

# BEYOND NETWORKS, MILITIAS AND TRIBES: RETHINKING EU COUNTER-SMUGGLING POLICY AND RESPONSE

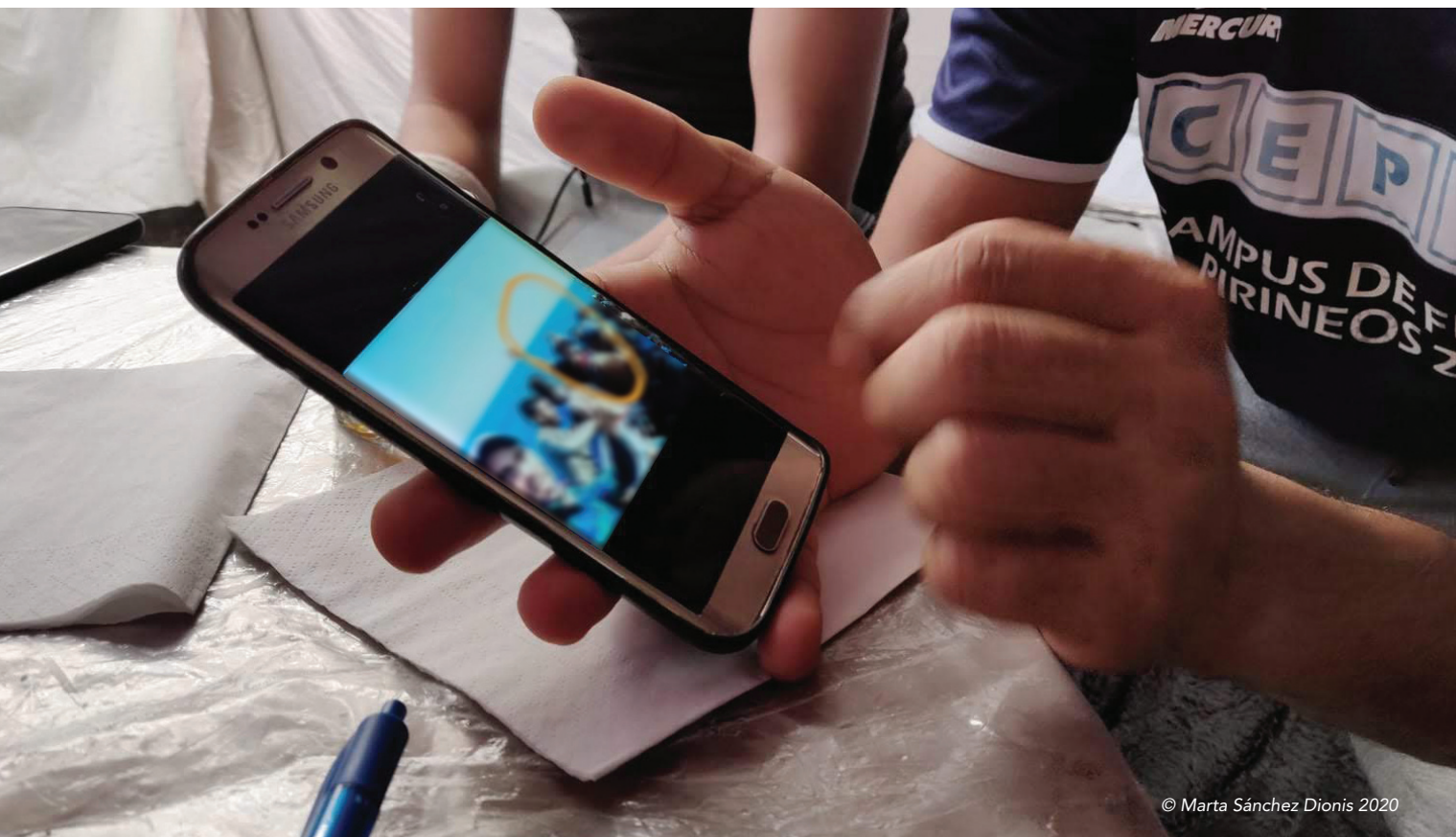
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**EuroMeSCo** is the main network of research centres and think tanks in the Euro-Mediterranean area. Founded in 1996, in the aftermath of the Barcelona Declaration, the network currently comprises 104 institutes from 29 European and Southern Mediterranean countries. In addition to fostering evidence-based and policy-oriented analysis on Euro-Mediterranean politics and policies through joint research programmes, its mission is to boost the role of think tanks and research institutes in policy-making and strengthening Euro-Mediterranean relations by providing a platform for dialogue between researchers from both shores of the Mediterranean, as well as between the members of the network and key stakeholders.

**EuroMesCo: Connecting the Dots** is a project co-funded by the European Union (EU) and the European Institute of the Mediterranean (IEMed) that is implemented in the framework of the EuroMeSCo network. It contributes to inclusive and evidence-based policy-making by fostering research and recommendations in relation with the European Neighbourhood Policy (ENP) South priorities, with focus on economic development, migration and security. The project develops a wide range of research, dialogue and dissemination activities.

As part of the project, five Joint Study Groups are assembled each year to carry out evidence-based and policy-oriented research. The topics of the study groups are defined through a process of policy consultations designed to identify policy-relevant themes related to the three priorities of the project. Each study group involves a Coordinator and a team of authors who work towards the publication of a Policy Study which is printed, disseminated through different channels and events, and accompanied by audio-visual materials.

## POLICY STUDY

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The **European Institute of the Mediterranean** (IEMed), founded in 1989, is a consortium comprising the Catalan Government, the Spanish Ministry of Foreign Affairs and Cooperation and Barcelona City Council. It incorporates civil society through its Board of Trustees and its Advisory Council formed by Mediterranean universities, companies, organisations and personalities of renowned prestige.

In accordance with the principles of the Euro-Mediterranean Partnership Process, and today with the objectives of the Union for the Mediterranean, the aim of the IEMed is to foster actions and projects which contribute to mutual understanding, exchange and cooperation between the different Mediterranean countries, societies and cultures as well as to promote the progressive construction of a space of peace and stability, shared prosperity and dialogue between cultures and civilisations in the Mediterranean.

Adopting a clear role as a think tank specialised in Mediterranean relations based on a multidisciplinary and networking approach, the IEMed encourages analysis, understanding and cooperation through the organisation of seminars, research projects, debates, conferences and publications, in addition to a broad cultural programme.



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The MPC has three core aims:

- **Advancing Academic Research and Knowledge:** It conducts theoretical and empirical research linking different types of migration, geographies, levels of policy-making and governance, and policy issues.
- **Policy Engagement and Dialogue:** It proactively engages with users of migration research to foster dialogue in Europe and globally about migration policy and governance while building links with other key global challenges and changes.
- **Training:** It provides advanced training for researchers, policy officials, civil society organisations and others dealing with migration issues in the form of executive training courses and its renown annual Migration Summer School.



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# Executive Summary

Countering migrant smuggling and its actors – described as the men behind the facilitation of migrants' irregular journeys – are important elements of the European Union (EU)'s migration and border control policy. Under the new Pact on Migration and Asylum, the EU has proposed to promote tailor-made and mutually beneficial partnerships with third countries specifically to address migrant smuggling. EU Home Affairs Commissioner Ylva Johansson has also promised a predictable and reliable migration management system that includes “stepping up the fight against human traffickers and smugglers”.

The EU has certainly taken important steps to counter irregular migration, including making considerable financial commitments to the fight against smugglers and their networks, to whom the journeys of irregular migrants into Europe are almost single-handedly attributed. Smugglers, characterised as inherently violent and exploitative, are also described as relying on a specific business model that generates incalculable earnings. Much has been written about how these profits, if unmonitored, can be funnelled by smugglers into other criminal enterprises like drug trafficking or weapons smuggling, but also into the more nefarious practices of sex trafficking or terrorism.

Within this context, smugglers are also said to exploit an ever-growing number of naïve and desperate victims, primarily young men from sub-Saharan Africa who, driven solely by the power of social media and the iconography portraying European soil as a dreamed destination, do not think twice about embarking on dangerous journeys across vast deserts and seas. At high level policy events and academic exchanges, participants often cite examples of young men who, tricked by Facebook and Instagram posts, arrive in Europe after enduring harrowing experiences only to find themselves in even more desperate situations of homelessness and deprivation, having believed the lies and false promises of smugglers, friends and family members posted online. Migrant women, on the other hand, tend to be described as young sex slaves or prostitutes, victims of the depravity of sexually-predatory smugglers who do not hesitate to exploit them for profit in cities across North Africa and Europe.

Migrants do face violence and intimidation at the hands of smugglers. These experiences have been documented at length in a vast number of reports targeting European audiences. Kidnapping, extortion, and physical and sexual assault are undeniable and troubling realities on the migration pathway, and migrants do experience them often at the hands of smugglers. Women, girls, and lesbian, gay, bisexual, transgender, intersex and questioning migrants are also more vulnerable to specific forms of sexual and gender-based violence (SGBV), which are often compounded by racism and other forms of discrimination – this does not preclude the fact that SGBV against migrant men is also common on the migrant trail.



This policy study, developed by a team of migration scholars based in EU research institutions, argues that while these general notions have guided the mainstream, collective understanding of migrant smuggling, they do in fact pose several and serious limitations that, if not considered closely, can lead to faulty conclusions and inadequate policy responses. Echoing other studies, this report shows that irregular migration and counter-smuggling policy are often based on limited empirical data, drawn from similar if not identical stakeholders, and developed by a reduced and identifiable core of researchers (most of them, European and/or Europe-based). While this body of work has to a large extent expanded the understanding of smuggling, it has simultaneously privileged Euro-centric perspectives and law enforcement priorities at the expense of silencing the experiences (other than those involving victimisation and abuse) of the very people who rely on smugglers for their journeys. Chapter one examines how research has shown that while in most law enforcement, policy and academic circles the facilitation of irregular migration for profit is articulated as a crime, for most migrants the people behind their journeys merely facilitate a service of mobility, which may be in some instances illicit but not criminal, rooted in the lack of accessible, affordable, legal and safe paths for migration. These actors, commonly depicted in academic publications and research reports as heinously violent and predatory members of tribes or other ethnic and racialised groups, are quite often valued and well-respected people in communities across North Africa and the Sahel, trusted for the efficiency of their mobility, trade and transportation services. Known or depicted as smugglers in policy reports, these facilitators are quite often ordinary men and women, recognised for their contributions to the local economy, including the provision of mobility solutions for young and adult migrants unable to secure the protections afforded by passports or visas.

The study also showcases how, contrary to smuggling's depiction as a domain of adult men organised into criminal networks, the facilitation of irregular migration often takes place as a community-based enterprise, where local groups – often comprising extended families, women, children and elderly people – play critical roles in the facilitation of migrants' journeys, sharing and reincorporating profits to the local economy. As shown throughout this study, the provision of smuggling services is an important source of income for women, who are often engaged in the provision of room and board, the care for injured or hurt migrants, running flats within ghettos, and in some instances transporting migrants across borders. The study shows that when seen from a local, micro-level perspective, the provision of smuggling services is perceived as a viable source of income, especially among marginalised groups – tribal communities in remote regions, women, migrants in transit and/or stranded, migrant children and youths travelling unaccompanied. Simultaneously, examples from Algeria, Morocco, Tunisia and Niger included in this study highlight the impact of attempts to counter the activities of smugglers, not only on those who directly or indirectly benefit financially from migrants' journeys, but on migrants themselves.

Efforts to counter smuggling by both the EU and third countries – for example, the monitoring of social media pages by EU law enforcement bodies, the

introduction of a migrant smuggling statute in national criminal law as in the case of Niger, or the designation of irregular departures in Tunisia, Algeria and Morocco as criminal – often have either ineffective or counterproductive effects. Chapter two showcases how social media data-mining efforts by EU law enforcement appear to have scant impact on the operation of migrant smuggling groups yet raise concerns over institutional transparency and migrants' right to privacy. In the case of Niger, chapter three shows how the introduction of the counter-smuggling statute pushed the long-standing local economy of mobility and trade underground, depriving of income sources not only those directly involved in the facilitation of migrants' journeys but those who benefited from the presence of people in transit – particularly women, children and youths who generated an income from the sale of food, equipment or accommodation, and whose presence is often disregarded in smuggling analyses and policy recommendations. Chapter four showcases how across Tunisia, Algeria and Morocco, apprehension and conviction for irregular departure – often punished through hefty fines – further compound the debt and precarity of young men and their families, and reinforce the desire or need to migrate, often with devastating consequences. Chapter four also provides important evidence that, in these three countries, groups of friends and family members – rather than smuggling groups – are behind the organisation of their own irregular journeys, pulling together their own resources and knowledge.

## Recommendations

The EU's stated commitment to counter the negative impacts of migrant smuggling activities constitutes an opportunity to rethink the traditional approaches to smuggling, and to re-energise a body of research that has been vastly dominated by Euro-centric perspectives and foci.

- **Improved knowledge and understanding of smuggling can only come from radical changes to the way research is created and data analysed.** This involves expanding the web of informants and stakeholders but also diversifying the body of researchers and research entities traditionally tasked with conducting smuggling research. Efforts to incorporate junior, female, Global South researchers and consultants and to expand perspectives through the recruitment of a wider net of informants through alternative and innovative research methods are urgently needed.
- Most analyses on smuggling and counter-smuggling policy efforts are devoid of references to the way race, class and gender shape the experiences of both migrants and those who facilitate their journeys. To this one must add the systematic racism and discrimination sub-Saharan and other racialised migrants face and which shape their interactions with migration authorities and their overall experiences of migration. Furthermore, the experiences of women (both as migrants and as facilitators of their journeys) continue to be underexplored. **Policy responses must take into consideration how migrants and those behind their journeys experience enforcement and controls.**

- Efforts to access data revealed a deeply entrenched culture of secrecy in EU enforcement bodies dedicated to counter-smuggling work. Interviews were often denied, requests for access went unanswered despite multiple official requests, and access to data was often limited. **Mechanisms that allow rapid and transparent access to data in a fashion that does not compromise the nature of investigations are key to improving smuggling and counter-smuggling analysis and policy development.** The creation of an open access database including information concerning smuggling investigations and case law would be a welcome step towards transparency.
- Along these lines, it is critical to **ensure that any counter-smuggling effort relying on social media data-mining is in line with European law and that it protects the rule of law and human rights of migrants and asylum seekers.**
- If the EU is indeed committed to dismantling exploitative smuggling operations and their actors, **equal access to safe, legal and orderly paths to migration in line with the Migration Compact must be implemented.** The demand for smuggling services does not emerge in a vacuum. Instead, it is rooted in the lack of access to mechanisms allowing for safe transit.

# Introduction

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Amid the end of Operation Sophia, the announcement of a new migration package together with a new Security Union Strategy, and the release of the Roadmap to the European Union (EU) Action Plan against migrant smuggling (2021-2025) – all in the context of the COVID-19 pandemic – there is momentum to reflect critically on the actions and instruments the EU has deployed to counter migrant smuggling in the Mediterranean and beyond, and to propose what should be done differently under the forthcoming term.

This is the goal of this policy study. It acknowledges that EU's counter-smuggling strategy has been an essential component of EU migration management discourse, policy and response, often being showcased as a sign of the strong collaborative ties between the EU and countries in North Africa and the Sahel. It also identifies a series of challenges. The counter-smuggling strategy's strong focus on the Libyan case has left smuggling dynamics in other regions virtually unexamined. The lack of inputs from third countries; the criminalisation under the migrant smuggling rubric of long-standing transportation and trade practices – in the process disturbing local, tribal economies – the reliance on migrant returns, incarceration and detention practices, combined with the high death rate in the Mediterranean, all have raised questions over the strategy's effectiveness. Furthermore, the focus on dismantling smuggling operations has also been criticised for the way it deflects attention from the reason at the core of the demand for smuggling services – the reduced availability of safe, orderly and regular paths for migration as outlined in the Global Compact for Migration.

The policy study examines EU counter-smuggling programmes and strategies, documenting and improving the understanding of their impacts not only in North Africa and the Sahel, but in EU policy and law enforcement circles. Relying on field-based research and other empirical sources, it also provides evidence-based understandings of the dynamics present in the facilitation of irregular migration (including those shaped or impacted by the COVID-19 emergency) and the current challenges faced by migrants in transit and in need.

The study is divided into four chapters. Chapter one identifies policy-makers' understanding of migrant smuggling and its implications in light of the forthcoming EU migration package. Chapter two examines the use of social media by law enforcement in counter-smuggling operations and its ethical implications. Chapter three identifies the impacts of counter-smuggling activities in Niger, and the ways they have impacted the lives of migrant transporters and other merchants – in particular, women – who benefited from the presence of migrants. The fourth and closing chapter examines how irregular departures from Tunisia, Algeria and Morocco have been organised over the last year in spite of the pandemic, and the implications of the facilitation of irregular migration for migrants. Furthermore, the study provides a series of recommendations related to research development, the urgent need to diversify the makeup of migration researchers and their informants, the concerning veil of secrecy over counter-smuggling activities, and the demand for responses that address the reason at the core for the demand of smuggling services: the lack of equally accessible, safe, legal and orderly channels for migration.

# Revisiting the Counter-Smuggling Approach

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## Introduction

This chapter examines how European Union (EU) policy-makers engage with the concept of migrant smuggling and how this in turn shapes policy conversations and decision-making. It identifies four specific elements or notions which are often mobilised to speak about and frame migrant smuggling in counter-smuggling policy: the concept of network, the gendering of the smuggler as male, the smuggling business model and the privileging of law enforcement perspectives. These elements, despite being cited constantly, have scant evidence supporting them. Their use in the security and migration discourse reflects significant inconsistencies in knowledge and data, and serious cognitive biases. Policy – often trying to reconcile EU perspectives with “national level” priorities and their specific contexts – is therefore likely to articulate or propose responses to counter migrant smuggling that are not in line with the conditions on the ground, further muddling an already complex conceptual and policy field. The chapter ends with a series of recommendations on how to address these gaps and to strengthen the creation of evidence-based knowledge and policy concerning migrant smuggling.

## What do we talk about when we talk about migrant smuggling?

Migrant smuggling involves the facilitation for profit of the entry of a person

into a country other than his or her own without authorisation. In the context of the so-called European refugee crisis of 2015 and given the large number of arrivals to the EU of people seeking protection, migrant smuggling – a topic extensively explored in the early 2000s by criminology scholars, particularly in the case of irregular journeys bound for Italy – acquired renewed relevance, and policy-makers signalled their interest in understanding its actors and dynamics. This translated into the production of a large body of publications concerning migrant smuggling, not to mention into funding by the EU of a vast number of initiatives in third countries to counter irregular migration by tackling smuggling. Third countries themselves, in an attempt to be perceived as supportive EU partners, but also to advance their own migration and border enforcement policy (see Sanchez et al., this report), have also become heavily engaged in activities that aim to dismantle the so-called “business model” of migrant smuggling. This has typically involved adopting border and immigration control initiatives to counter the operations of smugglers through the containment of irregular migration, most notably across North Africa and the Sahel.

While references to migrant smuggling are commonplace in EU migration-related policy initiatives and communications (Fakhry, this report), there is still a quite limited understanding of what the practice actually entails. Policy-makers across EU entities still struggle with its basic definition and often conflate it with human trafficking.<sup>1</sup> Along these lines,

<sup>1</sup> Human trafficking is an act involving the recruitment, transportation, transfer, harbouring or receipt of persons through the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of a victim. It is carried out for the purpose of exploitation, which includes sexual exploitation, forced labour, slavery or similar practices and the removal of organs. Retrieved from <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

it is not unusual to find communications that refer to smugglers as traffickers and vice-versa, adding to the conceptual clutter.<sup>2</sup> It is also common to come across references to cases in which search and rescue efforts carried out by civil society and individuals have been designated as smuggling in courts of law, in a fashion that contradicts the spirit of the United Nations Office on Drugs and Crime (UNODC) Protocol against the Smuggling of Migrants, which calls for the non-criminalisation of humanitarian assistance (UNODC, 2000; Carrera et al., 2018).

It is true that in practice the difference between migrant smuggling and human trafficking is hard to draw (GAATW, 2011; Aziz et al., 2015). Many migrants who consensually enter into a migrant smuggling agreement may suddenly find themselves under coercion, facing conditions of forced manual or even sexual labour, or other forms of abuse. Many trafficking victims may also be able to negotiate arrangements with smugglers for the purpose of advancing their journeys (Kook, 2018). However, references to smuggling and trafficking, rather than showcasing these nuances, often suggest an absence of conceptual and empirical clarity. The challenge therefore becomes one of deciding how to prevent these limitations from continuing to trickle down into policy development, leading to the articulation or implementation of solutions that do not match the phenomenon or the dynamics on the ground.

There is also a tendency to understand or frame migrant smuggling on the

basis of quite specific contexts or dynamics – a specificity often driven by geopolitical priorities. In other words, despite often recognising the need for contextual analysis and tailored recommendations that unearth or identify unique circumstances, policy-makers simultaneously call for country-wide approaches to smuggling that can be implemented or even replicated across countries (Fakhry, this report). This results in specific contexts or experiences being used to explain or address others, despite their potential for detrimental, damaging effects.

This form of engaging with smuggling dynamics is perhaps best exemplified in the case of Libya. Following the spike in EU arrivals of 2015, Libya became the paradigmatic case of smuggling in the Mediterranean, its long history as a migrant smuggling hub (see Pastore et al., 2006; Hamood, 2006) often dismissed. The demand for research products to understand the arrival and departure of migrants to and from Libya and the rush to satisfy it left virtually all other smuggling contexts in the Mediterranean under or unexamined. It is true that the focus on Libya was the result of its role as the main point of departure for EU irregular arrivals. But recent developments in migration dynamics in Tunisia, Algeria and Morocco to the EU (especially in the context of the pandemic) have begun to show the implications of the hyper-focus on Libya, as knowledge on smuggling and its dynamics in these three countries is scant at best (see Sanchez et al., this

The difference between migrant smuggling and human trafficking is hard to draw

<sup>2</sup> See, for example, UN Security Council 2019: *Letter Dated 6 August 2019 from the panel of experts established pursuant to resolution 2374 (2017) on Mali addressed to the president of the Security Council*, where the panel of experts reads: "Human traffickers [is] a term covering both trafficking in persons and the smuggling of migrants" (p. 33).



report), and the generalisations that can be derived from the Libyan case are limited. Even in the case of Libya itself, the focus on mapping country-wide smuggling dynamics, rather than local specificities, has generated simplistic knowledge and short-lived solutions (Al-Arabi, 2018). In short, the narrow focus on Libya resulted in a significant data and analysis gap concerning other corridors of critical importance to the EU's migrant smuggling response, to the point that researchers and analysts are struggling to identify and document current developments in a manner that leads to solid and effective analysis and policy-making.

In sum, while ever-present in the EU's discourse and policy, the notion of smuggling is often misunderstood and misapplied. When deployed, it focuses on specific contexts, often too narrowly. While Libya is indeed a critical element of the EU's war against smuggling, it is far from the only case. The employment and focus on its dynamics alone has led to smuggling dynamics identified and policy responses – often based on limited evidence – to guide what is a rather partial conversation on smuggling in the Mediterranean.

## How do we “know” smuggling?

Along with the definitional challenges and the almost single-handed focus on the Libya case, the issue of data is another important challenge in understanding smuggling dynamics and the development of counter-smuggling policy. There are indeed many publications on migrant smuggling in the larger context of the EU-Africa relationship, derived from research and

analysis carried out primarily in the context of the so-called refugee crisis and its aftermath. Just as an example, a recent International Organization for Migration (IOM) report mapping mixed migration research and collaborative initiatives in North and West Africa between 2015 and 2019 identified a total of 191 reports and articles (2020). Written by organisations ranging from think tanks to international non-governmental organizations to intergovernmental entities like UNODC and IOM and EU bodies, 34 of the reports specifically focused on the topic of smuggling and trafficking; over 90 delved into the dynamics in Libya and/or the Sahel. Another 40 examined violence and abuse related to smuggling, while an additional 41 examined trends and routes – including those involving irregular travel and/or with the support of smugglers. At first sight, the numbers could suggest that there is significant data on migrant smuggling generated in these last five years through the work of international bodies and consultants, assembled into vast databases documenting displacement and mobility. However, a closer look at the studies, their sources and content reveals important trends. Most reports on smuggling are authored by similar if not identical bodies, relying on a consistent group of authors (most of them European). Reports also tend to cite each other and reflect an overreliance on the same informants and sources. Most reports tend to recycle or reproduce already available data that reveals a clear Eurocentric focus, reflective of the concerns and interests of the researchers' target audience – European policy-makers (Triandafyllidou & Ricard Guay, 2019). In short, the data contains almost identical perspectives and/or expe-

riences, in part because it has systematically relied on the same stakeholders who have simultaneously based their analyses on similar sources and documents.<sup>3</sup>

The absence of the perspectives of third country actors outside of those assigned to government agencies or bodies in line with EU perspectives is also quite notorious. With counted exceptions, there is a clear preference to identify and describe smuggling along the lines of EU Law Enforcement Agencies (LEAs), or to favour/privilege EU rather than third country understandings and approaches to smuggling and its control (Baird & van Liempt, 2016). A clear example of this gap includes the lack of data from the facilitators of migrants' journeys themselves, which figure prominently in the conversations of third country actors, which recognise smugglers as important facilitators of mobility in their communities, rather than as criminals (Achilli, 2018; Ayalew, 2018; Brachet, 2018). With the exception of the work of the Mixed Migration Centre – which has been surveying smuggling and migration facilitators along migration corridors in Africa – and a planned joint study by UNODC, the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Children's Fund, and IOM on gender and smuggling in Libya, that seeks to collect data on local smuggling dynamics, the perspectives of those behind migrants' journeys are virtually absent (Baird & van Liempt, 2016; Zhang et al., 2018). Instead, smugglers are often depicted in rather gendered, racialised ways. They are as-

sumed to be men, tend to be described as inherently violent, as showing a preternatural inclination to engage in sexual violence, and as financially rapacious (Sanchez, 2018). The emphasis on their ethnic identities further sets them apart from European lifestyles or modes of governance, affirming them as different, even primitive or backward (Bland, 2020; Sharma, 2020). This is quite visible in the case of Libya, where there has been a tendency to describe violent smuggling acts in association with references to the smugglers' tribal affiliations. This does not mean to suggest that smugglers do not pertain to specific groups or tribes but rather that smuggling-related violence is often depicted as inherent or natural to their nature as such.

Despite the limited amount of knowledge and data on smuggling, academics and policy-makers have noticed hesitation on the part of EU officials to rely on, further build or expand the evidence base on smuggling (Perkowski & Squire, 2019; Alagna 2020). As Dimitriadi's chapter in this study shows, agencies are reluctant to share information or to communicate data outside of official channels or authorised/vetted stakeholders. Obtaining interviews with law enforcement officials involved in counter-smuggling initiatives for this project proved difficult in some cases and impossible in others. Researchers were asked to follow specific guidelines, yet their fulfilment did not necessarily lead to either interviews or data (at the time this report goes into print, our researchers are still waiting for replies to requests filed in the summer of 2020). Claiming this reluctance

<sup>3</sup> The Research and Evidence Facility for the Sahel and Chad of the EU Emergency Trust for Africa, for example, has relied on the same four research entities for the development of the nine research reports listed on their webpage. See [https://ec.europa.eu/trustfundforafrica/content/research-facility-sahel-and-lake-chad\\_en](https://ec.europa.eu/trustfundforafrica/content/research-facility-sahel-and-lake-chad_en)

is related to concerns related to security and confidentiality or to the politicised nature of the topic is also problematic, as the researchers were not seeking secret or sensitive data but rather to gain an improved understanding of data collection and analyses processes (in this case, the role of social media in counter-smuggling activities). The reluctance of some bodies to engage with researchers suggests the existence of not only a culture of secrecy (see Dimitriadi, this report) but the tendency of some EU bodies to control the access to information and its dissemination (Lixi, 2019; Hartwig, 2020).

## What do policy-makers mean when talking about migrant smuggling?

Policy-makers' views of migration dynamics (including migrant smuggling) shape the possibilities and limitations of migration regulations and policy (Lixi, 2019). Simultaneously, governance systems play a definite role in the way policy-makers see and tackle challenges (Geddes & Lixi, 2018). While migration policy-makers and migration analysts describe smuggling as posing significant challenges to migration governance systems and to EU security, there is limited insight into how they understand smuggling. This section identifies a set of four concepts/paradigms common to the way smuggling and counter-smuggling are spoken about in policy circles: the concept of network; the (gendered) persona of the smuggler; the smuggling business model; and the privileging of law enforcement perspectives. Some elements of this analysis have been discussed or identified previously by other researchers – the important

work of Salt and Stain on characterising the facilitation of irregular migration as a business (1997), Koser's analysis on the smuggling business model (2011), and the more recent critique by Baird and van Liempt concerning the production of knowledge in migrant smuggling (2016) come to mind. Here they are brought together to show the way in which they are employed/mobilised in the smuggling and counter-smuggling discourse, and how they are insufficient at explaining the extent to which smuggling operates.

## The concept of network

A quick examination of any EU document on smuggling reveals the widespread use of the term network to convey a sense of smuggling presenting a complex and well-defined structure – or as set up in a “vibrant and organised” fashion (REF, 2020, p. 17). The EU Action Plan against Smuggling for example, refers to smuggling as set up in the form of “ruthless criminal networks [...] that make substantial gains while putting migrants' lives at risk” (EC, 2015). Language from the EU Emergency Trust Fund for Africa (EUTF) also argues that smuggling is constituted into transnationally-operating entities that the EU, the African Union, international organisations, member states and third countries must fight collectively (2020). Publications from the International Criminal Police Organization (INTERPOL), the European Border and Coast Guard Agency (Frontex) and the European Union Agency for Law Enforcement Cooperation (Europol) cited here have almost invariably claimed smuggling is organised into vast networks of transnational influence and reach.

There are several implications with the use of the term network, the first one

While migration policy-makers and migration analysts describe smuggling as posing significant challenges to migration governance systems and to EU security, there is limited insight into how they understand smuggling

tied to the way it is defined and used. As Campana shows (2016), while there has been a tendency to speak about smuggling as a network, the concept “is very limiting and often hard to reconcile with real-world manifestations of criminal endeavours” (Campana, 2016, p. 3). There is in fact vast evidence that the facilitation of irregular migration involves multiple actors and configurations – from hierarchically-organised groups to migrants and asylum seekers operating independently on behalf of other migrants to migrants guiding/organising their own journeys (Achilli, 2018; Maher, 2018; Richter, 2019; Sanchez et al., this report). Campana (2016) has also shown through analyses on smuggling that networks as depicted in law enforcement communications (structured, hierarchical, centralised transnational groups) are not the ideal mechanism for smuggling operations of the kind present in the Mediterranean to succeed.

Here it is not suggested that policy-makers or law enforcement officials are unaware of the existence of other organisational structures or arrangements in the facilitation of migrant smuggling. Europol’s February 2016 report on smuggling makes reference to “freelancers” working in smuggling, and the 2018 *UNODC Global Report on Migrant Smuggling* also acknowledges the diversity of organisational strategies in the facilitation of irregular migration, dividing them into hierarchical, network-like, mixed groups, and individuals (UNODC, 2018, p. 8). What this chapter suggests is that the overreliance on the term network – despite the multiplicity of actors and structures present in smuggling – oversimplifies smuggling’s dynamics, and creates the illusion that there is a specific, tangible, organised target or

enemy to fight. By extension, this facilitates the introduction of other concepts that go in line with this network narrative, like the kind related to profits. Seen solely as networks, it is easier to communicate the notion that migrant smuggling groups together generate massive financial returns. A 2019 infographic from Europol claims smugglers generated 190 million euros, although it does not indicate over what term (Europol, 2019); UNODC’s 2018 smuggling report calculates that the estimated value of the smuggling enterprise along the three main Mediterranean routes into Europe annually generate between 320 and 550 million dollars (UNODC, 2018, p. 20). Bundled together, numbers can effectively “convey an aura of objective truth and scientific authority despite the extensive interpretive work that goes into their construction” (Merry, 2016, p. 1).

Furthermore, speaking about smuggling as networks also makes it easier to allege interactions occur between them and other criminal actors of concern to the EU. The alleged smuggling-terrorism connection figures prominently among the concerns of researchers and policy analysts, who frequently claim terrorist organisations may be generating funds through their engagement in migrant smuggling and/or that terrorists may be using migrant smuggling organisations to travel into the EU to carry out their aspirations (Dokos, 2019; Aereens, 2016; GITNOC, 2015). The Europol-INTERPOL 2016 *Report on Migrant Smuggling Networks*, for example, while admitting that a systematic link between terrorism and migrant smuggling has not been proven, claims that “foreign terrorist fighters may use migratory flows to (re)enter the EU” (2016, p. 4).

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While examples of criminal convergence (that is, the coming together of different criminal markets) are quite frequent in the conversations of policy-makers and often cited as a growing global security concern, they are not supported by the empirical literature (Andreas, 2021; Achilli & Tinti, 2019). In the specific case of smuggling, there is in fact no evidence pointing to terrorist organisations seeking to engage in the transportation of migrants when their goals, ideological in nature, rely on their ability to enlist followers (Achilli & Tinti, 2019; Achilli & Abu Samra, 2019; Procter, 2021). Migrants in transit are typically people who are seeking to move and travel, and not join ideological quests (Fan, 2007). The evidence available further indicates that people engaged in terrorist activities are neither forced nor must travel clandestinely, but by virtue of being citizens or permanent residents of countries within the EU, have access to legal travel mechanisms (Fan, 2007; Saux, 2007).

Furthermore, the very nature of terrorism requires, if not demands, that the activities of their members remain as covert and unknown to outsiders as possible. The involvement of terrorist groups, even if peripheral in migrant smuggling, would divert significant time and energy from ideological causes into the logistical difficulties related to transporting people whose very presence could ultimately compromise a potential operation, for their loyalty – or discretion – cannot be easily guaranteed. Migrants maintain constant communication with friends and family members to remain safe by reporting their whereabouts but also to report the smuggler should any abuse arise (Achilli, 2018; Ayalew, 2018). Furthermore, it is hard to believe that a person with a clear, predetermined aspiration

to carry out a terrorist activity would opt to travel through mechanisms that are not exactly characterised as reliable or expedited forms to reach a destination. The October 2020 case of a Tunisian migrant who attacked and killed three people inside a church, while initially raising concerns about its potential terrorist ties, has not yielded information suggesting the perpetrator entered Europe for the sole purpose of engaging in what was ultimately designated by the French government a terrorist act.

### **The gendered persona of the smuggler**

The EU policy discourse has historically conceptualised smugglers as men. To a lesser but also important degree, these men have also often been racialised as non-European, identified as organised into ethnic networks. References to smugglers presenting a specific tribal affiliation, ethnic background or nationality or pertaining to a specific racial group are common in law enforcement accounts of smuggling activity (see, for example, Europol & INTERPOL, 2016) but also in policy circles. Said references reaffirm smugglers as male and foreign, and their practices as falling outside of what are considered European traditions or culture – for example, through statements that establish them as violent on the basis of their origin (Bland, 2020). A report for the European Commission's Directorate-General for Migration and Home Affairs quotes the Maltese Security Service arguing that some migrant smuggling organisations are more professionally organised than others by virtue of "being foreigners" (2015, p. 51).

Despite the androcentric characterisation of smuggling, women have been

active if not always visible participants in the market. Their participation and roles are far from a recent or new development, and they should not be labelled as evidence of a female “take over” of the smuggling market. Research by scholars like Moussaoui, Souiah and Richter attest to the way in which, historically across North Africa, what eventually became known as smuggling and contraband has relied on tasks performed by both men and women, who perform them to earn a living, supplement their income from other sources (licit or illicit), “playing on the increasingly strong demand [...] for [goods and services] that cannot be found outside the informal circuits or at prices accessible to the majority of the population” (Moussaoui, 2015, p. 121). Women work administering flats across towns in Morocco and Algeria for migrants in transit (Arrouche, forthcoming; Richter, 2019). Sporadic detentions of local women attempting to cross migrants into Tunisia on the Libya border have generated concern among civil society of the involvement of women in more visible smuggling roles (Sanchez, 2020). Zandonini (2019) has also shown how the introduction of the counter-smuggling law in 2015 in Niger had gendered implications, eliminating jobs for men, but also for the women who worked in the vast market of services developed to support migrants’ journeys.

While these examples show migrant smuggling has to be further examined through the lens of gender, research has also documented the community-based nature of trans-border forms of trade. Across North Africa and the Sahel, activities like the facilitation of migration tend to be collective tasks, not merely restricted to isolated actors or groups, but performed by men,

women, children and the elderly, for the wellbeing and livelihood of their extended households (see Niger-Thomas, 2001; Moussaoui, 2015; Sanchez, 2020). The framing of smuggling as male does not merely make the presence of women, children or the elderly invisible but also obscures the ways in which policy and practice impact their lives.

And yet, despite smuggling’s focus on the persona of the male smuggler, it is surprising that EU-funded initiatives have often turned to women as part of harm-reduction efforts implemented following the introduction of mechanisms to disrupt the provision of activities considered smuggling, as in the case of Niger. As Fakhry examines in her chapter of this study, EU-funded projects in the context of the EUTF like *Plan d’Actions à Impact Economique Rapide à Agadez* (PAIERA) sought to provide financial support for “people who benefit directly and indirectly from the economic benefits linked to the smuggling of migrants, especially young people and women in the Agadez region” (EUTF, 2017) that could foster the creation of small businesses in the aftermath of the introduction of counter-smuggling initiatives. According to a journalistic investigation, two years after PAIERA’s launch, only 371 of the 6,550 smuggling actors registered had received funds (about 2,300 euros each) to start new activities (Zandonini, 2019). It is not known how many of these beneficiaries were women.

Initiatives of this kind often impose additional responsibilities upon women, who are expected to generate income that substitutes that of men, introducing solutions without having a clear understanding of what women’s contexts or needs are, or of the ways in

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which expecting them to assume specific financial responsibilities may further the gender-based inequalities they already face. The inclusion of initiatives of this kind further – and rather simplistically – assumes that the mere introduction of financial solutions is likely to restore the disruption to long-standing forms of survival caused by enforcement activities.

### The smuggling business model

Almost every single document concerning EU migrant smuggling policy includes or makes reference to a “smuggling business model”, which needs to be dismantled to curtail the ability of smuggling networks to facilitate the journeys of migrants (EC, 2015, p. 7). The notion of the business model is in part derived from the critical piece from Salt and Stein, who suggested that the migration business was “a system of institutionalised networks with complex profit and loss accounts, including a set of institutions, agents and individuals each of which stands to make a commercial gain” (1997). The business model notion has also been used to describe smuggling as a “transnational service industry” (Gammeltoft-Hansen & Nyberg Sørensen, 2013) of vast profits.

There is no shortage of references to the model’s characteristics. A 2017 study prepared for the European Commission’s Directorate-General for Migration and Home Affairs describes “the business model [as] network based, forming active hubs where the intensity of smuggling activities is greatest” (2017, p. 6). Other documents make reference to the model’s profitability (Collet, 2015); to the way smugglers build their business around the needs arising from people’s aspirations

(UNODC, 2018); to its reliance on the facilitation of document fraud and financial crime (EMSC, 2019), and even as in itself constituting a life-threatening criminal model (Europol, 2020). Much less is known about how the model is to be tackled, other than frequent references to the ways in which law enforcement should “follow the money” – or as the European Commission has put it, pursuing “proactive financial investigations and effective asset recovery operations” (2015).

The broadness of what constitutes the model is often counterproductive, to the point that it prevents a definition of what the model actually is or stands for (Brachet, 2018), other than involving a demand-and-supply logic fuelled by migrants’ desperation and smugglers’ greed – a logic in fact not restricted to smuggling.

What the notion of model often fails to account for is the fact that a significant proportion of irregular migration is self-facilitated, and cannot solely be traced to smugglers or their groups – recent research in Tunisia and Algeria for example suggests that many families organise their own journeys independently, without the help of smugglers or any other kind of facilitators (see Sanchez et al., this report). The focus on models further obscures the fact that smuggling activities are often community-based operations seeking to support the journeys of their members, rather than profits. While smugglers who facilitate migrant journeys for a living do seek to generate financial returns, these profits vary widely given the precarious conditions faced by many migrants, who in fact often enter into agreements with smugglers in order to work off their fees – this is often the

case of young people and children travelling unaccompanied (IOM, 2016), or of men and women who forge personal, close and intimate relationships with other people along the journey to improve their conditions and at times their ability to move further (Migrating out of Poverty, 2019). Furthermore, even in the cases of for-profit smugglers, most of their returns are immediately recirculated into their communities, often to cover their own household's basic needs (Al-Arabi, 2018; Sanchez, 2020) rather than funding external interests or networks. If at all, the oft-cited business model of smuggling rather constitutes the mechanism developed by people who have been historically marginalised to support the facilitation of mobility along corridors where this is limited or restricted, and who benefit financially and in kind from the provision of their services. The increasing criminalisation of their labour through the introduction of legislation that designates it as smuggling has in turn reshaped understanding of mobility, transportation and support, often leading to abusive and violent exchanges.

### **The privileging of law enforcement and criminological approaches**

While scholars and policy-makers can tackle the facilitation of irregular migration in multiple ways, the criminological, law enforcement approach has been the most dominant (Baird & van Liempt, 2016; van Liempt & Sersli, 2013). This has in turn and not unexpectedly led to the development of policies and practices that support a law enforcement response to what is depicted as the domain of extended criminal networks and their facilitators. The focus on networks as the only structures present in smuggling

makes it easier to communicate and justify the vast demand for resources to contain a seemingly growing threat – the groups that facilitate the irregular entries of migrants who can pose untold risks to the Union and its security.

The criminological perspective is often built alongside that of border enforcement and control, on the premise that the EU – and to a degree, the third countries it considers critical to its strategy – has the right to protect and seal its borders and defend itself from any threats. The EU has signed a vast number of agreements with third countries in an attempt to control irregular migration – agreements that alongside the provision of equipment and technology, and the promotion of training and educational programmes and initiatives, allow them to deter or limit the migration of nationals from other countries or even its own.

Perhaps the best example of the weight of the criminological approach to counter-smuggling lies in the implementation of the EUTF. EU's trust funds, although varying in scope, objectives, funding and governance arrangements, were originally set up to address the root causes of conflict and instability, and to assist conflict-afflicted countries (Kangas & Knoll, 2016). The EUTF, implemented at the Valetta Summit in 2015, expressed from the onset a clear goal to fund efforts to fight irregular migration and forced displacement by "stepping up the fight against smugglers and traffickers and increased cooperation with Egypt, Tunis and Algeria – preventing irregular migration and the displacement of routes" (EC, 2017).

While the trust funds can indeed fund migration management interventions, they were set up with the goal of fun-



ding specific interventions, including economic programmes, resilience projects and governance and security. Yet, the EUTF dedicates at least a third of its funds to counter migrant smuggling and human trafficking through the strengthening of border guards and policing institutions (EUTF, 2020). Significant portions of the fund have been used to improve the abilities of frontline officers and agencies at border regions; strengthen the response capabilities of first responders regarding smuggling; provide skills and knowledge to law enforcement, and strengthen the practice expertise of criminal justice activities in prosecuting and adjudicating smuggling cases (EUTF, 2018).

While programmes and initiatives under the EUTF abound, the fact that most of its activities seem to target irregular migration raises questions over the trust fund's nature and outcomes. Several entities have indicated that the line between development and countering irregular migration is not always clear-cut, and that while certainly funding "border, security and irregular migration activities can have a positive impact on human development," the prevalence of initiatives aimed to control irregular migration are indicative of the EU's priorities (Herrero Cangas & Knoll, 2016). Narrowing the fund to further reduce irregular migration into Europe has also been seen as incompatible with the objectives of the Global Compact on Migration and Refugees (Kipp, 2018).

## Conclusions and recommendations

This chapter maps the ways in which policy-makers speak about smuggling and how these notions or ideas permeate into the development of policy

and practice. As shown, the fact that many of these ideas are not based on evidence should raise significant concerns. As described above, despite the overabundance of reports in the field of migrant smuggling, most knowledge has been developed by a small group of research entities and researchers, most of whom are based in Europe and whose perspectives are likely to reflect the concerns of EU entities, rather than effectively incorporating those of a diverse range of stakeholders as well as third countries themselves.

Despite the lack of evidence, there is a specific set of concepts that are mobilised in EU policy circles when talking about smuggling. These concepts are important, for they simultaneously shape policy priorities, and their potential implications. The notion of networks, the gendering of the smuggler as male, the intangible, imprecise notion of the smuggling business model, and perspectives privileging law enforcement, criminological positions only (in a fashion that often shows the disregard for human rights protections) are all mobilised to communicate the urgency to counter-smuggling and its actors, who are simultaneously defined in terms that suggest contempt for non-European traditions and people.

The most troubling aspect is that any solutions proposed to counter the spread of smuggling and the most predatory of their forms will miss the mark if they continue to dismiss the dynamics of smuggling on the ground. In other words, solutions articulated upon a simplistic understanding of smuggling, and that draw from the experiences and perspectives of a rather small number of stakeholders and analysts invested in supporting the production of deliverables that reproduce a strictly

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criminological approach will continue to fuel a vacuous, evidence-deprived discourse that leaves the root causes for smuggling untouched – the lack of widespread access to safe, orderly and legal paths to migration. It is also of grave concern that by virtually failing to incorporate any human rights approaches into their own models on smuggling – or to include them as an afterthought – policy-makers' counter-smuggling solutions have systematically led to the increasing victimisation of migrants – the very case of Libya serving as a key reminder of how EU efforts to contain irregular migration has put migrants at further risk (Feldstein, 2018) – and to also growing cases of solidarity manifested in search and rescue operations being designated smuggling by authorities across EU member states (Carrera et al., 2018).

Are there any ways to correct the gaps that characterise counter-smuggling research, policy and practice? Below is a series of recommendations:

**1. Foster the conceptual clarity of smuggling through evidence-based research.** Develop and employ mechanisms that ensure the diversity of smuggling data and its sources. Data should be collected, organised and disseminated in a way that the gaps created from the reliance on similar sources and approaches can be reduced. This involves identifying and effectively employing different and/or alternative data collection and research development mechanisms. This must involve paths for local, small, independent research groups and/or entities to contribute to the development of knowledge, diversifying perspectives and ensuring that reports, briefs and other deli-

verables are not generated by the “usual suspects”. This must simultaneously ensure the increased participation of female and junior and non-European researchers and/or scholars as part of research teams.

**2. Expand the approaches used to identify informants and diversify their profiles.** Most reports rely on similar if not identical informants (usually men), which has led to the creation of an echo-chamber, rather than the development of new evidence-based knowledge and critical insights. EU policy-makers can craft procurement mechanisms that establish as a mandate the diversification of informants to ensure a wider range of perspectives. Identifying the priorities of smugglers can in fact improve the understanding of their perspectives. This is viable: as shown in this study, they are already part of initiatives under the EUTF. Facilitators are not inherently criminal: in many instances across North Africa and the Sahel they were transporters who suddenly found their livelihoods designated as smuggling. They are also male and female migrants in transit, and young people and children. Improving our understanding of how counter-smuggling has impacted them and their interactions with migrants is essential.

**3. Reconcile and align perspectives among counter-smuggling actors.** Policy recommendations from non-operational bodies often clash with the realities law enforcement faces in the implementation of counter-smuggling efforts. The former, often detached from the field, lack specific knowledge of the challenges faced by frontline personnel,

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who may feel in turn disenfranchised by recommendations that are far from operational, out of their mandate, or which imply diverting time and resources away from enforcement response. Efforts to reduce these clashes, however, often risk further inscribing law enforcement and criminological perspectives alone. Finding ways to bring together dissimilar perspectives, yet fostering collaborative channels that mutually inform and strengthen institutional objectives can reduce knowledge gaps and improve the quality of data and research.

- 4. Integrate into smuggling and counter-smuggling research policy and practice insights on race, class and gender and how they shape the experience of all actors.** This goes well beyond reconsidering the way the persona of the smuggler has been constructed

solely as male, or of acknowledging the roles women play in smuggling. Employing a lens that makes visible inequalities derived from racism, classism and sexism can provide important new insights into the way smuggling and counter-smuggling are experienced on the ground.

- 5. Human rights must be an element of migrant smuggling policy and analyses.** Currently an afterthought, human rights must become an element of smuggling and counter-smuggling policy-making. Yet identifying the implications of countering smuggling is not only the responsibility of policy-makers or law enforcement. It requires those in academic and policy circles to also examine their long-standing approaches and personal biases, and how these have also fed the collective understanding and development of smuggling research.

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# Countering Smuggling of Migrants through Social Media Monitoring: Looking for a Needle in a Digital Haystack

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## Introduction

This chapter examines the alleged role of social media monitoring in counter-smuggling efforts by European Union (EU) Law Enforcement Agencies (LEAs). It draws from interviews with law enforcement actors and academic experts in the field of organised crime. It argues that social media monitoring focuses on the activities of migrants, rather than on smuggling criminal groups, contributing to migration control through the production of predictive analysis of migratory movement. Evaluating the actual impact of said monitoring measures is therefore urgently needed, since disruption appears to redirect migratory movement and endanger lives, rather than impact migrant smuggling networks' operations.

Smuggling of migrants (SoM) is neither a new nor recent phenomenon in the Mediterranean (see Reitano et al., 2014; Hamood, 2006; Triandafyllidou & Maroukis, 2012; İçduygu & Toktas, 2002). Yet, the manufacturing of irregular migration and migrant smuggling as a criminal activity and security concern is relatively recent in Europe (Sánchez-Montijano & Arcarons, 2014; Monzini et al., 2015; Brachet, 2018), mainly as a result of the increase in irregular maritime and land border arrivals in the 1990s. Said manufacturing has manifested through an intensification of controls on both sides of the Mediterranean, the reinforced presence of coastguard and naval assets, and by 2004 the deployment of the European Border and Coast Guard Agency (Frontex) at the external borders to assist member states with countering irregular migration and thus, SoM. Counter-smuggling was also integrated into the Global Approach on Migration and

Mobility of 2005, though the focus remained on border management. Partnerships with third countries to address SoM have also included capacity building in the judiciary and trainings for border guards (Dimitriadi, 2016).

It was only in the 2014-2017 EU Policy Cycle for organised and serious international crimes that the facilitation of irregular migration was identified as a key EU priority, also resulting in the creation of the European Migrant Smuggling Centre (EMSC) by the European Union Agency for Law Enforcement Cooperation (Europol). Counter-smuggling was tied to the deterrence of maritime arrivals. Military deployment was used for the express purpose of breaking the business model of smugglers (Operation Sophia), investigative teams collecting evidence against SoM were created (Joint Operational Team Mare - JOT MARE), and thematic groups and regional groups focusing on supporting prosecution needs in the European Union Agency for Criminal Justice Cooperation were also formed.

In recent years, LEAs have turned to the digital environment to carry out counter-smuggling efforts. These have included monitoring online communications, including social media, allegedly with the goal of disrupting smuggling activities by organised criminal groups. Disruption includes different elements, according to LEAs. It can be the early detection and/or prevention of potential individual/group arrivals, webpage/advertising information of groups or individuals that can facilitate movement, and their apprehension and/or prosecution.

Drawing from secondary literature and interviews, the study seeks to unpack how EU LEAs tasked with counter-

smuggling (Frontex and Europol) use the monitoring of social media to identify, dismantle and prosecute highly organised criminal groups involved in SoM. By zooming in on the monitoring of social media by LEAs and its declared outcomes, rather than the broader use of technology (e.g., in search and rescue), this chapter shows social media monitoring focuses on the activities of migrants rather than on smuggling criminal groups, contributing to migration control through predictive analyses of migratory movement. Evaluating the actual impact of said monitoring measures is essential since disruption appears to redirect migratory movement and endanger lives, rather than impacting SoM operations and their networks.

## Methodological remarks

This chapter is based on 11 interviews conducted with organised crime researchers and members of law enforcement. Research took place during the outbreak of COVID-19 from September through November 2020. Lockdowns and restriction of movement made travel difficult as well as access to informants, who in many cases were also working remotely. Thus, several interviews, particularly those with experts and with EU LEA officers, took place via video call and/or phone (see interviews section). Four interviews involved experts and researchers either involved in counter-smuggling or SoM research. The discussions provided background on how digital technologies are utilised, and highlighted concerns over how LEAs discuss and approach SoM particularly regarding its assumed levels of organisation and sophistication.

Seven interviews were held with staff in LEAs of EU Agencies as well as national

law enforcement actors of member states involved in counter-smuggling and collaborating with EU LEAs. Interviews helped contextualise available information and were critical in understanding the perspective of the actors. Frontex was not interviewed, yet provided succinct written responses to submitted questions. Europol did not respond to several interview requests. The difficulty of obtaining interviews suggests the existence of a broader culture of secrecy, further highlighted by most interviewees' requests for full anonymisation (including institutional affiliation), and the repeated unanswered requests. Anonymity was fully respected.

## Digital communication tools and smuggling of migrants

### Social media and migrant smuggling

Social media, mobile apps, translation apps and online wire transfers create a space used by people on the move but also accessible and used for SoM. Research has explored the impact of social media on the decision to migrate (Komito, 2011), and on the migratory journey (Gillespie et al., 2016). Research has also shown how people from different nationalities utilise it to acquire smuggling services (Davy, 2017; Sanchez et al., 2018; Zijlstra & Liempt, 2017) including the reliance on feedback or reviews on smuggling services (Roberts, 2017; Diba et al., 2019). Furthermore, research has shown how smugglers advertise their business in countries of origin and transit, to diaspora communities, in refugee camps and in social networks such as Facebook (UNODC, 2018) relying on the in-

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ternet and new technologies to promote their services (Antonopoulos et al., 2020).

Digital platforms for communication, ridesharing and peer-to-peer accommodation sites are utilised for the recruitment of migrants for smuggling (EMSC, 2017, p. 12). The different digital platforms and applications allow for the advertising of smuggling services, transfer of documents, location-sharing and guidance in organising journeys. They also provide information of varying quality about routes, journeys, prices and “success” stories (Europol & INTERPOL, 2016; DG HOME, 2015; EMN, 2016).

Facebook has been identified by the EMSC as the preferred platform for the recruitment and initial advertising of services (Dekker et al., 2018; Diba et al., 2019), noting that “most social media accounts of interest [to investigators] were identified” via the social networking site (Monroy, 2017). Interviewees for this chapter also suggested that Facebook facilitates an online market for buying and selling counterfeit or look-alike passports that are posted in “closed groups where they show the quality of the work” (National LEA Senior Officer 1, 3 September 2020). While Frontex also reiterated that social media is commonly used by smugglers to advertise and recruit migrants, it recognised the extent of the practice “is difficult to say since we have no complete picture” (Frontex written response, 23 October 2020), which suggests there is yet no clear understanding of how social media is used for smuggling purposes. Recent research, however, notes that there is limited information to be gleaned from open social media sites – it seems these serve as a platform to establish

contact before users switch to private communication apps like Viber and WhatsApp or meet face to face (Sanchez et al., 2018; Frouws & Brenner, 2019; Diba et al., 2019).

Telegram, Viber and WhatsApp are popular among other reasons for the end-to-end encryption and anonymity they offer to the users. Telegram and WhatsApp allow communications to be copied and reposted. This allows smugglers to post “screenshots of conversations with clients while they were en route to their destination” (Campana & Gelsthorpe, 2020) to promote among potential clients a positive image of themselves. WhatsApp and Telegram also allow smugglers to share maps with directions coordinating people’s journey remotely and providing instructions via smartphone apps (Alberola & Janssen, 2019; National LEA Officer 2, 9 September 2020).

However, the use of online maps and the Global Positioning System (GPS) to find routes and check the progress of a journey are neither new nor particularly sophisticated tools; nor do smugglers have a monopoly over their use. Online mapping apps are used by migrants independently and without having to pay smugglers (DG HOME, 2015). GPS usage pre-dates the “European refugee crisis”: evidence shows Senegalese fishermen have relied on it since the mid-2000s in smuggling journeys into Spanish territory (Maher, 2018).

The wide availability of digital technologies, particularly the smartphone, is often depicted as critical in the ways migrants and smugglers connect, communicate and facilitate irregular movement (Sarkar, 2015). These notions are also reflected in the 2015-2020 and

2021-2025 Action Plan on Smuggling, and on the *Council Conclusions on migrant smuggling* of 10 March 2016. These have called, among other issues, for curtailing migrant smuggling through the monitoring of internet content, developing counter-narratives – opposed to those of smugglers – through social media, and addressing the “need for partnerships with platforms and social media companies, optimal use of information systems in place and the use of all means appropriate to collect, cross check and share data on migrant smuggling for the purpose of predictive analysis” (Council of the EU, 2016).

### Social media and predictive analysis

Predictive intelligence is supported by EU policy-makers (see for example the Coordinated Plan on Artificial Intelligence of the EU that envisages the increased use of algorithms in the areas of “migration”, among others) and appears to be part of a drive towards technology born out of the “political migration anxieties” (Expert in SoM, 3 November 2020) that seek to reduce irregular migration and especially irregular maritime migration. Two of the main EU agencies undertaking predictive analysis and early warning assessments in the context of counter-smuggling are Frontex and Europol. They cooperate through the European Multidisciplinary Platform Against Criminal Threats (EMPACT), which offers a common methodology for member states to identify and assess criminal threats, a management environment, and a platform of cooperation between member states, Europol, Frontex, the EU Agency for Criminal Justice Cooperation and others. For the 2017-2021 period, one of the declared prio-

rities of EMPACT is to disrupt organised criminal groups (OCGs), “[...] particularly focussing on those whose methods endanger people’s lives, those offering their services online and making use of document fraud as part of their business model” (Europol, 2017). This was reiterated in the 2020 Croatian Council Presidency that addressed the issue of migrant smuggling in the Western Balkans. The Council Conclusions draw from the experience in the Mediterranean and seek to replicate the model in the Western Balkans, noting that “social media monitoring has therefore become pivotal to tackling migrant smuggling activities [...] it is crucial that the Commission and the relevant Agencies establish as soon as possible a social media monitoring mechanism [...] to contribute to an improved and updated threat picture” (Council of the EU, 2020). The “threat”, however, refers to migratory movement, shifting the focus to migrants rather than organised crime.

The significance attributed to social media and predictive analysis is evident in the 2019 call for tenders launched by Frontex. The agency solicited solutions and tools to collect data from prospective migrants. It indicated a preference for mechanisms that allowed the monitoring of a broad spectrum of sites, social media and apps (Facebook, forums, blogs, My Space, YouTube, Vimeo, Twitter, Telegram, Instagram, etc.) and the gathering of “data and analysis of relevant actors using social media: migrants, traffickers/smugglers, civil society and diaspora communities in destination countries” in the EU (Frontex, 2019). This suggested those awarded the tenders would have to target not only prospective migrants but also civil society actors and diaspora communities

– two key sources of migrants’ information and supports. While the call was abandoned following an outcry by the non-governmental organization (NGO) Privacy International, it shows how pre-warning analysis is increasingly being considered critical both in managing irregular migration but also in countering smuggling. “Early warning analysis is considered effective” (National LEA Senior Officer 4, 5 October 2020) amongst EU Agencies and national law enforcement since it generates knowledge on the *modus operandi* of migrant smuggling (suspected vessels, routes) particularly as regards the South-eastern Corridor (Turkey- Greece) and secondary movement in the Western Balkans.

## Other data sources

Information to counter-smuggling can also be acquired from multiple digital and non-digital sources. These may result in the targeting of specific social media accounts and vice-versa – that is, the monitoring of social media accounts can produce non-digital data. There are three main data sources that enable or jumpstart social media monitoring: information collected at the hotspots, open-source data and data generated through covert monitoring. The three sources are linked, with the information acquired in the hotspots often feeding into the open-source search on digital communication platforms, and where applicable permission for covert monitoring of individuals and/or groups may be requested.

## Hotspots

Data is collected at the hotspots, during debriefings carried out by Frontex with [rescued] migrants. Debriefers col-

lect both social media information from “the stories from interviewed migrants” (Frontex written response, 2020) but also information about their journeys. This generates information on routes, methods of travel and nationalities of migrants, meeting points, names and keywords as well as phone numbers, which are turned into analytical products for JOT MARE. In practice, the debriefing interview can be tailored as needed, based on Europol’s requests (see also Council of the EU, 2016; EMSC, 2020).

Most LEAs interviewed for this chapter noted that the information generated from the hotspots through the EU Regional Task Force is of critical importance for the monitoring of digital technologies. Not only because the information enables keyword searches but because it allows for the triangulation of information acquired from migrants’ mobile phones and personal notes (diaries, address books where available, in principle offered voluntarily) and intelligence collected by member states (through national LEAs) and/or through open-source searches (National LEA Senior Officer 1, 3 September 2020; EU LEA Staff 1, 2 October 2020). The information is also checked by Europol “which runs second-line checks to identify possible smugglers and report them to the national authorities” (Europol, 2017). The level of data shared, however, is not publicly available.

The practice of debriefing migrants at hotspots has been heavily criticised. Persons of concern are identified arbitrarily, based on the alleged “intuition” or “experience” of the debriefers (OHCHR, 2013, p. 13). The extent to which migrants are informed on the purpose of the interviews, or of their

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right to refuse to answer questions from law enforcement is unclear. The timing of the debriefing is also problematic, as it involves migrants often traumatised by the journey, confused, tired and therefore extremely vulnerable (OHCHR, 2017). Most importantly, it is unlikely that migrants can provide critical information regarding the organisational aspects of smuggling. Usually, their knowledge is limited to the individual(s) who facilitated a segment of their journeys (DG HOME, 2015), and if indeed the facilitation services they relied on were part of an organised crime group, research indicates that it is likely to involve a loose nexus of contacts rather than a “structured chain of command” (Pastore et al., 2006, p. 114).

## Open source

Online open sources can be accessed and monitored independently from information collected from human sources. LEAs at the EU and national levels perform analysis on openly available data – websites, profiles and groups on social media sites like Facebook that are publicly available and do not require an invitation or a friendship connection (National LEA Senior Officer, 3 September 2020). Random social media searches are commonly carried out using keywords like “passports”, “trips to Europe”, but also terminology used in smuggling like *jungle*, *mahrab*, *kaçakçı*. Frontex indicated that searches involve “any languages that match the list of people coming to the EU in an irregular way” (Frontex written response, 2020).

LEAs consider useful information from social media searches, pages or links that can guide them to public groups and/or chats or pictures where potentially more data can be acquired through social network analysis but also by facial

profiling (National LEA Senior Officer 1, 3 September 2020; EU LEA Staff 1, 2 October 2020). It is not only potential migrants that can be targeted through social media but also pages pertaining to diaspora groups which can be useful “in collecting and monitoring plans” (Frontex written response, 2020) of prospective migrants for the purpose of producing early warning reports. These statements suggest that the aim of these searches seems to be the prevention or early detection of arrivals, rather than countering smuggling networks. Interviewees acknowledged that smugglers rarely offer information publicly, particularly for niche services (e.g., counterfeit or look alike passports). Most importantly, they do not use their real identity online, which makes their identification exceedingly difficult. After an initial contact, smugglers move negotiations to more private channels, like Facebook’s messenger, WhatsApp and Telegram or even regular calls (Sanchez et al., 2018), which LEAs cannot access in most cases without a warrant.

It has been suggested that discussions publicly available online can be removed. However, while “digital communication technology may be monitored [...] its disruption produces also negative effects for the migrants, who will be forced into more dangerous journeys or have less information available” (Expert in organised crime, 15 October 2020). The takedown of Facebook pages or removal of online of information on journeys and experiences with specific smugglers is far more likely to disrupt the migrant journey than the organised crime group.

## Covert monitoring

Covert monitoring refers to the participation and/or interaction by LEAs



with individuals/groups under investigation without declaring their identity. Covert monitoring is not carried out by EU LEAs but by those ascribed to member states (where national legislation allows it). However, it can be initiated because of information and analysis produced by EU LEA. In some cases, covert monitoring is carried out by the authorities of third countries (for example the United States of America) that will provide the relevant data to EU/national agencies regarding individuals and/or groups that have been identified as suspects in smuggling activities. In contrast to open-source searches and debriefings, covert monitoring requires the prior identification of specific individuals suspected of smuggling.

Of the three elements, covert monitoring is likely to have the highest potential to target suspected smugglers. There is at the same time scant public information concerning how frequently it is used and what results it produces in terms of investigations and arrests. However, this is partly due to the different national legislations and practices of member states, some of which allow it following judicial authorisation, whereas other member states abstain entirely.

## Data gathering concerns

All three data sources present limitations. The first is that intelligence gathering takes place predominantly in the EU, with scant collaboration from LEAs in third countries (including information on organised smuggling groups). There is a Eurocentric approach in counter-smuggling operations, both in terms of how smuggling is approached and understood (as organised and sophisticated) and on its focus on Europe as a destination – a problem of “politi-

cal geography” (Collyer, 2016). The authority and reach of member states and LEAs diminish outside the EU, smuggling investigations falling under the authorities of third countries (judicial and LEAs) which provide limited if any information concerning smuggling cases, apprehensions, or convictions. Even less is known about how social media monitoring by LEAs helps (if at all) deter smuggling activities in said countries.

The second is that despite the emphasis on smuggling networks, data suggests that the main “target” of data monitoring and collection is the migrant, rather than the smuggler. In practice, LEAs seek to identify smuggling activity by monitoring migrant activity and/or by gathering intelligence from interviews with migrants. However, by placing the migrant at the centre of counter-smuggling efforts, law enforcement assumes that people on the move have useful and updated information about smuggling and particularly about organised crime groups, which may not necessarily be the case.

There is a critical lack of information on the extent of social media monitoring by LEAs, yet the information available indicates its focus is predominantly on migrant communications as an alleged source of data on smugglers. There is also limited independent monitoring of the types of data collected and their use beyond what the European Data Protection Supervisor (EDPS) has noted. Having reviewed Europol activities, EDPS suggested (2020) that in the absence of a comprehensive algorithm that can specifically search for content related to migrant smuggling, data gathering requires extensive filtering and analysis. EDPS highlighted that the volume of the data processed makes it impossible

for Europol to know early on whether it is complying with its own regulation, creating “real risks [that] the data subjects end up being wrongfully linked to criminal activities” (EDPS, 2020).

Despite this, the activities of Europol and Frontex with regard to data gathering and online surveillance have continued to expand. The Europol regulation currently in force (since 2017) authorises these agencies to receive but not to request directly personal data from private parties. The Commission has made an evaluation of the practice that has not been made public beyond its executive summary, which recommends amending “the Europol Regulation to reinforce Europol’s capacity to exchange personal data directly with private parties and to subsequently process these datasets for analytical purposes” (Millieu Consulting, 2020). If the recommendation currently under discussion in the European Parliament is accepted, it will significantly expand Europol’s data collection abilities but also its processing of datasets with little oversight. There is a need for greater accountability and openness in terms of the work undertaken and of how different practices feed into specific outputs/results. This is especially relevant in regard to the monitoring of digital communications and social media, since despite the drive towards further monitoring, there is limited information on how successful it is in terms of counter-smuggling.

## **Social media’s contribution to counter-smuggling**

One way to understand the role of social media monitoring in counter-smuggling efforts is to look at the goals and projected outcomes of LEAs and how

social media fit in them. This can be done by looking at the Key Performance Indicators (KPIs) that outline LEAs’ goals and expected/projected outputs.

In principle, KPIs could anticipate results. However, publicly available documents on EU LEAs’ counter-smuggling efforts do not offer specific information on KPIs. The 2016 Operational Action Plan on JOT MARE offers a glimpse of the outputs Europol expected. The goal was to “identify and disrupt OCGs that facilitate irregular migration via the Mediterranean towards the EU and also facilitate secondary movement (within the Schengen)” (Council of the EU, 2016, p. 44). While the action plan indicates that the KPIs must be measurable and quantifiable (National LEA Senior Officer 4, 5 October 2020), they do not include social media monitoring, as it cannot be predicted in advance how many accounts will be surveilled. Products/outputs mentioned include instead the number of Investigation Initiation Documents, the number of Intelligence Notifications that indicate links to other crimes, and the number of Early Warning Notifications of impending smuggling events.

The sections dedicated to the operations in Greece and Italy suggest that the sources listed above (hotspots, open-source searches) provide most of the information triggering the investigations. Though exact information is limited, social media monitoring appears to contribute to early monitoring only: “large numbers of accounts [are] currently being analysed. Several hits have been identified with recent facilitations. The analysis of social media has already resulted in an Early Warning Notification concerning an im-

Data gathering and analytical products tend to focus on early warning assessment of migratory movements, rather than generating information on smuggling networks

pending smuggling event” (Council of the EU, 2016, p. 45). This further confirms that data gathering and analytical products tend to focus on early warning assessment of migratory movements, rather than generating information on smuggling networks.

Overall, social media monitoring is a key element of the operation cycle. However, the extent to which it contributes to counter-smuggling is insufficiently documented. In its official data released annually (see Table 1 below),

Europol notes an increase in the number of social media accounts reported to the EMSC – JOT Mare in 2016, though the numbers decreased in the following years. What increases is the number of migrant smuggling suspects. And yet there is scant information on their profile – it is not disclosed how many were in fact part of an organised criminal group, how many were migrants who eventually qualified for protection, or how many cases were not pursued further due to lack of evidence.

**Table 1.** Europol data on counter-smuggling activities

Activities	2016	2017	2018	2019
Contributions concerning migrant smuggling suspects	17,459	27,075	-	14,218
Social media accounts referrals	1,150	700	763	831
Operational analytical products delivered	287	338	409	525
Operational messages exchanged	11,942	12,300	18,234	20,525
Action days supported by EMSC	27	27	39	56

Source: Author’s compilation based on Europol’s annual reports. Retrieved from <https://www.europol.europa.eu/activities-services/main-reports>

While social media account referrals for irregular migration services (see Table 1) also appear to have increased annually after a drop in 2017, there is no information on whether the data acquired resulted in investigations or what happened to the evidence associated with the content (EDRi, 2020). It is also

unclear what happened to accounts identified by Europol and/or the member states, the extent to which these issued take-down requests to the various platforms (e.g., Facebook), the criteria used and the level of cooperation of the providers. A European Migration Network report in 2016 asked

member states about the usage of social media in countering migrant smuggling. Most acknowledged that removal of content does not contribute to disrupting smuggling operations due to the “vast number of platforms, most of them being operated from abroad” (EMN, 2016, p. 12).

### Organised movement through social media

Despite limited tangible evidence that monitoring social media contributes to countering SoM, the practice is deemed successful by EU LEAs. According to a 2017 Europol report, social media accounts of suspected smugglers have been identified in the past and investigated, though exact outcomes of the investigations remain scarcely available. Few cases are made public, with the Caravan for Hope referenced by many interviewees as a successful example (National LEA Senior Officer 3, 7 September 2020; EU Policy Staff, 12 October 2020).

In February 2019, a Facebook post announced a march from Greece through the Western Balkan route. The aim was to gather sufficiently large numbers of migrants seeking to move towards Northern Europe, with the hope that as a caravan they would not be stopped by police forces. More than a thousand people (Syrians in their majority) gathered near the refugee camp of Diavata in Thessaloniki, seeking to march to the northern border, yet were prevented from doing so by the Greek police, who surrounded the area. Europol announced that by monitoring social media it had identified the prospective movement of Syrians to Greece and onwards to Europe, through “groups utilising messaging services and social media platforms like Facebook to com-

municate and organise” (EMSC, 2020, p. 2).

The Caravan for Hope is an interesting example of social media monitoring success for two reasons. First, from the beginning the organisers communicated publicly, which means the tracking and monitoring of the march by outsiders (including law enforcement) was relatively simple. Second, the Caravan for Hope was based on misinformation distributed online (that borders would be open) but there was no indication that it was organised by migrant smuggling groups. Yet, early warning did allow the Greek police to organise and prevent migrants from crossing the border. This is probably why the case is considered a success, as social media monitoring allowed the prevention of secondary movement.

Frontex’s annual report (2020) notes that “the ease with which these kinds of rallies can be organised on social media suggests that these occurrences may increase in the future.” That has yet to be the case. Only a similar incident occurred in February/March 2020 at the Greek-Turkish land border in Evros. Several thousands of people made their way to the land border seeking to cross to the Greek side, the Greek government posted messages on social media informing migrants that the border was closed and they would not be allowed to enter. Both Europol and national LEAs have claimed they were aware of impeding movement through the monitoring of social media. Yet, as in the case of the Caravan for Hope, the information was publicly available on social media and neither case appears to have been orchestrated by organised criminal groups nor had financial motivations for anyone involved. In other words,

Social media accounts of suspected smugglers have been identified in the past and investigated, though exact outcomes of the investigations remain scarcely available

both examples showcase how social media can help LEAs identify prospective arrivals but not lead to the disruption of organised criminal networks involved in SoM.

## Conclusions and recommendations

Data collected for this chapter shows that EU LEAs' monitoring of social media (and other digital communications) seeks to produce predictive analysis of migratory movement. Overall, the chapter highlights the approach undertaken by LEAs in the EU regarding social media monitoring and the outcomes produced in practice. Evidence raises questions over the viability of continuing to invest resources in data collection and processing of migrants for it does not produce disruptive effects on smuggling activities.

LEAs acknowledge that social media monitoring and analysis produce information of migrant activity since "in the digital platforms migrants/refugees will share their experience of the migratory route. Mainly [they are] used by migrants rather than organised smuggling groups" (EU LEA Staff 2, 7 October 2020). Thus, migrants are the primary and often also the final target of social media monitoring. This stands in contrast with the declared aim of monitoring seeking to dismantle SoM groups.

Social media analysis by law enforcement can only partially help to disrupt organised criminal groups, and even then, it is unclear how much it can contribute considering there is limited knowledge of how this data is ultimately processed. Transparency, accountability but also monitoring of LEAs' activities is needed, as well as a shift in

the way smuggling is understood (Sanchez, this report). Furthermore, for as long as the root causes of smuggling remain unaddressed (that is, the lack of safe and legal paths to migration) the demand for its services will continue. The following recommendations are derived from this chapter's analysis:

1. **Guidelines** concerning when and under what circumstances LEAs can conduct social media monitoring in counter-smuggling operations are urgently needed. They must articulate an approach to digital communication surveillance that recognises the inherent biases and flaws of predictive analysis, including the fact that the targets are usually migrants – many of whom eventually receive international protection – whose actions are subjectively identified as constituting risks or threats. This is important considering that data on the outcomes of social media monitoring is scant, while the level of surveillance, control and intimidation migrants and civil society face have raised significant concerns.
2. **Transparency, accountability and independent monitoring** regarding what content is accessible to LEAs, how it is acquired (e.g., debriefing practice), (re)used and stored, and the interoperability – and thus access – of different databases among law enforcement actors is urgently needed. This is particularly important when it comes to personal data sharing between different actors – including national authorities. Interviews highlighted the crucial need for strong independent monitoring as the access to digital communication platforms increases. There is also need for independent evaluations of what kind of outputs

emerge from monitoring digital communication technology and whether they result in temporarily disrupting smuggling or produce more long-term effects in the organised criminal networks, where applicable. A broader concern stems from the lack of transparency in how social media data is collected, analysed and used. It would be useful for monitoring actors as well as those assigned oversight to learn about the algorithms and software utilised by EU LEAs, so they can understand and assess the information collected but also understand how social media activity shapes LEAs' strategies and approaches.

- 3. Grant systematic, public access to data on smuggling investigations, including numbers of convictions and their parties.** EU LEAs' KPI should be specific and include data on investigations, arrests, prosecution and conviction efforts in a way that identifies when cases have been solved through social media monitoring. Also, the targets of investigations and their profiles must be made public (while respecting data privacy) to better understand the impact of counter-smuggling operations across populations. Distinguishing what kinds of data are collected and the methodological approaches concerning

this process would also improve transparency.

- 4. Improve the data and evidence concerning the use of technology on migrant journeys.** Digital tools are useful to migrants, as they facilitate the access to information concerning migratory journeys and potential risks. This appears to be less acknowledged by LEAs whose reporting focuses instead on describing how smugglers and traffickers use technology to abuse migrants – this despite the scarcity of data. Improved understandings of how migrants interact with technology can be achieved by incorporating findings from evidence-based research as well as quantifiable data based on the roles and impacts of technology. Furthermore, while “digital communication technology may be monitored [...] its disruption produces also negative effects for the migrants, who [may] be forced into more dangerous journeys or have [less] information available” (Expert in organised crime, 15 October 2020). Efforts involving the taking down of Facebook pages, the removal of online information on journeys and experiences with specific smugglers are far more likely to impact a migrant's journey than the activities of an organised smuggling group.

## Interviews

	Position	Date	Place
EU LEA	Staff 1	2 October 2020	(video call) Lesvos, Greece
	Staff 2	7 October 2020	(video call) The Hague, Netherlands
	Frontex	23 October 2020	Warsaw, Poland
National LEA	Senior Officer 1	3 September 2020	Athens, Greece
	Senior Officer 2	7 September 2020	Athens, Greece
	Senior Officer 3	9 September 2020	Athens, Greece
	Senior Officer 4	5 October 2020	Athens, Greece
Experts in SoM/organised crime	International Organisation Senior Staff	21 September 2020	(video call) Vienna, Austria
	EU Policy Staff	12 October 2020	(video call) Tunis, Tunisia
	Expert in organised crime	15 October 2020	(video call) London, England
	Expert in SoM	3 November 2020	(video call) Amsterdam, Netherlands

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# Hiding in Plain Sight: Investigating the Blind Spots of Counter-Smuggling Efforts in Niger

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## Introduction

*This chapter examines the effects European Union (EU) counter-smuggling efforts have had on local communities in Niger. It investigates two blind spots largely absent from current counter-smuggling policy research: the manufacturing of long-standing facilitation of human mobility in Niger as smuggling, and the role of gender in its provision. The chapter argues that EU counter-smuggling efforts have targeted regional, circular and labour-motivated migration rather than Europe-bound movements. Furthermore, law enforcement operations to curtail irregular migration in Niger have resulted in greater levels of precarity among the men and women previously involved in the provision of mobility services, and led them to resort to other livelihoods, or to migrate themselves.*

With the release of the New Pact on Migration and Asylum in September 2020, the European Commission confirmed the prime role countries of origin and transit are expected to play as buffers of regional migration management. The fight against migrant smuggling is seen as an integral part of the New Pact's comprehensive approach. A discussion paper issued by the German European Council Presidency suggests that "successful examples of cooperation on migrant smuggling should be replicated and expanded as part of the new action plan on migrant smuggling" (Council of the EU, 2020, p. 4).

One such example is the case of Niger. There, a two-pronged approach pairing direct interventions by the EU and government clampdowns on migration facilitation enterprises did drastically reduce migration flows

(IOM, 2020a). But in doing so, it also brought significant segments of the Nigerien economy to halt, specifically in the region of Agadez. The Nigerien case raises concerns over the replicability of this two-pronged approach and its consequences on community stability and migrants' rights (Båøs, 2020; Latek, 2019; Moreno-Lax, 2020).

As EU policy-makers continue to develop strategies to curb migrant smuggling in the extended neighbourhood to reduce irregular migration, research has begun to examine the impact of such efforts on local economies and migration routes (Molenaar et al., 2017; Hoffmann et al., 2017; Tubiana et al., 2018; Bish et al., 2019; Claes & Schmauder, 2020). Yet the bulk of the existing policy literature leaves gaps on the mapping of counter-smuggling efforts. This chapter investigates two of them in the specific case of Niger.

The first gap emerges from the tendency of European commentators to depict superficially and simplistically the long-standing dynamics of trade and human mobility in the Sahel as antecedents of migrant smuggling in the region. Instead, it is essential to understand the manufacturing of trade and human mobility as smuggling in the EU security agenda (Brachet, 2018; Dimitriadi, this report) and its impact on cross-border transportation dynamics in communities across the Sahel.

A second gap is the systematic lack of gender analyses on the impacts of counter-smuggling initiatives in the Sahel, which occults the different ways in which men and women participate in the facilitation of irregular

migration, and therefore experience counter-smuggling operations.

This chapter asks whether the Niger case can be hailed as a successful example of counter-smuggling policies considering its effects on local communities. To what extent do crackdowns on migration facilitation networks in Niger effectively and sustainably reduce irregular migration from sub-Saharan Africa to Europe? How have crackdowns impacted local communities in general and gender dynamics in particular? What lessons should European policy-makers learn from these experiences looking toward the New Pact?

The chapter first analyses the EU's strategic criminalisation of irregular migration and its facilitation in Niger, and specifically the Law 2015-36 and its implications. It continues by restating the central and long-standing role that cross-border mobility and trade have played in the region to show the depth of changes post-2016. The chapter then unpacks the coping and economic diversification strategies communities have developed as a result of the implementation of the law with special attention to gender dynamics. It concludes with recommendations for policy-makers.

This chapter relies on data collected from a dozen telephone interviews conducted between August and November 2020 with Nigerien local officials, researchers, tour guides, humanitarian workers, and civil society representatives, as well as international researchers and humanitarian workers (see list of interviews conducted p. 67). It also draws from the bulk of literature on migration and smuggling in Niger specifically and the

Sahel region more broadly, including assessment reports, policy and academic research. Furthermore, it re-examines existing evidence against the gendered impacts of EU-sponsored counter-smuggling activities.

### **Policing mobility: the EU's progressive grip over irregular movements in Niger**

Recent efforts to curb "migrant smuggling" in Niger stem from the EU's longstanding strategy to reduce irregular migration, coupled with heavy incentives. Following a humanitarian narrative of protection of migrants' rights (Jegen, 2020), Nigerien authorities were keen to benefit from EU financial and technical support, which culminated with the vote of the Law 2015-36 criminalising irregular migration and its facilitation. It is estimated that enforcement contributed to an 80% reduction on outgoing migration flows between 2016 and 2017 (see figure 1). But the sustainable enforcement of the law and its impact in effectively reducing irregular migration from sub-Saharan Africa in the long run are less certain.

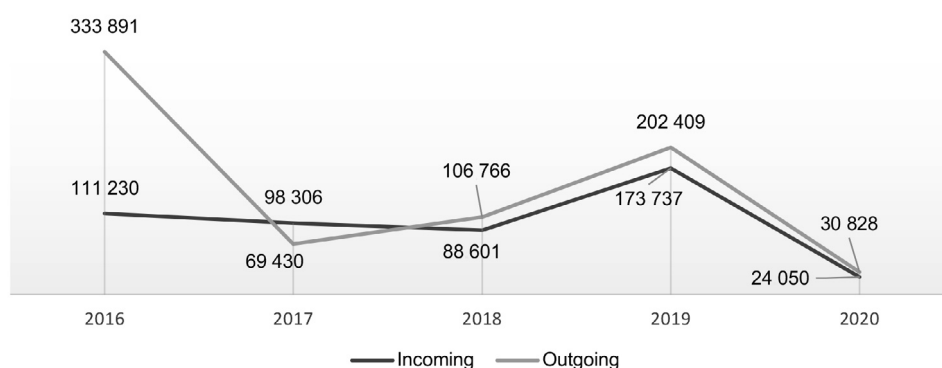
### **EU counter-smuggling efforts in Niger: nothing new under the sun**

The EU's externalisation strategy aims to consolidate buffer countries in the Southern Neighbourhood to curb irregular movements through improved migration governance and border control capacity. This trend can be traced back to the 1999 Special EU Summit meeting in Tampere where EU representatives wanted to replace the logic

of economic integration which had been at the forefront of the European agenda with that of migration and home affairs (Statewatch, 2003). Over the years, the fight against “migrant smuggling” – as well as trafficking in persons, terms that are often conflated (Reitano, 2016) – has

come to dominate the EU’s external action on migration and has translated into multiple regional and targeted national initiatives (see Sanchez, this report). Figure 2 details the gradual expansion of EU migration policy to third countries in general, and Niger in particular.

**Figure 1.** Reported incoming and outgoing flows in Niger (2016-2020)



Source: Niger Flow Monitoring Report 38 (IOM, 2020c)

With the 2015 Valletta Summit on Migration, the EU declared counter-smuggling a shared responsibility of countries of origin, transit and destination, and subsequently created a dedicated trust tapping into European development funds – the EU Emergency Trust Fund for Africa (EUTF) – to address the “root causes of irregular migration.”

In this context, Niger emerged as a strategic actor in regional migration governance. While EU counter-smuggling efforts were not new, particularly in Western and Central Africa, the pressure on Niger to act intensified starting in 2015. The country is at a crossroads between the Sahel and the Mediterranean and acts as a transit country for many migrant workers from the sub-Saharan region (see p. 59). It is also located at the outer border of the Economic Community of West African States (ECOWAS),

which allows for the free movement of nationals of its member states. This means that nationals of other ECOWAS states can travel visa-free to Niger, from which some attempt to reach neighbouring destinations. It should be noted, however, that the majority of these migrants are Nigeriens. It is estimated that of the over 1 million migrants reportedly crossing Niger’s borders with Libya and Algeria (including outgoing and incoming flows) between 2016 and 2019, more than 75% were Nigeriens (IOM, 2020b).

While evidence suggests that few migrants transiting through Niger continue their journey onward to European shores, the EU has set out to clamp down on irregular migration in the country with the full force of its external action tools. The EU Capacity Building Mission in Niger saw its mandate and budget

**Figure 2. Timeline: EU’s main interventions on irregular migration in Niger: strategic orientations, regional initiatives, and country-level partnerships (1990-2016)**

	1990	1999	2003	2004	2006	2008-2013	2011	2012	2015	2016
<b>EU strategic orientations</b>		Tampere European Council Conclusions		Establishment of the European Border and Coast Guard (Frontex)		Tenth European Development Fund (EDF)	Global Approach to Migration and Mobility (GAMM)		European Agenda on Migration	
<b>Regional Initiatives</b>	Launch of the 5+5 Dialogue for the Western Mediterranean		Launch of the European Neighbourhood Policy (ENP)		Launch of the Euro-African Dialogue on Migration and Development (Rabat Process)				Valetta Summit: launch of the Joint Valetta Action Plan (JVAP) and EUTF	
<b>Targeted Partnerships</b>							Joint Investigation Teams (JITs) deployed – and later in 2017	Launch of EU Capacity Building Mission in Niger (EUCAP Sahel Niger)		Migration Partnership Framework (MPF) with Niger
<b>Content with regard to irregular migration and migrant smuggling</b>	Creation of the 5+5 Dialogue on Migration with a security focus in 2002.	Promotion of a comprehensive approach to migration and of partnerships with third countries.	Fighting “illegal migration” and trafficking deemed central to migration policies, with border control and “migration plans” as priorities for the neighbourhood (EC, 2004).	Creation of an EU agency tasked with “preventing smuggling, human trafficking and terrorism as well as many other cross-border crimes” (Frontex, 2020b). Its legal mandate was consecutively amended and expanded in 2007, 2011, 2016 and 2019.	Consultation framework convening countries of origin, transit, and destination of irregular migration in Western, Central and North Africa and the EU.	Migration priorities are incorporated into development programming and funding incentives become conditional on progress in areas including migration.	Revision of the Global Approach to Migration (GAM) adopted in 2005 with enhanced focus on strategic partnership and sustainable dialogue with third countries.	The Common Security and Defence Policy (CSDP) mission mandate and budget were subsequently expanded in 2014 to cover the fight against migrant smuggling.	The European Agenda on Migration recommends immediate actions “targeting criminal smuggling networks” (EC, 2015a). More specifically, Valetta consecrates migration management as a shared responsibility of countries of origin, transit and destination in the EU and Africa.	MPFs strategically combine EU external action and resources to manage migration. Priority features include “breaking the business model of the people smugglers” (EC, 2016).

Source: Author’s compilation based on data from IOM (2002), EC (2001, 2004, 2006, 2015a, 2015b, 2016), and Frontex (2020a & 2020b).

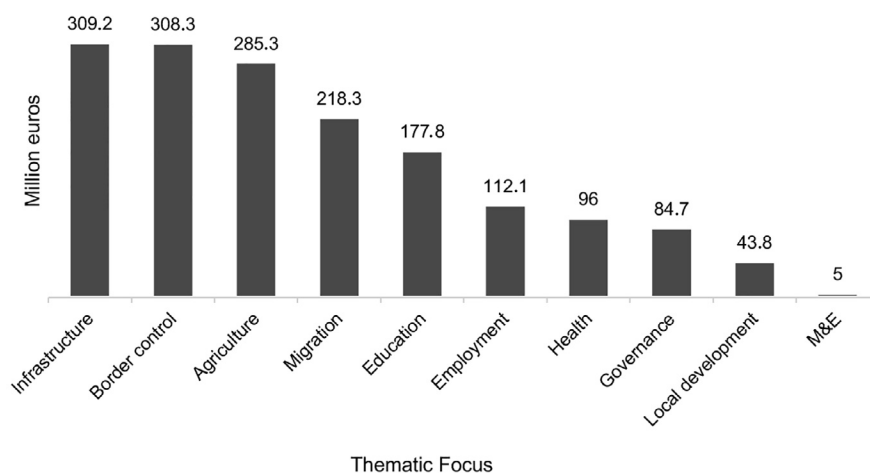


expand to cover migrant smuggling (Brachet, 2018). The launch in 2016 of a Migration Partnership Framework (MPF) with Niger led to the increased presence of European officials in Niamey (EU, 2017), but also of EU representatives in national migration decision-making processes (Jegen, 2020). Nigerien officials, on the other hand, saw an opportunity to benefit from the EU’s technical and financial support.

### What is in it for Niger: gearing up to combat migrant smuggling

The EUTF, and with it most projects funded by the EU and its member states in Niger, support a mixed bag of projects alternatively aiming to prevent irregular migration and to attenuate what is construed as its adverse effects. Figure 3 details the sectors of implementation of 151 projects operated by the development agencies of four main EU member states in Niger. The mapping finds that the distribution of funds prioritises projects related to migration and border control with a staggering 590 million euros, well above the support dedicated to sectors such as education and health.

Figure 3. Distribution of projects implemented in Niger by thematic focus



Source: Author’s compilation of 151 projects implemented over the period 2019-2020 and funded under the EUTF, as well as under other funding instruments, and implemented by the French, German, Spanish and Italian cooperation agencies.

Among these projects, the *Plan d’Action à Impact Economique Rapide à Agadez* (PAIERA) is one of the very few EUTF initiatives piloted by Nigerien authorities. PAIERA has notably funded the infamous reconversion plan – an initiative intended to offer alternative opportunities to those previously involved in the facilitation of migrants’ journeys. Interestingly, criminalisation has led some

former facilitators to remain anonymous in fear of prosecution and prevented them from accessing the reconversion plan (Interview HN). Between 2017 and 2018, PAIERA funded 294 beneficiaries out of 981 applications with a total budget of 687,000 euros – a little over one thousandth of the total budget on migration and border control that has been poured into the country, accor-

ding to our project mapping (EUTF, 2018). The Agadez Regional Council estimated, however, that compensating the loss of activities would require more than 400 million euros (Molenaar et al., 2017).

Technical support provided by EU partners has helped consolidate Niger's legal and operational capacities to address migrant smuggling. Law 2015-36 against migrant smuggling became an important milestone in this regard – and a prime point of contention for critics from the Nigerien civil society (Jegen, 2020). The law seeks “to prevent and combat illicit migrant smuggling; to protect the rights of smuggled migrants; and to promote and facilitate national and international cooperation to combat all forms of illicit migrant smuggling” (Law 2015-36). With the help of the United Nations Office on Drugs and Crime (UNODC) and the EU Capacity Building Mission in Niger (Brachet, 2018), the Protocol against the Smuggling of Migrants was transposed into the country's legal framework. By doing so, Niger became the first country in the region to pass legislation specifically targeting the smuggling of migrants. The operationalisation strategy was spelled out by the International Centre for Migration Policy Development and the implementation led by Joint Investigative Teams, which were redeployed in 2017 after a first regional deployment during 2011-2013 (Jegen, 2020; Claes & Schmauder, 2020).

The law, adopted in May 2015, remains highly controversial. It effectively sanctions all forms of migrant smuggling, whether linked to transnational organised crime or not (Pe-

rrin, 2020). In addition, it criminalises not only the facilitation of irregular migration but also the attempts to irregularly migrate – in an effort to curb northbound travel to Algeria and Libya, coupled with a heavy focus on policing in the Agadez region (Brachet, 2018). The contested status of the law was also confirmed by a former local official, who added that the law was not debated and was “voted within a day” (Interview ON). Several stakeholders interviewed for this chapter perceived the law as “European” and actually having advanced the EU externalisation and securitisation agenda.

In fact, Nigerien legislation already included the ordinance 1981-40 sanctioning the facilitation of irregular migration. Critics argue that a revision of the existing ordinance with the addition of the involvement of an organised criminal group as an aggravating circumstance might have sufficed to align the text with the Protocol (Perrin, 2020). However, the original ordinance was barely implemented, along with other migration-related legislation, such as ordinance 2010-86 on the prevention of trafficking in persons (Oumarou, 2016).

These precedents raise questions concerning the enforcement of the Law 2015-36 and local forces' understanding of its legal provisions. A total of 2,474 staff from 77 institutions in Niger were trained on security and border management during 2015-2019 (Altai Consulting, 2020). But without the continued training, and given the little involvement of Nigerien lawmakers in the drafting of the law, it is unclear whether Nigerien officials will be in a position to pursue

The Protocol against the Smuggling of Migrants was transposed into the country's legal framework. By doing so, Niger became the first country in the region to pass legislation specifically targeting the smuggling of migrants

the full enforcement of the law in the future.

### **(Un)intended consequences: the implications of the criminalisation strategy and its effects on irregular movements**

The main concern related to the law is the reach of its criminalisation strategy. Between 2016 and 2017, EU authorities reported that 282 people linked to migrant smuggling had been arrested – their roles ranging from drivers to providers of accommodation – and 169 vehicles confiscated (Molenaar et al., 2017). Since their redeployment, the Joint Investigative Teams arrested an additional 113 presumed "smugglers", of which 104 were convicted, including two high-profile Nigerien smugglers (Zandonini, 2019).

The confiscation of vehicles, the prosecution, and the imprisonment of people linked to the facilitation of migration are also the expression of another trend according to an Agadez politician: the new prominent role of law enforcement in Niger and the rise of a "police-state" (Interview ON). Migrants have also experienced the consequences of the crackdowns. Police officers have reportedly stormed migrants' compounds to pressure smuggling facilitators. During these operations, migrants have been arrested, interrogated, and often released within a few days (Interview HN).

These developments also take place in the context of militarisation of the Sahel region in which national security forces extensively benefit from the support of the international community (Venturi, 2017). Indeed, donations by

EU member states of vehicles, surveillance equipment and the improvement of data collection systems, largely reinforce the capacity of law enforcement and contribute to the crackdown efforts (Zandonini, 2020).

To understand the deeper effects EU counter-smuggling efforts have had on local communities and their economies, it is essential to understand how regional trade and mobility became construed as smuggling. The following section examines those dynamics.

### **Taking to the road: historical context of regional trade and mobility in the Sahel**

The provision of mobility services alongside the transportation of commodities has historically supported economic strategies in the Sahel (Ba, 2020; Bensaâd, 2009; Boyer, 2017; Brachet, 2011 & 2018; Paoletti, 2011). The configuration of trade routes points not to smuggling activities alone, but also to the regional and circular nature of mobility from and via Niger.

### **Historic circular migration in the Sahel and North Africa region**

The history of trans-Saharan trade routes goes back to the eighth century and the expansion of Islam in Northern Africa, the Sahel, the Sahara and Sudan, which led to the economic integration of Africa into the Arabic-Muslim world (Ba, 2020). Regional movements of people have drawn a dense network of routes "from the Sahel to the Mediterranean" (Bensaâd,

2009, p. 8), which highlights the long-standing connectivity between the Saharan and Mediterranean regions.

Starting in the 1960s, the rapidly industrialising economies of Algeria, Libya and Nigeria started to supply regional markets with manufactured products, while providing wage labour opportunities to workers hailing from neighbouring countries. At the same time, Nigeriens, Tuareg and Tubu groups in search of temporary labour began to rely on cross-border traders and transporters for their journeys to and from Algeria and Libya (Brachet, 2018; Abouka et al., 2019; Molenaar, 2017). Libya, under Gaddafi's leadership, sought to attract sub-Saharan migrant workers for temporary assignments: it is estimated that the total migrant workforce grew from 11% to 50% between 1970 and 1982 (Paoletti, 2011). Similarly, Southern Nigeriens found employment in Nigeria's booming oil industry, following historical cross-border movements in the Hausa-dominated region (Turner & Teague, 2019).

Migration along these routes was and remains essentially circular and regional – in other words, people have historically travelled from sub-Saharan Africa through and within the region of the Sahel and North Africa with the intention of remaining in the region for work or study, and returning home. Nigeriens in particular “systematically” return home following their regional migration (Boyer, 2013).

By the end of the 1990s, it was estimated that 100,000 migrants transited each year from sub-Saharan Africa to Libya and Algeria through Agadez. But it is estimated that only between 10% and 20% of them sought to cross the Mediterranean onward (Brachet, 2018).

Similarly, data from the International Organization for Migration (IOM) shows that there were more than half a million migrants in Libya in 2020, but only around 11,000 of them crossed the Mediterranean from Libya that same year (IOM, 2020d). Similarly, data from the multiple other sources also confirms that despite the EU's portrayal of irregular migration from Africa as targeting Europe, the vast majority of people traveling across North Africa and the Sahel have no intention to continue their journey across the Mediterranean (Crawley et al., 2016; Fargues, 2017; Sanchez, 2020).

### **The development of a travel-based economy**

Human mobility has run parallel to trade and has allowed for the development of a “travel-based economy” fuelling and shaping local communities in Niger (Bensaâd, 2009, p. 8). In Agadez, it is estimated that until 2015, about 6,000 people had an activity directly connected to the facilitation of migration, while half of all households benefited indirectly from migrants' presence (Molenaar et al., 2017). Historically, the demand for services conducive of mobility or transportation had provided supplemental opportunities for people already involved in the transportation of other goods like fuel and tobacco (Interview TG). In fact, most people involved in the facilitation of migration are known to couple this with their ordinary income-generating activities (Golovko, 2018, p. 5).

Importantly, these transporters never perceived themselves as “human smugglers” – local languages in Niger do not have terms that convey or label this kind of criminal nature (Bra-

Data from multiple sources confirms that despite the EU's portrayal of irregular migration from Africa as targeting Europe, the vast majority of people traveling across North Africa and the Sahel have no intention to continue their journey across the Mediterranean

chet, 2018). Neither is the facilitation of irregular migration itself regarded as a criminal activity by local communities or by local officials. Transporters have historically provided mobility services for the regional and circular transportation of labour migration (Bensaâd, 2009), configuring the regional transportation system for goods and labour. This perception contrasts with the figure of the “human smuggler” abundant in European narratives – the smuggler portrayed as a man recklessly operating in organised criminal networks at the expense of migrants’ lives (Achilli, 2018; Brachet, 2018; Sanchez, 2020).

### **The Tuareg rebellions and the (informal) turn in migration governance**

From the first half of the 1990s until the end of the 2000s, Tuareg communities in Niger and Mali were involved in a series of uprisings protesting their exclusion from decisions that impacted them. Referred collectively as the Tuareg Rebellions, the uprisings severely impacted Niger’s tourism sector, which by the mid-1990s constituted one of the country’s main sources of income (Grégoire & Scholze, 2012). The dire economic situation led some drivers and transporters of Tuareg origin employed until then in the tourist trade to shift to the facilitation of the journeys of migrant workers to Libya’s and Algeria’s borders (Abouka et al., 2019).

Following the rebellions, the Nigerien state reached a series of political agreements with Tuareg leaders. To stabilise cross-border trade and separatist velleities in the wake of the Tuareg rebellions, a local form of mobility governance emerged. Military convoys began escort-

ing traders, which often provided the former with an additional source of income (International Crisis Group, 2020; Abouka et al., 2019). Evidence shows that prior to the introduction of the Law 2015-36, the transport of people toward Niger’s northern borders was indeed well-organised, under the supervision of the state, and with transporters keeping track of who travelled and where (Brachet, 2018).

Considering the heavy reliance of local livelihoods on transnational regional mobility, for trade and labour migration to and from Algeria and Libya, the Law 2015-36 has meant for many the loss of their livelihoods. The following section investigates the effects of the law on local communities and focuses on their gendered implications.

### **The “beneficiaries”: unpacking the effects of counter-smuggling efforts on local communities**

With the reduction of migrant flows through Niger, resulting from EU and government counter-smuggling operations, communities have had to adjust their livelihoods. This is not to say that the Law 2015-36 has brought the facilitation of migration to a total halt. People continue to transit via Agadez, its sur-roundings and other regions in Niger, Mali and Chad. Many transporters continue to operate on alternative routes and with new strategies to circumvent state control (Bish et al., 2019; Tubiana et al., 2018). But many others have had to find alternative livelihoods, like in the mining industry, or returning to subsistence agriculture – alternatives that also rely on regional mobility.

## The re-organisation of livelihoods: new mobilities and old economic diversification strategies

As counter-smuggling efforts have been implemented, the demand for labour has grown in Niger with the emergence of gold mining: an estimated 70,000 men have joined the “gold rush” which provides vital economic resources for local communities (Grégoire & Gagnol, 2017). According to a former local official in Agadez speaking on the mining industry, “God has opened the faucet that the EU has closed” (Interview ON).

Gold mining sites mainly concentrate in the regions of Djado, Tchibarakaten and the Aïr mountains, in northeastern Niger. While the gold economy has served to stabilise communities in dire economic situations, travelling to and working on the mines requires an initial investment to cover the costs of transportation to the extraction sites, working tools such as metal detectors, vehicles and protective gear, and daily expenses on site (Grégoire & Gagnol, 2017).

While their presence has yet to be studied, women have also joined the gold economy, setting up food and beverage stands to feed workers, sometimes accompanying their husbands (Interview TG). While admittedly, mining is a gendered occupation, the reported dynamics attest to the presence of women and girls and the ways in which they develop income-generating activities, as seen in other contexts (Hoffman & Cabrapan, 2019; Mahy, 2011).

Gold mines have attracted many foreign and Nigerien labourers, including

returnees from Algeria. They have also contributed to the fragmentation of migration routes. Nigerien and migrant workers migrate to extraction sites from where they can work, accumulate resources, meet cross-border transporters, and potentially travel to neighbour countries (Tubiana et al., 2018). It is in fact argued that the reliance on mines as a pit-stop for migrants in transit led local authorities to officially close the Djado mining site in 2017 following European pressure – although digging continues (Claes & Schmauder, 2020; Grégoire & Gagnol, 2017).

Other transporters whose activity was disrupted by the crackdown have returned to former income-generating activities. These include small-scale agriculture in the Aïr region, a highly dynamic sector – which previously offered opportunities for pastoralists during the severe droughts of the 1970s and 1980s (Abouka et al., 2019). Families have invested their savings in plots. Some started working in so-called gardens on a seasonal basis, hired a paid labourer or family member to do so, or simply rely on it for subsistence farming. As such, seasonal migratory movements have developed between the Aïr region and Agadez. Civil society and international organisations have recognised the potential of small-scale farming and have since the 1980s trained labourers working in the fields and supporting investment. For instance, a project implemented by the IOM with the support of the United Nations Convention to Combat Desertification provided land and financial allowances for 30 return migrants and former smugglers in communities in the Agadez region (UNOWAS, 2020).

However, these projects still rely on internal and seasonal mobility, which are

While most research on the facilitation of migration refers to facilitators as male, research shows that the facilitation of migration in the Sahel and North Africa often involves not only adult men but rather entire families

not exempt from the scrutiny under which transporters operate in the country. Recent reports indicate that while most migration takes place within Niger and is undertaken by Nigerien nationals (IOM, 2020b, p. 11), security officials at checkpoints – including those at the entrance of Agadez – are reportedly imposing fees for transporters to drive through (in violation of the ECOWAS Free Movement Protocol). This results in uncertainty and burdensome processes for crafts- and tradesmen seeking to transport their supplies and products, and for migrant workers travelling north from Agadez (Molenaar et al., 2017).

Most importantly, these coping strategies have not benefited all those formerly involved in migration facilitation, which covered a wide range of activities. Many remain unemployed and rely on relatives to support them, having “simply nothing to do” (Interview MN). Others are living off their savings, selling assets like real estate, plots and livestock. People reduced their living standards to cope with the new economic reality (Brachet, 2018). While the facilitation of migration represented a high-risk, resource-intensive and time-consuming activity, requiring days of travel under severe climate, it also generated higher returns when compared to those of average wage workers (Abouka et al., 2019, p. 19).

### **Gender dimensions and the facilitation of migration**

While most research on the facilitation of migration refers to facilitators as male, research shows that the facilitation of migration in the Sahel and North Africa constitutes a community-based activity that often involves not only adult men but rather entire fami-

lies. This includes women, boys and girls, young and elderly people sharing the same or neighbouring households (Alpes, 2016; Ghanem, 2020; IOM, 2016; Moussaoui, 2015; Sanchez, 2020). There is, however, limited knowledge concerning the extent to which women specifically participate in the facilitation of migrants’ journeys. Most analyses have indeed focused on the impact the criminalisation of irregular migration in Niger has had on male transporters or facilitators only, which further shows the way smuggling is conceptualised as a male activity. As a result, reconversion programmes for people formerly involved in smuggling largely exclude women facilitators (Moser, 2020).

In Niger, women often perform gendered tasks, like preparing meals, cleaning housing quarters and taking care of injured or sick migrants (Zandonini, 2020). The so-called “ghettos” (areas hosting migrants within a facilitator’s house or in other rented compounds) were until the crackdown spaces in which women (both Nigerien and often female migrants in transit) were known to work providing food and water, cleaning the facilities and washing clothes (Interviews JI and RI). There is also indication they are involved in the administration of migrant accommodations and in the negotiation of migratory journeys (Richter, 2019), and even in the direct transportation of migrants (Sanchez, 2020). While not specific to Niger, it is also known that Nigerien women living on the Algerian side of the border in cities like Tamanrasset (an important connecting point for those seeking to reach Algeria’s large cities) often set up their own accommodation services which they offer to migrants in transit (Bredeloup & Pliez, 2011).

Many women also made a living with activities linked to migrants' journeys or that benefited people in transit, such as selling food and articles they might need for their journeys. They were able to pocket their profits from these enterprises, make family-based investments to secure plots and education for their children, and in some cases even buy livestock and other goods for their daughters' dowry (Oumarou, 2016). The contraction of their income and the precarity resulting from counter-smuggling strategies meant that women had to find ways to cut expenses, downgrade their lifestyles or diversify their activities (Interview, CS-2). For instance, some women who previously worked at small restaurants catering to migrants resorted to setting up small stands to sell food and grilled peanuts on the streets (Claes & Schmauder, 2020). As described earlier, some women have also resorted to migrating to other regions in Niger, accompanying their husbands to gold mining sites, setting up food stands. Others became domestic workers in the uranium-rich region of Arlit and across the border in Algeria – both well-documented income-generating strategies among Nigerien women (Interview TG; LASDEL, 2017; Oumarou, 2016).

When they do not resort to migrating for their livelihoods themselves, Nigerien women remain nonetheless central mobility actors of family mobility strategies (Tabapssi, 2011). As many former facilitators have had to migrate to take on seasonal migration, gold mining or found other forms of employment elsewhere in Niger or in the region, women have taken on responsibilities as heads of households (Boyer, 2013; Fleury, 2016; Tabapssi, 2011). They can be left with no source of income for themselves and their families before their husbands can collect and send savings back home

– putting women and entire families in precarious situations (Interview JI).

Data also indicates that outside of the facilitation carried out by groups or family members, many women – often migrants in transit – may develop individual strategies to advance their journeys, crafting personal, intimate connections with other men and women they met during the journey that allow for or facilitate their mobility, including the provision of work within the household and as part of facilitators' enterprises (Migrating out of Poverty, 2019; Plambech, 2016). This is not to suggest migrant women face egalitarian exchanges with those who facilitate their journeys. Abuse, intimidation and violence are quite common. However, women navigate through these interactions in ways we have to urgently investigate.

## Conclusions and recommendations

Counter-smuggling efforts in Niger have garnered much attention and criticism. Beyond the notable decrease in the numbers of people transiting through Niger, this chapter asks whether counter-smuggling policies in Niger leave a positive blueprint for replication. Looking at the impact of crackdowns on local communities, and specifically at two blind spots of the research – the manufacturing of transportation as mobility in Niger and its gender implications – this chapter identifies four adverse effects of counter-smuggling strategies.

First, it is clear that preventing irregular movements through Niger has increased precarity among local communities previously profiting from migrants' presence and transits. Families, men, women and children, once involved in



the provision of services, including transportation, have seen their sources of income dry up, having to rely if available on their savings and find alternative sources of income, a situation that has also imposed new responsibilities on women.

Second, while European officials continue to focus on migrant smuggling, it is the re-organisation of livelihoods impacted by the criminalisation that is at stake in Niger. In a context of intense regional, circular and labour-motivated mobility, communities rely on forms of temporary migration within Niger, and to and from Libya and Algeria. But the crackdowns that led local communities to seek new income-generating activities and their legal implications are today preventing people from pursuing these activities (many of them financed by the EU itself). The efforts to curtail irregular migration have effectively slowed down and even prevented movement within the country.

Third, curtailing irregular migration in Niger will not curtail irregular migration toward Europe from sub-Saharan Africa. Irregular arrivals from the Central Mediterranean Route have dropped (Frontex, 2020b), but irregular migration aimed at Europe continues via alternative routes since 2016. Furthermore, most migrants crossing Niger do not seek to reach European shores. Historical transnational trade routes and demand for labour in neighbouring countries have driven a form of mobility that remains essentially regional and circular. Until today, data suggests that the share of people travelling to Europe through Niger is slim. Counter-smuggling efforts hinder regional and seasonal migration from and to Niger, while migrants intending to reach Europe may simply turn to other pathways or routes.

Fourth, EU pressures meant that “migration policies, which until then had hardly

existed, became a political necessity” (Brachet, 2018). The fast forward process of criminalisation of irregular migration and migrant smuggling leading up to the Law 2015-36 not only ignored the realities of re-regional migration, but also the existence of local instruments of law enforcement and migration governance. Criminalisation has impacted the level of political confidence in local officials, which in turn raises concerns over the sustainable enforcement of the law. Besides, clampdowns have specifically singled out the region of Agadez and drastically cut through local economies there. This has awakened an old feeling of ostracism predominantly among Tuareg communities – which led to several regional rebellions in the past.

With the New Pact proposals, the current provisions for the upcoming multi-annual financial framework for 2021-27 and the new Neighbourhood, Development and International Co-operation Instrument, which will include migration in its portfolio, it seems unlikely that the EU will operate a change of direction. The prevention of irregular migration and human smuggling in the extended neighbourhood, destined or not to European shores, coupled with regional security threats, will continue to provide ground for external action combining development aid, policy support and diplomatic pressures.

Based on these conclusions, we make six main recommendations to European policy-makers:

- 1. Recalibrate the objective of counter-smuggling policies** that are currently serving as a proxy to curtail irregular migration. The Protocol against the Smuggling of Migrants sets out to combat the smuggling of migrants by organised criminal

The fast forward process of criminalisation of irregular migration and migrant smuggling not only ignored the realities of regional migration, but also the existence of local instruments of law enforcement and migration governance

groups, and not the irregular movement of people. Besides, conflating the fight against smuggling and other illicit cross-border activities in Niger with that of irregular migration from sub-Saharan Africa to Europe may yield few results on both of these objectives in the long run. Migrants aiming to reach Europe are turning to alternative routes. As it has been systematically shown, attempts to curtail irregular migration in this region hardly led to a decrease of irregular migrant arrivals to Europe.

2. **Reassess and monitor the impacts of the systematic targeting of irregular movements in the Sahel region.** Since migration here is predominantly circular, temporary, labour-motivated, and regionally bound, the criminalisation of mobility has impacted those relying on mobility-based activities, including facilitators, transporters and seasonal labourers but has also restrained their access to alternative livelihoods dependent on mobility in the region and within Niger as well (gold mining but also agriculture projects, at times sponsored by the United Nations and the EU). These should not be considered mere unintended consequences but as direct results of criminalisation strategies. Impacts should be systematically monitored and solutions implemented, rather than focusing on the potential for replicability.
3. **European policy-makers should consider further supporting regional integration in the Western African (ECOWAS) and Sahelian (CEN-SAD) regions, in an effort to regularise regional mobility,** considering evidence-based research on the realities of regional migration dynamics in the Sahel and
4. **Include local officials, civil society representatives, local communities, law enforcement and facilitators** in efforts to secure free movement within Niger. This is especially true in the northern regions where cross-border transporters have been historically involved in local decision-making. This would in turn legitimise informal cross-border surveillance that is already undertaken by local authorities and facilitators in Northern Niger and reinforce the involvement of local Tuareg communities in localised forms of governance, formally including them in decision-making. European policy-makers must be cautious not to consolidate regional dissensions in their interventions in third countries, especially as they claim to engage in a partnership of equals with their African counterparts.
5. **Support further research systematically examining the participation of local communities,** men, women and children – and also of migrant men, women and children – in the facilitation of irregular migration. Uncovering the services and practices carried out by locals, including gender dynamics, in the

the EU's own successful experiences. Ensuring respect for free movement is a necessary condition to the reinforcement of regional and cross-border economies. This would help resolve the current conflict between controls that are conducted by law enforcement within Niger and the country's commitment to the ECO-WAS Free Movement Protocol. It would also prevent facilitators and transporters from resorting to alternative and often riskier desert roads to circumvent controls.

context of irregular migration will help better forecast the impact of counter-smuggling efforts on whole communities – and not only on men. This is also paramount to “decriminalise” the figure of the smuggler that is predominant in European narratives and ultimately develop policies that hold true to the reality, including the provision of alternative livelihoods that account for gender dynamics.

**6. Acknowledge the toll that the counter-smuggling strategy in Niger has had on the image of the EU among Nigerien local officials and civil so-**

ciety. Many in Niger are critical of EU and government actions on irregular migration, considering the deep effects it has had on local livelihoods, and the heavy and multifaceted intervention of EU officials in Nigerien policy-making (including diplomatic pressures, development aid and other financial support, and military presence). This might ultimately affect the credibility of EU action in Niger. European policy-makers ought to design coherent policy responses that align with and are a demonstration of the EU’s objectives and treaties in partner countries.

## Interviews

All interviews were conducted by telephone between August and November 2020.

Interview code	Interviewee	Place
CS-1	Civil society representative	Niamey, Niger
CS-2	Civil society representative	Agadez, Niger
HI-1	Humanitarian worker	Paris, France
HI-2	Humanitarian worker	Brussels, Belgium
HN	Humanitarian worker	Niamey, Niger
Jl	Journalist	Niamey, Niger
MN	Local official	Arlit, Niger
ON	Former local official	Agadez, Niger
RI	Researcher	Brussels, Belgium
RN	Researcher	Niamey, Niger
TG	Tour guide	Niamey, Niger

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# Current Trends and Challenges on the Facilitation of Irregular Migration in Tunisia, Algeria and Morocco

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## Introduction

This chapter provides a general overview of recent trends concerning the facilitation of irregular migration into Europe from Tunisia, Algeria and Morocco and the challenges migrants face as a result of their migratory attempts. It draws from the collective fieldwork of the authors in all three countries. It recognises the continued relevance of smugglers and other facilitators of mobility in the journeys out of North Africa by West, Central and North African migrants. However, it also argues that in all three countries irregular migratory journeys quite often involve endeavours organised by migrants themselves, acting with no criminal intent and seeking no financial profit. While the journeys of North African migrants typically involve maritime crossings alone, they are possible through preparatory activities that take place on land. For sub-Saharan migrants, journeys to North Africa and potential efforts to cross the Mediterranean are conducted primarily on land, often involving partnerships with other migrants and brokers from their same countries and regions.

These journeys, however, are not free of challenges. Immersed in a legal web comprised of a series of European Union (EU)-third country agreements aimed at controlling irregular migration to Europe, and North African governments' own laws criminalising irregular emigration, migrants across North Africa face increasing levels of criminalisation, often complicated by gender, class and race. Returns, arrests, mass trials, incarcerations, often accompanied by hefty fines, do not deter crossings attempts, often resulting in new journeys, tragic incidents and the loss of migrants' lives.

The findings suggest, as shown throughout this report, that the emphasis on conceptualising the facilitation of migration as pertaining to the domain of criminal networks of transnational reach alone constitutes a rather narrow reading of irregular migration dynamics, which can lead to the articulation of faulty or inadequate policy responses. Most troublingly, it also obscures the increasing risks and criminalisation that migrants of all origins face across North Africa in connection with EU-financed irregular migration controls.

## The risk of a single story

A significant proportion of the literature on the dynamics of migrant smuggling in North Africa has focused on the case of Libya (Sanchez, this report). As one of the main points of departure for irregular migration towards the EU in the Mediterranean, Libya emerged around 2015 as the paradigmatic case in the migrant smuggling analysis landscape, leaving the dynamics in other migrant hubs across North Africa vastly unexamined.

The discourse surrounding the overall situation in Libya also became central to the EU narrative on smuggling. To this day, the country continues to be systematically described as a divided nation at war, as an inherently dangerous space (Bland, 2020, p. 16) where migrant smuggling is under the control of militias and tribal groups (depicted as violent, primitive natives out of control), further inscribing the perception of the country as chaotic and lawless (Sanchez, 2020; Capasso, 2020).

These statements do not seek to suggest the absence of violence or conflict in the country. The facilitation of migration out of Libya and the dangers mi-

grants in transit endure have been extensively documented, as well as said dangers' ties to EU-sponsored migration enforcement practices – particularly migrant returns (see Council of the EU, 2021). These have led to the unnecessary victimisation of migrants, not only at the hands of those who organise their journeys but also of militia groups, the Libyan Coast Guard and other predatory entities, including ordinary people. By the end of December 2020, the number of migrants and refugees returned to Libya had exceeded 11,800 people, while an estimated 900 had drowned in the Mediterranean trying to reach European shores (OCHA, 2020).

While these numbers are indeed devastating, the data also indicates that until the advent of the COVID-19 pandemic most people travelling to Libya from sub-Saharan countries, North Africa and Asia did so to remain in the country, and not with the purpose of embarking on journeys towards Europe (Sanchez, 2020; REACH & Mercy Corps, 2018; IOM, 2020b). Despite the conflict, Libya's migrant population had remained quite stable. The significant decrease in its size – the International Organization for Migration (IOM)'s Displacement Tracking Matrix puts at 80,000 the number of migrants who have left Libya since the start of the pandemic, most heading or returning primarily to neighbouring countries (IOM, 2020a) – suggests that the economic fall-out over the pandemic, rather than conflict itself, has led many to return to their countries of origin, move to other countries, and in some instances to attempt crossing the Mediterranean.

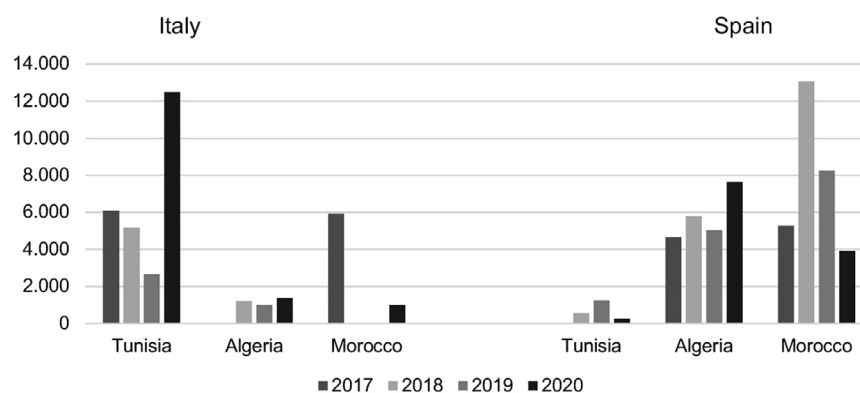
As in Libya, the arrival of COVID-19 drastically impacted the already preca-

rious livelihoods of people throughout Tunisia, Algeria and Morocco. The prolonged nature of the pandemic was compounded by years of economic anxiety, unemployment, lack of opportunities, inflation and political turmoil, along with the perception that despite the continued series of uprisings, conditions were likely to remain intact. This led to a sudden, if expected, increase in the number of departures from these three countries towards Italy and Spain in 2020. Widespread precarity and overall disenfranchisement has driven thousands of Tunisian, Algerian and Moroccan families and groups of young people into the sea, often with devastating consequences (Mahdhi, 2021; Brahim, 2020 & 2019).

Sub-Saharan African migrants residing in North Africa have also experienced significant turmoil as a result of the pandemic, restrictions to mobility making it impossible for them to maintain jobs or generate an income. The closing of borders and restrictions to travel tied to the pandemic have also meant many are unable to return to their countries of origin. To this one must add the systematic racism and discrimination sub-Saharan and other racialised migrants face throughout the region and which shape their interactions with migration authorities and their responses (Gazzotti & Hagan, 2020; Tyszler, 2020).

In sum, despite the COVID-19 crisis, people have continued to embark on migratory journeys to leave their conditions behind. Migration enforcement activities have at the same time not been suspended. The hyper-focus on Libya's Europe-bound migration dynamics has left those existing in other countries in the region underexamined. This chapter seeks to help reduce that gap.

The hyper-focus on Libya's Europe-bound migration dynamics has left those existing in other countries in the region underexamined

Figure 1. UNHCR arrivals (2017-2020)<sup>1</sup>

## Attempts to counter sub-Saharan irregular migration

The EU-Niger deal that led to the criminalisation of the local transportation and trade industry as migrant smuggling (see Fakhry, this report; Brachet, 2018) was for nations across North Africa a reminder of the potential benefits that partnering with the EU in its efforts to control the mobility of sub-Saharan migrants in the region could bring about. Before and after the deal, however, Morocco and Tunisia had signed important agreements with the EU allowing them to benefit from the Union's concerns involving sub-Saharan irregular migration. Even Algeria, despite its resistance to EU pressure and incentives and its refusal to this day to sign any official agreement to control irregular migration (Cassarino, 2018), has benefited indirectly from the EU Emergency Trust Fund for Africa (EUTF) by receiving funds for counter-

smuggling and human trafficking training (Zardo & Loschi, 2020).

Most efforts to counter irregular migration in Tunisia, Algeria and Morocco have targeted the movements of sub-Saharan migrants. In recent years, the removal of sub-Saharan migrants from cities across Algeria and Morocco to distant communities in the interior (Gazzotti & Hagan, 2020) and their southern borders (Arrouche, forthcoming; Alarm Phone Sahara, 2020) has been seen as a sign of the commitment of both countries to help control irregular migration into Europe but also within their own borders, often at the expense of portraying the presence of sub-Saharan migrants as a security threat.

The practice of forcefully removing sub-Saharan migrants from the communities or migrant compounds where they live to remote areas drastically disrupts their everyday lives. In Algeria, mass arrests involving sub-Saharan mi-

<sup>1</sup> Algerians were not among the top 10 nationalities in arrivals to Italy in 2017. The same was the case with Moroccan arrivals to Italy in 2018 and 2019, and Tunisian arrivals to Spain in 2017. Source: UNHCR, n.d.

grants or even Algerian citizens profiled as sub-Saharan have taken place in large cities like Oran, Algiers and most notably in the southern city of Tamanrasset (a predominantly migrant city close to the border with Niger). Between 31 September and 27 October 2020, at least 6,747 people were deported from Algeria to Niger; similar efforts between 12 and 14 November of the same year led to the removals of 1,089 migrants, who suddenly found themselves on the Nigerien border, without their belongings, lacking resources and protection (Alarm Phone Sahara, 2020). Detained at construction or other employment sites across urban settings in the country, sub-Saharan migrants are often depicted as posing security threats to the stability of the country, yet relied upon as an irregular, disposable workforce.

Raids against sub-Saharan migrants are also common in Morocco. They uproot migrants from their communities and sources of income by forcefully relocating them to remote, rural communities where residents are often reluctant to accept them as neighbours and subject them to acts of racism and discrimination (Gazzotti & Hagan, 2020; Boulbina, 2019). This constant uprooting perpetuates migrants' conditions of extreme helplessness, unemployment or subemployment and homelessness; some turn to begging for survival, which increases their visibility and articulation as a social burden, encouraging further humiliation and abuse (Gazzotti & Hagan, 2020).

While raids and forced relocation of the kind documented in Algeria and Morocco are not reported in Tunisia, there are other practices that put sub-Saharan migrants in the country at risk. Steep fines are imposed upon those

who do not renew the visas obtained upon arrival – the result of the very inability to convert them to work or residence permits. Migrants report it is the fines that often prevent them from leaving the country. Stranded in Tunisia without the possibility of working or of returning to their country of origin puts migrants under extreme conditions of vulnerability (REACH & Mercy Corps, 2018). Rather than remaining in Tunisia, many opt to travel irregularly to another country, or to use the money they would have otherwise used to pay their fines to cover a smuggling fee to Europe.

In sum, often undeterred, sub-Saharan migrants subjected to forced relocation methods often find their way back into their communities, covering their expenses with hidden savings or assisted by friends who send them money for their return (Arrouche, forthcoming). Some may decide to return to their countries of origin, while others may opt to relocate to other cities or to a different country in the region. Many others, tired of the harassment and many times burdened by debt, ultimately decide to pursue journeys across the Mediterranean (Arrouche, forthcoming; Sanchez, 2020; REACH & Mercy Corps, 2018).

## Countering North African migrants' departures

Migration from North Africa, however, does not involve sub-Saharan migrants only. Over the last year and despite the pandemic, there has been a drastic increase in the number of Tunisian, Algerian and Moroccan migrants who migrate irregularly into Italy and Spain. By tackling the migration at the core of the EU counter-smuggling policy (that

Raids against sub-Saharan migrants are common in Morocco. They uproot migrants from their communities and sources of income by forcefully relocating them to remote, rural communities



is, the one involving sub-Saharan migrants), Morocco and Tunisia (following the Arab Spring) hoped the Union would grant them special concessions concerning the migration of their own nationals (that is, in the form of increased visa approvals, employment programmes, etc.) (Zardo & Abderrahim, 2018). While countries have received significant support to manage sub-Saharan migration, their nationals have also found continued barriers to their efforts to travel legally.

People across Tunisia, Algeria and Morocco report being unable to obtain a visa to travel legally despite presenting the required documents and disbursing significant amounts of money at local embassies. The feeling of disrespect and abuse many feel as a result of their visa denials fuels their mistrust on EU member states' claims of being supportive of regular, safe and orderly migration, and in fact often leads them to seek migrant smugglers to embark on irregular journeys, or to organise their own (Capasso, forthcoming).

In sum, efforts to control mobility in North Africa have had grave impacts on the lives of both sub-Saharan and Maghrebi migrants. While the pandemic has played a role in the ability of people to move, it has not stopped irregular migration, nor the demand for smuggling services. If at all, the spike in arrivals demonstrates immigration enforcement and border control actions have been insufficient to deter or prevent mobility within North Africa, but also across the Mediterranean. Furthermore, the lack of democratic change and the growing inequalities faced by people across the region have further disenfranchised larger numbers of men, women and young people, who see irregular migration as one of

the few alternatives available to improve their lives.

While involving different migrants and experiences, the dynamics of irregular migratory journeys and their facilitation out of North Africa are still poorly understood. The following section brings empirical insights from fieldwork carried out by the authors in all three countries. It calls for a deeper analysis of the implications that in light of the new Pact on Migration and Asylum, developing or attempting to implement counter-smuggling policy may have on the people on the ground, given the organisation of irregular journeys and their actors.

## **Facilitating irregular migration in North Africa**

This section summarises data concerning the ways migratory journeys from Tunisia, Algeria and Morocco towards Europe and within North Africa are organised. It draws from data collected by the three authors in all three countries in 2019 and the first quarter of 2020, prior to the arrival of the pandemic, and includes interviews with migrants, border and other government officials, civil society, and staff from international organisations, as well as field and participant observation. Despite the fact that restrictions imposed by the pandemic limited the possibility of carrying out additional fieldwork, the information available was cross-referenced and verified through calls among authors, other researchers, and informants in the field. The chapter also draws from the literature on irregular migration from North Africa. Combined, all sources provide an overview of migrants' experiences concerning their journeys (the ways they

come together, the strategies they rely upon to organise their journeys, and the actors who support them).

While not mentioned as part of the personal experiences of migrants and other stakeholders interviewed, we recognise that there may be other strategies allowing migrants to travel and reach destinations in Europe and elsewhere beyond the ones identified below. Migrants for example reported cases involving people who had obtained visas fraudulently that allowed them to enter a destination country and stay beyond the duration of their permits; others spoke about smugglers selling journeys on board high speed, virtually undetectable boats. They also reported having heard about highly organised smuggling groups that may facilitate access to authentic or high-quality travel documents allowing migrants to reach a destination in exchange for very high fees. Yet none of these cases pertained to the experiences of the migrants we contacted, or which cases are identified in most of the literature, who in their vast majority lacked access to capital and struggled to make ends meet. In other words, migrants faced a significant degree of financial precarity that prevented them from accessing not only an expenses mechanism for travel but in many instances those who despite being organised locally remained beyond their reach, having to rely on the more affordable if less safe strategies available to them, which are described next.

In what follows, we distinguish between the journeys across the Mediterranean – focusing on the experiences of North African migrants – and the in-country, land-based journeys of sub-Saharan migrants. This does not imply that journeys are exclusive to one group or another (North African migrants often travel by

land or air to other countries in the region from where they consider it may be easier to reach a destination, while sub-Saharan migrants also embark on maritime journeys) but rather attempts to portray a diversity of efforts. Neither is a strictly discrete form of travel – in other words, journeys may combine characteristics present in other categories.

### **Organising the journey across the Mediterranean**

The data collected identifies at least three ways in which journeys across the Mediterranean are organised. They can involve self-funded or self-organised efforts by a family and/or group of friends; community organised trips whose leaders or organisers provide opportunities for potential travellers to pay off a journey by performing specific tasks; and journeys in which passengers (often recruited by brokers) simply pay a fee and join a programmed journey.

#### *Self-funded, self-facilitated efforts*

In all three countries we identified groups of people (virtually always comprising Tunisian, Algerian or Moroccan migrants only) who decided to embark on a journey pulling together their resources and collective knowledge. These journeys are assembled primarily by groups of friends known to each other, extended families or neighbours relying on the skill and knowledge of others in the group (Mabrouk, 2009; Friese, 2015; Moussaoui, 2015). It was not uncommon to find fishermen among the passengers, whose navigational knowledge and insight were critical for the journey.

For these journeys, participants pull together savings or earnings, request contributions from friends or family

members in the country and in the diaspora, or sell their belongings (Brahim, 2019 & 2020; Souiah, 2016). It is in a sense expected that not everyone will have the same ability to pay or to make a specific financial contribution, which also makes these journeys quite dependent on solidarity and community ties. For example, some of these journeys include women and young people whose financial resources may be more limited than those of men (see IOM, 2016). Souiah (2012) described the cases of women who were invited to join these journeys despite providing limited or no financial contributions so that they could leave behind domestic or gender-based violence, hide unwanted/out of wedlock pregnancies, or avoid other social or family-based restrictions or conventions.

#### *The working-off of fees*

Both nationals of all three countries as well as sub-Saharan migrants (often men and young people who have become stranded during their journey) often negotiate a spot onboard of boats in exchange for work, putting their skills and knowledge at the disposal of the organisers of a journey, and allowing these to reduce their costs this way.

People can work off fees in a range of ways: securing supplies (boats, engines, tools needed to repair or prepare the boat); fetching fuel, oil or food supplies for the journey; serving as lookouts, ensuring law enforcement does not locate or identify their points of departure. They may also help care for paying passengers, by bringing them water or food, or ensuring they are calm prior to their departure; they also liaise with other organisers, taxi drivers, street vendors, etc., to ensure a smooth, and hopefully undetected departure.

While images of the journeys of migrants towards Europe give the impression they are only maritime, they also include a great deal of land-based activity and travel

#### *Travelling as a paying customer*

Some aspiring migrants (both North African and sub-Saharan) have the financial resources to cover the costs associated with an organised smuggling journey. Smuggling fees are often covered or paid with personal savings, and with the support of family members in both the country of origin or in the diaspora. Parents are known to consider the journeys of their children potential investments which may provide significant financial returns and guarantee a level of stability in their old age should the journey be successful, and often sell real estate, family heirlooms or other valuables to cover smuggling fees (Capasso, forthcoming).

Data from Tunisia suggests these journeys tend to be organised by larger, more structured smuggling groups operating locally (compared to those constituted by neighbours, friends or family members alone described earlier). In the Tunisian case, these journeys often involved travelling onboard of larger vessels that accommodated passengers recruited by multiple brokers. Interviews carried out in Tunisia among search and rescue personnel also suggests that these journeys are strictly organised by race (Capasso, forthcoming; Sanchez, 2020). That is, journeys hardly ever include both sub-Saharan and North African migrants, the reason being that the Coast Guard was known to be less likely to return boats carrying only Tunisian migrants than those transporting migrants from African or Asian countries.

#### **Organising a journey by land**

While images of the journeys of migrants towards Europe give the impression they are only maritime, they also include a great deal of land-based

activity and travel. The number of arrivals to Spanish coasts indicates that Tunisian migrants travel to Morocco to attempt entering Spain, as do large numbers of Algerians. Sub-Saharan migrants must travel by land across entire countries before reaching countries in North Africa, and then to reach the coasts along the Mediterranean or the Atlantic in the event they are attempting to reach European territory.

Our research identifies two critical forms of organisation among those who facilitate on-land services: that of individual brokers or facilitators, who often provide one-on-one services to migrants, connecting them to larger groups yet working independently, and group-based brokers, typically constituted by groups of migrants from the same country and region. As in the previous section, these categories are not discrete and can combine both kinds of brokers and other facilitators.

#### *Independent brokers or intermediaries*

Independent brokers or intermediaries are often known as “connection men” (Lucht, 2011) or *coxeurs* (Migrating out of Poverty, 2019). They tend to work independently, while in coordination with others who also seek to turn a quick profit out of expediting specific segments of migrants’ journeys. They are themselves former or in transit migrant men (and occasionally women, young people or children) who for a fee connect other migrants to other locally-based people providing services like housing or accommodation, transportation or coordination of sea or long-distance crossings. They rely on other independent intermediaries like landlords, taxi drivers, hotel owners, and even spiritual guides (Richter, 2019) to carry out their work. As brokers who “bridge and trade on

gaps in a social structure” (Stovel & Shaw, 2012) *coxeurs* are also well aware of their clientele’s financial precarity, the fees they charge being often negotiable, and traded for goods, services or future referrals (Maher, 2018).

The roles of independent brokers tend to be seasonal or temporary, depending on demand. Evidence from Tunisia and Algeria, for example, indicates that the modest, limited profits they generate means they must combine different sources of income to make a living (Mabrouk, 2009; Richter, 2019).

#### *Group-based brokers*

Some brokers are also organised into more consolidated groups that for a fee provide services to migrants. The most common of these brokers’ set up places are known as ghettos or foyers. Frequent in Algeria and Morocco, these are houses and/or apartments where migrants can enter and stay while arranging for sea crossings or other land-based journeys. Many of the migrants who arrive to the ghettos or foyers do so through connections or referrals from other migrants who can attest to the services provided.

Ghettos and foyers provide a relatively safe space free from competing brokers, criminal actors and the police. Ghettos themselves tend to be divided by country and region, and are supervised or guarded by a president or leader – a *thiame* – who receives a portion of the fees paid by migrants to maintain order and safety for all occupants (Migrating out of Poverty, 2019; Pian, 2010). Ghettos and foyers are often located in predominantly immigrant neighbourhoods in cities like Tamanrasset or Oran in southern and northern Algeria or Rabat in Morocco,

and data suggests some are owned or run by women – both migrant and from the corresponding countries (Richter, 2019).

## The facilitation of irregular migration and other criminal markets

Claims of migrant smuggling and the facilitation of irregular migration converging with other crimes or markets in North Africa and the Sahel are common. References to migrant smugglers being involved in the trafficking of weapons, drugs and fuel are common. Of significant interest to policy-makers are the alleged connections between terrorist activity and migrant smuggling, given attacks on European soil. References to the involvement of male sub-Saharan migrants in drug trafficking and to that of sub-Saharan women in prostitution, specifically as victims of human trafficking, are also quite common.

Despite the ubiquity of references to the entanglements of migrant smuggling with other criminal markets, data concerning criminal convergence is rather scant (see Dimitriadi, this report). Opinions concerning the coming together of smuggling and terrorism, for example, are divided. While some authors consider terrorism's links to smuggling are quite strong, citing claims of terrorist groups being attracted by the potential of smuggling profits (Lounnas, 2018; GITOC, 2015), others have shown that smuggling groups lack the ideological motivations present in smuggling, while terrorist groups are instead more focused on maintaining their activities secret, therefore relying on specific routes and channels to facilitate the journeys of their operatives

(Achilli & Tinti, 2019). It also appears that the threat of terrorism (real and fabricated) has been used many times by governments across North Africa to prevent future collaborations among terrorists and other criminal groups (Arrouche, forthcoming), to curtail the smuggling of goods and services (Moussaoui, 2015; Boukhars, 2019), but also to step up surveillance of groups considered a threat to national security – including irregular migrants (Zardo & Loschi, 2020).

During interviews in Tunisia with civil society actors, these provided examples of young people joining some efforts aimed to destabilise local politics, joining groups labelled as extremist. However, informants said that this involvement must be understood as temporary, seasonal, and driven by economic precarity, and not to be interpreted as a sign of young people having converted or permanently embracing a particular ideology (Sanchez, 2020; Jensen & Vigh, 2018). Data collected along the Tunisia-Libya border also shows that people may engage in different practices (both licit and illicit) during different times of the year, or depending on their demand, profitability and stigma (Sanchez, 2020; Capasso, forthcoming). Participating in fuel smuggling, for example, was seen as a more stable (and profitable) activity and – if the ubiquity of informal fuel stands across roads and towns in Tunisia and Algeria serves as an example – subjected to clearly different levels of surveillance and control.

Another important area of concern has been the intersection between human trafficking and migrant smuggling. While each term defines a different crime, in real life it is not uncommon for smuggled migrants to find them-

Despite the ubiquity of references to the entanglements of migrant smuggling with other criminal markets, data concerning criminal convergence is rather scant

selves in trafficking-like situations and for trafficking victims to enter into agreements with smugglers. Crimes carried out against smuggled migrants are common. Researchers have shown migrants (particularly of sub-Saharan origin) are held against their will by smugglers, who demand additional fees on top of those already paid, or ransom fees following kidnappings, threatening migrants and their families with violence and torture (Ayalew, 2018).

The victimisation of migrant women – in particular from Nigeria – by smuggling and trafficking gangs that prostitute them has also been a frequent topic of interest among researchers and policy-makers. Abundant references to the victimisation by smugglers of black women – often relying on graphic, sexualised depictions of their bodies (Tyszler, 2020; Akrimi, 2020) – further the perception that migration and prostitution are inherently intertwined.

Migrant women in transit do face exploitation and abuse in the context of their journeys, and the extent of gender-based violence against all women regardless of country of origin is indeed widespread. Empirical evidence connecting sex work to migrant smuggling indicates the migratory experiences of migrant women in North Africa (including sex workers) are far more complex. While there has been a focus on the experiences of sexual assault, forced sex work and sex trafficking faced by migrant women, researchers have argued this emphasis is often tied to the way the presence of women – particularly those from West Africa – is almost inherently associated with prostitution and sex work, revealing the racialised and sexual perceptions

connected to black bodies (Tyszler, 2020). There is stronger evidence that while sex trafficking does take place, many migrant women engage in transactional sex to advance their migratory journeys or other personal life projects, but this is far from constituting the whole of their lived experience (Cheikh, 2021; Migrating out of Poverty, 2019; Plambech, 2017). Furthermore, women rely on many other labour strategies to advance their journeys that are not tied to sex work, like domestic work and caregiving, where abuse is also known to be widespread (ATFD, 2020). Attention to these dynamics, in comparison to the kind paid to sex work, has been minimal.

### **The consequences of participating in irregular migration facilitation**

The dynamics of irregular migration from North Africa are vast and, as mentioned, underexamined. So are their implications. As mentioned earlier in this chapter and throughout the literature, migrants may face violence at the hands of smuggling facilitators, being subjected to trafficking, kidnapping and multiple forms of physical and gender-based violence and abuse. There are also efforts carried out by national authorities to deter or counter the presence of (primarily) sub-Saharan migrants (raids and relocations). None of these dynamics emerge in a vacuum, and have been described by authors to be clearly connected to the broader EU strategy of externalising migration controls (Badalic, 2018; Carrera et al., 2018).

As described above, obtaining visas to travel legally and safely from Tunisia, Algeria and Morocco is an almost futile

There is stronger evidence that while sex trafficking does take place, many migrant women engage in transactional sex to advance their migratory journeys or other personal life projects, but this is far from constituting the whole of their lived experience

enterprise for ordinary people. Visa refusals lead many to turn to smugglers or to facilitate their own journeys. Their detection does not merely result in them being sent to their point of departure, however. It quite often jump-starts a legal process to prosecute them for irregular departure. Across the Maghreb, laws criminalising irregular emigration are used against both citizens and non-citizens alike. Tunisia's Organic Law imposes detention sentences of 15 days to six months and fines between 30 to 120 Tunisian dinars (11 to 46 euros) (Badalic, 2018). Algeria's Law 08-11 imposes upon any national or foreigner who is found leaving the country irregularly imprisonment of two to six months and/or a fine between 20,000 to 60,000 Algerian dinars (126 to 380 euros) (Souiah, 2016), while article 50 of Morocco's Law 02-03 sets fines between 3,000 to 10,000 Tunisian dinars (278 to 927 euros), imprisonment terms of one to six months or a combination of both (Lahlou, 2015).

There is no official data available on the number of *harraga* (the term used for migrants traveling irregularly from the Maghreb) who are tried in any of these three countries for irregular emigration. Estimates from Tunisian civil society put at over 7,000 the number of Tunisians deported from Italy between 2016 and 2019 (Foroudi, 2020). Research by Souiah, however, suggests that in the specific case of Algeria, returned detainees face collective trial immediately following apprehension, a single court-appointed attorney representing the entire group of people captured (2016). The fines imposed by courts are quite often impossible to pay for the people who were already facing high levels of precarity (Oussad, 2020), and often accumulate as a result of people's repeated crossing at-

tempts. This often leads people to live in a state of fear, not only as a result of the lack of income or employment, but also given the high probability of arrest. Detention and convictions further compromise the livelihoods of migrants, who by virtue of having a criminal record are unable to become employed in the formal and often even the informal economies, given their stigma as felons. And yet, as the testimonies collected by Brahim (2020), Arrouche (forthcoming) and Moussaoui (2015) suggest, neither fines nor incarceration serve as deterrent, as departures continue to take place.

Despite making every effort to obtain information that can improve the likelihood of reaching the EU, many journeys depend or rely on a pilot with scant or no actual navigational or smuggling experience. While the locations these journeys depart from may give the impression that crews have a degree of familiarity with the sea, this is not always the case. Oussad (2019) reported how a group of migrants attempting to leave Algeria chose as a pilot the one man in the group who knew how to swim; a young Tunisian man interviewed by Mahdhi (2021) on community and family organised journeys stated he travelled for free on the condition he monitored the location of the boat on his phone's Global Positioning System.

The precarity of all kinds of irregular journeys should not come as a surprise. Fear, anxiety and conflict given the clandestine nature of the journeys shape interactions among passengers, and their behaviour can compromise the stability of boats or any other vehicles used for transportation; mechanical failures and other structural malfunctions often results in ship-

wrecks (Oussad, 2019 & 2020). Lack or shortage of search and rescue operations (often derived from EU members' political decisions) also disallows teams from reaching migrants on time and preventing tragedies (Cusumano & Villa, 2020). Despite their frequency and visibility, these hardly serve as deterrence mechanisms. The IOM's Missing Migrants Project reported 1,366 deaths in the Mediterranean in 2020 (2020b) – 285 of those along the Western Mediterranean, a route towards the Canary Islands that regained its former standing in the midst of the pandemic (Vammen & Hernandez-Carretero, 2020).

## Conclusions and recommendations

This chapter summarised some recent trends present in the facilitation of irregular migration in Tunisia, Algeria and Morocco. It demonstrates, as many other authors have shown, that in the absence of safe and legal channels for migration, and despite the restrictions in connection with the COVID-19 pandemic, people across these three countries have continued to travel irregularly. In the particular case of Tunisia, Algeria and Morocco, many of these journeys involved self-organised migratory attempts by families and groups of friends, rather than those facilitated by smugglers alone. While these strategies are certainly not new or unprecedented (see Chena, 2020; Mabrouk, 2009, Boubakri, 2004), they point to the protracted precarity faced by people across these North African countries and their realisation that the social movements of the last decade will ultimately not result in either progressive or visible reforms.

It is particularly remarkable that when seen from the perspective of migrants, neither smuggling networks nor other forms of transnationally organised criminality as defined by EU authorities and policy-makers appear to play a significant role in irregular journeys. This should not be interpreted as the lack of presence of groups of this nature. Instead, it shows how by prioritising migrants' everyday and informal practices, clarity concerning the exchanges and interactions they forge in their efforts to migrate can emerge. The evidence also emphasises the renewed relevance of community-based journeys. Entire families, young men and women have taken to the sea, pulling their limited resources together with varying outcomes. Arrivals at Spanish and Italian coasts do point to significant increases in migration from the Maghreb in the summer of 2020. But many other migrants do not encounter the same fate. While limited, data suggests intercepted, returned and deported migrants face detention, mass trials, incarceration and fines that accumulate, generating further debt, but that also rekindle their interest in migrating. Tragedies also attest to the determination to continue attempting to reach destinations elsewhere, despite the high personal risk. The Mediterranean continues to be one of the most dangerous and lethal migratory corridors. Despite the pandemic and the restrictions, the deaths of 1,471 people were recorded in the region during 2020 – most likely an undercount (IOM, 2020c).

Thus, the following policy recommendations can be made:

- 1. Re-examine notions and understandings concerning the facilitation of irregular migration.** What

When seen from the perspective of migrants, neither smuggling networks nor other forms of transnationally organised criminality as defined by EU authorities and policy-makers appear to play a significant role in irregular journeys



all four chapters of this report show is that policy strategies based on notions like the one considering smuggling as organised solely on networks or as tied to a business or profit model may be way out of tune with the realities of migrants' irregular journeys and the risks and challenge they face. Policies and strategies that fail to account for the role communities, precarity – and race and gender – play in migrants' irregular journeys may fall short of achieving the ultimate goal of “dismantling” smuggling.

2. **Incorporate into policy and practice understandings of the ways race, gender and class intersect and shape the experiences of migrants travelling irregularly.** As Gross-Wyrtzen and Gazzotti's (2020) work in Morocco shows, race is central to the way migrant people experience border enforcement and migration management. Data repeatedly showcased the widespread racism and discrimination sub-Saharan migrants encounter in their everyday lives and in the context of their experiences in enforcement, but also in their ability to access safe ways to migrate. Gender is also central to the experience of sub-Saharan and North African women. In the specific case of sub-Saharan women, the treatment and depiction of their bodies and experiences in migration policy creates, as Cheikh identifies, “an underclass of racialised women whose pre-

sence can only be seen as associated to prostitution and trafficking” (2021, p. 193). Re-examining the ways in which policy-makers, scholars and law enforcement agents understand and speak about the experiences of racialised men and women is an urgent endeavour.

3. **Conduct specific evaluations of the impact of the criminalisation of irregular emigration across the Maghreb.** There is scant knowledge of how laws criminalising irregular emigration out of Tunisia, Algeria and Morocco have impacted those prosecuted under them. There is a growing body of research documenting the experiences of deported and returned migrants; yet their experiences with the post-apprehension and post-conviction legal processes remain unexamined.
4. Operationally, **discourage the reliance on raids and forced relocations that uproot migrant people – often recognised asylum seekers – as part of strategies to counter irregular migration.** This is critical in the case of Algeria given the country's lack of direct engagement with the EU strategy of externalising migration controls. Document and report the specific impacts that actions of this kind have on migrant sub-Saharan, women and children travelling on their own or established in the three countries of this chapter.

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# List of acronyms and abbreviations





<b>ECOWAS</b>	Economic Community of West African States
<b>EDPS</b>	European Data Protection Supervisor
<b>EMSC</b>	European Migrant Smuggling Centre
<b>EU</b>	European Union
<b>Europol</b>	European Union Agency for Law Enforcement Cooperation
<b>EUTF</b>	European Union Emergency Trust Fund for Africa
<b>Frontex</b>	European Border and Coast Guard Agency
<b>IOM</b>	International Organization for Migration
<b>JOT MARE</b>	Joint Operational Team Mare
<b>KPI</b>	Key Performance Indicator
<b>LEA</b>	Law Enforcement Agency
<b>PAIERA</b>	Plan d'Actions à Impact Economique Rapide à Agadez
<b>SoM</b>	Smuggling of Migrants
<b>UNODC</b>	United Nations Office on Drugs and Crime

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