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North African Regular and Irregular Migration: The Case of Libya

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Because of its geographical size and location, Libya has for centuries been a transit country for human movement across the region. Thus, its experience with immigrants has a long history. In the early 1970s, Libya became a destination for foreigners seeking jobs. Some entered the country legally, others illegally. All came to work, live, and send remittances back to their families. During the 1990s, when many migrants used Libya as a transit country for crossing the sea to Europe, the European Union started negotiating with the Libyan government to curb the flow of irregular migrants. In 2011, the country joined the Arab Spring and soon became a failed state and a haven for lawless gangs. Today Libya is the major transit country for irregular migrants traveling from North Africa to Europe, and it will likely continue to play such a role for long time to come.

Libya, the third largest country on the African continent (1.75 million km²), is larger than France, Spain, Germany, and Italy combined and shares 4.4 kilometers of border with six other countries. The people who reside near Libya's borders belong to the same tribes. It is customary to see members of the same family living on both sides of the border. In Egypt, Tunis, and Sudan, the tribes are Arab, while those who live in border areas with Algeria are Arab and Tuareg. In the south and in areas close to Chad and Niger, the tribes on both sides are from the darker-skinned Tabu and Tuareg ethnic groups.

Throughout history, Libya has harbored people from neighboring countries. They settle mainly in Libyan villages and towns near international borders, then return to their home towns and come back to Libya again. This human movement has been motivated by strong social ties or shared tribal roots built across centuries by those who live close to international borders.

Before the discovery of oil, Libya was one of the poorest countries on the continent. Consequently, the number of Libyans who left the country tended to be greater than the number who entered. Usually those who crossed from one side of the border to the other did so without seeking formal permission. Some cross-border migrants moved back and forth to exchange goods and services or to engage in business deals and other activities. Others traveled to big cities to start private businesses or to look for work to help support their families. Members of these groups were irregular migrants and their numbers were too small to have a noticeable effect on the population of any city or a village. Because of this history, most cross-border migrants today believe that modern laws should not interfere with such human movement.

Oil, Economic Revenues, and (Irregular) Migration

The search for oil began during the 1950s, and by 1961 Libya exported its first barrel of crude oil. Revenues from the export of crude oil were modest at first, but they grew larger every year (Table 1). Within a few years Libya became one of the world's most important

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oil-producing countries and its GDP began to grow at an exponential rate of 14 percent a year and more. In the late 1960s, to face the new reality and allocate resources more efficiently and equitably, Libya initiated a series of consecutive five-year socioeconomic plans. Because of the country’s small population, foreign labor was needed to support the growing economy.

Table 1. Development of Oil Production, Revenues from the Oil Sector, and Population

Year	Oil production in millions of barrels per day	Revenues in millions of Libyan dinars	Population in millions
1956–1957	—	0.06	1.22
1961–1962	0.018	2.00	1.43
1966–1967	1.501	139.00	1.63
1971–1972	3.318	469.60	2.25
1976–1977	1.455	2,681.20	2.56
1989–1990	1.600	6,826.40	4.05
1995–1996	1.400	3,455.50	4.80
2000–2001	1.300	3,633.00	5.12
2005–2006	1.525	4,266.00	5.32
2010–2011	1.600	5,571.30	6.20
2015–2016	0.400	1,997.60	6.60

Source: Central Bank of Libya, *Economic Bulletin*, quarterly, 1956–2016; Government of Libya, Bureau of Statistics and Census, population censuses, 1956–2016.

At first, most foreign workers entered the country legally. But on September 1, 1969, a military coup overthrew the monarch. The new rulers were influenced by the Egyptian president Gamal Abdel Nasser’s Arab Unity ideology and, raising the slogan “Libya is the land for all Arabs,” they adopted a new policy with regard to expatriate labor from Arab countries. According to this policy, Arabs did not have to apply for a visa. For many, even having a passport was not necessary. Migrants could present any form of identification to enter through official checkpoints. Also, it became easy for Egyptians and Tunisians to enter because once someone crossed the border, he would not be stopped by government officials as long as he did not commit a crime. Workers came from as far away as Mauritania, Morocco, Lebanon, and Syria, in addition to Arab countries that share borders with Libya. Soon the total number of Arabs was estimated at well over a million.

During the 1990s, in another major political change concerning foreign workers, Libya moved away from welcoming primarily Arab migrants and began welcoming Africans in increasing numbers. The new slogan proclaimed, “Libya is part of Africa, and international boundaries within Africa are artificial and are the outcome of the colonial period.” At first, most of the arriving sub-Saharan migrants were from Niger, Mali, and Chad. Later, after the implementation of an open-door policy for all sub-Saharan Africans, the number of sub-Saharan Africans arriving in Libya increased exponentially. Officials were instructed not to stop sub-Saharan Africans for identification. Many entered the country legally; others did not. Most came from countries sharing borders with Libya.

Although Libyans have mostly been accepting of migrants who come legally or illegally from neighboring countries to work and live, from time to time tension has arisen that has led to outbreaks of violence between Libyans and sub-Saharan Africans. Some foreign journalists and commentators who observed such incidents saw them as expressions of racism. For instance, according to the international crisis-reporting organization IRIN, “incidents of extreme racism are nothing new in Libya,” where “racism against blacks has a long history.” Racism “has been a particular problem for sub-Saharan migrants, [including] nationals from countries like Chad, Niger, Sudan, Senegal, Mali and Nigeria.”¹

These journalists do not understand the history of Libya and its culture. They are mistaken, for instance, in their assumption that Libyans discriminate against sub-Saharan migrants because of their race. For many reasons, Libyans do not discriminate against blacks. First, Libyans are Muslim, and one of the fundamental pillars of Islam is that all Muslims are equal, and there should be no discrimination based on skin color. Therefore, all public places—mosques, schools, workplaces, and the like—are open to all. Second, a sizable percentage of the Libyan population are black or brown or a mixture of white and black. Third, for twenty-five years Libya’s official policy was dominated by pan-Africanism. The Libyan leader Muammar Qaddafi, proud to be known as the “King of Africa,” sought to implement his vision: “We want an African military to defend Africa; we want a single African currency; we want one African passport to travel within Africa.”

This “open-door” policy made it easy, however, for professional criminals to slip into the country unnoticed, some of whom committed gruesome crimes. On more than one occasion, when the victims were Libyan, crowds of enraged citizens took revenge against any sub-Saharan African they met. But the government generally acted swiftly and promptly to punish those who took part in such disturbances.

Today, sub-Saharan Africans, especially from Niger, Mali, and Nigeria, have taken the place of Egyptians and Syrians as domestic workers, in retail, agriculture, and construction.

Libya as a Transit Country for Irregular Migration

Libya’s experience with irregular migrants stretches back to the early 1960s. In the mid-1980s, when the population of Libya was estimated at four million, the number of non-Libyans in the country spiked to an estimated two million, approximately half of whom were irregular economic migrants.² These irregular migrants settled in cities and small villages. Almost all of them worked hard and saved money to send back to their families. Certain Mediterranean countries have long been known as starting points for irregular migration. Libya, however, despite its coastal towns that are suitable for jumping off to Europe, was never first among them. During the 1970s and 1980s, for instance, few migrants attempted to cross to Europe from Libya. Then, quite suddenly, Libya became the most important transit country of irregular migration to Europe. Two events were behind this change: the European Union signed treaties with some Mediterranean countries to curb irregular migration, and Qaddafi, for political reasons, decided to put pressure on certain European countries by stimulating irregular migration.³

Sensing the shift in Libya’s official policy, some migrants, rather than making Libya their final destination, entered Libya with the intention of using it as a transit country before continuing on to Europe. In response, some Libyans assumed the role of migrant smugglers. According to EU officials dealing with irregular migration, Libya’s contribution to the problem of irregular migration across the Mediterranean from the second half of the 1990s to the present was significant.

Reports of boats filled with Africans attempting to reach European shores illegally have become a daily item in the international media. Often these boats get into trouble because

they are unseaworthy, causing hundreds of passengers to drown. Many of these news stories identify Libya as the country of departure, and occasionally they refer to Libya as a country that harbors international criminals who are involved with irregular migration, especially human trafficking. One may infer from these stories that certain Libyan officials are complicit with such criminal rings and are working in accordance with official policies.

Because Italy has had to receive most of the irregular migrants from Libya's shores, it has opened negotiations with Libyan officials. As early as 2003, the two countries agreed to cooperate in keeping irregular migrants away from Italy's shores. Libya was to provide detention centers for those who were captured attempting to immigrate to Europe, and Italy would share the cost of operating these centers. On August 30, 2008, the two countries signed a friendship pact called the Treaty on Friendship, Partnership, and Cooperation. A special section on irregular migration that calls for strengthening Libya's border controls lists such measures as professional training, repatriation of irregular migrants to third countries, supply of goods and services, and the creation of detention centers for irregular migrants. Accordingly, the Italian Coast Guard would interdict irregular migrants who started their sea journey from Libyan shores and forcibly return them to Libya. The first application of this a procedure, on May 6, 2009, generated intense criticism from humanitarian agencies.⁴

Libya in the Aftermath of the Arab Spring: What Consequences for Migration?

On February 17, 2011, Libyan youth ignited an uprising in an effort to join other countries in the Arab world that were in revolt. The uprising started as a peaceful demonstration in the eastern province of Benghazi, but the regime responded furiously, using all kinds of military hardware and ammunition. Such excessive use of force against unarmed protesters did not stop the revolt in Benghazi; instead it spread throughout the country. Hardly any city or town in the country was spared, and the movement looked like a people's revolt. Despite the help the rebels were able to get from the international community, their struggle to topple the regime lasted for 246 days. Almost every household in the country suffered, one way or another, during those difficult days, but immigrants suffered the most.

When the conflict started, all foreigners hastened to leave the country. Among them were immigrants who used road transportation to flee in all directions. Those who were able to cross to Algeria, Chad, and Niger did not face complications. The nearly eight hundred thousand who fled to border countries such as Tunisia and Egypt, however, were retained in temporary refugee camps erected close to the borders of Libya.⁵ The conditions in these camps were deplorable, and the migrants were forced to remain there until safe means were found to get them back to their countries or until host countries were willing to accept them as refugees. For some, their status took a year or longer to resolve.

Some immigrants stayed in Libya, where they faced the same fate Libyans were encountering. Either they could not go back to their home countries for one reason or another, or they were protected by Libyan families. Others decided to stay and fight with the Qaddafi forces, hoping to get paid well and to enjoy possible benefits, such as the promise of Libyan nationality. Some had been living in the southern part of Libya for decades. Others were Chadians or Nigerians or even Libyans with no legal status who were eager to be naturalized.

According to unsubstantiated rumors, Qaddafi recruited mercenaries from sub-Saharan Africa to join his forces and kill freedom fighters and rape their women. Such rumors negatively affected the situation of black migrants who were stranded in the country, and the fate of all blacks became outright dangerous. Grave violations of human rights were committed against many of them. It should be emphasized, however, that the number of sub-

Saharan Africans who decided to leave the country during the fighting but were not able to make it was very small. Almost all foreigners, including migrants, did leave.

When the revolt came to an end and the regime was toppled, the country's interim government operated side-by-side with militia groups. Despite the lack of security and the shortage of basic services provided by police and the municipality, life on the street started gradually to return to normal, with regular scenes of migrants gathering at city crossroads waiting for someone to stop by and offer them a job as a day worker. The revival of employment for migrants indicated that irregular migration had started to boom again and that smugglers of migrants were active again.⁶

After the fall of the Qaddafi regime, the number of foreign workers declined significantly. Yet, very soon thereafter, the numbers began increasing. Foreign workers found jobs mostly in construction but also in farming, retail, and petrol stations and in cleaning and guarding homes and schools, hospitals, and other institutions.

During the early days of the new regime, many migrants entered the country legally and stayed after their visas expired. In the meantime, a southern migratory route was slowly activated as small groups, especially those who had been in Libya before the uprising, decided to come back. Today, irregular migrants reach Libyan borders with the help of smugglers from their home countries. But within Libya, Libyan traffickers take over. Their work is challenging, however, because the new regime has no regular law enforcement system and militias stand in the place of a governmentally controlled police force. Militias often randomly stop trucks loaded with irregular migrants. For instance, during the first half of 2012, a militia stopped two trucks loaded with about eighty-four irregular migrants from Egypt, Sudan, Chad, Niger, Ghana, and Nigeria.⁷ The arrival of irregular migrants from Ghana and Nigeria, neither of which has a border with Libya, suggests that irregular migration started to flow once again from all sub-Saharan Africa as soon as the fighting halted.

Irregular migrants can be classified into four groups. Members of the first group wish to stay in the country for a long period with the goal of raising the families that have accompanied them to Libya. Members of the second groups plan to work in Libya temporarily and transfer remittances back home. These workers tend to go back and forth to and from Libya many times. Members of the third group plan to raise enough money in Libya to pay for the journey across the Mediterranean to the dreamland of Europe. The fourth group includes those who arrive in Libya having already raised the money—usually in their home towns—to ensure that they can reach a European port. Members of this group usually stay in Libya just long enough to contact smugglers to take them by boat to their European destination, though that destination may not be ensured. They will not usually circulate within Libyan cities while they wait for a boat. They are kept by the smugglers in secluded farm houses on the outskirts of cities or in nearby towns not far from the port from which they hope to cross the Mediterranean to either Malta or the Italian island of Lampedusa. On rare occasions such expeditions are aborted when the militias in the role of police intervene. An example is a militia raid that took place near the city of Ajdabiyya to stop and capture a group of forty-five irregular migrants from different counties who were on a boat that was to take them to Europe.⁸ The Ajdabiyya seizure of irregular migrants indicates that new centers of migration are arising in cities that are quite distant from European shores.

Official reports for the first half of 2012 put the number of irregular migrants who were able to take a boat from Libya and successfully reach Lampedusa at 1,300 persons. This number kept climbing, and between January and October 2014, some 130,000 persons were reported to have arrived in Italy by boat from Libya.⁹

Not everyone who starts the journey reaches the destination; many drown on the way. During the first few months of 2012, at least 170 migrants were reported to have died while

crossing from Libya. On June 26, 2012, a boat left the shores of Tripoli with 55 on board. It ran into trouble and drifted for fifteen days; all but 1 person on board died.¹⁰ As the number of migrants attempting to cross the Mediterranean has grown larger, the number who die at sea grows larger too. The International Organization for Migration (IOM) estimates that up to 3,072 migrants died in the Mediterranean in 2014, compared with an estimate of 700 in 2013.¹¹

Human Trafficking in a Lawless Country

According to one of the slogans of those who actively participated in the February 17, 2011, uprising, Libyans “are one big tribe.” The participants’ goals included building a civil democratic state and implementing democratic values in all spheres of life. With help from a multinational coalition under NATO, Libyans succeeded in getting rid of one of the most vicious dictators of the twentieth century. Now they are faced with the reality that the fall of the dictator has also destroyed the social fabric and all law enforcement institutions and government agencies. Libyans first appointed an interim government, which was followed by a transitional government, then two rival governments (one in the east and one in the west), both of which turned out to be weak and fragile and incapable of establishing law and order. Large numbers and styles of weapons are still widely spread among the population and numerous militias. Any group of individuals may form a militia; according to some estimates, Libya now supports seventeen hundred such militias.

These militias are ideologically divided. Some are made up of militant or moderate Islamists, some are made up of secessionists and liberals, and others are made up of men who are terrorists or have criminal records. Furthermore, the militias are divided along regional, ethnic, or local lines. The country has been beset by chaos since Qaddafi’s death because of fighting among these different militia groups for political and economic gain, while the capacity of the state has been reduced. Ruling political elites have empowered the militias by signing their checks and paying their bills.

Militias now often play the role of law enforcement agencies as well as the judiciary. They exercise the power to arrest, jail, bring individuals to trial, and impose and implement prison sentences and even capital punishment. In this context, both Libyans and foreigners may face penalties but the migrants are more vulnerable. According to a report by Amnesty International, migrants across Libya regularly face rape, torture, and abductions for ransom.¹²

Despite the ghastly conditions for migrants, however, coupled with spiraling lawlessness, the flow of irregular migrants continues. Securing Libya’s long borders has always been difficult. Before the February 17, 2011, uprising, governmental guards did attempt to stop illegal border crossings. But after the uprising, Libyan borders were wide open. Criminal gangs took advantage of the new situation, and the southern Libyan desert became a safe haven for all sorts of smuggling activities involving drugs, cigarettes, alcoholic beverages, and military hardware. The problem has become so bad that African leaders have asked European countries and the United States to come to their aid against the threat of terrorist gangs operating out of the Libyan desert.¹³ Gangs involved in human trafficking, many of whom are newcomers from Libya, have also taken advantage of the lawless southern desert and accelerated their activities.

It is difficult to estimate the number of irregular migrants in Libya because so many are in the hands of smugglers who make sure that they cannot be seen by others. Libyans who deal with human trafficking apply all means to keep their activities top secret. They avoid taking regular highways to transfer irregular migrants from the south to the north and they do not stop in public places. But because the smugglers care only about profits and have no concern for human safety, they do not apply the same degree of care when it comes to hiring boats.

Many boats run into problems as soon as they leave shore. Since each passenger has to pay about a thousand Libyan dinars before leaving Libya, the smugglers do not care what happens once the migrants are in high seas. They load as many migrants as possible on each boat, as if they are stocking animals.

Often those who become stranded at sea send out distress calls, and vessels in the vicinity come to their rescue and take them to Lampedusa, which is close to the Libyan port of Zuwara. In other cases the boat sinks with its load before help arrives, and hundreds of people are swallowed by the sea.

What Is the Future for Libya?

All indicators point to the conclusion that Libya is a failed state and will remain so for a long time. Libyans seem to have no prospects for restoring law and order, safeguarding their country's borders, or patrolling their coastal areas and preventing them from being used as jumping-off points to Europe. As a result, the flow of irregular migrants will continue to rise and criminal gangs will continue human trafficking, putting people on unseaworthy boats to cross the Mediterranean. Consequently, the number of horrible accidents will rise and more migrants will perish at sea.

Notes

¹ "Libya: Sub-Saharan Migrants Keep Their Heads Down" *IRIN: Humanitarian News and Analysis*, September 20, 2011, <http://www.irinnews.org/report/93763/libya-sub-saharan-migrants-keep-their-heads-down>.

² Mustafa O. Attir, "Controlling Libya's Borders against Illegal Migration: Mission Impossible," *Proceedings of the Conference on Fortress or Area of Freedom: Euro-Mediterranean Border Management*, Berlin, June 2009, 7.

³ Mustafa O. Attir, "The Libyan Experience with Legal and Illegal Migration within Its Relations with the League of Arab States and the African Union" in *Highlights on the Socio-Economic Impact of International Migration on Libyan Society*, ed. Attir (Tripoli: Academy of Graduate Studies Press, 2010), 33.

⁴ Human Rights Watch, *Pushed Back, Pushed Around: Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers* (New York: Human Rights Watch, 2009), https://www.hrw.org/sites/default/files/reports/italy0909web_0.pdf.

⁵ International Organization for Migration (IOM), *Report of the Director General on the Work of the Organization for the Year 2011* (Geneva: IOM, 2012).

⁶ John Salt and Jeremy Stein, "Migration as a Business: The Case of Trafficking," *International Migration*, 35, no. 4 (1997): 470.

⁷ "Arresting More than 140 Illegal Migrants," Libya ALMostakbal.net, 2012, <http://archive2.libya-al-mostakbal.org/news/clicked/23749> (in Arabic).

⁸ Almanaralink Online, "Arresting a Group While They Were Ready to Cross the Mediterranean," 2012, accessed August 17, 2016, <http://www.almanaralink.com/>.

⁹ "Mapping Mediterranean Migration," BBC News, September 9, 2014, <http://www.bbc.com/news/world-europe-24521614>.

¹⁰ Humanity Voice, "54 Illegal Immigrants Die at the Mediterranean Sea while Trying to Reach Italy," 2012, <http://www.unhcr.org/4ffc59e89.html>.

¹¹ International Organization for Migration (IOM), *Fatal Journeys: Tracking Lives Lost during Migration* (Geneva: IOM, 2014), https://publications.iom.int/.../FatalJourneys_CountingtheUncounted.pdf.

¹² Amnesty International, "Libya: Horrific Abuse Driving Migrants to Risk Lives in Mediterranean Crossings," May 11, 2015, <https://www.amnesty.org/en/latest/news/2015/05/libya-horrific-abuse-driving-migrants-to-risk-lives-in-mediterranean-crossings/>.

¹³ Associated Press, "Niger's Minister, 'France and the United State Should Intervene in Southern Libya,'" *Daily Mail*, February 5, 2014, <http://www.dailymail.co.uk/wires/ap/article-2552369/Niger-France-US-intervene-Libya.html>.