

Refugees leap from a half-sunken catamaran as it arrives on the Greek island of Lesbos in October 2015. Thousands have died making perilous journeys across the Mediterranean Sea on overcrowded boats. REUTERS





# COUNTERING Migrant Smuggling

Success will require addressing the formidable drivers of irregular migration

By Rear Adm. (Ret.) Alberto Cervone

**S**tates see irregular migration as a threat, but believe efforts to stem the flow should focus on those who profit from human smuggling. Repressing this crime is impera-

tive, but the adaptable, elusive and resilient smuggling networks are hard to disrupt because they are desperately needed by irregular migrants. Smugglers are opportunistic exploiters of this strong and obstinate demand, not its creators. The securitization of migration and the severe criminalization of migrant smuggling are useful to assert state control, but they are insufficient, produce perilous unintended consequences and turn attention away from refugees. The current migration emergency in Europe shows that a reduced price per person smuggled has boosted migrant flows and confirms that the problem of unauthorized migration can only be solved through comprehensive migration policies.

## NATURE OF MIGRANT SMUGGLING

Migrant smuggling is the for-profit facilitation of unauthorized cross-border movement of economic migrants or asylum seekers. In the current political and media dialogue, it is often presented as one of the “dark sides” of modern globalization, but it has always existed. Helping people circumvent migration barriers, for money, has historically been portrayed as a morally acceptable or even meritorious endeavor. There have been many well-respected, unauthorized transfers of people across international borders for profit. Examples include Danish fishermen who accepted money to help Jews escape Nazi persecution during World War II; Chinese smugglers who moved workers needed by the United States economy, but banned by the Chinese Exclusion Act, through Canada in the early 20th century; and Soviet dissidents who were smuggled to the West during the Cold War. Perception of migrant smuggling is much less favorable now. Independent of the type of migrants involved, politicians and the public in destination countries have generally become negative, even belligerent,

toward migrant smuggling. This is caused by the exceptional increase in numbers and by the migrants' perceived undesirability in the host countries.

Migrant smuggling is essentially a great business for smugglers, who make large profits with low risk. It is good business for the smuggled economic migrants, who invest large amounts of money in expectation of a better life for themselves and their families. Smuggled migrants are a business for employers operating in the informal economy of destination countries, who often exploit illegal workers in underpaid, dirty, dangerous and protracted jobs. This is the powerful attraction of irregular migration.

## CAUSES AND CHARACTERISTICS

Migrant smuggling exists because more people wish to migrate than potential receiving countries will legally admit. This unrealized aspiration is reflected in a 2011 study conducted by the International Organization for Migration and Gallup polling, which found that roughly 630 million of the world's adults desire to move to another country permanently, while only a few million people in the world are permitted to migrate legally each year.

Immigration is often unwanted by receiving countries, even when it is required for economic and demographic reasons or mandated by humanitarian obligations. Countries generally try to limit work visas, family reunifications, resettlement of refugees and asylum concessions, especially when the people involved are ethnically and culturally different from the native population. To restrict unwanted arrivals, nations build legal, procedural and physical barriers that make illegal border crossing difficult. This pushes would-be migrants, who are strongly motivated and don't have alternatives, to resort to criminal help to circumvent barriers and achieve illegally what they could not legally. As countries intensify border control, smugglers become increasingly necessary, and the conflict between the two contenders escalates, with negative consequences such as accidents and migrant deaths, increased smuggling fees and a shift of the trade to more organized and sophisticated criminal groups.

Mafia-like, hierarchically structured criminal organizations do not dominate the migrant smuggling world. Complex criminal networks coexist with semi-legal ones. Smugglers are often ordinary people with respected roles in their communities. They frequently have a presentable facade, such as a normal commercial activity, and only engage in the illegal business part time. Smuggling organizations usually follow the enterprise model and are loose, horizontal networks of small groups or individuals. They are parts of a process, rather than of a single organization. A multitude of competing providers offers highly differentiated services to match the varied needs of clients. These networks are adaptable and constantly modify routes and methods. They consequently have no longevity, and groups can easily dissolve and regenerate, making them difficult to disrupt.

Migrant smugglers often have the high level of technical and legal specialization needed to develop new techniques and methodologies to counter increasing government

efforts. They adopt an incredible range of solutions to exploit normative loopholes and weaknesses in border security. Some smugglers produce falsified documents or specialize in teaching asylum seekers to tell credible fabricated stories; some organize false tourist groups, weddings of convenience and opportunistic work contracts, while others provide auxiliary services. This illegal activity could not prosper without widespread corruption of state officials who look the other way in exchange for money or even openly extort money from migrants. In ungoverned or weakly governed areas, protection or extortion money may have to be paid to local militias.

Smuggled migrants are usually young, male and single, but women are increasingly participating, and entire families are frequently within the flow of Syrian refugees. Needing to pay high smuggling fees, migrants are often middle class and educated, or at least skilled workers, with specializations in modern technologies in demand in transit countries, where they often need to work to earn money to continue their journey. They don't see themselves or the smugglers as outlaws — to the contrary. They are convinced they have a legitimate right to try to improve their lives. This attitude toward immigration rules, and rules in general, derives from their experiences in their countries of origin, where rules are often arbitrary and used to impose authoritarian dominion in violation of their basic rights. Violating such rules is a matter of survival, not a demonstration of delinquency or anti-social behavior, and therefore seems irrelevant to them. Also, they are aware of a de facto tolerance of illegal entry and stay in many receiving countries.

## SCOPE, PROFITS AND FEES

Because migrant smuggling is a clandestine activity, precise assessments of its scope are not available. However, the United Nations Office on Drugs and Crime (UNODC) reports that migrant smuggling is continuously expanding. The practice exists in most of the world, but the business is most profitable in the developed countries of North America, Europe and Oceania. The director of the European Police Office (EUROPOL) told *The New York Times* in November 2015 that an estimated 30,000 people were involved in migrant smuggling to European Union countries in 2014, with 80 percent of irregular migration to Europe facilitated by smugglers or criminal groups.

The UNODC estimated the annual profit of human smuggling in its largest market, from Mexico to the United States, to be \$6.6 billion. Until the recent surge, migrant smuggling to Europe was much less profitable. But, according to Stephen Castles, Hein de Haas and Mark J. Miller in their 2013 book *The Age of Migration: International Population Movements in the Modern World*, from 1997 to 2003 when the average flow of irregular migrants was 300,000 per year, it still produced \$300 million annually only from Turkey to the EU. And in a May 2015 policy brief, the Global Initiative against Organized Crime estimated that the current North African irregular migrant trade is worth \$255 million to \$323 million per year. According to a report released by

EUROPOL in February 2016, in 2015 alone, migrant smuggling to EU countries earned criminals an estimated 3 billion to 6 billion euros, set to double or triple in the following year if the scale of the migration crisis persisted, making it the fastest growing criminal activity in Europe.

In September 2015, *The Washington Post* reported that the main reason for the huge surge in migrant numbers, and for the route to Europe shifting from the central Mediterranean to the Balkans, is the huge cost reduction to use the latter, compared to the more dangerous and expensive route through Libya. The shift was especially important for Syrians, who now pay \$2,000 to \$3,000 (most of it just to cross Turkey and land in Greece) instead of the \$5,000 to \$6,000 required to reach Libya and take a boat to Italy.

The central Mediterranean route is now used mainly by Sub-Saharan Africans, who pay \$800 to \$1,000 per person to cross Libya and another \$1,500 to \$1,900 for the boat trip across the Mediterranean, according to a Global Initiative Against Organized Crime report. That's in addition to smuggling fees to reach Libya and frequent ransoms or extortion money paid to bandits and corrupt officials along the way. Migrants who can pay more don't have to risk their lives on rickety boats but instead travel by air with counterfeit documents that cost \$6,000 to \$10,000 to reach Europe from Sub-Saharan Africa.

An Italian police investigation completed in November 2015 provides a good example of a system to smuggle migrants to Europe. According to the Italian news agency Adnkronos, 500 Indians, Pakistanis and Bangladeshis paid 15,000 euros each to enter Italy with work visas, produced with the complicity of circuses that purportedly hired them. A range of options is available to those who cannot pay much but are ready to risk severe conditions, even death or being stranded in remote and inhospitable foreign lands. For example, using one such cheap and risky option, dozens suffocated in the hold of a Libyan ship in the Mediterranean in August 2015. Smuggling fees are seldom paid upfront. Generally they are paid to a third party that holds the money until the crossing is achieved, forcing smugglers to take on expenses in anticipation of future income and resulting in economic risks.

## HIGH DEMAND AND UNEXPECTED EFFECTS

Migrant smuggling is demand driven, and has an important, even vital, humanitarian function in cases of genuine asylum seekers. Large numbers of asylum seekers arriving in the EU are granted a form of international protection, as happened to 47 percent of the 390,000 people who received first instance decisions in 2014, according to a July 2015 report from the European Asylum Support Office. This means roughly 183,000 people avoided abuses, violence or even death, which would not have been possible without the contribution of smugglers acting in self-interest and in violation of immigration rules, but becoming instrumental to the safety and even survival of many people who had no other option. Smugglers provide less existential but still highly desired results to economic migrants. They offer them access

to a better life and a chance to take advantage of opportunities in destination countries.

The relevance of these effects does not mean that illegal migrant smuggling should be tolerated, but rather demonstrates that there is something wrong with the migration policies of developed countries. These countries do not provide enough opportunity for legal migration, with insufficient numbers of work visas and insufficient resettlement for refugees. Rather, current practices simply tolerate illegal immigrant workers in the informal economy and wait, knowing that people in need of international protection will apply for asylum after payment to smugglers.

Paradoxically, smuggling, by imposing monetary costs, reduces the number of people who can afford it, and mistreatment of migrants and exposure to severe risks deters more would-be migrants from attempting the illegal transfer. These costs also mean the affluent, educated and middle class can afford to migrate, and the poor are generally excluded. So although this illegal activity is called "facilitation" of regular migration, it also has a regulating effect, limiting irregular migrants to those who can pay smuggling fees.

Have smugglers caused the recent growth of migrant flows to Europe? There are many factors that have contributed, but initiatives taken by smugglers are not among them. Smuggling rises when governments toughen restrictions, but in the current situation, restrictions have been softened. For a number of reasons, countries along the booming "Balkan route" decided to let migrants freely enter and cross. Not only were borders opened, but buses and trains have been provided for free or a small fee, while the main destination country, Germany, has accepted hundreds of thousands. External forces, therefore, minimized the smuggler's role and expense per person and multiplied the number of migrants.

## SECURITIZATION AND CRIMINALIZATION

Even though migrant smugglers produce some positive effects — as instruments of salvation for hundreds of thousands of refugees per year — they are generally portrayed as despicable criminals, demonstrated by the fact that one of the two protocols that supplement the U.N. Convention Against Transnational Organized Crime is dedicated to countering migrant smuggling. Politicians and the media in destination countries often describe them by using harsh language, referring to them as abusers, traffickers, enslavers and "merchants of death," as European political authorities have repeatedly done. Migrant smugglers are not blamed for being unscrupulous offenders of migration rules, but essentially for causing suffering and death. The emphasis is not on violation of entry rules, but on more repugnant crimes that have a higher impact on public opinion.

Smuggled migrants are exposed to violence and abuses, and travel conditions are often extremely dangerous and inhumane, but human rights violations are not implicit in migrant smuggling as they are in human trafficking — a form of enslavement by means of coercion or deception. Smugglers' fortunes depend on a good reputation and positive previous



Migrants, rescued by the Italian Navy off the Libyan coast in August 2015, disembark from the Navy vessel in Augusta, Sicily.

REUTERS

deliveries, but the secrecy required of illegal activity causes a scarcity of information and compromises the quality of service. Studies show that migrants are unable to make informed cost/quality decisions, causing equalization at the lowest level of cheap and bad services. What is certain, anyway, is that migrants generally have positive opinions of smugglers and see them as indispensable to the realization of their dreams.

Migrant smuggling attracts contempt in destination countries because politicians and the media, supported by public opinion, often frame migration itself as a threat, especially if it is irregular. According to Jef Huysmans in his 2006 book, *The Politics of Insecurity: Fear, Migration and Asylum in the EU*, this happens through a process of “securitization” and the adoption of “policies of fear.” Immigrants are seen as a disturbance to normal life and the consequent unease is framed as a threat to the character of established society, which justifies recourse to exceptional means and reinforces the image of the state as provider of security, Huysmans says.

If migrants are feared and criminalized, it is obvious that the smugglers who help them are seen

as the principal culprits of this undesired situation and are themselves even more securitized. They are perfect targets for repressive action, but the securitization of migration and migrant smuggling is not free from undesirable consequences. Applying restrictive and militarized approaches makes illegal activities harder, but also causes the already mentioned unintended negative consequences.

An additional reason for securitizing migration is the connection between terrorism and migration, created by the recurrent involvement of migrants and their descendants in terrorist acts, the suspected participation of terrorist groups in smuggling and the fear that terrorists disguised as migrants could be smuggled into Europe like a Trojan Horse. This impression was reinforced by the November 2015 terror attacks in Paris.

## FIGHTING CRIMINAL NETWORKS

The Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the U.N. Convention against Transnational Organized Crime and ratified by 142 countries so far,

constitutes the basic framework for countering migrant smuggling. It defines the offense, requires its criminalization and enunciates actions that signatory countries are committed to implement with the objective of preventing and combating the crime, protecting the rights of smuggled migrants and promoting cooperation among states. To fight migrant smuggling, signatory countries need to reinforce their intelligence, investigation and prosecution capacities, which require ad hoc specialization in the field and willingness to work in cooperation, not only among signatories, but also with countries of origin and transit, which are often weak links in the chain.

The EU recently introduced new initiatives, such as a military operation code-named Sophia in the framework of the Common Security and Defence Policy that targets smugglers in the Mediterranean with the special task of identifying, capturing and destroying their boats. To coordinate and improve intelligence-based law enforcement activities, EUROPOL created a Joint Operational Team named JOT Mare, while Frontex, the joint EU agency for the coordination of border control, monitors maritime borders, counters irregular migration and its facilitators and saves lives at sea. The results of past actions, which the new initiatives are expected to improve, have not been negligible, showing that the criminal-justice system has positively evolved. Many migrant smugglers have been arrested by EU law enforcement agencies, including the 10,234 in 2014 that Frontex counted, but migrant smuggling has grown because it produces huge profits in poor areas with few economic alternatives and because irregular migration has powerful drivers that must be addressed through comprehensive migration policies.

EU institutions recognize the need to address the root causes of irregular migration. In May 2015, the European Commission released two communications, “A European Agenda on Migration” and the “EU Action Plan against migrant smuggling (2015 – 2020),” which not only introduced new initiatives to prevent and combat migrant smuggling, to protect vulnerable migrants and to enhance cooperation with countries of origin and transit, but also show a clear understanding of the nature of the problem and express determination to address its causes and give priority to the consequent actions.

Among the new initiatives, some deserve special mention, such as the reinforcement of dedicated intelligence structures and methods, the implementation of procedures to more rapidly detect bogus asylum claims and to return irregular migrants to countries of origin (to deter new departures), the creation of seconded European migration liaison officers in EU delegations in key third countries, proactive financial investigations, stepping up of EUROPOL support to detect Internet content used by smugglers, enhancement of border and shipping controls using new procedures and technology, and new information campaigns to counter the narrative of smugglers. The EU is presenting the fight against criminal smuggling and trafficking networks primarily as instruments to prevent the

exploitation of migrants and also as a deterrent to irregular migration. The fundamental objective is transforming migrant smuggling from “low risk, high return” activities into “high risk, low return” ones, dismantling the smugglers’ business model.

To address the root causes of irregular migration, which inevitably implies exploitation by criminal networks, the EU identified the need for increased cooperation at bilateral and multilateral levels with nonmember countries (especially Turkey), countries of origin and transit and those influential in conflict areas. Conflict resolution and prevention do not have sole priority; addressing poverty, underdevelopment, and assistance to internally displaced people and refugees in the proximity of conflict areas to prevent further migration are also important. Policies to prevent irregular migration cannot overlook the main drivers and should consequently promote new legal pathways to Europe and severe enforcement of labor rules. All efforts must avoid violating migrants’ human rights or putting their lives at risk, assuring the protection of those in need, as mandated by international law.

## CONCLUSION

The progressive growth of irregular migration and, consequently, migrant smuggling has shown that these phenomena are out of control. The main problems are the suffering and deaths of migrants, the excessive burden endured by receiving countries and the expansion of the criminal underworld that profits from illegal activities and undermines the security of transit and receiving countries.

The EU’s recent decisions demonstrate its understanding that preventing migrant smuggling means addressing irregular migration and that this requires implementing comprehensive and effective migration policies. Such policies must include new instruments to repress criminal activities, but also address root causes of irregular migration and the reasons why irregular migrants resort to criminal networks.

These solutions, based on initiatives in migrants’ areas of origin, increasing legal pathways to migration, deterring illegal behaviors and suppressing exploitative labor in receiving countries, must be accompanied by a commitment to protect the migrants. They were conceived for Europe, but their principles extend outside of it. It is important to moderate “the politics of fear,” keeping regular and irregular migration and migrant smuggling in the right perspective and avoiding excessive securitization.

Implementing these new policies will not be easy, because they require a difficult balance among conflicting factors: economic interests, humanitarian considerations, moral issues and the fears and legitimate concerns of established populations. Governments will encounter popular resistance to the imposition of some solutions and will risk electoral backlash and violent reactions by extremist domestic minorities. Information campaigns and open discussion with civil society will be necessary to create a social atmosphere receptive to the required changes. □