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The anti-policy of European anti-smuggling as a site of contestation in the Mediterranean migration 'crisis'

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ABSTRACT

This article analyses the European anti-smuggling agenda as an anti-policy that derives legitimacy from fighting 'bad things', in terms that mask political disagreement. By juxtaposing the agenda to the experiences and understandings of those whom such measures affect most directly – people migrating without authorisation to the EU – it uncovers the productivity of anti-smuggling and the political contestations surrounding it. Based on a qualitative analysis of 257 interviews carried out with 271 people who travelled – or sought to travel – across the Mediterranean Sea by boat using smuggling networks, the article highlights the complicity of governing authorities and officials with smuggling networks and practices, as well as the diversity and ambivalences of relationships between smugglers and the smuggled. Going further, the article points to the specific ways in which anti-smuggling is contested by those on the move, which expose a central political disagreement over the legitimacy of mobility across borders.

KEYWORDS
Smuggling; migration; borders; Europe; anti-politics

Introduction

The so-called Mediterranean migration 'crisis' has afforded European[1] anti-smuggling efforts a new lease of life. In 2015 the renewed European Agenda on Migration prioritised the fight against smuggling, while the European Agenda on Security singled out cooperation against the smuggling of migrants as a priority in the fight against international organised crime (European Commission 2015). A new EU Action Plan Against Migrant Smuggling (2015–2020) was also launched in 2015. Yet while anti-smuggling measures have intensified, what is also evident – if not always fully evidenced – is that the business of people smuggling has also intensified (Europol 2016). How then to address a dynamic that increases in the face of increased efforts to tackle it?

This article draws on an emerging body of literature that highlights the co-relationship between smuggling and anti-smuggling initiatives, and which thus questions the conventional view that smuggling can be reduced simply through an intensification of anti-smuggling measures (e.g. Andersson 2014). Yet it also goes further, emphasising both the complex nature of smuggling and the contestations that emerge in relation to anti-

smuggling initiatives. It does so on the basis of research carried out as part of the *Crossing the Mediterranean Sea by Boat: Documenting Migratory Journeys and Experiences* project.[2] This comprises of a qualitative analysis of 257 semi-structured interviews carried out across seven sites in 2015–2016 with 271 people, all of whom travelled – or sought to travel – across the Mediterranean without authorisation by EU states.

By unpacking the diverse experiences and understandings of smuggling as evidenced by the testimonies of research participants, we show how this is a more variegated phenomenon than the policy agenda suggests. In particular, the article draws attention to alternative narratives of 'good versus bad smuggling' that is often deployed by those who describe themselves as having 'no choice' but to engage with smugglers in their journey to peace and safety. These alternative narratives from people on the move indicate that anti-smuggling initiatives are by no means a straightforward mechanism by which to address the issue of smuggling.

The argument developed in this article does not disregard the increasing sophistication of smuggling networks and the severe brutality that people on the move often experience during smuggling (Europol-Interpol 2016). However, it does insist that a policy response orientated toward anti-smuggling is not only limited but also politically problematic. Drawing on what Walters (2008) refers to as the 'anti-policy' of contemporary initiatives designed to tackle issues such as people smuggling, and inspired by Ranciere's (1999) understanding of the political as marked by disagreement, this article explores anti-smuggling as an important site of contestation (Squire 2011). Addressing the demands that are written out of the anti-policy of the European Agenda on smuggling in this regard is a first step in responding to the question of how to address an issue that intensifies in the face of policies designed to stop it.

The European anti-smuggling agenda

The European anti-smuggling agenda has taken a new lease of life in light of a so-called 'crisis' marked by increasing border deaths across the Mediterranean Sea. An unprecedented total of 3771 deaths were recorded in 2015.[3] In this context, EU leaders sought to provide 'swift and determined action'[4] in response to the so-called 'crisis in the Mediterranean'.[5] This was most notably the case following a series of tragic shipwrecks in April 2015, when around 1200 individuals were estimated to have died in just a few days. A Ten Point Plan was put forward by the European Commission on 21 April 2015, which was followed up soon after by a renewed European Agenda on Migration in May. Such interventions were prompted by the need to display what Vice President Federica Mogherini and Commissioner Dimitris Avramopoulos referred to as a 'collective European sense of urgency … consistently shown in reacting in times of crisis'.[6]

Europe's response to the so-called 'migration crisis' was presented by the Commission as maintaining a longer-standing dual commitment to 'upholding our international commitments and values while securing our borders'.[7] This dual emphasis is evident in both the Ten Point Plan and the Agenda on Migration, each of which reflects a comprehensive cross-border response to migration management. The Ten Point Plan emphasises the importance of reinforcing joint Frontex border management operations, of intelligence sharing and operational cooperation between agencies across the areas of asylum and border management, of the development and extension of relocation, resettlement and

return programmes, and of cross-regional cooperation to address the 'root causes' of migration. The Agenda goes further to provide a series of immediate actions as well as a four-pillar approach to 'manage migration better'.[8]

Although the European Agenda on Migration has faced many challenges as a 'consistent' and 'collective' response to the so-called 'migration crisis', one dimension that has been relatively widely accepted on the part of Member States is the emphasis on fighting 'traffickers and smugglers'.[9] The Ten Point Plan refers to the need to 'capture and destroy vessels used by smugglers',[10] while the Agenda itself presents efforts to 'systematically identify, capture and destroy vessels used by smugglers' as an important extension to information sharing mechanisms that 'will be a powerful demonstration of the EU's determination to act'.[11] The fight against smugglers has thus been presented as an effort to 'prevent the exploitation of migrants' as well as to provide a 'disincentive to irregular migration'.[12] Anti-smuggling has in this sense been framed in terms that strengthen the relation between humanitarian and security concerns (see Cuttitta 2016; Pallister-Wilkins 2015a, 2015b; Perkowski 2016).

This framing is also evident in the EU Action Plan Against Migrant Smuggling (2015–2020), which was set out on 27 May 2015. The action plan identifies both the central Mediterranean (Libya/North Africa-Italy/Malta) and the eastern (Aegean Turkey-Greece) sea routes as sites of risk and exploitation, and proposes an 'enhanced police and judicial response', 'improved gathering and information sharing', 'enhanced prevention of smuggling and assistance to vulnerable migrants', as well as 'stronger cooperation with third countries'.[13] The plan focuses on targeting the 'ruthless criminal networks' that 'treat migrants as goods'.[14] In this sense it sets up the framework for a range of EU and wider initiatives that seek to 'transform migrant smuggling networks from "low risk, high return" operations into "high risk, low return" ones'.[15] In practical operational terms, this has included initiatives such as the EU military operation EUNAVFOR Med operation Sophia,[16] the introduction of NATO patrols in the Aegean Sea, and the training of Libyan forces by the EU military.

Despite various initiatives being put into action in the face of a so-called 'crisis' in 2015, the effectiveness of anti-smuggling initiatives is highly questionable. For example, the number of recorded deaths at sea increased in 2016 to over 5000, indicative of the failed humanitarian dimensions of anti-smuggling initiatives that have been so central to the framing of developments in the policy field to date.[17] Intelligence agencies working in the field highlight the sophistication of current smuggling networks, the convergence between people smuggling and other forms of smuggling, and the severe brutality people on the move often experience during the smuggling experience (Europol 2016; Europol-Interpol 2016; Frontex 2016).

The framing of anti-smuggling in terms of criminality and law enforcement reflects what Walters (2008) describes as an 'anti-policy,' or a set of policies that derive their legitimacy from the claim that their objective is to repress 'bad things' (270). As an anti-policy, anti-smuggling is presented as though it can be 'explained by the thing which is being opposed' (272). Yet such an approach is problematised by many academic works on smuggling that have emerged over recent years, which highlight the co-relationship between anti-smuggling measures and the complexity of the smuggling industry.

Conceptualising people smuggling

Initial connections between irregular migration and crime were made during the early 1990s, as migration was increasingly securitised, with smuggling viewed as a 'global problem', most evidently from 1998 onwards (Bigo 2006; Huysmans and Squire 2016; Kyle and Koslowski 2011).[18] Writings that understand smuggling as primarily linked to or synonymous with organised crime dominated academic debates on human smuggling, which often focused on the organisational forms and modes of operation smugglers take (İçduygu 2004; van Liempt and Sersli 2013). This emphasis is also evident in more recent studies, which suggest that smugglers operate through fluid, flexible networks without a clear chain of command (see e.g. Coluccello and Massey 2007; Heckmann 2005; İçduygu 2004; Pastore, Monzini, and Sciortino 2006). Yet as Baird and van Liempt (2016) note, much of the work in this field remains applied and policy-focused research, and tends to stop short of engaging with broader approaches and the conditions under which knowledge is produced. Importantly, this often implicates research in the ongoing securitisation of migration and borders, in particular by shifting discussions 'from the criminal regimes migrants are escaping to the "criminals" who bring in migrants whom states have defined as unwanted' (van Liempt and Sersli 2013). Addressing smuggling primarily as a crime thus has significant shortcomings.

By contrast, scholarship that views smuggling as conditioned by its wider context emphasises that a focus on individual 'criminals' or 'criminal networks' deflects attention from the wider structures in which such practices are made possible, and even rendered likely. Indeed, many have argued that while there exists a demand for labour in receiving countries and a supply of workers from sending countries, restrictive visa and migration policies make legal migration largely impossible, and so create a demand for smugglers (see e.g. de Haas 2015; Koser 2008; Salt and Stein 1997; Tamura 2010). Such scholars also emphasise that most refugees who need a place of safety have no legal options to access EU territory, again fuelling the demand for smuggling services (Tamura 2010).

Some draw together this business model with a law enforcement perspective to suggest that smuggling needs to be addressed by tackling its profitability for smugglers, intermediaries, and those smuggled alike (e.g. Koser 2008). Yet others take a more critical stance: instead of focusing on tackling smuggling profits alone, they point to the ways in which smuggling forms part of a wider industry in which states and other actors like NGOs are complicit (Andersson 2014). This is important not only in pointing to the complexity of smuggling but also to the ways in which law enforcement approaches are contested with reference to a business model that thrives on criminalisation. It is also key in highlighting the co-relationship between anti-smuggling initiatives and the flourishing of smuggling networks (Andersson 2014, Brachet 2018).

Some have pointed to the ways that criminal or business models of smuggling fail to account for the autonomy of people on the move (e.g. de Haas 2008; Triandafyllidou and Maroukis 2012). This also reflects an appreciation of the embeddedness of smuggling in particular social contexts (Majidi 2016). For example, beyond highly organised networks, such scholars argue that smugglers can also be locally organised individuals who might have 'normal' jobs next to their involvement in smuggling or former fishermen whose livelihoods may have been adversely affected by unequal processes of globalisation, neo-colonial dependencies, and neoliberalism (de Haas 2008; Triandafyllidou and

Maroukis 2012; Brachet 2018). Beyond this, scholars highlight the ways in which such a contextualised analysis can shed light on the relation and co-constitution of smugglers and the smuggled. For example, van Liempt (2007) emphasises that depicting smugglers as evil criminals does not capture the complexities of their relationships with those on the move, and argues that 'the boundaries between helpers and smugglers are fluid, and that there is no such thing as the prototypical smuggler' (van Liempt 2007, 173; see also Majidi 2016; van Liempt and Doomernik 2006).

Our analysis engages insights from the latter two strands of academic scholarship, first by problematising the failure of criminal accounts to appreciate the co-relationship of smuggling and anti-smuggling and second by focusing on smuggling as a practice embedded in particular social and political contexts. Going further, the article argues that conceptualising anti-smuggling as an anti-policy re-focuses analysis on the productivity of anti-smuggling, by analysing it as 'a space of politics in its own right' (Walters 2008, 282). Through analysing the testimonies of those directly affected by the anti-smuggling agenda – people on the move themselves – we contribute to the existing literatures by exploring the ways in which research participants narrate their migratory journeys and interactions with smugglers and 'speak back' to the EU anti-smuggling agenda. In so doing, we highlight anti-smuggling as an important site of *contestation* over the interactions between law enforcement and smuggling, the relationships between smugglers and smuggled, and, most fundamentally, a right to mobility. Uncovering anti-smuggling as a site of political contestation in this regard challenges the 'anti-policy' of criminalisation that works to mask the underlying political disagreements through which such contestations arise.

Crossing the Mediterranean Sea by boat

Crossing the Mediterranean Sea by Boat carried out interviews in two phases over 2015. The first phase was completed during September–November 2015 and involved 136 interviews with a total of 139 participants at three island arrival sites: Kos, Malta, and Sicily.[19] The second phase was completed during May–July 2016 and involved 121 interviews with a total of 132 participants at four urban sites: Athens, Berlin, Istanbul, and Rome. The research encompassed multiple sites connected to two major routes to the EU.[20] In Malta, Sicily, and Rome, we interviewed people who had crossed via the central Mediterranean route from Libya and sometimes Egypt or Tunisia to Italy or Malta. In Kos, Athens, and Berlin, we interviewed people who had crossed the eastern Mediterranean from Turkey to Greece. In Istanbul, we spoke with those who had intended to travel to the EU but remained stuck in Turkey as the EU-Turkey Deal entered into force in March 2016.[21]

Experiences along the two main routes vary significantly. Many of those travelling through Libya or Egypt had been on the move for months or even years, whereas the journeys of those we interviewed along the eastern Mediterranean route were often substantially shorter, at times taking only a few days. Other differences were related to the geographic environments of each route. Boat crossings on the Central Mediterranean tended to be much longer, often lasting several days from Libya and even longer from Egypt, compared to the boat journey from Turkey to Greece, which typically lasted a

number of hours. These differences create site- and route-specific challenges, which extended also to experiences with smugglers, as will be explored below.

Our interviews examined a wide range of themes relating to the migration process, with smuggling relations examined in the context of the wider journey and experiences of arrival. Interview questions on smuggling focused on the ways in which this was experienced, understood, and negotiated by people on the move in relation to specific journeys and experiences, as well as knowledge of and responses to current anti-smuggling policy initiatives. These were thematically analysed with the aid of software to draw out key narratives. They are further explored in the remainder of this article in terms of relations between smugglers and law enforcement; relations between the smuggled and smugglers; and the claims and demands put forward by people on the move in light of these relations.

Relations between smugglers and border enforcement

In accounts of journeys and experiences en route, many research participants challenge conventional views of law enforcement and smugglers being involved in a game of cat and mouse with each other (Väyrynen 2005). Instead, they highlight the diverse connections and dependencies between authorities and smugglers, including the mutual financial gain both make at the expense of those resorting to travelling without state authorisation. Key narratives that emerge here are: the prevalence of bribery of border authorities by smugglers, complicity between authorities and smuggling networks, the predominance of violence against people on the move by authorities as well as smugglers, the blurring of smuggling and police in Libya specifically, the interchangeability of smugglers and border authorities more broadly, and the mutual extraction of benefit from people on the move by smugglers and border authorities.

The importance of bribery in facilitating unauthorised migration is a theme that comes out strongly in our research:

> BER.02.02: There are smugglers who also cheated us. And they cheat us, with what we call in Syria: we bought the road.

> Translator: The smugglers in Syria, they are saying "I buy the road," which means I bribe the army or the police to clear the road for me. So this is my road for, let's say, half an hour or one hour, and then there comes the next one. That's what we mean by buying a road. I pay money to have the road clear for one hour maybe.

While this research participant shares how a smuggler deceived him by claiming he had 'bought the road' without having actually done so, others told of successful instances of 'buying' roads or borders from border guards. Such transactions were not limited to Syria but took place also in Turkey, Iran, and Libya. As one participant in Athens explained in relation to the Turkish coast:

> ATH.2.13: They [Turkish border guards] sell the border for about 2 hours, $50,000, they have a deal between them. This is why you can be sure that nothing is going to happen.

Rather than understanding smugglers and law enforcement as working against one another, research participants portray them as involved in financial transactions, selectively 'buying' and 'selling' parts of the border to facilitate (some) border crossings.

This resonates with Andersson's (2014) analysis of an 'illegality industry', in which both law enforcement and smugglers stand to gain from the 'business' of unauthorised migration.

Many research participants highlight the issue of complicity not only on a localised but also on a governmental level in suggesting that state authorities close their eyes vis-à-vis the activities of smuggling networks:

> ATH 2.29: You're the central authority, you can't control your beaches? From which people are being smuggled? The smuggler takes $700 from each person, the government takes $200 and he keeps $500. The balams [rubber boats] we get on are Russian. Did the smuggler go to Russia to buy them? The [Turkish] government plays a big role.

> ROM.02.09: I know very well that also the government in Egypt, in Syria, Libya, Sudan, they earn behind those traffickers, I am very aware of that. They have power, because if they work with … they don't let this other route go ahead, they let it fail. Do you understand? Because they arrived on the top, they work with the help of the government. Unfortunately, it's like this.

By pointing to the implausibility of transit states not noticing smuggling activities, interviewees across sites highlight the complicity between law enforcement and smugglers beyond selected incidents of bribery (cf. Brachet 2018). In doing so, they directly challenge a key assumption underpinning anti-smuggling efforts and existing research focusing on smuggling as a crime: that law enforcement and smuggling are diametrically opposed, and that strengthening policing in transit countries will lead to a reduction in smuggling activities.

Our research instead indicates that there are intricate financial flows between people on the move, smugglers, and law enforcement officers, which determine who is able to cross borders and on which terms. Importantly, research participants note that those who seek to cross without paying are stopped by law enforcement, with at times dangerous consequences:

> BER.02.26: Smugglers in Turkey are partners of the government. Because some people tried to buy their own boat and go on their own without using through the smuggler and they drowned them.

As this quote suggests, encounters with border police who have not been paid to look the other way are often fraught with violence and abuse. Indeed, our interviews include frequent testimonies of beatings, shootings, or attempts to sink boats taking place at a multiplicity of border crossings. People experienced violence in crossing from Iran to Turkey, Syria to Turkey, Turkey to Greece, Sudan to Ethiopia, Eritrea to Sudan, Morocco to Spain, Greece to Macedonia, and inside Burkina Faso. The following account illustrates one such incident:

> IST.2.02: I wanted to tell the [Turkish] gendarmes [at the Syrian-Turkish border] that I'm running from death, let me in. They didn't understand Arabic. They tried talking to me in Turkish, I didn't understand. So, I thought I'd talk to them in English. I started in English, he got furious and started beating me. He thought I was ISIS. He started beating me with the butt of the gun …

In this context, paying smugglers who cooperate with police is not only a strategy to cross more easily, but also to lower the risk of additional abuse en route.[22] By 'buying the road' smugglers can shield border crossers from such abuse in the first place by allowing them to

cross undetected. Where things went wrong and people were arrested while trying to cross, smugglers at times came to detention centres, paying bribes to free their clients (cf. Ayalew Mengiste 2016).

Bringing this to the extreme, interviewees travelling through Libya speak of a total blurring of law enforcement and smugglers (cf. Micallef 2017). The situation in the country is described as rife with violence and abuse by smugglers, police, criminal gangs, employers, and ordinary people on the streets, and many of those who crossed the country were imprisoned or kidnapped for ransom. Several of those who had been captured and held by police tell us that they were forced to embark on boats towards Italy upon their release:

> SIC01.40: I was working there for one month, police arrived … they caught a lot of people, I did 15 days in prison once again. They sent me directly to the beach … there is a big yard there, always police is going to send there till 100 or 200 people … when they worked a lot, they push them to get into some boats that are over there – they sent there 120 people …

The distinction between 'official' forces, criminals, and smugglers in Libya often disappears altogether, as interviewees regard these categories as essentially being one-and-the-same in a situation of general lawlessness:

> MAL.1.15: [The middleman in Libya] called – they even communicate with the [Libyan] police – and told his affiliates about the migrants who have money and who haven't, who want to pay to be freed from detention, who want to pay to board the boat. They also contact the policemen … Yes, the police themselves participate in smuggling people, but when they do this, they don't wear police uniform – they put on civilian clothes.

> Interviewer: Do you know anything about the policemen in Libya that try to stop … ?

> ROM.02.10: It's them who work as traffickers … it's them the Mafiosi, the traffickers.

> ROM.02.11: I was arrested by the Libyan police and detained. They are colonels who arrest people, policemen. They are brown colored. Libyans took us on the rubber boats. They are brown colored. Everybody manages his own smuggling network. If you are intercepted at sea, they deport you to jail. To get out you have to pay. If you want to travel you have to pay. Libyans are in charge of this trafficking.

The case of Libya is extreme in the widespread involvement of various authorities in forcibly embarking people, in the inability of those crossing to distinguish between smugglers, militias, and border guards, and in the brutality and abuse people on the move face in the country. Indeed, this dramatically calls into question Italian and EU efforts to cooperate with the Libyan 'coastguard' in addressing smuggling (see European Commission 2017), both in terms of the effectiveness of cooperation and the violent consequences this has for those stuck in Libya (cf. OHCHR 2017). Nevertheless, the interchangeability of smugglers and border enforcement actors can also be discerned in radically different contexts.

People who travelled to Germany in 2015 before the 'Balkan Route' was declared 'closed' in March 2016 recount how police and border guards showed them which way to take, organised trains and buses, and provided a camp infrastructure in which travellers could spend the night. As such, border authorities took over the services normally provided by smugglers, and enabled those on the move to travel more cheaply, safely, and quickly from Greece to countries in Northern and Western Europe. The use of smugglers

during this period virtually stopped, given the provision of better alternatives. Notably, as official state support along the 'Balkan Route' ended and border crossings to Greece were closed, the demand for smuggling services was reported to have increased, indicative of the co-relationship between anti-smuggling and smuggling as well as the interchangeability of actors (Stamouli 2016). This not only illustrates the co-dependency of targeted border closures and policing on the one hand and smuggling on the other, it also calls into question how the migration 'crisis' was narrated more generally. While the 'crisis' was framed around a narrative of a lack of control, the accounts of our interviewees show the considerable amount of organisation and logistical support that they experienced en route from the very police forces that would later impede others from travelling on, leading to a revival of smuggling activities along the route.

Particularly significant is that accounts of collusion, complicity, violence and the interchangeability of smugglers and border authorities are seen as implicating policymakers and police in receiving countries, which in turn lead to contestations of an anti-smuggling agenda. For some research participants, the extraction of benefit from people on the move is seen as a significant factor in understanding the failure of the European policy agenda to open legal routes. As one person we spoke to summarised: 'The Syrian people have become the basis of commerce' (Ath.2.21). This supports Andersson's (2014) account of an illegality industry, in which people on the move experience a process of profit extraction by various actors.

Many people on the move express that they have 'no choice' but to rely on smuggling networks. Indeed, our research participants often described how this lack of choice reflected a lack of viable alternatives which encouraged trafficking and violence:

> KOS.01.06: when you are in danger every day and you do not have another option you just say "I will do it, I will try it". When you are living in Syria, you are not afraid of these things. When you see your brothers dying in front of your own eyes, when your house is being bombed then you do not care. You are not afraid of the sea.

> ATH 2.15: There is no solution. Either smuggling or stay here for a year. They closed the border but they opened the door to the smugglers. You opened the door to illegal migration. You're saying that you want legal migration but it's the opposite. I don't mean you personally, I'm talking about the European countries. You opened the door to human trafficking.

By pointing to the migratory drivers that necessitate movement and noting the wider conditions that make smuggling the only viable route to escape, our research participants contest the EU's singling out of smuggling as the problem at hand. Providing a damning critique of current policy, research participants emphasise the complicity of authorities with the activities smuggling networks and challenge the claim of anti-policy to be simply responding to a 'bad thing'. Rather than viewing smugglers as straightforwardly 'bad', relations between smugglers and the smuggled are narrated in much more nuanced terms by the people we interviewed.

Relations between smugglers and the smuggled

Smugglers are at times described by our research participants as acting as 'liberators' from detention or kidnappings and as paying for safe(r) passage across borders while the authorities look the other way, and are at other times described as the indifferent source of violence, abuse, extortion, and death.

ATH02.16: Smugglers are very dirty people. The smugglers in Kameshly, in Turkey, they are heartless. They would sell you out for an extra $100. They would leave you to die. They do not care.

ROM.02.14: They don't know baby or old woman, they treat you, they are not very easy in the desert. On the boat if you refuse they beat you, on the store their language is just the language of money, if you don't bring, they beat you. Their language is money, if you pay you move, if you don't pay you die. They don't care.

In addition to ruthlessness, violence, and an overall lack of concern regarding the fate of their 'clients', research participants also emphasise their inability to trust smugglers, who are presented as deceptive and dishonest:

IST02.14: You cannot trust them. He [the smuggler] didn't do what he was supposed to do. He had told me that we would be 18 people in the boat but the fact was that we were 50 people in the same boat.

ATH02.28: Stealing the money of people. Lying to people. Trafficking people. This is how the majority of smugglers are. 90%.

Stories of violence, deception, abuse, and carelessness by smugglers in this regard reflect the anti-policy of anti-smuggling that forms an integral part of the European policy agenda.

However, as indicated above, these portrayals are not as straightforward as they initially appear, since there is simultaneously a more nuanced understanding that differentiates between 'good' and 'bad' smugglers. Whereas policy debates focus almost exclusively on the brutality of gangs of people smugglers, experiences with smugglers were described as more varied by those people we interviewed. Some described being 'helped' on to a boat towards the EU for free, and some spoke about smugglers as service providers. Others faced deception and abuse by smugglers or their accomplices, with some describing violence and brutality more in line with the perception framing policy debates. While differences in personal experience affected research participants' views of smuggling networks, understandings of smuggling nevertheless tended to be more nuanced than policy narratives on exploitative, unscrupulous smugglers would suggest.

Counter to the conventional depiction of smugglers as profit-driven and lacking respect for the lives of their 'customers', the narrative of 'good versus bad' smugglers often surfaced in our interviews:

ROM.02.03: They [smugglers] are not the same. Some of them they are very brutal, some they are good people.

IST02.09: You know, you have to separate [between different kinds of smugglers]. There are some good guys among them and there are some really bad one among them. For example, I cannot live in Iran. I have to leave Iran for Turkey. There must be someone to help us because I cannot get to Turkey legally. And some of them, really, they promise to help us and they fulfill their promises and they are good. But some who don't fulfill their promises, they are really bad. Like the one that left us at the border between Turkey and Iran. I could have been killed in the river.

Many emphasise that 'good smugglers' sought to help travellers in need by offering cheaper or entirely free crossings, treated people well, and/or that they provided a

much-needed service to those who could not obtain visas to get to the EU.[23] 'Bad smugglers', on the other hand, were considered to be interested only in financial gains, and potentially cheated, threatened, abused, or risked the lives of their 'customers' to maximise their profits.

> SIC01.38:…you can meet some good guys that can take you... because of the war... you want to escape... you can meet people that take you [for free], and people that take you for money….

> MAL.01.09: Some [smugglers] were more human and understanding and some were very inhuman looking at human beings like goods and services … . For example, some smugglers would punish us more so that we could pay faster like the one in Sabha, and then some smugglers, for example, there was this smuggler in Sudan, he put us up in a favourable house and we had food, of course not for free, we were paying for it, but he was more understanding and humane.

Rather than depicting all smugglers as villains or turning this on its head to present smugglers as heroes, our research participants offer more nuanced accounts of the ambiguous role of smugglers vis-à-vis those undertaking unauthorised journeys. Indeed, people on the move are often acutely aware of the ambivalences of smuggling as both exploitative and liberating:

> IST02.28: Some people consider this a humanitarian effort, that the smugglers are taking people and saving them, sending them away. Some consider this human trafficking, putting these people in the boat and sending them by sea. I think it's both. True they're helping people, but they're trafficking. Help should be without anything in return. Once there's something being paid in return, it's a trade.

For others, smugglers are friends, family members, or helpers who seek to assist individuals in seeking safety (see also van Liempt 2016):

> MAL.01.09: A smuggler it's not somebody from outer space it's a friend, a fellow Somali, an extended cousin, somebody know by a friend of a friend of a friend, it's somebody who does that for a living, but it's a human being.

> ATH02.13: When I was in Istanbul, I knew a lot of people, Turkish, from Syrian, you can say, smugglers. So I talked with the smuggler. He was not my friend, but a friend of a friend of a friend. So I told him that I need to go on a trip and I am down in Syria.

> ATH02.32: The smuggler we used, as I told you, was a relative, so there wasn't any difficulty.

> IST02.08: I know a lot of smugglers, they are friends, they are doing this.

The diverse testimonies presented here demonstrate that depicting smugglers as evil criminals fails to capture the complexities of their relationships with those on the move (van Liempt 2007, 173; see also Majidi 2016). Such differentiations challenge accounts that demonise the category of the smuggler, which underpin anti-smuggling measures and approaches, while pointing to the complexity of smuggling as a policy issue. As an anti-policy, anti-smuggling relies on a portrayal of smugglers as villains who need to be fought. Indeed, Walters defines anti-policy as comprised by 'measures, programmes and strategies which name themselves explicitly as "anti-" this or that, and which derive whatever legitimacy they enjoy from the claim that their objective is to repress bad things' (Walters 2008, 270). By defining smugglers as unambiguously

'bad', a European anti-smuggling agenda simplifies the relationships people on the move have with smugglers and shrinks the space for disagreement over the dominant policy framework.

The nuanced accounts of smuggling by people on the move not only challenge the negative and one-dimensional portrayals that are integral to the current policy agenda. They also demonstrate that smuggling – and unauthorised migration more widely – remains a site of struggle and contestation:

> KOS.01.48: The smugglers are not bad … they are helping people and they are more afraid about the people that they are afraid for themselves … If this is true about the fight against the smugglers, they can go there and bring people in Europe legally so that the smuggler doesn't have to work. Find a way for people to come legally so they don't have to pay the smugglers.

By highlighting the issues at stake in the anti-smuggling agenda – namely whose mobility is considered legitimate, and under which terms – and by noting that smugglers play a crucial role in allowing individuals to contest a restrictive and exclusionary policy agenda by moving without formal state authorisation, our research participants bring to bear political disagreements that are otherwise masked through an anti-smuggling agenda.

Claims and demands

While anti-smuggling as an anti-policy conceals political disagreements over who should be able to access EU territory and under which circumstances, an analysis of how people on the move understand and experience journeys with smugglers opens up space for understanding these deeper-rooted political disagreements in terms of the claims and demands being put forward. When asked about their response to anti-smuggling measures, some research participants dismissed such efforts as farcical:

> ATH.02.33: Why did people have to resort to smugglers? Isn't it because of the politicians themselves? If I could leave Lebanon legally, wouldn't I have done so? Why did we have to resort to debt and smuggling and to scum – pardon the expression, but some of the people we encountered were really scum. I don't blame the smuggler. I blame the countries that got together and forced us to resort to smugglers. You can't stop smuggling? Can you stop the war? You can't even stop the balams [inflatable rubber boats], how will you stop the war? Why do you want to stop the balam carrying people that are leaving a war zone and torture? I would send ships to people that will take them to safety. We heard a lot of talk about ships that will take the people, and "No to smuggling", they promoted legal ways – it's all a lie. They're the ones who encouraged smuggling. I'm certain that the politicians themselves are the smuggling mafia. All of them.

Here, a contradiction between a declared fight against smugglers and the absence of an alternative, legal ways to reach safety in Europe is forefronted, uncovering the political stakes masked by an anti-smuggling agenda focused on combatting 'unscrupulous smugglers'.

Indeed, many people we spoke to insisted on the importance of instituting safe and legal entry routes to Europe, with some suggesting that this would be the only effective way to combat smuggling. When asked about anti-smuggling measures, one research participant replied:

> KOS.01.19: … [European politicians] can really fight it [smuggling] when they start receiving people in their embassies. Then there will be no smugglers left … The networks would dissolve by themselves if nobody was using them.

Claims to safe and legal routes in a context of violence and exploitation constitute a more deep-rooted contestation of an anti-smuggling agenda that is presented as aiming to combat the exploitation many face at the hand of smuggling networks, yet without acknowledging the wider conditions that allow for smuggling to emerge and thrive.

In challenging the EU's simplistic accounts of a 'fight against smugglers', research participants emphasise the need to create choices, and to provide alternatives to smuggling services:

> ATH02.20H: The more things are legal, smugglers will be fewer. When they give me something legal, in one month I'll be in Europe, I won't go to a smuggler who promises me he'll take me to Europe in a week. I'll wait a month knowing that I will be legal, and not pay an exorbitant amount of money. As opposed to someone saying a year, and the smuggler says one week, which one will I choose if I have the money? I'll choose the smuggler.

> BER.02.13: If the Europeans want to fight the smugglers, then they should find a way to get us out of our country. The situation in Syria is getting from bad to worse. I see how another brother was objecting to the idea of leaving Syria, now he's thinking of leaving Syria. If there is a way better than the smugglers, then ok why not?

While insisting that increasing legal routes and decreasing waiting times for existing routes to resettlement and family reunification was vital to save lives and reduce deaths at sea, research participants made clear that this was also the only way to fight smuggling networks effectively. Some even suggested that EU governments could charge refugees more than smugglers, and would still be able to defeat smuggling by offering those on the move a legal choice:

> KOS.01.02A: Since you know they are coming … they put their life in danger and they come … Why don't you go and take them? I believe that ships can travel from Greece to Bodrum. We pay 1,200 dollars to the smuggler – per person. And two children at the price of one person. They can charge us for 300 euros more or 200 euros more and then they will really fight the smuggling networks. That is when the smuggler will be unable to do anything.

Indeed, all this is suggestive of a more deep-rooted political disagreement; one in which anti-smuggling is not accepted as an answer to the problem of deaths at sea or precarious migrations in boats that are not seaworthy:

> BER.02.02: I think the problem doesn't lie in the smugglers themselves. We should deal with the problem itself. The smugglers are not the problem. The smugglers are only a way to get you.

Importantly, our research participants highlight how smuggling does not exist by itself but emerges as a response to global inequalities and a highly restrictive migration regime. Acutely aware of the ambivalences of the smuggling industry for people seeking to enter the EU without authorisation, research participants trace these ambivalences back to the political disagreements that the anti-smuggling agenda masks: first and foremost, the question of whose mobility is considered legitimate. On this basis, they directly challenge EU policymakers to address the wider realities that leave

people unable to reach safety by other means, dismissing narrowly focused efforts to combat smuggling alone.

Conclusion

This article has interrogated the European anti-policy of anti-smuggling on the basis of 257 qualitative interviews with 271 people on the move across the Mediterranean via smuggling networks. Reflecting insights from existing research in the field, it has drawn attention to the complicity of governing authorities with contemporary smuggling networks and practices, the complexities of smuggler-smuggled relationships, and the wider political conditions that enable and incentivise smuggling. Going further, it has also pointed to the specific ways in which such anti-policies are contested by people on the move. By rejecting a focus on smuggling as the problem at hand, our research participants point to the wider conditions that fuel smuggling, both emphasising the productivity of anti-smuggling while also reclaiming it as a site of contestation over the legitimacy of mobility and migration control in a world of vastly different living conditions. As such, the analysis in this article shows how paying attention to the claims and demands of those engaging smugglers is critical in order to expose the violence that people experience in the face of European anti-smuggling policy, as well as the ways in which anti-smuggling policy masks more fundamental political disagreements about who has the legitimate right to move.

In light of this, the analysis presented here represents a call for an extended research agenda, in which anti-policies are not only viewed from a governmental perspective but also from the perspective of resistance and contestation. To address a situation that only intensifies the more that it forms the focus of policy intervention, we propose that anti-smuggling must first be analysed in relation to the claims and demands of people who are most directly affected by the policies in question. It is people on the move via smuggling networks themselves that most clearly point to the dangers of anti-smuggling; an anti-policy that has been presented as necessary in the face of a so-called 'crisis' of uncontrolled mass movement to the EU. Our research participants tellingly emphasise how, far from relieving a situation of uncontrolled movement, EU states are implicated in the production of such movements as well as in smuggling operations, in terms that perpetuate harms for people on the move. Indeed, so long as people's cross border movements are deemed illegitimate and alternatives are lacking, people 'will get involved in … smuggling because there is no other way' (KOS1.12).

Notes

1. While this article focuses primarily on policy developments in the EU, we use the term 'European' to reflect the terminology of the 'European Agenda on Migration,' and to acknowledge that EU anti-smuggling measures are implicated in localised policy and political contexts beyond the political entity of the EU itself.
2. See www.warwick.ac.uk/crossingthemed.
3. http://data2.unhcr.org/en/situations/mediterranean. Notable is that many deaths are not noted because bodies are lost and decompose and therefore are not always counted (e.g. see Alonso and Nienass 2016).
4. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/ background-information/docs/communication_on_the_european_agenda_on_migration_ en.pdf.

5. https://www.ein.org.uk/news/european-commission-issues-ten-point-action-plan-migration-response-crisis-situation-mediterran.
6. Cited in https://www.ein.org.uk/news/european-commission-issues-ten-point-action-plan-migration-response-crisis-situation-mediterran.
7. p. 2. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf.
8. These four pillars involve a reiteration of the EU's efforts to both secure its external borders and maintain a strong asylum policy, alongside the commitment to a new European policy on legal migration and an emphasis on ensuring a 'robust fight against irregular migration, traffickers and smugglers'. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf.
9. For example, while the U.K. refused to participate in the relocation of arrivals within the EU, it nevertheless deployed various navy ships to support rescue missions and anti-smuggling efforts in the Mediterranean between Libya and Italy.
10. https://www.ein.org.uk/news/european-commission-issues-ten-point-action-plan-migration-response-crisis-situation-mediterran.
11. p. 3. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf.
12. p. 8. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf We focus here on smuggling specifically, and do not have the space to analyse their differences. See the Protocol against Smuggling of Migrants by Land, Air, and Sea and the Protocol to Prevent, Suppress and Punish Trafficking in Persons.
13. See pp. 2–9. http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu_action_plan_against_migrant_smuggling_en.pdf.
14. It thus equates smuggling with migrants (rather than with refugees), and engages smuggling as a highly violent and ruthless industry that requires dismantling. Page 1 http://ec.europaeu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu_action_plan_against_migrant_smuggling_en.pdf.
15. p. 1. http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu_action_plan_against_migrant_smuggling_en.pdf.
16. See https://eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/pdf/factsheet_eunavfor_med_en.pdf.
17. http://data2.unhcr.org/en/situations/mediterranean.
18. The practice of secretly transporting people across international borders has, of course, a much longer history, prominently including individuals who smuggled Jews to safety from Nazi Germany, or political dissidents out of communist states during the Cold War. While smuggling did thus not suddenly emerge in the 1990s, its scope, diversity, and complexity grew as the Cold War ended, as did the interest of law enforcement, policymakers, and the academic community in the phenomenon (Kyle and Koslowski 2011, 7).
19. Difficulties in recruiting research participants in Malta due to reduced arrivals resulting from an 'agreement' with Italy during the time-period of our research led to some of the interviews being carried out at this site between December 2015 and March 2016.
20. Interviews were conducted by an international team of researchers in close cooperation with the project investigators. It is important to note that there exist differences in the backgrounds, experiences, and understandings of people travelling on different migratory routes. Whereas most of those crossing from Turkey to Greece were predominantly from Syria and Afghanistan as well as Iraq and Iran, the nationalities in Italy and Malta were more varied and included many from sub-Saharan Africa and the Horn of Africa (see Squire et al. 2017).

21. Under the EU-Turkey deal, those travelling from Turkey to Greece without authorisation are returned to Turkey if their asylum applications fail or if they do not apply for asylum. For the consequences this deal has had on those who remain 'stuck' in Turkey, see (Squire and Touhouliotis 2016).
22. Importantly, interviewees faced violence not only by police, but also by smugglers themselves. This will be explored in more detail in the following sections.
23. This more nuanced understanding of smuggling advanced by interviewees also matches self-representations by smugglers (see Achilli 2015).

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