

NOREF Article

Libya and EU migration policy

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Summary

Few analysts have pointed to the implications of EU-Libya cooperation on migration issues or the plight of illegal immigrants who may be caught up in the Libyan conflict. Since sanctions were lifted in 2004, Libya has become one of the EU's key partners in its efforts to control migration in the Mediterranean. Several organisations have condemned the violation of migrants' human rights in Libya, while the EU has consistently disregarded these criticisms when authorising the return of migrants from Italy to Libya. The conflicts sweeping across the countries of North Africa provide a timely opportunity for analysing the serious consequences of a policy which shifts community migration control to non-community countries.

Close ties with Libya over migration control

Just hours after France, the United Kingdom and the United States launched their attack on Libya, the Gaddafi government suspended its cooperation with the EU on migration issues. Over the past few weeks, oil, gas and Libyan funding of academic work have been highlighted as areas in which Europe and Libya have been doing business. But so far, few analysts have mentioned the situation of illegal immigrants, asylum-seekers and refugees who may be caught up in the conflict. Nothing has been reported, except by human rights organisations, about the close ties that Italy and the EU have developed with the Libyan government in order to strengthen migration control in North Africa and the Mediterranean, or about the possible implications of the Liby-

an conflict for the outsourcing of EU migration policy instigated at the beginning of the 21st century.

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In October 2004 the EU lifted the arms embargo and economic sanctions on Libya that had been in place since 1992 and in so doing, embarked on a policy of dialogue and cooperation with the country. One of the main objectives was to involve

Libya in controlling migration from North Africa and the Mediterranean. Since then, Libya has become one of the EU's main partners in "the fight against illegal immigration in the central Mediterranean Sea as well as in efforts to adopt a balanced and global approach to migration".¹ So far that cooperation has focused on security and disregarded the human rights dimension.

Libya is a transit country for African migration

Historically, Libya has been a recipient country for immigration but in recent years –given increased migration controls in southern Spain, Morocco and Tunisia – it has become a point of transit for African migrants on route to Europe. In 2008 the number of migrants reaching the coasts of Italy and Malta from Libya increased. Libya's subsequent involvement in controlling migration in the Mediterranean brought about a drastic reduction in the levels of irregular migration by this route.

There are no accurate figures for the number of immigrants who have settled in Libya. According to the government, there are approximately 700,000 legal immigrants and 1,500,000 illegal immigrants, making up one third of the estimated total population of Libya of 6,000,000. Other sources, such as Human Rights Watch (HRW), say that 10.5% of the population are immigrants, 87% of them undocumented.²

Like most of its neighbours, Libya has no asylum legislation or system. Neither has it signed the 1951 United Nations Convention relating to the Status of Refugees. The United Nations refugee agency, UNHCR, worked in the country for several years but in October 2010 was forced to close its Tripoli office. As of February 2011, UNHCR had registered over 8,000 refugees and 3,000 asylum-seekers, mainly from Palestine and Iraq but also Sudan, Somalia, Eritrea and Chad.

Official EU cooperation with Libya

Official negotiations to establish an EU-Libya framework agreement began in Brussels in November 2008. In October 2010 the European Commission and Libya agreed a Migration Cooperation agenda, covering border management, mobility, trafficking in human beings and dialogue on refugees and international protection. On 20 January 2011 the European Parliament endorsed its recommendations on a possible framework agreement between the EU and Libya, which highlight Libya's strategic importance, given its position on the southern shore of the Mediterranean, its oil and gas reserves, trading activities and role as a transit country for migrants and refugees on route to Europe.

Although the Libyan government has preferred informal cooperation and refused to sign readmission agreements with the EU, readmission and joint maritime patrols were included in *The Treaty of Friendship*, signed between Libya and Italy in August 2008. Following a decade of negotiations, both countries committed themselves to stepping up cooperation in the fight against terrorism, organised crime, drugs trafficking and illegal immigration. The treaty included \$5 billion in compensation for the abuses committed by Italy during the colonisation of Libya (1911-1943).

From 2004 onwards, the return to Libyan territory of immigrants who had arrived in Italy via the Mediterranean meant that Libya's immigration camps and centres were the first to be integrated in EU deportation policies. Despite uncertainty about the figures, all sources confirm that Libya uses deportation (or "removals" as they are also known) as a tool to regulate immigration, the majority of immigrants coming from African countries.³

1 European Neighbourhood and Partnership Instrument, Libya. Strategic Paper & National Indicative Programme 2011-2013, European Commission, 2010, http://ec.europa.eu/world/enp/pdf/country/2011_enpi_csp_nip_libya_en.pdf, accessed 10 March 2011.

2 Human Rights Watch, Pushed Back, Pushes 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, <http://www.hrw.org/en/reports/2009/09/21/pushed-back-pushed-around-0>, accessed 10 March 2011.

3 Consortium for Applied Research on International Migration (CARIM), "Libya. The Migration Scene. Which implications for migrants and refugees?" CARIM Policy Brief, No. 1, June 2010, http://www.carim.org/public/policybriefs/Libya_The_Migration_Scene_Which_implications_for_migrants_and_refugees.pdf, accessed 10 March 2011.

Human rights violations ignored

According to the Libyan authorities, around 165,000 foreigners were deported between 2005 and 2007. The US Committee for Refugees and Immigrants (USCRI) put the number of deportations for 2008 at 9,000, with most being to Niger, Mali, Ghana, Nigeria, Burkina Faso and Senegal. Many immigrants from Somalia, Eritrea and Sudan are not properly deported but abandoned in the desert at the border with Sudan. In some cases, deportations are carried out after months of ill-treatment and abuse in overcrowded migrant centres where food is scarce and sanitation virtually non-existent.

Organisations such as Amnesty International, HRW, Fortress Europe, Statewatch and Migreurop have repeatedly condemned the abuses, violations, arbitrary arrests, detentions without cause in degrading conditions, racist attacks, torture and physical and sexual violence suffered by immigrants in Libya, as well as the repatriation of refugees and deportations to the

desert.⁴ The EU has chosen to ignore such reports, continuing to authorise the return of migrants from Italy to Libya via Frontex, its border protection agency, and proceeding with the work on regulating the cooperation agreement on migration issues.

Cooperation with the countries of the southern Mediterranean has been key to the strategy of returning asylum seekers and the outsourcing of EU migratory policy. The uprisings and conflicts sweeping across the North African countries provide a timely opportunity for analysing the serious consequences of a policy that shifts community migration control to non-community countries.

4 The Observatory on Victims of Migration, “Escape from Tripoli. Report on the Conditions of Migrant in transit in Libya”, Fortress Europe, Rome, 25 October 2007, <http://www.statewatch.org/news/2007/nov/fortress-europe-libya-report.pdf>, accessed 10 March 2011. Helmut Dietrich, “The desert front – EU refugee camps in North Africa?”, Statewatch, March 2005. <http://www.statewatch.org/news/2005/mar/12eu-refugee-camps.htm>, accessed 10 March 2011.

