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Illegal Migration as a Major Threat to Libya's Security

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I. Introduction

Geography makes Libya a unique country. As far as size is considered, Libya is large. It is the 17th largest country in the world. Its borders extend to several thousand kilometers, but the population is extremely small in comparison to its size and to those of other countries. Therefore, throughout history, the country has always been vulnerable to intruders.

Most of the country is desert, except for a narrow stretch along the sea shore, and a few oases scattered in a huge ocean of harsh sand dunes where one hardly finds any signs of life. Such harshness worked during certain historical periods as a deterrent concerning mass movements of individuals from neighbouring countries. However, most of the time, the desert did not prevent cross-country trade. Caravans used to cross the desert between Libya's coastal towns and sub-Saharan Africa. African goods used to reach Europe through Libya, and Europeans used the same facilities to reach central Africa.

Demographically, inhabitants residing close to borders are homogeneous and, in almost all cases, belong to the same tribes. Often members of the same family live on both sides of the border.

This type of coexistence has both positive and negative effects. The positive side appeared when Libyans were exposed to crises.

They crossed the borders in large groups and sought help from their relatives. Such human mass movements often occurred in times of famine or war. In modern history the country experienced waves of famine and one major war when Italy invaded Libya in the first decade of the twentieth century. Later, illegal migration from the sub-Saharan region represented the negative side.[1]

Prior to the discovery of oil, Libya, with no natural resource assets including water, was one of the poorest countries on the continent. Therefore, more Libyans crossed the border to neighbouring countries than vice versa. Put differently, it was a situation of emigration rather than of immigration.

Recently oil was discovered in large quantities beneath the harsh desert, and in a few years the country became an attractive destination for workers from neighbouring countries. Data available indicates that Libya has the 10th largest oil reserves in the world. In other words, the country will continue to provide job opportunities for many years to come.

Petro-dollars made Libya's GDPs grow at an exponential rate of 14% annually and more. To face the new reality, in terms of allocating resources efficiently and equitably, Libya embarked, in the early 1960s, on a number of consecutive five-year, socio-economic plans.

In the situation of that sudden boost to the economy, the need for foreign labour became eminent. At the beginning, Libyans did not frown on individuals coming legally or illegally from neighbouring countries to work and live. They pursued an open door policy as if they were paying back an old debt. But after some time, Libyans accused sub-Saharan Africans of a long list of sanitary and social problems and of being the source of all evil. As mentioned earlier, throughout modern history, Libya's population density was very low. When the country became independent, the

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[1] Attir, M.O., 2006. On the Future of Low Income Families in Libya, Tripoli: Academy of Graduate Studies, pp. 40-44.

population was just over one million. Although the population has been growing since, even today, it constitutes just six million people. This framework makes it difficult for Libya to monitor its long borders to prevent that foreigners cross them illegally.

II. Libya's History with Illegal Migration

Illegal migration in Libya is not a new phenomenon. Since oil was discovered during the sixties, the country began to receive groups of legal and illegal migrants. At the beginning, the number of both was not large, just a few thousands, and the majority were Arabs. But as time passed and Libya's economy began to expand, the number of both legal and illegal migrants grew larger and became more diversified. It is possible to say that during the sixties and seventies the topic of illegal migrants was not discussed. This does not necessarily mean that their number was not large. On the contrary, during those two decades the estimated number of illegal migrants constituted almost one third of the population. They entered the country either through official check points or as visitors. Then they extended their stay after their official visa expired. Almost all of them were Arabs. Libya's official policy at this time was that Libya is the country of all Arabs. Therefore, police did not check identities unless the individual was involved in a crime. On the other hand, non-Arabs were able to cross the southern border, though not through the official check points. Most of them crossed the borders to visit relatives or to take temporary work. Then they went back to where they came from. Only very few dared to venture further north. However, according to the law, all those can be classified as illegal migrants who made Libya their destination. During that period there was not one single attempt to cross the Mediterranean using Libya's shores.[2]

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[2] Attir, M.O., 2013. Illegal Migration in Libya after the Arab Spring. [online] Middle East Institute. Available at: < http://www.mei.edu/content/ illegal-migration-libya-after-arab-spring > [Accessed: 30 Sept 2014]

During the 1990s Libya's foreign policy witnessed a radical shift from advocacy of pan-Arab unity to pan-African. Policy and diplomacy were employed to put this shift into practice. Consequently, Libya's policy concerning immigrants shifted openly towards the preference of sub-Saharan Africans.

Broadly speaking, illegal and clandestine migration in the Mediterranean basin, of which Libya is part, is not a new phenomenon. It has its own long history. Certain Mediterranean countries were known to be the starting points for such migration, but Libya was not among them, even though the country has coastal towns, which are suitable for jumping off to Europe. But suddenly, by the mid-nineties, it became the most important transit country of illegal migrants from North Africa to Europe. Two reasons were behind this change: 1) The EU succeeded in signing treaties with the rest of the Mediterranean countries to curb illegal migration, and 2) Gaddafi, for political reasons, decided to put pressure on certain European countries by exploiting the issue of illegal migration. He frankly stated in many of his speeches that he could either facilitate for thousands of sub-Saharan Africans to reach Europe or make Libya's shores out of reach for people smugglers. He claimed that Libyans alone, and with the technology available locally, could not control Libya's long and porous border.[3]

European countries, especially Italy, saw that Gaddafi was serious in his threats. By 2004 Italy signed a deal with Libya in an effort to curb illegal immigration. Libya also agreed to deport sub-Saharan migrants via Libyan territory to their origin countries, including those who were illegible for refugee status. In addition,

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[3] Attir, M.O., 2010. The Libyan Experience with Legal and Illegal Migration within its Relations with the League of Arab States and the African Union. In: Attir, M.O., ed. 2010. Highlights on Socio-Economic Impact of International Migration on Libyan Society, Tripoli: Academy of Graduate Studies Press, p.33.

according to that agreement, Italy may hand the migrants it intercepted at sea over to Libya.

III.   The Arab Spring and its Impact on Illegal Migration

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

As the conflict started, all foreigners flocked out of the country, and immigrants using road transportation turned toward all destinations. Those who were able to cross to Algeria, Chad and Niger did not face such complications, as did those who had to flee to Tunisia or Egypt. They were held in temporary refugee camps erected close to the borders. They had to stay in the most deplorable conditions until they were either brought back to their countries or some other countries accepted to host them as refugees. For some, the temporary state of being a refugee lasted a whole long year or more.

During the war, Gaddafi continued his criticism of the West, describing their intervention on the side of the rebels as a gamble on a losing horse. He threatened that unless the West stopped their intervention he would open the migration floodgate and flood the whole of Europe with illegal migrants, and so "Europe would

become black".[4] Even though European leaders took him seriously and began preparing to meet the flow of illegal refugees, Libya was not a source of attempted efforts to reach Europe illegally during the war.

IV. A Case of Illegal Immigrants in a Failed State

In fact, the Arab spring surprised almost everyone including social scientists that were expected to be able to predict future trends. They believed that Arabs became used to oppression. After the Tunisian popular movements, observers assumed that Arab youth would follow suit everywhere. But in Libya, the start of the uprising was even before the Tunisian movement, because it is related to an accident that took place in the year 2006. However, what happened in Tunis might have encouraged Libyans to raise the magnitude of their demands to the level of a strong desire to change the political system itself.

The uprising began spontaneously without a defined plan and without leaders. Gaddafi became extremely infuriated and the system reacted furiously. Soon the scene became like a civil war during which all sorts of atrocities were committed. This led to an international intervention under the umbrella of NATO. The international intervention appeared in the form of air raids, whilst spontaneously formed local militias carried out the ground war. Each group chose a name followed by the words '17th February Revolutionaries'. Each city tried to organize its own militias under a military council. However, as cities' military councils acted independently, individual militias too acted according to decisions made by their own leaders, who behaved as if they were military officers, even though they had no previous military training.[5]

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[4] De Haas, H., 2011. Will Gadhafi be Able to Unleach a Migration Invasion? [online] Hein De Haas Blogspot. Available at: < http://heindehaas.blogspot.com/ 2011/03/will-gaddafi-be-able-to-unleash.html > [Accessed: 30 Sep 2014].

[5] Few officers joined the uprising in its first week and played an important role in training and directing the young civilians. But many of the so called leaders had no previous military training.

As the military clash between the '17th February' militias and Gaddafi's forces ended, it was expected that members of militias would lay their weapons aside, go back to their normal life, and the country would establish a civil government. Since the civil war led to the collapse of both the police and the army, some militias were asked by the new administration to play the role of the police in exchange for a monthly salary. Unemployed youngsters rushed to set up new militias, since there was no central organization to marshal this activity. For any group the door was wide open to set up its own militia. Many criminals, who left prison during the uprising or after the breakdown of the system, joined this new lucrative field of work. Each militia used all means to get several kinds of military hardware. They occupied public and private buildings and seized all sorts of material goods including cars, furniture, different electronic devices, and anything that had monetary value. Strong militias forced their demands on public and private institutions. Thus, joining a militia secured a permanent income and power for many drop outs and unemployed youngsters. These militias did everything they could to prevent the establishment of a professional army and a stable police force.

The National Transitional Council appointed a transitional government, which had a minister for defense and a minister for the interior. It was expected that these two would take the steps to collect the weapons and reorganize both a professional army and an effective police force. One further task of this government was to hold an election. This task has been fulfilled, and Libyans succeeded in electing a 200 member Congress with legislative power to appoint an interim government. This government too had a minister for defense and one for the interior. But both governments failed to disband militias, collect the weapons, and form an army and a police force.

Theoretically, now after the transition, power is divided between the elected General National Congress and the government. But practically there is a third party that behaves like a super power - the militias. These militias committed a long list of acts which put them in a position above the law and

independent of any power in the country. They arrested suspects, had prisons and even passed court rulings. A few carried out kidnappings, demanded ransoms, tortured and killed people. Others blockaded the access to vital natural resources, such as water and crude oil, carried out assassinations, car bombings, and conducted attacks with a full scale of military hardware including tanks and rocket launchers. Other acts included armed robbery, human trafficking, drug trafficking, and arms smuggling. They besieged government buildings and the Congress to force certain decisions. Some of the militia's leaders and members succeeded in making large sums of money and transformed their new wealth into material items, such as houses, farms, expensive cars etc. To show their independence some held public statements, disseminated press releases and even held meetings with agencies of local and foreign media. Thus, Libya became a failed state par excellence.

As soon as the war in Libya ended, workers from neighbouring countries began to come back. In the beginning, only those who had been in Libya before the war decided to come back. But as time passed, it became obvious that thousands of newcomers had entered the country illegally. Judging by immigrants who can be seen along cross roads of major cities and from the daily news about groups of illegal immigrants who have been captured by a militia, it is obvious that the business of trading with illegal migration has started to boom again. This suggests that the same smugglers are active again. As Salt & Stein describe it, the gangs, who are involved in such activities, do not consider it as a temporary assignment but rather as a job for life.[6] In addition, since the borders are not monitored or controlled by state guards, the field of human trafficking has been wide open for newcomers. Since Libya became an important transit country for illegal migrants, Libyan mafia groups have developed and established contacts with similar groups in sub-Saharan countries, who bring individuals close to Libya's southern borders. From this point on,

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[6] Salt, J., Stein, J., 1997. Migration as a Business: The Case of Trafficking. In: International Migration, Vol. 35, Issue 4, pp. 467-494.

the illegal migrants fall under the responsibility of Libyan smugglers.

Almost all illegal migrants do not stay in the South but rather move up north to the coastal cities. Libyan smugglers have, in addition to their experience of the back roads, diverse relations to individuals of different tribal and security ranks, who would come to help if needed. However, this does not mean that they do always succeed. Since regular law enforcements are not back on track yet, today, some militias have taken over several roles including policing their territories. They randomly stop trucks loaded with illegal immigrants just before entering a city. Such incidents are usually reported in the news. For instance, in August 2012 a militia intercepted two trucks loaded with around 84 illegal immigrants from Egypt, Sudan, Chad, Niger, Ghana, and Nigeria near the city of Sert. Neither Ghana nor Nigeria have borders with Libya, which means that illegal migration started to flow again from sub-Saharan Africa. And this was not the only incident that year. On 26/9/2013, a militia near Sert arrested 105 illegal migrants from different African countries. On 16/12/2013, Libya's navy intercepted a boat off the shore of the city of Al- Gharabulli on its way to Europe carrying 103 Africans including women and children. On the same day, Libyan coastguards rescued 92 African migrants stranded at sea when their boat broke down off the coast of Tripoli as they were trying to reach Europe. One hundred illegal migrants were arrested in Benghazi on 13/1/2014.

With regard to the activities that illegal migrants are involved in, the smuggling of arms and drugs are very important because of their harmful results. These smugglers are heavily armed, use state of the art technology and therefore are able to roam freely in southern Libya. Officials admitted that whenever they see such traffickers from a distance, they do not dare to challenge them, and simply turn a blind eye. Islamist groups came together, organized themselves and made southern Libya their home. It has to be emphasized that just a few Islamist groups have only Libyan members, whereas the members of several other Islamist groups come from foreign countries. However, also these groups roam

freely in southern Libya. Meanwhile a few groups extended their activities to northern cities where they committed many atrocities. Almost all of such acts were registered against "unknown". But in general, most Libyans are inclined to accuse Islamists especially "Ansar Al-Sharia Battalion". According to a report of the US Library of Congress, "Ansar Al-Sharia" as an affiliate of al-Qaeda has a strong presence in the four major cities Darna, Benghazi, Sert and Sabrata.[7] The group is responsible for more than 200 assassinations. Victims were mainly old military and security officers, judges, lawyers, journalists, and civil society activists including women. Generally, the victim gets threatening letters via SMS. The letters begin with Quranic verses followed by a statement that the decision has been made to kill the individual in accordance with God's will. The letter is signed with: Army of God.

In December 2012, in a move, looked upon by foreign observers as a step in the right direction to curb illegal immigration as well as drug and arm smuggling, the government declared southern Libya a military zone and vowed to seal the southern border. But that was easier said than done. Some of the strongest militias are headed by members of Islamist groups, which have links with al-Qaeda or family bonds to members of the General National Congress.[8] Also, there are other members of the congress who were ex-members of Islamist groups. They joined forces and formed a strong alliance, which, inside the General National Congress, became an important political power for securing key government jobs for Islamists and for passing laws

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[7] Federal Research Division, The Library of Congress, 2012. Al-QAEDA IN LIBYA: A PROFILE. [pdf] The Library of Congress. Available at: <http://fas.org/irp/world/para/aq-libya-loc.pdf> [Accessed: 30 Sep 2014].

[8] Abd al-Wahhab Muhammad Qaid (Abu Idris al-Libi) is one of the most senior members of the 'Libyan Islamic Fighting Group' and currently the head of the National Border Guard for southern Libya. His younger brother, Abu Yahya Al-Libi, was a high ranking official within al-Qaeda and was killed in Afghanistan in 2012. See: Wikipedia, the Free Encyclopedia. Available at: < http://en.wikipedia.org/wiki/Abu_Yahya_al-Libi >. Ibid: Ref. 26. CNN News Article, June 7, 2012. [Accessed: 30 Sep 2014].

corresponding to Islamists' political and social views. Persons of other national origins, who belong to different Islamist groups, arrange with like-minded Libyan Islamist groups either to join them or to use the south as a safe haven and training ground.

Today, illegal migrants cross borders in passenger trucks, whereas during Gaddafi's rule only a small percentage could cross using such a facility or official check points. The majority used trucks to reach areas close to borders and then crossed on foot using unmarked desert routes. Many lost their way and died in the desert. Their pictures were weekly news on state television and other media. Such news items have now disappeared, since the uprising led to southern Libya coming under the supervision of lawless gangs and becoming a jumping point for terrorist activities inside and outside the country. It is commonly believed that the alleged planner of the attack on the Algerian gas field (Aminas 16/1/2013) was a frequent visitor of southern Libya since the fall of Gaddafi. He even told a Mauritanian news agency that he had purchased weapons from Libya. Algerian security identified two Libyans among the terrorists who attacked the Aminas natural gas facility.[9] As expected, Libyan authorities denied that terrorists used Libyan territory as a safe starting point for attacks against neighbours. Yet, the attackers of the gas facility demanded a safe passage toward southern Libya in exchange for hostages.

All of Libya's neighbours complain about the fact that southern Libya has become open for all sorts of traffickers and militants including those linked to al-Qaeda. Algeria, Tunisia and Egypt claim that southern Libya is the main source of arms smuggling into their countries. All types of weapons are smuggled including surface-to-air missiles such as those used in the downing of an Egyptian military helicopter in Sinai in early 2014. Chad's president openly accused armed groups in southern Libya of

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[9] McGregor, A., 2013. Tribes and Terrorists: The Emerging Security Threat from Libya's Lawless South. [online] The Jamestown Foundation. Available at: < http://www.jamestown.org/single/?tx_ttnews [tt_news]=40367&no_cache =1#.VCqK7BaqI9g > [Accessed: 30 Sep 2014].

threatening Chad's security by giving refuge and training facilities to Chad's opposition and providing them with light weapons.[10] He even sent his army inside Libya more than once to engage with Chadian and Libyan armed groups. Niger's interior minister has even extended an invitation to both France and the United States to intervene in southern Libya because he thinks this part of Libya has become "an incubator for terrorist groups".[11] The French foreign minister too called for action against Islamist groups roaming Libya's lawless South.[12]

In conclusion, Libyans joined the Arab Spring, got rid of one of the most vicious dictators of the century, and raised a voice loud and clear: "We shall build democracy and our country is going to join the democratic club," as the majority looked on happy and highly optimistic. As soon as their ecstasy subsided, most Libyans discovered that the whole experience felt like a pleasant dream. They woke up to discover that their country is in ruins. In other words, instead of putting the country on the track for building a democratic society, they have come to realize that their long bloody ordeal, which ended 42 years of dictatorship, has also destroyed all important institutions, state administration, the army, and law enforcement agencies. In addition, the mechanisms

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[10] Abdallah, M.N., 2013. President says Libya harbors Chadian mercenaries. [online] Reuters, 27 Apr 2013 Available at: < http://www.reuters.com/article/2013/04/27/us-chad-libya-idUSBRE93Q08E20130427 > [Accessed: 30 Sep 2014].

[11] Foxnews, 2014. Niger minister urges France and US to intervene in Libya to combat terror threat. [online] Foxnews, 05 Feb 2014. Available at: < http://www.foxnews.com/world/2014/02/05/niger-minister-urges-france-and-us-to-intervene-in-libya-to-combat-terror/ > [Accessed: 30 Sep 2014].

[12] Massalatchi, A., 2013. France calls for action against Islamists in southern Libya. [online] Reuters, 28 May 2013. Available at: < http://www.reuters.com/article/2013/05/28/us-libya-france-idUSBRE94R0MM20130528 > [Accessed: 30 Sep 2014].

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within the value system, which traditionally enforce social ties and social cohesiveness, were replaced by more than one thousand militias, each with its loyalty to a small social entity instead of Libya. On the other hand, although Libyans succeeded in electing a legislative body and appointing an interim government, the government turned out to be too weak and fragile to establish law and order. The legislative body has been constantly under the pressure of the militias. Therefore main laws were passed according to the wishes of certain militias such as the "Political Isolation Law". This law bans everyone who served as a senior official during Gaddafi's rule of 42 years from working in the government. This meant stripping the country of all its expertise. In spite of so many announcements from both the legislative body and the government concerning building a new national army and collecting the widely spread weapons, both institutions have so far failed to fulfill their pledges. Therefore, as far as illegal immigrants are concerned, they will continue to cross the borders, then move up north to look for work or to get involved in all sorts of illegal activities. Others will prefer to simply use Libya as a jumping point towards Europe. In spite of great danger facing illegal migrants, who plan to reach Europe, there will be individuals ready to take the risk in repeated attempts to cross the Mediterranean. Equally, Islamist groups composed of Libyans and foreigners will continue to use the South as a safe haven to plan future activities, which will threaten peace inside Libya and in the neighbouring countries, including southern Europe.