FORUM

ON CRIME AND SOCIETY

Special issue

Smuggling of migrants

FORUM ON CRIME AND SOCIETY

Volume 10, Nos. 1 and 2, 2019

**Special issue
Smuggling of migrants**

Views expressed in signed articles published in Forum on Crime and Society are those of the authors and do not necessarily reflect those of the Secretariat of the United Nations.

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers and boundaries.

Requests for permission to reproduce this work are welcomed and should be sent to the Secretary of the Publications Board, United Nations Headquarters, New York, N.Y. 10017, U.S.A., or use the form for contacting the Board on the United Nations website: www.un.org/en/aboutun/copyright/contactform.asp?address=1. Governments and their institutions may reproduce this work without prior authorization but are requested to mention the source and inform the United Nations of such reproduction.

PREFACE

Forum on Crime and Society is a United Nations sales publication issued by the United Nations Office on Drugs and Crime (UNODC), based in Vienna. It is published in the six official languages of the United Nations: Arabic, Chinese, English, French, Russian and Spanish.

Forum presents policy-oriented articles on crime prevention and criminal justice. It focuses on trends and practices in the field of criminal justice that are of special significance to the international community.

The present issue of *Forum* is devoted to the subject of smuggling of migrants. It is the eleventh issue to be published and widely distributed to a varied readership. Past issues are available on the UNODC website (www.unodc.org/unodc/en/data-and-analysis/Forum-on-Crime-and-Society.html).

All contributions to the present issue of *Forum* have been written by the authors in their personal capacity and should not be regarded as official views or positions of the institutions they represent, or of UNODC.

The idea of the present issue grew out of several conferences and workshops held in conjunction with the academic and research community focused around smuggling of migrants, including the workshops "Critical approaches to irregular migration facilitation: dismantling the human smuggler narrative" (2016) and "The theory and praxis of irregular migration facilitation" (2017). In addition, in 2017, the Migration Policy Centre at the European University Institute, together with UNODC and its Global Programme against the Smuggling of Migrants, hosted a workshop on the criminal aspects of the smuggling of migrants, the objectives of which were to strengthen partnerships between UNODC and academia and to gain a better understanding of the overall status of research in the field of smuggling of migrants.

It was noted by the editors during those workshops and conferences that researchers in this field had often engaged in location- or route-specific research initiatives. However, common themes had started to emerge among these initiatives that would support deeper cross-sectional analyses from different regional or country perspectives. For the purpose of compiling a thematic *Forum* issue, the editors proposed to adapt the discussions into articles in which a shared theme would be discussed in relation to different geographic locations.

The first article, by Luigi Achilli and Caitlyn Yates, examines the nexus (or absence thereof) between non-state criminal groups and smuggling of

migrants. The authors use a comparative approach between the Mara Salvatrucha (MS-13) transnational gang in Central America and the Islamic State in Iraq and the Levant (ISIL) terrorist organization. The authors argue that while a transnational criminal gang has different goals than does a terrorist organization, both groups share similar structures and a modus operandi geared towards territorial control, thus allowing for a comparative analysis. The authors conclude, though, that neither has consistently used smuggling of migrants as a means of financing.

The second article, by Milena Belloni and Xolani Tshabalala, deals with the interlinkages between trafficking in persons and smuggling of migrants across international borders. The authors state that these phenomena have been treated as two sides of the same coin, but that the relationships and contexts from which trafficking in persons and smuggling of migrants emerge are themselves different. Drawing from ethnographies on smuggling of migrants in the Horn of Africa and Southern Africa, the authors conjecture that smuggling practices, unlike those of trafficking, are characterized by significant ties between smugglers and the communities in which they operate. This article builds on a growing number of studies that highlight the community dimension of smuggling to suggest that anti-smuggling policies may end up being not only unsuccessful, but also harmful, as smugglers tend to be replaced by traffickers.

The third article, by Rebecca Galemba, Abbey Vogel and Antje Missbach, compares Indonesia and Mexico as transit countries for irregular migrants, including potential asylum seekers and even recognized refugees, heading to potential destination countries such as Australia and the United States of America. Because their geographic location places them strategically close to the land or sea borders of potential destination countries, Indonesia and Mexico have been pressured to strengthen their borders, migration policies and anti-smuggling legislation so that they can serve as bulwarks against unwanted migrants and smugglers. Although the causes of and conditions for irregular migration in Indonesia and Mexico differ, a comparison of how these two transit countries have adjusted to political pressure to deter undesired migrants and prevent smuggling allows for an interregional assessment of how extraterritorial border policies materialize in transit countries. A comparative assessment demonstrates how such policies have caused shifts in smuggling practices on the ground and illustrates differences and similarities between land and sea borders.

The fourth and last piece is in the format of questions and answers relating to various issues raised in the previous articles. Two eminent researchers on the smuggling of migrants, Claire Healy, Coordinator of the UNODC

Observatory on Smuggling of Migrants and formerly Senior Adviser at the International Centre for Migration Policy Development (ICMPD) Anti-Trafficking Programme, and Gabriella Sánchez, senior researcher at the Migration and Global Order Unit of the Danish Institute for International Studies, each give their viewpoints.

Each migration flow has unique characteristics. and the associated smuggling of migrants has particular dynamics. These characteristics and dynamics are shaped in part by the specific push and pull factors associated with that flow, and of course the individual situations of the migrants themselves. Nevertheless, it is hoped that drawing some parallels between policies and practices in different contexts can broaden the scope of inquiry and encourage healthy debate in order to ensure that the letter and spirit of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in its statement of "the need to provide migrants with humane treatment and full protection of their rights", is applied.

Editorial policy and guidelines for publication

The Editorial Board invites scholars and experts from around the world to contribute articles to *Forum* on criminological and socio-legal issues. Articles submitted for publication must be original. That is, they should not have been published elsewhere. The length of manuscripts to be considered for publication as articles should not exceed 6,000 words. Manuscripts should be submitted in electronic format and preferably also in hard copy and should be accompanied by the curriculum vitae of the author and an abstract. All manuscripts, reviews and correspondence should be addressed to the Managing Editor of *Forum*, either by mail (Research and Trend Analysis Branch, United Nations Office on Drugs and Crime, P.O. Box 500, 1400 Vienna, Austria) or by email (unodc-globaltipreport@un.org).

Contributors

Luigi Achilli is Marie Curie Fellow at the European University Institute in Italy and adjunct professor at the San Diego State University in California. He holds a PhD in social anthropology from the School of Oriental and African Studies. His work focuses on irregular migration, forced displacement, smuggling networks and transnational crime. His ongoing Marie Curie

research project pushes these interests further towards a comparative analysis of the Mexico-United States border and the Mediterranean smuggling routes. This has culminated in the publication of several articles and other influential work on the topic: see, among others, "Human smugglers as an insurance policy: views from the margins" (ANNALS, 2018), co-edited with Gabriella Sánchez and Sheldon Zhang. He is currently co-editing the new edition of *Global Human Smuggling* (Johns Hopkins University Press, 2020).

Milena Belloni is a Flanders Research Foundation post-doctoral researcher at the University of Antwerp and the Human Rights Centre of the University of Ghent. She earned a PhD in sociology and social research from the University of Trento with an award-winning thesis (Maria Ioannis Baganha Dissertation Award 2016) on Eritrean migration to Europe. Her research mainly concerns refugees' migration dynamics and integration pathways, transnational refugee families, smuggling of migrants and ethnographic methods. She has conducted extensive fieldwork in Eritrea, Ethiopia, Italy, the Netherlands and the Sudan. She has published in several international peer-reviewed journals, such as the *Journal of Refugee Studies*, the *Journal of Ethnic and Migration Studies* and the *International Journal of Comparative Sociology*. Her book *The Big Gamble: the Migration of Eritreans to Europe* was published by the University of California Press in 2019.

Rebecca Galemba is an Associate Professor at the Josef Korbel School of International Studies at the University of Denver. Her research interests include critical border studies, informal and illicit economies, Guatemala and Mexico, migration, and immigrant labour rights in the United States. She is the author of *Contraband Corridor: Making a Living at the Mexico-Guatemala Border* (Stanford University Press, 2018), as well as numerous journal articles on border contraband, migration and smuggling at the Guatemala-Mexico border.

Claire Healy has been Coordinator of the UNODC Observatory on Smuggling of Migrants since early 2019 and was previously Senior Adviser at the ICMPD Anti-Trafficking Programme. She has 16 years' experience of working on migration and refugee issues. She has supervised research on the intersection of migration, asylum, smuggling of migrants and human trafficking. She authored *The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe* and co-authored *Trafficking along Migration Routes: Bridging the Gap between Migration, Asylum and Anti-Trafficking*. She also coordinated research on trafficking affecting Syrian refugees and is the author of *Targeting Vulnerabilities: the Impact of the Syrian War and Refugee Situation on Trafficking in Persons*. In addition, Ms. Healy has been working with the Commission of the

Economic Community of West African States since 2013 on free movement and human trafficking in West Africa. She was awarded a PhD in migration history in 2006.

Antje Missbach is Associate Professor for International/Global Migration and Mobility at Bielefeld University. Her research interests include the socio-legal dimensions of forced migration in South-East Asia, border regimes, asylum policies and refugee protection in the Asia-Pacific region, as well as diaspora politics and long-distance nationalism. She is the author of *Troubled Transit: Asylum Seekers Stuck in Indonesia* (Institute of Southeast Asian Studies, 2015) and *Politics and Conflict in Indonesia: the Role of the Acehnese Diaspora* (Routledge, 2011). She is currently finalizing a book on the criminalization of the smuggling of human beings in Indonesia.

Gabriella Sánchez is senior researcher at the Migration and Global Order Unit of the Danish Institute for International Studies. A sociocultural anthropologist by training, she has a background in law enforcement and has conducted criminal investigations on drug trafficking, smuggling of migrants and human trafficking along the Mexico-United States border. Her academic work in the Americas, North Africa, the Middle East, Europe and Australia has relied on building interactions with migrants and smuggling facilitators themselves, whose experiences have not only informed but also been essential in the development of her work. She has published extensively in international journals, is a frequent commentator in international media, and has served as a consultant for international and non-governmental organizations.

Xolani Tshabalala is a post-doctoral Migration and Ethnicity Fellow at the Institute for Research on Migration, Ethnicity and Society. In 2017 he defended his PhD thesis on the social politics of undocumented cross-border mobility across the border between South Africa and Zimbabwe, at the University of Linköping. His research covers border theory and methods, the policing of undocumented mobility, informal cross-border entrepreneurship, mobility brokerage and migrant counter-cultures. His work has appeared in scientific journals such as the *Journal of Southern African Studies* and the *Journal of Borderlands Studies*.

Abbey Vogel holds an MA in international studies. She is committed to building bridges between academic theory and grass-roots efforts that uplift collectivism, solidarity and environmental justice. She is currently based in Ohio, United States, where her diverse activities include assisting in the publication of a book on wage theft in Denver, Colorado, and organizing for tenants' rights in Cleveland, Ohio. She is also a 2021 semi-finalist for a Fulbright research grant to study seed sovereignty in the Thiès region of Senegal.

Caitlyn Yates is the research coordinator at IBI Consultants in Washington, D.C. She holds an MA in global policy studies from the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin. Prior to holding these positions, Yates worked as a research associate at the Mexico Security Initiative, Strauss Center for International Security and Law, at the University of Texas at Austin. Her work focuses on human security, transnational organized crime, transit migration and borders in Latin America. Her ongoing research analyses operations to smuggle extra-continental migrants moving through Latin America. Yates's most recent publication is "A gender perspective of migrant kidnapping in Mexico", which seeks to increase understanding of women's participation in mass migrant kidnapping rings in Mexico (*Victims and Offenders*, 2019).

CONTENTS

UNTANGLING THE KNOT: HUMAN SMUGGLING, TERRORISM AND TRANSNATIONAL CRIME

Luigi Achilli and Caitlyn Yates

Abstract

According to much contemporary literature on the illicit global economy, there is a convergence between different groups involved in transnational organized crimes such as drug trafficking, smuggling of migrants and trafficking in persons, as well as terrorism. This has increased the urgency of countries' efforts to stem irregular migration, and some countries have militarized their border controls. However, a closer look at two prominent groups, the Mara Salvatrucha (MS-13) and the Islamic State in Iraq and the Levant (ISIL), shows that neither group has consistently used smuggling of migrants as a source of revenue. Moreover, the organization and aims of these two groups are geared towards the acquisition of territorial control, which does not match the short timescales and operational nimbleness required of migrant-smuggling groups. The authors thus argue that the oft-alleged link between organized crime, terrorism and human smuggling is largely artificial.

Keywords: Mara Salvatrucha, Islamic State in Iraq and the Levant, convergence, terrorism, organized crime

Introduction

A review of the contemporary literature on the illicit global economy finds a prevailing narrative in which organized crime actors – from smugglers of human beings to drug traffickers to weapons dealers – have hijacked the global economy. In the process, according to the narrative, they have created a global criminal network or underworld that is swiftly bypassing, evading, corrupting and subverting State control and authorities (e.g. Miklaucic and Brewer, 2013; Shelley, 2014). These organizations, we are told, are converging or building bridges with one another and merging with other illicit businesses and activities such as the drug trade and terrorism. The convergence claim has increased the legitimacy and urgency of the fight against illegal immigration throughout the world. The result has been a militarization of border controls and the establishment of policies targeting the so-called

undocumented migrants, traffickers and terrorists under the claim that their actions occur in tandem and disrupt the security of the State.

While successful at activating public opinion and policymakers, the increasing security focus in the rhetoric surrounding the smuggling of migrants fuels a narrative of fear and a politics of otherness. Moreover, this conflation of smuggling of humans with other criminal activities fails to recognize the complex tactics at the disposal of violent transnational non-state actors, often in comparison to migrants' own possibilities. Finally, this series of representations also consistently fails to account for the brutality caused by States' efforts to enforce border controls and neglects the experiences of the actual people involved in these illicit activities.

In critically examining common myths about the supposed criminal market convergence in the so-called "illicit global economy" (Andreas, 2015), the present article tackles the nexus (or the absence thereof) between human smuggling and non-state criminal groups. To address these divergent experiences, the authors use a comparative approach between the MS-13 transnational gang in Central America and the ISIL terrorist organization. Our argument is twofold. First, while a transnational criminal gang has different goals than does a terrorist organization such as ISIL, we contend that both groups share similar structures and a modus operandi geared towards territorial control, thus allowing for a comparative analysis. Furthermore, we argue that neither has consistently entered into the smuggling of migrants as a means of financing. As a result, we can compare both the criminal groups themselves and the diversity of their criminal portfolios.

Literature review

Organized crime is a concept with a strong and evocative power, and it eludes attempts to define it simplistically (Levi, 2002; Paoli 2002; Paoli and Vander Beken, 2014; Von Lampe, 2002). In view of this empirical heterogeneity, article 2 of the United Nations Convention against Transnational Organized Crime has defined an "'organized criminal group' [as] … a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly a financial or other material benefit" (United Nations, 2000). While this definition has the merit of establishing a broad spectrum for the operations, behaviour and portfolios of organized criminal groups and other diverse criminal groups, it has been criticized for both its broadness and the

consequent loss of analytical purchase (Levi, 2002) or, on the contrary, for ignoring important features of organized criminal behaviour, such as strict hierarchy, political objectives or social goals (Le and Lauchs, 2013). Here we agree with Paoli and Vander Beken that "the many different criminal actors and activities that have been subsumed under this label make it a vague umbrella concept that cannot be used, without specification, as a basis for empirical analyses, theory-building, or policymaking" (2014, p. 13).

Strictly defining the concept of organized crime goes beyond the scope of our article. Suffice it to say that from the early 1990s onward, the term has been increasingly used in association with its transnational nature (Paoli and Vander Beken, 2014). Given the cross-border dimension of the smuggling of humans, it was then only a matter of time until human smugglers were linked to organized crime (Van Liempt and Sersli, 2013). Studies have indeed highlighted how the booming and lucrative nature of smuggling in the context of globalization and economic liberalization have whetted the appetite of transnational criminal organizations, which have progressively taken over the control of the business (Donnelly and Hagan, 2014; Shelley, 2014). Exploiting current revolutions in transportation and communications technologies, smugglers have swiftly bypassed, evaded, corrupted and subverted State control and authorities along the way (ibid.). The European Union Agency for Law Enforcement Cooperation (Europol) estimated that in 2015 alone, criminal networks involved in the facilitation of irregular migration had an income of between €3 billion and €6 billion. The United Nations, on the other hand, posits that in Central America and along the Mexico-United States border it generates $7 billion (UNODC, 2012) – which is in any case a low estimate (Blancas Madrigal, 2017).

Interestingly enough, similar imbrications with smuggling have also been postulated with regard to another equally elusive phenomenon: terrorism. According to Napoleoni, for example, human smuggling "is an easier and more lucrative business than kidnapping foreigners [and] a natural evolution of any kidnapping enterprise" (2017, p.53). If smuggling of humans is a booming, multibillion-dollar business, there is indeed plausible reason to believe that larger criminal groups could rely on the practice of smuggling for self-financing. Recently, a strand of academic research has backed the idea that collusions between human smuggling and terrorism are not only plausible but even indisputable in view of the growing tendency of transnational organized criminal organizations to generate economies of scale integrating different illicit activities, or, in Shelley's words, "dirty entanglements" (2014). It is thus assumed that mafia groups, cartels and terrorist organizations are now running human smuggling operations alongside a number of other illegal trades – most notably trafficking of drugs, humans and weapons. The

literature frequently purports to show that this "unholy alliance" has led to the creation of veritable multinational criminal enterprises that have firmly taken control over the smuggling business, creating more revenue than other illicit businesses (Donnelly and Hagan, 2014).

Though concerns over these dirty entanglements have increased the legitimacy and urgency of the fight against illegal immigration in Europe as elsewhere, in reality organized criminal groups and terrorist organizations are seldom involved in human smuggling. In truth, there is an important overlap between illicit networks and routes, as smuggling routes often overlap with major transportation routes (Leutert and Yates, 2017), which might be used for running other illicit businesses, such as trafficking of drugs and humans (see, for example, Içduygu and Toktas, 2002). However, these interactions need to be approached with caution. The vast majority of writing on the collusion between smuggling, organized crime and terrorism suffers from a serious lack of solid empirical evidence, relying more on conjecture and accepted truth than on scientific investigation. This ultimately works to reinforce harmful stereotypes on irregular migration rather than to actually unveil its dynamics. A more careful scrutiny reveals that the convergence that many studies observe is a fiction evoked through the obsessive repetition of anecdotal information and a few disconnected episodes rather than a proven connection (Izcara-Palacios, 2017; Van Liempt and Sersli, 2013). In addition, the perceived nexus between human smuggling and organized crime is also often flawed by procedural errors. For example, the officials tasked with apprehending migrants and seizing illicit goods are often the same or interrelated, further leading to the equating of the human-smuggling narrative with that of the movement of other illicit goods throughout institutional enforcement efforts (Andreas and Wallman, 2009).

Likewise, researchers have demonstrated how smuggling networks at times might evolve in more organized and hierarchical business-based groups that run a number of other illicit businesses (e.g. Chin, 2001). This notwithstanding, criminological models have often overestimated the organized dimensions of these smuggling organizations (Baird and Van Liempt, 2016; Pastore, Monzini and Sciortino, 2006). Unlike terrorist organizations and mafia groups, smuggling networks generally lack centralized and hierarchical structures. The perception of highly organized groups of hardened criminals moving hundreds of migrants at a time is not backed by solid empirical research. In fact, other studies have shed light on how smugglers are often part of migrants' social and familial networks (Bilger, Hofmann and Jandl, 2006; Herman, 2006; Koser, 2008; Staring, 2003) and that large, highly structured organizations are usually not involved in migrant smuggling (Okolski, 2000; Kyle and Dale, 2001; Van Liempt and Sersli, 2013). More importantly, recent

studies have dismissed even the existence of major crime syndicates that preside over the entire smuggling process in the eastern Mediterranean Sea (Baird, 2016; Içduygu, 2007; Triandafyllidou and Maroukis, 2012) and along the routes throughout Mexico (Sánchez, 2018; Yates and Leutert, 2018). In many cases, smugglers are migrants themselves, who have attempted the journey before and therefore have extensive knowledge of the route (Achilli, 2018; De Haas, 2007; Maher, 2017).

Aside from a general lack of evidence relating smuggling to organized crime and terrorism, such misinterpretations of migrant-smuggling activities and intentions often evoke an image of predatory behaviours against mystified and helpless migrants, inconsistent with migrant realities (Achilli, 2018; Sánchez, 2017; Vermeulen, Van Damme and De Bondt, 2010). This is not to create a positive portrayal of all smugglers, as both the intent of individual smugglers and the overall success of smuggling services vary (Leutert and Yates, 2017; Campana, 2018). However, attitudes of trust and satisfaction towards the facilitator seem to be the rule rather than the exception among migrants and asylum seekers. In a recent article, for example, Jeremy Slack and Daniel Martínez examine the smuggler-migrant relationship by drawing on a survey of more than 1,100 recent deportees in six Mexican cities (2018). While only 45 per cent of deportees reported that they would recommend their facilitator to friends and family members, 75 per cent indicated satisfaction with the services. Ethnographic data collected around the world seem to confirm a general feeling of satisfaction with smuggling services among migrants (Soudijn and Kleemans, 2009; Staring, 2003; Van Liempt and Doomernik, 2006; Zhang, Sánchez and Achilli, 2018). Data and field research consistently find that migrant experiences vary more in terms of the different types of facilitation services paid for than in terms of smugglers' relationship to organized crime (Chikovani, 2016; Bilger, Hofmann and Jandl, 2006).

The only interaction consistently reported between organized crime and smuggling networks is "taxation", i.e. smugglers paying road tolls for moving their cargo across territories under the control of the former. For example, Sánchez and Zhang demonstrate how in Mexico, migrant facilitators often pay the *piso* to the drug cartels – "a one-time toll to access specific parts of the migrant trail under the control of mafia groups" (2018, p. 141). Interestingly enough, the imposition of a tax or toll on smuggling facilitators not only mirrors the same type of taxation levied by ISIL in the Middle East over the use of specific routes, but also recalls the modus operandi of mafia groups in Italy (Achilli, 2018). Research findings also seem to suggest that interactions between organized crime and human smuggling groups are often negative coping mechanisms enacted by migrants as a way of increasing their mobility. In other words, while global conditions of insecurity can push migrants to

embark on dangerous journeys without social and financial capital, the progressive militarization of border controls leads migrants to devise new strategies for transit (Brigden, 2016), such as getting involved in human trafficking (Achilli, 2017) or drug trafficking (Sánchez and Zhang, 2018). It must be noted, however, that migrants' interaction with organized criminal actors is not always a choice. In Mexico, for example, some migrants are kidnapped for ransom by drug cartels along traditional migrant-smuggling routes (Yates and Leutert, 2018). Overall, though, rather than the outcome of coercion, migrants' choice to enter organized criminal groups seems often to be a complex individual choice. Thus, while migrant smugglers and criminal actors may intersect at times, criminal organizations and smuggling operations generally do not.

Current trends in smuggling of migrants

Mexico and the Mediterranean are two regions with high levels of migration. As a result, both regions have established migrant routes where smuggling facilitators are present and have a long-established existence. In some senses, similarities in smuggling practices overlap in the two regions, specifically regarding the diverse nature of the smuggling activities. Thus, a comparison can be made between the two regions.

Mexico

Of the migrants transiting en route to the United States, the majority originate in El Salvador, Guatemala and Honduras. This predominance of migrants from the northern region of Central America is relatively new, as Mexican migrants were historically the largest group of migrants arriving in the United States. That said, migrants from all over the world transit through the Americas en route to the United States (Yates, 2018; Curran and Nelson, 2019). To successfully complete this journey to the United States, all migrants must transit through Mexico, as there are currently no established maritime migrant transit routes through this region.

There are three primary routes that migrants take to reach the southern border of the United States (Leutert, 2018). These migrant routes follow transportation routes along major highways or of the train system within Mexico. The first route begins in the southern Mexican border city of Tenosique, Tabasco, and continues along the Gulf coast into south-east Texas. This is the shortest and most transited route, but also the most dangerous. In the last two

years, this route accounted for between 55 and 63 per cent of the minors and families apprehended along the United States border, according to Customs and Border Protection (CBP), the United States' border agency (2018). As this is the route that the majority of migrants take, it also represents the most varied countries of origin, frequently including Cubans or migrants originating in Africa or Asia. Most migrants who take this route transit in private cars or on buses to the border. This is also the route with the most insecurity, as the Zetas and the Gulf Cartel criminal organizations compete for control of the region. A recent report cataloguing migrant kidnapping incidents in Mexico showed that approximately 53 per cent of the kidnapping incidents occurred in the three northern Mexican states along this route (Yates and Leutert, 2018).

The second and third routes begin in the southern state of Chiapas, entering Mexico in the cities of Palenque or Tapachula and continuing to Mexico City, in the centre of the country. From there, some migrants continue along the central route, though this is the least transited route for migrants. Approximately 10 per cent of migrants apprehended by CBP transited along this route and arrived in the border city of Ciudad Juárez (CBP, 2018). Migrants may ride atop a train, but most migrants transiting this route make the journey in private cars or buses, as on the eastern route. Security challenges along this route are not significant, though each migrant's experience is different.

The third option follows the same trajectory in the south of Mexico, but then continues along the country's western coast. This route is typically only for the poorest migrants, as most migrants on this route ride atop a train, not having the funds to pay for a smuggler. Migrants arrive in the United States in Arizona or California. It is by far the longest route, but also the second most transited, according to apprehension data, with between 15 and 25 per cent of migrants making this journey (CBP, 2018). This has also been the route of choice for at least one of the recent migrant caravans, given the limited security risks of transiting through the western part of Mexico (González, 2018). In 2016, the western route was also the route of choice for Haitian migrants attempting to reach the United States before a specific immigration status for Haitian nationals expired (Guerrero, 2016). Finally, the western route is also the one most frequently used by Mexican migrants who are attempting to reach the United States (Yates and Leutert, 2018). However, the journey from the Northern Triangle countries to Tijuana is approximately 4,000 kilometres, or twice the length of the Gulf (eastern) route.

While these routes are established, and smuggling practices are common, not all migrants use smugglers to transit through Mexico. For instance, most of the migrants transiting by means of the Mexican train system are those who

do not have the fees to pay facilitators. That said, according to surveys con-ducted by the Mexican Colegio de la Frontera Norte (2017), an estimated 60 per cent of migrants contracted a facilitator during their journey made in 2017. Moreover, rather than hiring facilitators from their country of origin, most transit migrants contract services from Mexican nationals (Leutert and Yates, 2017). The reasons for that choice include Mexican nationals' having knowledge of the geography of Mexico and possessing the proper documen-tation to transit its highway system.

The routes themselves do not necessarily have set prices for smuggling; rather, migrants pay for different types of services. One type of service is a sort of all-expenses-paid option that often comes with a guarantee that migrants will arrive in the United States, and two to three transit attempts are already taken into account in the cost of the service. The prices typically range from US$10,000 to US$12,000. There are also smugglers who operate along the Mexico-United States border, facilitating migrants' transit over the last struc-tural hurdle into United States territory. Their prices range widely, from sev-eral hundred to several thousand dollars, depending on the city where the migrant is attempting to cross (Leutert, 2018; Sánchez, 2016). In other cases, migrants may attempt to cross through Mexico without a guide, for which they will likely still pay a tax referred to colloquially as the *piso*. While the *piso* may be requested by organized criminal groups, the facilitators are rarely, if ever, involved in organized criminal activities facilitating the mobility of migrants through Mexico.

Mediterranean Sea

Irregular migration from the Middle East to Europe has developed along several sea routes. The first pathway is the eastern Mediterranean route through Turkey and Greece, which since 2015 has been the most popular route for African and Asian labour migrants and refugees wishing to gain access to Europe. However, this has not always been the case. Between 1991 and 2001, the eastern route was one of the most travelled points of entry for other migrants – originally Albanians – fleeing economic and political dis-tress. After a drop in the number of illegal immigrants detected in the early 2000s, the area regained its popularity as an important arrival point begin-ning in 2015 and into early 2016; the European Border and Coast Guard Agency (Frontex) reported a resurgence in detections of illegal border cross-ings (2017). Most of the migrants crossing along this route were Syrians, Afghans and other asylum seekers attempting to enter Europe through Turkey (ibid.).

Displacement patterns from Turkey to Europe vary considerably, depending on the fast-changing conditions of border control. Prior to 2016, the journey to Germany, Sweden or other central and northern European countries was relatively easy. In 2015, transit countries' policies centred on refugees and migrants to facilitate irregular migration by issuing temporary transit papers for asylum seekers and migrants crossing their territories. Studies indicate that large numbers of migrants had reached Greece from the isolated areas near the Turkish ports of Izmir or Bodrum (e.g. Achilli, 2018). There, smugglers arranged transportation for around $1,200 per person to Lesbos or others of the numerous Greek islands near the border with the Syrian Arab Republic. The proximity of the departure points to the Greek islands often meant a one-hour journey in a 10-metre rubber dinghy. Time and price, however, were likely to change according to several factors, such as the type of boat and number of people aboard, weather conditions and the migrants' relationships with the smugglers. It is important to note that smugglers do not generally board the boats. Rather, to reduce their chances of apprehension, they delegate the piloting of the boat to one or two passengers (ibid.).

The situation has changed since early 2016. The European Union-Turkey agreement[1] and the decision of many western Balkan countries to seal their borders in the winter of 2016 considerably stemmed the flow of people (Frontex, 2017). Yet even if the number of people crossing irregularly through the Balkan countries dropped, the risks faced by migrants on the move increased substantially (Achilli, 2017, 2018). Different sources report that effectively blocking smuggling networks only redirected unauthorized migration flows to different routes. Frontex concurs that even if "the Eastern Mediterranean and Western Balkan routes are ever more difficult to traverse successfully, the reduction on these two routes is made up for by increases in the Central Mediterranean and Western Mediterranean" routes (2017, p. 7). Most importantly, despite the sharp decrease in border crossings by irregular migrants, the number of facilitators operating along the Balkan route appears to have increased, as "migrants can no longer rely on the transportation services provided by the authorities and need to bypass reinforced border-control measures" (ibid., p. 8).

With the closing of the western Balkan route and the solidification of the European Union-Turkey agreement, the central and western Mediterranean routes have become the main gate of entry for irregular migrants arriving in

---

[1] On 20 March 2016, the European Union and Turkey agreed to limit the influx of irregular migrants. A central aspect of the agreement is the return to Turkey of any irregular migrant who has entered the European Union through Turkey. In exchange for this collaboration, the European Union has offered financial help and membership concessions to Turkey.

the European Union, mostly from sub-Saharan countries. Despite a sudden decrease in the numbers of irregular migrants detected, the central Mediterranean route is the deadliest corridor for migrants fleeing economic dispossession and warfare. The route begins in Libya and includes transit to the Italian and Maltese coasts. This route registered a peak number of arrivals between 2011 and 2016, when some 630,000 irregular migrants and refugees reached Italy (ibid.). A minority of migrants were successfully smuggled across, while most were rescued at sea and disembarked in Italy.

The length of the sea journey, the poor quality of the boats and the political turmoil in Libya make the route a considerably more dangerous alternative to the safer eastern route. More than 13,000 migrants have lost their lives attempting the crossing since 2011, with 5,000 deaths registered in 2016 alone, and many more have died on their journey through the Sahara Desert, as reported by the International Organization for Migration (IOM). The route has gained the appellative among Arab-speaking communities of *al-tariq al-mawt* (the death road) because of the number of people who have lost their lives there in their attempt to reach Europe.

Transnational criminal organizations

In this article, we resist the temptation to equate terrorism with organized criminality. Both phenomena are elusive, and it is debatable whether either of them is sufficiently clear in a definitional sense for the comparison to be meaningfully analysed. However, we argue that for a number of reasons a comparison of MS-13 and ISIL can be helpful for the drawing of wider conclusions about the nature of smuggling today in a broad context. To begin, unlike smuggling networks, both MS-13 and ISIL are vertical, hierarchical and territorially structured organizations. The two groups share a similar modus operandi – albeit with different goals – aimed at territorial control and monopolistic influence over a certain region. Moreover, both organizations operate in countries with significant levels of outward migration and with high levels of political instability. In both cases, we focus on the groups' criminal portfolios rather than attempting to establish the full range of commonalities and differences between them. Last but not least, both MS-13 and ISIL – because they are covered intensively by the media – figure prominently in a global narrative of fear that has been successful at igniting moral panic over the crime-migration nexus and justifying the progressive criminalization of irregular migration. Amid rising concerns over the likelihood of terrorist attacks and criminal infiltrations, the shift from humanitarian approaches to

the militarization of borders has been quick. Tackling irregular migration has increasingly become a matter of national security in the so-called Global North (see, among many others, Massey, Durand and Pren, 2016; Pickering, 2004).

Mara Salvatrucha

Mara Salvatrucha (MS-13) is a profit-driven and enterprise-oriented violent transnational non-state group that presents some organized criminal characteristics (Von Lampe, 2002; Ditta, 2016; Ferreira, 2019). MS-13 was formed during the 1980s in the state of California in the United States – in particular, around Los Angeles – as individuals from El Salvador, Guatemala and Honduras fled conflict in their countries. In search of community ties, these new California residents established MS-13 and the competing Barrio 18 gang (Washington Office on Latin America, 2018). MS-13 was not originated to conduct transnational criminal activity, but rather was formed as a reactive social organization for recent immigrants from Central America living in California. The larger objectives, including the transnational aspirations of the gang, came approximately a decade later. In 1996, the United States passed a broad immigration reform policy, with particular attention to immigrants who had committed even small criminal infractions (Jenks and Malloy, 1996). In the years immediately following that reform, the United States Government deported some 46,000 individuals to their countries of origin, and at least 90 per cent of those deported were from El Salvador, Guatemala and Honduras.

Active MS-13 members deported from the United States established factions of the gang in Central America (USAID, 2006; InSight Crime, 2018). In the last 25 years, some 300,000 individuals with past or current gang affiliations have been deported, creating an ever-growing base from which to grow MS-13 operations (Seelke, 2016). Today, MS-13 is the largest criminal group operating in the northern region of Central America, while other gangs have a visible but less significant presence. To accomplish its objectives, MS-13 operates as a semi-hierarchical organization with a clear chain of command. This structure ensures the quick and efficient transfer of illicit goods and establishes a code of conduct by which members must operate. MS-13 differs from larger Mexican and Colombian criminal organizations (frequently referred to as cartels), in that the MS-13 origin story is that of a local gang and social organization rather than a transnational drug trafficking organization. That said, MS-13 is increasingly attempting to operate as a transnational gang through participation in the drug trafficking market and its efforts to control as much territory as possible (InSight Crime, 2018).

The members of the organization's leadership, referred to as *la ranfla*, are incarcerated and operate from inside the larger prisons in El Salvador and Honduras (InSight Crime, 2018). Guatemala does not have as large an MS-13 presence as the other two countries. This leadership is charged with designating overall policies and strategies, but the leaders do not involve themselves in local battles or disputes (Farah and Babineau, 2017). On the ground, the *programas* – or mid-level management – serve to oversee certain geographic areas of the MS-13 territory, often at the city or municipal level. That said, the day-to-day decisions are made by the neighbourhood-level structures, which consist of approximately 10 to 25 members and are referred to as *clicas* (ibid.). Individual *programas* and *clicas* make decisions on how to fund activities or devise local strategies. In major cities, several dozen *clicas* (operated under the oversight of one or more *programas*) often work in tandem to ensure that members adhere to a certain social code of conduct and that the group is generating revenue through the different illicit activities in its criminal portfolio (InSight Crime, 2018; Farah and Babineau, 2018).

Historically, MS-13 funded its activities through the extortion of local businesses, charging residents of MS-13-controlled territory up to 50 per cent of their profits. As MS-13 grew in size and control, though, extortion increasingly presented the gang with challenges. In some cases, local residents pushed back against extortion, refusing to pay. The main challenge, though, was that extortion could not provide the gang with the funds necessary to expand operations. As territorial control is the group's primary objective, MS-13 made an active decision to diversify the gang's revenue sources and to develop relations of less animosity with local residents in order to facilitate its activities (Farah and Babineau, 2017). In Honduras for example, MS-13 stopped extorting local residents altogether, relying on profits from other illicit activities to fund the organization (ibid.).

This change began over the last two to three years, as MS-13 began to engage in different illicit activities. The gang now controls local distribution and sales of drugs in the major cities throughout the northern region of Central America. MS-13 also increasingly works as a drug trafficking organization – for cocaine, marijuana and synthetic drugs – moving goods from South America north into Mexico (Dudley and Ávalos, 2018). MS-13 is engaging in other activities, including prostitution, low-level money-laundering schemes, arms trafficking and car theft – all with the aim of holding a monopoly on these activities (Insight Crime, 2018). While MS-13 is reportedly interested in moving into migrant smuggling, there is virtually no evidence to suggest that it has successfully gained access to this market. That said, this diversity in illicit activities has allowed MS-13 to dramatically increase its funds, territorial control and to some extent the goodwill of local residents.

Such changes towards more local goodwill by no means translate into a situation where would-be migrants opt to contract the services of MS-13 members for smuggling facilitation. This is particularly the case because MS-13 uses violence as a tool for control. While extortion has stopped in some cases and is limited in others, the use of violence continues, quite correctly, to dominate the narrative on MS-13 activities and interactions with community members. MS-13 has a reputation for being a particularly violent criminal group, with violence even marking one's initiation into the group and public homicides or "body drops" representing the group's efforts to establish social order in communities under their control (Dudley and Ávalos, 2018; Finklea, 2018). This modus operandi does not facilitate trust or suggest that a migrant in transit would voluntarily select an MS-13 member, especially in the case of individuals who may be fleeing their country of origin specifically because of this violent non-state group.

Through this diversified and semi-structured criminal portfolio, though, MS-13 continues to grow more powerful. *Clicas* are now popping up in areas where they were not previously present, including along the coasts of El Salvador and Honduras, and even in southern Mexico (Squires, 2018). These new zones of control suggest that MS-13 is operating increasingly as a transport or drug trafficking organization, despite its more geographically localized origins. That said, the attempt at permanent territorial control differs strongly from the movement of migrants along land-based and fluid routes. Finally, MS-13 has increasingly engaged in the pursuit of more political objectives, including negotiating truces for prison transfers or supporting specific candidates in elections, but these objectives still appear to be secondary to the financial and territorial objectives of the gang (Shelley and Melzer, 2008; InSight Crime, 2018). Overall, some 55,000 to 85,000 gang members operate in the northern region of Central America – the majority of whom are MS-13 members – at a time when the criminal organization is growing in both territorial control and funding (Seelke, 2016).

Islamic State in Iraq and the Levant

Migrant smuggling is not included in the criminal portfolio of the Islamic State in Iraq and the Levant (ISIL). The specific approach of ISIL vis-à-vis smuggling – with its rationale of looting resources and taxing flows of goods across borders rather than managing them – has its roots in the origin of the organization. Abu Bakr al-Baghdadi's circle did not become the wealthiest terrorist group worldwide from out of nowhere. The organization took the first steps in the early 2000s, when Abu Musab al-Zarqawi established an Al-Qaida branch in Iraq (AQI). AQI increasingly filled the political vacuum created by the collapse of Saddam Hussein's Ba'athist regime after the United

States occupation of Iraq. Many Ba'athist officers joined the ranks of Salafi jihadist brigades such as AQI after Hussein's ousting and the disbandment of the Iraqi military to escape from the de-Ba'athification purges undertaken by the Shiite-led transitional governments (Coles and Parker, 2015).

In this regard, it should be noted that first al-Zarqawi's and then al-Baghdadi's quests for power depended on a specific war economy, which had been expanding in Iraq since the first Gulf War, in 1990–1991, on the wave of Saddam Hussein's "tribal policies". By allowing tribesmen to trade livestock and goods without paying customs duties, the black-market routes crossing the Iraq-Syrian Arab Republic border have historically played a pivotal role in securing the prosperity of western Iraq and the eastern Syrian Arab Republic (Fishman and others, 2008, p. 86). With the imposition of economic sanctions after the first Gulf War, however, the "taxation" of cross-border trade became even more important to the Ba'athist regime, which "moved from being a security agency to a regulatory agency…with sanctions reserved for those traders who attempted to move cargo across the border without first acquiring the necessary protection" (ibid., p. 87). These licit and illicit networks connected Iraqi communities with neighbouring countries, shaping an assemblage of tribal fiefdoms, warlords' racket activities and authorities' complicity (Parker and Moore, 2007). When the former Ba'athist members pledged allegiance to AQI, they brought to the organization the same modus operandi and taxation schemes.

Rising from the ashes of AQI and the convergence with former officials of the Iraqi Ba'athist regime, ISIL asserted itself as a proto-state over a contiguous area stretching between Iraq and the Syrian Arab Republic by retaking control of informal economies in both countries and securing a stream of cash flow to financially support the proclamation of the Caliphate in June 2014. Casting itself as a state-like authority, the organization chose to regulate the economy, rather than replace existing enterprises and institutions. Under Abu Bakr al-Baghdadi's leadership, the group went through "extensive structural reforms", expanding its presence in Sunni areas in northern Iraq, as well as across northern and eastern parts of the Syrian Arab Republic (Lister, 2015). Aside from a composite military command, al-Baghdadi oversaw the creation of a parallel bureaucracy to implement state-like functions in the territories under its jurisdiction, as well as to manage finances, personnel and day-to-day activities in accordance with standard procedures of reporting and auditing. ISIL took Al-Qaida's organizational model to the next level by territorializing the same hierarchical design on different geographical scales (from governorate level to district level) and "separating revenue-collection activities from disbursements and management" (Johnston and others, 2016, p. 79). Such a specialized administrative structure is charged with raising financial and

material resources by taxing economic activities, looting spoils of war, facilitating trade, providing social services to put local communities on the Caliphate's payroll and sustaining a war machine, which in late 2014 numbered about 20,000 to 31,500 fighters, according to estimates of the Central Intelligence Agency.

The absence of direct involvement in the smuggling of migrants on the part of ISIL seems to be confirmed by the money trail. Financial records captured by American and Iraqi forces provide an insider's look into the administrative structure and coffers of the organization, which reportedly managed to generate $1 million to $3 million per day by September 2014 (Johnston, 2014). These massive amounts of revenue provide evidence of a predatory political economy that thrived on a wide array of criminal practices – including oil and gas smuggling, antiquities and bank looting, kidnapping for ransom, extortion, taxation, delivery of water and energy services – to sustain prolonged and sophisticated military operations on several battlefronts. Contrary to the Al-Qaida network, ISIL financing does not rest primarily upon private donations; rather, it raises funds locally through the seizure of territory and control of informal cross-border economies in order to be financially independent (Levitt, 2014).

Disaggregated data do indeed show a diversified mechanism of revenue generation, which proved to be resilient even to territorial losses, with the theoretical value of assets increasing by 11 per cent by the end of 2015 (Center for the Analysis of Terrorism, 2016, p. 5). While the sale of natural resources (notably oil and natural gas, and to a lesser extent phosphate, cement and agricultural products) was by far the largest source of revenue, accounting for 80 per cent and 62 per cent of the total volume in 2014 and 2015, respectively (ibid.), ISIL resorted to a variety of criminal practices as complementary means of financing (Humud, Pirog and Rosen, 2015; Stergiou, 2016). The records outline a broad range of economic activities that involve a number of external, profit-motivated intermediaries (such as truckers, traders and cash couriers) who are charged passage fees and customs duties to move goods across the areas under the Caliphate's de facto jurisdiction. Yet the smuggling of migrants is never mentioned in the budgetary documents.

Today, despite recent military setbacks and heavy losses, which left ISIL with a few scattered pockets of resistance across Iraq and the Syrian Arab Republic, the argument presented above still holds. Despite a shrinking income base and a decimated workforce, the group remains vertical, hierarchical and territorially structured and has a rigid division of labour. The Caliphate has not entered into human smuggling – and it is unlikely to do so in the future (for more, see Achilli and Tinti, 2019).

Conclusion

The most significant challenge shared by MS-13 and ISIL is not their geographic variation, but rather centres on the organizations' differing reasons for operations. Traditionally, transnational organized criminal groups and terrorist organizations are approached as divergent groups. For transnational criminal organizations, economic objectives drive the groups' expansion, political interactions and territorial control (Dudley, 2010). Transnational criminal organizations operate as businesses intent on profit maximization and limiting risks. In contrast, terrorist organizations base their operations on ideological drivers, though there may be secondary objectives as well (Shelley and Melzer, 2008). Though these divergent, primary objectives remain an unresolvable difference among groups, there is an increasing focus in mainstream literature on how ideological terrorist organizations and profit-driven criminal groups are now converging and working together (Shaw and Mahadevan, 2018; Sanderson, 2004; Shelley and Melzer, 2008; Ferreira, 2019). Smuggling of humans is such a point of convergence.

In our research, however, we have not found consistent empirical data that could explain the alleged involvement of these groups in migrant smuggling. MS-13 and ISIL operate in two socially, politically and regionally distinct ways. Many of their revenue sources, illicit activities and business opportunities vary significantly. That said, there is one objective regarding which both groups converge: the drive to increase territorial control. This is important, as it relates to these transnational criminal organizations' relation to migrant smuggling. Both groups thrive in localized contexts by exerting physical control through violent means. This allows for the production, distribution and transport of goods (such as drugs and guns) or provision of services (such as supplying water and gas). Migrant facilitators and smuggling organizations, on the other hand, require geographic fluidity and an absence of hierarchical command structures to allow migrants access and to function when confronting increasingly militarized border enforcement structures.

While analysing the potential convergence between violent transnational non-state actors and migrant smugglers is a necessary endeavour, there is no empirical evidence to conflate these two groups. A closer look at MS-13 and ISIL shows that these organizations never consistently entered into the smuggling of migrants as a means of financing. It could be argued that smuggling may be considered an indirect source of revenue, as these organizations levy taxes on any (licit or illicit) cross-border economic activity, including the movement of people. However, passage fees are likely to constitute only a negligible part of their income in their highly diversified criminal portfolio.

Moreover, the two organizational models underline strikingly different purposes: whereas the hierarchical bureaucracy of transnational organized criminal groups is geared to acquire territorial control, horizontal smuggling networks "operate on a short timescale, responding to changing problems with flexible solutions" (Pastore, Monzini and Sciortino, 2006, p. 13).

In conclusion, deconstructing the largely artificial link between organized crime, terrorism and human smuggling has relevant policy implications. First, it supports the idea that targeting migrant smugglers and irregular migration at large does not damage criminal organizations such as the ISIL and MS-13, neither financially nor logistically. Second, this conflation and the subsequent militarization of border control expose migrants to greater dangers while not appropriately addressing smuggling or transnational organized criminal groups. As studies have demonstrated, even when smuggling involves more overt forms of exploitation, this exploitation is often consciously endorsed by its very "victims" as a means to enhance their own mobility in a situation of limited mobility (e.g. Achilli, 2017; Sánchez and Zhang, 2018). These individual and particular decisions, though, are not a reflection of the overall smuggling or transnational criminal operations, but rather a response to the criminalization of migrants' own mobility.

References

Achilli, Luigi. (2017). Smuggling and trafficking in human beings at the time of the Syrian conflict. In *Human Trafficking and Exploitation: Lessons from Europe.* Belachew Gebrewold, Johanna Kostenzer and Andreas Th. Müller. London: Taylor and Francis.

_____ (2018). The "good" smuggler: the ethics and morals of human smuggling among Syrians. *The ANNALS of the American Academy of Political and Social Science*, vol. 676, No. 1 (March), pp. 77–96.

Achilli, Luigi, and Alessandro Tinti (2019). Debunking the smuggler-terrorist nexus: human smuggling and the Islamic State in the Middle East. *Studies in Conflict and Terrorism*.

Andreas, Peter (2015). International politics and the illicit global economy. *Perspectives on Politics*, vol. 13, No. 3 (September), pp. 782–788.

Andreas, Peter, and Joel Wallman (2009). Illicit markets and violence: what is the relationship? *Crime, Law and Social Change*, vol. 52, No. 3 (March), pp. 225–229.

Baird, Theodore (2016). *Human smuggling in the Eastern Mediterranean*. London: Taylor and Francis.

Baird, Theodore, and Ilse van Liempt (2016). Scrutinising the double disadvantage: knowledge production in the messy field of migrant smuggling. *Journal of Ethnic and Migration Studies*, vol. 42, No. 3, pp. 400–417.

Bilger, Veronika, Martin Hofmann and Michael Jandl (2006). Human smuggling as a transnational service industry: evidence from Austria. *International Migration*, vol. 44, No. 4 (October), pp. 59–93.

Blancas Madrigal, Daniel (2017). Tráfico ilegal de migrantes en AL genera 7 mil mdd a la mafia: ONU, Crónica, 5 February.

Brigden, Noelle K. (2016). Improvised transnationalism: clandestine migration at the border of anthropology and international relations. *International Studies Quarterly*, vol. 60, No. 2 (June), pp. 343–354.

Campana, Paolo (2018). Out of Africa: the organization of migrant smuggling across the Mediterranean. *European Journal of Criminology*, vol. 15, No. 4 (January).

Center for the Analysis of Terrorism (2016). ISIS financing in 2015. Paris.

Chikovani, Irakli. (2016). Organised Crime and Migrants. Council of Europe, Parliamentary Assembly, Committee on Migration, Refugees and Displaced Persons, 8 January.

Chin, Ko-Lin (2001). The social organization of Chinese human smuggling. In *Global Human Smuggling: Comparative Perspectives*, David Kyle and Rey Koslowski, eds. Baltimore, Maryland, United States: Johns Hopkins University Press, pp. 216–234.

Colegio de la Frontera Norte (2017). Encuestas sobre migración en las fronteras norte y sur de México.

Coles, Isabel, and Ned Parker (2015). How Saddam's fighters help Islamic State rule. *Reuters*, 11 December.

Curran, Rob, and Andrew Nelson (2019). How immigrants from the impoverished corners of the Earth find their way across the border to Texas. *Dallas Morning News*, 23 June.

Customs and Border Protection (2018). U.S. Border Patrol Southwest border apprehensions by sector, fiscal year 2018, 23 October (last modified).

De Haas, Hein (2007). *The Myth of Invasion: Irregular Migration from West Africa to the Maghreb and the European Union*. Oxford: Oxford University, International Migration Institute.

Ditta, Elise (2016). Mexico, Colombia groups bring franchising model to Europe: Europol. InSight Crime, 11 April.

Donnelly, Robert, and Jacqueline Maria Hagan (2014). The dangerous journey: migrant smuggling from Mexico and Central America, Asia, and the Caribbean. In *Hidden Lives and Human Rights in the United States: Understanding the Controversies and Tragedies of Undocumented Immigration*, vol. 1, *History, Theories and Legislation*. Lois Ann Lorentzen, ed. Santa Barbara, California: Praeger, pp. 71–106.

Dudley, Steven S. (2010). Drug trafficking organizations in Central America: transportistas, Mexican cartels and Maras. Working Paper Series on U.S.-Mexico Security Collaboration. Washington, D.C.: Woodrow Wilson International Center for Scholars.

Dudley, Steven, and Héctor Silva Ávalos (2018). MS13 and international drug trafficking: gang project versus entrepreneurism. Insight Crime, 12 February.

Farah, Douglas (2013). Central America's Northern Triangle: a time for turmoil and transitions. *Prism*, vol. 4, No. 3.

Farah, Douglas, and Kathryn Babineau (2017). The evolution of the MS 13 in El Salvador and Honduras. *Prism*, vol. 7, No. 1 (September).

_____ (2018). The rapid evolution of the MS 13 in El Salvador and Honduras from gang to tier-one threat to Central America and U.S. security interests. Washington, D.C.: William J. Perry Center for Hemispheric Defense Studies.

Ferreira, Marcos Alan S. V. (2019). Brazilian criminal organizations as transnational violent non-state actors: a case study of the Primeiro Comando da Capital (PCC). *Trends in Organized Crime*, vol. 22, No. 1 (June), pp. 148–165.

Finklea, Kristin (2018). MS-13 in the United States and Federal Law Enforcement Efforts. Washington, D.C.: Congressional Research Service.

Fishman, Brian, and others (2008). *Bombers, Bank Accounts, and Bleedout: Al-Qa'ida's Road in and out of Iraq*. New York: Combating Terrorism Center at West Point.

Frontex (2017). *FRAN Q2 2017*. Frontex Risk Analysis Network Quarterly Report. Warsaw (April-June).

González, Daniel (2018). Why do migrant caravans from Central America travel to Tijuana, taking the longest route to the U.S.? *AZ Central*, 9 December.

Guerrero, Jean. (2016). Haitian, African migrants stream into Tijuana. *KBPS,* 3 June.

Herman, Emma (2006). Migration as a family business: the role of personal networks in the mobility phase of migration. *International Migration*, vol. 44, No. 4 (October), pp. 191–230.

Humud, Carla E., Robert L. Pirog and Liana Rosen (2015). Islamic State financing and US policy approaches. Washington, D.C.: Congressional Research Service.

Içduygu, Ahmet (2007). The politics of irregular migratory flows in the Mediterranean basin: economy, mobility and "illegality". *Mediterranean Politics*, vol. 12, No. 2, pp. 141–161.

Içduygu, Ahmet, and Sule Toktas (2002). How do smuggling and trafficking operate via irregular border crossings in the Middle East? Evidence from fieldwork in Turkey. *International Migration*, vol. 40, No. 6 (December), pp. 25–54.

InSight Crime, and Center for Latin American and Latino Studies (2018). *MS13 in the Americas: How the World's Most Notorious Gang Defies Logic, Resists Destruction.*

Izcara Palacios, Simón Pedro (2017). Tráfico de migrantes y terrorismo: Un vínculo infundado. *Política y Gobierno*, vol. 24, No. 2, pp. 333–369.

Jenks, Rosemary, and Robert Malloy (1996). The Illegal Immigration Reform and Immigrant Responsibility Act of 1996. *Inmigration Review*, No. 27.

Johnston, Patrick B. (2014). Countering ISIL's financing. Santa Monica: California: RAND Corporation.

Johnston, Patrick B., and others (2016). *Foundations of the Islamic State: Management, Money, and Terror in Iraq, 2005–2010*. Santa Monica, California: RAND Corporation.

Koser, Khalid (2008). Why migrant smuggling pays. *International Migration*, vol. 46, No. 2 (June), pp. 3–26.

Kyle, David, and John Dale (2001). Smuggling the state back in: agents of human smuggling reconsidered. In *Global Human Smuggling: Comparative Perspectives*, David Kyle and Rey Koslowski, eds. Baltimore, Maryland, United States: Johns Hopkins University Press, pp. 29–45.

Le, Vy, and Mark Adam Lauchs (2013). Models of South-East Asian organised crime drug operations in Queensland. *Asian Journal of Criminology*, vol. 8, No. 2 (June), pp. 69–87.

Leutert, Stephanie (2018). Trump has it backward: many migrants are victims of crime. *New York Times,* 18 September.

Leutert, Stephanie, and Caitlyn Yates (2017). Migrant smuggling along Mexico's highway system. Austin, Texas: University of Texas, Robert Strauss Center for International Security and Law.

Levi, Michael (2002). Organized crime. In *The Oxford Handbook of Criminology*, 2nd ed. Mike Maguire, Rodney Morgan and Robert Reiner, eds. Oxford: Oxford University Press, pp. 878–913.

Levitt, Matthew (2014). Terrorist financing and the Islamic State. Washington, D.C.: Washington Institute for Near East Policy.

Lister, Charles R. (2015). *The Islamic State: A Brief Introduction*. Washington, D.C.: Brookings Institution Press.

Maher, Stephanie (2017). Historicising "irregular" migration from Senegal to Europe. *Anti-Trafficking Review*, No. 9 (September).

Makarenko, Tamara (2004). The crime-terror continuum: tracing the interplay between transnational organised crime and terrorism. *Global Crime*, vol. 6, No. 1, pp. 129–145.

Massey, Douglas S., Jorge Durand and Karen A. Pren (2016). Why border enforcement backfired. *American Journal of Sociology*, vol. 121, No. 5 (March), pp. 1557–1600.

Miklaucic, Michael, and Jacqueline Brewer, eds. (2013). *Convergence: Illicit Networks and National Security in the Age of Globalization*. Washington, D.C.: National Defense University Press.

Napoleoni, Loretta (2017). *Merchants of Men: How Kidnapping, Ransom and Trafficking Fund Terrorism and ISIS*. London: Atlantic Books.

Okolski, Marek (2000). Illegality of International Population Movements in Poland. *International Migration*, vol. 38, No. 3 (February), pp. 57–89.

Paoli, Letizia (2002). The paradoxes of organized crime. *Crime, Law and Social Change*, vol. 37, No. 1 (January), pp. 51–97.

Paoli, Letizia, and Tom Vander Beken (2014). Organized crime: a contested concept. In *The Oxford Handbook of Organized Crime*, Letizia Paoli, ed. Oxford: Oxford University Press, pp. 13–31.

Parker, Christopher, and Pete Moore (2007). The war economy of Iraq. *Middle East Report*, vol. 37, No. 243, pp. 6–15.

Pastore, Ferruccio, Paola Monzini and Giuseppe Sciortino (2006). Schengen's soft underbelly? Irregular migration and human smuggling across land and sea borders to Italy. *International Migration*, vol. 44, No. 4 (October), pp. 95–119.

Pickering, Sharon (2004). Border terror: policing, forced migration and terrorism. *Global Change, Peace and Security*, vol. 16, No. 3, pp. 211–226.

Sánchez, Gabriella (2016). Women's Participation in the facilitation of human smuggling: the case of the US Southwest. *Geopolitics,* vol. 21, No. 2 (March), pp. 387–406.

_____ (2017). Beyond the matrix of oppression: reframing human smuggling through intersectionality – informed approaches. *Theoretical Criminology*, vol. 21, No. 1 (February), pp. 46–56.

_____ (2018). Mexico. In *Migrant Smuggling Data and Research: A Global Review of the Emerging Evidence Base*, vol. 2. Anna Triandafyllidou and M. L. McAuliffe, eds. Geneva: International Organization for Migration.

Sánchez, Gabriella, and Sheldon Zhang (2018). Rumors, encounters, collaborations, and survival: the migrant smuggling–drug trafficking nexus in the US southwest. *The ANNALS of the American Academy of Political and Social Science,* vol. 676, No. 1 (March), pp. 135–151.

Sanderson, Thomas M. (2004). Transnational terror and organized crime: blurring the lines. *SAIS Review of International Affairs*, vol. 24, No. 1, pp. 49–61.

Seelke, Clare Ribando (2016). Gangs in Central America. Washington, D.C.: Congressional Research Servic*e*.

Shaw, Mark, and Prem Mahadevan (2018). When terrorism and organized crime meet. Center for Security Studies Policy Perspectives Series, vols. 6 and 7.

Shelley, Louise I. (2014). *Dirty Entanglements: Corruption, Crime, and Terrorism.* Cambridge: Cambridge University Press.

Shelley, Louise I., and Sharon Melzer (2008). The nexus of organized crime and terrorism: two case studies in cigarette smuggling. *International Journal of Comparative and Applied Criminal Justice*, vol. 32, No. 1, pp. 43–63.

Slack, Jeremy, and Daniel E. Martínez (2018). What makes a good human smuggler? The differences between satisfaction with and recommendation of coyotes on the US-Mexico border. *The ANNALS of the American Academy of Political and Social Science*, vol. 676, No. 1 (March), pp. 152–173.

Soudijn, Melvin R. J., and Edward R. Kleemans (2009). Chinese organized crime and situational context: comparing human smuggling and synthetic drugs trafficking. *Crime, Law and Social Change*, vol. 52, No. 5, art. No. 457 (November).

Squires, Scott (2018). MS13 feud spreads to Mexico, but gang's presence remains limited. Insight Crime, 8 March.

Staring, Richard (2003). Smuggling aliens toward the Netherlands: the role of human smugglers and transnational networks. In *Global Organized Crime: Trends and Developments*, Dina Siegel, Henk van de Bunt and Damian Zaitch, eds. Dordrecht, The Netherlands: Kluwer Academic Publisher, pp. 105–116.

Stergiou, Dimitrios (2016). ISIS political economy: financing a terror state. *Journal of Money Laundering Control*, vol. 19, No. 2, pp. 189–207.

Triandafyllidou, Anna, and Thanos Maroukis (2012). *Migrant Smuggling: Irregular Migration from Asia and Africa to Europe*. London: Palgrave Macmillan.

United Nations (2000). Convention against Transnational Organized Crime. General Assembly resolution 55/25.

United Nations Office on Drugs and Crime (2012). Smuggling of migrants generates billions of dollars each year for criminals. 6 September.

United States Agency for International Development (2006). *Central America and Mexico Gangs Assessment*. Washington, D.C.: USAID Bureau for Latin America and the Caribbean.

Van Liempt, Ilse, and Jeroen Doomernik (2006). Migrant's agency in the smuggling process: the perspectives of smuggled migrants in the Netherlands. *International Migration*, vol. 44, No. 4 (October), pp. 165–190.

Van Liempt, Ilse, and Stephanie Sersli (2013). State responses and migrant experiences with human smuggling: a reality check. *Antipode*, vol. 45, No. 4 (September), pp. 1029–1046.

Vermeulen, Gert, Yasmin Van Damme and Wendy De Bondt (2010). Perceived involvement of "organised crime" in human trafficking and smuggling. *Revue Internationale de Droit Pénal*, vol. 81, Nos. 1 and 2, pp. 247–273.

Von Lampe, Klaus (2002). Organized crime research in perspective. In *Upperworld and Underworld in Cross-Border Crime*, Petrus C. Van Duyne, Klaus von Lampe and Nikos Passas, eds. Nijmegen, the Netherlands: Wolf Legal Publishers, pp. 189–198.

Washington Office on Latin America (2018). Youth gangs. Available at www.wola.org/youth-gangs/.

Yates, Caitlyn (2018). How Panama became the most treacherous crossing point for migrants on a long journey to the U.S. *Time Magazine*, 25 July.

Yates, Caitlyn, and Stephanie Leutert (2018). Migrant kidnapping in Mexico: regional differences. Austin, Texas: Strauss Center for International Security and Law (November).

Zhang, Sheldon X., Gabriella Sánchez and Luigi Achilli (2018). Crimes of solidarity in mobility: alternative views on migrant smuggling. *The ANNALS of the American Academy of Political and Social Science*, vol. 676, No. 1 (March), pp. 6–15.

ON THE KEY DISTINCTION BETWEEN TRAFFICKING AND SMUGGLING

Views and implications from the Horn of Africa and Southern Africa

Milena Belloni and Xolani Tshabalala

Abstract

The trafficking and smuggling of humans across international borders have often been treated as two sides of the same coin. Nevertheless, this article argues that the relationships and contexts from which trafficking in persons and migrant smuggling emerge are themselves different. Drawing from ethnographies on smuggling of migrants in the Horn of Africa and southern Africa, we show that smuggling practices, unlike trafficking ones, are characterized by significant ties between smugglers and the communities in which they operate. This article builds on a growing number of studies that highlight the community dimension of smuggling to suggest that anti-smuggling policies may end up being not only unsuccessful, but also harmful, as smugglers tend to be replaced by traffickers.

Keywords: smuggling, trafficking in persons, ethnography, community dimensions, social embeddedness

Introduction

The United Nations Convention against Transnational Organized Crime approaches international trafficking in persons, the smuggling of migrants and the illicit manufacturing of and trafficking in firearms and ammunition as all falling into one basket: that of transnational organized crime. Setting aside the firearms issue, this article suggests, on the basis of robust fieldwork from the Horn of Africa and Southern Africa, that framing smuggling as organized crime by conflating it with trafficking tends to ignore important differences between the contexts from which these two phenomena emerge. This confusion has critical consequences for how the two are understood and ultimately addressed. In line with an emerging strand of literature (see Zhang, Sánchez and Achilli, 2018), we show the distinctive features of smuggling and trafficking, while taking account of the continuum of structural violence in which both practices emerge.

Our work illustrates that smuggling practices usually approximate those of small-scale local and individual enterprises embedded in local cross-border economies (see also Spener, 2004; Hüsken, 2017; Majidi, 2018; Zhang, Sánchez and Achilli, 2018). We show that smuggling is characterized by a diversity of actors and roles that cannot be reduced to the label "smugglers". This diversity of roles sometimes blurs the boundaries between the formal and the informal, between State actors and private agents, between smuggled migrants and smugglers. We argue, therefore, that taking into account the embeddedness of smuggling practices in local "moral economies" (Majidi, 2018; Hüsken, 2017; Ayalew Mengiste, 2018) may be a helpful approach so as to better understand smuggling, and also to formulate policies that do not harm migrants. In particular, we illustrate how smugglers and their customers often share the same social and moral milieu, which ensures a certain level of trust and reciprocal control between them. This implies that, unlike trafficking, smuggling follows moral and social rules in spite of its illicit nature. Our suggestion is that, whenever these rooted and deeply socially embedded networks are dismantled by targeted actions of the State, criminal actors who have weaker connections with the community of the smuggled migrants may take their place. Thus, border crossings do not stop, but the vulnerability of migrants increases. This is a key complication in the formulation and implementation of both local and international responses to the phenomenon.

This article describes the contexts, roles and activities of actors in smuggling businesses within the Eritrean and South African-Zimbabwean societies. In spite of their differences,[1] both cases show the continuities between local economies and border regimes and the blurred boundaries between smuggling networks and migrants' communities. While reconstructing the social and moral contexts of border crossings in these two cases, we challenge conventional discourses in which smuggling is considered akin to trafficking and reflect on the counter-intuitive implications of policies that conflate these two phenomena.

The blurred boundaries of smuggling practices: a glimpse into the debate

Smuggling of migrants has received considerable attention from policymakers and scholars in the last 20 years (Salt and Stein, 1997; Pastore, Monzino and

---

[1]The two cases of border crossing presented in this article are different in many aspects. For Eritreans, crossing the border into Ethiopia or the Sudan is only the first step of a longer journey to Europe or other desired destinations. For Zimbabweans, on the other hand, the South African labour market is the destination. The two cases also differ in terms of regional political economies and histories, as we explain later.

Sciortino, 2006; Triandafyllidou and Maroukis, 2012). Although the two are separately defined in international protocols, smuggling has often been analysed in direct connection with trafficking (Aronowitz, 2001). In recent years, especially those studies focusing on the central Mediterranean corridor have focused on the current pervasive violence of the phenomenon in Libya and treated smuggling and trafficking as two intertwined businesses that blur into each other (e.g. Al-Dayel, Anfinson and Anfinson, 2021; Kushminder and Triandafyllidou, 2020; Phillips and Missbach, 2017). While the exploitative character of the business has often been highlighted, the aspect of moral, social and historical embeddedness in migrants' communities and local economies (Polanyi, 1968), with few exceptions (Hüsken, 2017; Sánchez, 2020), has been rather neglected.

However, scholars such as Majidi (2018), Sánchez (2017) and Spener (2004) have pointed out the community dimensions of these activities. Smugglers are often part of the same community of migrants they smuggle (often, they are migrants or even refugees themselves), tied in a web of obligations among families and large networks of acquaintances.

Moreover, from the inside, smuggling is often perceived as a legitimate activity, a protection mechanism or form of resistance (Spener, 2011; Ayalew Mengiste, 2018; Belloni, 2019, pp.101–117) against prohibitive border controls and migration policies.

This is where smuggling of migrants departs substantially from trafficking in persons. While the former could be considered a "facilitation service", the latter is intrinsically abusive. In arguing that smuggling and trafficking should be kept separate, the intention is not to neglect the fact that in some instances, smugglers collaborate with traffickers or become traffickers themselves. For example, several researchers (e.g. Kuschminder and Triandafyllidou, 2020; Van Reisen and Estefanos, 2017) have pointed out that migrants who are not able or willing to pay in Libya have been sold to traffickers trying to extract even larger sums of money from their families. Similarly, migrants who were not able to pay their transportation fees were subjected to kidnappings akin to trafficking along the South Africa-Zimbabwe border (e.g. Bunke, 2016). However, these instances may become more common under conditions of extreme securitization of cross-border mobility, or continuous power shifts such as those in contemporary Libya (Tinti and Reitano, 2018; Aziz, Monzini and Pastore, 2015). In other words, we argue that trafficking replaces smuggling when the mechanisms of social control and reciprocal trust between actors are disrupted by police interventions or pervasive unstable and insecure political circumstances. Dismantling smuggling as part of anti-crime initiatives does not destroy the practice itself (Achilli and Sánchez, 2017;

Triandafyllidou, 2018), but often creates room, as we show here, for more violent and unaccountable criminal networks that seek profits from irregular migration but are not bound by any moral or social obligations towards the migrants. This means that current smuggling and trafficking phenomena need to be analysed from a historical perspective that can account for continuities and discontinuities in the actors, networks and organizations involved in border-crossing activities.

While State-led public discourse sometimes presents smuggling as a cause of irregular migration and its dramatic consequences (e.g. Sharma, 2003; Mountz, 2003), little attention is paid to the blurred boundaries between the local State apparatus and clandestine crossings, with some exceptions (Coplan 2012; Tshabalala, 2016; Nshimbi and Moyo, 2016). From the late apartheid period in South Africa to the present, for instance, blurred boundaries between official border enforcement and private enterprise interests have often implicated South African border officials in clandestine cross-border "operations" to enforce the policies of apartheid as well as to enhance migrant labour absorption into the economy (Ellis 1999). Research from elsewhere in the continent provides further examples. In the wake of Europe's external border securitization strategies in the Sahara region, attempts to forestall the smuggling of African migrants into Europe have been counterproductive. In the Niger, protection rackets that use patronage networks that lead back to the State have gained prominence. Their functioning seems to have brought about the unintended and acknowledged existence of smuggling as a safer way around prohibitive border controls, thus undermining European-sponsored protection efforts.

Methodology: the value of ethnography

This article draws from ethnographic research conducted separately by the two authors on migration from the Horn of Africa and at the South Africa-Zimbabwe border. Ethnographies of migrant smuggling are extremely rare, owing to the irregular nature of the activities and the high level of trust needed to have access to the field, as well as the safety and ethical issues surrounding its participants and practices. One notable exception is a recent special journal issue edited by Zhang, Sánchez and Achilli (2018), collecting ethnographic studies on migrant smuggling from different geographic contexts. As the editors highlight, the more closely scholars examine smuggling practices, the more they are able to put forward unconventional perspectives that can counteract the dominant rhetoric. In this sense, both the field studies presented here aim to undermine common clichés about smuggling.

Research on migration from Eritrea to Europe consisted of a multi-site ethnography covering multiple key locations across Eritrea, Ethiopia, Italy and the Sudan (2012–2014). That research aimed to reconstruct the political, socioeconomic and cultural factors that produce and reproduce geographic mobility at different stages of the migration process (Belloni, 2019). It benefited from participant observations of refugee life and smugglers at the urban peripheries of Addis Ababa and Khartoum. Living with refugees eventually facilitated contact with smugglers in the two cities, a lengthy process that demands a considerable investment of time and trust, prime social goods in informal networks.

Research across the South Africa-Zimbabwe border involved following private cross-border transport operators as they transported goods, money, people, passports and different forms of contraband between the two countries (2013–2017). The research sought to explore how everyday experiences of crossing the Beitbridge border connected to the lives that migrants eventually lived while working in South Africa. Participant observations of transport operators and qualitative interviews with undocumented migrants, State officials and other facilitators of movement across the formal-informal divide were complemented by an extensive review of secondary data on the nature of interactions between State officials, cross-border transporters and undocumented migrants. Common ethical dilemmas, including the tension between participants' vulnerability and their illegal activities, and the difficulties of obtaining standard informed consent constantly tested the difficult balance between adhering to the dictates of scientific rigour and researching hidden practices (see for example, Belloni, 2019, pp. 147–167). Both case studies underscore the close connections between migrant smuggling and the communities it emerges from. This nexus is crucial in framing debates on the emergence, persistence and evolution of smuggling practices and policy responses to them.

Border crossings in the Horn of Africa and Southern Africa: the context

Clandestine border crossings are not new experiences for people from Eritrea and Southern Africa. In both cases, contemporary border crossings and related smuggling practices are rooted in historical contexts of geographic mobility. In the Eritrean case, migration is embedded in a history of war, political turmoil and livelihood disruption. In the case of Zimbabwe, border crossing emerges from a partial structural dependency of the South African economy on Zimbabwean labour.

The long history of Eritreans crossing borders

Because of war, deprivation and lack of freedom, international migration has been a systematic experience of Eritreans since the 1960s, when the 30-year war of independence against Ethiopia started (Kibreab, 1987). Although migration has always been part of the livelihood strategies of many local groups, the war produced over a million displaced people in the surrounding countries, as well as in Europe, the United States and the Middle East (Getahun, 2007; Thiolet, 2011). After a few years of peace (1991-1998), a new border conflict began with Ethiopia, leading to more displacement and death (Negash and Tronvoll, 2000). Although the open conflict ended in 2000, the relationship with Ethiopia remained tense until 2018 and led to a harshening of the political and living conditions in the country (Woldemikael, 2018). These circumstances have been at the root of a massive escape of young people in the last two decades. Out of a population of about 5 million, more than 1 million Eritreans are in the diaspora and some 500,000 in refugee-like situations, as reported in 2019 by the Office of the United Nations High Commissioner for Refugees). Tens of thousands embark on extremely risky journeys across the Sudan, Egypt and Libya to seek asylum in Europe (Belloni, 2019). This massive movement of people has been facilitated – in the past, as well as today – by different kinds of "smugglers".

History books about Eritrea, private chronicles from the 1970s and 1980s and oral narrations by first-generation refugees (Getahun, 2007) show that many mechanisms of the contemporary smuggling process have been in place for a long time. Like contemporary refugees, Eritreans and Ethiopians migrating to the Sudan in the 1980s used to flee with the help of local guides. To reach a safe destination they had to embark on complicated and risky journeys involving forged papers and irregular passages across borders, assisted by facilitators. Bandits and violent predators were also active along borders. These historical considerations are key to understanding how irregular migration and the business around it have developed over the years as a community response to the structural violence of Governments back home and of border enforcements.

Rooted regional mobilities and dependency: South Africa and Zimbabwe

Border crossings from Zimbabwe to South Africa are also embedded in a long history of movements in the region, mostly anchored in structural arrangements of the labour market. The emergence of large-scale mining and agriculture enterprises in the area around present-day South Africa, and the initial

reluctance of Africans to participate in wage labour, encouraged the invention of novel strategies of labour mobilization. The displacement and dispossession of indigenous Southern Africans from their land disrupted their systems of subsistence (Wolpe, 1972; Terreblanche, 2003), leading to their coercion into wage labour, which led to the development of an enduring regional migrant labour system. Labour coercion was aided by recruiting strategies to which the colonial State turned a blind eye.

Practices of facilitation that revolve around the business of transporting goods and people evolve from a past (Thebe, 2011) that incorporates the relative subservience of Zimbabwean labour and the associated exodus of a significant portion of the country's able-bodied population (Crush and Tevera, 2010) to South Africa. An ad hoc and reactionary development of post-1994 South African immigration policies, on the other hand, is sometimes seen as a result (Schierup, 2016). Migrant labour, its quasi-formal facilitation and the involvement of State officials in these practices are characteristic of the entanglement of formal and informal processes in the kinds of facilitation of cross-border mobility that inform a largely benign smuggling enterprise. Such entanglements between State officials, facilitators and migrants are not new. Broadly speaking, they shine a light on the role that the State, private capital enterprises and cheap regional (Zimbabwean) labour have played in shaping the different kinds of human mobility across the Beitbridge border for a century and a half (Van Onselen, 1976; Jeeves, 1983).

Multiple identities in the smuggling business: profiles, services and relevance

The phenomenon of smuggling, we argue, is one that is generally conceived of, discussed and ultimately confronted for conceptual, policy and practical purposes with wilful neglect of context. Even though scholars point to the larger socioeconomic and political matrix of inequalities that produce and reproduce irregular migration, smugglers often become, in official discourse, the chief culprits of unauthorized migration and its tragedies. Often conflated with traffickers, they are pictured exclusively as ruthlessly exploitative actors. However, a closer look at smuggling reveals a largely different image of smugglers, as well as their relationships with their clients and with the actors of border regime enforcement (Majidi, 2018; Achilli, 2016). Drawing from our two case studies, we show the diversity of roles hidden beneath the label of "smuggling" and how the activities of different actors illuminate the continuities between migrants' communities, smuggling and State operations.

The many names of "smugglers": actors in Eritrean and Southern African undocumented migration

Name	Geographic area	Roles and services
Pilot	Eritrea, Ethiopia, Libya, Sudan	Local guide at borders
Hawala	Eritrea, Ethiopia, Libya, Sudan	Financial transactions
Semsari or delalai	Eritrea, Ethiopia, Libya, Sudan	Middleman
Omalayitsha	Along the Bulawayo Road and at the Beitbridge border	Transport goods, people, holder-less passports and contraband
Impisi	Near the Beitbridge border	Guide undocumented migrants across the river, through bushes and through checkpoints at the border
Osompisi (State officials, e.g. immigration, customs, police, military and highway patrol officers)	Official border perimeters and along highways	Enforce immigration, customs and highway traffic regulations
Emabhasini (bus drivers and operators)	At borders	Transport passengers, including undocumented migrants, across borders, as well as holder-less passports
Matsotsi (petty criminals)	Beitbridge border (Zimbabwe side)	Car washing, petty trade, guiding undocumented migrants through border perimeters and through checkpoints
Amagumaguma (bandits)	The Limpopo bush	Attack "border jumpers", rob, rape and sometimes kill them. Can have alliances with matsotsi

Diversity of roles: smuggling in Eritrea

The field research among Eritrean refugees in Eritrea, Ethiopia and the Sudan revealed a complex universe of professionals facilitating irregular migration. Hawala, pilot, *delalai* and *semsari* are some of the most common terms used to define the insiders of the migration business. There was a wide variety of individuals with different roles, tasks and motivations for allowing the irregular passage of Eritreans from one country to another. It became clear that mainstream categories of the international debate, such as "smugglers" and "traffickers", did not make much sense in the Eritrean context.

Hawalas: the money transfer agents

Hawalas are the financial agents of an informal money transfer system. This system is based on the transfer of debt from one person to another. The

hawala system originates in contexts where there is no institutional banking or when a formal financial service is not convenient (Schaeffer, 2008; Lindley, 2009; Ballard, 2005).[2] In the case of Eritrea, the hawala system makes it possible to get around the exchange rates, which do not follow the currency market, but are fixed by the Government. It also enables refugees to support families back home without contributing to the political system they are escaping from, which systematically assumes the role of "gatekeeper" of resources coming from abroad, through a number of financial, political and bureaucratic mechanisms that have been widely discussed in the literature (Woldemikael, 2018; Belloni, 2019).

The role of hawalas is key in the smuggling business, as the transactions of money between smugglers, refugees and relatives abroad who may pay for the journey usually take place through informal circuits. This system mostly works through transfers of credit: the refugee's relative, who usually lives in Europe or the United States, pays a local hawala with cash; this hawala has contact with another hawala in Eritrea, Ethiopia, Libya or the Sudan, who pays the money to the smuggler who has provided the service. For this service both hawalas will take a commission and will settle up with each other. However, their role in the Eritrean economy is much wider. In fact, the greater part of their business consists of enabling migrants to make remittances back home and support the survival of their families. With regard to Somalia, Lindley (2009) argues that these services sustain local livelihoods and alleviate suffering. It is important to highlight that the hawala system, like smuggling, as we show later, can take place only in a shared moral economy ruled by trust. A system based on debt transfers is possible if there is trust between agents and between them and the customers.

Hawalas are targeted by Western and African Governments. In 2015, the Eritrean Government enacted a series of financial interventions that severely affected the business of hawalas, as well as the positive impact of remittances and the purchasing power of locals. This may have also indirectly influenced the ability of relatives abroad to finance journeys out of the home country and led, along with other factors, to the decrease in Eritrean arrivals in Europe in recent years (Belloni, 2016).

Pilots: the local guides

"Pilot" is the word used by Eritreans to refer to the guide. The guides are usually responsible for accompanying escapees across the Eritrean borders. In

---

[2] This practice is centuries old and well known – albeit by different names – not only in Eritrea, but in the whole Horn of Africa, the Middle East and South and East Asia (Ismail, 2007; El Qorchi, Maimbo and Wilson, 2003).

the literature on Mexico-United States border crossings, these professionals are called "coyotes" (Spener, 2004). This role is especially important for crossings between Eritrea and Ethiopia and between Eritrea and the Sudan, which are mostly done on foot. Professional pilots are mostly Eritreans who have a good knowledge of the territories around the border, because of military experience or because they grew up in border areas.

Drivers, boatmen and migrants

Depending on the section of the journey, drivers and boatmen become crucial facilitators for migrants. Drivers, for instance, are pivotal in carrying Eritreans across the Sahara; boatmen transport them across the sea. These roles are often played by local actors – Ethiopians in Ethiopia, Libyans in Libya, Sudanese in the Sudan – even if different nationalities may become involved at different times, depending on the available opportunities and means (Pastore, Monzini and Sciortino, 2006; Coluccello and Massey, 2007; Breines and others, 2015; Tinti and Reitano, 2018). For instance, Tunisian and Egyptian fishermen were reported to be piloting boats from Libya to Italy in 2015 (Aziz, Monzini and Pastore, 2015). At times, migrants themselves with previous marine experience can drive the boats in exchange for a free place onboard. For this reason, Ricard-Guay (2018) points to the importance of not criminalizing those migrants who steer boats across the Mediterranean Sea. This further shows how the boundaries between smuggled migrants and smugglers are blurred. It is important to highlight here that, whereas these actors are generically referred to as "smugglers" by prosecutors, the press and international agencies, they are only one of the many kinds of operators in the border-crossing business.

Brokers: connecting supply and demand

Brokers, or middlemen, are the ones who connect the demand for mobility with those who can supply the means to make this mobility possible in spite of border regulations. They are the ones who connect migrants with drivers, pilots, residence owners, etc. They are usually able to provide a wide range of services, from fake papers (such as national identity cards and passports), to "business marriages"[3] and irregular border crossings. Different *semserti* (plural of *semsari*) are specialized in different services, depending on their contacts with local administrations, pilots, drivers and military officers.

---

[3] "Business marriage" is the term used by Eritreans to refer to a marriage that has been paid for so that one of the partners can obtain a family visa to join the spouse in the destination country (Belloni, 2019).

However, often there is more than one person who takes a commission for connecting the demand for mobility and the supply of services. If someone needs to go through several people before achieving contact with a pilot who can accompany the escapee across the border, that person usually pays not only the pilot but also several other people who made the connection possible. This means that the longer the chain of people that connects the customer and the pilot, the more expensive the trip is.

This shows how hard it is to draw clear-cut distinctions between refugees and middlemen, victims and exploiters. Most middlemen are Eritreans, often refugees themselves trying to survive in situations of protracted displacement. However, there are degrees of professionalism, commitment and expertise within the universe of middlemen, as we will show in later sections after having discussed the diversity of roles involved in crossing the South African-Zimbabwean border.

Facilitating everyday movement across the Beitbridge border post between South Africa and Zimbabwe

Generally speaking, two types of facilitators are active along the border between South Africa and Zimbabwe. Private transport operators (*omalayitsha*) and regular bus drivers comprise the first type. Because of their familiarity with the border, they have the networks and knowledge to help the migrants upon whom their businesses depend. *Omalayitsha* and bus drivers build their businesses around a core of usual and familiar clientele (Thebe, 2011). They are the most common actors in the business of facilitation, often using their private cars to take mainly second-hand goods and basic groceries across the border from South Africa. Often they also transport undocumented migrants from Zimbabwe on their way back. Together with *emabhasini*, *omalayitsha* also bring passports for official short-stay residence stamps issued at the border, on behalf of Zimbabweans working and living in South Africa without work permits or long-term residence permits.

The second type includes *impisi* and *matsotsi*. *Impisi* and *matsotsi* may or may not be originally from the border town where they operate. Their weak links with both the local community and the migrants means that they are not always bound by moral codes, and are also often accused of lacking any such code. Generally, both types of facilitators also have the trust of State officials. Smugglers, their networks and their practices tend to negate the official-unofficial, formal-informal, and legal and licit divides. Names such as *osompisi*, *impisi*, *omalayitsha* and *emabhasini* all capture this diversity of identities and their associated practices.

Amagumaguma tend to take on a darker identity, which may mark the transition from smuggling into trafficking. By expressing themselves through physical violence and a cynical disregard for any moral codes, *amagumaguma* routinely waylay "border jumpers" in the bushes along the Limpopo River and are known to rape, rob and intimidate migrants. Meanwhile, *matsotsi* – a label they earn from State officials – sometimes help travellers bypass *amagumaguma*, as well as official border checks, by leading them to holes punched through the border fences. Military patrols along the perimeter of the border post and along the border suggest that State officials are aware of these practices.

These practices imply that there is collaboration between border police, State functionaries and smugglers. The depth of facilitation implies that *omalayitsha* are routinely able to acquire passport stamps from State immigration officials. This is where *impisi* (hyenas) and *osompisi* (those who hunt, ambush or trap hyenas – in other words, State officials) meet. If *osompisi* are a relatively obvious group (customs, immigration, police, highway patrol and military officials charged with border enforcement), *impisi* are a more fluid group. They are often local "fixers" who act as guides through security checkpoints or through the bush trails. They solicit residence stamps for passports, negotiate with customs officials with regard to undeclared goods or sometimes play the role of *omalayitsha,* bus drivers and conductors themselves.

The distinctions between *osompisi, impisi, omalayitsha* and *emabhasini* on one hand, and *amagumaguma* and *matsotsi* on the other, appear to approximate the distinctions between smuggling and trafficking (Achilli and Sánchez, 2017; Tinti and Reitano, 2018). Smugglers are often entangled with migrants who seek their services, and in the case of the South Africa-Zimbabwe border, with State officials who are keen to facilitate movement for a fee. Traffickers, on the other hand, simply seek to benefit from preying on undocumented migrants who lack access to the protection and safer crossing routes known to smugglers. As will be shown below, when smuggling activities are affected adversely in any way, irregular migrants seek more dangerous alternatives for crossing, and consequently they lack connections to a more facilitative context of smuggling and fall prey to the more violent, abusive and exploitative actions of traffickers and their criminal networks.

Distinguishing between smuggling and trafficking in the field

This section discusses the embeddedness of smuggling practices in local communities, as well as in legal State structures. Following the work of scholars

such as Zhang (2007), Spener (2003), Sánchez (2017) and Majidi (2018), it shows how the smuggling of migrants in the Horn of Africa and Southern Africa is carried out by a wide range of loosely linked small-scale actors in more or less legal positions (Pastore, Monzini and Sciortino, 2006; Spener, 2004; Van Liempt and Doomernik, 2006). These activities usually take place in a moral and social space of reciprocal control and obligation between service providers and customers. Contrary to the widespread assumption that smuggling can be equated with organized crime carried out by powerful mafia groups (e.g. Coluccello, 2007), smugglers whom the two authors met in the Eritrean and Zimbabwean migration contexts were usually part of the communities they served.

As Ayalew Mengiste (2018, p. 70) has argued, migrant smuggling emerges as a sort of "community knowledge" and provides "protective mechanisms that reduce migrants' vulnerability". These close-knit relationships mark the gap between trafficking and smuggling. Although these two phenomena are often treated as equivalent by policies, media and scholars (Shelley, 2014; Aronowitz, 2001), they are intrinsically different in their aims and modus operandi. The most important implication of this argument is that, whenever smugglers are targeted by border enforcement operations or have to stop their business for security reasons, their activities can be replaced by those of traffickers, with clear negative repercussions for migrants' lives.

Instances from Eritrea, Ethiopia and the Sudan

In 2014 one of the authors interviewed Tsegay in Addis Ababa. Tsegay was in business with a partner. Their network of drivers, assistants and agents was not stable and hierarchically structured; rather it was flexible, depending on calculations of opportunity cost and based on trust. Similarly, the business run by Michael, a broker whom the same co-author interviewed in Khartoum, also in 2014, was a one-man enterprise. Michael had many collaborators, such as "people collectors" in camps, pilots, hawalas, drivers and other *delalai* in Libya, but they did not see themselves as Michael's employees. Their cooperation was based on trust and convenience, not on a hierarchically structured transnational organization.

According to Tsegay's and Michael's statements, the smuggling market was based on free competition and low barriers to entry (see also Spener, 2004). Tsegay and Michael explained that it was not difficult for them to start their businesses: they just needed a few good contacts. Other smugglers did not prevent them from starting up. Smugglers compete to provide the best quality and range of services, as well as the lowest price. The prices are not fixed, but

vary according to the amounts charged by the pilot and *delalai*. Tsegay, for example, was trying to keep his prices low because he needed customers, as his name was not so well known yet.

Smuggling and trafficking: not the same thing

While driving around Khartoum, Michael pointed out some flashy restaurants serving Middle Eastern cuisine at the side of a busy road and told the co-author: "These are the shops of the killers. They sell our people like beasts. I am a *semsari*, but I have humanity."

The people whom Michael referred to as "killers" were what international conventions call traffickers,[4] that is, criminals who aim to exploit other human beings, usually in the sex industry, forced labour and human organs markets. They are usually distinguishable from smugglers because they recruit their victims by force, while the smugglers' services are usually sought out by the migrants. In the context of Eritrean migration, the Rashaida ethnic group is infamous for kidnapping refugees who tried to cross the Sinai from Egypt to reach Israel. These "killers" would take their victims to their bases in the Sinai desert and torture them so that their screams would convince the families abroad to pay a ransom, which can amount to as much as $50,000 (Van Reisen and Rijken, 2015). Similar instances of kidnappings associated with extortion have become increasingly common in Libya since 2015 (Tinti and Reitano, 2018; Aziz, Monzini and Pastore, 2015).

In contrast to this image of the killers, both Michael and Tsegay portrayed themselves as brokers with humanity, a sense of responsibility and morality. "I never sold people to Rashaida!" Michael stated on several occasions. "I care for my customers… I paid money from my own pocket to free my customers when they got caught by kidnappers or the police!" Similarly, Tsegay highlighted that ensuring the well-being of his customers was part of his duty. Tsegay's and Michael's claims of being responsible for their customers can be interpreted as part of their ethical code or an expression of empathy for the group of refugees they smuggled, but it was also a marketing strategy. Tsegay freely admitted that "to take responsibility" was a necessity for the success of his affairs: "If someone I send dies, I lose customers", he stated bluntly.

Unlike traffickers, smugglers base their business on popularity, built by word of mouth among customers (cf. Bilger, Hofmann and Jandl, 2006; Van Liempt and Doomernik, 2006). The death or imprisonment of some

---

[4]For an official definition of trafficking, see UNODC, Human Trafficking. Available at www.unodc.org/.

customers would mean that subsequent refugees would prefer another *dela-lai. Semserti* will be held responsible by other refugees and their families if something goes wrong, and for this reason, collaboration with trustworthy partners (pilots, drivers, *semserti*) and control of the whole smuggling process were crucial tasks in Michael's and Tsegay's businesses. Although it is often claimed that smugglers earn huge amounts of money without facing significant risks, the Eritrean context seems to point in another direction. The risks for those who practise this profession in Eritrea are extremely high, as those who enable others to escape from the country are sent to the harshest prisons (Belloni, 2019). Moreover, as several refugees and smugglers pointed out on several occasions, risks can arise from being part of the same community of smuggled migrants, who may retaliate against the smuggler's family members if things do not go well.

The social embeddedness of smuggling in the community is evident when one looks at the relationships of trust and social control that underpin these activities, as opposed to those of traffickers. This embeddedness leads to higher levels of safety for the migrants (Ayalew Mengiste, 2018), which has an important implication for anti-smuggling policies. Whenever deeply rooted social networks are dismantled, their place can be taken by criminal networks that have no connection with the communities of the smuggled migrants. This could be the case of contemporary Libya, where long-standing smuggling businesses have lost their positions in the market owing to the increasingly unstable conditions in the country. Describing the changing Libyan situation since the 2014 civil war, Aziz, Monzini and Pastore (2015, pp. 48–49) observe that the increased vulnerability of migrants in Libya has resulted from violent new competitors entering the smuggling business:

> [I]t would appear that smugglers are faced with certain difficulties: as the business of moving migrants and extorting money from them has proven successful, other social actors are moving in to share the profits. Consequently, one of the main tasks in running the smuggling business "safely" is dealing with the other actors interested in the exploitation of migrants. To this end, negotiations are conducted and business connections are made. Another aspect worth mentioning is that the insecurity and lack of centralized state control in Libya have left the smugglers organising departures by sea at the mercy of "unfair" competitors.

It would be interesting to know to what extent targeted anti-smuggling actions fuelled by Europe's urge to defend its external borders (Albahari, 2018) have contributed to increasing migrants' vulnerability by eliminating those actors who had long-term connections with migrants' communities. For instance, two major operations by Italian authorities in 2016 resulted in the arrests of

several smugglers active in Europe and Libya, most of whom were Eritrean nationals (Breines and others, 2015; Sahan Foundation, 2016). The operations also identified some of the most prominent Eritrean and Ethiopian smugglers in Libya. While European borders have been increasingly securitized and Eritrean brokers have been progressively replaced by Libyan militias, human rights abuses and torture among migrants have increased.[5] All this seems to indicate that when targeting irregular border crossings and those who facilitate them, anti-smuggling policies should also take into account the consequences of their actions on migrants' vulnerability.

Instances from South Africa and Zimbabwe

Gatsheni and the cross-border transport business

Gatsheni runs a successful retail business in the deep recesses of Matabeleland South in Zimbabwe, where he was born. He also maintains a thriving informal cross-border transport enterprise. He is part of a large and growing number of such transporters, estimated to form a significant part of the 11,633 cross-border transport operators registered in South Africa (Cross-Border Road Transport Agency, 2016).

Gatsheni became a transporter by responding to regular requests from Zimbabwean migrants in South Africa who needed to send goods to their relatives back home. At the time, he was an undocumented gardener in South Africa, and he realized that there was a market gap that he could fill. Gatsheni's business illustrates the embeddedness of smuggling in local economies and communities. As Thebe (2011) has shown, transport along the South Africa-Zimbabwe corridor emerged mainly organically. In the absence of formalized alternatives, migrants resorted to asking friends and relatives to carry them or their goods between the two countries. Increasing numbers of undocumented would-be migrants inevitably resulted in the commercialization of this practice, even though its model largely relies on networks of trust to function. Gatsheni has both Zimbabwean and South African official identification documents. He uses a Zimbabwean passport, while his vehicles bear South African registration numbers. "It makes my life easier at the border," he once said. All such transporters, however, engage in practices that weave in and out of official regulations, enlisting the help of State officials through bribery and networks of trust and acquaintance, or through simple roadside haggling, to bypass any bureaucratic red tape they might find along the way.

---

[5] REACH and UNHCR, "Mixed migration routes and dynamics in Libya: the impact of EU migration measures on mixed migration in Libya", online briefing, April 2018.

In 1971, Gatsheni left his father's home to go to South Africa. Lacking both documents and means of direct transportation, he hitchhiked through Botswana and the north-western territories of apartheid South Africa. He reached Johannesburg after several months of manual labour along the way, and became one of many "employed prohibited natives" (or black Africans) who were often exploitatively employed owing to their racially inferior status in the colonial and apartheid social structure (Bolt, 2012, Tshabalala, 2017). Narrating his steady movement towards Johannesburg, Gatsheni recounted his experience in relation to "phantoms", white men with guns. He was alluding to the history of State-legitimized banditry and forced labour in 1970s South Africa. By handing over the task of policing cross-border mobility to white farmers living along the border with colonial Rhodesia (present-day Zimbabwe) as a way of dismantling smuggling practices along the border, the State enabled the farmers to convert the undocumented migrants they caught into forced labour for their own use (Johnson, 1990).

In the present as in the past, a seemingly tough and yet pliable border enforcement regime offers lucrative opportunities for different actors seeking to augment their economic advantage. These include low-paid State officials on both sides of the border and businesses that rely on unskilled and undocumented labour from Zimbabwe, as well as private transporters such as Gatsheni, local *matsotsi* and others. This illustrates that when the governance of cross-border movements is securitized, and irregular migration is policed, undocumented migrants become more vulnerable to exploitation and abuse. While the aim may be to reduce smuggling, the opposite may in fact result. Because the stakes are raised, smuggling becomes even more expensive. This may also cede the initiative to traffickers, with whom migrants may not have any relationships.

Chekete: border perimeter fences, amagumaguma, and trafficking

Upon one's arrival at the Beitbridge border post in Zimbabwe, on the way to South Africa, a chaotic ensemble of cars can be seen gathered up the ridge to the right, just outside the border perimeter gate. Venturing up the ridge and looking beyond, one can see a ramshackle car-wash facility between the improvised car park and residences housing State officials further down. This is where Chekete ordinarily hangs out. Chekete is one of several car washers sitting outside the border fence and washing the odd car. He is one of the *matsotsi* adept at touting their services as local "fixers" in the border area.

Chekete is in his late twenties, and he speaks Shona – the language most Zimbabweans speak – with a heavy accent. This marks him out as not from the local area, and like many who now work formally and informally at

Beitbridge, he was drawn by the opportunities the town offers as a transit space for migrants. His car-washing business connects to a more lucrative income stream: the business of facilitating undocumented movements across the border. Unlike Gatsheni and other *omalayitsha*, who maintain more solid connections with migrants, Chekete befriends State officials. This, to some extent, helps him to escape trouble when he is caught on the wrong side of the law. While guiding undocumented migrants across the border, *matsotsi* can easily betray migrants and commit robbery, rape and even murder.

One morning, Chekete led the researcher to a hole on the western side of the Beitbridge border perimeter fence. For passage through the fence, Chekete and the soldier waiting on the other side demanded a substantial payment. When the researcher met Chekete a few days later, they discussed how people working at the border tend to be opportunistic. Because of the transitory nature of this environment, everyone who seeks to make money there tends to have a ruthless entrepreneurial streak. This attitude is not limited to petty opportunists such as Chekete, but rather describes the entire border ecosystem. At Beitbridge, cross-border mobility has tended to become commodified, incorporating profit motives in all facets of cross-border movement. But the activity is also imbued with unbridled violence. Sometimes Chekete and other *impisi* take "border jumpers" through the bush crossing, where, unbeknown to their clients, *amagumaguma* rob them. When smugglers lack strong connections to the local community and to the migrants, the smuggling can mutate into criminal behaviour akin to trafficking.

Conclusions: anti-smuggling policies and their implications

This article has ethnographically shown the difference between traffickers and smugglers. While the former tend to operate from outside the communities of Eritrean and Zimbabwean migrants, smugglers and their activities are morally and socially embedded in those communities. This does not mean that violence cannot occur in some cases of smuggling, or that smuggling cannot turn into trafficking. However, the ethnographic material illustrates that smuggling blurs into trafficking when the moral and social bonds with the communities of migrants themselves are weakened, usually by either geopolitical shifts on the ground or border enforcement policies.

Together with a growing number of scholars (such as Ayalew Mengiste, 2018; Zhang, Sánchez and Achilli, 2018), we argue that smuggling should be analysed as a service that often protects migrants and provides them with the knowledge and means to leave situations of protracted displacement (in the

Eritrean case) or structural marginality (in the Zimbabwean case). Although it would be unrealistic to support the decriminalization of migrant smuggling, this article's intention is to draw attention to some of the implications that anti-smuggling policies may have in contexts of structural inequalities that continuously reproduce the demand for geographic mobility.

As Nicholas De Genova (2017) and many other scholars working on border enforcement (Lutterbeck, 2006; Andersson, 2014; Sheel, 2017) have argued, it appears that the growing severity of immigration policy condemns even more potential migrants to irregularity and danger. This is evident in the case of Southern Africa. South Africa structurally depends on the Zimbabwean labour force, but the State continues to criminalize undocumented migrants and those who assist them. While on the South African side of the Beitbridge border post farmers stand ready to receive undocumented migrants who sneak in, ready to work on their farms, the State continues to hold on to the rhetoric and practice of shutting out low-skilled migratory movements. Meanwhile, Zimbabweans routinely trickle through, often with the help of a variety of facilitators, border agents and State functionaries (Tshabalala, 2017).

There is still one more disturbing implication of anti-smuggling policies. If smuggling is a protective mechanism from below (Ayalew Mengiste, 2018), targeting it means dismantling the possibility for migrants to defend themselves from abusive and exploitative trafficking practices, which inevitably arise when huge profits are at stake. Instances from the Eritrean and Zimbabwean cases point in this direction.

Finally, our analyses of the Eritrean and Zimbabwean migration contexts show the importance of history for making sense of smuggling and trafficking dynamics. While current analyses of trafficking and smuggling are mostly focused only on the present, our paper aims to account for the continuities and the shifts of the smuggling business in continuously changing sociocultural, economic and political contexts. Historically informed analyses are crucial for understanding the distinct nature of these two kinds of business and their reciprocal relationship in uncertain political and security circumstances.

References

Achilli, Luigi (2016). Irregular migration to the EU and human smuggling in the Mediterranean: the nexus between organized crime and irregular migration. In *IEMed Mediterranean Yearbook 2016*. Barcelona, Spain: European Institute of the Mediterranean, pp. 98–103.

Achilli, Luigi, and Gabriella Sánchez (2017). What does it mean to disrupt the business models of people smugglers? European University Institute, Policy Brief, No. 2017/09 (April).

Albahari, Maurizio (2018). From right to permission: asylum, Mediterranean migrations, and Europe's war on smuggling. *Journal on Migration and Human Security*, vol. 6, No. 2 (June), pp. 121–130.

Al-Dayel, Nadie, Aaron Anfinson and Graeme Anfinson (2021). Captivity, migration, and power in Libya. *Journal of Human Trafficking*, pp. 1–19.

Andersson, Ruben (2014). *Illegality, Inc: Clandestine Migration and the Business of Bordering Europe*. Oakland, California: University of California Press.

Aronowitz, Alexis A. (2001). Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organisations that promote it. *European Journal on Criminal Policy and Research*, vol. 9, No. 2, pp. 163–195.

Ayalew Mengiste, Tekalign (2018). Refugee protections from below: smuggling in the Eritrea-Ethiopia context. *The ANNALS of the American Academy of Political and Social Science*, vol. 676, No. 1, pp. 57–76.

Aziz, Nourhan Abdel, Paola Monzini and Ferruccio Pastore (2015*). The Changing Dynamics of Cross-Border Human Smuggling and Trafficking in the Mediterranean*. Rome: Istituto Affari Internazionali.

Ballard, Roger (2005). Coalitions of reciprocity and the maintenance of financial integrity within informal value transmission systems: the operational dynamics of contemporary hawala networks. *Journal of Banking Regulation*, vol. 6, No. 4, pp. 319–352.

Belloni, Milena (2016). Anything new under the Sun? Analysing the shifting flow of Eritrean asylum seekers to Europe. Mixed Migration Centre, 11 May.

_____ (2016a). "My uncle cannot say 'NO' if I reach Libya: unpacking the social dynamics of border-crossing among Eritreans heading to Europe". *Human Geography*, vol. 9, No. 2 (July), pp. 47–56.

_____ (2019). *The Big Gamble: The Migration of Eritreans to Europe*. Berkeley, California: University of California Press

Bilger, Veronika, Martin Hofmann and Michael Jandl (2006). Human smuggling as a transnational service industry: evidence from Austria. *International Migration*, vol. 44, No. 4 (October), pp. 59–93.

Bolt, Maxim (2012). *Rooting Production: Life and Labour on the Settler Farms of the Zimbabwean-South African Border.* PhD thesis, London School of Economics and Political Science. London, June.

_____ (2015). *Zimbabwe's Migrants, South Africa's Border Farms: The Roots of Impermanence*. Cambridge: Cambridge University Press.

Breines, Markus, and others (2015). *A Study on Smuggling of Migrants: Characteristics, Responses and Cooperation with Third Countries–Case Study 2: Ethiopia – Libya – Malta/ Italy*. Project Report. European Commission Directorate-General for Migration and Home Affairs.

Bunke, Tim (2016). Human trafficking legislation as a resource: contradictory interpretations of human trafficking in Zambia. *Journal of Trafficking, Organized Crime and Security*, vol. 2, No 2, pp. 113–126.

Coluccello, Salvatore, and Simon Massey (2007). Out of Africa: the human trade between Libya and Lampedusa. *Trends in Organized Crime*, vol. 10, No. 4, pp. 77–90.

Coplan, David B. (2012). Border show business and performing States. In *A Companion to Border Studies*. Thomas M. Wilson and Hastings Donnan, eds. Oxford: Wiley Blackwell.

Cross-Border Road Transport Agency (2016). Country profile reports. Country profile for Zimbabwe. Available at www.cbrta.co.za/resources/country-profiles.

Crush, Jonathan (2008). South Africa: policy in the face of xenophobia. Migration Policy Institute, 28 July.

Crush, Jonathan, and Daniel Tevera (2010). Exiting Zimbabwe. In *Zimbabwe's Exodus: Crisis, Migration, Survival.* Jonathan Crush and Daniel Tevera, eds. Cape Town, South Africa: Southern African Migration Programme; Ottawa: International Development Research Centre.

De Genova, Nicholas (2017). *The Borders of "Europe": Autonomy of Migration, Tactics of Bordering*. Durham: Duke University Press Books.

El Qorchi, Mohammed, Samuel Munzele Maimbo and John F. Wilson (2003). *Informal Funds Transfer Systems: An Analysis of the Informal Hawala System – A Joint IMF-World Bank Paper.* Occasional Paper No. 222. Washington D.C.: International Monetary Fund.

Ellis, Stephen (1999). The new frontiers of crime in South Africa. In *The Criminalization of the State in Africa*. Jean-François Bayart, Stephen Ellis and Beatrice Hibou, eds. Oxford, United Kingdom, James Currey; Bloomington, Indiana University Press.

Getahun, Salomon Addis (2007). *The history of Ethiopian Immigrants and Refugees in America, 1900–2000: Patterns of Migration, Survival, and Adjustment*. New York: LFB Scholarly Publishing.

Hüsken, Thomas (2017). The practice and culture of smuggling in the borderland of Egypt and Libya. *International Affairs*, vol. 93, No. 4 (July), pp. 897–915.

Ismail, Abdirashid A. (2007). Lawlessness and economic governance: the case of hawala system in Somalia. *International Journal of Development Issues*, vol. 6, No. 2, pp. 168–185.

Jeeves, Alan H. (1983). Over-reach: the South African gold mines and the struggle for the labour of Zambesia, 1890–1920. *Canadian Journal of African Studies/Revue canadienne des études africaines*, vol. 17, No. 3, pp. 393–412.

Johnson, David (1990*)*. Clandestine migration in South Central Africa. Collected Seminar Papers. London: Institute for Commonwealth Studies, pp. 1–11.

Kibreab, Gaim (1987). *Refugees and Development in Africa: The Case of Eritrea*. Asmara: Red Sea Press.

Kuschminder, Katie, and Anna Triandafyllidou (2020). Smuggling, trafficking, and extortion: new conceptual and policy challenges on the Libyan route to Europe. *Antipode*, vol. 52, No. 1 (January), 206–226.

Lindley, Anna (2009). Between "dirty money" and "development capital": Somali money transfer infrastructure under global scrutiny. *African Affairs*, vol. 108, No. 433, pp. 519–539.

Lutterbeck, Derek (2006). Policing migration in the Mediterranean. *Mediterranean Politics*, vol. 11, No. 1, pp. 59–82.

Majidi, Nassim (2018). Community dimensions of smuggling: the case of Afghanistan and Somalia. *The ANNALS of the American Academy of Political and Social Science*, vol. 676, No. 1 (March), pp. 97–113.

Mills, Greg (2012). Backwards to Beitbridge? A Strategy to revive Zimbabwe's industry. Discussion Paper No. 7/2012. Johannesburg: Brenthrust foundation.

Mlambo, Alois S. (2010). A history of Zimbabwean migration to 1990. In *Zimbabwe's Exodus: Crisis, Migration, Survival*. Jonathan Crush and Daniel Tevera, eds. Cape

Town, South Africa: Southern African Migration Programme; Ottawa: International Development Research Centre.

Mountz, Alison (2003). Human smuggling, the transnational imaginary, and everyday geographies of the nation-state. *Antipode*, vol. 35, No. 3 (July), pp. 622–644.

Negash, Tekeste, and Kjetil Tronvoll (2000). *Brothers at War: Making Sense of the Ethiopian-Eritrean War*. London: James Currey.

Nshimbi, Christopher Changwe, and Inocent Moyo (2016). Human trafficking legislation in the Southern African Development Community region: an overview. *Journal of Trafficking, Organized Crime and Security*, vol. 2, No. 2, pp. 157–170.

Pastore, Ferruccio, Paola Monzini and Giuseppe Sciortino (2006). Schengen's soft underbelly? Irregular migration and human smuggling across land and sea borders to Italy. *International Migration*, vol. 44, No. 4 (October), pp. 95–119.

Phillips, Melissa, and Antje Missbach (2017). Economies of transit: exploiting migrants and refugees in Indonesia and Libya. *International Journal of Migration and Border Studies*, vol. 3, Nos. 2 and 3, pp. 139–157.

Polanyi, Karl (1968*). The Great Transformation: The Political and Economic Origins of Our Time*. Boston: Beacon Press.

Ricard-Guay, Alexandra (2018). *Criminalizing Migrants Who Steer the Dinghies in the Mediterranean: A Collateral Effect of Migration Management?* EUI Working Paper RSCAS, No. 2018/32. San Domenico di Fiesole, Italy: European University Institute, Robert Schuman Centre for Advanced Studies, Global Governance Programme.

Ryo, Emily (2013). Deciding to cross: norms and economics of unauthorized migration. *American Sociological Review*, vol. 78, No. 4 (August), pp. 574–603.

Sahan Foundation and Intergovernmental Authority on Development Security Sector Program (2016). Human trafficking and smuggling on the Horn of Africa-Central Mediterranean route (October).

Salt, John, and Jeremy Stein (1997). Migration as a business: the case of trafficking. *International Migration*, vol. 35, No. 4 (December), pp. 467– 494.

Sánchez, Gabriella (2017). Beyond the matrix of oppression: reframing human smuggling through intersectionality-informed approaches. *Theoretical Criminology*, vol. 21, No. 1 (February), pp. 46–56.

_____ (2020). *Beyond Militias and Tribes: The Facilitation of Migration in Libya*. EUI Working Paper RSCAS 2020/09. San Domenico di Fiesole, Italy: European University Institute, Robert Schuman Centre for Advanced Studies.

Schaeffer, Emily C. (2008). Remittances and reputations in hawala money-transfer systems: self-enforcing exchange on an international scale. *Journal of Private Enterprise*, vol. 24, No. 1, pp. 95–117.

Schierup, Carl-Ulrik (2016). Under the rainbow: migration, precarity and people power in post-apartheid South Africa. *Critical Sociology*, vol. 42, Nos. 7 and 8 (November), pp. 1051–1068.

Sharma, Nandita (2003). Travel agency: a critique of anti-trafficking campaigns. *Refuge: Canada's Journal on Refugees*, vol. 21, No. 3, pp. 53–65.

Sheel, Stephan (2017). The secret is to look good on paper: appropriating mobility within and against a machine of illegalization. In *The Borders of Europe: Autonomy of Migration, Tactics of Bordering*. Nicholas De Genova, ed. Durham and London: Duke University Press, pp. 37–63.

Shelley, Louise (2014). Human smuggling and trafficking into Europe: a comparative perspective. Washington D.C.: Migration Policy Institute.

Spener, David (2004). Mexican migrant-smuggling: a cross-border cottage industry. *Journal of International Migration and Integration*, vol. 5, No. 3 (June), pp. 295–320.

_____ (2011). Global apartheid, coyotaje, and the discourse of clandestine migration: distinction between personal, structural and cultural violence. In *Global Human Smuggling: Comparative Perspectives*, David Kyle and Rey Koslowski, eds. Baltimore, Maryland, United States: Johns Hopkins University Press, pp. 157–185.

Terreblanche, Sampie (2003). *A History of Inequality in South Africa, 1652–2002*. Scottsville, South Africa: University of KwaZulu-Natal Press.

Thebe, Vusilizwe (2011). From South Africa with love: the *malayisha* system and Ndebele households' quest for livelihood reconstruction in south-western Zimbabwe. *Journal of Modern African Studies*, vol. 49, No. 4 (November), pp. 647–670.

Thiollet, Helene (2011). Migration as diplomacy: labor migrants, refugees, and Arab regional politics in the oil-rich countries. *International Labor and Working-Class History,* vol. 79, No. 1, pp. 103–121.

Tinti, Peter, and Tuesday Reitano (2018). *Migrant, Refugee, Smuggler, Saviour*. London: C. Hurst and Co. Publishers.

Triandafyllidou, Anna (2018). Migrant smuggling: novel insights and implications for migration control policies. *The ANNALS of the American Academy of Political and Social Science*, vol. 676, No. 1 (March), pp. 212–221.

Triandafyllidou, Anna, and Thanos Maroukis (2012). *Migrant Smuggling: Irregular Migration from Asia and Africa to Europe*. London: Palgrave Macmillan.

Tshabalala, Xolani (2016). Brokerage economies: crisis, cultural acts and contested subjectivities at the Beitbridge border of South Africa and Zimbabwe. *Journal of Trafficking, Organized Crime and Human Security*, vol. 2, No. 2, pp. 141–156.

_____ (2017). Hyenas of the Limpopo: "illicit labour recruiting", assisted border crossings, and the social politics of movement across South Africa's border with Zimbabwe. *Journal of Borderlands Studies*, vol. 34, No. 3, pp. 433–450.

Van Liempt, Ilse, and Jeroen Doomernik (2006). Migrant's agency in the smuggling process: the perspectives of smuggled migrants in the Netherlands. *International Migration*, vol. 44, No. 4 (October), pp. 165–190.

Van Onselen, Charles (1976). *Chibaro: African Mine Labour in Southern Rhodesia, 1900-1933*. London: Pluto Press.

Van Reisen, Mirjam, and Conny Rijken (2015). Sinai trafficking: origin and definition of a new form of human trafficking. *Social Inclusion*, vol. 3, No. 1, pp. 113–124.

Van Reisen, Mirjam, and Meron Estefanos (2017). Human trafficking connecting to terrorism and organ trafficking: Libya and Egypt. In *Human Trafficking and Trauma in the Digital Era: The Ongoing Tragedy of the Trade in Refugees from Eritrea*. Mirjam Van Reisen and Munyaradzi Mawere, eds. Mankon, Bamenda, Cameroon: Langaa Research and Publishing Common Initiative Group, pp. 159–192.

Van Schendel, Willem, and Itty Abraham (2005). Introduction: the making of illicitness. In *Illicit Flows and Criminal Things: States, Borders and the Other Side of Globalization*. Willem van Schendel and Itty Abraham, eds. Bloomington: Indiana University Press.

Woldemikael, Tekle Mariam, and others (2018). *Postliberation Eritrea*. Bloomington: Indiana University Press.

Wolpe, Harold (1972). Capitalism and cheap labour-power in South Africa: from segregation to apartheid. *Economy and Society*, vol. 1, No. 4, pp. 425–456.

Zhang, Sheldon X. (2007). *Smuggling and Trafficking in Human Beings: All Roads Lead to America*. Westport, Connecticut: Praeger Publishers.

Zhang, Sheldon X., Gabriella Sánchez and Luigi Achilli (2018). Crimes of solidarity in mobility: alternative views on migrant smuggling. *The ANNALS of the American Academy of Political and Social Science*, vol. 676, No. 1 (March), pp. 6–15.

BORDER CONTROLS IN TRANSIT COUNTRIES AND THEIR IMPLICATIONS FOR MIGRANT SMUGGLING: A COMPARISON OF INDONESIA AND MEXICO

Rebecca Galemba, Abbey Vogel and Antje Missbach

Abstract

Indonesia and Mexico are both considered transit countries for irregular migrants, including potential asylum seekers and even recognized refugees heading to potential destination countries such as Australia and the United States of America. Because their geographic location places them strategically close to the land or sea border of potential destination countries, Indonesia and Mexico have made attempts to develop externalized border protection. They have also been pressured to strengthen their borders, migration policies and anti-smuggling legislation so that they can serve as bulwarks against unwanted migrants and smugglers. Although the causes and conditions of irregular migration in Indonesia and Mexico and differ, a comparison of how these two transit countries have adjusted to political pressure to deter undesired migrants and prevent smuggling allows for an interregional assessment of how extraterritorial border policies materialize in transit countries. A comparative assessment demonstrates how such policies have caused smuggling practices on the ground to shift and illustrates differences and similarities between land and sea borders.

Keywords: migrant smuggling, externalized border protection, transit countries

Introduction

Policies designed by wealthy destination countries to deter, intercept or process asylum seekers, refugees and immigrants before they arrive in their territory are becoming increasingly widespread. These practices of border externalization, or extraterritorial border management, are used to buffer territory to prevent migrants from reaching target States' ports of entry. Such approaches originated in the United States in the 1980s, were pursued by the European Union beginning in the 1990s and have been most thoroughly implemented by Australia since the early 2000s, and especially since 2012. Since 2019, they have picked up further momentum in the United States, as

the United States Government attempted to implement an asylum ban, incentivize El Salvador, Guatemala and Honduras to implement safe third-country agreements and send asylum seekers back to Mexico to await resolution of their claims, under the Migrant Protection Protocols, or "Remain in Mexico" policy. These approaches have spread as a global border enforcement tactic from the Americas to Australia, Asia and Europe (Zaiotti, 2016, p. 17; Casas-Cortés, Cobarrubias and Pickles, 2016, p. 232; Mountz and Loyd, 2014; Menjívar, 2014). The present article details the implications of border externalization approaches for the smuggling of humans, as well as the impacts on the transit nations that Australia and the United States attempt to enlist as partners in extraterritorial border management: Indonesia and Mexico.

Since 2015, the discourse around migration, asylum-seeking and refugees has employed the language of crises or emergencies, as well as highlighted stories of shipwrecks and capsized "migrant boats" (De Genova, 2017, p. 2). In some cases, such narratives of crisis, as well as discourses of humanitarian concern and rescue (Williams and Mountz, 2018), are used to justify hard-line policies. The cases of the Mexico-United States and Australia-Indonesia bilateral relationships demonstrate that efforts to externalize border management from destination countries are substantiated by the narrative of a migrant and refugee crisis – recently evidenced by the United States authorities' declaration of an alleged national emergency along the Mexico-United States border – as well as by that of the need to combat extensive, violent and criminal smuggling networks in order to protect migrants from risk.

The portrayal of refugees and asylum seekers as a threatening deluge is further evidenced by the harsh pushback in the Australian Senate against a bill, passed by a razor-thin margin, which gave doctors greater authority in determining which refugees should come to mainland Australia for medical treatment. Within a year that law was revoked, as it was alleged that the evacuations of sick refugees from the detention camps in the Pacific would "weaken Australia's borders" (Worthington, 2019). This messaging is paired with policies that shift the burden of enforcement to transit countries such as Mexico and Indonesia to either process asylum requests, engage in deterrence or serve as a waiting area for asylum processing. Such strategies are often portrayed as vital to combating smuggling, preventing migrants from risking their lives and protecting them from exploitation by smugglers (Munro, 2011). Australia and the United States have set precedents for potential destination countries by requiring Indonesia and Mexico to serve as bulwarks for unwanted migrants by imposing stricter border controls and implementing more rigorous anti-people-smuggling legislation (Correa-Cabrera and Montandon, 2018; Kneebone 2017, p. 38).

Research has demonstrated, however, that militarized deterrence strategies and policies that externalize migration control to transit and sending States subject migrants to greater risk by diverting them to more dangerous routes and more rudimentary vessels to avoid detection, as well as increasing migrants' reliance on smugglers to reach intended destinations (Sánchez, 2017; Albahari, 2018; Nevins, 2010; Leutert, 2019; Izcara Palacios, 2019, p. 1216). Policies intended to deter smuggling fail to address the complex, often informal and socially embedded, nature of smuggling networks: most people engaged in smuggling operations are fellow migrants, fishermen, social, community or kin relations, and other vulnerable persons. Smuggling networks tend not to be hierarchically organized or embedded in established criminal networks, but rather are more rudimentary and fragmented (Sánchez and Zhang, 2018, p. 136; Leutert, 2018, p. 4). Rather than acting as shadowy criminal figures divorced from established social networks, smugglers depend on cultivating relationships and good reputations to ensure safety and build a client base, through word of mouth or information-sharing in shelters along the migrant route (González, 2018, p. 175; Heyman, Slack and Guerra, 2018, p. 761; Slack and Martínez, 2018).

Smuggling, therefore, can be better understood in the context of cultures of migration and migratory networks, as well as a response to restrictive approaches in destination countries. However, it is codified within, and addressed through, the lens of transnational crime. Smuggling services also exist along a continuum of migrants' historical use of brokers and facilitators to acquire legal documents or visas, and they vary as destination countries increasingly curtail legal access to mobility (Sánchez, 2016, pp. 269–270). Rather than deterring smuggling, efforts to externalize border controls and prevent migratory flows have pushed smuggling underground for brief periods of time, diverted migrants to alternative destinations and trapped migrants in prolonged conditions of transit and waiting (Brigden, 2018). The rationale for externalized deterrence has also contributed to the expansion and global proliferation of costly policing and detention infrastructures that reinforce the demand for restrictive immigration policies (Heyman and Slack, 2018; Heyman, Slack and Guerra, 2018, p. 765; Hiemstra, 2019, p. 49; Mountz and Loyd, 2014). These approaches fail to address the root causes of illicit border crossing and the irregular arrival of migrants and asylum seekers.

Contextual differences

Maritime borders differ from terrestrial boundaries in that people arriving by sea are typically overt asylum seekers, whereas migrants crossing land borders

generally employ covert methods of entry and are motivated by a desire to assimilate into their destination communities unnoticed (Barker, 2013, p. 8). Those who cross the sea have greater need for a smuggler because boats and survival supplies for several days at sea must be procured. In contrast, those who are crossing land are often able to at least initiate their journeys without the help of smugglers, and with fewer supplies (UNODC, 2018). Because Australia is an island State, geographically it is relatively isolated and thus its borders are easier to police and protect; in contrast, Mexico and the United States share nearly 2,000 miles of land border, which is less amenable to the enforcement of a boundary between the two countries (Ghezelbash, 2018, p. 17). Despite the fact that more attention is directed towards the long United States land border with Mexico, it is critical to keep in mind its strategies for managing its northern border with Canada, as well as its own maritime borders, as United States border externalization originated through its regional influence in the Caribbean (see Loyd and Mountz, 2018). Although the nature of their borders fundamentally differs, both Australia and the United States have recently used their economic and diplomatic advantage over Indonesia and Mexico to incentivize them to militarize and surveil their respective borders more effectively. Enlisting them in border surveillance and migrant deterrence has converted countries such as Indonesia and Mexico from migrant-sending and transit countries into destination countries in their own right, without the full consent of those States and their citizenry.

The comparison between Indonesia and Mexico as transit countries is imperfect, but helpful for exploring patterns in the consequences of border externalization strategies for smuggling networks, migrant rights and transit States. The present investigation offers comparative insights into the unanticipated, often counter-productive consequences of externalization strategies to combat human smuggling, providing lessons for other destination and transit countries that are developing such strategies.

Border externalization: international norms

Border externalization, or what some refer to as remote-control bordering practices (Zolberg, 1997), can be characterized as State action that prioritizes extraterritorial interception and border-enforcement mechanisms to prevent people from arriving in the legal jurisdictions of destination countries (Frelick, Kysel and Podkul, 2016, p. 193; Bermant, 2017, p.124; Bigo and Guild, 2005; Menjívar, 2014; Zaiotti, 2016; Loyd and Mountz, 2018). This approach often entails requests from more powerful countries to transit and/or sending countries to assist in controlling and deterring migration, and involves outsourcing

admission decisions from border points to other entities and spaces (Menjívar, 2014, p. 357). Such tactics are intended to prevent migrants, refugees and asylum seekers from reaching a State's territory, and can be accomplished through interdiction and the processing of asylum requests at sea, establishing offshore detention and processing sites, collaborating with transit or sending countries to intercept, process or detain arrivals or to participate in readmission and safe third-country agreements, and implementing restrictions such as visa requirements and preliminary checking before arrival (Zaiotti, 2016; Menjívar, 2014; Loyd and Mountz, 2018; Mountz and Loyd, 2014).

The origins of border externalization tactics date back to early twentieth-century immigration policy, but they have become more widely implemented among wealthy destination countries since the increase in asylum seekers that followed the end of the cold war (Zaiotti, 2016). The term became more widely used in the 1990s in reference to the European Schengen area, as member countries relaxed their own borders while fortifying the exterior boundaries of the European Union (Williams and Mountz, 2018, p. 76). Such approaches have been expanded to relations with North African States and Turkey to deter migrants before arrival in the European Union (Andersson, 2014; Albahari, 2018). The Dublin Convention, and the subsequent Regulations, provided the basis for asylum seekers to generally be returned to pursue protection in the country where they first entered the European Union, shifting responsibilities to bordering States within the Union. Externalization tactics can be explicit, as in the allocation of financial resources for a transit country to strengthen its borders, thereby making it more difficult for migrants to reach their destination country's boundaries (Andersson, 2014). They may also be implicit, as in the construction of detention centres in offshore facilities, thus putting in place psychological and physical barriers to discourage potential migrants, refugees, and asylum seekers from leaving their countries of origin, rather than expanding the humanitarian capacity of destination countries to receive and process populations requesting protection (Nethery and Gordyn, 2014, p. 179).

Humanitarian justifications for increased protection of migrants and refugees have coalesced in international agreements, charters, protocols and conventions that seek to establish clear-cut classifications of, and enforceable protections for, people crossing international borders (Gleeson, 2017, p. 1). However, as these norms have been developed, some States have implemented increasingly creative mechanisms to circumvent their responsibility to preserve the human rights of vulnerable populations in transit (Bermant, 2017, p. 124). While asylum seekers tend to have a relatively good chance of receiving protection if they manage to arrive in the destination country's territory, these mechanisms are designed to prevent this very possibility. Extraterritorial

enforcement diverts migration control and responsibility for processing asylum seekers from destination countries to sending and transit countries. The practice of externalizing borders to intercept, detain, turn back and deter asylum seekers, refugees and migrants risks violating international law, as non-refoulement is guaranteed under the 1967 Protocol relating to the Status of Refugees, which operationalized article 33 of the 1951 Convention relating to the Status of Refugees (UNHCR, 2017, p. 2). Though the principle of non-refoulement is grounded in the Protocol, it is accepted as customary law, thus binding even countries that are not signatories to the Protocol. Refoulement also violates article 13 of the Universal Declaration of Human Rights, which guarantees freedom of movement to all people, including the right to leave one's country of birth (United Nations, 1948). Border externalization strategies may also involve transferring a State's responsibility under the 1951 Convention to receive and process migrants and asylum seekers from its own borders to another State, before potential asylum seekers, refugees or migrants are able to make claims for asylum in the first State (Zaiotti, 2016, p. 4). Compounding the ways that externalization tactics weaken the Convention's enforcement, some States have elected not to sign international accords covering refugees, asylum seekers and migrants at all; for example, the United States has signed the 1967 Protocol, but not the Convention, and Indonesia has signed neither. Australia and Mexico have signed both, but border externalization policies enable them to avoid enacting the spirit of the 1951 Convention – that is, the protection of asylum seekers and refugees.

Although it is often attempted to justify the externalization of border controls to sending and transit countries by the rhetoric of combating smuggling and safeguarding migrant lives, there is evidence that such approaches may exacerbate smuggling and related practices of clandestine layover in transit and destination countries, as well as subject migrants to increased risks of exploitation and even death. Williams and Mountz (2018, p. 74) demonstrate an empirical correlation between increasing European offshore migration enforcement between 2006 and 2015 and a rise in migrant deaths at sea, even as justifications are offered for such operations and they are cloaked in a discourse of "humanitarian rescue". Without legal means to gain access to their desired destinations and territories where they can seek protection, migrants and asylum seekers increasingly depend on smugglers to reach their destinations (Sánchez and Zhang, 2018, p. 139; Martínez and others., 2017, p. 261; Munro, 2011, p. 40; Khosravi, 2010). Indeed, data trends show an increase in the number of migrants opting to use the services of smugglers to cross the borders of Australia through Indonesia and of the United States through Mexico as border enforcement and deterrence mechanisms have been enhanced (UNODC, 2018: pp. 96, 122; Sánchez and Zhang, 2018, p. 139; Slack and others, 2016; Leutert, 2019). Preventive approaches may remove

migration management from public view in wealthy destination countries, but it does little to address the root causes of migration or demand for cheap labour in destination countries. Rather than disrupting the smuggling market, they tend to displace migrant flows. By increasing the risks of migration and diverting flows to more dangerous, remote or unknown locales, the services of smugglers have become a prerequisite for successful migration and access to protection (González, 2018, p. 180).

Border externalization: historical precedents

Border externalization strategies were first employed by the United States in the early 1980s, when it enlisted the support of neighbouring countries in migration management, while also expanding the role of its Coast Guard to deter and intercept people at sea before they could reach United States territory and lodge asylum claims. By containing Cuban and Haitian asylum seekers in the 1980s and 1990s, the United States sought to avoid another crisis like the 1980 Mariel boatlift and to reduce the costs of deporting asylum seekers whom it deemed unqualified for protection (Mountz and Loyd, 2014, p. 394). In the 1990s, the United States added offshore detention to its arsenal of strategies, starting in 1991 with the detention of refugees from Haiti at the United States naval base at Guantánamo Bay, in Cuba, and expanding its use to detain Cubans in 1994 and 1995 (Frelick, Kysel and Podkul, 2016, p. 200; Zaiotti, 2016, p. 17; Mountz and Loyd, 2014, p. 394; Loyd and Mountz, 2018). The interception and offshore detention of Haitian asylum seekers in the Caribbean was the first example of a State turn-back strategy to prevent potential asylum seekers from claiming asylum under international law (Frelick, Kysel and Podkul, 2016, p. 200). Following the example of the United States and its use of Guantánamo to hold asylum seekers, Australia included externalization approaches in its 2001 Pacific Solution, implementing mandatory detention for all asylum seekers arriving by boat and funding the construction of detention facilities (Regional Processing Centres) on the small islands of Nauru and Manus (Papua New Guinea), north of Australia, rather than processing asylum seekers in Australia, where they would have had access to a stronger legal aid infrastructure (Kneebone, 2017, p. 31). Australia went further in 2013 with Operation Sovereign Borders, a border enforcement initiative led by Australia's defence forces to prevent arrivals at sea through a zero-tolerance approach and mandatory detention. Whereas asylum seekers processed at offshore centres could previously qualify for resettlement in Australia, the 2013 policy declared anyone attempting to reach Australia by sea ineligible for resettlement in Australia, regardless of the merits of their claim.

The origins of Australian–Indonesian border externalization measures demonstrate that interdiction and border externalization are legally orchestrated to undermine the principle of non-refoulement by creating an alternative norm of turning people back before they can claim asylum (Gleeson, 2017, p. 11). Border externalization is used to "carry out control further away from the eyes of those institutions that normally constitute…checks and balances" related to the protection of human rights for displaced persons (Gammeltoft-Hansen, 2008, p. 19). For the United States – owing to its complex combination of land and maritime borders and larger regional military, economic and diplomatic influence – externalization encompasses a wide variety of strategies, including the detention centre at Guantánamo, offshore processing centres in the Caribbean as far south as Panama, the expansion of United States Coast Guard operations, encouragement by the United States of, and even payment for, detention operations in nearby countries (Global Detention Project, 2016) and support for increased checkpoints, equipment and surveillance along key transit routes in Mexico (Isacson, Meyer and Smith, 2017; Leutert, 2019). For Australia, enforcement of its borders is complemented by externalizing enforcement in the seas south of Indonesia and detention facilities on small Pacific islands.

Justifying extraterritorial enforcement

The justification for and increasing normalization of border externalization policies hinge on a simplistic binary classification that sorts arrivals into categories of "deserving" or "undeserving" (Zaiotti, 2016; Yarris and Castañeda, 2015). The "deserving" category encompasses those who follow a lengthy process to apply for legal, documented entry into the United States, and for Australia generally includes refugees from the Syrian Arab Republic. In contrast, the "undeserving" category encompasses undocumented migrants who cross the border from Mexico into the United States and people arriving irregularly in Australia by sea from Indonesia (Peterie, 2017, p. 352; Nevins, 2008, p. 52). This binary categorization enables receiving countries to promulgate policies of selective compassion, by which the protection of an individual's rights and access to legal forms of entry become dependent upon how they attempt to enter (Peterie, 2017, p. 353; Yarris and Castañeda, 2015, p. 65).

In addition to this simplistic sorting of arrivals, destination States use communication campaigns to promote deterrence and credit these approaches with preserving migrant lives and dismantling human smuggling networks. Following the first increase in the number of Central American women,

families and unaccompanied minors arriving at the Mexico-United States border in the summer of 2014, the "aggressive deterrence policy" of the United States State Department and President Obama was accompanied by technical, training and financial support by the United States for the Mexican Programa Frontera Sur (Southern Border Programme (SBP)). SBP supported the externalization of the United States border by scaling up interceptions and deportations of Central Americans in southern Mexico by instituting belts of control along key transit arteries and increasing mobile inspection posts (Leutert, 2019; Isacson, Meyer and Smith, 2017). Aggressive deterrence at the Mexico-United States border and enhanced border policing in Mexico were accompanied by a Dangers Awareness Campaign in Central America, orchestrated by the United States, to disseminate information on "the risks involved with migration and the consequences of illegal immigration", intended to deter migrants from undertaking the journey north (Hiskey and others, 2016). Similar campaigns were conducted in southern Mexico. A study by Vanderbilt University's Latin American Opinion Project revealed, however, that many individuals were already aware of the risks; migration from El Salvador and Honduras was mostly driven by crime victimization (ibid.). Higher levels of risk along the journey guarantee a market for the services of smugglers.

Similarly, between 2009 and 2014 the Australian Government funded public information campaigns in Indonesia to disincentivize smuggling, at the expense of preserving the rights of irregular maritime arrivals and in direct conflict with the rhetoric of saving lives that typically accompanies anti-smuggling narratives promulgated by destination countries such as Australia (McNevin, Missbach and Mulyana, 2016, p. 224). The inconsistencies of this dialogue provide insight into why externalization policy produces paradoxical results in practice, where it actually tends to fuel the illicit activity it purports to eliminate. Examining the historical evidence of the impact that border enforcement policies oriented towards extraterritorial migration management have had on smuggling in the transit countries of Indonesia and Mexico provides further support for the claim that border externalization approaches may have counterproductive effects rather than deter migration and smuggling. Moreover, these approaches risk placing migrants in more danger, as they threaten international commitment to the Refugee Convention and other human rights instruments.

United States border externalization to Mexico and its impact on smuggling

The approach at the Mexico-United States border

United States immigration and border policies have historically balanced public desire for a secure border with the demands of interest groups wanting access to cheap labour, and over the years there has been intermittent recruitment and deportation of Mexican labour (De Genova, 2002; Nevins, 2010). Even as unauthorized immigration grew in the 1960s and 1970s, border enforcement was relatively limited and generated little demand for smugglers. Because migrants could easily enter the United States on their own, smugglers were employed mostly for more specialized services and for populations such as children or the elderly (Andreas, 2011, p. 143). Demand for smugglers increased after the passage of the Immigration Reform and Control Act in 1986, which offered legal status to 2 million people, coupled with an increase in resources and personnel for border patrol, employer sanctions and additional immigration restrictions. The infusion of resources for border control increased demand for smugglers (Andreas, 2011, p. 144).

The push to militarize the Mexico-United States border began in the 1970s and escalated in the 1980s and 1990s as border issues were affected by increasingly harsh public opinion, economic recession and fears of crime and illicit narcotics that turned racial anxieties towards a focus on the southern border (Nevins, 2010, p. 78; Massey, Durand and Malone, 2002). In the 1990s, "prevention through deterrence" policies, such as Operation Blockade (later Operation Hold the Line) in El Paso (1993), Operation Gatekeeper in San Diego (1994), Operation Safeguard in Arizona (1994 and 1999) and Operation Rio Grande in south Texas (1997), focused on securing visible ports of entry along the border while diverting migrant flows to more remote, and therefore less visible, areas of the Arizona desert or the Tucson sector (De León, 2015, p. 31; Andreas, 2001; Nevins, 2010; Spener, 2011). These prevention-through-deterrence policies produced displacement rather than deterrence by causing migrant routes to shift, which has contributed to heightened risk of death and disappearance in the desert and greater reliance on smugglers to traverse treacherous terrain (De León, 2015; Slack and Martínez, 2018; Hiemstra, 2019, p. 54). According to data from the Migrant Border Crossing Study, which surveyed recent deportees in five border cities Slack and others 2016, p. 15), over 70 per cent of migrants used a coyote, or smuggler, each paying an average of $2,500.[1] Elevated risk and difficulty

---

[1] To be included in the survey, migrants had to have crossed the border without authorization for the first time in the past decade (after 11 September 2001) and to have been deported "within a month prior to being interviewed" (Slack and others, 2016, p. 14).

caused prices to rise from a few hundred dollars to cross from Mexico in 1994 (Andreas, 2011) to over $3,000 (Mexican Migration Project, 2019), with costs of $6,000 to $7,000 being charged to Central Americans to traverse Mexico (Vogt, 2018, p. 99). Smuggling fees have largely grown at the same rate as spending on border patrol measures (Mexican Migration Project, 2019; Campoy and Groskopf, 2017).

Since the mid-1990s, resources devoted to border and immigration enforcement have escalated exponentially, rising from 1,600 border patrol officers in 1970 to more than 19,000 today, with the number of agents tripling since 2004 (Slack and others, 2016, p. 19). The border patrol budget increased by 380 per cent from 2000 to 2017, and the number of apprehensions has declined since their peak in 2000; as of 2018, they were at a 30-year low (Massey, 2018; Isacson, Meyer and Smith, 2017). Though border apprehensions in the first half of 2019 (361,087) had doubled compared with the same period in 2018, the number was still well below the peak numbers of apprehensions from 2000 (856,228) and 2006 (594,142) (Gramlich and Noe-Bustamante, 2019). Moreover, recent arrivals are qualitatively distinct: 90 per cent of previous flows were made up of young men from Mexico in search of economic opportunity, whereas now nearly 92 per cent are asylum-seeking families and minors from Central America (González, 2019). The United States border enforcement apparatus, however, is still structured to respond to the former and has doubled down on the language of an emergency to justify the narrative of an out-of-control border (see Andreas, 2001).

Mexico and the United States have both been more active in prosecuting and sentencing smugglers, but penalties imposed have had an impact opposite to what was intended: making the smuggling industry riskier has instead incentivized corruption (Andreas, 2011, p. 152). The intensification of enforcement placed migrants at higher risk, not necessarily because they needed to rely on smugglers, but because smugglers needed to devise riskier and perhaps more violent tactics to evade enforcement and protect themselves and their clients (Spener, 2011, p. 172). Despite this impact of professionalizing some smugglers, smuggling practices are varied and often remain embedded in kin, community and social networks, with relations spanning a range of trust, reciprocity, exploitation, violence, information-sharing and care (Spener, 2011; Sánchez, 2017; Sánchez and Zhang, 2018; Vogt, 2018; Brigden, 2018; González, 2018). Although the crisis and security-threat narratives referred to above would suggest that migrants who are being smuggled must be participating in other criminal activity along transnational routes, research suggests that such suggestions are unfounded, or at least overestimated. Trust, satisfaction and reputation are integral to maintaining smuggling operations, especially when smugglers share social networks and communities of origin with

their clients (Spener, 2011; Slack and Martínez, 2018). Law enforcement tactics tend to encourage fragmentation of the smuggling chain, resulting in a person being passed from one smuggler to another one, who may have little knowledge of others along the chain; smuggling operations are not an integrated hierarchical organization, as often depicted (Sánchez, 2017).

Extending the border south to Mexico

In the past decade, the United States has increased its pressure on its southern neighbour to join its prevention-through-deterrence mandate, expanded southward to deter migrants closer to the source. Mexico's interest in managing transit migration emerged as Central American refugees began fleeing civil wars in the 1970s and 1980s, and as economic insecurity in the 1990s led Central Americans to join Mexicans en route north (Alba and Castillo, 2012, p. 5). As Mexico courted closer relations with the United States and negotiated the North American Free Trade Agreement, it responded to United States pressure to implement more stringent policies regarding transit migration, even though its approach has often lacked clarity and consistency (Alba and Castillo, 2012, pp. 1, 5). Mexico accordingly issued stiffer punishments for irregular migrants, increased requirements for tourist visas for Central Americans and began insisting that Central Americans in transit hold visas for their final destinations (ibid.). However, rather than reducing Central American flows, Alba and Castillo (2012, p. 5) demonstrate how these approaches "encouraged Central Americans to enter Mexico via irregular channels and to rely more on human smugglers".

Contrary to United States statements about lax immigration enforcement on the part of Mexico, Mexico has taken a relatively tough stance, albeit unevenly implemented over time, on transit migration. Earlier interdiction efforts in the 1980s and 1990s have informed more recent intensified collaboration with the United States on security and migration management. For example, the Mexican 1974 General Law on Population criminalized unauthorized migration in Mexico, imposing jail sentences for unauthorized presence and re-entry; decriminalization came only in 2008 (Leutert, 2019, p. 2). In 1989, the United States collaborated with Mexico and Central American countries to enforce Operation Hold the Line, which set a precedent for United States training of and intelligence-sharing with Mexican agents and establishing checkpoints to deter and deport Central American migrants transiting Mexico (Vogt, 2018, p. 59; Frelick, 1991). Increased surveillance efforts to interdict narcotics in Mexico in the 1990s were also used to identify Central American migrants (Vogt, 2018, p. 59). A precursor to Mexico's current immigration enforcement approach in coordination with the United States was Plan Sur in

2001, which increased border checkpoints in Mexico's southern states, with an emphasis on deterring Central American migrants. This initiative resulted in 85,000 deportations from Mexico between 2001 and 2005 (Leutert and Yates, 2017). The negotiations for Plan Sur were initially motivated by Mexico's desire for greater access to the United States market and for regular Mexican labour migrants in the United States, but any hope of winning these concessions was abandoned after the terrorist attacks of 11 September 2001 (Andreas, 2003). After that date, border security, national security, immigration and anti-terrorist activities became further integrated, in line with a global trend towards treating migration as a security concern (Menjívar, 2014; Zaiotti, 2016; Andreas, 2003). In 2005, Mexico integrated its National Institute of Migration within the national security Commission of Mexico, paralleling the shift by the United States of immigration enforcement to the newly created Department of Homeland Security in 2003.

In 2008, the Mexican Government came under fire for human rights violations against Central Americans, prompting it to make illicit migration an administrative rather than a criminal offence. In 2011, Mexico reformed its Migration Law to implement a more comprehensive approach to migration management and to improve protections and rights for migrants, including by creating the humanitarian visa for migrants who are victims or witnesses of grave crimes committed on Mexican soil (Suárez and others, 2017). Implementation has been challenging, however, and often in tension with competing, and better-resourced, mandates to deter migratory flows (Alba and Castillo, 2012; Chávez Suárez, 2013; Galemba and others, 2019; Kerwin, 2018).

Asylum and protection are increasingly externalized to Mexico as United States asylum denial rates rise and the United States constricts the ability of asylum seekers to enter the United States to make claims. In the United States, the countries with the highest rates of asylum denials between 2011 and 2016 are Mexico (89.6 per cent denied), El Salvador (82.9 per cent), Honduras (80.3 per cent) and Guatemala (77.2 per cent) (Transactional Records Access Clearinghouse (TRAC), 2016). In this context, amid ongoing insecurity in Central America, the Refugee Commission of Mexico experienced a 1,027 per cent increase in refugee petitioners between 2013 and 2017 (Galemba and others, 2019. p. 5).[2] However, from January 2014 until summer 2016, Mexico accepted just 2,800 asylum petitions, while it detained and deported over 440,000 Central Americans (Isacson, Meyer and Smith, 2017). Although the number of humanitarian visas granted to migrants who were victims of crimes in Mexico surged by nearly 370 per cent from 2014 to 2017

---

[2] Calculated by the authors on the basis of data from the response of the Mexican Commission for Refugee Assistance to Stephanie Leutert's transparency request, 2018.

(Galemba and others, 2019, p. 7),[3] this fact should not be read as a sign of increasing humanitarianism within Mexico. Rather, it is an indication of how externalized prevention-through-deterrence policies immobilize migrants, place them in extended transit and make them vulnerable to abuse and corruption from a range of State and non-state actors as they navigate unpredictable terrain (ibid.).

The SBP, launched by Mexico in July 2014 in coordination with the United States because of concerns over the increase in arrivals of family units and unaccompanied minors at the Mexico-United States border in the summer of 2014, is an example of an expanded prevention-through-deterrence orbit. SBP included the installation of more than 100 additional mobile checkpoints, together with enhanced infrastructure and technology to improve the detection, detention and deportation of migrants (Seelke, 2016). Mexico also installed Comprehensive Attention Centres for Border Transit along key transit points in Chiapas, in the municipalities of Huixtla, Playas de Catazajá and La Trinitaria, between 2013 and 2015, and plans were under way in Palenque and Tabasco to do likewise to bolster border surveillance via super-checkpoints. These super-checkpoints complement, even though they are not technically part of, SBP; they also receive United States support and advisory assistance (Isacson, Meyer and Smith, 2015, p. 7). The United States has supported border policing capabilities in Mexico by providing an additional $88 million for information-sharing and biometric data-collection, $75 million for communications technology and infrastructure and $100 million through the Mérida Initiative to advance the Pillar 3 goal of creating twenty-first century borders (Isacson, Meyer and Smith, 2017, p. 4; Leutert and Yates, 2017; Menjívar, 2014).

Because of the high cost of travelling from Central America with a smuggler and rising costs at the Mexico-United States border, most migrants prefer to traverse Mexico without guides. However, "as migrants faced more uncertain and violent routes [in Mexico], they were compelled to take costly detours by bus and employ human smugglers" (Vogt, 2018, p. 99). Leutert and Yates (2018, p. 3) document a fivefold increase in vehicle smuggling incidents after SBP was implemented, because of additional highway checkpoints and changing forms of transit. Increased surveillance of La Bestia, the train atop which some migrants rode through Mexico, caused train usage to decline from 18 to 12 per cent and reliance on private vehicles to increase from 16 to 26 per cent. Usage of buses and trailers through more remote areas also increased (Leutert and Yates, 2018, p. 2). The price to traverse Mexico with a

---

[3] Calculated by the authors on the basis of data from the response of the Mexican National Institute of Migration to Stephanie Leutert's transparency request, 2018.

facilitator, not including additional costs to cross the Mexico-United States border, rose by 42 per cent from 2014 to 2017 (Leutert, 2019, pp. 31, 46). From 2012 to2015, the proportion of migrants who relied on the services of smugglers or guides to traverse Mexico also increased, from 45 to 57 per cent, which is likely an underestimate[4] (ibid., p. 30). Heavier reliance on smugglers, more circuitous routes and rising smuggler prices were most strongly correlated with the escalation of SBP, but these trends continued even past the Programme's most robust enforcement period,[5] as bribes to authorities rose to new levels (ibid., p. 32).

Despite the stated intention of SBP to safeguard migrant rights, the rate of crime against migrants rose by 140 per cent in southern Mexican border states from 2014 to 2015, at the height of SBP implementation (ibid., p. 33). Apprehensions of Central Americans by Mexico rose by about 70 per cent between 2014 and 2015, while those by the United States plummeted by about 45 per cent (ibid., p. 29). However, when enforcement by Mexico began to decline in 2016, United States apprehension rates rose by 50 per cent, suggesting that SBP does not prevent migration flows but merely displaces them, as the number of migrating Central Americans has remained relatively constant since 2016. After 2016, regardless of enforcement efforts, rates of apprehension by Mexico and the United States returned to a status quo ante (ibid., pp. 44–45). It is important to note that the rate of crime against migrants declined as Mexico's immigration operations waned, suggesting the impact that enhanced border enforcement had on making migrants vulnerable to crime and criminal actors (ibid., p. 47).

The risks that migrants face because of enhanced deterrence and deportation efforts and official corruption are exacerbated by the insecurity brought about by the drug war in Mexico. Following the country's escalation of the war on drug cartels starting in 2006, coupled with high rates of corruption and impunity, criminal groups have become increasingly violent, competitive and fragmented. To adapt, they also diversified their income-generating activities, engaging in regulating migrant mobility, extortion and kidnapping, which border enforcement's increased pressure has made more lucrative (Andreas, 2011; Vogt, 2018). The proliferation of criminal groups along Mexico's northern border, alongside enhanced policing, has made human smuggling riskier and more difficult (Brigden, 2018; Sánchez, 2017). Between 2006 and 2012, the most violent crimes against migrants were committed by cartels rather

---

[4] The numbers are based on surveys of deported Central Americans and therefore do not account for families and minors who may have paid higher fees and pursued asylum in the United States (Leutert, 2019, p. 31).

[5] Inspections and enforcement operations, as well as personnel devoted to the southern border region, began to diminish in 2016 (Leutert, 2019, p. 40).

than smugglers (Brigden, 2018, p. 86). As criminal groups increasingly regulate access to territory and travel routes along the northern Mexican border by charging *piso* and few migrants can afford higher smuggling fees, some migrants have few options for completing their journey other than "burroing", carrying a backpack of drugs across the border (Leutert, 2017). Before 2006, smugglers were primarily paid to help migrants evade migration authorities (Brigden, 2018, p. 86); now they are needed to broker payments to cartels so that migrants can gain access to a territory, thereby providing some protection from kidnapping, extortion and assault in an increasingly volatile landscape (Leutert and Yates, 2017, p. 9; Sánchez and Zhang, 2018).

Although migrant smuggling and kidnapping industries increasingly intersect, it is important not to conflate them (Brigden, 2018, p. 90). Whereas smugglers have an interest in safely delivering migrants because payment may be withheld until clients have reached their destinations, kidnappers can easily take advantage of this business model by holding migrants hostage and extorting ransoms from their families in the United States equivalent to the smuggling fee (Vogt, 2018). The longer a migrant's journey, the more money is at stake. Therefore, while some smugglers may extort migrants, and criminals may even disguise themselves as smugglers, smugglers are more likely to have a vested interest in the safe passage and arrival of their migrant clients (Brigden, 2018, p. 92). The blurring of these activities and the increase in abuses committed against migrants are not due to migrant smuggling per se. Instead, they are enabled by the militarization of the war against drug cartels, high rates of impunity and corruption, and escalating immigration enforcement in Mexico, which combine to increase risk and unpredictability, thus raising smuggling fees and turning migrants into lucrative commodities for a variety of actors (Sánchez, 2017; Vogt, 2018; Leutert, 2019; Galemba and others, 2019).

The vague and broad interpretation by Mexico of anti-trafficking legislation, especially its 2012 anti-trafficking law, may also inadvertently heighten the vulnerability of migrants and trafficking victims caught up in anti-trafficking sweeps (Correa-Cabrera and Montandon, 2018). Pressure by the Mexican Government on states to improve anti-trafficking measures has incentivized authorities to "illegitimately inflate their crime-fighting statistics" in ways that may lead to falsely criminalizing and incarcerating victims, as corruption and threats enable those who abuse migrants to evade accountability (Correa-Cabrera and Montandon, 2018, p. 6). Since 2015, Mexico has collaborated with UNODC for a comprehensive approach to, and awareness campaigns regarding, migrant smuggling and its risks (UNODC, 2015). However, smuggling is often conflated with, or associated with, transnational organized crime, despite a lack of empirical evidence and despite the varied forms that

migrant smuggling takes (Correa-Cabrera, 2017, p. 3). For example, individual migrants may engage in drug trafficking to pay off smuggling costs and smugglers may pay fees to cartels for access to routes, but these interactions do not equate to a transnational criminal structure (Sánchez, 2017, p. 50). Instead, they indicate the complex interactions involved in occupying and transiting similar routes, as well as "the prevalence of independent efforts on the part of migrants to accomplish individual migration goals" (ibid.). The transnational crime approach may threaten, rather than protect, migrant rights by neglecting the reasons why migrants rely on smugglers to navigate unpredictable Mexican terrain (see Sánchez, 2017) while risking criminalizing and re-vulnerabilizing migrants in a context of high levels of corruption, uneven enforcement and impunity.

Ramped-up externalization

United States approaches to border externalization accelerated in recent years under the Administration's orders and measures to further blockade the border and curtail asylum. In 2018, the Government scaled up a pilot programme it had begun in El Paso in 2017 to widely prosecute all cross-border entrants without documentation, including asylum seekers, through a zero-tolerance policy, which resulted in thousands of children being separated from their families (Blue and others, 2021). Despite court orders to limit the programme and mandates for reunification, hundreds of children have still not been reunited with their families. The programme was not officially cancelled by the Department of Justice until January 2021 (Kandel, 2021). The Government had also introduced the Migrant Protection Protocols (MPP), or "Remain in Mexico" policy, in December 2018. According to the Department of Homeland Security (DHS), "MPP are a US Government action whereby certain foreign individuals entering or seeking admission to the US from Mexico – illegally or without proper documentation – may be returned to Mexico… for the duration of their immigration proceedings" (DHS 2019). MPP were rolled out with the explicit cooperation of Mexican authorities (Verza, 2019). As a result of the Protocols, since January 2019, United States. Customs and Border Protection has sent more than 68,000 asylum seekers, the vast majority of them Central American and Cuban, back to Mexico to await resolution of their cases (Leutert, 2021). Upon implementation, MPP were arguably the most explicit externalization measures taken by the United States Government since 1980, and their adoption not only produced push-back from humanitarian actors, but also prompted a lawsuit from the American Civil Liberties Union and other legal experts who argue that the policy violates United States and international law, including the right to due process (Isidoridy and others, 2019). Although participants in MPP had a

right to request interviews for exemptions if they feared persecution in Mexico, between January and 15 October 2019, United States asylum officers granted positive determinations for only 13 per cent of MPP non-refoulement interviews (Leutert, 2021). Only 14 per cent of asylum cases in progress under the MPP programme had legal representation (ibid.). Experts warned of the dangers of waiting in already dangerous border cities, where heightened migrant vulnerability and desperation increase the risks of exploitation, robbery, sexual violence, forced disappearance or kidnapping, and other forms of violence (Heyman and Slack, 2018; Human Rights Watch, 2019; Isidoridy and others. 2019). MPP restrictions not only placed migrants at increased risk of exploitation and violence in overcrowded conditions and insecure cities along the Mexico-United States border (Heyman and Slack, 2018), but also increased the need for smugglers. As legal means to seek asylum at ports of entry became increasingly untenable, smugglers were one of the few remaining options for attempting to enter the United States in order to pursue protection.

To avert trade tariffs threatened by the United States, Mexico also reinvigorated its border security infrastructure in the summer and fall of 2019 to deter and intercept migrants, including by sending 6,000 members of a newly formed National Guard to the Guatemala-Mexico border and shifting immigration authority from the Secretary of the Interior to the Secretariat of Foreign Affairs, which places more authority in the military (Verza, 2019). A United States Supreme Court decision in September 2019 permitted the asylum ban (prohibiting migrants, except for Mexicans and Canadians, from seeking asylum at the Mexico-United States border) to take effect. This, coupled with MPP and intensified enforcement in Mexico, converted Mexico into a de facto safe third country for the United States, without Mexico having signed on to such an agreement (ibid.). There is no assurance that Mexico can fulfil this role; according to the Washington Office on Latin America, 99 per cent of crimes committed against migrants remain unpunished (Suárez and others, 2017). In August 2019, Human Rights Watch had already documented over 100 "publicly reported cases of rape, kidnapping, sexual exploitation, assault and other violent crimes against asylum seekers returned to Mexico under MPP" (Isidoridy and others, 2019), with reported kidnappings in Ciudad Juárez ballooning by 100 per cent in the first half of 2019.

The United States Government also pursued Asylum Cooperation Agreements with the Governments of El Salvador, Guatemala and Honduras (DHS, 2020). These Agreements further restrict access to asylum while enabling the United States to send individuals arriving at the Mexico-United States border from El Salvador, Guatemala and Honduras to one of the countries through which they transited in order to seek protection there instead. However, El Salvador, Guatemala and Honduras do not have well-developed

asylum systems, and the majority of asylum seekers are fleeing violence, corruption and impunity in those very same countries (Justice for Immigrants, 2020). The coronavirus (COVID-19) pandemic has made the perilous consequences of border externalization even more apparent, as endless waiting and extended transit increase the precariousness of migrants' journeys. In March 2020, the United States Department of Health and Human Services and the Centers for Disease Control and Prevention, at the behest of the Administration, invoked the Title 42 process, citing the public health crisis of the COVID-19 pandemic, to enable rapid expulsions of apprehended migrants, including those with asylum claims, to Mexico and to restrict all entry, with exceptions being made only for United States citizens, lawful permanent residents, members of the armed forces and their respective families (Sandhu, 2020; Erfani, 2020; Leutert, 2021). This "indefinite closure" failed to make exceptions or provisions for those seeking protection or for unaccompanied minors, which violates obligations under international and United States law (see Erfani, 2020). Since the enactment of Title 42, almost 200,000 migrants, including 900 unaccompanied minors, have been returned to Mexico or their home countries (Blue and others, 2021). As a result, an informal camp of stranded asylum seekers, surrounded by fencing and barbed wire, has emerged on the border between Brownsville, Texas, and Matamoros, Mexico; it now holds thousands of people who, as of this writing, are still awaiting their chance to enter the United States (ibid.). A 2021 International Organization for Migration study (Sánchez and Sánchez, 2020) found that migrants and asylum seekers continue to seek out smugglers and facilitators, but that COVID-related border closures have diverted them to even riskier routes, while it has become increasingly difficult for migrants to receive institutional support for reporting crimes and victimization. The United States Government now faces unprecedented challenges to border management as it attempts to abrogate many of these policies and restore due process for asylum seekers because of the ongoing pandemic.

With deteriorating security, political and economic conditions in El Salvador, Guatemala and Honduras, the escalation of immigration and border enforcement to deter, detain and deport migrants in Mexico and the United States has done little to combat human smuggling or prevent migration. Rather, aggressive deterrence and border externalization approaches generate a niche for smuggling by failing to understand the drivers of migration. Demonstrating the lack of deterrent impact, 41 per cent of migrants crossing through Mexico stated that they planned to cross the border again in the future (Martínez and others, 2017, p. 261). Instead, expanded deterrence policies have led to an increase in risk, official corruption and crimes committed against migrants in Mexico, at its border with the United States and along the entire migratory route (Sánchez and Zhang, 2018; Galemba and others,

2019; Leutert, 2019). Many of the same trends and shortcomings can be identified in the Australian-Indonesian externalization experiment.

Australian border externalization to Indonesia and its impact on smuggling

From early in its history as a settler colony, Australia has tried to maintain a tight grip on who is permitted entry to the country and who is not. Xenophobic fears were directed at the Chinese as early as the beginning of the twentieth century, and its Immigration Restriction Act of 1901 became known as the "white Australia policy" because it discouraged non-white migrants. Since Australia established an immigration department in 1945, about 7 million people have migrated permanently to that country. While labour migrants from Western Europe were highly sought after, and were even funded to travel to Australia, migrants from Southern Europe were not first admitted until the 1970s.

Humanitarian intakes of Lebanese and Cypriot refugees during the 1970s were followed by a significant intake of Indochinese displaced by conflict in Cambodia and Viet Nam. Over 2,000 Indochinese refugees landed in boats on Australian shores in the late 1970s, but most of the 80,000 Indochinese permanent migrants came by air after formal processing by Australian officials at refugee camps in Indonesia, Malaysia and Thailand. For almost two decades Indonesia provided temporary refuge for refugees from Indochina, on the understanding that the international community would take full responsibility for their well-being and resettlement.

From the late 1990s, increasing numbers of asylum seekers fleeing wars in the Middle East, Afghanistan and Sri Lanka began to arrive in Australia by boat, mostly organized by smugglers of human beings in Indonesia and Sri Lanka. The Australian Government cracked down on what it called "unauthorized" arrivals in many ways, such as by the mandatory detention of people who arrived on boats. Policies considered effective in "stopping the boats" have retained strong bipartisan support within Australia for nearly two decades.

Preventing asylum seekers from leaving Indonesia by intercepting boats has been at the core of Australian externalized border policies. Under Prime Minister John Howard, direct disruption campaigns, involving tactics such as such as sabotaging boats and engines, were used to stop asylum seekers leaving Indonesian shores (Missbach, 2015). The Lombok Treaty, signed by the Governments of Indonesia and Australia in 2006 (Department of Foreign

Affairs and Trade, 2006), has formed the basis of anti-people-smuggling collaboration between the two countries. It explicitly mentions cooperation between relevant institutions and agencies in preventing and combating transnational crimes, such as the smuggling of human beings. However, rather than intervening directly and indirectly against the boats, subsequent Australian Governments have concentrated on building the capacity of Indonesian authorities and funding their counter-smuggling activities (Phillips, 2017; Connery, McKenzie and Sambhi, 2014). Many aspects of the collaboration are financed through government development assistance. For example, following similar allocations in the 2014/15 and 2015/16 federal government budgets, the Department of Immigration and Border Protection will allocate $A9.1 million over the next two years to efforts to address people-smuggling within the South-East Asian region, including by stationing Australian Border Force officials in Indonesia and Malaysia. The Department of Foreign Affairs and Trade will also allocate $A9.2 million over four years for the Ambassador for People Smuggling and Human Trafficking, task forces and high-level meetings related to the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, while the Department of Defence continues to fund the long-running Operation Resolute, which includes the maritime interception of asylum seekers.

When the number of asylum seekers crossing to Australia increased in 2009, the Indonesian police set up a special central task force and 12 additional regional branches in people-smuggling hotspots to inhibit the activity. As well as supporting this central task force, the Australian Federal Police (AFP) supported provincial-level police by providing office facilities, vehicles, investigation kits and new patrol boats. Along with material contributions, such as five boats for the Indonesian police to improve their maritime enforcement capability (Connery, McKenzie and Sambhi, 2014), Australia has handed over biometric devices and equipment for detecting fraudulent documents in order to build more effective databases (Nethery and Gordyn, 2014). At times, more than 20 AFP officers were posted to work alongside the Indonesian anti-people-smuggling task force to coordinate activities to prevent people-smuggling at sea, and to share information and intelligence, particularly for apprehending and arresting the organizers of people-smuggling operations (Connery, McKenzie and Sambhi, 2014). Arresting smugglers and asylum seekers did not always immobilize them effectively, as they frequently broke out of detention centres. Moreover, Indonesian law enforcement officers soon realized that the more successful they were in preventing the onward migration of asylum seekers, the more Indonesia became responsible for them (Missbach and Hoffstaedter, 2020). Australian proposals to build a regional processing centre for asylum seekers in Indonesia, where their claims for international protection could be dealt with by Australian immigration

officers, were repeatedly questioned and eventually rebuffed by successive Indonesian Governments.

Since the advent of the 2001 Pacific Solution, successive Australian Governments have been committed to an unwavering, explicit policy of border externalization as their signature policy on refugees and asylum seekers. The policy was briefly interrupted in 2008, when Prime Minister Kevin Rudd closed down the offshore processing centres on Nauru and Manus Island, but Rudd helped to reopen them in 2012 by signing new memorandums of understanding with Nauru and Papua New Guinea. Between August 2012 and July 2020, 4,183 people were sent to Nauru or Manus Island, where they were confined in cruel and degrading conditions (Refugee Council of Australia, 2020). An international outcry over the conditions faced by detainees in those centres motivated the Australian Government to reduce the number of people confined in them, but in March 2020 there were still 227 asylum seekers and refugees in Papua New Guinea and 209 in Nauru (Refugee Council of Australia, 2020). About 1,220 have been brought to the Australian mainland for medical treatment, but they were returned to the Nauru and Manus Island camps as soon as possible. Costs for offshore detention on Manus Island and Nauru from July 2013 to July 2020 amounted to an estimated A$ 7.6 billion (Refugee Council of Australia, 2020).

In April 2016, the Supreme Court of Papua New Guinea ruled that the detention of asylum seekers on Manus Island was illegal, as detention contravened the right of personal liberty enshrined in the Papua New Guinea Constitution (Dastyari and O'Sullivan, 2016; Asylum Insight, 2019). The Supreme Court ordered the Governments of Australia and Papua New Guinea to desist from detaining asylum seekers. Consequently, the fenced-off Manus Island facility was "opened", giving the inmates more mobility, although they remained confined to the island. In late 2017, the Manus Island processing centre was officially closed, although the last remaining detainees were not moved from the island to Port Moresby until late 2019. The facility on Nauru remains and is now the only Australian offshore processing centre. Despite the growing reluctance of the Nauruan and Papua New Guinean Governments to host the refugees unwanted by Australia for an undetermined period of time, the Australian Government has continued to rely on using regional processing centres and has not initiated an overall shift in its extraterritoriality regime. Much like Mexico and the United States in their Plan Frontera Sur, the Australian Government and Indonesia have worked closely together to buttress the latter's border security enforcement capabilities so as to establish an intermediary that could, at least in theory, intercept ships headed toward Australian borders before their passengers can claim asylum. Australia has poured significant resources into Indonesian border control enforcement bodies,

including for training on how to prevent smuggling and enforce international law related to smuggling and to help detect illicit movements of people using "back doors" to exit Indonesia (Missbach, 2014, p. 233).

Despite lingering diplomatic tensions between Australia and Indonesia, Australian engagement to combat people-smuggling has over the last 20 years penetrated many layers of the Indonesian Government and its related institutions. The Australian Government has launched extensive media (mis)information projects in order to galvanize public support for border externalization among fishermen and inhabitants along the southern coasts of Indonesia. High-level public relations officials have worked to dissolve the delineation between "refugee" and "security threat" by implementing overseas public information campaigns that not only seek to dissuade potential migrants from seeking asylum in Australia, but also portray refugees and smugglers as thieves and "bad guys" (Watkins, 2017, p. 291). The Government has also worked to depict smuggling as a moral sin in an attempt to dissuade uneducated fisherman from facilitating smuggling-related activities (McNevin, Missbach and Mulyana, 2016, p. 3). These methods directed at the public have been paired with more traditional militarization techniques like those employed by the United States since 2013. In 2006–2007 Australia helped Indonesia to implement the Enhanced Cekal System, which was allegedly designed to "detect the movement of terrorists and transnational criminals", but which was also deployed to intercept and detain refugees and migrants at airports (Kneebone, 2017, p. 32). Furthermore, since 2002 the Indonesian National Police (INP) and AFP have increasingly collaborated in initiatives to expand the investigative capacities of INP with regard to transnational smuggling, as evidenced by the funding of task forces and the publication of manuals outlining existing Indonesian legislation that can be used in the surveillance and capture of smugglers (Munro, 2011, p. 44).

The Australian Government put pressure on Indonesia to criminalize people-smuggling, which Indonesia did with the introduction of a new Law on Immigration in May 2011 (Kneebone and Missbach, 2018). In 2012 the Indonesian police arrested 103 Indonesians and six foreigners suspected of people-smuggling and brought 36 people-smuggling cases to the courts, followed by a further 37 cases in 2013. While most of the Indonesians arrested were employed as drivers and boat crew, the foreigners were the recruiters and managers of the people-smuggling operation, but not necessarily the main organizers. Every now and then the police have managed to catch a middleman or field coordinator. The majority of those arrested and prosecuted were, however, just low-level drivers and boat crew, whose imprisonment did not interrupt people-smuggling networks at all, as more crew members could easily be recruited from other parts of Indonesia (Missbach, 2016). Moreover,

once the Indonesian Government became aware that hundreds of its citizens were languishing in Australian jails, including many minors held in adult and high-security prisons, it took offence and requested their speedy return to Indonesia – a request with which Australia partly complied.

Although Australia originally modelled its Pacific Solution on United States policies towards Haitian refugees, the more recent militarization by the Government of the United States of its border with Mexico has emulated the aggressive Australian turn-back strategy, intercepting migrants and deporting them to communities in Mexico just over the border, even if they do not have any ties to those communities (Ghezelbash, 2018, pp. 55, 79). Operation Sovereign Borders funded an extensive information-sharing network between partner countries to cooperate on naval patrols, border security and the collection of confidential data on the identities of migrants (Frelick, Kysel and Podkul, 2016, p. 205). Of the irregular maritime arrivals who were interdicted between 2014 and April 2017, approximately 800 were returned to their country of origin or country of transit (UNODC, 2018, p. 124). Unlike the result of the rather ineffective border policies at the Mexico-United States border, the number of refugees and asylum-seekers arriving in Australia peaked at 20,000 in 2012 and decreased rapidly during Operation Sovereign Borders (UNODC, 2018, p. 123).

Externalization as a strategy, therefore, has been largely effective only in terms of the number of asylum seekers arriving on Australian shores. When considered within the context of people-smuggling, however, externalization has only expanded the market for individuals who have enough experience to facilitate the safe arrival of potential asylum seekers and migrants at their destination. Several outcomes resulting from Operation Sovereign Borders have put the smuggling networks between Australia and Indonesia into hibernation, but these outcomes do not necessarily guarantee a long-term solution for the smuggling of persons generally. The policy fails to address many of the underlying motivations for participation in human smuggling, such as economic destitution and the empathy of rescuers towards irregular maritime arrivals (McNevin, Missbach and Mulyana 2016, p. 227). The policy also fails to account for the likely reluctance of Indonesia to participate in Australian interdiction, turn-back and detention policies if they were not accompanied by very generous funds from the Australian Government, funnelled to Indonesia through the International Organization for Migration (Missbach, 2015, p. 241). Agile smuggling networks will therefore simply divert their efforts towards helping asylum seekers arrive in other countries. In the meantime, people are still arriving in Indonesia to reunite with family members waiting there already and hoping that Operation Sovereign Borders and its aggressive policies of interdiction and turn-back will eventually end.

Making implications explicit

In the context of Mexico and the United States, externalizing migration control has not produced smuggling networks that are connected to other criminal channels, such as trafficking in drugs and arms. Data collected through interviews conducted in 2013 with people who have been successful in entering the United States from Mexico and Central America demonstrate that a growing number of smugglers have joined the open market as a result of the increased securitization of migration; among the increasing number of participants are many women, children and others who cannot be aligned with hierarchical, well-organized criminal networks (Sánchez and Zhang, 2018, p. 139). To mitigate economic hardship exacerbated by the COVID-19 pandemic, there is also evidence that more everyday people are engaging in migrant facilitation activities in order to meet survival needs (Sánchez and Sánchez, 2020). Though smuggling in Indonesia is largely dormant following the implementation of Operation Sovereign Borders, the informal nature of smuggling activity carried out by fishermen and informal actors demonstrates that "linkages between smuggling networks and other criminal markets appear to be exceptions rather than the rule" (UNODC, 2018, pp. 38, 52; Missbach, 2015; Hoffstaedter and Missbach, 2021).

It follows that border externalization approaches, which conflate migrants, asylum seekers and refugees with criminals and homogenize smugglers as transnational criminals, are ill-equipped to address either the root causes of displacement or effective and orderly migration management that respects the rights of migrants. As border regulations and controls tighten, available routes for migrants, refugees and asylum seekers to reach destination countries are closed, and the demand for skilled, experienced smuggling facilitators increases. The securitization of borders and the externalization of border control are therefore, in the long term, conducive to the expansion of smuggling networks and illicit activity associated with border crossing (De Genova, 2017, p. 6). Externalization policies may produce a brief decline in the rate of smuggling activity or displace the activity, but it is an inadequate, unsustainable intervention. It is particularly ineffective when compared with the potential of humanitarian action and proactive policies to address the actual causes of displacement and asylum-seeking and to actually eliminate the demand for smuggling. Though data on the connection between externalization policies and smuggling are nascent, to deny the historical and topical evidence that point towards their interconnection is to turn a blind eye to an important source of knowledge that could prevent other destination countries from succumbing to the temptation of following the example of States such as Australia and the United States rather than investing political and economic capital to

address root causes of displacement and coordinate more orderly and effective regional migration management approaches.

Externalization policies perpetuate a neoliberal logic that justifies the outsourcing of activity traditionally carried out by Governments, such as the operation of detention centres, to private corporations, other nation-States and associated private and public actors that benefit from enhanced surveillance technologies and equipment, thereby linking migration and anti-smuggling policy approaches to the profit motivations of private interests and non-state actors (McNevin, Missbach and Mulyana, 2016, p. 233). In both the Mexico-United States and Australia–Indonesia contexts, extraterritorial militarization of borders has not only exposed vulnerable migrants to increased dangers associated with travelling desolate, less-populated migration routes, making them more willing to engage in high-risk behaviour to cross heavily-patrolled border spaces; it has also expanded demand for knowledgeable smugglers, thereby raising questions as to whether the goal of extraterritorial militarization is to deter vulnerable populations from undertaking dangerous journeys to reach destination countries such as Australia and the United States, or whether it is to produce profits for militarization bureaucracies and detention facilities while strengthening nationalist and isolationist rhetoric that displaces economic, security and racial anxieties onto migrants, refugees and asylum seekers.

Given the consequences of border externalization approaches, it is necessary to consider policy alternatives characterized by enforceable interregional refugee and migrant protocols, proactive international interventions that seek to minimize inequity and increase human security so as to reduce displacement, and the immediate closing of all offshore detention facilities. Steps to dismantle the market for smuggling would involve the systematization and facilitation of orderly, safe and legal means of migration that respect the rights of migrants by encouraging countries to sign the Global Compact for Safe, Orderly and Regular Migration and addressing some of that Compact's shortcomings in terms of ensuring compliance and accountability, and to ratify and uphold the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It is worth noting that Australia and the United States have refused to sign either the Compact or the Convention, whereas they both embrace firmly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

References

Alba, Francisco, and Manuel Ángel Castillo (2012). *New Approaches to Migration Management in Mexico and Central America*. Washington, D.C.: Woodrow Wilson International Center for Scholars and Migration Policy Institute.

Albahari, Maurizio (2018). From right to permission: asylum, Mediterranean migrations, and Europe's war on smuggling. *Journal on Migration and Human Security*, vol. 6, No. 2 (June), pp. 121–130.

Andersson, Ruben (2014). *Illegality, Inc.: Clandestine Migration and the Business of Bordering Europe*. Oakland, California: University of California Press.

Andreas, Peter (2001). *Border Games: Policing the U.S.–Mexico Divide*. Ithaca: Cornell University Press.

_____ (2003). A tale of two borders: the US-Canada and US-Mexico lines after 9/11. In *The Rebordering of North America: Integration and Exclusion in a New Security Context*. Peter Andreas and Thomas J. Biersteker, eds. New York: Routledge.

_____ (2011). The transformation of migrant smuggling across the U.S.-Mexican border. In *Global Human Smuggling: Comparative Perspectives*, David Kyle and Rey Koslowski, eds. Baltimore: Johns Hopkins University Press, pp. 139–156.

Asylum Insight (2019). Statistics: people in onshore and offshore detention (March 2021), last update.

Barker, Cat (2013). *The People Smugglers' Business Model*. Research Paper, No. 2. Canberra: Parliament of Australia, Department of Parliamentary Services.

Bermant, Laia (2017). The Mediterranean question. In *The Borders of "Europe": Autonomy of Migration, Tactics of Bordering*, Nicholas De Genova, ed. Durham: Duke University Press Books, pp. 120–140.

Bigo, Didier, and Elspeth Guild, eds. (2005). *Controlling Frontiers: Free Movement into and within Europe*. London: Routledge.

Blue, Sarah A., and others (2021). Im/mobility at the US-Mexico border during the COVID-19 pandemic. *Social Sciences*, vol. 10, No. 2, art. No. 47 (February).

Brigden, Noelle Kateri (2018). *The Migrant Passage: Clandestine Journeys from Central America*. Ithaca, New York: Cornell University Press.

Campoy, Ana, and Christopher Groskopf (2017). The Trump tax: human smugglers at the U.S.-Mexico border are jacking up prices. Quartz, 17 March.

Casas-Cortés, Maribel, Sebastian Cobarrubias and John Pickles (2016). Good neighbours make good fences: seahorse operations, border externalization and extraterritoriality. *European Urban and Regional Studies*, vol. 23, No. 3 (July), pp. 231–251.

Chávez-Suárez, Xiomara (2013). Immigration policy responses to transmigrants in Mexico. *Cornell Policy Review*, vol. 3, No. 2, pp. 39–58.

Connery, David, Michael McKenzie and Natalie Sambhi (2014). Partners against crime: a short history of the AFP-POLRI relationship. Canberra: Australian Strategic Policy Institute.

Correa-Cabrera, Guadalupe (2017). Trafficking in persons along Mexico's eastern migration routes: the role of transnational criminal organizations. Washington, D.C.: Woodrow Wilson International Center for Scholars, Latin American Program (March).

Correa-Cabrera, Guadalupe, and Arthur Sanders Montandon (2018). Reforming Mexico's anti-trafficking in persons legislation. *Mexican Law Review*, vol. 11, No. 1, pp. 3–30.

Dastyari, Azadeh, and Maria O'Sullivan (2016). Not for export: the failure of Australia's extraterritorial processing regime in Papua New Guinea and the decision of the PNG Supreme Court in Namah. *Monash University Law Review*, vol. 42, No. 2, pp. 308–338.

De Genova, Nicholas (2002). Migrant "illegality" and deportability in everyday life. *Annual Review of Anthropology*, vol. 31, pp. 419–447.

_____, ed. (2017). *The Borders of "Europe": Autonomy of Migration, Tactics of Bordering*. Durham: Duke University Press Books.

De León, Jason (2015). *The Land of Open Graves: Living and Dying on the Migrant Trail*. Oakland, California: University of California Press.

Department of Foreign Affairs and Trade (DFAT) (2006). Agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation.

Department of Homeland Security (DHS) (2019). Migrant protection protocols, 24 January.

_____ (2020). DHS announces Guatemala, El Salvador, and Honduras have signed asylum cooperation agreement, 29 December.

Erfani, Azadeh (2020). The latest brick in the wall: how the Trump administration unlawfully "expels" asylum seekers and unaccompanied children in the name of public health. National Immigrant Justice Center, 15 April 15.

Frelick, Bill (1991). Running the gauntlet: the Central American journey in Mexico. *International Journal of Refugee Law*, vol. 3, No. 2 (April), pp. 208–242.

Frelick, Bill, Ian Kysel and Jennifer Podkul (2016). The impact of externalization of migrant controls on the rights of asylum seekers and other migrants. *Journal on Migration and Human Security*, vol. 4, No. 4, pp. 190–220.

Galemba, Rebecca, and others (2019). Paradoxes of protection: compassionate repression at the Mexico–Guatemala border. *Journal on Migration and Human Security*, vol. 7, No. 3 (September), pp. 62–78.

Gammeltoft-Hansen, Thomas (2008). *The Refugee, the Sovereign and the Sea: EU Interdiction Policies in the Mediterranean.* DIIS Working Paper, No. 2008/6. Copenhagen: Danish Institute for International Studies.

Ghezelbash, Daniel (2018). *Refuge Lost: Asylum Law in an Interdependent World.* Cambridge: Cambridge University Press.

Gleeson, Madeline (2017). Unprecedented by unfulfilled: refugee protection and regional responses to the Andaman Sea "crisis". *Antropologi Indonesia*, vol. 38, No. 1, pp. 7–20.

Global Detention Project (2016). Immigration detention in Nauru (March).

González, Daniel (2019). The 2019 migrant surge is unlike any we've ever seen before: this is why. *USA Today*, 25 September.

González, Yaatsil Guevara (2018). Navigating with coyotes: pathways of Central American migrants in Mexico's southern borders. *The ANNALS of the American Academy of Political and Social Science*, vol. 676, No. 1, pp. 174–193.

Gramlich, John, and Luis Noe-Bustamante (2019). What's happening at the U.S.-Mexico border in 6 charts. Pew Research Center, 1 November.

Heyman, Josiah, and Jeremy Slack (2018). Blockading asylum seekers at ports of entry at the US-Mexico border puts them at increased risk of exploitation, violence, and death. Center for Migration Studies, 25 June.

Heyman, Josiah, Jeremy Slack and Emily Guerra (2018). Bordering a "crisis": Central American asylum seekers and the reproduction of dominant border enforcement practices. *Journal of the Southwest*, vol. 60, No. 4, pp. 754–786.

Hiemstra, Nancy (2019). Pushing the US-Mexico border south: United States' immigration policing throughout the Americas. *International Journal of Migration and Border Studies*, vol. 5, Nos. 1 and 2, pp. 44–63.

Hiskey, Jonathan T., and others (2016). *Understanding the Central American Refugee Crisis: Why They Are Fleeing and How U.S. Policies are Failing to Deter Them.* Special Report. Washington, D.C.: American Immigration Council (February).

Hoffstaedter, Gerhard, and Antje Missbach (2021). Facilitating irregular migration into Malaysia and Indonesia: illicit markets, endemic corruption and symbolic attempts to overcome impunity, *Public Anthropologist*, vol. 3, No. 1, pp. 8–31.

Human Rights Watch (2019). US move puts more asylum seekers at risk, 25 September.

Isacson, Adam, Maureen Meyer and Hannah Smith (2015). Increased enforcement at Mexico's southern border: an update on security, migration and U.S. assistance. Washington, D.C.: Washington Office on Latin America (November).

_____ (2017). Mexico's southern border: security, Central American migration, and US policy. Washington, D.C.: Washington Office on Latin America (June).

Isidoridy, Alyssa, and others (2019). Delivered to danger: illegal Remain in Mexico policy imperils asylum seekers' lives and denies due process. Human Rights First (August).

Izcara Palacios, Simón Pedro (2019). Corruption at the border: intersections between US labour demands, border control, and human smuggling economies. *Antipode*, vol. 51, No. 4 (September), pp. 1210–1230.

Justice for Immigrants (2020). Asylum cooperative agreements backgrounder, 24 January.

Kandel, William A (2021). The Trump administration's "zero tolerance" immigration enforcement policy. CRS Report No. R45266. Washington, D.C.: Congressional Research Service (February).

Kerwin, Helen (2018). The Mexican asylum system in regional context. *Maryland Journal of International Law*. vol. 33, No. 1, art. No. 13, pp. 290–312.

Khosravi, Shahram (2010). *"Illegal" Traveller: An Auto-Ethnography of Borders.* New York: Palgrave Macmillan.

Kneebone, Susan (2017). Australia as a powerbroker on refugee protection in Southeast Asia: the relationship with Indonesia. *Refuge*, vol. 33, No. 1, pp. 29–39.

Kneebone, Susan, and Antje Missbach (2018). The human rights implications of Australian and Indonesian anti-smuggling laws. *International Journal of Migration and Border Studies*, vol. 4, No. 4, pp. 379–396.

Leutert, Stephanie (2017). When drug trafficking is your only option. *Foreign Policy*, 14 July.

_____ (2018). *Organized Crime and Central American Migration in Mexico*. Policy Research Project Report, No. 198. Austin, Texas: University of Texas at Austin, Lyndon B. Johnson School of Public Affairs.

_____ (2019). *The Implementation and Legacy of Mexico's Southern Border Program*. Policy Research Project Report, No. 208. Austin, Texas: University of Texas, Lyndon B. Johnson School of Public Affairs.

_____ (2021). Back and forth. *The Wilson Quarterly.*

Leutert, Stephanie, and Caitlyn Yates (2017). *Migrant Smuggling Along Mexico's Highway System*. Austin, Texas: University of Texas, Robert Strauss Center for International Security and Law.

Loyd, Jenna M., and Alison Mountz (2018). *Boats, Borders, and Bases: Race, the Cold War, and the Rise of Migration Detention in the United States*. Berkeley: University of California Press.

Martínez, Daniel E., and others (2017). The migrant border crossing study: a methodological overview of research along the Sonora-Arizona border. *Population Studies*, vol. 71, No. 2, pp. 249–264.

Massey, Douglas (2018). Today's US-Mexico "border crisis" in 6 charts. *The Conversation*, 27 June.

Massey, Douglas S., Jorge Durand and Nolan Malone (2002). *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*. New York: Russell Sage Foundation.

McNevin, Anne, Antje Missbach and Deddy Mulyana (2016). The rationalities of migration management: control and subversion in an Indonesia-based counter-smuggling campaign. *International Political Sociology*, vol. 10, No. 3 (September), pp. 223–240.

Menjívar, Cecilia (2014). Immigration law beyond borders: externalizing and internalizing border controls in an era of securitization. *Annual Review of Law and Social Science*, vol. 10, pp. 353–369.

Mexican Migration Project (2019). Data overview. Princeton University, 1982–2017. Available at https://mmp.opr.princeton.edu/databases/dataoverview-en.aspx.

Missbach, Antje (2014). Doors and fences: controlling Indonesia's porous borders and policing asylum seekers. *Singapore Journal of Tropical Geography*, vol. 35, No. 2 (May), pp. 228–244.

_____ (2015). *Troubled Transit: Asylum Seekers Stuck in Indonesia.* Singapore: ISEAS-Yusof Ishak Institute.

_____ (2016). People smuggling in Indonesia: complexities, (mis)conceptions and their consequences for sentencing. *Australian Journal of Asian Law*, vol. 17, No. 2, art. No. 3, pp. 1–25.

Missbach, Antje, and Gerhard Hoffstaedter (2020). When transit States pursue their own agenda: Malaysian and Indonesian responses to Australia's migration and border policies. *Migration and Society*, vol. 3, No. 1, pp. 64–79.

Mountz, Alison, and Jenna M. Loyd (2014). Transnational productions of remoteness: building onshore and offshore carceral regimes across borders. *Geographica Helvetica*, vol. 69, No. 5 (December), pp. 389–398.

Munro, Peter (2011). People smuggling and the resilience of criminal networks in Indonesia. *Journal of Policing, Intelligence and Counter-Terrorism*, vol. 6, No. 1, p. 40–50.

Nethery, Amy, and Carly Gordyn (2014). Australia-Indonesia cooperation on asylum-seekers: a case of "incentivised policy transfer. *Australian Journal of International Affairs*, vol. 68, No. 2, p. 177–193.

Nevins, Joseph (2008). *Dying to Live: A Story of US Immigration in an Age of Global Apartheid.* San Francisco, California: City Lights Publishers.

_____ (2010). *Operation Gatekeeper and Beyond: The War on "Illegals" and the Remaking of the U.S.-Mexico Boundary.* New York: Routledge.

Peterie, Michelle (2017). Docility and desert: government discourses of compassion in Australia's asylum seeker debate. *Journal of Sociology*, vol. 53, No. 2 (June), pp. 351–366.

Phillips, Janet (2017). *Immigration Detention in Australia: A Quick Guide to the Statistics.* Research Paper Series, 2016-17. Canberra: Parliamentary Library.

Refugee Council of Australia (2020). Seven years on: an overview of Australia's offshore processing policies (July).

Sánchez, Gabriella (2016). Latin America. In *Migrant Smuggling Data and Research: A Global Review of the Emerging Evidence Base*. Marie McAuliffe and Frank Laczko, eds. Geneva: International Organization for Migration, pp. 269–301.

_____ (2017). Beyond the matrix of oppression: reframing human smuggling through intersectionality-informed approaches. *Theoretical Criminology*, vol. 21, No. 1, p. 46–56.

Sánchez, Gabriella, and Juliana Sánchez (collaborator) (2020). El tráfico ilícito de migrantes en América Central y México en el contexto de la COVID-19. San José: International Organization for Migration, Regional Office for Central America, North America and the Caribbean.

Sánchez, Gabriella, and Sheldon Zhang (2018). Rumors, encounters, collaborations, and survival: the migrant smuggling–drug trafficking nexus in the US southwest. *The Annals of the American Academy*, vol. 676, No. 1 (March), p. 135–151.

Sandhu, Morgan (2020). Unprecedented expulsion of immigrants at the southern border: the title 42 Process. Harvard Law: COVID-19 and the Law, 26 December.

Seelke, Clare Ribando (2011). Mexico-U.S. relations: issues for Congress. Washington, D.C.: Congressional Research Service.

_____ (2016). Mexico: background and U.S. relations. Washington, D.C.: Congressional Research Service.

Slack, Jeremy, and Daniel E. Martínez (2018). What makes a good human smuggler? The differences between satisfaction with and recommendation of coyotes on the US-Mexico border. *The ANNALS of the American Academy of Political and Social Science*, vol. 676, No. 1 (March), pp. 152–173.

Slack, Jeremy, and others (2016). The geography of border militarization: violence, death and health in Mexico and the United States. *Journal of Latin American Geography*, vol. 15, No. 1 (March), pp. 7–32.

Spener, David (2011). Global apartheid, *coyotaje,* and the discourse of clandestine migration: distinctions between personal, structural, and cultural violence. In *Global Human Smuggling: Comparative Perspectives*, David Kyle and Rey Koslowski, eds. Baltimore: Johns Hopkins University Press, pp. 157–185.

Suárez, Ximena, and others (2017). Access to justice for migrants in Mexico: a right that exists only on the books. Washington, D.C.: Washington Office on Latin America (July).

Transactional Records Access Clearinghouse (2016). Continued rise in asylum denial rates: impact of representation and nationality. TRAC Immigration, TRAC Report No. 448, 13 December 2016.

Office of the United Nations High Commissioner for Refugees (UNHCR) (2017). Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Geneva.

United Nations Office on Drugs and Crime (2015). New campaign draws attention to plight of smuggled migrants in Mexico and Central America. 18 September.

_____ (2018). *Global Study on Smuggling of Migrants 2018.*

United Nations, General Assembly (1948). Universal Declaration of Human Rights.

Verza, María (2019). Under US pressure Mexico shifts immigration policy. Associated Press, 12 September.

Vogt, Wendy A. (2018). *Lives in Transit: Violence and Intimacy on the Migrant Journey.* Oakland, California: University of California Press.

Watkins, Josh (2017). Australia's irregular migration information campaigns: border externalization, spatial imaginaries, and extraterritorial subjugation. *Territory, Politics, Governance*, vol. 5, No. 3, pp. 282–303.

Williams, Kira, and Alison Mountz (2018). Between enforcement and precarity: externalization and migrant deaths at sea. *International Migration*, vol. 56, No. 5 (September), p. 74–89.

Worthington, Brett (2019). Senate passes controversial refugee evacuation bill, Scott Morrison says new laws "weaken our borders". *ABC News*, 13 February.

Yarris, Kristin, and Heide Castañeda (2015). Special issue discourses of displacement and deservingness: interrogating distinctions between "economic" and "forced" migration. *International Migration*, vol. 53, No. 3 (June), pp. 36–49.

Zaiotti, Ruben (2016). Mapping remote control: the externalization of migration management in the 21st century. In *Externalizing Migration Management: Europe, North America and the Spread of "Remote Control" Practices*, Ruben Zaiotti, ed. New York: Routledge, pp. 1–30.

Zolberg, Aristide R. (1997). The Great Wall against China: responses to the first immigration crisis, 1885–1925. In *Migration, Migration History, and History: Old Paradigms and New Perspectives.* Jan Lucassen and Leo Lucassen, eds. International and Comparative Social History Series, vol. No. 4. New York: Peter Lang, pp.111–121.

MIGRANT SMUGGLING: ORGANIZED CRIME OR A SERVICE FOR THOSE WITHOUT ALTERNATIVES?

Interview: Claire Healy[a] and Gabriella Sánchez

The next and final article in this issue of *Forum* takes the form of an interview in which two prominent researchers on migrant smuggling researchers, Claire Healy and Gabriella Sánchez, are asked to respond to some of the broader issues raised in the preceding articles. These issues include the links (or lack thereof) between organized crime and migrant smuggling; the effects of law enforcement efforts to tackle migrant smuggling; whether it is fruitful to distinguish between "good"' and "bad" migrant smugglers; the impact of efforts to implement extraterritorial border controls; and the pros and cons of viewing migrant smuggling through the lens of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

> This issue of Forum opens with an article entitled "Untangling the knot: human smuggling, terrorism and transnational crime", written by Luigi Achilli and Caitlyn Yates. The article attempts to deconstruct the arguments linking human smuggling and organized crime by using MS-13 in Central America and ISIL in the Middle East as illustrative examples. The authors contend that both groups operate broadly as transnational criminal organizations, but that neither group has engaged in consistent migrant-smuggling activity as a means of financing.
>
> In your work and in your regions of expertise, have any circumstances called into question the familiar paradigm of the links between organized crime and migrant smuggling? How?

Claire Healy

In the context of the eastern Mediterranean and Balkan migration routes to Europe, there is remarkably little evidence of the involvement of sophisticated transnational organized criminal networks in migrant smuggling. This is in stark contrast to the portrayal by politicians, policymakers and the media of smugglers as the main perpetrators of abuses against people on the move and

as members of organized criminal groups. The term "smuggler" is often used interchangeably with "trafficker", implying that all smugglers have a negative influence and are responsible for human rights violations, including deaths, of people on the move to Europe.

What my research at ICMPD has found is that smuggling services are commonly provided in an opportunistic, sporadic manner at each stage along the route, rather than by highly organized transnational criminal networks. This is particularly the case for people on the move who cannot afford to pay for a "full package" all the way from their country of origin to their intended final destination. Therefore, in the course of their journey they pay different smugglers, who are not necessarily in contact with one another. This reality is also reflected in many sections of the migrant-smuggling routes through West Africa and North Africa covered by the research of the UNODC Observatory on Smuggling of Migrants.

People on the move who need to use smuggling services usually select and contact a smuggler through friends or relatives, or through other people from the same place of origin who have already made the journey. For example, a young Afghan man interviewed in Hungary for the ICMPD research reported: "We already knew the smuggler who organized my journey, because he had accompanied one of our family members to Greece. We agreed that if I arrived in Turkey, he would get the €3,000 [from my parents]. I got €300 pocket money from my parents." Others access information and recommendations for smugglers online, particularly through social media. In addition, people residing in accommodation centres for people in transit and seeking asylum in European countries may come into contact with smugglers through intermediaries of theirs who also reside at the centres or operate in the vicinity.

Gabriella Sánchez

I started my career in border criminologies by carrying out criminal investigations of drug trafficking along the Mexico-United States border. At that time, I became aware that drug trafficking operators and migrant smugglers were in an extraordinary way connected to each other. But this connection was not as the media portrays it (working closely, coming together, plotting as one, etc.). The reason is actually quite simple. As a participant in highly criminalized and surveilled activities, you must know whom you are sharing your territory with, be aware of their movements and maintain open channels of communication that help you – and those around you – to protect your market and the goods you move. Thus, drug trafficking operators do keep in touch with migrant smugglers. They often know them by name, frequent the same bars, churches and restaurants, and their kids may go to the same schools. In the

case of the United States side of the border, they also share one of the most surveilled and militarized territories in the world. It is therefore fundamental for members of both markets to stay in touch to share intelligence and other kinds of information that allow them to reduce risks and avoid detection. But staying in touch is not the same as being structurally connected.

Do they interact in other ways? Of course they do. The most commonly cited example of these interactions along the Central America-Mexico-United States migratory corridor is the payment of a fee or toll called *piso*, which allows smugglers to travel through specific territories or segments under the control of drug trafficking organizations or other entities, such as the military or government bodies, relatively risk-free. Smugglers often mention how their ability to operate and, most importantly, their safety and reputation, depend on prompt and consistent payment of *piso*. These fees are often left alongside highways, hidden in small shrines to saints or at other pre-arranged places. Why would anyone leave what often constitutes significant amounts of money in remote or abandoned places? Horror stories abound – some corroborated, some not – about smugglers being murdered, kidnapped or sexually assaulted for not paying the fees. From my experience, the potential for violence and the widespread existence of specific, iconic cases are often enough of a motivation for smugglers to pay. As operators working independently, as part of a small groups or with scant clout, smugglers prefer to pay, rather than taking the risk of encountering violence. This is in fact also a clear example showing that smugglers and people working for drug trafficking groups are not necessarily the same.

Furthermore, while most organized crime analysts emphasize or look at organizational links, through my research I have more often found that looking at examples from below – that is, from the experiences of people, rather than groups – one obtains more nuanced explanations concerning criminal market interactions. I have often come across individual migrants (often young men) who, unable to come up with the fees smugglers demand for border crossings, opt to carry drugs across on foot, or to perform some other form of highly criminalized and illicit tasks in the hope of accomplishing their goal of reaching or entering the United States. Unfortunately, these young migrant men are often apprehended and must face drug trafficking charges.

I provide these two examples as indicators of how markets do not simply come together, converge or experience a takeover. There has to be a critical reason for this, and to narrow it down to money or profits, as most literature does, is simplistic at best. From my experience, it makes more sense to talk about how the lack of legal, safe paths for people to migrate creates conditions of vulnerability not only for migrants, but also for those who turn to criminal

activities in order to accomplish their migration goals. I am one of several scholars who do not consider interactions between migrant smuggling and other forms of organized crime as convergence; there is no sharing of leadership, infrastructure or resources. Blanket generalizations often hide the nuances of the markets, and the identities and experiences of those more likely to be impacted by criminalization and prosecutorial efforts.

> **If countering migrant smuggling through an organized crime lens is not functional or appropriate, in which way should this phenomenon be reframed?**

Claire Healy

During the cold war era in Europe, those who provided services to people wishing to seek safety in another country by travelling irregularly were referred to as *Fluchthelfer* in the German language – people who helped them to escape. In many of the cases I examined along the Balkan route, a person engaged the services of migrant smugglers, paid them and, with their assistance, managed to safely reach a country of destination or transit. The country of destination may then grant this person who travelled along the route some form of international protection, recognizing that their move to another country was necessary for their safety. The smugglers are service providers, and it is a service that people on the move desperately need. In other cases, even if smugglers are actually deceiving or abusing migrants, migrants themselves perceive the smuggler in a positive light, as someone who is helping them, in a context of lack of alternatives.

The most important thing to remember is that experiences of migrant smuggling are located across a broad spectrum. At one end of the spectrum are the experiences of people who pay smugglers for a service and are safely transported to the agreed destination, in accordance with the terms negotiated. At the other end are people who are abused or exploited by smugglers who take advantage of their vulnerable situation in order to make more money through kidnapping and extortion, cutting costs by providing inhumane conditions of travel and accommodation, or by means of human trafficking. The majority of smuggling experiences are located around the middle of this spectrum.

The migration journey is referred to by many people travelling along the Balkan route as the "game" of crossing borders, with migrant smugglers providing "game services". To a certain extent, this is a "game" of chance, and the outcome depends largely on a person's experiences with the smuggling. People using the services of smugglers perceive these people in different ways,

along a spectrum from saviour to abuser. In the words of a 23-year-old Pakistani man interviewed in Serbia:

> It depends, if your smuggler is good, you will be good. If your smuggler is not good, you won't be good. When I was in prison [in Bulgaria], I met with a smuggler… In this period, I did not get into any bad experiences with smugglers, just because he was very good to me. He took me from Bulgaria to here. He always tried to minimize the walking for me. He always tried to suggest a good game for me, a fast one.

In a context where options for onward travel are limited, and people are desperate to move on, smugglers are among the few people who can really provide the assistance they need. People on the move do not want to engage with migrant smugglers; what they want is to travel regularly and safely in order to apply for asylum. So the best way to understand migrant smuggling is not by focusing on migrant smugglers, but by concentrating on *(a)* the need for migrant-smuggling services and *(b)* the nature of people's smuggling experiences.

Gabriella Sánchez

First we need to remember that migrant smuggling as a term and as a criminal offence is quite new. It was in fact defined and articulated as we know it today less than 20 years ago, as part of the Protocol against the Smuggling of Migrants by Land, Sea and Air. As the prominent scholar Anne Gallagher has shown, the Protocol – and smuggling itself – was articulated as an effort to curtail the cases of illegal entry into countries in the Global North, which had started to argue that the irregular presence of people in their territories constituted a security issue. This has led plenty of scholars to argue that the narrative on smuggling, from the outset, has been manipulated as a tool to control immigration, rather than as a way to contain smugglers themselves. An example that is often cited in this context involves the case of the Niger. People in communities across that country – specifically in the city of Agadez – had for generations worked providing transportation for migrants in transit to industrial areas across North Africa. Entire local economies had been built around the facilitation of transportation. Yet by the beginning of this century, the European Union's concerns over Agadez as an important hub for migration towards and into Europe led policymakers, in coordination with the Government of the Niger, to introduce statutes that countered smuggling. However, these statutes do not criminalize only the facilitation of the entry of people from other countries for material profit, but also any other activity that might be conducive to migration. This, over a very short period of time, transformed not only the transporters, but pretty much anyone who came into contact

with migrants (from those who housed migrants to those who had food or water stands, to the brokers who assisted recent arrivals in securing room and board) into smugglers.

I cite the specific example of Agadez since it has shown that labelling mobility as smuggling drove transportation practices in the region – which had a long history of being legal and well organized – underground. Whenever legislation introduces these kinds of designations or characterizations, without consulting those who are directly affected by the decision, you have a situation in which the people who have relied on these mechanisms for their everyday lives suddenly find themselves in positions of severe inequality. They are more likely to face risk and abuse, or enter into unequal exchanges with smugglers, law enforcement and even ordinary people. If the provision of services is seen as transportation by a community, and if these are seen as legal, safe paths for people to travel, introducing legislation to address external concerns that are not in line with the experiences and understandings of the people will not protect migrants. They again create situations of further inequality and abuse.

> The second article, entitled "On the key distinction between trafficking and smuggling: views and implications from the Horn of Africa and Southern Africa", by Milena Belloni and Xolani Tshabalala, argues that migrant smuggling is an activity that is deeply socially embedded around the South Africa-Zimbabwe border, as well as in parts of Eritrea, and that law enforcement disruption risks bringing in "outside" criminals who are likely to cause greater harm to migrants.

> Based on your work along the Mexico-United States border and in the western Balkans, do you see the same risks there? Why or why not?

Claire Healy

The closing of the borders along the Balkan route, on the heels of the European Union-Turkey statement in March 2016, resulted in an increased demand for smuggling services, owing to the increased difficulty of transiting to intended destination countries. In the absence of regular channels for travel, and when transit routes are blocked off, people who wish to make the journey to Europe use smuggling services, either once or multiple times, until they reach their final destination or become stranded. According to a key informant in North Macedonia, closing the borders "did not stop people from continuing to transit. It had a different effect… I think that smuggling reached its highest point."

The policies and law enforcement practices that have disrupted irregular migration in general along the Balkan route during the past few years have made the act of smuggling more difficult. Disrupting irregular migration means that the need for smuggling services increases, so as a method of combating smuggling, this is counterproductive. What it does is, it requires smuggling services to be more sophisticated, and it makes smuggling more expensive. As an 18-year-old Afghan man explained: "Two and a half years ago when I left [early 2016], these trips were much cheaper. The price was €3,000 to Germany, but between Iran and Turkey I had to pay €700. The smuggler said he had taken two passengers by car and they didn't even have to walk."

Vulnerabilities to exploitation often arise not directly through interaction with smugglers, but as a result of the need to pay for their services. In these cases, smuggling services are provided without involving abuses or exploitation, but people on the move may run out of money or go into debt in order to pay for the services, making them vulnerable. People need money – and may work along the way to earn it – in order to pay for smuggling services.

Gabriella Sánchez

Most people who enter into smuggling have a specific profile: they are indeed driven by financial need (not greed, but an actual need, often derived from being people with long histories of poverty and lack of resources). While working in the Americas, and also in North Africa and Europe, I have never met a smuggler who is not from a border region and who has not experienced abuse or discrimination by virtue of his or her origin, immigration or citizenship status, low socio-economic level, ethnicity or gender. Smugglers are most often people who come from communities with long histories of marginalization. And even if they make some good money at times, the fact that they lack access to viable paths towards formal employment, education, health services or recreation makes it quite hard for them to move on or to leave poverty behind. They put into use what they have available to them: the knowledge of their communities, of their territories. Their local connections, their awareness of the geopolitical landscape. In a recent study I conducted in support of IOM in Central America, when I interviewed law enforcement officers they expressed their concern over how many poor and indigenous people had been apprehended for smuggling migrants during the pandemic.

It is hard for smugglers to work with groups that they may perceive as outsiders or foreigners; they may not know them, they may not speak their language, and they may simply not trust them. The fact that more people are seeking or

devising new routes to reach their migration destinations has also meant that smugglers are, on the one hand, further restricted to their specific area or territory. On the other, it means they have had to learn how to connect with others, having to forge new connections with people they would not otherwise partner with. But by virtue of being in relative control of their immediate area, they really don't have to partner structurally with others. Their essential modus operandi continues to be the same: they rely on referrals, connecting via WhatsApp or other applications, and by worth of mouth.

Whenever we introduce the notion of "outside criminals", we are at risk of further creating these notions of the foreign, strange, unfamiliar criminal, notions that many times can be racist or cement stereotypes of people and their communities. As many researchers in critical criminology have shown, while talking about foreigners as criminals is common in language about organized crime, we also have to be careful about the kind of images that creates of people, and most importantly about how that affects the kind of treatment they receive before the law.

> **Another point raised in the article is that smugglers are essentially "good", in the sense that it is generally in their interest to ensure that the migrant receives the agreed smuggling service and is not harmed, while traffickers are "bad", in that their business is exploitation. Does your experience by and large support this dichotomy, or would you argue that there are also "bad" smugglers?**

Claire Healy

Again, the answer to this question is related to the point above about the broad spectrum of smuggling experiences. We cannot say that all smugglers are essentially "good", but it is also inaccurate to say that all smugglers are essentially "bad".

For people who can afford more expensive, safer smuggling services, the smuggling experience is generally more positive. This was the case for Syrians, particularly from May 2015 to March 2016. The experiences of Afghan people are generally riskier and more unsafe than the experiences of Syrian people along the routes. For Afghans, the journey is much longer and more difficult, and generally their first contact with smugglers is in Afghanistan or the Islamic Republic of Iran.

Although this is not the norm, there are also some organized transnational groups operating in this context, with connections to other crimes, including

human trafficking. Many people travelling along the Balkan route have had negative experiences of smuggling, varying from deception in relation to prices and routes, to threats, sexual and physical violence, extortion and exploitation. Girls, boys, women and men have been physically and sexually assaulted and exploited by smugglers.

What is also common along the Balkan route is the experience of being locked up by smugglers, and deprived of liberty for the purpose of extortion. Furthermore, we did find some cases where a smuggler was in fact also a trafficker, recruiting someone who wanted to cross a border, providing them with that service, but then also exploiting that person. So it is clear that a strict dichotomy of good and bad does not make sense.

Using smuggling services is a positive experience for people on the move if the smugglers carry out the task for which they have been paid, and a negative one if people are abused and exploited by their smugglers, or abused and exploited by others because they need to pay for smuggling services. In the latter case, it is not the smugglers who are "bad", but rather the other actors who abuse the position of vulnerability of a person who needs to pay for smuggling. Evidently, the reality of migrant smuggling is far more complex than simplistic dualities of good and evil.

A distinction that used to be made during the twentieth century, but tends to be absent from the twenty-first-century discourse on the facilitation of migration, should be resuscitated. *Fluchthelfer* allow people to travel to a country where they are entitled to international protection. The State that grants these people international protection recognizes that the applicant had a very good reason for entering its territory irregularly, and therefore does not hold them liable for the offence of irregular entry. In many cases during the twentieth century in Europe, this rationale also applied to the smuggler who helped the person to enter irregularly in exchange for payment.

Lumping all smugglers together as perpetrators of a form of transnational organized crime, and painting them all with the same brush as abusers and "bad guys", is counterproductive and ineffective for protecting people who are abused by smugglers. Law enforcement responses should focus on cases of trafficking, exploitation and abuse perpetrated by people providing migrant-smuggling services, as these constitute severe human rights violations. Combating migrant smuggling that does not involve any abuses should be a secondary concern. Indeed, there is an inherent contradiction in a destination country punishing someone who facilitates the entry into that country of a person who is subsequently recognized by that same country as entitled to international protection.

Gabriella Sánchez

I think the dichotomy of the "good" and "bad" smuggler is both flawed and limited, and has in turn led to the propagation of the overly simplistic narratives that surround smuggling facilitation (including the claim that some researchers actually defend the actions of smugglers, or consider them heroes or saviours). So we have to be careful. There are simply no good, bad or so-so facilitators. One migrant might have had a great experience travelling with someone, while another could have experienced indescribable suffering and loss travelling with the same person. To label smugglers as good or bad puts the focus on them, and not on the fact that their existence is the result of reductions in pathways for legal, safe and dignified access to migration. I often emphasize that smuggling facilitators would immediately disappear if the ability to move was given equally to all people. There is no need for a smuggler when you can travel safely and legally, and most people prefer that. The smuggler emerges as a result of the lack of safe, legal paths to travel. It is a form of protection from below, an effort by the poor to reduce the inequalities that exist related to travel. The more we focus on that, the less we need to engage in unproductive debates over the nature of the smuggler.

> The third article is entitled, "Border controls in transit countries and their implications for migrant smuggling: a comparison of Indonesia and Mexico", written by Rebecca Galemba, Abbey Vogel and Antje Missbach. The article provides an interregional assessment of extraterritorial border policies in transit countries, demonstrating how such policies have shifted smuggling practices on the ground, and illustrates differences and similarities between land and sea borders.

> Drawing on your expertise in the field, can you describe how you have seen extraterritorial border policies cause smuggling practices on the ground to shift?

Claire Healy

While conditions on the Eastern Mediterranean and Balkan routes were dynamic throughout 2015–2018, there were certain specific moments of significant change, marked by:

- An increase in the numbers of people arriving along the migration routes in early 2015.

- The regularization of transit through the Balkans and suspension of "Dublin" returns from Germany in the summer of 2015.

- The European Union-Turkey statement in March 2016 and the closing of the route.

- Significantly reduced numbers of people travelling and "reverse" movements during 2018.

These shifts are clear examples of how the policies and practices of European Union countries had a significant impact on key transit countries outside the European Union, particularly North Macedonia, Serbia and Turkey. From June 2015 to March 2016, the Balkan route was more regulated and controlled, and policies and practices generally allowed for legal transit through the Balkan countries. North Macedonia and Serbia put in place legal amendments in mid-2015, whereby people were allowed to transit regularly through those countries, provided that they registered their "intention to seek asylum" and left the country within 72 hours.

However, owing to external pressure, at the beginning of 2016, countries along the route restricted entry to everyone other than Syrians, Iraqis and Afghans. Afghans were subsequently removed from the list. In addition, since September 2015, official entry from Serbia into Hungary has been managed on the basis of an unofficial waiting list. This means that people are left with few alternatives to using smuggling services to evade this system, and/or using alternative, riskier routes.

The European Union-Turkey statement instigated border closures, restrictions and fortification of borders in the countries along the Balkan route. The number of people making the sea crossing from Turkey to Greece decreased significantly throughout the rest of 2016, a trend that continued throughout 2017. This meant that many people who had intended to travel to Greece remained stranded in Turkey. In addition, the possibility of legally transiting from Greece through North Macedonia and Serbia was effectively removed.

During 2018, the impacts of European Union and national policies on transit countries were clear. Some 142,000 people entered European Union first countries of arrival, a dramatic decline from the more than 1 million people who arrived in 2015. Along the Balkan route, some people began to travel in the "reverse" direction, not only towards Western Europe. This was either for seasonal work in the harvests in summer and autumn; because people became separated from family members along the way and wanted to return to them; because they were returning irregularly to their country of origin; or because

they had not been able to cross the Serbian-Hungarian border to re-enter the European Union and therefore wished to return to Greece, the only accessible European Union member State.

Gabriella Sánchez

Along the Central America-Mexico-United States migration corridor we have seen clear examples of externalization. While there has always been an impression that the only "barrier" preventing migration into the United States is the border wall or the fence, for several decades there have been immigration and border enforcement controls by the United States that have attempted to contain the irregular migration of Central Americans into Mexico. Immigration enforcement measures have often been negotiated as part of security initiatives between Mexico and the United States, and while they might have been seen as successful, given the number of apprehensions, deportations or returns, they have also led to the emergence of corruption and forced migrants to attempt their transits through more dangerous and remote corridors where they are more prone to face intimidation and abuse from smugglers, authorities and the general public. Nor should we forget that race plays a role in the way people experience the migratory journey: people from indigenous groups, or those who are from countries outside the Americas (particularly African migrants, who are increasingly relying on this corridor to reach North America), often encounter racism and discrimination as part of these externalization processes, being denied interpretation services or being subjected to specific abuses because of their race and/or ethnicity. More recently, in the context of COVID-19, the United States Government also signed agreements with countries in Central America to fly migrants back to their countries of origin following their apprehension. Migrant advocates were quick to highlight that these flights were not deterring migrants from travelling, yet were often returning them to the dangerous settings they had fled from to seek safety. Furthermore, in the context of the pandemic, these flights further exposed people to contagion.

How have these shifts affected the migrant populations?

Claire Healy

The restrictions on movement and mobility that have been progressively imposed by European countries since 2016 have significantly increased the vulnerabilities of people using the migration routes. Even if, logically, people wish to travel as cheaply and safely as possible, changing policies and restrictive laws and measures leave them with few options but to make a costly, long, dangerous and irregular journey. The abuses suffered by people on the move,

including children, when crossing borders into and through the European Union, are highly detrimental to their long-term ability to lead productive lives.

The vast majority of people travelling along the Balkan route wish to continue on to the next country as soon as possible. These people never intended to spend any significant amount of time in the transit countries, and would not have entered them at all if they had an alternative, quicker or safer route to their intended destination countries. However, this desire to swiftly move on, when combined with policies and practices that have increasingly restricted such transit since March 2016, have left people stranded in transit countries, desperate to move on and vulnerable to abuse.

Gabriella Sánchez

As mentioned earlier, repatriation flights, border controls, deportation (all key elements of externalization) have not shown their effectiveness as deterrents. People continue to look for ways to reach their destination. However, externalization has led people to pursue routes where they may face increased vulnerability as a result of their lack of immigration status or their nationality, gender, race or age, among many other factors. Along the Central America-Mexico-United States migration corridor, examples of intimidation, abuse, kidnapping, extortion, forced labour, human trafficking and forced disappearances have long been linked to the lack of mechanisms for migrants to travel safety, and their lack of access to mechanisms through which they can obtain justice. Most externalization efforts along this corridor have been aimed at enforcement, not at protecting the lives of migrants, nor at creating effective ways for them to report abuse.

> **UNODC work on migrant smuggling is grounded in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.**
>
> **Drawing from your practical on-the-ground research on migrant smuggling, what implications does the UNODC approach have in terms of migrants' rights?**

Claire Healy

One of the key findings of my research is that the main modus operandi of traffickers and other exploiters and abusers in the context of the migration routes, regardless of whether or not they also provide migrant-smuggling

services, is abusing people's position of vulnerability. This vulnerability arises from their need to use, and to pay for, migrant smuggling, which is due to the lack of alternatives for regular travel. The fact that people have to make this journey in a context of increasing restrictions on travel, in order to apply for international protection in Europe, leaves them vulnerable to abuses. Migrant smugglers do not create this context, even if it results in an increased demand for their services.

So it is crucial to examine more carefully how to prevent migrant smuggling, and human trafficking, by means other than the classical law enforcement paradigm and general approaches to transnational organized crime. Expanding possibilities for people to travel regularly by plane, with an entry visa for a European Union country, will directly lead to a reduction in migrant smuggling, as the service would no longer be required. This finding is also reflected in the research of the UNODC Observatory on Smuggling of Migrants on routes through West Africa and North Africa.

In the absence of options for regular air travel, expanding the possibility of regularized transit by sea and/or overland is the next best way to combat smuggling. This possibility was available to many people, at least for some sections of their trip from Greece to Germany and other European Union countries, from mid-2015 to March 2016. These people, and especially those among them who had higher chances of being granted international protection in a European Union country, such as Syrians, Eritreans and Iraqis, had a more positive experience of the journey and less need to use smuggling services. Simply put, regular travel and regularized transit will reduce migrant smuggling and related abuses.

Gabriella Sánchez

The implementation and interpretation of the Protocol – or lack thereof – have had important impacts on migrants. Many people who have legitimate asylum claims travel or cover segments of their journeys with the assistance of smuggling facilitators; this is often not recognized by the authorities of the countries where they arrive. The evidence shows that many people who would otherwise have qualified for international protection are often charged with smuggling themselves for having relied on forged or false documents, or on the assistance of a smuggler to reach their destination. It is true that many of the convictions in such cases are ultimately vacated or reversed. But people do not have to endure these experiences. An improved understanding of the Protocol should make it possible from the outset for judges to enact decisions that can protect asylum seekers, avoiding their criminalization, and in many instances their further victimization. Also, judges have a great deal of

discretion in determining who is charged under smuggling statutes, and biases are common. Case law shows how often judges make judgments or decisions based on perceptions connected with race, class and gender. I once came across a case involving a judge who gave a harsher sentence to a woman who had attempted to smuggle her three children because she became pregnant after she had been indicted. He went as far as calling her pregnancy "cynical". It is quite troubling that many people convicted under smuggling statutes never should have faced such a fate. We are obsessed with organized crime and smuggling networks, but many of those who face smuggling convictions should never have set foot in court. These are pressing issues that at times call into question the viability of the Protocol and its effectiveness for ensuring the provision of justice for all. I insist that the pressure to use the organized crime lens obscures cases of this nature, which, despite being less visible, also matter and reveal the difficulty of defining and prosecuting smuggling.

> **The articles in this special edition seem to agree that treating smuggling of migrants as an organized crime carried out by transnational networks is detrimental to the interests of migrants, in particular. How should the international community deal with the crime of facilitating irregular migration for profit?**

Claire Healy

In order to effectively prevent the crime of migrant smuggling, we should focus on the need for smuggling, rather than on migrant smugglers. The demand for migrant smuggling can be drastically reduced by significantly expanding the range of alternatives for regular travel for refugees and other migrants, and their availability, to avoid the need for people to make irregular and dangerous journeys. This includes possibilities for regular migration (including labour migration and family reunification) and programmes for regular travel for refugees, including resettlement, community sponsorship and humanitarian visas. When adults and children can travel safely, swiftly and regularly, they avoid the vulnerabilities arising from making the journey along the migration routes to Europe, including the use of migrant-smuggling services.

The likelihood of having a more negative experience, including abuses and exploitation, is related to the power balance between migrant and smuggler. In contexts where there are many people on the move, with limited resources, and a high demand for smuggling services, the business reputation of the smuggler is less important and therefore abuses and exploitation may be more common. In a context where the demand for smuggling services is

significantly reduced, some actors will no longer engage in migrant smuggling, while for those who continue to provide smuggling services, the power balance will shift in favour of the people on the move, who will be able to choose more reliable smugglers and thus their journeys will be located closer to the positive side of the spectrum of migrant-smuggling experiences.

Gabriella Sánchez

We would not need to think about smuggling if people from around the world were given equal access to the mechanisms they need to move. But I will also bring up the point I made earlier concerning smugglers: many of them are or were migrants, people who have experienced long histories of discrimination and structural inequality, who lack access to the most basic services. Many people, unable to move forward as a result of border controls and immigration enforcement, develop the kinds of expertise needed to smuggle others and assist them on their journeys, with the hope of eventually migrating themselves. Many other migrants – among them women and children – work to pay off their transit fees by performing smuggling-related tasks. They cook, clean, take care of children, elder migrants or pregnant women, collect fees, pilot boats and so on, all with the hope of reaching a destination, supporting their families or merely surviving. So the line dividing smuggler and migrant is not that easy to draw, and therefore the categories and terms we use must be problematized. However, what we really need to emphasize is that smuggling, as it is most often prosecuted around the world, disproportionately affects the poor, women and young people. The emphasis on profits and material benefit in the organized crime narrative that dominates discussions of smuggling obscures the fact that many, many people perform smuggling-related tasks, generating only small earnings for themselves. While we need more data and research to confirm this, most fees go to pay for access; that means they do not even stay within smuggling groups, but go to people engaged in corruption, often to State bodies, or to people in law enforcement organizations who often are also afflicted by financial insecurity and poverty. Smuggling facilitation is not the domain of wealthy dons or cartel leaders, as organized crime narratives often suggest. The market is one of poor, marginalized people trying to make a living, where few if any will ever see any kind of social mobility. What we are witnessing is not the spread of organized crime, but the increased precarization of contemporary life, the poor becoming poorer and having to rely for their survival on activities that are increasingly criminalized, and that eventually perpetuate their marginalization. A smuggler told me once: smuggling is a crime of the poor; the rich would never do what we do. And I wholeheartedly agree.

UNODC

United Nations Office on Drugs and Crime