



North Africa in Transition: Mobility, Forced Migration and Humanitarian Crises

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This report¹ analyses the main themes arising from the presentations and discussions at the ‘North Africa in Transition: Mobility, Forced Migration and Humanitarian Crises’ workshop organized by the International Migration Institute and Refugee Studies Centre on 6 May 2011.

The workshop provided a space for academics, practitioners and policy makers to critically engage with the evolving crises in North Africa, focusing in particular on the challenges surrounding the displacement of people in their wake, including: migrant workers from across the African continent, sub-Saharan African and Middle Eastern asylum seekers and refugees, and third-country nationals. The workshop consisted of two panels. The first examined how the revolutions and subsequent crises in North Africa are influencing different forms of mobility, displacement, and immobility in the region. The second explored the key protection and legal challenges faced by the international community in light of these large-scale displacements.

¹ Written by Ayla Bonfiglio. Thanks are owed to Dawn Chatty, Jacqueline Smith, Elena Fiddian-Qasmiyeh, and Hein de Haas for their feedback and comments.

Background to the 2011 uprisings and migration patterns in North Africa

Since December 2010, a series of largely unexpected popular uprisings have spread across North Africa and the Middle East. Beginning in Tunisia, uprisings in Egypt, Bahrain, Syria, Yemen, and Libya; as well as unrest in Jordan, Oman, Kuwait, Lebanon, Palestine, Iraq, and to a lesser extent Morocco and Algeria all comprise what is now being referred to as the 'Arab Spring'. To understand the current migration and displacement patterns in the region, it is important to distinguish which patterns precede, are transformed by, or are a result of these recent uprisings.

Dr Hein de Haas explained that there are four primary migration systems in North Africa that precede the uprisings. The first system is from the Maghreb to European states, which began as labour migration and has increasingly transitioned into family migration. The second is migration within and to the Gulf, mainly from Egypt. This system grew rapidly after the oil crisis in 1973 when Gulf governments invested heavily in public infrastructures. The third is an intra-regional sub-system to Libya, predominantly from Egypt. The final system is trans-Saharan migration, which has increasingly connected sub-Saharan to North African migration systems.

Key phenomena and events in the evolution of these systems have been colonialism, the boom in guest-worker programmes, and the 1973 oil crisis – prompting migration from the Maghreb to France and other European countries, displacing Palestinian refugees to Egypt, and increasing migration from Egypt to the Gulf after Egyptian President Sadat came to power. Additionally, the early 1990s were a significant turning point for regional migration, as they included the Gulf War, the Libya embargo, the Algerian Civil War, and the visa regime to (Southern) Europe. These events illustrate the diversity of migration in the region and the increasing overlap of regional migration systems.

The uprisings, and most notably the conflict in Libya, have altered and introduced new migration patterns in the region. Briefly, there have been large-scale return migrations from Libya, causing economic migrants to become forced migrants and forced migrants to enter irregular migration channels in the search for survival. However, the number of sub-Saharan migrants leaving Libya is much smaller than the number of North African or South Asian migrants. This suggests that sub-Saharan migrants may be stuck in Libya, becoming 'involuntarily immobile'. Additionally, the humanitarian crisis inside Libya has caused a refugee crisis to emerge in the region, with an increasing number of Libyans fleeing to Tunisia. On the other hand, boat migration from Tunisia to Europe, which has existed since the 1990s, has not seen a major increase. This would appear to dispel the notion that Europe is subject to a migration invasion resulting from the uprisings. These and other issues surrounding current patterns of mobility and displacement in the region will be discussed in further detail in the remainder of this report.

The blurring of and transitioning between migration categories

One of the main issues to emerge during the presentations and discussions at the workshop was the blurring of and transitioning between migration categories in the region. Migration scholars² have discussed at length the tenuous and sometimes arbitrary distinctions that exist between classifications of migrants in determining protection needs. Moreover, they have highlighted the mixed motivations and aspirations an individual may have for migrating, and the transition a single migrant may undergo from one migration 'status' to another. The situations of migrants linked to the recent events in North Africa illustrate each of these elements, revealing the complexities of migration processes and problematising migration categories.

Dr Julien Brachet explained that in Libya, the government has withheld legal status from sub-Saharan migrants by refusing to adopt the 1951 Refugee Convention or to grant work visas, despite actively recruiting such migrants to work in the country's oil industry. Colonel Gaddafi has forced asylum seekers and economic migrants into irregular and illegal categories in a strategy to maintain leverage over the European Union, by (mis)representing Libya as a barrier that prevents large numbers of illegal migrants from reaching Europe, and the African Union, by feigning tolerance of illegal migration. This has been at the expense of asylum seekers and economic migrants, who have been subject to deportation, because their imposed irregular status does not hold the protection obligations and rights that 'regular' migrant statuses enjoy.

Palestinian and Sahrawi refugees in Libya represent further instances of blurred migration categories, the challenges of which have become pronounced with the recent violence in Libya. Similar to the case of sub-Saharan migrants and asylum seekers in Libya, Dr Elena Fiddian-Qasmiyeh explained that the Libyan government does not recognize the protected status of Palestinians and Sahrawis because Libya is not a signatory to the 1951 Refugee Convention and because these two groups migrated to the country voluntarily for educational and employment purposes. Despite their greater need for protection since the start of the violence in Libya, they are not receiving the protection owed to them because they are classified as voluntary migrants. Thousands of Palestinians have been unable to flee Libya because Egypt, Tunisia, and their former host countries are not recognizing their travel documents.

Describing a transition in migration destinations and routes for Egyptian peasants, Dr Philip Marfleet argued that social and economic pressures leading to the 2011 revolution in Egypt have been the main drivers. For instance, regular, economic migration to the Gulf and Libya has ceased, while irregular migration to Europe has increased over recent years. Peasants displaced from farms or evicted after attempts to return to their land have been prompted to move to Europe by irregular paths. Furthermore, given the link between impoverishment and migration, Dr Marfleet questions whether Egyptian migrants, who have faced economic marginalization from their government and who are currently experiencing political and economic instability, can truly be classified as economic migrants.

Lastly, the term 'third-country national' has become more prominent as a result of the North African uprisings and the crisis in Libya because of the transition that migrants within this category have undergone from foreign worker to forced migrant. Although those fleeing Libya, for instance, find themselves in refugee-like situations, they are not owed the same degree of protection as refugees because they can safely return to the countries defining their nationality. Ms Elizabeth Eyster explained

² For instance: Shacknove, A. (1985) 'Who is a Refugee?' *Ethics*, 95 (2):274-284; Richmond, A. (1994) *Global apartheid: refugees, racism and the new world order*, Oxford University Press: New York.

that approximately 30,000 Tunisians, 150,000 Egyptians, and other third-country nationals who had been living and working in Libya fled to Tunisia early on in the Libyan crisis. UNHCR and IOM have facilitated the safe repatriation of many of these migrants; however, some have been forced to use irregular migration channels to survive.

Involuntary immobility

Involuntary immobility was another prominent issue to emerge during the presentations and discussions at the workshop. In addition to perceiving mobility as a phenomenal event, the workshop explored immobility as an aberration. The point was raised that international human rights law recognizes the right of an individual to leave a country, rather than enter; thus, it is important to examine not only migration flows and drivers linked to the North African uprisings and the crisis in Libya, but also cases of forced immobility and factors that have 'trapped' individuals within a country.

As mentioned previously, Dr Fiddian-Qasmiyeh explained that thousands of Palestinians have been unable to leave Libya because Egypt, Tunisia, and their former host countries are not recognizing Palestinian travel documents. She added that while Algerian authorities eventually evacuated all Sahrawis to refugee camps, at the outset of the conflict, almost 1,000 Sahrawis were stuck in Libya. The precarious situation in Libya has also prevented sub-Saharan and other migrants from leaving the country. Dr de Haas explained that despite the large-scale return migration from Libya, the percentage of sub-Saharan migrants leaving Libya is much smaller than North African or South Asian migrants. This suggests that many sub-Saharan migrants may be stuck in Libya, facing the escalating humanitarian crisis. In sharing IOM's recent experiences in the region, Mr Marc Petzoldt explained that the exodus from Libya continues to be a challenging situation for the organization, as the situation changes daily and it is not known how many migrants are still in pro-Gaddafi areas of the country and trying to leave.

The problems associated with how to protect the involuntarily immobile stem from the international community's lack of access to marginalized migrant populations within states. Mr Petzoldt described relying on intermittent and unreliable access to Tripoli and Benghazi to carry out IOM's work. It is difficult not only for potentially negligent governments to invite and facilitate the operations of international organizations within their territories, but also, for international organizations to identify vulnerable migrants, particularly those who are illegal and/or invisible members of the community.

Xenophobia and racism

The final issue to emerge during the presentations and discussions at the workshop was xenophobia and racism, in particular in North Africa towards sub-Saharan migrants and in Europe towards North and sub-Saharan African migrants. The 2011 uprisings in North Africa and the crisis in Libya have drawn attention to the long-standing problem of violence against sub-Saharan migrants, as well as the political manipulation of migrants more generally.

Dr Brachet and Dr de Haas explained that migrants from sub-Saharan Africa in Libya have been subjected to forced immobility and illegality, expulsions, and widespread violence. The denial of rights and protection to sub-Saharan migrants in Libya can be seen as a necessary component of Libya's

strategic positioning between the European Union and the African Union. The marginalization of this migrant group by the Libyan government when compared to others from North Africa and South Asia is evidence of their discriminated status in the country. Additionally, sub-Saharan migrants are the victims of considerable insecurity. In 2000, several race-motivated killings occurred in Tripoli, and the current violence in Libya has further challenged their safety. News reports inform us that sub-Saharan migrants have been victims of violence, murder, robbery, and imprisonment. Dr de Haas added that racist and xenophobic actions towards sub-Saharans seem to come from both sides of the current Libyan conflict. In the past decade, the Libyan government has used this population as a scapegoat for social and economic problems in society. In the present conflict, pro-Gaddafi forces appear to be co-opting sub-Saharan migrants into the fighting. Thus, the Libyan public views these migrants as government mercenaries. An important question for North African societies undergoing democratization is how future governments will treat this and other minority groups.

To a much lesser extent, workshop participants discussed 'Islamophobia' within North Africa. Because of the high degree of uncertainty that exists surrounding the elections in Tunisia and Egypt, some Tunisians and Egyptians have expressed a fear of a strong Islamic party assuming political power. Dr Michael Willis explained that in Tunisia, two political parties have emerged as front runners: Nahda (the Renaissance Party), which is an Islamic opposition party, and the successor of the Constitutional Democratic Rally (RCD), a repackaged version of the nationalist, secular incumbent party. He argued that the Islamic/secular division between these two main parties is indicative of a wider divide and tension existing in the country and region.

In Europe, xenophobia is tied more generally to 'Islamophobia' and to policies that encourage North African governments to infringe upon the rights of sub-Saharan migrants. Dr Marfleet argued that Islamophobia plays a role in shaping migration discourse and politics, citing the way in which the European media portray migrants from Muslim countries. Public discussions on migration often illustrate a threat rooted in religious difference, rather than a link to economic development. Xenophobia has also prompted European states to develop agreements with North African countries to reduce migration from North and sub-Saharan Africa, in the belief that North African governments are important allies in the fight against large-scale illegal migration to Europe. These agreements have created significant protection gaps for sub-Saharan migrants, and have promoted the unlawful notion of 'illegal African emigration'. Such European actions, which embed violations of human rights into migration policies, appear to contradict Europe's call to North Africa, and particularly to Libya, to have a greater respect for international human rights in the context of the current crises.