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Flash brief

The EU's approach to Libya and the 'War on Smuggling'

The fight against human smuggling has become a pillar of the EU's strategy on the governance of migration. The alarming conditions in Libya, the main departure point for the Central Mediterranean route, has been a central issue in this context. There is a consensus among observers and policy-makers on the need to tackle this lucrative business and save migrants from the exploitative grasp of criminal networks. Yet, the EU's strategy also has implications for resource allocation and the internal political-economic dynamics of both the EU and third states such as Libya. What are some of these main implications, and how can the EU ensure a just governance of migration?

The new role of EU agencies

The EU agencies have taken on new tasks related to the Union's anti-smuggling endeavour. In doing so, they have assumed roles that partly modify their original mission and give them more competences, which in turn alter their functioning. Examples of this are EUROPOL and FRONTEX. The EU should ensure that these agencies maintain a high standard for the respect for migrants' rights. Moreover, all necessary measures should be taken to prevent that anti-smuggling cooperation with third states has a negative effect on the life and safety of migrants. Therefore, the EU Parliament should take on a stronger supervising role.

Focus on 'deterrence'

A significant amount of funds has been put into 'deterrence' policies in order to discourage irregular migration and thwart smuggling. Among various measures, the EU considers an enhanced return policy as one of the most effective. This includes both plans to return irregular immigrants from Member States to third countries of origin in Africa, and the scheme of the EU, AU and IOM to return migrants of various origin from Libya to Niger.

Refugees at sea during EU Operation Sophia (Photo: Ejército del Aire Ministerio de Defensa España, CC BY-NC 2.0)

The EU should ensure that these return practices are not only fully compliant with human rights, but also sensitive to the needs of each actor involved – including migrants and third states. Moreover, given the unique security situation in Libya, the EU should open safe routes for migrants into the Union and increase funds to provide proper reception in its Member States, rather than arrange for the 'voluntary' return to transit countries.

Negative effects on remittances

Tackling human smuggling through deterrence or prevention (e.g. engaging third states for the prevention of outflows) might reduce the overall number of migrants. However, these measures are also likely to have negative effects on remittances, which are a major source of income for many developing countries. If that is so, the EU should engage in investment projects aimed to counter-balance such potential adverse effects, and Member States should follow up on their promises to fund the EU's plans to promote development and growth in Libya and bordering countries.

The **Global Compact for Safe, Orderly and Regular Migration (GCM)** was adopted by a majority of UN Member States in 10 December 2018. It is the first intergovernmentally negotiated UN agreement covering all domensions of international migration. It aims to address all aspects of migration, including development and human rights, and to increase international cooperation and coordination on international migration (IOM 2019).

Antagonising local actors

The EU's cooperation with third states in North Africa and the Sahel region to reduce irregular immigration has turned the previously informal frontiers among those states into rigid borders. This has generated both micro- and macro-effects. At the local level, a halt in cross-border trade, person flows and essential services for the economy of transit zones has antagonised local actors in these areas. At the macro level, the tightening of border control and the subsequent 'professionalisation' of smugglers has impinged on the sovereign prerogatives of states to decide who is entitled to cross the border and ultimately strengthened the smugglers' grip on migrants. The EU should carry out an overall review of its prevention approach and ensure that the cooperation is based on common principles and local needs, as agreed in the Global Compact on Migration.

Empowering undemocratic regimes

The EU resources that have been put into the strengthening of controls have ended up feeding the security apparatuses of not-fully-democratic regimes. In Libya, where the difference between surveillance and criminal activities remains fuzzy, anti-smuggling funds have strengthened militias, as well as a border guard that has often neglected human rights.

More generally, it appears that the EU is re-allocating funds destined for the development of African states into security purposes. Providing funds to support third states' security apparatuses may increase their sovereign capabilities, but can also reinforce the non-democratic traits of those regimes and put migrants' security at risk. The EU should refrain from any practice that, motivated by security concerns, is likely to empower undemocratic regimes, as this would be contrary to the EU's own values and long-term interests, as well as to global justice.

Key takeaways for the EU

- The EU Parliament should take a stronger supervising role in order to ensure the life and safety of migrants

- The EU should ensure that return practices are fully compliant with human rights

- The EU should open safe routes for migrants into the Union and increase funds to ensure proper reception in its Member States

- The EU should engage in investment projects and promote development and growth in Libya and bordering countries

- The EU should make sure its cooperation with third states in North Africa and the Sahel region is based on common principles as agreed in the Global Compact on Migration

- The EU should refrain from any action that, motivated by security concerns, is likely to empower undemocratic regimes.

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Further readings

Fassi, E. and Lucarelli, S. (eds) (2017) *The European Migration System and Global Justice: A First Appraisal. GLOBUS Report 1*. ARENA: Oslo.

Ceccorulli, M. (2018) 'On Protection and Justice: The Proposals for Reform of the Common European Asylum System', *GLOBUS Research Paper* 4/2018.

Ceccorulli, M. (2019) 'Beyond a State-Centric Right to protect Human Rights: Operation Meditterranea by Land and Sea', *Global Justice Blog*.

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