

# The Second Berlin Conference on Libya and the Perpetuating Tragedy of Migration Rhetoric

How the Second Conference on Libya was a missed opportunity to truly discuss the plight of migrants within Libya, and the steps that can and should be implemented to improve their condition.

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RETHINKING SECURITY IN THE 2020s SERIES – ANALYSIS

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## 1. INTRODUCTION

On 23 June 2021, the Second Berlin Conference on Libya was held; a follow-up from the first Berlin Conference in January 2020. Among notable representations including the United Nations and States such as Egypt, the US, Russia, France and Turkey, an important addition to the attendees was interim-Libyan Prime Minister Abdul Hamid Dbeibah, marking a symbolic buy-in from the newly installed Government of National Unity and an attempt at genuine Libyan representation in the process. Fifty-eight Conference Conclusions were subsequently published by Germany's Federal Foreign Office<sup>1</sup>, most of which reaffirmed commitments from those present to support the political process and the ceasefire. However, some Conclusions did point to a topic once commonly associated with the Libyan crisis, and one which is still an ugly consequence of the political discord: that of migration and human trafficking.

## 2. MIGRATION ON THE AGENDA?

### 2.1 Conclusions of the Second Berlin Conference

Conclusions 49 and 52 refer to the obligation of the interim government to respect humanitarian law and the need to hold violators to account under UN Security Council Resolutions. Meanwhile, 53 refers to a need to address migrant smuggling into,

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1 <https://www.auswaertiges-amt.de/en/newsroom/news/berlin-2-conclusions/2467750>

through and off the coast of Libya, and a call for the interim government to facilitate humanitarian support and departures on a “voluntary basis”. And while 54 references a judicial review for all detainees and prison inmates and an immediate release of all unlawfully or arbitrarily detained, 55 states the following:

*“We commit to assisting, as appropriate, the Libyan authorities in developing a comprehensive approach to addressing migration, including the root causes and sources, closure of detention centers, and other measures built on the principles of regional and international cooperation and international law.”<sup>2</sup>*

This is a surprisingly loose statement. The commitment from the international partners of the Second Berlin Conference is only towards assisting the Libyan authorities in their development of a strategy to address migration. There are several concerns here.

## 2.2 Lack of Urgency

Firstly, the new Libyan government is only months-old, and still in the process of increasing its own domestic political legitimacy and buy-in from actors. It is doubtful that such a comprehensive strategy, something so all-encompassing as to form a solution to migration, which is a phenomenon that crosses borders and has root causes in many diverse nations and localities, will be feasibly constructed in any time soon, especially when other issues seem to be the biggest current priority, namely the establishment of sufficient conditions for elections.

However, a strategy needs to be urgently implemented. UNHCR documented<sup>3</sup> that by mid-June 2021, the Libyan Coast Guard, now under the jurisdiction of the Government of National Unity, returned more than 13,000 migrants to Libya this year, which is a figure that has already surpassed the entire total of interceptions and returns for 2020. EuroMed Rights has documented<sup>4</sup> a list of significant events in terms of migration from Libya in chronological order. A shocking example include a report from 12 June where on that day alone, more than 1,000 migrants were intercepted at sea and forcibly returned to Libya. Meanwhile, other reports such as the Associated Press have documented regular instances of abuses of migrants that are held in detention centres within Libya. The report referenced here<sup>5</sup>, for instance, details of harrowing instances of sexual abuse suffered by minors at the hands of prison guards at some of these detention centres. There are real tragedies that are occurring to the most vulnerable that need their suffering to end immediately, which hastens the need for urgency.

## 2.3 Lack of Direct Realizable Action

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2 <https://www.auswaertiges-amt.de/en/newsroom/news/berlin-2-conclusions/2467750>

3 <https://www.unhcr.org/news/press/2021/6/60ca1d414/iom-unhcr-condemn-return-migrants-refugees-libya.html>

4 <https://euromedrights.org/migrants-and-refugees-in-libya/>

5 [https://apnews.com/article/united-nations-libya-africa-middle-east-europe-9e9cdf60495c34372c1b2155f010f3f6?utm\\_source=Twitter&utm\\_medium=AP&utm\\_campaign=SocialFlow](https://apnews.com/article/united-nations-libya-africa-middle-east-europe-9e9cdf60495c34372c1b2155f010f3f6?utm_source=Twitter&utm_medium=AP&utm_campaign=SocialFlow)

Secondly, Conclusion 55 is sparse in terms of what aspects of migration need to be addressed by the Libyan authorities. The only specificities are “*the root causes*” and “*the closure of detention centers*”. This second aspect is indeed a concrete action. However, this is notable insofar as the Second Berlin Conference was a prime opportunity to push the interim-Libyan government to immediately close these detention centres, as called for by advocacy groups such as Human Rights Watch<sup>6</sup>. The International Organization for Migration and UNHCR have been clear on their stance, and have called for direct, concrete action:

*“IOM and UNHCR call for an end to arbitrary detention in Libya, through the establishment of a judicial review process, and advocate for alternatives to detention starting with the immediate release of the most vulnerable.”<sup>7</sup>*

Following the above Associated Press report, on 22 June the European Commission called<sup>8</sup> for an end to migrant detention centres. If this was such a priority, there was space to call for this as its own specific resolution. As it stands, this request has been subsumed under the banner of a comprehensive approach to migration that is to be determined by the same government that continues to operate the detention centres in question. This yet again could reduce the urgency of such closures.

On the other hand, “*the root causes*” is a very broad term, often used as a catch-all term by politicians when speaking of migration-related issues. As earlier, migration is an international phenomenon, and yet the language used suggests that it is up to the Libyan government to both define and address these “*causes*” through developing an unspecified “*comprehensive approach*”. Not only is this an unfair responsibility for a shared issue, but there again could be risk that the suggestions will not sufficiently address the challenges.

### 3. FRAMING MIGRATION, PERPETUATING TRAGEDY

The other issue associated with the phrasing of “*root causes*”, is the symbolism and framing of migration itself. In general, the tone of Conclusion 55 reinforces the dangerous, recurring conception of migration held by many States, especially those in Europe. Advocacy groups have for many years noted that the language and methods to address migration, including Libya-Mediterranean migration, fundamentally fails to uphold basic international human rights standards for vulnerable migrants. For instance, the practice of returning at-sea migrants to the Libyan coast has been called a human rights violation insofar as those migrants are being taken to a country that is unsafe, including its use of detention centres with their history of systematic abuses, including torture and sexual violence.

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6 <https://www.hrw.org/news/2021/06/16/plan-action-twenty-steps-protect-people-move-along-central-mediterranean-route>

7 <https://www.unhcr.org/news/press/2021/6/60ca1d414/iom-unhcr-condemn-return-migrants-refugees-libya.html>

8 [https://euobserver.com/migration/152215?utm\\_source=euobs&utm\\_medium=email](https://euobserver.com/migration/152215?utm_source=euobs&utm_medium=email)

Additionally, when European policymakers emphasise addressing “*root causes*”, this often is shorthand for finding justifications to deport migrants back to their countries of origin, rather than determining safer ways to provide opportunities to migrate legally. It is ironic that this topic of migration in the context of Libya falls under the section of the Conference Resolutions called “*Respect for International Humanitarian Law and Human Rights*” when on some readings it could be seen as reinforcing negative practices in this regard.

The EU’s High Representative Josep Borrell, upon his arrival to the Second Berlin Conference, dedicated a significant proportion of his statement to the humanitarian issues associated with migration through Libya. He said:

*“We, at the European Union, are ready to engage and support [Libya]. Looking beyond, we have to help to build a functioning Libyan State. Only a functioning Libyan State can help us to control migration. It is a concern for us, it is a humanitarian problem, but it will not be solved without a fully functioning Libyan State. We are going to work on all that.”<sup>9</sup>*

The language referring to “*control*” of migration raises concern and illuminates where the priorities lie for European States. In this statement, Borrell suggests that the reason for Europe to help Libya be a “*functioning*” State is so that the Libyan State can help Europe control migration. In this way the lack of control of migration has been framed as the humanitarian issue that needs to be addressed. A humanitarian issue is one that directly affects people’s welfare. In the context of migration, it could include the significant risk of injury and death associated with the crossing and engagement with human traffickers, it could include the abuses that migrants can and do suffer at the hands of authorities including within Libya, it could include the lack of access to basic rights such as decent food, clean water or shelter. There are many issues here. The act of controlling migration at a state level is not a humanitarian issue; it is a logistical one that is more for benefiting the State, rather than the migrant.

The reality is that a political solution in Libya will not truly be a success until it addresses the challenges of all individuals under its care, which includes migrants whose intended destination is often not even Libya at all. The international community must do better to implement policy with conviction that can help better the lives of the vulnerable. The Second Berlin Conference was a missed opportunity to make migration a focal point for Libya’s steps moving forward. In this absence, a new opportunity must be seized as soon as possible to discuss practical, immediate steps that can and should be done.

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<sup>9</sup>[https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/100596/Libya:%20Remarks%20by%20the%20High%20Representative/Vice-President%20Josep%20Borrell%20upon%20arrival%20at%20the%20Berlin%20Conference%20on%20Libya](https://eeas.europa.eu/headquarters/headquarters-homepage_en/100596/Libya:%20Remarks%20by%20the%20High%20Representative/Vice-President%20Josep%20Borrell%20upon%20arrival%20at%20the%20Berlin%20Conference%20on%20Libya)

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