

# Refugee, Migrant and Human Rights Crisis in Africa: The Libyan Experience

Dr. Ifedi, Francisca<sup>1</sup>, Ezechi, Kingsley<sup>2</sup>

Department of Political Science and International Relations, Godfrey Okoye University, Thinkers' Corner, Enugu

<sup>1</sup>frannyoby@yahoo.com

08035306554

<sup>2</sup>kezechi@gouni.edu.ng

07032363660

**Abstract:** *The refugee, migrant and human rights crisis ravaging the African continent through the Libyan coast is one that is self-inflicted, due in part and primarily so, a result of bad governance on the part of the African leaders who have not made the management and welfare of her citizens a primary and a going concern. Ethnic conflict and wars on resource control have also led to the forceful migration of some of these citizens from their homes. Thus, having been frustrated and uncared for, dreams dashed and hope in the leaders lost, the average African citizen, in a bid to achieve their natural given potential have decided to seek alternative means to do so in other climes other than their home countries, no matter the cost. Using the documentary method of data collection and ex post facto research design, the study found that the current crisis in Libya is largely a product of neglect by African leaders of their citizens and their seeming cluelessness in the ordering and direction of the lives of their citizens for individual, collective and societal growth. Apart from determining if the dearth of leadership was responsible for the current human rights crisis in Libya, the study also found that the average living conditions of African citizens was a probable cause. Thus, to properly understand the philosophical reason for the exodus of Africans out of their home countries, the study adopted the Neoclassical Migration Theory. The study finally recommends that African leaders should address the structural imbalance in their various domains that have sparked both internecine and genocidal conflict across the continent, and also ensure the implementation of the tenets of good and inclusive governance.*

## 1. INTRODUCTION

Refugee, migrant and human rights crisis in Africa has been in recent times a serious issue begging for attention with utmost sense of urgency. Over a decade now, both the young and old of different African and Asian countries have made their way down to the Mediterranean with the intent of either staying put or to cross same into Europe. Some of the reasons advanced for this movement have been attributed to either conflict in some of these countries or the search for a better life.

With the increase in armed conflicts in Africa, there exist various dimensions of environmental, social and security challenges posed by refugee influx into most countries of Africa. Amongst the approximately 43 million people of concern to United Nations High Commissioner on Refugees (UNHCR) at the end of 2013, nearly one-third were in Africa, with 13 million in the sub-Saharan region and over 400,000 in Northern Africa. Within this population, the majority – 7.7 million, or 57 per cent – were internally displaced. Refugees accounted for 3.4 million, while the stateless population in Africa stood at an estimated 721,000, based upon countries with reliable data. Among refugees, over 2.9 million were in sub-Saharan Africa, with approximately 400,000 in Northern Africa. (UNHCR, 2009) Wars, political instability, and macro cum micro economic vulnerabilities have all been fingered as the central causes of refugee, migrant and human rights crisis in Africa, with the current theatre of the crisis, being Libya. The genocidal war

in Rwanda and several post-election crises in different part of the continent have birthed people who are considered migrants, refugee and even asylum seekers by different definitions and theories.

The dearth of good political leadership in Africa stands to be the biggest challenge. Lack of trust of the people in their leaders to ensure good living standards, dividends of democracy, protection of human rights, and provision of good and qualitative education, infrastructure and social security; has made many individuals both old and young of the continent to “check out.” This, they do with the undying hope that they would lead a more better and prosperous life outside the shores of their country and continent.

In a continent where nepotism is favoured over patriotism, the outcome would surely be one of favouring a certain ethnic group and marginalizing the other. When this happens, the result could be an outburst or violent demonstration that could lead to ethnic clashes which may spiral into civil war. Wars of this nature are usually bloody to the extent that many are forced to flee their habitual home of residence, and in search of refuge elsewhere. Some may find refuge in other region of the same country that is relatively peaceful (IDPs), whilst others may seek refuge by crossing an internationally recognized border into another country (refugee).

## 2. CONCEPTUAL CLARIFICATION/LITERATURE REVIEW

### The Country, Libya:

Since the discovery of oil in Libya in 1959 foreign workers have flowed into the country, seeking economic opportunities from the wealth it has generated. Libya quickly became a destination country for migrants looking for job opportunities. Initially, Colonel Muammar al-Gaddafi, who ruled the country from 1969 to 2011, was influenced by pan-Arabism and particularly its articulation by Gamal Abdel Nasser, the president of neighboring Egypt between 1956 and 1970, and allowed nationals from Arab states into Libya, granting them residence and employment rights similar to Libyan nationals. However, after UN sanctions were imposed on Libya in 1992, al-Gaddafi became disappointed at what he deemed to be the lack of support given to the country by Arab states in the face of this international punishment. He subsequently pivoted his foreign policy interests towards Africa in the late 1990s, motivated this time by a pan-African dream. This shift came with domestic law and policy changes as well, with al-Gaddafi opening Libya's borders to African nationals by removing visa requirements. Thousands of African nationals arrived in the country, finding jobs in the service sectors in particular.

From the late 1990s, smugglers began using Libya as a launching pad to transport people from Libya by boat to Europe. As a result, Libya gradually emerged as a transit country and gateway to Europe. Despite Libya's repressive security apparatus, which would have otherwise made it difficult for alternative economies based on illicit trade to thrive, the authorities turned a blind eye towards the smuggling networks that were developing. This was mainly due to the strategic power politics the al-Gaddafi administration played, supporting southern tribes to gain their allegiance, while in turn allowing them to develop what over time would become a multibillion dollar alternative economy.

Libya's open door policy towards first Arab and then African nationals meant that the authorities encouraged free movement. It entered into both bilateral agreements and regional ones, such as by joining the Community of Sahel-Saharan States, which sought to create a regional bloc of free movement in that region.

However, Libya did not consistently adhere to these in practice and subsequently reintroduced restrictions on free movement, eventually imposing visas on all nationals except those from the Maghreb countries. In addition, some of Libya's laws were contradictory and at times the authorities carried out arrests for illegal entry and mass expulsion of foreigners. Although there were thousands fleeing conflicts and persecution among those moving to Libya, the concept of asylum appeared contradictory to al-Gaddafi's transnational dreams, and for this reason the country never equipped itself with asylum legislation and never ratified the 1951 Refugee Convention.

Despite the Libyan authorities' refusal to formally recognize refugee status, they have de facto acknowledged the need for protection of Eritreans, Ethiopians, Iraqis, Palestinians, Somalis, Sudanese of Darfur origin and Syrians by adhering to the principle of non-refoulement – that is, not returning them to their country of origin – and permitting UNHCR to offer them basic assistance. From 2002 onwards there was a sharp increase in the number of refugees and migrants setting off from Libya to cross the Mediterranean sea in an attempt to reach Europe, a trend which continued in the following years. The pull towards Libya remained strong, as several civil wars raging in Africa were pushing thousands northwards and migratory routes to and through Morocco and Tunisia were proving more difficult for migrants to access. However, there was growing popular resentment and xenophobia linked to the increasing numbers of African nationals present in Libya. Back in 2000 such feelings had led to attacks on refugees and migrants in the cities of Zawiya and Tripoli that left dozens of sub-Saharan Africans killed.

By 2007, al-Gaddafi had begun shifting his domestic policies away from the Community of Sahel-Saharan States, imposing visa regimes and introducing rigorous procedures for migrant workers that made it difficult for them to regularize their status. The Libyan authorities increasingly resorted to the use of detention as a means to contain the large migrant and refugee movements in the country.

### Refugees and Migrants in African Context

Although, Article 1, of the United Nations High Commission on Refugee (1951) defined a refugee as persons who: “as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [or her] nationality and is unable, or owing to such fear, is unwilling to avail him or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

Thus, after incorporating the refugee definition contained in the 1951 Convention, the 1969 OAU Convention provides an indigenous definition that best described the continent's experience in Article I(2) that “the term “refugee” shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his [or her] country of origin or nationality, is compelled to leave his [or her] place of habitual residence in order to seek refuge in another place outside his [or her] country of origin or nationality.”

On the other hand, the terms migrant or international migrant are been known to have been used interchangeably. While the term migrant is used generically to mean any individual who have moved from his place of usual residence to another place of relative comfort (this could be within or outside the

borders of his country of birth). This movement may be politically, economically, socially and educationally motivated. Some could also be as a result of natural disaster, armed conflict or even huge developmental projects. International migrants on the other hand are individuals who are strictly considered to have left their country of birth for another country based on one or more of the factors mentioned above. The above description of migrants clearly explains the factors that have prompt many citizens of the continent to leave their habitual home of residence

Beyond this, the International Organization on Migration (IOM) defines a migrant as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.

Similarly, the UN Convention on the Rights of Migrants defines a migrant worker as a "person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national." From this a broader definition of migrants follows: "The term 'migrant' in article 1(1a) should be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of 'personal convenience' and without intervention of an external compelling factor."

#### **Brief History of Migration in Africa**

Possibly the best documented and most widely known incidence of large scale forced migration experienced in the history of the African continent is the slave trade. The trans-Atlantic slave trade is unique in the history of forced migration in terms of its magnitude, the prolonged period of its practice, the suffering that its victims endured and the profit that it generated which laid the foundation of the early development of the capitalist world-economy (Wallerstein, 1974). The victims of this form of forced migration were subjected to forced labor in plantations, mining and domestic work in the Americas and the Caribbean islands. As Sanderson (1991) points out, slavery played a vital role in generating the profits that led to the great expansion of British capitalism and the financing of the Industrial Revolution.

In refugee matters, the greatest challenge facing independent Africa is the ever-growing number of refugees and the generalized fatigue in handling the refugee problem. As Milner points out, 'by the early 1980s, it was recognized that western donor governments were increasingly reluctant to fund lengthy care and maintenance programmes, and many governments began to seek ways of limiting their overseas commitments' (Milner, 2004, p. 16).

Similarly, several conflicts experienced on the continent in post-independence period meant that many countries are at the same time refugee producing and receiving countries. For example, Rwanda has produced refugees on several occasions since 1960s but it has hosted Burundian and Congolese (DRC) refugees on several occasions in her

independence period. The same can be said of Sudan, Ethiopia, Somalia, Uganda, DRC, Congo, Angola, etc. In most cases, refugees settle in countries with limited means and resources to host them.

Many economic and political analysts insist on the role played by western governments and/or multinational companies in armed conflicts on the African continent and their consequences on the human and economic development of the people. They base their accusation on the fact that most, if not all, weapons and other military equipments used in these destructive conflicts come from industrialized countries. The motive of sponsoring armed conflicts on the African continent being to have easy access to the minerals and other natural resources in the countries concerned. As Adepoju explains, 'these conflicts in independent Africa find their roots in economic factors. Mineral rich areas are often tempted to secede, in most cases with active support by external interests' (Adepoju, 1982; p. 24).

The Biafra war in Nigeria and the secession war in Shaba in Congo (DRC) in the 1960s are clear examples of conflicts fuelled by outside forces for easy access to minerals and natural resources. These armed conflicts leave failed and ungovernable States with generalized insecurity such as armed gangs, land mines, reprisals, corruption, and so on.

#### **Ascertaining the Human Rights Conditions of Refugees and Migrants in Africa: Libya as a Case in Point**

Crossing from the Libyan coast to Italy is currently the major route for refugees and migrants seeking to reach Europe. As of May 24, 2017, more than 50,000 refugees and migrants have arrived in Italy by sea since the beginning of the year, and almost all sea arrivals to Italy depart from Libya. (Refugee International, 2017)

In 2015, the majority of arrivals in Europe came from Turkey to Greece, but with tighter restrictions in Turkey following the EU-Turkey statement of March 2016 and the closure of the route through the Balkans, the Central Mediterranean is now the major route for migrants and refugees seeking to reach Europe. While the Turkey-Greece route was mostly used by Syrians, Iraqis, and Afghans, the majority of refugees and migrants using the Libya-Italy route are from West and East Africa. As of the end of April 2017, the majority of people reaching Italy's shores from Libya were from Nigeria, Bangladesh, Guinea, Ivory Coast, and Gambia.

For years, Libya has been a country of destination for migrants seeking work in the oil-rich country, as well as a transit country for people hoping to reach Europe. But the general climate of political instability and insecurity in Libya since the overthrow of Muammar Gaddafi in 2011 has made life in Libya increasingly difficult, and conditions have deteriorated further following an armed conflict which started in 2014. In addition to the existence of three competing governments, Libya hosts a multitude of militias, criminal gangs, and human trafficking networks which operate throughout the country.

Law enforcement and the judiciary have collapsed and abuses, including unlawful killings, torture, arbitrary detention, and indiscriminate attacks, are widespread. More than 400,000 Libyans are internally displaced, and Libyans face limited access to healthcare and electricity. The hundreds of thousands of migrants and refugees living in Libya face additional difficulties due to widespread racism and, for many, a lack of legal status. In the absence of a formal registration system in Libya, there is no exact figure of the number of refugees and migrants currently in Libya. The International Organization for Migration (IOM) has identified more than 381,000 migrants – including refugees and asylum-seekers – across the country, and as of April 2017, UNHCR registered just over 40,000 refugees and asylum-seekers in Libya. In reality, the number of refugees and migrants in Libya is likely to be much higher. IOM estimates the number to be between 700,000 and one million, of whom 7,100 are detained in detention centres managed by the Department for Combating Irregular Migration (DCIM).

#### **Violations and Abuse of Refugees and Migrants Rights in Africa: Libya as a Case in Point**

Refugees and migrants are routinely exposed to human rights violations committed by Libyan officials and security forces and abuses at the hands of armed groups and criminal gangs, who are often working in close co-operation and to mutual financial advantage. They suffer torture and other ill-treatment and arbitrary detention in appalling conditions, extortion, forced labour and killings at the hands of Libyan officials, militias and smugglers. In a lawless country, refugees and migrants have become a resource to be exploited – a commodity around which an entire industry has grown, as the shocking footage of a migrants being sold, aired in November 2017 highlighted.

The situation of migrants in Libya is a human rights crisis. The breakdown in the justice system has led to a state of impunity, in which armed groups, criminal gangs, smugglers and traffickers control the flow of migrants through the country. The United Nations Support Mission in Libya (UNSMIL) has also received credible information that some members of State institutions and some local officials have participated in the smuggling and trafficking process. Libya is a destination and transit country for migrants. Many suffer human rights violations and abuses in the course of their journeys. They are subjected to arbitrary detention, torture, other ill-treatment, unlawful killings, sexual exploitation, and a host of other human rights abuses. Migrants are also exploited as forced labour and suffer extortion by smugglers, traffickers, as well as members of State institutions. Women migrants are the most exposed, amidst numerous and consistent reports of rape and other sexual violence.

Migrants are held arbitrarily in detention centres run mostly by the Department for Combating Illegal Migration (DCIM). They are brought to the centres where there is no formal registration, no legal process, and no access to lawyers or judicial authorities. Conditions in detention are generally

inhuman: severely overcrowded, without adequate access to toilets or washing facilities, food, or clean water. In several detention centres visited by UNSMIL, migrants were observed in large numbers in a single room without even sufficient space to lie down. Amidst severe challenges faced by the health sector in Libya as a result of the conflict, some hospitals have refused to treat migrants, citing a lack of payment and fear of infectious diseases.

Information received UNSMIL shows a consistent and widespread pattern of guards beating, humiliating and extorting migrants, including by taking money for their release. A number of migrants interviewed by UNSMIL had sustained gunshot or knife injuries; several migrants had visible wounds and head injuries.

Other human rights abuses included lengthy pre-trial detention; denial of fair public trial; an ineffective judicial system staffed by officials subject to intimidation; arbitrary interference with privacy and home; use of excessive force and other abuses in internal conflicts; limits on the freedoms of speech and press, including violence against and harassment of journalists; restrictions on freedom of religion; abuses of internally displaced persons, refugees, and migrants; corruption and lack of transparency in government; violence and social discrimination against women and ethnic and racial minorities, including foreign workers; trafficking in persons, including forced labour; legal and social discrimination based on sexual orientation; and violations of labour rights.

Impunity was a severe and pervasive problem. The government had limited reach and resources, and did not take steps to investigate, prosecute, and punish those who committed abuses and violations against refugees and migrants. Intimidation by armed actors resulted in paralysis of the judicial system, impeding the investigation and prosecution of those believed to have committed human rights abuses, including against public figures and human rights defenders.

#### **European Complicity in Abuse of Refugees and Migrants Rights in Africa: Libya as a Case in Point**

Amnesty International's findings do not only show how horrific corrupt officials and callous smugglers have treated women, men and children. They also shine a light on Europe's responsibilities. They reveal how the European Union (EU), its member states – and Italy in particular – have pursued their own goal of restricting the flow of refugees and migrants across the Mediterranean, with little thought, or seeming care, for the consequences for those trapped in Libya as a result.

EU member states have entered into a string of co-operation agreements with Libyan authorities responsible for grave human rights violations, in particular the Libyan Coast Guard (LCG) and the General Directorate for Combating Illegal Migration (DCIM) within the Ministry of Interior, with the aim of increasing their capacity to tackle smugglers, carry out search and rescue operations and prevent irregular



departures. The policy has been successful: the number of arrivals in Italy has fallen by 67% between July and November 2017, compared with the same period in the previous year, and deaths at sea have reduced commensurately. But EU countries should not feign shock or outrage when the human cost of these deals is laid bare.

EU and Italian officials cannot plausibly claim to be unaware of the grave violations being committed by some of the detention officials and LCG agents with whom they are so assiduously co-operating. Nor can they credibly claim to have insisted on key rights protection mechanisms and guarantees from their Libyan counterparts, as, in reality, they have not done so. They are, as a result, complicit in these abuses and in breach of their own human rights obligations.

Despite being fully aware of the serious violations to which refugees and migrants are subjected in Libya, European governments have decided to implement migration-control policies that, by reinforcing the capacity and commitment of Libyan authorities to stop sea crossings, are trapping thousands of women, men, and children in a country where they are systematically exposed to abuse and where they have little chance to seek and obtain protection. In the absence of any adequate mechanisms to monitor respect for and protection of the human rights of refugees and migrants in Libya, or any meaningful steps to improve the protection of their rights, these policies have directly contributed to worsening the situation of those now trapped in the country.

Since late 2016, Italy and other EU member states have implemented a series of measures aimed at closing off the migratory route through Libya and across the central Mediterranean. Their co-operation with Libyan actors has taken a three-pronged approach. Firstly, they have enabled the LCG to intercept increasing numbers of people at sea by providing them with training, equipment, including boats, and technical and other assistance. Secondly, they have committed to providing technical support and assistance to the DCIM, the Libyan authorities responsible for the management of detention centres where refugees and migrants are held and routinely exposed to serious human rights violations. Thirdly, they have struck deals with Libyan local authorities and the leaders of tribes and armed groups – to encourage them to stop the smuggling of people and to increase border controls in the south of the country.

By providing training, equipment and support in various forms to enhance the LCG's capacity, European governments have empowered the LCG to intercept refugees and migrants at sea, including in international waters, ferry them back to Libya and transfer them to detention centres where their human rights will almost certainly be violated. Furthermore, by hampering the monitoring and rescue operations of NGOs at sea, they have effectively side-lined actors that were disembarking those rescued at sea in safe ports in Italy.

The European governments have taken such initiatives without creating safeguards to ensure the protection and human rights of refugees and migrants. Despite current

efforts by UN agencies to provide assistance to refugees and migrants at 12 disembarkation points in Libya, the reality remains that those intercepted at sea and sent to Libya are transferred to detention centres where they are held in cruel, inhuman and degrading conditions, with no prospect of judicial review, and exposed to systematic, serious violations and abuses. Many centres remain out of reach to international agencies and where granted, access is on an ad hoc basis.

While European migration policies are clearly both facilitating abuses in Libya, and exposing an increasing number of people to them, it would be wrong to conclude that the alternative to bad co-operation is no cooperation. The situation for refugees and migrants in Libya will not be improved, nor the number of deaths at sea reduced, by the complete withdrawal of international engagement with the Libyan authorities on migration relation issues. However, it is essential – from a legal, practical, moral and political perspective – that the aims and nature of this co-operation be rethought; that the focus shift from preventing arrivals in Europe to protecting the rights of refugees and migrants.

### **3. METHOD OF DATA COLLECTION**

The method of data collection is primarily documentary. Current, relevant and rich literatures from International Governmental Organisation and International Non Governmental Organisations such as United Nations and her specialised agencies (UNHCR), African Union (AU), European Union (EU), Amnesty International (AI), Refugee International (RI), Human Rights Watch (HRW), and so on. Their annual reports on refugee and migrant situations in Africa and other parts of the world, coupled with personal and one on one interviews conducted by these organisations on migrants and refugees in Libya, were very useful and thus imparted on this study greatly. Other sources include books, journal articles, internet, newspapers, etc. By secondary sources of data, we refer to a set of data gathered or information authored by another person, usually data from available data achieves, either in form of document or survey results and code books.

### **The Neo-Classical Migration Theory**

The first scholarly contribution to migration consisted of two articles by the nineteenth century geographer Ravenstein (1885 & 1889), in which he formulated his “laws of migration”. He saw migration as an inseparable part of development, and he asserted that the major causes of migration were economic. Migration patterns were further assumed to be influenced by factors such as distance and population densities (Skeldon, 1997). This perspective, in which people are expected to move from low income to high income areas, and from densely to sparsely populated areas, that is, the general notion that migration movements tend towards a certain spatial-economic equilibrium, has remained alive in the work of many demographers,

geographers, and economists ever since (Castles & Miller 2009)

The ancestral lineage of Ravenstein's laws which, in their unspoken way, combined individual rational-choice theory with the broader structures of rural-urban and developmental inequalities is found in the much-vaunted push-pull framework. This simple, indeed simplistic, model conceives of migration as driven by a set of push factors operating from the region or country of origin (poverty, unemployment, landlessness, rapid population growth, political repression, low social status, poor marriage prospects etc.), and pull factors operating from the place or country of destination (better income and job prospects, better education and welfare systems, land to settle and farm, good environmental and living conditions, political freedom and so on).

At the macro-level, neo-classical economic theory explains migration by geographical differences in the supply and demand for labour. The resulting differentials in wages cause workers to move from low-wage, labour-surplus regions to high-wage, labourscarce regions. Migration will cause labour to become less scarce at the destination and scarcer at the sending end.

Capital is expected to move in the opposite direction. In a perfectly neo-classical world, this process of "factor price equalization" (the Heckscher-Ohlin model) will eventually result in growing convergence between wages at the sending and receiving end (Harris & Todaro 1970; Lewis 1954).

At the micro-level, neo-classical migration theory views migrants as individual, rational actors, who decide to move on the basis of a cost-benefit calculation. Assuming free choice and full access to information, they are expected to go where they can be the most productive, that is, are able to earn the highest wages. This capacity obviously depends on the specific skills a person possesses and the specific structure of labour markets.

Neo-classical migration theory sees rural-urban migration as a constituent part of the whole development process, by which surplus labour in the rural sector supplies the workforce for the urban industrial economy (Lewis, 1954). By postulating that it "is a well-known fact of economic history that material progress usually has been associated with the gradual but continuous transfer of economic agents from rural based traditional agriculture to urban oriented modern industry" (Todaro 1969; p. 139).

#### **4. APPLICATION OF THE THEORY**

The above theorisation of the Neo-classical school that hinges on the push and pull factors as the reason for migrants to move is very apt in this study, especially as it clearly explains the current situation of African Migrants in Libya (AMIL). In Africa today, the main reason why people leave their homes is essentially linked to domestic situations of lack of job opportunities, lack of social security, poor living condition, political persecution, human rights abuses, to

mention a few (push factors). The motivating factor is the operating from the place or country of destination which often compels them to leave is the (better income and job prospects, better education and welfare systems, land to settle and farm, good environmental and living conditions, political freedom and so on). It is pertinent to say at this point that there cannot be a pull without a push factor in the migration discourse. Whilst the pull factor may be a potential factor for dragging migrants from certain regions or countries to the developed ones, the push factor must have aided it inadvertently. For instance, if the economic situation and general living standards of most African countries are looking good, then no matter how attractive the pull factors in other developed climes may look, migrants would generally prefer to stay in their country or region. The only good reason that may force them to leave their country home would purely be adventure.

#### **Refugee, Migrants and Human Rights Crisis in Libya: African Leaders as the Foremost Culprit**

The first hypothesis of this study affirmed that the core reason for the current refugee, migrant and human rights crisis prevalent in Libya today is as a result of the dearth of leadership on the continent. This would be made clearer in this section as we progress.

African leaders and her seeming cluelessness in the direction and ordering of the lives of her citizens towards the attainment of their goals in the continent and by extension the wider world, can be said to be legendary; especially after attainment of independence from the mid 20th century. But before colonization and the subsequent decolonization process on the continent, pre-colonial African leaders have orderly ways and manner with which they administer their kingdoms and territories. This is the reason why one could talk of the Great Oyo Empire, the Benin Empire, Songhai Empire, Asante Kingdom, Kanem-Bornu Empire, and so on. The citizens then had little or no need to either seek greener pasture elsewhere or to abandon their family for a wild goose chase of some sort. Notably, there were intra-African trade in which some citizens travelled to other Kingdoms and Empire to trade their goods and other commodities of importance to them. By way of illustration, the Songhai Empire had a robust, inclusive and enviable leadership to the extent of protecting the rights and welfare of the minorities in the Empire. Diop in Dagleish's study on *pre-colonial justice in West Africa* (2005) comments:

The Songhai Empire included an organized government and administrative system consisting of a number of ministers. Ministerial positions included: Tari-mundio (inspector of agriculture); Barei-koi

(Chief of etiquette and protocol); and Tara-farma (cavalry chief). Several other ministerial positions existed both at central and local level. Interestingly there were ministers whose responsibilities were for minorities in the empire or the relevant province or locality, for example the berbuchi-mondio, for Berabic Arabs, and the korei-farma for white minorities (Diop, 1987 cited in Dalgleish, 2005; p. 59-60)

This statement clearly reveals how African leaders took good care of her citizens in an inclusive manner with good and purposeful leadership and administration. Ethnicity and minority issues that is hitherto tearing most of Africa apart today, was a non-issue then.

Thus, in the years following the independence of several African countries, there were widespread coup d' etat, civil wars, inter-ethnic and inter-tribal clashes among the various peoples of the continent. The aftermath of these clashes, such as the Nigeria civil war, Rwandan massacre, Dafur crisis in Sudan, and so on, led to the forceful displacement of people in the continent. These struggles were pure Contest as to who controls state resources. Whilst many are eager to blame the colonialist for the several violent conflicts in Africa, especially amongst various ethnic groups, this study is diametrically opposed to such views. Granted that there are external influences on the African leaders to behave in certain ways that sparked off crises in the continent, especially in the early years of independence, this should not be the case now. African leaders are now supposed to be politically mature, leading independent administrative governance, with little or no manipulation from external forces after several decades of political independence. They should at this point muster the courage to harmonise the various interest of the different tribes and ethnic groups within their territory for harmonious development in an environment of peace. The National Open University, Nigeria (NOUN), study material on Theories of Ethnic Conflict (2006) asserts:

...it will be pretty unfair blaming the whole problem on colonialism and the colonial masters, after all, decades have passed without any significant progress made. African leaders too are to be blamed. Immediately after independence, indigenous African leaders that emerged saw the trade unions, student bodies and other progressive forces whose sacrifices brought independence as threats to national unity. This opened a new

chapter in the history of violent conflicts in Africa or indeed a paradigm shift from anti-colonial or decolonisation struggles to activists-national government face-offs. The latter is still a vibrant source of violent conflicts across Africa today. The bane of this conflict, over time, remains injustice on the side of the government

Huge and unexpected humanitarian crisis as we see in Libya today was also part of the outcome of these violent conflicts. People moved from their habitual home of residence for fear of persecution, violent attacks on them by militia men, sexual abuses, torture, discrimination, and so on. Those who migrated by crossing internationally recognised border were called refugees whilst those who did not were called internally displaced persons.

The causes of these wars are largely rooted in the craze for power after the ceremonious or unceremonious departure of the colonialist from different regions of the continent. With exception of Botswana, there is hardly any country in Africa where there has not being one form of internal clashes or the other. At independence, most leaders in Africa were very much interested in grabbing power and holding onto same in perpetuity if not challenged. The observed pattern is such that leaders who come from a certain tribe or ethnic group, seeking to perpetuate themselves in power or not paying attention to the needs, aspirations and welfare of other ethnic groups, is inadvertently calling for an insurrection from other ethnic groups whose needs have been neglected. This undemocratic and exclusionist leadership style has wrought lots of havoc on the continent.

African scholars, both of instrumentalist and primordial schools of thought on ethnicity agree that (divisive) ethnicity, in Africa, has its genesis in colonialism. Colonial activities with the new concept of state and new system of government played up ethnic awareness, sentiment and consciousness and subsequent rivalry and competition in all sorts of manner. (NOUN, 2013).

Ethnicity is not a phenomenon that one may call bad or negative. Rather, it is one that defines an individual's root, descent and ancestry. It gives an individual a psychological satisfactory sense of belonging, and as well as a purpose of being. Ethnicity, according to Nnoli is "a social phenomenon associated with interaction among members of different ethnic groups. Ethnic groups are social formations distinguished by communal character of their boundaries. The relevant communal factor may be language, culture or both" (Nnoli, 1980; p. 5-7). From the foregoing, it is noteworthy that ethnicity or being from a certain tribe or region of a state is not a crime, but a natural fact of life that is inalienable and inseparable from individuals. Also, given

the fact that everyone cannot come from the same ethnic group or tribe, it therefore means that the good virtues of tolerance and accommodation should be imbibed by all ethnic groups in the state. This is particularly important for harmonious living and development in the state. But the problem is that most African leaders have played to the sentiment of this phenomenon in achieving their political interest of clinging to power. They do this by pitting one ethnic group or tribe against the other in a manner that would spiral into violent conflict, whose outcome they may not be able to predict. When violent conflict breaks, its effects are usually devastating and injurious to the lives and property of the people. Many are abused by militiamen, some are rendered homeless. Some even stray away from their homelands into territories of other countries as refugees. While there, they are compelled by circumstances of the time to do anything they could to survive, because self preservation, it is said, is the first law of nature.

Most leaders in present day Africa see the state as their private and personal estate. State resources and the peoples' commonwealth have been extravagantly expended on wasteful adventures. The dividend of good governance is non-existent. Opposition of whatever form is stamped and crushed, the press is gagged, and opinions that are different from the government's position is considered offensive and treasonous. The punishment of such is often ruthlessly done without trial. Thus, when citizens see what is going on in other climes, in terms of respect for their human rights and opinions, good prospect for having a fulfilling and prosperous life; they jump at the slightest chance or opportunity to cross to the other side of the world. This they do, without being circumspect or double checking the offer and opportunity being presented.

Post-election crisis in the different countries of Africa has also led to the forceful movement of people out of their homes. This crisis is usually a testament of the unwillingness of the political gladiators to respect the wishes, opinion and decisions of the people at the polls. Such as have occurred in countries like Kenya (2007), Ivory Coast (2010), Nigeria (2011), and more recently the non bloody post election crisis in the Gambia (2016), even saw as much as 26,000 Gambians fleeing to neighbouring Senegal to take refuge in case the crisis escalates and turns bloody. But this did not happen because of the timely intervention of Economic Community of West African States (ECOWAS). In the other cases, many of the citizens were forced to flee their home to take refuge elsewhere, either locally or crossing an international border to do so.

### **The Living Standard in Africa as the reason for the Refugee, Migrant and Human Rights Crisis in Libya.**

Apart from the dearth of leadership in the ordering and direction of the political, economic, social and cultural

activities on the continent, which has necessitated the present crisis on the Libyan Coast, the second hypothesis of this study also states that the current living standard in Africa is another reason for the refugee, migrant and human rights crisis in Libya. The seeming cluelessness with regard to good governance and inclusive administration has also made many of her citizens the poorest in the world, living as low as below the poverty line. Despite the abundance of both human and material resources in Sub-Saharan Africa, the region is still noted as the poorest in the world. Thus, in the words of migration expert, Adepoju

Sub-Saharan Africa (SSA) is a region of contradictions: rich in resources, it is the poorest of all regions. Civil wars and political destabilisation have severely eroded the developmental progress of the post-independence decades. In the present trend towards globalisation and economic restructuring, SSA is most disadvantaged. Rather than competing with the rest of the world, it must grapple immediately with more basic and pressing matters: poverty, conflicts and the HIV/AIDS pandemic, all of which severely impact migration dynamics (Adepoju, 2008; p. 13)

The worst of this whole imbroglio is that some of the citizens especially some rural farmers are not even aware of their government's abdication of responsibility. They either blame it on the environmental and climatic condition of the time rather than the unwillingness of their leaders to provide the necessary infrastructure that would help them manipulate the seeming bad weather conditions and survive. This is the essence of science and technology which most African leaders seem not to be paying much attention to, with regard to their development.

The lack of infrastructure and other incentives to enable the worker thrive in his daily business has crippled lots of economic activity in the various African countries in Sub-Saharan region. Currently, women are weary of the lack of good living conditions in their homes as they have also decided to abandon their homes in search of a better life; such search that are traditionally meant for men. To underscore this fact properly Adepoju writes:

Women migrants are increasingly drawn to the wage labour market (both formal and informal) as a survival strategy to augment meagre family income. Among the educated, emigration of unaccompanied married females has blossomed, this being a



particular and recent phenomenon in the sub-region's migratory scene. Traditional male-dominated short-to-long-distance migratory streams in West Africa are increasingly feminised. Independent female migration has become a major survival strategy in response to deepening poverty in the sub-region. The phenomenon of females migrating independently, even internationally, enables them to fulfil their economic needs rather than simply joining their husbands; some professional women are emigrating from Nigeria, Senegal and Ghana leaving husbands behind to cater for their children. This development is a turn-around in traditional sex roles (Adepoju, 2005; p. 2)

In the early decades of Nigeria's independence, Nigerians were not keen on leaving the country especially at a time when the Naira was stronger than the dollar. Leaving the country at that period was not attractive, rather it was counterproductive. The very few who left did so mainly for educational and adventure or even just see family friends who are out of the country before independence. Adepoju noted: *"Until the early 80s, few Nigerian professional emigrated because domestic working conditions were attractive and internationally competitive"* (ibid)

Given the inability of most African governments to harness and develop the numerous potentials of her citizens, many of them have decided to seek opportunity for self-discovery and development in foreign lands, and at whatever cost. While one must acknowledge the fact that Africa has a huge demographic situation and is adjudged as the second most populous in the world behind Asia, it is not an excuse for the horrible and horrid situation in Libya. Huge population most times is a source of economic power and strength in international relations, not weakness as evidenced in Africa. Countries like China and India in Asia are testaments to this fact. China for instance, with her huge population has overtaken the US as the number one economy in the world.

The numerous incentivization and the enabling environment for business to thrive and for skilled professionals to practice their profession in a comfortable and rewarding environment is the main reason for China's success story. A country where interest rate on loans are pegged at a single digit, for as low as 3 to 5 percent, and huge, commensurate rewards for professionals are given to encourage and keep them. With this incentive, in addition to other infrastructure put in place by the government, many Chinese are encouraged to do business in their country, satisfying local needs and even

export the excess. Thus, her population has translated into economic prosperity for them and not the other way.

Africa today, has one of the smartest populace in the world, particularly professionals. But these ones have not been encouraged to stay at home. They have been bought over by the good promise of economic prosperity and self development and satisfaction, which they may not get if they stayed home. The driving force is the wide differential in incomes: a trained nurse in Uganda earns \$US38 per month and a doctor US\$67 per month, while their colleagues in the US could earn about US\$3,000 and US\$10,000, respectively (UN, 2005; UKNMC, 2005). Her skilled scientist, engineers, technologist, doctors, nurses, teachers, top business executives are scattered all over Europe, America and Asia. Adepoju observed:

The emigration of highly skilled professionals – including doctors, paramedical personnel, nurses, teachers, engineers, scientists and technologists – from Africa was led by Ugandans and, later, Ghanaians and Nigerians, all of them attracted by relatively higher salaries and better living conditions...to cite an example, since the 1990s, Ghanaians have been migrating in ever increasing numbers to rich countries, especially the UK, Germany, the Netherlands and the US. By 1996, Ghana was among the top ten countries sending emigrants to the UK, registering a flow of about 21,500 from 1990 to 2001. More spectacular has been the emigration of skilled personnel... (Adepoju, 2008; p. 29)

The semi-skilled and unskilled are the most affected group in Africa. Those in this group are the secondary school certificate holders and the illiterates. Thus, they are largely vulnerable and are easily preyed on by labour smugglers and human traffickers, who whisk them away from their homes through dangerous desert routes and the Central Mediterranean into Europe. Those who are not able cross into Europe as a result of some unwholesome policy of the EU with regard to immigrants are to remain in Libya and suffer various degrees of human rights abuses in Libya's detention camps.

A World Bank (2009) report clearly reveals that there is no other place or region in the world where poverty is as prevalent as it is in Africa today. Approximately one person in two subsists on less than US \$1.25 per day, with approximately 70 percent living in rural areas. Thirty-two of the forty-eight poorest countries are located in SSA, which is plagued by conflicts, dysfunctional governments, and

clinical diseases such as HIV/AIDS. Food security and livelihood for the rural poor are at risk as almost all SSA agriculture is rain-fed and has become highly vulnerable to weather shocks.

In light of the above report, Charllotte (2010) observes that the declining standard of living is further constrained by SSA's lack of available social services, particularly those in education and healthcare. The average gross primary school enrolment rate has not improved, and health services are falling behind increased demand. This is cause for concern, as SSA has the highest population growth rate in the world and is challenged to develop productive human capital from a population that lacks sustained education and life expectancy. Due to persistently high fertility rates, HIV/AIDS, malaria, and tuberculosis, life expectancy is eroding and affecting the demographic structure of family households, as well as the quality and quantity of the labour force. Without productive human capital, SSA cannot complete a demographic transition to improve socio-economic development in the region, (ibid).

Similarly, Doris Witteler-Stiepelmann (2009) in her conference address at the Bonn International Centre for Conversion (BICC) on the theme entitled "*Migration and Displacement in Sub-Saharan Africa. The Security-Migration Nexus II*", Doris identified poverty and lack of employment opportunities in Africa as one of the irreducible reason why Africans migrate from their home country. She comments:

41 percent of all Africans still live on less than one dollar per day and 487 million labourers don't earn enough to feed their families. Yet another 1.3 million earn less than two dollars a day—they need to work under humiliating conditions with no labour rights and social standards to protect them (Stiepelmann, 2009; p. 6)

The indices on the situation in Africa as highlighted by the World Bank and Doris are largely testamentary of the dearth of leadership on the continent. How can a continent with governments at various levels have such a demeaning and damning report and yet do nothing to upgrade the living standard of her citizens. Little wonder the citizens have chosen to abandon their home country in search of opportunities elsewhere, no matter the cost, no matter the consequences. To them, they face the bleakest of future should they remain back home. Thus, they rather die trying in foreign lands where there are promises of good life (be they false, real or imagined). Consequences like forced labour, sex slaves, enduring abuses of different kinds, like torture, rape, and even murder. Most of them who embark on such deadly journey are convinced that as soon as they

cross the Mediterranean, they are made. The reasons for this believe stems from the fact that the most currencies in Africa are no match for the Euro in value. This is why they are not bothered about the pay (considering the fact they are way too low compared to what the natives collect for the same job position), neither are they bothered about being subjected to several inhumane treatment in the course of doing the job they are paid to do. Often times, the job they take up are those that have been rejected by the natives who never considered doing such jobs with the inhumane conditions attached with them. But because the foreigners are desperate and needy, they lack the bargaining power to negotiate good conditions of work and pay package, hence they even crave and beg to be given such jobs because they cannot return home empty nor fail to repatriate fund to several dependents back home.

Finally, from the above data and analysis, we have seen that the living standard of most citizens of Africa is nothing to write home about; and thus have pushed them out of their homelands in search of good economic environment where there are lots of opportunities for achievement of their goals and potentials.

## 5. RECOMMENDATION

Our world today is a world of migration and irrespective of where anyone lives, it cannot be said that such a place is the original home of the persons ancestry, progenitors and lineage. No one should comfortably claim to be more superior to anyone else on account of where they live and work. It is only but a privilege now known as migration. Thus, for a migrant to be abused either as an asylum seeker, refugee or IDP is totally barbaric and savagery, especially in the way they are treated currently in Libya. One of the problems is that in most countries of the continent, the institutional capacity required to manage migratory flows and for effective policy formulation and implementation is weak, and must be strengthened through training and retraining of key officials. Capacity building of officials – customs, immigration, police, security - to deal with free movement of persons and goods, and on the rights and obligation of migrants should be a continuing process. Training of officials, exchange of information, and networks should be institutionalised.

There are several international laws and bodies that have been codified and formed for the purpose of ensuring that migrants and refugees rights are not abused. These should be adopted and followed strictly to prevent the continental embarrassment going on in Libya. These include but not limited to 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention for the Elimination of Racism and Racial Discrimination (CERD), Convention

Against Torture (CAT), Convention for the Elimination of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC), etc.

Structural imbalance in the internal configurations of most African states is also another problematic appendage of ethnic conflict in the continent. The economic schism that exists between the haves and the have not is serious cause for concern and must be addressed.

Finally, the EU governments' flawed policies that aim to prevent people getting to Italy, have hitherto trapped and confined thousands in the despicable and dangerous cities in Libya. The EU is meant to be a bastion of human rights: EU member states should ensure that migrants arrive safely in Europe where they can have access to a fair and transparent process for claiming asylum. They should desist from violating the principles of *non-refoulement* under international law which states that any migrant who has left his home of residence and has crossed an internationally recognised border on account of persecution or a well founded fear of being persecuted should not be returned or sent back. But the EU has done worse by sending them to Libya where they would face the worst forms of abuses and even threat to their lives.

## 6. CONCLUSION

The refugee, migrant and human rights crisis in Libya has been a fallout of decades of bad governance across the continent. A continent where population growth is unchecked, where resources are not distributed evenly, where tribalism, ethnicity and nepotism is favoured over patriotism, where there is a huge gulf between the rich and the poor, where living conditions are the worst in the world, where unemployment and underemployment is rising and rising, where the leaders have good rhetoric about good governance, but never put them in practice, and where both human and material resources are in abundance but never reflects in the daily lives of her citizens; hence, it is a continent of contradictions. The kind that ultimately leaves her people panting after the prosperous fountains of Europe's living waters.

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