

The EU-Libya Migrant Deal: A Deal of Convenience

Written by Michael Asiedu

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MICHAEL ASIEDU, APR 11 2017

On 3rd February, the European Union (EU) announced a deal in Malta to curb the flow of migrants from Libya. Per the plan, the EU will support the establishment of 'safe' refugee camps within Libya as well as voluntary repatriation of refugees who are willing to return to their countries of origin. Among other things, the deal will boost training and equipment to Libya's struggling coastguard and get more involved with neighboring nations including Algeria, Tunisia and Egypt to contain flows of migrants. The processing of these migrants will be done mainly by United Nations High Commissioner for Refugees (UNHCR) and International Organization for Migration(IOM) officials funded by the EU. It is envisioned that those that qualify for asylum will be afforded passage to Europe while those who do not will be resettled in Libya or repatriated to their countries of origin.

Libya however, is currently undergoing turmoil birthed by both political gridlock with regards to the non-consensus on the Libya Political Agreement[1] alongside security wrangling that has culminated in instability and terror attacks or threats; economic hardships, power outages and acute currency crisis. In fact, currently there are three rival governments. This EU-Libya deal was however, signed with the UN-backed Government of National Accord (GNA). It is therefore puzzling as to why the EU will strike a deal with a country in such bedlam. The deal could therefore be a reactive response to many European citizens' demand on their respective governments to control migration. These concerns include the rise of far-right political leanings rather than a germane plan to address the issue of migration along the Mediterranean (Bremmer, 2015).

This article argues why the deal is convenient for the EU and a disservice to migrants and refugees in Libya. In doing so, it brings to the fore some of the deficiencies embedded with the signing of the deal, its implications on migrants and refugees in Libya; and offers an alternative path for a more sustainable peace and security in post-Gaddafi Libya.

Deficiencies of the Deal

Libya as a country is still aching with gaping wounds that need urgent attention and treatment on both the political and security front. Comparatively to the EU-Turkey deal,[2] Turkey is a functioning country with a full government machinery to back. With the EU-Turkey deal, migrants arriving in Greece from Turkey are sent back with Europe resettling an analogous number of successful asylum applicants from Turkey in return; albeit this arrangement has been deficient to an extent. Same cannot be said of this EU-Libya deal. The EU-Turkey deal which in certain instances proved to be anaemic succeeded in two-folds, it mitigated the brewing pressure on Greece and countries in the Balkans from the increasing number of new migrant arrivals prior to the deal. More significantly, it partially appeased many European citizens who harbor anti-migrant concerns.

Apart from the latter, the arguments that brought forth the EU-Turkey deal cannot be said to have inspired the EU-Libya deal. Libya is embroiled in civil war. Currently there are three rival 'governments' battling for control of Libya's security services. To this effect, expecting Libya to be in a position to implement the EU deal is gross disregard for Libya's capacity as a country. Whilst UNHCR and IOM officials are envisaged to be the main processors of migrant issues, the fact is they cannot do this solely as migrants numbers are too large for them.

This deal also fails to acknowledge the deplorable migrant conditions in Libya. Essentially, migrants who shall be

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returned to Libya are likely to end up in detention centers. Of intrinsic concern is Libya's negative track record on human rights; the country has failed to ratify international conventions on human rights. UNICEF's "A Deadly Journey Report" released recently captures gross violations of human rights in Libya as one of the central push factors for migration to Europe. Migrants who make it to Italy have often recounted being abused, starved and even raped in detention camps. All these notwithstanding, the EU has only met 5 percent of target for relocating refugees from Greece and Italy.

Where is the EU's Moral Compass?

That the EU has rolled out such a plan portrays how far it has fallen in terms of moral leadership, vouching for such a flawed plan demonstrates the lengths at which the EU is willing to go to ward-off migrants from its shores. The difference here is that these are not just any migrants, some of them are fleeing persecution and yearn for a standard of common human decency.

To an extent it has been proffered that, migrants coming from Libya are economic migrants- Europe should therefore not bear any responsibility for them unlike Syrian migrants from Turkey. On the contrary, UNCHR figures indicate that, 45 percent of those who arrived in Italy in the first three quarters of 2016 could qualify for protection.[3] To this end, those who fail to assist the poor cast themselves outside of the moral threshold. "For I was hungry and you gave me nothing to eat, I was thirsty and you gave me nothing to drink, I was a stranger and you did not invite me in, I needed clothes and you did not clothe me, I was sick and in prison and you did not look after me," warns Jesus in the Gospel of Matthew.

This notwithstanding many ways are resorted to in advancing arguments that seek to refuse these applicants asylum protection. The issue of Eritrean migrants whose asylum applications were incorrectly refused in the UK is an example of this. At the time of writing, a new law has been introduced in the UK that could see refugees sent back to their countries of origin even after a five-year stay in the UK.

Again, on the issue of eradicating the human trafficking and smuggling chain, this deal falls short. Just as countries have missions abroad, the EU should advance a legal regime that could see migrants submit their asylum requests or their visa applications closer to their country of origin and not after crossing Sahara illegally. Thus, the expansion of legal access to asylum in countries of origin and simultaneous crackdown on smuggling networks will ensure that migrants do not end up in Libya in the first place. The notion of criminalizing migrants and the reduction of legal avenues for same is at best pathetic and plays into the growing protectionist tendencies on the rise. Essentially, this aides the work of smugglers who profit from cheap, illegal labor from undocumented migrants in Europe.

Cognizance of these concerns the EU-Libya deal represents a short-term crisis management strategy of the EU rather than a thorough plan to curb the growing issues of migrants along the Mediterranean. The EU seems to have taken the posture, as long as migrants do not 'flood' our shores we are fine. The deal is therefore focused on immediate containment and the abandonment of humanitarian ideals.

It is also noteworthy to indicate that this deal has also received the ire of many humanitarian organizations who are on the ground in Libya. The Médecins Sans Frontières (MSF) who work in camps and have embarked on several rescue operations on the Mediterranean opine that, "Libya is not a safe place and blocking people in the country or returning them to Libya makes a mockery of the EU's so-called fundamental values of human dignity and rule of law". The British charity, Save the Children, adds that, "sending children back to a country many have described as a living hell is not a solution".

What the EU should be focusing on is getting momentum behind the reconsideration of the Libyan Political Agreement to include significant actors that were missing at the negotiating table at its onset.[4] A push for the recognition of basic human rights could be tied with the reconsideration of the Agreement. That is the real question, a solution to which will largely address the root causes of insecurity, instability of post-Gaddafi Libya and set it on a path to sustainable peace and security. Any deviation is a disservice to Libya and its people.

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Notes

[1] The Libyan Political Agreement (LPA) signed in December 2015 can no longer be implemented without much needed alteration. (Crisis Group Middle East and North Africa Report No. 170). The LPA resulted in the formation of the Government of National Accord (GNA), however, it has failed in its goal of establishing national institutions with broad representation in Libya, hence the current rival governments (Hall, 2016).

[2] The EU-Turkey deal came into effect on 20 March 2016 to address the migrant crisis. It was signed between the 28 EU member states and Turkey on 18 March 2016. The crux of the deal was to curb the increase in flow of migrants and asylum seekers travelling across the Aegean from Turkey to the Greek islands. The deal permitted Greece to return “all new irregular migrants” arriving after 20 March 2016 (Collett, 2016).

[3] The Central Mediterranean route which positions Libya as the main point of transit is considered primarily, as a route for economic migrants. This assertion however, lacks in fact, 39 percent of migrants via this route as assessed by Italian asylum officials receive either refugee status or humanitarian protection. 45 percent also meet European refugee standards per the UNHCR. Those who do not qualify and are termed economic migrants still should be accorded the necessary basic human rights. They cannot be detained, tortured etc. (Toaldo, 2017).

[4] Fresh negotiations that will include key security actors such as Colonel Khalifa Haftar, the Libya National Army, etc. not at the signing of the LPA are necessary to ensure a more unified government in Libya (Crisis Group Middle East and North Africa Report No. 170).

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About the author:

Michael Asiedu is a Researcher with the Global Political Trends Center. He contributes to the Center's research activities which largely focus on the Middle East and North Africa.