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the case of Libya
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New perspectives in EU’s migration and border management – the case of Libya

Peter Seeberg

News
The long-term EU-budget for 2021-2027 has recently been presented in a Press Release from the European Commission. Within the framework of the new budget the Commission proposes to almost triple the funding for EU’s migration and border management (EU-Commission 2018). The question is how this will affect the relations between the EU and the Arab states in the southern Mediterranean – in particular Libya, which due to its significant transit migration is potentially an important Arab partner in dealing with the question of Mediterranean migration.

Summary
Initially the article describes the recent EU-Libya relations with a focus on migration and border management followed by a more detailed analysis of the EU operations in the Mediterranean Sea. It is then discussed how the planned increased level of funding over the coming years might influence the situation in the Central Mediterranean and in Libya. It is argued that the EU ambitions of securing its external borders, support legal migration, counter irregular migration and return those migrants who have no right to stay in Europe, seem relevant in the context of Libya, but that efficiency in carrying out the suggested measures require that lasting solutions are found concerning the internal crisis in Libya.

Key Words
EU, migration policy, border management. Libya, Frontex, counter terrorism, Operation Sophia

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Analysis:

Introduction

After the EU-Turkey statement of March 2016 was implemented the pressure via the Eastern Mediterranean migration route calmed down. For a second year in a row – both in 2016 and in 2017 – the EU member states experienced a significant decrease in the detected numbers of irregular border crossings along the EU’s external borders (Frontex 2018). This was not the case along the Central Mediterranean route, where the number of refugees and migrants for 2017 within the first three months resembled the figures for 2016. However, over the rest of the year a decline was seen, so the central route compared to 2016 ended with 34 % less irregular border-crossings in 2017.

Still, with 118,962 irregular border crossings the central route again in 2017 by far outnumbered the eastern route, along which the number was 42,305. Libya was the main sending destination, with Nigeria, Guinea, and Côte d’Ivoire being the top three nationalities of origin. The EU operations in the Mediterranean Sea and at the EU’s external borders were for a first full year organized by the new Frontex (launched in October 2016), renamed the European Border and Coast Guard Agency. In the following the EU’s migration and border management with a focus on Libya is being analyzed, aiming at discussing how EU-Libya cooperation might be affected by increased EU funding.

Recent EU-Libya relations on migration

Right after the revolution in Libya in early 2011 and the fall of the regime in October the same year a widespread optimism characterized the assessment of the development in Libya (Seeberg 2014). However, already shortly after the first elections in 2012 things began to go wrong, and since then the internal conflicts have worsened to a degree where Libya should be described as a failed state. The lack of centralized institutions makes it difficult if not impossible for external powers to establish a well-functioning cooperation with the Libyan state. Any hope of contributing to Libyan political progress via integration in EU political programmes seems for the time being unrealistic, and this furthermore means that the EU only to a limited degree is in possession of a reliable Libyan partner state together with which the challenges related to migration can be solved.

The EU works together with international organizations like the IOM and also UNHCR in order to provide humanitarian assistance for refugees and migrants in Libya. At the overall institutional level the EU supports Libyan authorities based on different
Common Security and Defence Policy (CSDP) operations (EU-Commission 2018). In 2013 the EU established the EU Border Assistance Mission in Libya (EUBAM), an entity which together with the Libyan authorities should control the Libyan borders to the east, south and west. Due to the deteriorating security situation the mission was downsized and relocated to Tunis in 2014. The mandate of EUBAM has been extended until the end of 2018. Its mandate has been broadened and recently (spring 2018) the EUBAM has established a light presence in Tripoli and started capacity building by offering jobs within its organization.

EU operations in the Mediterranean Sea with a focus on Libya

In addition to the EUBAM activities the EU in May 2015 created a naval force (EUNAVFOR MED Operation Sophia) with the idea “to break the business model of smugglers and traffickers…in the Southern Central Mediterranean and in partnership with Libyan authorities” (Blanchard 2018). So far the mandate of this specific operation has been extended until 31 December 2018 (similar to the EUBAM) with two tasks, training of Libyan Coastguards and aiming at implementing “UN arms embargo on the high seas off the coast of Libya in accordance with UNSCR 2292 and 2357”(EU-Council 2017).

It should be emphasized that the EU operations in the Mediterranean aren’t limited to multilateral activities, but are carried out in cooperation with national border control agencies and/or coast guards. Frontex has launched Operation Poseidon in the Eastern Mediterranean (primarily the Greek sea borders between Turkey and the Greek Islands) with the goal of strengthening first of all the Greek border surveillance activities. A somewhat larger operation (named Triton) takes place in the Central Mediterranean, which supports Italy with its border control, surveillance, and Search and Rescue (so-called SAR-operations) – very much focusing on the irregular crossings of the Mediterranean taking Libya as starting point.

An important aspect of the migration issue is the question of security. The EU Regional Task Force (EURTF), composed of representatives from Frontex, European Asylum Support Office (EASO), Europol, the above mentioned EUNAVFOR and national authorities, coordinate activities related to suspicion of terrorism and in specific cases counter-terrorism. The cooperation includes activities which contribute to the implementation of the arms embargo off the coast of Libya, and, in doing so, contribute to limit arms flows to terrorist groups. According to a report, requested by the European Parliament Special Committee on Terrorism, “since the operation has been launched on 22 June 2015, 87 suspected terrorists have been arrested and transferred to the Italian authorities, and more than 255 vessels have been neutralised” (EU-Parliament 2018).
EU migration and border management measures in the future

There is no doubt that one of the reasons why the EU has decided to increase its allocations to migration and border control is that the scale and urgency of the 2015-16 refugee crisis took the EU by surprise. The EU felt being strongly under pressure having to mobilise additional funds for the many activities relate to migration and border management, internal security etc. and wants to make sure that in the coming years a more flexible funding situation will be a reality (EU-Commission 2018). The future extended funding – for the period 2012-2027 the funding for migration and border control should be increased to €34,9 billion, as compared to €13 billion in the previous period – should be seen as a response to expected increased challenges concerning migration and security.

In the Commission Press Release the suggested measures are organized under two headlines, the first being “Securing the EU’s external borders”, covering border management overall and the creation of a new Integrated Border Management Fund (IBMF), mainly focusing on strengthening Europe’s external borders, a stronger and more efficient visa policy, and support to member states in different ways. The second headline reads: “Migration: supporting a robust, realistic and fair policy”, indicating improvements and increased activities within the European asylum system, measures related to legal migration and integration, faster returns, support for member states, better preparedness and better coordination across the different EU funding instruments, and finally reinforcing the relevant EU agencies.

Overall it seems that the suggested measures – rather than representing new and innovative elements in EU migration and border management policies – are relatively traditional, if not conservative. The novelty is the level of funding, which without doubt shows that the EU was deeply surprised in 2015, when particularly the Aegean Sea was exposed to a hitherto unseen number of irregular crossings from Turkey to Greece. The crisis made it necessary to enter into a dialogue with Turkey and accept an agreement costing the EU more than €6 billion. The EU-Turkey statement obviously made it clear for the EU that migration and border management in the future will be a costly affair. This will also be the case in a Libyan context – if the relatively high numbers of migrants and refugees following the Central Mediterranean route should be reduced significantly. And if the security aspects of the recent situation in Libya should be dealt with, so that all the human smuggling and trafficking networks are efficiently disrupted, and that counterterrorism measures become an integrated part of the cooperation with the Libyan state. This will require that there is an at least somewhat well-functioning Libyan state to work with for the EU.
Conclusions

Apart from the necessity of allocating larger amounts of funding towards migration and border management the issue also has obvious political dimensions. This is particularly the case when it comes to the relationship between the EU in Brussels and the level of the member states. Initiatives pointing in the direction of securing the external borders are undoubtedly popular among most member states. Furthermore, the ambition of strengthening the external borders can maybe – at least to some degree – contribute to keeping the Schengen-system alive. Finally, the suggested activities leave an impression of a Commission showing ability to act, when challenged by external threats.

The suggested measures regarding migration and border control might in the long run seem relevant in the context of Libya. Operation Triton is without doubt a meaningful undertaking in the sense that as it was the case in Turkey it seems like a good idea to contribute to eliminating as much as possible of the human smuggling and human trafficking network. Also, it cannot be ruled out that the naval operations can lead to a reduction in the arrivals to Europe of highly problematic individuals, who have fought for ISIS in Libya and maybe want to go to Europe (some of them might even be European citizens). The EUBAM activities have for security reasons been relocated to Tunis for a period, but it is obviously too early to assess if the activities will work, while back in Tripoli. Summing up the EU activities are dependent on to what extent it will be possible to reach a more peaceful situation internally in Libya. The EU measures, even if they are based on significantly increased funding, will only work in Libya if a stabilization of the internal political turmoil becomes a reality. If this is not the case, it will be more than difficult to change status quo regarding migration and border control in the Central Mediterranean.

References


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