

Human Rights

“Dealing with the Detention and Increased Vulnerability of Refugees in Libya”



Forum: Human Rights
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Context & Historical Background

Libya has become a country with a reputation of holding a great amount of African migrants. The largest flow of modern African migration ‘funnels’ through one single country; that is Libya. The reason for this is that Libya is the main gateway to the European continent. Many sub-Saharan African and Middle-Eastern migrants have made their way from their respective countries in order to arrive to what seemed to them like ‘an entrance to another world’. There are three routes which the migrants can possibly take; the Eastern route, the Central route, and the Western route. Middle-Eastern migrants such as those from Syria, Yemen, or Jordan come from the Eastern route. Central Sub-Saharan African migrants from countries such as Nigeria and the Republic of Chad, come from the Central route. And, the Western Sub-Saharan Africans from nations including Senegal, Ivory Coast, or Ghana tend to come from the Western route.

Many countries from Sub-Saharan Africa and the Middle East have dealt with unpleasant situations such as filth and squalor, extreme poverty, or murderous terrorist groups. This led the inhabitants of these dangerous communities to decide to move to Europe, through what they thought was the golden gateway to a new continent and civilization: Libya. This migration issue started with the chaos and political instability in the country left behind by Dictator Muammar Gaddafi. A huge conflict which stood in between Gaddafi’s men and rebels who wanted him out of power, called the Libyan Civil War, occurred on February 15th 2011. For six years, the so-called “Picasso of Middle-Eastern Politics”, derived his nation into a humongous mess which created a political instability in Libya. In addition to this, he destroyed his country’s economy, leaving it in extreme poverty and was very brutal to his political enemies. During this time period, this mayhem involved security forces firing on civilian crowds, clashes, and protests from the Libyan people. These protests quickly became a true rebellion, using all forces possible to overthrow their dictator. This chaos gave the opportunity for many smuggling networks to ‘thrive’. This allowed a market to evolve and make a profit off human trade. It was fairly easy to ‘smuggle’ practically anyone in and out the nation through its vast 1770 km long coastline as it basically became an open border. In addition to this, there were no government forces to monitor or control who went in or out the Libyan territory. It is fair to say that one of the main factors that led to the creation of these smuggling networks is the lack of ‘control’ or ‘authority’ on the borders of Libya. Re-

enforcing these borders could make an incredible difference as human traffickers who are transporting migrants from all the different Sub-Saharan African and Middle-Eastern countries would find a much harder time penetrating into Libya if a true and solid system of border control was established.

To understand how the issue has evolved over time, it is fundamental to go back to the 1960s, the true origins of this issue. Immigration flow into Libya had started after the discovery of hydrocarbons and oil at that time. A large number of immigrants, especially from neighboring Arab countries such as Egypt and Tunisia, were attracted for the following twenty years as there happened to be a rise in oil revenues and an ‘ambitious’ social and economic programs. During the 1990s however, a large increase in incoming immigrants occurred, which led to a big change in “the national composition of inward flow”(MPC - Migration Policy Center). In 1992, Leader Muammar Gaddafi had been disappointed in what he considered was a lack of support from neighboring Arab countries. During the 2000s, Libya had started to cooperate with European countries over irregular migration. It is after nearly two decades of open-door policy that Libya decided to impose visas on Africans and Arabs. In addition to this, the country also made changes concerning a migrant’s stay in Libya and his/her right to work. This resulted in an unknown amount of migrants to turn into ‘irregulars’. The Libyan government in the 2000s had decided to make expulsions on a large scale to adjust labour migration to its labor-market needs in order to please Europe. Expulsion numbers are as shown below:

2000-2003: 39,000 increase, 2003-2004: 11,000 increase, 2004-2005: 30,000 increase, 2005-2006: 20,000 decrease, 2006-2007: 59,000 decrease

More recently, since the start of the Arab Spring in 2011, North Africa and in particular Libya became a point of ‘exit’ [or departure] for individuals who were willing to experience a hazardous sea journey to arrive to what they believed was a ‘new and better world’; Europe. The amount of migrants that have crossed the central Mediterranean has significantly increased after 2013. The IOM (International Organization for Migration) estimates that approximately 182,000 Libyan migrants have landed from Libya in Italy since the beginning of last year [2016]. This made the massive refugee crisis become even worse, already getting out of control in many middle-eastern nations such as Syria and Yemen.

Concerning the Libyan borders, Italian Interior Minister Marco Minniti had made his way to Libya this summer in an attempt to reduce migrant flows by meeting Libyan mayors and renewing a commitment to oppose those who do human trafficking. As a result, he saw an unimaginable huge reduction of approximately 87%. Minniti is one of the most 'controversial' European politicians, and his success in reducing the migrant flows earned him both popularity and praise, increasing his notoriety in the continent.

Concerning the Italian coastal borders, the Italian government has reduced migrant flows from Libya into their nation by a fall of 50%. The quantity of migrants arriving to Italy has fell from 23,524 to 20,522 from June 2016 to July 2016, respectively, and to 11,459 by July 2017. The periods that are known for experiencing the 'peak amounts' of incoming migrants have been the summers of the past few years.

On a much more recent scale, dating from October 25th 2017, the National Emergency Management has received a pack of 257 Nigerian 'Voluntary Returnees' from Libya and who had failed to cross the Mediterranean Sea to reach Europe. These migrants were carried back home on an aircraft [Airbus A330-200 Aircraft - Registration number 5A - LAT], which landed in the Nigerian airport at the Ikea Murtala Muhammed International Airport at 9:15 p.m. The Italian government had provided the flight back home for these migrants, while the European Union had to provide the reintegration assistance ["an indispensable part of a comprehensive approach to migration management aiming at orderly and humane return and reintegration of migrants who are unable or unwilling to remain in host or transit countries and wish to return voluntarily to their countries of origin" (The International Organization for Migration)]. The 'returnees' were composed of 248 females (241 adult, two children, five infants) and 9 males (four adult, four children, one infant).

Libya has become a considerable problem for Europe as it is the main gateway from which migrants come and reach Europe. The European Union has been looking for a way to slow down, if not completely eliminate, the migrants that are coming from the Libyan root. At this moment, not only is the EU strongly aiming to shut down the central Mediterranean routes, but it is also attempting to reinforce Libyan coastal patrol and enforcement abilities at sea. It is however,

difficult to perform these tasks when the number of migrants coming in daily (nearly 1,200 a day) and the amount of individuals who are making profit off the market are considered.

Now, the UN's initiative is different from the one of the European Union. Essentially, the Human Rights Committee addresses the type of treatment that is given to migrants trying to reach Europe.

As a whole, this issue matters to the international community because countries all over the European continent are being affected by it. As more and more migrants are coming in, Italy is primarily affected as this issue takes up space in their economy. The reason for this is that Italy is getting more populated temporarily and has to finance and manage the 'returnees' trip back to their homes. Neighboring countries such as France are also affected, though not equally.

According to BBC, "The French [Emmanuel Macron] leader said that migrants were destabilising Libya and Europe by fuelling people-smuggling, which in turn funded terrorism." Concerning this issue, France's initiative is to stem the flow of migrants to Europe. France is therefore, planning asylum hotspots in Libya in order to do so. This would prevent the people who are not eligible for asylum from taking risks.

The goal of the committee's resolution is to specifically look at how these migrants are being treated during their hazardous and journeys in attempting to or successfully reaching Europe. Migrants from Sub-Saharan and Middle-Eastern countries who are passing through Libya in order to arrive to the European continent experience very cruel and un-human like situations. For example, on June 27th 2017, more than 24 migrants and thousands of them were rescued in the Central Mediterranean sea. Several dead bodies didn't even get a proper funeral or any formal actions, but were simply devoured by dogs.

An example of lack of human rights towards the migrants is the fact that they are locked in cells and detention centers in Zawiyah, Libya, with more than 20 crammed into one cell. In addition, all of them are barefoot and squished into these small square openings in the metal doors of the cells. Often, many of them tend to express a need for help of survival such as "I've only eaten a piece of bread today" or "Can you help me?" or "I am starving". This is not the worst that many of them have experienced, especially Africans who in their journey to Libya before arriving to the detention centers, have been bought and sold by smugglers who work in areas where the law is not

enforced and who make a profit off the human trafficking market. Ismael Konte, who is a 25 year old from Sierra Leone tells his story in Libya and says “They flogged me, they slapped me, they beat me while I was on the phone with my mother so she could hear me cry”. This is just an example to express that these migrants are being treated with un-human conditions and this is what will be treated in the Human Rights Committee. It should be **emphasized** that the committee’s goal is **not to express that the resolution is meant to end migration**, the resolution is there to find **better conditions for these migrants**.

Another example of lack of human rights towards the migrants is the amount of drowned deaths when trying to reach Europe. The transfer of migrants from Libya to Italy through the Central Mediterranean route has caused many thousands of deaths. During the summer, more than 2,000 migrants have drowned crossing the sea. Two years before, on September 2nd of 2015, a symbolic death of a Turkish toddler named Alan Kurdi occurred. The kid was just three years old when he drowned in the Mediterranean Sea. After a picture of him dead by the coast was taken by Turkish journalist Nilufer Demir, his death went viral and new measures of migration control by Italy had been taken, explaining the slight decrease of death rates in migration flow through the Mediterranean Sea.

While the goal of this session of the Security Council is to resolve this issue, it is paramount to be cognizant of how it connects to the conference: the 8th annual session of the Maroc Model United Nations conference, the theme established is Combatting Climate Change: “It is one the most prominent issues being discussed around the world today and has already begotten considerable action from the international community. [...] The wide variety of perspectives on the issue from members of the international community and the efforts needed to address all aspects of the problem make the question of climate change a debate-worthy one. This year, the MaMUN 2018 conference will look at this issue from a renewed perspective by looking at different facades of it in each of its committees.”

In this session of the Security Council, our aim is to look at how environmental factors serve to catalyse armed conflicts. With this mind, Kashmir—as previously—holds a multitude of mineral resources, but also has large water reserves, mainly deriving from the Manasbal, Dal, Nageen, and Wular Lakes. Although the conflict is not explicitly rooted as a predominantly water

conflict, it is definitely of paramount importance to recognize its significance and how it influences this situation in Kashmir.

United Nations Involvement

1 - List the most notable actions that the UN has taken regarding the issue:

The UN has:

- [UN General Assembly] Hosted a meeting on 19 September 2016 to address large migration and refugee flows coming into Europe.

- Attempted to meet the needs of more than nearly 15,000 refugees and migrants on October 17th 2017

2 - Explain what these UN actions did.

Concerning the meeting held by the United Nations General Assembly, the aim was to bring the countries together in a very civilized and 'humane' approach. This is because this migration flow issue is far too great to be single-handedly handled, and that is why the UN had brought the international community to discuss and find solutions for this together. The assembly decided to first look at the issue through the eyes of a Syrian child. Among Syrians, education is highly-valued and today, nearly 90,000 Syrians of school age have no formal education. That is very alarming because that would just mean that economically, they would have low levels of education, leading to low levels of human capital, therefore low income. This often results in that individual wanting to go to a 'new world' to find opportunities; Europe. So, that person becomes a migrant and the relative statement would be that the more uneducated children, the more future migrants produced, and the harder it would be to reduce migration flows into Europe.

The Assembly then took a look at the possibility of literally closing European borders, for migrants to not penetrate the territory. Some European countries have chosen to build spiky fences around their borders to set an obstacle for the migrants and the traveling refugee, since the flow of migrant is too big to be fully prevented with true efficiency. For instance, the Hungarian Government built a fence along its borders with Serbia. Then, a law had been created which stated that illegal or irregular entry within the borders will be penalized and criminalized.

3 - Add exact phrases/clauses from the UN action documents (resolutions, reports...) to your explanations.

Some clauses that have been expressed by the UN include:

- Reaffirms that a number of migrants which are crossing the Mediterranean Sea are being treated inhumanely and locked in cages with many other squished around them.
- Emphasizing that Libya is the main gateway from which Sub-Saharan and Middle Eastern migrants are beginning their journey to Europe.
- Fully alarmed that thousands of migrants are dying on that same journey from drowning.

C. Different Perspectives

1 - Specify which nations play the most significant roles regarding the issue.

- 1) Libya (primarily)
- 2) Italy (primarily)
- 3) Nigeria
- 4) Bangladesh

2 - Explain what their perspective towards the issue is and notable actions they took regarding it.

* these are brief overviews of each country mainly concerned*

1) Libya:

Libya's position on this issue is that they are accepting to receive these refugees as the Libyan government is funded to do so by European countries and mostly by the Italian government. Also, Libyan human traffickers are making good profit off the human trade to improve the economy of the country which had been pretty much ruined, after the elimination of Muammar Gaddafi. However, important individuals in Libya such as the many various Mayors that have met with Minister Marco Minniti have renewed new agreements to oppose the human traffickers who are causing a humongous problem for Europe.

2) Italy:

Essentially, Italy is attempting different kinds of approach to deal with this issue, all against migration flow in Europe. On a first note, Italy is trying to go in the Libyan territory in order to settle better and stronger border control and enforcement. On a second note Italy is also paying the Libyan government for them to keep and preserve all of its migrants so that they do not enter European territory. However, it should be noted that Italy does throw away the **human rights** of incoming migrants for the sake of its own nation.

3) Nigeria:

As of this year, Nigeria has been the Sub-Saharan country of origin from which most migrants are coming from, so it is fair to say that it plays a big part of the problem in this issue. All of the flights organized for ‘returnees’ by Italy consist of a large majority of Nigerians.

4) Bangladesh:

As of this year, Bangladesh has been the South-Asian country of origin from which most migrants tend to come from. By May 5th 2017, Bangladesh was considered the biggest country of origin worldwide. There has been a huge shift in the amounts of migrants from Bangladesh arriving to Italy. During the first three months of 2016, only one Bangladeshi had reached the country, but during the year of 2017, more than 2,800 arrived to European shores.

Perspectives

In this section, the aim is to explore each of the claims and arguments raised by each of the three main parties in the current Kashmir conflict: the Republic of India, the Islamic Republic of Pakistan, and the People’s Republic of China.

India

India asserts its claim over the entire region, and believes that military intervention in Pakistan-administered and Chinese-administered Kashmir is completely lawful. In addition to this, the country sees Pakistani-supported militants to be terrorists: “If indeed the desire of the world community is to ensure peace and stability and to permit the people of Jammu and Kashmir the right to determine their own destiny in an atmosphere of freedom, this can only be achieved under

the democratic framework of modern India and not under the kind of extremist, obscurantist polity that the ideology of the terrorist and mercenary groups seeks to impose on the people of the State,” (Indian Embassy). Finally, India opposes a referendum in the region, seeing that it believes the only people who truly want independence or to join Pakistan are, again, terrorist militias.

Pakistan

Very contrary to India’s position, Pakistan believes that its military intervention in the region is merely for self-defense purposes against the Indian Army forces. In addition, the country believes that the belligerents supported by Pakistan are freedom fighters as opposed to terrorists: “India has tried to use the global sentiment following the September 11 events to paint the Kashmiri freedom struggle as terrorism and its own repression of that indigenous freedom struggle as a means to fight against terrorism,” (Pakistani Ministry of Foreign Affairs). Finally, Pakistan supports the idea of an internationally monitored referendum, and not just the prospect of a Pakistani Kashmir.

China

While China has remained a fairly neutral party in the conflict militarily, it has made its position clear to the international community diplomatically. Overall, China sees that the region has a right to self-determination, and just solely joining on of the three parties. However, Chinese foreign policy over the years has been more in favor towards Pakistan’s stance on the issue, rather than India’s, seeing that support in such will help the country maintain trade and strong relations. Finally, much like other international parties, China sees that—if this conflict continues to escalate —“the Kashmir issue may lead the [India and Pakistan] to the brink of a nuclear war,” (ICPS).

Questions to Consider

- How can the Libyan borders be strengthened and provided with more enforcement/control?
- What is the most efficient way to block routes (Central Med, Western Sub. S, Central Sub S., Eastern Sub. S, etc)
- In order to receive less migrants, what new measures should be taken by Italy?

- In order to receive less migrants, what new measures should be taken by the European Union?
- In order to receive less migrants, what new measures should be taken by the United Nations?
- Should the UN penalize and condemn any form of human trafficking annoy profit made off of it?

Key Terms & Phrases

- Country of Origin
- Border control/enforcement
- Sea Control/enforcement
- Sub-Sahara
- Middle-East
- Europe
- Libya
- Migration
- Detention Centers
- Political Instability
- Routes within Africa and Middle-East
- Mediterranean Routes

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