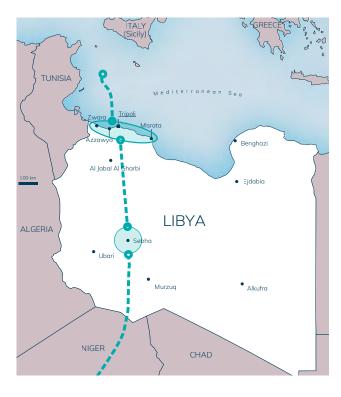

High-level coordinators
- Finance operations
- Ensure access to departure sites
- Bribe authorities on grand scale
- Manage military and political connections
- No contact with migrants

Managers
- Oversee safe house and boat supply
- Oversee the labour force carrying out day-to-day operations

Libyan intermediaries
- House migrants / arrange transport from safe houses
- Provide security
- Prepare launch sites
- Collect money from recruiters / brokers
- Instruct migrants on boat operations / interactions with authorities

Non-Libyan intermediaries
- Recruiters / brokers ("Samsar")
- Bring together groups of migrants
- Collect money
- Negotiate terms of journey

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11   Tinti, P. & Reitano, T. (2018). *Migrant, refugee, smuggler, saviour.* Oxford, UK: Oxford University Press.

Understanding intra-network dynamics along the route

To further understand the interactions between sub-Saharan smugglers and Libyan actors, this paper takes a routes-based approach and examines the Western migration corridor through Libya. Journeys through Libya were divided into three key steps also reflected in the payment structures of refugees and migrants to their smugglers. The first part of the route is generally categorised from the border crossing into the south of Libya, and primarily included the journey from Agadez, Niger to Sebha, Libya. The second part of the route includes movements from Sebha to cities in north-western coastal Libya such as Azzawya, Alkhums, Misrata, Tripoli and Zwara. For those travelling towards Europe, the final part of the journey is from coastal cities across the Mediterranean to Southern Europe (Italy or Malta).

Figure 2: Smuggling route as a geographic framework for analysis

Moving to Libya from the West (Route to Sebha)

In Libya's borderlands moving towards Sebha, sub-Saharan smuggling intermediaries have increasingly limited movement restrictions, which they have had to adapt to over time. A Nigerian smuggler based in Sebha highlighted: "In 2015 and 2016, the flow was much more free and easy through the Niger desert…Ever since late 2016, that the Niger government has been after those drivers, [the freedom of movement for non-Libyan intermediaries] has been reducing." The same Nigerian smuggler emphasised that while sub-Saharan co-lingual smugglers could arrange the travel and drive refugees and migrants through to Agadez, driving between Agadez and Sebha was largely conducted through Libyan or Chadian drivers: "[S]o those drivers will deliver to Agadez the same connection, then those Libyan and Chadian drivers will bring them to Libya." This is likely due to the criminalisation of irregular migration within Libya, although it does not explain why those of a Chadian nationality would be acceptable, for as soon as a non-Libyan smuggler enters Libya, they may be subject to fines and detention.[12]

Given the geopolitical control of various ethnic groups across the region between Agadez and Sebha, the ability of sub-Saharan smuggling intermediaries to broker the movement of refugees and migrants across territories is dependent on their relationship to the groups that control the area. Ethnic and tribal disputes often impact the access that non-Libyan smugglers have across southwest Libya, and, even among Libyan drivers, there are exchanges as refugees and migrants traverse regions controlled by different ethnic groups: "…[F]rom Agadez until the border we send the Tuaregs. Then from the border to Sebha, it's the Arabs driving the cars," said a Nigerian smuggler based in Sebha.

Beyond ethnic groups brokering movement, local authorities and militias are critical in facilitating or impeding the movement of sub-Saharan smuggling intermediaries in southern Libya. Prior to 2016, soldiers from Agadez accompanied refugees and migrants to the border in what were described as "combined" caravans: "The soldiers would take the lead in the front, the middle, at the back because of the desert rebels." By contrast, when detailing his last trip through the desert, a Sebha-based smuggler noted an entirely different relationship with soldiers, stemming from increased border management

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12   Libyan Law No. 19 (2010): "The illegal migrant will be put in jail and condemned to forced labor in jail or a fine of 1,000 Libyan dollars. … The person must be expelled from Libyan territory once he finishes his time (in prison)." This law allows for indefinite detention, followed by deportation for irregular migrants.

of Niger's border since 2017: "There is no way that you will follow [soldiers through] the desert…and [the] Niger government the way they are operating in the desert since 2017 was too tough and you know, people [were] losing [their] life. The soldiers are opening fire on the driver and the passengers, so it was too deadly." The smuggler explicitly highlighted the change in border policing by armed forces along this route, and how that impacted the safety and security of those on the move: "So the soldiers who were securing the movement before are now the enemy of the movement."

The portion of the journey across the desert from Agadez to Sebha is perilous for refugees and migrants as well as their smuggler intermediaries operating across this part of the route. This is due to the geographic dangers of the desert, the use of force by soldiers tasked with securing the border, and the targeting of refugees and migrants for ransom by rebel groups operating in the desert. When discussing the dangers for smuggler intermediaries, particularly those new to the business, one smuggler explained: "Some drivers are very new into the business and [if they lose track of the soldier they are following] they will die together with the passengers…but people who know the route they can get lost and still survive and appear in Algatroun."

Moving through Libya (Sebha to the coast)

Once smugglers transport refugees and migrants to Sebha, they begin the second stage of their journey through Libya, as one smuggler noted: "First you need to arrive to Sebha. When you arrive here, you can rest for one or two days and then [smugglers] can arrange the journey to [a coastal city]." Refugees and migrants may wait for a few days or weeks in Sebha depending on their smuggling arrangements, and may stop in various cities along the route depending on the current movement restrictions and Libyan Arab tribe brokering movement for the smuggling network, including Bani Walid, Brak, and Mizdah among others. While critical to the smuggling operation, sub-Saharan smuggling intermediaries operating between Sebha and coastal Libyan cities work in limited ways. A large part of the smuggling work for non-Libyan smugglers centres around coordination: "In Sebha, my brother there will go looking for the passengers, will give them food and then will send them here to Azzawya. He will give my number to the Arabs and alert them that there are some passengers arriving."

While the non-Libyan smugglers can recruit people who are looking to make the journey further north in Libya and provide them with interim support, they do not act as major transporters along this route, but rather as brokers and as "connection men and women," as suggested by Tinti and Reitano's research. A limited ability to operate cars between Sebha and Libyan coastal cities was highlighted by many non-Libyan smugglers: "In Libya, even from the time of [Ghaddafi's] government we don't have such freedom to drive and, let me just tell you the facts, we are living not even as second-class citizens, as just workers, so we are not recognised as such….So if we are talking of driving, no, we do not drive, only our business is on a network, on calls." The result is that Libyan drivers transport passengers while the intermediaries find passengers to undertake the route. "Even if you are British or American, you cannot drive from Sebha," said a Ghanaian smuggler. This is for "pure Libyans." Interviewees noted that the price from Sebha to Tripoli in a taxi would be LYD100 for a Libyan or a foreigner with a residency permit, yet for an undocumented migrant, the price would be LYD700. Libyan smugglers broker control with the various Libyan tribes which control movement across their territory and, subsequently, control over many of the logistics of smuggling activities.

Additionally, the roads between Sebha and coastal cities have become increasingly patrolled, creating riskier journeys for those on the move. Fees are levied by armed groups at checkpoints on major transit routes. "There are 10 to 15 checkpoints from Sebha to Tripoli," a smuggler based in Tripoli reported. "Some you pay, some take your money or take you to prison." Travellers complain that a trip from Sebha to Tripoli by road now takes at least twice as long as before. While previously the journey could take seven or eight hours, now it takes more than fourteen as a result of the proliferation of checkpoints. The search for profits by armed groups, and the legal status of refugees and migrants, including the smuggling intermediaries within Libya, pose a specific risk to refugees and migrants on the move through Libya.

Moving out of Libya (Azzawya and other coast towns to Italy)

Once in Azzawya, sub-Saharan smuggling intermediaries largely work as brokers between refugees and migrants and more senior Libyan smugglers. Like the non-Libyans smugglers in Sebha, those in coastal Libya engage with the smuggling sector through the provision of shelter, water and communication technology. One smuggler highlighted, "I give [refugees and migrants] a

SIM card so that they can make calls, and I allow him to rest," while others noted "I arrange for them [to have] something to eat and [a] place to sleep before they go on the boat." The non-Libyan intermediary coordinates the day-to-day aspects of the journey leading up to the sea crossing, further corroborating the smuggling framework proposed by Tinti and Reitano. The same smuggler details: "I make money through the Arabs each time that I send them a client/passenger to go to Italy. So, after a few days, I will hand over the passenger to the Arabs (who will arrange the journey to Italy) and I receive my money from the Arabs." Under the migrant smuggling protocol, such financial gain constitutes the crime of smuggling. This means that the recruitment of refugees and migrants, the coordination of their transportation and housing, and the provision of food and telephone access are all aspects of smuggling, in addition to the actual transportation of people on the move.

In northern Libya, non-Libyan smugglers also noted working with detention centre officials to release refugees and migrants from arbitrary detention. Two interviewed intermediaries noted making agreements with Libyan police and/or detention centre guards to release the refugees and migrants he was seeking to transport. A Nigerian smuggler operating in Azzawiya stated: "[Yes, from] Osama prison in Azzawya. Other smugglers, they accept money to free people from the prisons. I don't do that. I take them out of prison." A smuggler from the same network went further noting his ties with detention centre officials: "I also have two people that work for me in the prison of Azzawya who look for passengers and take them out. There were also two children in the prison that we got out of the prison."

This demonstrates the ties that exist between migrant smuggling in Libya and arbitrary detention. Whether or not detainees must pay to be released to smugglers, detained refugees and migrants must ultimately pay smugglers for transporting them after their release. Hence, during this section of the journey, we see how detention centres feature and can be a staging ground for identification and recruitment or the extortion of further payment from refugees and migrants.

Moreover, interviews with non-Libyan smugglers operating along the Western route to Northern Libya indicate that it is the Libyan smugglers who entirely control the Mediterranean crossing. Libyan smugglers own the boats and run the operations. These smugglers pay non-Libyan smugglers a percentage of the crossing fee in return for providing clients wishing to reach Europe. One non-Libyan smuggler maintained that he receives LYD200 (USD45) per person he transports, and that he usually transports people in groups of five. This smuggler said he also acts as a liaison for payment of the Libyan smuggler. If the "client" has paid all fees in advance of travel, then the smuggling network will settle the sea crossing fee. For example, a Nigerian smuggler working in Azzawya noted: "I am responsible for collecting the clients that arrive here in Azzawya, and my colleague in Sebha processes the payments and organises the taxis that drive the clients here. So, this is how we work. My colleague calls me to tell me how many people he has sent to Azzawya and once they arrive, I pay the taxi."

This handover from non-Libyan to Libyan actors in Azzawya was highlighted in various interviews where smugglers detailed the nature of their smuggling network: "For Italy, it's my boss that sets the prices... He is Libyan my boss." Another non-Libyan smuggler highlighted, "My boss here (Arab), is in charge of organising the boats that go to Italy. And he sends the boats with his friend, but some boats have departed, and his friend is not back yet." While yet another highlighted the same trend of handing over the refugee or migrant to a Libyan smuggler to finalise the trip to Europe, stating, "We give the money to the Arabs and then they make the arrangements for the trips to Europe."

Conclusion

Most analyses of the smuggling sector in Libya have focussed principally on Libyan actors. Comparatively little attention has been paid to non-Libyan smugglers operating in Libya. This paper set out to preliminarily explore the sector through the eyes of a cross-section of non-Libyan smugglers, in order to understand their roles and to provide a more nuanced understanding of the sector. It found that intra-network dynamics change both along the route from Agadez to Italy and through time. Moreover, Libyan smugglers tended to wield control over routes and access, while non-Libyan smuggler intermediaries were more engaged in the day-to-day operational dynamics of the movement of refugees and migrants to and through Libya. Thus, while Libyan actors in smuggling networks have more stability and control within operations, there are significant limits on the activities of non-Libyan intermediaries acting along migration routes, particularly due to the criminalisation of migrants within the country and the intra-network power dynamics.

The MMC is a global network consisting of six regional hubs and a central unit in Geneva engaged in data collection, research, analysis and policy development on mixed migration. The MMC is a leading source for independent and high-quality data, research, analysis and expertise on mixed migration. The MMC aims to increase understanding of mixed migration, to positively impact global and regional migration policies, to inform evidence-based protection responses for people on the move and to stimulate forward thinking in public and policy debates on mixed migration. The MMC's overarching focus is on human rights and protection for all people on the move.

The MMC is part of and governed by the Danish Refugee Council (DRC). Global and regional MMC teams are based in Copenhagen, Dakar, Geneva, Nairobi, Tunis, Bogota and Bangkok.

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