

## LIBYA: THE WEAK LINK IN MIGRATION CONTROL

By Dr. Ashley N. Bybee

Libya has historically been a frequent destination for African migrants seeking greater economic opportunities and better lives in a country that, until recently, offered decent prospects for those goals. Since the death of Muammar Gaddafi in 2011 and the political chaos that ensued, however, many migrants who would have otherwise remained in Libya have fled to Europe in search of safety and opportunity. Among other factors, the actions of the German government, which instituted an “[Open Door](#)” policy that welcomes refugees and asylum seekers, have contributed to a [massive influx of migrants](#) from the Middle East and Africa. While the Gaddafi regime was effective at controlling the migrant flow, the lack of a functional government and law enforcement institutions in Libya today means that country no longer plays an effective role regulating migration. Worse still, the confluence of desperate migrants, extremist militia groups, and the absence of the rule of law has resulted in a continuing humanitarian crisis. [more...](#)



Migrants fleeing Libya, crowded onto a dinghy, about 25 miles north of Sabratha, Libya, Thursday, Aug. 18, 2016. Source: AP Photo/Emilio Morenatti.)

Dr. Ashley N. Bybee is a Research Staff Member in the Africa Program at the Institute for Defense Analyses.

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Zimbabwean President Robert Mugabe addresses an event before the closure of his party's 16th Annual Peoples Conference in Masvingo, Saturday, December 17, 2016. (Source: AP Photo/Tsvangirayi Mukwazhi.)

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The Institute for Defense Analyses is a non-profit corporation operating in the public interest.

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Supporters of Congo opposition leader Etienne Tshisekedi hold up a cross that symbolizes no third term for Congo President Joseph Kabila, during a political rally in Kinshasa, Congo, Wednesday, July 31, 2016. Several thousand people, many wearing the blue, yellow and red colors of Congo's flag, gathered near the Stadium of Martyrs in Kinshasa Sunday holding banners that said, "No to a third term." (Source: AP Photo/John Bompengo.)

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Migrants fleeing Libya, crowded onto a dinghy, about 25 miles north of Sabratha, Libya, Thursday, Aug. 18, 2016. Source: AP Photo/Emilio Morenatti.)

## Libya: An Immigrant’s Destination

Libya has a long history of receiving migrants not only from sub-Saharan Africa but also from countries as far away as [Bangladesh and the Philippines](#). Its prior relative wealth and stability compared with the rest of the continent appealed to people looking for economic opportunities. Gaddafi welcomed immigrants whom he saw as important contributors to the national economy. Migrants performed the low-paid, manual tasks that most Libyans did not want. For this reason, and consistent with his pan-African ideology that aimed to strengthen the bonds of solidarity among all those of African descent, Gaddafi instituted an open-door policy and visa waivers for most of Libya’s African neighbors. He (and his security apparatus) even turned a blind eye to human smuggling into Libya, although this seemed driven by his desire to maintain political support in the periphery of the country where smugglers operated.

## Crisis in Europe

When Libya transitioned from a destination country to an important transit country for migrants seeking to reach Europe, Gaddafi came under direct pressure from the EU to control this flow. In August 2008, Italian Prime Minister Silvio Berlusconi and Gaddafi signed the “Treaty on Friendship, Partnership and Cooperation between Italy and Libya.” As part of the deal, Gaddafi agreed to improve Libya’s border security and repatriate migrants who were refused entry by Italy. In return, Italy agreed to pay [\\$5 billion over 20 years](#) as part of a financial package intended to put to rest lingering disputes related to [colonial history](#).

Although Gaddafi proved to be effective at implementing the aforementioned measures to stem the flow of migrants to Europe, an effective government failed to materialize after Gaddafi was killed in 2011. As a result, Europe began to experience its first significant increase in immigration from Libya. When Angela Merkel announced a new [refugee policy](#) in 2015 that would admit 1 million asylum seekers into Germany, the flow of refugees accelerated. Finally, in March of this year, the EU negotiated a [deal with Turkey](#) to close the “eastern Mediterranean route” where migrants entered Europe from Turkey through Greece. At the same time, Balkan nations also closed their borders to migrants. The result has been an increased migrant flow on the Libya/western Mediterranean route.

## Crisis in Libya

Multiple groups have claimed to be the legitimate government in Libya. Amid this political chaos, the national Department for Combatting Illegal Migration (DCIM, which is formally under the control of the Tripoli-based Interior Ministry) has little ability to effectively operate Libya’s official detention centers, where illegal migrants are held. Instead, [armed groups, criminal gangs, and smugglers](#) have assumed control of the official detention centers while also operating



their own unofficial centers, where gross human rights violations have been [documented](#). The United Nations (UN) recently [reported](#) that detained migrants are suffering consistent and widespread abuse, including arbitrary detention, forced labor, rape, and torture. The spread of infectious disease from overcrowding and lack of sanitation also presents a serious threat to migrants' health. The situation has become so dire that the UN now qualifies it as a [humanitarian crisis](#).

### Profiting from Migrant Smuggling

Historically, migrant smuggling has been a lucrative business for criminal networks operating along Libya's national borders. State officials have been involved in this activity, which they view as a way to [extract bribes](#). Some [experts](#) assert that Gaddafi's economic policy of subsidizing a wide range of consumer goods actually bolstered human smuggling by creating an illicit market for these subsidized goods within a wider illicit economy that included trafficking in drugs and weapons. Today, the EU estimates that Libya's coastal cities are generating up to [€325 million](#) each year through migrant smuggling activities. These activities range from voluntary payments to smugglers to [ransoms](#) extracted from family members of migrants who have been kidnapped and held in unofficial detention centers. Of particular concern is the belief that [al-Qaida and its affiliate in the Maghreb, AQIM](#), are among those extremist groups that are benefiting financially from migrant smuggling activities.

### Conclusion

The EU is eager to seek partners in combatting illegal migration from nonmember states, particularly those in North Africa and the Middle East. This will be difficult in Libya, where the core elements of national sovereignty such as law enforcement, border control, and diplomacy are weak and dispersed among numerous actors. The international community should not expect Libya to implement effective migration policies as long as competing factions are unable to stabilize the country and reconstruct its national institutions. Expanding the capacity of regional neighbors to counter migrant smuggling might be the only feasible approach at present.

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Zimbabwean President Robert Mugabe addresses an event before the closure of his party's 16th Annual Peoples Conference in Masvingo, Saturday, December 17, 2016. (Source: AP Photo/Tsvangirayi Mukwazhi.)

## Background: Party Splits

Zimbabwe is a landlocked country in southern Africa with a long history of violent and contentious politics. As [highlighted](#) in recent editions of *Africa Watch*, two factions within Mugabe's party have been waging a fierce and increasingly public battle over who will take over for Mugabe when he dies or leaves office. After Mugabe's former vice president, Joice Mujuru, was kicked out of the party in 2014, two main ZANU-PF factions emerged. The first, headed by current Vice President Emmerson Mnangagwa, is known as Team Lacoste, and the other, known as Generation 40 (G40), enjoys support from younger elements of the party and President Mugabe's wife, Grace Mugabe. Although Mnangagwa is [thought](#) to have backing from many prominent military generals, who hold considerable influence in Zimbabwe, the allegiance of Zimbabwe's security sector appears to be more [divided](#) than it has ever been.

## 2016 Party Congress

The annual ZANU-PF party congress was held in the town of Masvingo, which is located due south of the capital city of Harare. Before the congress, Mugabe had openly [broached](#) the topic of his retirement: "change will come in good time . . . If I have to retire, let me retire properly; people must sit down and discuss it cordially." At the party congress, Mugabe addressed the internecine battles and [said](#) that the party must come together: "We agreed that conflicts should end. Infighting should end. The party ideology should be followed . . . Let us be one. We are one family, the family of ZANU-PF bound together by the fact of understanding between its members." Despite long-standing internal divides, the various elements of the party came together to nominate Mugabe once again as their sole candidate in 2018, when he will be 94. The party's youth league even went so far as to [declare](#) that Mugabe should be made president for life. Under Zimbabwe's revamped 2013 constitution, presidents are allowed only two terms.

## A United Opposition Ahead of 2018?

Zimbabwe's opposition parties have also been riven by increased infighting and splintering over the past two years. After a loss in the 2013 elections, Zimbabwe's largest opposition party, the Movement for Democratic Change led by former Prime Minister Morgan Tsvangirai (MDC-T), split apart when the party's former secretary general, Tendai Biti, [broke](#) with Tsvangirai. A number of other former MDC officials followed suit and formed their own parties. More recently, however, various parties have taken initial steps to form a united opposition front to take on ZANU-PF in 2018. Under the banner of the National Electoral Reform Agenda (NERA), 18 opposition political parties—including MDC-T and Mujuru's Zimbabwe People First (ZPF)—have come together and held a number of [rallies](#) in support of electoral reform. Just last month, another grouping of 13 opposition parties met in South Africa to discuss an umbrella coalition, although MDC-T and ZPF



did not attend, citing possible [infiltration](#) by ZANU-PF elements. The largest challenge of a united opposition front remains the key question of who would lead, as both Tsvangirai and Mujuru [believe](#) they deserve the top spot.

## Conclusion

Despite the splits within the ruling party and hints that Mugabe may be open to retirement, ZANU-PF's decision to back Mugabe in 2018 shows that Mugabe maintains control over the party and that he is not ready to depart the political scene on his own volition. While circumstances can certainly change prior to the 2018 election, Mugabe's candidacy also indicates that ZANU-PF is unlikely to implode as a viable party as long as he remains alive. A [deteriorating](#) economy, a [rising protest movement](#), and a divided security sector suggest that Mugabe and ZANU-PF's political fortunes may be declining. That said, the formation of a cohesive opposition coalition, which, as seen recently in The [Gambia](#), could lift the opposition's chances in 2018, remains a work in progress.

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## Many Talks, Little Progress

The DRC's current crisis did not come as a surprise. Kabila's administration began efforts to retain power beyond 2016 almost immediately following its victory in the [contested](#) 2011 national elections. By systematically [underfunding](#) the electoral commission, Kabila's government made it hard for elections to be held on time. Bolstered by the Constitutional Court's May 2016 ruling that the president would remain in office until elections were held, Kabila became well placed to stay in power by delaying elections, a strategy termed *glissement*.

The DRC has an active opposition, which has tried to resist *glissement*. As [Africa Watch](#) has reported, in June 2016 the DRC's most popular opposition leaders, Etienne Tshisekedi and Moise Katumbi, united with other opposition groups to form a coalition known as the *rassemblement* to strengthen opposition to Kabila.

Although the *rassemblement* has helped to unify the DRC's fractious opposition, it has yet to win concessions from the administration. During talks led by the African Union between the opposition and the government this summer, both Tshisekedi's and Katumbi's parties withdrew in protest. The remaining opposition parties continued to negotiate, signing an [October 2016 agreement](#) with the government that stated elections would be held in April 2018, an outcome favorable to Kabila. Tshisekedi [called](#) the timeline "unacceptable," and the *rassemblement* rejected the agreement.

Throughout November and December of this year, the Congolese conference of Catholic bishops, known as CENCO, attempted to [mediate](#) between the government and the *rassemblement* in hopes of reaching a resolution before December 19. On December 17, however, CENCO announced that its efforts would be put [on hold](#) due to failure to reach an agreement.

## International Pressure Goes Only So Far

Kabila has received mixed messages from the international community. Regional heads of state [endorsed](#) the October 2016 agreement that called for elections in 2018, thus tacitly accepting the *glissement* strategy. The United States and European Union have reacted more strongly, placing [sanctions](#) on key figures in Kabila's security services in response to violence against protestors in September and December of this year.

It is doubtful, however, that international censure will have any effect on Kabila's behavior. A Bloomberg News [investigation](#) traced the Kabila family's financial holdings to over 70 companies with stakes in nearly all sectors of the DRC's economy. Were he to step down, Kabila would no longer be in a position to protect his family's financial interests from



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anticorruption lawsuits or poaching by other politicians. In addition, once out of power, Kabila would have few guarantees of security against criminal lawsuits or threats to his physical safety. Because of these risks, Kabila is [incentivized](#) to remain in office despite international and domestic pressure.

## Conclusion

While the opposition and the government continue to resist brokering an agreement, ordinary Congolese are suffering. The economy has [slowed down](#), with growth falling from an average of 7.7 percent annually during the 2010–2015 period to 4.3 percent in 2016. Food prices have risen while public sector salaries have been slashed, and an already-anemic service delivery system has almost ground to a halt. In this environment, political gridlock has a tangible impact on citizens' livelihoods, which has translated into widespread opposition to Kabila. A recent nationwide survey showed [74 percent](#) of Congolese want Kabila to step down. Despite this, Kabila has demonstrated that he will not leave office willingly, and, at present, the opposition seems to lack the leverage needed to force him to do so. Given the incentives for both sides to resist compromise, DRC's political crisis may not be quickly resolved.

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