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The Libyan Migration Corridor

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Co-financed by the European Union in the framework
of the project "Improving EU and US Immigration Systems"

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Improving EU and US Immigration Systems' Capacity for Responding to Global Challenges: Learning from experiences

The project is co-funded by the European Commission DG Relex in the framework of the Pilot Projects on "Transatlantic Methods for Handling Global Challenges in the European Union and United States". The project is directed at the Migration Policy Center (MPC – Robert Schuman Centre for Advanced Studies – European University Institute, Florence) by Philippe Fargues, director of the MPC, and Demetrios Papademetriou president of the Migration Policy Institute (MPI) the partner institution.

The rationale for this project is to identify the ways in which EU and US immigration systems can be substantially improved in order to address the major challenges policymakers face on both sides of the Atlantic, both in the context of the current economic crisis, and in the longer term.

Ultimately, it is expected that the project will contribute to a more evidence-based and thoughtful approach to immigration policy on both sides of the Atlantic, and improve policymakers' understanding of the opportunities for and benefits of more effective Transatlantic cooperation on migration issues.

The project is mainly a comparative project focusing on 8 different challenges that policymakers face on both sides of the Atlantic: employment, social cohesion, development, demographic, security, economic growth and prosperity, and human rights.

For each of these challenges two different researches will be prepared: one dealing with the US, and the other concerning the EU. Besides these major challenges some specific case studies will be also tackled (for example, the analysis of specific migratory corridor, the integration process faced by specific community in the EU and in the US, the issue of crime among migrants etc.).

Against this background, the project will critically address policy responses to the economic crisis and to the longer-term challenges identified. Recommendations on what can and should be done to improve the policy response to short-, medium- and long term challenges will follow from the research. This will include an assessment of the impact of what has been done, and the likely impact of what can be done.

Results of the above activities are made available for public consultation through the websites of the project:

- http://www.eui.eu/Projects/TransatlanticProject/Home.aspx/
- http://www.migrationpolicy.org/immigrationsystems/

For more information:

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Introduction: Libyan Transit: between representations and social construction?

Since the mid-1990s, the media has directed our attention to the thousands of Sub-Saharan Africans who take life-threatening risks crossing the Mediterranean Sea and Atlantic Ocean. Their numbers on migratory routes leading to Europe are increasing, joining up, especially at the 'Libyan crossroads' with North Africans, Egyptians and even Asian migrants on the same quest.

This image reflects reality, but only partially so, for it leads one to believe that these migrants cross the Sahara only in the hope of reaching Europe. It should be pointed out that these migration flows are, in this way, misunderstood mainly because they are reduced to a mere journey across the straits of the Mediterranean. Since the 1990s, the case of Libya exemplifies the way multilateral (EU-Maghreb) or bilateral (Libya-Italy, Libya-Malta…) political negotiations between the two shores of the Mediterranean Sea rapidly focused on the figure of the 'illegal sub-Saharan migrant in transit'. Paradoxically enough, migrants in transit are only a minority, as 'two thirds of the 22,824 African migrants who reached Italy in 2005 apparently come from Egypt, Morocco and, to a lesser extent, Algeria and Tunisia.' (Perrin, 2009)

Such a simplistic view is dangerous because it ignores the historical dimension of the movement of people and its consequences. First, the Sahara is not merely a desert to be crossed; it is an area that has been shaped for more than half a century by the various migrants, trading or pastoral communities who have contributed to the area's massive urbanization and its subsequent economic flight. These new settlements also led to the development of visible and active links between Western Africa and North Africa. On the other hand, the increase in regional economic discrepancies, the renewed upsurge of political troubles in Africa, as well as tougher migratory policies around the world all combined for an increase in migratory flows from both North and South of the Sahara. Migratory routes starting from Sub-Saharan Africa and Northern Africa have never been as frequently used.

This new political and economic situation is also the reason why routes between Niger, Chad, Sudan and Libya diversified, and why transit spaces perpetuate themselves. Sub-Saharan migrants who had long been working in Libya have been joined by new generations of migrants, known as 'passengers' to the local population. There are tens of thousands of those 'passengers' who settle down more or less durably in these new transit areas dependent on opportunity, status controls, and expulsions. These transit areas have also become places where migrants seek employment, create new economic activities, or develop new skills while working, studying or practicing other tongues. As migration patterns across the Sahara are redefined, the impact is more visible in some places. But their durability should not be taken for granted. Villages specialized in transit economy may easily decline as new diplomatic relations are formed between migration countries and third countries.

Our main goal is to insist on the ambivalence between the evidence of the receiving country, and the transit country as a media and political construction. It is not to say that we deny the reality of transit, especially the political side of it – only that even if there are much fewer migrants in transit than immigrants, giving a political focus to the notion of transit bears important consequences for all, regardless of their migratory status.

Since the 2000s, Libya has implemented a repressive migration policy. As a result, long-established migrants experienced a decrease in their quality of life, and some were even led to leave the country. Let us first focus on the fact that migration in Libya did not start in the 2000s, but goes dates a good deal further back. We will then analyse how transit economy relations were created between Saharan towns on contemporary migratory routes. We will eventually address how the transit issue contributed to a deep change in Libyan migratory policy.

1. The Libyan Sahara, core of the trans-Saharan migration system

1.1 - From the Sahara-Sahel migratory areas to trans-Saharan migrations

At first we have to reintroduce the historical 'thickness' of the migratory movement in the Sahara-Sahel area and supply information about the different migratory waves to better situate contemporary transit migration. Contemporary trans-Saharan migrations are not the historical outcome of slave trade, which was carried on between Southern Africa and Arabic countries up until the early twentieth century.

These historical movements are linked with young Nigerian Tuaregs seeking work in the Algerian Sahara once the harvest season is over. This took place even before their countries gained independence. During the fifties and sixties, new worker migrants from the most remote regions of the Sahel sought employment in the building industry, and on Libyan and Algerian oil production sites. These migration fields spread and grew in the 1970s until the 1980s when drought cycles affected shepherd livestock on the edges of the Sahelian arid margins (Sudanese Darfur, Lake Chad…). We estimate that one in five families has a family member working in Libya (Drozdz, Pliez, 2006). During the following decade, as conflict increased between central states and minorities in the Sahel, the number of refugees increased: nearly 140,000 Sahrawis and more than 50,000 Malian and Nigerien Tuaregs settled in border camps in Algeria (Bisson, 2003). Libya was concerned both by the arrival of Nigerien Tuaregs and that of tens of thousands of Tubu refugees and repatriated Libyans who settled in all Saharan towns during the Chad war (1973-1994) (Pliez, 2003).

At the same time Nigerien pastoral communities (Grégoire, 1999) in Chad (Bennafla, 2000; Clanet, 2004) and Sudan (Drozdz, Pliez, 2005) found markets for their livestock in Algeria, Libya, and Egypt. Cattle farmers used the same migratory routes leading north. In the opposite direction, Libyan and Algerian government-subsidized products were smuggled to be resold in Sahel markets. Next to transborder traders, every migrant returning home is loaded with goods. This illegal business is impressive in its size for in the case of Darfur (Rasheed, 1988) it is estimated that it represents 300% of legal commerce.

The conditions favoring the extension of this Saharo-Sahelian space of circulation to the rest of the African continent in the mid 1990s are well known: new conflict areas (Ivory Coast, DRC, Darfur); structural adjustments; devaluation of the CFA; loss of purchasing power; spread of the need for visas in the Schengen space. State measures attempt to facilitate commercial and migratory flows. However, since 2001, the pressure from Europe on North African countries seen as transit countries led to an increasing number of multilateral meetings, mainly framed in the 5+5 but also bilateral negotiations (notably, Spain-Morocco, and Italy-Libya). However, this fragile multilateral frame, supposed to facilitate the movement of people within its borders, is rapidly crumbling. Tolerance exhibited by Libyan authorities in regard of sub-Saharan migrants in periods of labor shortages continues to alternate with periods of arrests and expulsions (Spiga, 2005; Bredeloup, Zongo, 2005). Between Niger, Chad, and Libya, only nationals have the right of passage. Algeria is also enforcing ever more drastic controls so much so that Nouadhibou has become a 'dead end' (Choplin, Lombard, 2007). Flow control policies in the Mediterranean basin also affect those who migrate short distances between the Sahara and the Sahel, thus directly affecting the majority of sub-Saharan migrants. So, due to the deterioration of the conflict in Darfur, the Libyan Sudanese border has been locked down since 2003 (Drozdz, Pliez, 2005).

1.2 - Emergency or perpetuation of an urban transit economy?

In North African Sahara, from Morocco to Libya, many built-up areas number more than 100,000 inhabitants (Fontaine, 1996) today. Cities like Tamanrasset in Algeria, Sabha or Kufra in Libya, Agades in Niger, created by, or strengthened by the central state and situated at the crossroads of major

trans-Saharan axis, have boasted spectacular growth rates for decades, as they welcomed in turn farmers fleeing from their oases, nomads, refugees and migrants.

Migrants, nomads, business people and transporters heavily contribute to the expansion of these urban transit spaces. The reorganization of African migration is presently affected by the inflation of tensions, border and police controls, and the diversification of routes. Migrants, lengthening their stay in these transit spaces, consequently take part in their durability. They are both regional administrative centres and cosmopolitan hubs. As early as 1985, Niger decided to establish a consulate office in Tamanrasset to facilitate the living conditions of its citizens (E. Grégoire, 1999). As the main gateway to Libya from Niger and Chad, the city of Sabha is also home to Nigerian and Chadian consulates. In most Saharan-Algerian cities, Sub-Saharan people constitute at least 20% of the population (Spiga, 2005). Even border checkpoints and towns welcoming nomads, Sahrawis, Tuaregs and Tubus are concerned by such growth. In the small oasis of Dirkou, Niger, now a necessary transit point between Agades and Southern Libya, the number of houses doubled in the 1990s (NY Times, 4.01.2001). In 2005, the town officially had 2,000 inhabitants, and between 7,000-10,000 five years later (Brachet, 2009). In 2003, 40% of the area in the Libyan hub of Sabha had neighbourhoods inhabited by either refugees or migrants (Pliez, 2003).

On a small scale, these transit areas correspond to 'chunks' of cities: streets, neighbourhoods, markets and religious buildings. In many places in Sahara, in Kufra, Al-Qatrun and Sabha in Libya, entire sections of the city have been renamed as "African neighbourhoods" (Pliez, 2002). In Algeria, uninhabited old villages or *ksour* were restored by migrants looking for cheap accommodation. In Sabha, they settled in established informal settlements, which they refer to as 'ghettos' themselves, while Libyans prefer to live in public housing in the planned part of city. In fact, African migrants settle in dormitories owned by fellow nationals who arrived before them, and take part in community cooking. Other people, working around Sabha as gardeners or agricultural labourers, are accommodated on the spot. They contribute to fruit and vegetable production growth in Libya and, to a greater extent, to the Saharan rural renaissance (Cote, 2000).

In addition to housing, commerce also experienced a fresh start in towns located on the new Trans-Saharan migratory routes. In Khartoum, Sudan, the *souk libya* was originally operated by former Darfur shepherds now involved in cross-border trade with Libya, becoming one of the most important trading places in East Africa (Pliez & Drozdz, 2005). Parts of Tripoli's *medina* near the harbour were turned into a trading estate in the 2000s. Trading relations have been established there between North African and Egyptian merchants, Libyan importers and wholesale retailers, directly connected to Asian trading places (Pliez, 2007). These are completely new relations for a country where trade used to be mostly operated in state-owned shops. On the one hand, they changed urban landscapes and, on the other hand, the number of middlemen conveying and selling goods across the border subsequently increased. At the other end of this network, Sub-Saharan and Arabic migrants who settled in Libya in the 1990s have found many job opportunities. Sub-Saharan migrants who went to Libya to work as builders, mechanics, carpenters or tailors – i.e. former niche activities for Moroccan and Tunisian migrants – later changed occupations to work as vendors and merchants, whereas an increasing number of their compatriots, using Libya as a transit migratory space, came to the country in need of specific services.

While migratory routes are being redefined both North and South of the Sahara, shops open on every street corner – travel agencies, garages, internet kiosks and shops selling passports, water cans and food to transiting passengers – offering repair jobs, contacts and comfort. Sabha's 40th St. is the epitome of the early twenty-first-century transit economy, which benefits both locals and long-established migrants. Yesterday's nomads have become today's essential purveyors of mobility. They established travel agencies, transporting goods and people on lorries and in pick-up trucks. Senegalese and Guinean tailors, who sew suits for Libyan executives, have now started sewing or mending gowns for their compatriots in transit. Likewise, the wives of Burkinabe craftsmen long settled in Libya have opened small bars catering for customers in transit. And lastly, Nigerian and Malian labourers formerly

working on farming estates of the Sabha region have chosen to sell fruits and vegetables in Sabha's marketplace for an Egyptian boss instead.

All of a sudden, these Sub-Saharan migrants experienced high levels of visibility in Libyan cities where the public space had not been taken over by Libyan citizens. Throughout these towns and cities, people gather at crossroads very early in the morning. They are Sub-Saharan migrants waiting for a Libyan, whether a civilian or an entrepreneur, to stop by and give them a job as a day worker. This form of installation has been dubbed 'Chad' by migrants themselves, whether in Tripoli, Sabha (Libya) or Tamanrasset (Algeria), as a tribute to the first Chadian migrants who came up with this informal system. In the early 2000s and even prior to it, the Libyan upper and middle classes used this precarious workforce to have villas built at inexpensive prices in Tripoli's well-off areas, as well as secondary houses throughout the country.

If contemporary migratory routes have given pride of place to such transit towns to the detriment of relay towns on former trans-Saharan trade routes, it is difficult to understand whether these new towns will ever become permanent. The possibility of the reversibility of migratory routes should not be overlooked when analysing urban issues. In others words, towns specialised in transit economy are likely to decline as soon as borders are locked down, or when new diplomatic relations develop between immigration countries and third countries. The closing of Saharan routes also modified the activity and outer aspect of these medium-sized towns. In Dongola, Sudan's gateway to Libya, nearly 80% of shops around the Kufra road truck station have closed down (Pliez, Drozdz, 2005). Likewise, in Sabha, neighbourhoods where many Sub-Saharan migrants still lived in 2003 were deserted in 2005 after Colonel Gaddafi renegotiated an agreement with the European Union. The 40th Street, once a booming neighbourhood and must-go stop-off for Africans in transit had lost its appeal. Most of the shops linked to transit economy closed down. In the last 'garage' still open in 2005, Nigerians who had lost every hope of making a fortune in Libya or of reaching Europe were about to cross the Sahara the other way back to their homeland on heavily loaded trucks (Bredeloup, Zongo, 2005). As for the 'Chad' meetings, they now took place in an increasingly furtive way. In Sabha, drivers stopping at the crossroads urged migrants to hop into their cars without negotiating wages. They knew they were taking risks and that they would have to pay expensive fines if their compatriots were to denounce them. For discretion's sake, Tripoli employers directly recruited workers in migrants' foyers, offering them lower and lower wages. And finally, whereas these foyers or ghettos used to accommodate up to a hundred people each on a good year, there were now only six of them in 2005, scattered about Tripoli's suburbs, catering for about 30 people each,

1.3 - Sahara passengers, illegal travellers, refugees, seasonal workers?

Sub-Saharan migrants taking part in the renaissance of Saharan cities and their neighbouring villages come from different backgrounds, making classification difficult. They also have various motives and shifting social statuses. If men are to be found in ever greater numbers in these places of transit, women are also present, but families less so. Some have just arrived from the countryside – as they are illiterate, they engage in manual work in peri-urban agriculture. Others add the benefits of urban experience and literacy. If most migrants come from neighbouring countries (Niger, Mali, Sudan), the number of migrants from Sub-Saharan Africa is increasing. Legal migrants registered as students rub shoulders with street hawkers working for local shopkeepers – now illegal migrants as they stayed over once their visas expired – footballers who would not go back after their training ended, and transnational traders whom the logic of visas does not seem to concern. All these people make occasional strategic alliances. Most of them settle down in places which others consider only as a stopping off point on their journey, while some others choose to travel even farther. Some choose to go back and face relatives who stayed behind rather than cope with humiliations and imprisonments at home.

It would be oversimple to identify the 'migrant in transit' with smugglers' victims off the Canary Islands, or with nomads involved in mafia-like operations, successfully smuggling goods and people

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across the area. It is important to reaffirm the variety of different migrant types, the plurality of their professional careers, and the creation of solidarities establishing relations of equality between migrants upon chance meetings at a time when other more traditional community relations are losing ground.

Establishing and institutionalising the 'migrant in transit' category is a new way for experts to stigmatise migrants and launch suspicious responses. Let us tell the story of Oumarou, a Burkinabe met in Ouagadougou in the autumn of 2005. He went to Libya for the first time in 1978. Before his departure, he worked on a market in the capital. It was on this very market that he heard about job opportunities in Tripoli for the first time, so he decided to go there. He worked on a building yard for three years, then as a manservant for Libyan executives in a well-off Tripoli neighbourhood, and finally as a gardener for the same people. It was only in 2000, that is to say 22 years after he arrived in Libya that he became a self-employed shopkeeper. Thanks to the Burkina-Faso embassy in Tripoli, he also started studying French and Arabic, and after he took his idadi – a primary school teaching certificate – he became a teacher in Libya. 'I left an adventurer and Libya made a certified teacher out of me'. If this story were to stop here, the reader would most certainly assume that Oumarou is no migrant in transit, but that he settled down in Libya, his receiving country. However, Oumarou told us that when the Libyan government organised collective expulsions in 2002, he used it as an opportunity to go back to his homeland. He opened a shop for his wife and a celibaterium (single people's hostel) in Ouagadougou where he also taught at a French-Arabic school. He opened a French-Arabic school in his village in 2005. The reader might then think that Oumarou is a migrant whose return home was successful. But this is not the end of the story. Oumarou planned to go back to Libya, this time to raise enough money to reach Europe. When I came back to his place in 2006, his wife told me he had actually gone back to Libya. Checkpoint controls are tougher now and Oumarou is getting old; we might therefore assume he would act in a more normative way. On the contrary, he took to the road once again, this time claiming he was an adventurer at a time of life when others retire. His life-story well illustrates how migrants can shift statuses, build upon various functions and experiences, going beyond established borders and limitations. The many years he spent in Libya did not discourage him from going further away to Europe. He actually started thinking about getting there quite late, around 2000, precisely when pogroms were organised in Libya against Sub-Saharan migrants. In other words, going back to his home country was only a phase before setting forth to a more distant place. Oumarou reinvented his journey, including unpredictable elements in it, using some events to rebound, alternating between long phases when he settled down and shorter phases where he moved. The will to systematically model data on migration trends and to assimilate everyday practices to migratory strategies necessarily amounts to overlooking the part played by imagination in the construction of social journeys.

2. When the issue of transit redefines Libya's migration policy

Since the mid-1990s, Sub-Saharan migrations to Europe via Libya have tended to obliterate the importance of an older, less controversial issue, namely Sub-Saharan migration to Libya itself. When taking into account regional geopolitical and economic data, one notices the progressive construction of a European borders control system, with ramifications up to Sahel migrants' countries of origin. The set of actions implemented by Frontex are the conclusion rather than the beginning of such a process.

2.1 The 1990s "open door policy"

The open door policy emerged with the conjunction of three set of events: the 1992- 99 embargo, the opening of diplomatic relations with Africa and the privatisation of the Libyan economy. This open-door era was characterized by both a rapid increase in the number of Sub-Saharans in Libya and an ambiguous dealing of the migration issue. At first new migrants did not appear much in official statistics, as they had arrived too recently in the country.

After 1995, Libya remained an important destination for Arab migrants, especially Egyptians, with a community worth 750,000-1.5 million people (The Economist, 12.10.00; PANA, 8.03.01). It also became a place of transit between Sub-Saharan Africa and Europe. Whereas less than 40,000 Sub-Saharans lived in Libya according to the 1995 census, their numbers peaked at 1.5 million in 2000 according to Libyan officials (Baltimore Sun, 26.10.00). Five years later, it was said there was no more than 600,000 of them. Comparably suspicious discrepancies can be found as regards various nationalities when one compares the 1995 General Census and the 2000 estimates. There were 94,769 Sudanese people in 1995 versus 750,000 five years later (The Economist, 12.10.00), 17,793 Chadian people versus 500,000 (AFP, 1.11.00) and 1,615 Ghanaians versus a little more than 4,500 (Reuters, 21.10.00).

Such discrepancies can be explained on various grounds. To begin with, most migrants are not registered when they enter the Libyan territory. Their situation is regularised *a posteriori*, once they get a sanitary card or are registered in a workforce orientation centre. They are also frequently recruited by small Libyan entrepreneurs who hide them from the authorities. Migrants are not registered either when they leave the country, hence frequent confusion between visitors, traders and migrants, which contributes to an artificial increase in the number of migrants. Moreover, Libyan officials keep things ambiguous referring to Southern Africa, Sub-Saharan Africa or 'the continent' without distinction, and that is a recurrent problem. For instance, Libyan statistics consider Sudanese citizens as non-Libyan Arabic people, but the very same people are treated as Sub-Saharan migrants by the media and political officials.

The great number of Sub-Saharan people in Libya helped the country develop diplomatic relations with other African countries. But the situation proved detrimental whenever the Libyan government attracted international criticism for its inconsistent migration policy.

Associating these new geopolitical trends with 'illegal' migration has too quickly led to confusion between long-established migrants and those in transit, between migratory routes leading to Libya and others on which Libya was just a stopping off point. There is a blurry frontier between migrants waiting for an opportunity to continue their journey to Europe and those who settled down – even on a temporary basis – in a foreign African town. Furthermore, public authorities encourage such confusion through the media. During police round-ups in Tripoli, Benghazi and Sabha, several Sub-Saharan workers who had been mechanics, tailors and carpenters for many years were expelled from Libya because they were mistaken for migrants in transit. On the other hand, Libyan people seemed able to distinguish between 'day labourers' and 'passengers', supporting the former and accusing the latter of being the source of all evil (Bredeloup & Zongo, 2005). Assessing the number of immigrants in Libya – whether they work, live or take refuge there – led to a hasty quantification of the 'issue' of migrants in transit as being potential illegal immigrants *en route* to Europe.

2.2 - Free circulation "from high up" and "from down below"

When M. Gaddafi launched bilateral and multilateral diplomatic initiatives in the 1990s to define a space within which migrants were supposedly allowed to circulate, he provided his peers with legislation on an already existing phenomenon. An integration charter was signed in 1990 between the Libyan and Sudanese governments (F. Burgat, A. Laronde, 1996). In February 1994, Libya and Chad signed a people residence, transit and trade agreement (K. Bennafla, 1999). In 1998, Libya and six other African states created the Community of Sahel-Saharan States (CENSAD), and its membership has grown to 28 since then. One of its three objectives is to implement the free movement of people, capital and interests for citizens of all CENSAD member states.

These institutional decisions were largely dealt with in the media but had few practical consequences at the end of the day. But then little is known about more discreet, yet important initiatives which directly concern potential migrants, and evidence that there are Libyan political manoeuvres. This policy includes a renewal of the propaganda system in Arabic to be found all across the country, from the ubiquitous motto "Africa for Africans" to articles in national newspapers

praising co-operation between Libya and various African states and several billboards addressing recurring themes – the Great Artificial River, the figure of the "Guide", and so on, with constant references to Africa. This internal propaganda is widely relayed outside Libya through Gaddafi's speeches on his African travels, most of them being later aired on Jamahirya, the Libyan TV channel, and subtitled in French so that francophone Africans get the message too. Moreover, articles published in African newspapers on Gaddafi's speeches include commercials encouraging the local population to go to work in Libya. A Libyan air company with a Pan-African agenda was established in 2001 to facilitate free movement of migrants. It was launched with an extensive publicity campaign, as shown by bilingual billboards in French and in English, in a country where all alphabets except the Arabic one used to be officially prohibited.

Both official and informal incentives are often in full contradiction with the multiple hindrances to free movement migrants experience every day. The arrival of ever greater numbers of migrants in the Saharan regions quickly became a problem for military authorities in charge of border areas. There was need for a solution, and radical measures were sometimes taken. Until the 1980s, Trans-Saharan migration was low, so the Libyan authorities were able to control migrants and tell them about regions or activity areas in need of workers. But from the 1990s, however, the management of a foreign workforce coming to Libya without proper contracts became less and less acceptable. Migrants were examined at border checkpoints, city gates and Sahara crossroads and police forces looked to see whether or not Sub-Saharan migrants were in possession of a sanitary card[1]. However, nothing can really protect migrants from arbitrary methods, rackets, abusive arrests and unfree labour.

Sub-Saharan African migrants follow routes across Sahel to work in the Libyan Sahara. In the 1990s, the region experienced rapid economic growth. But increasing numbers of migrants on Libya's seafront cities became a problem. The way the regime used the 'African project' both as a major axis of its foreign policy during the embargo years and as an element of its interior propaganda, was often met with hostility by the Libyan general public. Since the counter energy crisis and embargoes that put a strain on Libya's economy in the mid-80s, the Libyan standard of living has constantly decreased.

2.3 - The 2000 riots and their political exploitation

The geographical extension of this migratory system was brutally put into the spotlight in autumn 2000 after 130 Sub-Saharan migrants died during anti-African riots in Tripoli and Zawiya, Northern Libya. The number of subsequent departures, whether voluntary or not, allegedly amounted to many thousands of people, who went back to Niger, Chad, Sudan, Nigeria and Ghana. The Libyan authorities commissioned a trial meant to be equal and exemplary, and the verdict was harsh[2]. However, Libya's image on the international stage was tarnished, and Sub-Saharan migrants living in the country still feel the trauma.

It was not long before the rioters were punished. Muammar Gaddafi blamed 'enemies trying to blockade the union' (Reuters, 9.10.00)[3], comparing migrants to a fifth column. In Tripoli, 'Libyan and non-Libyan drug traffickers' (AFP, 1.11.00) were mentioned, as well as 'individuals engaging in socially illegal activities, such as drug dealing, theft, murder, kidnapping and spreading infectious diseases across the cities' (Weekly Trust, 5.11.00). Politicians from African countries mentioned in those speeches, like Nigeria, confirmed that 'many (Nigerians) are involved in crime and prostitution to survive' (Vanguard Daily, 6.10.00). This is how Libyan authorities tried to camouflage the racist

[1] This document is both a must for anyone wishing to live in Libya and a first step towards legalizing a migrant's status. It is provided by hospitals after a medical examination supposed to establish that the person is in good health and free from infectious diseases such as HIV.

[2] 291 Libyan and 26 African people were tried: 7 were sentenced to death, 12 to life imprisonment and 138 were sentenced to 6 months – 15 years imprisonment (UPI, 22.05.01).

[3] The union mentioned is the COMESSA whose members are Libya and several other African states.

attitudes underlying this wave of violence, declaring that 'one quarter of the Libyan population is black, including some of our country's most important leaders' (AFP, 1.11.00) and insisting on how tolerant the regime is towards migrants, to the point of exaggerating figures. The final argument was the following: as 'more than 2.5 million Africans live in Libya, among whom only 1,700 have I.D.s, they should be thanking Libya instead' (AFP, 1.11.00).

All political leaders from the states involved in this crisis have a common objective – limiting the consequences of these riots, for fear they might tarnish the image of the Jamahiriya only one year after the air embargo was lifted, and disrupt Libya's attempts at regional integration. Indeed, this crisis is at the core of regional networks as Libya tried and develop diplomatic relations with other African countries, notably the Sahel-Saharan States Community (COMESSA or CENSAD), with Libya lending 44% of its budget [4].

Libya's role as a place of transit between Africa and Europe was then mentioned openly for the first time. For example, a Lagos politician declared that he realized that the majority of Nigerian citizens living in Jamahiriya 'considered Libya as a stage on their way to Europe' (Vanguard Daily, 6.10.00).That is also what the governor of Agades, Niger, told the *New York Times* (4.01.01). Such situation is probably encouraged by 'the size of Libyan borders (which) facilitate the entrance of many illegal African migrants' (Weekly Trust, 5.11.00).

Harsher policies go hand in hand with the creation of internment camps for the hundreds of migrants waiting to be expelled[5]. This is the first step towards tougher control measures for migrants living in Libya, to the point that their legal situation is somewhat confused, and an increasing number of them are perceived as criminals. Decisions made in 2000, however, have a limited scope, since they only entail annual immigration quotas, implementing a development policy benefiting Niger and Chad (Al Ahram Weekly, 14-20.12.00) and warning Libyan citizens not to threaten people from Sub-Saharan Africa. Despite the return to a more peaceful situation and the reopening of trans-Saharan migratory routes, the issue of migrants transiting to Europe has been hotly debated since 2001, thus contributing to the definition of Libya's migration policy.

3. Controlling transit migration: a constraint or a geopolitical opportunity for the Libyan government after 2001?

Since 2001, the Libyan regime has been confronted by a series of contradictions that must now be overcome in order not to upset either its African allies or the international community. The latter is willing to co-operate and develop exchanges with Libya provided that it clarifies a number of controversial issues, and especially migration.

3.1 - 2001-2003: Europe urges Libya to solve the transit issue

Libya was compelled to reach a paradoxical balance between 1) an open- door policy welcoming migrants from Sub-Saharan Africa, and 2) its involvement in international discussions on illegal immigration control in Mediterranean countries. In short, Libya needed to combine the two axes of its foreign policy: developing relations with Africa – a policy inherited from the embargo years – and discussing sanction-lifting with partners in the EU.

While bluntly reasserting that 'no North African state wishes to guard the gates of Europe for free, as our region is itself invaded by Sub-Saharan migrants' (Reuters, 24.06.02), Libya is now involved in multilateral co-operation as regards migration. The Libyan regime took part in various 5+5

[4] Saïd Haddad, La politique africaine de la Libye : de la tentation impériale à la stratégie unitaire, *Monde arabe, Maghreb Machrek*, n.170, oct.-déc. 2000, pp.29-38.

[5] See http://www.globaldetentionproject.org/countries/africa/libya/map-of-detention-sites.html

conferences, and showed that it was resolved not to act unilaterally any more, oscillating between phases of open-door policy and phases of migrant expulsions depending on both the international economic situation and its relations with neighbouring countries.

01/2001: member states of the Cooperation Process in the Western Mediterranean programme sent their Secretaries of Foreign Affairs to a (5+5) conference in Lisbon.

04/2002: The Euro-Mediterranean Conference in Valencia led to the adoption of a framework document known as the "Regional cooperation programme concerning the field of justice, the fight against drugs, organized crime and terrorism as well as cooperation in the treatment of issues relating to the social integration of migrants, migration and movement of people" in Europe and the Mediterranean.

05/2002: A Secretaries of Foreign Affairs (5+5) conference was held in Tripoli on "the importance to set as soon as possible the basis for a global, balanced and integrated cooperation between all countries in the area" in order to face the issue of immigration and human exchanges in an organized, coordinated manner.

07/2002: Meeting of the Dialogue Secretaries of State (4+5) in Tripoli

10/2002: The Regional Ministerial Dialogue (5+5) Conference on Migration in the Western Mediterranean took place in Tunis.

Signed in October 2002 at the end this diplomatic marathon, the Tunis Declaration defined the rights and duties of migrants in a way that does not apparently question the COMESSA's founding principles, namely the free movement of people and goods between the member states.

At this point, Libya had only committed itself to laying the groundwork of a medium-term cooperation, without bringing a thorough answer to the most urgent issues on the Euro-Mediterranean agenda, these countries being first and foremost concerned about the issue of illegal migration in the Mediterranean. So when Libya offered to take first action against illegal migration at a Consultation on the reinforcement of intergovernmental dialogue on migratory transit in the Mediterranean (June 2003, Alexandria), it looked like they had taken a step forward.

In retrospect, this kind of initiative makes sense only in relation to the events which made the headlines in the second half of 2002. In June, 45 Sudanese people died of thirst in the Sahara before they could reach the Libyan border (Reuters, 3.06.02). In September, at least 14 Liberians died in a shipwreck while being smuggled from Libya to Sicily (Reuters, 16.09.02), and more than 200 Sub-Saharan people were found aboard a broken down boat off the Malta coast (AP, 28.09.02). In December of the same year, another boat sank, killing a hundred illegal migrants (Reuters, 1.12.01). Even though these sad figures only concern events that happened on a few specific itineraries over a short lapse of time, the whole situation is now a commonplace of Sub-Saharan migratory routes.

3.2 - 2003-2007: externalising the control of borders – European demands and Libyan interests

Libya only agreed to take part in an international programme for controlling illegal immigration after a particular chain of events – on the one hand, the Italian Presidency of the European Union declared itself in favour of removing the embargo on Libya. On the other hand, new migrants to Europe were found dead at sea.

Once again, European countries voiced their indignation when hearing of the drownings, especially Italy, which is most concerned with the issue being particularly close to the Libyan and Tunisian coasts. Once the first wave of emotion and verbal exaggeration was over – Umberto Bossi, leader of the Northern League, threatened to welcome illegal migrants with cannons – Italy and Libya agreed on the need to sign a co-operation agreement against illegal migration. But did Libya really have a choice, considering that Tunisia and Morocco had just enhanced co-operation in this area? Moreover, before

taking on the EU Presidency, Italy launched a campaign among the other member states in favour of removing the arms embargo on Libya claiming that weapons were necessary to fight illegal migration effectively (AP, 24.06.03).

Under triple pressure – domestic public opinion, African allies and the demands of the European Union – Libyan Jamahiriya had no other choice than to co-operate and open discussions on migration with its African neighbours, even if this entailed getting migrants quickly out of Libya. The Libyan government needed to kill two birds with one stone. First, the media would convince national and international public opinion that there was a huge number of migrants in transit in Libya – manipulating figures to turn long-established migrants into migrants in transit. Then Libya would implement control and expulsion measures for both transit and long-term migrants, as the latter compete with Libyan citizens in the labour market.

To develop confusion between long-term and transit migrants, it is necessary to introduce the notion of illegality and operate a shift from transit to illegality. Who is and is not an illegal migrant? The 2004 report of the Mission Technique in Libya on illegal migration commissioned by the European Union provides highly liminal information[6]. Even though the authors specify that they have no idea how these figures were obtained, and considering these three countries alone, there were about 4,777 Sudanese, 763 Egyptian and 4,191 Chadian illegal immigrants in Libya in 2004. Such figures remain unlikely compared to estimates, particularly given the numbers gathered by journalists over the past few years.

The idea of 75,000-100,000 migrants entering Libya every year does not make much sense, either, given that free movement of people implies the idea of coming *and* going back as well. In 2001, we conducted inquiries in Kufra, South-East Libya, known as the Chadian and Sudanese migrants' gateway to Libya. They showed migration figures varying greatly – according to figures given by charterers, passengers and drivers, an estimated 55,000 people and 280,000 tons of goods were moving to Libya each year. Many interviewees said that before the end of the embargo, 15 people left every day that is 280,000 people heading for either Northern Libya or Sahel countries. It is important, however, to consider such estimates with precaution. They are only of interest insofar as they point at the great variability of migration figures and confirm that this is a two-way migration flow.

The 2004 report shows that 43,000 illegal migrants were administratively removed by charter following orders from the Libyan regime in 2003, and 54,000 of them in 2004. The fact that the Libyan authorities took part in such expulsion and repatriation policies means that we should step back and remember a few facts here. Expulsions have been part of Libyan migration policy since the 1960s at least, that is to say a long time before the question of transit migration was even addressed. Between 1966 and 1985, migration flows from Tunisia fell into 8 waves of expulsion and 3 of open door policy. In 1985, during the economic crisis, nearly 80,000 immigrants living in Libya were expelled in two months. In 1995, Libya used the embargo and economic crisis to justify the departure of 335,000 foreign nationals, including 200,000 expelled migrants. After the 2000 riots, 33,000 Sub-Saharan people officially left the country, voluntarily or not, but the figures are evidently higher. Departure rates have been high since then. Between 2003 and 2005, nearly 145,000 Sub-Saharan people were reportedly expelled[7]. In 2006, Libya is said to have arrested 32,164 people while 53,842 were repatriated[8]. However, even though each of these expulsion waves seems to be closely linked to Libya's economic situation, they all have their political logic as well (O.Pliez, 2004).

Second, it has been noticed that the majority of people who landed in Malta in 2004 came from Eritrea, Ivory Coast and Sudan. That same year, a great number of Somalis came to Great-Britain.

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[6] Mission undertaken in Libya from 28 November to 6 December 2004. Report published on 4 April 2005.

[7] Stemming the flow – abuses against migrants, asylum seekers and refugees, Rapport HRW, September 2006. See also D. Perrin (2009).

[8] Frontex, 2007, Frontex-LED EU illegal immigration technical mission to Libya from 28 May to 5 June 2007.

These people were all from countries at war, and this highlights the growing confusion between migrants and political refugees, as well as the absence of any effort to understand specific migration peaks at a given time. Therefore, if we consider that 38% of migrants to Malta come from Eritrea, it seems legitimate to link this with the deterioration of living conditions experienced by Eritrean refugees in Sudan.

This kind of a situation can evidently be explained by the current state of affairs in Sudan, where both government and international organisations dealing with refugees (including the High Commissioner for Refugees) have been pressuring refugees into going back home since the early 2000s. However, some of them had long been settled in Sudan, and if one adds to this the ongoing warfare in Eritrea, any return home becomes impossible for a great number of them – hence the decision to migrate to Libya or Egypt. A refugee repatriation programme was implemented in 2002-2004, and this coincided with an increase in Eritrean and Ethiopian migrants registered in Libya.

3.3 - 2007-2010: Is Frontex controlling the second EU border or creating a third one?

On October 26th, 2004 the European Council adopted a measure (2007/2004) for the creation of Frontex, the European Agency for the Management of the Operational Cooperation at the External Borders of the Member States of the European Union. It aimed at giving the EU a 'trustworthy operational Community coordinator and contributor in the field of external border management and a key player in the implementation of common EU policy for Integrated Border Management'.

Experts see it as a compromise 'between those advocating the creation of a European border guards corps and members states wishing to maintain their national sovereignty' (Casella-Colombeau Sara, 2009). The Frontex agency is therefore in charge of training EU border guards and helping member states confronted with strong migration flows, but without the necessary means to tackle it. But beyond those clearly identified functions, experts are critical of an agency which cannot solve all problems posed by sub-contracting border management in the context of externalised European borders control that has prevailed since the 2000s. While focusing on technical issues, Frontex, therefore, participates in the de-politicisation of external borders control.[9]

The adjective 'trustworthy' is significant insofar as one of Frontex's final aims is to give safeguards to member states reluctant to delegate part of their sovereignty. One may also see it as a will to put an end to the *laissez-faire* policy that had prevailed and which had direct consequences on the disorganization of former migration systems, the tensions between Libyan citizens and foreign nationals, and the plurality of actors in charge of migrants (HCR, IOM, NGO, churches, etc.) As a result, the practical outcome of externalised border control after 2004 lost part or all of its visibility, which attracted a wave of criticism concerning EU duties towards human rights.

The agency started to play a part in Libya from the 'FRONTEX-LED' mission launched in the spring of 2007. It led to the creation of the Nautilus project, whose main objective was 'to tackle the flow of illegal immigrants embarking from Libyan shores, to enhance knowledge/intelligence of the Maltese authorities and to increase the percentage of successfully identified illegal immigrants'[10].

Libya had been trying to normalise its foreign relations since the early 2000s, and this policy started bearing fruit from the year 2008 thanks to significant advance in dealing with sensitive issue. Behind the scenes, Libyan diplomats had been using their traditional "win-win" argument, granting contracts for the reconstruction of their country and giving access to its oil resources.

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[9] For a detailed analysis of the issue, see *L'Europe, une forteresse ? La gestion des politiques migratoires. Des lieux entre mobilités et immobilisations. Objectifs et activités de l'agence Frontex.* http://geoconfluences.ens-lsh.fr/doc/typespace/frontier/FrontDoc4.htm et Casella-Colombeau (2007).

[10] From Frontex Annual Report 2006.

Libya was expecting Italy to make an official apology, atoning for the damage inflicted during the colonial era (1911-1942), a particularly violent period during which 20,000 Libyans were killed and 100,000 deported. Italy finally expressed its repentance when Silvio Berlusconi visited Benghazi and promised a five million USD compensation, thus putting an end to an old, painful litigation between the two states.

In return, Italy wished to find a solution to the issue of migrants sailing towards Sicily and the islands of Lampedusa and Pantelleria. The number of migrants taking these routes reached unprecedented levels in 2008, with 37,000 people as opposed to 19,000 in 2006. Meanwhile, Libya was still waiting for Rome to pay the promised compensation, and was about to sign a framework agreement with the EU dealing with the contentious and now vexed humanitarian and geopolitical aspects of the migration issue.

The success of these negotiations enabled Italian companies to join in the race for contracts, along with other commercial delegates from Britain, France, Germany, Russia, and so on. All have an interest in Libyan oil and gas resources, the largest ones in Africa (43 million barrels), as well as in several other projects designed to bridge the development gap of the Libyan embargo years.

Quantitatively speaking, the project was reported to be a complete success in 2010, as Frontex noticed a general decline in illegal migration to the EU compared to the year 2009[11] due to the agreement between the Italian and Libyan authorities implemented in May 2009[12] and the impact of the global economic crisis with 3,200 detections in the seven months after the first joint patrols[13] (June to December 2009) compared to 7,200 detections in the five months before the joint patrols (January to May 2009), and almost 40,000 detections in the whole of 2008.

Within two years, the Libyan corridor, which used to be a hub of illegal immigration in the Central Mediterranean route[14] from West Africa to the Horn of Africa facing Italy and Malta, was reduced to a minor itinerary.

Conclusion: Libya is locking down its borders, who's next? The dialectics of corridors.

As with Eastern Europe, migrants use Northern Africa as a place of transit to the European Union. The same law applies for Mexico, which is on the road to the United States. But most of all, Northern Africa is a place of immigration. If some migrants are ready to go as far as Europe, it is not the case for all. As a consequence, this complex issue cannot be reduced either to the problem of illegal migration or to solely a European viewpoint. States play an active part in the process, whether they open or lock their borders down, or when they try and capture migratory flows – especially students – while engaging in inter-regional cooperation. Illegality often stems from the absence of a legal framework – or from its being defined *a posteriori* - than from any migrants' will to go underground.

Migrations and commercial exchanges are often a great opportunity for local development as they help revive numerous towns and marginal areas in the Sahara. New activities are being created, while new workforce and skills are brought to the area. Denying those facts – which are self evident provided one carries out thorough surveys on the issue as opposed to a couple of missions – is certainly the best way to both obscure today's flows and help create tomorrow's illegal, riskier itineraries. In 2010, 'it is still difficult to get a complete picture of FRONTEX's activities',

[11] http://www.frontex.europa.eu/gfx/frontex/files/presspacks/presspack_2010-09_v3.pdf

[12] FRAN, Quarterly Update Issue 1, January-March, 2010.

[13] HRW, 2009, Pushed Back, Pushed Around, Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers, 92 p. http://www.hrw.org/sites/default/files/reports/italy0909web_0.pdf

[14] Frontex 2010 Annual Risk Analysis

acknowledged Sylvie Guillaume MEP[15]. This mainly comes from the fact that the agency is still in its infancy, and has been operational for only 3 years. Its budget has been constantly increasing since it was created in 2005, from 6.2 M Euros in 2005 to 19M in 2006, 42M in 2007, 70M in 2008 and 83.3M in 2009. 60% of this budget finances joint operations – one of the six main areas of intervention (Fernandez, 2010). Moreover, successive reports focused only on accurate yet limited figures without dealing with the details of field action. Their consequences in the medium and long run remain a mystery as far as refugees and legal migrants – i.e. the majority of migrants – are concerned. In 2008, the so-called 'Return' European directive was adopted, defining the conditions under which illegal aliens within the EU should be removed. Likewise, the Stockholm Programme adopted in December 2009 called for a revision of Frontex, extending its prerogatives to security management and fighting cross-border organised crime. Both measures seem to indicate that the agency's power will be reinforced, despite growing concern over respect for those involved.

Joint operations between Libya, Italy and Malta started in 2007, but the bilateral agreement between Libya and Italy was only signed in August 2008. Libya was compelled to reinforce control along its coasts, while joint border guard patrols in its own territorial waters were implemented a year later. It would be premature to make a definitive assessment of those events, but it is already clear that prevailing management techniques, with their piecemeal, geographically sectoral character, are now being questioned. In June 2010, following a seventh round of negotiations with the EU, Libya expelled the United Nations High Commissioner for Refugees (UNHCR), with whom 9,000 refugees and 4,000 asylum-seekers were registered and who, in the absence of protection, may now attempt entry to the EU. This is how Tripoli voiced its disapproval of Commissary for Asylum and Immigration Cecilia Malmström's demand that Libya ratify the 1951 convention on the status of refugees.

During a visit to Rome on August 31st, 2010, Colonel Gaddafi suggested that the European Union appoint him guardian of European borders in order to reduce migration flows and prevent the rise of a 'Black Europe' in exchange for 5 billion Euros a year - whereas the UE had offered to give 20 millions – in order to secure the borders between Libya, Niger and Tchad. Tripoli's aim was clear enough from a strategic point of view. Given that negotiations on EU endowment funds for controlling the Mediterranean border were at a standstill, it would do no harm to remind the EU that this border went as far as Libya's Sahelian hinterland.

This widely commented proposal reminds us that this issue has geo-political implications that are still relevant today. And one has to wonder what opportunity such a co-operation scheme represents for Libya, as it enables it both to turn the page on its African policy dating back to the embargo years, and to take part in Euro-Mediterranean negotiations as a crucial southern partner.

It was not long before such actions had direct consequences on the redefinition of migratory routes[16]. The number of migrants, landing in Lampedusa Island, decreased by 94% between 2009 and the first six months of 2010[17]. However, observations in the area from the mid-1990s show that thorough control policies on a specific route bring about the creation of new routes to other parts of Europe. Examples of reversible migratory routes had already been observed as early as the mid-2000s, that is even prior to the creation of Frontex, between Sudan and Libya (Drozdz, Pliez, 2005), leading to a reorientation via Chad or Egypt. After migrants stormed Ceuta and Melilla in 2005, there was in increase in migration figures to Lampedusa and Malta in the North, and to the Canary Islands in the South (Choplin, 2008). But now that Frontex is done with its mission in Libya, it is the border between Greece and Turkey that has become a major point of passage for migrants from the Middle East and Sub-Saharan Africa[18]. The upcoming lifting of control measures on the

[15] http://www.europarl.europa.eu/fr/pressroom/content/20100708IPR78508/

[16] Sara Casella Colombeau, ? Frontex : et les frontières seront bien gardées ? ?, *Alternatives Internationales*, 2010/9 (N?48)

[17] Source : Elise Vincent, Les nouvelles routes de la méditerranée, Le Monde, 24 juin 2010

[18] Source : Elise Vincent, op.cit.

Romanian and Bulgarian borders, which is due in March 2011, will probably lead to 'a displacement of contemporary routes towards the Black Sea area' (Fernandez, 2010). Are not such border control procedures likely to turn into a mere generalised 'push-down, pop-up' phenomenon, claiming migrants and refugees as their first victims?

Twists and turns

The revolutionary movement against the ruling régimes in the Arab countries started in December 2010, eventually reaching Libya in mid-February, 2011. These revolutions will have a great impact on immigration. On the one hand, Europe will be facing new migration waves. The war of figures has already begun. According to an estimate from the Italian government, between 200,000 and 300,000 people are expected to land on European coasts in the near future, a figure based on the fact that 2.5 million foreign workers are currently living in Libya. Brussels argues for its part that the number of potential migrants lies somewhere between 500,000 and 700,000 people (*Le Monde*, February 25th, 2011). These European officials share only one certainty: Colonel Gaddafi will no longer be able to play the lead of policeman against illegal migration. The repatriation agreements signed in August 2008 with Italy may very well become obsolete.

On the other hand, the situation of African migrants in Libya is highly jeopardized. The Islamic Legions, a motley crew of mercenaries recruited among immigrants, have a history of wreaking havoc in Africa. While turning them against the Libyan people, Gaddafi is making matters even worse for Sub-Saharan migrants in Libya. Many Libyan civilians tend to confuse the bulk of immigrants with those militia members.

African migrants are therefore trapped on Libyan soil. Despite the fact that Western and Asian foreigners are being increasingly evacuated from the country, few African embassies have started repatriating some of their citizens. 1,035 Nigerians went back to Abuja at the end of February (PANA, 20/02/11), and 114 Mauritanians have also been repatriated (AMI, 26/02/11).

Are financial difficulties to be blamed or is this a matter of conscience, as these African countries are to a great extent dependent on Libya's financial largesse? It was only ten days after the conflict began that the African Union finally resolved to send a delegation to Tripoli to find a way out, while demonstrations in favour of Gaddafi were being organised in several African countries. Under these circumstances, we may suppose that those who are not hiding away in their homes or who did not make it to Ras J'dir border post when the war began (RFI 20/02/11) will try and leave Libya through those areas in the Sahara - like the Fezzan in the south-west and Kufra in the south-east – which once were the entrance gate to the country. Algeria actually closed its border crossing points with Libya at Djanet and Deb Deb.

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