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Irregular Migration or Human Trafficking?

The Realities of Cross-border Population Mobility in Western Sudan

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A new public discourse labels irregular migration as human trafficking. The new discourse has been shaped by emerging globalized migration patterns and the increased securitization of Europe's borders. This brief traces the history of Sudan as an origin and transit country of migration, and examines the discrepancies between the self-image of the actors who facilitate irregular migration and the policy makers who try to stop it.

Sudan's history as a country of origin and transit

Sudan has a long history as a migration causing country. Its reputation as a main transit country for irregular migrants, however, is relatively recent. Different ethnic groups, tribes, religions and cultures have always co-existed, lived alongside each other and converged across borders in Sudan. Sudan is characterized by diverse types of international mobility. The majority of refugees in Sudan come from a rural background and have to compete for a job in Sudan's urban and semi-rural areas. In addition, Sudan receives students and economic migrants from Asian and African countries.

Migration statistics in Sudan

In 2015, it was estimated that Sudan hosts 503 477 immigrants, of which 50.55% are men and the rest women. Most of the immigrants come from the neighboring countries: Ethiopia, Eritrea, South Sudan and Chad (UNESCWA, 2017), and many of them have been forced to leave their country of origin because of conflicts or natural disasters. East Sudan hosts over 107,000 refugees, the majority of which are Eritreans (US Department of State, 2018). The majority of the international immigrants (53.6%) in Sudan are in working age, between 24 and 64 years old.

Modern Sudan evolved from the condominium government jointly established by the United Kingdom and Egypt in 1899. At the time of independence in 1956, the economic situation in Sudan was relatively stable and the country had a well-established civil service apparatus. However, things changed. The economic situation and conflict became drivers of migration.

The first documented waves of migration from Sudan date back to the 1970s. The discovery of oil in the Gulf states and the subsequent financial boom coincided with a severe deterioration of the Sudanese economy. As a result, many Sudanese migrated to the Gulf countries motivated by the prospects of a more secure economic future. Many Sudanese also started travelling to Libya and Egypt. A large proportion were people in search of a safe refuge from the first civil war in the south of Sudan, others were inspired by the riches they had heard and seen other people bring back from stays in these countries.

Early migration to Libya and Egypt was done on camels. Smugglers learned to read the stars for navigation and organized seasonal journeys, mainly in December and January to benefit from the cooler conditions. In a large migration movement in 1987, more than 2700 migrants entered Libya using 1400 camels. The camels were then divided between the smugglers and the Libyan border officers. Camel transport ended by the late 1980s and smugglers began to use cars and lorries to transport people. As the number of cars operating the Sudan-Libya line increased, so did the transport fees. Migrants in 1993–1994 paid an average

of 250 USD to be smuggled across the border to Libya. By 2014, the fee was 500 USD.

Tracing the history of migration in Sudan provides an important background for understanding major changes in the public discourse and narrative on migration. What was previously considered socio-economic migration and population movement is now considered human smuggling or trafficking. This reconceptualization focuses on the illegality and potential use of force, rather than the historical pattern of cross-border population movement. The journey itself has also been transformed and new means of transportation have facilitated the movement of larger groups of people in a shorter time. Both the transit countries and the destination countries have felt the impact of this modernization.

Sudan and Libya were once the final destinations for groups of migrants travelling from East Africa. Now, however, they are in a new position as transit countries, which has also changed the demography of the migrants. More non-Sudanese citizens and female migrants are putting their destiny in the hands of Sudanese smugglers. In a progressively international industry, it has become increasingly clear that the Sudanese borders are difficult to control. Sudan's relatively open borders are subject to an influx of both voluntary and forced migration.

Some estimates¹ show that around 60 million immigrants are expected to arrive in Europe during the next 30 years unless action is taken by relevant governments in African countries (e.g Sudan, Libya etc.) and hosting states in Europe. A significant number of these are people travelling from Africa to Europe, transiting via Sudan and Libya. Every month, thousands of people² from Eritrea and Ethiopia cross the border into Sudanese territories on their way to Europe through Libya or Egypt.

Conceptualizing population mobility: The shift from migration to human trafficking

Migration is the movement of a person or a group of persons across an international border or within a country. According to the International Organization for Migration (IOM) 'It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes...'³

The concepts of smuggling and trafficking are inextricably entangled, but it is important to distinguish between them. Human trafficking is the recruitment, transportation, transfers, harboring or receipt of persons by means of threat or use of force or other forms of coercion done for the purpose of exploitation, against the will of the individual. Smuggling, however, focuses on the material gains from the illegal crossing of international borders and there can be consent from the individual to be moved. The vital distinguishing factor between trafficking and smuggling is therefore that of consent. Smuggling is sometimes perceived as helping the individual while trafficking takes place without

1 UNESCWA 2017

2 UNESCWA 2017

3 IOM, 2013

the victim's consent. In reality, however, the distinction between trafficking and smuggling is not clear-cut and they often overlap.⁴

The public discourse and confusion around these terms has exposed the diverging narratives at play, and clearly demonstrates the need for a more knowledge-based debate. While academics, politicians and decision makers have embraced the human trafficking term at the expense of typologies that reflect voluntary migration, the changing discourse has caught the smugglers by surprise.

In the Sudanese context, *Sumbuk* (cross-border trade or local smuggling) has a long and complicated history but was only outlawed relatively recently.⁵ Therefore, some smugglers are confused to see that they are now classed as villains in the national, public discourse. One informant, a Sudanese citizen who started moving people to Libya using camels and has continued since, expressed his surprise and anger that he was perceived in a way that was very different to how he saw his way of life:

'We have always seen ourselves as heroes who help others who are in search of a better life and better economic prospects, not as smugglers or human traffickers'.

To my informant, the shift in public discourse is the result of propaganda from Europe:

'Human trafficking is a huge media propaganda organized by European countries to stop the migration to Europe'.

According to another informant, a Sudanese man who has been accused of human trafficking after enabling his relatives to go work in the gold mines, "those who are involved in people smuggling know that they are engaged in what is now an illegal activity. Consequently, they have come up with strategies and tactics to deal with inspectors."

This shift in conceptualization of migration cannot be understood without considering that European countries are actively trying to stop or at least limit immigration from Africa to Europe. This has been illustrated by the Khartoum process which primarily focuses on preventing and fighting migrant smuggling and human trafficking. As part of the process, the European Union (EU) is collaborating with countries along the migration route from the Horn of Africa to combat illegal migration and smuggling to Europe. Further, Sudan has been offered aid from the EU Emergency Trust Fund to alleviate the root causes of migration and strengthen its 6700-kilometer-long borders. It is observed that Khartoum process has been labeled as a thinly disguised way to increase the transit countries' capacity to patrol its borders and thereby prevent immigration to Europe. There are

This brief is part of the Assisting Regional Universities in Sudan (ARUS) project outputs and findings. It is based on diverse written sources and reports and interviews with informants who have hands-on experience from the migration between Western Sudan and Libya. The case of Western Sudan is used to provide an overview of migration to, through and from Sudan.

big question marks on how this aid has been used in the corrupt and authoritarian regime of Sudan.

The Sudan case shows that it can be difficult to mark clear boundaries between voluntary and forced migration. Conventional wisdom in migration studies looks at refugees and migrants as having different motives for leaving their homeland (refugees for political reasons, migrants for economic reasons), however, it is clear that a mixture of factors produces both categories.⁶

Sudan's anti-human trafficking law

In 2014, the Sudanese parliament passed the Combating of Human Trafficking Act. The new law was not widely discussed either inside or outside the parliament. It is the country's first law to deal specifically with human trafficking and defines human trafficking as a criminal offense, opening up for jail sentences for up to 20 years. The act also calls for the establishment of the National Committee for Combating Human Trafficking (NCCT) to be the highest authority for combating and addressing this crime. The NCCT is tasked with developing a national strategy to address the causes of human trafficking.

Many Sudanese smugglers gave up their activities after the law was enacted. According to a police informant in Khartoum,⁷ the majority of actors involved in human trafficking are from neighboring countries like Ethiopia, Chad and Libya. Yet, a US Department of State report⁸ found that the Sudanese government has not met the minimum requirements for eliminating human trafficking. First, the law is not gender sensitive and fails to address sex trafficking. Second, the government has not developed standard procedures for referring victims to care or providing them with any assistance. Third, corruption and complicity by officials in trafficking crimes continues.

Smuggling is still active in Sudan, and may even escalate because of the current economic crisis.

More harm than good?

Despite having relevant legislation and an action plan, Sudan has not seen any measurable progress in combating human trafficking. Trafficking in migrants has proven lucrative, therefore those charged with stopping it ultimately facilitate it, profit from it, or turn a blind eye to the migrant flows.⁹ According to a 2014 Human Rights Watch report, Sudanese and Egyptian border control agents

4 see for example Kelly, 2005:238

5 Omer, Omer and Villanger, 2016

6 Assal, 2007

7 2019

8 2018

9 Baldo 2017

and military collude with human traffickers to extort money from the migrants.

Additionally, the Sudanese government under ex-President Omar al-Bashir has used the EU's desire to limit illegal immigration through Sudanese territory to improve Sudan's political negotiating position with the EU. European positionality towards Sudan has gradually changed from boycotts, restrictions, and repeated talk of war in Darfur¹⁰ to a state of cooperation and understanding, especially on combating illegal immigration. However, much of the EU-funded training and equipment given to the Sudanese has been used for dual-purposes. The equipment that enables identification and registration of migrants has been used for surveillance and human rights violations against Sudanese citizens.¹¹ The former Janjaweed, formally included into the Sudanese army as the Rapid Support Forces (RSF) in 2017, has been tasked with patrolling Sudanese borders to interdict migrants' movement. The RSF has a track record of war crimes in Darfur and more recently clamped down on protesters with brutal force during the 2018 revolution and in an attack known as the Khartoum massacre, they massacred civilians at a sit-in in front of the military headquarters in Khartoum on 3rd June 2019.

The conceptual shifts that became especially visible with the Khartoum process, have diffused the lines between voluntary and forced migration. Not only that, it helped the authoritarian and corrupt regime of ex-president Omar al-Bashir to continue to break human rights against its own population and migrants.

In 2018–2019, a popular and peaceful uprising led to the ousting of Omar al-Bashir. Although members of the RSF and the army still hold key positions in Sudan's transitional government, the fall of Bashir's regime may lead to a new approach to voluntary and forced migration.

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10 <https://fanack.com/sudan/history-past-to-present/civil-wars/>

11 Baldo 2017