

**LIBYA AND ILLEGAL TRANSIT MIGRATION: AN  
EXAMINATION  
OF THE CAUSES, DYNAMICS AND EXPERIENCE**

**Submitted by**

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***DEDICATION***

***In the Name of God, the Most Gracious, the Most Merciful***

This work is dedicated with heartfelt gratitude in memory of my dear and honoured father, and to my beloved mother.

## **ABSTRACT**

This study investigates how illegal migrants from African countries crossed Libya's land and maritime boundaries with the aim of reaching Europe, and the reasons why Libya became both a transit and a destination country.

In evaluating the appearance and subsequent development of the phenomenon of illegal migrants transiting through Libyan territory to Europe, the study examines the appropriate regulatory and administrative frameworks and the requirements for entry into, residence and/or employment, and departure from Libya. It looks at how the Libyan authorities have dealt with illegal migrants who, after being caught crossing Libya's land borders, were detained in camps inside Libya, or were intercepted at sea while they were trying to reach Europe. It questions whether or not the Libyan authorities were serious about, or even interested in controlling the flow of illegal migrants through Libyan territory.

Based on detailed information obtained from a questionnaire and interviews with a large sample of illegal migrants (as well as with Libyan officials), facts were collected about the experiences of these illegal migrants, in order to establish their motives for choosing Libya as a transit country. Once they had entered Libya, their experiences in Libya were in fact not unpleasant, and those caught by the police and detained in the camps were reasonably well-treated. Many respondents whose initial attempt to reach Europe had not succeeded were prepared to repeat the journey, and most regarded the assistance they had received and the money they had paid as good value.

The study concludes that Libya was in effect an open space for both legal and illegal migrants, who planned either to stay in Libya illegally or to transit illegally to Europe via Libya, and that the whole process took place with the full knowledge of the Libyan government.

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Map 1: Map of Libyan districts



Sources: <http://www.mapsofworld.com/libya/libya-political-map.html> [online 29.05.2014]

## Maps 2&3: Libyan Departure Points closest to Italian Shores



## **Note on Transliteration**

**Modified system of Arabic transliteration is based on that of *The International Journal of Middle East Studies (IJMES Transliteration system for Arabic)***

## Chapter One

### Introduction to International Migration in Libya

#### 1.1. Introduction

Migration as ‘the movement of individuals and/or a whole group of people’ is a fact and an activity that has taken place throughout human history since the Stone Age. Usually pushed by circumstances beyond their control, humans would move from one place to another to look for food and water, to seek security, and to escape from various natural disasters and/or internal conflicts.

As Wood states, “Migration is defined as a permanent or semi-permanent change of residence, usually across some type of administrative boundary”.<sup>1</sup> Today, migration is a multifaceted and complex global issue that touches every country in the world. For migrants, almost all states are now either points of origin, transit or destination, often all three at once. In 2005 the official UN estimate stood at 175 million migrants globally; by extrapolating the growth of known migrant stocks for the decade 1990-2000, the UN’s Population Division predicted a total of between 185 million and 192 million migrants by early 2005.<sup>2</sup>

This phenomenon of migration is thus a continuing reality. People, especially from developing countries, emigrate to escape violence, persecution and/or for economic reasons (to improve their economic conditions and change their lives). Some migrate within the same country, for example from the north to the south, with the intention of

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<sup>1</sup> William B. Wood, (1997), “Forced Migration: Local Conflicts and International Dilemmas”, *Annals of the Association of American Geographers*, Vol.84, No.4, (Dec. 1994), p.607.

<sup>2</sup> Irena Omelaniuk, and Thomas Lothar Weiss (2005), “Introduction: Migration Challenges in the 21st century”, *World Migration Report 2005: Costs and Benefits of International Migration*, Geneva: International Organisation for Migration (IOM), p.13, available at [http://publications.iom.int/bookstore/free/wmr\\_2005.pdf](http://publications.iom.int/bookstore/free/wmr_2005.pdf) [online 26 October 2013]. See also UN General Assembly, *International Migration and Development*, Report of the Secretary General, 18 May 2006, ref. A/60/871, at <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=44d711a82search&query=world+migrants+numbers> [accessed 13 December 2012].

settling permanently in new locations. Others migrate due to social-political problems, such as demographic and tribal disturbances, religious harassment, and restrictions on political freedom. For a mixture of reasons, people may migrate many times, for different lengths of time, and across numerous territories.

The Mediterranean region is one of the main immigration zones, where the movement of migrants is from the South (Africa) across the Mediterranean Sea, and to the North (Europe) – in other words, from developing countries to developed countries. This migration can be either legal or illegal. Following the discovery of oil in the 1970s, Libya became one of the major recipients of Arab migrant workers, as the country sought a foreign workforce to fill the gap in the national labour market. But by the end of the 1980s the Libyan government was inclining more towards the Arab countries and became a member of the Arab Maghreb Union. This approach played a part in the whole pattern and extent of Arab migration to Libya, as explained in more detail below.

During the 1990s Libya's open policy towards Africa paved the way for a large number of African migrants to enter the country.<sup>3</sup> Some intended to remain there, but others planned to move on, to the other side of the Mediterranean. Libya therefore found itself becoming a transit country, particularly for illegal migrants. These waves of migrants, both legal and illegal, occurred without the Libyan government having established any kind of demographic policy. The lack of an immigration policy adversely affected Libya's social and health demographics, its economic services and its security.

## **1.2. Background to the Study**

### ***1.2.1. The History of African Migration***

Migration and Africa have been much in the news, since the question of migration has become a very significant issue in world politics. To analyse the subject, it is important to know something of the background to African emigration to western countries. This migratory activity is described as a sequential process by many immigration scholars (with whose views I agree). It would seem that Africans living in Africa believe the

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<sup>3</sup>The Libyan government announced that the Community of Sahel-Saharan States (CEN-SAD) and the African Union would promote cooperation among the independent nations of Africa; for details see M. Zagwan (2009), "Tajammū' al-ifriqī layy duwal al-sahil wa al-sahra abad waafaq", *Al-Jadida lil Ulūm Al-Insāniya* [Assembly of African, Sahel and Saharan States, *New Magazine of Human Sciences*], vol 5, Tripoli, pp10-11.

‘European’ and the ‘American’ Africans, to whom they are in fact related in various ways, are now in a far better situation than their African kin. Years ago many were forced to leave their homes in Africa and were taken to work as slaves in Europe and America, regaining their freedom from the time of the spreading recognition of human rights issues in the early eighteenth century and the influence of the abolitionists during the nineteenth century. The descendants of those former African slaves are now either Americans or Europeans with equality of rights in those countries.

African movement to Europe and America began in the sixteenth century. The first American slave ship was the *Desire*, a small craft built in 1636 that sailed from Massachusetts. Following the Pequot War in Connecticut in 1637 the surviving Indians were enslaved in New England. In 1638 the *Desire* left on a trading voyage and at Providence took on board some of the Indians considered too dangerous to keep in the colony. They were transported to the West Indies to be exchanged for African slaves, and the *Desire* returned to Massachusetts laden with “salt, cotton, tobacco and Negroes.” The slaves were sold in Boston, which over the next ten years became a centre for the exchange of American Indians with African slaves from Barbados. At that time many slaves were being brought to the New England region from Guinea, Madagascar and other places.<sup>4</sup> The number of slaves continued to grow. In 1742 there were 1,514 slaves in Boston; in 1755 Negro slaves represented nearly one third of the population of South Kingstown in Rhode Island; and in 1764 there were 5,779 Negro slaves living in towns in the New London area of Connecticut.<sup>5</sup>

American slave ships made their journeys to and from the African coast until the advent of the Civil War. During the period 1804-07 around 202 slave ships arrived at the port of Charleston in South Carolina. Some of these ships were owned by Europeans; for example there were 70 slave ships belonging to British owners, three belonging to French owners and one ship that had Swedish owners.<sup>6</sup> The Negro slave traders played an important role in America’s economic system. A slave labour force was needed to work the lands of white people, even though slaves were considered ignorant and unskilled and able only to handle simple tasks under close supervision. Men, women and child slaves were seen as good at various forms of manual occupations, and worked as millers, coopers, farm labourers and household slaves. Younger slave women were

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<sup>4</sup> F. G. Dow (1968), *Slave Ships and Slaving*, Cambridge MD: Cornell Maritime Press, p. 295.

<sup>5</sup> Ibid, p 295. See also A. Zilversmit (1967), *The First Emancipation: the Abolition of Slavery in the North*, University of Chicago Press, p 5.

<sup>6</sup> Dow, op.cit., pp 295-296.

considered “excellent house-servants, for example, [in] washing and ironing.”<sup>7</sup> The Civil War, which was in part caused by the slave trade, ended slavery in 1865, when three amendments to the US Constitution ensured freedom for around four million formerly enslaved African Americans, made them citizens, and gave them voting rights.

The main European countries that participated in the Atlantic slave trade were Portugal, the Netherlands, Britain, and France. In terms of trade volume, Portugal was perhaps the most important; having started to trade in slaves in the fifteenth century, particularly along the West African coast (Janjanbureh on the River Gambia, Banjul, the Gambian capital, Ghana, and the island of Sao Tome at the mouth of the River Niger). Initially they raided settlements to capture slaves, but by 1490 were meeting strong and effective resistance, which obliged them to enter into reasonably amiable agreements with West African rulers to enable trade (including slavery) to continue without hostilities. Portuguese ships carried various kinds of goods including guns and wine from Europe to the West of Africa where they exchanged their goods for African slaves. The ships, now loaded with human cargo, and then continued to the American and European colonies in the Caribbean and in South America, where the slaves were sold in return for goods such as sugar, tobacco, coffee and cotton, which the African slaves themselves had planted and produced in these colonies. Any Negro slaves considered too weak for plantation labour were taken to be sold in the New England market.<sup>8</sup> Although forced out of Africa in 1591, Portugal returned later and maintained a foothold in Africa until the twentieth century

The Royal Africa Company, based in London, was originally set up in 1660 to trade along the west coast of Africa, and was the first large English organisation to become involved in the slave trade, until it abandoned slaving in 1731 in favour of ivory and gold dust. The ports of London, Bristol and Liverpool dominated traffic in the activity of slaving, operating what was named the ‘Triangular Trade’,<sup>9</sup> i.e., the triangular route of the transatlantic slave trade whereby goods from Britain were traded on the West African coast for men, women and children who had been captured or purchased. These enslaved Africans were eventually shipped to the West Indies where they would be sold at auction to the highest bidders (around two-thirds of the enslaved Africans worked on sugar plantations, although some managed to escape and made their way to South

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<sup>7</sup> A. Zilvermit (1967). *The First Emancipation: the Abolition of Slavery in the North*, op.cit., pp33-36.

<sup>8</sup> Ibid. Pp 2-5.

<sup>9</sup> M. Morgan (2000), *Slavery, Atlantic Trade and the British Economy, 1660-1800*, Cambridge: Cambridge University Press, p.9.

America, England or North America). With the proceeds from the sale of the slaves, the ships could then be loaded with goods such as sugar, coffee and tobacco, for the voyage home. With the profits from these goods the cycle was repeated.

However, by the end of the eighteenth century, various people in Britain, America and other regions in the world had begun to fight the slave trade, spurred on by the revolt in Haiti against both slavery and the French between 1791 and 1804. Accordingly, the nineteenth century was to see the end of legal slave trading in the Atlantic world. As religious pressure grew, particularly in the Protestant countries, and as secular idealism against the slave trade increased throughout Europe, abolitionism became a powerful political movement. From Haiti's 'democratic revolution', by way of Denmark's abolition of slavery in 1792, to the campaigning of the anti-abolitionists at the beginning of the nineteenth century, the ground was prepared for measures that in 1834 outlawed the British Atlantic slave trade completely. But despite Britain's withdrawal from the trade, the traffic still continued and even appeared to be expanding, most notably in the US. The British and Foreign Antislavery Society was organised in 1839 with the aim of exterminating the slave trade and slave systems globally, and the eventual abolition of slavery in the United States in 1865 was a noted victory<sup>10</sup>.

In general, African history over the last four to five hundred years has witnessed a special relationship between Africa and countries of the 'Europe and America' since, from the sixteenth to the nineteenth centuries, Africa constituted a substantial part of the 'Europe and America'-controlled world. Furthermore, African-Western relations in the Mediterranean go back even further, with the people of Sub-Saharan West Africa having been in contact with to the Mediterranean area since the first millennium.<sup>11</sup> As a result of slavery, the African countries lost vast numbers of people, including young men and women, which had a serious impact on African populations, culture, language, religion, and economies. In this regard, some scholars consider that the slave trade was one of the main causes of the erosion of the African economy and the widespread poverty across the continent, compared with other parts of the world.

In 1815, with the return of international peace after the Napoleonic wars, the ending of the African slave trade, and the adoption of humanitarian approaches, a new

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<sup>10</sup> J. Black (2006), "The Beginning of The Atlantic Slave Trade", The Social Affairs Unit (London), 26 June 2006, online at <http://www.socialaffairsunit.org.uk/blog/archives/000994.php> [Online 30 April 2013].

<sup>11</sup> P. D. Curtin (1990), *The Rise and Fall of the Plantation Complex: Essays in Atlantic History*, Cambridge University Press, pp. 29-32.



manifestation of the slave trade started to appear. This was migration by a contracted labour force and was organized in cooperation with the British government, particularly in India. Though seemingly more humane, contracts of this type required the migrant to work in the plantations of a colony for a fixed period of three, five, or sometimes even ten years. These migrants or workers signed such contracts because of the difficult economic and social conditions prevailing in their home countries. What pushed them to accept contracts of this type was the desperate need to feed their families and improve their conditions. In fact, such labour can be seen as a new variety of slavery because workers could be sold on by the contractor, and the contracts enforced through penal sanctions. If or when workers refused to work, they were threatened with hard labour and physical punishment and ultimately with prison, which was not usually legal.

Moreover, contracts of this type led to ‘worker slaves’ being paid very low wages. In 1850, the French had devised an even more explicit scheme for ‘free’ immigration from Africa by legally purchasing slaves on the African coast as ‘free migrants’ or ‘free contract workers’ for a specific period of time. Between 1845 and 1914, India supplied nearly 450,000 contract workers to the British West Indies and a similar number to the French Caribbean colonies. Between 1811 and 1870, there were about 600,000 slaves from Africa; the number of non-African coerced labourers imported during the nineteenth century slightly exceeded the number of Africans who were brought to the West through the illegal slave trade.<sup>12</sup>

A report in 1987 by the National Universities Commission in Nigeria (NUC)<sup>13</sup> noted that about 20 million Africans had been subjected to slavery.<sup>14</sup> The report stated that the slave trade was the first point in transferring African populations out of their home countries, although concurrently with the Industrial Revolution, many had migrated voluntarily to Europe and America where economic conditions were perceived as superior to conditions in their own countries. Understandably this contradiction pushed many Africans to migrate over time in large-scale international movements,<sup>15</sup> in the hope that since their American and European forebears (whose cultural, linguistic and

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<sup>12</sup> Curtin, *ibid.*, pp.173-177.

<sup>13</sup> National Universities Commission in Nigeria, Website at <http://www.nuc.edu.ng/>.

<sup>14</sup> United Nations, (2007), “Acknowledging the Tragedy – Considering the Legacy”, Report, International Day for the Commemoration of the 200th Anniversary of the Abolition of the Transatlantic Slave Trade, 25 March 2007, United Nations Headquarters, New York, online at [www.un.org/events/slaveryabolition/](http://www.un.org/events/slaveryabolition/) [accessed 25 July 2008].

<sup>15</sup> Stanley L. Engerman (1996), “Slavery, serfdom and other forms of coerced labour: similarities and differences”, in M. L. Bush (ed), *Serfdom and Slavery: Studies in Legal Bondage*, London & NY: Longman, pp.29-30.

religious roots were the same as theirs) had found better living conditions in the Europe and America than in Africa, their lives too would benefit.

### **1.3. The Research Question**

In an attempt to understand why Libya has become one of the important transit countries in North Africa for illegal migrants, this study examines the phenomenon of illegal immigration in transit countries, looking particularly at illegal migrants in Libya during the contemporary era. It aims to study the presence and extent of foreign individuals in Libya, their conditions and how and why they came to choose Libya as a transit country. The research focuses on the following aspects of the illegal migration problem in Libya in order

1. To highlight Libya's position as a transit country;
2. To examine and analyse the backgrounds of the illegal migrants;
3. To define the extent, and the types, of international migration in Libya.
4. To discuss the main causes and factors of illegal immigration inside Libya.
5. To analyse whether the Libyan authorities are able to cope with, and perhaps resolve this issue, and to make some recommendations.

In asking why Libya had become a transit country for illegal African immigration, the study reviewed the critical factors that led to this position. Among the most important factors are the following:

#### 1. Political factors

- Libyan foreign policy towards Africa.
- Libya's open borders.
- Libyan immigration policies.
- The inability/unwillingness of the Libyan authorities to control the waves of illegal migration to Europe.

#### 2. Economic factors:

Libya experiences greater economic well-being when compared with other transit countries in North Africa which gives rise to specific aspects:

- The small Libyan population means that Libya needs people as workers.
- The availability of numerous unskilled work opportunities in Libya.

- The ease of obtaining work and wages without documents.

### 3. Social factors:

- The overlapping of linguistic and religious elements means that migrants can relate to the Libyan population.

## **1.4 Significance of the Study**

The thesis seeks to arrive at a better understanding of how and why countries come to be used as transit routes for international immigration. The sensitivity of this issue for the Libyan government has meant that researchers generally have not been allowed to study the problem or even to collect any data on the topic, so that previously this field was, in effect, left undiscovered and unstudied.

By 1999-2000, the phenomenon of illegal African migrants had become widespread around the Mediterranean region; this trend has continued and is still increasing up to the present. Young people, women, and also children are involved in this displacement as well as older men. They come from a range of countries in West Africa, sub-Saharan Africa and North Africa (the Arab Maghreb countries and Egypt).

All are likely to face difficult and dangerous situations – in the middle of the vast desert regions and subsequently out on the high seas – apparently without having much care for their own lives. Their desire is simply to reach Europe. The main reason for them leaving their own countries is to find better lives elsewhere, even though they might well die along the way. These migrants, especially those from sub-Saharan and West African countries, need a pathway along which to approach the Mediterranean itself. The easiest route for them is by way of the Arab countries of North Africa. In addition, the African migrants need to settle down for some time in these countries, partly to recover from what will probably have been a rigorous journey but mostly to earn money to help them prepare for the trip to Europe.

A country in which the African migrants choose to settle is known as a transit country. In this respect, the term ‘transit’ means: “the movement of goods or people from one place to another”. A ‘transit camp’ is: “a place where refugees stay in tents or other temporary structures when they have nowhere to live permanently”.<sup>16</sup> This means that

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<sup>16</sup> *Cambridge Advanced Learner’s Dictionary*, (2003) Cambridge University Press.

being ‘in transit’ signifies staying in a place for unknown period of time, but generally not permanently. Thus, a ‘transit country’ is one in which people stay temporarily on their way to their intended destination. Even though their staying time is not known, it is certainly not their aim to settle in the transit country.

## **1.5. Definitions of Immigration, Aliens and Illegal Immigration**

To provide this study with an analytical framework, it was necessary to define the terms used when referring to aspects of migration. This section sets out some basic features and definitions of the migration process and provides some initial indicators to help in understanding it. The following features and terms are covered, as is Immigration itself:

1. Aliens
2. Refugees
3. Work permits
4. Illegal migrants, unauthorized migration and undocumented migrants
5. Human Smuggling and trafficking
6. Transit areas of migration

### ***1.5.1. Immigration***

Immigration is the movement of a population, temporarily or permanently, from one physical location to another. Temporary migration implies that the place of permanent residence is maintained while the migrant is away for a period of work in another country or in another part of his own country, whereas permanent migration implies a clear change of residence based on a decision to move. In some cases there is a lack of distinction between these two categories, in that temporary migrants may end up being permanent.<sup>17</sup>

In general, migration is a process of moving, either across an international border or within a state. Whatever its length, composition and causes, it remains a movement of population, encompassing any kind of people. It can include the migration of refugees, displaced persons, uprooted people, and/or economic migrants, all of whom aim to establish themselves in another country, either permanently or temporarily, and who, in order to do so, must cross an international frontier as international migrants.

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<sup>17</sup> John A. Jackson, (1986), *Migration*, Longman, London and New York, p.5.

### ***1.5.2. Aliens***

An alien is a person who is not a national of a given state and who comes from a foreign country. An alien does not owe allegiance to the country he/she has entered. An undocumented alien is an alien who enters or stays in a country without appropriate documents. This category includes *inter alia*:

- a) People who have no legal documentation to enter a country, but manage to enter clandestinely.
- b) People who enter using fraudulent documentation.
- c) People who, after entering using legal documents, violate the terms of entry and stay without authorization.

Based on this definition, illegal entry and irregular migration have a similar definition.

### ***1.5.3. Refugees***

In 1951, the United Nations defined the term ‘refugee’ as a person who “owing to a well founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear is unwilling, to avail himself of that country.”<sup>18</sup>

Jeremy Hein argues that the significant fact about refugees is that they break ties with their home state and seek protection from another country, which is a host country through migration. Hein states that if such people cross an international border, they become refugees and if they remain within their homeland they are displaced persons.<sup>19</sup> Similarly, Torres Rivas defines refugees as “all persons...forced to leave their habitual homes and workplaces due to political violence.”<sup>20</sup> According to the International Organization for Migration (IOM) there are different types of refugees under international migration law:<sup>21</sup>

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<sup>18</sup> Jeremy Hein (1993), “Refugees, Migrants, and the State”, *Annual Review of Sociology*, Vol, 19, pp. 43-59

<sup>19</sup> Ibid p4.

<sup>20</sup> See Robert C. Smith, (2001), “Current Dilemmas and Future Prospects of the Inter- American Migration System”, in Aristide R. Zolberg and Peter M. Benda, eds., *Global Migrants Global Refugees: Problems and Solutions*, New York: Berghahn Books, p. 126.

<sup>21</sup> International Organization for Migration (IOM), (2004), *Glossary on Migration: International Migration Law*, IOM, Geneva, pp. 52-53.

- Refugee (mandate): a person who meets the criteria of the UNHCR statutes and qualifies for the protection of the UN provided by the High Commissioner, regardless of whether or not she/he is in a country that is a party to the 1951 Convention relating to the status of refugees, or the 1967 Protocol relating to the status of refugees, or whether or not she/he has been recognized by the host country as a refugee under either of these instruments.
- Refugee (recognized): a person who “owing to well founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” (convention relating to the status of Refugees, Art. 1A (2), 1951 as modified by the 1967 Protocol).
- Refugees in orbit: those who, although not returned directly to a country where they may be persecuted, are denied asylum or are unable to find a state willing to examine their request, and are moved from one country to another in search of asylum.
- Refugees in transit: these who are temporarily admitted in the territory of a state under the condition that they are resettled elsewhere.
- Refugees (asylum seeker): who are not refugees when they leave their country of origin, but at a later date, acquire a well-founded fear of persecution.

According to Appleyard, refugees have comprised a significant proportion of migrants to Western countries since the Second World War. He maintains that this will continue to be a major issue in European and international politics.<sup>22</sup> Adepoju argues that although the situation in Africa has different characteristics, refugees constitute a dominant and rising aspect of international migration in Africa. Noting that in 1983 the refugee population in Africa exceeded five million, mostly in Sudan, Zaire, Ethiopia, Chad, Somalia and Cameroon, Adepoju concluded that “every second refugee and displaced person in the World was an African.”<sup>23</sup> William B. Wood analysed the immigration phenomenon by looking at the dissonance between causes and solutions, both national and international. He focused on several types of voluntary migration,

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<sup>22</sup> Reginald Appleyard (1989), *The Impact of International Migration on Developing Countries*, Paris: OECD, p. 27.

<sup>23</sup> A. Adepoju (1988), “International Migration in Africa South of the Sahara” in R. Appleyard, ed., *International Migration Today*, Volume I: *Trends and Prospects*, Paris, UNESCO.

such as refugees, asylum seekers, and illegal and guest worker migration, as well as on sub-national forced migration.<sup>24</sup>

#### ***1.5.4. The Work Permit***

A work permit is a legal document that gives the necessary authorisation for employment of migrant workers in the host country. The work permit is the main evidence of whether an individual is a legal or an illegal resident in the host country. Here, with regard to Libya, a question arises as to whether or not all foreign workers need to have a work permit, or if it is unnecessary to have authorization to stay in the country. In addition, how can legal and illegal aliens within Libya be distinguished? This is because in Libya, work permits are not always necessary for legal migrants.

#### ***1.5.5. Unauthorized Migrants, Illegal Migrants and Undocumented Migrants***

Migrants of these types are individuals who cross the international borders of countries without authorization and/or without documents. In his study of migration dynamics, Jorgen Carling states that this is just one aspect of what is variously referred to as irregular, undocumented or illegal migration and residence. He emphasizes that under the 1951 Geneva Convention an unauthorized entry is legitimate when it is made with the aim of seeking asylum, and that migration can be unauthorized without being illegal. He contends that people moving through Morocco to cross the sea between North Africa and Spain were not motivated by a search for asylum on reaching Spain, and that very few of them fulfilled the requirements for protection under the Geneva Convention.<sup>25</sup>

In his definition of ‘unauthorized workers’, Peter Stalker says that this is a polite term for illegal migrants, since most of them have entered another country with false documents, have been smuggled, and/or have overstayed their tourist or other visas. He

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<sup>24</sup> William B. Wood (1994), “Forced Migration: Local Conflicts and International Dilemmas”, *Annals of the Association of American Geographers*, Vol. 84, No. 4, p. 629. This article discusses areas of forced migration and explains that not only is the trend of forced migration the result of ephemeral geopolitical changes, but it is also a systemic reaction to a wide range of enduring socio-economic conditions. Following an overview of forced migrants and their conditions, numbers, and causes, Wood raises the interesting point that if geography does have a role to play in understanding forced migrations around the world, it will not be an easy one, since traditional distinctions between political refugees and economic migrants are becoming less tenable, and beleaguered governments may become less sympathetic to the plight of migrants and more confused as to how to deal with them. His paper helps to provide a good definition of international immigration by analysing the nature and status of illegal migrants and the differences between them and refugees and/or asylum seekers.

<sup>25</sup> Jorgen Carling, (2007), “Unauthorized Migration from Africa to Spain”, *International Migration* Vol.45, no. 4, pp.5-7.

states that most of the richer countries have undocumented workers, and that in European countries about one percent of the population are undocumented workers or illegal migrants.<sup>26</sup>

### ***1.5.6. Human Smuggling***

A human smuggler is an intermediary who deals in transporting people, in furtherance of a contract that has been made with them. In other words, human smuggling is the action of illegally transporting people across an internationally-recognized state border. This action involves obtaining financial or other material benefits, directly or indirectly, for arranging the illegal entry of a person into a country of which the person is not a national or permanent resident. This concept is based on Article 3(a) of the UN protocol Against the Smuggling of Migrants by Land, Sea and Air, which supplements the United Nations Convention against Transnational Organized Crime, 2000.<sup>27</sup> Smuggling is different from trafficking, since it does not require an element of exploitation, coercion or violation of human rights.

### ***1.5.7. Human Trafficking***

A human trafficker is an intermediary who transports people in order to achieve a profit by means of deception, coercion and/or other forms of exploitation. Trafficking in persons involves transporting, transferring and harbouring or receiving persons, under threat or use of coercive force. This action may involve a kind of abuse and the giving or receiving of payments to obtain the consent of a person having control over another person for the aim of exploitation. This statement is based on Article 3(a) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and supplements the UN Convention against Transnational Organized Crime 2000.<sup>28</sup>

In this regard, Morrison and Crosland argue that engagement with the smuggling process itself “is not as consensual or as free from human rights abuses as the

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<sup>26</sup> Peter Stalker (2008), *The No-nonsense Guide to International Migration*, Oxford: New Internationalist Publications, p.11.

<sup>27</sup> International Organization for Migration (2004), *Glossary on Migration*, International Migration Law, Geneva: IOM, pp 60-61. This Protocol was ratified by Libya on 24 September 2004.

<sup>28</sup> Ibid, p.65. Libya ratified this Protocol on 18 June 2004.



smuggling process suggests”, and that as such, the distinction between smuggling and trafficking may become blurred.<sup>29</sup>

#### ***1.5.8. Transit Areas of Migration***

The term ‘transit’ means a stopping of passage, of varying length, while travelling between two or more states, for different purposes. A transit passenger is a person who arrives in a country from his/her own or another country while on the way to another country that is his/her destination.

The transit period differs and may be from a minimum of an hour, from the time of arrival in the transit country through which the person concerned passes on any journey to the country of employment, or from the country where he/she works to the home country. This definition is based on Article 6 (c) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990.<sup>30</sup>

In this research, the country of transit means the country through which the migration flows (legal or illegal) will pass.<sup>31</sup> Therefore this concept is used in the case of Libya, which is regarded as one of the main transit countries for illegal migration in the Mediterranean region.

### **1.6. Research Methodology**

In presenting a detailed description of the methodological framework that is employed in the thesis, this section discusses the key methods of data collection and analysis applied in seeking to achieve the stated objectives of the research. It explains the reasons for selecting these methods.

The descriptive method was chosen to explore the extent of transit immigration in Libya, and the research employed combined systematic, descriptive, quantitative and analytical approaches throughout, using data analysis based on field studies conducted in Libya. Narrative description is the first step in the analysis of data in a qualitative

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<sup>29</sup> J. Morrison and Beth Crosland (2001), *The Trafficking and Smuggling of Refugees: the End Game in European Asylum Policy?* Working Paper No.39, commissioned by UNHCR, p 4

<sup>30</sup> This Protocol was ratified by Libya on 18 June 2004.

<sup>31</sup> International Organization for Migration, (2004), *Glossary on Migration*, op.cit., pp. 62, 66 and 15.

case study. As Stake notes, “Description is simply stating the facts about the case as recorded by the investigator.”<sup>32</sup>

### ***1.6.1. Context of the study***

The research depended on detailed questionnaires and personal interviews of some illegal migrants, in order to probe their views about immigration and the difficulties surrounding them during migration to Libya and/or from Libya to Europe. Another set of data was collected through interviews with officials in the Libyan Ministry of the Interior, the Department of Administration of Passports and Nationality, and the Department of Investigation of Passports and Immigration. All of these held information relevant to the research topic. Lack of census data and archive material about illegal immigration in Libya and particularly about illegal transit migrants, meant it was necessary to undertake random interviews with some of the migrants in Libya. The goal was to interview African migrants of different nationalities, ages, and educational status. A sufficient number of respondents were chosen in each category.

Three kinds of data sources then were used to meet the goals of the study:

1. The fieldwork sources, questionnaire, and interviews;
2. Official publication and statistics;
3. Key theoretical and descriptive material concerning the subject of illegal immigration, the effect of immigration on the countries concerned, African migrants, illegal migration, and transit countries.

The main aim of the thesis was to understand the reasons why Libya had become a transit country for foreign and illegal migrants in North Africa. Data collected from primary and secondary sources, was used to analyse issues related to the transit countries of the illegal migrants, as well as factors which had made illegal migrants choose Libya as a transit country. The researcher took a sample of illegal migrants in the camps administered by the Libyan authorities as exemplifying individuals who had chosen Libya as a transit country to reach further destinations. The entry of a large number of foreign migrants into Libya resulted in large numbers of illegal migrants travelling via the country's coastline.

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<sup>32</sup> R.Stake in J. W Creswell, ed. (1998), *Qualitative Inquiry and Research Design: Choosing Among Five Traditions*, New York: Sage, p.250

### ***1.6.2. Data Collection and Analysis Methods***

In designing the “architecture” of this study, the research relied (as indicated above) on a mix of qualitative and quantitative research methods. The quantitative method was used to verify and illustrate migrant numbers and the size of this illegal movement in the case of Libya as one of the main transit points for illegal immigration. The method was also useful for obtaining a broad description of the situation, since studying the numbers of illegal migrants in Libya helped to understand the reasons why Libya had been chosen as a transit country rather than other countries with similar geographic properties, as well as to analyse the dynamic shared by these illegal migrant movements.

Qualitative research methods were of assistance in providing the necessary background as to why migrants chose to migrate through Libya. They also made it possible to arrive at a more in-depth and comprehensive perspective than could be done with the quantitative tools. Creswell argues that:

Qualitative research is an inquiry process of understanding based on methodological traditions of inquiry that explore a social or human problem. The researcher builds a complex, holistic picture, analyzes words, reports, detailed views of informants and conducts the study in a natural setting [...] Qualitative inquiry represents a legitimate mode of social science exploration without apology or comparisons to quantitative research. Good models of qualitative inquiry demonstrate the rigor, difficult and time-consuming nature of this approach.<sup>33</sup>

Robert Stake maintains that “A qualitative case study provides an in-depth study of the system. Based on a diverse array of data collection materials, the researcher situates this system or case within its larger context or setting.”<sup>34</sup>

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<sup>33</sup> J. W. Creswell, (1998), *Qualitative Inquiry and Research Design: Choosing Among Five Traditions*, New York: Sage Publications, p. 15.

<sup>34</sup> R. Stake (1995), *The Art of Case Study Research*, Thousand Oaks CA, Sage publications.; see also Hans B. Spiegel (1985), “Case Study and Participative Research”, in Maria Lourdes S. Bautista & Stella P. Go, eds, (1985), *Introduction to Qualitative Research Methods*; Victor T. Valbuena (1985), “Qualitative Content Analysis”, in Maria Lourdes S. Bautista & Stella P. Go, eds., *Introduction to Qualitative Research Methods*, Manila: De la Salle University Research Center, Philippines, pp 87-100; and see Michael Quinn Patton (2002), *Qualitative Research and Evaluation Methods*, London and New Delhi: Sage Publications.

### ***1.6.3. Primary Data***

When collecting data, the researcher found that using many different information sources to provide depth was important for producing a good case study,<sup>35</sup> and therefore relied on a variety of sources that included semi-structured interviews and questionnaires, in addition to personal observations and informal discussions with officials in government institutions that dealt with illegal migration in Libya and with illegal migrants themselves. I would add here that the lack of secondary sources and official publications related to illegal migration in Libya made it all the more important to collect my data by making as many contacts as I could with Libyan institutions. The triangulation of information was important.

### ***1.6.4. Semi-Structured Interviews***

Interviews play a central role in the process of collecting data. In most research or diagnostic study, the investigator collects reports of behaviour through observation and interviewing; this appears to be the most popular form of data collection.<sup>36</sup> It is important to determine which type of interviews will produce the most useful information for answering a research question.

There are different kinds of interviews, such as focus groups and telephone interviews.<sup>37</sup> To achieve the goals of this study, the researcher relied mostly on one-to-one interviews, where there was a chance of direct communication with the interviewee and more opportunity for further discussion and elaboration.

It was not possible to draw a representative sample of the population for this study since no sampling frame existed. In this context as in many others, the migrant population was a “hidden population”; thus its true size was unknown.<sup>38</sup>

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<sup>35</sup> W. J. Creswell (1998), *Qualitative Inquiry and Research Design: Choosing Among Five Traditions*, New York: Sage Publications, p251.

<sup>36</sup> R. S. Weiss (1992), *The Art and Methods of Qualitative Interview Studies*, New York: Free Press, p.35. Also see Matthew B. Miles and Michael Huberman, (1994), *An Expanded Sourcebook: Qualitative Data Analysis*, Thousand Oaks, London and New Delhi: Sage Publications; and Victor T. Valbuena (1985), “Qualitative Content Analysis”, in Bautista and Go, eds., op.cit., pp. 20-42.

<sup>37</sup> Oppenheim. A. N., (2004), *Questionnaire Design, Interviewing and Attitude Measurement*, London and New York: Continuum.

<sup>38</sup> Guri Tyldum, and Anette Brunovskis (2005), “Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking”, *International Migration*, January 2005, Vol.43, no 1-2, p.18. See also D. Heckathorn (1997), “Respondent-driven sampling: a new approach to the study of hidden populations”, *Social Problems*, 44, no.2, pp. 174-198.

The majority of those who used Libya as a transit country to Europe were considered 'illegal'. Therefore, by definition they were not known to the authorities and were not counted in the official statistics. In the specific case of Libya, the Libyan officials could only offer estimates of the foreign population in the country, and it appeared that no precise breakdown of individual nationality existed.

Some official statistics were available as to the number of illegal migrants in the Libyan authority's illegal immigration camps, and these figures were examined for the purpose of this study. It would have been arbitrary and false to set particular numbers for each nationality to be interviewed. In addition, this was not an appropriate method since access to informants was not an easy matter and it would have been too restrictive to have constructed sets of fixed questions. Therefore, the researcher tried as much as possible to achieve a gender balance and, where practicable, to find individuals who represented different categories in the camps: e.g., a range of nationalities and ages; a balance of married and single men and women; pregnant women; and families. The study was based on an interview sample of illegal migrants held in the Libyan authority's camps in different parts of the country.

#### ***1.6.5. Questionnaires, Observations and Informal Discussions***

The main research data was collected by means of questionnaires. To reach the goal the questionnaires were distributed in a number of detention camps or illegal immigration camps inside Libya where the Libyan authorities held illegal migrants. I would add here that I was aware that the sample groups I was dealing with had been held inside detention camps for some time and were in a deeply vulnerable state and deprived of freedom. To overcome any inhibition which the respondents had to speak openly I decided to hold informal discussions with the sample groups which helped to establish a relaxed and trusting atmosphere, and so that during the time taken up with the questionnaires, I created an appropriate environment for the completion of the questionnaires that helped to elicit a significant amount of data. This also allowed me to see whether people behaved differently in terms of expressing their views during informal interviews when they knew that they were not being recorded or transcribed. Every possible attempt was made to write down their comments as accurately as

possible and to interpret them in the same spirit. It was hoped that such informal discussions would yield useful material.<sup>39</sup>

The questionnaires were distributed equally to males and females; I also insisted on having representatives from all the nationalities residing in the camps at the time of the interviews.

#### ***1.6.6. Triangulation of Information and Multiple Sources***

As noted above, the study used more than one method of data collection, with the resulting data being triangulated. Triangulation represented a valuable approach, enabling firm conclusions to be drawn. Triangulation is important in social science methodology as it helps in obtaining alternative explanations of the research data in general.<sup>40</sup> Stake points out that “In qualitative research, the convergence of sources of information, the opinions of investigators, [and] different theories and methodologies represent the triangulation of ideas to help support the development of themes.”<sup>41</sup>

#### ***1.6.7. Justifying the focus on illegal migrants in Libyan illegal immigration camps***

This study focuses specifically on migrants who had attempted to migrate illegally to Europe via Libya. Therefore it was necessary to reach people who had been caught while they were attempting to migrate illegally through Libya, and who were being held inside detention camps in various cities in the north and south Libya. The main difficulty that I faced was the fact that Libyan policy was to forbid entry to the camps. Since it would be necessary to obtain a special permit from the Ministry of Interior, I was lucky that Brigadier Abd al-Fatah Younis, the Interior Minister (or Secretary of the General People’s Committee for Public Security) was a personal friend of my father (Mohamed Ali Fadel). My father helped me to obtain the permit by arranging an interview with Brigadier Younis in his offices in Tripoli, as a result of which I was given permission to visit the Head of the Department of Investigation, Passports and Nationality (Dean Mohammed Basher) who would help me to interview any of the

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<sup>39</sup> See S. P. Bogdewic (1992), *Participants Observations in doing Qualitative Research*, New York: Sage Publications, p.45-69. Also Robert Bogdan and Steven J. Taylor, (1975), *Introduction to Qualitative Research Methods: A Phenomenological Approach to the Social Sciences*, New York & London: Wiley-Interscience.

<sup>40</sup> R. Stake (1994), *Handbook of Qualitative Research*, Sage publication, pp. 236-247. See also Uwe Flick (2006), *An Introduction to Qualitative Research*, 3rd ed., London & New Delhi: Sage Publications.

<sup>41</sup> I. Dey (1993), *Qualitative Data Analysis: A User-Friendly Guide For Social Scientists*, London, Routledge; also Uwe Flick, (2006), *An Introduction to Qualitative Research*, op.cit., pp. 74-84.

officers who were dealing with the issue of illegal immigration in Libya, and to visit all the detention camps inside Libya. During my fieldwork the officers always made sure that I was safe, even though both my life and my health could have been at risk by my being in the same room with illegal migrants; however I took that risk on purpose in order to achieve my goal of gathering previously uncollected, and therefore unique data for my research.

I had also developed personal relationships with some staff members at the Foreign Ministry during my Masters research, and with their assistance was able to visit the Department of European Affairs and interview them.

To gather the research data it was necessary to meet the entire sample of individuals before asking them to complete the questionnaires, to ensure that they understood all the questions and could answer them as fully as possible. Running the interviews concurrently with completion of the questionnaires also helped to establish a friendly environment with the illegal migrants, which encouraged them to give clear and accurate answers to the questions. Given the difficulty of obtaining permission to visit the detention centres inside Libya, this approach was very successful in meeting the aim of my field work which was to acquire original data. I was also able to access highly confidential official data at Libya's Investigation of Passport and Immigration Department, thanks to a recommendation from the late Libyan Minister of Internal Affairs, under his previous title of Secretary of the General People's Committee for Public Security (Brigadier Abd al-Fatah Younis).

Other semi-structured interviews were carried out with Colonel Husain Juan, an official at the Libyan Department of Investigation of Passports and Immigration who was the expert on illegal Immigration in Libya, and with some of the heads of the Libyan detention centres (or as the Libyan authorities called them, "the illegal immigration camps"). There was also an opportunity to interview the head of the Department of Investigation of Passports and Immigration (Dean Mohammed Basher). In addition, and in order to collect most of the data related to this issue in Libya, the researcher contacted various non-governmental institutions inside Libya that dealt with illegal immigration, and was able to visit the International Organisation for Peace, Care and Relief, and the International Organisation of Immigration (IOM).

Based on the research methodology and the requirements of statistical searches, the SPSS statistical software package was used to analyse the questionnaire results. The

answers to the core research questions were used in a comparative mode (Cross Tabulation), and provided a strong indication as to how participants in the research sample established their views and opinions. The Logistic Regression component of the SPSS was used to help predict the presence or absence of characteristics or outcomes, based on the values of a set of predictor variables.

It became necessary to find an analytical tool that would take account of the combined effect of more than one independent variable on the dependent variable in the study. Using Logistic Regression was important as it helped predict which variables would have significant importance and effects among the variables that made Libya a transit country. The dependent variable in this study was the illegal migrants, and the analysis tool was multiple linear regressions (Nominal Regression).<sup>42</sup> It is stated that “Logistic Regression determines the impact of multiple independent variables presented simultaneously to predict membership of one or other of the two dependent variable categories.”<sup>43</sup> Here I wanted to find out which variable or variables were the main variables that affected my study.

As my study focuses on people whose status is that of attempted transit migrant, therefore, was not in doubt. Those people were held in the illegal immigration or detention camps inside Libya. I avoided choosing illegal migrants who were outside the camps since it was believed that individuals who were not in the camps would be worried over their own security and their fear that the study was connected with the Libyan police.

I tried to cover a large number of illegal immigration camps. I visited the Benghazi camp on 4 October 2009 and interviewed 15 males, and the Ganfuda camp where I interviewed 10 females on 5 October 2009; the Ajdabiya camp between 7 and 9 October 2009 interviewing 30 cases (20 females and 10 males); and the Tripoli camp on 12 October 2009 (however I did not interview any cases because of the risk to the people there). Between 15 and 31 October 2009 I visited Towisha, where I interviewed 96 individuals (all males), then went to Al-Zawiyah between 2 and 14 November 2009, interviewing 77 individuals (all females), and to Zuwarah from 16-19 November 2009.

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<sup>42</sup> Multiple linear regressions is a generalisation of [linear regression](#) that considers more than one independent variable, and a specific case of general linear models formed by restricting the number of dependent variables to one. <http://www.uk.sagepub.com/burns/website%20material/Chapter%2024%20-%20Logistic%20regression.pdf> accessed 21 May 2012

<sup>43</sup> Ibid, accessed 21 May 2012



Misratah camp was visited between 21 and 25 November 2009 where I questioned 25 persons (20 males and 5 females); Sabha camp was visited from 7-13 December 2009 and 30 cases were interviewed (15 males and 15 females); and in Al-Qatrun I interviewed 18 cases (all males) between 15 and 17 December 2009. Altogether the fieldwork for the study collected the responses of 300 illegal migrants (174 males and 127 females) who answered 300 individual questionnaires.

I also undertook a number of official and unofficial interviews with leading figures in the Libyan government, as well as with officials and experts in illegal immigration. The following were interviewed:

- The late Libyan Internal Minister (Secretary of the General People's Committee for Public Security),(Brigadier Abd al-Fatah Younis).
- The Head of the Department of Investigation, Passports and Nationality (Dean Mohammed Basher)
- A number of officials and police officers who worked in the Department of Investigation, Passports and Nationality.
- Colonel Husain Juan, an expert on Illegal Immigration in Libya, at the Department of Investigation, Passports and Nationality.
- Heads of the residential centres (i.e., the Libyan illegal immigration/detention camps).
- An officer at the International Organization for Peace, Care and Relief.
- An official meeting with an expert on illegal immigration at the International Organization for Migration (IOM), and an unofficial meeting with the head of the IOM in Tripoli.

From the preliminary observation it was clear that

1. Illegal Immigration had started more than 20 years previously.
2. It would be difficult or even impossible to stop these migratory flows.
3. Libya was the most popular transit country in North Africa.
4. Illegal Immigration was a big issue in Libya and had affected the whole country.
5. Human trafficking was carried on by organised crime inside Libya and with others outside Libya.
6. Many individuals who were caught and arrested planned to try again.

During the course of the research various questions arose that needed to be answered:

1. Were the Libyan authorities able to control this issue or not?
2. Did Libya wish to control the issue or not?
3. How were the Libyan authorities dealing with the issue of controlling illegal migration in Libyan territory in practice?

## **1.7. Outline of the Study**

The study contains seven chapters and a concluding chapter. This introductory chapter provides a brief overview, including concepts and definitions of migration. It also gives an outline of the research problem, the aims of the study, and its limitations and difficulties, as well as a note on the research methodology.

Chapter Two presents the theoretical framework of the study of illegal migration, with some general historical and background information on the subject of international migration and, more specifically, about illegal immigration in Libya. Legal and illegal foreign migration to Libya according to official statistics was addressed in this chapter, which also examined the literature, and addressed secondary sources relevant to illegal immigration and transit countries. Chapter Three covers Libya's foreign policy towards Africa, and how this led to Libya becoming one of the primary destinations chosen by Africans migrating permanently or looking for a bridge by which to reach European territory.

Details of Libya's legislative regulations on the issue of immigration are provided in Chapter Four. It is believed that Libya's immigration regulations have clearly affected the issue of illegal immigration in the country. It was therefore important to cover the historical background to the Libyan migration experience, as well as to understand something of Libyan immigration law and the legal status of the migrants. Chapter Five looks at the national and social backgrounds of illegal migrants in Libya.

Chapter Six examines the logistics whereby migrants have entered Libya, and uses correlations to understand the role of smugglers in relation to the transiting of illegal migrants through Libya. It looks for information about smugglers working inside Libya and whether the authorities can or cannot control illegal immigration in Libya by tracking down and stopping the smugglers' activities. Chapter Seven then explores the experience of migrants while they were in Libya and then analyses in more detail the role of the Libyan authorities in controlling illegal migrants. The concluding chapter

summarises the discussion and analysis of the study, makes some recommendations, and suggests possibilities for future research.

## **1.8. Limitations and Difficulties of the Study**

Identifying the limitations of a study helps a researcher to avoid unwarranted generalisations and irrelevancies. In this case, the main challenge was the collection of data. To obtain as much data as possible, I had to visit many different domestic organisations and administrative institutions in Libya that dealt with the issue of illegal immigration. A major limitation in collecting data was the absence of relevant published figures and statistics, and the sensitive nature of other material related to Libyan security.

Second, measuring the extent of illegal immigration in Libya was problematic. Numbers of illegal migrants choosing Libya as a transit country were mostly estimates, since official Libyan data did not exist. Actual numbers available referred to illegal migrants who had been detained by the Libyan authorities. It was therefore impossible to ascertain numbers of migrants who succeeded in reaching Europe, let alone of those who died at sea.

Third, during interviews with the illegal migrants, I attempted to differentiate between illegal migrants and refugees. Some of the illegal migrants claimed wrongly to be refugees; for example, some claimed to be from Somalia and Ethiopia, but were from Ghana, Nigeria and/or Niger. In migration policy, refugees come under a different category that is unrelated to the present study; therefore those who claimed to be refugees had to be excluded from the research sample.

Fourth, undertaking the interviews required me to spend a lot of time at illegal immigration camps with the illegal migrants, which posed a certain element of risk regarding personal security and health issues.

Fifth, like any other research undertaking, this project suffered both personal and general difficulties regarding access to data and content. The lack of publications and data required extensive travelling to many places inside Libya either by plane or by car. Some journeys took more than six hours by car in dreadfully hot weather, and I had to carry out the first pilot study during Ramadan, fasting and travelling from one camp to another in order to gather the data.

Sixth, in addition, it was impossible to distribute the questionnaires to the chosen sample, and to collect them when completed, because some of the respondents were illiterate, or might not have understood the questions properly, or would not have given clear answers. During the first attempt in particular, I had to meet all the respondents individually and discover their answers to the questions. This involved spending long periods at the illegal immigration camps, with a risk to my health.

Seventh, regarding data analysis and the SPSS, as I was not familiar with the software I had to study it and attend classes to learn how to run the programme which was indispensable for analysis of the data.

The research was also very sensitive because of the problem of explaining that the Libyan authorities were encouraging illegal migrants to use Libya as transit country. It was necessary to protect the identity of the officials who provided this and other difficult information.

Other general problems faced by this study included the lack of publications and literature about Libya as a transit country, which meant I had to go through a large number of books and articles on immigration in order to be able to compare Libya with other cases around the world.

## Chapter Two

### Global Importance of International Mobility and Migration Issue.

#### 2.1. Introduction

Human mobility, though not a new phenomenon, nowadays involves more people and states than ever before. The concept of migration is basically the act of moving to or settling in another region or state, permanently or temporarily. Technically, those who depart, or emigrate, from their countries intending to take up new lives abroad are known as emigrants; when they arrive at their destination, the receiving country will regard them as migrants. Other terms, including migrants, aliens, strangers, foreigners and non-residents can be applied to people who go to other countries to live – however, migrants are those who intend to reside permanently and are not simply visitors or travellers.

According to existing regulations, migration to European countries tends to fall into three categories. First, entry into these countries with a valid permit for a short time may be for work or residency, and individualism this category might become temporary migrant workers and can apply for asylum seeker status. Second, those who worker reside for a long period or permanent stay can often receive social and legal rights, but have limited political rights. The third category is naturalized citizens; people in this category obtain full political rights by some form of immigration regulation.<sup>44</sup>

##### *2.1.1. Understanding Western Policies on Migration Flows*

In order to put Libyan immigration policies in context, it is useful to refer to immigration policies elsewhere, especially in the West and in particular in Europe. Most countries try to manage migration through appropriate immigration policies. In recent years, for example, the US government has implemented tough measures to control migration. Its harsh policy was designed to deal with increased border incursions (which were also associated with some migrants dying on the US-Mexican borders), and aimed both to limit immigration and to prevent ‘terrorists’ from entering the country. In

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<sup>44</sup> G. Brochmann, & T. Hammar, eds. (1999), *Mechanisms of Immigration Control: A Comparative Analysis of European Regulation Policies*, Oxford & New York: Berg, pp. 9-10

October 2006, President George W. Bush signed a new law allocating around US\$1.2 billion for constructing fences along the US-Mexican borders to control immigration from Mexico to the USA.<sup>45</sup> Illegal immigration constitutes one of the most complex issues in which the law-making agencies are engaged, and studies in this area have involved decision-makers, officials of the justice and labour departments, members of judiciary committees and immigration sub-committees in the US Congress, and academics.<sup>46</sup>

In the EU, immigration issues have been given increased attention and there have been efforts to improve the effectiveness of immigration policies. The “immigration challenge” is increasingly and persistently debated across Europe, on the grounds that it affects political, economic and social life in the European countries. An article in 1991 in *The Economist*,<sup>47</sup> entitled “Poor Men at the Gate”, focused on the large number of migrants coming to Europe from Eastern Europe, Arab countries, North Africa and East Asia, and described the movement of migration from the southern to the northern shores of the Mediterranean as an “invasion of poor people”. Such migration is of concern at a time when Western Europe already suffers from increasing rates of unemployment.

Although the phenomenon is of particular interest today, migration has in fact been a long-term issue in Europe. From 1820 to 1940, the major movement was out of, rather than into, Europe. An estimated 55-60 million migrants from Europe moved to other countries, of whom around 38 million went to the United States in a transatlantic stream that reached an annual peak of over one million people in the years just before the First World War. At the same time, an intra-European mass migration occurred, stimulated by political as well as economic factors. The industrialized nations drew workers from nearby countries: thus Irish went to Britain, Italians to France, and Central Europeans to the German Empire. Typically, these movements of migrants were from countries suffering from over-population and rural poverty. Southern Italy was the classic source of migrants in the immediate post-war years.<sup>48</sup>

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<sup>45</sup> George A. Martinez, (2007), “Immigration and the Meaning of United States Citizenship: Whiteness and Assimilation”, *Washburn Law Journal* (US), Vol.46, no.2, [www.washburnlaw.edu/publications/wlj/issues/46-2.html](http://www.washburnlaw.edu/publications/wlj/issues/46-2.html) [online, 10May 2013]

<sup>46</sup> A. Portes (1978), “Toward a Structural Analysis of Illegal (undocumented) Immigration”, *International Migration Review*, Vol. 12, no.4, pp. 30- 69

<sup>47</sup> *The Economist* (London), 16 March 1991.

<sup>48</sup> Russell King, ed. (1993), *Mass Migrations in Europe: the Legacy and the Future*, London: Belhaven Press, pp 19-22.

In the period since the Second World War, three main groups of countries have been sending migrants to European countries. First were the Southern European countries, mainly Italy, Spain, Greece, Portugal, former Yugoslavia, and Turkey. The second group consisted of North African countries such as Algeria, Morocco and Tunisia, where it was easy for migrants to cross the Mediterranean. The third group was composed of other countries in the Third World that were sending migrants to the former colonial powers. Thus West Indians, Indians and Pakistanis went to Britain, and Francophone West Africans went to France.<sup>49</sup>

There is a substantial body of literature on flows of immigration into Europe over the past two centuries, but it is not covered in detail here since it is not strictly relevant to the thesis.

### ***2.1.2. Illegal Migration in North Africa***

According to 1975 statistics, there were 175 million people living in the North African countries; since then the number has increased, given that the population growth rates in these countries are growing at twice the rate of economic growth in the countries of North Africa. It is believed that about half a million migrants annually cross the Mediterranean and enter countries in the European Union (EU) by way of Spain and Italy. Spain has become an attractive country for people smugglers since parts of the long Spanish coastline are very close to North Africa. In 2009 the Spanish police intercepted 14,000 illegal migrants and 663 illegal vessels. The main points for entering Spain are the Straits of Gibraltar, Barbate, Algeciras and Malaga, and a sea crossing can cost an illegal migrant about US\$1000. The other route into the EU is through Italy, especially via the small island of Lampedusa which is situated about 125 miles south of Sicily; Sicily itself is north of Libya, and about 60 miles north of Tunisia. Figures in 2007 suggested that of the 2.7 million foreigners living in the EU, about one million of them had no documents.<sup>50</sup>

During the 1990s almost two million people moved into North Africa from both the west and east of the African continent, via Chad, Niger and Sudan. Their destinations were Libya and Morocco, as the first stage in the journey to the EU. In 1996 more than

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<sup>49</sup> Ibid, pp 22-3

<sup>50</sup> Andrew Mwangura (2007), (21.12., "Illegal Migrants and Stowaways", *ECOP-Marine*, 21 December 2007, see <http://www.ecop.info/english/e-sap-net-35.htm> [online, 5 May 2008].

5,000 people died trying to cross the Mediterranean to southern Europe in high seas in small and ill-equipped fishing boats.

The political and economic situation in various African countries has had a huge impact on many African people who have migrated from their own countries to other places and has particularly affected those who are migrating or trying to migrate to Europe via the countries of North Africa. For instance the Darfur conflict in the western region of Sudan resulted in the death of hundreds of thousands of civilians when the Janjawid arrived, while more than 2000 villages were destroyed, and over two million villagers who had not been killed were suddenly homeless.<sup>51</sup> Like Darfur, the African countries of Somalia, Eritrea and Ethiopia have been badly affected by warfare and conflicts,<sup>52</sup> in the form of Eritrean and Ethiopian border wars that started as long ago as 1993 and have affected both countries. Political conflicts of this type have spread to other African countries such as Chad, Nigeria, Mali and others, and have had a significant impact on the security and safety of their populations, pushing large numbers of people to migrate to other places that are regarded as safer and more stable. In addition, many of the East African and sub-Saharan countries suffer from extremely poor living conditions, with no access to clean water and not enough food, so that according to United Nations statistics, a high percentage of their inhabitants live in poverty and well below the poverty line.<sup>53</sup>

After 1990, in the name of African unity, Libya opened its borders to thousands of Africans from the Sub-Saharan countries, many of whom subsequently headed for Italy,<sup>54</sup> while illegal migrants who reached the north of Morocco tended to head to Spain by sneaking through Ceuta (Sabta) and Melilla. For example, in 2005 the Moroccan authorities caught 259,000 illegal migrants attempting to cross the Mediterranean; most were Moroccans, with just 20,000 from other African countries.

Estimates suggest that in 2006, between 65,000 and 120,000 sub-Saharan Africans entered the Maghreb countries (Mauritania, Morocco, Tunisia, Algeria and Libya).

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<sup>51</sup> John Xavier (2008), *African Genocide*, New York: Rosen Publishing Group, pp5-7, see also Gerard Prunier (2008), *Darfur: A 21st Century Genocide*, Ithaca NY: Cornell University Press; and Lucian Niemeyer (2009), *Darfur*, Albuquerque NM: University of New Mexico Press.

<sup>52</sup> United Nations (2005), *Development Challenges in Sub-Saharan African and Post-Conflict countries*, Seventh Session, Report of the Committee for Development Policy, 14-18 March 2005.

<sup>53</sup> World Bank (2012), "An update to the World Bank's estimates of consumption poverty in the developing world", briefing note, available at [http://siteresources.worldbank.org/INTPOVCALNET/Resources/Global\\_Poverty\\_Update\\_2012\\_02-29-12.pdf](http://siteresources.worldbank.org/INTPOVCALNET/Resources/Global_Poverty_Update_2012_02-29-12.pdf) accessed 2 August 2014.

<sup>54</sup> Mwangura, op.cit.



These estimates further suggest that 70-80 percent of them came to Libya, while the rest entered Algeria and Morocco.<sup>55</sup> This indicates that Libya was North Africa's most popular transit country.

In practice, it is difficult to give a reliable figure for illegal migrants, as their presence is unofficial. Various organizations involved in the issue of illegal migrants have produced various estimates. The International Labour Organisation (ILO) calculated in 2002 that out of a global population of 180 million migrants, the number of illegal migrants was between 10 and 15 percent of that figure. The International Organisation for Migration (IOM), for its part, reckoned the number of illegal migrants in the EU was around 1.5million people.<sup>56</sup>

The International Organisation for Migration (IOM) opened a branch in Tripoli on 12 March 2008; its aim, according to Jamey Bandeya, IOM's spokesman in Geneva, was to assist illegal migrants with food and medical help after they had been detained by Libyan coastguards.<sup>57</sup> The Italian Foreign Affairs Minister had reported at an EU-African Conference in July 2006that he looked forward to greater cooperation with Libya, through which most of the most illegal migrants had journeyed to Italy.<sup>58</sup>

Because Libya's borders are poorly controlled, large numbers of illegal migrants have crossed the huge African desert and entered Libya from the south. During the 1990s and early 2000s between 75,000 and 100,000 people were entering the country annually without documents. According to the IOM, Libya's population was six million in 2005, a figure that included over a million specifically African migrants, while Libyan estimates indicated that there were 600,000legal migrants, while illegal migrants numbered between 750,000 and 1.2 million.<sup>59</sup> In 2003, the Libyan authorities had returned 43,000 illegal migrants of various nationalities to their home countries; in 2004 this number of deportations had increased to 54,000 people, most of who were from

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<sup>55</sup> De Haas, Hein (2006), "Trans-Saharan Migration to North Africa and EU: Historical Roots and Current Trends", *Migration Information Source*, Washington DC: Migration Policy Institute, November 2006. Available at: <http://www.migrationinformation.org/feature/display.cfm?id=484> [accessed 5 May 2012].

<sup>56</sup> Mwangura, op.cit. [accessed 5 May 2008]. Also see, Dominique de Villepin, French Minister of Interior, "Internal Security and local Freedoms", Press conference, Morocco, 14 September 2004, [www.ambafrance-uk.org/visit-to-Morocco](http://www.ambafrance-uk.org/visit-to-Morocco); and [www.akhbar-libya.com](http://www.akhbar-libya.com), [accessed 7May 2008].

<sup>57</sup>United Nations Radio, [www.un.org/radio/ar/detail/8197.html](http://www.un.org/radio/ar/detail/8197.html). International Organisation of migration in Libya was broadcast on 11 March 2008 [accessed 7 May 2008]. Also see Anon (2008), "Al-Shabab al-'arab wa al-hijrah", 21 April 2008, at [www.startimes 2.0](http://www.startimes 2.0), in Arabic [accessed 7 May 2008].

<sup>58</sup> [www.map.ma/mapara/far-ar/porte.htm-55k](http://www.map.ma/mapara/far-ar/porte.htm-55k). This article appeared on 10 November 2006 [accessed 8 May 2008].

<sup>59</sup> [www.statewatch.org/news/](http://www.statewatch.org/news/). Technical Mission to Libya on Illegal Immigration appeared in 2005 [accessed 8 May 2008].

Egypt and from sub-Saharan countries, and in 2006 the Libyan government repatriated over 64,000 migrants. In 2007 the prime minister announced that all foreign workers must provide official documents and legalize their status within two months or leave Libya immediately, although in the event nothing changed, and the illegal migrants, undocumented, continued to live and work in Libya.

The reasons why Libya is the most attractive destination for illegal immigration and a popular transit country are explained by several political, economic and geographical factors. First, Libya's foreign policy towards Africa, and particularly Sub-Saharan Africa laid the base for an open door policy, while the lack of a global strategy on migration and border management facilitated illegal immigration. Secondly, Libya's geographical location is such that it has land borders of 4,400 km with six African countries, and a coastline of 1,770 km. Thirdly, economic factors make it possible for illegal migrants to stay in Libya for a few years to find jobs and earn money, which helps them to flee to Europe. Many of them then use smugglers to take them across the Mediterranean to the Italian islands of Lampedusa or Sicily. Thus Libya can be categorised as both a destination country and a transit country.

Libyan officials have pointed out that in controlling borders with the EU; Libya has needed practical assistance, such as helicopters, night-vision equipment and radar. In September 2007, Libya and Italy signed an agreement over the movement of illegal migrants, with the Italian Interior Minister reporting that Libya and Italy would work closely together to prevent people smuggling in the context of control by organized crime. However, Libya's Internal Security Minister declared on 9 May 2008 that Libya would stop its coastline watch and would no longer help in the fight against illegal migrants since Italy had so far failed to supply it with any of the promised equipment or help.<sup>60</sup>

### ***2.1.3. Libya and Illegal Immigration***

As noted in Chapter One, from 1973 until the late 1990s Libya was an important destination for migrants from North African and Arab countries. Since the late 1990s, however, Libya witnessed another type of immigration as it started to act as a transit point through which migrants from Africa would enter Europe. Nowadays the aim of

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<sup>60</sup> Jeremy Vine , (2009), "Europe or Die Trying", part 3, BBC Panorama programme, 14 September 2009, [http://news.bbc.co.uk/panorama/hi/front\\_page/newsid\\_8286000/8286543.stm](http://news.bbc.co.uk/panorama/hi/front_page/newsid_8286000/8286543.stm). [accessed 10 November 2009].

the migrants who cross the Southern Libyan borders and head to the north of the country is to find boats to transport them to Europe. Many of them stay in Libya for a period of time to search for work and earn money to finance the journey to Europe. In some cases, this stay may last for more than five years, but usually the objective is to move on.

The increasing numbers of migrants have had various effects on Libya's socio-economic sectors, including that of demographic distribution. For example, new settlements appeared in the south of Libya for African migrants who had crossed the Libyan border illegally. Some migrants established similar settlements near Sabha, out of reach of any sort of control by the Libyan authorities, and similar developments occurred in Tripoli and Benghazi.

## **2.2. Trends, Patterns and Nature of International Migration to Libya**

In addition to the government's migration policies, the main factors that determine the trends of illegal migration to and from Libya are its geographical location, its demography and its economy. These are now examined in order to provide the necessary background.

### ***2.2.1. The Geography of Libya***

Libya is strategically located in the northern part of the African continent, overlooking the Southern Mediterranean coast with a shoreline of about 1,900 km in length. It shares land borders with Egypt and the Sudan on the eastern side, Chad and Niger to the south, and Tunisia and Algeria to the west, amounting to approximately 1,295 km.<sup>61</sup>

Libya's total land area is around 1,750,000 square km,<sup>62</sup> about 90 percent of which is desert while the coastal strip along the Mediterranean constitutes the remainder. The country's most important agricultural areas are on the outskirts of the urban centres, while its main industrial activity is to the south along the borders with Algeria, Niger, Chad, Sudan and Egypt. The 4,600 km border with the African Sahara makes it difficult to control cross-border movements and especially illegal migration. Infiltration of the country from the African desert and the relative closeness of the Mediterranean coast

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<sup>61</sup> Mahdoi, M. M. (1998), *Human Geography of Libya*, 3rd ed., Benghazi: University of Garyounes.p10.

<sup>62</sup> Ibid, pp. 9-11.

also make it difficult for the Libyan state to control clandestine sailings of boatloads of illegal migrants from Libya to European shores.

On the other hand, due to its geographical proximity to several countries with high population densities (at least in their non-desert areas), low standards of living and high rates of unemployment, including Egypt, Sudan and Chad, Libya has become the destination for intensive immigration from these neighbouring countries. This situation has worsened, due to political instability in countries such as Chad and Sudan.

### **2.2.2. Libya's Population**

According to the 2006 census, the total population of Libya was 5,673,031, of which 5,323,991 were Libyans and 349,040 were non-Libyan.<sup>63</sup> In relation to its vast area, Libya is a sparsely populated country, and its population density in 2006 was less than 3.22 persons per square kilometre, with considerable variation in the distribution of population density across the country. The majority of the population is clustered in the coastal strip, particularly around the cities of Tripoli, Benghazi, Misrata, Al-Zawiyah and Derna. The 2006 census estimated the population in these coastal and urban areas as 3,814,574, a figure equivalent to about 67.2% of the total population. Tripoli and Benghazi ranked first in terms of population density in 2006, with 30.6% of the total population and a population density of 1,446.8 individuals per square km.<sup>64</sup>

In contrast, population density in the southern regions of the country averaged no more than 0.10%. For example, density per square km in the area of Murzuq was 0.22% in 2006.<sup>65</sup> The varied population distribution in Libya's diverse regions is linked to the availability of natural resources and economic conditions. The most dynamic part of the population in terms of economic activity resides around the coastal areas rather than the southern desert areas. However, with increasing interest in developing the hinterlands in the villages and oases, and with the appearance of new areas of population concentration, the population distribution map has begun to change.<sup>66</sup> Even so, the difference in population density between the coastal regions and the interior of the country is still evident.

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<sup>63</sup> For information see The Great Socialist People's Libyan Arab Jamahiriya, General Authority for Information and Documentation (2006), *Preliminary Results of the Population Census, 2006*, pp. 1-2.

<sup>64</sup> Based on the General Authority for Information and Documentation, (2006), *The Population Census 2006*, and related statistical handbook. Tripoli, p.25

<sup>65</sup> Ibid, p.25

<sup>66</sup> Mansour, A., (1995), "Population in the Pacific", in Saad al-Khalil Alkeziri (ed.), *Studies in Libyan Geography*, Sirte: Centre for Publishing, Distribution and Advertising, p. 338.

Although the population growth rate has generally been quite high, it has not been enough to provide a sufficiently large labour force. Successive censuses show the growth rates of the population. Libya recorded high population growth rates amounting to 3.8% in the period 1954-64, 3.4% in 1964-73, and 4.21% in the period 1973-84. However, the growth rate declined to 2.86% during the period 1984-95, and continued to decline in the period 1995-2006, to about 1.83%, (see Table 2.1). Average family size also decreased from 6.65 people in 1995 to 5.89 persons in 2006.<sup>67</sup>

**Table 2.1: Libyan's average population growth rate in census years 1954-2006<sup>35</sup>**

| Years                  | 1954      | 1964      | 1973      | 1984      | 1995      | 2006      |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Population numbers     | 1,041,599 | 1,515,501 | 2,052,372 | 3,231,059 | 4,389,739 | 5,323,991 |
| Annual growth rate (%) | -         | 3.8       | 3.4       | 4.21      | 2.86      | 1.83      |

Sources: *Human Development Report, Libya; Also preliminary results of the General Population census, 2006, p.51.*

The age structure of the Libyan population shows that the consistent increase in numbers meant that by 1973, 43.9% of Libyans were aged 15 and over. As later censuses indicate, this high percentage rate continued to increase; the 1984 census shows this age group increased to 49.9% , rising to 60.9% in the 1995 census, and 67.6% in the census of 2006 (Table 2.2).<sup>68</sup>

**Table 2.2: Evolution of Libyan's Population Aged 15 and over, Census years 1973-2006**

| Year                               | 1973   | 1984    | 1995    | 2006    |
|------------------------------------|--------|---------|---------|---------|
| Numbers                            | 989243 | 1615529 | 2675545 | 3599278 |
| Proportion to total population (%) | 43.9%  | 49.9%   | 60.9%   | 67.6%   |

Source: *Based on Libyan population censuses for these years.*

The relatively small size of the economically active part of the Libyan population contributed to the need for migrant workers to boost economic activity. In the census of 2006, the percentage of Libyans aged 15 years and over in employment was about

<sup>67</sup> The National Information and Documentation Service, (1999) *Human Development Report 1999*, Tripoli 1999, pp.7, 51, and the preliminary results of the general census of the population in 2006.

<sup>68</sup> Libyan population censuses for the year 1964; for 1973, p. xxxiii; for 1984, p5; for 1995, p 40; and for 2006, p 41.

45.4% of the total Libyan population, having been around 41.5% and 42.0% in the 1995 and 1973 censuses respectively (see Table 2.3).<sup>69</sup>

**Table 2.3: Employment status of Libyan Population, 15 years and over, 1973-2006**

| Year   | 1973   |      | 1984   |      | 1995    |      | 2006    |      |
|--|--------|------|--------|------|---------|------|---------|------|
|  | number | %    | number | %    | number  | %    | number  | %    |
| Workers in employment                            | 415600 | 42.0 | 664000 | 41.1 | 1110619 | 41.5 | 1635871 | 45.4 |
| Unemployed Workers                               | 573643 | 58.0 | 951529 | 58.9 | 1564926 | 58.5 | 1963495 | 54.6 |
| % of economic workers to total Libyan population | 20.24% |      | 20.55% |      | 25.30%  |      | 30.7%   |      |

Sources: *Libyan population censuses for these years.*

### 2.2.3 The Libyan Economy

The Libyan economy is classified with the rentier revenue- and primary commodity-producing economies, and oil exports represent the main source of national income.<sup>70</sup> The oil revenues are important for the development of human resources as well as economic and social infrastructure, in addition to enabling the pursuit of distributive policies and creating social balance through extensive public spending.<sup>71</sup> Even so, acute dependence on only one resource is problematic for economic growth, which can be threatened when there is global oil price instability. Thus, diversification of income-generating resources has been regarded as one of the main objectives of national economic planning since the 1970s. A trend developed towards supporting the agricultural, industrial and service sectors in order to avoid total dependence on oil revenues as the main national income. However, this goal has not yet been achieved, and as a result oil remains the major source of income. In 2005, oil exports still represented about 96.3% of the value of state exports (Table 2.4).<sup>72</sup>

<sup>69</sup> Libyan population censuses in 2006, p. 22; 1995, p. 41; and 1973, p. 5

<sup>70</sup> Beblawi, Hazem (1987), "The Rentier State in the Arab World" in Hazem Beblawi and Giacomo Luciani (eds) *The Rentier State*, London: Croom Helm (Vol. II of *Nation, State and Integration in the Arab World*, ed. G. Luciani), p. 65.

<sup>71</sup> Momin, Muammar A.A. (2006), *Social and Cultural Adaptation of Migrants in the Libyan society*, Tripoli: International Centre for Studies and Research of the Green Book, p. 102. Also see Salman, Abd al-Razzāq Murtada, (2007), *Al-shkhsyih al-tbyyih fi al-laqaat dwliyh* [Natural Persons in International Relations], Tripoli: Global Scientific Library, p. 22.

<sup>72</sup> Libyan General Information Authority, *Statistical Year Book 2005*, p. 154, and *Human Development Report 1999*, p. 53.

**Table 2.4: Value of Exports by Types of Goods from 2000-2005 by LD.**

| Division of goods            | Year             |                  |                 |                   |                   |                 |
|------------------------------|------------------|------------------|-----------------|-------------------|-------------------|-----------------|
|                              | 2000             | 2001             | 2002            | 2003              | 2004              | 2005            |
| Food and live animals        | 6077.3           | 387.8            | 6126            | 2971.4            | 3242.8            | 2265            |
| Beverages and tobacco        | -                | 0                | 0               | 0                 | 0                 | -               |
| Non-food raw materials       | 1587.5           | 1804.4           | 1181            | 374.9             | 1552.2            | 3477            |
| Mineral fuels and fuel       | 4992173.2        | 51422192.6       | 9824034         | 14047393.7        | 20085551.0        | 30312161        |
| Animal and vegetable oils    | -                | 0                | 0               | 0                 | 0                 | -               |
| Chemicals                    | 190652.3         | 174225.2         | 211003          | 616711.5          | 675889.4          | 825257          |
| Goods by material            | 30603.1          | 74110.6          | 134619          | 139184.7          | 73206.9           | 2338            |
| Machinery and transport      | -                | 13.8             | 17              | 0                 | 8870.0            | 2465            |
| Manufactured items           | 379.0            | 1230.6           | 28              | 0                 | 205               | 31              |
| Goods not classified by type | -                | 0                | 0               | 0                 | -                 | -               |
| <b>Total</b>                 | <b>5221472.6</b> | <b>5393965.3</b> | <b>10177008</b> | <b>14806636.4</b> | <b>20848315.3</b> | <b>31147994</b> |

Source: General Information Authority, *Statistical Yearbook 2005*, p.154.

## **2.3 Legal Foreign Migration to Libya according to Official Statistics.**

### ***2.3.1 Evolution of the Foreign Presence in Libya and Composition by Nationality.***

Following independence in 1951, the foreign presence in Libya was initially quite limited, and consisted mostly of Italians and other foreign migrants (including British, French and American), most of whom worked at foreign military bases inside Libya. The number of foreigners did not exceed 4.3% of the total population according to the 1954 census (see Table 2.5).<sup>73</sup> Despite the discovery of oil in the late 1950s, and the

<sup>73</sup> General Census of the Libyan Population for the year 1954, p.15

growth in GDP this situation continued until the mid-1960s. However, certain measures to restrict the entry and residence of foreigners led to a reduction in the number of Italian settlers in Libya, many of whom began to return to Italy as the situation in that country began to stabilise.<sup>74</sup>

**Table 2.5: Number of Foreigners in Libya, 1954-2006<sup>75</sup>**

| <b>Year</b> | <b>Population</b> | <b>Proportion to total population</b> |
|-------------|-------------------|---------------------------------------|
| 1954        | 47274             | 4.3%                                  |
| 1964        | 48868             | 3.2%                                  |
| 1973        | 196865            | 8.75%                                 |
| 1984        | 411517            | 11.2%                                 |
| 1995        | 409326            | 8.5%                                  |
| 2006        | 349040            | 6.15%                                 |

Source: *Human Development Report, Libya 1999*, pp.51-52, also the 2006 Libyan population census, p.1.

In 1964, the foreign presence formed 3.2% of the total population in Libya, according to the census that year,<sup>76</sup> and had increased to about 8.75% in the 1973 census.<sup>77</sup> This was due to the increased need for a foreign labour force to cope with economic and social development. As Table 2.5 indicates, the 1984 census showed that the foreign presence had risen to 11.2% of Libya's population by that year.<sup>78</sup> However, official statistics show that by the end of the 1980s, the percentage of foreigners had begun to decline and was recorded by the 1995 census at around 8.5%.<sup>79</sup> This decline continued, with a total of 349,040 individuals, or 6.15% of the population, recorded in the 2006 census (Table 2.6).<sup>80</sup>

<sup>74</sup>See Chapter Four of the thesis concerning the development of legislative policies on entry and residence of foreigners in Libya.

<sup>75</sup>*Human Development Report, Libya 1999*, p51-52, also the Libyan population censuses in 2006, p1.

<sup>76</sup> General census of the Libyan population for the year 1964, p15

<sup>77</sup> General census of the Libyan population for the year 1973, p35

<sup>78</sup> General census of the Libyan population for the year 1984, p 47

<sup>79</sup> General census of the Libyan population for the year 1995, p 42

<sup>80</sup> General census of the Libyan population for the year 2006, p 1



**Table 2.6: Growth Rate of Libya's Foreign Population, 1945-2006**

| Years     | Rate of Growth |
|-----------|----------------|
| 1954-1964 | 0.3%           |
| 1964-1973 | 16.7%          |
| 1973-1984 | 6.93%          |
| 1984-1995 | 0.05%          |
| 1995-2006 | -1.47%         |

Source: Libyan General Population Census for the year 2006.

Based on the various population censuses, Tables 2.7 and 2.8 reveal a number of aspects related to the foreign presence in Libya. During the 1960s (and presumably the 1950s) most foreigners living in Libya were Europeans and Americans. Like the Italian settlers, many of them worked at foreign military bases and in oil companies. In 1954 non-Libyan Arabs did not exceed 4.85% of all foreign residents,<sup>81</sup> but the 1964 census showed that by that time the percentage of non-Libyan Arabs had increased by 0.3% overall to 17.44% of the total of foreign residents (Table 2.7).

**Table 2.7: Number & Development of non-Libyans (Arab/non-Arab)<sup>82</sup> censuses 1954-1995**

| Year | Non Libyan Population |          |        | Percentage |          | Growth Rate |          |       |
|------|-----------------------|----------|--------|------------|----------|-------------|----------|-------|
|      | Arab                  | Non Arab | Total  | Arab       | Non Arab | Arab        | Non Arab | Total |
| 1954 | 2291                  | 44983    | 47274  | 4.85       | 95.15    |             |          |       |
| 1964 | 8521                  | 40347    | 48868  | 17.44      | 82.56    | 14.04       | -1.08    | 0.33  |
| 1973 | 177637                | 19218    | 196865 | 90.24      | 9.76     | 35.49       | -7.15    | 4.95  |
| 1984 | 194496                | 217021   | 411517 | 47.26      | 52.74    | 0.91        | 27.43    | 0.65  |
| 1995 | 332022                | 77304    | 409326 | 81.11      | 18.89    | 5.49        | -9.81    | -0.05 |

Source: *Human Development Report, Libya 1999*, p.52

<sup>81</sup> General Libyan Population Census for 1964, pp13-14.

<sup>82</sup> The definition of Arab and non-Arab is based on Libya's official classification: i.e., Arabs are people who hold Arab nationality and include Somalis, Sudanese and Mauritians. Non-Arabs in these statistics are people from non-Arab parts of the African continent (including such regions as the Sahara-Sahel and sub-Saharan Africa), as well as from Asian and European countries.

According to the 1973 census, the Arab group was in the first rank by a large margin, reaching a figure of 90.24% of the total of foreign residents. Europeans and Americans ranked second with 5.74%, the Asian group ranked third with 2.64%, while the African group accounted for only 1.23% (Table 2.8).

**Table 2.8: Population censuses of Foreigners by Nationality of total of Libyan Population (1964-1995)**

| Year | Arab population |      | African population |      | Asian population |     | Europe & American population |      |
|------|-----------------|------|--------------------|------|------------------|-----|------------------------------|------|
|      | No              | %    | No                 | %    | No               | %   | No                           | %    |
| 1964 | 8521            | 17.4 | -----              | ---- | -----            | --- | 36130                        | 74.1 |
| 1973 | 177647          | 90.2 | 2402               | 1.2  | 5207             | 2.6 | 11296                        | 5.7  |
| 1984 | 194496          | 47.2 | 19241              | 4.6  | 139993           | 34  | 54092                        | 13.0 |
| 1995 | 332022          | 81.1 | 34519              | 8.4  | 30998            | 7.5 | 11267                        | 2.7  |

Source: *Human Development Report, Libya 1999*, p.52

After Qadhafi came to power in Libya in 1969, the Libyan government changed its policies towards the Arab countries, and now facilitated the entry of labourers from Egypt, Tunisia and Sudan on the basis of geographical proximity and the convergence of religious and cultural identity. Despite the evacuation of Italian settlers in 1970, the European and American groups nonetheless held second place in the 1973 census, ranking first in the oil companies and in some development projects. The latter types of economic activity required sophisticated technologies and qualified technicians that the European and American companies brought with them.<sup>83</sup>

In the 1984 census, the proportion of Arab residents within the foreign group declined compared to the 1973 census, and their share stood at 47.2%. However, this group remained the largest, followed by the Asian group with 34%, while the Europeans and Americans came third with 13.0%, followed by the African group with 4.6%. The decrease in the proportion of Arab residents resulted from strained political relations with Egypt and Tunisia at that time. To balance the decline, the Libyan government relied on Asian employment to carry out large-scale development and infrastructure

<sup>83</sup>Muammar Ali Abdul Momin, op.cit. p.118

projects such as the Great Man-Made River project and also the fact that the contractors were Asian. This increased the Asian presence in the country.<sup>84</sup>

In October 1989 and following normalization of political relations with Egypt, Libya again changed its policy by allowing more Arabs to enter the country. Table 2.7 shows that the Arab group ratio began to rise again, reaching 81.11% in the 1995 census. The non-Arab African group ranked second with 8.4%, followed by the Asian group with 7.5%, and finally the American and European group which constituted only 2.7% of the foreign element in the total population. At this time, work opportunities existed in certain economic sectors in which Libyans refused to be employed. However, good relations between Libya and various African countries enabled workers to be imported from Africa.<sup>85</sup>

Even so, statistics from the Directorate General of Passports and Nationality in 2004 showed that the Arab group continued to rank first among the foreigners living in Libya, regardless of whether they were legal or illegal residents.

### ***2.3.1. Composition and Characteristics of the Foreign Population***

According to the 1995 general population census the majority of foreign residents were males, of whom around 66% were in the main working age group (15-59 years). This group formed 74.38% of the total foreign population.<sup>86</sup> The 2006 census indicated a 7.64% increase in the proportion of male residents of the same age category to 81.37% of the total foreign population.<sup>87</sup> These indicators suggest that the economic factor was the primary motivation for migration. Most of these residents were unmarried or were not accompanied by their spouses,<sup>88</sup> which was a characteristic of this type of labour migration inflow.

Based on 2001 labour force statistics, the following overall points can be made in relation to the characteristics of foreign workers in Libya.

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<sup>84</sup> *Human Development Report 1999*, p 5

<sup>85</sup> Al-Naggar, Fatima (2005), “Al-Hjrat Aal-ifiqya ily al-jamahiryra, asbab, khss, najj” (African Migration to Libya; Causes, Characteristics, Productions), unpublished research submitted to Academy of Postgraduate Studies, Tripoli, Libya, pp 107-108.

<sup>86</sup> General census of the Libyan population for the year 1995, p 45

<sup>87</sup> General census of the Libyan population for the year 2006, p 1 and p 22

<sup>88</sup> Muammar Ali Abdul Momin, op.cit., p.111

1. There were approximately 123,000 foreign workers in Libya in 2001, representing 13.25% of the total national labour force.<sup>89</sup> However, in the 2006 population census this ratio had declined to 11.34%,<sup>90</sup> making this a long-term trend during the period since the 1980s. For example, in the 1973 census, the migrant labour force constituted 21.8% of the total labour force which increased in the 1984 census to 28.3%. The declining proportion of migrants in the labour force was linked not only to developments in the national economy and the growth of the Libyan labour force,<sup>91</sup> but also to the general policies of the Libyan government in the mid-1980s with regard to operational and contractual wages. This policy placed emphasis on the quality of the labour force inflows and their anticipated technical, educational, efficiency and productivity competence.<sup>92</sup>
2. According to the 2001 Manpower Survey, the number of non-Libyan workers in the social and administrative sectors did not exceed 8.4% of the total labour force. The highest participation rate of the foreign labour force in Libya was in the following activities:
  - Building and construction: 60%.
  - Other activities (e.g., street vendors, workers in the mining industries; working in financial institutions and other activities not shown): 30% of the foreign labour force (Table 2.9).<sup>93</sup>

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<sup>89</sup> Based on the Libyan statistical manpower report for 2001 by the Department of National Information and Documentation, pp. 16-17

<sup>90</sup> Based on the preliminary results of General census of the Libyan population for the year 2006, p 22

<sup>91</sup> Based on the Statistical Pocketbook, 1984, p. 14

<sup>92</sup> *Human Development Report 1999*, Tripoli, p 58.59. Also see Mohamed Sobhi Guenos et al. (2001), *The Revolution in Libya: thirty years of social and economic transformations, 1969-1999*, Tripoli: Dar Al-Libyan, pp 683-684.

<sup>93</sup> The National Information and Documentation, Statistics and Census Centre, *Characteristics of the Labour Force in the Great Jamahiriya*, 2004, pp.31-32

**Table 2.9: Labour force Distribution of Libyan/non-Libyan workers from age 15, in 2001**

| Economic Activity Sectors  | Libyan        |            |               |            |               |            | Non Libyan    |            |             |            |               |            | Proportion of non-Libyan workers to Total |
|----------------------------|---------------|------------|---------------|------------|---------------|------------|---------------|------------|-------------|------------|---------------|------------|---|
|                            | Male          | %          | Female        | %          | Total         | %          | Male          | %          | Female      | %          | Total         | %          | %   |
| Agriculture & Forestry     | 56272         | 10.3       | 3864          | 1.5        | 601336        | 7.5        | 7561          | 6.6        | 29          | 0.4        | 7590          | 6.2        | 11.2                                      |
| Manufacturing              | 74938         | 13.7       | 16430         | 6.3        | 91368         | 11.3       | 21102         | 18.3       | 199         | 2.6        | 21301         | 17.3       | 18.9                                      |
| Electricity, Gas, Water    | 30373         | 5.6        | 2288          | 0.9        | 32661         | 4.1        | 637           | 0.6        | 4           | 0.0        | 641           | 0.5        | 1.9                                       |
| Building & Construction    | 10852         | 2.0        | 1125          | 0.4        | 11977         | 1.5        | 17537         | 15.2       | 87          | 1.1        | 17624         | 14.4       | 59.5                                      |
| Wholesale Trade            | 83506         | 15.3       | 5068          | 2.0        | 88574         | 11.0       | 16284         | 14.2       | 670         | 8.6        | 16954         | 13.8       | 16.1                                      |
| Transport & Communications | 32213         | 5.9        | 3353          | 1.3        | 35566         | 4.4        | 710           | 0.6        | 52          | 0.7        | 762           | 0.6        | 2.1                                       |
| Administrative Services    | 225551        | 41.3       | 220076        | 84.8       | 445627        | 55.3       | 34407         | 29.9       | 6455        | 82.8       | 40862         | 33.3       | 8.4                                       |
| Other                      | 32666         | 5.9        | 7275          | 2.7        | 39941         | 4.9        | 16786         | 14.6       | 299         | 3.8        | 17085         | 13.9       | 30.0                                      |
| <b>Total</b>               | <b>546371</b> | <b>100</b> | <b>259479</b> | <b>100</b> | <b>805850</b> | <b>100</b> | <b>115024</b> | <b>100</b> | <b>7795</b> | <b>100</b> | <b>122819</b> | <b>100</b> | <b>13.2</b>                               |

Source: Characteristics of the Labour Force in Libya 2004, p.52

The 2001 Manpower Survey also reveals a number of more detailed characteristics to the effect that:

1. Out of every ten workers in the construction and building sectors, there were six non-Libyan workers.
2. Out of every ten workers in sectors such as mining, transportation, street vending and bank services, there were more than three non-Libyan workers.
3. Out of every ten workers in manufacturing activity, two were non-Libyans.
4. One out of every ten workers engaged in farming was non-Libyan.<sup>94</sup>
5. The level of education of the labour force in Libya was such that 64.3% of the total employees had some academic certificates (primary and above); the rest had no academic certificates.
6. The distribution of employment according to professions showed that more than half of the workers, 51.1%, were engaged in the production sectors, and that 21.1% worked in scientific and technical occupations such as doctors and university staff.

It was also found that people who worked on their own contracts or were self-employed formed more than half of the total labour force in Libya. Of these, 53.4% were either expatriate or local contract transfers, (32.8%), or 13.8% without redirected local contracts (see Table 2.10).

**Table 2.10: Distribution of non Libyan Workers by Job Classification in 2001**

| <b>Jobs</b>                              | <b>Male</b>   | <b>Female</b> | <b>Total</b>  | <b>Percentage</b> |      |
|--|---------------|---------------|---------------|-------------------|------|
| Work alone                               | 13957         | 154           | 14111         | 11.5              | 53.4 |
| Self employed                            | 3497          | 55            | 3552          | 2.9               |      |
| Without Contract                         | 46943         | 957           | 47900         | 39.0              | 32.8 |
| Expatriate Contract                      | 32179         | 4374          | 36553         | 29.8              |      |
| Local Contract with right to transfer    | 3517          | 212           | 3729          | 3.0               |      |
| Local Contract without right to transfer | 14931         | 2043          | 16974         | 13.8              | 13.8 |
| <b>Total</b>                             | <b>115024</b> | <b>7795</b>   | <b>122819</b> | <b>100.0</b>      |      |

Source: Statistics Department of Investigation of Passport and Nationality<sup>95</sup>

In terms of the duration of stay of foreign workers in Libya, the Manpower Survey for 2001 showed that 25.9% stayed for about one year. The percentage of these staying three or more years was 46.6% of the total. For those who stayed less than one year the

<sup>94</sup> *Characteristics of the labour force in the Great Jamahiriya*, op.cit., p. 32.

<sup>95</sup> The researcher acquired this source with the permission of the Libyan Minister of the Interior

percentage was 13.0%. The proportion of those who had stayed for ten or more years was 13.6% (Table 2.11).<sup>96</sup>

**Table 2.11: Duration of Stay among non-Libyan Workers**

| <b>Years</b>     | <b>Numbers</b> | <b>Percentage</b> |
|------------------|----------------|-------------------|
| Less than a year | 15967          | 13.0              |
| One year         | 31774          | 25.9              |
| Two years        | 17802          | 14.5              |
| Three years      | 12811          | 10.4              |
| Four years       | 7532           | 6.1               |
| 5-6 years        | 20262          | 16.5              |
| 10 years         | 16669          | 13.6              |
| <b>Total</b>     | <b>122819</b>  | <b>100.0</b>      |

Table 2.12 shows the distribution of nationalities within the labour force in Libya. Figures published in 2001 showed that foreign workers from the Arab countries constituted 69.9% of the total non-Libyan labour force. Asian workers formed 13.9%, Africans were 13.4% and workers from Europe and the US accounted for 3.8% (Table 2.13).<sup>97</sup>

**Table 2.12: The Distribution of the Workforce in Libya by Nationality/Continent**

| <b>Nationality of Workers</b> | <b>Numbers / Percentages</b> |       |
|-------------------------------|------------------------------|-------|
| Arabs(non-Libyan)             | 85849                        | 69.9% |
| Africans(non-Arab)            | 15228                        | 12.4% |
| Asians                        | 17022                        | 13.9% |
| Europeans                     | 4452                         | 3.6%  |
| Americans                     | 182                          | 0.2%  |
| Australian                    | 37                           | 0.0%  |

Source: *Statistics Section, Department of Investigation of Passport and Nationality*

From the foregoing, it is clear that the latest statistics available on the size of the foreign labour force (the 2001 figures), did not cover all foreign workers in Libya, since much foreign employment was illegal or irregular. Such employment was difficult to identify, and was omitted from the figures.

### ***2.3.2 Illegal International Migration to Libya and Violation of Visa Status***

The terms ‘illegal migration’ or ‘irregular migration’ are used to describe a pattern of international migration, and refer to violation of a state’s laws in terms of entry, residence, or visa. The laws of all states require that foreigners wishing to enter their territories must

<sup>96</sup> *Final Results of Libyan Survey of Manpower, 2001 in Libya.* p.59.

<sup>97</sup> *Ibid*, p 53 and see Statistics Section, Department of Investigation of Passports and Nationality.

do so through use of the state's official ports. All states have certain regulations to help them control their territory. In general, foreigners must meet the conditions set forth in the laws that govern entry and residence in other countries.

National legislation determines conditions for the granting of various types of visas to foreigners. Such conditions establish legal limits according to the type of visa issued. If foreigners violate the terms and conditions of stay in a state's territory, their stay becomes illegal. Thus, illegal immigration includes entry through non-official ports, as well as remaining in a country in violation of residency requirements.

### ***2.3.3 Extent of Illegal Immigration in Libya***

Libya has had experience with illegal migration since the 1970s. According to Libyan national legislation, illegal migration is a crime punishable by law.<sup>98</sup> Even so, the phenomenon and the nature of illegal migration have increased in terms of intensity and type since the late 1980s.<sup>99</sup> Libya is no longer the only country of destination for illegal migrants, but instead has become a transit country for the majority of them.

Illegal immigration is not included in the national population census, which means that all of the available statistics concerning this issue are estimates. Rough estimates of the actual number of illegal migrants in Libya in 2003 ranged between half a million and one and a half million persons.<sup>100</sup>

Difficulties in estimating the real size of illegal immigration in Libya stems from the fact that initially it was a secretive and unorganized activity. It was also unstable, due to the ease of movement for migrants to Libya, especially for citizens from other Arab countries for whom entry visas were not needed. In other words, the exact number of Arab migrants could not be known because their entry and exit from Libya did not require a visa. Moreover, they had the right to enjoy temporary or permanent residence according to Law No. 10 of 1989. This law was rescinded, however, after the introduction of new rules by the Libyan General People's Committee under Decision No. 125 of 2005. This decision specified that those residing in Libya without proper registration procedures were considered illegal migrants, even though they had entered the country through official ports.

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<sup>98</sup> See the Interior Minister's decree No. (29) for the year 1975, the *New Official Gazette*, No. 24, 1975

<sup>99</sup> Husain Juan's unpublished research on illegal immigration, for the Directorate General of Passports and Nationality, 2003, p 4.

<sup>100</sup> *Ibid*, p 4.



The General Administration of Passports and Nationality produced a statistical report in 2004 concerning the number of foreigners living in Libya, based on figures for captured and deported foreigners. This estimated the number of foreigners living illegally in Libya at 468,335 persons. This figure represented approximately 87.3% of the total number of foreign residents which, based on the same source, was calculated at 536,324 persons.<sup>101</sup>

Official statistics concerning foreigners who were detained and deported after 2004 showed that many were very young. The number of people arrested and deported for violating the government's rules about infiltration, visa, or residence increased from 11,868 in 2005 to 15,177 in 2006, and grew further to 18,721 in 2007. Although this increase indicated the efforts of the security agencies in tackling illegal immigration, it also showed the dimension of the phenomenon.

In 2004 the General Administration of Passports and Nationality reported on the source countries of illegal migrants who had been deported in Libya. A large proportion of the deportees were reported to be from Arab countries, particularly Egypt, Sudan, Mauritania and Morocco,<sup>102</sup> while migrants from Africa, produced the second highest number, totalling 170,042 persons; these came mainly from Chad, Niger, Mali and Nigeria (at 47,428, 40,284, 26,816 and 21,411 respectively). Comparing these numbers with the low numbers of legal residents from the same countries indicated that the main reason why citizens were migrating to Libya was migration for transit purposes. The third largest group included a total of 477 illegal migrants from Asian countries. According to the official figures, the national background of deportees remained more or less unchanged from 2005 to 2007.

The Department of Passports and Nationality reported that the infiltration of Libya's borders was the main reason for deportation. The number of people arrested and deported on these grounds rose between 2005 and 2007 to reach 42,560. The second reason for deportation was violation of residence conditions, and 2,833 people were deported for this reason.

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<sup>101</sup> Libyan Statistics from the Department of Investigation of Passport and Nationality, 2004.

<sup>102</sup> Directorate General of Passports and Nationality; the exact statistics for the illegal migrants arrested and deported in the years 2005-2006-2007; also unpublished statistics

## 2.4 Literature Review (English)

The substantial literature on the global social impacts of migrants is touched on only briefly here, in order to single out specific aspects that may be of relevance to the Libyan case. Section 2.6 looks more specifically at material related to the Arab World written in Arabic.

### 2.4.1 *The African Migration Movement: Routes to Europe*

There are two contributions to this topic that were of particular significant to this thesis. One is that of David van Moppes,<sup>103</sup> who studied and evaluated the implications of international migration on national development from the perspective of the sending countries, with special emphasis on the African Sub-Saharan countries. Moppes set out to explore two aspects of the question: first were perspectives from the countries of origin of the migrants, and the linkage between international migration and national development caused by flows of migrants. The second aspect concerned current trends in policy-making that aimed to reduce the negative effects of migration, while simultaneously boosting its impact on countries' development.

In a report for two government ministries in the Netherlands, Moppes scrutinised the history of African migration to the European countries, noting that since the 1980s the destination countries of migration no longer welcomed direct migration and that legal changes to restrict it had been made in Germany, France, Britain and others. This situation had led to an increase in transit migration through North Africa, which had become the 'gateway' to Europe. Consequently, the spectacle of human trafficking and smuggling between the transit and destination countries had started to appear.<sup>104</sup>

Issues of irregular migration, human trafficking and smuggling are involved in the African migration to Europe through all the transit countries in the Mediterranean region. In scrutinising illegal immigration in Libya and the reasons why it became a transit country, this thesis focuses on the impact of these issues, and whether or not the Libyan authorities can control their borders against illegal migrants and human smugglers.

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<sup>103</sup> Moppes, David van (2006), *The African Migration Movement: Routes to Europe*, report No.5, by the Department of Human Geography, Radboud University, Nijmegen, for the Netherlands Ministries of Foreign Affairs, and Social Affairs and Employment, p.9.

<sup>104</sup> Moppes, *ibid*, p.10.

The second significant contribution of value to this thesis was the work of Jorgen Carling,<sup>105</sup> who examined the patterns and dynamics of transit migration towards Spain and specifically unauthorised migration. His study addressed the interaction between the authorities, the smugglers and the migrants, as well as the effects of specific policy measures on the number of unauthorised entries and migrant deaths. In explaining the connotations of unauthorised migration Carling compared the various ways and methods adopted by the migrants to gain entry to their destinations. He also described how and why Spain had become a transit country of migration, i.e., a ‘gateway to Europe’, noting that Spain’s situation was similar to that of other transit countries of migration such as Libya and southern Algeria, which in some cases were changing from being transit countries to destination countries of migration.

Carling’s research was an attempt to illustrate the larger picture of irregular migration and undocumented residence, and to differentiate the notions of unauthorized migration. He presented an empirical overview of the current routes of transit migration and unauthorized entry from Africa to Spain. It was clear that international migrants in Libya, who wanted to reach Europe illegally, used the same processes to accomplish their illegal journeys. This thesis applies a similar empirical overview method to describe the issue of illegal migration in Libya.

#### ***2.4.2 The Economic Impact of Immigration***

Several writers have looked at the dimensions of the economic impact of migration. Kayser<sup>106</sup> documented the practical problems involved in the international transfer of workers, and specifically the difficulty of making generalisations that would be universally applicable. Stalker examines the implications of migrant labour for the domestic labour force,<sup>107</sup> as also do Fix and Passel,<sup>108</sup> and Fairlie and Meyer.<sup>109</sup>

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<sup>105</sup> Jorgen Carling (2007b), “Unauthorized Migration from Africa to Spain”, *International Migration*, Vol.45. No.4, p3. The author made four useful points; (1) the origins of sub-Saharan African transit migrants in Morocco were remarkably different; (2) places were pivotal in the migration dynamics on the Spanish-African borders; (3) Morocco was the most important crossing point to Spain; and (4) the scale of smuggling to Spain from West Africa was so far not much in numerical terms but represented a worrying scenario. Carling also felt that there was a gap between the “myopic perspective of the daily media reports and the broad sweeps of the available academic research.” His study emphasized the gap, focusing on the unauthorized migration itself.

<sup>106</sup> Bernard Kayser (1971), *Manpower Movements and Labour Markets*, Organisation for Economic Co-operation and Development, pp. 209-210.

<sup>107</sup> Peter Stalker (2008), *The No-nonsense Guide to International Migration*, op.cit., p. 96. In reply to the question “What happens if the migrants keep coming even during an economic slowdown when there is widespread unemployment?” he pointed out that the underlying advantages of employing migrants remained. Migrant workers would still do jobs such as construction or street cleaning that others rejected and that most

Rosemarie Rogers tried to bring together the effects of labour transfer/migration on both the sending and receiving countries.<sup>110</sup> The impact of migrants' remittances on labour-exporting countries is clearly important, and this topic is covered in a 2005 World Bank Report,<sup>111</sup> as well as by Ghosh in a 2006 IOM publication.<sup>112</sup> The character and extent of any impact on labour-importing countries was examined by Bernard Kayser, and also by Thomas-Hope,<sup>113</sup> while the impact of immigration on self-employed natives was investigated by Fairlie and Meyer,<sup>114</sup> as well as by Thomas-Hope.<sup>115</sup>

Similarly, Dani Rodrik envisaged that migrant workers would usually return home with their savings, skills and dynamism after three to five years, to be replaced by new waves of

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national qualified workers would prefer to take unemployment benefit and stop working after redundancy. See also George Borjas, (1999), *Heaven's Door: Immigration Policy and the American Economy*, Princeton University Press. Borjas argued that the US should control the number of unskilled migrants on the grounds that they did not contribute enough to the American economy. See SOPEMI, (1994), *Trends in International Migration*, Paris, OECD.

<sup>108</sup> M. E. Fix, and J. S. Passel (1994), *Immigration and Migrants: Setting the Record Straight*, Washington DC, Urban Institute, pp. 45-47

<sup>109</sup> "In this way of judging the impact that occurred in April 1980 when Fidel Castro declared that many Cubans who wished to do so could leave Cuba from the port of Mariel free, over the next six months around 125.000 people, mostly unskilled workers and their families, set off for Florida: this 'Mariel flow' increased the labour force in Miami by 8 percent yet seemed to have little or no effect on employment or wages for the local population." Quoted from R. W. Fairlie & B. D. Meyer (2003), "The Effect of Immigration on Native Self-Employment", *Journal of Labor Economics*, Vol. 21, no. 3, pp. 619-650. See also Karin Butcher and David Card (1991), "Immigration and Wages: Evidence from the 1980s", *American Economic Review*, Vol. 81, no 2, p 54; also Peter Stalker, op.cit., pp.80-81.

<sup>110</sup> Rosemarie Rogers (1985), *Guests Come to Stay: the Effects of European Labor Migration on Sending and Receiving Countries*, Boulder CO and London: Westview Press. While Rogers studied the European countries as sending and receiving countries of immigration, her research also addressed this issue from various aspects, such as seasonal migration, illegal migrants and the free movement of labour. Thus her book is helpful in examining the issue of international immigration in Libya; it also gives some early statistics on migrants in Europe.

<sup>111</sup> World Bank, (2005), *Global Economic Prospects 2006: Economic Implications of Remittances and Migration*, Washington, DC: IBRD; and see also Sheila. T. Horst, (1964), *African Workers in Town: a Study of Labour in Cape Town*, London and New York: Oxford University Press, p. 53

<sup>112</sup> Bimal Ghosh (2006), *Myths Rhetoric and Realities: Migrants' Remittances and Development*, report for the International Organization for Migration, Geneva: IOM, pp.15-30. Ghosh argues that when migrants obtain legal status in the receiving country, opportunities to upgrade their earnings and skills are better than those for the irregular migrants who use informal and unrecorded channels through which to send their remittances. This may lead countries to remove barriers to immigration by allowing legal entry of migrants, as happened in the case of Spain.

<sup>113</sup> Bernard Kayser, op.cit., p. 212. Also E. M. Thomas-Hope, (1994), "The United Kingdom", in L.A. Kosinski, ed., *Impact of Migration in the Receiving Countries*, Vol. 2, Geneva: International Organization for Migration

<sup>114</sup> Fairlie and Meyer (2003), op. cit. Based on a study of 132 of the largest US metropolitan areas, the authors explored the relationship between changes in immigration and native self-employment rates and earnings during the 1980s and 1990s to ascertain whether the self-employed migrants displaced the self-employed natives and depressed their earnings. They found that a range of plausible parameter values implied small negative effects of immigration on native self-employment rates and earnings. The present thesis aims to address a similar situation in terms of international immigration in Libya. I wish to establish whether international migrants have a long-term economic impact by displacing self-employed Libyans and affecting their earnings, and whether illegal migrants, who stay for a finite period to earn money for the journey to Europe, have a similar effect.

<sup>115</sup> Thomas-Hope, op.cit., pp. 77-80.

similar migrants;<sup>116</sup> this thesis agrees that, as far as African migrants are concerned, migration is a sequential process. Through analyses of data from various regions such as Europe, America and the Arab World, Birks and Sinclair also confirmed this trend.<sup>117</sup> Findlay and Findlay<sup>118</sup> discussed the size and patterns of the global migration of labour from and among the Arab countries during the 1970s, and also explored the advantages and disadvantages of migrant labour movements to both the sending and receiving countries, especially certain ‘countries of employment’ such as Kuwait, Qatar, the United Arab Emirates, Bahrain, Saudi Arabia, and Libya.

In the case of Libya, Findlay and Findlay, and Birks and Sinclair show how Libya had been flooded with migrants in the 1970s, particularly from its neighbours, Egypt and Tunisia.<sup>119</sup> In terms of both patterns and significance, the extent of Arab migrant labour in Libya had clearly increased since 1964, and numbers also included workers from various European, Asian and African countries. It is important for this study to clarify the history of international immigration in Libya, and to explain why Libya needed foreign workers for developing different economic sectors, and how migrant numbers were affected at various times by Libyan policies. These aspects are discussed in more detail in the next chapter.

Even though there is a considerable body of literature about migration, several areas of research remain relatively unexplored, including such aspects as the changing nature and quantity of contacts among governmental and non-governmental actors in the receiving

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<sup>116</sup> Dani Rodrik (2002), *Feasible Globalizations*, John F. Kennedy School of Government Working paper series RWP 02029, Cambridge MA., Harvard University, July 2002, p.15

<sup>117</sup> J. S. Birks, and C. A. Sinclair (1980), *International Migration and Development in the Arab Region*, Geneva: International Labour Office (ILO), p. 1.

<sup>118</sup> See Anne Findlay & Allan Findlay (1982), “The Geographical Interpretation of International Migration; a Case Study of the Maghreb”, Occasional Papers series, no 14, University of Durham Centre for Middle Eastern & Islamic Studies, Durham, England. This paper looked at problems and policy implications of sustained growth of Maghreb communities in Western European countries, including increases in labour migration to Libya and in Maghreb migrants moving from North Africa to Europe. The authors identified certain immigration patterns and offered a spatial analysis of their evolution, as well as outlining some policy implications of international migration patterns in the region. They also suggested reasons for the evolution of Tunisian immigration to Libya, using a variety of tools and data sources that will also offer insights on the history and size of this migration in Libya.

The present research on size and patterns of international immigration in Libya involves migrants of various nationalities including some from the Maghreb countries. It also examines whether this immigration has had negative or positive effects on different Libyan sectors compared with conditions in the 1970s. As noted earlier, at that time movement of people between Libya and its neighbours was easy and borders, especially in rural areas, were crossed without restrictions and sometimes without documents. This is discussed in Chapter Four.

<sup>119</sup> Findlay and Findlay, *ibid*; Birks and Sinclair, *op.cit*.

and sending countries, and attitudes towards migrants of populations in the host countries. The sec requires further investigation and analysis in a comparative framework.<sup>120</sup>

#### ***2.4.3 The Social Impact of Immigration***

Migration has a variety of social effects, especially in relation to health. Migrants often bring with them diseases which are sometimes different from those that exist in the transit or destination countries. Lack of resistance among local people to certain infectious diseases means that unfamiliar illnesses are more likely to be contracted by the local population.<sup>121</sup> Deakin summarises the notion of the impact on the health system of the migrant as “... someone who brought disease into the country, and who, once here, created a risk of epidemics because of his origins and living standards.”<sup>122</sup> Dodge states that diseases such as tuberculosis have appeared in areas that had received significant numbers of migrants from Asian or African countries.<sup>123</sup> With regard to the case of Libya, the researcher notes that a tuberculosis epidemic appeared in Libya after 1999.<sup>124</sup> Certain other health problems, not common within the indigenous population of Libya, also started to appear in the country as a whole.<sup>125</sup>

Rémy Leveau considers the effects of international immigration on the culture, integration and economic structures of the receiving countries, and believes that problems in these areas will require comprehensive solutions through establishing relevant decision-making mechanisms at local levels, developing state policies, and promulgating pan-European strategies to manage the immigration.<sup>126</sup> As both a transit and a destination country for legal and illegal migrants Libya needs to know how to manage the flows of African migrants and to understand the effects of international immigration on Libyan culture and economy.

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<sup>120</sup> R. Rogers, op.cit., pp. 297-98.

<sup>121</sup> Rogers. op.cit., p. 41.

<sup>122</sup> Ibid, p.41. See also Nicholas Deakin (1972), “Political rights and minority groups”, *New Community*, Vol.1, pp.189-192.

<sup>123</sup> David L. Dodge and Walter T. Martin (1970), *Social Stress and Chronic Illness: mortality patterns in industrial society*, Notre Dame IN: University of Notre Dame Press, pp125-127.

<sup>124</sup> See <http://jcm.asm.org/content/44/1/274.short> [Online, October 2009]

<sup>125</sup> The African Union, of which Libya is a member, was launched on 9 September 1999. Although it was felt that migrants created a risk of epidemics to destination countries of immigration, a report by Sir Henry Yellowlees, former Chief Medical Officer in the UK’s Department of Health concluded that “there was no evidence to show that migrants to Britain were more or less healthy than indigenous population.” See H. Yellowlees and N. J. B. Evans, (1980), *The Medical Examination of Migrants (The Yellowlees Report)*, London: UK Department of Health; and Samuel T. Francis (1986), *Illegal Immigration: A Threat to US Security*, London: Centre for Security and Conflict Studies/Institute for the Study of Conflict, no. 192. Also see Dov Waxman (1997), “Immigration and Identity: a New Security Perspective in Euro-Maghreb Relations”, *Conflict Studies* (Research Institute for the Study of Conflict and Terrorism, London), No.302.

<sup>126</sup> Leveau. R., (1992), “Maghreb Immigration to Europe: Double Insertion or Double Exclusion?”, *Annals of the American Academy of Political and Social Science*, Vol. 524 (on *Political Islam*), pp. 170-180.

#### **2.4.4 Human Cost of Migration: the Libyan Case**

Sara Hamood's report (*African Transit Migration through Libya to Europe: the Human Cost*) aimed to highlight the experiences of refugees, asylum-seekers and migrants in Libya, and the cost of these irregular journeys to Europe via Libya in particular.<sup>127</sup> Her report focused specifically on African migrants who passed through Libya or lived there for a while on their way to Europe, and analysed the legal perspective of the notion of protection for refugees and asylum-seekers in Libya. It also tried to examine this notion from the perspective of the refugees and asylum-seekers themselves, and examined cooperation between Europe and Libya on migration issues.

One result of this study was that the route through Libya to Italy was found to be characterized by a mixture of migrants, since refugees and migrants used similar ways to reach their intended destination. Also, both groups found themselves at the mercy of smugglers, who undertook the job of facilitating the transport of migrants across the desert to Libya, and within Libya towards the Mediterranean. The cost of reaching their target – Europe – often ended with catastrophic situations, either in the desert or at sea. Alternatively, they might be caught by border guards in Libya or in Europe. Sara Hamood argued that Libyan authorities treated them all as illegal migrants even though there were refugees and asylum seekers among them; she believed that, based on relevant legal and human rights frameworks, this infringed the rights of both refugees and asylum seekers. This thesis disagrees with Hamood's report on this point, in terms of claiming illegal migrants as refugees and asylum seekers. For example, some of the field work responders in Libya declared they were refugees while they were in fact illegal migrants. This study identifies who were legal or illegal migrants or refugees so as to give a clearer picture of the size and characteristics of migrants in Libya.

#### **2.4.5 Illegal Migration and Libya-Europe Relation**

Since this study is examining Libya as transit country for illegal migration, and, as noted above, because African illegal migrants use Libya as transit country to reach their

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<sup>127</sup> See Hamood, Sara, (2006), *African Transit Migration Through Libya to Europe: The Human Cost*, Forced Migration and Refugee Studies Report, Cairo: The American University in Cairo (AUC). This report resulted from a six-month project on forced migration and refugees. It selected a mixed group of nationalities (Egyptians, Sudanese, Eritreans, Ethiopians and Somalis) to enable comparisons to be drawn between the experiences of refugees and migrants. The chosen methodology focused on interviewing a number of refugees, asylum-seekers and migrants in various geographical locations and different spatial settings in Libya and in Italy. Some non-governmental organizations (NGOs) and journalists were also interviewed to obtain more detailed information.

destination, which is Europe, there have been several studies that dealt with Libyan-European relations with regard to issues of transit migration. Emanuela Paoletti's PhD dissertation, published in 2010 (*The Migration of Power and North-South Inequalities: The Case of Italy and Libya*),<sup>128</sup> addressed the issue of migration in the Mediterranean through the Libyan-Italian relationship. She looks in particular at the agreements between countries to control the flows of illegal African migrants going via Libya to Italy, and argues that control of illegal migration between north and south is a bargaining chip to advance each country's own agenda. Paoletti's study deals mainly with migration between the two shores of the Mediterranean, with a focus on Libya-Italy relations but does not explain in any depth the reasons for Libya as transit country for illegal migrants.

Zaid Ali Zaid in his PhD dissertation of February 2007 (*Illegal Immigration in International Law and Practice in Selected Countries: The Case of Libya and Italy*).<sup>129</sup> Zaid focuses on the historical background and definition of illegal immigration via the maritime boundaries of Libya and Italy, addressing issues of illegal immigration in international law and state practices and the general rules and principles that govern illegal immigration in international law. His study helped to address international immigration law but it does not examine the case of Libya as transit country for illegal migration. In 2011 the European Union funded a project (2011-13) for improving the capacity of EU and US Immigration Systems to respond to global challenges. The authors of the research report use the Libyan Migration Corridor as a case study,<sup>130</sup> explaining Sahara-Sahel migration patterns in their historical context and among other things discussing the current and ongoing reconfigurations of the transit areas.

## **2.5. Review of Literature in the Arabic Language**

In considering the phenomenon of international immigration and the effect of migration on Libya's population growth, Salh Al-Urfi, in *Al-amm al-ghidh'i* (Food Security) documented how immigration would eventually increase the burden on public services.<sup>131</sup> Ali Al-

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<sup>128</sup> Paoletti, E. (2010), *The Migration of Power and North-South Inequalities: The Case of Italy and Libya*, Basingstoke UK: Palgrave Macmillan.

<sup>129</sup> Zaid, A. Z. (2007), "Illegal Immigration in International Law and Practice in Selected Countries: The Case of Libya and Italy", unpublished PhD thesis, Glasgow Caledonian University, UK.

<sup>130</sup> Sylvie Bredeloup and Olivier Pliez, (2011), *The Libyan Migration Corridor*, Florence: European University Institute (EUI).

<sup>131</sup> Al-Urfi, S., (1996), *Al-amm al-ghidha'i* (Food Security), Tripoli: Libyan publication. Through a comparative analysis the author shows that international migrants will inevitably have some effects on the population structure of the Libyan people.



Mylwde Ammora,<sup>132</sup> in *Tatwyr al-mudun wa-l-takayuf al-hadari* (Development of Cities and Urban Adaptation), on the other hand covered the impact of migration on Libya's demographic structure and population size, especially in Tripoli. Jum'ah Rjb Tantwish in *Al-sukkan wa-l-quwa al-'amila fi-l-tajamu'at al-'arabiyya al-filastiniyya 'ala ard Libya* (Population and Palestinian Labour Force Communities in Libya), looked specifically at Palestinian migrants in Libya, noting that the Palestinian population in Libya comprised about 3.2% of other foreign resident groups in 1972. Palestinian migrant flows began after Gaddafi's Libyan Revolution when the government opened its doors to them, and about 80,000 Palestinian migrants entered the country in 1972; by 1976 the number had increased to about 223,000. The Palestinian workforce played a useful role in Libya's economic development and most were integrated in Libyan society.<sup>133</sup>

Abdul-Jalyl Al-Hssnawy in, *Anmat al-takayuf al-ijtima'i li-l-'a'idun min al-mahjar fi madinat Sabha* (Adjustment Patterns of Returnees from Exile in the City of Sabha) analysed the way returned migrants integrated in Libyan society. His study focused mainly on migrants from African countries, who claimed that their roots were Libyan, to see whether the returnees managed to cope with the different economic, cultural, and social conditions in the Libyan city of Sabha. Noting that Libya needed the migrants to help develop its economy, the author suggested that international migrants were an important element in this case but that coping with this need required an understanding of the consequences of the issue of international immigration.<sup>134</sup> His study supported international immigration in Libya, despite problems of integration, since many migrants in the Libyan context brought different cultures and traditions with them; he did however avoid the challenge of factors such as health, culture and security, which often unsettled the society.

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<sup>132</sup> A. al-Ammora (2000), *Tatwyr Al-Mudun Wa-l-Takayuf Al-Hadari*, Tripoli: Libyan publication. Migration changed the educational system in Tripoli, since increasing numbers of migrant families and additional children and young people exerted pressure on existing facilities and increased the need for more schools and related services. Since the system was unable to cope with the needs of all students, the local education authorities were obliged in many cases to adopt a system of three daily shifts of school attendance to accommodate all students. The author, who is clear about the stress on the various public sectors, also offers a useful explanation of the history of immigration in Libya.

<sup>133</sup> G. R.Tantwish (1982), *Al-Sukkan Wa-l-Quwa Al-'amila Fi-l-Tajamu'at Al-Arabiyy Al-Filastiniyya 'ala Ard Libya* (Arab Palestinians work forces in Libya), Tripoli: Libyan publication. The author based his research on fieldwork, including in particular most of the northern and some of the southern cities of Libya, from the end of 1971 to early 1992. See also A. Faris and A. al-Kaysi (1995), *Athr Al-'Amal Al-Wafdh fi Al-Tnmyh Al-Zra'ih fe Mntgat Al-Jbl Al-Akhder*, Tripoli: Libyan publication.

<sup>134</sup> Al-Hassnawy, A.,(1987), *Anmat al-takayuf al-ijtima'a li-l-'a'duni min al-mahjar fi madinat sabaha*, (Patterns of social adjustment for returning from migration in the city of Sabha ) Libyan publication: Libya.

There are similarities between Libya and the Arab Gulf countries, since both are considered rich Arab countries and destination countries for migrants. However there are differences between them too, one being that Libya is also a transit country. Studying the Arab Gulf countries and Libya, Faysal Al-Salim and Ahmed Thaheer in their *Zahirat al-‘imala fi duwal al-khalij* (The Labour Force Phenomenon in the Gulf), note that all have high income levels but at the same time suffer from the lack of a national workforce, a dual situation that makes them attractive to migrant workers from countries worldwide. The Arab Gulf states currently have large migrant workforces, and it is clear that the need for a variously-skilled foreign workforce has introduced certain changes in the political, economic and social life of the Arab Gulf States. However, the authors focused on the economic factor as having greater influence on the Arab Gulf States than any other factors. While political stability is an additional factor encouraging migrant workers to go in the Gulf States, there is still a vast communications gap between the migrants and the indigenous populations. However, due to the relatively high salaries migrants still target these states and continue to settle there.<sup>135</sup>

In his book *Tahaddiyat al-harb al-ahliyya fi Aifriqia* (The Challenges of African Civilian Wars), Adel ‘Abd al-Razzaq attempts to investigate the reasons for the world-wide increase in numbers of African migrants around the world. He focuses on the impact of African civil wars, a complex issue in the African continent.<sup>136</sup>

Ali Al-Ḥawat in *Al-hjrh ghayr al-shara‘yya ila gharb min Khilal duwal al-maghrib* (Illegal Immigration to the West through Maghreb Countries), deals with illegal migration in the whole of the Maghreb region and Africa, looking briefly at Libya.<sup>137</sup> Based on a descriptive approach and using official reports and relevant data, the researcher interviewed migrants who were asked to describe the difficulties they faced in their migration journeys.

This thesis covers the same issue, and specifically examines why Libya became a transit country for illegal migrants. Similarly it deals with migrants of different nationalities in

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<sup>135</sup> F. Al-Salim, and A. Thaheer (2007), *Zahirat Al-‘imala fi Duwal Al- Khalij*, s.l.:s.n.

<sup>136</sup> A. ‘Abd Al-Razzaq, (2001), *Tahdyat Al-Harb Al-Ahlyia Fi Ifryqy* (The Challenges of African Civil War), Libya. Tripoli.

<sup>137</sup> A. Al-Ḥawat, (2007), *Al-Hijra Ghayr Al-Shara‘iyya ila Gharb min Khilal Duwal Al-Maghrib* (Illegal Immigration to the West through the Maghreb Countries), Maghreb University, Tripoli, Libya. This book is a study of illegal immigration, specifically through North Africa to the EU. The author argued that this was a global phenomenon, rather than regional or local to this particular area only, even though the illegal migrants from countries such as Libya, Tunisia, Algeria, Morocco and Mauritania used the coastlines of the region to reach Europe. The study attempted to clarify the issue of illegal immigration, with its multiple overlapping dimensions in the social, political, economic, security and strategy fields. It was anticipated that this issue would have undesirable results in the future.

Libya, although it is clear that most of them belonged to the sub-Saharan countries. Furthermore, a descriptive and statistical analysis approach is applied in examining the issue of international illegal transit immigration in Libya.

## **Chapter Three**

### **Libyan Foreign Policy towards Africa and its Relevance for Migration**

#### **3.1. Introduction**

This chapter aims to clarify Libyan policies towards the Arab and non-Arab African countries and to track changes in and the development of Libya's relationship with Africa during Qadhafi's regime. Since the main purpose of this thesis is to uncover the factors that made Libya a transit country for migrants, it is necessary to have some understanding of Libyan policy in the region, given that the policies of the Qadhafi regime were partly responsible for the development of illegal transit immigration via Libyan territory. After Colonel Qadhafi had taken power in 1969 his regime established a new links with countries in Africa. This Libyan-African relationship took different forms based on changes in Libyan policies implemented by the colonel himself, as the leader of the country.

The chapter is divided into three sections: the first concerns factors affecting Libya's regional and foreign policies towards Africa; the second looks at alterations in Libyan foreign policies towards Africa after the Qadhafi regime had come to power, from 1969 until 1990; while the third explains how Libya's policies towards Africa changed after 1990 and the impact of these changes on migration in Libya. It is noted that Libya's foreign policies from 1969 to 2011 were in effect shaped by Qadhafi's philosophy.

#### **3.2. Factors Affecting Libyan Regional and Foreign Policy**

The foreign policies of states towards other states are formulated according to a variety of factors, interests and circumstances. In what follows, the nature and impact of such factors on Libyan foreign policy are considered.

##### ***3.2.1. Geographical and Regional Factors***

The importance of geographical location in the foreign policy of any state is self-evident. In other words the position of a state within its regional and geographical context can help

to explain the nature of its policies at the national, regional and global levels. The state's setting and its positive and/or negative effects determine the state's political options.<sup>138</sup>

Among the Arab countries of Africa, Libya has the third-largest area, after Sudan and Algeria. As noted in Chapter One, Libya has land borders with Egypt, Sudan, Tunisia, Algeria, Niger and Chad, while its Mediterranean coastline extends for almost 1900 km.<sup>139</sup> Libya's location is advantageous, since it links the country to different parts of the African continent, and also forms a link between the eastern and western parts of Arab North Africa. Additionally Libya's coastal areas facilitate trade movements and activities of the Sub-Saharan countries into other parts of the continent as well as to the Mediterranean regions.

Historically, Libya formed a starting point for the European discovery campaigns of the fifteenth century, through which several significant geographical features in the heart of Africa, such as the River Niger, were first encountered.<sup>140</sup> Similarly, historical evidence supports the point that the geographical position of Libya has always been a decisive element in linking the continent's African populations to the outside world. Libya in effect constituted a bridge for the southward and northward movement of peoples between the Mediterranean regions and central Africa, and these movements through Libya helped in linking the civilizations of the two sides of the Mediterranean Sea.<sup>141</sup>

Libya's strategic location was also one of the reasons why Italy conquered the country in 1911. That occupation, which ended officially in December 1951, had been decisive for Italy and for the European countries in general in controlling the northern and central African countries, since European countries had – and still have – clear interests in Africa's resources.

More recently the US has regarded Libya's location as a key factor in America's policies in the Mediterranean and North African (MENA) regions, with Libya linking three major

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<sup>138</sup> Al-Barnawy, Salem (2000), *Al-Syash Al-Khariyi Al-Liby* (Libyan Foreign Policy), Centre for African Studies, Benghazi, p. 179; see also, Ismail Muqallid (1991), *International Political Relations*, 4th edition, Cairo: Academic Bookshop, p 177.

<sup>139</sup> See Judah, Hussein, (1990), *Regional Geography of Africa*, Alexandria: Knowledge House, 5th edition, p. 37.

<sup>140</sup> Younis, M. Al- Mabruk, (1994), *Role of Libya in Afro-Arab Relations*, Arab Unity Press, Libya, p. 248 .

<sup>141</sup> Shalluf, Abdul-Assalam, (2000), *African Documents*, 1st edition, Misrata, Libya, p 574

sub-regions: the Arab World, the African countries, and European countries that are adjacent to the Mediterranean Sea.<sup>142</sup>

Before the Libyan revolution in 1969 that eventually changed the political regime in the country, Libya followed Western-oriented policies, especially towards the Arab and African countries. In the wake of the revolution, its policies towards the regional and Arab countries altered dramatically as its foreign policy became increasingly focused on the regional environment.<sup>143</sup>

### ***3.2.2. Historical and Cultural Backgrounds***

The history and culture of a given country and/or a larger region have obvious implications for mutual relations with its neighbours and their environments. Thus a nation is deeply affected by intellectual, cultural and economic interactions with countries across shared borders. Libya's foreign policy is inevitably shaped by historical ties and factors that link it with other Arab and African countries,<sup>144</sup> as follows:

1. Islam has been a decisive and unprecedented factor in strengthening relations between Arabs and African peoples. The waves of Arabs and Muslims who moved into Africa carried with them the great values of Islam as well as various aspects of intellectual and material civilization. These movements incorporated activities that promoted economic progress, especially in agriculture, commerce, and urban development. Islam in Africa spread peacefully through Arab-Muslim migration, trading activities, and the goodwill of scholars and thinkers. In this respect, according to Younis, some European historians ascribe the rise of modern African states to the influence of Islam and its civilization.<sup>145</sup>

2. With regard to Arab identity, there is, accordingly, an intertwined social, religious, economic and mixed racial component that links the Africans and Arabs in the continent. For instance, in the North African countries, Arabs from around 60 percent of the entire population, while currently around 30 percent of the total numbers of

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<sup>142</sup> M. Al- Mabruk Younis(1994), *Dwr Libya fe Msyr Al- lagat Al-rbyh Al-Ifryqyh 1969-1977* [Role of Libya in Afro-Arab Relations1969-1977], Arab Unity Press, Libya, p. 63.

<sup>143</sup> Al-Barnawy, Salem, (2000), *Al-Syash Al-Khariyi Al-Libyh* (Libyan Foreign Policy), op.cit., pp. 197-198.

<sup>144</sup>Mohammad, Zaghwan, (2000), "Al-Mjtaim Al- Ifryqyh le-Dwal Al-Sahel wa Al-Sahra" (Society of Coast & Desert African Countries), *New Magazine of Human Sciences*, Tripoli, p. 192.

<sup>145</sup> Younis, M., op. cit.

Africans are of Arab origin.<sup>146</sup> This interrelated combination has played an essential part in Libyan foreign policy in the region.

The Arabic language, as the language of the Qur'an, spread widely in Africa and ultimately helped to disseminate Arab culture on the African continent. However, Arab-Islamic culture and civilisation were also influenced in various ways by many African nations, and this influence is still pervasive in various aspects of life, including in the teaching of the Islamic religion, in Arab literature, and in architecture. Historically this formation was empowered by mutual economic and social relations among various nations of the region and through the efforts of Arab and Muslim traders and scholars.<sup>147</sup> Arabs in North African countries have obvious links with non-Arab African cultures and civilisations.

3. Concerning the effect of colonisation, it is known that Libya and other African countries were subject to colonialist occupation by European countries including France, Britain, Portugal, Spain, Italy and Belgium. In one way or another, these colonialist experiences shaped the collective history of the colonized countries, with the result that many African countries have struggled together for freedom by ending the hegemony of the European powers.

In other words, modern African history, including that of Libya, is associated with extensive competition among European countries to exploit Africa's wealth and natural resources. Therefore it is not surprising that some European countries have been on the verge of conflict with each other over their interests in the African continent.<sup>148</sup> This being the case, and from the Libyan perspective, Libya's foreign policy towards Arab and African countries has to depend on this joint history.

In brief, Libya's foreign policy towards its regional neighbours has been widely linked to the historical and cultural foundations that these nations have in common.

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<sup>146</sup> A. Al-Jubair (n.d.), *Al-laqaat Al-rbyh-Al-Ifriyyia* (Arab-African Relations), Tripoli: General Company for Printing & Publishing, p 11-12 .

<sup>147</sup> Judah, Hussein, op. cit.

<sup>148</sup> I. Abdullah (2001), *Tarykh ifriyqi al-Hdyth wa al-mu'asr* (Contemporary History of Africa), Cairo: House of Culture & Publishing, p. 5.

### **3.3. Libya's Changing Policy towards Africa, 1969-1990**

After the Qadhafi regime came to power in September 1969, Libya's foreign policy towards Africa changed significantly. More attention was now being given to relations with African countries since the new regime wished to reduce the isolation that the country had previously suffered in its regional relations. These new trends in Libya's foreign policy resulted from Qadhafi's intention to put the continent of Africa and the Arab nation at the heart of the regime's foreign strategy.<sup>149</sup> This section discusses some of the main principles and objectives of Libyan policy in Africa and Arab world under Qadhafi, and how these changed during the period between 1969 and 1990.

#### ***3.3.1. Libya's Role in Africa at the political, economic and social levels***

##### **3.3.1.1. The Political Dimension**

As noted, Libyan foreign policy towards Africa stemmed from the regime's philosophy between 1969 and 1990. First, Libya under Qadhafi was concerned with strengthening African security and stability. Second, it built its relations with the African countries on the basis of each country's position towards the Palestinian question. Third, Libya stood firmly against Zionist influence in Africa and was ready to give financial support to any African country that cut its relations with Israel, on the grounds that both Israel and Zionism were enemies of Africa and its civilization.<sup>150</sup> Finally, Libya was concerned with supporting human rights and freedom for all the African peoples.

Apart from these guidelines, the Qadhafi regime focused on stopping and/or preventing civil wars and internal conflicts in the African continent. An example of Qadhafi's perspective was the conflict in Africa's Great Lakes region, particularly in the Democratic Republic of Congo.<sup>151</sup> Although the Qadhafi regime supported the party which it believed was in the right in the conflict this did not mean the Qadhafi regime was helping to stop conflicts and civil wars; indeed in some cases the regime made things even worse. However, Libyan policy was equally concerned with empowering African regimes to deal themselves with the influence and pressures exerted by foreign powers. Qadhafi's regime

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<sup>149</sup> Younis, M. Al-Mabrwk, (1988). *Historical Development in Arab-African Political Relations*, Al-Zawiyah: Arab Revolution Press. p.91. Also see Ali Al-Hout (1999), "Libyan Role in African Integration", *Al-Jadeed* journal, Vol, 4, p. 34.

<sup>150</sup> Qannos, Subhi et al. (1999), *Al-Thwrh al-Libyah bd Thlathwn Snh Lil Thwl al-jtmáy wa al-Qtsady 1969-1999 (The Libyan Revolution after Thirty Years of Social and Economic Transformation, 1969-1999)*, 2nd edition, Misrata: Jamahiriya Publishing House, p. 217

<sup>151</sup> People's Committee for African Unity, (2000), *Conflict in African Great Lakes Region: A Report*, p. 1



aimed to reduce Africa's political and economic dependency on the former western imperialist states.

#### 3.3.1.2 The Economic Dimension

The Qadhafi regime viewed the African continent as having the capacity to be self-sufficient without any need for support from outside sources in the long term. The continent contains natural resources such as oil, water, precious metals, diverse agricultural production and many other types of wealth. Given the potential of these economic resources, Libya under Qadhafi's regime involved itself in two types of economic activities in Africa:

1. Economic investments, which included establishing joint companies and businesses with various countries, focused mostly on farming and livestock, schools, mining, fishing, transportation systems, and tourism (in the form of hotel-building).<sup>152</sup> Some of these investments have been directed towards fulfilling local needs for certain products in the African countries.
2. Economic aid; the Qadhafi regime also undertook humanitarian aid in Africa.

#### 3.3.1.3. The Sociocultural Dimension

Qadhafi's philosophy towards Africa put across the perception that Africa should be freed from all types of inferiority and that the continent must belong to Africans. Libya therefore supported African liberation and African efforts to secure human rights, social justice, and equality for all the African population.

Alongside these broad socio-political principles, cultural exchange programmes were established in Islamic studies and Arabic language. Teaching Arabic and the religious values of Islam to students was a priority in a number of African countries, and several Libyan academic delegations and scholars were sent to universities in Ethiopia, Madagascar, Burundi, Uganda and Ghana. Overall, Libya paid attention to these aspects because they were seen as complementing the socio-economic and political development of the African countries in general.<sup>153</sup>

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<sup>152</sup>See <http://www.dw.de/africa-fears-loss-of-libyan-investment/a-14940564>, 24 March 2011 [accessed 19 May 2013]

<sup>153</sup> Ibid.

### ***3.3.2. Libya's Role in Promoting Arab-African Relations***

As a component of both the Arab world and the African continent, Libya under Qadhafi was closely involved in promoting relations between the two regional communities involved, Qadhafi believed it was the responsibility of the Arab countries to increase their involvement in Africa, since the two regions had many common interests at the economic, political, cultural and security levels.

In accord with these common grounds, Qadhafi's regime played its part in formulating a large number of joint agreements between Arab and African countries. Such agreements focused on activating schemes relevant to the goals and ambitions of peoples of both regions. Africa was regarded as an area vital to the Arab world; therefore strengthening mutual relations and cooperation between the two sides would help them to survive in an era of large blocs that would dominate world politics in the 21st century.

### ***3.3.3. Libyan Foreign Policy towards the Organisation of African Unity (OAU)***

The Organisation of African Unity was established in 25 May 1963 with the aim of fulfilling African aspirations to form one legal body that would consist of independent African states. The aims of the OAU included the following:

1. To strengthen the unity and solidarity of the African states.
2. To support cooperation between these states to improve the lives of their peoples.
3. To defend the security and independence of African countries.
4. To tackle all types of racial discrimination.
5. To promote cooperation and relations with the international community.

The Libyan government under Qadhafi emphasised the importance of the OAU by supporting the expansion of its responsibilities.

One of the turning points in Libya's relations with the OAU occurred during the organisation's Silver Jubilee in 1982, when Libya recognised the government of Chad, declared its intention to solve its problems with other countries peacefully, and restored diplomatic relations with all independent African countries.<sup>154</sup> In addition, on 15

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<sup>154</sup> Ministry of Foreign Affairs & Cooperation, Archive of African Affairs, (1995), *Report on Libyan Foreign Policy*, Tripoli.

November 1982, the Libyan president submitted the following proposals to the African leaders:

1. Original African languages and cultures should be revitalised.
2. Caution should be exercised over Zionist attempts to penetrate the African countries.
3. All the African states needed to participate in economic development projects to improve the socio-economic conditions of their populations.
4. An African Health Organisation should be established to tackle illnesses that killed millions of Africans annually.
5. There should be support for the African labour force, especially those working abroad

### ***3.3.4. Role of Libyan Official Institutions in Supporting Unitary Initiatives in Africa***

As part of its foreign policy in Africa, Qadhafi's regime showed significantly more interest towards Africa than it had done before 1969. For example, it increased bilateral cooperation with various African countries by approving six bilateral cooperation agreements and sixty-seven protocols with several African countries between 1980 and 1989. Through these agreements, Libya granted various loans worth US\$189 million and about 11 million barrels of crude oil worth US\$229 million to Mozambique, Tanzania and Ghana. Several official institutions were also established to organise and follow up the political and economic cooperation between the Arab and African countries, including those outlined below:

#### **3.3.4.1 Secretariat of the People's Committee for African Unity**

This institution was/is responsible for planning and implementing Libya's external policies regarding socio-economic, cultural and educational cooperation with the Arab countries according to the government's unitary vision.<sup>155</sup> Since the 1960s up to the present, the Secretariat has supported various Arab countries through several official networks, including bilateral relations, the Maghreb Union, the Organization of African Unity, the

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<sup>155</sup>This Secretariat was established by the General People's Committee through Decision no.114; see *Official Gazette*, Volume 31, Issue 8, April 1993.

Organization of the Islamic Conference (since 2011 the Organisation of Islamic Cooperation), and others.

The Secretariat also promotes political relations with the Arab countries either individually or by its official connections in the League of Arab States (the Arab League). An unwavering aspect of this policy is the enduring call for supporting the Palestinian people in their struggle for freedom. Likewise, under the Qadhafi regime Libya persistently urged Arab countries to activate the Arab Joint Defence Treaty that was formulated to protect the Arabs from potential outside threats. With regard to economic cooperation, the Secretariat considers various investments plans to promote the economies of Arab countries in different fields, and designs certain mechanisms to handle grants and economic cooperation projects with the Arab and African countries.

Similarly, the Secretariat is responsible for supervising economic and infrastructure projects with Egypt, Tunisia and Sudan, including joint electricity grids, transport networks, farming and irrigation activities, and crude oil industries. The Secretariat also cooperates with the Arab League to promote joint Arab economic initiatives, such as Arab Economic Unity, an Arab Common Market and joint Free Zones.

#### 3.3.4.2. Secretariat of the People's Committee for Foreign Affairs & Cooperation, 1977

After Africa had become a cornerstone of Libyan foreign policy, the Libyan government increased its efforts to build strong relations with the African countries. The Secretariat of People's Committee for Foreign Affairs and Cooperation was empowered to support cooperation with Arab and foreign countries, and has been involved in the following activities:

1. It met the OAU's council of ministers in Algeria in July 1999 to discuss Libya's confrontation with the US and the UK. The meetings ended with the African leaders' strong demand for the lifting of the Western-led sanctions against Libya that had been imposed after the Lockerbie incident.<sup>156</sup> In this respect, the Secretariat had worked hard to end the state of isolation that the West had imposed on Libya, and succeeded in persuading some of the European countries of the validity of Libya's position on the issue. The situation began to change when Libya agreed to hand over two of its citizens suspected of being responsible for the Lockerbie bombing to a Scottish court, and soon after, many European countries resumed normal relations with Libya.

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<sup>156</sup> Secretariat of Foreign Affairs & Cooperation (1999), *Report on the Activities and Achievements of Libyan Foreign Policy*, p. 110.

2. The Secretariat arranged the agenda for the OAU conference in Sirte in September 1999 to review the organisation's charter. The 53 members who attended the conference agreed the OAU's charter would be revitalised.<sup>157</sup>

3. It made considerable efforts to increase cooperation with various Asian countries, focusing among things on the issue of Lockerbie as well as on developing political and economic relations with those countries.

#### 3.3.4.3. Secretariat for Economy and Investment

The Secretariat for Economy and Investment approved several economic agreements aimed at encouraging reciprocal investments with some of the African countries, as a result of holding various detailed economic feasibility studies to promote economic cooperation with other parties. Such studies looked at freedom of transport, residency, work, and property-holding for all individuals and parties involved in joint economic activities with Libyan citizens. In this regard, it allocated some financial resources for direct investment in public projects in Chad and Niger.<sup>158</sup>

This Secretariat also considered certain mechanisms for granting legal guarantees to prospective Libyan investors to encourage them to invest in other Arab and African countries.<sup>159</sup>

#### 3.3.4.4. Libyan Foreign Bank

The vital role of the Libyan Foreign Bank, established in 1972, was exemplified by its role in providing African countries with loans and grants to support certain economic development projects. The objectives of the Bank included helping these countries as far as possible to be self-sufficient, especially in relation to their basic needs. Likewise, the Bank invested extensively in several African national banks through shares, stocks and bonds.<sup>160</sup>

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<sup>157</sup> Ibid., p. 111.

<sup>158</sup> Ibid., p. 135.

<sup>159</sup> People's Committee for African Unity (2000), *Report* p. 135.

<sup>160</sup> For more details on these shares see [www.albayan.co.ae/albago](http://www.albayan.co.ae/albago) [accessed June 2010], and [http://lfbank.ly/index.php?option=com\\_content&task=view&id=117&Itemid=178](http://lfbank.ly/index.php?option=com_content&task=view&id=117&Itemid=178) [accessed 19 May 2013] and <http://lfbank.ly/english/> [accessed 19 May 2013].

#### 3.3.4.5. Foreign Investments Company

The Libyan Foreign Investments Company worked extensively with several official Tunisian partners and governmental bodies, and in this regard around 44 percent of Libyan investments in Arab countries were allocated to Tunisia, mainly in the tourism sector. Apart from investing in tourism, the Company also invested in other economic sectors in Egypt, including several productive projects in chemicals, building materials, textiles, food stuffs, medicine, construction, and agriculture.

Libya and Tunisia set up a joint project, the Oil and Energy Company, with the aim of establishing oil-exporting infrastructures in the two countries. In 1972 the Company invested about US\$600 million to build a pipeline to transfer Libyan crude oil and gas to Tunisia, invested in building up electricity networks to serve the energy sector in the two countries, and contributed to building up new transport infrastructures and services between them.

The Oil and Energy Company also allocated further investments in Egypt, including the infrastructure for transferring Libyan crude oil to Egyptian oil refineries.<sup>161</sup>

#### ***3.3.5. Libya's Unity Endeavours with Arab Countries, 1969-90***

The unity endeavours of the Qadhafi regime with Arab and African countries are emphasised here, since these Libyan-Arab integration agreements played a huge role in opening Libya's borders to migrants from different countries. In fact, the arrangements seem either to have been the reason why the issue of legal/illegal immigration began, or why the phenomenon of transit illegal immigration increased, since in all the agreements Qadhafi welcomed people from the countries concerned to come and live in Libya; indeed in some cases he even gave migrants residence rights that were equal to those of Libyan citizens.

The new phase that began in Libya after 1969, with the start of the Qadhafi regime, also saw changes in Libya's foreign policies as Qadhafi led the country towards a new relationship with the Arab world. For a few years after the regime came to power, the Libyan government under took initiatives to unite with various Arab countries. Such attempts stemmed from concepts in Libyan political theory, which stressed that the Arab

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<sup>161</sup>Anon, 20 April 2001, *Al-Bayān*, (newspaper – United Arab Emirates).

countries in both Africa and Asia should be united in one geopolitical and economic structure.

According to this perception, Arab unity was imperative if the Arabs wished to survive and take the initiative in shaping their destiny. It was argued that certain regional and global powers found it useful to keep the Arab states in their prevailing state of disunity since this was obviously useful in assisting such powers to achieve their political and economic interests in the Arab world. Therefore the Arab states needed to make every effort to unite, and there was a positive basis on which to do so. They had one language, one culture, one dominant religion, similar geographical locations, common interests and, most importantly, one hope for a better future. Furthermore, they faced huge problems of underdevelopment and challenges that no individual country was likely to be able to deal with by itself.<sup>162</sup> On this basis, Libya concluded a number of unifying attempts with the Arab countries, of which the most important at that time were:

1. On 17 April 1971 Libya, Egypt and Syria formed the “Federation of Arab Republics”.
2. On 2 August 1972 Libya and Egypt signed the Benghazi Declaration that recommended establishing full unification between the two countries.
3. On 8 April 1973 Libya and Algeria signed a charter committing the two countries to establish full unity between them.
4. On 12 January 1974, Libya and Tunisia made a similar attempt and agreed that the two countries would establish an “Arab Islamic Republic” that would have one constitution, one president, one army and one banner.
5. On 10 September 1980 Libya and Syria signed the Tripoli Declaration to form between them a united entity.
6. On 13 August 1984 Libya and Morocco declared the establishment of the Arab-African Union, bringing them together in union.

These unification attempts by the Libyan government showed the country’s inclination to lead Arab states towards an appropriate political and economic organisation. At one stage, the name of the Libyan Ministry of Foreign Affairs was changed to the Secretariat for

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<sup>162</sup> S. Quannos et al. (1999), *The Libyan Revolution after 30 Years 1969-1999*, pp. 210-211.

Foreign Unity. Later on, the Libyan government established a separate directorate that was mostly concerned with Arab unity affairs,<sup>163</sup> which included among others:

1. The Tripoli Charter 1969;<sup>164</sup>
2. The Djerba Agreement 1974;<sup>165</sup>
3. The Hasi Mas'ud Declaration 1975;<sup>166</sup>
4. The Oujda Declaration 1984.<sup>167</sup>

All these unitary endeavours with Arab countries after 1969 affected the number of migrants coming to Libya by making it easy for them to enter the country. Furthermore the Libyan government also identified a demand for migrants for development purposes. In 1964 the Arab population within Libya was 8,521 (17.4 percent) of the total non-Libyan population inside Libya); in 1973 the number was 177,647 (39.2 percent), and by 1984 the figure had risen to 194,496 (47.2 percent).<sup>168</sup>

However, for various reasons none of these integration agreements succeeded or survived. Often the parties to the agreements did not share compatible political views, especially as Qadhafi, who sought to lead the Arab nation and spread his philosophy around the world, found little support for his philosophy among Arab leaders. Secondly, Qadhafi was using Libyan economic investments in the Arab countries to convince them to sign these agreements. When the economic incentive was removed the desire for integration receded.

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<sup>163</sup> S. Al-Barnawi (2000), *Foreign Policy of Libya*, op.cit., pp. 127-128.

<sup>164</sup> Libya, Egypt and Sudan signed the 'Tripoli Charter' on 25 December 1969 as a platform for united action by the three countries. The Charter emphasised uniting the efforts of the Arabs to regain their usurped rights, especially in Palestine, and called for establishing joint committees and holding regular meetings to study the necessary steps towards achieving the goals of the Arab nation. See A. Arrab, et al., *Revolution of September and Arab Situations*, Tripoli, p.158.

<sup>165</sup> The leaders of Libya and Tunisia met on 2 January 1974 to discuss prospects for increasing cooperation between the two countries at all levels. They agreed to unite in one state, "the Arab Islamic Republic", under one president, one constitution, one army and one banner. The new state would be officially declared on 18 January 1974. But the republic lasted for only one day, after which the Tunisian president suddenly announced the withdrawal of Tunisia from the agreement with Libya.

<sup>166</sup> The Libyan and Algerian presidents met several times to conclude a proposal of unity between their two countries for the benefit of their populations in particular and the whole Arab nation in general, Although an agreement was declared between the two sides on 29 December 1975, Algeria reversed its position. See Qannos (1999), op. cit., p. 215.

<sup>167</sup> The Libyan and Moroccan leaders met in Oujda in Morocco on 13 August 1984 to discuss the possibility of developing relations between the two countries in various areas. Libya saw developing these relations as a unifying step towards further Arab unity. The extraordinary issue was the political orientation of each of the two countries. Morocco was a conservative constitutional kingdom while Libya was a socialist revolutionary republic. The two governments agreed to establish an Arab-African Union, which survived for c. two years until Morocco cancelled the agreement with Libya on 29 August 1986. See F. Al-Busayfi, (1999). *The African Union*, Tripoli, p. 25.

<sup>168</sup> *Report on Human Development in Libya*, (1999), p. 52.



### 3.4. Libyan Foreign Policy towards Africa since the 1990s

From 1990, Libyan foreign policy in Africa under Qadhafi's regime focused on the undoubted relevance of the continent to the Arab World and vice versa. For that reason, the Libyan government strengthened ties with both the Arab and the African countries.

Libyan attention to Africa increased in the late 1980s and early 1990s. This was in part due to the impact of the collapse of the former USSR, which seemed to give the US the opportunity for exclusive dominance over global political affairs. In the view of the Libyan regime, this unilateral dominance made it more than ever imperative to establish unity among African and Arab countries. Libyan policy aimed to bring the African and Arab countries together to form one bloc to meet the challenges of the new era in international relations. This was also motivated by the pressures being exerted on Libya as a result of the Lockerbie incident.

Taking these circumstances into account, Libya sought to end its disputes with neighbouring countries,<sup>169</sup> through a new policy that included settling the conflict with Egypt and sorting out the contentious border issue with Chad in 1994. Libya hosted several meetings and talks during the 1990s in an attempt to resolve various internal conflicts that were prevailing in the African continent at that time; these included

1. Hosting talks between opposing Somali militant groups;
2. Hosting a summit to settle conflicts in the Congo;
3. Suggesting initiatives to damp down troubles in Southern Sudan and in the Eritrea-Ethiopia border regions;<sup>170</sup>
4. Visits by the Libyan leader to Niger and Nigeria in 1997 and Chad in 1998 to promote cooperation with these countries;
5. Meeting in 1998 to discuss establishing a League of Sahel-Saharan States, comprising Libya, Sudan, Niger, Chad, Mali and Burkina Faso.
6. Hosting an emergency summit in Libya of African leaders in September 1999 to suggest setting up an African Union that would replace the OAU. This

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<sup>169</sup> Abdul-Majeed Al-Hawat (2001), *Libyan Foreign Policy towards non-Arab Africa After End of Cold War*, unpublished MA dissertation, Institute for Arab Studies & Research, Cairo, 2001, p. 10.

<sup>170</sup> M. Ashour Mahdi, (2000), *Sirte Emergency Summit & Project of African Unity*, Cairo: Civilisations Centre for Political Studies, Cairo University, p. 245.

recommendation was implemented in 2001 when 36 African countries signed the Charter of the new African Union.<sup>171</sup>

Among the main endeavours in which Libya participated with other countries in pursuing diplomatic initiatives to settle internal conflicts and civil wars in Africa were the following:

1. The Libya-Egypt Peace Initiative in the Sudan that focused on bringing together the parties involved in Sudan's internal conflicts. Similarly, Libya had shared in efforts to ease the border dispute between Egypt and Sudan in 1992. It also contributed to sorting out political tensions between Sudan and Eritrea in 1998, and tension in Sudan's relations with Uganda.<sup>172</sup>
2. In July 2001 Libya shared reconciliation meetings with Rwanda, Uganda, Nigeria and Tanzania, with regard to Burundi.
3. Libya and other African countries tried to stop military conflicts in the Western part of Africa, particularly between Guinea and Liberia. These efforts resulted in the establishing of diplomatic relations between these two countries in June 2001.<sup>173</sup>
4. In 2002 Libya, with other parties, managed to stop the war between Congo, Rwanda and Uganda in the region of the African Great Lakes. Libya also sponsored two summits for leaders of the hostile countries, and such efforts helped to bring to an end one of the longest wars in Africa.<sup>174</sup>
5. In addition to these particular initiatives, Libya joined in attempts to tackle all types of racism. The African continent contains a huge number of tribes and clans that sometimes engage in civil wars and conflicts. Libya's policy regarding this issue is definite in that it takes a firm stand against any racially discriminatory practices, even though there may be some internal grounds within Africa for racial discrimination due to the presence of imperial powers in various regions of the continent that has increased the latent forces behind racism. Thus, in formulating its policy towards Africa Libya always considers these two issues, since racism and

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<sup>171</sup> M. Abu-Elenain, (2001), *The African Union & Future of Africa*, Cairo: Institute of Research & African Studies, pp. 2-1.

<sup>172</sup> Annual Report on Libyan Foreign Policy for 1998, pp. 11-12.

<sup>173</sup> Report of People's Committee for African Unity, for details see [www.siyassa.org/asiyassa/Ahram/1-10-2002](http://www.siyassa.org/asiyassa/Ahram/1-10-2002).

<sup>174</sup> Ibid.

imperialism are, in one way or another, responsible for many of the challenging problems the African peoples have had to confront.<sup>175</sup> In this regard, Libya has committed itself to implementing all the UN resolutions condemning racism in Africa.

Qadhafi's regime maintained that the African-oriented policy it followed would not cause any faltering in relations with the Arab countries, since systematic convergence with the African countries was, in fact, being followed for coherent strategies reasons. Libya wished to reward Africa for its support over the Lockerbie case and the Western sanctions that were subsequently imposed on Libya. The Libyan government contended that the African countries had taken a more advanced position against the sanctions than the Arab countries had done.<sup>176</sup> While the Arab League had refrained from breaking the sanctions against Libya, the African countries had adopted a more supportive position. At a conference of African Foreign Affairs ministers on 18 June 1994, the ministers issued a strong call for the UN Security Council to lift the sanctions on Libya.

Similarly, Libya resumed political relations with some of the African countries after a period during which diplomatic relations had been suspended,<sup>177</sup> an initiative that included Kenya, Liberia, Gabon, Senegal and the Gambia.<sup>178</sup> Along similar lines, Libya under Qadhafi was involved, with other parties, in judicious attempts to settle some of the main conflicts and internal struggles in various regions of Africa.

### ***3.4.1. The Arab Maghreb Union Project***<sup>179</sup>

With their central strategic location on both the Mediterranean Sea and the Atlantic Ocean, the countries of the Arab Maghreb have coastlines that account for about 28 percent of coastlines belonging to the Arab countries in general, as well as around 42 percent of the total land area of the Arab countries. According to 2000 statistics, their combined populations at that time numbered approximately 80 million, representing about 27 percent of total Arab populations. The Arab Maghreb countries have diverse natural resources and well-qualified manpower.<sup>180</sup>

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<sup>175</sup> Younis, op cit, p 183

<sup>176</sup> M. Ashour Mahdi, op. cit.,p. 179.

<sup>177</sup> Qannos et al. (1994), *The Libyan Revolution after 25 Years*, 2nd edition, Jamahiriya Publishing House, Misrata, (1994), p. 182.

<sup>178</sup> Anon (1988), "Libya and Africa", *The Green March* newspaper, Tripoli, 30 May 1988.

<sup>179</sup> The Union includes Libya, Tunisia, Algeria, Morocco and Mauritania.

<sup>180</sup> Statistics were prepared by the Secretariat of the Arab Maghreb Union, Department of Research & Studies (2002), Tripoli.

The Arab Maghreb Union was based on principles more or less similar to those of the unity projects noted above that Libya had attempted to introduce during the 1970s-1980s. In agreement with those guiding principles the leaders of Libya, Tunisia, Algeria, Morocco and Mauritania signed the agreement of the Arab Maghreb Union in Morocco on 17 February 1989.<sup>181</sup>

#### ***3.4.2. The Community of Sahel-Saharan States***

The initiative for the Sahel-Saharan Community was taken in Tripoli in 1998 following an African summit attended by the leaders of Mali, Chad, Niger, Sudan and Burkina Faso (joined later by other countries such as Central African Republic, Eritrea, Gambia, Senegal...etc.). States of the Sahel-Saharan Community promoted their agenda based on the following guidelines:

1. Politically they aimed to build a united framework of member states while preserving their national identity and political institutions. They also aimed to gain recognition from the UN and other global organizations. States in the community would commit themselves to respecting human rights and democratic values in their policies and actions.
2. The states of the Sahel-Saharan Community would work to achieve economic integration in the agricultural, industrial, commercial, financial and mining sectors. The Community's economic agenda aimed to preserve the wealth and natural resources of the African continent for the benefit of its populations, especially given the increasing pressure of globalization strategies exerted by the Western powers.
3. The Sahel-Saharan Community would focus on revitalising the Arab-Islamic cultural values that many of its states held in common while keeping the individual character of each state. States of the Sahel-Saharan Community needed to rid them of the isolation that the imperialist countries had attempted to impose on them. Since Arab and African countries shared many social, spiritual, ethnic, economic and political values, interests and aspirations, these provided common cultural foundations that would support the goals for which the Community had been

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<sup>181</sup>For more detail on this Union see Fuad Al-Busayfi, (1985), *The Arab African Union and Oujda Agreement*, 1st edition, Tripoli: Centre for Publishing & Distribution. See also Ali Karimi (1990), "Arab Maghreb Union: a Step for Arab Unity", *Al-Wahda* journal, Vol. 6, Issue 65, Rabat: National Bureau of Arab Culture, pp. 87-95. Also see Ibrahim Sa'ed (1999). *Africa South of the Sahara: a Study in Regional Geography*, Libya, Tripoli: Publications of the 7th April University, pp. 25-30.

established and would help in facing the ever-increasing challenges in world politics and competition over scarce natural resources.<sup>182</sup>

### **3.4.3. Emergence of the African Union**

After becoming a reality at the African and global levels, the states of the Sahel-Saharan Community, encouraged by Libya, took part in advancing African unity further, at a continental level. The Community saw itself as the basis for a wider unitary political body that would involve all the African countries under the umbrella of an African Union. In other words, the African Union arose out of the Sahel-Saharan Community, emerging in 2001 to maintain African identity and interests. In 2001 it formally replaced the OAU after 36 African countries had signed a Constitutive Act of Union in Sirte in September 1999.<sup>183</sup> The new union was established on the following grounds:<sup>184</sup>

1. To make the Organisation of African Unity more effective and responsive to political, economic and social change, both regionally and globally.
2. To support and continue the values of unity to which older generations of African leaders had dedicated their lives.
3. To support national liberation movements and to free Africa from colonialism.
4. To understand the surrounding challenges faced by Africa and to react accordingly in order to support its peoples' aspirations for dignity and integration.

At the African level, the Union emerged as a result of increasing awareness of the challenges facing the continent and represented a new attempt to bring the African nations together to achieve and defend their rights. The new world order offered an opportunity for the African Union to position Africa among the major players in world politics. The vision was that the African Union could become like the European Union, the South East Asian or the South American economic blocs.<sup>185</sup> The Union had powers that would enable it to command international respect by developing a share in building peace and stability in the world through rights and obligations towards human development and cooperation.

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<sup>182</sup> Abdallah Al-Asha'l, (1999), *Towards a New Framework of Arab-African Cooperation in the 21st Century*, Tripoli: Forum for Arab-African Relations, pp. 395-396.

<sup>183</sup> S. Qannos (1999), op. cit., pp. 216-221.

<sup>184</sup> A. Al-Rashidi, (2001), "The African Union: A Study in Light of International Organization", paper at *Africa & Globalization*, First Annual Conference on Afro-Egyptian Studies, Cairo: Cairo University Faculty of Economics and Political Science, pp. 4-13.

<sup>185</sup> For more on this see Mohammad Saleem (1994), *The New Global Order*, Centre for Political Studies & Research, Cairo University, p. 17.

However, the Africans still face various challenges and responsibilities towards their own and other nations that require them to work hard to achieve their goals.

From 1969 until 2011 Qadhafi's regime showed great concern for the African continent and its Arab and African countries. The regime also opened Libya's borders to Arab and African migrants. During the 1970s and 1980s, Libya's concerns were with the Arab countries from which most migrants entered Libya as labours. In the second phase, from around 1990, the Qadhafi regime inclined more towards non-Arab African countries; this affected the type of migrants to Libya, and meant the appearance of large numbers of African migrants who came to Libya to work. As indicated in Chapter Two, Libyan official statistics revealed the increase in numbers of foreigners in Libya.<sup>186</sup> However, along with these African migrant workers came another kind of immigration – that of illegal transit migrants who arrived in considerable numbers in Libya as a staging post on their way to Europe. Illegal migration soon became a significant issue in Libya, affecting various sectors throughout the entire country and leading to the establishment of several institutions to deal specifically with the phenomenon.

### **3.5. Conclusion**

In examining the principles, motivation, nature, and objectives of Libyan foreign policy, it is clear that relations between Libya and other Arab and African countries rest on fixed geographical, historical, and cultural factors, as summarised in this chapter's findings, and that the geo-political location of Libya has been central in formulating its external relations at the regional level and beyond.

All these factors have affected relations between Libya and other Arab and African countries, as follows:

1. The historical and cultural bases of these relations have depended greatly on Islam's influence on the lives of many African populations, since Islam and Arab culture between them have for centuries shaped the socio-economic and political orientations of Libya and its neighbours. This is clearly reflected in the way they interrelate with each other, and the way in which Qadhafi presented himself as the Islamic leader of an Islamic African nation.

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<sup>186</sup> See Tables 2.8 and 2.9.

2. Libya began to adjust and develop relations with its neighbours soon after the September Revolution in 1969; subsequently more sustained efforts were made to establish strong relations between Libya and other Arab and African countries. The catalyst for this political trend was Libya's new vision, based on the Revolution's duty towards these countries.
3. Through its foreign policy and relations, Libya focused on the right of the Africans to be independent and free of the domination of the colonialist countries that had controlled Africa for long periods. Libya also stressed the need to eliminate all types of racial discrimination against the African peoples.
4. Libya dedicated much effort to establishing unity agreements with Egypt, Tunisia, Algeria, Morocco and Sudan, not to mention its efforts to establish the Sahel-Saharan Community and later on, in 2001, the African Union, both of which played a noticeable role in increasing the numbers of African migrants, both legal and illegal, inside Libya.
5. Libya became the country that opened its borders for Arab and African people and welcomed them in Libya; this was one of the elements that transformed Libya from a receiving country of migrants into a receiving and transit country for migration, whether legal or illegal. All this happened with the knowledge of Qadhafi's regime.

Chapter Three addresses Libya's immigration policies and legislative regulations, and the status of migrants inside Libya, with the aim of following how these elements became an important factor in encouraging illegal migrants to use Libya as a transit country.

## **Chapter Four**

### **Libya's Legislative Regulations on Immigration**

#### **4.1. Introduction**

Studying the issue of illegal immigration inside Libya highlights the importance of studying Libyan immigration law, and the extent to which this was implemented. Were the Libyan authorities able to apply the immigration laws or not? Also, were the Libyan authorities concerned or not about controlling the entry and exit of foreigners?

General international law requires all states to respect the human rights of foreigners, including those of persons who are stateless. The international obligations that arise from international bilateral or multilateral agreements depend on the content of these conventions (information on this issue is given later when discussing foreigners' rights and general international laws supporting these rights. Various national considerations and interests govern a state's policies, so that as well as the obligations imposed by international law, each state has full discretion with regard to the organisation of entry, residency and exit of foreigners in its territory. Thus the legal arrangements around this issue differ from one country to another in accordance with prevailing political, economic and demographic conditions. In addition, regulations made by a certain state may vary over time as its situation changes.

Libya's legal system contains the same general principles for immigration control. With regard to foreign immigration, issues of national identity, security, population structure and economic conditions are among the most important factors, on the basis of which the country formulates its policies towards the subject. In general, as discussed in the following sections Libyan regulations on immigration rest on two aspects. One is the development of legislative policy on nationality and the status of aliens; the other is the legal situation of foreign migrants in Libya, as explained in the Libyan Legislative System for 2007.



## 4.2. Development of Legislative Policy on Nationality and Status of Foreigners

Before dealing with Libya's legal policy on immigration, it is useful to explain its regulations for acquisition of citizenship. This starting point helps to distinguish between foreigners (migrants) residing in the country and the original/indigenous citizens who acquired national status through their cultural, legal and political ties with the country.

### 4.2.1. Legal System for Acquisition of Libyan Citizenship

Apart from regulations concerning the movement of skilled and qualified Arab migrants to Libya, the country has no specific law that regulates foreign immigration. As noted, immigration is regulated on the one hand through the nationality law, and on the other through the foreign entry and residency law. This section discusses conditions for the acquisition of Libyan nationality based on Law No. 17 for 1954,<sup>187</sup> and Law No.18 for 1980.<sup>188</sup> These two laws complemented each other, since Law No.17 (1954) was not repealed by Law No. 18 (1980) and remained valid. According to Law No. 17, which set out the main organisational structure of Libyan citizenship, the acquisition of Libyan nationality was divided into three categories:

1. Basic citizenship involves all Libyans born before 7 October 1951, the date on which the Libyan constitution was proclaimed. This citizenship is granted to every person born in Libya, or born abroad (provided one of his/her parents is Libyan and/or has normally lived in the country for no less than ten consecutive years until the above date) on condition that this person holds no other citizenship. This type of citizenship may be optional for Libyans born abroad who were not living in the country when the constitution was proclaimed. It is also granted to Arabs and foreigners born before 7 October 1951, but in this case is conditional on residency in Libya for a period of five years for Arabs and ten years for non-Arabs.<sup>189</sup>
2. Permanent citizenship is divided into two types: *Integral* and *Acquired* nationality. Integral nationality applies to every person born in Libya on or after 7 October 1951 if

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<sup>187</sup> *Official Gazette*, No 3, issued in 1945.

<sup>188</sup> *Official Gazette*, No 9, issued in 1980. See also [http://www.ecoi.net/file\\_upload/1226\\_1312352551\\_libyan-nationality-law.pdf](http://www.ecoi.net/file_upload/1226_1312352551_libyan-nationality-law.pdf).

<sup>189</sup> Mohammad Abdul-Khaliq Omar, (1978), *Libyan Private International Law*, Benghazi: University of Garyounis, p. 57. Also see [http://www.mongabay.com/reference/country\\_studies/libya/GOVERNMENT.html](http://www.mongabay.com/reference/country_studies/libya/GOVERNMENT.html).

he/she has not acquired a foreign nationality by birth abroad. It also includes Libyans born abroad on or after 7 October 1951 if one of their parents is Libyan.

3. Acquired citizenship can be obtained through naturalisation or marriage; it is granted to aliens applying for naturalisation, conditional on legal residency in the country for five and ten years for Arabs and non-Arabs respectively.<sup>190</sup> Applicants should have legitimate means of livelihood; have no criminal record; and have knowledge of the Arabic language. Law No. 17 for 1954 states that acquiring Libyan citizenship entitles successful applicants to all national rights and obligations, but requires that the previous nationality is renounced.

Law No 18 for 1980 expanded access to the acquisition of Libyan nationality. In accordance with this “Arab Nationality” law, all Arabs living in Libya had the right to citizenship if they met the necessary criteria, which in general made it easier for Arabs to acquire Libyan nationality and gave the authorities wide discretionary powers in dealing with this matter.<sup>191</sup> The law included several regulations that gave Libyan citizenship to Arabs on certain conditions,<sup>192</sup> but subsequent amendments abolished these stipulations and overall made it simpler for citizens of Arab countries to acquire Libyan citizenship. They were no longer required to have settled previously in Libya, regardless of whether they had entered the country legally or illegally; were also exempted from abandoning their original nationality, and were not subject to a probationary period before gaining full citizenship rights in Libya.

The General People’s Committee of Libya issued several resolutions to grant citizenship to Arabs in accordance with Law No 18 for 1980.<sup>193</sup> Likewise, Law No. 18 permitted the granting of ‘acquired’ Libyan citizenship to the following categories:

1. Children of Arab women married to non-Libyans.
2. Non-Arab scholars and scientists with special expertise.
3. Foreign women married to Libyan nationality holders, with the condition of abandoning their foreign nationality.

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<sup>190</sup> Libyan official publications use the term ‘foreigner’ to refer to non-Arabs.

<sup>191</sup> Abdul Razzak Al-Murtada Salman (2007), *Natural Persons in International Relations*, Tripoli, Global Scientific Library, p. 67.

<sup>192</sup> The Libyan *Official Gazette*, No. 19, issued 1980.

<sup>193</sup> See for example Decisions of the General People’s Committee (374:1982), (191: 1983) and (612: 1987). See for more details Salman (2007), *op.cit.*, p. 66.

#### ***4.2.2. Entry, Residence and Exit of Foreigners from Libya***

The presence of foreigners in Libya in modern history is linked to the discovery and extraction of oil. Investing oil revenues in national development projects required the entry of a foreign labour force to assist in implementing such projects. Thus, regulations for the entry and residence of foreigners were associated with Libya's development agenda as well as with other foreign policy-related factors such as affiliation to the Arab and African countries. In this respect, three phases can be identified in Libya's legislative policy on the entry and residence of foreigners.

##### **4.2.2.1. Passing of Law 17 for 1962 and its executive platform, and the start of the first phase**

Law 17 for 1962 included certain requirements for foreign entry and residence, as well as sanctions for violating its provisions. Various conditions for entry and residency of foreigners included

- (i) Possession of a valid passport issued by recognised authorities;
- (ii) Obtaining a Libyan entry visa;
- (iii) The foreigner was required to enter and exit the country through specified ports mentioned in the law;
- (iv) All foreigners were required to register with the aliens' passport division and/or with the police within a week of entry.
- (v) Visas given to foreigners allowed them three months of residency in the country.
- (vi) The three types of residency (special, normal and provisional) were granted only after approval by the Director-General of Police:

3. Special residence was granted for a 10-year period for foreigners residing legally and constantly in Libya for no less than ten years after promulgation of the Constitution in 1951. It was also granted to foreign investors who had resided continuously in Libya for five years from the date of Law No. 17 of 1962, and for foreign women married to Libyan men. Special residency was renewable.

1) Ordinary residence was granted to foreigners who made substantial capital investment in the national economy. This visa entitled the holder to stay for five years and was renewable.

2) Temporary residence was granted to foreigners who did not qualify for two other types. Grounds for granting this visa included tourism, temporary mission work and/or study, and

joining a resident alien. It authorised the holder to remain in Libya for one year, renewable according to the terms and purpose of the visa. Temporary residents were not allowed to work in Libya unless authorised to do so.

In addition, Article 17 of Law No.17 for 1962 required employers of foreigners in Libya to inform the local competent authorities within three days of the enrolment of foreign workers, while Article 9 ruled that foreigners should not be allowed to work in a profession other than he/she was licensed to do, in the area assigned to him/her.

Similarly, the rules of the Ministry of Labour and Social Affairs for 1968 stipulated in article 13 that work permits:

- I. Would not be given again to guilty foreign workers who had been expelled from Libya due to misconduct, actions involving turpitude or dishonesty, or dismissal from work for political reasons.
- II. Would not be granted to foreigners whose licences had expired for other reasons not noted above if less than six months had passed since the date of leaving the country.
- III. Would be refused if applicants entered the country as tourists, visitors and/or transit passengers unless provisions of the Interior Minister's Decree No.75 for 1965 were satisfied.<sup>194</sup> This decree stated that relatives of a resident and tourism visa holder were allowed to work unless they were highly qualified and their expertise was needed for state or public institutions.<sup>195</sup>

A review of Law No. 17 for 1962 indicates the various restrictions imposed on foreign entry and residency in Libya, although special arrangements were made for those who would benefit from specific agreements signed by the Libyan government with other parties or countries in term of labour transfer. The law also imposed some sanctions on violation of its provisions. For instance, Article 30 stated that:

1. Imprisonment for no less than one year and no more than three years plus a fine of two hundred Libyan dinars would be imposed on (a) all who had made false statements or presented illegal documents to make it easier for him or for others to obtain a visa to enter the Libyan country or to stay or to exit; and (b) all who had

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<sup>194</sup> *Official Gazette* No.30, issued 30 June 1968

<sup>195</sup> For implementation of Article 19 of the regulations of Law No.17 of 1962, see the *Official Gazette*, a special issue dated 1 October 1962.

entered the country without a valid visa issued by the competent authorities in accordance with the provisions of the law.

2. All persons who had (a) stayed in the country, despite being warned to leave after the expiration of the visa granted to them, and/or (b) contravened the conditions of the visas granted to them, would be punished by imprisonment for no more than two years and a fine not exceeding two hundred Libyan dinars or by one of the two penalties.
3. Article 3 stated that anyone who committed any other violation of this law and regulations would be penalised by imprisonment for no more than three months and a fine of no more than thirty Libyan dinars.

#### 4.2.2.2. From Libya's September 1969 Revolution Onwards

This phase started after the Libyan Revolution in September 1969 and the political and economic changes that followed. The new Libyan leadership adopted more national trends in its foreign policy, accompanied by policies geared towards social justice regarding labour relations.

In this context, Libya signed an agreement in 1971 with Egypt, and another with what was known as the Union of Arab Republics. However, these were both exceptions to the rules laid down in Law No.17 of 1962 regarding the entry and/or exit of foreigners from Libya.<sup>196</sup>

In 1974 various resolutions were issued to amend the regulations of Law No.17 for 1962, including Resolution No. 68 on foreign employment. On 25 July 1974 the Libyan Council of Ministers considered a new decision to amend the regulations of Law No. 17 of 1962,<sup>197</sup> and Article 22 (requiring the approval of the Director-General of Police to grant work, study and/or residence visas in the "Libyan Arab Republic") was duly replaced.<sup>198</sup>

Also in 1974 was Decree No. 290,<sup>199</sup> which was produced to sort out tourist, visitor or passage visa holders by allowing them to change their status to work permit visas after

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<sup>196</sup> For more details see, for example, Law No. 113 for 1972, "Report on rights of nationals of Egypt", *Official Gazette* No. 50 for 1972, decision of the Minister of Labour on the use of citizens of the state of the Union of Arab Republics in Libya; and *Official Gazette* No. 45, issued on 29 June 1972.

<sup>197</sup> *Official Gazette* No. 61 issued 3 November 1974.

<sup>198</sup> The previous name of Libya was changed by Qadhafi in 1975 to the Socialist People's Libyan Arab Jamahiriya (Libyan Arab Republic). From 1986 to 2011, the official name of Libya became the Great Socialist People's Libyan Arab Jamahiriya (Republic).

<sup>199</sup> *Official Gazette* No. 26 issued 6 June 1975.

securing employment in the country. This decree cancelled Resolution No. 56 for 1965 which, as noted earlier, had restricted access to employment for visitor or tourism visa holders quite heavily. This decree was also considered to be an amendment to Article 19 of Law No. 17 of 1962 which had outlined the rules of entry and residence for foreigners.

Furthermore, with regard to employment, Resolution No. 68 for 1974 cancelled the provision that prevented foreign passport holders whose work contracts in Libya had expired, from beginning another job before six months from their departure had elapsed.<sup>200</sup>

On 6 February 1975, Act No. 13 was issued to encourage much-needed Arab expertise to come to Libya to contribute to the country's development projects. For instance, Article 1 of the Act stipulated that all state agencies and parties must facilitate the entry of experienced Arabs to participate in all technical, administrative, and practical aspects of Libya's socio-economic development, with the aim of encouraging Arab experts to settle in Libya and ultimately obtain Libyan citizenship. The Executive Regulation No. 21 of the Act explained what was meant by Arab expertise and detailed the procedures for residency and naturalization.<sup>201</sup>

On 13 November 1980,<sup>202</sup> the General People's Committee decided to allow national public and private sector organisations, as well as foreign companies working in Libya, to import labourers from abroad skilled in all professions and types of work required for the country's growth.<sup>203</sup> Article 2 authorized the General Passport Directorate and/or local authorities to issue statements requiring foreign labour to be brought into the country within three days of the date an application had been submitted.<sup>204</sup>

The government clearly intended to open the door for foreign labour forces through Libyan public bodies as well as foreign companies, and the policy facilitated procedures for issuing work permits and/or granting work visas at Libyan ports. It also facilitated completion of work permit procedures for foreigners currently living on tourist or special visa arrangements.

However, this policy was short-lived, ending in 1983 when the General People's Committee terminated work permits for foreigners in public administration units, organisations, and institutions. These work termination decisions were taken in the context

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<sup>200</sup> *Official Gazette* No. 5 issued 1 January 1975.

<sup>201</sup> *Ibid.*

<sup>202</sup> *Official Gazette* No. 17 issued 13 November 1980.

<sup>203</sup> *Ibid.*

<sup>204</sup> *Ibid.*

of restructuring the Libyan labour market in the mid-1980s to cope with declining oil prices at the time, and were also aimed at reducing bureaucratic inflation in the state administration. They were accompanied by employment-related measures among the national work force such as the risk of appointment and transfer of national administrative bodies and public institutions.<sup>205</sup> The new policy affected primary school teachers, craftspeople, farming companies, financial institutions, and tourism sector employees, and hit many Arab employees except for those who had been in their jobs for twenty years.

Given the many changes that had affected national legislation on the entry, residence and employment of foreigners, Act No. 6 for 1987 was issued to reorganise the matter, and the earlier Law No. 17 for 1962 regarding entry and residency of aliens in Libya was duly cancelled by Article 24 of the new Act.<sup>206</sup> However, Act No. 6 still reflected Libyan policy towards foreigners that had been followed since the Revolution, since its objectives represented Libya's openness towards the Arab world and were intended to facilitate entry and residency procedures for Arab citizens by giving those rights similar to those enjoyed by Libyans themselves.<sup>207</sup>

In this respect, in terms of entry, residency, work, ownership and other activities, Law No. 10 for 1989<sup>208</sup> established similar rights and duties for Arabs living in Libya and for citizens of Arab countries, while Libyan Arab residents also had similar obligations to those of the Libyans themselves.<sup>209</sup> To facilitate implementation of this policy, the People's Committee issued Decision No. 49 for 1990 on regulations governing the rights and duties of Arabs in Libya.<sup>210</sup>

However, as far as non-Arabs were concerned, Law No. 6 for 1987 required them to obtain valid visas for entry, residency and exit from the Libyan territories. This meant they had to produce valid passports or travel documents that would allow them to return to their own countries. No non-Arabs were permitted to change their visa type without first obtaining written consent from the Director-General of Passports and Nationality.

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<sup>205</sup> For more details on these decisions see Murad Abdul-Salam Al-Mzogi, (2005). *World Encyclopedia (Labour Code and its Supplementary Legislation to 2004)*. National Center for Legal Studies and Research Rights, January, p. 457 et seq.

<sup>206</sup> *Official Gazette* No.15 issued 9 October 1987.

<sup>207</sup> *Ibid.*

<sup>208</sup> *Official Gazette* No.20 issued 9 October 1989.

<sup>209</sup> Including national service (i.e., military service).

<sup>210</sup> *Official Gazette* No.19 issued 30 June 1990.

To regulate the Libyan labour market and the work of foreigners in the country, the General People's Committee made several decisions aimed at dealing with economic conditions in Libya during the late 1980s. Important decisions included:

1. Decision 628 for 1988 on using non-national workers in companies and public organisations; this decision stressed that foreigners were allowed to work only when there were no Libyans or resident Arabs to meet the specifications of the job in hand.<sup>211</sup>
2. Decision 238 for 1989 on importing foreign labour; Article 1 stipulated that, subject to provisions of employment contracts in force, all employers were forbidden to employ a foreign worker in any job or profession without consent from the General People's Committee for Public Services, the only exception being that such jobs could not be filled by Arab citizens.<sup>212</sup>
3. Decision 260 for 1989; additional regulations were introduced to control the labour market. Article 1 stipulated that to fill the vacant posts and job needs of various sectors priority would be given to graduates of universities and institutes of higher education, including Arabs.<sup>213</sup>

However, in the context of the general orientation towards Africa, and after signing the Charter of the African Union on 9 September 1999, the General People's Committee produced Decision 403 for the year 2000. This decision reported certain provisions regarding the use of African labour in Libya. Doors were opened to African workers for specific jobs in construction, agriculture, and other unskilled work, but certain conditions applied, including registering with labour agencies, passing a medical test, and obtaining a work permit from the Directorate General of Passports and Nationality.<sup>214</sup>

From reviewing this background, the following points can be concluded with regard to Libya's legislative policy in terms of foreign entry, residency, and exit from Libya, especially the organisation of foreign labour:

1. In cases of entry, residence and exit, general rules could be applied to all foreigners, including the need to use official ports of entry, and the need to registering with the Directorate General of Passport and Nationality for either

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<sup>211</sup> *Official Gazette* No. 39 issued 1988.

<sup>212</sup> *Official Gazette* No. 24 issued 1989.

<sup>213</sup> *Official Gazette*, No. 22, issued 1989.

<sup>214</sup> *Official Gazette*, No. 24, issued 2000.



temporary or permanent residency. This also applied to departure from official exit points.

2. Regarding the need for visas prior to entry or for work, the legislation distinguished between Arabs and other foreigners. Arabs had the right to enter the country using personal identity cards only and also had similar work rights as the Libyans, as well as the right to temporary or permanent residence provided they registered with the Directorate General of Passports and Nationality. Arabs were also entitled to apply for Libyan passports. This aspect was in harmony with Libya's policy to attract Arab expertise to share in national development projects.
3. For non-Arabs, entering the country meant obtaining a valid visa for a valid passport. Work and residency required approval from the Directorate General of Passports and Nationality, as well as authorisation from the General People's Committee if there was a possibility of these posts could not be filled by Libyans, Arabs or Africans.
4. This legislation took into account international conventions on labour and the relevant steps for facilitating procedures for residence and movement of persons.

#### 4.2.2.3. The Situation Since 2000

The third phase of Libyan legislation on immigration started around the year 2000 and is on-going. Libya's legislative policy in the present era aims to control illegal immigration and to develop the national work force and labour market to ensure employment for Libyans in the first instance. The relevant legislation has therefore introduced certain conditions on foreign workers in Libya.

### **4.3. Legal Status of Migrants in Libya**

In examining the legal status of foreigners in Libya this section highlights terms of entry, length of stay, and exit of foreigners from Libya and the rights and duties they are assigned by law. It looks at the public rights of foreigners in dealing with the state and their personal rights in private relations, as prescribed by law. It is useful to look at the international sources to which Libya refers in dealing with foreigners visiting or staying in the country; these include human rights conventions and conventions of the International Labour Organization regarding foreign aliens.

#### ***4.3.1. Libya and International Sources for Organization of the Status of Foreigners***

Libya's national legislative source is considered the primary source for organizing the status of foreigners in the country. In addition there are international bilateral and multilateral agreements as indirect sources influencing Libya's legal stand towards the status of the aliens. As for multilateral conventions, several of these dealing with human rights were approved by Law No. 7 for 1989,<sup>215</sup> including the following:

1. Convention against torture, humiliation and/or severe penalties against people.
2. Convention banning all forms of discrimination against women.
3. Convention on reducing conditions of statelessness and the status of stateless persons.
4. Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.
5. Convention on banning discrimination in employment and work.
6. Convention prohibiting forced labour.
7. Convention on the nationality of married women.

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<sup>215</sup> *Official Gazette*, No. 20, 1989

8. Supplementary convention on abolition of slavery, the slave trade and any associated practices
9. Convention on political rights of women.
10. Convention on equal remuneration.
11. Convention on the prevention of genocide.
12. The right to organize and have collective bargaining.

These were in addition to:

- International Covenant on Civil and Political Rights and the International Covenant on Economic and Social Rights, 1965.<sup>216</sup>
- International Convention for the Protection of the Rights of Migrant Workers and Their Families, 1990.<sup>217</sup>
- Protocol against the Smuggling of Migrants by Land, Sea and Air, 2000.

Libya has also concluded bilateral agreements with a number of countries that include friendship and cooperation, security, social security, prevention of double taxation and loans, establishment of joint companies and banks, judicial cooperation, cultural, media and tourism agreements. These conventions often avoid provisions that directly affect the status of foreigners. And even if such provisions are applied, it is only by reference to the provisions of national legislation used in the Contracting States.<sup>218</sup>

Moreover, Libya has concluded a number of bilateral agreements relating to what is known the ‘Convention of Four Freedoms’. These typically deal with four basic rights for foreigners: its right of entry, right of abode, right to work, and right to own property. However, such agreements may decide that the right to enjoy the four freedoms in accordance with the legislation in force, the remaining provisions of the legislation, and the authority to determine the conditions for enjoyment of these rights, have not been covered by existing legislation.<sup>219</sup> Examples of these conventions include the integration between

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<sup>216</sup> *Official Gazette*, No. 18, 2000.

<sup>217</sup> *Legislation Code* No 3, 13 June 2003.

<sup>218</sup> Salman, *op.cit.*, p. 117.

<sup>219</sup> This is enforced by the Supreme Court on the Warsaw Convention on air transport. The Court noted that the Convention is the legislation that Libya, like other laws, adheres to, and this applies to all international conventions. For details, see “Civil Appeal (No. 5-27)”, *Journal of the Supreme Court Magazine*, 32nd Year, issues 4, p. 25.

Libya and Egypt, Libya and the Sudan in 1990, and the Libyan-Maltese cooperation agreement in 1985.<sup>220</sup>

Libya is also a member of several regional bodies, such as the League of Arab States, Organization of the Islamic Conference, the Arab Maghreb Union, the Group of Sahel-Saharan States and the African Union. As stated in their charters, the aim of these bodies is to promote regional economic, social and cultural integration among member states. However, implementing such goals is often impeded by lack of operational procedures and ineffective mechanisms.<sup>221</sup> Therefore, domestic legislation, both independent and/or related to international, bilateral, and/or multilateral agreements, remains the leading source of the rights and obligations of aliens in the state. Regardless of the status of national and foreign individuals, such agreements include recognition of the legal personality of the foreigner and of primary freedoms, such as freedom of thought and religious practice, and freedom of movement and rights related to personal relations.

In this regard, Libya issued Law No. 20 for 1991 on the promotion of freedom, and the Green Document on Human Rights of 1988, which makes no distinction between the fundamental rights of citizens and foreigners.

#### 4.3.1.1. The Issue of Refugees

With regard to refugees, Libya was committed to the Organization of African Unity Convention that governed specific aspects of refugee problems in Africa. This convention was declared in 1969 and ratified on 25 April 1981. Among its most important points is the second paragraph of Article 3 which states that “the member states should not subject any person to procedures that stop him/her crossing borders and/or being returned to other countries where his/her life and personal safety or freedom is at risk.”

This text implements Article 21 of the Promotion of Freedom Act No. 20 for 1991, a basic law built into the Libyan constitutional structure. It states that Libya “is a shelter and refuge for oppressed and freedom fighters who seek protection in the Libyan land that they may not be handed over to any one person or authority.” In this respect, the Libyan Code of Criminal Procedure prohibits a foreigner who is accused or convicted of a political offence from being extradited. Furthermore, according to Law No. 1 of 2007 which governs the functions of the People’s Congresses and People’s Committees, it is the

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<sup>220</sup> Salman, op.cit., pp.91-92.

<sup>221</sup> Ibid., p. 94.

responsibility of the General People's Committee to approve the granting of political asylum and to determine the treatment of refugees.<sup>222</sup>

#### ***4.3.2. Admittance of Foreigners in Libya and Their Rights***

Admittance of foreigners to Libya is regulated by Law No. 6 of 1987 and this law remains in force. However, its executive framework was abolished by the General People's Committee Decision No. 247 in 1989 and replaced by new regulations through the General People's Committee Decision No. 125.<sup>223</sup> This step was accompanied by the release of Law No. 6 in 1999 and Law No. 2 in 2004,<sup>224</sup> and the new executive regulations and amendments introduced in these years confirmed Libya's policy of tightening up its measures for the acceptance of foreigners in Libya, especially through illegal immigration. The following sections consider such measures.

##### 4.3.2.1. General Rules for the Entry of Foreigners into Libya

The entry of foreigners into Libya requires three conditions:

- A. The possession of a travel document, as stated in Law No. 6 of 1987, is a requirement to regulate entry to, residence in, and exit of foreigners from Libya. Yet Article 3 of this law stipulates that citizens of Arab countries have the right to enter Libya, using identity cards, through specific ports of entry in accordance with the rules and procedures determined by the General Administration of Citizenship and Passports, taking into account the principle of reciprocal treatment and the international conventions to which Libya is a party.
- B. Obtaining a visa is a general rule for entry to enter Libya and the only exception is what is conveyed by international conventions. Here reciprocity of treatment for Libyan nationals is a condition. The General Administration of Citizenship and Passports is responsible for granting citizenship visas, while the Libyan Secretary of the General People's Committee for Foreign Liaison and International Cooperation is empowered to grant visas for diplomats and politicians.<sup>225</sup> According to Article 13 of Law No. 6 for 1987, this individual has wide discretionary powers in granting entry visas, and/or cancelling or repealing them.

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<sup>222</sup> Salman, op.cit., p.96-98,

<sup>223</sup> Website of the General People's Committee: [www.GpcoGov.ly](http://www.GpcoGov.ly)

<sup>224</sup> *Official Gazette*, No. 3, 31March 2004.

<sup>225</sup> See Article 67 of the Regulations of Law No. 2 for 2001 on the organization of political action and legislation.

Purposes for entering Libya with a valid visa can be tourism, work, visit, transit, an official duty, study, and joining a resident person/family. Visas cannot be granted to such categories as international terrorism suspects, smugglers, or members of hostile organisations or entities. This includes travellers carrying documents issued by Israel.

- C. Foreigners are obliged to enter Libya through official entry points and these official border crossings include land, air and sea ports. Some of the land outlets include Ras Amsaad, Iğdır, Agdams, Eisin, Owainat and East Wazen, while airports include those of Tripoli, Benghazi, Sebha, Mitiga and Sirte. Sea outlets include the ports at Tripoli, Benghazi, Misrata, Tobruk and Zuwarah. There are also some oil ports, including Ras-Lonouf, Albraiq, Az-waitina and Sidra (which are concerned with the oil and gas industries).

#### 4.3.2.2. Residence

It is mandatory for foreigners residing in Libya to fulfil certain obligations, some of which are the responsibility of the foreigner, while others are dealt with by the authorities and departments concerned with aliens.

##### *1. Obligations of foreigners:*

- i. Once they have entered Libya, foreigners are required within seven days of the date of entry to register with a branch of the Directorate General of Passports and Citizenship close to their area. After registration they should obtain a visa from the Directorate that shows the conditions and period of residency according to their work contract. The visa may be extended in accordance with the period determined by the permit, or renewal of the employment contract for the length of validity of the travel document.
- ii. A visa is granted for the purpose of study or to join a resident, but without the right to work.
- iii. No work visas are granted to a foreign resident's family members or for his/her parents or siblings if they are minors and dependents for the period of the foreigner's residency.

iv. Article 11 of the General People's Committee Regulation No. 98 for 2007<sup>226</sup> added certain mechanisms for organising work and residency in Libya and applicable to nationals of countries associated with bilateral and/or regional agreements with Libya. For instance, a residence visa for work or job search authorises the holder to stay in Libya for a period of three months from the date of entry into the country. And if work is found, the appropriate settlement procedures must be followed in accordance with the Rules of Executive Law No. 6 for 1987.

Thus (1) the right to the residency permit is cancelled if the alien has been absent outside Libyan territory for more than three months (para. 14 of Act No. 6 for 1987); and (2) in addition the above-mentioned foreign residents are expected to respect the validity of laws and regulations in Libya. They are also required to provide statements as required from them; must report loss, damage or expiration of their travel documents; and cannot change the particular purpose of the entry or residence before written permission from the Director General of Passports and Nationality has been obtained. Foreigners leaving Libya for more than three consecutive months have to deliver the residence permit to the Passport Office concerned, in accordance with of Articles 8-11 and regulations 36-43 of Act No. 6 for 1987).

## *2. Obligations of other parties towards aliens*

Other parties involved in the residency of a foreigner in Libya may include providers of housing, transport and employment to foreigners. The law requires these parties, in their individual capacities, to provide the nearest Passport Office or police station with details of the foreigner and his companions within forty-eight hours of the time of housing or shelter (Article 9 of Act No. 6 of 1987 and Article 38 m of the regulations). Likewise, employers of foreigners must submit information about their employees to the appropriate Passport Office within seven days from the date of enrolment at work (Article 13 of Act No. 6 of 1987).

The law also requires captains of ships and aircraft arriving in or departing from Libya to provide the Passport Office with appropriate information and names of those working on the vessels or aircraft and passenger details. Captains must also disclose any information about passengers who do not have valid entry or transit visas, and when leaving Libyan ports, must inform the Passport Office of missing passengers who are meant to be on board and submit relevant documents and entry details to the Passport Office concerned (Article

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<sup>226</sup>See Website of the General People's Committee. [www.GpoGov.ly](http://www.GpoGov.ly)

4 of Act No. 6 for 1987). Foreigners or parties concerned with foreign affairs who violate any of the obligations mentioned above are subject to sanctions as established in Article 20 of Act No. 6 for 1999.

#### 4.3.2.3. Exit of Aliens from Libya

Aliens who wish to leave either permanently or temporarily need to obtain an exit visa. This applies to aliens whose departure is purely their own decision or desire. However, there are cases in which certain aliens can be dismissed or expelled from the country.

##### *1. Voluntary exit of foreigner*

The required visa depends on the type or nature of the exit of the resident foreigner; i.e., final exit, or exit and return.

- i. A final exit visa is valid from 30 to 60 days during which time the aliens must clear all their obligations towards employers and different authorities involved (Article 22 of the regulations).
- ii. An exit and return visa has the same conditions, but if the alien does not return before the visa's validity expires, he/she may lose the right of residence unless the visa is extended before its expiry date. An exit and return visa is granted for an extra three months, as long as the right of residency remains valid (Articles 19, 20, 21 of the regulations).
- iii. An exit and return visa can be granted to individuals who have failed to obtain a residence visa, provided the Director of Directorate General of Passports and Nationality is satisfied with the situation (Article 25 of the regulations).
- iv. An exit and return visa for multiple trips can be granted to foreigners for no more than the length of the residence visa they already possess, on condition that there are no objections to doing so (Article 23 of the regulations).
- v. Exit from the country should be via one of the official ports of entry (Article 1 of the regulation).
- vi. The law prevents the exit of foreigners who might be called for service on competent judicial bodies. The law also prevents the exit of aliens whose departure may harm national security or Libya's economic interests (Articles 5, 6, 7, 8 of the regulations).



## *2. Expulsion and/or deportation of aliens*

Deportation of foreigners from Libya can be undertaken when there is no legal basis for the residency of such foreigners. This might be the case if they entered the country without a valid visa, failed to leave the country after expiry of their residence permit, or were refused its renewal by the authority. As for expulsion, it can be applied even if there is a legal basis for residence, but a visa granted to an alien will be cancelled if his/her presence threatens the security of the state at home or abroad.

Other reasons for visa cancellation can be the fact that the presence of aliens may threaten the national economy or public health if they become a burden on the state. If an alien is convicted of a crime or misdemeanour involving moral abuse or dishonesty and if he/she violates the conditions of the granted visa, the residency permit can be cancelled, at which point he/she must leave the country (Article 16 of the Act).

Losing the legal grounds for residence by entering the country without a visa and refraining from leaving it despite expiry of the terms of residence and refusal to renew it, would require deportation from the country by Libya. However, any deportation decision is subject to review by the appropriate administrative courts to avoid any arbitrary use of power by the authority in charge (Article 18 of the Act). Moreover, in accordance with Article 158 of the Penalty Law, deportation of a foreigner will be mandatory if he/she is convicted of a crime and sentenced to imprisonment for ten years. This also applies if he/she has committed an honour crime, offended public morality, and/or violated public order, although the deportation verdict may be discretionary if the crime receives a sentence of less than ten years (Article 10 of the Act).

Article 11 of the General People's Committee Decision No. 98 for 2007 added new instances in which foreigners could be deported from Libya. For example, if the foreigner fails to secure employment before the end of the stated three month period in the residence permit for job searching, he/she must leave the country voluntarily. Failure to do so will allow the Libyan authorities to deport the foreigner at his/her own expense after their Diplomatic Representative in Libya has been informed.

However, given that the provisions of the law of entry, residence and exit of foreigners in Libyan territory are related to public order, security and the sovereignty of the country, the legislature has imposed criminal sanctions for violation of these principles. For instance, Law No. 6 for 1987 stated strict penalties for certain aggravated offences that had

particular consequences, although lighter penalties were stated for all other offences. For strict penalties, Article 19 of Law No. 6 for 1987 laid down a sentence of imprisonment (not exceeding three years) and a fine of no more than two hundred Libyan dinars, or one of these two, for the following offences:

- i. Those knowingly providing false oral and written statements to facilitate entry or residence for himself or for others in Libya, in violation of the provisions of this law;
- ii. Those entering the country without a valid visa issued by the competent authorities in accordance with the provisions of the law;
- iii. Those violating conditions imposed for the granting of a visa or exceeding its duration or renewal.
- iv. Those employing a foreigner without taking account of the provisions of Article 9 of the law.

#### **4.4. The General Rights of Foreigners**

In accordance with Law No. 1 for 2007, as stipulated by the People's Congresses and People's Committees, resident foreigners in Libya are not allowed to participate in political life.<sup>227</sup> This legal point conforms with the nature of citizenship which is based on personal loyalty to the state. Foreigners are also excluded from employment in public sector positions as mentioned in Article 2 of Act No. 55 for 1976 dealing with the civil service. However, foreigners might be employed through contract arrangements if it is necessary to do so.<sup>228</sup>

Nevertheless, in principle foreigners in Libya enjoy all rights and public freedoms such as freedom of thinking, views, expression, beliefs and religious practices, and freedom of movement and place of residence within the country. Resident foreigners may not be arrested, tried, expelled or deported from the country unless they breach the law.<sup>229</sup>

Foreigners, like citizens, have the right to use public facilities and services including judicial and police services, transportation, electricity, water, education, and health systems. However, they are not entitled to social security services, with the exception of

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<sup>227</sup> Legislation Code No.1 for the seventh year, 2007.

<sup>228</sup> *Official Gazette* No. 48, year 14, 1976.

<sup>229</sup> Salman, op.cit., p. 122

those working for public sector organisations on contract arrangements or those included in international conventions.<sup>230</sup> Use of public health facilities is paid for by foreigners, except those such as members of international and diplomatic missions in Libya who receive free health treatment but on a reciprocal basis. Even so, in emergency and urgent life-threatening cases, medical treatment can be provided to foreign residents and crews of foreign vessels and aircraft.<sup>231</sup>

#### **4.5. The Private/Personal Rights of Foreigners**

In terms of legislation the Libyan legal system that deals with private and personal rights does not differentiate between citizens and aliens. The general rule is that foreigners are free to exercise their rights within private law, unless there is a provision preventing them from doing so. As for the rights relating to personal status, a foreigner is free to enjoy personal relations and activities such as marriage, divorce, exercise of parental authority over children, inheritance and making wills. In terms of transactions, foreigners have rights of acquisition and assuming responsibility that result from recognition of their legal personality. They are also eligible for procedures of legal acts and protection of their rights through the judicial system. These constitute the general rules of Libyan legislation. However, there are some restrictions on foreign ownership of real estate and transferable funds in the regional or national economy. There is also legislation that prevents foreigners from operating certain businesses, and some of these restrictions are described below.

##### ***4.5.1. Restrictions in relation to funds***

As noted, foreign ownership of real estate in Libya is banned, as stated in the 1960 Law on Prohibiting Ownership of Real Estate by Non-Libyans.<sup>232</sup> Article 1 of this law stated that non-Libyans, whether individuals or legal personalities, were forbidden to own real estate in Libya unless officially authorized to do so. The term ‘legal personality’ meant any company or authority whose capital was not 100 percent owned by Libyans. However, Article 2 allowed the acquisition of property through inheritance or bequest. Similarly, Article 3 allowed foreigners to own real estate for the benefit of the public good, for diplomatic delegations, and for the purpose of the national economic development of the country.

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<sup>230</sup> A number of agreements in this regard were maintained with Tunisia, Algeria, Malta, Greece and Pakistan. See Salman, *ibid*, p.124.

<sup>231</sup> *Official Gazette* No. 8, year 24, 1986.

<sup>232</sup> *Official Gazette* No. 9, 1960.

This law remains valid, even though new and more relevant laws have been introduced. For example, Law No. 5 for 1997 made exceptions to encourage foreign capital to come to the country,<sup>233</sup> while Law No. 9 for 2000, which deals with the organisation of transit trade and free zones, allows foreign investors the right to use and benefit from properties needed for establishing and operating their projects.<sup>234</sup> The law of transit trade and free zones also includes several exemptions, incentives, and guarantees for investors. In this respect, Article 7 of Law No. 9 for 2000 states that, regardless of their owners, all projects and funds of investors and traders in the free zones and goods in transit constitute private properties. These properties may not be confiscated or placed in receivership unless by the law or through legal action in the courts.

Article 8 of the same law states that nationalised projects established in free zones may not be expropriated, seized, frozen and/or be subjected to actions that have the same impact, except within the law and in just compensation. All these actions deal with properties and personal funds, which means that foreign ownership of real estate in free zones, is lawful. In support of this, Article 5 of the law stipulates that projects and merchandise, goods, services, and funds are not subject to any customs and other taxes or to any regulatory restrictions, except with regard to faith or morals, or national security, health or environmental protection.

Concerning transferable funds, Libyan legislation does not permit ownership by non-Libyans of Libyan-registered ships and aircraft, nor does it allow ownership of shares of limited and simple companies for non-Libyans. As for joint enterprise between Libyans and foreigners, the law states that shares held by Libyans should be not less than 35 percent of the total capital of a company throughout its life. The law forbids the establishment of joint companies of this type that trade in retail activities, wholesale business and import, and these provisions are stated in Article 53 of the executive Regulations of Law No. 21 for 2001, as amended by Law No. 1 for 2004.<sup>235</sup>

#### ***4.5.2. Restrictions on businesses and professions.***

Involvement of foreigners in certain businesses and professions is subject to prior approval from the General Authority of Labour Force, as stipulated in Article 13 of Law No. 58 for 1970. Working without authorisation would involve both employer and employee

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<sup>233</sup> *Official Gazette* No. 10, 1997.

<sup>234</sup> *Official Gazette* No. 15, 2000.

<sup>235</sup> *Legislation Code* No. 10, 2007.

committing a criminal offence (Article 156 of Employment Law). It also represents one of the breaches of visa conditions that results in cancellation of the residence permit and deportation of the foreigner. In accordance with the General People's Committee Decision No 98 of 2007 on controls and mechanisms of work organisation and residence in Libya, these measures are applicable to all foreign Arabs and non-Arabs unless their countries have signed relevant agreements with Libya.

Citizens of countries that have no mutual agreements with Libya may not enter the country for work unless they are registered with a foreign investor. This is in accord with the provisions of Law No. 5 for 1997 concerning foreign capital investment. Employing Libyan citizens and/or aliens is not permitted unless they are registered with job seeker councils administered by a public labour force committee, as stated in Decision No. 91 for 2006 on work procedures.

Registration of foreigners as job seekers is not allowed before verification that they have entered the country legally, and that they are free from contagious and infectious diseases. Article 4 of the same resolution stated that all procedures for ratification of an employment contract, and payment of fees and taxes for social security related to the Office of Public Employment should be done in coordination with the Tax Department and Social Security Fund.<sup>236</sup>

Law No.1 for 2004 (which amended Law No. 21 for 2001) mentioned economic activities, occupations and professions that foreigners could not practise while in Libya. The executive Regulations of Law No. 21 of the General People's Committee No. 171 for 2006 included further details in this respect,<sup>237</sup> while recent amendments to the latter law do not exempt aliens from Arab or African countries from the regulations concerning the prohibition of certain economic activities. Furthermore, foreigners may not practise such health professions as pharmacy, nursing, and medical laboratory analysis, nor are they allowed to practise in the legal profession, printing, hospital management and customs clearance. These restrictions aim to protect the national labour force involved in such activities. Exceptions to these restrictions are mentioned in Law No. 9 for 2000 dealing with transit trade and the free zones, and Law No. 5 for 1997 on the investment of foreign capital.

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<sup>236</sup> The General People's Committee. [www.GPCOGov.LY](http://www.GPCOGov.LY).

<sup>237</sup> Ibid.

## **4.6. Libya's Institutional Framework for Immigration Control**

According to Libyan law under Qadhafi's regime, different levels of the People's Committee took on all executive responsibilities with regard to issues concerning aliens. The General People's Committee (equivalent to a Cabinet in other countries), the Specialised People's Committees (Ministries in other countries), and the relevant judicial institutions dealt with claims relating to illegal immigration. The various institutions involved in the immigration issue in the Libyan context are as covered in the section which follows:

### ***4.6.1. The Executive Institutions***

1. The General People's Committee (Cabinet): in addition to supervising the Specialised People's Committees (Ministries), the General People's Committee decides the admissibility and treatment of refugees and asylum seekers (Law No. 1 for 2007).

2. Secretariat of the People's Committee for Public Security (Ministry of Interior): as part of its responsibilities in maintaining security in the country, the People's Committee for Public Security controls several departments, including the Department of Passports and Citizenship which is the main body dealing with foreigners, through the granting of entry visas as well as the issuing of residence permits and work visas. The department was established according to the General People's Committee Decision No. 114 for 2005.

### ***4.6.2. Department of Passports and Nationality (Ministry of the Interior)***

The organizational structure of the Department of Passports and Nationality consists of the following sections, each of which has certain duties:

#### **4.6.2.1. Passport Fraud Investigation Section**

1. The **Passport Control** section oversees activities at the official entry and exit points in the country, and also implements relevant legislation concerning entry and exit movement.
2. The **Office for Arab and Foreign Affairs** deals with the issuing of entry exit and return visas for work and residence, in accordance with the law.

3. Branches of the **General Directorate of Passports** operate in various geographical locations.

This department deals with several points, including the following;

- A. Investigating and controlling all fraudulent actions through passport legislation.
- B. Detecting infiltrators and illegal residents and deporting them in coordination with the relevant security authorities.
- C. Conducting periodic inspections of foreign and national companies and public bodies to ascertain their commitment to the law regarding foreign workers.
- D. Performing all the tasks entrusted to it under Ministry of Interior guidance.

Overall, the interviews and the information obtained showed that the General Directorate of Passports as a whole and more specifically the Passport Investigation section undertook multiple functions on a daily basis regarding foreigners in general and illegal migrants in particular.

Publications and instructions issued to various Libyan immigration sections showed a series of measures relevant to migrants and deportees. For example, none was allowed to receive any person from any direction without a record explaining his/her custodial circumstances. This had to be accompanied by a receipt for individuals in custody as well as confirmation of their legal rights, the absence of any bodily injuries and that they were free of assault by those who had captured and/or detained them.

Instructions also indicated the necessary actions for the immediate deportation of nationals of neighbouring countries. Instructions also urge appropriate solutions to the deportation of nationalities with problems in their countries of origin, such as Ethiopia, Eritrea and Somalia. Notably, instructions issued by the Head of the Passport Directorate emphasised the need to take human rights considerations into account.

#### ***4.6.3. Secretariat of the General People's Committee for Foreign & International Cooperation (Ministry of Foreign Affairs)***

As in other countries, this institution is responsible for formulating and implementing Libya's foreign policy agenda with other countries and international and regional bodies. In 1974 the General People's Committee issued Decision No. 216, intended to reform the organisational structure of the General People's Committee for Foreign Relations by

introducing a Secretariat for the Affairs of Overseas Migration and Refugees, and appointing an official to manage this section's affairs under the direct supervision of the Secretary of the People's Committee of Foreign Relations. The decision clarified the powers of the newly-introduced secretariat as follows:

1. Preparing draft laws on issues of immigration and refugees in coordination with the relevant authorities.
2. Coordinating the parties involved in Libya with regional and international organisations working in the field of legal and illegal migrants and immigration.
3. Planning and implementing programmes to provide all types of care for expatriates.
4. Participating in activities, conferences and meetings of the ministerial committees and specialised technical committees related to issues of migration and expatriates at both regional and international levels.
5. Supervising work of the Department of Immigration, including expatriates and refugees.
6. Supervising activities of the Department of Consular Affairs.

Decision 216 also introduced the establishment of the Department of Immigration and Expatriate Affairs, which was responsible for tracking the advance of illegal immigration and its social, economic, and security impacts on transit and receiving countries, especially Libya. The goal was to study the causes and motives of this movement and to find suitable solutions by coordination with the countries concerned as well as with national and international institutions with an interest in the subject according to the legislation in force.

There is a degree of duplication of functions with other departments, especially with the Department of Consular Affairs, which follows all matters relating to foreigners residing in Libya. Another department, concerned with Public International Law and Treaties, specialises in the study and preparation of draft treaties and bilateral agreements and therefore participates in relevant discussions and meetings on the effectiveness of such agreements. The role of the latter department is focused basically on expressing legal opinions on matters of international law and following up such topics with appropriate international and regional organizations in the context of committees and conferences, including recommendations for coordination with other departments and competent



authorities. It also addresses issues related to land, sea and airspace borders, and conserves and catalogues all related documents and maps.

#### ***4.6.4. Secretariat of the General People's Committee for Manpower, Training and Employment (Ministry of Labour)***

The Ministry of Labour is responsible for managing and implementing manpower policies in accordance with resolutions of the Libyan People's Congresses, and follows up laws, regulations and systems relating to civil service and human resources. It is directly involved in following up the application of laws and resolutions related to the use of foreign labour in international companies and public enterprises. Bringing foreign workers into Libya requires the prior approval of the Ministry of Labour, which is likely to be conditioned by the fact that the national workforce cannot meet the Libyan labour market's demands.

To achieve its policies, the Ministry of Labour established a Department of Employment and Producers with responsibility for implementing laws and decisions relating to the employment of foreign workers in accordance with the Ministry of Labour's policy to reduce foreign labour and replace it with national workforce.

#### ***4.6.5. Human Rights Office (Qadhafi Foundation)***

The Human Right Office was empowered to address issues of human rights in light of Libya's national legislation and international obligations. It is noticeable that establishing competent departments of immigration reflected the government's concern and attention for issues of immigration and migration at different levels, and confirmed Libya's interest in providing suitable national legal and institutional grounds for dealing with these challenges in accordance with its international obligations, but without contradicting the national interest.

#### ***4.6.6. Judicial Institutions (Ministry of Justice)***

Libya's judicial system rests on the provision of adequate guarantees to protect the rights and freedoms of individuals, both citizens and foreigners. Libya has an independent judicial system: according to Article 31 of the Promotion of Freedom Act (No. 20 for 1991), the Judges are independent and the only authority over their sentencing is the Law. Courts have general jurisdiction over all disputes for all citizens and/or foreigners, regardless of differences in the nature of the conflict (civil, criminal and/or administrative).

In addition, the Libyan judicial system is based on multiplicity of litigation, where cases are brought before a Court of the First Instance. A sentenced person then has the right to appeal to a higher court against the verdict, but if dissatisfied with the verdict of the latter court can finally apply to the Supreme Court. The Supreme Court's verdict is final and obligatory on all parties and official institutions.

All decisions of the executive institutions, including those concerning foreigners (such as resolutions of expulsion, deportation, granting and withdrawal of citizenship, the granting of asylum, and the treatment of refugees) are subject to appeal before the Administrative Courts within sixty days from the date of publication. Such courts have the power to discharge these decisions and compensate affected persons.

Penalties stated in Law No. 6 for 1987 regarding entry and residence of aliens and violation of citizens' and/or foreigners' rights according to the law's provisions are invalid without a court order to ensure the legal rights of those found guilty. To facilitate legal proceedings concerning offences as set forth in Law No. 6, specialised courts have been established to deal with migration issues including illegal immigration.

The Supreme Council for Judiciary also issued Decision 7 for 2005 which established lower courts and specialist prosecutors to deal with illegal immigration. Appeals in such courts were dealt with by the Department of Immigration in the Court of First Instance. This measure was intended to raise the efficiency of specialised judges in dealing with crimes related to illegal immigration, and to contribute to facilitating litigation procedures for foreigners accused of immigration crimes, whether entering the country through illegal outlets, illegal residence, or attempted illegal migration to Europe by sea.

#### **4.7. Conclusion**

To sum up, Libya's legislative regulations on migration issues provide a basis for understand how the Libyan authorities, on the basis of Libya's immigration laws; have been dealing with all foreigners entering Libya. It is widely believed that migrants from Africa can enter Libya without a visa and/or without the knowledge of the Libyan authorities. Certainly, official regulation of migration issues confirms that there is no particular legislative framework that is able to address all the problems related to migrants. An exception to this is the 1975 law that encourages the inflow of Arab expertise necessary

for the development and organization thereof, and the 1989 law that deals with the rights and duties of Arab citizens in Libya.

Based on Libyan legislative regulations with regard to the entrance and exit of foreigners to Libya, the possession of valid travel documents and visas is a prerequisite for both entry and exit, except in the case of international agreements that state otherwise and where reciprocity is observed. Using official ports of entry is also a prerequisite for the legality of entry and residence of foreigners.

As for foreign residence, this is associated with the type of visa held. A tourism entry visa gives the holder the right to stay for three months, as does a visa to search for work. An employment visa gives its bearer residency for as long as the duration of the work contract. A visa to join a foreign resident allows its holder to stay in Libya for the length of stay granted to the original resident.

The main question here is whether Libyan legislative regulations were affected after the 1990s and the changes in Libya's policies towards the African countries, which encouraged a large number of African migrants to enter Libya. Based on Libyan official data on the number of migrants in Libya, it is clear that a significant number were entering Libya illegally. It was also evident that those foreigners could enter Libya without an entry visa and that they could also stay as long they wished inside Libya without residence or entry visas. The following chapter examines the introduction of foreigners inside Libya in order to discover why illegal migrants were choosing Libya as a transit country, and whether the Libyan authorities were observing the strict application of entry and residency laws.

## Chapter Five

### National and Social Background of the Migrants Surveyed

#### 5.1. Introduction

This chapter is in three sections, each divided into further sub-sections. The first section explores the social background of illegal migrants who were held in detention camps by the Libyan authorities. The researcher uses the terms ‘illegal migrants’ camps’, ‘illegal immigration’, and ‘illegal migrants’, rather than ‘irregular migrants’ camps’, ‘irregular’ immigration’, and ‘irregular migrants’ (or ‘undocumented migrants’), since ‘illegal migrants’ is the official Libyan term used for these groups.

The second section deals with the experiences of illegal migrants in Libya and their reasons for choosing Libya as a transit country for immigration, in other words the external elements persuading them to use Libya as a transit country. The third section tries to establish why Libya has become a transit country for illegal migrants, which is to say the internal elements within Libya such as the role of the Libyan authorities in controlling illegal immigration.

The chapter is based largely on the results collected from specific questions in the survey questionnaire administered in Libya. The survey involved 320 individuals who were living in the illegal immigration camps run by the Libyan authorities. There were nine such camps in total, distributed in various cities and districts. Some were in the north-east of Libya, particularly in Benghazi and Ganfuda (a small town near Benghazi); others were in the north-west, including Tripoli, Towisha, Al-Zawiyah, and Zuwarah. The researcher met a variety of individuals in the camps, with the aim of gathering accounts of their particular experiences, as well as obtaining a deeper understanding and evaluation of the issue of illegal immigration into Libyan territory. The Ajdabiya and Misrata camps in the mid-north of the country and the Sabha and Al-Qatrun camps in the south were also visited, as were some camps established for infiltrators through Libya’s southern border. Later, visits were undertaken to camps located in the south, in the middle of the Libyan Desert. Much valuable material was obtained.

Other camps located in the north-east (Darna and Tobruq) and in the south (Al Kufra and Ghat) were not visited, since although they had not been officially closed down, many of the illegal migrants previously detained there had been transferred to camps already visited. At the time of this study, these camps were empty and effectively closed, due to the difficulty of accommodating increasing numbers of illegal migrants, and also because the Libyan authorities aimed to separate male and female detainees.

In order to widen the research, a visit was also made to the Janzur camp for illegal migrants in Tripoli, which is administered by the International Organization for Immigration (IOM). The intention was to see whether illegal migrants held in camps run by the Libyan authorities received the same treatment as those in the IOM camps. It was also useful to determine the nationalities of the migrants in the IOM camps, how they had come to Libya, why they were separated from other illegal migrants held in the country, and to explore the differences between the two types of camps.

The study was conducted in two phases, the first of which was a pilot study. This involved interviews with 30 illegal migrants, of whom ten were in Tripoli's Towisha camp, five were in the IOM's Janzur camp, and fifteen were in the Libyan government's camps in Benghazi. The pilot study was used in order to evaluate the possibilities and challenges of studying the conditions experienced by illegal migrants detained in the Libyan authority's camps. It was also very useful in determining whether the migrants themselves would cooperate by agreeing to talk about their experiences in reaching Libya and their own plans for moving on illegally to Europe.

Once satisfactory results had been obtained from the pilot study, the second phase of the study started. This involved a much larger group of 330 participants to whom questionnaires would be distributed at the illegal immigration camps which were visited. At this point, however, there were several challenges. For instance, it was not possible to distribute the questionnaires to all the respondents and collect them after they had been completed, since it was not clear whether the participants would be able to understand the questions properly and answer them accurately. I had also been told that many of them were illiterate and some did not understand English. Therefore I had to stay with them to translate and clarify. It was certainly necessary to ensure each participant understood the individual questions. Also, by encouraging them to answer all the questions, the researcher was able to speak to them informally, which in turn presented them with a good opportunity to talk about their lives, immigration experiences, and plans for the future.

Being with the participants produced a good rate of response, since it enabled the researcher to establish good relations and build trust with them as the aims of the research questions were explained. It was made clear to the participants that all their personal information and responses would be strictly confidential, and that the data they provided would be used solely for academic purposes just as the university's protocols in relation to surveys and data collection.

The research participants were randomly selected from illegal migrants of various nationalities who were aiming to reach Europe through Libya. Illegal migrants searching for jobs and a better life in Libya were excluded; it was known that certain groups, especially from African countries, had initially entered Libya with the intention of working in the country and not migrating to Europe. Potential respondents were questioned by the researcher about their reasons for coming to Libya. Those whose answers clearly stated that their aim was to immigrate to Europe were accepted for the random sample, while those who answered that they had come solely to find work were rejected.

The questionnaire results were analysed using the SPSS statistical software package. Answers to the core research questions were used in a comparative mode (Cross Tabulation), and provided a strong indication as to how participants in the research sample established their views and opinions. The researcher used the Logistic Regression component of the SPSS to help predict the presence or absence of characteristics or outcomes based on the values of a set of predictor variables.

The questions were designed to be simple and easy to answer. Personal identification questions were helpful for more friendly communication with the participants, but the researcher was careful not to appear intrusive. The researcher talked to them using their names to reassure them and gain their trust as to the purpose of the research and to prepare them for the interviews.

Although 330 questionnaires were distributed, 30 were eventually dropped since these cases had not been personally interviewed by the researcher. Some of the illegal migrants had volunteered to interview a number of their room partners in the camp, but the researcher was not sure whether the respondents had correctly understood and answered the questions based on their own experiences and without being influenced by other room partners.

The survey questions were basically in two groups: the initial (background) questions, and the main questions. The initial questions were included to establish the core background information concerning the respondents, while the main questions were designed to investigate their ideas and experiences while transiting through Libya. In addition, several direct and/or indirect questions were included to examine why Libya was more attractive than other North African countries as a transit country.

Multiple choice questions were employed to produce responses suitable for statistical analysis, while a few open-ended questions were necessary to explore different opinions and experiences among the illegal migrants. The questionnaire was designed to provide suitable data for computer analysis, and the questions, which were simple and direct, were intended to establish the pattern of opinions among the illegal migrants.

## **5.2. The Initial Questions: Background Information about Illegal Migrants**

Among the 300 respondents there were 174 males (58%) and 126 females (42%). It was considered important to have a reasonable numerical balance between males and females in assessing the experience of illegal migrants. The sub-sections that follow cover the categories of questions included in the questionnaire.

### ***5.2.1. Legal Status of the Person Sampled***

The answer to this question offered two choices: (1) migrant; (2) refugee. The question was designed to indicate how the participants presented themselves. For the purpose of the investigation, the researcher had initially assumed that a large number of them were migrants and not refugees. The result showed that 195 respondents declared that they were illegal migrants (65%), and 105 persons declared themselves to be refugees (35%).

In this respect, even though 105 persons claimed to be refugees, the researcher classified them as illegal migrants based on several factors:

1. The Libyan authorities treated them as illegal migrants, kept them in the same camps and dealt with their situation as illegal migrants in terms of deportation to their home countries.
2. The way such people had entered Libya indicated that they had come to the country as infiltrators.

3. According to the Libyan police, they had been caught while trying to travel illegally to Europe from Libyan shores.

4. The Libyan authorities did not accept any of them as refugees, because none had applied for refugee status or asylum after they had reached Libyan territory.

### **5.2.2. The Age Factor**

This question was included to examine which age groups were more likely to migrate illegally through Libya. The researcher divided the answers into eight categories starting from 18 years old to 51 and over.<sup>238</sup> The result was as follows (Table 5.1):

**Table 5.1: Age Groups of Illegal Migrants**

| <b>Age</b>   | <b>Frequency</b> | <b>Percent %</b> |
|--------------|------------------|------------------|
| <b>18-24</b> | 111              | 37.0%            |
| <b>25-29</b> | 97               | 32.3%            |
| <b>30-34</b> | 60               | 20.0%            |
| <b>35-39</b> | 25               | 8.3%             |
| <b>40-44</b> | 7                | 2.3%             |
| <b>Total</b> | <b>300</b>       | <b>100.0%</b>    |

This shows that groups of people aged between 18 and 34 comprised the majority of the illegal migrants. Younger people were more likely to immigrate illegally since they were the ones who were most able physically to make the difficult journey from their countries of origin to their final destinations.

Table 5.2 shows that females were more likely to immigrate at a younger age than males. While male age groups were in the 25-34 years age band, the highest number of the female group was 18-29 years old. Females were less numerous in the 30-34 categories and there were virtually no females over the age of 35. This is presumably because women older than 29 years are more likely to be married and have families and children, and this makes the journey more risky.

**Table 5.2: The Gender and Age Cross Tabulation**

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<sup>238</sup>Some migrants were under the age of 18, but were classified as children accompanying relatives and/or families. It was the latter who were assumed to have decided to undertake the illegal immigration process.



| Gender       | Age       |           |           |           |          |            |
|--------------|-----------|-----------|-----------|-----------|----------|------------|
|              | 18-24     | 25-29     | 30-34     | 35-39     | 40-44    | Total      |
| Male         | 35        | 54        | 53        | 25        | 7        | 174        |
| Female       | 76        | 43        | 7         | 0         | 0        | 126        |
| <b>Total</b> | <b>11</b> | <b>97</b> | <b>60</b> | <b>25</b> | <b>7</b> | <b>300</b> |

Yet there were some cases of families and children who immigrated despite the difficulties and ambiguities involving this type of decision, as well as numerous stories about this issue. The researcher met one woman with a six-week-old baby girl in the Zuwarah camp. This woman had been pregnant while attempting to cross to Europe in a plastic boat, but had been caught by the Libyan Coast Guard, and had given birth in the camp.

### ***5.2.3. Religious Beliefs of the Migrants***

The survey showed that the participants sampled were either Muslim or Christian, with 170 Muslims (56.7%) and 130 Christians (43.3%). Two respondents said they had no religion but since they constituted such a tiny minority, for statistical purposes one of the two cases was added to the Muslim group and the other to the Christian group.

#### 5.2.4. Educational Level

The educational level of the illegal migrants is covered in Table 5.3.

**Table 5.3: Education Level of Illegal Migrants**

| <b>Education level</b>        | <b>Frequency</b> | <b>Percent %</b> |
|-------------------------------|------------------|------------------|
| <b>No formal education</b>    | 42               | 14.0%            |
| <b>Primary school</b>         | 108              | 36.0%            |
| <b>Secondary</b>              | 144              | 48.0%            |
| <b>University</b>             | 6                | 2.0%             |
| <b>Postgraduate education</b> | 0                | 0%               |
| <b>Total</b>                  | <b>300</b>       | <b>100.0%</b>    |

Table 5.3 indicates that the highest number in term of level of education was secondary school. People with this level of schooling were more likely to go abroad than people with primary education only. The number of individuals with a university education or higher was very small, possibly because such people preferred to reach Europe legally either to live and/or work.

**Table 5.4: Gender and Education Cross Tabulation**

| <b>Sex</b>    | <b>Education Level</b>     |                       |                  |                   |              |
|---------------|----------------------------|-----------------------|------------------|-------------------|--------------|
|               | <b>No formal education</b> | <b>Primary School</b> | <b>Secondary</b> | <b>University</b> | <b>Total</b> |
| <b>Male</b>   | 29                         | 64                    | 75               | 6                 | <b>174</b>   |
| <b>Female</b> | 13                         | 44                    | 69               | 0                 | <b>126</b>   |
| <b>Total</b>  | <b>42</b>                  | <b>108</b>            | <b>144</b>       | <b>6</b>          | <b>300</b>   |

By comparing male and female educational levels, it is clear that for both sexes the highest percentages had at least primary or secondary education while 42 respondents had no formal education. It is not surprising that no females had obtained higher than secondary education. The researcher believes that women were working or searching for work before they came to Libya and those with higher education had good prospects. The percentage of

higher education was very low all over the entire sample, with just 2.0% for university and 0.0% for postgraduate education.

#### **5.2.5. Nationality**

The data on the nationality of the illegal migrants shows the wide range of nationalities involved in migration. At the time of the distribution of the questionnaires, those who had been caught by the Libyan authorities and kept in the detention camps comprised twenty nationalities, from the following countries: Ethiopia, Eritrea, Algeria, Senegal, Sudan, Somalia, Cameroon, Morocco, Niger, Benin, Bangladesh, Tunisia, Sierra Leone, Gambia, Ghana, Guinea Bissau, Guinea, Mali, Egypt and Nigeria.

Table 5.5 indicates that Somalis, Eritreans and Nigerians represented 11.3%, 10.0% and 10.0% respectively. The figures from the data collected agreed with what the illegal migrants provided, based on their nationalities.

**Table 5.5: Nationality/Country of Illegal Migrants**

| <b>Nationality</b>    | <b>Frequency</b> | <b>Percent %</b> |
|-----------------------|------------------|------------------|
| <b>Ethiopia</b>       | 21               | 7.0              |
| <b>Eritrea</b>        | 30               | 10.0             |
| <b>Algeria</b>        | 13               | 4.3              |
| <b>Senegal</b>        | 16               | 5.3              |
| <b>Sudan</b>          | 8                | 2.7              |
| <b>Somalia</b>        | 34               | 11.3             |
| <b>Cameroon</b>       | 19               | 6.3              |
| <b>Morocco</b>        | 20               | 6.7              |
| <b>Niger Republic</b> | 30               | 10.0             |
| <b>Benin</b>          | 3                | 1.0              |
| <b>Bangladesh</b>     | 12               | 4.0              |
| <b>Tunisia</b>        | 7                | 2.3              |
| <b>Sierra Leone</b>   | 7                | 2.3              |
| <b>Gambia</b>         | 3                | 1.0              |
| <b>Ghana</b>          | 18               | 6.0              |
| <b>Guinea Bissau</b>  | 7                | 2.3              |
| <b>Guinea</b>         | 9                | 3.0              |
| <b>Mali</b>           | 13               | 4.3              |
| <b>Egypt</b>          | 11               | 3.7              |
| <b>Nigeria</b>        | 19               | 6.3              |
| <b>Total</b>          | <b>300</b>       | <b>100%</b>      |

To shed more light on the sample, the researcher attempted to establish the ratio of males to females within each nationality. The cross tabulation (Table 5.6) shows that males from Eritrea, Algeria, Cameroon, Somalia, Morocco, Nigeria and Egypt had the highest number amongst the nationalities, while the highest number of females were from Ethiopia, Eritrea, Somalia, Senegal, Republic of Niger, and Nigeria. It should be noted that there were no females from Arab countries in North Africa, apart from three cases from Morocco, two of whom were mother and daughter.

**Table 5.6: Cross Tabulation of Nationality with Gender**

| Nationality           | Gender                     |                            |                             |
|-----------------------|----------------------------|----------------------------|-----------------------------|
|                       | Male                       | Female                     | Total                       |
| <b>Ethiopia</b>       | 6<br>2.0%                  | 15<br>5.0%                 | 21<br>7.0%                  |
| <b>Eritrea</b>        | 11<br>3.6%                 | 19<br>6.3%                 | 30<br>10.0%                 |
| <b>Algeria</b>        | 13<br>4.3%                 | 0<br>.0%                   | 13<br>4.3%                  |
| <b>Senegal</b>        | 6<br>2.0%                  | 10<br>3.3%                 | 16<br>5.3%                  |
| <b>Sudan</b>          | 8<br>2.7%                  | 0<br>.0%                   | 8<br>2.7%                   |
| <b>Somalia</b>        | 13<br>4.3%                 | 21<br>7.0%                 | 34<br>11.3%                 |
| <b>Cameroon</b>       | 11<br>3.7%                 | 8<br>2.7%                  | 19<br>6.3%                  |
| <b>Morocco</b>        | 17<br>5.7%                 | 3<br>1.0%                  | 20<br>6.7%                  |
| <b>Niger Republic</b> | 16<br>5.3%                 | 14<br>4.7%                 | 30<br>10.0%                 |
| <b>Benin</b>          | 3<br>1.0%                  | 0<br>.0%                   | 3<br>1.0%                   |
| <b>Bangladesh</b>     | 9<br>3.0%                  | 3<br>1.0%                  | 12<br>4.0%                  |
| <b>Tunisia</b>        | 7<br>2.3%                  | 0<br>.0%                   | 7<br>2.3%                   |
| <b>Sierra Leone</b>   | 5<br>1.7%                  | 2<br>.7%                   | 7<br>2.3%                   |
| <b>Gambia</b>         | 3<br>1.0%                  | 0<br>.0%                   | 3<br>1.0%                   |
| <b>Ghana</b>          | 9<br>3.0%                  | 9<br>3.0%                  | 18<br>6.0%                  |
| <b>Guinea Bissau</b>  | 4<br>1.3%                  | 3<br>1.0%                  | 7<br>2.3%                   |
| <b>Guinea</b>         | 6<br>2.0%                  | 3<br>1.0%                  | 9<br>3.0%                   |
| <b>Mali</b>           | 7<br>2.3%                  | 6<br>2.0%                  | 13<br>4.3%                  |
| <b>Egypt</b>          | 11<br>3.7%                 | 0<br>.0%                   | 11<br>3.7%                  |
| <b>Nigeria</b>        | 9<br>3.0%                  | 10<br>3.3%                 | 19<br>6.3%                  |
| <b>Total</b>          | <b>174</b><br><b>58.0%</b> | <b>126</b><br><b>42.0%</b> | <b>300</b><br><b>100.0%</b> |

### 5.2.6. Marital Status

The question here was designed to establish the marital status of the samples and offered the following five possibilities: single, married, separated, divorced and widowed. Results showed that of the research sample, 225 individuals were single (75.0%) and 75 were married (25.0%). These figures met the expectations of the research. Single people are more likely to move and travel compared to married ones who would prefer to settle down and not risk the dangers of travelling illegally, especially in rough seas and unsafe boats. Even so, there were significant numbers of married illegal migrants (Table 5.7).

**Table 5.7: Cross Tabulation of Gender with Marital Status**

| Gender | Marital Status |         |       |
|--------|----------------|---------|-------|
|        | single         | married | Total |
| Male   | 123            | 51      | 174   |
| Female | 102            | 24      | 126   |
| Total  | 225            | 75      | 300   |

Females formed the lowest number of married cases, representing just 8.0% of the total of 300 illegal migrants held in the Libyan camps. Furthermore, the 24 married females were all accompanied by their husbands. With regard to the males, there were 27 men who had left their families in the home country and were trying to emigrate on their own without the risk of having their families with them. Some of them with large families might not have been able to afford to take all family members with them.

The other marital categories were blank, meaning there were no cases that were widowed, divorced or separated and that the only relevant two categories were straightforwardly single or married.

### 5.2.7. Places of Previous Residence

The questionnaire asked the illegal migrants where they had been living before coming to Libya, the purpose being to establish whether they had come directly from their own countries or had been living elsewhere. Results showed that 35% of the research sample had declared themselves to be refugees, although the Libyan authorities dealt with them all as illegal migrants. While visiting the detention camps, the researcher observed that all the

illegal migrants were staying in the same places and receiving similar treatment, without any differentiation between illegal migrants and refugees.

For technical purposes, the researcher decided on 'yes/no' choices for answering the following question: *Were you living in your own country before entering Libya?* For a more specific response, another question followed that, asking which country, region, city and/or village had the respondent come from. To the main question, 196 persons answered 'yes' (65.3%) and 104 said 'no' (34.7%).

The illegal migrants who answered 'no' were from Ethiopia (3.3%), Eritrea (4.7%) and Somalia (4.7%), but could not be considered as refugees. Obviously, they had not been living in their countries of origin, nor had they escaped them because of being persecuted. Instead they had been living in various other places before arriving in Libya to seek shelter and to ask for protection as refugees, indicating that they were not coming from anywhere in which they might have been threatened (Table 5.8).

**Table 5.8: Cross Tabulation of Nationalities and previously Living in Own Country**

| Nationality           | Were you living in your own country? |                            |                             |
|-----------------------|--------------------------------------|----------------------------|-----------------------------|
|                       | No                                   | Yes                        | Total                       |
| <b>Ethiopia</b>       | 10<br>3.3%                           | 11<br>3.7%                 | 21<br>7.0%                  |
| <b>Eritrea</b>        | 14<br>4.7%                           | 16<br>5.3%                 | 30<br>10.0%                 |
| <b>Algeria</b>        | 2<br>.7%                             | 11<br>3.7%                 | 13<br>4.3%                  |
| <b>Senegal</b>        | 6<br>2.0%                            | 10<br>3.3%                 | 16<br>5.3%                  |
| <b>Sudan</b>          | 4<br>1.3%                            | 4<br>1.3%                  | 8<br>2.7%                   |
| <b>Somalia</b>        | 14<br>4.7%                           | 20<br>6.7%                 | 34<br>11.3%                 |
| <b>Cameron</b>        | 9<br>3.0%                            | 10<br>3.3%                 | 19<br>6.3%                  |
| <b>Morocco</b>        | 19<br>6.3%                           | 11<br>3.7%                 | 20<br>6.7%                  |
| <b>Niger Republic</b> | 19<br>6.3%                           | 21<br>7.0%                 | 30<br>10.0%                 |
| <b>Benin</b>          | 1<br>.3%                             | 2<br>.7%                   | 3<br>1.0%                   |
| <b>Bangladesh</b>     | 5<br>1.7%                            | 7<br>2.3%                  | 12<br>4.0%                  |
| <b>Tunisia</b>        | 4<br>1.3%                            | 3<br>1.0%                  | 7<br>2.3%                   |
| <b>Sierra Leone</b>   | 2<br>.7%                             | 5<br>1.7%                  | 7<br>2.3%                   |
| <b>Gambia</b>         | 0<br>.0%                             | 3<br>1.0%                  | 3<br>1.0%                   |
| <b>Ghana</b>          | 3<br>1.0%                            | 15<br>5.0%                 | 18<br>6.0%                  |
| <b>Guinea Bissau</b>  | 1<br>.3%                             | 6<br>2.6%                  | 7<br>2.3%                   |
| <b>Guinea</b>         | 0<br>.0%                             | 9<br>3.0%                  | 9<br>3.0%                   |
| <b>Mali</b>           | 3<br>1.0%                            | 10<br>3.3%                 | 13<br>4.3%                  |
| <b>Egypt</b>          | 3<br>1.0%                            | 8<br>2.7%                  | 11<br>3.7%                  |
| <b>Nigeria</b>        | 5<br>1.7%                            | 14<br>4.7%                 | 19<br>6.3%                  |
| <b>Total</b>          | <b>104</b><br><b>34.7%</b>           | <b>196</b><br><b>65.3%</b> | <b>300</b><br><b>100.0%</b> |



### 5.2.8. Previous Job Held in Own Country

Here the results showed that 168 persons had been unemployed (56.0%) and 132 had held jobs in their own countries (44.0%). The following cross tabulation gives more details about the group of migrants who had been employed in their countries, and shows that 94 males (31.3%) and 38 females (12.7%) were working. The working males were ranked higher compared to the non-working group; this could be explained by observing that some of them also had extra jobs on local farms and other rural activities (Table 5.9).

**Table 5.9: Cross Tabulation between Gender and Living in One’s Own Country**

| Gender       | Do you live in your own country |                              |                               |
|--------------|---------------------------------|------------------------------|-------------------------------|
|              | No                              | Yes                          | Total                         |
| Male         | 80<br>(26.7%)                   | 94<br>(31.3%)                | 174<br>(58.0%)                |
| Female       | 88<br>(29.3%)                   | 38<br>(12.7%)                | 126<br>(42.0%)                |
| <b>Total</b> | <b>168</b><br><b>(56.0%)</b>    | <b>132</b><br><b>(44.0%)</b> | <b>300</b><br><b>(100.0%)</b> |

#### 5.2.8.1. Field of Employment: Type of Job in Own Country

The four most common answers to this question were: farming, handicrafts, construction, and “other jobs”. It was found that of the 132 working people, 66 (22%) ticked the box “other jobs”, representing 50% of the total of the jobs. This category included housekeepers, domestic workers, cleaners and guards (Table 5.10).

**Table 5.10: Fields of Employment**

| Type of job          | Frequency  | Percent %    |
|----------------------|------------|--------------|
| Farming              | 10         | 3.3          |
| Handicrafts          | 42         | 14.0         |
| Construction         | 14         | 4.7          |
| Other jobs           | 66         | 22.0         |
| <b>Total</b>         | <b>132</b> | <b>44.0</b>  |
| Missing*             | 168        | 56.0         |
| <b>Overall Total</b> | <b>300</b> | <b>100.0</b> |

\* Note: the term ‘Missing’ refers to the jobless migrants

**Table 5.11: Gender and Job in Own Country**

| Gender        | What was your job in your country? |                           |                           |                           |                             |
|---------------|------------------------------------|---------------------------|---------------------------|---------------------------|-----------------------------|
|               | Farmer                             | Handicrafts               | Construction              | Other Jobs                | Total                       |
| <b>Male</b>   | 10<br>7.6%                         | 32<br>24.2%               | 14<br>10.6%               | 31<br>28.8%               | 94<br>71%                   |
| <b>Female</b> | 0<br>.0%                           | 10<br>7.6%                | 0<br>.0%                  | 28<br>21.2%               | 38<br>28.8%                 |
| <b>Total</b>  | <b>10</b><br><b>7.6%</b>           | <b>42</b><br><b>31.8%</b> | <b>14</b><br><b>10.6%</b> | <b>66</b><br><b>50.0%</b> | <b>132</b><br><b>100.0%</b> |

Table 5.11 classifies the various occupations held by the sample of 132 people in their own countries. In both male and female groups, it was found that the ‘other jobs’ category included the highest number of positions. The category was added to give greater choice and to encourage the migrants to inform the researcher about their field of employment. Respondents could answer ‘Other jobs’ if his/her specific job was not included in the options provided.

The group of males doing other job included caretakers/house guards, cleaners, car cleaners, and waiters in small cafés. The females worked as general cleaners, domestic cleaners, and maids/house workers. It was clear that females did not work as farmers and/or in the construction sector, and that about 7.6% of them worked as seamstresses, probably due to lack of education or job opportunities in their own countries or in the countries in which they had resided before arriving in Libya.

#### 5.2.8.2. Wage Rates Earned per month in the Home Country

This question was designed to determine the amount of money that the responders had been earning from their work in their own countries. For the purposes of the study, the researcher assumed initially that, based on the results of a pilot study, sums of more than US\$500 were not probable, while at the other end an amount of less than US\$100<sup>239</sup> was perfectly likely. The results show the following (Table 5.12):

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<sup>239</sup>US dollars were used as the currency unit after I had discovered during the pilot study that illegal migrants used American dollars, rather than Libyan currency or their national currency, to pay the costs of their journeys (see also note 2 in Chapter Six below). Thus all \$ symbols = US\$ in this thesis.

**Table 5.12: Wage Rates Earned per Month**

| <b>Wages</b>       | <b>Frequency</b> | <b>Percent %</b> |
|--------------------|------------------|------------------|
| <b>&lt; \$ 100</b> | 30               | 10.0%            |
| <b>\$ 101-200</b>  | 49               | 16.3%            |
| <b>\$ 201-300</b>  | 34               | 11.3%            |
| <b>\$ 301-400</b>  | 19               | 6.3%             |
| <b>\$ 401-500</b>  | 0                | 0.0%             |
| <b>&gt;500</b>     | 0                | 0.0%             |
| <b>Total</b>       | <b>132</b>       | <b>44.0%</b>     |

**Table 5.13: Cross Tabulation of Gender and Wages per Month**

| <b>Gender</b> | <b>Wages per month</b>    |                           |                           |                           |                             |
|---------------|---------------------------|---------------------------|---------------------------|---------------------------|-----------------------------|
|               | <b>\$100</b>              | <b>\$101-200</b>          | <b>\$201-300</b>          | <b>\$301-400</b>          | <b>Total</b>                |
| <b>Male</b>   | 13<br>9.8%                | 28<br>21.21%              | 34<br>25.8%               | 19<br>14.4%               | 94<br>71.2%                 |
| <b>Female</b> | 17<br>12.9%               | 21<br>15.9%               | 0<br>.0%                  | 0<br>.0%                  | 38<br>28.8%                 |
| <b>Total</b>  | <b>30</b><br><b>22.7%</b> | <b>49</b><br><b>37.1%</b> | <b>34</b><br><b>25.8%</b> | <b>19</b><br><b>14.4%</b> | <b>132</b><br><b>100.0%</b> |

The tabulation show that out of the 132 illegal migrants who were working, 53 (40.2%) were employed and earning over \$200, all of them males. There were 38 females (28.8%) who were earning less than \$100 up to a maximum of \$200, indicating that women were paid less than men in their home counties. The highest average wage or the males was between \$101 and \$300.

#### **5.2.9. Expectations of monthly earnings in the destination country (Europe)?**

This question was asked in order to determine the economic expectations of the illegal migrants once they had reached Europe.

Of the 300 illegal migrants interviewed, only 14 expected to earn \$1000 a month (4.7%), while there were 13 individuals who had no particular expectation (4.3%) regarding potential earnings. However, 273 of the illegal migrants expected to earn more than \$1000 a month (91.0%), meaning that the majority of the illegal migrants expected to earn above \$1000 per month which, compared to the wage most received in their home country (averaging \$300 for the majority), was a substantial sum.

The cross tabulation confirmed that both males and females expected to earn more than \$1000 a month in Europe (Table 5.14).

**Table 5.14: Cross Tabulation of Gender and Expected Monthly Earnings in the EU**

| Gender        | How much do you expect to earn per month in the EU? |                            |                          |                             |
|---------------|---|----------------------------|--------------------------|-----------------------------|
|               | <\$1000   | >\$1000                    | Do not know              | Total                       |
| <b>Male</b>   | 11<br>3.7   | 158<br>52.7%               | 5<br>1.7%                | 174<br>58.0%                |
| <b>Female</b> | 3<br>1.0%   | 115<br>38.3%               | 8<br>2.7%                | 126<br>42.0%                |
| <b>Total</b>  | <b>14</b><br><b>4.7%</b>                            | <b>237</b><br><b>91.0%</b> | <b>13</b><br><b>4.3%</b> | <b>300</b><br><b>100.0%</b> |

### 5.3. Determining the Next Destination

This part of the questionnaire was designed to determine the anticipated destinations of the illegal migrants, and why and when they had decided to immigrate towards these final destinations also their routes to enter Libya. The purpose was to confirm that they had entered Libya because it was a transit location. The questions discussed in the sub-section which follows were intended to examine these aspects of the illegal immigration.

#### 5.3.1 Reasons for Leaving their Original Countries

This question involved three choices as follows: (1) No job; (2) for good money; and (3) war and insecurity.

As Table 5.15 shows, the majority of the responders were seeking to improve their economic situation and to search for jobs, whereas the people who had left their countries for political reasons (conflict) were fewer in number. The researcher believes that this reinforces the point that most of these people were illegal migrants and not refugees, since they were driven by economic motivation towards Europe.

**Table 5.15: Reasons for Illegal Immigration**

| The reasons               | Frequency  | Percent %     |
|---------------------------|------------|---------------|
| <b>No job</b>             | 116        | 38.7%         |
| <b>For Good Money</b>     | 134        | 44.7%         |
| <b>War and Insecurity</b> | 50         | 16.7%         |
| <b>Total</b>              | <b>300</b> | <b>100.0%</b> |

### **5.3.2. *The Route to Libya***

This question related to how the illegal migrants had reached Libya. When asked which country they had travelled through, and by what means, before reaching Libya, the answers showed that each group of nationalities had followed a different route. For example, the Egyptians usually travelled by land as passengers on the buses that run regularly between Libya and Egypt. The director of the Benghazi camps confirmed this in an interview, pointing out that the Egyptian migrants came to Libya using this method on a daily basis. They entered Libya and passed through Libyan passport control legally.

This was also clear from an interview with a soldier (K. Al.) who worked as a guard at the Libyan border; he told the researcher that the transport buses between Egypt and Libya were clearly carrying people intending to migrate illegally to Europe or work illegally in Libya, noting that the buses came to Libya full of Egyptian passengers and went back to Egypt empty. Because they entered Libya legally with valid passports, the Libyan border guards were unable to prevent them from entering the country. The soldier also confirmed that the bus drivers took the passports of people planning to go to Europe. The deal was that the bus drivers kept the passports of the Egyptians and took them back into Egypt after the Egyptians had gone legally through passport control.

At the time of distributing the questionnaires, the researcher noticed that many of the Moroccans and Tunisians were using the same method as the Egyptians. Some of these arrived in Libya by plane, where airport passport control measures are stricter than those applied at the land borders. But in practice the Moroccans and Tunisians were also entering Libya legally, with valid passports, under the slogan “Libya is the land of all the Arabs”.<sup>240</sup>

Under the slogan “Libya is the land of all the African people”, the Africans from non-Arab countries also knew that they could enter Libya freely, and despite extremely difficult and dangerous journeys, they made great efforts to reach Libya. When the researcher talked to the samples they seemed to be happy to have survived and to have reached Libya, despite the fact some of their friends who had been travelling with them had died in the middle of the desert.

The African migrants were from Senegal, Cameroon, Niger, Benin, Sierra Leone, Gambia, Ghana, Guinea Bissau, Guinea, Mali and Nigeria, and they all used similar routes across the middle of the sub-Sahara deserts to reach Libya. Some of the Somali, Eritrean and

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<sup>240</sup>In most of his speeches the Libyan leader portrayed Libya as the land of all the Arab people.

Ethiopian illegal migrants had been living in Sudan for periods of up to three years as refugees, but even though they had the chance to live and work safely in Sudan, they chose to leave Sudan and head towards Libya. Since they had made this choice freely, they could no longer be classified as refugees when they reached Libya. It was clear from their answers that their aim was to go to Europe.

Thus the reason why the Libyan authorities treated all of them as illegal migrants and made no distinction between illegal migrants or refugees was that they had come from safe places and none had sought asylum in Libya or demanded refugee status. Colonel Husain Juan, an immigration expert in the Libyan Department of Passports and Immigration in Tripoli, stated this in an interview, and his opinion was confirmed by other Libyan officials.

### ***5.3.3 Popular Destinations for the Illegal Migrants***

The illegal migrants interviewed were asked in which country they would like to live, if they had the chance to choose. The results showed the eight European countries that were considered the most popular as final destinations by the illegal migrants. Some migrants, however, had no specific final destination; their aim was simply to reach the land of ‘Europe’.

**Table 5.16: Country in which you would like to Live**

| <b>Countries</b>   | <b>Frequency</b> | <b>Percent%</b> |
|--------------------|------------------|-----------------|
| <b>Italy</b>       | 93               | 31.0            |
| <b>France</b>      | 34               | 11.3            |
| <b>England</b>     | 43               | 14.3            |
| <b>Germany</b>     | 52               | 17.3            |
| <b>Norway</b>      | 13               | 4.3             |
| <b>Belgium</b>     | 8                | 2.7             |
| <b>Canada</b>      | 20               | 6.7             |
| <b>Spain</b>       | 12               | 4.0             |
| <b>Do not know</b> | 25               | 8.3             |
| <b>Total</b>       | <b>300</b>       | <b>100.0</b>    |

Table 5.16 lists the most popular countries, and shows that Italy attracted the highest preference as a final destination among the illegal migrants (31%). However, while talking to the migrants, the researcher realised that some of them thought that Italy *was* Europe

and they had no idea about other European countries. Around 8.3% of cases were not sure about their final destination at all. On the other hand, other migrants had chosen countries such as Spain, Norway, England and/or Belgium as their final destination, the reason for such choices being that they had relatives or friends who had suggested these specific countries to them (Table 5.16).

#### ***5.3.4. Reasons for Choosing the Country of Destinations***

This question was designed with five choices, and aimed to investigate the reasons why the illegal migrants had selected their particular destination country (Table 5.17). It was found that the most common reason for choosing a certain country was that it had been recommended by a friend. This indicated that some of the illegal migrants who had not yet reached Europe nevertheless had good communications networks in European countries. It was also clear that another important factor for choosing specific countries was an economic motivation, as well as the ease with which certain countries could be entered by the migrants.

**Table 5.17: Reasons for Choosing a Specific Country**

| <b>Reasons</b>               | <b>Frequency</b> | <b>Percent %</b> |
|------------------------------|------------------|------------------|
| <b>Good reputation</b>       | 41               | 13.7%            |
| <b>Recommended by friend</b> | 72               | 24.0%            |
| <b>Easy to get in</b>        | 59               | 19.7%            |
| <b>Money</b>                 | 59               | 19.7%            |
| <b>All these</b>             | 44               | 14.7%            |
| <b>Subtotal</b>              | 275              | 91.7%            |
| <b>Missing*</b>              | 25               | 8.3%             |
| <b>Grand total</b>           | <b>300</b>       | <b>100.0%</b>    |

\* **Missing** refers to individuals who answered “I do not know”

#### ***5.3.5. Will Permanent Residence be sought in the Destination Country?***

The illegal migrants were asked whether they would seek permanent residency in the destination country. Responses showed that 157 individuals (91 males and 66 females), said ‘yes’ (52.3%), 71 persons (42 males and 29 females) said ‘no’(23.7%); while 72 people (41 males and 31 females) said they ‘did not know’ (24.0%). Clearly a majority of respondents wanted permanent residency at their destination, while among those who

answered ‘no’ to this question some did not intend to return to their counties. These figures can be seen in Tables 5.18 and 5.19.

**Table 5.18: Gender and seeking to remain in Destination Country**

| Would you seek permanent residence in the destination country? | Gender     |            |            |
|--|------------|------------|------------|
|  | Male       | Female     | Total      |
| <b>Yes</b>   | 91         | 66         | 157        |
| <b>No</b>  | 42         | 29         | 71         |
| <b>Do not know</b>   | 41         | 31         | 72         |
| <b>Total</b>   | <b>174</b> | <b>126</b> | <b>300</b> |

**Table 5.19: Cross Tabulation of Gender and Seeking Permanent Residence**

| Gender        | Would you seek permanent residence in the destination country? |                           |                           |                             |
|---------------|--|---------------------------|---------------------------|-----------------------------|
|               | Yes  | No                        | Don't know                | Total                       |
| <b>Male</b>   | 91<br>52.3%  | 42<br>24.1%               | 41<br>23.6%               | 174<br>100.0%               |
| <b>Female</b> | 66<br>52.4%  | 29<br>23.0%               | 31<br>24.6%               | 126<br>100.0%               |
| <b>Total</b>  | <b>157</b><br><b>52.3%</b>                                     | <b>71</b><br><b>23.7%</b> | <b>72</b><br><b>24.0%</b> | <b>300</b><br><b>100.0%</b> |

It was also found that the level of education of the illegal migrants played a role in their intended plans for settling down in their destination countries, with university graduates being the most likely to seek permanent residence, followed by these with secondary education. This is covered in Table 5.20.

**Table 5.20: Permanent Residence in the destination Country and Education Level**

| Do you seek permanent residence? | Education           |            |            |            |            |
|----------------------------------|---------------------|------------|------------|------------|------------|
|                                  | No formal education | Primary    | Secondary  | University | Total      |
| <b>Yes</b>                       | 24                  | 52         | 77         | 4          | 157        |
| <b>No</b>                        | 10                  | 26         | 34         | 1          | 71         |
| <b>Don't know</b>                | 8                   | 30         | 33         | 1          | 72         |
| <b>Total</b>                     | <b>42</b>           | <b>108</b> | <b>144</b> | <b>6</b>   | <b>300</b> |



Another question was designed to find out whether the responders planned to return to their home countries. This question received 71 responses (out of 300), of which 42 people (27 males and 15 females) said ‘yes’, they did intend to return to their home countries (14.0%); while ten (including 6 males and just 4 females) said ‘no’, as they planned to seek permanent residence in Europe (3.3%); while 19 individuals (9 male and 10 females) said they ‘did not know’ (6.3%). This shows that in general people had no plans for permanent residence in Europe (Table 5.21).

**Table 5.21: Cross Tabulation of those not wanting permanent resident and Gender**

| Do you plan to return to your country | Gender    |           |           |
|---------------------------------------|-----------|-----------|-----------|
|                                       | Male      | Female    | Total     |
| Yes                                   | 27        | 15        | 42        |
| No                                    | 6         | 4         | 10        |
| Do not know                           | 9         | 10        | 19        |
| <b>Total</b>                          | <b>42</b> | <b>29</b> | <b>71</b> |

Surprisingly, of the total of 71 (42 males and 29 females) who answered ‘no’ to the question of whether they wanted to return to their countries in the long term, the result showed, only 42 of the 71 responders (27 males and 15 females) were planning to return to their countries. while the rest either did not know, or were planning to live somewhere else where they could save good money to help them to start a good life in any other country. To another question asking “how long will you stay in your country of destination?” the main answer was “I don’t know”, which suggested that the respondents’ choice of not wanting to stay permanently in Europe was not necessarily based on fact. The researcher concluded that anyone who had travelled over huge distances, had several times faced death in vast deserts or far out at sea, or who had evaded the Libyan police, could easily manage to get themselves back to the places that they had left in order to escape internal conflict, poverty, and/or threats of other kinds.

The researcher was told by some of the illegal migrants that the people who wanted to go back to their home countries would only do so after they had obtained European citizenship and/or a European passport that would enable them to enter Europe without difficulty whenever they wanted. Even though obtaining a European passport was likely to be a lengthy process, many of the migrants did not care how long it might take and how long they would need to stay in Europe before returning to their own countries.

### 5.3.6. Was this the First Attempt at Illegal Immigration Via Libya?

During formal and informal discussions with various officials, including directors of illegal immigration camps, border patrols, and chief officers from the Department of Investigation of Passports and Immigration in Tripoli, the researcher was told that several of the illegal migrants had been caught more than once trying to immigrate illegally to Europe via Libya. The question in this sub-section was designed to investigate whether this was the first attempt to migrate illegally to Europe, or if any of the migrants had tried more than once to immigrate to Europe illegally. The answers included the choice of (1) ‘No’, or (2) ‘Yes’.

The results showed that 36 persons (12.0%) answered ‘no’, whereas 264 respondents (88.0%) from the total research sample answered ‘yes’ (Table 5.22).

**Table 5.22: Was this your First Attempt at Illegal Immigration?**

|              | <b>Frequency</b> | <b>Percent</b> |
|--------------|------------------|----------------|
| <b>No</b>    | 36               | 12.0           |
| <b>Yes</b>   | 264              | 88.0           |
| <b>Total</b> | <b>300</b>       | <b>100.0</b>   |

Interestingly, the illegal migrants spoke proudly about their experiences with illegal immigration in Libya. Thus a follow-on question was important for finding out more about their experiences. Those who had answered that this was not their first attempt, were asked when and what the previous transit country had been.

### 5.3.7. Previous Experience of Illegal Migrants via Libya

The 36 respondents who had stated that this was not their first attempt at illegal immigration confirmed that Libya was their preferred transit country. They explained that when the first attempt to reach Europe had failed and they had been caught and then released, they simply settled for a while in Libya to work and save money for another attempt. Some had found sources of financial support from outside Libya. For example, a woman in the Ganfuda camp told the researcher: “When the Libyan authorities released me; I went to Benghazi to live with some local groups. My mother, who was living in Italy, sent me the money for a second attempt, which was \$1200.” She added that her mother had been living in Italy for 15 years after immigrating illegally by small boat from Zuwarah to the Italian coast.

Similarly, a Tunisian man who had been held in the Towisha camp, told the researcher: “This is the third time I have tried to get to Italy. My aim was to reach France... I will not stop until I reach France; this is my plan for the rest of my life.” A further story concerned a Moroccan family that consisted of two parents, two daughters and a son. This family had been held at Al-Zawiyah camp, and the Libyan guards at the camp still remembered them as they had only recently been released, about six weeks previously. The Libyan police had caught them again, actually inside the boat that was about to depart for Italy. The father said, “It was my wife’s idea. Her sisters have been living in France for years, and they sent us money to go to France illegally and live there.”

Overall, it is clear that between first failed attempts and the second attempts there was a period of one to three months during which time the illegal migrants remained on Libyan territory.

#### **5.4. Conclusion**

This chapter focused on exploring the social background of illegal migrants who were held in the detention camps in Libya which are called ‘illegal immigration camps’ by the Libyan authorities. It included details of the individuals who were in the study samples: their ages, nationalities, sex, marital status, jobs, wages, what if any qualifications they had, and their final destinations. The chapter also uncovered experiences of migration among the illegal migrants and whether they were planning for a temporary or a permanent stay in Europe.

This background was important for understanding more about the issue of transit illegal immigration in Libya and the status of illegal migrants, and would be helpful in analyzing more details about the phenomenon of transit illegal migrants in Libya.

The following chapters will focus about illegal migrants’ experience with migration to Europe via Libya and that by exploring their experience with smugglers and with Libyan authorities.

## Chapter Six

### The Role of Smugglers in Arranging Entry into Libya

#### 6.1. Introduction

This section of the questionnaire was designed to examine the role of human smugglers in illegal immigration into Libya and to discover who had helped and guided the migrants into Libyan territory and onwards to reach Europe illegally. The questionnaire aimed to find out about the role of the smugglers outside and inside Libya, and how they organised the journey to Europe via Libya. From personal observation, the researcher believes that the majority of illegal migrants dealt with specific individuals who assisted them to enter Libya and helped to organise their next step into Europe. Surprisingly, it was not difficult for the illegal migrants to find human smugglers in Libya, since such people were available everywhere. For example, on First of September Street, one of the main streets in the Libyan capital Tripoli, there is a café that is well known to the public, where Libyan smugglers are available for most of the day and night. They offer their smuggling services to anyone looking for various kinds of help to reach Europe via Libya.<sup>241</sup>

The questionnaire also tried to answer questions about illegal migrants entering Libya: e.g., whether they arrived alone or in groups, how they determined who the smugglers were and whether the smugglers were all Libyans or of different nationalities, and how they dealt with the migrants. The study was also designed to find out how and with whom the smugglers worked, and to help in gaining an insight into whether it was easy to use Libya as a location for the transit of illegal migrants. All these points are answered via correlation analysis in this chapter, and this analysis will form the basis for guidelines for the Libyan government in controlling illegal immigration in the country.

The chapter aims to establish the role of human smugglers as perceived by the illegal migrants, and to identify possibilities for illegal migration to Europe via Libya. The questions attempted to explore this aspect of the research and were put to the sample group.

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<sup>241</sup> During interviews with my respondents, I was told that some had received a phone call from a person asking them if they wanted to go Europe and offering to help them to do so.

## 6.2. The Illegal Migration Journey

### 6.2.1. Fees and Costs for the Illegal Immigration Trip

This question was designed to investigate the cost of the trip and how the migrants paid for it. The options were as follows:

1. Less than \$500<sup>242</sup>
2. \$501-1000
3. \$1001-1500
4. More than \$1500

The responses can be seen in Table 6.1.

**Table 6.1: How much did your Trip Cost?**

| Amount            | Frequency  | Percent%      |
|-------------------|------------|---------------|
| Less than \$ 500  | 26         | 8.7%          |
| \$ 501- 1000      | 77         | 25.7%         |
| \$ 1001-1500      | 187        | 62.3%         |
| More than \$ 1500 | 10         | 3.3%          |
| <b>Total</b>      | <b>300</b> | <b>100.0%</b> |

Results show that 187 (62.3%) of the illegal migrants had paid between \$1001-\$1500; this was the highest percentage among the research sample. However, it was possible to pay less than \$1000 for the illegal trip, as 77 (25.7%) of the migrants had paid \$501-\$1000. People who had paid less than \$500 were asked whether that was the entire amount they had needed to pay for the trip and how the payment had been made. The answers showed that, in some cases, some of the human smugglers accepted less money from migrants who did not have the resources, on condition that they would pay the rest of the amount when they had reached Europe and started work. In such cases a guarantee of payment was expected, from a friend, family member, or some other appropriate source.

The researcher was told that such arrangements could be set up between two human smugglers, one in the migrant's original country and the other in Libya. This meant that migrants could pay less money before leaving their country by offering a deposit to secure payment of the rest of the money after reaching Europe. However, migrants who had

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<sup>242</sup>In the questionnaire US dollars were used as the currency unit because, whilst speaking to some illegal migrants in Tripoli during my pilot study, I found that they used American dollars, rather than Libyan currency or their own national currency to pay the costs of their illegal immigration journey via Libya. Also one of the Libyan officers (A.M) working at the Department of Investigation of Passports and Immigration confirmed that the currency used was the US dollar.

already paid the whole amount used different methods to make their payments. For instance, some paid everything in advance to the human smuggler in their own country, in return for all the travelling needed to reach Libya and for the wait for the ongoing illegal trip to Europe to be fully arranged for them. In this regard, it is clear that the human smugglers had established various networks and procedures among themselves for sending migrants to transit countries for illegal immigration.

Regarding costs, only 10 of the 300 respondents had paid more than \$1500. A Libyan policeman told the researcher that some of the human smugglers were unpleasant and opportunistic. For example, they charged the illegal migrants more than was expected because they wanted to make more profit. Some Libyan men relied solely on smuggling people to make a living.<sup>243</sup>

### **6.2.2. How Illegal Migrants Travelled**

This question was designed to clarify the most popular ways in which the respondents had travelled (i.e., separately, or in the company of others and if so, with whom). The answer offered two choices: (1) ‘No, I travelled with others’, and (2) ‘Yes, I travelled by myself’. The results showed that the majority of the migrants (75.3%) had travelled alone and that 74 had travelled with others (24.7%). In this context, the term *others* included: spouses, siblings, relatives, friends and/or colleagues (Table 6.2).

**Table 6.2: Did you travel by yourself?**

|              | <b>Frequency</b> | <b>Percent%</b> |
|--------------|------------------|-----------------|
| <b>No</b>    | 74               | 24.7            |
| <b>Yes</b>   | 226              | 75.3            |
| <b>Total</b> | <b>300</b>       | <b>100.0</b>    |

Results also showed that 75 (25 %) of respondents were married, so it was more than likely that the married people were travelling together in groups. In discussion with the sample, for those travelling by themselves, ‘alone’ meant that no one from their family was with

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<sup>243</sup> Field study involved travelling by car around Libya looking for data. It was observed that in Zuwarah (a city known for the transit of illegal migrants) in the west of Libya, and in Sabha, one of the biggest cities in the south, there were developments of big new modern houses designed for rich families. There were also expensive new cars on the roads, and it was obvious that large numbers of wealthy people lived in those areas, although the cities do not differ significantly from other Libyan cities in that they are not the focus of governmental development. When I asked about the origin of the wealth in these areas, Mr. M.A, a Libyan police officer in the Department of Investigation of Passports and Immigration explained that it came from the business of smuggling illegal migrants.

them on this journey and that they were in the company of others they had only met randomly on the trip. This shows that most illegal migrants preferred travel in groups with some others. It was not clear whether they organised these groups according to the connections between them, or if there was no relationship at all between the travellers. It seems that they tended to be in groups as a way of feeling more secure, especially when travelling in dangerous areas such as deserts. The next question examined who the illegal migrants had travelled with.

### **6.2.3. With whom did you Travel?**

Of the 300 responders held in the camps of the Libyan authorities, there were 36 cases (12%) who had come as part of a family, and although this is not a high percentage, it still includes large numbers of people travelling as whole families. Five of the illegal migrants chose the ‘others’ category, which was included to provide a variety of choices and to determine whether there were other types of companion possibilities that had not been considered. In this case people who chose ‘others’ meant siblings. However, siblings still count as family members.

The answer offered four choices: (1) family member, (2) friend, (3) colleague, and 4) others (Table 6.3.).

**Table 6.3: With whom did you Travel?**

|                  | <b>Frequency</b> | <b>Percentage %</b> |
|------------------|------------------|---------------------|
| <b>Family</b>    | 36               | 12.0%               |
| <b>Friend</b>    | 33               | 11.0%               |
| <b>Colleague</b> | 0                | 00.0%               |
| <b>Others</b>    | 5                | 1.7%                |
| <b>Total</b>     | 74               | 24.7%               |
| <b>Missing*</b>  | 226              | 75.3%               |
| <b>Total</b>     | <b>300</b>       | <b>100.0%</b>       |

\* ‘Missing’ refers to the number of respondents who were travelling alone

In general, family members included a husband, a wife, and children. For example, the researcher met a man from Morocco who had been caught with his wife and children; there was also a woman with one son, and another woman who was travelling with her husband and who gave birth in the illegal immigration camp in Al-Zawiyah.

### 6.2.3.1. Migrants' Personal Status in Relation to Travelling Alone or Accompanied

In classifying how the illegal migrants travelled to Libya, either as part of a group or as individuals, the study considered whether their decision to travel alone or in a group was influenced by age, gender, or marital status. Such information would be useful in determining how smugglers prepared for waves of illegal immigration and whether there were any difficulties in organising whole families or groups of people and if such groups posed more problems in relation to the Libyan border guards.

A table was designed to establish whether males or females were likely to travel alone or accompanied, and looked at the correlation between gender and whether migrants were accompanied when they entered Libya. The researcher initially considered it likely that females would travel with family members or friends rather than risk such a dangerous journey on their own (Table 6.4).

**Table 6.4: Correlation between Gender and Entry to Libya Alone or Accompanied**

| <b>Gender</b> | <b>Did you travel by yourself?</b>         |   |  |
|---------------|--|---|--|
|               | <b>No</b>                                  | <b>Yes</b>                                  | <b>Total</b>                               |
| <b>Male</b>   | 42<br>24.1%<br>(56.8%)                     | 132<br>75.9%<br>(58.4%)                     | 174<br>100%<br>(58.0%)                     |
| <b>Female</b> | 32<br>25.4%<br>(43.2%)                     | 94<br>74.6%<br>(41.6%)                      | 126<br>100%<br>(42.0%)                     |
| <b>Total</b>  | <b>74</b><br><b>(24.7%)</b><br><b>100%</b> | <b>226</b><br><b>(75.3%)</b><br><b>100%</b> | <b>300</b><br><b>100%</b><br><b>100.0%</b> |

Table 6.4 indicates that 226 respondents out of a total of 300 (75.3%) travelled alone. They included 132 males (75.9%) and 94 females (74.6%), as noted above, and although they described themselves as travelling alone, they did in fact become part of groups of people whom they had not known when they left their own countries. The confidence required to risk this kind of trip “alone” may in part be attributed to the migrants’ belief that travelling via Libya posed less of a risk than travelling to other countries.

### 6.2.3.2. Correlation of Marital Status and whether Migrants Entered Libya Accompanied



Table 6.5 shows that people travelling alone were more likely to be married. Of a total of 225 single travellers, 164 (72.9%) were travelling alone and 61 (27.1%) were accompanied. Of the 75 married people, 62 (82.7%) travelled alone; whereas 13 married people (17.3%) were accompanied. (82.7%) of married people travelled by themselves, while only 72.9% of single people did. meaning that married people were more likely to travel alone, while people who were accompanied were more likely to be single (27.1% single and 17.3% married).

**Table 6.5: Correlation between Marital Status and Entry to Libya Alone or Accompanied**

| Marital Status | Did you travel by yourself? |                            |                           |
|----------------|-----------------------------|----------------------------|---------------------------|
|                | No                          | Yes                        | Total                     |
| <b>Single</b>  | 61<br>27.1%                 | 164<br>72.9%               | 225<br>100%               |
| <b>Married</b> | 13<br>17.3%                 | 62<br>82.7%                | 75<br>100%                |
| <b>Total</b>   | <b>74</b><br><b>24.7%</b>   | <b>226</b><br><b>75.3%</b> | <b>300</b><br><b>100%</b> |

6.2.3.3. Correlation between Age and Whether Migrants Entered Libya Accompanied

The purpose of this correlation was to investigate the age of migrants who were travelling accompanied/unaccompanied. Table 6.6 shows that the total number of young people in the age group 18-24 travelling alone was 85 (76.6%) out of a total of 111 people who were travelling alone, while 26 (23.4%) were accompanied. The initial assumption was that people from the younger age groups would in practice be more confident than older people about taking the risk of travelling alone. This initial assumption however was not supported by the survey. The table shows that in the age category 35-39 there was the highest percentage (80.0 %) of those who travelling alone, although the percentage fall rapidly in the final (40-44) category.

**Table 6.6: Correlation between Age and Entry to Libya Alone or Accompanied**

| Age | Did you travel by yourself? |
|-----|-----------------------------|
|-----|-----------------------------|

|              | No                        | Yes                        | Total                       |
|--------------|---------------------------|----------------------------|-----------------------------|
| <b>18-24</b> | 26<br>23.4%               | 85<br>76.6%                | 111<br>100%                 |
| <b>25-29</b> | 24<br>24.7%               | 73<br>75.3%                | 97<br>100.0%                |
| <b>30-34</b> | 16<br>26.7%               | 44<br>73.3%                | 60<br>100.0%                |
| <b>35-39</b> | 5<br>20.0%                | 20<br>80.0%                | 25<br>100.0%                |
| <b>40-44</b> | 3<br>42.9%                | 4<br>57.1%                 | 7<br>100.0%                 |
| <b>Total</b> | <b>74</b><br><b>24.7%</b> | <b>226</b><br><b>75.3%</b> | <b>300</b><br><b>100.0%</b> |

#### 6.2.3.4. Correlation between Libyan Entry Point and Whether or not Respondents were Accompanied when they Entered Libya.

The aim of this correlation was to find out whether there was any relationship between accompanied/unaccompanied people and the borders through which they had entered Libya.

The results showed that a slightly higher percentage of accompanied people (29.6%) entered Libya from the south-west. This may be because it was considered to be an easy border to cross illegally (Table 6.7).

**Table 6.7: Correlation between Libyan Entry Point and if Migrants were Accompanied**

| Libyan Border      | Did you travel by yourself? |                        |                         |
|--------------------|-----------------------------|------------------------|-------------------------|
|                    | No                          | Yes                    | Total                   |
| <b>North-east</b>  | 5<br>23.8%<br>(6.8%)        | 16<br>76.2%<br>(7.1%)  | 21<br>100.0%<br>(7.0%)  |
| <b>Mid- north</b>  | 5<br>22.7%<br>(6.8%)        | 17<br>77.3%<br>(7.5%)  | 22<br>100.0%<br>(7.3%)  |
| <b>North-west</b>  | 15<br>26.8%<br>(20.3%)      | 41<br>73.2%<br>(18.1%) | 56<br>100.0%<br>(18.7%) |
| <b>South- east</b> | 10<br>16.1%<br>(13.5%)      | 52<br>83.9%<br>(23.0%) | 62<br>100.0%<br>(20.7%) |

|                   |  |   |  |
|-------------------|--|---|--|
| <b>Mid-south</b>  | 18<br>26.5%<br>(24.3%)                     | 50<br>73.5%<br>(22.1%)                      | 68<br>100.0%<br>(22.7%)                      |
| <b>South-west</b> | 21<br>29.6%<br>(28.4%)                     | 50<br>70.4%<br>(22.1%)                      | 71<br>100.0%<br>(23.7%)                      |
| <b>Total</b>      | <b>74</b><br><b>24.7%</b><br><b>(100%)</b> | <b>226</b><br><b>75.3%</b><br><b>(100%)</b> | <b>300</b><br><b>100.0%</b><br><b>(100%)</b> |

### **6.3. Smuggling Process for Entering Libya and Taking Illegal Migrants to Europe**

#### *6.3.1. Nature of Agreements between Illegal Migrants and Smugglers of Humans*

This was directed as an open-ended question to the research respondents with the aim of listening to the stories of individual illegal migrants. The researcher wanted to know how the journey to Libya had been arranged for the illegal migrants by the human smugglers, and how they had organised onward journeys to Europe, and to examine whether the Libyan authorities had put effective systems in place to control illegal migration through Libya to Europe, since at the time when the study was carried out there seemed to have been little attempt to do so.

The respondents' answers indicated that it was easy for them to find human smugglers inside Libyan territories. The researcher had been told that the human smugglers offered their services and that arrangements were made between them and the illegal migrants. It was clear that neither of the parties had any concerns about the possibility of being caught by the border guards. The illegal migrants made deals with the human smugglers for the whole journey, which included taking them from their countries to Libya and arranging for them to travel to Europe. Some migrants from Morocco told the researcher that their trip had started by plane with a flight to Tripoli, where on arrival they found people waiting for them to complete the travel arrangements to Europe.

##### 6.3.1.1. The beginning and end of the smuggling trip

According to the respondents, trips of this kind followed two different routes. Both had the same starting point, which was the home country of the illegal migrants. The migrants who came from neighbouring countries, such as Sudan, Niger Republic and Chad, went directly to the nearest northern border point of their countries with southern Libya, and then moved on to Europe.

Migrants from other African countries that had no borders with Libya had first to arrange their trip from their countries to Sudan, Niger and/or Chad. Other migrants who came from the North-east, including Mersa Matruh in Egypt, and from the North-west, including Ben Gardan in Tunisia (500 km from Tunis, the capital), travelled by plane to Tripoli airport or made their way by land to Libya. Some crossed the land border checkpoints normally, as Arabs travelling to Libya would do, although others avoided the official check points when crossing the Libyan borders.

However, the final stage was different. Some migrants had made agreements with the human smugglers to arrange their trip from the starting point to the shores of Southern Europe or beyond, for example, by assisting them in evading European coast guards.

Other migrants had different agreements, which were to help them to get as far as the Libyan territory and then to find another human smuggler. Similar arrangements were concluded in Tobruk, Benghazi, Tripoli, Misrata, Sirte, Al-Kufra, Sabha and Al-Qatrun. The human smugglers were easily found by anyone looking for them, and could be located, for example in Tripoli, in local coffee shops in the city centre where they would openly meet potential illegal migrants (see also Chapter Five).

#### 6.3.1.2. Who helped you after the decision to emigrate?

The question of who had assisted the migrants after they had decided to emigrate was designed to establish the role and location of the human smugglers in the illegal migration process. The respondents were given a choice of three answers:

- (a) Native smugglers, who were more likely to give help in the emigrants' own countries before they reached Libya;
- (b) Libyan smugglers, who were believed to have been very active in recent years;
- (c) Others – this choice was provided to establish whether there were human smugglers of other nationalities involved in this illegal activity (Table 6.8).

**Table 6.8: Who Helped You to Migrate Illegally from Libya to Europe?**

| <b>Smugglers Nationalities</b> | <b>Frequency</b> | <b>Percent%</b> |
|--------------------------------|------------------|-----------------|
| <b>Native Smuggler</b>         | 66               | 22.0%           |
| <b>Libyan Smuggler</b>         | 125              | 41.7%           |
| <b>Other</b>                   | 109              | 36.3%           |
| <b>Total</b>                   | <b>300</b>       | <b>100.0%</b>   |

Not surprisingly, the highest percentages of human smugglers (41.7%) were Libyan; smugglers from “other nationalities” represented 36.3%, while native human smugglers comprised the smallest group at 22%. Since the second highest percentage consisted of other nationalities (36.3%), it was important to find out which nationalities were involved and where they were working. Obviously the potential profits of smuggling attract other nationalities as well as Libyans and it was discovered that smugglers from a number of other countries were working in Libya, indicating that it was possible for anyone to become involved in this kind of activity in Libya. The head of the Libyan Department of Investigation of Passports and Immigration confirmed that it was clear that people of Moroccan, Tunisian, Egyptian and non-Arab African nationalities were working inside Libya as smugglers of humans.

#### 6.3.1.3. The relation between smugglers’ nationalities and the migrants’ backgrounds

In order to find out more about the role of smugglers in illegal immigration in Libya the research set out to establish whether there was any connection between the nationality of the smugglers and the background of the illegal migrants. The researcher was keen to determine whether there was a link between the nationalities of the smugglers and the nationalities, ages and gender of the migrants that might give some indication as to whether there were Libyan leaders involved in organised operations inside and outside Libya.

The researcher had a series of discussions with officials in the Department of Investigation of Passports and Immigration in Tripoli; the heads of Zuwarah, Benghazi, Sabah, Towisha and Al-Qatrun illegal immigration camps; and M.M (the Libyan expert working with the International Organization of Migration in Tripoli). These confirmed that in addition to Libyan smugglers there were also foreign smugglers operating in the country. The officials were aware of well-organised gangs of smugglers who cooperated with smugglers in different countries. According to an official working at Tripoli International Airport:

Sometimes we see a good-looking young Libyan man waiting at the airport to collect someone who has come from Morocco or one of African countries, and it is clear to us that this person is a smuggler working along with other young smugglers for someone who, I have been told, is a Libyan politician or a person of high military rank.

When asked why the smugglers were not stopped or questioned he said “But we have no orders to stop them and investigate.”<sup>244</sup>

Table 6.8 shows that 125 of the smugglers helping the illegal migrants were Libyan (41.7%), 109 held other nationalities (36.3%) and 66 were of the same nationality as the migrant (22.0%). It should be noted here that the respondents were asked “Who helped you with your migration arrangements?” rather than “Who was the smuggler”. In some cases respondents had been handed from one smuggler to another during the journey to Libya and had therefore dealt with more than one smuggler for entering Libya, travelling within Libya, and undertaking the route from Libya to Europe.

Focusing on who had assisted a respondent’s journey to Europe was also an attempt to uncover the role of smugglers inside Libya. In some cases assistance seems to have been coordinated by an individual known as “Al-Hajj”, although this may not always have been apparent to the migrants. This could indicate that the trip was backed by prestigious individuals in the state hierarchy or senior political figures in the government who paid high wages to previously unemployed or under-employed young men to deal directly with the illegal migrants. Many young men found such work attractive, as it provided them with expensive cars and mobile phones, which gave them status.<sup>245</sup>

Illegal migrants from Morocco, Tunis and Algeria dealt mainly with Libyan smugglers, whereas Sudanese migrants dealt just as much with those of other nationalities as they did with Libyan smugglers (37.5% each). Egyptians dealt with Egyptian smugglers more than any other grouping (45.5%). As Egyptians constitute the largest non-Libyan nationality in Libya, it is not surprising that Egyptian smugglers were active on behalf of Egyptian illegal

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<sup>244</sup>The young man was described as *good looking*, meaning that he looked well-to-do. Presentable young men waiting for Africans or Moroccans in the airport are assumed to be smugglers, in some cases working for Libyan politicians or high-ranking military persons. During field work in Libya in 2010 the researcher was given a car and driver by the Libyan Interior Ministry in Tripoli; the Minister authorised its use anywhere in the north-west. The driver was also employed at the Department of Investigations of Passports and Immigration, and had worked at some of the check points around the north-west Libyan borders. He had many stories about smugglers and how the border guards worked.

<sup>245</sup> Young men in Libya have a serious problem with employment and opportunities to earn a good income, unless they are the small minority that comes from rich families. The smugglers therefore have no problems in finding plenty of employees swilling to work for them for good money.

migrants and also Sudanese. The researcher was told that the Egyptian human smugglers were so active inside Libya that some were famous among illegal migrants and the Libyan police. Even so, the Libyan authorities took no action against them despite their high profile.

#### 6.3.1.4. Correlation between Nationality of the Smugglers and Gender of the Illegal Migrants

**Table 6.9: Correlation between Smugglers' Nationality and Illegal Migrants' Gender**

| Gender        | Who helped you to migrate?                 |   |   |  |
|---------------|--|---|---|--|
|               | Native                                     | Libyan                                      | Others                                      | Total  |
| <b>Male</b>   | 40<br>23.0%<br>(60.6%)                     | 75<br>43.1%<br>(60.0%)                      | 59<br>33.9%<br>(54.1%)                      | 174<br>100.0%<br>(58.0%)                     |
| <b>Female</b> | 26<br>20.6%<br>(39.4%)                     | 50<br>39.7%<br>(40.0%)                      | 50<br>39.7%<br>(45.9%)                      | 126<br>100.0%<br>(42.0%)                     |
| <b>Total</b>  | <b>66</b><br><b>22.0%</b><br><b>(100%)</b> | <b>125</b><br><b>41.7%</b><br><b>(100%)</b> | <b>109</b><br><b>36.3%</b><br><b>(100%)</b> | <b>300</b><br><b>100.0%</b><br><b>(100%)</b> |

The correlation in Table 6.9 shows that Libyan smugglers were the largest group working with migrants, whether male or female, and that 125 of the illegal migrants were dealt with by Libyan smugglers. Smugglers of other nationalities totalled 109 cases. The table shows that equal numbers of females were dealt with by Libyans and “others”; interestingly the highest percentage for females dealing with others was 45.9%, whilst a more or less equal percentage of males (60.6%) were helped by native smugglers and also used Libyan smugglers.<sup>246</sup>

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<sup>246</sup>When migrants were asked whether they would prefer to deal with foreigners or native smugglers, some said they did not deal with natives because they could not trust them and would sooner deal with “real helpers”. The 39.4% who said that they had used “native smugglers” meant native smugglers who had helped them from their own country to Libya.

6.3.1.5. Correlation between smugglers' nationality and migrants' entry point into Libya

**Table 6.10: Correlation between Smugglers' Nationality and Migrants' Entry Point.**

| Entry points into<br>Libya | Who help you to migrate?  |                            |                            |                             |
|----------------------------|---------------------------|----------------------------|----------------------------|-----------------------------|
|                            | Native                    | Libyan                     | Others                     | Total                       |
| North-east                 | 3<br>14.3%                | 9<br>42.9%                 | 9<br>42.9%                 | 21<br>100.0%                |
| Mid-north                  | 2<br>9.1%                 | 10<br>45.5%                | 10<br>45.5%                | 22<br>100.0%                |
| North-west                 | 14<br>25.0%               | 24<br>42.9%                | 18<br>32.1%                | 56<br>100.0%                |
| South-east                 | 20<br>32.3%               | 25<br>40.3%                | 17<br>27.4%                | 62<br>100.0%                |
| Mid-south                  | 13<br>19.1%               | 27<br>39.7%                | 28<br>41.2%                | 68<br>100.0%                |
| South-west                 | 14<br>19.7%               | 30<br>42.3%                | 27<br>38.0%                | 71<br>100.0%                |
| <b>Total</b>               | <b>66</b><br><b>22.0%</b> | <b>125</b><br><b>41.7%</b> | <b>109</b><br><b>36.3%</b> | <b>300</b><br><b>100.0%</b> |

Table 6.10 shows that native smugglers were generally more active in the south than in the north of Libya. Comparing the eastern parts of the country (north-east and south-east) the table showed that 20 illegal migrants (32.3%) who entered from the south-east, and the three (14.3%) who entered from the north-east were dealing with native smugglers. Not surprisingly African smugglers were more active in the south than in the north, taking the illegal migrants from their countries and accompanying them until they reached the south of Libya. The table shows that the highest percentage of native smugglers dealing with illegal migrants was to be found in the south-east, where Al Kufra is the gateway for much illegal migration. The table also indicated that the south-west was a gateway for large numbers of illegal migrants entering Libya.



6.3.1.6. Correlation between Smugglers’ Nationality and whether Illegal Migrants Travelled alone or Accompanied.

**Table 6.11: Correlation of Smugglers Nationality and If Migrants were Alone or Not.**

| Did you travel alone? | Who helped you to migrate? |                             |                             |                             |
|-----------------------|----------------------------|-----------------------------|-----------------------------|-----------------------------|
|                       | Native                     | Libyan                      | Others                      | Total                       |
| <b>No</b>             | 19<br>28.8%                | 25<br>20.0%                 | 30<br>27.5%                 | 74<br>24.7%                 |
| <b>Yes</b>            | 47<br>71.2%                | 100<br>80.0%                | 79<br>72.5%                 | 226<br>75.3%                |
| <b>Total</b>          | <b>66</b><br><b>100.0%</b> | <b>125</b><br><b>100.0%</b> | <b>109</b><br><b>100.0%</b> | <b>300</b><br><b>100.0%</b> |

This correlation showed that in general the number for lone migrants (226) was higher than for those who were accompanied (74). Therefore smugglers were dealing more with individuals than with groups. Proportionately, Libyan smugglers dealt less with groups than either the native or “other” smugglers (Table 6.11). Well-known Libyan smugglers prefer to work with individuals, as they need less support and are easier to transport.<sup>247</sup>

6.3.1.7. Correlation of Smugglers’ Nationality and Who the Illegal Migrants Travelled with.

Table 6.12 examines who accompanied the travelling groups of migrants and how this correlated with the nationality of the smuggler. As indicated in Chapter 5, almost half of those travelling in groups were with their families, and a slightly smaller number were with friends. Only 5 were with “others”. The category of smugglers that helped migrants with families the most was the non-Libyan and non-native category of “others”.

<sup>247</sup> Recorded interview with the head of the Tripoli illegal immigration camps, 2010

**Table 6.12: Correlating Smugglers' Nationality and who the Migrants Travelled with**

| Who did you travel with? | Who help you to migrate?                   |  |  |   |
|--------------------------|--|--|--|---|
|                          | Native                                     | Libyan                                     | Others                                     | Total                                       |
| <b>Family</b>            | 7<br>19.4%<br>(36.8%)                      | 11<br>30.6%<br>(44.0%)                     | 18<br>50.0%<br>(60.0%)                     | 36<br>100.0%<br>(48.6%)                     |
| <b>Friend</b>            | 10<br>30.3%<br>(52.6%)                     | 12<br>36.4%<br>(48.0%)                     | 11<br>33.3%<br>(36.7%)                     | 33<br>100.0%<br>(44.6%)                     |
| <b>Other</b>             | 2<br>40.0%<br>(10.5%)                      | 2<br>40.0%<br>(8.0%)                       | 1<br>20.0%<br>(3.3%)                       | 5<br>100.0%<br>(6.8%)                       |
| <b>Total</b>             | <b>19</b><br><b>25.7%</b><br><b>(100%)</b> | <b>25</b><br><b>33.8%</b><br><b>(100%)</b> | <b>30</b><br><b>40.5%</b><br><b>(100%)</b> | <b>74</b><br><b>100.0%</b><br><b>(100%)</b> |

The researcher was told that when families migrated in this way they needed much care, such as a place to stay, food and health care. Those needs increased if children were involved. Concealment of children is a major issue for the smugglers who therefore prefer not to deal with them. In an interview at the Al-Zawiyah illegal immigration camp for women, the researcher was told by one girl who had attempted to migrate with her family (which included two other children), that the smuggler had asked them to stay in their house until the day of their trip, rather than staying with the rest of the migrants in the group, because the smuggler did not want to risk having children at the place where all the migrants were hiding.

#### 6.3.1.8. Correlation of Smugglers' Nationality with the Libya Trip Costs for Illegal Migrants

Table 6.13A shows that overall; almost two-thirds of smugglers were charging \$1000-\$1,500. The Libyan category is worth further comment. Given the figures, why did Libyan smugglers charge a relatively high rate higher at least than the other category, both in the \$1000-\$1500 category, and in the higher one 4 of the 10 smugglers who were charging more than \$1500 were where Libyan? Husain Juan,<sup>248</sup> the expert on illegal immigration issues in Libya, said that some smugglers arranged these trips with support from Libyan government personnel or from military officers, who charged significant amounts for such backing. He confirmed that many of these illegal immigration trips were organised to leave

<sup>248</sup> Husain Juan was interviewed in Tripoli at his office in the Department of Libyan Investigation of Passports and Nationality on 11 October 2009.

from military seaports, indicating that they were supported by military officers. It should be noted, though, that native smugglers charging more than \$1500 comprised a higher percentage of that category that was the case with Libyan smugglers.

**Table 6.12A: Correlation of Smugglers' Nationality with Libyan Trip Costs for Migrants**

| How much did your trip cost? | Who helped you to migrate?                   |   |   |  |
|------------------------------|--|---|---|--|
|                              | Native                                       | Libyan  | Others  | Total  |
| <b>&lt;\$500</b>             | 6<br>23.1%<br>(9.1%)                         | 11<br>42.3%<br>(8.8%)                         | 9<br>34.6%<br>(8.3%)                          | 26<br>100%<br>(8.7%)                         |
| <b>\$501-1000</b>            | 13<br>16.9%<br>(19.7%)                       | 30<br>39.0%<br>(24.0%)                        | 34<br>44.2%<br>(31.2%)                        | 77<br>100%<br>(25.7%)                        |
| <b>\$1001-1500</b>           | 44<br>23.5%<br>(66.7%)                       | 80<br>42.8%<br>(64.0%)                        | 63<br>33.7%<br>(57.8%)                        | 187<br>100%<br>(62.3%)                       |
| <b>&gt;\$1500</b>            | 3<br>30.0%<br>(4.5%)                         | 4<br>40.0%<br>(3.2%)                          | 3<br>30.0%<br>(2.8%)                          | 10<br>100%<br>(3.3%)                         |
| <b>Total</b>                 | <b>66</b><br><b>22.0%</b><br><b>(100.0%)</b> | <b>125</b><br><b>41.7%</b><br><b>(100.0%)</b> | <b>109</b><br><b>36.3%</b><br><b>(100.0%)</b> | <b>300</b><br><b>100%</b><br><b>(100.0%)</b> |

#### **6.4. Arrangements between Smugglers and Illegal Migrants inside Libya**

This section explores how respondents arranged their trips with smugglers inside Libya and how Libyan and foreign human smugglers guided the illegal migrants on their journeys, as the researcher wished to find answers to several questions. First, did the smugglers experience any difficulties in dealing with illegal movement and illegal migrants in Libya? Second, how did they prepare for trips of this kind? Third, how strict were the Libyan authorities in dealing with this issue by controlling any substantial movements inside the country; and finally how easy was it for foreign smugglers to establish themselves in Libya, given that the Libyan authorities appeared to have no power to stop them.

**6.4.1. Correlation between Gender and Payments by Migrants (Payment made before Police Capture)**

In this correlation I tried to ascertain whether males or females paid less and who paid the highest. The result (Table 6.13) shows that 20 out of a total of 26 who paid less than \$500 were males (76.9%); while migrants in the second payment band who paid \$501-\$1000 consisted of 40 males (51.9%) and 37 females (48.1%); while the third band of those who paid between \$1001 and \$1500 included 106 males (56.7%) and 81 females (43.3%).

**Table 6.13: Correlation between Gender and Migrant Numbers who Paid Before Police Capture**

| The cost           | Illegal migrants Gender                     |   |  |
|--------------------|---|---|--|
|                    | Male  | Female                                      | Total                                      |
| <b>\$500</b>       | 20<br>76.9%<br>(11.5%)                      | 6<br>23.1%<br>(4.8%)                        | 26<br>100%<br>8.7%                         |
| <b>\$501-1000</b>  | 40<br>51.9%<br>(23.0%)                      | 37<br>48.1%<br>(29.4)                       | 77<br>100%<br>(62.3%)                      |
| <b>\$1001-1500</b> | 106<br>56.7%<br>(60.9%)                     | 81<br>43.3%<br>(64.3%)                      | 187<br>100%<br>(62.3%)                     |
| <b>&gt;\$1500</b>  | 8<br>80.0%<br>(4.6%)                        | 2<br>20.0%<br>(1.6%)                        | 10<br>100%<br>(3.3%)                       |
| <b>Total</b>       | <b>174</b><br><b>58.0%</b><br><b>(100%)</b> | <b>126</b><br><b>42.0%</b><br><b>(100%)</b> | <b>300</b><br><b>100%</b><br><b>(100%)</b> |

In another way of correlation between those who paid less money, the table shows 11.5% were males and 4.8% were females, with the assumption that people who paid under US\$500 were dealing with smugglers in their home country and could therefore pay less than the full amount by agreeing to pay the balance when they reached Europe. That suggests that smugglers inside Libya were working in cooperation with smugglers active in the original countries of the illegal migrants. In same way Table 6.13 show males (4.6%) paid more than females (1.6%) in the category of ‘more than \$1500’ paid for their trip. This result suggested that smugglers inside Libya were working with smugglers outside Libya who dealt with more males than females. Some females who had not paid the full amount for their journey in advance said that the smugglers asked them for money before giving them any information about the next step in the process.

#### 6.4.1.1. Correlation between Nationality and Amount Paid by Migrants before Police Capture

In an attempt to discover the role of the smugglers inside Libya, and on the assumption that they were cooperating with international smugglers, I tried to establish how they organised their illegal trips. It was believed that examining which nationalities paid less inside Libya would indicate that Libyan smugglers were operating under an agreement with native smugglers, with some money paid in Libya and some in the home country. This would suggest that illegal immigration in Libya was a well-organised business. Table 6.14A shows, that 19.2% of the total number of people who paid less than US\$500 were from Morocco. Moreover, 25% of all the Moroccans were only paying \$500 or less. The researchers' assumption was confirmed by Husain Juan in Tripoli, who said: "the Libyan smugglers have an agreement with others outside Libya, especially Moroccan smugglers, and this is clear from some of the suspicious movement at Tripoli International Airport when there are flights arriving from Morocco." It also seemed that this kind of cooperation between smugglers would be easy among Arab nationalities because it would be easy for them to reach agreement. But in fact that was the case only with Morocco, as Cameroon had the second highest percentage (15.4%). Surprisingly there was a nil figure in the case of Egypt. All Egyptian migrants paid more than \$500 for the trip.

In addition, I had been told that the human smugglers in the west of Libya were working actively because they were backed by certain individuals with the power and authority to support them. There were even cases of the smugglers being employed to work for these people. This might help to answer question which was asked earlier: *Why do you do not stop them?*

**Table 6.14A: Correlation between Nationality and Migrant Numbers (amount paid before Police Capture)**

| Nationality     | How much did you pay? |                       |                        |                      |                       |
|-----------------|-----------------------|-----------------------|------------------------|----------------------|-----------------------|
|                 | <\$500                | \$501-1000            | \$1001-1500            | >\$1500              | Total                 |
| <b>Ethiopia</b> | 2<br>9.5%<br>(6.7%)   | 9<br>42.9%<br>(11.7%) | 9<br>42.9%<br>(4.8%)   | 1<br>4.8%<br>(10.0%) | 21<br>100%<br>(7.0%)  |
| <b>Eritrea</b>  | 1<br>3.3%<br>(3.8%)   | 6<br>20.0%<br>(7.8%)  | 22<br>73.3%<br>(11.8%) | 1<br>3.3%<br>(10.0%) | 30<br>100%<br>(10.0%) |

|                       |                          |                           |                            |                          |                           |
|-----------------------|--------------------------|---------------------------|----------------------------|--------------------------|---------------------------|
| <b>Algeria</b>        | 2<br>15.4%<br>(7.7%)     | 6<br>46.2%<br>(7.8%)      | 5<br>38.5%<br>(2.7%)       | 0<br>.0%<br>(0.0%)       | 13<br>100%<br>(4.3%)      |
| <b>Senegal</b>        | 0<br>.0%<br>0.0 (%)      | 3<br>18.8%<br>(3.9%)      | 13<br>81.2%<br>(7.0%)      | 0<br>.0%<br>(0.0%)       | 16<br>100%<br>(5.3%)      |
| <b>Sudan</b>          | 1<br>12.5%<br>(3.8%)     | 1<br>12.5%<br>(1.3%)      | 6<br>75.0%<br>(3.2%)       | 0<br>.0%<br>(0.0%)       | 8<br>100%<br>(2.7%)       |
| <b>Somalia</b>        | 3<br>8.8%<br>(11.5%)     | 8<br>23.5%<br>(10.4%)     | 20<br>58.8%<br>(10.7%)     | 3<br>8.8%<br>(30.0%)     | 34<br>100%<br>(11.3%)     |
| <b>Cameroon</b>       | 4<br>21.1%<br>(15.4%)    | 4<br>21.1%<br>(5.2%)      | 11<br>57.9%<br>(5.9%)      | 0<br>.0%<br>(0.0%)       | 19<br>100%<br>(6.3%)      |
| <b>Morocco</b>        | 5<br>25.0%<br>(19.2%)    | 5<br>25.0%<br>(6.5%)      | 9<br>45.0%<br>(4.8%)       | 1<br>5.0%<br>(10.0%)     | 20<br>100%<br>(6.7%)      |
| <b>Niger Republic</b> | 3<br>10.05<br>(11.5%)    | 5<br>16.7%<br>(6.5%)      | 21<br>70.0%<br>(11.2%)     | 1<br>3.3%<br>(10.0%)     | 30<br>100%<br>(10.0%)     |
| <b>Benin</b>          | 0<br>.0%<br>(0.0%)       | 1<br>33.3%<br>(1.3%)      | 2<br>66.7%<br>(1.1%)       | 0<br>.0%<br>(0.0%)       | 3<br>100%<br>(1.0%)       |
| <b>Bangladesh</b>     | 2<br>16.7%<br>(7.7%)     | 2<br>16.7%<br>(2.6%)      | 8<br>66.7%<br>(4.3%)       | 0<br>.0%<br>(0.0%)       | 12<br>100%<br>(4.0%)      |
| <b>Tunisia</b>        | 1<br>14.3%<br>(3.8%)     | 3<br>42.9%<br>(3.9%)      | 3<br>42.9%<br>(1.6%)       | 0<br>.0%<br>(0.0%)       | 7<br>100%<br>(2.3%)       |
| <b>Sierra Leone</b>   | 1<br>14.3%<br>(3.8%)     | 2<br>28.6%<br>(2.6%)      | 4<br>57.1%<br>(2.1%)       | 0<br>.0%<br>(0.0%)       | 7<br>100%<br>(2.3%)       |
| <b>Gambia</b>         | 0<br>.0%<br>(0.0%)       | 0<br>.0%<br>(0.0%)        | 3<br>100.0%<br>(1.6%)      | 0<br>.0%<br>(0.0%)       | 3<br>100.0%<br>(1.0%)     |
| <b>Ghana</b>          | 0<br>.0%<br>(0.0%)       | 8<br>44.4%<br>(10.4%)     | 10<br>55.6%<br>(5.3%)      | 0<br>.0%<br>(0.0%)       | 18<br>100%<br>(6.0%)      |
| <b>Guinea Bissau</b>  | 1<br>14.3%<br>(3.8%)     | 2<br>28.6%<br>(2.6%)      | 4<br>57.1%<br>(2.1%)       | 0<br>.0%<br>(0.0%)       | 7<br>100%<br>(2.3%)       |
| <b>Guinea</b>         | 0<br>.0%<br>(0.0%)       | 1<br>11.1%<br>(1.3%)      | 7<br>77.8%<br>(3.7%)       | 1<br>11.1%<br>(10.0%)    | 9<br>100%<br>(3.0%)       |
| <b>Mali</b>           | 0<br>.0%<br>(0.0%)       | 4<br>30.8%<br>(5.2%)      | 8<br>61.5%<br>(4.3%)       | 1<br>7.7%<br>(10.0%)     | 13<br>100%<br>(4.3%)      |
| <b>Egypt</b>          | 0<br>.0%<br>(0.0%)       | 2<br>18.2%<br>(2.6%)      | 8<br>72.7%<br>(4.3%)       | 1<br>9.1%<br>(10.0%)     | 11<br>100%<br>(3.7%)      |
| <b>Nigeria</b>        | 0<br>.0%<br>(0.0%)       | 5<br>26.3%<br>(6.5%)      | 14<br>73.7%<br>(7.5%)      | 0<br>.0%<br>(0.0%)       | 19<br>100%<br>(6.3%)      |
| <b>Total</b>          | <b>26</b><br><b>8.7%</b> | <b>77</b><br><b>25.7%</b> | <b>187</b><br><b>62.3%</b> | <b>10</b><br><b>3.3%</b> | <b>300</b><br><b>100%</b> |

|  |        |        |        |        |        |
|--|--------|--------|--------|--------|--------|
|  | (100%) | (100%) | (100%) | (100%) | (100%) |
|--|--------|--------|--------|--------|--------|

Chi-square Tests confirmed that the relation between the nationalities of the illegal migrants and how much they had paid for their illegal journey was, at .638, highly significant (Table 6.14B).

**Table 6.14B: Chi-square Tests**

|                   | <b>Value</b> | <b>Sig</b> |
|-------------------|--------------|------------|
| <b>Chi-Square</b> | 52.669       | .638       |

6.4.1.2. Correlation between where the Illegal Migration was Paid for and Migrants' Gender

The aim of this correlation was see if there was any relation between the place where the illegal migrants paid for the cost of their migration and their gender. As explained earlier, illegal migrants had different ways of paying for their trip and the cost also varied. The researcher wished to know whether males or females were more likely to have paid inside Libya or in their own countries before they had reached Libya.

Table 6.15 shows that only 32 out of total 174 male migrants (18.4%) had paid their illegal migration fees in their home country before they reached Libya. while 142 paid inside Libya (81.6%). Similarly the figures are not very different for females: 105 out of 126 paid inside Libya (85.3%), and 21 (16.7%) paid in their countries before arriving in Libya. It was, then, slightly more likely that male migrants paid in their own countries. It may be assumed that those migrants who had paid outside Libya were dealing with native smugglers who had been paid in their own country before the migrants started their journey. The next correlation, however, will examine further whether this was indeed the case.

**Table 6.15: Correlation between where Migrants Paid for Their Trip and Gender**

| Gender       | Where did you pay?        |                            |                             |
|--------------|---------------------------|----------------------------|-----------------------------|
|              | In own country            | In Libya                   | Total                       |
| Male         | 32<br>18.4%               | 142<br>81.6%               | 174<br>100.0%               |
| Female       | 21<br>16.7%               | 105<br>85.3%               | 126<br>100.0%               |
| <b>Total</b> | <b>53</b><br><b>17.7%</b> | <b>247</b><br><b>82.3%</b> | <b>300</b><br><b>100.0%</b> |

#### 6.4.1.3 Correlation between where the trip to enter Libya was paid for and the smugglers' nationality

This correlation was intended to determine if there were any observable patterns between where the smugglers were paid and their nationalities. It was felt that this information would be useful in finding out more about how the process of smuggling was arranged between the smugglers both within and outside Libya.

Table 6.16A shows that 8 individuals from a total of 66 who paid native smugglers paid in their own countries (12.1%), while 58 paid in Libya (87.9%). 29 people (23.2%) who paid for the trip in their own countries were dealing with Libyan smugglers 16 (14.7%) paid for smugglers of other nationalities in their own countries and 93 (85.3%) in Libya. These figures are interesting since it means that most native smugglers who were dealing with transporting illegal migrants to Libya were arranging for the trip to be paid for in Libya. In fact the proportion here was even higher than that for Libyan smuggler. This raises the question of whether the migrants met the Libyan smugglers in their own countries and if so, how did they pay and what were the arrangements made<sup>249</sup>.

**Table 6.16A: Correlation between where the Smugglers Nationalities' and where they were Paid**

| Who helped you to migrate? | Where did you pay the costs? |          |       |
|----------------------------|------------------------------|----------|-------|
|                            | In own country               | In Libya | Total |

<sup>249</sup> This question was not included the original research survey, but was raised when a question about where they had paid and who their smuggled them answered by several illegal migrants who said that they had paid for a Libyan smuggler while they were in their home countries. It was important to know more about how this had happened, so they were also asked if they had met the Libyan smugglers in their own country, and how they had paid them.



|               |  |   |  |
|---------------|--|---|--|
| <b>Native</b> | 8<br>12.1%<br>(15.1%)                      | 58<br>87.9%<br>(23.5%)                      | 66<br>100.0%<br>(22.0%)                      |
| <b>Libyan</b> | 29<br>23.2%<br>(54.7%)                     | 96<br>76.8%<br>(38.9%)                      | 125<br>100.0%<br>(41.7%)                     |
| <b>Others</b> | 16<br>14.7%<br>(30.2%)                     | 93<br>85.3%<br>(37.7%)                      | 109<br>100.0%<br>(36.3%)                     |
| <b>Total</b>  | <b>53</b><br><b>17.7%</b><br><b>(100%)</b> | <b>247</b><br><b>82.3%</b><br><b>(100%)</b> | <b>300</b><br><b>100.0%</b><br><b>(100%)</b> |

The correlation shows that of the total of people who had paid in their countries, the highest percentage (54.7%) was for those who paid Libyan smugglers in their countries before they entered Libya. This shows that Libyan smugglers were active inside and outside Libya. Conversely, the result shows a slightly smaller percentage of people who paid in Libya were dealing with Libyan smugglers (38.9%) and with smugglers of other nationalities (37.7%), while fewer people were dealing with native smugglers (23.5%).

The Chi-Square test in Table 6.16B shows the highly significant relationship between the smugglers' nationalities and where they were paid, which means that the Libyan smugglers were working outside Libya as well as inside. Also it is highly significant that most native smugglers were paid in Libya. Libyan smugglers work closely with other smugglers in countries where illegal emigration is high. Native smugglers work for the Libyan smugglers, making deals with migrants who want to travel to Europe via Libya. The migrants pay the fee in their native country before embarking on the journey and the smugglers send money to the Libyan smugglers in Libya.

**Table 6.16B: Chi Square (Significant Relation between Smuggler Nationalities and Place of Payment)**

|                   | <b>value</b> | <b>sig</b> |
|-------------------|--------------|------------|
| <b>Chi-Square</b> | 4.696        | .096       |

## **6.5. The Illegal Migration Process inside Libya**

Here it is necessary to explain the use of the term ‘guide’ in my equations and the reason for using ‘guide’ rather than ‘smugglers’ in this part of the research survey. The change is because I observed during conversations with my respondents that they were speaking of “the person who guided me” but they were not talking of “human smugglers”. That is why I preferred to use their terms, which included ‘guides’, or ‘helpers’, but not ‘smugglers’, when interviewing them for the questionnaire answers. As noted previously, my interviews with the respondents were quite informal and I tried to create a friendly atmosphere that would not remind them of a police investigation. This was a great help because they were always happy to talk to me and tell me everything about their journeys, and I was thus able to gather a lot of information from them.

### ***6.5.1. How Helpers of Illegal Migrants Arranged their Trips to Europe***

This question was important in linking with an earlier question about the role of human smugglers, and who the human smugglers were in Libya. It is not surprising that the respondents’ answers showed similar results to the question about ‘Who was your guide?’ However, during informal conversations between the researcher and some of the illegal migrants who were held in the illegal immigration camps, they said that they had found help for illegal journeys to Europe from some Libyan human smugglers. One of these smugglers, known as “Al-Haj”, employed various people to act as a link between him and the illegal migrants.

#### **6.5.1.1. Who was looking After You in Libya?**

In this question the research respondents were given the opportunity to tell their stories about coming to Libya. The aim was to discover what role the human smugglers had played in relation to the illegal migrants in Libya.

According to the answers of the respondents, the priority for people coming from Egypt by bus through the land borders was to find human smugglers to smuggle them into Tobruq.<sup>250</sup> On the other hand, some of the people travelling from Morocco to Tripoli by plane needed to go into the city to wait for the people who had arranged their trip from Morocco. Others found someone waiting for them at the airport to take them to a hiding

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<sup>250</sup> Tobruq is the main city in the north-east of Libya. The Awlad Ali tribe, who are a mix of Libyans and Egyptians, live in towns around Tobruq. For details see <http://kenanaonline.com/users/attiya/posts/45574>

place until they were ready to leave Libya. Moroccans coming by land had to use methods similar to those used by people from Algeria and Tunisia. These included crossing the Libyan borders without arousing any suspicion on the part of the Libyan police, especially if they held passports or personal identity documents.

It is worth mentioning that some Tunisians and Algerians go into the north-west of Libya to work and for trade purposes on a daily basis. Since the Libyan police allow them to enter the country without full identification, this situation makes it easier for illegal migrants to cross the Libyan check points.

Migrants who did not have official documents or were afraid of entering Libya through the police checkpoints, tended to find human smugglers to help them reach Libya. As was noted earlier, it is easy to find human smugglers in Libya to help illegal migrants to get to Europe. However, the illegal migrants who came across Libya’s southern borders had the longest and most dangerous journey before reaching the nearest city/location to find human smugglers. Among the main targeted cities are Kufra in the south-east, Ghat in the south-west and Sabha and Murzuq in the mid-south.

It was interesting that the illegal migrants who had come from the south were able to find arrangements in Libya to help them reach their target city in the north. Some made deals with two or three human smugglers to transport them from one place to another, and it was noticeable that, on the whole, they were aware of how to deal with the smugglers and how to move from one place to another in Libya. They usually depended on recommendations for using Libya as a transit country on the way to Europe that they had been given by others.

#### 6.5.1.2. Who was your Guide on your way to Europe?

It was important to know who the guides were for the illegal migrants, and what their role had been. The respondents were asked who had guided them to immigrate to Europe and were given a four-choice answer as follows: (1) Native; (2) Libyan; (3) Others; and (4) Mixed Nationalities (Table 6.17).

**Table 6.17: What was your Guide’s Nationality when Going to Europe?**

| <b>Nationality of guide</b> | <b>Frequency</b> | <b>Percent</b> |
|-----------------------------|------------------|----------------|
| <b>Native</b>               | 14               | 4.75%          |

|                            |            |               |
|----------------------------|------------|---------------|
| <b>Libyan</b>              | 112        | 37.3%         |
| <b>Others</b>              | 68         | 22.7%         |
| <b>Mixed nationalities</b> | 106        | 35.3%         |
| <b>Total</b>               | <b>300</b> | <b>100.0%</b> |

According to Table 6.17, many of the illegal migrants were directed by guides from various backgrounds, indicating that the human smugglers inside Libya were from a range of nationalities including Libyan. Thus, 112 (37.3%) of the illegal migrants were guided by Libyan human smugglers and 106 (35.3%) were guided by persons from a group of smugglers of mixed nationalities.

For more details the research respondents were asked about how this group had guided them; their answers were as follows:

1. On entering Libya some of the illegal migrants were helped by people of different nationalities and were given directions about moving from one town to another. Sometimes Libyans working as middlemen would drive them to certain locations following arrangements made with the Libyan human smugglers.
2. Another group of illegal migrants said that they had arranged their illegal journey with a Libyan smuggler, and that while they were waiting for their trip they had been hiding somewhere that was also under the control of Libyan human smugglers.

However, from what was said by the illegal migrants, there were certain people, mainly of mixed nationalities, who were working under the direction of human smugglers to guide and serve them.

The process of smuggling the illegal migrants to Europe took from three days to more than a week, and the length of time depended on the number of illegal migrants, as boats would not sail from Libya unless they were full. Weather conditions were another influencing factor, although of less importance if the trip was taking place in the summer. In the winter, however, when the weather was colder and windier and not suitable for sea travel, the main human smugglers would either wait until the conditions improved or start the journey anyway. A third reason for waiting was to train one or two of the travelling illegal migrants to operate and sail the boat.

This was why the illegal migrants had to remain under the control of the human smugglers and hide somewhere; this was usually on unused farms, abandoned houses or uninhabited places belonging to the human smugglers, and/or in rented shelters. Concealment of the illegal migrants needed care and attention. Due to the cost of caring for the migrants in terms of food supplies and relevant services, the human smugglers tried not to make them wait for a long time. Sometimes the smugglers used other people as guides and leaders who would take care of the illegal migrant groups waiting to begin their trip.

#### 6.5.1.3. Correlation between the Guides' Nationality and That of the Illegal Migrant

This correlation aimed to clarify how the Libyan smugglers organised illegal immigration to Europe, and if a system existed in which some smugglers worked with specific nationalities. As mentioned earlier, there were a significant number of Egyptian smugglers in Libya and the researcher wanted to know if they dealt solely with Egyptian migrants.

**Table 6.18: Correlation between the Guides' Nationalities and That of the Illegal Migrant.**

| Nationalities of illegal migrants | The guides' nationality  |                            |                           |                            |                           |
|-----------------------------------|--------------------------|----------------------------|---------------------------|----------------------------|---------------------------|
|                                   | Native                   | Libyan                     | Others                    | Mixed                      | Total                     |
| <b>Ethiopia</b>                   | 1<br>4.8%                | 9<br>42.9%                 | 2<br>9.5%                 | 9<br>42.9%                 | 21<br>100%                |
| <b>Eritrea</b>                    | 2<br>6.7%                | 9<br>30.0%                 | 7<br>23.3%                | 12<br>40.0%                | 30<br>100%                |
| <b>Algeria</b>                    | 1<br>7.7%                | 4<br>30.8%                 | 1<br>7.7%                 | 7<br>53.8%                 | 13<br>100%                |
| <b>Senegal</b>                    | 0<br>.0%                 | 7<br>43.8%                 | 5<br>31.2%                | 4<br>25.0%                 | 16<br>100%                |
| <b>Sudan</b>                      | 0<br>.0%                 | 3<br>37.5%                 | 3<br>37.5%                | 2<br>25.0%                 | 8<br>100%                 |
| <b>Somalia</b>                    | 1<br>2.9%                | 18<br>52.9%                | 6<br>17.6%                | 9<br>26.5%                 | 34<br>100%                |
| <b>Cameroon</b>                   | 1<br>5.3%                | 6<br>31.6%                 | 4<br>21.1%                | 8<br>42.1%                 | 19<br>100%                |
| <b>Morocco</b>                    | 0<br>.0%                 | 6<br>30/0%                 | 6<br>30/0%                | 8<br>40.0%                 | 20<br>100%                |
| <b>Niger Republic</b>             | 3<br>10.0%               | 11<br>36.7%                | 9<br>30.0%                | 7<br>23.3%                 | 30<br>100%                |
| <b>Benin</b>                      | 0<br>.0%                 | 1<br>33.3%                 | 1<br>33.3%                | 1<br>33.3%                 | 3<br>100%                 |
| <b>Bangladesh</b>                 | 2<br>16.7%               | 3<br>25.0%                 | 2<br>16.7%                | 5<br>41.7%                 | 12<br>100%                |
| <b>Tunisia</b>                    | 0<br>.0%                 | 4<br>57.1%                 | 1<br>14.3%                | 2<br>28.6%                 | 7<br>100%                 |
| <b>Sierra Leone</b>               | 0<br>.0%                 | 3<br>42.9%                 | 1<br>14.3%                | 3<br>42.9%                 | 7<br>100%                 |
| <b>Gambia</b>                     | 0<br>.0%                 | 0<br>.0%                   | 1<br>33.3%                | 2<br>66.7%                 | 3<br>100%                 |
| <b>Ghana</b>                      | 1<br>5.6%                | 4<br>22.2%                 | 5<br>27.8%                | 8<br>44.4%                 | 18<br>100%                |
| <b>Guinea Bissau</b>              | 0<br>.0%                 | 5<br>71.4%                 | 1<br>14.3%                | 1<br>14.3%                 | 7<br>100%                 |
| <b>Guinea</b>                     | 0<br>.0%                 | 5<br>55.6%                 | 3<br>33.3%                | 1<br>11.1%                 | 9<br>100%                 |
| <b>Mali</b>                       | 1<br>7.7%                | 5<br>38.5%                 | 2<br>15.4%                | 5<br>38.5%                 | 13<br>100%                |
| <b>Egypt</b>                      | 1<br>9.1%                | 2<br>18.2%                 | 2<br>18.2%                | 6<br>54.5%                 | 11<br>100%                |
| <b>Nigeria</b>                    | 0<br>.0%                 | 7<br>36.8%                 | 6<br>31.6%                | 6<br>31.6%                 | 19<br>100%                |
| <b>Total</b>                      | <b>14</b><br><b>4.7%</b> | <b>112</b><br><b>37.3%</b> | <b>68</b><br><b>22.7%</b> | <b>106</b><br><b>35.3%</b> | <b>300</b><br><b>100%</b> |

Table 6.18 shows that 112 of the smugglers were Libyan (37.3%), 106 were of mixed nationalities (35.3%), followed by 68 who were of other nationalities (22.7%). There was a noticeable difference between the number of smugglers of other nationalities and those of

mixed nationalities. The researcher discovered that inside Libya there were foreign organised gangs of human smugglers (mainly Egyptian) while the term ‘mixed nationalities’ came from a significant number of the research sample who explained that when they arranged their trip to Europe they had been given more than one guide and that these were of different nationalities. For migrants who know Arabic this was perfectly obvious, as they were able to distinguish different dialects of Arabic.

Table 6.18 confirmed that illegal migrants had been guided by mixed nationalities of smugglers who were from Ethiopia, Eritrea, Algeria, Somalia, Morocco and Ghana.

#### 6.5.1.4 Correlation between Guide’s Nationality and Payment for Illegal Migration to Europe

This correlation showed no difference among any of the smugglers inside Libya in the arranging of illegal trips to Europe, since the entire sample answered that they had already paid for their trip to Europe, indicating that the smugglers in Libya did not deal with migrants until they had paid for their journey.

### **6.6. Payments for the Illegal Trip to Europe**

This question was introduced to provide more evidence that the migrants had planned their illegal trips to Europe in advance. Answers to this question indicated that 100% of the research respondents paid for their illegal trip to Europe. Some of the answers clearly supported this; for example, some of the respondents had been caught at sea or in hiding.

**Table 19: Did you pay for your Illegal Trip to Europe?**

|              | <b>Frequency</b> | <b>Percent %</b> |
|--------------|------------------|------------------|
| <b>No</b>    | 0                | 00.0%            |
| <b>Yes</b>   | 300              | 100.0%           |
| <b>Total</b> | <b>300</b>       | <b>100.0%</b>    |

### ***6.6.1. How much did you pay the Smuggler before being caught by the Libyan Police?***

The respondents were asked whether they had already paid for their trip before being caught by the Libyan authorities. About two thirds of them, 197 persons (65.6%), said that they had paid for the whole cost of their illegal trip, with the amounts involved ranging from \$1001 to \$1500. There were 77 people who had paid between \$501 and \$1000, and this group was split into two categories. The first included 65 people who had paid \$1000 for the whole illegal trip to Europe. The second category included 12 people who had experienced different rates of payments; 8 of them had agreements with the human smugglers to pay their debt after reaching Europe, while the remaining 4 people had another agreement with the human smugglers, which included paying less money, i.e., \$800 instead of \$1000.

The researcher had been told that when a trip of this kind was about to start and if there were still some places left, the human smugglers would sometimes accept less than \$1000 per person. Nonetheless, according to Colonel Husain Juan, some of the human smugglers were inhuman with the illegal migrants because they accepted a larger number of passengers on the boats. He said that according to the stories of the smugglers, if a person could pay less than the regular cost for illegal migration, then less money was better than nothing.<sup>251</sup>

### ***6.6.2. What do you think about the Cost?***

This question was designed to investigate the opinions of the illegal migrants about the cost of their trip to Europe via Libya. Answers to this question included four choices: (1) expensive; (2) reasonable; (3) cheap; and (4) cheaper than other countries. These choices were given to the respondents for three purposes. The first was to examine the condition of Libya as a transit country, based on the cost of the trip; and the second was to confirm the assumption that the migrants had recommended to each other that Libya was the best route for their illegal trip to Europe, since this view was widely held in African countries. The third purpose was to prove that in carrying out their illegal activities, the human smugglers faced remarkably few problems from the Libyan authorities (Table 6.20).

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<sup>251</sup> Interview with Colonel Husain Juan in Tripoli, September 2008. I met Colonel Husain several times and he was always very generous with the information and details he gave me in his capacity as the Libyan expert in illegal immigration. A second interview was held on 1 November 2009 with (M.O), a Libyan officer who worked with the Libyan Airport police at Tripoli International Airport,



**Table 6.20: What do you think about the Cost of the Illegal Trip via Libya?**

|                                     | <b>Frequency</b> | <b>Percent</b> |
|-------------------------------------|------------------|----------------|
| <b>Expensive</b>                    | 14               | 4.7%           |
| <b>Reasonable</b>                   | 86               | 28.7%          |
| <b>Cheap</b>                        | 173              | 57.7%          |
| <b>Cheaper than other countries</b> | 27               | 9.0%           |
| <b>Total</b>                        | <b>300</b>       | <b>100.0%</b>  |

Table 6.20 shows that 173 (57.7%) of the respondents thought that the cost was cheap and 86 (28.7%) were happy with the cost. Interestingly, however, 27 (9%) of the respondents believed that the trip via Libya was cheaper than that through other countries, although 14 (4.7%) of them thought that the cost of the trip was expensive. These answers confirm that, as a transit country, Libya was convenient for immigration. Obviously, this factor is one of the reasons that made the illegal migrants recommend the route to Europe via Libya to others.

### ***6.6.3. Correlation between Opinion on Cost of Your Trip and If You Paid the Costs or Not***

This correlation was designed to ascertain what illegal migrants thought about the cost of their trip. The researcher believed that people wanted to flee their countries because of poverty or other kinds of threat; therefore it was not easy for them to spend \$1000 or more on a trip that gave no guarantee of actually reaching Europe (Table 6.21).

**Table 6.21: Correlation between the opinion on the Cost of Trip and if you Paid the Costs or Not.**

| Views on the price for the trip     | Did you pay the costs or not |                         |                           |
|-------------------------------------|------------------------------|-------------------------|---------------------------|
|                                     | Yes                          | No                      | Total                     |
| <b>Expensive</b>                    | 14<br>100%                   | 0<br>.0%                | 14<br>100%                |
| <b>Reasonable</b>                   | 86<br>100%                   | 0<br>.0%                | 86<br>100%                |
| <b>Cheap</b>                        | 173<br>100%                  | 0<br>.0%                | 173<br>100%               |
| <b>Cheaper than other countries</b> | 27<br>100%                   | 0<br>.0%                | 27<br>100%                |
| <b>Total</b>                        | <b>300</b><br><b>100%</b>    | <b>0</b><br><b>100%</b> | <b>300</b><br><b>100%</b> |

The results show that out of 300 cases 173 considered the cost of their trip to Europe via Libya was cheap, followed by 86 who found it reasonable, while 14 of them, the lowest number, found the cost was expensive.

#### ***6.6.4. Correlation between your Guides' Nationality and Your Views on the Price for the Trip***

I wanted further to establish what the relation was between the price of the illegal trip and to whom the illegal migrants actually paid this amount of money (the nationalities of the smugglers). Table 6.22 gives the correlation between the smugglers' nationalities and the price of the trip.

The table shows that half of those who found the cost expensive had dealt with Libyan smugglers. It also shows that a rather higher percentage of those dealing with Libyan smugglers thought the cost expensive, than with guides of other nationalities. As taken as percentage of all the migrants, however, these figures were all low. The highest percentage of migrants who found their trip was cheap was in the mixed nationalities category (62.3%).

**Table 6.22: Correlation between your Guides' Nationality and Your Views on the Price for the Trip**

| Views on price for the Trip         | Guides' Nationality                       |   |  |   |  |
|-------------------------------------|---|---|--|---|--|
|                                     | Native                                    | Libyan                                      | Others                                     | Mixed                                       | Total                                      |
| <b>Expensive</b>                    | 0<br>.0%<br>(0%)                          | 7<br>50.0%<br>(6.2%)                        | 3<br>21.4%<br>(4.4%)                       | 4<br>28.6%<br>(3.8%)                        | 14<br>100%<br>(4.7%)                       |
| <b>Reasonable</b>                   | 4<br>4.7%<br>(28.6%)                      | 33<br>38.4%<br>(29.5%)                      | 22<br>25.6%<br>(32.4%)                     | 27<br>31.4%<br>(25.5%)                      | 86<br>100%<br>(28.7%)                      |
| <b>Cheap</b>                        | 8<br>4.6%<br>(57.1%)                      | 63<br>36.4%<br>(56.2%)                      | 36<br>20.8%<br>(52.9%)                     | 66<br>38.2%<br>(62.3%)                      | 173<br>100%<br>(57.7%)                     |
| <b>Cheaper than other countries</b> | 2<br>7.4%<br>(14.3%)                      | 9<br>33.3%<br>(8.0%)                        | 7<br>25.9%<br>(10.3%)                      | 9<br>33.3%<br>(8.5%)                        | 27<br>100%<br>(9.0%)                       |
| <b>Total</b>                        | <b>14</b><br><b>4.7%</b><br><b>(100%)</b> | <b>112</b><br><b>37.3%</b><br><b>(100%)</b> | <b>68</b><br><b>22.7%</b><br><b>(100%)</b> | <b>106</b><br><b>35.3%</b><br><b>(100%)</b> | <b>300</b><br><b>100%</b><br><b>(100%)</b> |

In fact the Libyan smugglers were working closely with all the groups of illegal migrants, some of whom paid more while others paid less money, which confirms my earlier point that some Libyans were using the transit of illegal migrants as a profitable business for themselves and therefore missed no opportunity to charge the migrants much more than was usual, although people who could not afford high prices could generally find a cheaper alternative.

From Table 6.22 it is clear the percentages of people who found the Libya transit route cheap were similar to all types of smugglers' nationalities, while the mixed nationalities smugglers continued the highest percentage (62.3). This answered my question as to why some illegal migrants were coming from countries which already offered opportunities for illegal immigration

#### ***6.6.5. Place and Time of Payments for Illegal Migration Journeys***

This question was designed to investigate the location at which the illegal migrants had paid the cost of their trip to Europe. The question had two aims, first to confirm that the migrants had actually paid for the illegal trips, and secondly to find out whether there was cooperation between the smugglers in Libya and their counterparts outside Libya. The

respondents were therefore given a choice of three possible answers; (1) in your own country, (2) in Libya, or (3) in Europe (Table 6.23).

**Table 6.23: In what location did you pay for your illegal journey to Europe?**

| <b>Where did you pay?</b>  | <b>Frequency</b> | <b>Percentage</b> |
|----------------------------|------------------|-------------------|
| <b>In your own country</b> | 53               | 17.7%             |
| <b>In Libya</b>            | 247              | 82.3%             |
| <b>In Europe</b>           | 0                | 0%                |
| <b>Total</b>               | <b>300</b>       | <b>100.0%</b>     |

The result showed that none of the respondents chose ‘in Europe’ so this choice did not count, while the majority (247) of respondents (82.3%) paid for their trips within Libya, whereas only 53 people (17.7%) had paid in their native countries. The researcher concluded that the illegal migrants preferred to pay directly to the person who would be smuggling them.

In terms of relations between the smugglers in Libya and other countries, it is evident that there was widespread cooperation involving the activities of the two parties. First, as noted, 17.7% of the illegal migrants had already paid the cost of their trips to the human smugglers in their original countries. This meant that they only needed to travel to Libya, where they would find arrangements for their illegal trips had already been made. Secondly, the researcher was told by some of the Libyan patrols that the illegal migrants had simply to reach certain places, from where individuals working for the human smugglers would take them to another location where they could hide until it was time to continue the trip.

#### ***6.6.6. Correlation between Guide’s Nationality and Place of Payment for Travel to Europe***

The purpose of this correlation was to look more closely at the smugglers’ roles and how they cooperated inside and outside Libya, by examining the relation between smugglers’ nationalities and the place where illegal migrants paid for their transit to Europe via Libya. Table 6.24 shows that among the smugglers’ nationalities, the highest percentage (91.2%) was for ‘others’ who were paid inside Libya, followed by ‘native’ (85.7%), who were also paid inside Libya. It should be noted here that ‘mixed nationalities’ meant the leader was

Libyan and employed a group of young people (who were either Libyan or of various nationalities) who dealt directly with the illegal migrants.

**Table 6.24: Correlation between Guide’s Nationality and Place of Payment for Travel to Europe**

| Place of payment for travel to Europe | Guide’s Nationality                       |   |  |   |  |
|---------------------------------------|---|---|--|---|--|
|                                       | Native                                    | Libyan                                      | Others                                     | Mixed                                       | Total                                      |
| <b>In your country</b>                | 2<br>3.8%<br>(14.3%)                      | 23<br>43.4%<br>(20.5%)                      | 6<br>11.3%<br>(8.8%)                       | 22<br>41.5%<br>(20.8%)                      | 53<br>100%<br>(17.7%)                      |
| <b>In Libya</b>                       | 12<br>4.9%<br>(85.7%)                     | 89<br>36.0%<br>(79.5%)                      | 62<br>25.1%<br>(91.2%)                     | 84<br>34.0%<br>(79.2%)                      | 247<br>100%<br>(82.3%)                     |
| <b>Total</b>                          | <b>14</b><br><b>4.7%</b><br><b>(100%)</b> | <b>112</b><br><b>37.3%</b><br><b>(100%)</b> | <b>68</b><br><b>22.7%</b><br><b>(100%)</b> | <b>106</b><br><b>35.3%</b><br><b>(100%)</b> | <b>300</b><br><b>100%</b><br><b>(100%)</b> |

While mixed nationalities and Libyan smugglers were the ones who were mostly paid outside Libya, Table 6.24 showed 23 (43.4%) cases from a total of 53 who had paid for the cost of their trip to Libyan smugglers in their own countries, and 22 (41.5%) who had paid to mixed nationalities, which means there was significant cooperation between the Libyan smugglers inside Libya and other smugglers outside Libya.

Interviewed in 2009, the head of the Department of Libyan Investigations of Passports and Immigration (A.A)<sup>252</sup> commented, “I think the Libyan smugglers inside Libya have organised some people to work for them outside Libya.” This was confirmed by the research and discussions with some illegal migrants, especially those from Arab countries.

***6.6.7. After Capture by the Libyan Police What Happens to All the Money Already Paid For the Illegal Journey to Libya and Europe.***

On the question of what happened to the money they had already paid or that others had paid on their behalf for the costs of their illegal travel to Europe via Libya after they had been caught by the Libyan authorities, 100% of the respondents answered that all their money had gone. They were aware that their money would not be refunded by the

<sup>252</sup> An interview with (AA) the head of Department of Libyan Investigations of Passports and Immigration in his office on 10 October 2009.

smugglers, even though the arrangements to transfer them to Europe had failed, but they believed that next time they would have better luck and would reach Europe.

Indeed there were some cases for whom this was not their first attempt to travel illegally to Europe by the same route through Libya, while for others this had been their third attempt. Some of them had tried more than once with the same smuggler and each time had paid the full amount. The researcher observed that they did not care about the money since they were determined to reach Europe and intended, despite the costs, to keep trying. Elements such as the further attempts made by the illegal migrants to reach Europe, whether they would choose Libya as a transit country another time, and if so, why, are explored in more detail in Chapter Seven.

#### ***6.6.8. What was your Plan for the Next Stage?***

The results of this question showed that the illegal migrants held in camps run by the Libyan authorities were planning, as their first step towards Europe, to reach the Italian coast. Although a number of them had in mind a specific destination in Europe, others had no particular area that they were planning to reach. The researcher was told by these illegal migrants that they just wanted to go Italy, which for many simply meant Europe.

### **6.7. Transport of Illegal Migrants inside Libya.**

The first question here was designed to examine how the illegal migrants travelled in Libya to reach the specific locations at which they could find help and guidance to go on to Europe. Migrants who came across the southern Libyan borders on the way to Europe obviously had to reach the north of Libya, towards the Mediterranean. Similarly, those coming from the northern borders were moving from one place to another to find a human smuggler.

This question had two main purposes. The first was to explore the ways in which illegal migrants travelled in Libya. The researcher had been told that some Libyan citizens, although not identified as human smugglers, used their vehicles to transport the migrants around in Libya even though they knew them to be illegal migrants, while several respondents reported to the researcher that they had talked to various drivers about ways of finding human smugglers. Occasionally, some of these drivers would offer them help and information about where and how to locate human smugglers. The researcher was also

informed by several Libyan border patrols that some Libyans used their own vehicles to transport people from the south to the north of Libya even though they were not regarded as human smugglers.

The second aim of this question was relevant to the researcher’s observations from the pilot study that the illegal migrants and the Libyan police both knew that the migrants were moving around within Libyan territory using standard transport systems. The role of the Libyan police and security patrols was surprising. The researcher travelled by car around Libya to gather material, and on entering any city or town in the country, and sometimes in the middle of nowhere, all cars, including hers, were regularly stopped at check points by security patrols. At the same time, illegal migrants were going around in Libya by ordinary methods of transport and using paved roads (Table 6.25).

Where were the Libyan and security forces when these people were on the roads? The study tries to answer this question in a later section that deals with the role of the Libyan authorities regarding the phenomenon of illegal immigration from Libya to Europe.

**Table 6.25: How did you Travel in Libya?**

|                              | <b>Frequency</b> | <b>Percent%</b> |
|------------------------------|------------------|-----------------|
| <b>Private cars</b>          | 97               | 32.3%           |
| <b>Public transportation</b> | 203              | 67.7%           |
| <b>Total</b>                 | <b>300</b>       | <b>100.0%</b>   |

Table 6.25 shows that 203 (67.7%) of the respondents travelled in Libya by using the public transport networks meaning that approximately two thirds of the illegal migrants remained quite visible. A further 97 people moved around the country in private cars that were mostly owned by the drivers with whom the illegal migrants were dealing.

Table 6.26 shows that 71 (23.7%) of the owner/drivers of the private cars were Libyans and 26 (8.7%) were of different nationalities; however, it was difficult to identify what other nationalities were involved in this activity. To find out more, the researcher asked the head of the Department of Investigation of Passport and Immigration in Tripoli (Dean AA) about the nationalities of the private car owners, but he did not offer any information.

**Table 6.26: Who was the Owner of the Private Car that you Travelled in?**

|                 | <b>Frequency</b> | <b>Percent</b> |
|-----------------|------------------|----------------|
| <b>Libyan</b>   | 71               | 23.7%          |
| <b>Others</b>   | 26               | 8.7%           |
| <b>Total</b>    | 97               | 32.3%          |
| <b>Missing*</b> | 203              | 67.7%          |
| <b>Total</b>    | <b>300</b>       | <b>100.0%</b>  |

\* The missing 203 refers to travellers who used public transport.

Even so, although 8.7% is not a high figure, it was clearly very easy for non-Libyans to undertake this kind of work without having to worry about any police intervention. In particular, another issue that arose was whether or not the Libyan police authorities were aware of these private cars and their owners/drivers.

Table 6.27 illustrates what mode of transport was used by the sample group. In answer to this question the respondents were given four choices: (1) aeroplane, (2) taxi, (3) bus, (4) truck.

**Table 6.27: Transportation Methods Used by the Illegal Migrants in Libya**

| <b>Public Transportation</b> | <b>Frequency</b> | <b>Percent%</b> |
|------------------------------|------------------|-----------------|
| <b>Taxi</b>                  | 55               | 18.3%           |
| <b>Bus</b>                   | 119              | 39.7%           |
| <b>Truck</b>                 | 28               | 9.3%            |
| <b>Total</b>                 | 202              | 67.3%           |
| <b>Missing*</b>              | 97               | 32.7%           |
| <b>Total</b>                 | <b>300</b>       | <b>100.0%</b>   |

\* The missing 97 refers to migrants who used private cars

The answers to the question on mode of transport show that the illegal migrants did not travel by air inside Libya, most probably because individuals coming from the north-west tried to find their way into Europe from that direction as did those coming from the north-



east (Egypt) who tried to travel from this direction towards Europe. Similarly, people coming from the south, mainly from sub-Saharan countries, usually came through land borders using land transportation rather than aeroplanes. Tables 6.25 and 6.27 showed that air transport was not used by the illegal migrants for internal travel.

It should be noted that there is no public/national bus service network in Libya and urban and rural centres within the country are connected by private minibus systems and services. Respondents who said they had used buses meant private minibuses. Each of these buses can carry 8-12 passengers.

There are two types of taxi service in Libya. The first is a normal taxi service operating in the main cities; each taxi can carry up to five passengers. The other service consists of shared taxis which usually operate between cities and can carry up to eight passengers. Most probably these were the taxi services that had been used by 55 (18.3%) of the respondents.

However, the results show that 119 (39.7%) of the illegal migrants had used minibuses to travel from one city to another, especially when moving from the south to the north of Libya. They also used these buses to reach specific places such as travelling between Tripoli and Zuwarah or Misratah. A minority of 28 persons (9.3%) used trucks to travel around Libya.

#### ***6.7.1. Correlation between your Guide's Nationality and how you Travelled inside Libya***

The aim of this correlation was to find out whether smugglers of different nationalities working inside Libya used the same methods to transport the illegal migrants. Table 6.28 shows that the methods of transportation used by Libyan and foreign smugglers showed similarities. Public transport was used by 66.1% of Libyan smugglers and 70.8% of smugglers of mixed nationalities. Private cars were used by 33.9% of Libyans and 29.2% of those of mixed nationalities. Smugglers of other nationalities used a higher percentage of private cars (39.7%) (which meant smugglers were using private cars to transport illegal migrants inside Libya), than did Libyans and those of mixed nationalities. Interestingly, investigation of the question of what would happen if the police caught these private cars carrying illegal migrants produced the surprising answer that the police would simply ask for a fine of LD1000 and let them go free (Table 6.28).

**Table 6.28: Correlation between Guide’s Nationality and how you Travelled in Libya**

| how did you Travel inside Libya | Who was your guide to Europe            |   |  |   |  |
|---------------------------------|---|---|--|---|--|
|                                 | Native                                  | Libyan                                    | Others                                   | Mixed                                       | Total                                      |
| Private car                     | 1<br>1.0%<br>(7.1%)                     | 38<br>39.2<br>(33.9%)                     | 27<br>27.8%<br>(39.7%)                   | 31<br>32.0%<br>(29.2%)                      | 97<br>100%<br>(32.3%)                      |
| Public Transport                | 13<br>6.4%<br>(92.9%)                   | 74<br>36.5%<br>(66.1%)                    | 41<br>20.2%<br>(60.3%)                   | 75<br>36.9<br>(70.8%)                       | 203<br>100%<br>(67.7%)                     |
| <b>Total</b>                    | <b>14</b><br><b>4.7%</b><br><b>100%</b> | <b>112</b><br><b>37.3%</b><br><b>100%</b> | <b>68</b><br><b>22.7%</b><br><b>100%</b> | <b>106</b><br><b>35.3%</b><br><b>(100%)</b> | <b>300</b><br><b>100%</b><br><b>(100%)</b> |

## 6.8. Conclusion

From this chapter it can be concluded, with reference to the issue of the increasing phenomenon of illegal immigration in Libya, that there were significant numbers of illegal migrants using Libya as one of the main transit countries for illegal immigration. As noted previously, the Libyans themselves were not going to Europe illegally in the way that other illegal migrants were doing, by using Libyan territory – the research found that more than 20 nationalities were using Libya as the departure point for reaching Southern Europe illegally, and the survey results showed that Libya was chosen as a transit country by many illegal migrants from Africa, both Arab and non-Arab, as well as from other places.

One of the main reasons why illegal migrants chose Libya as a transit country was the help or guidance they received inside Libya, i.e., the human smuggling element. From the illegal migrants themselves I noted that smuggling was available for anyone who was looking for a way of emigrating to Europe. The smugglers of humans were accessible at all times for everyone, the costs were not excessive, the deals they made with the migrants were straightforward, and trips of this kind, including the trans-Mediterranean voyages, were available at most times during the year.

One of the good points was that the arrangement between migrants and smugglers was simply to guide them from their counties to Libya and from Libya to Europe, in particular the trips from Libya that headed for the nearest European shores, i.e., those of Italy. The agreements between smugglers and illegal migrants were for that purpose only. I found therefore that the smugglers in Libya were not human traffickers whose only relation with

the migrants would have been to use them as slaves until the boats left Libyan shores and headed out to sea.

The role of the smugglers was thus significant in the issue of illegal migration because it encouraged migrants to choose Libya as a transit country. The smugglers could be easily reached by migrants and they offered their help for everyone in any place and at any time. They had no serious problems with the Libyan police while going about their work of smuggling illegal migrants.

## **Chapter Seven**

### **The Role of the Libyan Authorities and the Issue of Illegal Immigration in Libya**

#### **7.1. Introduction**

As part of constructing a clear picture of the transit of illegal migrants to Europe via Libya Chapter Seven looks at how the Libyan authorities dealt with the issue of illegal immigration inside Libyan territory. By examining how illegal migrants were treated by the Libyan police and by border guards outside and within the detention camps, it also explores the experiences of illegal migrants in their dealings with immigration policies and the authorities in Libya.

This part of the study is based on the third part of the questionnaire, which tried to investigate the situation of the illegal migrants in Libya before and after the Libyan authorities caught and held them in the illegal immigration camps. The questions posed to the research sample were aimed at gathering relevant information from the migrants themselves, and were asked in a way that would avoid any possible repetition of the answers given in the earlier parts of the questionnaire. The number of the question in the original sequence in the questionnaire is stated in each instance, along with the content of the question.

The third part of the questionnaire (found in Appendix 2) was designed to study a number of issues and was divided into three sections. The first covered questions 22-24, which were aimed at investigating the period of time the illegal migrants had stayed in Libya, either outside or inside the camps set up by the Libyan authorities. The second included questions 25-29 and dealt with the most popular places used by the illegal migrants to enter Libya and the travel documents they had with them, while the third covered questions 30-35, which were used to explore the experiences of the illegal migrants inside the camps in Libya.

This part was also designed to analyse the sample answers by giving the general details about the cases; with the correlations, the percentages are given in two ways (Vertical and Horizontal) with the aim of finding the significance between the variables.

## 7.2. Migrants’ Experiences before and after being caught By the Libyan Authorities

### 7.2.1. Period of time and location in Libya of illegal migrants before their capture

The questions in this section asked the informants how long they had resided in Libya before they were caught by the Libyan police, with particular attention given to the variance caused by their gender, and were also very useful in helping to understand how long the illegal migrants had been able to settle down in Libya without legal status, and the extent to which the Libyan authorities were able to control them.

#### 7.2.1.1. Before the Libyan police caught you, how long had you been in Libya?

This question was important for two reasons: first, to examine and establish the purpose for which the migrants had come to Libya; and second, to clarify whether Libya had been an easy country for them to settle in. The set of answers was based on the shortest and the longest periods of time, with less than a week for the shortest, and a one year or more for the longest period.

The results showed that the highest percentage among the period categories was one to three months, for 23.3% of the respondents (Table 7.1), which was a reasonable time for them to have entered Libya and arranged their trip to Europe. I suggest that they had already paid all their travel costs and that they had not come to look for work in Libya.

**Table 7.1: How long had you been in Libya before the Police Caught You?**

|                  | week | 1-2 weeks | 2-3 weeks | 3 weeks - a month | 1-3 months | 3-6 months | 6 months - a year | >year | <b>total</b> |
|------------------|------|-----------|-----------|-------------------|------------|------------|-------------------|-------|--------------|
| <b>Frequency</b> | 12   | 17        | 30        | 39                | 70         | 58         | 40                | 34    | <b>300</b>   |
| <b>Percent %</b> | 4.0  | 5.7       | 10.0      | 13.0              | 23.3       | 19.3       | 13.3              | 11.3  | <b>100</b>   |

Table 7.1 also shows that 58 migrants, equivalent to 19.3%, had stayed in Libya from 3 to 6 months, According to the interviews, those who stayed in Libya for more than three months tried to find a job in the country to secure enough money to pay for their illegal immigration trip to Europe.

Overall, 56.0% of the respondents had stayed in Libya for periods of less than a week and up to three months before the police caught them, compared to 44.0% who had stayed

more than three months. This means that a higher percentage of people stayed for a shorter time in Libya than those who stayed for a longer period of time. It should be recalled that the entire research sample was chosen on the basis of entering Libya as a transit station only.

During the personal interviews, the illegal migrants provided the researcher with some explanations about their plans to stay in Libya. Many of them believed that the country was easy to enter. So, entering and living in Libya illegally was not a challenge for those who were looking for a transit country in their journey to Europe. They lived in Libya as long as they needed, with no permits from the Libyan authorities. By studying who stayed for a longer period of time and why, the data obtained was used in the following section to examine how the illegal migrants had prepared for their transit trip.

#### 7.2.1.2. Correlation between gender and time in Libya before capture by Libyan police

In order to analyse the reasons for staying longer in the country, it was important to consider the difference between genders. Was there any difference and why? The research showed that females were more likely to stay longer illegally without being caught by the Libyan police. In addition, the interviews showed that some were less able to deal with the smugglers and manage their trip, therefore delaying their departure from the country.

The data in Table 7.2 showed generally similar percentages for the periods of time that males and females who had plans to migrate to Europe remained inside Libya. However, within this slight similarity in percentages, males were more likely to stay longer than females, which was different from my expectation and initial assumption that females might stay longer than males. From my observations during my research, individual females could find work and could also manage to find smugglers much more rapidly, which led me to the next correlation about which nationalities were staying longer inside Libya (Table 7.3).

**Table 7.2: Correlation between Gender and Period of Time in Libya before Being Caught**

| Gender        | How long had you been in Libya before the police caught you? |                          |                           |                           |                           |                           |                           |                           |                           |
|---------------|--|--------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
|               | week   | 1-2weeks                 | 2-3 weeks                 | 3weeks a month            | 1-3 months                | 3-6 months                | 6months-a year            | >year                     | total                     |
| <b>Male</b>   | 8<br>4.6%  | 9<br>5.2%                | 16<br>9.2%                | 22<br>12.6%               | 38<br>21.8%               | 35<br>20.1%               | 25<br>14.4%               | 21<br>12.1%               | 174<br>100%               |
| <b>Female</b> | 4<br>3.2%  | 8<br>6.3%                | 14<br>11.1%               | 17<br>13.5%               | 32<br>25.4%               | 23<br>18.3%               | 15<br>11.9%               | 13<br>10.3%               | 126<br>100%               |
| <b>Total</b>  | <b>12</b><br><b>4.0%</b>                                     | <b>17</b><br><b>5.7%</b> | <b>30</b><br><b>10.0%</b> | <b>39</b><br><b>13.0%</b> | <b>70</b><br><b>23.3%</b> | <b>58</b><br><b>19.3%</b> | <b>40</b><br><b>13.3%</b> | <b>34</b><br><b>11.3%</b> | <b>300</b><br><b>100%</b> |

### 7.2.1.3. Correlation between Nationality and Time Settled In Libya before Capture

The aim of this correlation was to find out which nationalities stayed longer inside Libya before they started their illegal migration. It is important to remember that each of the informants interviewed had been caught by the police while trying to immigrate to Europe. Table 7.3 shows that 34 respondents (11.3% of the total) had been living in Libya for over one year before the police caught them. Of these, the Eritrean respondents were more likely than other nationalities to stay for more than one year (23.3% of all the Eritreans), followed by the Moroccans (with 20.0%) in this category; this was because most were working in Libya.

It was also clear from the interviews that females from Eritrea were more independent and confident about managing their trip. The majority of them were working in order to save money for their trip; most of them were working as cleaners in the private homes or offices of the Libyan authorities.<sup>253</sup>

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<sup>253</sup> During the interviews I was told that some people were able to come to the detention camps in order to select and take some of the illegal migrants to work for them as servants or cleaners in their houses. The director of one of the camps told me that he had received orders to release some of the illegal migrants because they would be working at someone's house. This was normal in Libya. Indeed I met a colonel in the Libyan Army who told me that he could not finish his house repairs because of the lack of labour force in Libya at that time. His wife who was with us during our conversation remarked that the solution was simply to go to the illegal immigration camps and take some of them to finish the repair work.

**Table 7.3: Correlation between Nationality and Time Settled In Libya before Capture**

| Nationalities of illegal migrants | Period of time settled in Libya before capture |                          |                           |                           |                           |                           |                           |                           |                           |
|-----------------------------------|--|--------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
|                                   | Less than week                                 | 1-2 weeks                | 2-3 weeks                 | 3 weeks-1 month           | 1-3 months                | 3-6 months                | 6-12 months               | More than year            | Total %                   |
| <b>Ethiopia</b>                   | 2<br>9.5%                                      | 2<br>9.5%                | 2<br>9.5%                 | 1<br>4.8%                 | 6<br>28.6%                | 5<br>23.8%                | 2<br>9.5%                 | 1<br>4.8%                 | 21<br>100%                |
| <b>Eritrea</b>                    | 0<br>0%  | 3<br>10.0%               | 3<br>10.0%                | 3<br>10.0%                | 7<br>23.3%                | 5<br>16.7%                | 2<br>6.7%                 | 7<br>23.3%                | 30<br>100%                |
| <b>Algeria</b>                    | 0<br>0%  | 0<br>0%                  | 3<br>23.1%                | 2<br>15.4%                | 2<br>15.4%                | 3<br>23.1%                | 1<br>7.7%                 | 2<br>15.4%                | 13<br>100%                |
| <b>Senegal</b>                    | 0<br>0%  | 1<br>6.2%                | 1<br>6.2%                 | 0<br>0%                   | 6<br>37.5%                | 3<br>18.8%                | 3<br>18.8%                | 2<br>12.5%                | 16<br>100%                |
| <b>Sudan</b>                      | 1<br>12.5%                                     | 0<br>0%                  | 1<br>12.5%                | 0<br>0%                   | 2<br>25.0%                | 0<br>0%                   | 3<br>37.5%                | 1<br>12.5%                | 8<br>100%                 |
| <b>Somalia</b>                    | 3<br>8.8%                                      | 1<br>2.9%                | 3<br>8.8%                 | 7<br>20.6%                | 10<br>29.4%               | 5<br>14.7%                | 4<br>11.8%                | 1<br>2.9%                 | 34<br>100%                |
| <b>Cameroon</b>                   | 1<br>5.3%                                      | 0<br>0%                  | 2<br>10.5%                | 3<br>15.8%                | 2<br>10.5%                | 5<br>26.3%                | 4<br>21.1%                | 2<br>10.5%                | 19<br>100%                |
| <b>Morocco</b>                    | 0<br>0%  | 1<br>5.0%                | 3<br>15.0%                | 1<br>5.0%                 | 5<br>25.0%                | 3<br>15.0%                | 3<br>15.0%                | 4<br>20.0%                | 20<br>100%                |
| <b>Niger Republic</b>             | 1<br>3.3%                                      | 2<br>6.7%                | 2<br>6.7%                 | 7<br>23.3%                | 4<br>13.3%                | 6<br>20.0%                | 6<br>20.0%                | 2<br>6.7%                 | 30<br>100%                |
| <b>Benin</b>                      | 0<br>0%  | 0<br>0%                  | 0<br>0%                   | 0<br>0%                   | 2<br>66.7%                | 1<br>33.3%                | 0<br>0%                   | 0<br>.0%                  | 3<br>100%                 |
| <b>Bangladesh</b>                 | 1<br>8.3%                                      | 0<br>.0%                 | 2<br>16.7%                | 2<br>16.7%                | 1<br>8.3%                 | 4<br>33.3%                | 0<br>.0%                  | 2<br>16.7%                | 12<br>100%                |
| <b>Tunisia</b>                    | 0<br>.0%                                       | 1<br>14.3%               | 1<br>14.3%                | 0<br>.0%                  | 2<br>28.6%                | 2<br>28.6%                | 0<br>.0%                  | 1<br>14.3%                | 7<br>100%                 |
| <b>Sierra Leone</b>               | 1<br>14.3%                                     | 1<br>14.3%               | 0<br>.0%                  | 1<br>14.3%                | 3<br>42.9%                | 1<br>14.3%                | 0<br>.0%                  | 0<br>.0%                  | 7<br>100%                 |
| <b>Gambia</b>                     | 1<br>33.3%                                     | 0<br>.0%                 | 0<br>.0%                  | 0<br>.0%                  | 0<br>.0%                  | 1<br>33.3%                | 0<br>.0%                  | 1<br>33.3%                | 3<br>100%                 |
| <b>Ghana</b>                      | 0<br>.0%                                       | 0<br>.0%                 | 0<br>.0%                  | 3<br>16.7%                | 3<br>16.7%                | 8<br>44.4%                | 3<br>16.7%                | 1<br>5.6%                 | 18<br>100%                |
| <b>Guinea Bissau</b>              | 0<br>.0%                                       | 1<br>14.3%               | 0<br>.0%                  | 1<br>14.3%                | 1<br>14.3%                | 0<br>.0%                  | 2<br>28.6%                | 2<br>28.6%                | 7<br>100%                 |
| <b>Guinea</b>                     | 0<br>.0%                                       | 1<br>11.1%               | 3<br>33.3%                | 1<br>11.1%                | 2<br>22.2%                | 0<br>.0%                  | 2<br>22.2%                | 0<br>.0%                  | 9<br>100%                 |
| <b>Mali</b>                       | 0<br>.0%                                       | 2<br>15.4%               | 0<br>.0%                  | 1<br>7.7%                 | 5<br>38.5%                | 2<br>15.4%                | 1<br>7.7%                 | 2<br>15.4%                | 13<br>100%                |
| <b>Egypt</b>                      | 0<br>.0%                                       | 0<br>.0%                 | 1<br>9.1%                 | 0<br>.0%                  | 5<br>45.5%                | 2<br>18.2%                | 2<br>18.2%                | 1<br>9.1%                 | 11<br>100%                |
| <b>Nigeria</b>                    | 1<br>5.3%                                      | 1<br>5.3%                | 3<br>15.8%                | 6<br>31.6%                | 2<br>10.5%                | 2<br>10.5%                | 2<br>10.5%                | 2<br>10.5%                | 19<br>100%                |
| <b>Total</b>                      | <b>12</b><br><b>4.0%</b>                       | <b>17</b><br><b>5.7%</b> | <b>30</b><br><b>10.0%</b> | <b>39</b><br><b>13.0%</b> | <b>70</b><br><b>23.3%</b> | <b>58</b><br><b>19.3%</b> | <b>40</b><br><b>13.3%</b> | <b>34</b><br><b>11.3%</b> | <b>300</b><br><b>100%</b> |

7.2.1.4. Correlation between Age and Time Respondents Spent in Libya before Capture

The aim of this correlation was to investigate how the respondents' ages affected the time they spent in Libya before attempting to migrate to Europe.



Regarding the periods of time spent, the respondents were rather more likely to have stayed for 1-3 months than for the other periods of time mentioned: 23.3% fell into the category. In fact 56% of the migrants had sought to migrate from Libya to Europe with 3 months of arriving in Libya. This was followed by 3-6 months (19.3%), and 6 months-one year (13.3%), as Table 7.4 confirms. That group of migrants was more likely to stay for up to three months in Libya before they started their illegal move to Europe. In addition, the data showed that younger people were staying no longer than six months, since the 28 (25.2%) of them who stayed for 1-3 months were aged between 18 and 24; while among the age category of 25-29, the highest percentage was for the 21 individuals (21.6%) who stayed from one-three months. However, in this age category, the results showed that the highest percentage of people who stayed from less than one week to one month were 43 migrants (47.7%) from a total of 111 people from the 300 cases overall.<sup>254</sup>

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<sup>254</sup> This suggested that people were less likely to have money for their journey and would have to find work in Libya in order to save enough to be able to leave. Some of the migrants questioned in the camps said that they had been obliged to wait for a long time because the smuggler known as “Al-Haj” had warned them that the police were on the alert and that in the meantime the smugglers would use them to help gather more people to reach the right number to sail on a boat. According to one of the Libyan experts on illegal immigration (H.J) and also to the Director of the Towisha camp, it was possible that some people might have dealings with “bad smugglers” who needed to make a quick profit and would exploit their dream of reaching Europe by making the migrants work for them.

**Table 7.4: Correlation of Age and Period of Time Spent in Libya before Being Caught**

| Age          | How long were you in Libya before the police caught you |            |             |              |             |             |                   |             |             |
|--------------|---|------------|-------------|--------------|-------------|-------------|-------------------|-------------|-------------|
|              | week  | 1-2 weeks  | 2-3 weeks   | 3weeks-month | 1-3 months  | 3-6 months  | 6 months - 1 year | >year       | total       |
| <b>18-24</b> | 5<br>4.5%   | 8<br>7.2%  | 12<br>10.8% | 18<br>16.2%  | 28<br>25.2% | 17<br>15.3% | 11<br>9.9%        | 12<br>10.8% | 111<br>100% |
| <b>25-29</b> | 1<br>1.0%   | 6<br>6.2%  | 10<br>10.3% | 10<br>10.3%  | 21<br>21.6% | 21<br>21.6% | 18<br>18.6%       | 10<br>10.3% | 97<br>100%  |
| <b>30-34</b> | 3<br>5.0%   | 2<br>3.3%  | 6<br>10.0%  | 8<br>13.3%   | 17<br>28.3% | 12<br>20.0% | 6<br>10.0%        | 6<br>10.0%  | 60<br>100%  |
| <b>35-39</b> | 2<br>8.0%   | 1<br>4.0%  | 1<br>4.0%   | 3<br>12.0%   | 3<br>12.0%  | 7<br>28.0%  | 3<br>12.0%        | 5<br>20.0%  | 25<br>100%  |
| <b>40-44</b> | 1<br>14.3%  | 0<br>.0%   | 1<br>14.3%  | 0<br>.0%     | 1<br>14.3%  | 1<br>14.3%  | 2<br>28.6%        | 1<br>14.3%  | 7<br>100%   |
| <b>Total</b> | 12<br>4.0%  | 17<br>5.7% | 30<br>10.0% | 39<br>13.0%  | 70<br>23.3% | 58<br>19.3% | 40<br>13.3%       | 34<br>11.3% | 300<br>100% |

7.2.1.5. Correlation between Education Level and Period Settled In Libya before Capture

This correlation was intend to establish how level of education influenced the length of time that the migrants were living inside Libya. I assumed that those with a higher education level (e.g. university) would not stay very long in Libya since, as graduates and professionals, they had planned carefully to go directly to Europe and knew what job they wanted to do to when they reached there. At a lower educational level they might stay longer in Libya, having no clear plans about where to go and what to do, except simply to reach Europe at some stage. Those with less education might also need to stay for while in Libya in order to work and save some money for their trip (Table 7.5).

**Table 7.5: Correlations between Education Level and Time in Libya before Being Caught**

| Education                  | How long had you been inside Libya before the police caught you |                          |                           |                           |                           |                           |                           |                           |                           |
|----------------------------|---|--------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
|                            | week  | 1-2 weeks                | 2-3 weeks                 | 3 weeks - month           | 1-3 months                | 3-6 months                | 6 months - a year         | >year                     | total                     |
| <b>No Formal Education</b> | 1<br>2.4%   | 4<br>9.5%                | 4<br>9.5%                 | 8<br>19.0%                | 7<br>16.7%                | 10<br>23.8%               | 3<br>7.1%                 | 5<br>11.9%                | 42<br>100%                |
| <b>Primary</b>             | 4<br>3.7%   | 4<br>3.7%                | 8<br>7.4%                 | 18<br>16.7%               | 26<br>24.1%               | 22<br>20.4%               | 16<br>14.8%               | 10<br>9.3%                | 108<br>100%               |
| <b>Secondary</b>           | 7<br>4.9%   | 9<br>6.2%                | 17<br>11.8%               | 13<br>9.0%                | 34<br>23.6%               | 25<br>17.4%               | 21<br>14.6%               | 18<br>12.5%               | 144<br>100%               |
| <b>University</b>          | 0<br>.0%  | 0<br>.0%                 | 1<br>16.7%                | 0<br>.0%                  | 3<br>50.0%                | 1<br>16.7%                | 0<br>.0%                  | 1<br>16.7%                | 6<br>100%                 |
| <b>Total</b>               | <b>12</b><br><b>4.0%</b>  | <b>17</b><br><b>5.7%</b> | <b>30</b><br><b>10.0%</b> | <b>39</b><br><b>13.0%</b> | <b>70</b><br><b>23.3%</b> | <b>58</b><br><b>19.3%</b> | <b>40</b><br><b>13.3%</b> | <b>34</b><br><b>11.3%</b> | <b>300</b><br><b>100%</b> |

Table 7.5 shows that there was no clear link between the educational levels of migrants and the length of time they spent in Libya before seeking to move to Europe. We may conclude that those without a formal education were not at a disadvantage as against those with more education. When asked why they stayed for that length of time before trying to reach Europe, some answered that it was because they wanted to work and have some money for their trip. Others who stayed less than three months said it was because they were trying to make a deal with smugglers and were waiting for their trip, which could take two weeks.

### 7.2.2. *Where were you staying before the police caught you?*

It was important to investigate which part of Libya was more likely for illegal migrants to be living in before the Libyan police caught them.

The answer offered six choices as follows (1) North East; (2) Mid-North; (3) Northwest; (4) South East; (5) Mid-South and (6) South West. These categories were chosen to cover the entire Libyan territory and to investigate which area was more attractive to enter and stay in for illegal migrants in Libya (Table 7.6).

**Table 7.6: Where did you enter and Stay before the Libyan Police Caught you?**

|                   | <b>Frequency</b> | <b>Percent %</b> |
|-------------------|------------------|------------------|
| <b>North East</b> | 21               | 7.0              |
| <b>Mid-North</b>  | 22               | 7.3              |
| <b>North West</b> | 56               | 18.7             |
| <b>South East</b> | 62               | 20.7             |
| <b>Mid-South</b>  | 68               | 22.7             |
| <b>South West</b> | 71               | 23.7             |
| <b>Total</b>      | <b>300</b>       | <b>100.0</b>     |

It was found that the highest number of illegal migrants entered and stayed in the southern regions of Libya, and as Table 7.6 shows, the highest number of illegal migrants entered and stayed in the South West of the country. This was because the southern areas had small towns and villages in which police control was less obvious than in the capital city and other major coastal cities in the northern areas.

Also, and especially for individuals arriving from the sub-Saharan countries including Niger Republic, Nigeria, Chad, Ghana and Mali, the South West region was the first place to be reached. It was even more convenient for migrants from Algeria and Tunisia who entered the country across the borders of the Western Desert.

Towns in the South West of Libya that offered suitable places for illegal migrants to find basic jobs and evade the direct surveillance of the Libyan authorities included in particular Ghat, Ghadames and Alouenat. In the mid-south of Libya the cities of Sabah, Al-Qatrun and Murzuq were also popular places for illegal migrants to hide in and in which to find jobs. The data showed that 68 (22.7%) of the respondents had been hiding in these cities, and some of them confirmed this to the researcher at the time of the interviews.

The South East was an area of first choice for Sudanese, Somalis, Eritreans and Ethiopians. The migrants from these countries usually came into Libya through Al-Kufra, as also did migrants from Chad, Nigeria and Niger Republic. Of the research sample, there were 62 respondents (20.7%) who stayed in the South East of Libya.

The Southern Libyan borders were in general less controlled than the northern borders by the Libyan police. The southern borders consist of vast areas of desert, and the weather is extremely hot for most of the year. The researcher interviewed one of the Libyan guards (A.A.) on the southern borders who commented that “Sometimes during the summer with the high temperature, we cannot do our job properly; it is so difficult.”<sup>255</sup> This situation suited the illegal migrants since it provided them with a good opportunity to cross these borders and enter Libyan territory.

In addition, the Libyan communities living in the desert and the southern areas are considered primitive tribes among the Libyan people in term of their relationships with each other, as well as with foreigners. Culturally, they are still not very much engaged in civilization and still lead quite basic rural and tribal lives. This simple socio-economic composition led to the creation of certain contacts between these tribes and some of the illegal migrants. For instance, some Libyan citizens communicated with the migrants and even hired them to work in their own businesses, e.g., as sales assistants in small shops, builders, farmers, guards and/or shepherds. Obviously, these circumstances represented good opportunities for the illegal migrants who were desperate to find jobs and save money for their illegal trips to Europe.

#### 7.2.2.1. Correlation between Where You Lived and Period of Time in Libya before Being Caught.

The purpose of this correlation was to discover which area was easier to live in for a longer period of time, and to explore where the respondents lived in Libya, for how long they were able to stay in that area without being arrested, and whether they could freely move about within the country. Assuming that they needed to be on the northern coasts of Libya, the main gate to Europe, the interviews showed that those who stayed more than a year preferred to remain in the south where it was easier to escape from the authorities, while those who spent less time in the country preferred to stay in the north in order to take

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<sup>255</sup>AA. was a Libyan policeman working for the Libyan Department of Investigation of Passports and Immigration as a guard in the southern borders. The researcher met him in Sabha during field work in the south of Libya on 6 December 2009. (He requested to remain anonymous.)

advantage of any opportunity to start their journey to Europe. Those who stayed more than one year (29.4%), lived in the South and when interviewed, those who had entered through the South west borders of Murzuq, Ghat and Wadi Al-Hayāh commented that, “we found good jobs and guides in these areas; also because these were the first cities we reached.”<sup>256</sup> According to these informants, those places were more convenient for illegal migrants because they were not directly controlled by the Libyan authorities (Table 7.7).

**Table 7.7: Where did you live in Libya before the Police caught you?**

| Where did you live in Libya | How long you been inside Libya before the police caught you |   |  |  |  |  |  |  |  |
|-----------------------------|---|---|--|--|--|--|--|--|--|
|                             | week  | 1 - 2 weeks                               | 2-3 weeks                                  | 3 weeks - month                            | 1-3 months                                 | 3-6 months                                 | 6 months - a year                          | >year                                      | total                                      |
| <b>North East</b>           | 1<br>4.8%<br>(8.3%)   | 0<br>.0%<br>(0%)                          | 3<br>14.3%<br>(10.0%)                      | 5<br>23.8%<br>(12.8%)                      | 5<br>23.8%<br>(7.1%)                       | 4<br>19.0%<br>(6.9%)                       | 2<br>9.5%<br>(5.0%)                        | 1<br>4.8%<br>(2.9%)                        | 21<br>100%<br>(7.0%)                       |
| <b>Mid North</b>            | 0<br>.0%<br>(0%)  | 2<br>9.1%<br>(11.8%)                      | 1<br>4.5%<br>(3.3%)                        | 4<br>18.2%<br>(10.3%)                      | 5<br>22.7%<br>(7.1%)                       | 3<br>13.6%<br>(5.2%)                       | 4<br>18.2%<br>(10.0%)                      | 3<br>13.6%<br>(8.8%)                       | 22<br>100%<br>(7.3%)                       |
| <b>North West</b>           | 1<br>1.8%<br>(8.3%)   | 7<br>12.5%<br>(41.2%)                     | 6<br>10.7%<br>(20.0%)                      | 9<br>16.1%<br>(23.1%)                      | 14<br>25.0%<br>(20.0%)                     | 9<br>16.1%<br>(15.5%)                      | 5<br>8.9%<br>(12.5%)                       | 5<br>8.9%<br>(14.7%)                       | 56<br>100%<br>(18.7%)                      |
| <b>South East</b>           | 3<br>4.8%<br>(25.0%)  | 1<br>1.6%<br>(5.9%)                       | 9<br>14.5%<br>(30.0%)                      | 4<br>6.5%<br>(10.3%)                       | 16<br>25.8%<br>(22.9%)                     | 13<br>21.0%<br>(22.4%)                     | 9<br>14.5%<br>(22.5%)                      | 7<br>11.3%<br>(20.6%)                      | 62<br>100%<br>(20.7%)                      |
| <b>Mid South</b>            | 2<br>2.9%<br>(16.7%)  | 1<br>1.5%<br>(5.9%)                       | 4<br>5.9%<br>(13.3%)                       | 11<br>16.2%<br>(28.2%)                     | 15<br>22.1%<br>(21.4%)                     | 16<br>23.5%<br>(27.6%)                     | 11<br>16.2%<br>(27.5%)                     | 8<br>11.8%<br>(23.5%)                      | 68<br>100%<br>(22.7%)                      |
| <b>South West</b>           | 5<br>7.0%<br>(41.7%)  | 6<br>8.5%<br>(35.3%)                      | 7<br>9.9%<br>(23.3%)                       | 6<br>8.5%<br>(15.4%)                       | 15<br>21.1%<br>(21.4%)                     | 13<br>18.3%<br>(22.4%)                     | 9<br>12.7%<br>(22.5%)                      | 10<br>14.1%<br>(29.4%)                     | 71<br>100%<br>(23.7)                       |
| <b>Total</b>                | <b>12</b><br><b>4.0%</b><br><b>(100%)</b>                   | <b>17</b><br><b>5.7%</b><br><b>(100%)</b> | <b>30</b><br><b>10.0%</b><br><b>(100%)</b> | <b>39</b><br><b>13.0%</b><br><b>(100%)</b> | <b>70</b><br><b>23.3%</b><br><b>(100%)</b> | <b>58</b><br><b>19.3%</b><br><b>(100%)</b> | <b>40</b><br><b>13.3%</b><br><b>(100%)</b> | <b>34</b><br><b>11.3%</b><br><b>(100%)</b> | <b>300</b><br><b>100%</b><br><b>(100%)</b> |

This correlation shows that the highest percentages of respondents had been living in the South of Libya. In the South East, 25.8% of them lived for up to three months, while the 23.5% who were living in the Mid South area stayed up to six months. People who entered Libya from the South East through Al-Kufra stayed up to three months before moving

<sup>256</sup> Some of the migrants were very open during the interviews and gave me a lot of details about their experiences inside Libya.

north through the Mid-South and Sabah where they stayed up to six months, since Sabah is a big city where they could easily find work.

### **7.2.3. Where did the Libyan police catch you?**

The aim of this question was to explore the areas in which the respondents had been caught as this would shed light on the most popular areas in which the illegal migrants in Libya tended to stay. This question provided a choice of six answers that covered the main geographical regions of Libya. These were: (1) North East, (2) Mid-North, (3) North West, (4) South East, (5) Mid-South, and (6) South East.

**Table 7.8: Where did the Libyan Police catch you?**

|                   | <b>Frequency</b> | <b>Percent%</b> |
|-------------------|------------------|-----------------|
| <b>North East</b> | 45               | 15.0            |
| <b>Mid North</b>  | 74               | 24.7            |
| <b>North West</b> | 157              | 52.3            |
| <b>South East</b> | 24               | 8.0             |
| <b>Total</b>      | <b>300</b>       | <b>100.0</b>    |

As shown in Table 7.8, 45 (15.0%) of the illegal migrants were caught in the North East of Libya. Through more investigation by the Libyan police, it was clear they were caught mainly in Benghazi, Darna, and/or Tobruk. It is worth mentioning that there used to be naval bases in these three cities; in addition they are important places for fishing. These circumstances enabled some of the human smugglers to smuggle illegal migrants, sometimes with support from naval officers. The coloured areas on Map 1 show the cities mentioned earlier.

In the Mid-North of Libya, 74 of the illegal migrants (24.7%) were caught in Sirte, which is about 550 km from Benghazi and about 450 km from Tripoli. Sirte used to have some of the most stringent security measures in Libya as it contained many important official and national institutions in the country, including government ministries. During the 1980s and 1990s, the city held Libya's largest conference hall, the Ouagadougou Conference Centre. Moreover, since Sirte was the birthplace of the Libyan leader Muammar Al Qadhafi, it enjoyed special treatment by the Libyan security services. Even though, as indicated above, 24.7% of the research respondents were caught in this area while trying to flee to

Europe, it was a surprise to find that some of the illegal migrants had managed to enter this strictly-controlled area.

Did this happen because the Libyan police were not concerned with controlling the illegal migrants? Or this was because of some corrupt officers? Were they seeking to make quick profits through cooperation with the human smugglers? When these issues were discussed with some of the Libyan officials working at the Department of Investigation of Passport and Immigration offices in Sirte, Tripoli, and Benghazi they agreed that such questions deserved legitimate answers, since it was clear that, whatever the cause, those circumstances had encouraged illegal migrants to choose Libya as a transit country to Europe.

The research results also showed that 157 (52.3%) of the 300 illegal migrants were caught in the North West of Libya, meaning that this area was more attractive for the illegal migrants. This was because many of the human smugglers were more active in the West and in the coastal areas. These areas, especially Zwarah, Al-Zawiya, Tripoli, Al Murgub (Zlatan) and Misrata, are the nearest to the Italian shores as shown on Map 2. Similarly, in the South East of Libya, 24 (8.0%) of the illegal migrants had been caught in the Al Kufra area, as also indicated on Map 1.

#### **7.2.4. Who were you with when the Libyan police caught you?**

This question was designed to investigate the way the illegal migrants were travelling to Europe and whether or not they were accompanied by others, in order to discover how the illegal migrants arranged their trip to Europe and how the human smugglers organised illegal trips of this kind.

**Table 7.9: Who was with you when you were caught by the Libyan Police?**

|                            | <b>Frequency</b> | <b>Percent%</b> |
|----------------------------|------------------|-----------------|
| <b>By yourself</b>         | 68               | 22.7            |
| <b>Native group</b>        | 54               | 18.0            |
| <b>Mixed nationalities</b> | 178              | 59.3            |
| <b>Total</b>               | <b>300</b>       | <b>100.0</b>    |

Table 7.9 shows that 178 (59.3%) of the research respondents were immigrating in a mixed group of nationalities. Personal observation and discussions with the Libyan guard patrols suggest that this was the most popular type of arrangement among the illegal migrants for



travelling from Libya to Europe. The human smugglers were particularly keen to collect as many people as they could for the journey to Europe. For the illegal migrants the number of travellers on the boat was not important, and some would even ask the sailors to begin the illegal journey, regardless of the dangers that it could involve.

The 54 respondents (18.0%) who said they were with a 'native group' and the 68 respondents (22.7%) who answered 'by myself' meant that they were not accompanied by any family members. This was because migrants who were caught by the Libyan police, either on the boats or in hiding places belonging to the human smugglers, had been in groups of unrelated individuals.

### **7.3. Experiences of Illegal Migrants inside the Illegal Immigration Camps**

#### ***7.3.1. How long have you been in a Libyan illegal immigration camp?***

This question aimed to encourage the respondents to talk about the periods they had been held in the illegal immigration camps. Nine choices were offered in answer: (1) less than one week, (2) one to two weeks, (3) two to three weeks, (4) three weeks to one month, (5) one to two months, (6) two to three months, (7) three to six months, (8) six months to one year and (9) more than one year. The intention was to show the range of time-periods which the respondents might have spent in the camps.

Potential answers were based on the possible range indicated to the researcher by the Director of the Libyan Department of Investigation of Passports and Immigration in Tripoli. The answers were also based on field work observations and information collected from senior staff in the detention camps.

**Table 7.10: How long were you in the Camps?**

|                             | <b>Frequency</b> | <b>Percent%</b> |
|-----------------------------|------------------|-----------------|
| <b>&lt; One week</b>        | 12               | 4.0             |
| <b>One to two weeks</b>     | 16               | 5.3             |
| <b>Two to three weeks</b>   | 17               | 5.7             |
| <b>Three weeks to month</b> | 51               | 17.0            |
| <b>One to two months</b>    | 96               | 32.0            |
| <b>Two to three months</b>  | 91               | 30.3            |
| <b>Three to six months</b>  | 17               | 5.7             |
| <b>Total</b>                | <b>300</b>       | <b>100.0</b>    |

The result shows that 96 (32.0%) of the respondents were held in the Libyan illegal immigration camps for one to two months, and that another 91 (30.3%) migrants had been kept in the camps for two to three months. However, this did not mean that the illegal migrants had not stayed for longer periods of time. On one occasion the researcher met someone who had been held for more than six months. This was because the Libyan authorities would sometimes order the camp officials not to release any detainees, particularly in Benghazi, Ganfuda, Ajdabiya and Tripoli. Then again, the Libyan authorities would at times deport numbers of illegal migrants to their home countries.

#### 7.3.1.1. Correlation between Periods of Time Spent in the Camps in Libya and Gender

This correlation aimed to investigate whether males or females were staying longer in the camps before being either deported to their home countries or released by the Libyan police. Table 7.11 shows that males were slightly more likely than females to have been kept in the camps for more than 3months. There were 35 males who stayed from three to six months (20.1%), and 25 from six months to one year, while 23 females stayed from three to six months (18.3%), and 17 (13.5%) stayed from three weeks to one month.

**Table 7.11: Correlation between Periods of Time in the Camps in Libya and Gender**

| How long have you been in Camps | Sex                       |                           |                           |
|---------------------------------|---------------------------|---------------------------|---------------------------|
|                                 | Male                      | Female                    | Total                     |
| <week                           | 8<br>4.6%                 | 4<br>3.2%                 | 12<br>4.0%                |
| 1-2 weeks                       | 9<br>5.2%                 | 8<br>6.3%                 | 17<br>5.7%                |
| 2-3 weeks                       | 16<br>9.2%                | 14<br>11.1%               | 30<br>10.0%               |
| 3 weeks-month                   | 22<br>10.0%               | 17<br>13.5%               | 39<br>13.0%               |
| 1-3 months                      | 38<br>21.8%               | 32<br>25.4%               | 70<br>23.3%               |
| 3-6 months                      | 35<br>20.1%               | 23<br>18.3%               | 58<br>19.3%               |
| 6 months-year                   | 25<br>14.4%               | 15<br>11.9%               | 40<br>13.3%               |
| >year                           | 21<br>12.1%               | 13<br>10.3%               | 34<br>11.3%               |
| <b>Total</b>                    | <b>174</b><br><b>100%</b> | <b>126</b><br><b>100%</b> | <b>300</b><br><b>100%</b> |

7.3.1.2. Correlation between Periods of Time in the Camps in Libya and Original Point of Entry

**Table 7.12: Correlation between Time in the Camps in Libya and Original Point of Entry.**

| How long have you been in the camps | The Original Point of Entry |                          |                           |                           |                           |                           |                           |
|-------------------------------------|-----------------------------|--------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
|                                     | North East                  | Mid North                | North West                | South East                | Mid South                 | South West                | Total                     |
| <b>Less than week</b>               | 2<br>16.7%                  | 4<br>33.3%               | 3<br>25.0%                | 1<br>8.3%                 | 2<br>16.7%                | 0<br>.0%                  | 12<br>100%                |
| <b>Week-2weeks</b>                  | 1<br>6.2%                   | 0<br>.0%                 | 3<br>18.8%                | 3<br>18.8%                | 3<br>18.8%                | 6<br>37.5%                | 16<br>100%                |
| <b>2-3 weeks</b>                    | 1<br>5.9%                   | 3<br>17.6%               | 2<br>11.8%                | 2<br>11.8%                | 3<br>17.6%                | 6<br>35.3%                | 17<br>100%                |
| <b>3weeks-Month</b>                 | 4<br>7.8%                   | 3<br>5.9%                | 9<br>17.6%                | 9<br>17.6%                | 17<br>33.3%               | 9<br>17.6%                | 51<br>100%                |
| <b>1-2 Months</b>                   | 6<br>6.2%                   | 8<br>8.3%                | 15<br>15.6%               | 24<br>25.0%               | 18<br>18.8%               | 25<br>26.0%               | 96<br>100%                |
| <b>2-3Months</b>                    | 7<br>7.7%                   | 3<br>3.3%                | 22<br>24.2%               | 19<br>20.9%               | 18<br>19.8%               | 22<br>24.2%               | 91<br>100%                |
| <b>3-6 Months</b>                   | 0<br>.0%                    | 1<br>5.9%                | 2<br>11.8%                | 4<br>23.5%                | 7<br>41.2%                | 3<br>17.6%                | 17<br>100%                |
| <b>Total</b>                        | <b>21</b><br><b>7.0%</b>    | <b>22</b><br><b>7.3%</b> | <b>56</b><br><b>18.7%</b> | <b>62</b><br><b>20.7%</b> | <b>68</b><br><b>22.7%</b> | <b>71</b><br><b>23.7%</b> | <b>300</b><br><b>100%</b> |

Table 7.12 examined the period of time between the respondents' initial entry into Libya and their detention in the camps. Results showed that there was no particular significance in the relation between both these variables, with the result of the Pearson Chi-Square tests applied to identify the relation between them showing (0.128) which means that the relation was not very strong. The reason was that some illegal migrants were transferred from place to place by the police, based on a camp's capacity, potential overcrowding, and gender (since males and females were put in separate camps). Nor did the location of the migrants' entry point influence whether they had lived inside Libya for a long or short period before being caught. Thus, someone who had been in Libya more than three months could have entered at any one of several places (Table 7.12).

7.3.1.3. Correlation between Periods of Time in the Camps in Libya and Nationality.

The purpose of this correlation (Table 7.13) was to investigate which nationalities stayed longer inside the camps, based on the assumption that some nationalities were treated differently by the Libyan authorities. People from countries with an existing agreement with the Libyan government to repatriate them did not spend a long time in the camps; they were from Tunisia, Algeria, Morocco and Egypt. On the other hand, migrants from Eritrea,

Somalia and Ethiopia who were unable to return to their counties were more likely to stay in the camps longer. During the fieldwork, the director of Towisha camps said that he sometimes received orders from his superior to release a number of them and let them go back to Tripoli.

The research showed that no migrant was detained for more than six months; however very few had spent less than a week in the camp and the 12 respondents who had just arrived (4.0%) when completing of the questionnaires was taking place did not know how long they were going to be detained. According the officer from the Immigration and Passport Department, interviewed in 2010, few detainees were kept for more than six months because “hosting them costs the state a huge amount of money for food, medication, and even electricity and hygiene facilities.”

**Table 7.13: Correlation between Periods of Time in the Detention Camps and Nationality**

| Nationality           | The time respondents lived in the camps |                          |                          |                           |                           |                           |                          |                             |
|-----------------------|---|--------------------------|--------------------------|---------------------------|---------------------------|---------------------------|--------------------------|-----------------------------|
|                       | <week                                   | 1-2weeks                 | 2-3weeks                 | 3weeks-month              | 1-2 months                | 2-3 months                | 3-6 months               | Total                       |
| <b>Ethiopia</b>       | 0<br>.0%                                | 0<br>.0%                 | 2<br>9.5%                | 6<br>28.6%                | 5<br>23.8%                | 7<br>33.3%                | 1<br>4.8%                | 21<br>100.0%                |
| <b>Eritrea</b>        | 1<br>3.3%                               | 2<br>6.7%                | 4<br>13.3%               | 4<br>13.3%                | 8<br>26.7%                | 7<br>23.3%                | 4<br>13.3%               | 30<br>100.0%                |
| <b>Algeria</b>        | 0<br>.0%                                | 0<br>.0%                 | 2<br>15.4%               | 0<br>.0%                  | 7<br>53.8%                | 4<br>30.8%                | 0<br>.0%                 | 13<br>100.0%                |
| <b>Senegal</b>        | 0<br>.0%                                | 1<br>6.2%                | 1<br>6.2%                | 2<br>12.5%                | 5<br>31.2%                | 5<br>31.2%                | 2<br>12.5%               | 16<br>100.0%                |
| <b>Sudan</b>          | 0<br>.0%                                | 1<br>12.5%               | 0<br>.0%                 | 2<br>25.0%                | 1<br>12.5%                | 4<br>50.0%                | 0<br>.0%                 | 8<br>100.0%                 |
| <b>Somalia</b>        | 3<br>8.8%                               | 1<br>2.9%                | 1<br>2.9%                | 4<br>11.8%                | 12<br>35.3%               | 12<br>35.3%               | 1<br>2.9%                | 34<br>100.0%                |
| <b>Cameroon</b>       | 2<br>10.5%                              | 1<br>5.3%                | 2<br>10.5%               | 3<br>15.8%                | 5<br>26.3%                | 6<br>31.6%                | 0<br>.0%                 | 19<br>100.0%                |
| <b>Morocco</b>        | 0<br>.0%                                | 0<br>.0%                 | 0<br>.0%                 | 3<br>15.0%                | 6<br>30.0%                | 7<br>35.0%                | 4<br>20.0%               | 20<br>100.0%                |
| <b>Niger Republic</b> | 1<br>3.3%                               | 1<br>3.3%                | 2<br>6.7%                | 7<br>23.3%                | 8<br>26.7%                | 8<br>26.7%                | 3<br>10.0%               | 30<br>100.0%                |
| <b>Benin</b>          | 1<br>33.3%                              | 0<br>.0%                 | 0<br>.0%                 | 1<br>33.3%                | 0<br>.0%                  | 1<br>33.3%                | 0<br>.0%                 | 3<br>100.0%                 |
| <b>Bangladesh</b>     | 2<br>16.7%                              | 1<br>8.3%                | 0<br>.0%                 | 1<br>8.3%                 | 5<br>41.7%                | 3<br>25.0%                | 0<br>.0%                 | 12<br>100.0%                |
| <b>Tunisia</b>        | 0<br>.0%                                | 2<br>28.6%               | 0<br>.0%                 | 0<br>.0%                  | 1<br>14.3%                | 4<br>57.1%                | 0<br>.0%                 | 7<br>100.0%                 |
| <b>Sierra Leone</b>   | 2<br>28.6%                              | 0<br>.0%                 | 0<br>.0%                 | 2<br>28.6%                | 2<br>28.6%                | 1<br>14.3%                | 0<br>.0%                 | 7<br>100.0%                 |
| <b>Gambia</b>         | 0<br>.0%                                | 0<br>.0%                 | 0<br>.0%                 | 1<br>33.3%                | 2<br>66.7%                | 0<br>.0%                  | 0<br>.0%                 | 3<br>100.0%                 |
| <b>Ghana</b>          | 0<br>.0%                                | 1<br>5.6%                | 1<br>5.6%                | 5<br>27.8%                | 7<br>38.9%                | 3<br>16.7%                | 1<br>5.6%                | 18<br>100.0%                |
| <b>Guinea Bissau</b>  | 0<br>.0%                                | 0<br>.0%                 | 2<br>28.6%               | 0<br>.0%                  | 4<br>57.1%                | 1<br>14.3%                | 0<br>.0%                 | 7<br>100.0%                 |
| <b>Guinea</b>         | 0<br>.0%                                | 0<br>.0%                 | 0<br>.0%                 | 1<br>11.1%                | 3<br>33.3%                | 5<br>55.6%                | 0<br>.0%                 | 9<br>100.0%                 |
| <b>Mali</b>           | 0<br>.0%                                | 1<br>7.7%                | 0<br>.0%                 | 1<br>7.7%                 | 7<br>53.8%                | 4<br>30.8%                | 0<br>.0%                 | 13<br>100.0%                |
| <b>Egypt</b>          | 0<br>.0%                                | 1<br>9.1%                | 0<br>.0%                 | 4<br>36.4%                | 3<br>27.3%                | 2<br>18.2%                | 1<br>9.1%                | 11<br>100.0%                |
| <b>Nigeria</b>        | 0<br>.0%                                | 3<br>15.8%               | 0<br>.0%                 | 4<br>21.1%                | 5<br>26.3%                | 7<br>36.8%                | 0<br>.0%                 | 19<br>100.0%                |
| <b>Total</b>          | <b>12</b><br><b>4.0%</b>                | <b>16</b><br><b>5.3%</b> | <b>17</b><br><b>5.7%</b> | <b>51</b><br><b>17.0%</b> | <b>96</b><br><b>32.0%</b> | <b>91</b><br><b>30.3%</b> | <b>17</b><br><b>5.7%</b> | <b>300</b><br><b>100.0%</b> |

Another very effective reason was that the government had resolved to host the migrants and also to promote their desire to move to Europe by releasing them early from detention in Libya so they could leave Libyan soil and go to Europe after having arranged for another illegal trip. Qadhafi himself stated in a speech in November 2006 that;

It would be both ignorant and superficial on our part to ignore those historical and psychological accumulations. In addition, the colonial era resulted in the pillage of Africa's riches. The gold mines were depleted and left as gaping holes in the ground. Diamonds, copper, iron ore, cobalt, manganese and phosphate were transferred to the old colonial powers.

After achieving their so-called independence, people of the former colonies wanted to build their countries. They discovered that their riches were plundered. They had a feeling that they need to go after those riches. A French writer whose name escapes me at the moment once said: "Either wealth comes to people, or people will go to the place where wealth is found."<sup>257</sup>

In another speech in 2009 at the UN General Assembly, the Libyan leader said

Why are Africans going to Europe? Why are Asians going to Europe? Why are Latin Americans going to Europe? It is because Europe colonized those peoples and stole the material and human resources of Africa, Asia and Latin America — the oil, minerals, uranium, gold and diamonds, the fruit, vegetables and livestock and the people — and used them. Now, new generations of Asians, Latin Americans and Africans are seeking to reclaim that stolen wealth, as they have the right to do. [...] At the Libyan border, I recently stopped 1,000 African migrants headed for Europe. I asked them why they were going there. They told me it was to take back their stolen wealth — that they would not be leaving otherwise. Who can restore the wealth that was taken from us? If you decide to restore all of this wealth, there will be no more immigration from the Philippines, Latin America, Mauritius and India. Let us have the wealth that was stolen from us. Africa deserves \$777 trillion in compensation from the countries that colonized it. Africans will demand that amount, and if you do not give it to them, they will go to where you have taken those trillions of dollars. They have the right to do so. They have to follow that money and to bring it back.<sup>258</sup>

#### **7.4. The Ways Most Commonly Used by Illegal Migrants to Enter Libya.**

This section investigated the ways most often used by illegal migrants to enter Libya, and to establish whether or not the illegal migrants obtained any official documents, and if so, what types of documents they were carrying when they entered Libya. Passports were the

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<sup>257</sup>Statement of the late Libyan Leader Muammar Al-Qadhafi in the African Union/ European Union Ministerial Meeting on Migration and Development 22.11.2006. The text of the speech is given in Appendix (3); or is available at <http://www.algathafi.org/html-english/index.htm> [online, 06.02.2011].

<sup>258</sup>Statement of the Libyan Leader at the General Assembly of the United Nations, 1.10.2009 in Appendix (4); and available at <http://www.algathafi.org/html-english/index.htm> [online, 06.02.2011].

main documents selected by the researcher for the purpose of this study, since passports are the most familiar official documents that travellers worldwide must possess in order to cross any borders. In this respect, however, it should be made clear that citizens of the Arab Maghreb countries do not need passports and/or visas to enter Libya. This arrangement was approved by the countries of the Arab Maghreb Union, of which Libya is part, as explained in Chapter Three.

The cases were asked whether or not they had acquired a visa to enter Libya. Was that because it was difficult to get a visa? Did they not know that they needed a visa, or did they not apply for one? The purpose of these questions was to examine whether entering Libya was easy for the illegal migrants or if they had faced difficulties in reaching Libyan territory.

#### **7.4.1. How did you enter Libya?**

In answer to Question 25, concerning the method used to enter Libya, three choices were available. (1) by plane, (2) by land, or (3) by boat (from which port to where?). These specific choices were intended to establish information about possible routes for crossing Libyan borders.

**Table 7.14: Which Method did you Use to Enter Libya?**

|                    | <b>Frequency</b> | <b>Percent%</b> |
|--------------------|------------------|-----------------|
| <b>Plane</b>       | 12               | 4.0             |
| <b>Land Routes</b> | 288              | 96.0            |
| <b>Boat</b>        | 0                | 00.0            |
| <b>Total</b>       | <b>300</b>       | <b>100.0</b>    |

Table 7.14 shows that the land routes were the most likely way to reach Libya for the illegal migrants. Different means of transport were used to reach the country by land mainly cars, buses, and trucks. Some migrants crossed the border on foot.

##### **7.4.1.1. Do you have a Passport?**

The answer to this question concerning possession of a passport offered a yes/no choice. For ‘no’ answers, the samples were asked to confirm whether they had any documents and what sort they were.



**Table 7.15: Do you have a Passport?**

|              | <b>Frequency</b> | <b>Percent%</b> |
|--------------|------------------|-----------------|
| <b>No</b>    | 76               | 25.3            |
| <b>Yes</b>   | 224              | 74.7            |
| <b>Total</b> | <b>300</b>       | <b>100.0</b>    |

Table 7.15 shows that 224 (74.7%) of the illegal migrants in the Libyan authorities' camps held passports when they entered Libya. Nevertheless, the researcher noticed that these passports were not in their possession at the time of the interviews because the Libyan authorities had them. The non-availability of passports made it impossible to know whether those passports had been official or fake. The rest of the sample of 76 persons (25.3%) who did not have passports included two categories; 25 persons with no official documents at all, and 51 persons who carried some sort of national personal identity card.

#### 7.4.1.2. Did you have a Libyan visa?

As noted above, there were 224 respondents who said they had formal passports. They were asked if they had obtained a Libyan visa before entering the country. The answers to this question included yes/no choices, followed by some further inquiries:

#### **3) Yes**

- Was it easy to get a Libyan visa?
- What was required to get such a visa?

#### **4) No**

- Did not need a visa to enter Libya
- Decided not apply for Libyan visa
- Other reasons

None of the respondents interviewed had a visa for entry to Libya. They were all urged to explain why they did not have the necessary visas. This question was designed to examine whether the illegal migrants were under the impression that they did not need a visa to enter Libya. If not, why had they then decided to enter Libya illegally? The researcher used the choice of 'other reasons' to find out if some of the illegal migrants had other specific explanations that differed from what had been included in the questionnaire.

**Table 7.16: Why did you not have a Libyan Visa?**

|                               | <b>Frequency</b> | <b>Percent%</b> |
|-------------------------------|------------------|-----------------|
| <b>Do not need a visa</b>     | 246              | 82.0%           |
| <b>Decided not to get one</b> | 39               | 13.0%           |
| <b>Other reasons</b>          | 15               | 5.0%            |
| <b>Total</b>                  | <b>300</b>       | <b>100.0%</b>   |

Table 7.16 shows that 246 of the illegal migrants believed that they did not need a Libyan visa to enter the country. These who decided not to apply for a visa knew that they were entering the country illegally. Meanwhile, those who responded with other reasons appeared to have no idea about the need to obtain a visa to enter other countries.

#### 7.4.1.3. Correlation between first entry into Libya and if asked about your documents

This correlation aimed to ascertain whether or not the people who entered Libya had been asked for their documents. As mentioned earlier, a significant number of Arab and African people entered Libya because the Libyan authorities claimed officially that they could not control the Libyan borders. F.AL, who works at the Libyan borders as a controller, told the researcher that

to control those huge areas in the middle of the desert is an impossible task [ ] On the other hand, when we are on duty we see suspicious trucks and buses full of Africans looking like illegal migrants, but we do not have any orders to stop them, and if some of us had the initiative to do it, we still do not have the right to stop them even if they do not carry any documentation [...] what can we do if that's what the government wants?

From the data gathered and mentioned in Chapter Five, it was clear that only 20 out of the 300 respondents were asked about their documents (6.7%), while 280 (93.3%) had not been asked for their documents.

**Table 7.17: Correlation between First Entry to Libya and If Asked About Documents**

| Were you asked about your documents | first entry into Libya                    |   |  |  |  |  |  |
|-------------------------------------|---|---|--|--|--|--|--|
|                                     | North East                                | Mid North                                 | North West                                 | South East                                 | Mid South                                  | South West                                 | Total                                      |
| <b>No</b>                           | 18<br>6.4%<br>(85.7%)                     | 22<br>7.9%<br>(100.0%)                    | 49<br>17.5%<br>(87.5%)                     | 59<br>21.1%<br>(95.2%)                     | 66<br>23.6%<br>(97.1%)                     | 66<br>23.6%<br>(93.0%)                     | 280<br>100%<br>(93.3%)                     |
| <b>Yes</b>                          | 3<br>15.0%<br>(14.3%)                     | 0<br>.0%<br>(.0%)                         | 7<br>35.0%<br>(12.5%)                      | 3<br>15.0%<br>(4.8%)                       | 2<br>10.0%<br>(2.9%)                       | 5<br>25.0%<br>(7.0%)                       | 20<br>100%<br>(6.7%)                       |
| <b>Total</b>                        | <b>21</b><br><b>7.0%</b><br><b>(100%)</b> | <b>22</b><br><b>7.3%</b><br><b>(100%)</b> | <b>56</b><br><b>18.7%</b><br><b>(100%)</b> | <b>62</b><br><b>20.7%</b><br><b>(100%)</b> | <b>68</b><br><b>22.7%</b><br><b>(100%)</b> | <b>71</b><br><b>23.7%</b><br><b>(100%)</b> | <b>300</b><br><b>100%</b><br><b>(100%)</b> |

Table 7.17 show that of the passports checked, 35.0% were checked in the North West, and 25.0% in the South West, which meant that the north and the south of the country saw greater scrutiny than did the central and eastern regions. Why did the South West of the country see the highest numbers of illegal immigration entering Libya? According to the answers to the questionnaire, only 20 out of 300 migrants had been asked to produce any kind of documentation once in Libya. It was clear that the Libyan border guards and officials did not have any orders to stop people who were travelling illegally, as officer F.AL had previously confirmed to me.

7.4.1.4. Correlation between How Long in Libya before being caught and Have You a Passport?

The aim of this correlation was to find out how long those with no entry or short-term stay permits were able to remain illegally inside Libyan territory. In many cases these people had no official identity or legal residence permits.

**Table 7.18: Correlation between time in Libya before capture and having/not having a Passport**

| How long in Libya before being caught | Do you have a Passport?   |                            |                           |
|---------------------------------------|---------------------------|----------------------------|---------------------------|
|                                       | No                        | Yes                        | Total                     |
| <b>Less than a week</b>               | 3<br>25.0%                | 9<br>75.0%                 | 12<br>100%                |
| <b>Week-2 weeks</b>                   | 5<br>29.4%                | 12<br>70.6%                | 17<br>100%                |
| <b>2weeks-3weeks</b>                  | 10<br>33.3%               | 20<br>66.7%                | 30<br>100%                |
| <b>3weeks-Month</b>                   | 12<br>30.8%               | 27<br>69.2%                | 39<br>100%                |
| <b>Month-3Months</b>                  | 17<br>24.3%               | 53<br>75.7%                | 70<br>100%                |
| <b>3Months-6Months</b>                | 12<br>20.7%               | 46<br>79.3%                | 58<br>100%                |
| <b>6Months-year</b>                   | 8<br>20.0%                | 32<br>80.0%                | 40<br>100%                |
| <b>More than a Year</b>               | 9<br>26.5%                | 25<br>73.5%                | 34<br>100%                |
| <b>Total</b>                          | <b>76</b><br><b>25.3%</b> | <b>224</b><br><b>74.7%</b> | <b>300</b><br><b>100%</b> |

Table 7.18 showed that in some cases the migrants stayed only briefly in Libya before embarking for Europe. In such cases they did not need to worry about obtaining an official document that proved their status in the country.

Of the 300 respondents, 70 (23.3%) had been in Libya from one to three months; 17 of these 70 were without documents (24.3%); of the 58 who had been living in Libya from three to six months, 12 (20.7%) also had no documents. Of the 40 (13.3%) who had been in Libya from six months to one year there were 8 people (20.0%) without documents, while out of 34 (11.3%) respondents who had been in Libya more than a year, 9 (26.5%) of them were without official documents. The results show that 76 (25.3%) of the 300 respondents were without passports or any official documents, indicating that a quarter of the foreigners inside Libya had no papers.

#### 7.4.1.5. Correlation between how long in Libya before Capture and if asked about Documents inside Libya

In Table 7.19 the chi-square tests showed that there was a highly significant relation between the two variables ‘how long were you in Libya before the police caught you?’, and ‘have you been asked about your documents inside Libya?’ Of the total of 300 individuals in the research sample there were just 20 (6.7%) who had been asked about

their documents, 12 of whom (60.0%) had been in Libya for less than a week, while four were a family of two parents with two children who had been checked together at the check point, while five said because they were told their passports needed to be checked when they came through the airport checkpoint.

Furthermore, according to Table 7.18 nobody in the group that had been in Libya for more than one year was ever asked to produce any documentation, while in the group of those who stayed between six months and one year only one had been asked for his documents. All this confirms the same notion as at point 7.4.1.4 above.

**Table 7.19: Significance between how long in Libya before the Police caught you and have you been asked about your Documents inside Libya.**

|                   | value | Significance |
|-------------------|-------|--------------|
| <b>Chi-square</b> | 1.783 | .000         |

7.4.1.6. Correlation between if you were asked About Documents and Your Travel in Libya.

This section showed how easy it was for illegal migrants to travel inside the country. The preferred means of transportation included public transport (203 or 67.7%), and private cars (97 or 32.3%). Some Libyans used their own cars to earn extra money by transporting illegal migrants. Table 7.20 shows that only 7.2% who used a private car had been checked for their documents, while 6.4% were checked when using public transport. From Chapter Six, Table 6.27 indicates that of those who owned these vehicles, 23.7% of the private car owners were Libyans. Of those who travelled by public transport (i.e., the privately-owned mini-buses and shared taxis that make up for the lack of a national bus service network), 71.1% of the owners were Libyan and 28.9% were of other nationalities. Table 6.28 also showed there were no differences between the three bands (shared taxis, minibuses and trucks) and that 42.9% of respondents used the first category, 35.7% the second category and 21.4% the third category. Table 7.21 shows that in the South East, the lowest number was 21 individuals (7.5%) whose passports had not been checked out of the 24 illegal migrants who were caught, while the North West area had the highest number of 150 (53.6%) migrants whose identities were left unchecked. The North West was the main area from which the journey to Europe was attempted. Of the total of 300 respondents, 157 had been caught in this area, of whom only 7 had been asked for their documents.

**Table 7.20: Correlation between Being Asked For Documents and Travel inside Libya**

| Have you been asked about your documents | How did you travel inside Libya |                            |                             |
|--|---------------------------------|----------------------------|-----------------------------|
|  | Private car                     | 'Public' transport         | Total                       |
| <b>No</b>                                | 90<br>32.1%<br>(92.8%)          | 190<br>67.9%<br>(93.6%)    | 280<br>100.0%<br>(93.3%)    |
| <b>Yes</b>                               | 7<br>35.0%<br>(7.2%)            | 13<br>65.0%<br>(6.4%)      | 20<br>100.0%<br>(6.7%)      |
| <b>Total</b>                             | <b>97</b><br><b>32.3%</b>       | <b>203</b><br><b>67.7%</b> | <b>300</b><br><b>100.0%</b> |

7.4.1.7. Correlation between Being Asked About Documents and Where Arrested in Libya

**Table 7.21: Relation between the Places where Caught and if asked about Documents.**

| Have you been asked about your documents | Where did the police catch you |                           |                            |                          |                           |
|--|--------------------------------|---------------------------|----------------------------|--------------------------|---------------------------|
|  | North east                     | Mid north                 | North west                 | South east               | Total                     |
| <b>No</b>                                | 41<br>14.6%                    | 68<br>24.3%               | 150<br>53.6%               | 21<br>7.5%               | <b>280</b><br><b>100%</b> |
| <b>Yes</b>                               | 4<br>20.0%                     | 6<br>30.0%                | 7<br>35.0%                 | 3<br>15.0%               | <b>20</b><br><b>100%</b>  |
| <b>Total</b>                             | <b>45</b><br><b>15.0%</b>      | <b>74</b><br><b>24.7%</b> | <b>157</b><br><b>52.3%</b> | <b>24</b><br><b>8.0%</b> | <b>300</b><br><b>100%</b> |

7.4.1.8. Correlation between whether they were asked about documents and if they had a passport

At this stage I tried to explore whether it was easy for illegal migrants to travel inside Libya without any of proof of identity. Table 7.22 shows that 76 respondents did not carry any passport (25.3%), while 224 answered that they did have passports (74.7%). Of the 224 with passports only 16 (7.1%) were asked to confirm their identities. Of the 76 without a passport, 72 said they did not have passports (25.7%) and only four of them (20%) had been questioned about their passports. The most interesting point here is that, regardless of whether or not the respondents had passports, nobody seemed to be seriously affected. Also I was told that even when they were carrying passports, a high number of illegal migrants chose not to show them to the police so that they would not be transferred or deported back to their countries.

**Table 7.22: Relation between Having a Passport and Whether Asked for Documents.**

| Have you been asked about your documents | Do you have a passport                     |   |  |
|--|--|---|--|
|  | No   | Yes   | Total                                      |
| No                                       | 72<br>25.7%<br>(94.7%)                     | 208<br>74.3%<br>(92.9%)                     | 280<br>100%<br>(93.3%)                     |
| Yes                                      | 4<br>20.0%<br>(5.3%)                       | 16<br>80.0%<br>(7.1%)                       | 20<br>100%<br>(6.7%)                       |
| <b>Total</b>                             | <b>76</b><br><b>25.3%</b><br><b>(100%)</b> | <b>224</b><br><b>74.7%</b><br><b>(100%)</b> | <b>300</b><br><b>100%</b><br><b>(100%)</b> |

7.1.4.9. Correlation between guide's nationality and if the migrant was asked about his/her documents

**Table 7.23: Correlation between Guide's Nationality and If You Were Asked about Your Documents.**

| Have you been asked about your documents | Who was your guide to Europe |                            |                           |                            |                           |
|--|------------------------------|----------------------------|---------------------------|----------------------------|---------------------------|
|  | Native                       | Libyan                     | others                    | Mixed                      | Total                     |
| No                                       | 14<br>5.0%                   | 105<br>37.5%               | 65<br>23.2%               | 96<br>34.3%                | 280<br>100%               |
| Yes                                      | 0<br>.0%                     | 7<br>35.0%                 | 3<br>15.0%                | 10<br>50.0%                | 20<br>100%                |
| <b>Total</b>                             | <b>14</b><br><b>4.7%</b>     | <b>112</b><br><b>37.3%</b> | <b>68</b><br><b>22.7%</b> | <b>106</b><br><b>35.3%</b> | <b>300</b><br><b>100%</b> |

To discover how the smugglers organised their work with the migrants, I asked 20 respondents (from the total of 300), who had been questioned about their documents while travelling in Libya, about the nationality of their guide. Fifty percent of them had been guided by people of mixed nationalities, 35.0% were guided by Libyans, and 15% were guided by others. This means that the border guards were suspicious about the movements of some Libyans and of people of mixed nationalities. This confirmed that the illegal migrants had sometimes been asked about their documents while they were travelling inside Libya, and occurred when they were moving from place to place within Libya, for instance from cities in the south to others in the north to reach the area from which they would depart for Europe.

At this stage of the journey the migrants were with the smugglers in cars or minibuses, so that when they were asked for their documents it would have been at a police check point inside Libya. But the same question still arises as to why the borders guards did not stop them and investigate? At this time the issue of the transit of illegal immigration in Libya was clearly on the increase, so logically suspicions should have been aroused if someone was carrying a number of Africans or other mixed nationalities in his car or minibus, so where were the police, who must have been suspicion of this phenomenon?

## 7.5. Libya as a Transit Country

### 7.5.1. Will you come to Libya again if the Libyan authorities send you back?

Question 29 was a direct question to investigate whether the illegal migrants would or would not try again to emigrate illegally; it offered a yes/no choice of answer. The result showed although 92 or 30.7% of the respondents answered ‘no’, the remaining 208 (69.3%) answered ‘yes’, they would certainly try again.

**Table 7.24: Will you try again if the Libyan Authorities Release You?**

|              | <b>Frequency</b> | <b>Percent%</b> |
|--------------|------------------|-----------------|
| <b>No</b>    | 92               | 30.7%           |
| <b>Yes</b>   | 208              | 69.3%           |
| <b>Total</b> | <b>300</b>       | <b>100.0%</b>   |

It should be mentioned that the percentage response for this question was 100% of the research sample. Although 208 respondents answered ‘yes’, all 300 of the illegal migrants expressed their opinions that Libya was a good place to transit from. However, the 92 respondents who showed no interest in coming to Libya again were also asked about their reasons. Their responses were mainly; ‘I do not know’ or ‘no reason’, apart from five males who were not happy in the camps as prisoners.

The following question asked the respondents to give more specific explanations as to why they would, or would not, try again.

### 7.5.2. If your answer is yes, please specify why

The respondents were offered the following choices as to why they would return:



1. Easy to enter Libyan territory
2. Easy to transit to Europe from Libya
3. Cheap costs from Libya
4. Easy to find help for illegal migration
5. All of the above reasons

**Table 7.25: Reasons for Coming to Libya again**

|                            | <b>Frequency</b> | <b>Percent%</b> |
|----------------------------|------------------|-----------------|
| <b>Easy to enter Libya</b> | 41               | 13.7            |
| <b>Easy to transit</b>     | 43               | 14.3            |
| <b>Cheap</b>               | 68               | 22.7            |
| <b>Easy to find help</b>   | 62               | 20.7            |
| <b>All of the above</b>    | 86               | 28.7            |
| <b>Total</b>               | <b>300</b>       | <b>100.0</b>    |

Table 7.25 show that ‘all of the above’ reasons was chosen by the largest number of respondents. In other words, 86 persons (28.7% of the sample) were in favour of this choice, while 68 (22.7%) said it was cheap to migrate from Libya, and 62 (20.7%) said that it was easy to find help. Furthermore, 41 (13.7%) agreed that Libya was easy to enter, and 43 (14.3%) said that Libya was an easy place from which to migrate to Europe.

### ***7.5.3. Do You Want To Try Migrating Again To Europe?***

This question was important in order to explore the illegal migrants’ future plans after they had been caught by the police while trying to immigrate to Europe. Table 7.28 shows that 194 (64.7%) of the research respondents did not have any plan to try again. This might have been mostly because of the difficulties they had faced throughout the adventure of leaving their home countries, arriving in Libya and failing to reach Europe. Some had been rescued far out at sea, suffering from, hunger, thirst and exhaustion. But despite all these bad conditions, 106 of the respondents (35.3%) stated that they would keep on trying until they had reached Europe.

**Table 7.26: Do you want to try immigrating to Europe again?**

|              | <b>Frequency</b> | <b>Percent%</b> |
|--------------|------------------|-----------------|
| No           | 194              | 64.7            |
| Yes          | 106              | 35.3            |
| <b>Total</b> | <b>300</b>       | <b>100.0</b>    |

#### 7.5.4. Will You Choose Libya Again?

As shown in Table 7.27, 106 persons answered ‘yes’, they would try to emigrate again. They were then asked whether or not they would choose Libya again as a transit country and to give their reasons. Table 7.29 gives more details about this issue, showing that 19 (6.3%) of the respondents said ‘No, I will not transit via Libya’, 52 persons (17.3%) said ‘Yes I will transit again from Libya illegally to Europe’ and 35 persons (11.7%) said ‘I do not know’. The researcher felt that those 35 persons were not very comfortable about saying why they did not know.

**Table 7.27: Will You Choose Libya Again To Immigrate To Europe?**

| Will you choose Libya again | Frequency  | Percent%     |
|-----------------------------|------------|--------------|
| No                          | 19         | 6.3          |
| Yes                         | 52         | 17.3         |
| I do not know               | 35         | 11.7         |
| Total                       | 106        | 35.3         |
| Missing*                    | 194        | 64.7         |
| <b>Total</b>                | <b>300</b> | <b>100.0</b> |

\*The missing 194 figure refers to those persons who answered: ‘I do not want to try migrating again’

Notably, the 52 persons who said ‘Yes I will travel via Libya to Europe’ added that this was because Libya was easy to enter, cheap, and well-organized when it came to illegal migration. Still, the main reason was because they had been sure that the Libyan authorities would release them inside Libya, in which case they would simply try to immigrate to Europe from Libya, using it as their base. However, if in the event the Libyan authorities did deport them, the illegal migrants still believed that Libya was an easy country to enter and to live in illegally. This was why it was full of illegal migrants from Tunisia, Algeria, Egypt, Morocco and other African countries who had chosen it as their departure point for their illegal migration to Europe.

**Table 7.28: Correlation between Trying Again Via Libya and Why He/ She Chose Libya as a Transit Country**

| Will you try again via Libya | Why did you chose Libya   |                           |                            | Total                     |
|------------------------------|---------------------------|---------------------------|----------------------------|---------------------------|
|                              | Do not need a visa        | cheap                     | Easy to get in             |                           |
| No                           | 62<br>32.0%               | 61<br>31.4%               | 71<br>36.6%                | 194<br>100%               |
| Yes                          | 37<br>34.9%               | 37<br>34.9%               | 32<br>30.2%                | 106<br>100%               |
| <b>Total</b>                 | <b>99</b><br><b>33.0%</b> | <b>98</b><br><b>32.7%</b> | <b>103</b><br><b>34.3%</b> | <b>300</b><br><b>100%</b> |

From this table the most important percentages is the 106 people who answered ‘yes’; the result show 37 people answered that they did not need a visa and that it was cheap (34.9%); while the 30.2% of people who choose ‘yes’ to using Libya again as a transit country did so because it was ‘easy to enter the country’. This shows conclusively that Libya was very convenient for illegal migrants to transit on their way to destinations in European countries.

**7.5.5. What is the Standard of Living in the Illegal Immigration Camps in Libya?**

The aim of this question was to examine how the Libyan authorities treated the illegal migrants in the detention camps, as well as to establish the level of satisfaction among the illegal migrants with their situation in the camps. Although the researcher found in some of the relevant literature for this study that the Libyan authorities treated the illegal migrants badly, the migrants themselves were generally satisfied with the treatment they received and with the provision of food, clothing, medication, hygiene, and safety.

This observation was supported by the answers of the illegal migrants, 164 (54.7%) of whom agreed that their treatment was ‘normal’, although 124 persons (41.3%) answered that their treatment in the camps was either ‘bad’ or ‘very bad’. Here it should be pointed out that the answers of the latter group came from certain persons who were always complaining and demanding to be released.

**Table 7.29: What is the Standard of Living Like in the Camps?**

|                  | <b>Frequency</b> | <b>Percent%</b> |
|------------------|------------------|-----------------|
| <b>Very good</b> | 0                | 00.0            |
| <b>Good</b>      | 12               | 4.0             |
| <b>Normal</b>    | 164              | 54.7            |
| <b>Bad</b>       | 97               | 32.3            |
| <b>Very bad</b>  | 27               | 9.0             |
| <b>Total</b>     | <b>300</b>       | <b>100.0</b>    |

**7.5.6. Did You Have Any Idea What Would Happen To You Next?**

This was an open question which encouraged the respondents to express their ideas about migrating to Europe through Libya. As shown earlier, illegal migrants already perceived Libya as an open country for everyone from Africa, and many had been recommended by others to travel to Europe from Libya. Thus, it was not surprising that most of them said

“the Libyan authorities will release us and let us free inside Libya.” However, there were a few who said “maybe they will return me to my country.”

This means that the respondents were aware of the fact that the Libyan authorities would not hold them forever.<sup>259</sup> when completing of the questionnaires most of interviewees stressed that they had made every effort to reach Europe and that nothing would stop them. However, if they failed in achieving their goal, they would stay in Libya to work and would keep on trying to migrate to Europe. For instance, in Al-Zawiya camp for women, a detained mother of a child said: “the head of the camps released me, but because I have no idea where to go, I am waiting for more women to be released and we will go together.”<sup>260</sup>

#### 7.5.7. Was this Your First Illegal Immigration Attempt Via Libya?

This question was designed to investigate whether the migrants had tried to immigrate illegally to Europe more than once. From formal and informal conversations with officials from illegal immigration camps, border patrols and chief officers of the Department of Investigation of Passport and Immigration in Tripoli, it was clear that some of the illegal migrants had been caught more than once trying to immigrate illegally to Europe via Libya.

The question offered a yes/no choice of answer, and the results indicated that 264 (88.0%) of the research respondents answered ‘yes’, while 36 (12.0%) of them answered ‘no’.

**Table7.30: Was this a First Attempt at Illegal Immigration?**

|              | <b>Frequency</b> | <b>Percent %</b> |
|--------------|------------------|------------------|
| <b>No</b>    | 36               | 12.0             |
| <b>Yes</b>   | 264              | 88.0             |
| <b>Total</b> | <b>300</b>       | <b>100.0</b>     |

Even though the illegal migrants interviewed talked proudly of their experiences with their illegal immigration in Libya, it was important to investigate more about them.

<sup>259</sup> In its *Panorama* series the British television channel BBC1 showed a programme called ‘Die or Keep Trying’ about African migrants coming across the desert. The first part of the programme showed a group of people who had been caught by the Libyan police. The presenter who interviewed them asked: “Do you know what will happen to you now that the police have caught you?” Their answer, in effect, was “Let them do whatever they want, but the good thing is we are in Libya now and Libya is a good place to come to.” This was an accurate picture of the illegal migrants who came mostly from the sub-Saharan countries. See Vine, Jeremy and Paul Kenyon, (2009), “Europe or Die Trying, part 3”, *BBC Panorama*, 14 September, [http://news.bbc.co.uk/panorama/hi/front\\_page/newsid\\_8286000/8286543.stm](http://news.bbc.co.uk/panorama/hi/front_page/newsid_8286000/8286543.stm). [Online, 10 November 2009].

<sup>260</sup> An Eritrean woman with a three-month-old child in Al-Zawiya detention camp, interviewed at the camp on 10 November 2009.

#### 7.5.7.1. If Answer was ‘No’, when and what was the Transit Country?

The 36 respondents in Table 7.32, who answered that it was not their first attempt at illegal immigration, confirmed that Libya was their preferred transit country. They added that when the first attempt to reach Europe had failed and they were caught and then released, they simply settled for a while in Libya to work and save money for another attempt.

As discussed in Chapter Five (section 5.3.7), some had financial support from outside Libya. For instance, a woman in the Ganfuda camp was sent money for a second attempt by her mother (herself formerly an illegal migrant) who was living in Italy, while a Moroccan family of five (two parents and three children) from the Al-Zawiya camp had received money from the wife’s sisters who had lived for some years in France. Overall, it was clear that between the first failed attempts and the second attempts there was a gap of 1-3 months during which the illegal migrants stayed in the Libyan territories while they worked or arranged further monetary gifts or loans to try for another crossing to Europe.

#### 7.5.8.1. Correlation between time here before Capture and if Released will you Return to Libya?

Table 7.31 shows that 52 (49.1%) answered ‘Yes they would come back to Libya’, 35 (33.0%) said they ‘Did not know’, and only 19 (17.9%) answered ‘No’. It is important to note that out of the sample of 300 persons, only 106 respondents answered this question which meant that the rest possibly lacked the confidence to state definitively, ‘I will try again via Libya’ or else could not decide because of financial constraints, although from my observations, and even though I tried not to push for answers, I was quite sure their answers would also have been ‘Yes’.

It was also found that the 6 people who firmly answered ‘No’ were in the ‘being in Libya for more than one year’ band (31.6%) which was the highest percentage among those who answered ‘No’.

On the other hand, among the people who replied ‘Yes’ from the total of 106 illegal migrants who answered this question, the highest percentages were for the 11 people who had lived in Libya between one to three months (21.2%), the 14 who had lived there from three to six months (26.9%), and for the 9 who been inside Libya from six months to one year (17.3%). To me this was a clear indication that illegal migrants who had tried to

transit to Europe via Libya and had been caught would certainly try again via the same routes (Table 7.31).

**Table 7.31: Correlation between times here before Capture and if Released will you try to go Europe via Libya?**

| Time here before capture | If released will you go to Europe via Libya? |                         |                         |                           |
|--------------------------|--|-------------------------|-------------------------|---------------------------|
|                          | Yes  | No                      | Don't Know              | Total                     |
| <b>Less than week</b>    | 1<br>50.0%<br>(1.9%)                         | 1<br>50.0%<br>(5.3%)    | 0<br>.0%<br>(.0%)       | 2<br>100.0%<br>(1.9%)     |
| <b>Week-2 weeks</b>      | 2<br>28.6%<br>(3.8%)                         | 2<br>28.6%<br>(10.5%)   | 3<br>42.9%<br>(8.6%)    | 7<br>100.0%<br>(6.6%)     |
| <b>2 weeks-3 weeks</b>   | 2<br>25.0%<br>(3.8%)                         | 0<br>.0%<br>(.0%)       | 6<br>75.0%<br>(17.1%)   | 8<br>100.0%<br>(7.5%)     |
| <b>3 weeks-Month</b>     | 6<br>60.0%<br>(11.5%)                        | 1<br>10.0%<br>(5.3%)    | 3<br>30.0%<br>(8.6%)    | 10<br>100.0%<br>(9.4%)    |
| <b>Month-3 Months</b>    | 11<br>40.7%<br>(21.2%)                       | 5<br>18.5%<br>(26.3%)   | 11<br>40.7%<br>(31.4%)  | 27<br>100.0%<br>(25.5%)   |
| <b>3 Months-6 Months</b> | 14<br>60.9%<br>(26.9%)                       | 3<br>13.0%<br>(15.8%)   | 6<br>26.1%<br>(17.1%)   | 23<br>100.0%<br>(21.7%)   |
| <b>6 Months-a year</b>   | 9<br>69.2%<br>(17.3%)                        | 1<br>7.7%<br>(5.3%)     | 3<br>23.1%<br>(8.6%)    | 13<br>100.0%<br>(12.3%)   |
| <b>More than a Year</b>  | 7<br>43.8%<br>(13.5%)                        | 6<br>37.5%<br>(31.6%)   | 3<br>18.8%<br>(8.6%)    | 16<br>100.0%<br>(15.1%)   |
| <b>Total</b>             | 52<br>49.1%<br>(100.0%)                      | 19<br>17.9%<br>(100.0%) | 35<br>33.0%<br>(100.0%) | 106<br>100.0%<br>(100.0%) |

7.5.8.2. Correlation between Time in the Camps and if Released Will You Come to Libya Again?

This attempted to clarify who would try to come to Libya for a second time even though they had been caught and held at illegal immigration camps for quite some time. Therefore if people in the camps were prepared to try again, that meant they were not suffering there, or alternatively that what they had escaped from in their own countries had been much more problematic than being arrested and detained at these camps.

The results of Table 7.32 show that people who had been held at the camps from one to three months now planned to try again. For instance in the two to three months category of

being in a camp, 13 out of 26 cases said ‘Yes I will try again’ (50.0%), while 3 answered ‘no’ (11.5%), and 10 answered ‘I do not know’(38.5%).

**Table 7.32: Correlation between Time in the Camps and if Released Will You Come to Libya Again?**

| How long have you been in the camps | If released will you come to Libya again?    |  |  |  |
|-------------------------------------|--|--|--|--|
|                                     | Yes  | No   | Do not Know                                  | Total  |
| <b>Less than a week</b>             | 3<br>75.0%<br>(5.8%)                         | 0<br>.0%<br>(.0%)                            | 1<br>25.0%<br>(2.9%)                         | 4<br>100.0%<br>(3.8%)                          |
| <b>1-2 weeks</b>                    | 2<br>22.2%<br>(3.8%)                         | 4<br>44.4%<br>(21.1%)                        | 3<br>33.3%<br>(8.6%)                         | 9<br>100.0%<br>(8.5%)                          |
| <b>2-3 weeks</b>                    | 2<br>28.6%<br>(3.8%)                         | 1<br>14.3%<br>(5.3%)                         | 4<br>57.1%<br>(11.4%)                        | 7<br>100.0%<br>(6.6%)                          |
| <b>3 weeks-month</b>                | 12<br>54.5%<br>(23.1%)                       | 2<br>9.1%<br>(10.5%)                         | 8<br>36.4%<br>(22.9%)                        | 22<br>100.0%<br>(20.8%)                        |
| <b>1-3 months</b>                   | 16<br>50.0%<br>(30.8%)                       | 9<br>28.1%<br>(47.4%)                        | 7<br>21.9%<br>(20.0%)                        | 32<br>100.0%<br>(30.2%)                        |
| <b>3-6 months</b>                   | 13<br>50.0%<br>(25.0%)                       | 3<br>11.5%<br>(15.8%)                        | 10<br>38.5%<br>(28.6%)                       | 26<br>100.0%<br>24.5% ( )                      |
| <b>6 months- a year</b>             | 4<br>66.7%<br>(7.7%)                         | 0<br>.0%<br>(.0%)                            | 2<br>33.3%<br>(5.7%)                         | 6<br>100.0%<br>(5.7%)                          |
| <b>Total</b>                        | <b>52</b><br><b>49.1%</b><br><b>(100.0%)</b> | <b>19</b><br><b>17.9%</b><br><b>(100.0%)</b> | <b>35</b><br><b>33.0%</b><br><b>(100.0%)</b> | <b>106</b><br><b>100.0%</b><br><b>(100.0%)</b> |

Among people who said they would come to Libya again the highest percentage was (30.8%) for people who had been in a camp for one to three months; interestingly 47.4% who had been in a camp for the same period said that they would not come to Libya again.

## **7.6. The Role of the Libyan Authorities and the Illegal Immigration Camps in Libya**

The aim of these correlations was to find out what experiences the respondents had gone through with the Libyan authorities by examining the length of time the illegal migrants had stayed in Libya’s illegal immigration camps, and what they thought of the living conditions they had experienced there.

*7.6.1. Correlation between Time in the Camps and the Standard of Living in the Camps*

**Table 7.33: Correlation between their Time in the Camps and the Standard of Living in the Camps.**

| How long have you been in the camps | The standard of living in the camps         |   |  |   |  |
|-------------------------------------|---|---|--|---|--|
|                                     | Good  | Normal  | Bad  | Very bad                                    | Total  |
| <b>Less than a week</b>             | 0<br>.0%<br>(.0%)                           | 10<br>83.3%<br>(6.1%)                         | 2<br>16.7%<br>(2.1%)                         | 0<br>.0%<br>(.0%)                           | 12<br>100.0%<br>(4.0%)                         |
| <b>Week-2 weeks</b>                 | 0<br>.0%<br>(.0%)                           | 12<br>75.0%<br>(7.3%)                         | 2<br>12.5%<br>(2.1%)                         | 2<br>12.5%<br>(7.4%)                        | 16<br>100.0%<br>(5.3%)                         |
| <b>2 weeks-3 weeks</b>              | 0<br>.0%<br>(.0%)                           | 11<br>64.7%<br>(6.7%)                         | 5<br>29.4%<br>(5.2%)                         | 1<br>5.9%<br>(3.7%)                         | 17<br>100.0%<br>(5.7%)                         |
| <b>3 weeks-Month</b>                | 2<br>3.9%<br>(16.7%)                        | 27<br>52.9%<br>(16.5%)                        | 18<br>35.3%<br>(18.6%)                       | 4<br>7.8%<br>(14.8%)                        | 51<br>100.0%<br>(17.0%)                        |
| <b>Month-3 Months</b>               | 6<br>6.2%<br>(50.0%)                        | 44<br>45.8%<br>(26.8%)                        | 34<br>35.4%<br>(35.1%)                       | 12<br>12.5%<br>(44.4%)                      | 96<br>100.0%<br>(32.0%)                        |
| <b>3 Months-6 Months</b>            | 3<br>3.3%<br>(25.0%)                        | 50<br>54.9%<br>(30.5%)                        | 31<br>34.1%<br>(32.0%)                       | 7<br>7.7%<br>(25.9%)                        | 91<br>100.0%<br>(30.3%)                        |
| <b>6 Months-year</b>                | 1<br>5.9%<br>(8.3%)                         | 10<br>58.8%<br>(6.1%)                         | 5<br>29.4%<br>(5.2%)                         | 1<br>5.9%<br>(3.7%)                         | 17<br>100.0%<br>(5.7%)                         |
| <b>Total</b>                        | <b>12</b><br><b>4.0%</b><br><b>(100.0%)</b> | <b>164</b><br><b>54.7%</b><br><b>(100.0%)</b> | <b>97</b><br><b>32.3%</b><br><b>(100.0%)</b> | <b>27</b><br><b>9.0%</b><br><b>(100.0%)</b> | <b>300</b><br><b>100.0%</b><br><b>(100.0%)</b> |

In this correlation the researcher tried to ascertain what the illegal migrants thought about the quality of the camps during the length of time they were detained in them. The results from Table 7.33 showed that there were 176 individuals who were satisfied with their camps (58.6%); this number was divided between 164 who said conditions were ‘normal’ (54.7%) and 12 answered simply that the camps were ‘good’ (4.0%). Similarly there were 124 respondents who were not satisfied (41.3%), with 94 of them declaring that the camp’s accommodation was ‘bad’ (32.3%) and 27 saying their choice was ‘very bad’ (9.0%).

This question had a choice of five answers: (a) very good, (b) good, (c) normal, (d) bad and (e) very bad. However the sample gave no answers in the ‘very good’ option. The highest



percentages were found among people who remained in the camps between one and three months. For example I found 50 cases (54.9%) from a total of 91 who had been in the camps from one to three months who found the camps to be 'not bad' or 'normal'. In other ways the correlation result showed that among people who found conditions in the camps were 'good', 50.0% of them had been there from one to three months, while in the same period of time 44.4% found the camps 'very bad', while similar percentages for 'good' (25.0%) and 'very bad' (25.9%) were found for a period of three to six months, meaning that in this category no difference could be found between the opinions of the migrants.

That led me to ask them about the sort of things they had experienced while in the camps. The answers were generally similar, in that food, space, facilities such as health checks, and plenty of free time under the sun were all available for them.

In discussion with the heads of the camps that I visited, they agreed that the orders they received from the Libyan authorities generally required them to treat the illegal migrants well. I can also confirm from my own observations during the time I spent at some of the camps visiting my respondents, that the conditions in these camps were not bad. The illegal migrants confirmed this by stating that they would choose Libya again for their next attempts if they were released from the illegal immigration camps after the period of time that they had spent in the camps inside Libya (Table 7.34).

#### ***7.6.2 Correlation between time in the Camps and Why Libya was Chosen as a Transit Country***

From this correlation the aim was to find out in more detail why the respondents had chosen Libya as a transit country and if there was any difference if they were spending a long or a short period of time in the detention camps.

**Table 7.34: Correlation of Time in the Camps and Why Libya was the Transit Country**

| How long have you been in the camps | Why did you choose Libya as transit country  |  |   |  |
|-------------------------------------|--|--|---|--|
|                                     | Do not need visa                             | cheap  | Easy to enter                                 | Total  |
| <b>Less than a week</b>             | 3<br>25.0%<br>(3.0%)                         | 6<br>50.0%<br>(6.1%)                         | 3<br>25.0%<br>(2.9%)                          | 12<br>100.0%<br>(4.0%)                         |
| <b>1-2 Weeks</b>                    | 2<br>12.5%<br>(2.0%)                         | 10<br>62.5%<br>(10.2%)                       | 4<br>25.0%<br>(3.9%)                          | 16<br>100.0%<br>(5.3%)                         |
| <b>2-3 weeks</b>                    | 2<br>11.8%<br>(2.0%)                         | 8<br>47.1%<br>(8.2%)                         | 7<br>41.2%<br>(6.8%)                          | 17<br>100.0%<br>(5.7%)                         |
| <b>3 Weeks-1 Month</b>              | 17<br>33.3%<br>(17.2%)                       | 20<br>39.2%<br>(20.4%)                       | 14<br>27.5%<br>(13.6%)                        | 51<br>100.0%<br>(17.0%)                        |
| <b>1-3 Months</b>                   | 33<br>34.4%<br>(33.3%)                       | 25<br>26.0%<br>(25.5%)                       | 38<br>39.6%<br>(36.9%)                        | 96<br>100.0%<br>(32.0%)                        |
| <b>3-6 Months</b>                   | 38<br>41.8%<br>(38.4%)                       | 23<br>25.3%<br>(23.5%)                       | 30<br>33.0%<br>(29.1%)                        | 91<br>100.0%<br>(30.3%)                        |
| <b>6 Months-1 Year</b>              | 4<br>23.5%<br>(4.0%)                         | 6<br>35.3%<br>(6.1%)                         | 7<br>41.2%<br>(6.8%)                          | 17<br>100.0%<br>(5.7%)                         |
| <b>Total</b>                        | <b>99</b><br><b>33.0%</b><br><b>(100.0%)</b> | <b>98</b><br><b>32.7%</b><br><b>(100.0%)</b> | <b>103</b><br><b>34.3%</b><br><b>(100.0%)</b> | <b>300</b><br><b>100.0%</b><br><b>(100.0%)</b> |

Table 7.34 shows that the reasons for choosing Libya produced nearly equal totals as follows: 99 said ‘because I do not need a visa’ (33.0%), 98 said ‘because Libya is cheap’ (32.7%), while 103 found Libya to be ‘an easy country to enter’ (34.3%). This means that as a transit country Libya was convenient for illegal migrants in different ways, no matter how long they had been detained in the various illegal immigration camps in different part of Libya. We note here that the highest percentage among the reasons for ‘why did you choose Libya?’ was 38.4% for ‘do not need visa’, followed by 36.9% for ‘easy to enter Libya’. with both percentages confirming Libya as an easy place to come to.

*7.6.3 Correlation between time in the Camps and if it was the First Attempted Migration.*

**Table 7.35: Correlation between time in the camps and if it was the First Attempt at Illegal Migration**

| How long you been<br>in the camps | Was it the first attempted illegal migration |   |  |
|-----------------------------------|--|---|--|
|                                   | No   | Yes   | Total  |
| <b>Less than 1 week</b>           | 3<br>25.0%<br>(8.3%)                         | 9<br>75.0%<br>(3.4%)                          | 12<br>100.0%<br>(4.0%)                         |
| <b>1-2 Weeks</b>                  | 0<br>.0%<br>(.0%)                            | 16<br>100.0%<br>(6.1%)                        | 16<br>100.0%<br>(5.3%)                         |
| <b>2-3 Weeks</b>                  | 2<br>11.8%<br>(5.6%)                         | 15<br>88.2%<br>(5.7%)                         | 17<br>100.0%<br>(5.7%)                         |
| <b>3 Weeks-1 Month</b>            | 10<br>19.6%<br>(27.8%)                       | 41<br>80.4%<br>(15.5%)                        | 51<br>100.0%<br>(17.0%)                        |
| <b>1 Month-3 Months</b>           | 12<br>12.5%<br>(33.3%)                       | 84<br>87.5%<br>(31.8%)                        | 96<br>100.0%<br>(32.0%)                        |
| <b>3-6 Months</b>                 | 7<br>7.7%<br>(19.4%)                         | 84<br>92.3%<br>(31.8%)                        | 91<br>100.0%<br>(30.3%)                        |
| <b>6 Months-1 Year</b>            | 2<br>11.8%<br>(5.6%)                         | 15<br>88.2%<br>(5.7%)                         | 17<br>100.0%<br>(5.7%)                         |
| <b>Total</b>                      | <b>36</b><br><b>12.0%</b><br><b>(100.0%)</b> | <b>264</b><br><b>88.0%</b><br><b>(100.0%)</b> | <b>300</b><br><b>100.0%</b><br><b>(100.0%)</b> |

The result of Table 7.35 shows that this was the first illegal migration attempt for 264 respondents (88.0%) but not the first attempt for 36 others (12.0%). The table shows that there was no direct relation between the periods of time they spent in the camps and whether or not it was their first attempt. This suggests that the Libyan immigration control officers treated illegal migrants in the same way as the others, whether or not had been caught before in a similar situation.

*7.6.4. Correlation between if it was the First Illegal Migrant Attempt and Choice of Libya as Transit Country.*

**Table 7.36: Correlation of First Illegal Migrant Attempt and Choice of Libya for Transit**

| Why did you choose Libya as transit country | Was it the first attempted illegal migration |   |  |
|---|--|---|--|
|   | No   | Yes   | Total  |
| <b>Good reputation</b>                      | 4<br>9.3%<br>(11.1%)                         | 39<br>90.7%<br>(14.8%)                        | 43<br>100.0%<br>(14.3%)                        |
| <b>Recommended by friend</b>                | 12<br>16.4%<br>(33.3%)                       | 61<br>83.6%<br>(23.1%)                        | 73<br>100.0%<br>(24.3%)                        |
| <b>Easy to enter</b>                        | 6<br>9.1%<br>(16.7%)                         | 60<br>90.9%<br>(22.7%)                        | 66<br>100.0%<br>(22.0%)                        |
| <b>Money</b>                                | 7<br>10.9%<br>(19.4%)                        | 57<br>89.1%<br>(21.6%)                        | 64<br>100.0%<br>(21.3%)                        |
| <b>All these</b>                            | 7<br>13.0%<br>(19.4%)                        | 47<br>87.0%<br>(17.8%)                        | 54<br>100.0%<br>(18.0%)                        |
| <b>Total</b>                                | <b>36</b><br><b>12.0%</b><br><b>(100.0%)</b> | <b>264</b><br><b>88.0%</b><br><b>(100.0%)</b> | <b>300</b><br><b>100.0%</b><br><b>(100.0%)</b> |

The purpose of this correlation was to find out why illegal migrants chose Libya for their first attempt at migration, or for their second or subsequent attempts if they had previously tried migrating illegally.

Of the total of 264 respondents for whom it was the first migration attempt, 61 (23.1%) said they chose Libya because of recommendations from friends; 60 (22.7%) said Libya was easy to enter; and 57 (21.6%) chose it because less money was required to pay for the trip. In the case of illegal migrants who had tried to emigrate before, the highest percentage was in the category of ‘recommended by friend’ (16.4%). They explained that even though the police had caught them more than once, Libya was still a better place through which to migrate, compared with other transit countries according to what they had heard from others. One example was a Tunisian who said he had previously tried to migrate from Tunis but had not made it, so he had then tried Libya and had failed again but would try even harder until he managed to reach Europe. When I asked him whether he would try

from Libya or Tunis he said it would definitely be Libya since a friend had told him that it had become difficult to go through Tunis.

The reasons given by those who chose Libya included its convenience for people who were on their second or subsequent attempt to reach Europe, and its good reputation for illegal migrants, recommendations from friends, ease of entry into Libya, and less money needed to pay for the illegal trip. All these were sound reasons for choosing Libya as a transit country.

#### ***7.6.5 Correlation between if it was the First Attempted Illegal Migration and Trying Again?***

**Table 7.37: Correlations between First Illegal Migration Attempt and Trying Again**

| <b>Will you try again?</b> | <b>Was it your first attempt at illegal migration?</b> |                             |                             |
|----------------------------|--|-----------------------------|-----------------------------|
|                            | <b>No</b>  | <b>Yes</b>                  | <b>Total</b>                |
| <b>No</b>                  | 17<br>47.2%  | 177<br>67.0%                | 194<br>64.7%                |
| <b>Yes</b>                 | 19<br>52.8%  | 87<br>33.0%                 | 106<br>35.3%                |
| <b>Total</b>               | <b>36</b><br><b>100.0%</b>                             | <b>264</b><br><b>100.0%</b> | <b>300</b><br><b>100.0%</b> |

The intention with this correlation was to study how many times illegal migrants would try to make this trip. The results showed that of the 36 individuals who had tried before, 19 said they would definitely try again (52.8%), and 87 for whom it had been the first attempt said ‘yes’ they would try again (33.0%). So in total 106 would definitely try to migrate again. It was also important to know whether they would choose to migrate again via Libya or not.

#### ***7.6.6 The correlation between Yes I Will Try Again and Will You Choose Libya.***

As noted above the aim here was to know whether the respondents would choose Libya again even though they had previously been arrested in Libya. The result showed that of 106 cases, 52 (49.1%) said Yes they would try again, thus confirming that Libya would again be their transit country; 35 (33.0%) said they did not know, meaning Libya might be their transit country; while only 19 (17.9%) answered that No, Libya would not be their transit country again.

**Table 7.38: The Correlation between Trying Again and Choice of Libya for Transit**

| Yes I will try again | Will you choose Libya again  |                              |                              |                               |
|----------------------|------------------------------|------------------------------|------------------------------|-------------------------------|
|                      | Yes                          | No                           | I don't know                 | Total                         |
| Yes                  | 52<br>49.1%                  | 19<br>17.9%                  | 35<br>33.0%                  | 106<br>100%                   |
| <b>Total</b>         | <b>52</b><br><b>(100.0%)</b> | <b>19</b><br><b>(100.0%)</b> | <b>35</b><br><b>(100.0%)</b> | <b>106</b><br><b>(100.0%)</b> |

### 7.6.7. Correlation between Trying Again and Reason for Choosing Libya as Transit Country

**Table 7.39: Correlation between wanting to try Again and Reason for Choosing Libya as Transit Country**

| Yes I will try again | Why did you choose Libya as transit country? |             |               |               |
|----------------------|--|-------------|---------------|---------------|
|                      | No visa needed                               | Cheap       | Easy to enter | Total         |
| Yes                  | 37<br>34.9%                                  | 37<br>34.9% | 32<br>30.2%   | 106<br>100.0% |

Since I wished to know what made Libya a good transit country for illegal migrants, Table 7.39 was used to work out the reasons for choosing Libya for their next attempt. The result showed that out of total of 106 respondents who were sure to try again, 37 (34.9%) said it was because they did not need a visa, 37 (34.9%) said it was cheap, and 32 (30.2%) confirmed that it was because getting into the country was easy. There were no great differences between the percentages for these reasons, so it seems that these various advantages make Libya a convenient transit country for illegal immigration.

## 7.7. Conclusions

This chapter has constructed a clear picture of the transit of illegal migrants to Europe via Libya and how the Libyan authorities dealt with the issue of illegal migration inside Libyan territory. The way illegal migrants were treated by the Libyan police and by borders guards outside and within the detention camps were examined, and the chapter also explored the experiences of illegal migrants in their dealings with the authorities in Libya.

The results show that whether or not the Libyan authorities were checking foreigners' documents at the point of entry, the Libyan police were not particularly firm about checking whether foreigners were legal or illegal inside Libya. Also, the fact that individuals who had been checked on entering Libya and had not been arrested once they were safely in the country, indicated clearly that the Libyan authorities were allowing foreigners, especially Africans, to enter and live inside the country illegally. This was confirmed to the researcher by several Libyan officers and immigration experts.

## Chapter Eight

### Conclusion

Migration has been a major issue around the world for millennia, with humans moving from one place to another, building new cities and indeed entire civilisations over time. In the twentieth century, and following two world wars in Europe that severely affected labour force numbers in countries such as Britain, France and Germany, those nations welcomed anyone who wished to come and stay to participate in building up new economies and infrastructures. America too has always, sometimes forcibly, imported workers who were the equivalent of slave labour to build and expand their country.

Since then the type of migration has changed, and people have moved away from their own countries to search for improved living standards and work opportunities, and/or to escape from wars, poverty, violence, or sometimes environmental disaster. Even though escaping from war and seeking safety have been main causes of massive migration, the economic factor has played an even bigger role, according to the differential between demographic distribution and economic development levels. These main reasons have been responsible for migrants leaving their countries in the hope of finding better lives elsewhere.

In the case of Europe, migrants became problematic when the increasing flow of illegal migrants required the implementation of new policies and legislation, in particular to control the borders with poorer countries and continents. These new, stricter policies and requirements, such as visas, for entering European countries, failed to stop the flow and fuelled the rise of an illegal immigration network that involved dangerous cross-border travelling, particularly by way of the Mediterranean Sea. This phenomenon spread widely at national, regional and international levels because different countries in and outside Europe were involved. Some of these countries have witnessed the growing phenomenon of human smugglers who are operating in their territory and are transforming the country into a transit route for illegal migrants, as in the Libyan case. This situation has also affected the destination countries that have had to deal with continuous waves of illegal migrants arriving on their shores.

Migration scholars discuss and try to answer questions such as: what are the reasons that push people to leave their countries and use illegal ways of reaching Europe? Why has the



issue of illegal migration shown a recent increase? And what are the effects of illegal immigration? There is also an important debate about how illegal migrants affect both the transit and receiving countries. For example, there are some who claim that international crime has grown with the increase in illegal migration that involves human smugglers and human traffickers, with a simultaneous and detrimental effect on the culture, demography and economy of the destination countries. Others, however, have pointed out that illegal migration has offered Europe a large amount of cheap, skilled labour, sometimes at a professional level.

The main focus of this research was the transit countries and, in the case of illegal migration, the Mediterranean coasts from North Africa to southern Europe, a geographical area that is regarded as one of the hotspots of illegal immigration. Libya has a long coast line on the Mediterranean which is why it has been used as a transit country for illegal migration to Europe, and as the gateway for all those escaping from their countries, mainly from the African continent.

However, Libya is not one of the sending countries for illegal migration in Africa. According to official data gathered by various European countries, the presence of Libyan migrants is very low. Also Libya itself, located in the north of Africa, was traditionally considered one of the destination countries for African migrants, whether Arab or non-Arab Africans. However, by 1999 Libya had begun to be used as transit country by illegal migrants. Why did Libya become a transit country for illegal immigration? This study aimed to fill a gap in the research on transit illegal migration in the Mediterranean, and on Libya as a transit country in particular. It focused on the reasons that made Libya a transit country for illegal immigration, and which factors led to this area becoming North Africa's most attractive place for illegal immigration.

Geographic elements play a major role in this because parts of Libya's coast are quite close to European shores, thus making the eventual journey to Europe a relatively preferred choice. In addition, Europe is a developed continent, whereas in some parts of the African continent people live below the poverty line, and in other parts must face death every day, whether from wars, violence or disease. For large numbers of Africans, all these aspects make European countries seem like havens and lands of opportunities. Migrating Africans, especially sub-Saharan residents, needed a path by which to reach Europe, and from this came the idea of transit through the countries to the north. All North African countries – Morocco, Algeria, Tunis, Libya and Egypt – are transit countries, because they have

coastlines immediately opposite the continent of Europe. Illegal immigration started from all these countries as both sending and transit countries, except for Libya which, as noted, never had an emigration problem and was never one of the sending countries for illegal migration; being considered instead a useful transit country.

The initial research showed that Libya became a main transit country in North Africa even though it was not the only one with a coastline along the Mediterranean. It was therefore important to understand why people from African countries whose intention was to get to Europe travelled through Libya, instead of departing from their own countries of origin. Most of the studies on this topic agreed that the geographic factor was not the sole element in turning countries into transit routes for illegal migration.

In this research the focus was mainly on why Libya had become a transit country for illegal immigration, and the factors underlying this issue in Libya. I believe there are factors in Libya which make illegal migrants choose Libya rather than any other country to travel through on the way to Europe. There are also factors which make migrants travel illegally from Libya to Europe. Here I refer to migrants who were already living in Libya because Libya had been their destination, meaning there were other factors besides the geographical aspect that made Libya sufficiently attractive to migrants so that they eventually chose to settle in the country permanently.

As well as the geographical factor there was also an economic element that attracted migrants to Libya. By African standards Libya is considered a rich country with oil wealth and with a low rate of population growth (the demographic factor) and the country needed a foreign labour force for the reconstruction and maintenance of its infrastructure.

Libyan foreign policy and Libyan immigration policies played a major role in escalating the issue of migration in Libya. The consequence of Libya's foreign policy towards Africa and the Arab world, which was to open wide Libya's doors and welcome everyone to come and work, was that significant numbers of migrants were attracted to come – and to stay. Ironically, despite this expansive approach, official immigration policy said that anyone who entered the country without documents or work permits was still considered to be an illegal migrant.

The push factors included Libya's foreign policy towards Africa, which in my view produced a country of open borders – its vast southern borders with the sub-Saharan countries and its extensive northern coastline opposite Europe gave a kind of push to the

illegal migrants to go on to Europe. Also during the era of Qadhafi, the regime stated several times that Libya was the country for all the Africans and also declared officially on various occasions that the Africans had the right to go to Europe and try for a good life there.

This study also focused on the reasons why Libya was an attractive transit country for migrants who were trying to reach Europe. First, as soon as illegal migrants reached Libya it was easy for those to make immediate contact with human smugglers who were readily available to guide them the whole way until they boarded the boats that would take them on to Europe. The smugglers inside Libya are a mixture of Libyans and individuals of other nationalities, and they work together for the transit of illegal migrants. Analysis of the data and the researcher's own observations showed that smugglers played a major role in establishing and continuing this practice in Libya. Whether or not they were Libyans, they were constantly available everywhere. Some of them were well-known to illegal migrants, as well as to the Libyan police; yet there were no controls or jurisdiction over them within Libya. According to this research and the data collected, the reason why large numbers of people worked as human smugglers, particularly in the Southern and North Western parts of Libya, was the lack of any restriction of their activities on the part of the Libyan authorities. This was also why individuals from other countries found it advantageous to work as Libyan smugglers.

In addition, as part of human smuggling in Libya, the cost of the illegal immigration trips was relatively cheap for the migrants compared with prices charged in other countries, partly because the tremendous influx of illegal migrants in Libya tended to bring down the costs. Moreover, in a significant number of cases the human smugglers were working for, and were even supported by, highly-placed Libyan officials, such as police commanders and military officers, and people in the Libyan government. All this, of course, was under cover.

These elements made it necessary to study the role of the Libyan authorities in this matter to establish whether the issue was controlled by the Libyan government, since Libya was a signatory to a number of agreements made between North Africa and Southern Europe. For instance, there were many collaborative efforts between Libya and Italy. The first meeting at ministerial level was in 2000; a high-level meeting of the Libya-Italian committee was held in 2002; an operational agreement was signed in 2003; and in 2004 a technical, political and operational meeting took place. Collaborations like these reached their highest

level with the 2004 Libyan-Italian political leadership summits. Libya was part of all these attempts to find adequate responses to the challenge of controlling the phenomenon of illegal immigration.

Libya was also part of other international initiatives, such as the 5+5 Dialogue in 1980, and the Barcelona Process in 1999 which dealt with the phenomenon of migration and Mediterranean transit migration. In 2001 and 2006 the Euro-African conference was held in Rabat, and after that several meetings were held on a regular basis specifically to address the issue of immigration and illegal immigration around the Mediterranean.

As a result of the collaboration between Libya and Europe there was an agreement between Libya and Italy to introduce a number of technical missions to Libya to compensate for the country's lack of organisational abilities and management skills in controlling illegal immigration, and in order to increase border check points and raise national awareness of the transit of illegal migrants. All these efforts to control transit illegal immigration from Libya and the role of the Libyan authorities nevertheless failed to meet the targets of all these agreements.

Instead the study found that the numbers of illegal migrant caught were still increasing, and that apart from the geographical factor, the Libyan authorities were not committed to stopping the phenomenon, and were even suspected of supporting it. Libyan border guards were not instructed to verify movements across the borders at the most heavily-used check points; nor were the large numbers of undocumented people inside Libya checked, or if they were checked they were never detained.

In some instances, however, migrants were caught and arrested, whether because it was the Libyan national day or because some technical mission from Europe was visiting the country for political reasons. In those circumstances the Libyan police were instructed to control the southern and northern borders and to detain illegal migrants. Surprisingly, after they had been kept for a while in the detentions centres, they were released inside the country. The researcher visited several detention centres in Libya: Benghazi, Ganfuda, Ajdabiya, Sirte, Misrata, Junzur, Towisha, Al-Zawiya, Zuwarah, Kufra, Sabha, and Al-Qatrun.

**Map 8.1: Detention centres visited during field work**



From all the interviews, questionnaires and data collected, and with all the analysis and personal observations made whilst I was in Libya studying the phenomenon of transit illegal immigration, it was evident from the way the Libyan authorities dealt with human smugglers and with Libya's southern and northern land borders, as well as with illegal migrants inside Libya in the detention centres, that they were neither enthusiastic nor serious about controlling this issue or about preventing illegal migrants from travelling through Libyan lands and coastlines.

From the above it was clear that:

1. Illegal Immigration had started more than 15 years ago.
2. It was difficult or even impossible to stop the influxes of illegal migrants into Libya.
3. Libya was a major hot point and the most popular transit country in North Africa for migrants.
4. Illegal Immigration was big issue in Libya and had affected the whole country.
5. Human trafficking was an aspect of organized crime both within and outside Libya.
6. Around one third of arrested people planned to try again to migrate illegally.

Questions that then arose were:

1. Could the Libyan authorities control this issue or not?
2. Did the Libyans wish to control the issue or not?

The method used in this study, plus a ‘forward-stepwise’ test,<sup>261</sup> was useful for understanding which variable or variables made Libya a transit country for illegal immigration when there were no Libyan illegal migrants who used this route and in the absence of any Libyan illegal migratory wave from Libya to Europe. It also helped to understand why illegal migrants of other nationalities were using Libya as a transit point for reaching Europe, even when some of them came themselves from countries with a Mediterranean coast line, opposite Europe, and in some cases geographically close to it.

The result of this analysis showed that the cases analysed equalled the cases predicted, which indicated the presence of compatibility of the model. That meant there were adjustments between the actual cases and the predictions in the study. The second step was to find out which elements had a logical effect on the issue of Libya being a transit country for illegal immigration. The result, as predicted, was that there were personal elements related to the illegal migrants themselves, along with other elements related to Libya as a country. A combination of these two components made Libya a transit country for illegal migrants from different places. The result of ‘forward-stepwise’ showed there were six main elements:

1. Illegal migrants had no work in their countries.
2. The reasons for illegal migrants leaving their countries.
3. Seeking permanent residence in Europe.
4. The period of time illegal migrants stayed in Libya before the Libyan police caught them.
5. No visa was required to enter Libya.
6. Easy to enter Libya.

These six elements directly affected the illegal immigration issue. Three related to the illegal migrants themselves and to their reasons for choosing to migrate illegally to Europe. The first was that they were not working in their countries; therefore they had no incomes and were seeking a better place to work and earn money for their own living costs and to support their families back home. The second reason that pushed them to leave their countries was the lack of employment; some wished to improve their lives, particularly the educated people, and others were escaping war and conflict in their countries, particularly Eritrea and Somalia. Thirdly they were seeking permanent residence in Europe, which

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<sup>261</sup>see <http://stats.stackexchange.com/questions/31904/whats-the-forward-stage-wise-regression-algorithm>

persuaded them to risk a journey of this kind which might well have killed them, on the way to Libya via the desert, or to Europe by sea.

Other factors encouraged illegal migrants to consider Libya as a convenient transit country. First, they knew they could stay inside Libya illegally as long as they wanted because there were no clear Libyan laws or rules to control them, and because the Libyan authorities were neither controlling nor monitoring people entering the country, particularly through the Southern borders and the Libyan desert. Second, illegal migrants chose Libya knowing that no visas were required by the Libyans to enter the country because the Libyan government had opened the Libyan doors for everyone who came from any Arab or African country.

Thirdly, they entered Libya as groups or as individuals, and in both cases entrance was very easy. For example, in some cases, people had no problems entering Libya as a family unit because they had been able to organise their journey both to Libya and from Libya, thanks to the lack of will by the Libyan authorities to control illegal migrants. Aware of this situation, illegal migrants thought Libya was the ideal country to enter and to pass through.

All these elements made Libya one of the main destinations for illegal migrants. The study discovered that the role of the smugglers and the failure of the Libyan authorities to take responsibility did not in any way deter the illegal migrants from continuing their journey to Europe via Libya.

### **8.1. The contribution of the study**

As mentioned earlier, the issue of transit illegal immigration via Libya was surrounded by a strict security system in Libya and nobody was permitted to carry out any research on this subject within Libya. The few researchers who tried had no success, because some were foreigners and could not obtain Libyan visas, while others were unable to obtain permits to visit illegal immigration camps inside Libya (or if they could, were allowed to visit only one or two of them). Nor did they ever have the chance to interview illegal migrants in detention inside Libya who were trying to reach Europe.

It was also very difficult to find published data about the number of illegal migrants inside Libya, and the researcher had to carry out extensive field work to obtain such data personally. Some of the Libyan officials were happy to provide data, either from their own

computers or sometimes in handwritten form since there were no specific systems for saving such information.

The original nature of this study came from the lack of publications on Libya as a transit country and this is what makes the study relevant even for the Libyan authorities themselves. The Libyan Internal Affairs Minister and the head of the Libyan Department of Passports and Immigration asked the researcher to send them a copy of this work.

## **8.2. Some Important Information Gathered from the Questionnaire**

1. Category (i.e., age, nationality, sex and religion).
2. Where they had come from.
3. Their journey costs from the beginning till their travels finished, and the way they paid.
4. The role of Libyan smugglers, and cooperation and agreement between Libyan smugglers and smugglers in other countries or regions of immigration.
5. The free movement of illegal migrants inside Libya. As official figures showed, large numbers of foreigner inside Libya are undocumented.
6. It was clear to the illegal migrants that Libya was an open area since although they entered by infiltrating the borders there were no tight controls.
7. There were different categories of illegal migrants in Libya: some came simply to leave again on their onward journeys; some came to stay with the intention of finding work so they could then pay for the journey to another destination; while others had been living in Libya for some time.
8. Migrants of different nationalities had used different methods to reach Libya and to pay for the costs of their journeys, but in one trip to Europe it was possible to find a mixture of nationalities.
9. Some migrants received help from others who were already living in Europe, such as family members, friends, or colleagues.
10. Some of the illegal migrants deported to their countries by the Libyan authorities made their way back for a second attempt.
11. Illegal migration went on through various bases along the Libyan coast.

The Libyan authorities did not seem to want to control the country's northern borders, perhaps because they were in any case unable to control the borders in the south.



The findings of this study confirm that there were many reasons why Libya had become one of the main transit countries in North Africa. As noted earlier, some of these elements, such as lack of security and economic opportunities in their original countries, related to people who lived below the poverty line or whose safety was under direct threat and who planned to migrate from Africa to Europe. Other elements related directly to Libya as a transit country since Libya possesses certain characteristics that encourage large numbers of illegal migrants to enter the country in order to transit to Europe. The study identified a number of these factors, some of which relate to Libya's geography and to the proximity of Libyan shores to the shores of southern Europe. The extended length of Libya's Mediterranean shoreline makes it difficult to guard the country's coastline, while its long land borders to the south, east and west are equally hard to control.

Other factors were related to Libya under the regime of Qadhafi, whose foreign policy meant that the doors were wide open to all African people to come to stay in Libya. Illegal entry was thus made legal, and the Libyan authorities made no serious attempts to control people coming into the country and why or how they entered. Furthermore there were no systems inside the country for the Libyan police to undertake any type of checking of foreigners. Illegal migrants found it easy to use Libyan shores, and occasionally some even used military bases as the starting point for their illegal journeys to Europe, confirming that the higher authorities had no idea about what was happening inside the country. This factor links with the smuggling factors and those who transported illegal migrants via Libya, since some of these smugglers were political and military figures. In addition, the Libyan smugglers were well-organised and connected with other smuggler networks outside Libya, which made it easy for illegal migrants to organise their journeys. Sometimes Libyan smugglers who offered their services to illegal migrants even used the migrants' fellow nationals to encourage them to transit to Europe via Libya. Additional elements that made Libya the best transit country in North Africa included the reasonable prices for these kinds of trips, the perception that the Libyan smugglers were the easiest to deal with, and the fact that in the event of being caught by the Libyan authorities, there was a good chance of being released after a reasonable period of time and the possibility of attempting to migrate again to Europe using the same methods. These were some of the elements which made Libya a transit country during Qadhafi's regime.

I would add here that, at the time of writing (2014) the problem of illegal transit migration via Libya is ongoing, even though the Qadhafi regime, which was one of the main factors

in establishing and increasing the phenomenon of illegal transit of migrants via Libya, came to an end in 2011. Through observation and following this subject in the media and from information from some of my contacts who still work in the same field in Libya, I can confirm that the movement is still happening and that illegal migrants continue to use Libya as transit for their destination which is Europe.

I tried to contact some of the Libyan officials who dealt with illegal migrants; but would note here that most of the illegal immigration camps were emptied during the fighting in Libya during 2011. I also lost contact with some of the officers who had supplied me with data during my initial field work, while those who remain in post always answer my questions by saying that they do not have the right answers or the right data, and that due to Libya's current problems they are unable to help by giving any accurate information about the migrant issue.

It is clear that, because of the situation, Libya has no effective security systems and not enough police to control the numbers of illegal migrants, let alone to stop the problem altogether. The smugglers have a free hand, the numbers of migrants in transit through Libya are growing, and the illegal attempts to reach European shores are still happening, sadly, and all too often, with fatal results.

**Map 8.2: The routes taken by illegal migrants to Libya**



## APPENDIX 1

### Libyan Field Work Photos

Some Areas where Migrants live Illegally in the South of Libya



Source: Libyan Department of Investigations of Nationalities, Passport and Migration.

Photos of Bodies Found In Libyan Desert.



Source: Libyan department of investigations of nationalities, passport and migration.

The Researcher Interviewing some Illegal Migrants During the Fieldwork At Illegal Immigration Camps In Libya.





Source: collected by the researcher.

## Appendix 2

### The Illegal Migrants Questionnaire

#### General information to establish the status of the respondents:

1. Your name
2. What is your legal status:
  - a) Migrant ( )
  - b) Refugee ( )
3. Sex: Male ( ), Female ( )
4. Age:
  - a) Under 18 years of age
  - b) 18-24
  - c) 25-29
  - d) 30-34
  - e) 35-39
  - f) 40-44
  - g) 45-50
  - h) Over 51
5. Nationality:
6. Religion:
7. Country of birth:
  - a) Region
  - b) Town (city)
8. Level of education:
  - a) No formal education
  - b) Primary
  - c) Secondary
  - d) University
  - e) Higher education

#### Social background:

9. Your marital status:
  - a) Single: (where do your parents live now)
  - b) Married: (where does your family live now)
  - c) Separated



- d) Divorced
- e) Widow

10. Where does your family reside?

11. Where have you been living previously:

a) in your country:      yes ( ) No( )

b) If yes: where ( )

i. Country

ii. Region

iii. City ( town)

c) If No : where ( )

i. Country

ii. Region

iii. City (town)

12. Did you have a job in your country: yes ( ) No ( )

a) If No what did you do for living

b) If Yes, what kind of job was it?:

i. Farm

ii. Handcraft

iii. Construction

iv. Other

13. Wage received per month:

a) Less than \$100

b) \$101-200

c) \$201-300

d) \$301-400

e) \$401-500

f) More than \$500

14. How much money do you expect to make per month in the country of destination:-----

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-----.

Establishing the eventual destination:

15. Why did you leave your country?

16. When did you plan to travel?

17. Before coming to Libya which country did you travel through?

18. What is your final destination?
19. Which country would you like to live in?
20. Why did you choose this country of destination:
- a) reputation of the country
  - b) recommended by a friend
  - c) easy to get in
  - d) money
21. Do you seek permanent residence in this country of destination:
- a) Yes: ( ) please state your reasons
  - b) No: ( ) do you plan to return to you native country:
    - i. Yes ( )
    - ii. No ( ) please specify which country you plan to go to
    - iii. I do not know ( )
  - c) I do not know ( )

Period of time settled in Libya:

22. Before the Libyan police caught you how long had you been in Libya?
- a) Less than a week
  - b) One week to two weeks
  - c) Two weeks to three weeks
  - d) Three weeks to one month
  - e) One month to three months
  - f) Three months to six months
  - g) Six months to one year
  - h) More than a year
23. Where did you live before they caught you?
- a) region
  - b) city
24. How long have you lived in this camp?
- a) less than one week
  - b) one to two weeks
  - c) two to three weeks
  - d) three weeks to one month
  - e) one to two months
  - f) two to three months
  - g) three to six months

- h) six months to one year
- i) more than one year

The most popular ways and means of entering Libya among illegal migrants:

25. How did you enter Libya?
- a) by plane
  - b) by land (where)
  - c) by boat, and from where?
26. Which was the place of your departure: the county ( ) – city ( )
27. Do you have a passport?
- a) Yes ( )
  - b) No ( ) If not what kind of document do you have?
28. Do you have a Libyan visa?
- a) Yes
    - i. Was it easy to get it?
    - ii. And what did you provide to obtain a Libyan visa?
  - b) No
    - i. Because you do not need Libyan visa to enter Libya
    - ii. You decided to not apply for Libyan visa.
    - iii. Others
29. If you leave Libya now do you will come again: yes ( ) No ( )
- a) If Yes, because it is
    - i. Easy to enter
    - ii. Easy to transit to Europe
    - iii. Cheap
    - iv. Easy to find help for my illegal migration
    - v. Other
  - b) If No why:

The role of smugglers for entering Libya:

30. How much did your trip cost and how did you pay for it?
31. Did you arrange your travel by yourself or did someone else do it; if so, who?
- a) Member of your family
  - b) Friend
  - c) Colleague
  - d) other

32. When you decided to migrate who helped you
- a) A fellow national
  - b) A Libyan
  - c) Other
33. If you were smuggled what was the agreement between you and the smuggler?
34. Where did he smuggle you from, and to which destination?
35. Did you travel alone? Yes ( ) No ( ) If accompanied, please specify
- a) organizers:
  - b) guide:
  - c) relationship:

The reasons for choosing Libya as transit country:

36. Why did you choose to travel through Libya (as a transit country). Was it because
- a) You do not need Libyan visa
  - b) It was cheap
  - c) Easy to reach via the desert (or whichever way the respondent used).
  - d) Other reasons (what?)
37. Who recommended that you should travel via Libya
- a) Fellow National
    - i. in your country
    - ii. in Libya
    - iii. in Europe
  - b) Libyan
    - i. in your country
    - ii. in Libya
    - iii. in Europe
  - c) Other nationality
    - i. in your country
    - ii. in Libya
    - iii. in Europe

The role of smugglers inside Libya:

38. Who was looking after you in Libya?
39. How much had you paid him before the police caught you?
40. How were you planning the next stage of your journey?

41. And who was guiding you?
- a) A fellow national
  - b) A Libyan
  - c) Other nationality:      please specify:
42. What was the first stop in Libya?
- a) Region
  - b) City/town
43. How have you travelled inside Libya
- a) By private car    Yes ( ) No ( ). If yes, who owned that car:
    - i.    A Libyan
    - ii.   A fellow national
    - iii.  Other nationality
  - b) By public transport:
    - i.    Plane
    - ii.   Taxi
    - iii.  Bus
    - iv.  others
44. have you been asked at any stage about your documents: Yes ( ) No ( )
- a) If yes: were you asked by any official Libyan patrols?
  - b) If yes, what happened after that?
45. How did you arrange your trip to Europe: who helped you?
- a) Fellow national
  - b) Libyan
  - c) others
46. Did you pay for your illegal trip to Europe : yes ( ) No ( )
47. If yes how much did it cost you? ( ) and what do you think about that:
- a) expensive
  - b) contented
  - c) cheap
  - d) Cheaper than any of the other transit countries you have heard about
48. Where did you pay?
- a) In your country
  - b) In Libya
49. When did you pay?

50. If you have already paid, what will happened to your money now?

The role of the Libyan authorities:

51. When did the police catch you?

52. Who were you with when that happened?

- a) by yourself
- b) group of fellow nationals
- c) mixed nationality group

53. Where did the Libyan authorities catch you?

- a) region
- b) city/town

54. What is the standard of living in the camps

- a) very good
- b) good
- c) normal
- d) bad
- e) very bad

55. Have you any idea what your situation will be in the future?

56. Was this your first experience of migration in this way? Yes ( ) No ( )

- a) If No when was the previous attempt
- b) What was your transit country

57. Do you want to try again? Yes ( ) No ( )

- a) If Yes will you choose Libya or not?
- b) If Yes why?
- c) If No, why not?

### APPENDIX 3

#### **Statement of the Leader Muammar Al-Qadhafi in the African Union/European Union Ministerial Meeting on Migration and Development, 22 November 2006**

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In the Name of God.

Welcome to Libya. I salute this gathering of the European Union (EU) and the African Union (AU). Since the subject of our meeting is migration and development, this continental gathering is a testimony to the sense of responsibility of governments and other actors towards the citizens of our two Unions.

In addition to being an expression of a sense of responsibility for the citizens of the two Unions, it also reflects an awareness of the growth of that phenomenon which has imposed itself lately in a manner that made all concerned reflect on the best ways to address it.

I do not wish to speak at length. Neither do I wish to rehash what you have said today, or what had been said in other forums, about this phenomenon. Light has been shed on it and it has been fully scrutinized. I wish to dwell briefly on some constant human and natural principles and deal with the nature of people's lives.

To act against nature is to swim against the current. Swimming against the current is a recipe for failure. Many of the important questions of today's world are swimming against the current. Therefore, there is a failure in many political, economic, social and security questions in the world. The failure results from ignoring the rules of nature.

It is in the nature of things that the Earth belongs to all human beings. God created the Earth for all humans. He instructs us to move in it. We have a Heavenly-Revealed book called the Koran (whether or not you believe in it, is another matter). In it, God orders us to migrate to various parts of the Earth. He tells us to go wherever we want in it. This is a recognition that the Earth belongs to all people and that they have the right to move in it in order to make a living. For all those reasons, one is entitled to migrate to different parts of the Earth because God created it for all.

We must pause at this fact. We must believe that the Earth belongs to all of us. People have the right to migrate and live in any part of the Earth. The political boundaries, official

papers and such like are newly fabricated inventions. Nature, however, does not recognize them.

You have seen how those new inventions caused problems, border disputes and wars among states. Sometimes, hundreds or even thousands of people are killed in a war over a few inches of land. The problem that you are considering now and that is causing so much concern is how to deal with the movement, or the migration, of people on Earth. This problem is the result of the borders we created, the identity we manufactured for every group of people, and the official papers they have to carry. We created all those unnatural, artificial things.

The natural thing is for people to move, live and seek their livelihood anywhere on Earth. Who are the current inhabitants of Europe? They are migrants from Asia. Europe used to be uninhabited. Had migration been forbidden, Europe would still be uninhabited today. Who are the inhabitants of North and South America? They are migrants from other continents. In North America, they are from Europe. To South America they came from the Iberian Peninsula, Africa and other parts. This is another fact.

We in North Africa are originally migrants. We came from the Arabian Peninsula 1000 years ago. Some of us came 5000 years ago. The so-called Berber, they are Arabs who emigrated from the Arabian Peninsula 5000 years ago. The Arabs, who came with Islam, have been here for over 1000 years. These migratory flows created the peoples that currently inhabit North Africa.

Now there is a lot of talk on the world level about the indigenous peoples, their rights, their tragic history and their extermination.

What does that mean? It means that migrants came to a certain place and became so dominant in it that they either exterminated the indigenous people or drastically reduced their numbers.

Their remnants are subjected to such discrimination that there is now an international outcry for the protection of their rights. When we talk of “indigenous peoples”, this means that emigrants came and settled in a certain place, be it Australia, the Americas, Africa or parts of Asia. Are the current inhabitants of Australia its indigenous people?

Not at all. They are immigrants. Where are the indigenous people of Australia? Only a few are left. The rest were oppressed or exterminated. Who are the indigenous people of America? They are the so-called Red Indians. Where are they now? They have been murdered and exterminated.



If we are to ban migration, let us then ban the human presence in all continents. Let every one return to the land from which they came. Let the inhabitants of the Americas return to Europe.

Let the Europeans go back to Asia. The Arabs of North Africa should return to the Arabian Peninsula. The inhabitants of Australia must return to Britain, Holland or any other country they hail from. The Boer in South Africa, who have become an integral part of its people, must head back to the Netherlands.

These are facts. However, when ministers and experts gather, they do not deal with them. Those irrefutable, disturbing facts are glossed over. We concentrate on the branches and leaves of a tree, while paying no attention to its roots. This is a doomed attempt.

Millions of blacks were transferred from Africa to Europe and America. Why are they being stopped now? These are double standards. When the blacks were needed to be used as beasts of burden, nobody said that they must be respected and left to live in their own continent.

On the contrary, it was claimed that their transfer was legitimate. They were shipped like cargo across the ocean. Those who were not physically fit were thrown overboard to feed the fish. North America and Europe were developed thanks to labor of the blacks.

That was a forced migration. When the movement of people from one place to the other was to the benefit of a certain party, migration was imposed on them. People were hunted like animals in the jungles of Africa. Now these very same people, the black Africans, are being told that their movement and migration from Africa is a cause for concern and that there must be an end to it.

Those poor souls ask: "When you were in need, you transferred our forefathers and said that migration was necessary. Why is it different now?" It is true that the things I just mentioned are present, in some way, in the back of the heads of many people including illiterate ones.

Those thoughts impel them to migrate. In their internal dialogue, they ask themselves: "If they transferred my forefathers, why are they erecting barriers in my path?" Migration was the engine of the development of the world. Certain races migrated to other places.

The indigenous people were assimilated. Emigrants came and developed Australia, the islands of the Pacific and the Atlantic. They settled in and developed all continents of the world. This is what that poor, illiterate African says to himself. Why are they stopping me

now? The answer to this question is what makes him board the “Death Boats” that you have been talking about.

“The last age of slavery was the one when the Black race was enslaved by the White. The memory of that era will remain vivid in the minds of blacks until they feel that they were rehabilitated and their dignity restored. That tragic historical event, the painful awareness of it and the psychological search for the satisfaction resulting from the rehabilitation of a whole race are the reasons for the movement of the Black race to avenge itself and achieve dominance.

These reasons cannot be ignored”. This is a part of what the “Green Book” says about the Black Race. In order to save your time, I refer those who wish to read more to Chapter III of the Green Book.

The earth belongs to all human beings. Migration took place in the past. Slavery followed it. There was no objection to the transfer of people from their countries to be exploited as slaves. The era of colonialism was ushered in after that. All those elements intermingle in the hearts and minds of the African people who migrate today. Everybody is up in arms against that that migration.

Colonialism gave Africans, and other colonized peoples, the impression that the Earth belongs to all, and that no part of it is the exclusive property of a group of people and is forbidden to others. People in the heart of Africa saw Belgians come to settle in their land and own parts of it. They saw the whole of Congo become the personal property of Leopold.

They saw foreigners settle in Zimbabwe, Malawi and what they called Northern Rhodesia and Southern Rhodesia. Libya was considered Rome’s Fourth Coast. This gave Libyans the feeling that Italy and Libya were one state. If Libya is Rome’s Fourth Coast, why then is it forbidden for a Libyan to go to Italy? When it was necessary for Libya to be that “fourth coast”, war was waged to make it so. Now, what is said is “no, you are an illegal migrant, you are not welcome here, you are Libyan and you are a foreigner”. Did you not say that Libya was your “fourth coast”? Was it acceptable then because it was in your interest, but now that it serves mine, it becomes unacceptable?

Until recently, France maintained that Algeria was an integral part of French soil. France ruled Algeria for 130 years. France annexed Algeria in 1830 and declared it an indivisible part of its territory. That fact convinced Algerians that they and France were parts of one whole.

When they go to France, they go to their own country. How can it be said to Algerians now that they are migrants? How could that be? You said to us that Algeria was a part of France. When we tried to challenge that statement, you fought us. One and a half million Algerians paid with their lives to challenge that statement. At the same time, France and Europe continued to insist that Algeria was an integral part of France.

They convinced Algerians that they were French and Europeans. So, why can they not go France?

Morocco is an independent state. It is a member of the Arab League, the UN and the Islamic Conference. Ceuta and Melilla are geographically in Morocco but they are a part of Spain. How can anybody convince a Moroccan that Spain and Morocco are not the same thing. He considers the two countries to be one. As I said the case of Ceuta and Melilla proves that. How can Moroccans be told that they are aliens and migrants in Spain? They should be able to go to Madrid like they go Rabat.

During the colonial era, the people of Africa were made to believe that Europe and Africa are an integrated whole. The King of Belgium was the owner of the whole of Congo. This being the case, then the Congolese, as the property of the King of Belgium, could go freely to the land of their King and Owner. They could move to Belgium, live and work there as if they were in Congo. The same applied to Algerians in France. As their country was considered Rome's Fourth Coast, Libyans had the right to go to Rome. Citizens of Zambia, Zimbabwe, Malawi and Rhodesia were told that their countries belonged to Britain. Therefore, they could go to Britain as if they were moving inside their own country.

At one point in time, the Suez Canal was British. How can an Egyptian citizen be prevented from going to Britain while the latter owned a part of Egypt? How can he not be allowed to go to work, or even to reside, in Britain? If the Suez Canal, an integral part of Egypt, was the property of Britain, how can an Egyptian be denied the right to live in Britain? Which is graver; the recognition of the ownership by a foreign power of a whole canal that falls within the territory of Egypt, or the presence of some Egyptians who seek work in Britain?

To this day, there are High Commissioners of the British Crown in various countries. India was the Jewel of the Crown. Then, Indian citizens can go to Britain in their millions, since they are subjects of the Crown. How can they be told that they are foreign migrants?

The First and Second World Wars were ignited by Europe. Tens of millions of men were killed in them. Europe needed labor so Asians and Africans were encouraged to move to

Europe to make up for the shortage in manpower. This fact is very important because it gave Africans and Asians the feeling that, in time of need, they can go to Europe.

When Europe needed them, they were transferred. When they were needed as slaves, soldiers and cheap labor, they were transferred. When Europe needed colonies, it came to their countries.

It would be both ignorant and superficial on our part to ignore those historical and psychological accumulations. In addition, the colonial era resulted in the pillage of Africa's riches. The gold mines were depleted and left as gaping holes in the ground. Diamonds, copper, iron ore, cobalt, manganese and phosphate were transferred to the old colonial powers.

After achieving their so-called independence, people of the former colonies wanted to build their countries. They discovered that their riches were plundered. They had a feeling that they needed to go after those riches. A French writer whose name escapes me right now once said: "Either wealth comes to people, or people will go to the place where wealth is found".

This statement is true. Riches were transferred from Africa to Europe. Africans go after those riches of their land. They cannot restore those riches to their countries. So, they go to work as laborers in the factories built on the riches of their continent. They feel that the road networks, the irrigation systems and the railroad tracks that criss-cross Europe and America are the fruit of the labor of their forefathers. They feel entitled to a share of that prize.

Can the raw materials of Africa be returned to it? If that is the case, then well and good. This must be the first decision to be made. Africans went to Europe seeking a share in their plundered wealth. If it were returned to them, migration would stop. They go back to their continent to find that their gold, diamonds, coal and other materials have been returned to it. This would contribute to ending migration.

The agricultural products of Africa such as mango, pineapple, cocoa, coffee and papaya are made into shampoos and body lotions in Europe while Africans need them. Instead of Europeans washing their bodies with pineapple, let them return it to the children of Africa to eat. Or, let us all go to Europe and use it to wash our hair and bodies. Who has turned nutritious food into cosmetic products? It is the private sector.

It seeks nothing but profit even at the expense of the misery of millions. We hear a lot of talk about the need to encourage the private sector. However, it was that sector that stole

the food of the hungry children and transformed it into cosmetic products for the sake of profit while the children starve to death. Eggs, cocoa, milk and all kinds of fruits were made into shampoos!

Let us move now to some existing measures that actually favor migration. The purpose of your meeting is to address, and reverse migration. However, there are some existing political and administrative measures that act against that purpose and favor migration.

Let us take the Barcelona process. North Africa, the Middle East, Europe and the Mediterranean are covered by that process. Therefore, as a citizen under the umbrella of Barcelona, I am entitled to move to Europe.

Has the Barcelona process not called for cooperation, the elimination of poverty, the freedom of movement and labor?

Has it not advocated mutual help and living in peace with one another? Does it not aim at the creation of a single parliament and the harmonization of legislation, and the achievement of similarities among its component parts? How can we be similar while you are rich and I am poor? I must become as rich as you are. Then, you as a European citizen must allow me, an African citizen, to share your wealth.

The Barcelona Process has encouraged this line of thinking. How can you initiate that process then decide to stand against its logical results? This meeting is against the spirit of Barcelona.

That spirit calls for integration, for allowing us to move to Europe in our millions. End the Barcelona Process. When that happens, you can say that Europe and Africa are two distinct entities separated by a sea. Yes, when that process is annulled, I will be convinced that we are two separate entities not one. However, when you talk of the Euro-Mediterranean cooperation, you have included me in Europe. You make me in Libya a part of Europe.

Under Barcelona, I am entitled to go all the way to Scandinavia. If this is unacceptable, then the contradictory process must be terminated.

There is another notion; that of the New Neighborhood put forward by the EU. This is as interesting as the Barcelona Process. If we want Barcelona, then let us accept its results. But let it not be like slavery and colonialism; good if it works in your favor and evil if it works in mine.

Algeria, Morocco, Tunisia, Egypt and Jordan have become the “neighbors” of Europe under the new initiative. Neighbors have rights and duties towards each other. When they

are in need, they go to their neighbors. Someone can say: "I am from the Neighborhood. I am going to my neighbors". Who are those neighbors? They are the Europeans who have accepted me as their neighbor. Have you not said that Algeria, Morocco, Tunisia, Egypt and even Jordan in the Middle East are your neighbors? Then those people have the right to go to their neighbors in Europe.

One of the results of all those arrangements (Barcelona, the New Neighborhood and the Euro-Mediterranean Cooperation) is that the Africans who are not a part of that circle, now come to those countries as a way to get to Europe through its "neighbors". Someone comes from an African country not part of the Barcelona Process. He heads to a country that is part of that process. then goes to Europe on the basis of it.

"Where are you coming from?" "From Algeria" he says. "Why are you coming to Europe?" His answer would be "because Algeria is a part of the Barcelona Process. Does that process not cover Europe and the Mediterranean? I am from the Mediterranean. Why are you preventing me from migration? I am here to live and benefit from Barcelona and the New Neighborhood".

There is another thing called the "Mediterranean Partnership" or something like that. A partnership means that we share everything as partners. When you speak of partnership while you are rich and I am poor, it means that I must share your wealth. This is what partnership is about. Is this the meaning of the partnership proposed to North African countries? If so, fine let us become partners and share everything.

These are attractive slogans. No one can object to them. However, the fact that they were designed to serve ulterior motives and based on double-standards would destroy international cooperation. Their contradictions are a grave threat to international politics. You talk of partnership, then say you cannot share. Go back where you came from. Have you not told me I was your partner? If you are serious about the resolutions you are going to adopt here, then all those things, the Partnership, Neighborhood and Barcelona, must be cancelled. The visas must be re-instated.

Among the things that facilitated migration is the Shengen visa. Now, people try to get to the closest European country. Once there, they heave a sigh of relief because the whole of Europe is open to them.

Under Shengen, no visas are required between European countries. You cancelled them and then you ask why migrants are increasing? You opened the door wide. Reinstate visas.

In the past, someone would want to go Germany. He asks himself ‘how would I make it there?’ Now, all he has to do is sail to France, and from there go to Germany.

Shengen allows him to do that. When he knows that Shengen is no longer, he will think twice. If there are borders and visa requirements, how will he be able to get from France to Germany? Those obstacles will discourage his leaving Ghana, Mozambique or Zimbabwe. Now, they think that getting to Europe is easy.

All one has to do is get to the closest European country, even if they have to swim to get there. Once there, the whole of Europe is open to them. To stop immigration, you must cancel the Shengen visa. Otherwise, you cannot ask why the migration flows are increasing. Libya too, must reinstate the visa requirement with Arab and non-Arab countries. Any Arab can enter Libya without a visa. Libya is an Arab country and a member of the Arab League. It is a rich, oil producing country with a small population and no poverty. It is logical that many Arabs would want to come to it.

However, in truth Libya is not their destination. From Libya, they head to Europe. Statistics show that 80 percent of the migrants from Libya are Arabs. The remaining 20 percent are from Africa. They exploit the lack of a visa requirement to enter Libya. Then they find the gangs, the smugglers, the boats and the agents to go to Europe. Investigations are underway in Libya.

It was discovered that some officers here take bribes and are involved in smuggling operations. They have created mafias and gangs with citizens from Egypt, Tunisia, Algeria, Morocco and some African and European countries. Some European tourists marry men from Egypt and Libya. This is a way for their husbands to gain legal entry into Europe.

There many ways to circumvent the law. I am sure you are aware of them. Some people destroy their passports upon arrival and make taking care of them your problem and burden.

There are also the other calls for human rights, the right to asylum, the rights of migrants, combating discrimination and racism. They are wonderful humane slogans. They are even revolutionary. They also are among the elements that encourage migration.

If you want to limit migration, you have to deal with those elements. If anyone can be granted refugee status and receive a monthly salary the moment they arrive in Europe, then thousands will rush to Europe.

The right of asylum was corrupted by you. There are precise definitions of who is a refugee or a political refugee. Now, a criminal could write that he is the chairman of a democratic party. He can go to Switzerland or any other country and claim that he is persecuted in his country.

He is then accepted as a political refugee and receives financial support. When people see that a criminal is living happily in Switzerland and enjoying himself there, they think they must follow his example.

Every criminal, every thief and every “stray dog” is tempted to do the same. Fabricate some papers and claim to be in the opposition in your country. When those crooks hear the talk of human rights and freedom, they jump on the bandwagon and claim to be advocates of human rights and freedom to get asylum. This attitude has encouraged all and sundry to do the same.

Who is a political refugee? It is someone who is involved in politics; a minister, a president, a king, a member of parliament, the holder of a diplomatic passport or a member of a legitimate political party who faces persecution in his country for purely political reasons.

If such a person seeks asylum in another country, he can be accepted. Some commit murder and assassinations in their country. Once they are discovered, they flee to Europe and are treated like political refugees. This is a farce. Some people have no political position in their countries, escape from their countries and claim to be in the opposition and seek political asylum. They are not politicians. They are nothing but stray dogs. How can you receive them as political refugees? This attitude has encouraged a lot of people to do the same so as to be able to live in Europe ultimately.

Europe needs to reconsider and redefine political refugees. Can anybody who deceives you be a political refugee? Look at those who were given political asylum and then turned into terrorists. In Europe, you have a simple choice. You can be true to your slogans, which means you can no longer discuss migration. You must accept all the migrants who come to your doors even if there were a hundred million of them.

Or you must reconsider your slogans and policies to close all the loopholes that encourage immigration. The security approach to deal with migration is doomed to failure. Libya’s land borders extend for six thousand kilometers. We cannot prevent the smuggling of the subsidized cheap foodstuffs to Chad, Niger, Sudan and other neighboring countries.



Whatever we do, even if we bring NATO to help us, we will not be able to control those borders.

You could also accept reality. You could come to terms with the fact that migration is a natural phenomenon that has its historical, psychological and economic causes. You could accept that phenomenon like we accept Tsunamis and other natural phenomena.

Then, there will be no need to exert ourselves in meetings such as this. You could do that or deal with the causes that encourage migration. The modern causes are well known. They must all be terminated. I mean the visa question, Barcelona, the Euro-Mediterranean, the Partnership, human rights, the manner of granting political asylum, the rights of migrants and the rights of refugees. All these things must be reconsidered in a manner that does not encourage migration. All the things you do and the things that exist now encourage it. Then you ask why migration is taking place? If a hungry animal sees food nearby, it will definitely go for it. How can it not? It is only natural for it to go where food is available.

People go to Europe because everything you put in place encourages them to do so. Barcelona, the Euro-Mediterranean, the plunder, the single visa, human rights, the rights of refugees, the rights of I do not know what, the civil society organization and all the other elements of the existing mess, all of those things encourage migration.

They all work against this conference. Even language plays a role in this. If Nigeria is an English-speaking country, how can a Nigerian not go to Britain? If he has been made a part of that language and culture, how and why is he prevented from going there?

Ghana too is English-speaking. Why is a Ghanaian not allowed to go to Britain? He was colonized, oppressed, enslaved and a language was imposed on him. No one thought that one day he would use that fact to create a problem, to demand his right to go to your country because he speaks the same language.

The same is true of French speakers. They would find it hard to understand why a conference like this one, a conference that opposes migration, is held in the first place. They would say that they are Francophone and that they have a right to go France. We speak the same language, we are part of the same culture and we are the same people. What is this conference for? Cancel it, for we are going directly to France.

You know these facts but you prefer to deny them. It would be a catastrophe if you did not know them. There is another very dangerous dimension related to migration. Look at the map of the world. You will see the countries from which migrants leave and the countries to which they go. A major population explosion has started in Asia.

It will reverberate all over the globe. Waves of migrants will go wherever there is a population vacuum. Now, you are addressing migration from Africa to Europe. Soon, all of us in Africa and Europe will face the new challenge of vast waves of immigration from Asia. They will come like swarms of locusts as a result of the population explosion in China, the Indian Ocean and East Asia. A look at the map would make that threat abundantly clear. How do you propose to deal with this challenge?

You are gathered here to discuss migration from Africa to Europe. Now a human deluge of astronomical proportions is about to be upon us. Like the biblical Gog and Magog, they will come. I am sounding the alarm before the whole world. The population explosion in Asia is another grave challenge. It will engulf Africa and Europe. Please note it down and be my witnesses.

Another look at the map would reveal additional causes for the increase in migration. The current military interventions in Iraq, the Gulf, the Middle East, the Kurdish region in Turkey and Iran, and the situation in the Horn of Africa, all feed migration. So do the numerous civil wars in the Southern Philippines, in the south of Thailand, in Chechnya, in the Great Lakes region in Central Africa, in Cote D'Ivoire, in the Horn of Africa, in Chad and the Sudan. All these civil wars increase migration. Who is behind them? The same hands that created colonialism and caused havoc in the world are behind those civil wars. The private sector, the weapons manufacturers and the arms merchants benefit from them.

The European intelligence agencies pick a person, train him, provide him with funds and assign him the responsibility of starting a tribal war, a border dispute, an ethnic conflict or a religious war in some part of the world. When this war flares up it benefits the arms merchants and the weapons manufacturers.

It also becomes a convenient pretext for an international intervention. Those who contribute Blue Helmets will also benefit. Even the UN will make a profit. It has become such business! When a war breaks out they send seventy thousand peacekeepers. These of course need money. The money is given to the UN. If the operation is estimated to cost ten billion dollars, the UN spends six billion and keeps four billion for itself. Even the UN has become a merchant of war and an agent that works on commission.

In conclusion, I don't want there to be any confusion or a misunderstanding of what I said. I did not wish to discourage you. Nor did I wish to object to the measures to combat migration. On the contrary, I am with you completely. I hope to see an end to migration. Libya is one of the countries that have been severely affected by migration.

It has depleted our resources. We have twice or three times as many people as our own in Libya. We feed them, house them, provide them with transportation, and they take their share of all the cheap products subsidized by the Libyan budget. We sincerely hope that you will find a solution for this problem.

I was completely honest with you. I have uncovered the truth, and laid it bare before you, in order for you to find a solution. This is proof of my sincerity. If a patient needs surgery we cannot give him painkillers. That would be an act of deception, an act that can only be carried out by an ignorant person. Honesty dictates that a professional doctor talks honestly with the patient and tells him the truth about his case. And to inform him that he is in need of a major surgery and not just painkillers.

What I tried to do was to put the whole truth before you. Earth belongs to all human beings. The inhabitants of all continents are all originally migrants. This has to be taken into account. The elements I raised concerning the eras of slavery, colonialism, and the plunder of natural resources need also to be taken into account. We cannot overlook the First and Second World Wars which took the lives of millions of men, and thus encouraged migration to Europe and other parts of the world. We need to remember the reasons and the causes of those wars.

It was the colonial powers that imposed their language on the colonized peoples. It was they who gave them the impression that Africans and Europeans are of the same continent and are the same peoples. How could anybody talk of two distinct continents while at the same time talking of the Belgian Congo, Italian Libya, The French Sudan, the British Sudan, and French Algeria? That gave people the impression that they are entitled to go to the "Mother Country".

In addition I must say that the matters I mentioned earlier such as the single visa, Barcelona, the Euro Mediterranean cooperation and partnership, and the calls of human rights and the rights of refugees have all facilitated migration. I put them all bluntly before you in order to assist you in your task. If you wish to solve the problem, you must solve it by addressing those facts.

I wish you all success. May peace and the blessings of God be upon you.

## APPENDIX 4

### Statement of the Brother Leader at the General Assembly of the United Nations, 1 October 2009

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In the name of the African Union, I would like to greet the members of the General Assembly of the United Nations, and I hope that this meeting will be among the most historic in the history of the world.

In the name of the General Assembly at its sixty-fourth session, presided over by Libya, of the African Union, of one thousand traditional African kingdoms and in my own name, I would like to take this opportunity, as President of the African Union, to congratulate our son Obama because he is attending the General Assembly, and we welcome him as his country is hosting this meeting.

This session is taking place in the midst of so many challenges facing us, and the whole world should come together and unite its efforts to defeat the challenges that are our principal common enemy — those of climate change and international crises such as the capitalist economic decline, the food and water crises, desertification, terrorism, immigration, piracy, man-made and natural epidemics and nuclear proliferation. Perhaps influenza H1N1 was a virus created in a laboratory that got out of control, originally being meant as a military weapon. Such challenges also include hypocrisy, poverty, fear, materialism and immorality.

As is known, the United Nations was founded by three or four countries against Germany at the time. The United Nations was formed by the nations that joined together against Germany in the Second World War. Those countries formed a body called the Security Council, made its own countries permanent members and granted them the power of veto. We were not present at that time. The United Nations was shaped in line with those three countries and wanted us to step into shoes originally designed against Germany. That is the real substance of the United Nations when it was founded over 60 years ago.

That happened in the absence of some 165 countries, at a ratio of one to eight; that is, one was present and eight were absent. They created the Charter, of which I have a copy. If one reads the Charter of the United Nations, one finds that the Preamble of the Charter differs from its Articles. How did it come into existence? All those who attended the San Francisco Conference in 1945 participated in creating the Preamble, but they left the Articles and internal rules of procedures of the so-called Security Council to experts,

specialists and interested countries, which were those countries that had established the Security Council and had united against Germany.

The Preamble is very appealing, and no one objects to it, but all the provisions that follow it completely contradict the Preamble. We reject such provisions, and we will never uphold them; they ended with the Second World War. The Preamble says that all nations, small or large, are equal. Are we equal when it comes to the permanent seats? No, we are not equal. The Preamble states in writing that all nations are equal whether they are small or large. Do we have the right of veto? Are we equal? The Preamble says that we have equal rights, whether we are large or small. That is what is stated and what we agreed in the Preamble. So the veto contradicts the Charter. The permanent seats contradict the Charter. We neither accept nor recognize the veto.

The Preamble of the Charter states that armed force shall not be used, save in the common interest. That is the Preamble that we agreed to and signed, and we joined the United Nations because we wanted the Charter to reflect that. It says that armed force shall only be used in the common interest of all nations, but what has happened since then? Sixty-five wars have broken out since the establishment of the United Nations and the Security Council — 65 since their creation, with millions more victims than in the Second World War. Are those wars, and the aggression and force that were used in those 65 wars, in the common interest of us all? No, they were in the interest of one or three or four countries, but not of all nations.

We will talk about whether those wars were in the interest of one country or of all nations. That flagrantly contradicts the Charter of the United Nations that we signed, and unless we act in accordance with the Charter of the United Nations to which we agreed, we will reject it and not be afraid not to speak diplomatically to anyone. Now we are talking about the future of the United Nations. There should be no hypocrisy or diplomacy because it concerns the important and vital issue of the future of the world. It was hypocrisy that brought about the 65 wars since the establishment of the United Nations.

The Preamble also states that if armed force is used, it must be a United Nations force — thus, military intervention by the United Nations, with the joint agreement of the United Nations, not one or two or three countries using armed force. The entire United Nations will decide to go to war to maintain international peace and security. Since the establishment of the United Nations in 1945, if there is an act of aggression by one country against another, the entire United Nations should deter and stop that act.

If a country, Libya for instance, were to exhibit aggression against France, then the entire Organization would respond because France is a sovereign State Member of the

United Nations and we all share the collective responsibility to protect the sovereignty of all nations. However, 65 aggressive wars have taken place without any United Nations action to prevent them. Eight other massive, fierce wars, whose victims number some 2 million, have been waged by Member States that enjoy veto powers. Those countries that would have us believe they seek to maintain the sovereignty and independence of peoples actually use aggressive force against peoples. While we would like to believe that these countries want to work for peace and security in the world and protect peoples, they have instead resorted to aggressive wars and hostile behavior. Enjoying the veto they granted themselves as permanent members of the Security Council, they have initiated wars that have claimed millions of victims.

The principle of non-interference in the internal affairs of States is enshrined in the Charter of the United Nations. No country, therefore, has the right to interfere in the affairs of any Government, be it democratic or dictatorial, socialist or capitalist, reactionary or progressive. This is the responsibility of each society; it is an internal matter for the people of the country concerned. The senators of Rome once appointed their leader, Julius Caesar, as dictator because it was good for Rome at that time. No one can say of Rome at that time that it gave Caesar the veto. The veto is not mentioned in the Charter.

We joined the United Nations because we thought we were equals, only to find that one country can object to all the decisions we make. Who gave the permanent members their status in the Security Council? Four of them granted this status to themselves. The only country that we in this Assembly elected to permanent member status in the Security Council is China. This was done democratically, but the other seats were imposed upon us undemocratically through a dictatorial procedure carried out against our will, and we should not accept it.

The Security Council reform we need is not an increase in the number of members, which would only make things worse. To use a common expression, if you add more water, you get more mud. It would add insult to injury. It would make things worse simply by adding more large countries to those that already enjoy membership of the Council. It would merely perpetuate the proliferation of super-Powers. We therefore reject the addition of any more permanent seats. The solution is not to have more permanent seats, which would be very dangerous. Adding more super-Powers would crush the peoples of small, vulnerable and third world countries, which are coming together in what has been called the Group of 100 — 100 small countries banding together in a forum that one member has called the Forum of Small States.

These countries would be crushed by super-Powers were additional large countries to be granted membership in the Security Council. This door must be closed; we reject it strongly and categorically. Adding more seats to the Security Council would increase poverty, injustice and tension at the world level, as well as great competition between certain countries such as Italy, Germany, Indonesia, India, Pakistan, the Philippines, Japan, Brazil, Nigeria, Argentina, Algeria, Libya, Egypt, the Democratic Republic of the Congo, South Africa, Tanzania, Turkey, Iran, Greece and Ukraine. All these countries would seek a seat on the Security Council, making its membership almost as large as that of the General Assembly and resulting in an impractical competition.

What solution can there be? The solution is for the General Assembly to adopt a binding resolution under the leadership of Mr Treki based on the majority will of Assembly members and taking into account the considerations of no other body. The solution is to close Security Council membership to the admission of further States. This item is on the agenda of the General Assembly during the present session presided over by Mr Treki. Membership through unions and the transference of mandates should supersede other proposals.

We should focus on the achievement of democracy based on the equality of Member States. There should be equality among Member States and the powers and mandates of the Security Council should be transferred to the General Assembly. Membership should be for unions, not for States. Increasing the number of States Members would give the right to all countries to a seat, in accordance with the spirit of the Preamble of the Charter.

No country could deny a seat in the Council to Italy, for instance, if a seat were given to Germany. For the sake of argument, Italy might say that Germany was an aggressive country and was defeated in the Second World War. If we gave India a seat, Pakistan would say that it, too, is a nuclear country and deserves a seat, and those two countries are at war. This would be a dangerous situation. If we gave a seat to Japan, then we should have to give one to Indonesia, the largest Muslim country in the world. Then Turkey, Iran and Ukraine would make the same claim. What could we say to Argentina or Brazil? Libya deserves a seat for its efforts in the service of world security by discarding its weapons of mass destruction programme. Then South Africa, Tanzania and Ukraine would demand the same. All of these countries are important. The door to Security Council membership should be closed.

This approach is a falsehood, a trick that has been exposed. If we want to reform the United Nations, bringing in more super-Powers is not the way. The solution is to foster

democracy at the level of the general congress of the world, the General Assembly, to which the powers of the Security Council should be transferred. The Security Council would become merely an instrument for implementing the decisions taken by the General Assembly, which would be the parliament, the legislative assembly, of the world.

This Assembly is our democratic forum and the Security Council should be responsible before it; we should not accept the current situation. These are the legislators of the Members of the United Nations, and their resolutions should be binding. It is said that the General Assembly should do whatever the Security Council recommends. On the contrary, the Security Council should do whatever the General Assembly decides. This is the United Nations, the Assembly that includes 192 countries. It is not the Security Council, which includes only 15 of the Member States.

How can we be happy about global peace and security if the whole world is controlled by only five countries? We are 192 nations and countries, and we are like Speakers' Corner in London's Hyde Park. We just speak and nobody implements our decisions. We are mere decoration, without any real substance. We are Speakers' Corner, no more, no less. We just make speeches and then disappear. This is who you are right now.

Once the Security Council becomes only an executive body for resolutions adopted by the General Assembly, there will be no competition for membership of the Council. Once the Security Council becomes a tool to implement General Assembly resolutions, there will be no need for any competition. The Security Council should, quite simply, represent all nations. In accordance with the proposal submitted to the General Assembly, there would be permanent seats on the Security Council for all unions and groups of countries.

The 27 countries of the European Union should have a permanent seat on the Security Council. The countries of the African Union should have a permanent seat on the Security Council. The Latin American and ASEAN countries should have permanent seats. The Russian Federation and the United States of America are already permanent members of the Security Council. The Southern African Development Community (SADC), once it is fully established, should have a permanent seat. The 22 countries of the Arab League should have a permanent seat. The 57 countries of the Islamic Conference should have a permanent seat. The 118 countries of the Non-Aligned Movement should have a permanent seat.

Then there is the G-100; perhaps the small countries should also have a permanent seat. Countries not included in the unions that I have mentioned could perhaps be assigned



a permanent seat, to be occupied by them in rotation every six or twelve months. I am thinking of countries like Japan and Australia that are outside such organizations as ASEAN or like the Russian Federation that is not a member of the European or Latin American or African unions. This would be a solution for them if the General Assembly votes in favor of it.

The issue is a vitally important one. As has already been mentioned, the General Assembly is the Congress and Parliament of the world, the leader of the world. We are the nations, and anyone outside this General Assembly will not be recognized. The President of the Assembly, Mr Ali Abdussalam Treki, and Secretary-General Ban Ki-moon will produce the legal draft and set up the necessary committees to submit this proposal to a vote: that from now on, the Security Council will be made up of unions of nations. In this way, we will have justice and democracy, and we will no longer have a Security Council consisting of countries which have been chosen because they have nuclear weapons, large economies or advanced technology. That is terrorism. We cannot allow the Security Council to be run by super-Powers; that is terrorism in and of itself.

If we want a world that is united, safe and peaceful, this is what we should do. If we want to remain in a world at war, that is up to you. We will continue to have conflict and to fight until doomsday or the end of the world. All Security Council members should have the right to exercise the veto, or else we should eliminate the whole concept of the veto with this new formation of the Council. This would be a real Security Council. According to the new proposals submitted to the General Assembly, it will be an executive council under the control of the General Assembly, which will have the real power and make all the rules.

In this way, all countries will be on an equal footing in the Security Council just as they are in the General Assembly. In the General Assembly we are all treated equally when it comes to membership and voting. It should be the same in the Security Council. Currently, one country has a veto; another country does not have a veto; one country has a permanent seat; another country does not have a permanent seat. We should not accept this, nor should we accept any resolution adopted by the Security Council in its current composition. We were under trusteeship; we were colonized; and now we are independent. We are here today to decide the future of the world in a democratic way that will maintain the peace and security of all nations, large and small, as equals. Otherwise, it is terrorism, for terrorism is not just Al Qaeda but can also take other forms.

We should be guided by the majority of the votes in the General Assembly alone. If the General Assembly takes a decision by voting, then its wishes should be obeyed and its

decision should be enforced. No one is above the General Assembly; anyone who says he is above the Assembly should leave the United Nations and be on his own. Democracy is not for the rich or the most powerful or for those who practice terrorism. All nations should be and should be seen to be on an equal footing.

At present, the Security Council is security feudalism, political feudalism for those with permanent seats, protected by them and used against us. It should be called, not the Security Council, but the Terror Council. In our political life, if they need to use the Security Council against us, they turn to the Security Council. If they have no need to use it against us, they ignore the Security Council. If they have an interest to promote, an axe to grind, they respect and glorify the Charter of the United Nations; they turn to Chapter VII of the Charter and use it against poor nations. If, however, they wished to violate the Charter, they would ignore it as if it did not exist at all.

If the veto of the permanent members of the Security Council is given to those who have the power, this is injustice and terrorism and should not be tolerated by us. We should not live in the shadow of this injustice and terror.

Super-powers have complicated global interests, and they use the veto to protect those interests. For example, in the Security Council, they use the power of the United Nations to protect their interests and to terrorize and intimidate the Third World, causing it to live under the shadow of terror.

From the beginning, since it was established in 1945, the Security Council has failed to provide security. On the contrary, it has provided terror and sanctions. It is only used against us. For this reason, we will no longer be committed to implementing Security Council resolutions after this speech, which marks the 40th anniversary.

Sixty-five wars have broken out: either fighting among small countries or wars of aggression waged against us by Super-powers. The Security Council, in clear violation of the Charter of the United Nations, failed to take action to stop these wars or acts of aggressions against small nations and peoples.

The General Assembly will vote on a number of historic proposals. Either we act as one or we will fragment. If each nation were to have its own version of the General Assembly, the Security Council and the various instruments and each were to have an equal footing, the Powers that currently fill the permanent seats would be confined to use of their own sovereign bodies, whether there be three or four of them, and would have to exercise their rights against themselves. This is of no concern to us.

If they want to keep their permanent seats, that is fine; permanent seats will be of no concern to us. We shall never submit to their control or to their exercise of the veto that

was given to them. We are not so foolish as to give the right of veto to the super-Powers to use so they can treat us as second-class citizens and as outcast nations. It is not we who decided that those countries are the Super-powers and respected nations with the power to act on behalf of 192 countries.

You should be fully aware that we are ignoring the Security Council resolutions because those resolutions are used solely against us and not against the Super-powers which have the permanent seats and the right of veto. Those Powers never use any resolutions against themselves.

They are, however, used against us. Such use has turned the United Nations into a travesty of itself and has generated wars and violations of the sovereignty of independent States. It has led to war crimes and genocides. All of this is in violation of the Charter of the United Nations.

Since no one pays attention to the Security Council of the United Nations, each country and community has established its own security council, and the Security Council here has become isolated.

The African Union has already established its own Peace and Security Council, the European Union has already established a security council, and Asian countries have already established their own security council. Soon, Latin America will have its own Security Council as will the 120 non-aligned nations.

This means that we have already lost confidence in the United Nations Security Council, which has not provided us with security, and that is why we now are creating new regional security councils.

We are not committed to obeying the rules or the resolutions of the United Nations Security Council in its present form because it is undemocratic, dictatorial and unjust. No one can force us to join the Security Council or to obey or comply with resolutions or orders given by the Security Council in its present composition.

Furthermore, there is no respect for the United Nations and no regard for the General Assembly, which is actually the true United Nations, but whose resolutions are non-binding. The decisions of the International Court of Justice, the international judicial body, take aim only at small countries and Third World nations. Powerful countries escape the notice of the Court. Or, if judicial decisions are taken against these powerful countries, they are not enforced.

The International Atomic Energy Agency (IAEA) is an important agency within the United Nations. Powerful countries, however, are not accountable to it or under its jurisdiction. We have discovered that the IAEA is used only against us. We are told that it

is an international organization, but, if that is the case, then all the countries of the world should be under its jurisdiction. If it is not truly international, then right after this speech we should no longer accept it and should close it down.

Mr Treki, in his capacity as President of the General Assembly, should talk to the Director General of the IAEA, Mr ElBaradei, and should ask him if he is prepared to verify nuclear energy storage in all countries and inspect all suspected increases. If he says yes, then we accept the Agency's jurisdiction. But if he says that he cannot go into certain countries that have nuclear power and that he does not have any jurisdiction over them, then we should close the Agency down and not submit to its jurisdiction.

For your information, I called Mr ElBaradei when we had the problem of the Libyan nuclear bomb. I called Mr ElBaradei and asked him if the agreements by the Super-powers to reduce nuclear supplies were subject to Agency control and under inspection, and whether he was aware of any increases in their activity. He told me that he was not in a position to ask the Super-powers to be inspected.

So, is the Agency only inspecting us? If so, it does not qualify as an international organization since it is selective, just like the Security Council and the International Court of Justice. This is not equitable nor is it the United Nations. We totally reject this situation.

Regarding Africa, Mr President, whether the United Nations is reformed or not, and even before a vote is taken on any proposals of a historic nature, Africa should be given a permanent seat on the Security Council now, having already waited too long.

Leaving aside United Nations reform, we can certainly say that Africa was colonized, isolated and persecuted and its rights usurped. Its people were enslaved and treated like animals, and its territory was colonized and placed under trusteeship. The countries of the African Union deserve a permanent seat. This is a debt from the past that has to be paid and has nothing to do with United Nations reform. It is a priority matter and is high on the agenda of the General Assembly. No one can say that the African Union does not deserve a permanent seat.

Who can argue with this proposal? I challenge anyone to make a case against it. Where is the proof that the African Union or the African continent does not deserve a permanent seat? No one can possibly deny this.

Another matter that should be voted on in the General Assembly is that of compensation for countries that were colonized, so as to prevent the colonization of a continent, the usurpation of its rights and the pillaging of its wealth from happening again.

Why are Africans going to Europe? Why are Asians going to Europe? Why are Latin Americans going to Europe? It is because Europe colonized those peoples and stole

the material and human resources of Africa, Asia and Latin America — the oil, minerals, uranium, gold and diamonds, the fruit, vegetables and livestock and the people — and used them. Now, new generations of Asians, Latin Americans and Africans are seeking to reclaim that stolen wealth, as they have the right to do.

At the Libyan border, I recently stopped 1,000 African migrants headed for Europe. I asked them why they were going there. They told me it was to take back their stolen wealth — that they would not be leaving otherwise. Who can restore the wealth that was taken from us? If you decide to restore all of this wealth, there will be no more immigration from the Philippines, Latin America, Mauritius and India. Let us have the wealth that was stolen from us. Africa deserves \$777 trillion in compensation from the countries that colonized it. Africans will demand that amount, and if you do not give it to them, they will go to where you have taken those trillions of dollars. They have the right to do so. They have to follow that money and to bring it back.

Why is there no Libyan immigration to Italy, even though Libya is so close by? Italy owed compensation to the Libyan people. It accepted that fact and signed an agreement with Libya, which was adopted by both the Italian and Libyan Parliaments. Italy admitted that its colonization of Libya was wrong and should never be repeated, and it promised not to attack the Libyan people by land, air or sea. Italy also agreed to provide Libya with \$250 million a year in compensation over the next 20 years and to build a hospital for Libyans maimed as a result of the mines planted in Libyan territory during the Second World War. Italy apologized and promised that it would never again occupy the territory of another country. Italy, which was a kingdom during the Fascist regime and has made rich contributions to civilization, should be commended for this achievement, together with Prime Minister Berlusconi and his predecessor, who made their own contributions in that regard.

Why is the Third World demanding compensation? So that there will be no more colonization — so that large and powerful countries will not colonize, knowing that they will have to pay compensation. Colonization should be punished. The countries that harmed other peoples during the colonial era should pay compensation for the damage and suffering inflicted under their colonial rule.

There is another point that I would like to make. However, before doing so — and addressing a somewhat sensitive issue — I should like to make an aside. We Africans are happy and proud indeed that a son of Africa is now President of the United States of America. That is a historic event. Now, in a country where blacks once could not mingle with whites, in cafés or restaurants, or sit next to them on a bus, the American people have

elected as their President a young black man, Mr. Obama, of Kenyan heritage. That is a wonderful thing, and we are proud. It marks the beginning of a change. However, as far as I am concerned, Obama is a temporary relief for the next four or eight years. I am afraid that we may then go back to square one. No one can guarantee how America will be governed after Obama.

We would be content if Obama could remain President of the United States of America for ever. The statement that he just made shows that he is completely different from any American President that we have seen. American Presidents used to threaten us with all manner of weapons, saying that they would send us Desert Storm, Grapes of Wrath, Rolling Thunder and poisonous roses for Libyan children. That was their approach. American Presidents used to threaten us with operations such as Rolling Thunder, sent to Viet Nam; Desert Storm, sent to Iraq; Musketeer, sent to Egypt in 1956, even though America opposed it; and the poisonous roses visited upon Libyan children by Reagan. Can you imagine? One would have thought that Presidents of a large country with a permanent seat on the Security Council and the right of veto would have protected us and sent us peace. And what did we get instead? Laser-guided bombs carried to us on F-111 aircraft. This was their approach: we will lead the world, whether you like it or not, and will punish anyone who opposes us.

What our son Obama said today is completely different. He made a serious appeal for nuclear disarmament, which we applaud. He also said that America alone could not solve the problems facing us and that the entire world should come together to do so. He said that we must do more than we are doing now, which is making speeches. We agree with that and applaud it. He said that we had come to the United Nations to talk against one another. It is true that when we come here, we should communicate with one another on an equal footing. And he said that democracy should not be imposed from outside. Until recently, American Presidents have said that democracy should be imposed on Iraq and other countries. He said that this was an internal affair. He spoke truly when he said that democracy cannot be imposed from outside.

So we have to be cautious. Before I make these sensitive remarks I note that the whole world has so many polarities. Listen: should we have a world of so many polarities? Can we not have nations on an equal footing? Let us have an answer. Does anyone have an answer as to whether it is better to have a world of so many polarities? Why can we not have equal standing? Should we have patriarchs? Should we have popes? Should we have gods?

Why should we have a world of so many polarities? We reject such a world and call for a world where big and small are equal.

The other sensitive point is the Headquarters of the United Nations. Can I have your attention, please? All of you came across the Atlantic Ocean, the Pacific Ocean, crossing the Asian continent or the African continent to reach this place. Why? Is this Jerusalem? Is this the Vatican? Is this Mecca? All of you are tired, have jet lag, and have sleepless nights. You are very tired, very low, physically. Somebody just arrived now, flying 20 hours. Then we want him to make a speech and talk about this.

All of you are asleep, all of you are tired. It is clear that all of you are lacking energy because of having to make a long journey. Why do we do that? Some of our countries are in night time and people are asleep. Now you should be asleep, because your biological clock, your biological mind is accustomed to be asleep at this time. I wake up at 4 o'clock New York time, before dawn, because in Libya it is 11 in the morning. When I wake up at 11 o'clock it is supposed to be daytime; at 4 o'clock I am awake.

Why? Think about it. If this was decided in 1945, should we still retain it? Why can we not think about a place that is in the middle that is comfortable?

Another important point is that America, the host country, bears the expenses and looks after the Headquarters and diplomatic missions and looks after the peace and security of the heads of State who come here. They are very strict; they spend a lot of money, New York and all of America being very tight.

I want to relieve America of this hardship. We should thank America; we say to America, thank you for all the trouble that you have taken on yourself. We say thank you to America. We want to help reassure America and New York and keep them calm. They should not have the responsibility of looking after security. Perhaps some day a terrorist could cause an explosion or bomb a president. This place is targeted by Al-Qaeda, this very building. Why was it not hit on 11 September? It was beyond their power. The next target would be this place. I am not saying this in an offhand manner. We have tens of members of Al-Qaeda detained in Libyan prisons. Their confessions are very scary. That makes America live under tension. One never knows what will happen. Perhaps America or this place will be targeted again by a rocket. Perhaps tens of heads of State will die. We want to relieve America from this worry. We shall take the place to where it is not targeted.

Now after 50 years United Nations Headquarters should be taken to another part of the hemisphere. After 50 years in the western hemisphere, for the next 50 years it should be in the eastern hemisphere or in the middle hemisphere, by rotation. Now, with 64 years

we have an extra 14 years over the 50 that Headquarters should have been moved to somewhere else.

This is not an insult to America; it is a service to America. We should thank America. This was possible in 1945, but we should not accept it now. Of course this should be put to the vote in the General Assembly — only in the Assembly, because in section 23 of the Headquarters Agreement it says that the United Nations Headquarters can be moved to another location only by a resolution of the General Assembly. If 51 per cent of the Assembly approves relocation of Headquarters, then it can be moved.

America has the right to make security tight because it is targeted by terrorists and by Al-Qaeda. America has the right to take all security measures; we are not blaming America for that. However, we do not tolerate these measures. We do not have to come to New York and be subjected to all these measures. One president told me that he was told that his co-pilot should not come to America because there are restrictions. He asked how he could cross the Atlantic without a co-pilot. Why? He does not have to come here. Another president complained that his honor guard could not come because there was some misunderstanding regarding his name when it came to granting a visa. Another president said his own doctor could not get a visa and could not come to America.

The security measures are very strict. If a country has any problem with America, they will set up restrictions on the movements of member delegations, as if one is in Guantanamo. Is this a Member State of the United Nations, or is it a prisoner in the Guantanamo camp that cannot be allowed free movement?

This is what is submitted to the General Assembly for a vote — moving the Headquarters. If 51 per cent agree, then we come to the second vote: to the middle of the globe, or to the eastern part. If we say that we must move the Headquarters to the middle of the hemisphere, why do we not move to Sirte or Vienna? One can come even without a visa. Once you come as a president, Libya is a secure country. We are not going to restrict you to 100 or 500 metres. Libya has no hostile actions against anybody. I think the same holds true of Vienna.

If the vote says we should move Headquarters to the eastern part, then it will be Delhi or Beijing, the capital of China or the capital of India.

That is logical, my brothers. I do not think there will be any objection to that. Then you will thank me for this proposal, for eliminating the suffering and the trouble of flying 14, 15 or 20 hours to come here. No one can blame America or say that America will reduce its contributions to the United Nations. No one should have that bad thought. America, I am sure, is committed to its international obligations. America will not be



angry; it will thank you for alleviating its hardship, for taking on all that hardship and all the restrictions, even though this place is targeted by terrorists.

We come now to the issues that will be considered by the General Assembly. We are about to put the United Nations on trial; the old organization will be finished and a new one will emerge. This is not a normal gathering. Even son Obama said that this is not a normal gathering. It is a historic meeting.

The wars that took place after the establishment of the United Nations — why did they occur? Where was the Security Council, where was the Charter, where was the United Nations? There should be investigations and judicial intervention. Why have there been massacres? We can start with the Korean War because it took place after the establishment of the United Nations. How did a war break out and cause millions of victims? Nuclear weapons could have been used in that war. Those who are responsible for causing the war should be tried and should pay compensation and damages.

Then we come to the Suez Canal war of 1956. That file should be opened wide. Three countries with permanent seats on the Security Council and with the right of veto in the Council attacked a member State of this General Assembly. A country that was a sovereign State — Egypt — was attacked, its army was destroyed, thousands of Egyptians were killed and many Egyptian towns and entities were destroyed, all because Egypt wanted to nationalize the Suez Canal. How could such a thing have happened during the era of the United Nations and its Charter? How is it possible to guarantee that such a thing will not be repeated unless we make amends for past wrongs? Those were dangerous events and the Suez Canal and Korean War files should be re-opened.

Next we come to the Viet Nam war. There were 3 million victims of that war. During 12 days, more bombs were dropped than during four years of the Second World War. It was a fiercer war, and it took place after the establishment of the United Nations and after we had decided that there would be no more wars.

The future of humankind is at stake. We cannot stay silent. How can we feel safe? How can we be complacent? This is the future of the world, and we who are in the General Assembly of the United Nations must make sure that such wars are not repeated in the future.

Then Panama was attacked, even though it was an independent member State of the General Assembly. Four thousand people were killed, and the President of that country was taken prisoner and put in prison. Noriega should be released — we should open that file. How can we entitle a country that is a United Nations Member State to wage war against another country and capture its president, treat him as a criminal and put him in

prison? Who would accept that? It could be repeated. We should not stay quiet. We should have an investigation. Any one of us Member States could face the same situation, especially if such aggression is by a Member State with a permanent seat on the Security Council and with the responsibility to maintain peace and security worldwide.

Then there was the war in Grenada. That country was invaded even though it was a Member State. It was attacked by 5,000 war ships, 7,000 troops and dozens of military aircraft, and it is the smallest country in the world. This occurred after the establishment of the United Nations and of the Security Council and its veto. And the President of Grenada, Mr. Maurice Bishop, was assassinated. How could that have happened with impunity? It is a tragedy. How can we guarantee that the United Nations is good or not, that a certain country is good or not? Can we be safe or happy about our future or not? Can we trust the Security Council or not? Can we trust the United Nations or not?

We must look into and investigate the bombing of Somalia. Somalia is a United Nations Member State. It is an independent country under the rule of Aidid. We want an investigation. Why did that happen? Who allowed it to happen? Who gave the green light for that country to be attacked?

Then there is the former Yugoslavia. No country was as peaceful as Yugoslavia, constructed step by step and piece by piece after being destroyed by Hitler. We destroyed it, as if we were doing the same job as Hitler. Tito built that peaceful country step by step and brick by brick and then we arrived and broke it apart for imperialistic, personal interests. How can we be complacent about that? Why can we not be satisfied? If a peaceful country like Yugoslavia faced such a tragedy, the General Assembly should have an investigation and should decide who should be tried before the International Criminal Court.

Then we have the war in Iraq — the mother of all evils. The United Nations should also investigate that. The General Assembly, presided over by Mr Treki, should investigate that. The invasion of Iraq was a violation of the United Nations Charter. It was done without any justification by Super-powers with permanent seats on the Security Council. Iraq is an independent country and a member State of the General Assembly. How could those countries attack Iraq? As provided for in the Charter, the United Nations should have intervened and stopped the attack.

We spoke in the General Assembly and urged it to use the Charter to stop that attack. We were against the invasion of Kuwait, and the Arab countries fought Iraq alongside foreign countries in the name of the United Nations Charter.

In the first instance, the Charter was respected. The second time when we wanted to use the Charter to stop the war against Iraq, no one used it and that document was ignored. Why did that occur? Mr Treki and the General Assembly should investigate to determine whether there was any reason at all to invade Iraq. Because the reasons for that attack remain mysterious and ambiguous, and we might face the same destiny.

Why was Iraq invaded? The invasion itself was a serious violation of the United Nations Charter, and it was wrong. There was also a total massacre or genocide. More than 1.5 million Iraqis were killed. We want to bring the Iraqi file before the International Criminal Court (ICC), and we want those who committed mass murder against the Iraqi people to be tried.

It is easy for Charles Taylor to be tried, or for Bashir to be tried, or for Noriega to be tried. That is an easy job. Yes, but what about those who have committed mass murder against the Iraqis? They cannot be tried? They cannot go before the ICC? If the Court is unable to accommodate us, then we should not accept it. Either it is meant for all of us, large or small, or we should not accept it and should reject it.

Anyone who commits a war crime can be tried, but we are not livestock or animals like those that are slaughtered for the Eid. We have the right to live, and we are ready to fight and to defend ourselves. We have the right to live in dignity, under the sun and on earth; they have already tested us and we have withstood the test.

There are other things as well. Why is it that Iraqi prisoners of war can be sentenced to death? When Iraq was invaded and the President of Iraq was taken he was a prisoner of war. He should not have been tried; he should not have been hanged. When the war was over, he should have been released. We want to know why a prisoner of war should have been tried. Who sentenced the President of Iraq to death? Is there an answer to that question? We know the identity of the judge who tried him. As to who tied the noose around the President's neck on the day of sacrifice and hanged him, those people wore masks.

How could this have happened in a civilized world? These were prisoners of war of civilized countries under international law. How could Government ministers and a head of State be sentenced to death and hanged? Were those who tried them lawyers or members of a judicial system?

Do you know what people are saying? They are saying that the faces behind the masks were those of the President of the United States and the Prime Minister of the United Kingdom and that it was they who put the President of Iraq to death.

Why do the executioners not unmask their faces? Why do we not know their ranks? Why do we not know whether they were officers, judges, soldiers or doctors? How does it come about that the President of a State Member of the United Nations was sentenced to death and killed? We do not know the identity of the executioners. The United Nations is duty-bound to answer these questions: who carried out the death sentence? They must have legal status and official responsibilities; we should know their identities and we should know about the presence of a physician and the nature of all the legal proceedings. That would be true for an ordinary citizen, let alone for the President of a State Member of the United Nations who was put to death in that manner.

My third point on the Iraq war relates to Abu Ghraib. This was a disgrace to humankind. I know that the United States authorities will investigate this scandal, but the United Nations must not ignore it either. The General Assembly should investigate this matter. Prisoners of war held in Abu Ghraib prison were tortured; dogs were set on them; men were raped. This is unprecedented in the history of war. It was sodomy, and it was an unprecedented sin, never before committed by past aggressors or invaders. Prisoners of war are soldiers, but these were raped in prison by a State, a permanent member of the Security Council. This goes against civilization and humankind. We must not keep silent; we must know the facts. Even today, a quarter of a million Iraqi prisoners, men and women alike, remain in Abu Ghraib. They are being maltreated, persecuted and raped. There must be an investigation.

Turning to the war in Afghanistan, this too must be investigated. Why are we against the Taliban? Why are we against Afghanistan? Who are the Taliban? If the Taliban want a religious State, that is fine. Think of the Vatican. Does the Vatican pose a threat to us? No. It is a religious, very peaceful State. If the Taliban want to create an Islamic Emirate, who says that this makes them an enemy? Is anyone claiming that Bin Laden is of the Taliban or that he is Afghan? Is Bin Laden of the Taliban? No; he is not of the Taliban and he is not Afghan. Were the terrorists who hit New York City of the Taliban? Were they from Afghanistan? They were neither Taliban nor Afghan. Then, what was the reason for the wars in Iraq and in Afghanistan?

If I truly wanted to deceive my American and British friends, I would encourage them to send more troops and I would encourage them to persist in this bloodbath. But they will never succeed in Iraq or Afghanistan. Look what happened to them in Iraq, which is a desert. It is even worse in mountainous Afghanistan. If I wanted to deceive them I would tell them to continue the wars in Iraq and Afghanistan. But no, I want to save the citizens of the United States, the United Kingdom and other countries who are fighting in Iraq and

Afghanistan. So I tell them: leave Afghanistan to the Afghans; leave Iraq to the Iraqis. If they want to fight each other, they are free to do so.

America had its Civil War, and no one interfered in it. There were civil wars in Spain, China and countries all over the world — no place on Earth has been free of civil wars. Let there be a civil war in Iraq. If the Iraqis want to have a civil war and fight each other, that is fine. Who says that if the Taliban form a Government they would possess intercontinental missiles or the kind of airplanes that hit New York? Did those airplanes take off from Afghanistan or Iraq? No; they took off from American airports. So why is Afghanistan being struck? The terrorists were not Afghans or Taliban or Iraqis.

Why are we silent? We must never be war devils: anyone who does not speak the truth is a silent devil. We are committed to international peace and security. We do not wish to scorn or ridicule humankind. We want to save humanity.

As President of the General Assembly, Mr Ali Treki should open an investigation of the assassinations file — in addition to the war files. Who killed Patrice Lumumba, and why? We merely want to record it in the annals of African history; we want to know how an African leader, a liberator, came to be assassinated. Who killed him? We want our sons to be able to read the history of how Patrice Lumumba, the hero of Congo's liberation struggle, was assassinated. We want to know the facts, even 50 years on. That is one file that should be reopened.

And who killed Secretary-General Hammarskjöld? Who fired on his aeroplane in 1961, and why?

Then, there is the assassination of United States President Kennedy in 1963. We want to know who killed him and why. There was somebody called Lee Harvey Oswald, who was then killed by one Jack Ruby. Why did he kill him? Jack Ruby, an Israeli, killed Lee Harvey Oswald, who killed Kennedy. Why did this Israeli kill Kennedy's killer? Then Jack Ruby, the killer of the killer of Kennedy, died in mysterious circumstances before he could be tried. We must open the files. The whole world knows that Kennedy wanted to investigate the Israeli Dimona nuclear reactor. This involves international peace and security and weapons of mass destruction. That is why we should open this file.

Then there is the assassination of the reverend Martin Luther King, the black preacher and human rights activist. His assassination was a plot, and we should know why he was killed and who killed him.

Then Khalil Wazir, or Abu Jihad, a Palestinian, was attacked. He was living peacefully in Tunisia, a Member State, and that country's sovereignty was not respected. We cannot keep silent. Even though submarines and ships were detected along the coast of

Tunisia, where he was killed, no one was accused or tried. Abu Iyad was also killed, and we should know how he was killed. He was killed in ambiguous circumstances. In Operation Spring of Youth, Kamal Nasser, a poet, Kamal Adwan and Abu Youssef al Najjar, three Palestinians, were killed in Lebanon, a country that is a free, sovereign State member of the General Assembly. They were attacked and killed while sleeping peacefully. We should know who killed them, and he should be tried so that those crimes against humanity are not repeated.

We have already talked about the size of the force used in the invasion of Grenada — 7,000 troops, 15 battleships and dozens of bombers — and President Bishop was killed even though Grenada was a Member State. Those are crimes, and we cannot keep silent. Otherwise, we will look like sacrificial beasts. We are not animals. Year after year, we are attacked. We defend ourselves, our sons and our children, and we are not afraid. We have the right to live, and the Earth is not destined for violence, but for us all. We can never live on this Earth in such humiliation. So those are the wars.

The last file is that of the massacres. In the Sabra and Shatila massacre, 3,000 people were killed. That area, under the protection of the occupying Israeli army, was the site of a huge and calamitous massacre in which 3,000 Palestinian men, women and children were killed. How can we keep quiet? Lebanon is a sovereign State; a member of the General Assembly was occupied, Sabra and Shatila were under Israeli control, and then the massacre took place.

Then there was the 2008 massacre in Gaza. There were 1,000 women and 2,200 children among the victims killed in the massacre in Gaza in 2008. Sixty United Nations facilities and another 30 belonging to non-governmental organizations were damaged. Fifty clinics were destroyed. Forty doctors and nurses were killed while carrying out humanitarian activities. This took place in Gaza in December 2008.

The perpetrators are still alive, and they should be tried by the International Criminal Court (ICC). Should we try only the underdogs, the weak and the poor of third-world countries, and not important and protected figures? Under international law, they should all face trial for the consequences of the crimes that they have committed. Otherwise, the role of the ICC will never be recognized. If the decisions of the ICC are not respected or implemented, if the General Assembly and the Security Council mean nothing, and if the International Atomic Energy Agency serves only certain countries and organizations, then what is the United Nations? It would mean that the United Nations is nothing and is insignificant. Where is it? There is no United Nations.

Then, while piracy may be a phenomenon of the high seas, a form of terrorism, we talk about the piracy in Somalia. Somalis are not pirates. We are the pirates. We went there and usurped their economic zones, their fish and their wealth. Libya, India, Japan and America — any country in the world — we are all pirates. We all entered the territorial waters and economic zones of Somalia and stole. The Somalis are protecting their own fish, their sustenance. They have become pirates because they are defending their children's food. Now, we seek to address that matter in the wrong way. Should we send warships to Somalia? We should send warships to the pirates who have attacked and seized the economic zones and wealth of the Somalis and the food of their children.

I met the pirates, and I told them that I would negotiate an agreement between them and the international community that respects the 200-mile exclusive economic zone under the law of the sea, that protects all marine resources belonging to the Somali people, and that stops all countries from disposing of toxic waste along the Somali coast. In return, the Somalis would no longer attack ships. We will propose and draft such an international treaty and submit it to the General Assembly. That is the solution. The solution does not lie in sending more military ships to fight the Somalis. That is not the solution.

We are addressing the phenomena of piracy and terrorism in the wrong way. Today there is swine flu. Perhaps tomorrow there will be fish flu, because sometimes we produce viruses by controlling them. It is a commercial business. Capitalist companies produce viruses so that they can generate and sell vaccinations. That is very shameful and poor ethics. Vaccinations and medicine should not be sold. In *The Green Book*, I maintain that medicines should not be sold or subject to commercialization. Medicines should be free of charge and vaccinations given free to children, but capitalist companies produce the viruses and vaccinations and want to make a profit. Why are they not free of charge? We should give them free of charge, and not sell them. The entire world should strive to protect our people, create and manufacture vaccinations and give them free to children and women, and not profit by them. All those items are on the agenda of the General Assembly, which has only to exercise that duty.

The Ottawa Convention on Landmines forbids the production of landmines. That is wrong. Landmines are defensive weapons. If I place them along the border of my country and someone wants to invade me, they may be killed. That is all right, because they are invading me. The Convention should be reconsidered. I am not taking that defensive weapon to another country. The enemy is coming to me. On the Al-Qadhafi website, I call for that treaty to be modified or annulled. This treaty should be modified or annulled. I

want to use anti-personnel mines to defend my home against invasion. Eliminate weapons of mass destruction, not landmines, which are defensive weapons.

With regard to the Palestinian situation, the two-State solution is impossible; it is not practical. Currently, these two States completely overlap. Partition is doomed to failure. These two States are not neighbors; they are coextensive, in terms of both population and geography. A buffer zone cannot be created between the two States because there are half a million Israeli settlers in the West Bank and a million Arab Palestinians in the territory known as Israel.

The solution is therefore a democratic State without religious fanaticism or ethnicity. The generation of Sharon and Arafat is over. We need a new generation, in which everyone can live in peace. Look at Palestinian and Israeli youth; they both want peace and democracy, and they want to live under one State. This conflict poisons the world.

The White Book actually has the solution; I hold it here. The solution is Isratine. Arabs have no hostility or animosity towards Israel. We are cousins and of the same race. We want to live in peace. The refugees should go back.

You are the ones who brought the Holocaust upon the Jews. You, not we, are the ones who burned them. We gave them refuge. We gave them safe haven during the Roman era and the Arab reign in Andalusia and during the rule of Hitler. You are the ones who poisoned them; you are the ones who annihilated them. We provided them with protection. You expelled them. Let us see the truth. We are not hostile; we are not enemies of the Jews. And one day the Jews will need the Arabs. At that point, Arabs will be the ones to give them protection, to save them, as we have done in the past. Look at what everybody else did to the Jews. Hitler is an example. You are the ones who hate the Jews, not us.

In brief, Kashmir should be an independent State, neither Indian nor Pakistani. We must end that conflict. Kashmir should be a buffer State between India and Pakistan.

With regard to Darfur, I truly hope that the assistance provided by international organizations can be used for development projects, for agriculture, for industry and for irrigation. You are the ones who made it a crisis; you put it on the altar; you wanted to sacrifice Darfur so that you could interfere in its internal affairs.

You have turned the Hariri problem into a United Nations problem. You are selling Hariri's corpse. You just want to settle scores with Syria. Lebanon is an independent State; it has laws, courts, a judiciary and police. At this stage, it is no longer the perpetrators that are being sought; the real wish is to settle scores with Syria, not ensure justice for Hariri.



The cases of Khalil al-Wazir, Lumumba, Kennedy, and Hammarskjöld should also have been turned over to the United Nations, if the Hariri case merits such attention.

The General Assembly is now under the presidency of Libya. This is our right. Libya hopes that you will assist in making the transition from a world fraught with crises and tension to a world in which humanity, peace and tolerance prevail. I will personally follow up on this issue with the General Assembly, President Treki and the Secretary-General. It is not our habit to compromise when it comes to the destiny of humanity and the struggles of the third world and the 100 small nations, which should live in peace always.

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