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BRIEF



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The deals cut between the European Union and Libya since the early 2000s demonstrate how the policy of externalisation of borders operates: all concessions, compromises and infringements of international conventions will be permitted for the sake of “exercising control over migratory flows”.

Colonel Gaddafi was thus able to use migrants as bargaining chips with which to blackmail his counterparts, in order to carve out a place for himself amongst the community of nations. His downfall seems to have made orphans of European policy-makers. Eager to find new border guards, the latter are ready to fund the jailors of migrants detained in camps or thrown into the sea.

In the autumn of 2017, the “modern slavery” that had long been condemned by human rights defenders was revealed for the world to see in images broadcast on CNN. The French President, Emmanuel Macron, then decried these “Crimes against Humanity”.

There is no doubt that crimes are being committed against individuals who are prevented from exercising their right to emigrate. First amongst these are the crimes perpetrated by the European authorities, which condemn thousands of would-be migrants to die at sea or pushes them back to Libya.

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LIBYA, DETENTION CENTRE OF BENGHAZI, 2012

Libya: where thugs are funded by Europe to mistreat migrants

Thanks to his pan-Arab and pan-African policies, Colonel Gaddafi was able to turn migration into a tool for diplomacy. Italy started to get alarmed by the increase in migrants arriving from Libya in the 2000s, which is when these people effectively became the bargaining chips of the “Guide”. By donning the role of gate-keeper of the European Union (EU) he was able to redeem his reputation and reinstate himself on the international stage, getting the embargo that had stifled his country's economy for so long lifted. The Italian government, having other goals in mind, was keen to extend its border across the Mediterranean and defend the economic interests of its major corporations, who have a foothold in its former colonial asset.

In 2008, Italian Prime Minister Silvio Berlusconi signed a treaty of friendship with Muammar Gaddafi, whereby Libya undertook to prevent the departure of migrants over a period of 20 years in exchange for five billion Euros. A year later, Italy began the push-back to Libya of those intercepted at sea – a practice that flies in the face of international law – while NGOs decried the pervasive imprisonment and multiple rights violations on the ground.

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Libya: where thugs are funded by Europe to mistreat migrants

CONTINUATION OF THE ARTICLE OF PAGE 1

In spring 2011, Gaddafi's dictatorship was rocked by internal uprisings and then brought down by an international military coalition with France at the helm. Nevertheless, even in the midst of the Libyan revolution, control over European borders remained at the heart of negotiations. Agreements were swiftly concluded with the nascent revolutionary government, which was quick to assure the Europeans of their continuing role as border guard of Libya, in the hope that they would garner the support of the EU, which was divided on the issue of the Libyan conflict. As arms trafficking proliferated, various different militias tried to seize control by force and, from 2014 onwards, Libya became mired in a civil war that continues to this day.

Since the EU-Turkey arrangement of 2016 (see *Brief #5*), intended to stem the flow of arrivals from the Eastern Mediterranean, Libya has once again become the focus of the EU's concerns on account of the increase in arrivals of boat people coming from Libyan shores. Over the past two years

cooperation between Italy/Europe and Libya has intensified, despite the fragmentation of power and the absence of the Rule of Law. Europe's priority is to support the authorities in Tripoli in order to improve control over the country's borders.

At the start of 2017, Italy found cause for alarm: Libya was said to be the point of departure for 90 % of people attempting to get to Europe. This is why the country has become the number one target of European migration policies. Libya has been promised 237 million Euros as part of the EU-Africa Trust Fund, in addition to support from Italy following the signing of a Memorandum with the Libyan Government of National Accord in February 2017. Far from contributing to local development, a considerable proportion of these funds has actually been allocated to repression of migrants and control of Libya's borders with the aim of keeping migrants away from Europe. Be it inside the official camps or in the clandestine prisons run by militias and other armed groups, migrants there systematically endure inhuman and degrading treatment.

In 2017, 20,000 individuals were intercepted by the Libyan coastguard and brought back to shore, with European financial and logistical support. While Italy and the EU welcomed the new policy of cooperation with criminals, images of migrants trapped in the "Libyan Hell" were seen by the world. It is easy for European leaders to express their horror at such practices and claim to be unaware of them, denying their long-established involvement and complicity in the conditions faced by migrants.

Handing over control of sea borders to a State that is not a signatory to the Geneva conventions - and especially one that is in thrall to unstable institutions and civil war - seems to be a deliberate policy, whose purpose is to bypass international charters and outsource the worst forms of violence against those exercising their right to migrate.

A united front for blocking NGO action

On 25 March 2018, the Catalan paper *Ara* revealed that Italy had paid for some of the equipment used by the Libyan coastguard in their fight against NGOs carrying out sea rescue missions. Repeated intimidations (including the use of firearms), endangering the lives of *boat people* during boarding operations or forced escorts to the port of departure has led most NGOs to end their activities off the coast of Libya. NGOs are caught in the middle: on the one hand there is the trigger-happy Libyan coastguard and, on the other, judicial harassment from the Italian authorities in the form of a "code of conduct" which seeks to restrain their autonomy and seizure of their vessels based on charges of abetting illegal

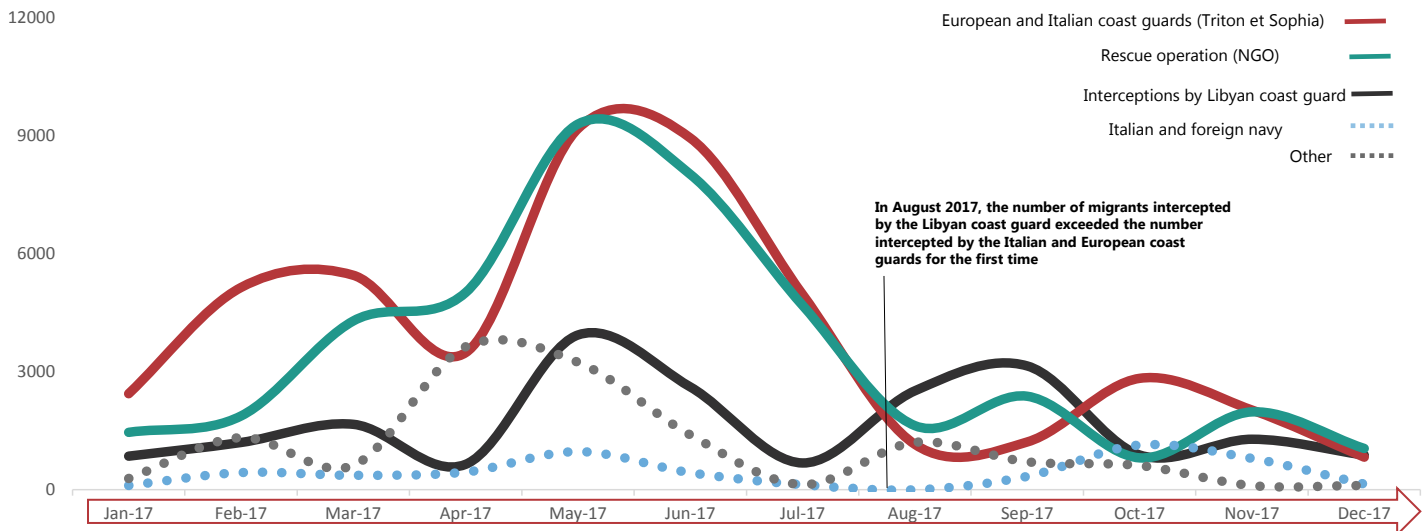
migration. Indeed, this is nothing less than a concerted and coordinated attack on NGOs who oppose both the EU's policy of "letting them die" at sea and the widespread abuse that is inflicted on migrants either stuck in or deported to Libya. Secret agreements and negotiations that were finalised long ago — the patrol boat identified in several cases of threats made against the rescue crews was given as a gift from Silvio Berlusconi to Muammar Gaddafi in 2009 — have recently been renewed with new sources of funding: by the end of 2018, Italy is set to deliver six new patrol vessels to the authorities in Tripoli.

International interventions to stem migration

There are several European and international agencies active in Libya in the field of migration. The EU and the African Union (AU), as well as the International Organisation for Migration (IOM), inform and advise local authorities, arrange return flights in the name of the fight against people smuggling and participate in "stabilisation" programmes. Frontex and Europol also provide training for Libyan coastguard. In 2013, the EU created a special mission to

support Libyan border management, the EU Integrated Border Assistance Mission in Libya (EUBAM). The IOM, for its part, keeps a register of foreign persons through its database Displacement Tracking Matrix and organises return flights, thus contributing to the joint "evacuation plan" developed by the EU and AU. The Office of the United Nations High Commissioner for Refugees (UNHCR) contributes to this initiative by organising flights to Niger.

Distribution of interceptions and rescues in 2017



In August 2017, the number of migrants intercepted by the Libyan coast guard exceeded the number intercepted by the Italian and European coast guards for the first time

<p>2 February A Memorandum of Understanding is signed whereby Italy promises to cooperate with the Libyan authorities to prevent migrants for reaching Europe, thanks to a financial envelope of 200 M€.</p>	<p>7 July The European Council adopts a plan of action on the route through the central Mediterranean aimed at providing support for Italy and reducing the migration pressure on its territory through a budget envelope of 25M€.</p>	<p>25 July The mandate of the European operation EUNAVFOR MED is enlarged to offer training programmes for the Libyan coastguard</p>	<p>2 August Italy impounds the <i>Iuventa</i>, a vessel of the German NGO <i>Jugend Rettet</i>, after they refuse to sign the code of conduct</p>	<p>2 August Launch by the Italian Parliament of a naval mission into the territorial waters of Libya to support the Libyan coastguard</p>
<p>3 February European leaders support the Italian strategy in the Malta Declaration, which provides financial and logistics support for the Libyan coastguard.</p>	<p>28 July The EU Emergency Trust Fund for Africa adopts a 3rd programme: support for the integrated management of migration and borders in Libya, raising the total amount of assistance allocated to Libya through this fund in 2017 to 162 M €</p>	<p>31 July The Italian government imposes a "code of conduct" on NGOs rescuing migrants at sea. This restrictive code forbids NGOs from approaching Libyan waters and requires a police officer to be present on board their vessels. Several NGOs refuse to sign it and withdraw.</p>	<p>10 August Prompted to do so by Italy and the EU, Libya decides to demarcate a SAR zone (Search and Rescue) 96 miles off its coastline, in which no NGOs will be permitted</p>	

Sources: Italy's Guardia Costiera 2017, IOM 2017

Sealing off maritime access to Europe at any cost

Since the end of 2016, with the consent of the European Union (EU), Italy has led a two-pronged strategy to put an end to migrants arriving in the central Mediterranean: first, by criminalising citizen's rescue initiatives and, second, by turning Libya (back) into Europe's policeman.

A veritable campaign of delegitimization and criminalisation has been waged against NGOs deploying their own rescue vessels to make up for the withdrawal of European States after the Italian Operation *Mare Nostrum* was axed at the end of 2014. NGOs are accused by the authorities of spurring migrants to attempt crossings and of encouraging smugglers to use ever more unsafe boats, effectively laying the blame for the growing number of deaths at sea at the door of those trying to save lives. The figures show that, on the contrary, the presence of NGOs has made the crossing safer. Accusations of "collusion" with smugglers, initially made by the extreme right and then picked up by the mainstream media and Italian magistrates have never been substantiated. Yet, on 2 August 2017, the German NGO vessel *Jugend Rettet* was impounded by the courts on these grounds. In the face of such attacks, several NGOs have ceased their rescue activities as of summer 2017 (see box 1).

Italy has furthermore been collaborating with Libyan authorities and militias to prevent departures or intercept boats, thus trapping migrants on the southern banks of the Mediterranean. Although collaboration with feeble authorities in a divided country has been problematic since the fall of Gaddafi, collaboration has actually grown over the course of 2017. On 2 February 2017, Italy agreed a "*Memorandum*" with the Libyan national reconciliation government with the "fight against illegal migration" at its core. In its wake, several patrol vessels were delivered by Italy to the Libyan navy and coastguard, and Italy sent military ships into Libyan territorial waters to provide logistics support. Negotiations between the local authorities and militias finally led to a temporary halt to crossings over the summer. By equipping, financing and coordinating the activities of the Libyan coastguard, Italy is effectively running a policy of refolement (push-back) in plain view of the EU, thus side-stepping its international obligations.

The seizure of the vessel belonging to the NGO *Jugend Rettet*, on 2 August 2017, which coincides with the deployment of the Italian navy off the coast of Libya, lays bare the link between externalisation and criminalisation. Their purpose is to impede the actions of NGOs in order for the Libyan coastguard to intercept migrants upstream in complete impunity.



LIBYA, DETENTION CENTRE OF BENGHAZI, 2012



DISEMBARKATION OF MIGRANTS, LAMPEDUSA, 2013

Going further:

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Migreurop is a network of organisations, activists and researchers in twenty different countries in Europe, Africa and the Middle East. Our goal is to publicize and denounce policies which marginalize, in particular through detention in camps, different forms of deportation, border closures, as well as the externalization of migratory controls carried out by the European Union and its member states. We contribute to defending the fundamental rights of exiles (including the right to "leave any country, including his own") and to promoting the freedom of movement and settlement.

www.migreurop.org

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