



FRONTEX

LIBERTAS SECURITAS JUSTITIA

European Agency for the Management of Operational Cooperation at the External Borders
of the Member States of the European Union

FRONTEX-LED EU ILLEGAL IMMIGRATION
TECHNICAL MISSION TO LIBYA

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1 FOREWORD



1.1 Following a formal request by the Commission in March 2007, this second EU technical mission on illegal immigration to Libya was led by the new *European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)*. The mission was undertaken between 28 May and 5 June 2007.

1.2 It should be noted that the Libyan authorities went to great efforts to provide the necessary detailed logistical support to ensure the effective completion of this mission. Furthermore, they produced a most comprehensive programme, which incorporated visits to different parts of the southern borders, the main focus of this mission, as well as a visit to the maritime borders, as requested by Frontex.

1.3 Throughout the mission, the members of the mission were treated to extremely warm hospitality by the Libyan hosts, and useful operational contacts have been established which it is hoped will advance future cooperation on border security issues. All members of the mission would like to express here their thanks in particular to General El Hadi Muftah Abou Ajela of the General Committee of Defence, the principal senior interlocutor, who remained with the mission from start to finish. His personal efforts and commitment ensured that all the logistical needs of the mission were attended to.

1.4 The report that follows aims to provide an accurate, technical impression of what the mission found on the ground; and, despite an inevitably incomplete analysis carried out within a short timeframe, offer some brief conclusions and recommendations as to how this technical engagement on illegal immigration with the Libyan authorities could be followed up.

2 EXECUTIVE SUMMARY

2.1 Of the seven full days available for completion of the mission, five of these were spent on field trips, four at the desert southern borders –the main focus of the mission as far as Libya was concerned- and one at the maritime borders north-west of Tripoli. As a consequence, this hectic travelling programme left little time for detailed meetings with relevant interlocutors in Tripoli, and it is probable that the mission did not meet some Libyan representatives who might have been able to provide further information and evidence related to the various objectives of the mission. For example, unfortunately it did not prove possible to meet Ramadan Barg, Director of the European Affairs Department and the person through whom the mission had been arranged. Similarly, lack of time prevented the inclusion in the programme of meetings with international organisations –eg IOM, UNHCR and Libya’s own IOPCR - working on the ground.

2.2 Following a request for up-to-date statistics and other detailed information which had been outlined in the Terms of Reference (Annex 5 contains the list of topics and statistical data requested), the Libyan authorities presented the mission with a document (in Arabic) and a compact disk which was said to provide all the information sought. It also provided a list of various items of technical equipment being sought from the EU. A copy of the original document and the translation is attached at Annex 6.

2.3 The meetings with representatives of the General People’s Committee for Foreign Liaison and International Cooperation (hereafter referred to as Ministry of Foreign Affairs) and The General People’s Committee for Public Security (hereafter referred to as the Ministry of Interior) on the first day of the mission were open and informative, and assisted the delegation in understanding the current problems being faced by Libya in respect of illegal immigration into its territory. The issues discussed included efforts to ensure better coordination between ministries and authorities, the fight against corruption and the increased involvement of organised crime in illegal immigration, which seriously threatened the security of Libyan citizens.

2.4 Whilst many interlocutors stressed the need for the EU to assist in providing technical equipment, other areas of possible assistance were also recognised. These included technical training, sharing of information and provision of expertise. There did appear to be a readiness to work closer with the EU –and the new Agency, Frontex- on combating illegal migration provided that the sovereignty of Libya was not threatened.

2.5 At the beginning of the mission, there was some notable confusion between Libyan representatives concerning the role of Frontex, which appeared to be equated to the EU and the Commission. By the end of the mission, however, as a result of the many presentations and talks given by the Frontex members, the distinctions appeared to be far clearer. Despite this better understanding, it was observed that taking forward operational cooperation with the Agency appeared to be linked to seeing some movement first from the EU as a whole in providing the desired technical equipment to Libya. Libyan representatives were encouraged by Frontex members to view the possible bilateral cooperation with Frontex as entirely separate from previous relations with EU institutions at the political level. Furthermore, the Frontex delegation made the point that operational cooperation could prove mutually beneficial and, as the first North African country Frontex had approached formally, Libya had the opportunity to lead the way within the region.



3 Background

3.1 The first EU technical mission on illegal immigration to Libya took place between 27 November and 6 December 2004 and was led by the Commission. On 3 October 2005 the recently established new *European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)*, based in Warsaw, became operational.

3.2 On 7 March 2007, Vice President Frattini wrote to the Executive Director of Frontex requesting the Agency to take forward a follow-up EU technical mission to Libya, the principal aim of which would be to consult the Libyan authorities on how best the EU could assist Libya with improved management of its southern borders. Accordingly Frontex sought agreement with the Libyan authorities on appropriate Terms of Reference (Annex 2) which were expanded to include an element of consultation on maritime issues and the development of bilateral operational cooperation with the Agency. In respect of the latter aspect, this was pursuant to a mandate to negotiate a suitable working arrangement with the appropriate Libyan authorities having been granted by the Frontex Management Board in November 2006.

3.3 The resulting mission took place between 28 May and 5 June 2007 and comprised four members of Frontex as well as experts from both Malta and Italy, representing the two Member States principally affected by maritime illegal migration emanating from Libya. A list of the six mission members is attached at Annex 1.

3.4 On the evening of 28 May, following arrival in Tripoli, the mission members briefed EU ambassadors or embassy officials from Italy, Malta, Spain and Germany as well as the IOM. On the concluding day of the mission, 5 June, at the German Residency in Tripoli, the mission members provided a debriefing to a larger group (most of the EU 27) of ambassadors as well as the EC Delegation (Tunis).

4 Initial meetings in Tripoli

4.1 The first full day of the mission was devoted to meetings with senior Libyan officials representing the Ministry of Foreign Affairs (MFA) and Ministry of Interior (MoI). In the case of the former meetings, the delegation first met with Abdullatti El Obeidi, Secretary of State for European Affairs, and then Dr Ali El Rishi, Head of Immigration Affairs in the MFA. The latter stressed how Libya was taking its own steps to counter the problems of illegal immigration which impacted negatively on Libya in terms of security, health and social cohesion. He acknowledged that there was scope for improvement by the Libyan authorities to coordinate better and to do more to tackle both corruption and the criminal networks increasingly involved in encouraging illegal migration. In all these areas, Libya would welcome appropriate help from the EU and was indeed prepared to take forward operational cooperation to tackle illegal migration flows provided that its sovereignty was not threatened.

4.2 The subsequent meetings with MoI officials (including Defence and Public Security) were led by General El Hadi Muftah Abou Ajela, who had met the mission members at the airport the previous day, and who was to accompany the delegation on the field-trips to the southern and maritime borders.

4.3 The mission was informed of the current problems and challenges being faced by Libya in respect of illegal migration flows and the response of the Libyan authorities to them, including the establishment of a new Border Security Agency.

4.4 Throughout these various meetings, the mission members welcomed the openness and frankness of the discussions where there appeared to be consensus that the problems and dangers associated with illegal immigration were common to both Libya and the EU. There was also a common understanding that more needed to be done in the source countries, for example by means of better information campaigns warning potential migrants of the dangers of crossing through the desert, and here the EU was seen as being able to assist. Moreover, there appeared to be a readiness for improved cooperation with the EU to tackle the criminal networks behind illegal migration flows.

4.5 However, Libyan representatives from both the MFA and MoI stressed what were for them two important points: first that Libya stood to experience a far more negative impact than the EU from the effects of illegal immigration; and secondly, that the EU had failed to deliver on previous promises, particularly in respect of assisting Libya with technical equipment to help fight illegal immigration. With regard to this latter point, the delegation made it clear, from the outset, that it came to offer no promises but to assess Libya's needs in terms of the southern borders and to discuss possible areas of future operational cooperation with Frontex.

5 The mission to the desert southern regions

a) South east side

5.1 After take-off from the military airport of Tripoli Maetiiga on the 30th of May, the delegation landed at *Kufra* and were greeted at the airport by local Libyan military and civil authorities; at the beginning of the briefing the Libyan side underlined that *Al Awuaynat* (Egyptian and Sudan border) and *As Sharra* (Chad border) border crossing points had been closed due mainly to the ongoing tense security situation in Sudan, notably in the Darfur region.

5.2 The mission was informed that the Libyan authorities' method for detection of illegal immigrants is based on the establishment of a progressive circular network of checkpoints around the Kufra oasis. The outer ring, the first (military) tier is situated 300 km from Kufra, very close to the borders, and it is controlled by the army; the second, middle ring is situated 100 km from Kufra and is jointly controlled by the army and the police; the last, inner ring is on the outskirts of Kufra, and is controlled by the local police.

5.3 In Kufra the delegation visited the detention camp for illegal immigrants where 130 sub-Saharan citizens were detained. The condition of this structure can be described as rudimentary and lacking in basic amenities. In the afternoon the delegation reached the *Bizzema oasis* one and a half hours away from Kufra by helicopter. During the flight no evidence of the presence of illegal immigrants on the ground was seen.

5.4 On the 31st of May two check points in the middle rings were visited – one garrisoned by the army and the other one by the police – a journey by 4x4 cars which took about five hours during which time no other persons or vehicles were encountered.

b) South side (central)

5.5 On the 1st of June the delegation arrived at the *Murzuk* district, one of the biggest regions in the country. The system used to share the tasks of border control is based on 4 official border check-points and 11 check-points in the desert, all of them located along the route of illegal flows. These are spread out along three lines parallel to the border, approximately 500 km in length: a) *Uadi Edba*, close to the Nigerien and Chad border and controlled completely by the army; b) *Uig* in the middle controlled by the division of the national police responsible for controls; c) *Al Luau* (local police). During the day the mission visited, from Murzuk by helicopter, the *Uahuanamussa lake*, following which, patrolling in the desert by car for five hours, two of the 11 check points referred to were visited: *Biaba* and *Lasida*, both found to have soldiers on duty.

5.6 On the 2nd of June the mission set off to one of the principal, strategic check points situated in the area close to the border, which is called *Grandig* (lat N 23 13' 42,53" and long E 13 18' 32,44"), situated 150 km east of the *Al Thum* border check point at the Nigerien border.

c) South west side

5.7 On the 3rd and 4th of June the delegation arrived at Ghat (Nigerien and Algerian borders). There are ten check points set up through this border area with Algeria and the mission was taken to two of them. Although one was referred to as the international border check point, in reality due to what was described as the threat from terrorism, it can be crossed only by Libyan and Algerian nationals (in the same way that only Nigerien and Libyan nationals can cross legally at the *Al Thum* border check point). The tasks at the international check point with Algeria are shared between army, police and Customs (60 persons on duty).

6 Mission to the maritime borders

6.1 Maritime borders management and surveillance is carried out collectively by the police, the navy and the army. For such purpose a committee with representatives from the three departments was set up to ensure operational co-ordination.

6.2 Around two years ago a Coastguard Department (Coast Security Authority) was set up under the remit of the Ministry of Interior. This department is still in its infancy and is being manned by navy and police personnel. It currently has twelve patrol vessels and twelve dinghies. It is responsible for patrolling the territorial waters (12 mile area from the coast) extending from Ras Ejdair to Musratah. On 4th June the mission visited the Coastguard station (marine security centre) at the Zuwarah seaport which covers the coastal waters from Ras Ejdair to Zawiyah. The Coastguard also makes use of a police helicopter for aerial surveillance and support during operations. The Coastguard's operations room is situated at Zawiyah.

6.3 Since the inception of the Coastguard fleet, the navy mainly operates in the high seas but assists the Coastguard inside the territorial waters upon request for assistance. Moreover, it still gives technical and training support to the Coastguard.

6.4 Support is also given by the air force and the army as the need may be. The latter also have eight fixed observation posts along the coast from Ras Ejdair to Surman.

6.5 Illegal immigrants apprehended by the navy or the Coastguard are handed over to the Department of Anti-Infiltration and Illegal Immigration. Persons breaching immigration laws are charged before a special court which deals specifically with immigration cases.

7 Final meetings in Tripoli

7.1 On the last day of the mission, 5th June, the delegation first went to the German Residency to offer EU ambassadors and the EC Delegation (Tunis) an initial debriefing of what had been seen by the mission. This was followed by a quickly arranged meeting with the Deputy Commander of the Libyan navy, at his request. At this meeting the delegation was informed of the existence of a new joint coordination unit, involving all the relevant authorities, to tackle maritime illegal migration. It was not, however, possible for the Libyan authorities to provide more precise details of what appeared to be an important new unit.

7.2 Following the meeting with the navy, the delegation proceeded to the final wash-up meeting with General El-Hadi and colleagues from the MoI. Although this final meeting was extremely friendly and courteous, there were no clear signals offered from the Libyan authorities, as had been hoped by the mission members, as to what their position was in respect of (a) participation in Joint Operation “Nautilus” (b) possible future operational cooperation with Frontex.

8 Organisational structures and update on immigration and asylum laws

8.1 According to the understanding of the mission members, the principal ministries dealing with illegal immigration issues are the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Justice and the Ministry of Defence. Combating illegal immigration is a joint effort between various departments within these ministries. Operational co-ordination and responsibility is primarily vested in the Ministry of Interior.

8.2 Illegal immigration operations are carried out by the police supported by the army, the air force and the navy. The role of the latter is of particular importance in supporting the newly established Coastguard Department. On the other hand investigations are carried out by the Department of Anti-Infiltration and Illegal Immigration. Both departments fall within the remit of the Ministry of Interior. A new Border Security Agency is envisaged to be established also under the Ministry of Interior.

8.3 The mission was informed that there had been no significant new immigration-related laws introduced since that of No 2 of 2004, which was on the point of being implemented at the time of the first EU Mission late 2004 and was discussed then at some length. There had, however, been a series of resolutions passed by the General People’s Committee aimed at bolstering the implementation of this law. Mention was made in particular of new procedures brought in by the Ministry of Labour and Trading in February 2007 aimed at ensuring that all foreign workers held properly issued work permits. To this end a brief amnesty period (one month) had been allowed for the estimated one and a half million illegal migrants working in Libya to return to their home countries without sanctions to seek to obtain work permits.

8.4 In respect of refugee law, the mission was advised that Libya continued to have problems with signing up to the Vienna Convention which was viewed as a “one-size-fits-all”

law which did not take account of Libya's own problems and was not in its interests to sign. Nevertheless, Libya was in the process of drafting refugee laws.

8.5 The mission was advised by the Ministry of Foreign Affairs that, whilst Libya enjoyed excellent cooperation with all of its neighbours, it was considered necessary to revise the existing bilateral treaties with them to take account of the current security situation.

8.6 In respect of visa requirement changes for Libya, the mission was informed that Sudanese nationals now required visas. It remained the case that Egyptian and Tunisian nationals did not require visas.

9 Brief Assessment of the situation related to migration flows affecting Libya

a) Availability of information and statistics

9.1 The Terms of Reference of the mission indicated a number of fields for which the mission would require additional information and statistical data in order to facilitate the assessment of the situation and nature of the migration flows targeting Libya either as a destination or transit country. This was again requested at the beginning of the mission in the initial meetings in Tripoli. As a response to the request for further clarification made by one of the Libyan coordinators of the mission, a complete bullet list of topics was drafted and presented by the mission (basically requesting information on apprehended illegal migrants, forced return, refusals, facilitators and traffickers arrested, structure and coordination mechanisms for authorities dealing with border control issues, etc.). The response to the request came in the form of a CD and eight pages of text in Arabic, given to the mission just before departure to the airport at the end of the mission. Once translated and assessed, a fair amount of the information and statistics provided was found to be quite general or partial although, in the case of the region of Ghat, the information was far more detailed and demonstrated a degree of understanding and preparedness for collection of statistics and its use for risk analysis and strategic/operational planning.

9.2 In terms of combating the criminal networks behind the illegal migration flows, the mission was informed that during 2006 the law enforcement authorities arrested a total of 357 facilitators (284 local nationals) and had confiscated 51 vehicles, 17 boats and 36 telephones together with GPS equipment. During the initial five months of 2007, Libyan authorities reported 53 agents had been arrested. Furthermore, 360 corpses were said to have been recovered during 2006.

9.3 The mission was informed that, during 2006, the Libyan authorities had apprehended 32,164 illegal immigrants and had repatriated 53,842 during the same period. Furthermore, some 60,000 illegal migrants were currently detained. Many senior officials both in Tripoli and in the visited regions indicated the heavy burden –especially in financial terms- that the implementation of this apprehension, detention and repatriation policy posed to Libya.

b) Situation of illegal migration

9.4 When assessing the information deriving from different sources against what was seen and found during the mission and the information provided by the Libyan authorities, the initial conclusion is that the main trends have not changed dramatically in the last five years. Invariably, Libya is a clear destination and transit country for five main migration flows: the one originating in Sub-Saharan Western Africa (mainly Ghana, Burkina Faso, Nigeria, Mali via Niger-Algeria), a second one coming from the Horn of Africa region (Somalia, Eritrea, Ethiopia via Sudan), the west and east Northern Africa flows (mainly Morocco and Egypt, including air borders), a fourth one departing from the Middle East region (Syria, Palestine, Jordan via Egypt), and finally the migratory flow originating from the Indian Sub Continent (Bangladesh, Pakistan, India).

9.5 The role of Libya can be assessed as fundamentally a transit country from North Africa to Italy and Malta and thereon to the rest of the EU. The means of transport is by boat, and the Libyan authorities reported that most of the boats currently being used are brought from Tunisia and constructed in sites not far away from the Libyan borders. Organised crime groups in Libya then shelter the migrants until the moment the necessary arrangements are concluded. Libya's role as a transit country for maritime illegal migration is confirmed when assessing the trends since 2003 based on data on detected illegal migration at the sea borders of Italy and Malta.

	2003	2004	2005	2006	2007
Apprehended illegal migrants at the EU external maritime borders of Italy-Sicily, Lampedusa, Pantelleria	14 000	13 000	17 500	19 000	1 600 ¹

9.6 But Libya is also clearly a destination country for illegal migration. Libya, which is taking forward a great number of infrastructural projects, inevitably acts as a pole of attraction for foreign labour. This is especially relevant for nationals of the neighbouring countries and of the Sub-Saharan region.

9.7 On several occasions the mission was able to have direct contact with apprehended illegal migrants, including during the visit to a detention camp in the region of Al Kufrah. All arrested illegal migrants interviewed by members of the delegation indicated that their intention was to work in Libya and return to their place of origin at some stage in the future. These brief interviews, however, with a few cases cannot be considered a suitable and reliable sample of the intentions of the illegal migrant community as a whole.

9.8 Estimates of resident illegal migrants vary considerably. Out of a population of 5.5 million, Libyan authorities indicate that the overall number of foreign nationals present in the country surpasses two million. However, different oral sources have asserted during the mission that the number of illegal residents would range from 1.2 to 1.5 million while the "legal" workforce and resident foreign community would be 600,000 to 700,000. By the very (covert) nature of illegal immigration, it is of course difficult for any country to provide accurate statistics of the numbers involved.

¹ Data until 30 April

9.9 This emergence of Libya as a nexus for Europe, taking over from Tunisia the former leading role in the region, went in parallel with a stronger and much more organised role of Libyan based criminal gangs dealing with smuggling and trafficking. During the last few years coastal EU Member States have witnessed how these criminal groups have managed to extend solidly their operational capability to EU soil. The geographical location of Libya, the increased number of illegal immigrants ready and willing to risk an unsafe journey by sea and the apparent capacity difficulties for the Libyan authorities in the controlling of these migration flows are all factors that have led to the current situation.

9.10 The leading role of Libya also brought about a shift of the main regions of origin utilising this migration route. Together with a predominant presence of Maghreb nationals, migrants from Sub-Saharan Africa, the Middle East, the Horn of Africa and Asian nationals began to rise in the statistical tables of detected illegal migrants sailing on boats in the Mediterranean or landing in some of the targeted EU islands.

c) Brief outline of the main migration routes to Libya

9.11 During the mission, both from the information provided by Libyan authorities and as a consequence of the visits and interviews carried out by the mission, the main migration routes leading to the Libyan southern borders were confirmed, as reported by the Technical Mission to Libya on Illegal Migration (27 November-6 December 2004, report no. 7753/05).

9.12 Immigrants reach Libya basically by using three methods. Firstly by air with the use of fraudulently obtained visas, secondly crossing over the Northern African borders through border check points or clandestinely, and third crossing Libya's land borders to the south across the Sahara desert and east from Egypt. From Sub-Saharan Africa migrants stage their journeys to reach Libya, often stopping en route and seeking to work to pay for the next stage of their journey. The journey can take 3 to 6 months or longer. This information was confirmed in the interviews carried out during the mission on apprehended migrants. Niger, its city of Agadez, has been repeatedly confirmed as an important nexus point for migrants from West Africa. Here migrants from Western Africa contact with agents who will arrange their onward passage to the Ghat region or further on to Tripoli. As it has been reported, the traffickers and agents operating in source and transit countries easily exploit Libya's desert borders with Algeria, Niger, Chad and Sudan, with Mali also playing a pivotal role for the transit both to Libya and Morocco. Al Kufrah represents an important staging post on the road from Sudan, a place where migrants make contact with sub-agents mostly locals with links to the northern regions, Tripoli and Benghazi.

d) Brief assessment of border control in Libya

9.13 The information received and, mostly, the field visits carried out to the southern borders allowed the mission to understand the magnitude of the challenge when it comes to border control at the southern land borders of Libya. The vast desert areas spreading all along the frontiers and the climate conditions mark an approach to border control distinguishing it entirely from the European understanding, management and practice. However, this should not be taken as justification for the absence of a consistent border management concept and

system. The Libyan understanding of Border Control seemed to form a subsidiary minor part of the main function of the military protection of the country and Defence safeguarding. In this sense, the policing activity in the region seemed to play a purely supportive and procedural role (the custody of illegal immigrants and procedures related to return were assigned to the police). Thus border police are the second line of control after the military patrols and surveillance positions. The Military is based on a “People’s army” operating in small units based at strategic points along the border, which appear to have a limited ability to control illegal migration. Questions related to issues surrounding training, use of conscripts and professional staff were asked. According to the information provided all military and police officers are trained in border surveillance issues in a central academy for a period of six months, before being posted. In this sense, newly appointed officers could be posted anywhere in the country as there seems to be no regional limitation or assignment of staff to their region of origin.

9.14 The mission was informed by senior officials from the Foreign Affairs and European Affairs departments that Libya was “revisiting” the national legal framework and some international agreements in order, among other things, to clearly establish the concept of border control and entry and exit obligations for foreign nationals. In addition to this, the same representatives highlighted the need for a significant improvement in terms of the workforce dealing with border control, as well as training and equipment. Clear signs of the understanding of the need to improve border management, cooperation among authorities dealing with border control, fighting corruption and enhanced cooperation with neighbouring and third countries were given to the mission. Here the need for appropriate equipment was not presented as a standalone requirement but rather linked –and maybe as a precondition- to the above.

9.15 It was very obvious to the mission the actual difficulties of setting a clear border line division in an area as vast and remote as the southern desert region of Libya. In fact, when approaching the issue from a purely technical and operational border guard point of view, one can say that this issue does not really make a major difference. That is because it can already be concluded that, when it comes to border control in most of the southern areas, operational activity would need to focus on a wide stretch band-area of the border region rather than on the exact –even if presumed- line of the political border.

9.16 An issue which is of major importance and with direct impact to the concept of border control is the fact that the southern borders of Libya are closed to legal and standardised entry and exit of foreign nationals. This was confirmed to the mission during the field visits and in the meetings in Tripoli when it was explained that these political decisions had been taken for security reasons. Reportedly, the only legal border check posts can be found in the border with Niger (BCP Al Thum) and Algeria (BCP Ghat), but this affects only local border traffic in and out of these neighbouring states. As a consequence, in principle, all other types of entry through the southern external borders of Libya should be considered unlawful. However, during the field visits, local authorities indicated that border checks in these regions are carried out in the following manner: whenever a security patrol comes upon an individual or group of individuals travelling in a vehicle, the control over their legal grounds to enter Libyan territory is carried out on that very spot, including the stamping of travel documents; it was also indicated that, in the region of Al Kufrah, foreign nationals are guided to the main city of Al Kufrah to go through passport control and customs clearance.

9.17 Under these circumstances, one could conclude that the option for foreign nationals to legally enter Libya through its southern borders is an absolute exception. This would mean that most of the entries actually happening are uncontrolled –even in the case of foreign nationals wishing to enter the country lawfully-, if we accept that detections lead to immediate refusals or to return procedures, as it was stated by Libyan representatives. The issue of corruption,

referred to below, could also very well play a key role in the migratory situation of the southern borders.

9.18 Another outstanding issue related to the current management of border control nationwide –with its impact also in the southern borders- is the involvement of quite a number of authorities in the duties of border control. Furthermore, several of the key services now dealing with border security are newly created, which may also indicate the awareness and more intensive commitment of the relevant authorities in Tripoli. As the mission was informed, the Border Guard Directorate –which is still in the setting up and development phase-, the Coastguard -very much in the initial phase and under the monitoring of the Navy- and the Anti-infiltration and Illegal Immigration Department are the three main interlocutors when it comes to the Public Order-Police sector. At the same time, the Military seems to be very much in control of the situation, with its Regional Military Commanders and the chiefs of Desert Surveillance as the main regional operational authority; its structure, in regional Defence Committees and Central Defence Committee seemed to be less accessible to information. In Tripoli, a central coordination Committee coordinating the migration policy seems to be the horizontal tool to enable some targeted focus to such a variety of authorities.

9.19 Another of the issues noted when carrying out the field visits was the lack of institutional-operational agreements with neighbouring countries, and the absence of practical cooperation in the form of joint patrols, coordinated patrols or similar. Only in the Ghat region did the local authorities emphasise that informal cooperation with Algerian local authorities and, to some extent, with Niger was existing and productive. However, no more explanation was provided on the extent, practicalities or consequences of this cooperation further than the indicated good personal contacts.

9.20 Reference has to be made to the equipment used for border control. The equipment checked and reported during the field visits in the different military surveillance positions was mostly of a defensive nature, such as long range machine guns. In general, the impression was that of a lack of basic surveillance and communication equipment enabling, for instance, night detections (all the oral reports indicated that illegal entry takes place mainly during night, due to climate conditions and to avoid detection). The number of patrolling vehicles seemed to be low and airborne surveillance relied upon a very low number of unsuited helicopters and small planes.

9.21 However, it is important to consider whether the operational surveillance focus should be put on land-vehicle patrolling or on airborne surveillance. In the understanding of the mission, standard patrolling without airborne support makes very little sense. In such tough conditions, absence of roadways and enormous areas to cover, the key surveillance tools should be put in the air while the land reaction to detection should come in the form of 4x4 motor vehicles or motorbikes. Additionally, a detailed study should be made on the allocation of the surveillance positions, in order to obtain the best value out of resources and concentrate efforts. In this sense, support should be given to the building up of basic premises and communication features enabling minimum working conditions and communication between the different assets.

9.22 In order to enable a better assessment of the means required, the mission requested on many occasions to have a detailed breakdown of technical equipment currently in use for border surveillance. The mission was not successful in gathering this information and only the national overall list of equipment being requested was provided at the end of the mission. Under these conditions, it is impossible to assess the equipment required against equipment available, one of the main factors that should have been considered when completing this assessment.

9.23 Although corruption was referred to by some senior officials as a phenomenon which needed to be tackled, no information was provided on the existence of internal mechanisms to react to identified cases of corruption. As evident as it may seem, no matter what sophisticated equipment or advanced border management concept and system might be put in place, the existence of corruption will always undermine the implementation of an effective border guard response.

10 Bilateral cooperation with Frontex

10.1 With regard to the establishment of operational cooperation between Frontex and the Libyan authorities the mission had two major objectives. The first objective was to encourage the Libyan authorities to take part in the Frontex coordinated and co-financed joint operation “Nautilus” planned for summer 2007. Secondly to engage the Libyan authorities towards the gradual development of a sustained operational and technical cooperation with Frontex based on a working arrangement.

10.2 In order to give prior notice of the joint operation “Nautilus” and to invite Libya to take part in this operation to the extent acceptable to the Libyan side, Frontex had sent a letter on 25 May 2007 to the General People’s Committee for Foreign Liaison, Director of European Affairs. A copy of this letter is attached at Annex 7.

10.3 During several meetings with representatives of the MoI, MFA as well as with authorities competent for maritime cooperation the delegation took the opportunity to renew the invitation and to propose several options for participation. These were: the appointment of a point of contact to the operation in Libya; the sending of a Libyan liaison officer to the Nautilus coordination centre in Malta; the sending of observers to attend the planned maritime patrols; and the ultimate option of arranging joint patrols in the territorial waters of Libya.

10.4 Furthermore the Frontex delegation expressed its willingness to be open to discuss and agree on other forms of maritime cooperation. The importance of such cooperation in contributing to a reduction in the pull factor for illegal migration to Libya for those illegal immigrants who intend to use Libya as country of transit on their way to Europe was also stressed by Frontex.

10.5 Despite the interest shown by the Libyan authorities, there was no immediate clear signal of its readiness to participate in an operation like “Nautilus” at present. Nevertheless the delegation formed the impression that the Libyan side was seriously considering participation but that it was necessary for the matter to be referred to a higher level for a decision to be taken.

10.6 Discussions on the possibility of establishing operational and technical cooperation based on a working arrangement between Frontex and the competent Libyan authorities, with reference to the Terms of Reference (which had been sent to the Libyan authorities for their approval prior to the mission), provoked an uncertain reaction from most of the delegates on the Libyan side. This appeared to be due to the fact that the detailed content of this document was not known to most of the representatives of the MoI.

10.7 The delegation took the opportunity to present the main basic principles on Frontex External Relations stressing the concept of gradual development of cooperation targeted at sustainable partnership, and underlining the need for the cooperation to be mutually beneficial.

Several possibilities for operational cooperation, according to point D of the ToR, such as the exchange of information and experiences, cooperation in the field of Research and Development, tailored-made support in the field of training as well as cooperation in the field of joint pilot projects and joint operations were offered as feasible fields of cooperation.

10.8 It should be noted that the dialogue on future cooperation was ongoing during the whole mission and right up to the very last moment. Despite constant calls for receiving feedback from the Libyan side on possible ways to proceed on this issue before the end of the mission, in the event there was no clear initiative from the Libyan side to follow-up on this issue in the short-term. Although some of the Libyan representatives indicated that they did recognise the added value and mutual benefit of such cooperation, they appeared to subscribe to the general approach that the EU should make the first step to assist and support Libya to improve management at its southern borders.

10.9 It is anticipated that a Libyan delegation will visit Frontex to attend a working seminar in the framework of the ongoing joint ICMPD-Europol-Frontex project “*Towards a Comprehensive Response to Mixed Migration Flows*” being implemented under the umbrella of the Dialogue on Mediterranean Transit Migration (MTM). From 3-5 September 2007, Frontex will host the fourth and final working seminar under the current project whose theme is the “Interception and Apprehension of Irregular Migrants”. As it is usual that such separate parts of the discussions of these workshops are co-driven and chaired by one European and one Arab state, Frontex has actively encouraged Libya to take on this role and looks forward to its positive involvement.

10.10 Taking advantage of the MTM event and the expected presence of senior Libyan officials in Warsaw, the Frontex delegation took the initiative to suggest that they should extend their stay in September. This would afford an opportunity for the Libyan officials, one of whom could well be General El Hadi, to obtain a more detailed insight into the work of Frontex and to discuss more in depth the possibilities of future cooperation. It was agreed with representatives of the MoI and MFA that in regard to the preparations of this exchange of ideas on future cooperation, the Frontex External Relations Officer will provide Libya with a draft on a possible future working arrangement by the middle of August at the latest.

11 CONCLUSIONS

a) General

11.1 As well as a transit country for maritime illegal migration to the EU, Libya is clearly a destination country for many foreign nationals looking for work. Increased flows of illegal migration impact negatively on Libya in terms of security, economy, health and social cohesion.

11.2 In recent months, the creation of the Border Security Agency, the setting up of the Coastguard and of the Anti-infiltration and Illegal Immigration Department, all within the structures of the Libyan Ministry of Interior, point to structural reforms that may have a positive effect in regards to the combating of illegal migration and improved border control. Given that these structures are very new, however, more time will be needed to assess their effectiveness. The development of a solid management base and effective coordination between these authorities will also prove to be important issues.

11.3 Border control in Libya appears to be mainly a military issue, conceived as a natural consequence of the overall policy of national security and territorial defence, rather than as an issue of internal security and immigration management.

11.4 Further statistics and information from Libya, including the existence of any system/methodology and procedures in use for the collection of statistical information, would be welcome, together with details of available equipment, maintenance and use.

b) Southern Borders

11.5 As a result of the visit to the desert southern regions of Libya, the mission members were able to appreciate both the diversity and the vastness of the desert, which bears no comparison to any geographical region in the EU. Border control and management of such a vast and inaccessible area cannot be achieved by applying existing EU standards, and there is a need for a fresh approach to determine how best some form of improved control could be implemented. The land borders in the south of Libya do not equate to the EU green borders. Given the lack of clear demarcations and the size of the terrain, fixed border crossing points will play a limited role in controlling illegal immigration. This should not preclude however the need for a change in border management strategy and investment in premises and overall infrastructure including road access to border crossing points.

11.6 Indeed, rather than viewing the southern land borders of Libya as green borders in line with the EU concept of control, there is a need to recognise their distinct characteristics, perhaps referring to them as *brown borders*. In the same way, seeking to improve controls of a vast desert space may require imaginative thinking, perhaps by viewing the desert as a sea – a brown sea- rather than a land space.

11.7 It is clear that improved regional operational cooperation is required.

11.8 Improved technical means for aerial surveillance is likely to form part of the solution but linked to better coordination of more effective mobile patrols on the ground. Here the feasibility of the establishment of a southern borders central coordination unit could be considered.

11.9 The Libyan authorities should seek to link their list of desired equipment to a properly structured operational plan that makes a business case for the provision of such equipment.

11.10 Where equipment can be provided by the EU, it is important to take into account the short durability of some equipment such as patrol vehicles as well as the local maintenance capabilities.

c) Bilateral cooperation with Frontex

11.11 It is important for both sides to build on the operational contacts that have been made between Frontex and Libyan colleagues. The Agency will continue to argue that entering into a good functioning agreement on operational cooperation with Frontex serves Libya's own interests in its goal to obtain valuable assistance from the EU to improve its border management and help combat successfully illegal immigration into its territory.

12 RECOMMENDATIONS

12.1 In the same way that Frontex took forward in 2006 feasibility studies of the Mediterranean Sea looking at joint patrols and improved surveillance - (MEDSEA and BORTEC) which led to the recent establishment of a European Patrols Network- the mission recommends that the Commission should give consideration to the establishment of a task force that would take a fresh look at *brown border controls*. This task force should comprise technical experts from Libya, interested Member States, JRC, Frontex and technical experts from other bodies. The work of this task force should take into account any previous studies completed on desert control with particular focus on the level of technical support and equipment required to provide effective surveillance of desert regions.

12.2 In the short term, it is also important to re-examine the possibilities of the EU offering further effective practical assistance to Libya, whether this take the form of providing equipment, training or expertise.

12.3 Libya should be invited to re-examine its strategy on border control at the southern borders allowing for a monitored and lawful option to enter the country through designated suited border check points, on the understanding that this may lead to a decrease in the pressure on illegal trespassing. Libya should be invited also to revise its structures of three-tier desert points, look to more airborne surveillance and land mobile reaction to detections and improve coordination between authorities dealing with border control and between ministries.

12.4 Libya should be encouraged to improve exploitation of intelligence as well as intelligence development and exchange to tackle more effectively the criminal networks behind the illegal migration flows. Libya should also consider the benefits of the establishment at the national level of a standardised statistical methodology and collection plan that could be replicated at the regional level.

12.5 Libya should also be requested to set up a structured response to corruption and offered expertise on how to effectively tackle corruption of border officials, for example by looking at its policy on recruitment of its staff.

12.6 Against the background of the improved operational cooperation amongst EU Member States in the Mediterranean area it could be considered to take next steps to strengthen the operational maritime cooperation in the entire Mediterranean region by extending the operational network to the third countries in the region by developing a structured “Mediterranean Sea Border Control Cooperation” framework. Here Libya could be invited to take a leading role.

12.7 There is a need for the EU to work on improved information and media campaigns with source countries advising potential illegal migrants of the dangers of exploitation by desert smugglers.

MEMBERS OF THE MISSION

Frontex

Gil Arias Deputy Executive Director and Head of Delegation

Rick Weijermans External Relations Officer

Javier Quesada Head of Risk Analysis Unit

Graham Leese Special Adviser to the Executive Director

Malta

Jeffrey Cilia Malta Police Force, Immigration Department

Italy

Vincenzo Tagliaferri Italian liaison officer based in Tripoli

FRONTEX-LED TECHNICAL MISSION TO LIBYA

Draft Terms of Reference

1. General background

Managing Libya's southern borders is of key importance. Libya is already making serious efforts to stop illegal flows coming into the country, but possibilities to support Libya's efforts should be studied. The EU is ready to explore such possibilities and is willing to send a technical mission to this end.

During the EU-Libya consultations held in December 2006, the Libyan authorities expressed their willingness to receive an EU expert team to visit the Libya's southern borders in order to assess the situation on the ground. The proposal for such technical mission was presented by Vice-President in his letter of 9 January 2007 and accepted by the Libyan authorities in a letter dated on 1 February 2007.

In March 2007, Vice-President Frattini invited FRONTEX to prepare and undertake this technical mission as soon as possible in order to examine with the Libyan representatives the best ways in which the EU could assist Libya with the management of its southern borders. This invitation was accepted by the Executive Director of FRONTEX with the intention to discuss also on the possible future cooperation and with a view to the possible conclusion of a working arrangement between Frontex and Libya and the possibility to visit the Mediterranean coast of Libya.

In addition, on 23 November 2006 the FRONTEX Management Board gave the mandate to the FRONTEX Executive Director to negotiate a working arrangement with the competent authorities of Libya. FRONTEX is striving to make the first tangible steps to lay the basis for establishing the intended operational and technical cooperation.

2. Main mission objectives

The main mission objectives are the following:

- To be briefed by Libyan representatives on the current situation in respect of the management of its southern borders
- To inform the Libyan side about the FRONTEX Agency and the possibilities it could offer and to discuss best options for possible EU assistance to Libya related to management of its southern borders

- To take note of the main needs identified by the Libyan authorities to improve the management of its borders.
- To examine the possibilities for developing an operational and technical partnership in the framework of a working arrangement concluded between FRONTEX and the competent Libyan authority that could also cover the participation of Libya in the framework of FRONTEX coordinated operational maritime activities in the Central Mediterranean Area.

3. Detailed tasks

FRONTEX will explain the latest developments with regard to the operational cooperation between Member States in the Mediterranean area to the Libyan officials. In addition, the detailed tasks corresponding to the four main mission objectives are the following:

A. To be briefed by Libyan representatives on the current situation in respect of the management of its southern borders.

a) Description of the nature of the flows of illegal migration at Libya's southern borders

Information could include:

- Number of foreigners and composition of the foreign population in Libya and estimates of the number and nationalities of the people coming into Libya illegally in recent years
- Main causes for illegal migration towards Libya
- Main countries of origin and transit for Libya
- Main countries of (final) destination
- Description of the main travel routes used by illegal migrants who pass through Libya
- Modus operandi of trafficking and smuggling networks

b) Description of the situation at the different sectors of the southern borders

Information could include:

- Coordination of the law enforcement agencies
- Number of border guards
- Technical equipment available to control the borders
- Infrastructure and logistical equipment available

B. To inform the Libyan side about the FRONTEX Agency and the possibilities it could offer and to discuss the best options for possible EU assistance to Libya related to management of its southern borders

a) Discussion about the possible ways to enhance the operational cooperation between Libya and the EU with regard to the management of its southern borders.

b) Reporting on the results of the consultations with Libyan authorities

- On the basis of the discussions with the Libyan representatives as regards the situation of the southern borders of Libya, the technical mission will identify the objectives, areas and measures for possible EU-Libya cooperation. These areas could include: training and capacity building, improvement of the infrastructures and equipment, improvement of border management, exchange of information.

- Possible actions for preventing and combating illegal immigration between Libya and the EU.

C. To take note of the main needs identified by the Libyan authorities to improve the management of its borders.

To make an inventory of the means identified by the Libyan authorities as essential in order to ensure a better management of the southern land borders and the northern maritime borders.

D. To examine the possibilities for developing an operational and technical partnership in the framework of a working arrangement concluded between FRONTEX and the competent Libyan authority that could also cover the participation of Libya in the framework of Frontex coordinated operational maritime activities in the Central Mediterranean Area.

a) Objectives of the operational cooperation

- To develop good relations and mutual trust between border guard authorities at the borders between EU Member States and Libya
- To counter irregular migration by means of border control
- To strengthen migration management at the borders between EU Member States and Libya

b) Possible contents of the operational cooperation

- Exchange of information
- Exchange of experiences
- Cooperation in the area of training, including the maritime field
- Secondment of Border Guard Officers to maritime Focal Point Offices located at External Borders, on proposal by Frontex and upon the agreement of the hosting Member State
- Participation in FRONTEX coordinated joint operations as observer on case by case basis as well as the participation in FRONTEX coordinated joint operations at maritime borders between EU Member States and Libya
- Operational cooperation in the framework of FRONTEX coordinated joint return operations upon agreement of the responsible operating Member State
- Participation in pilot projects on case by case basis

c) Organization of the cooperation:

- Dialogue between FRONTEX Executive Director and the Head of the competent authority of Libya
- Other contacts between FRONTEX and the respective authority. (e.g. the establishment of working contacts)

4. Expected output of the mission

With the active support of the participants to the mission, FRONTEX will produce a report within four weeks after the finalisation of the mission and present it to the European Commission Services.

On the basis of the findings of the mission and of the information provided by the Libyan Authorities, in its report FRONTEX will include the following parts:

- description and analysis of the situation at the southern borders and the northern maritime areas;
- description of the current Libyan policy and measures to tackle the migration from the south;
- description of the Libyan needs;
- description of possible scenarios for EU-Libya co-operation according to the identified priorities.

This will include the objectives, the priority areas of the southern region, the constraints and the concrete cooperation measures that could be envisaged in order to support Libya in its efforts to prevent and combat illegal migration. This description shall be presented as a coherent programme.

The report of the mission will be studied by the Commission Services in order to ensure adequate follow-up taking into account the broad EU position in respect of future dialogue and cooperation with Libya.

Furthermore it will serve as a basis for the gradual development of FRONTEX operational cooperation with the competent Libyan authorities as well as to identify possible ways of technical and operational cooperation in the Mediterranean in the short term.

5. Logistics and timing of the mission

1. The mission will be composed of:
 - Frontex delegation comprising Frontex Deputy Executive Director, the External Relations Officer, the Special Adviser to the Executive Director and Head of Frontex Risk Analysis Unit
 - Experts from Italy and Malta (one delegate each).
2. The technical mission will be led by Frontex.
3. The mission programme and its Terms of Reference will be agreed between Libyan authorities and Frontex prior to departure.
4. The mission participants would appreciate to have the opportunity to meet at least with the following authorities and persons:
 - *tba (Subject to announcement by Libyan side)*
5. The visit to some of the following locations is suggested to be part of the mission programme:
 - *tba (Subject to announcement by Libyan side)*
6. Libya will be responsible for the travel arrangements in the country.
7. Frontex will take care of the travel expenses of the EU participants in the mission.

**Visit Program Project
Delegation of European Frontex Agency
Great Libyan Jamahiriya
From 28.5 to 5.6.2007**

(First Day)**Monday, 25.5.2007 (arrival & reception)**

- Time: 14:00 P.m. Agency delegation's arrival (6 persons) on Austrian Airlines.
- Received by: each of the following:-
 - Manager of Anti-Infiltration & Illegal Immigration Department at General People's Committee of Public Security.
 - European Office representative at General People's Committee of Foreign Liaison & International Cooperation.
 - Representative of General Administration of Communications & Cooperation of General People's Committee of Public Security.
 - Media team.
- Receiving to stay location (Corintia Hotel)

(Second Day)**Tuesday 29.5.2007 (official discussions)**

- **Morning Time:**
 - 10 . 00 am Administration of European Affairs meeting.
 - 12 : 00 meeting with General Director of Public Relations & Cooperation.
 - 13: 30 lunch meal
- **Evening time:**
 - 17:00 meeting with General Director of Public Relations & Cooperation.
 - Introduction of Agency's(FRONTEX activities and work nature.
 - Libyan side's presentation of Libya's efforts to confront illegal immigration (by General Administration Manager of Communications & Cooperation).

(Third & Fourth Day)**Wednesday 30.5.2007 (Field visits)**

- 8: 30 a.m departure from Emitiga Airport.
- Arrival to Al-Kufra International Airport.
- Two day visit, staying at a hotel or a rest house.
- Received by:
 - Al-Kufra Defensive Zone Commander.
 - Manager of Public Security at Al-Kufra.
 - Chief Officer of Desert Patrolling at Al-Kufra.
- Targeted desert sits to be visited are:
 - Karat Al-Khamsin / Thida / Jabal Abd Al-Malik.
 - Visit to Housing Center of Infiltrators at Al-Kufra.
- Field visit to Al Sarat Land Exit Point.
- Tour to Bzima Lake.

(Fifth Day)**Friday 1.6.2007 (Field visits)**

- By Air, flying from Al-Kufra Airport to Al-Wabagh Base.
- At Al-Wabagh Base, Received by:
 - Murzuq Defensive Zone Commander

- Manager of Public Security at Murauq.
- Chief Officer of Al-Qatroan Desert Patrolling Department.
- Targeted sites to be visited are:
 - Ghrandiqa — Tajarhi — Mistouta — Majdoul.
- Field visit to Al-Thum Border Exit Point by air (Helicopter).
- Tour to wow Al-Namous area.

(Sixth & Seventh Day)

Saturday 2.6.2007 (Field visits)

- By air, flying from Al-Wabugh Base to Ghat Airport.
- Two-day visit, staying at a hotel or a rest house.
- At Ghat Airport, received by:
 - Ubari Defensive Zone Commander.
 - Shabiyat Ghat Congress Secretary.
 - Manager of Public Security at Shabiyat Chat.
 - Chief Officer of Ghat Desert Patrolling Department.
- Targeted desert sites to be visited are:
 - Al-Awynat/ Tinamilt/ Wadi Taxit / Wadi Esin.
- Tour to (Mount Akakus / Tdarat / Adhadht).
- Return from Ghat Airport to Emitiga International Airport at Tripoli in the evening on 3.6.2007.

(Eighth Day)

Monday 4.6.2007 (Field visits)

- Visit to northern coastal sites.
- Visit to marine security Centration belonging to coast security Authority at Public Security Sector extended from Ras Ejdir Exit Point to Musratak.
- Reception & field task will be delegated to Chief Officer of Coast Security Authority (one day).

(Ninth Day)

Tuesday 5.6.2007 (official discussions)

- 10:00 a.m a meeting between Libya's Committee and Agency's delegation at Meeting Hall of General Administration of public relations & Cooperation at GPC Public Security
- 13:00 pm - Departure & Farewell.

Actual Programme of the Mission

Monday, 28th May

- 11h30** Journey to Libya;
- 14h00** Arrival in the afternoon to the Tripoli international airport. Received by General El Hadi Muftah Abou Ajela of the General Committee of Defence and General Ahmed Baschir El Dekharkhni General People's Committee for Public Security - Department of International Relations and Cooperation;
- 20h00** Dinner buffet offered by the Italian Ministry of Interior office in charge of the Italian Embassy in Tripoli, the mission members briefed EU ambassadors or embassy officials from Italy, Malta, Spain and Germany as well as the IOM.;

Tuesday, 29th May

- 10h00** meetings with representatives of the General People's Committee for Foreign Liaison and International Cooperation (mr. Al Obeidi and mr. Al Rishi);
- 13h30** lunch offered by Libyan Authorities;
- 16h30** meeting with The General People's Committee for Public Security;

Wednesday, 30th May

- 07h30** departure from Maetiiga Airport;
- 09h45** arrival to Al Kufra International Airport and received by Al kufra Defence Zone Commander, the manager of Public Security at Al Kufra and the chief officer of the desert patrolling;
- 11h00** visit to the detention camp for illegal immigrants;
- 11h30-16h00** patrolling by helicopter to the Bizzema Oasi and lunch;
- 20h00** hotel accommodation in the guests house of the University of Al Kufra and dinner:

Thursday, 31th May

- 11h00-16h00** patrolling by Toyota 4x4 Land Cruiser and visit of 2 check points of the 2nd ring;
- 17h40** arrival to Al Wabagh airport by helicopter;
- 18h00** accommodation into the military base of Al Wabagh (Murzuk district) and received by the Defence Zone Commander of Murzuk, the Manager of public Security at Murauq and the Governor of the region and dinner;

Friday, 1st June

- 08h30** tour to Uahanamussa area by helicopter;
- 15h00** visit to Biaba check point by car;
- 17h45** visit to Lasida check point by car;
- 20h30** return to Al Wabagh base for dinner and briefing with the Chief Officer of Al Quatrun Desert Patrolling Department and dinner;

Saturday, 2nd June

- 10h30** visit to Grandig check point by car;
- 14h00** lunch;
- 18h00** travel to Ghat by airplane;
- 20h30** arrival in Ghat airport and received by the Ubari Defence Zone Commander, the Governor of Ghat, the Manager of Public Security of Ghat, the Chief Officers of Ghat desert patrolling department. Dinner;

Sunday, 3rd June

- 09h00** visit to two internal check point near Ghat and to the international check border point with Algeria;
- 15h00** travel to Tripoli by airplane;

Monday, 4th June

- 09h00** visit to the Zwuara seaport (Coast Security);
- 13h00** lunch in Sabratah;
- 15h30** visit of the archaeology site of Sabratah;

Sunday, 5th June

- 09h00** at the German Residency in Tripoli, the mission members provided a debriefing to a larger group (most of the EU 27) of ambassadors;
- 10h30** meeting with the deputy staff commander of the Libyan navy Jamal El Mufti;
- 11h30** final meeting in the Ministry of Interior;
- 15h30** take off of the delegation.

Basic Questions submitted to the Libyan authorities

1. List of places visited by the Delegation, people met, type of equipment at their disposal.
2. Maps and location of those authorities working, number of control positions.
3. Statistics – national totals and figures for each region visited Al Kufrah, Murzug and Ghat:
 - apprehended illegal migrants (including top 10 nationalities)
 - refused/diverted illegal migrants (including top 10 nationalities)
 - returned/repatriated individuals
 - facilitators/ organised crime individuals arrested.
4. The organisational chart and structure of the General's People Committee for Public Security and General's People Committee for Defence in relation to border control, the authorities involved, main laws and regulation ruling border control.
5. Cooperation with neighbouring and third countries: legal texts and operational working arrangements.
6. Libyan authorities description and assessment of the illegal migration routes transiting Libya or having Libya as a final destination, e.g. considered important for border control and operational justification.

**Translation of the Answers of the Libyan side to some inquiries presented
in the draft document submitted by
the mission from the European Agency for External Borders**

Point 3: Operational details

a) Description of the nature of illegal immigrant inflow towards southern borders of Libya (number and composition of expatriates in Libya, percentage of illegal immigrants to Libya out of all immigrants in recent years).

- There are more than 1.5 million foreigners from different nationalities living in Libya, who make about 20% of the total population. 70% of them are staying in Libya for economic reasons. Most of them look forward to migrating illegally into Europe at a suitable occasion.
- More than two million illegal immigrants from different nationalities (Asian, African, and Arab) moved to Libya in recent years (2000-2006).

- **Main reasons for illegal immigration to Libya are:**

- Libya is an attractive target region for many citizens of neighbouring countries and the Sahel zone since it is a country enjoying law and order, stability, economic welfare as well as ethnic and cultural uniformity.
- The geostrategic position of the Jamahiriya located at the crossroads between the East and the West, between the poor South and the rich North
- The vast geographical area covered by the Jamahiriya with land border along a number of countries from which immigrants originate (the length of frontiers with these countries is about 5550 km, whereas the Mediterranean coast line length reaches 2000 km). It has to be taken into account that Libyan land borders cross rugged desert areas, lacking roads and hard to monitor. Thus, immigrants can infiltrate into the country at any kilometre of the boundary line.
- Other reasons motivating many illegal immigrants to cross the Great Jamahiriya's borders are: low income, decreasing life standards, hidden unemployment, outbreaks of diseases and hunger, increase in tension of conflicts and wars in some Sahel countries.

- **Main source countries and transit countries for illegal immigration to Libya.**

- **Source countries are as follows:**

1. Africa

Nigeria – Liberia – Ivory Coast – Gambia – Benin – Senegal – Cameroon – Democratic Congo – Eritrea – Mali – Burkina Faso – Togo – Sierra Leone - Guinea – Mauritius – Malawi – Mauritania – Morocco – Central African Republic

2. Asia

Bangladesh – Afghanistan – Yemen – Iraq – Syria – Thailand – Pakistan – India

- **Transit countries are:**

All neighbouring countries: Tunisia, Egypt, Algeria, Niger, Sudan, Chad.

- **Main countries considered as final targets for illegal immigrants:**

Most illegal immigration activity is oriented towards Italy and Malta, and further to other European countries.

- **Description of chief routes and passageways used by illegal immigrants:**

In view of the problems faced by the Libyan southern border areas, long distances between check points, as well as of the fact that illegal immigrants omit main roads and official crossing points in order to avoid being seized by border guards, illegal immigrants enter off-road passageways running through rugged landscape which can be monitored only by means of modern technologies and up-to-date devices like radars, monitoring systems, surveillance helicopters and wireless communication devices.

Individuals penetrating into the country as illegal immigrants do not use official overland crossing points, especially those located in desert areas, and thus omit passing by check points spread all along the frontier line. They infiltrate into Libya on foot through desert paths and passageways in groups led by individuals familiar with the desert and having knowledge of the networks that organize illegal transfer of immigrants. They also use desert vehicles to pass through the border zone, which is in turn facilitated by wide desert areas at the border and diversity of topographic relief – hills and valleys.

- **Operational methods of smuggling and trafficking networks:**

Illegal immigrants' trafficking has become a widespread practice all over the world, bringing huge profits to criminals and organized crime groups due to the clandestine character of these activities. There is probably not much information available on illegal immigration nor on human trafficking, or else the obscure operational methods of these criminal networks.

Despite the fact that criminal networks operating in the Great Jamahiriya have not yet reached crime levels of their counterparts in some other countries, especially in Eastern Europe, these organizations have profited from easiness in communication, working to establish relations with other networks, in particular those in Morocco and Niger, with the target to organize illegal transfer of immigrants.

In most cases, organized crime groups in Libya receive those immigrants, supply them with shelter till the moment all arrangements prior to their departure are finalised, and additionally provide means of transport for them from their shelters to agreed locations at the Libyan coast, as well as prepare boats to transfer those immigrants in exchange for amounts of money from each one of them.

Authorized security bodies of the Great Jamahiriya take up tracing these criminal groups. The efforts have resulted in apprehending many outlaws. Last year 2006, Libyan authorities detained 357 gang members. The total number of organizers of these illegal operations arrested since the beginning of the current year 2007 till 28/05/2007 reached 53 persons, at the same time 51 vehicles and 17 boats used for these purposes were confiscated.

Report of detention and deportation of illegal immigrants

From 1/1/2006 till 31/12/2006

Figure	Form of detention	Number
1	detained	32164
2	deported	53842
Total		86006

1. Efforts made in the field of detention and deportation

Number of detainees on illegal border crossing and immigration attempts reached 32164 persons in the time span from 1/1/2006 to 31/12/2006

Number of deportees to countries of their origin between 1/1/2006 till 31/12/2006 reached 53842 individuals.

Number of boats detained during smuggling of illegal immigrants reached 82 at the time 1/1/2006 and 31/12/2006.

142 vehicles were detained and confiscated between 1/1/2006 and 31/12/2006.

357 wanted persons, among them 284 Libyan citizens, were detained as members of criminal gangs smuggling illegal immigrants between 1/1/2006 and 31/12/2006.

36 telephone devices were used for illegal immigration activities since 1/1/2006 till 31/12/2006.

360 bodies were recovered from 1/1/2006 till 31/12/2006.

Beneath follow numerical statistics of illegal immigrants flow through the territory of the Great Jamahiriya. They are divided as follows:

1. Number of detentions in the Ghat region for the year 2006

Niger	Ghana	Nigeria	Togo	Mali	Burkina Faso	Ivory Coast	Senegal	Gambia
1975	325	325	112	648	250	150	349	122

Congo	Malawi	Algeria	Cameroon	Chad	Mauritania	Sierra Leone
1	1	1	10	1	1	4

The total detention number of illegal border trespassers for the year 2006 reached 4275 persons.

Numerical statistics for prevention of illegal immigrant inflow through the territory of the Great Jamahiriya between 1/1/2007 till 31/5/2007. The breakdown is as follows:

Niger	Ghana	Nigeria	Mali	Burkina Faso	Ivory Coast	Senegal	Benin	Guinea	Sudan
1825	247	73	222	40	4	1	2	4	1

Gambia	Chad	Togo	Sierra Leone	Benin	Cameroon	Algeria	Congo	Mauritania
4	2	14	1	2	3	4	1	2

The total detention number of illegal border trespassers in the region of Ghat between 1/1/2007 and 31/5/2007 reached 2450 persons.

Answers to the inquiries of the Frontex Agency concerning illegal immigration in the Ghat region

Question: What are the relations in terms of security coordination between the Jamahiriya and neighbouring countries?

Answer: Good in respect of general security coordination; poor when considering the inflow of illegal immigration, generally due to the neighbouring countries lacking in resources.

Q: What is the extent of relations as far as sending back and receiving illegal immigrants is concerned?

A: As to nationals of neighbouring countries there is good coordination. The problem lies in immigrants from countries without direct boundaries with the Jamahiriya.

Q: Do immigrants want to stay in Ghat or continue their way to Europe?

A: Most of the captured immigrants do not usually plan a longer time in border areas. Their stay is restricted to a period of time enabling them to collect sufficient financial means to continue their way to the north. The propaganda spread by smuggler gangs has contributed to attracting of immigrants' eyes towards Europe.

Q: How many illegal immigrants were detained?

A: The total number of detainees between 1/1/2006 and 31/5/2007 is 6725.

Q: How many persons were denied entrance to the country?

A: Usually illegal immigrants do not turn to land border checkpoints, in particular in desert areas. They avoid passing by security checks or monitoring centres spread all along the boundaries in the desert.

Q: How many persons were deported from the border checkpoints?

A: Procedures of deportation overland are applied to nationals of countries with direct boundaries with the Jamahiriya, like Niger or Algeria. Whereas other nationals are deported in result of procedures coordinated by embassies accredited to the Jamahiriya.

Q: What are the means used for illegal immigration operations?

A: Border trespassing on foot through desert paths and passageways in groups led by desert guides. Infiltration by means of desert vehicles, which is facilitated by vast desert areas spreading at the boundaries as well as relief diversity such as hills and valleys. Usually trafficker gangs do change their passageways through the desert in order to avoid being captured by border guards and border security patrols.

Q: What are the top 5 nationalities of illegal inflow?

A: The top one is Niger followed by Ghana, Nigeria, Mali and Burkina Faso.

Q: How many border points are run by the military and police?

A: In the Ghat region itself and its neighbouring areas there are 26 points. Around the Ghat region there are 10 points.

Q: What equipment do you need to be supplied with?

A: Toyota four-wheel drives, regular supplies of spare parts, tyres, high quality wireless communication devices, specialized monitoring systems, night-vision devices, helicopters, equipped temporary immigrant shelter tents, human resources' training courses in the Ghat border area, ambulances and relief vehicles adapted to desert conditions, GPS navigation devices.

Q: What are the transit countries crossed by immigrants penetrating into Libya?

A: Countries of southern and central Africa through Niger and Algeria.

Q: List authorities in control of and responsible for boundaries. What is their organizational structure?

A: Border guard units subordinate to the Armed Forces; other authorities like police, passport authorities, customs authorities and all security authorities in the given area.

Thank you

Preliminary urgent list for required mains and equipment for fighting the illegal immigration

In the scope of the efforts made by Libya in coping with the escalating the illegal immigration phenomena, and due to the strongly requested extra efforts and potentials which will boost the capabilities, the list below will help (in very effective way) to enable the concerned authorities in Libya to perform their duties.

I- technical requirements

1. command and control centers

Description	Sectors		Total	Remarks
	ground sec.	Naval sec.		
Main command center	1		1	Command and control centers and posts has to have all the required communications and data collection processing and analyzing equipment
Sector command center	3	2	5	
Field command post	12	4	16	



2. Surveillance .control and warning

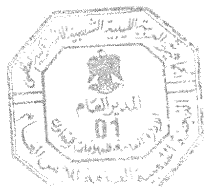
Description	Sectors		Total	Remarks
	ground sec.	Naval sec.		
Mobile ground Surveillance radar	12	*	12	
RPV day and night Surveillance	12	2	14	
Day and night goggles	400	*	400	
Long range Surveillance goggles	68		68	
Finger print and image identification systems	12	2	14 **	

* Maritime surveillances radars will be included in the complete integrated systems

** One complete system for each detention center or border check point

3. communication systems

Description	Sectors		Total	Remarks
	ground sec.	Naval sec.		
HF digital* main station (4	2	6	
HF digital substation	12	4	16	
HF set fixed	52	10	62	
HF mobile set	174	22	196	



Ground to air comm., equipment	180	60	240	
VSAT	18	6	24	

* HF equipment for long distance voice, data, and fax communication

4. navigation means

Description	Sectors		Total	Remarks
	ground sec.	Naval sec.		
Patrol tracking system	48	12	60	
Digital Navigational maps production (air and ground navigation)	16	6	22	

II- Equipment

1. ground transportation and logistic vehicles

Description	Sectors		Total	Remarks
	ground sec.	Naval sec.		
Four wheel drive vehicles	180	60	240	
Truck 7 ton	24	8	32	
Truck 3 Ton	36	6	42	
Transport trucks	12	-	12	For desert intruders displacing
Bus for transporting intruders	12	2	14	
1 1/2 ton four wheel pickup	60	20	80	
Water tanker (32m ³)	24	8	32	



Fuel Tanker (32m ³)	24	8	32	
Truck with winch	12	4	16	
Mobile maintenance workshop	12	4	16	
Ambulance	24	4	28	
60 passenger bus	18	6	24	
24 passenger bus	24	8	32	
Truck mounted refrigerator	12	4	16	
Electrical generator 100KVA	12	4	16	
Rubber water tank	144	48	192	
Four wheel drive passenger vehicle	36	12	48	

2. maritime equipment

Description	Sectors		Total	Remarks
	East sec	West sec.		
Patrol ship	2	2	4	
Large patrol boat	3	3	6	
Small patrol boat	4	4	8	
Coastal patrol boat	4	4	8	
Interception boat	6	6	12	
Robber boat	50	50	100	
High sea search and rescue tug	1	1	2	
Coastal search and rescue tug	1	1	2	

* HF equipment for long distance voice, data, and fax communication



3. Aviation

Description	Sectors		Total	Remarks
	ground sec.	Naval sec.		
Fixed wing aircraft	9	3	12	
Helicopter	12	6	18	



Warsaw, 23 May 2007

Our ref:
Please quote when replying.

Mr. Rammadan Ahmed Barq
Director of European Affairs
Department
General People's Committee for
Foreign Liaison and International
Cooperation
Tripoli, Great Socialist People's
Libyan Arab Jamahiriya

**Information about Start of Joint Sea Operation Nautilus 2007 and
Invitation for Cooperation**

Dear Mr. Rammadan Ahmed Barq,

FRONTEX – the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union – is currently in the phase to start a Joint Operation in the Southern Mediterranean Sea in order to combat illegal immigration to Malta.

The Joint Operation named Nautilus 2007 will be carried out by maritime and aerial means from EU Member States will start in the near future in an area south of Malta.

The main goals will be:

- Intensified and extended patrolling by the participating Member States;
- Reduction of number of aliens traveling in overloaded, unsafe and unregistered boats which consequently should reduce the loss of lives at sea;
- Reinforced exchange of operational information among the participating Member States followed by investigating and prosecuting of criminals.

In this regard, FRONTEX would deem the involvement of the Libyan Border Guard Authorities as a great advantage for the operation in order to facilitate the exchange of information with Libya where necessary. Therefore, I would like to offer you the opportunity to second a Libyan liaison officer to the International Coordination Centre (ICC), based in Malta, during the operation. Of course other types of collaboration on mutual basis can be bilaterally discussed.

As the operation will start soon, I invite you to join the operation at any stage. We would furthermore kindly like to ask you to forward a Point of Contact in case the ICC has a requirement to contact the Libyan authorities directly in case of emergencies.

Concerning my upcoming visit to Libya from 28 May to 05 June 2007, I would kindly invite you to make use of this opportunity to further discuss details on a possible Libyan involvement to Joint Operation Nautilus 2007.

While hopefully awaiting your positive reply, I would like to take the opportunity to express once more the great importance of the Libyan participation to the operational activity.

Yours sincerely,

Gil Arias
Deputy Executive Director







FRONTEX
LIBERTAS SECURITAS JUSTITIA

European Agency for the Management of Operational Cooperation at the External Borders
of the Member States of the European Union

Rondo ONZ 1, 00 124 Warsaw, Poland
Telephone +48 22 544 95 00, Fax +48 22 544 95 01