

The *Abidat* and *Arabu*: The Nigerian Migrants in Libya and International Migration Law

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Abstract

*Many Nigerian migrants who attempt to enter Europe end in Libya in a causeless twist to their migration story. Libya is not in any way prepared for the accommodation of strangers—a well-spelt out policy in its law. Migrants and asylum-seekers to Libya enjoy no protection from international protection law because Libya is not a party to its tenets and obligations. The political crisis which engulfs the country escalates lawlessness where migrants and migrations become major sources of war financing. Migrants human rights are often violated. This study examines the relationship between migrants (*Abidat*) and the Arabs (*Arabu*) where migrants have no legal recourse both nationally and under international protection laws. This work is exploratory as primary sources of data are interviews with deportees who had been to Libya as illegal migrants. The study concludes that despite Libya's disavowal of international protection law's intervention in her asylum and migration system, international law can still intervene in Libya's immigration policy by relying on international humanitarian laws where Libya has certain obligations.*

Keywords: Libya, Nigerian migrants, International law

Introduction

The spate of irregular migrations in Nigeria conjoins with the state of the battered economy of the Nigerian state, fueling the notion that most irregular migrants are pushed out by their state of economic despondence—inferably, they did not take the plunge by choice. The desperation of

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Nigerians to seek a better life elsewhere has developed a well-coordinated mechanism called the migration industry which serves as a tool for the transportation of young Nigerians. Most often, the destination is Europe where tales of wonderful paradise await them, albeit, untrue. Nigerians desirous of illegal migration often go through the migration routes which start in Kano, then to Niger, and arrive in Libya after going through one of the most harrowing human experiences- a rather general grotesque reflection of the hopelessness in the home country. Arriving in Libya is only the first stage of the journey in the migration circuit which has four crosspieces. The second leg is how to survive in Libya (which is the most difficult) before advancing to the third stage which is crossing the Mediterranean Sea and the last, of course, is arriving in Lampedusa in Italy (Lawal, 2020:76-84). Many migrants' journey terminates in Libya as most of them never make it to Europe. This work investigates the various challenges of Nigerian migrants in Libya by analyzing the norms, administrative practices, and the legal (both national and international) context of Libya's migration practice as applicable to Nigerian migrants.

Libya has seen a surge in migration incidence in the last two decades mostly because of her prosperity and largely her geographical location and its contiguity to Europe, combine to make it a transit choice for irregular migrations to Europe. But before the political upheaval of 2011, Libya's oil wealth held enough luster for migrants fleeing there. Libya indeed came under intense migration pressure because of her stable economy thus making it a destination choice for many despondents. Currently, the statistic of migrants and refugees in Libya is shoddy, the 2018 survey showed that there are about 700,000 to 1 million migrants in Libya, many of the migrants are from North Africa and a very significant number are from West Africa states of Nigeria, Chad, and Niger. Women represent 9 per cent of migrants. The UNHCR reported that by 2018 it had registered 53,285 refugees and asylum seekers in Libya (UNSMIL/OHCHR Report, 20, Dec. 2018).

Investigations (IDIs, FGSs, 2019) and reports (UNHCR. 2015, EUROSAT, 2017) reveal that the beam of illegal migrations in Nigeria is the structure

provided by migration cartels. This structure is designed cliff-like with delicate precipices of rape, death, brutality, and oath-taking. This trajectory, more than anything else, catapults migrations to closed

Women trafficking: the route from Nigeria



Source: BeFree



combative consciousness. The roles of the migration cartels and oath-taking, commingle into a writ which explains the concealed trait of the migration industry in Nigeria. To that extent, migrants are under the command chain of the cartels. A migrant that is stranded in Libya is often a victim of failed clientele transaction between the cartels and the Arabs human traffickers (personal communication with a returnee, June 20, 2019). According to a returnee respondent, many Nigerian migrants in Libya got stuck in the country because many of the cartels who are to ensure crossing of the Mediterranean Sea to Europe failed to perfect the plans (personal communication, June 20, 2019). This failure is largely a result of the inability of migrants to satisfy the financial obligation attached to the process of crossing the Mediterranean Sea. Getting stuck in Libya is almost shockingly repellent as the journey to Libya, save that migrants arrive alive, but not altogether, intact.

Illegal Migration Routes

The details provided here are sourced from interviews with returnees and deportees from North Africa and Europe who all have used these routes. There is also a snowball sampling from officials who have collected data and interacted with the users of the routes. The information has been cross-checked and found relatively reliable and could be major sources for future researches on Migration (NAPTIP, IOM, NEMA Reports, 2019).

Kano is reported to be the starting point of illegal migration routes from Nigeria to Europe. From here migrants embark on a 700-kilometer journey to Agadez in the Republic of Niger and through the Saharan desert. There is nothing so secret or clandestine about this route. The passage to Agadez wrecks of official connivance and surreptitious corruption without limit. Everything is regulated and open to official scrutiny if the goal is to check irregular migrations. The trip to Agadez is undertaken only on Mondays. Crossing over to Agadez is easy with sleazy Nigerien gendarmes who partner with the cartels. Although Agadez is a slave city where slavery appears to have a rebirth, a migrant is not likely to be sold to slavery except if he/she is unable to pay his/her way through (personal communication with a deportee, October 16, 2019).

Illegal migrants from other parts of Africa converge at Agadez for onward transportation to Europe en-route Libya. Most passengers come from Benin, Ivory Coast, Senegal, the Gambia, and Mali, they are known locally as *les aventuriers* - the adventurers. They are lodged in some hidden compounds while the cartel goes to find a human smuggler or connect with his regular trustworthy smuggler if he already has one (Pax-List, VIE-LOS-BJL, 2019).

The journey next is to Qatroun where migrants are packed in an open pick-up van with lower and upper cabins. On these routes, many migrants die as a result of exhaustion and falling off while sleeping, and not being able to have a good grip of ropes that support stability on the trip. Migrants learn the danger of these routes through the sight of rotten bodies of humans who had fallen off in earlier trips (*IOM Migration Reports on Nigeria*, 2018).

The trip to Sebha is considered most dangerous because unlike in Agadez where slavery is accidental, Sebha is home to kidnappers who operate with AK. 47 guns and would stop the travelling van to take hostage of migrants and eventually sell them off as slaves between \$200-\$300. There is of course a political explanation to the lawlessness in Sebha. This is a volatile insurgent's region and it is not under the control of the central authority in Tripoli. AK 47 constitutes authority and anyone in its

possession directs affairs around the area. Women are also raped and forced to marry insurgents, while some men are forced to join the militants in their rebellion. Victims of Sebha militants can buy their freedom because money is respected in the area. The insurgents need money to prosecute their war and kidnapped migrants are the major source of funding for the bandit's war in Sebha. Captured migrants pay around \$800-1,500 to secure their freedom (Pax-List, VIE-LOS-BJL, 2019).

From Kano to Libya, the journey of a migrant is just a completion of a phase. The majority who aspire to make it to Europe end their journey in the North African nation, whether as slaves, labourers, mercenaries,

or as prisoners in

Libyan

immigration

camps. Tragically,

some end their

sojourn in life at

this phase. For

the lucky ones,

the next phase is

how to cross the

Mediterranean

Sea to Italy

(Malakooti, 2016,

p.17).

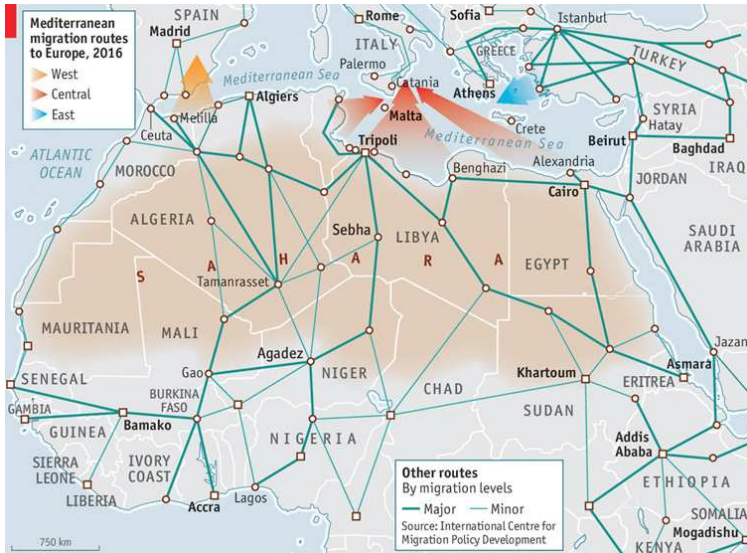
The hazards

associated with crossing the Mediterranean Sea are well documented (Fargues, & Bonfanti, 2014, p.34). The aggregate of all the reports is that certain deaths await migrants who seek to cross the Mediterranean illegally. Those deaths may be a result of the rickety nature of the fishing boats used for human transportation. Or as a result of the dinghy-style small boats that often capsize on the sea. A far more compelling hazard on the Mediterranean is the operation of border control agents who often appear like they have no life savings mandate. The IOM (2018) has



A truck packed with migrants' tears through the Sahara, north of Agadez, Niger | Photo by Mackenzie Knowles-Coursin

described the Mediterranean Sea as “by far the world’s deadliest border.” The IOM has reported that more than 33,000 migrants have died at sea trying to enter Europe since 2000. At the end of 2017 the organisation, again, reported more than 3,180 deaths crossing the Mediterranean in that year alone.



Lampedusa is a Mediterranean Island of Italy. It is the southernmost part of Italy and here, most illegal migrants from Libya and Tunisia berth first in Europe. Since 2000 this Island has served as a primary European entry port for migrants of African origin. Although Lampedusa is a major tourist centre in Italy, this fortune has dwindled as tourists resent the huge presence of police who are sent there for immigration patrol duties (Crawley et al., 2016, p. 8).

The Migrant in Libya

The human ecology of migrants in Libya put Sub-Saharan African migrants in some precarious and parlous storm. As earlier noted, Libya is a transit state to many migrants desirous of crossing to Europe, many

of these migrants are Arabs from sister middle East states but they do not suffer the same inhuman treatment that Sub-Saharan African migrants are exposed to, thus fueling the view that racism and xenophobia subvert the application of standard practice in migration policy of Libya. In Libya, skin pigmentation alludes to the susceptibility of individual immigration control tactics that are not parented in both international and municipal laws of Libya. Although, Libyan officials often claim there is no difference in the treatment of migrants in Libya, however, blacks are separated because of the prevalence of diseases as it was claimed that many blacks come in with Tuberculosis, AIDS, and other venereal diseases. Generally, in Libya, there is a widespread assumption that black Africans are carriers of diseases, albeit, not evidenced in any credible study (UNSMIL/OHCHR Report, 20, Dec. 2018). Although, some of the diseases that are often the source of these claims are general sexually transmitted diseases contracted by Libyan authorities during forced or mortgaged sexual affairs with migrants.

Nigerian migrants have been labelled highly promiscuous by the Libyan authorities claiming that their low mores are due to their non-Islamic value and these Nigerians are often targets of grim migrant deportations by Libyan immigration officers. A grotesque dimension was introduced to this when a certain official of Libya contracted sexually transmitted disease from a Nigerian woman and he later instigated the forced deportation of the lady on grounds related to immigration status (personal communication, October 16, 2019).

Libya's detention facilities for migrants are perhaps designed to further dehumanize the migrants but as earlier observed, these are targeted at black migrants. Accounts are available on how the detention camps are so overcrowded that diseases are easily transmitted by migrants; stories of scabies and tuberculosis transmissions are common in the detention. In detention, migrants are flogged with pipes and horsewhips for offences ranging from noise-making and lack of cooperation with a camp director called *munir* in Arabic. The UNSMIL reported many infractions in Libyan detentions, for instance the *Tarik al-Matar* detention centre is said to be

particularly notorious for migrant tortures. According to the UNSMIL (2018) report: A man from Cameroon described the situation at the *Tarik al-Matar* centre thus:

They beat us every day. They use electric sticks, just because we ask for food or [medical] treatment or for information about what will happen to us... Those who try to escape or make trouble are taken outside for more brutal beatings; they come back with fractures.... We are not alive in here. Someone died here 10 days ago and more will certainly follow if we stay here.

The migrant's detention camps in *Tajoura* and *Gharyan* are also noted to engage in migrants' torture and human rights violations (UNSMIL/OHCHR Report, 20, Dec. 2018).

Ethno-Racial Dynamics in Libya's Migration Policy

Racism and xenophobia creep into Libyan migration practices when one observes that there are two sets of rules and they are applied according to colour and skin pigmentation. Although the Libyan migration laws do not make any distinction in the application of its law, there is ethno-religious and racial applications of Libyan migration laws in practice. Migrants from West Africa are often the target of inhuman treatment and discrimination both on the streets of Libya and in detention centres. Many black migrants have been subjects of trump-up theft charges and have been mobbed on the streets of Tripoli and the environs. Again, strangers (migrants) are often blamed for any crime and even infrastructural decay in Libya.

On arrival, blacks are separated from other migrants, albeit some officials looking for a quick fix for their sexual urge. A respondent reported that it is a rarity for a migrant to make it to Libya and transited automatically to the coast to cross the Mediterranean Sea without detention. She said only very high-caliber migrants enjoy that privilege. This is sufficient to say that most migrants are detained on arrival in Libya. While in detention, the black migrant faces stiff discrimination as a result of skin colour, he is separated and made to sleep on a bare floor and he is only allowed access

to any facility only amid surplus (which is not likely). Migrants from other Arab states are treated less with disdain and very fundamental, is the fact that, often, the principle of international protection laws are employed when dealing with Arab migrants, even when most of the Arab states are not signatories to international protection protocols. Conversely, migrants (like Nigerians) who come from states under the obligations of international refugee laws, are the target of inhuman treatments (personal communication, October 16, 2019).

In Libya, blacks are generally referred to as *Abidat*, (personal communication, June 20, 2019). an Arab word which means “slave.” Although some Libyans and especially officials, deny that the word connotes slave, they accept that it is used to describe blacks but deny it has a racist interpretation. A respondent however tackles this exculpation with a rider that the term *Abidat* is often used in circumstances and environments where blacks are subject of derogation and maintain that all blacks in the detention camps are called that term. Despite the denials, this study confirms that the term *Abidat* is a racial connotation for black migrants in Libya. The issue of racial discrimination against black Africans in Libya has been a source of concern for the United Nations Special Mission in Libya (UNSMIL) since 2012 during many regular visits to prison and detention camps in Libya. In fact, in April 2018 the UNSMIL observed that the Arab detainees had beds and/or mattresses, while Sub-Saharan African detainees slept on the floor on blankets. Further, according to the report, in some facilities, Arab and Libyan detainees had more frequent and regular access to prison yards (UNSMIL/OHCHR Report, 20, Dec. 2018).

There is another explanation for the hostility against blacks in Libya and this has to do with the perceived role of black Africans in the political crisis that has engulfed Libya since 2011. It is generally believed that blacks exacerbated the crisis in Libya when many of them acted as militias to different warring parties in the Libyan crisis. Some Libyans, therefore, see black Africans as conduce party in their political predicament. In view of this, the Committee on the Elimination of Racial Discrimination

submitted to the 94th session of the UN concern about discrimination in Libya between November to December 2017. Despite this, the authorities in Libya have not taken any step to reverse this dangerous trend.

Many of the returnees who came back from Libya maintain that what fuels racial discrimination in Libya is indeed the lack of supervision of the work of immigration officers. It was reported that most junior officers in charge of immigration are most likely unaware of any law guiding their conducts. Many of them are said to act as though as if they are not responsible to anyone and their conducts appear unregulated. But since 2011, it has been observed that, Libya has become more or less a failed state and the extent of the law in regulating official duties is abysmal.

Nigerian Migrants in Libyan Society

Findings show that many migrants who are currently in Libya are stranded sojourners to Europe. The circumstances leading to migrants being marooned in Libya have enjoyed some certain mention above. At this juncture, the political situation in Libya shows that many of the migrants ran aground are not there of their volition compared to details of migrations to Libya in the 1990s to mid-2000, when migrant travelled to Libya by choice.

The migrant's condition in detention is almost the same as when he is not confined, same unbridled hostility in the throes of all pangs of suffering. According to one of the respondents, a Nigerian migrant who is stranded in Libya has two choices depending on gender. If a male, he does menial work that can hardly sustain him as a stop-gap solution because many male migrants would still want to find other alternatives to cross the Mediterranean Sea to Italy. The other option is to report at the nearest detention camp for onward transfer to the office of the International Organisation for Migration (IOM), which ensures returns to Nigeria. It was reported also that the Libya Migration Office (LMO) also embark on the deportation of illegal migrants including Nigerian migrants, the only difference is when IOM is not involved in deportation, the migrants tend to be subjected to some inhuman treatment while in transit and even

before deportation. Our respondent also reported that money (in form of bribes) plays a significant role in whether a migrant is deported by the Libyan Immigration authority or returned to Nigeria by the IOM. It was reported that even while in detention, many migrants scout for money (sometimes from relatives at home) to facilitate being transferred to the IOM office (personal communication, June 20, 2019).

Many stranded female migrants have a more deplorable account of their stay in Libya while waiting to be returned home. Various accounts show that many female migrants have been subjected to various degrees of sexual abuses while primarily on menial jobs to make ends meet. Many of them are employed as house helps but are constantly sexually abused by their male employers who often hide under the common Libyan fable that migrants are the ones running after their masters for lackluster mitigations (personal communication, June 20, 2019). It is therefore convenient for male employers to quickly cry hoarse to their wives whenever there is a failed attempt to have canal knowledge of their migrant employees. According to one of our respondents, although sexual abuse is a very serious offence in the penal code of Libya, migrants or refugees have not benefitted from legal recourse whenever they are abused. This, it was reported, was because the wives of the villain husbands are the ones who incident the cases against the migrant, claiming that they are the ones harassing their husbands. Again, law enforcement in Libya is skewed against migrants' redress because there are reports of complainants who ended up being deported afterwards.

The coinage "*Arabu*" is a bastardization of the word "Arab" but beyond that, it has a sociological application as it is often used in a negative sense and it enjoys wide usage in migrants' communities. Most references to the word *Arabu* connote that the Arabs have done something wrong to the user(s). In a migrant setting, the word *Arabu* is often a connotation of a bad Arab man, this was reported by many of our respondents who implied that rare cases of kindness from the Arabs are rewarded with the reference to such a person as Arab and not "*Arabu*" (personal communication, October 16, 2019). One of our respondents who is Yoruba from Nigeria, claims that

the Yoruba migrants are the ones who coined the word *Arabu* from two words, Arab and “*bu*.” *Bu* in Yoruba means bad, hence when joined with Arab, it forms *Arabu* which means bad Arab (personal communication, October 16, 2019). Whichever its origin, *Arabu* is often used in migrants’ communities in Libya to express disaffection for the Arabs

This study confirms three different causes of disaffection between the Arabs and Nigerian migrants. One, the Arabs are also middlemen between migrants and the agents who are responsible for crossing them across the Mediterranean Sea but these Arab middlemen are reported to often abandon the migrants despite heavy financial commitments. Incidents were reported that many of the boat owners abandoned their boats (while migrants onboard) on the high sea whenever they sight coast guards. Again, some reported that a certain makeshift boat known as “*lapalapa*” are usually provided for migrants to cross the Mediterranean without any expert on board. The resort to the use of the *lapalapa* is to attract the attention of rescue organisations, like the Open Arm. The strategy is that the *Lapalapa* is not expected to make the three-day journey on the high sea, thus rescue operations are expected to come to the aid of those onboard and will then be taken to safe areas in Italy (personal communication, October 16, 2019).

In the wed of the throes of crossing the Mediterranean Sea, the migrants are not in any position to determine the mode of operation of smugglers, so they could not dictate how they cross the Mediterranean Sea, therefore, it is difficult to establish any breach. At the center of the whole, however, is the claim that the Arab middlemen are deucedly clever in the process and hardly mind about human lives (personal communication, October 16, 2019).

Many of our respondents who returned from Libya have similar stories of Arab exploitations. Many of them reported that the Arabs capitalized on their illegal migrant status to harvest cheap labour for their factories and employ domestic servants. The journey toward exploitation begins with how the migrants are sourced for their masters. One avenue has been through immigration officials who supply factories with illegal migrants.

Some of our respondents however qualify this process as one that appeared like a favour to many migrants because according to them, many migrants rushed to have the opportunity to work in factories (personal communication, October 16, 2019).

The incidence of exploitation arises only when the factory owners refused to pay the migrant workers or when they pay less of the agreed wages. A respondent claimed that some Libyan immigration officers are paid part of the wages of the migrant workers, but this claim was not corroborated by any other source. Migrants who worked as domestic servants reported that they suffer all manner of ill-treatments in the hands of their masters. Some of them claimed that their salaries are often cut down without explanation and some masters do not pay at all. Efforts by migrants to report this activity to local authorities usually left the migrants with regrets as the complainants either end up in jail or face deportation.

The third and most grotesque account of migrants' cause of disaffection with the *Arabs* is about sexual relations. During this study, two pregnant returnees were interviewed who claimed that the *Arabus* were responsible for their pregnancies. In addition, they claimed that they got pregnant after sexual violence meted out to them as domestic servants. One of them claimed that the son of her master was responsible for the sexual violation. The other explained that she was raped after being shot in her foot when she resisted. In both cases, it was clear that there were no attempts to seek legal interventions (personal communication, October 16, 2019).

From many of the returnee accounts, it appears that migration administrations in Libya are an all-comers affair where there is no central regulation relating to the treatments of migrants and refugees. Some observers believe that the illegal treatment of migrants is generally modulated by lack of functional authority in Libya as has been the case since the exit of Gaddafi in 2011. For such observers, therefore, this phenomenon is a post-2011 event that came with the political crises in Libya. Another view insists that migrants have always been subjected to aggravated ill-treatment in Libya and the fact that Libya is not a signatory

to any international protection law, and such, even while Gaddafi was in power, Libya was not a migrant-friendly nation.

Libya And Migration Laws

Virtually all the states in the gulf under Islamic influence are not signatory to the 1951 Geneva Refugee Conventions and its 1967 Protocol. Many of the Arab states' discord with international protection laws stems from two perspectives, namely, the Refugee Convention does not serve their purpose and secondly, Islamic law (which many of them subscribe to) has a firm prescription on how refugee should be treated.³⁰ Arab states, therefore, allow this to regulate refugee and migrant protection than the global law governing refugee administration. Libya, like other Arab states, is not a signatory to the 1951 Geneva Refugee convention and the 1967 Protocol but it is a party to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Although this Convention adopts many of the 1951 Geneva Convention standards, it sets its peculiars to the African continent at a juncture. Libya's acquiescence to the OAU Convention may have been influenced by OAU Convention's critical departure to the extant international protection law when it took cognizance of colonialism as a major source of displacements in Africa.

In spite of her denials of international protection law interference in her refugee and asylum administration, certain international human right obligations still set legal limitation to how migrants should be treated in Libya. One of such is the International Covenant on Civil and Political Rights which is not primarily a migration regulatory tool but has competence on issues concerning arbitrary detention and deprivation of life—two major human right violations that often accompany states' migration control system. One other international human right convention which could have served as check to Libya's migrants' abuses is the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment which prohibits many of the torture and ill-treatment of migrants in Libya.

Libyan authorities often claim that they derive their authorities on the

treatment of migrants from the state's municipal law which criminalises illegal entry, stay and exit from Libya. As noted above Libya categorizes all entries into her country as migration and disavows the asylum system in a fundamental way. Concerning entry to Libya, there are just two variants, namely, legal and illegal entries and there is no allowance for circumstantial entry where certain push factors are examined and when certain entries can be justified even when they are illegal. This type of legal framework provides a floodgate of detentions of migrants who enter illegally without regard to why they enter. According to Libya's Law No. 6 of 1987 Regulating Entry Residence and Exit of Foreign Nationals, imprisonment and deportation of those who entered the country irregularly or sought to exit, are prescribed based on immigration status.

Libya's national law seems to have taken cognizance of migration challenges she faces and many of her laws appear to be responses to some of these challenges. In the process, even the OAU Convention and other international human right conventions which Libya is a party to, do not play any significant role in the drafting of Libya's immigration laws. For instance, in 2010, Law No. 19 on Combatting Irregular Migration was adopted, allowing for the detention, pending deportation, of migrants and refugees in an irregular situation was to attend to the upsurge of migrations to Libya from Sudan following the ructions of the Darfur crisis. Through this law, many migrants and refugees have been detained and even pay fines, which include "imprisonment with labour or by a fine not exceeding 1,000 Libyan dinars" (Lawal, 2019, pp11-32).

Apart from its fundamental abuses, Libya's migration law is not entirely anathema to the general concept of migration law amongst states. States view migration laws as border control measures and prevention of human influx into their territories. There are dimensions to the operationalisations of migration laws amongst states, some states skewed national refugee law with migration laws and often do not identify the boundaries of the two when determining the status of migrants. In Africa, South Africa falls into this category because it applies the refugee act in migrant related issues. Some European nations too preferred to apply their national migration

laws to refugee and asylum adjudications. Australia and New Zealand are particularly known for this especially when the two often refuse to admit refugees under international protection law provisions but prefer to do so under their national migration jurisprudence. Other states, as we have seen in the case of many Arab states, simply refuse to accept the incursion of the international protection laws into their migration policy.

Conclusion

From the standpoint of this study, international law appears to have done little to assist migrants in Libya. Although observations reveal a noticeable presence of United Nations Agencies in Libya, many of them concentrated on monitoring migrations across the Mediterranean Sea. The United Nations Support Mission in Libya (UNSMIL) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), have made huge impacts on the operations of Libya's Coast Guard (LCG) and other Libyan states forces in charge of migrations, but this is concentrated at the sea and the on the coastline. The implication is that many of the human rights violations of Libyan authorities have not come under the surveillance of the United Nations Agencies. The UN's work has been hampered by Libya's deliberate policy to prevent access to migrants and refugees and to monitor the situation in the detention facilities.

The migrant's situation in Libya needs urgent international interventions as human rights violations continue unabated. The journey to human right abuses starts with the automatic detention of all illegal migrants, especially blacks and specifically, Nigerians. According to some of our respondents, detention in Libya is not a holding facility for illegal migrant, it is real detention as prescribed for criminals who have committed crimes. The lack of alternatives to the detention of migrants should be of greatest concern to the UN.

Libya's absence from the UN Refugee Convention is not sufficient to leverage for violation of migrants' human rights. In most cases. the refugee convention is not always applied to migration issues even by advanced states, so the UN has no relief from it on the migration issue.

Another contour to the UN's intervention on migrants abuses in Libya is that international law has no international migration law, in a single file, that is well codified and clearly articulated as in the case of the refugee convention. The reason for this is that international law does not want to tamper with immigration law and border control of member states (Lawal, 2017, pp. 126-130.) In the intermediate, international law can derive its power of intervention in national migration practices, when issues of human rights violations are established because human rights protections have generally enjoyed a *jus cogens* nature amongst all states, in other words, no derogation is permitted.

Libya's human right violations relating to migration practices are well documented by international law agencies but the political instability in Libya makes it difficult to hold a central government responsible for these violations. Many human right violators quip with the alibi of denials when they know that there is no one to be held accountable. Migrants abuses in Libya, therefore, thrive on the political turmoil which breeds unbridled lawlessness in that country. Still, international communities have a responsibility to restore law and order in Libya where laws and not might, will regulate migrations in that country.

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