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LIBYA'S MIGRANT- SMUGGLING HIGHWAY: LESSONS FOR EUROPE

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SUMMARY

- Libya has long been a gateway for migration to Europe, but, because of the Syrian war and Europe's failure to provide safe channels for refugees, it has now become a highway for migrant smuggling from sub-Saharan Africa.
- Libya's case shows that if European policy focuses merely on "keeping migrants out", the net result will be more entrenched people-smuggling networks, and more migrants living underground in Europe.
- Europe should take a different approach to migration through Libya by working on a new economic model for border communities who make their living from smuggling; engaging with local authorities; monitoring the treatment of migrants within the country; and extending law enforcement operations to the Sahara - doing all of the above even in the absence of a peace agreement.
- More generally, to tackle smuggling networks, Europe should open legal channels for migration and challenge regional allies who escalate refugee-producing conflicts. European governments should reconsider both the use of hotspots for identification of migrants, and re-admission agreements with countries of origin.

Long before Europe was hit by its worst-ever "refugee crisis" this summer, Libya was already one of the main gateways into Europe for refugees and other migrants. It is more transit than source country – despite two civil wars since 2011, few Libyans made their way to Europe. But tens of thousands of migrants from elsewhere move through the country each year, building solid networks of people smugglers that have infiltrated Libya's social and political fabric.

The numbers passing through Libya grew rapidly from 2013, passing the 100,000 mark in both 2014 and 2015, and creating the first massive flow of migrants into Europe by sea, with flashpoints spreading north through the continent from Lampedusa to Calais. The central Mediterranean route – where migrants coming from Libya make up the vast majority – is the world's deadliest. It is the site of almost 3,000 casualties in the first ten months of 2015 out of over 4,000 migrant deaths at sea worldwide.

Though the eastern Mediterranean migrant route, through Turkey and the Balkans, surpassed Libya in the intensity of flows in summer 2015, the numbers from Libya have remained high. It provides a case study that Europe can use to draw lessons for its approach to migration.

The first lesson is that refugee and other migrant flows are intimately connected. The route through Libya – long used by economic migrants making their way to Europe – first became a highway for people smuggling when it was used by Syrian refugees between 2013 and early 2015. Now, it is mostly used by other nationalities who are less clearly identified as refugees. Second, the case of Libya demonstrates that tackling this

crisis requires the use of foreign-policy tools along with domestic policies. A mere securitisation of migration through fences and “pushbacks” will not stop the flow of people. Europe must carry out intensive diplomacy to tackle the “politics of people smuggling” – addressing the political and social dynamics that feed the illegal trade.

Europe can tackle the push factors driving migration through Libya by working in coordination with a wide array of forces, including international organisations such as the United Nations and the International Organization for Migration (IOM), as well as local and national Libyan authorities. It should deal directly with Libyan border communities, combat the smuggling economy, create alternatives to illegal entry, and work to de-escalate the country’s conflict.

Ultimately, Europe must move beyond a crisis management approach to a more strategic, long-term approach, tackling the root causes of migration. Libya is the place to start, given its longstanding role as a transit point for migration to Europe. Of course, addressing the issue in Libya alone is not enough. Policymakers must tackle the eastern Mediterranean route, and others that may emerge in the future. For example, as the lawlessness in the western Egyptian desert increases, the route from there to Greece, Italy, and Malta could gain importance. (See map.) Policymakers will also need to tackle the origins of migration flows from the Sahel, West Africa, and the Horn of Africa, while long-range migration from Afghanistan, Pakistan, and Iraq is increasingly important. And, of course, the mother of all issues is the Syrian conflict, which is fuelling the worst refugee crisis in several decades.

The changing dynamics of migration through Libya

The number of migrants passing through the central Mediterranean route increased more than four-fold from 39,800 in 2008 to 170,760 in 2014.¹ However, flows were significantly lower in most of the intervening years, due to agreements with the Libyan regime in 2009 and 2010, and the absence of significant push factors – as in 2012, when a lull between the Arab uprisings and the worsening of the Syria conflict meant that fewer than 16,000 migrants took this route.² Numbers decreased slightly in the first 10 months of 2015: 132,071 migrants and refugees arrived in Italy, compared to 138,796 in the same months of 2014, with a steady drop in numbers between July and October.

However, while the number of migrants has dropped only slightly, this hides a dramatic shift in the nationalities passing through Libya. Syrian refugees have largely abandoned Libya and the central Mediterranean to take the eastern Mediterranean route instead, while sub-Saharan Africans (particularly Nigerians, Somalis, and Sudanese) have replaced them. Indeed, considering the greatly reduced number of Syrians, the current numbers suggest

¹ Unfortunately, there are no separate numbers for flows from Libya. Nevertheless, the numbers relating to the central Mediterranean route and to arrivals in Italy cover almost exclusively migrants and refugees passing through Libya.

² “Central Mediterranean Route”, Frontex, available at <http://frontex.europa.eu/trends-and-routes/central-mediterranean-route/>.

that Libya is destined to remain one of the main gateways into Europe because of its instability, lawlessness, and longstanding smuggling organisations.

The grey zone: Survival migrants

Syrians fleeing war have been replaced by those who are less clearly identifiable as refugees. In 2015, only 47 percent of arrivals through the central Mediterranean route have come from the world’s top ten refugee-producing countries, compared to 85 percent overall for all routes through the Mediterranean.³ Syrians have abandoned the central Mediterranean due to a combination of factors: high casualties, as well as tighter visa restrictions put in place by North African countries such as Algeria, where Syrians’ flights often used to stop on their way to Libya.

At the same time, other migrant flows have been diverted to Libya. Growing instability in the Sinai Peninsula, along with generalised violence in South Sudan, has pushed other nationalities there, particularly those coming from the Horn of Africa – hence the growing numbers of Sudanese, Eritreans, and Somalis. The weight of West Africa, particularly Nigeria, has also grown because of deeper smuggling networks, increased Boko Haram presence, and lower prices, combined with a tradition of migrating to Europe. Crossing the Mediterranean from Libya can now cost just 700 Libyan dinars (€460 at the official exchange rate, but as little as €240 on the black market). Meanwhile, there are increasing reports that once migrants begin the journey from West Africa, smugglers do not allow them to change their mind and “jump off the train”.⁴

These recent flows from Africa fall into the grey zone of “survival migrants” who flee not individual persecution or discrimination as refugees, but rather generalised violence, environmental degradation, or simply hunger.⁵ Survival migrants constitute the vast majority of global migration flows, and yet they suffer from weak legal protection.

This poses a new political challenge to European decision-makers facing migration flows from Libya. The most open-minded European leaders are managing the current crisis on the basis that accepting higher numbers of refugees means that the European Union will have to get tougher on “economic migrants”, pushing for more to return to their countries of origin.⁶ Survival migrants have generally been placed in this second category, and so are increasingly being pushed back immediately on arrival. In some migrant-processing “hotspots” in Sicily, the right to asylum of those arriving via the central Mediterranean is assessed based on the country of origin and just a few

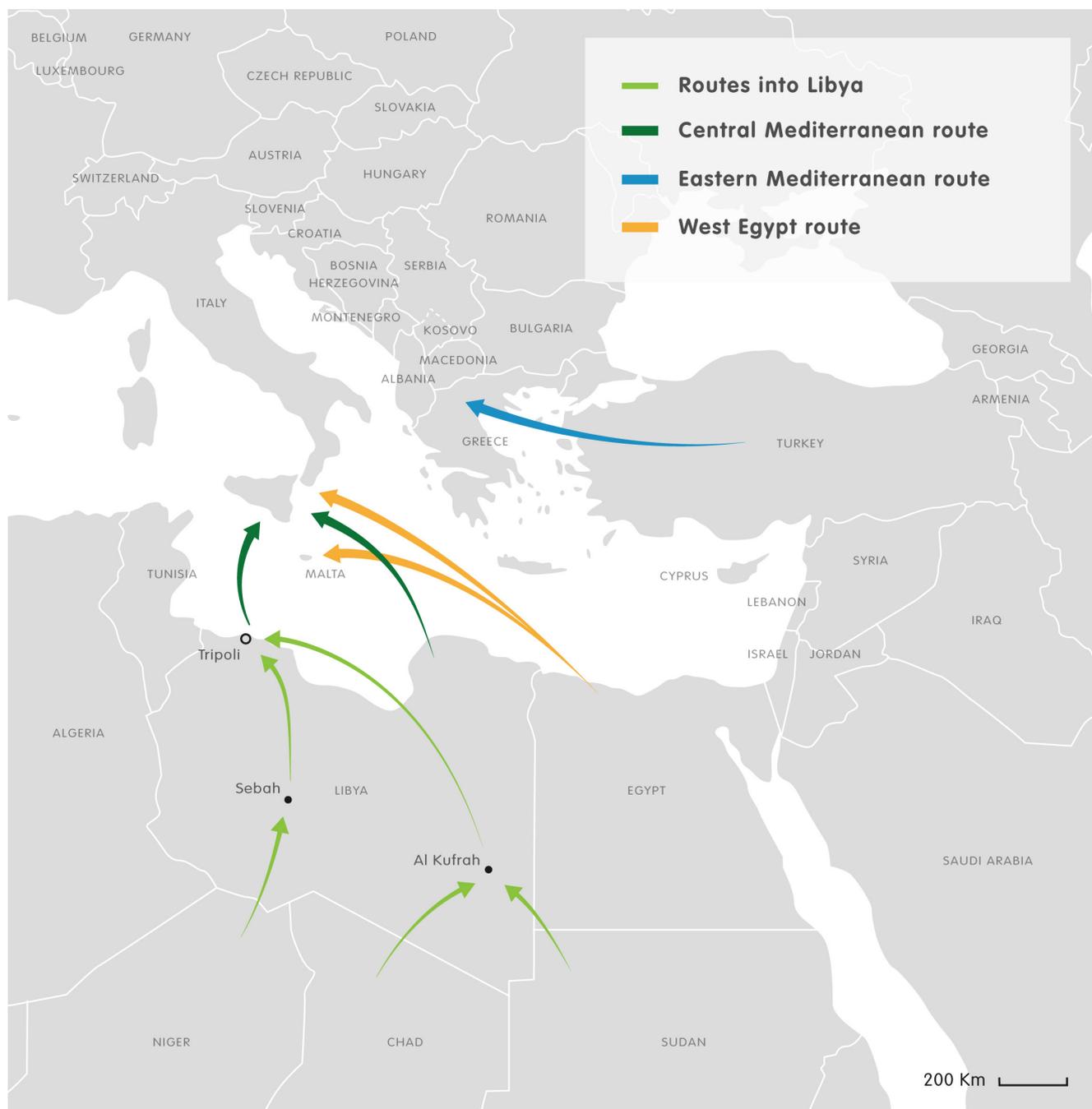
³ UNHCR data available at <http://data.unhcr.org/mediterranean/regional.php>.

⁴ Author’s interviews with Tuesday Reitano, Secretariat of Global Initiative against Transnational Organized Crime, 28 October 2015; and Stefano Liberti, analyst and journalist on migration issues, 27 October 2015.

⁵ See Alexander Betts, *Survival Migration. Failed Governance and the Crisis of Displacement* (Ithaca: Cornell University Press, 2013)

⁶ According to confidential diplomatic and security sources. These are termed “re-admissions” (i.e. repatriations, either voluntary or forced)

Key migration routes into Europe



Source: Compiled using data from Frontex, International Organization for Migration, UNHCR and United States Institute of Peace

questions, according to Doctors Without Borders (MSF).⁷ This poses not only a human rights challenge (as survival migrants are also entitled to some degree of protection), but also a security challenge as many who fail this test are simply pushed underground and live an undocumented life in Europe on the margins of society. This sharp difference in the treatment of refugees and economic migrants pushes some migrants to present themselves as nationals of refugee-producing countries, with a lucrative market in

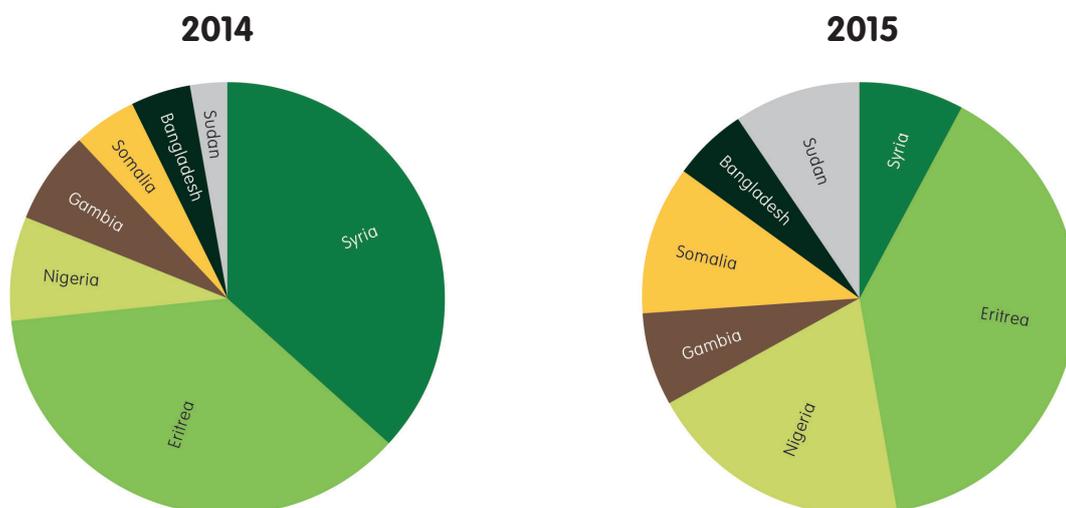
forged Syrian passports. This policy of “saving the refugees, dumping the economic migrants” will push more survival migrants to present themselves as plausible asylum-seekers, making the work of border agencies even harder.

Ultimately, due to the combination of the never-ending civil war and the EU’s failure to provide legal means to seek protection in Europe, Syrian refugees have built a “smuggling highway” which is now being used by other nationalities. There is a vicious cycle – the massive influx of Syrian refugees in Libya since 2013 has swollen numbers and made smugglers wealthier, as Syrians were middle-income and

⁷ Giacomo Zandonini, “Respingimenti, si ricomincia a cacciare via i migranti ‘economici’”, *La Repubblica*, 19 October 2015, available (in Italian) at http://www.repubblica.it/solidarieta/immigrazione/2015/10/19/news/respingimenti-125425049/?refresh_ce.

Arrivals by sea to Italy

Main countries of origin (January - September 2014/2015)



| Main countries of origin | 2014 | 2015 | Percentage (+/-) |
|-------------------------------------|----------------|----------------|------------------|
| Syria | 32,681 | 7,072 | -78% |
| Eritrea | 32,537 | 35,938 | +10% |
| Nigeria | 6,951 | 17,886 | +157% |
| Gambia | 6,179 | 6,315 | +2% |
| Somalia | 4,113 | 10,050 | +144% |
| Bangladesh | 3,925 | 5,037 | +28% |
| Sudan | 2,370 | 8,370 | +253% |
| Tot. all countries of origin | 138,786 | 132,071 | -5% |

Source: Italian Ministry of the Interior, elaboration by the International Organization for Migration

desperate to flee war. Because of EU migration policy, they could only apply for asylum in Europe by travelling illegally to the continent, and this made the fortune of Libyan and other African smugglers who are now “investing” those profits to deepen their networks in West Africa, offering “discounted tickets”. A similar phenomenon can already be observed on the eastern Mediterranean route, which is increasingly being used by Afghans and Iraqis, following the path laid by Syrian refugees.

Europe's response

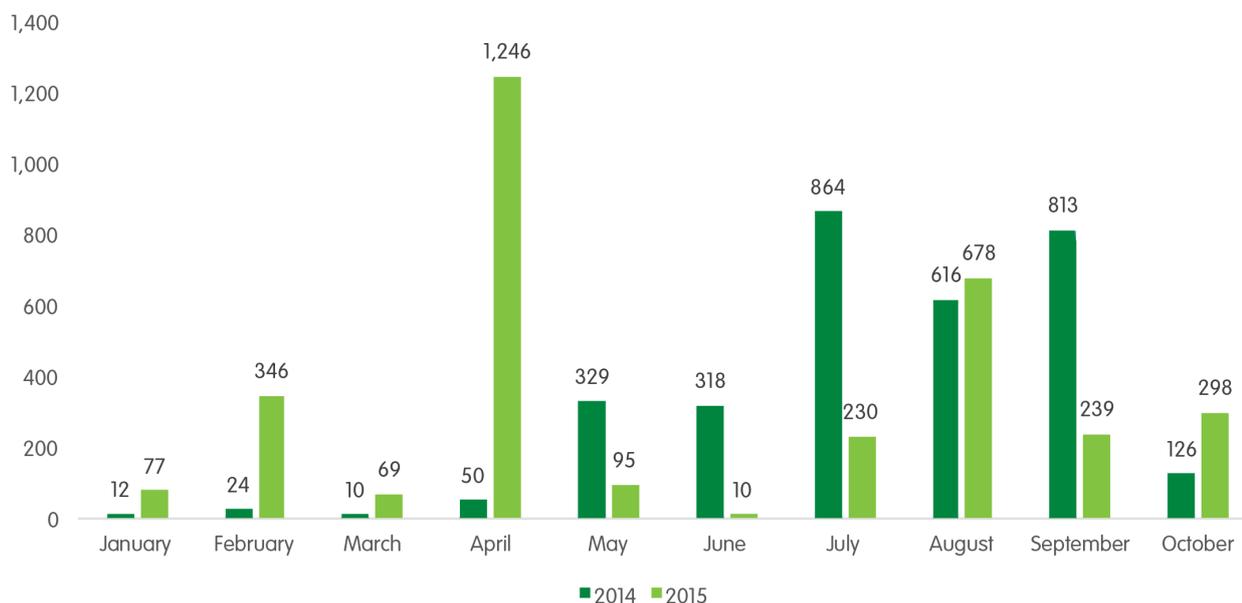
Very little was done at EU level in the years when the current crisis was building up. Migrations through the Mediterranean had long been considered a national matter, and were left to certain member states – Italy in particular.

Successive Italian governments failed to convince their European partners to develop a united political strategy to tackle the problem, and instead resorted to ad hoc policies that tackled flows from one side while not addressing the phenomenon as a whole. In March 1997, Italy conducted a secret military operation with

Albania and in a few hours sank most of the vessels used to transport migrants. In 2008 and 2009, Italy struck an agreement with Libya to exchange generous economic relations for harsh containment of migrants and refugees alike. As part of the deal, Libya kept migrants in detention centres (that rarely met human rights standards) and allowed Italy to return all migrant vessels coming from Libya without screening for asylum seekers. At the same time, Italy approved restrictive domestic laws that made legal economic migration very difficult. Interestingly, some of the EU's current policies seem to be inspired by Italy's policies of the last decade and a half.

Flows continued to grow after the fall of Libya's Gaddafi regime, which had used migration as leverage to exact concessions from Italy while striking a political alliance with smugglers at home. In 2013, after a string of shipwrecks off the coast of Sicily, the Italian government led by Enrico Letta approved Operation Mare Nostrum, one of the biggest search-and-rescue operations ever carried out in the area. As flows continued to grow, many EU member states blamed Mare Nostrum as a “pull factor” that attracted more migrants with the prospect that they

Migrant fatalities in the Mediterranean (January - October 2014/2015)



Source: International Organization for Migration

would be saved by the Italian navy and brought to the EU. It was disbanded in autumn 2014 and substituted with Triton, a border-control operation led by the EU border agency, Frontex. Triton remained within EU territorial waters, far from where most shipwrecks took place in the central Mediterranean. As a result, the winter of 2015 was a deadly one, culminating with one of the most serious shipwrecks in the history of the Mediterranean, when over 900 migrants reportedly drowned on the night of 19 April.

This marked the symbolic start of the “migrant crisis”. The following day, the EU Joint Foreign and Home Affairs Council approved a ten-point plan not radically different from the agenda previously agreed by the European Commission⁸ but with three important additions: it boosted Triton with more funds and a much wider area of operations; it launched anti-smuggling operation EUNAVFOR MED (now renamed “Operation Sophia” after a girl that was saved in the Mediterranean), which was tasked with intercepting, seizing, and destroying smugglers’ boats; and it established “a new return programme for rapid return of irregular migrants coordinated by Frontex”.⁹ European support for UN-led negotiations on a unity government in Libya, brokered by Bernardino León, was stepped up and most

⁸ Long before the “refugee crisis” started to make headlines, the European Commission had started to work on a comprehensive migration agenda based on several pillars: the redistribution (“relocation” in official parlance) of asylum seekers among all member states except the UK and Denmark; more “re-settlement” directly from third countries to the EU via the UNHCR mechanism; more assistance to countries of transit; a better implementation of existing regulations about identification and screening of migrants and asylum seekers; the creation of “hotspots” or “reception centres” both in the countries of first arrival in the EU and in third countries; and more legal ways to enter Europe for economic migrants through the strengthening of the “blue card” that grants residency to highly skilled workers. See “A European Agenda on Migration”, European Commission, 13 May 2015, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm.

⁹ “Joint Foreign and Home Affairs Council: Ten point action plan on migration”, European Commission, press release, Luxembourg, 20 April 2015, available at http://europa.eu/rapid/press-release_IP-15-4813_en.htm.

member states became anxious for quick developments, as it became clear that it was extremely hard to tackle migration from Libya without a functioning government in the country.

Search-and-rescue operations

The decisions of 20 April boosted the Triton operation as a de facto search-and-rescue operation, though this was not explicitly its mission. This was accompanied by the work of the Italian coastguard, some private organisations such as MSF’s Migrant Offshore Aid Station (MOAS), and by commercial ships that are obliged by international law to rescue those in distress at sea.

Contrary to what some member states, particularly the UK, had feared, these rescue missions have not acted as a pull factor for migrants. Flows through Libya decreased in summer 2015 compared to the previous year, even as casualties dropped along the central Mediterranean route. Meanwhile, the overall number of migrants arriving in Europe has been pushed up by the dramatic increase in migration through the eastern Mediterranean route, where there is only a smaller Frontex operation called Poseidon, with less of a search-and-rescue role than Triton. Deaths do not act as much of a deterrent: as in the central Mediterranean previously, the rising number of casualties in the waters between Turkey and Greece has done little to diminish high flows of migrants. Meanwhile, smugglers have adapted to search-and-rescue operations, bringing down prices and the quality of their vessels. These are now mostly precarious rubber boats with a small engine and only enough fuel to get into international waters, where they hope to be intercepted by a rescue operation.

Thinking long-term: The push factors

Growing numbers of migrations through Libya between 2013 and early 2015 were due mostly to a combination of “push factors” that caused migrants to leave. The correlation between migration and “pull factors”, such as search-and-rescue operations, is less clear. These operations are of course a moral duty in the face of growing casualties, but they can only be a temporary sticking plaster, and cannot address the fundamental equation behind people smuggling: closed borders create incentives for smuggling while doing little to curb the numbers of migrations, which simply shift from legal to illegal. Any effective European policy must therefore address the push factors driving migration.

The most important push factor is violence. Flows from Libya started to rise sharply in the summer of 2013, as violence in the country escalated. Many migrants who arrived on the Italian island of Lampedusa in this period described how it had become too dangerous to remain in Libya. The violence was particularly severe around Tripoli in late 2013 and throughout 2014, while in the south, particularly between the Tebu and Tuareg minorities, the violence has never really stopped since the outbreak of war in 2011. There is a vicious cycle between violence and people smuggling. In the conflict that started in summer 2014, some of the frontlines overlapped with smuggling hubs – the southern towns of Sebha and Ubari are a case in point, where conflict rages between the Tuareg and Tebu minorities.

These flows from Libya are mixed: people who have just transited through the country sail together with migrants who have lived there for years and are now being squeezed out by the violence. It is as much a transit country as a destination for migrants: in 2009, at the time of the deal with the Italian government to contain migration to Europe, Libya hosted 2.5 million migrants, mostly from Africa but also from Bangladesh and the Philippines. In 2013, on the eve of the new migration crisis, Altai Consulting estimated that there were between 1.7 million and 1.9 million immigrants in Libya.¹⁰ Colonel Muammar Gaddafi had encouraged migration from Africa with a policy of open borders. The Libyan economy needed this workforce, and it allowed Gaddafi to boost his credentials as a pan-African leader. Incidentally, when Islamic State (IS) first arose in Libya its primary targets were mostly migrants: Egyptian Copts, Eritreans, and Asians who worked in hotels or in oil fields.

A second and more long-term push factor is the established political economy of illicit trafficking, and its influence on both migration flows and political violence. For many border communities in Libya, both in the south and on the Mediterranean coast, smuggling is the only thriving non-oil economic sector. People smuggling is part of a system that uses trade in subsidised goods (such as petrol or wheat) as “start-up money” to deal in illegal goods such as weapons and drugs. Migrants are often used to transport these

¹⁰ Mattia Toaldo, “Migrations Through and From Libya: A Mediterranean Challenge”, New Med Research Network, 14 May 2015, available at <http://bit.ly/1JodBIP>.

items. The smuggling networks lived in a symbiosis with the Gaddafi regime, which turned a blind eye in exchange for a share of the revenues and for political allegiance.¹¹

After the civil war that toppled the dictator, many of the militias that had fought against him entered the smuggling business and at the same time gained relevance in politics, further enhancing the relationship between smuggling, power, and violence.

Human rights violations against refugees and migrants were another push factor. Detention centres for migrants in Libya fall well short of international standards, by the admission of some Libyan officials. Outside, migrants are often abused, subjected to violence, and reduced to slavery and forced labour.¹² It is no wonder that many of those who eventually make it to Europe from Libya report that the inhumane conditions there were the main factor that convinced them to flee at any cost.

A political strategy on migration through and from Libya

No single strategy can solve the problems linked to mass migration through Libya. This country has been a transit route for migration for a long time, and its overall stability and institutional capacity are unlikely to improve dramatically in the years to come – certainly not to the point where Europe can consider the same level of cooperation it has discussed with Turkey. The policies that Europe can implement are sub-optimal, and will involve trade-offs, but could have a significant impact over time.

It is important that Europe gets its goals right in addressing the issue of migration through and from Libya: the EU should aim at managing migrant flows through a mix of political, economic, and law-enforcement measures. Policies targeted at drastically cutting overall flows are likely to fail given the current pressure from sub-Saharan Africa and the mix of push factors described above.

There are two baskets of recommendations that stem from the analysis of migration through Libya. The first concerns policies that Europe can carry out in Libya or with Libya’s neighbours. The second focuses on the lessons that Europe can draw from this case study for its overall migration policies.

¹¹ Mark Shaw and Fiona Mangan, “Illicit Trafficking and Libya’s Transition: Profits and Losses”, in *Peaceworks*, No. 96 (February 2014), available at <http://www.usip.org/node/17466>.

¹² Amnesty International, “Lives Adrift. Refugees and Migrants in Peril in the Central Mediterranean”, 30 September 2014, available at <https://www.amnesty.org/en/documents/EUR05/006/2014/en>.

Recommendations: Europe's policy in Libya and the region

Work with Libyans on a different economic model for border communities

The EU and its member states should offer expertise and political support to efforts by the Libyan central and local authorities, as well as its central bank, to separate the illegal trade in legal goods – namely the smuggling of petrol, tobacco, or subsidised products such as wheat and flour – from the more damaging businesses of smuggling people and illegal goods such as drugs and weapons. The illicit trade in legal products should be gradually decriminalised, accompanied by a crackdown on the latter type of smuggling. This would guarantee a livelihood to border communities outside smuggling people, drugs, and weapons. This alternative would be all the more credible if combined with a new border-management system.

As part of this approach, the Libyan government with European assistance should oversee a decentralised border-management system, giving local communities a degree of control over the borders rather than trying to implement a centralised border-control system, which is unlikely to work given the weakness of the state.

Engage with local communities and local authorities

In the past year and a half, the EU has managed what is probably the only successful part of the UN-led Libyan dialogue, namely the “municipal track” which included a high number of representatives from local councils. In many parts of the country these authorities are the only functioning institution, and in a few cases they also have significant political clout on matters of peace and war with neighbouring cities. The EU should continue a political dialogue with municipalities to discuss and step up the implementation of capacity-building assistance as well as joint efforts against people smuggling. This should take place even if a national agreement is not yet finalised.

Engage with state institutions, including in Tripoli

Since the de facto partition of Libya in summer 2014, the EU and its member states have adopted a policy of strict non-engagement with state institutions based in Tripoli, on the grounds that they could be associated with the Tripoli government. Yet most of Libya's institutions are located in the city, and so this policy means that Europe is not building strong relations with officials involved in immigration control, visas, border monitoring, or the interior ministry. Cooperation between the European and Libyan bureaucracies should resume while bespoke capacity-building programmes are implemented.

Increase monitoring and international presence to protect human rights

In the absence of an agreement for a national unity government based in Tripoli, the EU and its member states should support international and Libyan organisations that are working to monitor human rights violations on the ground. An agreement would allow for full resumption of operations in Libya by bodies such as the UN refugee agency (UNHCR) and the IOM, alongside joint visits by the Council of Europe, parliamentary assemblies, European investigators (both from Europol and member states), and human rights groups. This is important in order to monitor conditions in migrant detention centres and tackle the abuses that constitute push factors for migrants.

Engage in intensive mediation to support Tebu–Tuareg de-escalation

Fighting between the Tebu and the Tuareg minorities in southern Libya is a fundamental push factor for migration from that region. There are currently some important backchannel or “track 2” efforts conducted by NGOs, but the EU should get directly involved in peace-making between these two communities. It is doubtful that the UN can have enough bandwidth to carry this out alongside the national dialogue, so this “southern Libya” track should be coordinated between the EU and the UN Support Mission in Libya (UNSMIL). To this end, the EU could offer both mediation and monitoring mechanisms with a particular emphasis on borders and smuggling.¹³

Accompany political and economic efforts with a comprehensive law-enforcement strategy

While it is important to change the economic model behind people smuggling and address the political dynamics of illicit trafficking, Libya and its foreign supporters cannot eschew a comprehensive law-enforcement effort aimed at migrant smugglers. Operation Sophia in the Mediterranean is part of these efforts, alongside a similar Italian-led operation, Mare Sicuro. These efforts will have to be conducted also further south, alongside the tracks that cross the Sahara desert. These should be among the tasks of the “locally managed” border system, and Europe should, on request of the Libyan authorities, deploy monitoring and law-enforcement mechanisms to support it.

Support Libyan national dialogue, but without illusions

The EU was right to support the UN-led political dialogue. Yet it could well be that an agreement is not around the corner. That's why it is important not just to plan ahead for “the day after an agreement” but also to make contingency plans on how to manage the migration crisis through Libya in the absence of an agreement. In this case, the EU should make a strong push for the options described above: engaging with local authorities, working with all bureaucracies, and intensifying peace efforts in southern Libya.

¹³ Author's conversation with Claudia Gazzini, International Crisis Group, 29 October 2015.

Recommendations: Europe's migration policy

Create legal channels to Europe

Migration through Libya demonstrates how supposedly “closed borders” help to feed people smuggling. Yet it would be politically unrealistic for most EU member states to simply open their borders to all comers. Nevertheless, the EU can test forms of limited “surgical” opening, to save lives and ensure protection of refugees while depriving smugglers of revenue. The EU should assess the impact of the following instruments: an enhanced resettlement mechanism for some refugees; and humanitarian visas so that refugees or survival migrants can safely and legally travel to Europe to claim asylum or humanitarian protection, rather than using smugglers.¹⁴ To this end, current regulations that impose visa checks upon airlines should be revised.¹⁵

Reception centres and hotspots: Think again

Reception centres or hotspots are meant to simplify and enhance identification of migrants alongside protection of asylum seekers. However, in the current political climate in Europe, there is a risk that these could become “pushback” centres, as MSF has reported about the Sicilian hotspots. Even graver concerns arise in relation to hotspots in countries with a record of human rights violations, and – as in the case of Libya – a record of violating migrants’ rights in particular. It is essential that procedures that respect human rights are implemented in these centres by granting the same type of access to NGOs and international organisations that they would expect in Libya. Ultimately, a policy of providing safe and legal channels for asylum seekers would reduce the need for these huge reception centres.

Re-admission agreements: Handle with caution

Starting with the ten-point plan approved in April 2015, returning illegal economic migrants to their home countries has become a top priority in Europe’s management of the crisis. Obviously, once Europe has set reasonable rules of access for economic migrants, those falling outside these criteria should not be allowed in.

But, in the absence of these reasonable legal avenues for migration, an emphasis on returning migrants to their home countries creates serious concerns. First, in terms of human rights violations: when the priority is to accept as few migrants or refugees as possible, those who have the right to stay in Europe, either as refugees or as legal migrants, may be pushed back. Second, if Europe simply pays local authorities in transit and source countries to contain migration, it creates an incentive for these

authorities to keep the number of attempted migrations high so that they will continue to receive payments.

Challenge regional allies

The Mediterranean crises (primarily in Syria and Libya) are the main producers of refugees and migrants arriving in Europe. It is no secret that several Western allies in the wider Middle East and North Africa region play a role in escalating those conflicts or blocking peace processes. On balance, for Europe, trade and political ties with these allies have always been more important than challenging their behaviour in the region.¹⁶ But now, in light of the refugee crisis shaking Europe, it is time to revise that calculation.

14 Elspeth Guild, Cathryn Costello, Madeline Garlick, Violeta Moreno-Lax, and Sergio Carrera, “Enhancing the Common European Asylum System and Alternatives to Dublin”, CESP, September 2015, available at [http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU\(2015\)519234](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2015)519234).

15 Dimi Reider, “Directive 51. How Europe Pushes Migrants Onto Boats”, *Foreign Affairs*, 16 September 2015, available at <https://www.foreignaffairs.com/articles/western-europe/2015-09-16/directive-51>.

16 Julien Barnes-Dacey, “Responding to an assertive Gulf”, European Council on Foreign Relations, 24 June 2015, available at http://www.ecfr.eu/publications/summary/responding_to_an_assertive_gulf.

About the author

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