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MIGRATION AND ITALO-LIBYAN RELATIONS Finding a way out of the *impasse**

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The December agreement and the boom of landings

On 29 December 2007, the Italian Minister of the Interior, Giuliano Amato, and his Libyan counterpart, Abdurrahman Shalgam, signed an important agreement in Tripoli regarding illegal migration controls and the fight against human trafficking. This treaty was the culmination of a year of important developments in Italo-Libyan relations, marked in particular by the signing of two historic agreements. The first was signed in October by ENI (the Italian national oil company) for the renewal of production contracts for 25 years (involving 20 billion euro of planned investment over the next 10 years) and the second was a preliminary agreement reached in November by the Italian Minister for Foreign Affairs Massimo D'Alema and Colonel Gaddafi relating to reparations for colonial injustices, including a commitment by Italy to build a coastal highway from the Libyan border with Tunisia to its border with Egypt (with an estimated cost of at least 3 billion euro).

The December Agreement on migration controls – whose *quid pro quo* consists of six patrol boats to be given by Italy for use by Libya – might seem insignificant when compared with these two major strategic agreements. But that is not the case. Starting from the framework agreement of 13 December 2000 “on the fight against terrorism, drug trafficking and illegal immigration”, there have been numerous bilateral agreements dealing with migration. For the most part, they have been agreements of the kind that legal experts would describe as being “in simplified form”, that is, signed by representatives of the two administrations without any parliamentary ratification or gazetting and with a very low level of public awareness and debate.

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Looking at the most patent and immediate indicator, the one that most directly interests the Italian authorities, namely the number of migrants who have landed in Sicily or have been taken there after being intercepted and/or rescued at sea, it would appear that this series of agreements has not produced any satisfying results. Indeed, as can be seen from the table below, the flow of illegal migrants and refugees who arrived in Sicily by clandestine means, presumably mostly from the Libyan coast, rose sharply until 2002, dropped in the following two years, and then experienced a new upsurge in 2005, remaining at high and essentially constant levels up until 2007.

Year	2000	2001	2002	2003	2004	2005	2006	2007
No. of Migrants	2,782	5,504	18,225	14,017	13,594	22,824	21,400	20,165

Source: Prepared by CeSPI based on figures from the Italian Ministry of the Interior.

The December 2007 agreement had raised considerable interest - including in the EU - as well as high expectations due to the important technical innovation it contained, namely, Libya's agreement to joint patrols being conducted in its territorial waters.

From the point of view of the Italian authorities, up till now the results have yet again been disappointing. While the number of people landing in Sicily (and this also covers sea rescues, including within Libya's Search and Rescue Area, followed by the transfer of those rescued to Italian soil) was 2,087 in the first five months of 2007, in the corresponding period of 2008 it jumped to 7,077. This represents a more than threefold increase in flows in the months immediately following the signing of an agreement that had been put forward and seen as a solution to the problem. In the meantime, the six patrol boats remain anchored in some Italian port waiting for the Libyans to declare themselves ready to accept the offering (representing over 6 million euro which was allocated by a legislative decree of 31 January 2008 that refinanced overseas missions). In light of this background, the frustration and chagrin of the Italian authorities, expressed in an unusually direct manner during CeSPI mission in Libya, are understandable. And it is not by chance that, only a few days after our visit, on 28 June 2008, the Italian President of the Council of Ministers, Silvio Berlusconi, undertook the first official international trip of his new mandate started in May 2008, precisely in Libya. During the meeting with Colonel Gaddafi, in Sirte, the implementation of the December agreement was the first item in the agenda. Unfortunately, press reports were more generous in colourful details about the dress of the two leaders than about the actual political outcome of the summit.

The reasons for the *impasse*

So how can this *impasse* in the bilateral anti-smuggling cooperation be explained? There at least three possible explanations, each of which needs to be considered. Firstly, there are contingent reasons linked to the prevailing situation within the Libyan administration. Indeed, in recent months a decision was taken to reorganise the sector, with a handover to the Libyan Navy of the responsibility for overseeing Libyan coastguard operations from the Ministry of the Interior (which, incidentally, has had no minister at its helm to fully exercise its powers for some months). Leaving aside the delays it has created, this restructuring could also create technical problems as, in reality, the December agreement was specifically tailored to the Ministry of the Interior as the intended implementing partner on the Libyan side. It is by no means certain that the Navy, which clearly does not have an extensive land-based presence, will be capable of implementing the agreement appropriately or effectively.

The second explanation is cultural in nature. Libyan society and its political system have only relatively recently crossed the threshold of what we Westerners would call "modernity". Italian colonisation most certainly did not favour the development of an independent and skilful administration. In recent decades, the regime's early efforts at institutional experimentation do not

seem to have yielded particularly successful results. Aside from the evident lack of pluralism or democracy, a way of exercising power and making decisions persists that is still traditional in style and which one international official stationed in Tripoli for some years defined as a “nomadic decision-making style”. This description is intended to indicate an impromptu and extremely flexible approach to decision-making that is difficult to reconcile with an administrative and governmental culture steeped in principles of planning and formalisation of agreements, such as that which generally prevails in Europe. There are always risks involved in resorting to cultural categorisations in order to explain political developments. Above all, there is always a danger of falling into cultural determinism. It is a fact, however, that almost all European representatives and observers with a degree of experience of Libya more or less explicitly highlight the existence of a series of basic misunderstandings which are the product of factors that are broadly-speaking cultural in nature. Similar perceptions are also quite common amongst Libyan interlocutors, some of whom point to the notable detachment and limitations of the “impersonal” style of European decision-making.

Is Libya a country of destination or a country of transit?

All this, however, risks overshadowing an even more important and probably decisive reason for the effective stalemate in Italo-Libyan (and, consequently Euro-Libyan) relations on the issue of migration. It is a reason that is absolutely political, or more precisely, *geopolitical* in nature.

With a population that barely exceeds six million and an unknown number of migrants estimated – depending on the source – to be between one and two million people, Libya is, from an objective point of view, a major country of destination for migrants. This, however, should come as no surprise given that Libya is a country as rich in mineral wealth as it is underpopulated. In North Africa, just as in the Persian Gulf or Central Asia, the combination of natural oil reserves and desert terrain almost necessarily generates a structural need for imported labour.

The immigrant population in Libya is the product of successive waves of immigration over the last decades. The initial surge from the nearest Arab countries (and in particular Egypt) was later followed by flows from Asia (the Philippines and India), Eastern Europe (Ukraine) and, above all, sub-Saharan Africa. There was a marked increase in the latter group from the mid-1990s onwards, due to a variety of push factors (including a rise in the number of conflicts in the Sahelian strip, the Gulf of Guinea and the Horn of Africa) and specific pull factors. Chief among the latter has been the extraordinary shift by the Libyan leader to a Pan-Africanist posture, accompanied by loud and repeated calls for “African brothers” to come and work in Libya (as “partners, not wage workers”, according to a big welcome sign in the arrivals hall at Tripoli’s airport).

Fairly soon, the substantial influx of migrants from the south led to negative reactions in Libyan society. The events of the autumn of 2000 are sadly well-known, with at least 50 African immigrant workers, mainly from Chad and Niger, being killed by crowds during riots concentrated in the city of Az-Zawiyah. This very serious episode, which revealed a widespread and deep-seated intolerance, together with a rise in the unemployment rate among locals, led to the first critical rethinking of indiscriminate openness towards sub-Saharan immigration.

The by-and-large simultaneous escalation of Italian and European pressure on Libya to ensure the latter stepped up outbound checks and control measures provided the Libyan government with another reason for effectively reversing its previous policy of openness.

In the early years of this decade, Italy’s negotiating strategies were based on an inadequate understanding of the context of African (and particularly Libyan) migration. The statement in July 2004 by the Italian Minister of the Interior at the time, Giuseppe Pisanu, that “two million desperate people are waiting in Libya to cross the Mediterranean clandestinely and come to Europe” is a case in point. This misconstrual of the circumstances of the foreign population in Libya – seen as a transitory flow stemming entirely from the power of attraction exerted by Italy and Europe – could

only work in favour of Libya, which had every interest in denying any direct “pull” role with regard to flows from south of the Sahara and in shifting any direct responsibility to the northern neighbours.

More recently, the accumulation of further experience seems to have enabled this distorted view of the Libyan migration context to be overcome by Italy. In particular, during the CeSPI mission to Tripoli in June 2008, there appeared to be quite a prevalent perception of Libya as a “country of immigration”, which, as such, needs to directly assume greater responsibility for formulating an *ad hoc*, structured and sustainable policy on immigration and integration.

For their part, the Libyan authorities have maintained a multilevel discourse, which at times can seem ambiguous. The leadership rhetoric espoused in the international arena by Colonel Gaddafi remains consistently Pan-Africanist. Yet within the country, Libyan representatives, from ministers to civil servants, seem to have adopted an anti-immigration rhetoric which identifies foreigners, particularly sub-Saharanans, as the root of all contemporary Libya’s ills (including unemployment, urban decay, the spread of drugs, prostitution, AIDS, terrorism and smuggling, though the list of charges is endless). Moreover, in official Libyan discourse immigration is always systematically represented as exclusively consisting of a transit flow, caused on the one hand by African underdevelopment, in turn attributed to Western sins both past and present, and on the other, by the pull effect created by the strong demand for low-skilled labour in southern Europe.

In addition to ingrained prejudices, underlying Libya’s reading of the migration phenomenon is probably also the fear of finding itself forced to act as a buffer state, bereft of any defence against the “invasion” from the south and without any migration outlets towards the north.

From token cooperation and blame shifting to a real strategic partnership?

This “conflict of views” between two countries of destination, each reluctant to receive and integrate migration flows from Africa, threatens to become – as has already happened in the past – a continual “ping-pong match”, a pointless exercise in bouncing the historical, political and economic blame back and forth, and a charade of cooperation that has no concrete effect on the ground (except for an undeniable deterioration in the treatment of African migrants and refugees).

In the long term, this outcome is not in the interests of either of the parties to the dispute. Both Libya and Italy, and more generally Europe, are immigration target destinations that will share a strong need for foreign labour in the decades to come. This is also beginning to apply to other North African countries, even though they remain at the same time exporters of labour (such as Morocco and Egypt). These paradoxes are explained by the fact that labour market segmentation also exists on the southern shores of the Mediterranean.

Understanding and accepting this fact and placing it at the heart of any relationship, whether bilateral or multilateral, is an essential prerequisite if cooperation – today with Libya, but tomorrow with other countries south of the Mediterranean – is to move on from what is for the most part a declamatory period focused solely on repressive aspects and embark on a more balanced, effective and sustainable phase.

This involves calling on Libya to comply with clear and progressively rising standards for the treatment of migrants of refugees, while at the same time providing Libyan authorities with the necessary incentives, training and means to conform to such standards. But it also entails acknowledging the validity of certain Libyan concerns, such as for instance those relating to forced migration flows stemming - in the recent past and probable future - from the numerous flashpoints spread throughout the Sahelian belt. Hence, for Euro-Libyan cooperation on migration to be strategically more far-sighted, it needs to be integrated within a Sahelian regional stabilisation and development strategy, which in itself is necessary but also useful in providing reassurance to North African partners.

Moving from a phase of token cooperation and blame-shifting to building a strategic partnership also means acknowledging the structural weaknesses of Libyan society and its economy, which is excessively dependent on energy exports and the importation of almost everything else, including labour, as well as recognising that, in the long term, these structural weaknesses threaten to compromise the interests of Italy and Europe too.

An awareness of this should prompt a radical rethink of Italian and European economic cooperation in Libya. In this regard, there are already some positive signs in the private sector, with the recent adoption of a new less “charity-oriented” and more participatory approach by ENI to social programmes in Libya. Public development cooperation also needs to engage in some reflection, exploring other consensual and economically more virtuous options than gifting a coastal highway by way of reparations, the strategic importance of which for the future of Libya should at least be examined further.

Embarking on a reflection of this magnitude would certainly be demanding but perhaps less frustrating than the *status quo*. A step up in quality would, in any case, seem to be dictated by the (past, present and possibly future) importance of relations across the Sicilian Channel, which today have been reduced to the sad state of a silent battleground.