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People Smuggling in Afghanistan and Niger: Iatrogenesis and Europe's "Migration Crisis"

Cover Page Footnote

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With migration, immigration, and human movement as topics of growing international concern, the collective tendency is to misconstrue and generalize certain concepts. This perpetuates a narrative that fits within a predetermined, generally Eurocentric, framework of global understanding. That Europe's social fabric is constantly under siege due to extensive networks of human traffickers and people smugglers from the Middle East and Africa, for example, is an argument that has been used to justify further militarization and heightened security at the expense of border countries. This perception is detrimental not only because it undercuts the abuse suffered by true victims of human trafficking, but by placing people smuggling in the same category, it criminalizes a large swath of migrants and keeps the lines blurred between the guilty and the innocent, who belongs and who does not. Differentiating between human trafficking and people smuggling serves as an introduction to the analysis in terms of policies that address smuggling specifically and how they can be improved.

A 2015 report commissioned by the EU highlights the pervasiveness and relevance of people smuggling in recent years, stating that every one of the irregular migrants who entered the EU that year bought the services of a smuggler at some point before their arrival.¹ Highlighted in this paper are the regions of Nimruz, Afghanistan and Agadez, Niger, which have been used as smuggling hubs as early as the dawn of the Silk Road. Their geostrategic locations as migration intersections allow for already prolific people smuggling operations to truly explode by expanding and streamlining ancient routes and crossing points with modern technology and communication. This comparison seeks to complicate people smuggling as a stabilizing regional industry and to indicate how its expansion connects three continents through human movement.

The comparison between Afghanistan and Niger in this way problematizes the EU's border policies, suggesting a starting point for a solution for migrants and for receiving countries.

In an attempt to discover why and how these parallel migrant flows have bourgeoned simultaneously without interaction or communication between them, as well as the direct correlation between European policies and increasingly sophisticated smuggling operations, it is imperative to note the deep entrenchment of the smuggling industry in both Afghanistan and Niger. Combatting people smuggling with militarization and securitization historically results in instability, triggering a negative ripple effect for migrants throughout the region. The following challenge must therefore be seriously considered: continuing Europe's protectionist border policy and failing to consider other courses of action—in terms of addressing existing smuggling operations specifically—may force the Nigerien and Afghan economies to become even more dependent on the smuggling industry while Europe's migration crisis would not be mitigated in the long or short term. Contrarily, if new policies protecting only European interests are implemented with no viable or sustainable alternatives in either Niger or Afghanistan, the immediate regional effects will be detrimental. This is already evidenced by increasingly fatal border crossings and higher migrant death rates—in 2017, one in forty-two migrants died in the Mediterranean Sea attempting to reach Europe via North Africa.² Given that previous policies regarding people smuggling tend to focus on curbing irregular migration in general, this paper argues that short-term action against smuggling, in particular, should recognize the value of local and international collaboration aimed at rendering it a comparatively less profitable profession, while establishing a path to long-term regional stabilization. As a conceptual and comparative study, recognizing the similarities between these migratory flows not only provides a policy guideline that could be beneficial to both countries, but recognizes the inextricable relationship

between the EU's border policies, people smuggling, and human movement in terms of mutual intensification.

"Human Trafficking" versus "People Smuggling"

For the purposes of this essay, differentiating and defining human trafficking and people smuggling is paramount, particularly in light of their interaction and overlap. People smuggling itself was only truly analyzed and defined as separate from human trafficking in the late 1990s and early 2000s.³

According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), human trafficking refers to the coerced recruitment or movement of vulnerable persons through the abuse of power or position with the express intention of exploiting them for profit, commercial or otherwise.⁴ Human trafficking can and may be linked to terrorism, but they are not inherently related. The UN has nevertheless noted its increased use by terrorist organizations as a strategy to "spread terror and advance ideology, intimidate populations and decimate communities, institutionalize sexual violence and slavery, [and] incentivize and bolster recruitment."⁵ Alternatively, the *UN Smuggling Protocol* defines people smuggling as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident."⁶ At the local level, this is usually facilitated through kinship or ethnic ties, regardless of migrants' social status, where exploitation is a risk but not a rule.⁷ Smugglers demand a fee in exchange for their services, which is usually agreed upon before travel and is paid after the voyage. Both human trafficking and people smuggling are illegal by UN's standards.⁸ They can also both be affiliated with drugs or arms trafficking, however respecting the scope of this essay, those ties will not be discussed.

The consequences revealed by defining these terms are three-fold: one, even though people smuggling can lead to human trafficking that may fund terrorist activities, these are all separate categories complicated by their increased interaction; two, the stigma surrounding migrants and the EU's tendency to emphasize smuggling as a main reason to securitize borders deepens the artificial conflation of migrants and terrorists, leading to support for policies that actually just aim to stem unwanted migrant flows; and three, "protecting" the EU's borders by way of securitization and militarization directly increases the risk of smuggled migrants falling into the hands of traffickers and/or terrorist organizations—the exact opposite of what the EU should encourage. It is a counter-productive strategy meaning to protect the "European" population, yet while attempting to do so, terrorist organizations' and traffickers' profit and expand. If terrorism is one of Europe's true concerns regarding migration, then the EU should seriously consider how stemming human movement has been proven to strengthen such organizations as they are forced to evolve.

"Refugees" Versus "Migrants"

Another differentiation crucial to understanding migration in the regions of Agadez and Nimruz concerns "refugees" as a sub-section of "migrants." A migrant, by definition, is a person that moves from one place to another, whether voluntarily or involuntarily, whether across international borders or within a country. A refugee is a migrant who has crossed an international border and whose claim for asylum has been accepted in a country other than their country of origin; this gives refugees physical protection and legal security from the receiving country.⁹ Since becoming a refugee usually represents the ending of a voyage to escape conflict, political oppression and/or persecution, smugglers are not aware of migrants' statuses at their time of travel—nor will refugees, once their claims have been accepted, be obligated to use smugglers

anymore as the receiving country arranges their travel. Being a refugee means, among other things, having legal status in another country; being a migrant is much more precarious and, by definition, is a general description of a person on the move. A migrant who may later become a refugee will be subject to the same conditions as another migrant who may not become a refugee given this chronology. Therefore, their labels are categories that do not correspond to a difference in treatment by smugglers.

Ancient Routes, New Borders

As a topic of study and research, people smuggling has a rather short literary history. It is also still quite difficult to find accurate information on smuggled migrants given the multitude of network connections they may make and their deliberate furtiveness to this effect. Significant gaps in knowledge over the last twenty years of scholarship reflect a constantly fluctuating and expanding industry, namely in terms of the level of corruption, money transfer systems, how routes are connected, and the decentralized business model used by smugglers.¹⁰ For example, Toktaş barely mentions the extensive, informal money transfer system used by migrants and smugglers in both the Middle East and the Sahel-Sahara region in his 2002 published research.¹¹ Fourteen years later, Tinti and Reitano note that this anonymous banking system is actually called *hawala*, which has existed regionally for centuries.¹² For legal and bureaucratic reasons, smugglers and other criminals prefer *hawala* as it is a cross-border honor system facilitated by family, tribal, and ethnic ties, and there is no paper trail.

People smuggling is hardly a new phenomenon, as human movement is characteristic of both regions in this study. Tinti, Westcott, and Monsutti all mention that the inhabitants of Afghanistan and Niger are historically nomadic or semi-nomadic peoples who specialize in transporting themselves, others, and their goods through their respective territories.¹³ Decades of

political instability, lack of economic opportunity, environmental and ecological extremes, and increasingly narrow legal entry to Europe have made people smuggling one of the most lucrative industries in both Niger and Afghanistan.¹⁴ Nimruz and Agadez became migration hubs through a different set of historical processes, however their current operations have several fundamental similarities.

Afghans, for example, have been smuggling economic migrants in concert with Iranians and Pakistanis for centuries, and their business operations and contacts may now be passed from father to son as a growing number of asylum seekers demand safer, cheap passage to Europe through violent areas.¹⁵ Jones traces constant political, economic, and social instability followed by political collapse as early as the Cold War and the Soviet-Afghan War, prompting a massive influx of refugees to Iran and Pakistan in the late twentieth century.¹⁶ Until the early 1990s and the Afghan Civil War, Afghans were issued “green cards,” which allowed them access to Iranian healthcare, education, and residency. However, any newcomers after that point were considered undocumented and risked deportation without access to any public services.¹⁷ At that point and until 2014, Afghans comprised the greatest number of refugees in the world according the Human Rights Watch.¹⁸ This was the foundation of a precarious, diasporic population caught between international interventionism, terror, and inter-ethnic conflict.

Meanwhile, the Taliban seized control of the Afghan government, establishing a hostile, radical, and—because of the “First and Second Worlds”—highly militarized regime environment.¹⁹ Following the Taliban’s resurgence between 2005 and 2007, over 6 million Afghan refugees were documented in both Pakistan and Iran, fleeing not only terrorism but the international powers seeking to eradicate it.²⁰ Fifty percent experienced cycles of voluntary and coerced repatriation between 2012 and 2016; Ahmadi and Lakhani then confirmed a rise in

Internally Displaced Persons (IDPs) as returning Afghans found parts of their country unlivable, infertile, and impoverished.²¹ Since 2016, Afghanistan's unemployment rate has hovered around 9 percent, with 39 percent of people living below the poverty line and 11 million facing food insecurity.²² Spiegel further explains that only three million of sixteen million Afghans eligible for work are actually working.²³ Regional migration has historically served as a viable solution, yet as of 2015, approximately 3,000 Afghans have entered Iran daily in an attempt to pass through to Europe.²⁴ The traditional labor cycles between Iran, Afghanistan, and Pakistan that once served as buffers for the Afghan economy have been disrupted to the point where informal activities are often more stable than legal ones.

Niger has had similar issues with the rise of al-Qaeda in the Islamic Maghreb (AQIM) in Mali as well as Boko Haram in Nigeria in 1997 and 2002 respectively.²⁵ Not only do they threaten stability in Niger, but they are a driving force behind refugees and migrants leaving conflict and war zones in West and Central African countries. The end of the twentieth century and the Cold War marked the beginning of what Bourgeot calls an "economic war" in Niger over international control of energy resources such as uranium and petroleum.²⁶ Concurrent structural adjustment programs especially damaged Niger's economy as gold and uranium mines closed, and regional instability greatly weakened their nascent tourism industry. The Sahel and Sahara also became a testing ground for French and American military technology in the early twenty-first century, while the US began training African soldiers for the "Global War on Terror" as early as 2002.²⁷ These extractive and military training measures continue today, and Bourgeot suggests that international powers still largely concern themselves with arms and drug trafficking without sustained interest in the people smuggling industry itself.²⁸ The majority of international policies concerning human movement in the Sahel-Sahara region have aimed at reducing

irregular migration without specific concern for smugglers, their networks, and how they function.

Niger's people smuggling industry then exploded as Tinti and Westcott indicate, following the fall of Muammar Gaddafi's Western-friendly regime in Libya in 2011 and the arrival of Syrian refugees to North Africa as early as 2012.²⁹ Political instability and widespread corruption in an EU border country allowed smugglers to not only take advantage of Syrian purchasing power, but also to establish connections and build networks that "unspooled backwards," connecting old routes and creating new ones.³⁰ Five thousand migrants passed through Agadez per month in 2013 on the "Central Route" linking Niger and Libya.³¹ Although Niger officially criminalized people smuggling in 2015—not coincidentally the same year that Europe pledged 650 million euros to curb migration from Niger—the Nigerien central government was more than reluctant to damage one of its main sources of income: bribes paid by smuggled migrants.³² The local population and smugglers insist that the current political economy is unsupportable without the income generated by such operations and have therefore stressed its necessary stabilizing power.³³

Smuggling as a Business

People-smuggling networks exist and thrive where legal avenues for safe passage are either absent or inaccessible. They provide a service, albeit illegally, through "a system of institutionalized networks with complex profit and loss accounts, including a set of institutions, agents and individuals, each of which stands to make a commercial gain' and [is] subject to powerful market forces."³⁴ As stated above, every migrant from an EU report admitted to being smuggled for some part of their journeys in 2015³⁵; this means that smugglers, in every form, have been facilitating transit through a myriad of countries, helping millions escape their homes

and/or search for new opportunities. Yet merely regarding smuggling as a business-like "service," as Tinti, Reitano, and Koser problematize, risks professionalizing smugglers who often disrespect migrants' basic rights and dignity.³⁶ It also ignores migrants' personal motivations and the social networks essential to trans-continental migration.³⁷ Nevertheless, smuggling organizations function as informal businesses in the sense that there are occupational hierarchies, specialization (especially in intelligence and counterfeiting), sophisticated technology and communication, and often fierce competition between rivals.

The size and scope of a smuggling operation depends on the complexity of the service demanded, the availability and cost of "specialists" and connections, and the overall risk involved. Smaller organizations manage shorter or simpler routes that require relatively low specialization and lower risk of consequences for illegal activity and financial loss.³⁸ A smuggler in this sector is constantly in competition with others capable of providing the same service at a similar price, so they are mainly "opportunists," as Tinti and Reitano observe, usually with other business activities on the side.³⁹

In terms of small-scale smuggling through Agadez, Niger, the main ethnic group controlling human movement are the Toubou, a non-Arab, generally economically disadvantaged tribe native to northern Niger, Chad, and southern Libya.⁴⁰ Survival of their communities depends on the smuggling industry, and as Molenaar's research describes, the Toubou have recently succeeded in weakening rival smuggling operations, namely the Tuareg, to this effect.⁴¹ Although the Tuareg are a larger ethnic group and control an expanse of territory better-suited to the "Central Route" (between northern Mali, Niger, southern Algeria, and southern Libya), civil war and political instability made them vulnerable to Toubou opportunists.⁴² Known for driving Toyota pick-up trucks with up to thirty-five people aboard, the Toubou now have a monopoly on

transit within the Niger-Libyan corridor, but risk serious consequences if they operate outside their territory.⁴³ Once at the Libyan border, migrants usually pass to one of many Arab-Libyan tribes (mainly the Gaddafa, Warfalla, or Magarha), who take charge at the territorial border with the Toubou and facilitate an international border crossing at Sebha in southern Libya.⁴⁴ Tinti and Westcott add that dual-smuggling—transporting migrants to a meeting point and returning with other goods (both licit and illicit)—is not a focus for the Toubou due to high risks, but the Arab-Libyan tribes are well-known for it.⁴⁵ In this way, the Toubou, Tuareg, and Arab-Libyan tribes all exemplify the role of small-scale smuggling operations centered on strong connections and loyalty to an ethnic group, where there is high competition and low specialization.

Larger, trans-national and multi-national smuggling operations, however, resemble the model of an organized crime syndicate that is much more difficult to track and dismantle.⁴⁶ They facilitate more dangerous or risky passages, which requires more skill, specialization, sophistication, and overall coordination. In this way, condemning every actor complicit in a smuggling operation would render complicit every government official that takes bribes or funds them, border officials who look the other way, daytime travel agents trying to earn more afterhours, the proprietors of hotels that host migrants on their layovers in hubs like Agadez or Nimruz, professional counterfeiters or consultants—the list is endless.

To clarify the complexity of such organizations, Tinti and Reitano divide large organizations into three main operative groups: “recruiters and brokers,” “logicians,” and “specialists.”⁴⁷ “Recruiters and brokers” are those who hustle the streets, forming relationships among migrants within their ethno-linguistic community and attempting to entice them to use smuggling services.⁴⁸ They are the lowest-level operatives and deal with migrants personally, calling them “family” and building their trust.⁴⁹ The “guides, drivers and skippers; spotters and

messengers; enforcers and heavies responsible for discipline and security” are the “logicians.”⁵⁰ They comprise the organization’s mid-level and make up the largest part; for Tinti and Reitano, this includes transporters, recruiters, intelligence-gatherers, security, hoteliers and landlords, and corrupters.⁵¹ These two groups are largely dispensable and have variable knowledge of the vastness and exact activities of the organization(s) they work for.⁵² “Logicians” may not all belong to the same ethnic group in larger organizations, whereas in smaller ones, they will most often form close ethnic alliances and networks.⁵³ “Specialists,” according to Tinti and Reitano, are the “escrow holders, money launderers and financiers; the counterfeiters and fraudsters; the fixers and corrupters” with varying connections to state institutions.⁵⁴ These are the people with the most power, the most to gain or lose, and the only ones with precise knowledge of how a particular organization functions.

The differences in scope and scale between smuggling operations passing through Nimruz, Afghanistan and Agadez, Niger is clear in their delegation of tasks, whether “logician” or “specialist.” The Toubou, therefore, are “logicians” on a small scale, where transport via ethnic ties is their main occupation and the purpose of security is to protect against rival gangs. In and around Afghanistan, and according to Toktaş’s interviews with Kurdish smugglers, transporters are “guides” who are experts at weaving through check points and across the Iranian border to transport migrants westward.⁵⁵ However, unlike the Toubou, his job, is to “bring them [the migrants] from the border” to a border town near Turkey and nothing more.⁵⁶ A whole team of “logicians” who have no contact with this “guide” will have already arranged his passage: “recruiters” targeted prospective migrants at least one week in advance; fees were agreed on and paid for through “brokers” or *hawaladars*⁵⁷; bribes were paid by a corrupter with contacts who got the money from a “cashier” that organizes accounts⁵⁸; an intelligence-gatherer chose an ideal

time to set out given shifting politics and territorial claims; material and basic needs were promised through contacts to various trusted hotels and shopkeepers; security of the operation (not necessarily the migrants) was assured by young, armed men; and the arms were provided through previous deals with other organizations (that are not necessarily licit).

In comparison, it is therefore much cheaper to benefit from the services offered by Toubou tribesmen in Agadez than to seek those available near Nimruz. According to Tinti and Westcott, three to four days from Agadez, Niger to Sebha, Libya, the most expensive trip by Toyota truck, cost around \$360 in 2016.⁵⁹ However, depending on the documents required and travel conditions, the base fee for a trip from Nimruz to Turkey through Iran costed between \$1,000 and \$7,000 as early as 2002.⁶⁰ Since transporting people from Afghanistan towards Europe is considerably more complicated and requires more coordination and security between dozens of actors, there is also much less competition between rival smuggling groups. The vast network required for such an operation implicates a very strong and deeply embedded crime network that employs more “specialists” and has more moving parts and stages.⁶¹ This is what fundamentally differentiates migration from Agadez and Nimruz.

One Turkish Kurd explains to Toktaş that “the fundamental rule of capitalism applies here; it is a matter of supply and demand” in an economy underpinned by sophisticated schemes devised by “financiers, escrow holders, money launderers and their intermediaries.”⁶² At the top of this pyramid are the “arrangers” who oversee and invest in the whole operation.⁶³ Just below them are the “counterfeiters” and “fraudsters” charged with the procurement of false passports and travel documentation. While not all migrants can afford this option, they are still highly valuable members of any trans-national crime organization and can provide the simplest and safest travel option.⁶⁴ “Specialists” are what one Turkish Kurd quoted by Toktaş calls

“international smugglers,” meaning those who arrange transport by air, land, or sea, down to the individual security personnel at airports.⁶⁵ They ensure that entry and passage remain open and that the migrants are prepared to pay extra money for incidentals along the way (a visa or an extra document.)⁶⁶

The complexity of smuggling organizations does not lend itself to simple solutions. In a decentralized business model of smuggling network systems designed to circumvent formal authority, smuggling operations have only evolved and expanded in the last ten years in response to growing demand and higher, more dangerous borders en route to Europe.

Violence and Insurance

Within and during smuggling operations themselves, there is a tension between a build-in insurance system assured by *hawaladars* and the *hawala* system and inevitable yet varied degrees of violence. Tinti quotes three determinants of violence towards migrants: one, the composition and behavior of a country's smuggling market and services in relation to state policies; two, the specificities and strategies of singular organizations; and three, the nature of the smuggler-migrant contract in terms of fees paid, enforcement, and honor.⁶⁷ Essentially Tinti's research proves that the more violence is expected en route, the more security is required to protect migrants as financial assets, and the more migrants risk suffering exploitation or violence.⁶⁸ In the case of Niger, competition between rival gangs necessitates more security on the smugglers' part, which makes skirmishes more fatal and total abandonment more and more common. Similarly, if the Nigerien state in collaboration with the French decide to enforce migration laws more seriously, then the risk of legal consequences and loss of revenue forces smugglers to take desperate and violent measures.⁶⁹ In Afghanistan, smuggling can quickly transition to trafficking in prostitution, forced labor, or indentured servitude. Due to the

intertwined smuggling networks between Afghanistan, Pakistan, and Iran, recruiters may promise travel to Europe but instead cheat migrants who cannot escape.

From a smuggler's perspective, however, the financial contract between migrants and smugglers is binding until the end of the journey because "trustworthy" people are expected to keep track of and distribute it appropriately.⁷⁰ This is the work of those Toktaş calls "middlemen" and Tinti terms "intermediaries."⁷¹ In Afghanistan in general, and concerning Afghan migrants passing through Nimruz, "middlemen" will be of the same ethnic and linguistic origin depending on the tribe.⁷² Other ethnic groups, such as Turks, have been competed out of this system as they had become known to deceive and financially exploit migrants for larger profits.⁷³

As mentioned in the introduction, the preferred smuggler-migrant transaction system is called *hawala*, also known as an "alternative remittance system (ARS)."⁷⁴ The "trustworthy" people are referred to as "*hawaladars* or *hawala* traders," who earn their commission through a series of anonymous transactions based on alphanumeric codes.⁷⁵ Just like the smuggling industry circumvents a narrow and inaccessible legal system, *hawala* replaces the bureaucracy and risk of formal banking institutions. *Hawala* as a system itself is not illegal, and the majority of users are "expatriate communities in Europe, the Persian Gulf, and North America" who prefer it because it is cheaper, faster, and can be more reliable than formal bank transactions.⁷⁶ However, terrorists and other parties interested in laundering money or passing it to international partners without trace, smugglers in this case, have been using it more and more frequently.⁷⁷ This is integral to migrant-smuggler relationships, their contracts, and as Tinti described above, the level of violence that migrants will experience.⁷⁸

From a *hawaladar's* perspective, notions of reputation and honor as well as tribal or ethnic loyalties help regulate the current and future business relationships he may have, resulting

in a well-established honor system that works more efficiently than formal transactions.⁷⁹ These factors may still have an effect on those conducting illicit business with people smugglers, however violence or the threat of it is usually more efficient.⁸⁰ Yet at the same time, as Tinti explains, the promise of billions of dollars of potential profit has forced *hawaladars* and the *hawala* system to innovate and professionalize.⁸¹ For example, more sophisticated technology and communication allow for instant money transfers via reciprocal payments between two businessmen or *hawaladars*.⁸² Newer migrant protections catered to the smuggling industry like “migrant escrow schemes,” as Tinti mentions empowers migrants against smugglers, protecting them through their own reputations.⁸³ This allows migrants a bit of agency, allowing them to send and receive money throughout their journeys as well as hold “brokers” and “cashiers” accountable to the original contract.

The value of *hawala* transfers totaled an estimated \$400 billion in 2017 according to Tinti, a large part of which accounts for the absorption of billions in smuggling profits.⁸⁴ As a Turkish Kurd describes, a simplified version of such a transaction is as follows: a migrant approaches a *hawaladar* or “cashier” who proposes a price based on the organization he works for, including his percentage; once this price is agreed upon, the migrant gives the money to said “trustworthy cashier” in exchange for his phone number; the migrant arranges to leave via the transporters affiliated with the “cashier;” upon arriving at the destination, the migrant messages the “cashier” that they have reached the destination; with this confirmation, the “cashier” pays the transporter, himself, and the organization accordingly.⁸⁵ The threat of mistakes en route is quite serious as in this system, as a smuggler could lose his job if he fails to maintain a “trustworthy” success rate. The fact that most transactions occur through ethno-linguistic interlocutors also ensures a more complete understanding of the contract itself and the reliability of the smuggler. It does not,

however, protect against violence along the way or unexpected events that may impede the journey, therefore requiring more money transfers and more ambiguous contractual terms. In theory, therefore, *hawala* allows migrants a degree of agency and power, though it does more to protect the smuggling operation as a whole than individual migrants.

Iatrogenesis

In order to approach policy from a more theoretical angle, a discussion on the creation of global imaginaries is essential. The policies explained below merely perpetuate current global inequalities and thus seek to disproportionately benefit Europe at the expense of transit countries like Niger and Afghanistan. The basis for this mentality is, as Weber suggests, *iatrogenic*, which renders European powers, the Nigerian and Afghan central governments, the local communities, every actor of a smuggling operation, and migrants themselves physically complicit within this system.⁸⁶ *Iatrogenesis* is in fact a medical term that refers to the promotion of a product or service that either does not address the patient's ailment or contradicts their needs or goals.⁸⁷ This term is an ideal medium through which smuggling operations can be made clear.

In terms of people smuggling, almost every policy implemented thus far has had an *iatrogenic* effect on migrants, transit countries, and Europe itself, because their goals have been to further European economic and political interests in Niger and Afghanistan without providing alternative economic activities. Inflating the threat of smugglers and obscuring the issue from public view, for example, is a dialectical strategy that justifies the policies produced from it. Such exaggerated speech rapidly generates support for complete eradication of smugglers with little conceptual understanding of the socio-economic and geographical factors forcing migrants to choose smugglers more and more frequently. The rhetoric surrounding such policies and their

implementation reinforce each other and serve as a feedback loop that lessens the potential for meaningful reform.

This "spillover" of condemning speech, as Weber argues, negatively effects the entire transnational chain of people working within this industry, forcing them to resort to more obscure and illegal activities that they may not have entertained otherwise.⁸⁸ As mentioned in the discussion on people smuggling's occasional overlap with human trafficking and terrorism, there is a correlation between higher legal barriers to entry and increased interdependence and reliance between these organizations to facilitate even riskier border crossings. Demand for cross-border services persists even after legal access is narrowed, and migrants will end up paying more to achieve the same end. The central governments of both countries, according to this policy framework, are guilty of not only allowing prolific people smuggling operations to exist but also of accepting the institutionalized corruption that allows authorities themselves to profit from it. While valid, this one-sided, exported mentality is especially detrimental to states like Niger and Afghanistan where, for development and structural adjustment purposes, it manipulates the global imaginary to legitimate off-shore border policies. Therefore, a combined lack of research and policy on smuggling and Europe's failure to recognize itself a driving force behind the system ultimately fuels *iatrogenic* speech and international policy. Declaring a global war on people smuggling only seeks to further support the agenda of a more powerful system while relegating policy enforcement to weaker nations who lack the resources to achieve such a reversal. As Koser argues, the more secure borders are, the greater the significance of smuggling operations.⁸⁹

Born from this mentality was a series of UN protocols. The illegal entry of those fleeing persecution, war, or imminent death, is anticipated by the 1951 UN Convention on Refugees, yet

barriers have risen since then in order to pre-empt the arrival of migrants and asylum-seekers.⁹⁰ The 2000 UN Convention on Transnational Organized Crime and the UN Smuggling Protocol both address the issue in terms of strictly enforced, governmental action focusing on capturing and criminalizing individual smugglers.⁹¹ While they represent an initial effort by the UN to detach people smuggling and human trafficking, both documents reduce smuggling to single, isolated events, the management of which is impossible as outlined in the previous section.⁹² The international community's lack of insight concerning deep socio-economic and political ties suggests their ignorance of the intricate interpersonal relationships that represent the industry's true basis. Similar to most organized crime syndicates, smuggling migrants necessitates decentralization to the point where each individual smuggler will not know exactly to whom he brings his passengers; his obligation is only to transport them from one location to another, which, as described above, does not come close to an organization's "specialists" or investors. Catching one smuggler can therefore be considered a job opening for another enterprising individual while deflection into another illicit activity is almost guaranteed for the ex-smuggler.

With the EU's recommendation, Niger passed its Law Relative to Illicit Traffic of Migrants in 2015 (known as the 2015 Law), which curbed the number of migrants smuggled into Libya by allowing for the capture and temporary detainment of Nigerien smugglers.⁹³ One year later, the EU bolstered this legislation with its own counter-irregular-migration policy. According to Molenaar, it financed and supported the capture and confiscation of 282 transporters and 168 vehicles in addition to several hotel owners who provided smuggled migrants with shelter during their layovers in Agadez.⁹⁴ The counter-productive and counter-intuitive effects of this policy reflected the *iatrogenic* rhetoric that served as its basis. A ripple of instability unbalanced the political economy and rendered migrants even more vulnerable to

exploitative and expensive transport.⁹⁵ Widespread repression exacted through local government officials further degraded the government's public image and authority while triggering a sharp increase in banditry and militia activity in the Sahara Desert. Molenaar reveals a common sentiment among smugglers: that the government practically invited bandits to resume their previous activities, forcing them to find alternative ways to subsist given limited opportunities and infrastructure for legal employment.⁹⁶ This drove smuggling networks further underground and more dangerous voyages along less-traveled routes increased the likelihood of migrant death and abandonment. Clearly, the demand for passage to Europe has remained even as policies have attempted to remove individual actors.⁹⁷

Comparatively, the EU and the UN have been much more insistent on combatting smuggling in Niger given the shock associated with hundreds of thousands of migrants attempting to cross the Mediterranean Sea in recent years. Afghanistan, therefore, is a lower priority, which has allowed more sophisticated, organized, and exploitative ways of facilitating migrant travel to emerge. This is one of the direct results of Afghanistan's own protracted refugee crisis that started during the Cold War, when Afghans consistently used smugglers to escape violence and extremism as outlined by Jones.⁹⁸ The combination of generations of intermixed Afghans, Pakistanis, and Iranians plus the necessary furtiveness surrounding the identity of an irregular migrant makes smuggling almost impossible to mitigate or identify directly. Given the linearity and dysfunctionality of the policies tested in Niger where smugglers are clearly distinguishable, Afghanistan, and particularly Nimruz as a point of intersection, may seem too complex a case. Yet migrants passing through Afghanistan still face the same borders, the same violence, and the same risks en route to Europe as do those from Niger—a condition

that will persist as long as the international community disregards the factors forcing Afghans to travel by smuggler.

The policy that has had the largest effect on people smuggling in Afghanistan, albeit indirectly, has been the repatriation of millions of Afghans living in Iran. Second and third generations of Afghans who fled to Iran during the Soviet-Afghan War from 1979-1989, and the Afghan Civil War between 1989-1992, have been benefitting from Iranian services, and Iran's strained government has deported hundreds of thousands of them since 2012.⁹⁹ They hoped that the UN might provide the aid that Afghanistan requires to rebuild itself as well as discourage further irregular migration via smugglers into Iran itself.¹⁰⁰ Although Iran has signed the 1961 UN Refugee Convention which protects against *non-refoulement* (the forced repatriation of refugees back into the country from which they fled), as Ahmadi contends, the presumed defeat of the Taliban justifies their policy.¹⁰¹ This actually seems a violation of *non-refoulement* in light of the Taliban's continued existence. Nevertheless, the UN only received half of the \$152 million it requested, which not only failed to provide proper humanitarian aid for returnees and an increasing number of IDPs, but systematically ruled out any action against smuggling or irregular migration.¹⁰²

The results have been as *iatrogenic* as those in Niger: young men are especially vulnerable to radicalism, extremism, and most significantly, terror recruitment. An unstable government incapable of reconciling the inter-ethnic conflicts that ripped the country apart originally has little to no legitimacy in the face of an extremely profitable and embedded smuggling industry. The exploitation of Afghans returning to a precarious living environment has increased as well, forcing potential migrants to consider more perilous and expensive smuggling options.

Essentially, without serious consideration of regional realities, irregular migration fueled by people smuggling operations will continue in both Niger and Afghanistan. Short-sighted policies furthering Europe's immediate interests without opening doors to legal economic activity in these two regions will continue to aggravate tensions on the border.

Recommendations

Given the complexity and depth of the smuggling industries in both Niger and Afghanistan, any recommendation must include both regional and international powers in alliance with local communities. As outlined above, a simple, universal solution is unfeasible as evidenced by previous policies that failed to address the exigence of people smuggling as a business and industry. Expanding on Molenaar's description of Niger's Reconversion Plan, this paper proposes not only deepening support for it but also using it as a catalyst for policy in Afghanistan.¹⁰³

Implemented in 2017, the Reconversion Plan combines the 2015 Law and a local initiative designed to simultaneously devalue smuggling as a profession and provide alternative employment options to boost local economies. Molenaar indicates that the long-term goal is "socio-economic reintegration," meaning sustained investment in education, healthcare, and other infrastructures.¹⁰⁴ Helping to reduce the stigma around governmental authority, this plan seeks to utilize the expertise and popular support of traditional tribal elders whose role as community mediators is expected to eventually provide an access point for local application and cooperation.¹⁰⁵ This represents the beginnings of microfinance projects in the Agadez region of Niger where previous dependence on mining has left little room for economic expansion.

Ninety-eight projects have already been accepted and funded with the help of NGOs and the UN, and Molenaar insists that further funding and research would hasten the process with the

goal of exporting it to neighboring countries.¹⁰⁶ Niger is the only country whose constitution gives governmental power and representation to tribal elders; therefore in addition to Molenaar's recommendation, this paper proposes that local authorities should act as liaisons, utilizing this power and tribal loyalties to reinforce and encourage participation and adherence to the stipulations put forth by government officials.¹⁰⁷ In this way, local communities and ethnic groups might be more accepting of government aid, more trusting of the licit businesses around them, and less likely, in theory, to find a life of banditry, smuggling, or violence profitable. Furthermore, it will prove that the government is actually investing in its own economy instead of succumbing to corruption, whether by smugglers or by greed within the institution. This, combined with a sustained effort from the EU and the UN to collaborate with Sahelian governments and to invest in similar projects may taper the flow of smuggled migrants in the long-term.

However, given the precipitous increase in trans-Saharan migration, the expansion and sophistication of regional smuggling networks, and rampant institutional corruption within the Nigerien central government itself, this plan seems far from a resolution. Agadez's political economy and regional smuggling networks are still so interdependent that the government would not function on a daily basis without bribes paid by migrants. As Tinti and Westcott rightly observe, the Nigerien government therefore has few incentives to curb irregular migration in general, smuggling itself notwithstanding.¹⁰⁸ Microfinance projects as an alternative for communities and tribes who now rely almost solely on people smuggling as a business simply requires more time. While it has the potential to have a significant impact over the long term, it can only do so in conjunction with other policies. Tinti and Westcott also suggest engaging in dialogue with the Toubou, the tribe that controls human movement in the Niger-Libya corridor

from Agadez.¹⁰⁹ It is easy to agree that the Toubou's economic and political interests are of significance to the issue, however, one must keep in mind that only parties that could initiate and facilitate this conversation—the Nigerien, Libyan, and Chadian central governments—would require considerable encouragement and political changes that may take years. Ultimately, these countries must eventually accept, include, and provide for the Toubou in a way that stabilizes their lifestyle like smuggling does now. While this is an important local solution, it will be very long term; instead, the Toubou should be included in the microfinance projects suggested by Molenaar.¹¹⁰

Between 2016 and 2020, the EU plans to spend \$680 million on developmental assistance in Niger, which could be put towards microfinance and anti-corruption programs.¹¹¹ Although this seems promising, Tinti and Westcott critique that this decision was made before migration levels increased, and allocation of funds towards “credible alternatives” within communities is not and has not been guaranteed.¹¹² Meanwhile, in 2016, the EU spent 17 billion euros on further militarization and securitization of its borders via Frontex, their border agency, which can increasingly deny migrants entry by threat or use of force.¹¹³ This reflects the reality of a Euro-centric approach to managing migration. Implementing off-shore border policies without ensuring that the more stable countries in the region can partially absorb increasing levels of migration, or that they even have the resources to do so, openly reveals misplaced intentions. The EU's goal has failed to consider and act on two fundamental premises of migration flows towards Europe: one, understanding that regional stability, especially in Niger and Afghanistan, is largely based on transnational illegal smuggling organizations that have become so prolific and so lucrative that they actually stabilize otherwise tumultuous areas; and two, accepting that the people desperate enough to pay for any of the services that a smuggler can provide have no

other viable option. This in mind, expecting Niger's government to curb migration with EU funds without recognizing that the government is funded in large part through bribery is short-sighted and has been proven ineffective. As a case in point, the EU's 650 million euro pledge to the Nigerien government in 2015 neither reduced irregular migration nor resulted in improved or strengthened institutional structures seeking to do so.

Tinti and Westcott therefore reiterate that if the EU truly wants to combat the influx of irregular migration and thus people smuggling, the goal must be eventual regional stability.¹¹⁴ While Molenaar's recommendation has a local focus, Tinti and Westcott include cooperation with North African countries and the Economic Community of West Africa (ECOWAS).¹¹⁵ Establishing a viable and "coherent" government in Libya through diplomatic resources, for example, could eventually provide opportunities for some migrants to stay and work. Before the Arab Spring in Libya in 2011, the government was stable enough to absorb some of the migratory flows headed to Europe; however, now, with terrorist organizations like Al-Qaeda and human traffickers controlling main migration routes in Libya, smuggled migrants have no option but to attempt a border crossing into Europe or stay and risk falling victim to much more serious and violent criminals.¹¹⁶ Blaming such migrants for being beneficiaries of an illicit service therefore incriminates the wrong group of people; renewed government control would actually protect migrants in this way by working to eradicate terrorism and trafficking. Another option is increased investment and trade between the EU and ECOWAS, a fifteen-country economic bloc and a significant trading partner with the EU. It is comprised of generally outward-facing economies, however the bloc itself may serve as a starting point for alternative economic activities aimed at stabilizing migrants' origin countries.

In the context of Afghanistan, where smuggling is much more embedded and the central government is neither strong enough to support such measures nor prioritizing migration given its security situation, the effects and implementation must be slow and gradual. In this way, “short” and “long” term solutions concerning Afghanistan must be thought of over a longer period of time than Niger—not only because their smuggling industry is more sophisticated, but because the EU is much less concerned about Afghan migration flows versus sub-Saharan ones. Traditionally, much of the investment would most likely be put towards Europe’s immediate neighbors. However, the true issue is not people smuggling as a singular phenomenon, but the conditions that have made it necessary. Therefore, in addition to UN support and regional NGOs’ provision of humanitarian aid, Afghanistan’s infrastructure must also be encouraged to reconstruct itself. Essentially, if Europe wishes to see a long-term reduction in migration from and through Afghanistan, it must start investing in UN projects and microfinance projects as Molenaar suggests, the goal being regional stabilization as opposed to criminalization of smugglers.¹¹⁷ Remaining ignorant of the larger forces driving the people smuggling industry, as discussed previously, only reinforces it. Afghans have migrated for centuries to find legitimate work, and with those opportunities now increasingly less accessible, other means of legal subsistence must be introduced. As in Niger, microfinance projects similar to the Reconversion Plan that encourage entrepreneurs to enter the legal, local economy would be a logical step in this process, however Afghanistan’s political system must first be approached.

Naturally, the political climates of both Niger and Afghanistan are unique, therefore an identical solution would be too simplistic and ignorant of the infrastructural handicaps specifically facing Afghans upon their return to their territory. However, if Niger can serve as an example for what inter-clan reconciliation may resemble as a guideline for that process, a plan

for Afghanistan can be created to mediate that discussion. Niger is currently the only country that constitutionally cedes local power to traditional clan elders as a stable way to include the many ethnicities that live within the territory.¹¹⁸ Given the hostility between the three main Afghan ethnic groups (the Pashtun, Tajiks, and Hazaras), negotiating a power sharing agreement between them will be the prerequisite for any discussion involving the economy. Once there is an established body through which international investment can flow, the option to encourage microfinance projects may emerge and eventually outweigh the current profitability of people smuggling throughout the region. Extractive policies or interests must, by no means, be a motivational factor as leveraging unequal wealth and power in the EU's interest will only continue to encourage organized crime in the region, especially people smuggling.

Conclusion

Human movement towards Europe via people smugglers proves that Europe's own long-term interests are at risk. Its desire to diminish migratory flows from the Sahel and the Middle East contradicts current policies that attempt to subordinate these regions by perpetuating post-colonial and imperialist global divisions. Thus, European introspection is essential to the success of any policy concerning people smuggling since an enormous amount—over 17 billion euros—is being spent “protecting” the continent.¹¹⁹ This paper demonstrates that not only is this a gross waste of financial resources, but it is detrimental to both global and European progress to continue to valorize outdated ideologies that maintain an obsolete, exceptionalist image of Europe.

People smuggling as an industry represents the ingenuity behind alternative means of subsistence when legal avenues narrow. So ingrained are these processes in the Nigerien and Afghan political economies that interested policy-makers must first understand the systemic

issues facing a disproportionate world, particularly the historical factors that now force migrants from these regions to flee. Nimruz, Afghanistan and Agadez, Niger serve as microcosms for contemporary global migration where all manner of risk, exploitation, and violence involved is calculated and suffered through. Given the general lack of knowledge on people smuggling as a topic, their comparison seeks to contribute to a deeper understanding that may inform future policy-makers of the risks involved with treating only the symptoms of major phenomena such as this. It furthermore underlines blatant global inequality as exemplified by the violence along both routes due to increased securitization and militarization of EU borders. People smuggling cannot be eradicated without economic alternatives in place, and the long-term goal must be regional stabilization if Europe wishes to render the industry unprofitable—and maintain peace on its own continent.

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