

**A TRADE OFF BETWEEN SECURITY AND RIGHTS? THE
MIGRATION ISSUE IN THE ITALY-LIBYA RELATIONS**



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Introduction

It has been a long time since at the end of February 2011 the Libyan population, supported by the international community, decided to revolt against the authoritarian regime established by Muammar Qaddafi. 2011 was a fundamental year for international relations, especially for the Maghreb area: to define the chaos within this area we speak about "Arab springs", popular revolts often led by exponents of extreme Islamic radicalism. Italy is part of this already turbulent context, with which Libya almost maintained very close relations, especially for historical and political reasons.

The aim of this paper is to see in detail what strategies and agreements were (and are) used by the various Italian governments, analyzing in particular the management of migratory flows and the most important economic aspects.

1– Hystorical background: relationship between Italy and Lybia

1.1 - Before the “Benghazi Treaty”

In 1911, after a brief war against the Ottoman Empire, Italy took control of Tripolitania and Cyrenaica. In 1934 Tripolitania and Cyrenaica were united and called Libya. During those years, tens of thousands of Italians went to live in Libya: here they opened factories and businesses, and took root. Italy lost control of the country in 1943 and officially renounced it in 1947: Libya was administered provisionally by Great Britain and France, and gained independence in 1951. Libya became a monarchy, ruled by King Idris, but in 1969 a military coup led by Muammar Qaddafi took place and started to rule the country. Among the first things done from the new regime, was to nationalize the Italian possessions in Libya, confiscating all assets from 35,000 Italian-Libyan citizens -four hundred billion lire; at the current exchange rate it would be three billion euros - and finally expelled them. Anti-Italian rhetoric was considered a crucial element used by Qaddafi to increase his popularity. Since 1970, the “Day of Revenge” has been held, to be celebrated every 7 October, in memory of the anti-Italian retaliation. The Day of Revenge stopped being celebrated in 2008, following the signing of the Benghazi Treaty.¹ Nowadays, the Day of Revenge is celebrated as the "Day of Reconciliation and Friendship between Italy and Libya".

1.2 - 1998 - 2008: the turning point

Italians relations with Libya have never been easy, both due to the colonial legacy and the sanctions imposed on Libyans by Westerners. After Qaddafi came to power, the Italians were driven out and their properties confiscated. However, commercial relations continued thanks to ENI, whose presence never stopped, not even when Libya was subject to international sanctions.

In 1998, during the first Prodi's government, Italy signed an agreement called: “Comunicato Congiunto”. Many of the issues governed by the Comunicato Congiunto were taken up in the 2008 Benghazi Treaty, signed by Silvio Berlusconi (Italian Prime Minister at the time) and by Qaddafi.

With this agreement, Libya was able to obtain a "condemnation" of Italian colonialism and compensation for damages. Italy has pledged to pay Libya five billion dollars in twenty years, two hundred and fifty million dollars per year, to carry out projects and infrastructures, entrusted to Italian companies with funds managed directly by Italy.²

¹ <https://www.ilpost.it/2020/06/28/colonie-italia-impero-montanelli/> Consultato il 12 Aprile 2021

² Paoletti E., *The Migration Of Power And North-South Inequalities – The Case Of Italy And Libya*, Palgrave Macmillan, 2011, p.131

Collaboration in the fight against terrorism and illegal immigration closed the agreement. A system of control of the land borders of Libya was put in place, "to be entrusted to Italian companies in possession of the necessary technological skills" and whose costs had to be equally divided between Italy and European Union.

2 – The issue of migrants (2008 – 2017)

2.1 The consequences of the Treaty

In the Benghazi Treaty was inserted a commitment to act in accordance with the respective legislation with the objectives and principles of the United Nations Charter and the Universal Declaration of Human Rights. But the reference to the "respective legislations" has aroused international concern for the fate of migrants. Libya didn't have advanced human rights legislation and has not signed the 1951 Convention on the Status of Refugees. Thus, there were no guarantees of the refugee's non-refoulement at the borders of a state where his life or freedom would be placed in danger. As documented by numerous humanitarian organizations, migrants were detained in inhumane conditions, and were often sent home across the Fezzan desert. Amnesty International reports documented these exoduses related to reports of rape and killings perpetrated by the Libyan army.

After 2011, Italy gave up playing a central role in Libya in favor of other countries. Due to the pressure that perhaps Berlusconi himself would have suffered from the then Italian Foreign Minister, Franco Frattini, in agreement with the former President of the Republic, Giorgio Napolitano, Italy granted its support for the disastrous NATO attacks of 2011, wanted by France and Great Britain, which tore apart the country split between Tripolitania, Cyrenaica and the Fezzan desert.³ Since that time, the Italian authorities have struggled to catch up as the interests that the former colonizer had in the country are increasingly endangered, particularly in the field of oil deals, in favor of French and English companies.⁴

2.2 The signing of the “Memorandum”

With the advent of Paolo Gentiloni as Foreign Minister first and then Prime Minister (2016-2018), an attempt was made to regain ground on the Libyan question. Indeed, he has repeatedly declared that he didn't want “to resign himself to the dissolution of Libya”, thus proposing a peacekeeping intervention.⁵ With the “EunavforMed” and “Sophia” operations, and the bilateral agreements between Italy and Libya, wanted by the former Minister of the Interior, Marco Minniti, the role of the corrupt coast guard and the Libyan municipalities in controlling the flows has grown, with the signing of the 2017 memorandum of understanding. Despite this agreement, migrants transiting the country were subjected to strength detention regimes and the constant violation of their rights. The agreement was the result of the situation experienced by Italy between 2015 and 2017, when the arrival of migrants from Libya and the activity of smugglers were at their peak. In 2016, arrivals in Italy were over 160,000 with a peak of 12,000 in just 48 hours (between 25th and 27th June

³ Anghelone F., Ungari A. (a cura di), *Atlante Geopolitico del Mediterraneo 2019*, Istituto di Studi Politici "S. Pio V", Bordeaux edizioni, 2019, p.169

⁴https://www.huffingtonpost.it/entry/dalla-libia-alla-turchia-su-migrazioni-italia-e-unione-europea-vittime-dei-loro-errori_it_606ebc0fc5b68ddf94b9a28a Consultato il 12 Aprile 2021

⁵ <https://www.internazionale.it/notizie/2017/01/10/accordo-italia-libia-migranti> Consultato il 12 Aprile 2021

2017).⁶ The number of landings in Italy - according to the data traceable on the Viminale website - already collapsed in 2017 to 111,000 which became 22,000 the following year.⁷ In October 2019, arrivals were 9,600. According to the calculations of the ISPI (Institute of International Policy Studies), since the agreement came into force over 38,000 migrants have been brought back to Libya, 50% of those who left the country⁸.

The memorandum committed Italy to train the Libyan Coast Guard, to provide it with means and funds. According to the data provided by the NGO Oxfam, this amounted to one hundred and fifty million euros in 3 years, to which must be added the same amount provided by the European Union.⁹ In November 2019, the Italian government decided to renew the agreement, without making any changes to the original text, postponing once again the ratification of the part concerning the human rights of migrants and refugees in Libya.

Marie Struthers, director of Amnesty International for Europe said how, by doing so, "Italy confirms itself as complicit in the torture of migrants and refugees, ignoring the violence inflicted on thousands of people."¹⁰

2.3 Realpolitik or human rights?

After years of bloody civil violence, a new national unity government was formed on February 5th 2021, led by entrepreneur Abdul Hamid Dbeibah. It was founded during the Libyan Forum in Geneva, which brought together seventy-three personalities from various regions, under the watchful eye of the United Nations.¹¹ In this context, Italy was once again inserted with the visit (6th April 2021) of the new Prime Minister in office Mario Draghi, who chose Libya as the first country to visit, demonstrating the historical link between the two sides of the Mediterranean Sea.¹² Draghi underlined many important aspects including cooperation in the infrastructural, energy, health and cultural fields. Finally, citing the Memorandum signed in 2017, he referred to migratory flows, expressing satisfaction with what Libya is doing in terms of aid and rescues.¹³ Despite this, during the meeting neither of the two leaders referred to respect for human rights in detention centers for migrants, places of abuse and torture.

Furthermore, there are many more aspects to consider: the crucial role played in the aforementioned territories by actors such as Turkey and Russia, which have an interest in oil fields. And what will the role of the EU be? Meanwhile, in this Realpolitik climate, the migrants in the background are paying the price.

⁶https://www.corriere.it/cronache/19_novembre_01/che-cos-memorandum-italia-libia-migranti-perche-fa-discutere-8ab34c4c-fc96-11e9-850d-5e44dc14944c.shtml Consultato il 12 Aprile 2021

⁷http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_31-12-2017.pdf Consultato il 12 Aprile 2021

⁸ <https://www.ispionline.it/it/pubblicazione/migrazioni-nel-mediterraneo-tutti-i-numeri-24892> Consultato il 12 Aprile 2021

⁹ <https://www.oxfamitalia.org/accordo-italia-libia-4-anniversario/> Consultato il 12 Aprile 2021

¹⁰https://www.repubblica.it/solidarieta/immigrazione/2020/02/02/news/libia_amnesty_international_l_italia_si_conferma_a_complice_nella_tortura_dei_migranti_e_dei_rifugiati_-247384250/ Consultato il 12 Aprile 2021

¹¹ L'Espresso (settimanale n.16 Anno LXVII), *Destino Libia*, 11 aprile 2021, p.16

¹² <https://www.ispionline.it/it/pubblicazione/la-visita-di-draghi-libia-29901> Consultato il 14 Aprile 2021

¹³ https://www.ansa.it/sito/notizie/politica/2021/04/05/draghi-in-libia-obiettivo-ritorno-leadership-italia_0ebaae00-06fa-4761-bc52-46e7ae2527c8.html Consultato il 14 Aprile 2021

Conclusion

Italy is playing a very important diplomatic role within Libyan national stability. As a nation that is part of the European Union, it must ensure that it does not remain "out" of the geopolitical games that revolve around economic interests in Libya. But if it wants to do so, first of all it must promote a policy, of course made by trade agreements, but also of peace and stability with regard to the issue of migratory flows. This situation, in fact, does not only concern Italy as it is historically connected to Libya, but also concerns all the other European states and, more specifically, Turkey and Russia. The president of ISPI, Giampiero Massolo, commented on Mario Draghi's recent visit to Libya as follows: "The visit to Libya by Prime Minister Draghi allows Italy to reaffirm its centrality in the stabilization of a country that is fundamental for the and national security on the geopolitical, security, energy, migratory and economic levels. Today more than ever it is essential to support the political process underway in the country by consolidating the ceasefire and strengthening the stability of the institutional framework. At the same time, a concrete impulse must be given to economic revitalization by aiming with investments and reconstruction to concretely improve the living conditions of the local population. However, these objectives presuppose a new role, for Italy but also for the European Union, which, together with the main stakeholders, will rebalance consolidated influence on the ground of Russia and Turkey."¹⁴

¹⁴ <https://www.ispionline.it/it/pubblicazione/la-visita-di-draghi-libia-29901> Consultato il 14 Aprile 2021

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