

Criticism of EU-Libya migration policy is too little, too late

An EU-Libya framework agreement signed in 2010 is only the tip of the iceberg of shameful EU extraterritorialised migration-management, argues Polly Pallister-Wilkins

As Tripoli falls to the rebels and the National Transitional Council prepares to take over the government of the whole country the EU Home Affairs Commissioner Cecilia Malmström has been facing some tough questions from the [Swedish](#) press about a visit she and the Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle made to Libya in October 2010. This visit was [billed by the European Commission](#) at the time as ‘the culmination of increased dialogue and part of the new momentum in EU-Libya relations’ which resulted according to the Commission in several positive developments. Along with the creation of what sounds like a fairly dry bilateral ‘Framework Agreement’ that would establish the first legally binding relationship between the EU and Libya and the announcement of the opening of an EU office in Tripoli came two other announcements. One that would see the EU increase its financial support to Libya to €60 million over the period 2011-2013 and the second being an agreement to develop cooperation with Libya on issues relating to migration-management.

Now Malmström is being asked by her home press to account for what happened to these €60 million. Where did the money go? How much of it was spent? How was it spent? These are perhaps obvious questions to pose to the EU Home Affairs Commissioner. But why hasn’t she been asked this already by say, the European Parliament? Where is the accountability of the European executive branch? Yes, a few [recommendations](#) were made by the Parliament back in November 2010 suggesting that perhaps the EU should not be signing these agreements with Libya given its human rights record and the dictatorial regime of Gaddafi. But until the accountability structure of the EU is radically overhauled, a few ineffective recommendations which carry no legal weight is all we are likely to get. Once again this highlights the institutionally inbuilt ineffectiveness of the Parliament to hold the Commission to account.

It is not enough that a few lone journalists and bloggers are asking her to account for how a visit that included a fact-finding mission to a migrant-detention centre in the southern Libyan desert that she [reported \(in Swedish on her blog\) left her ‘greatly troubled and unable to sleep’](#), ended up with the signing of a ‘migration cooperation agenda’ with Libya and the accompanying promise of €60 million. These questions should be commonplace because they scrutinize a practice that is all too familiar and has been going on for years.

The agreement reached between the EU and Libya in October 2010 is nothing new within the history of EU-North African collaboration over issues of migration. The use of Libya is part of the extraterritoriality of EU migration-management that has been established over the last decade. Libyan detention centres are used for the

incarceration, processing and removal of third country nationals, while its security forces are used for patrolling the Mediterranean for migrant boats.

All of these policies have been undertaken with the full knowledge of the European Commission and funded through financial assistance packages from the EU and individual member states. Thus, the Commissioner should answer questions on the accountability and transparency of the Commission's foreign relations, as the EU is predicated on the ideas and practice of good governance. We as citizens have a right to know how, with whom and for what the EU is spending our money. And yet for all of this, why are these concerns being raised now?

This concern over transparency and accountability in the policies of migration-management in Libya seems to be a reaction to the presence of Libya in the media and the final collapse of the Gaddafi regime. If we really cared these questions should have been asked years ago when the EU first began bilateral relations in 2004, after Gaddafi's miraculous reinvention as a partner for peace. As it stands the EU has been spending money in Libya since 2004 with no transparency or accountability.

This money, as seen above, has been used principally for policies and practices that fall under the umbrella of security, including the prevention of terrorism, organised crime and migration-management. Meaning Libya has been effectively drafted in as the EU's policeman to carry out its security work in the southern Mediterranean in return for financial reward. A situation that has been exploited by Libya and the Gaddafi regime, time and time again, with Gaddafi playing the EU and individual member states such as Italy off against each other for increased financial gain. In 2008 Libya and Italy signed a "Friendship Pact" ostensibly built around the idea that Libya would become Italy's bouncer in the southern-Mediterranean, keeping out migrants and 'dealing' with organised crime. All in exchange for \$5 billion (to be spent over 25 years) and an apology from Silvio Berlusconi for Italy's colonial past.

How Libya deals with organised crime, terrorism and migration-management – something that 'greatly troubled' Commissioner Malmström – is best kept in Libya and out of sight of European liberals, human rights groups and NGOs. Thus, transparency and accountability is really not what the EU wants because its fancy liberal rhetoric concerning human rights, democracy and good governance would be shown up for the shell that it is. A shell containing cold, hard strategic interests.

To be fair to Malmström, she cannot stand up and say that the EU paid for Libya to carry out its dirty work, for fear that the carefully constructed 'good European' halo might slip. In a response to the attack from the Swedish press entitled '[Conflict Between Principles](#)' ([English translation here](#)) Malmström carefully reiterates the 'humanitarian' reasons for making the trip last October. The closest she comes to answering the charges relating to how a so-called humanitarian trip ended with the signing of a new deal on migration-management with Libya and the promise of €60 million is to say 'the political situation that appeared at the time was the reality that we had to relate to in order to help these people. We can not ignore the realities, but must do whatever we can to help people who suffer abuse and unfair treatment.'

So we are left with this tangled mess comprising agreements dressed up in the language of transparency and accountability when they are anything but; agreements

being signed between individual member states and strategic partners that go against the EU's stated ideals and an everyday practice of migration-management that has been repeatedly condemned by [Human Rights Watch](#) and the [UNHCR](#).

This situation is unlikely to change. Libya remains a 'gun-for-hire'. The National Transitional Council is currently working with Italy to re-implement the now defunct "Friendship Pact," while one of the NTC leaders, Mahmud Jibril, back in June during the signing of a new migration-management deal with Italy was [quoted](#) as saying that migration-management is 'an economic opportunity for us.' And so the economy of extraterritorialised migration-management rumbles on out of the sight of a European liberal's sensitive and seemingly un-inquisitive eyes.

These questions need to be asked now, they will need to be asked in the future, but more than that, they should have been raised much earlier. However, while the issue of migration remains bundled up within a security discourse that sees it in the same threatening terms as terrorism and organised crime, these questions are likely to go unanswered.