

LIBYA'S ENTRY INTO THE MIGRATION GREAT GAME¹ **Recent Developments and Critical Issues***

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¹ The Great Game is a phrase historically used to designate the century-long strategic rivalry between the British and the Russian empires for supremacy in Central Asia (1813-1907, in its classical phase). We apply this term to what was traditionally perceived as a ‘low politics’ field such as migration policy, in order to suggest its increasing strategic relevance. Libya is analysed here as a very important articulation in the contemporary international migration Great Game.

1. Why Libya? The birth of a “transit country”

1.1. Libya as an immigration country

Oil and desert: natural wealth and demographic poverty. Like in the Gulf countries, this peculiar combination of factors explains why Libya has been since the 1970s an important country of immigration. Official figures, with all their flaws and intrinsic limits (primarily the fact that they do not include undocumented foreign workers), are sufficient to confirm this. The migrant stock was of 618,000 in 2005, growing steadily at a rate of 2% per year since 1985 (United Nations 2005). With an estimated overall population of 6.16 millions (but growing quickly: according to the UN medium variant, it should reach a threshold of 8.08 by 2025 and of 9.68 by 2050) (United Nations 2006), Libya is close to the largest European receiving states and among the first countries in Africa (tab. 1) in terms of the immigrants’ share on total population.

Tab. 1: Ten African countries with highest percentage of international migrants on total population²

1. Gabon	17.7
2. Gambia	15.3
3. Côte d’Ivoire	13.1
4. Libya	10.5
5. Comoros	8.4
6. Ghana	7.5
7. Congo	7.2
8. Namibia	7.1
9. Seychelles	6.1
10. Burkina Faso	5.8

Source: United Nations, Department of Economic and Social Affairs, Population Division, *International Migration 2006*, http://www.un.org/esa/population/publications/2006Migration_Chart/2006IttMig_wallchart.xls.

If, in describing Libya as a country of immigration, we include also undocumented immigrants, then the picture becomes more uncertain but also more intriguing. Currently circulating estimates oscillate widely (and rather wildly, i.e. without clear foundations): Libyan Interior Minister Salah Rajab recently put forward a figure of 1 million, “half of them illegal”³. In the same days, the International Organization for Migration was talking of 1.5-2 millions (Navarro 2007; ECRE 2007). The European Commission reported that “illegal immigrants are estimated to number between 750,000 and 1.2 million” and it added that “it is estimated that each year, between 75,000 and 100,000 foreigners enter Libya” (European Commission 2005, p. 5). In the absence of any serious scientific survey and of any official registration method, such estimates can only provide a very rough indicator. Not so differently from Europe, where estimates on undocumented immigration also vary dramatically, these tell us more about prejudices, ex ante assumptions and general orientations of the different actors, than about social realities.

The national composition of Libya’s migrant population is also very uncertain and hotly disputed. Traditionally, Egyptians have been the largest group: in 2001, there were still 650,000 residing in Libya, according to the Egyptian Ministry of Manpower and Emigration.⁴ Sahelians and other sub-

² Only independent states; not included in this table are Saint Helena (UK) (where migrants are 24.8% of the population) and Réunion (France; 18.1 % of migrants). The significance of the percentages shown in the table becomes more evident if we consider that the overall African average is of 1.9% and that in Northern Africa alone it is of 1% only. The emigration rate, on the other hand, is particularly low: 1.27% according to the OECD Database on immigrants and expatriates, <http://www.oecd.org/dataoecd/18/25/34792407.xls>.

³ But in April 2005, Muhammad-al-Ramalli, General Director of Passports and Nationality Office (Immigration Department), in a interview to Human Rights Watch, estimated in 1-1.2 millions the “illegal” component alone (Human Rights Watch 2006, p. 13).

⁴ This figure and other more detailed statistics can be found on the website of the Euro-Mediterranean consortium for Applied Research on International Migration (CARIM), European University Institute, The Robert Schuman Centre for Advanced Studies; see in particular the table entitled “Comparison between total Egyptians living abroad for either

Saharan nationalities have been on the grow since mid-1990s. Some national groups, in particular, are estimated in very large numbers by different sources: for instance “500.000 Chadians (AFP, 1.10.2000) and an even larger number of Sudanese (PANA, 8.3.2000)” (Pliez 2005a, p. 67).

Cross-Saharan circulation of goods and people is certainly not a historical novelty. The Libyan Sahara, in particular, was for centuries one of the main ways for caravans connecting “Black Africa” to the Mediterranean and Europe through the ports of Tripoli and Benghazi. The Italian colonial domination had caused a substantial reduction in such flows. It was only since the 1960s that trade and human mobility between Libya and northern Niger and Chad gained volume again. This cross-Saharan space became gradually “busier during the 1970s and 1980s. In fact, the Sahelian crises caused by droughts and the war between Chad and Libya pushed thousands of refugees to settle in the Algerian and Libyan Sahara. Step by step, the Nigerien and Chadian diasporas in Libya and the Libyan one in Chad and Niger took shape” (Pliez 2005a, p. 65).

However, it was only since the mid-1990s that Libya became the destination for increasing immigration flows, not just from neighbouring Sahel countries but also from a wider Sub-Saharan region. Besides pre-existing and still strong Libyan demand for foreign labour, the specific determinants of the quick rise in inflows from Sub-Saharan Africa were *political*: the end of the conflict between Libya and Chad (1987), followed by a bilateral freedom of circulation agreement (1994); the extinction of Tuareg rebellions in Niger (1995) and Mali (1996), which facilitated cross-Saharan transit; and above the spectacular pan-africanist turn in Qadhafi’s foreign policy, mainly motivated with the Leader’s disappointment for the other Arab regimes’ lack of support following the gradual hardening of UN sanctions against Libya since 1992. Repeated and widely advertised calls by the Colonel to Sub-Saharan migrant workers who would be welcome as “brothers” in Libya obviously represented a powerful pull factor.

A final set of broader political factors of the rapid increase in Sub-Saharan immigration to Libya is linked to the proliferation of conflicts in Western Africa and the Horn of Africa during the whole final decade of last century and beyond. Among the civil and international wars in the macro-region which had a migratory impact also along cross-Saharan routes, one should remind at least the following: Liberia, 1989–1996 and 1999–2003; Sierra Leone, 1991-2001; Congo, 1996-7 and again 1998-2003; Ethiopia-Eritrea 1998-2000; Sudan (the so-called Second Sudanese Civil War, in the south of the country, 1983-2005; and the conflict in Darfur, 2003-present); Ivory Coast, 2002-onwards; Somalia, where it is unfortunately difficult to set an initial and a final date.

As a result of this complex tangle of economic and political, national and regional causes, Libya has become over the last decade the main pole of attraction of Sub-Saharan migration in North Africa: “[a]ccording to different estimates, between 65,000 and 120,000 sub-Saharan Africans enter the Maghreb (Mauritania, Morocco, Tunisia, Algeria, and Libya) yearly, of which 70 to 80 percent are believed to migrate through Libya and 20 to 30 percent through Algeria and Morocco” (De Haas 2006).

Under an ever stricter international embargo since 1992, with oil revenues dropping from 22 billions dollars in 1986 to 8 billions ten years later (Martinez 2005), with its very peculiar but also very weak institutional structure, Libya was totally unprepared to receive this new wave of international migrants. The newly arrived African immigrants occupied the lowest steps in the labour market and in the social ladder, with very limited opportunities of upwards mobility due both to institutional obstacles and to social prejudices.⁵ Their low-cost availability certainly facilitated

temporarily migrants or permanently migrants in Arab countries”, <http://www.carim.org/index.php?areaid=4&contentid=59&table=1>.

⁵ This is how an authoritative (although biased) external source describes their condition: “Foreign workers reportedly constituted 1.6 million of the 3.2 million workforce; however, the labor law does not accord foreign workers equal treatment. Foreign workers were permitted to reside in the country only for the duration of their work contracts, and they could not send more than half of their earnings to their home countries. They were subjected to arbitrary pressures, such as changes in work rules and contracts, and had little option other than to accept such changes or depart the country. Many foreign workers were deported arbitrarily for not having newly required work permits for unskilled jobs they already held” (US Dept. of State 2007, Section 6, lett. e).

the everyday life of millions of Libyan nationals; in general terms, however, their presence added to the country's major economic problems, rather than easing them. As stated by the International Monetary Fund in its first Article IV Consultation allowed by the Libyan government:

Unemployment, which may be as high as 30 percent, remains one of Libya's greatest problems, with the bloated state sector unable to accommodate the many new job-seekers produced by the fast growing population. Until private sector reform starts delivering tangible results, the problem – compounded by Muammar Qadhafi's 1997 move to open Libya's borders to 2 million African immigrants – is only likely to worsen (International Monetary Fund 2003, quoted in Vandewalle 2006, p. 188).

This difficult economic situation resulted in growing social tensions which reached a dramatic peak in late September-early October 2000, when a high (although never officially assessed) number of foreign workers from different African countries (Chad, Ghana, Nigeria, Sudan) were killed in anti-immigrant riots mainly occurred in the north-western city of Az Zawiyah⁶. This tragic event and the behaviour of Libyan police forces – which failed to prevent the riots and reacted to it with the mass expulsion of over 6,000 Nigerians and Ghanaians – led to strong diplomatic reactions by several African countries and pushed the Economic Community of West African States (ECOWAS) to demand an independent investigation.

1.2. Libya as a “transit country”

It was in this tense context that clandestine emigration from Libya to the southern shores of Italy, and particularly to the tiny Sicilian island of Lampedusa (20 sq. kilometers, 80 miles from the Tunisian coast), started to become a substantial phenomenon (Tab. 2).

Tab. 2: No. of irregular migrants by sea* and No. of confiscated vessels (Italy; 1998-2006)⁷

	1998	1999	2000	2001	2002	2003	2004	2005	2006
Apulia									
<i>Vessels</i>								2	11
<i>Migrants</i>	28,458	46,481	18,990	8,546	3,372	137	18	9	243
Sicily									
<i>Vessels</i>								252	477
<i>Migrants</i>	8,828	1,973 (356)**	2,782 (447)**	5,504 (923)**	18,225 (9,669)**	14,017 (8,819)**	13,594 (10,497)**	22,824 (14,855)**	21,400 (18,096)**
Calabria									
<i>Vessels</i>						1		3	2
<i>Migrants</i>	873	1,545	5,045	6,093	2,122	177	23	88	282
Sardinia									
<i>Vessels</i>								1	7
<i>Migrants</i>								8	91
Total migrants	38,159	49,999	26,817	20,143	23,719	14,331	13,635	22,939	22,016

* Including both migrants apprehended upon clandestine landing and migrants rescued at sea and admitted on the national territory.

** Figures in parentheses refer to apprehensions in Lampedusa and in waters off Lampedusa.

⁶ Some sources report of up to 500 killings (see, for instance, Takeyh 2000; Obisesan 2000).

⁷ Sources: CeSPI based on data provided by the Italian Ministry of the Interior and on the following sources: Documento Programmatico relativo alla politica di immigrazione 2004-2006; Rapporto del Ministro dell'Interno al Parlamento sull'attività delle Forze di polizia, sullo stato dell'ordine e della sicurezza pubblica e sulla criminalità organizzata 2004 (<http://www.interno.it/assets/files/2/20062311729.pdf>); additional data from *Response of the Italian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Italy from 21 November to 3 December 2004*, CPT/Inf (2006) 17, <http://www.cpt.coe.int/documents/ita/2006-17-inf-eng.htm>. Sources for Spain: Ministerio de Trabajo y Asuntos Sociales, Balance de la Secretaría de Estado de Inmigración y Emigración de las embarcaciones interceptadas en 2005; B.O.C.G. I, 621, 22 December 2006. For more detailed statistics and for an analysis, see Lorenzo Coslovi, *Brevi note sull'immigrazione via mare in Italia e in Spagna*, Centro Studi di Política Internazionale, January 2007, available at www.cespi.it.

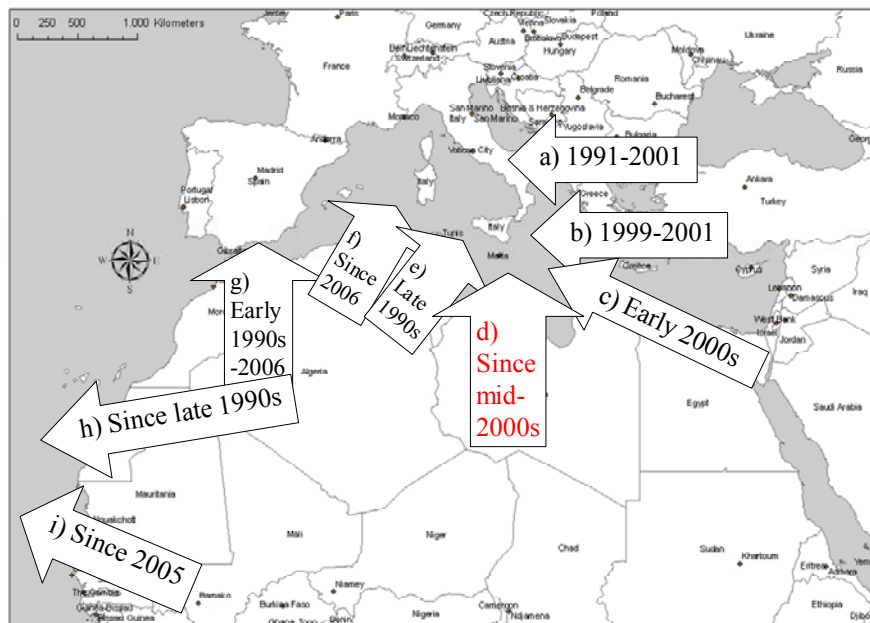
As we will see in greater details in the next section, and in spite of the relatively limited number of arrivals, the emerging role of Libya as a transit route towards Italy and therefore the territory of the European Union has become a matter of growing political concern in the last few years. It is rather striking, however, that, apart from a few remarkable exceptions (Pliez 2005b; Bredeloup and Pliez, 2005), the causes of the emergence of a Libyan route in the geography of irregular immigration to Europe were not the subject of much scientific and policy analysis. In-depth field research in Libya would obviously be needed in order to bring more detailed and solid responses. However, on the basis of existing sources, the new role of Libya as a starting point for clandestine migration to Sicily appears as the result of four main concurring factors:

- a) the persistence and intensification of pull factors for low-skilled and undocumented immigrant labour represented by underground economy in Italy, and especially by the agricultural sector in southern Italy, where many Sub-Saharan migrants have been employed in the last years (Medici Senza Frontiere 2005). It is often argued but in practice very difficult to ascertain whether the massive regularisation scheme launched by the Berlusconi government in 2002 (over 700,000 applications) represented an additional pull factor, which could help in explaining the steady growth in clandestine arrivals in Lampedusa from 2003 to 2006;
- b) the restructuring of the western African migration system with an increased South-North pressure, due in particular to a series of political crisis (see above) and to the reduced absorption capacity of traditional destination countries in the region (such as Ghana, the Ivory Coast, Nigeria)⁸;
- c) the gradual worsening of the economic and social conditions of foreign workers in Libya which is likely to have affected their individual migration projects by encouraging return or re-emigration towards new destination countries;⁹
- d) the reduced capacity – due to increased law enforcement - of other maritime routes of irregular migration and human smuggling (such as the ones connecting the north of Morocco to southern Spain, or Egypt to southern Italy) which tends to push irregular migrants and smuggling organisations to look for new outlets (see Fig. 1) (Monzini, Pastore, Sciortino, 2006).

⁸ For an overview, see Adepoju 2006.

⁹ On the little inquired sociological category of re-emigration, see now, with specific reference to the US case, Takenaka 2007.

Fig. 1: Evolution of smuggling routes in the Mediterranean (as consequence of new push factors and of improvements in international law enforcement)



Sources: Pastore, Romani and Sciortino, 2000; Monzini, Pastore and Sciortino, 2004a, 2004b, 2006, and Monzini, 2007.

Legend:

- a) Albania-Apulia (Otranto Channel);
- b) Turkey-southern Italy (Apulia, Calabria and Sicily);
- c) Egypt-southern Italy (Calabria and Sicily);
- d) Libya-Sicily;
- e) Tunisia-Sicily;
- f) Algeria-Sardinia;
- g) Northern Morocco-southern Spain (Andalucia);
- h) Southern Morocco/Western Sahara-Canary Islands;
- i) Mauritania/Senegal/Guinea Bissau-Canary Islands.

All these factors interacted in letting a transit route emerge through Libya to southern Italy. The substantial growth in clandestine arrivals (and in the number of rescue operations at sea) in Sicily, since 2000, unquestionably shows this. The perception of such change in the geography of cross-Mediterranean flows, however important, was greatly exaggerated on the European shore. The lack of specific knowledge of the Libyan situation, matched by an established habit to emphasize migratory threats for internal aims, pushed the Italian government to grossly overestimate the potential of transit migration through Libya. In a resounding declaration made on 21 July 2004, Giuseppe Pisanu, then Minister of the Interior in the second Berlusconi government (2001-2006), rang the alarm bell for the “two millions desperate people ready to reach Europe”.¹⁰ It is unclear whether such an irresponsible use of statistics was made bona fide or in a calculated way; in any case, it was evidently based on a gross confusion between overall estimates of Libya’s immigrants’ stock and that country’s transit migration potential. That error, which was later corrected but had nevertheless a heavy policy impact, is extremely revealing of a wider and highly influential trend in European immigration policy discourse. This is a trend towards overstressing the actual and potential dimension of transit migration flows across the EU’s neighbourhood. In the case of Libya,

¹⁰ See Piccolillo 2004; p. 6; Bolzoni 2004, p. 7; Morelli 2004, p. 3; for a circumstantial criticism of Pisanu’s spectacular declaration, based on statistical estimates, Chiuri and Others 2004a; Chiuri and Others 2004b.

as in a few other cases, such distorted perception has often brought European policy-makers, at both national and supranational level, to distorted representations as “transit countries” of countries which are originally and still primarily (or also) receiving countries. In the words of Franck Düvell, who has recently issued a detailed and valuable critique of the sociologically ambiguous notion of “transit migration” and its political uses:

It is [...] irritating to define countries as transit countries even though the overwhelming majority of people arriving are actual immigrants, either labour migrants or refugees. [...] These few [irregular migrants landing in Italy and supposedly coming from Libya] do not justify labelling a country a transit country while in fact it is an immigration country (Düvell, 2006, p. 9).

As Düvell convincingly shows, the trend towards overemphasis of transit migration has its roots in the political climate around immigration in contemporary Europe and it is functional to securitization strategies in the migration policy field. What makes the *transit migration paradigm* particularly strong and potentially very successful in shaping policy agendas, however, is the wider convergence of interests that it can catalyze. As we will see in more details in the next paragraph, and as it shown also by other essays in this book (see, in particular, the chapter by Michael Collyer), EU neighbouring countries themselves, which in a first phase may feel uncomfortable in being depicted as a migratory threat due to transit migration, often quickly realise that such widespread perception may add to their bargaining power on the international scene¹¹. In the case of “transit countries” who are also sending areas for emigration to the EU (this is obviously not the case of Libya, but certainly of Morocco), adhering to this transit migration paradigm can be a way to reduce international policy pressure on irregular emigration of their own nationals and to obtain better treatment for them.

Still another reason of the potential success of the transit migration paradigm is its being potentially functional also to the institutional interests of international organisations which are capable of providing services and technical assistance to governments (both of the EU and of neighbouring countries) in “transit migration management”¹².

Given the high level of policy priority obtained by the struggle against human trafficking at international level, the existence (or better, institutional belief in the existence) of significant levels of “transit trafficking” certainly adds to the overall success of the transit paradigm in shaping international policy-making in specific cases. As it seems, this could be the case also of Libya, which – even in the absence of reliable estimates or law enforcement statistics on the matter - has recently been labelled as an important hub for traffickers, connecting Asia, Africa and Europe.¹³

¹¹ It has not always been the case. In the 1980s and 1990s, Italy was strongly stigmatised at a European level for being a transit country, for instance for Kurdish migrants from the Middle East to Germany. Such widespread perception, which was certainly grounded in reality but never carefully studied nor quantified, became a heavy political burden on Italian governments who were then struggling to be fully admitted in the Schengen system (full-fledged admission took finally place in two steps between October 1997 and March 1998). At that time, the powerful incentive of the full Schengen membership clearly discouraged Italy from an open use of transit migration as a pressure instrument towards the other Schengen members. In the current situation, the lack of specific incentives of that sort for EU neighbours certainly adds to the political attractiveness of the transit migration paradigm for them (Pastore 1999).

¹² Düvell stresses particularly the role of the International Organization for Migration (IOM) in this respect.

¹³ “Libya is a transit and destination country for men, women, and children from sub-Saharan Africa and Asia trafficked for forced labor and sexual exploitation; many victims willingly migrate to Libya en route to Europe with the help of smugglers, but may be forced into prostitution or work as laborers and beggars to pay off their \$800-\$1,200 smuggling debt; laborers from Egypt, Sudan, and Ethiopia are reportedly trafficked to Libya for the purpose of labor exploitation [...] Libya is placed on the Tier 2 Watch List for its lack of evidence of increasing efforts to address trafficking since 2004.”, Central Intelligence Agency (CIA), *The World Factbook 2007*, <https://www.cia.gov/cia/publications/factbook/geos/ly.html#Govt>.

2. Patterns and effects of externalisation to Libya

2.1. Patterns of externalisation: bilateral/multilateral, informal/formal

International cooperation with Libya in the field of migration controls was initiated at a bilateral level by Italy in a very difficult context: Italian authorities were under a strong political and media pressure because of the almost constant increase of clandestine landings on Sicilian coasts since 2000. In the meantime, the only possible and relevant partner – after a set of agreements had effectively been reached with Tunisia in the summer of 1998 (Pastore 1998) – i.e. Libya, was still a pariah in the international community, isolated by a tight web of embargos (by the UN, the EU and the US). Furthermore, Italy had specific obstacles to overcome in its relations with the *Jamahiriyya* due to a series of unresolved symbolical and practical issues dating back to its past colonial occupation (1911-1947) of what was then called “Tripolitania e Cirenaica”. The situation could have evolved in a protracted deadlock. On the contrary, pragmatism triumphed in a relatively short lapse of time over all the political, diplomatic and even legal obstacles. In July 1998, when transit migration was not yet a mainstream policy issue, a first bilateral meeting took place, where Italian regret for the colonial past was formally expressed and compensations agreed¹⁴. This positive start (and the surrender by Libya of the two Lockerbie suspects for trial in the Netherlands) paved the way for an upgrading of political relations: in December 1999, Prime Minister Massimo D’Alema was the first western Head of government to visit Libya since 1992 (the year of the first UN Security Council resolution asking Libya to cooperate with investigations on the late 1980s notorious terrorist acts). After that important formal step had been taken, nothing – certainly not, for instance, the heavy doubts on the behaviour of Libyan authorities during the “pogrom” of September-October 2000 (see above) – prevented the two countries from starting to formalise their newly established relations. This was made through a seminal agreement on cooperation against terrorism, drug trafficking and illegal immigration (signed in Rome on 13 December 2000; entered into force in December 2002), which represented the basis for all further bilateral agreements in the same area.

We will not dwell here upon the different phases and the specific contents of the bilateral Italian-Libyan cooperation in the field of security, and in the sub-field of illegal immigration (treated primarily and constantly as a security issue in that framework). This would neither be the aim of this paper nor would it be an easy task, given the informal and confidential nature of that cooperation, which has resulted so far in a surprising almost total lack of parliamentary debates¹⁵ and in the systematic (and unlawful, according to scholarly opinions) decision, by subsequent governments, not to publish the key relevant treaties and technical agreements (Favilli 2005; from a political point of view: De Zulueta 2006)¹⁶.

What is worth examining in more details here are two fundamental aspects of this early, essentially bilateral phase of the externalisation of Europe-led migration control policies to Libya: a) the tight links existing between patterns of externalisation in this phase and broader international political developments, and b) the intrinsic fragility of such bilateral and very little institutionalised approach to externalisation, which has fostered the shift towards a new phase, marked by a growing role of

¹⁴ For a detailed, although necessarily selective chronology, linking specific developments in the migration policy field with broader international political developments, see below, Table 3.

¹⁵ An important exception was represented by the ad hoc joint meeting of the Constitutional Affairs and Foreign Affairs Committees of the two Houses of the Parliament on 22 February 2006 after the anti-Italian riots in Benghazi that followed the provocative gesture by the Italian Minister Roberto Calderoli (see Tab. 3: 17 February 2006). That extraordinary parliamentary debate later brought to the approval of two significant bipartisan motions (No. 48 and No. 57, approved on 24 January 2007), which are nevertheless focused on general political issues but silent about migration.

¹⁶ The only published bilateral treaty dealing also with international migration (besides drugs trafficking, organised crime and terrorism) is the one signed in Rome on 13 December 2000 and entered into force on 22 December 2002 (*Gazzetta Ufficiale*, 15 May 2003, No. 111, Suppl.).

the EU (and other international actors, especially IOM)¹⁷ and by a slowly growing propensity to institutionalise and formalise cooperation.¹⁸

a) As it is shown in Table 3, the history of Libyan opening to international cooperation in the migration control field is intertwined, in complex forms which need careful analysis, with the broader history of the readmission of Libya in the international community during the early 2000s. The redemption of Libya from its decades as a “rogue state” and its gradual reintegration in international political and economic life was certainly not determined, and probably not decisively influenced, by the Italian and, to a lesser extent, European interest in starting cooperation on illegal immigration. The crucial factors of Libyan *rapprochement* to the West operated in other, harder areas of security politics, starting with the cooperation of Libyan authorities in international investigations on late 1980s terrorism episodes, continuing with the immediate and total condemnation of September 2001 attacks by Col. Qadhafi, and culminating with the official announcement of the Libyan government’s decision, in December 2003, to eliminate all materials, equipment and programmes aiming to the production of weapons of mass destruction (WMD).

Tab. 3: Interactions between general international political developments and sectoral migration policy developments involving Libya (the latter in bold) (1994-2006)¹⁹.

21 December 1988: Pan Am flight 103 explodes over the Scottish town of Lockerbie.
19 September 1989: French airliner UTA 772 explodes over Niger.
1992-4: Through a series of resolutions, the UN Security Council first asks Libya to surrender suspects and then adopts and gradually strengthens an embargo.
1994: Libya withdraws its troops from Chad following a decision by the International Court of Justice rejecting its territorial claims over the Aouzou strip.
1994 onwards: Col. Qadhafi’s pan-africanist turn includes strong opening to Sub-Saharan immigrants.
September-October 1995: Expulsion of several thousands of Arab foreign workers (primarily Palestinians, Sudanese, and Egyptians). The move is officially justified with the need to create jobs for Libyans, but it is also explained as a reaction against the ongoing Palestinian-Israeli peace process.
4 February 1998: The Community of Sahel-Saharan States CEN-SAD is established under the initiative of Libya. Other founding members are Burkina Faso, Mali, Niger, Chad and Sudan.
4 July 1998: Bilateral ministerial meeting Italy-Libya. Formal regret expressed by Italian government for colonial past; compensations agreed.
August 1998: A bilateral agreement on readmission and technical cooperation against illegal immigration is signed between Italy and Tunisia; a smuggling route to Sicilian coasts which had gained importance in the

¹⁷ IOM established a mission in Libya in April 2006 on the basis of an agreement signed on 9 August 2005. Currently, the main ongoing programme is a “Programme for the Enhancement of Transit and Irregular Migration Management in Libya (TRIM)”, co-financed by the European Commission and the Italian government (see <http://www.iom.int/jahia/page404.html>).

¹⁸ There are however some notable exceptions. In particular, UNHCR has not yet been officially recognised by the Libyan government and it can carry out some assistance projects in the country only under the umbrella of UNDP. Such situation, together with the fact that Libya is still not a signatory part of the 1951 Geneva Convention, is a source of international concern and of some interinstitutional tensions. As stated quite explicitly in the latest UNHCR Country Operation Plan for Libya: “While the EU has already indicated some interest in pursuing asylum issues with its interlocutors, it is not yet clear how it will cooperate with UNHCR in this respect. A further constraint might be Libya’s preference in forging links with the International Organization for Migration (IOM) in regard to cooperation on migration-related issues, at the core of which lie asylum issues, rather than involving organizations with a refugee protection mandate such as UNHCR” (UNHCR 2007, p. 2).

¹⁹ This very selective chronology owes much to a more detailed synoptical chronology drafted by Luca Trinchieri, whom I thank for the authorisation to make use of his work. The responsibility for any inaccuracy is obviously only mine. The main sources were the following: *Adnkronos*; *Agi*; *Aki*; *Ansa*; *Apcom*; *Reuters*; Amnesty International, *Lampedusa: ingresso vietato. Le deportazioni degli stranieri dall’Italia alla Libia*, EGA Editore, Torino 2005; *BBC News, online archive* (1999-2006); *Keesing’s Record of World Events* (1996-2006). *Il Corriere della Sera* and www.corriere.it; 2006; *Il Manifesto*, 2005-2006; *The International Herald Tribune*, 2006; *Jamahiriya News Agency (Jana)*, www.jamahiriyanews.com, 2006; *Jeune Afrique*, www.jeuneafrique.com/pays/libye.htm, 2006; *La Repubblica* and www.repubblica.it (1998-2006); *La Stampa* and www.lastampa.it (1998-2006); *Le Monde*, 2006; www.europa.eu.int.

previous years is effectively closed.
<u>5 April 1999</u> : The two Libyans agents accused for Lockerbie bombing are surrendered to the Netherlands for trial. UN Security Council suspends sanctions.
<u>6 April 1999</u> : Italian Minister of Foreign Affairs, Lamberto Dini, is the first high level European government representative to travel to Libya since the enforcement of UN sanctions in 1992.
<u>9 September 1999</u> : Sirte Declaration calling for the establishment of an African Union (then established in Lomé in 2000).
<u>1 December 1999</u> : Prime Minister Massimo D'Alema is the first western Head of government to visit Libya since 1992.
September-October 2000: Reported killing of over 50 foreign workers, mainly from Chad and Niger, in anti-immigrant riots in the city of Az Zawiyah.
13 December 2000: Italian-Lybian agreement on cooperation against terrorism, drug trafficking and illegal immigration (not published); basis for all further bilateral agreements.
<u>11 September 2001</u> : Col. Qadhafi is among the first foreign leaders to condemn the terrorist attacks against the Twin Towers and the Pentagon.
<u>24 October 2002</u> : Libya threatens withdrawal from the Arab League.
4 July 2003: Important (unpublished) operational agreement on cooperation against illegal migration and human smuggling signed in Tripoli by Italian Head of Police, Gianni De Gennaro, and Libyan Undersecretary for Justice and Public Order.
<u>12 September 2003</u> : Resolution 1506 of the UN Security Council lifts sanctions against Libya. The first part of the agreed compensation for the families of the victims of Lockerbie bombing is paid.
<u>19 December 2003</u> : The Lybian government announces its decision to eliminate all materials, equipment and programmes leading to the production of WMD.
21 February 2004: Following an arrest warrant by Italian judiciary, Ms. Ganat Tewelde Barhe (better known as “Madame Gennet”), allegedly boss of an important smugglers’ organisation, is handed over by Libyan authorities to their Italian counterparts.
<u>27 April 2004</u> : Historical visit of Col. Qadhafi to Brussels. During the meeting with the President of the European Commission, Romano Prodi, international migration issues are on the agenda.
<u>6 May 2004</u> : Five Bulgarian nurses and one Palestinian doctors operating in Libya, accused of having deliberately infected over 400 Libyan children with HIV virus, are sentenced to death. Protests from the international community.
21 July 2004: The Italian Minister of the Interior, G. Pisanu, raises an alarm for “2 millions migrants” ready to reach Italy from Libya.

It is hardly questionable that the key factors of the thaw between Libya and the international community operated in the higher realm of hard security, on the background of the heavy pressure by powerful economic interest groups to (re)gain access to the country’s enormous oil and gas deposits. Nevertheless, what was simultaneously happening in the lower realm of soft security, where illegal migration has constantly been located, was not uninfluential. It is very likely that, when Italian officials from the Ministry of the Interior or from military intelligence services started to negotiate with their Libyan counterparts, this was done with a silent approval by the main European allies and by the US administration. These probably viewed Italian exploratory role as useful, and as a way to start testing Libyan reactions and capacities in a field less technically complex and less politically relevant (from a multilateral point of view at least) than other security areas.²⁰ On his side, Colonel Qadhafi was undoubtedly keen to exploit the spectre of “transit migration” in order to speed up the lift of the embargos, which was perceived as a vital and urgent need for the very survival of the regime. To this end, cooperation at very little direct cost with Italy – repeatedly described as a “privileged partner” (in the Libyan leader’s own terminology, *mushâraka istrâtijîyya* or *sharika istrâtijîyya*) (Gandolfi, 2005a, p. 14) – was an obvious strategy. A posteriori, we can very well argue that this was a successful strategy for Libya, particularly in that

²⁰ The structure and the overall capacity of the Libyan state, and particularly of its security apparatuses, had been seriously reduced as an effect of the multilateral sanctions, which “had a very deep effect on [...] Libya’s military structure and severely undermined its ranks. The enormous damage of embargos can be understood if one considers that, for example, Libya’s whole navy potential came from western supplies and funding. The Navy, that has always been the stepchild of the Libyan armed forces, was integrally dependent on foreign sources and equipments, spare parts and training” (De Maio 2006, p. 20). This general weakening obviously affected also Libyan capacities in the field of border and migration controls.

Italian lobbying at EU level seemingly had some success in accelerating normalisation of relations with Tripoli. As a matter of fact, it is hard to consider it fortuitous that the EU Council agreed to lift all economic sanctions against Libya, including the arms embargo (thereby allowing Italy to supply Libya with the surveillance equipment needed to control migration), on 7 October 2004, only a few days after Silvio Berlusconi, then Head of government, had gone to Libya to inaugurate with Muammar Qadhafi, “Greenstream”, a gas pipeline linking Libya (Mellitah) and Italy (Gela).

b) Bilateral and largely informal cooperation in the field of migration controls was therefore, at least in the short term, a satisfactory match of two pragmatisms. In the longer term, however, shortcomings and problems started to emerge. These can be traced back essentially to a *lack of effectiveness*, on the one hand, and a *lack of legitimacy*, on the other, for the ongoing Italian-Libyan cooperation.

As for the effectiveness problems, we have already seen (Table 2) that unauthorised arrivals in Lampedusa have been growing constantly since 2000 till 2006, with only a minor downturn between 2002 and 2003, in spite of a major increase in the number of confiscated vessels between 2005 and 2006. We will come back to other specific outputs of Rome-Tripoli cooperation – for instance with regard to repatriations – in the next paragraph.

But the pioneer Italian-Libyan experience of cooperative migration management soon met also some serious legitimacy problems. A crucial turning point, from this point of view, was in the Autumn of 2004, when – following a new substantial wave of clandestine landings (1,178 arrivals between 29 September and 8 October) – the Italian government organised a large-scale expulsion operation of hundreds of migrants by means of an airlift to Libya; from there, most of the expelled were later repatriated to different countries of origin (including Egypt, Eritrea, Ghana, Nigeria, Pakistan, Senegal, Somalia)²¹, without being given real chances to have access to a proper asylum procedure. A further, analogous operation took place a few months later, between 13 and 17 March 2005. Such outstanding developments were to produce a wave of institutional reactions: on 14 April 2005, the European Parliament approved an unusually strong-worded resolution on Lampedusa, in which, among else, the Assembly

“[c]alls on the Italian authorities and on all Member States to refrain from collective expulsions of asylum seekers and ‘irregular migrants’ to Libya [...] [t]akes the view that the collective expulsions of migrants by Italy to Libya, including those of 17 March 2005, constitute a violation of the principle of non-refoulement and that the Italian authorities have failed to meet their international obligations by not ensuring that the lives of the people expelled by them are not threatened in their countries of origin” (European Parliament 2005, Points 1 and 2).²²

A few weeks later, with a letter dated 10 May, the European Court of Human Rights declared admissible complaints against Italy submitted by 83 refugees expelled to Libya from Italy without being given any opportunity to lodge asylum applications, and it asked Italy to suspend the expulsion of 11 immigrants to Libya.²³

The increasingly evident shortcomings of the Italian policy towards Libya produced a growing pressure by Rome authorities on Brussels aimed at “europeanizing” the issue. Such repeated calls

²¹ A particularly dramatic and worrying episode took place on 27 August 2004, when four Eritrean nationals, out of a group of 75 (84 according to other sources), hijacked the plane that was deporting them back to Asmara and forced it to land in Khartoum. Sudanese authorities later granted political asylum to 60 of them and jailed the remaining 15: for details, see the different press reports collected in the August 2004 and September 2004 sections of the on-line archive at page <http://www.libya-watanona.com/libya1/oldnews.htm> (accessed on 12 May 2007).

²² Lengthy and very critical passages on the Italian expulsions to Libya are to be found also in two important Council of Europe reports (CoE 2005 and 2006).

²³ Applications No. 10171/05, Hussun and others, No. 10601/05, Mohamed and others, No. 11593/05, Salem and others, No. 17165/05, Midawi. It should be noted, however, that in its decision of 12 May 2006 (HUSSUN and Others - Italy, cases N° 10171/05, 10601/05, 11593/05 and 17165/05), the 3rd Section of the European Court of Human Rights (ECHR) dismissed the central claim by the migrants who challenged the lawfulness of the repatriation complaining of a collective expulsion, forbidden by article 4 of the Protocol No. 4 to the European Convention on Human Rights (Strasbourg, 16 September 1963).

for the EU to take a more significant role started to produce results during 2005. It was since 2002 that the General Affairs and External Relations Council, in its November conclusions, had resolved that it was “essential to initiate cooperation with Libya”. At the end of 2004 (27 November-6 December), a “Technical mission on illegal immigration” to Libya by the European Commission was of fundamental importance in exploring concrete opportunities and obstacles for further cooperation (European Commission, 2005). The key development, however, was the adoption by the JHA Council of 2-3 June 2005 of a specific set of Conclusions on “Cooperation with Libya on migration issues”. With that detailed document, the European Union committed itself to an integrated approach, including a formally strong dose of human rights conditionality. In the words of the Luxembourg Minister Delegate for Foreign Affairs and Immigration, Nicolas Schmit, speaking on behalf of the EU Presidency:

The Council has reached a consensus on the need to develop an integrated approach in the Mediterranean region. Libya is one of the main countries of transit towards Europe for thousands of people arriving from Sub-Saharan Africa. Cooperation and dialogue with this country is essential, and has particular significance in itself. The adoption of these conclusions is intended to clarify the different methods of this cooperation with Libya, based on a certain number of principles. It is essential that the European Union leads these third party countries of transit, including Libya, to respect certain basic principles – more particularly the principles enshrined in the Geneva Convention of 1951.²⁴

Since then, and more so after that also the European Parliament has agreed that “EU-Libya cooperation on the issue of immigration is imperative” (European Parliament 2006, p. 13, point 11), the progress of EU-Libya cooperation on migration has been slow but constant. Albeit rather inconclusive from a practical point of view²⁵, the EU-Africa Ministerial Conference on Migration and Development, held in Tripoli on 22-23 November 2006, was a symbolically important achievement. In particular, in our current perspective, because it contributed to a geopolitical rebalancing of the new EU-Africa dialogue, after the first Ministerial Conference in Rabat (10-11 July 2006)²⁶ had been perceived by several states – including Italy and Libya – as excessively focused on the western African migratory reality and on French and Spanish priorities in their relations with the Kingdom of Morocco.

With the June 2005 Council Conclusions and with the Tripoli Declaration the basic foundations needed to shift towards an operational phase of EU-Libya relations on migration have been laid. The European Union – while insisting on the importance that Libya signs the 1951 Geneva Convention and of its full integration in the Barcelona process as a condition to go beyond a limited and merely technical form of cooperation – is nevertheless ready to initiate concrete activities. To this purpose, a second technical mission of the Commission, this time to Libya’s southern border with Niger is expected to take place before the Summer 2007 (La Padania, 2007, p. 8).²⁷

²⁴ See press release at page <http://www.eu2005.lu/en/actualites/communiqués/2005/06/03jai-libye/index.html>, accessed on 6 April 2007.

²⁵ On the issue of irregular/illegal migration, the Joint Africa-EU Declaration adopted by the Conference could only stress the importance of “[f]inding concrete solutions to the problems posed by illegal or irregular migratory flows by regulating the influxes of migrants from Africa within the context of genuine partnership that ensures the eradication of poverty, unemployment and diseases thereby achieving comprehensive and sustainable development”. On the key issue of financing, African hopes of quickly available fresh resources were disappointed and the Conference could only agree to examine “the feasibility of setting up a fund to implement measures set out in this Declaration. To this end the two sides decide to set up a Joint Working Group comprising representatives of AU and EU Commissions. The Joint Working Group will report to their respective Councils” (African Union Plus and European Union 2006).

²⁶ See <http://www.maec.gov.ma/migration/fr/conference.htm>.

²⁷ Libyan authorities had so far systematically rejected European proposals to experiment forms of joint patrolling of Libyan territorial waters; from recent signals, Libya would have become more incline to accept some operational involvement of European officials in the border control and surveillance activities, both at sea (although it is not yet clear in which forms) and at the southern Saharan land borders (La Repubblica, 2006; Martirano, 2006).

2.2 Intended and unintended effects of externalisation to Libya

We have already shown in Table 2 that the enhancement of cooperation with Libya has not produced so far a significant and steady diminution of clandestine arrivals in southern Italy²⁸. This should not, however, bring us to conclude that migratory flows were unaffected by international policy developments. As a matter of fact, the composition by declared nationality of clandestine flows by sea changed substantially over the last few years. In particular, the share of Sub-Saharan migrants, which had grown exponentially from below 4% in 2001 to over 40% in 2003, has diminished again to less than one fourth of the total registered inflow (Tab. 4). Simultaneously, the share of North Africans on the total has risen dramatically: Egyptians irregular migrants landing in Italy, who were only 102 in 2003, were multiplied by ten in 2005 (10,288 apprehensions) and then dropped to 4,200 in 2006; Moroccans, who had been 812 in 2003, grew to 3,624 in 2005 and peaked to 8,146 in 2006 (Coslovi, 2007).

Tab. 4: Declared national origin of undocumented migrants apprehended upon disembarkation (% of the total number of apprehensions, Italy, 2001-2006).

	2001	2002	2003	2004	2005	2006
North Africa	11.9	17.2	11.7	N.A.	69.6	70.5
Sub-Saharan Africa	3.8	25.0	41.4	N.A.	24.6	24.8

Source: CeSPI based on data by the Italian Ministry of the Interior and the Italian Presidency of the Council of Ministers.

A plausible interpretation of these figures is that the enhancement of bilateral and multilateral cooperation with Libya may have been relatively effective in discouraging Sub-Saharan transit (or secondary) migrants to Italy, but has probably produced a perverse effect in reinforcing migratory pressure and in multiplying arrivals of North Africans. As suggested by Coslovi (2007), this would be a joint effect of several factors, among which:

- a) The closure of other irregular emigration routes. For Moroccans, for particular, the effective Spain-Morocco and EU-Morocco cooperation for the reinforcement of controls in the Gibraltar Strait, around Ceuta and Melilla and in embarkation areas to the Canary Islands in the Western Sahara (especially around Laayoune) is likely to have diverted a share of Moroccan irregular emigration on the Libyan route.
- b) The relatively easy access to the Libyan territory for North African nationals (and more broadly, most Arab States) who still enjoy visa-free circulation for short stays.²⁹
- c) The existence of specific national smuggling rings, which would be particularly active within the Egyptian community in Libya (Cesis, 2005, p. 47).
- d) In the case of Egyptians, the recent peak of apprehensions by Italian authorities could also be explained by the fact that Egyptian nationals form a very large and highly visible immigrant group in the Libyan society (see above, par. 1.1), one which has recently become one of the main targets of the ongoing policy of large-scale repatriations from Libya.³⁰ This could contribute to explain the

²⁸ The overall slight reduction of apprehensions in 2006 compared with 2005 (22,016 against 22,939) could not be interpreted as a clear signal of policy effectiveness. During a recent hearing before the Foreign Affairs Committee of the Camera dei Deputati, the Italian Ambassador to Libya, Francesco Paolo Trupiano, said that the trend towards a diminution of clandestine arrivals would be confirmed in the first months of 2007 (Ansa, 2007).

²⁹ European states and EU institutions have recently increased their pressure for Libya to introduce a visa obligation on Maghreb countries. In a first phase, these diplomatic efforts seemed successful: On 31st January 2007, the Libyan Minister of the Interior, Salah Rajab, announced the decision to introduce visa obligation for Maghreb country nationals entering the country. Firm protests, in particular from Algeria, quickly ensued. A few weeks later, the Prime Minister, Baghdadi Mahmoudi, was forced to retract during a press conference with his Tunisian homologous, Mohammed El-Ghanouchi (Le Jeune Indépendant, 2007).

³⁰ Libya is certainly not new to mass expulsions (Migration News, 1995). In the case of the current wave of large-scale deportations, the main difference with the past, is that this time Libya is operating also in execution of agreements with

reinforced propensity of Egyptian immigrants already settled in Libya, to attempt further emigration to Europe.

The perception that tougher immigration law enforcement on the Libyan side, besides deterring illegal stay and encouraging “spontaneous” returns, can also represent an indirect push factor for clandestine re-emigration towards Italy has been further reinforced by a recent legislative reform. Under these new regulations, enforced by Libya's Ministry of Manpower in February 2007, all foreign workers “are required to pay monthly 25 Libyan dinars in income tax, 14 dinars for insurance, 15 dinars for an Arab identity card and 60 dinars for an accredited work permit” (El-Sayed, 2007). The lack of transparency and the potentially destabilising effects of this new step, largely EU-driven this time, of Libya’s coercive approach to migration management, is starting to worry the international community: IOM’s Chief of Mission in Tripoli was recently reported declaring:

“There have been a lot of police raids since this measure passed, showing that Libyan authorities are serious this time”, says Mr. Hart. “But it has to be accompanied with reasons that people understand, otherwise they are scared [...] we don't have anything in writing of what the procedures are” (quoted in Carroll, 2007).

Unintended (or maybe foreseen, but in any case undesirable and undesired) , side effects of externalisation of European migration controls to Libya do not end at the Libyan borders, but are instead apparent also at a regional level. We have already mentioned the international tensions produced by the Libyan government’s moves aimed at introducing a visa obligation for the admission of Maghreb countries’ nationals. Analogous tensions, although possibly less destabilising (essentially given the greater distance and/or the different balance of power), are emerging in the relations with several Sub-Saharan transit and sending countries³¹. In this case, the recent restrictions to international mobility of persons, largely a product of the new European migration-based conditionality, are producing a particularly strong political impact, due to the heavy contrast with only recently blooming pan-africanist discourse. In a long-term perspective, how to conciliate migration cooperation with Europe with its continental role, appears a strategic dilemma for Libya:

If Libya’s rapprochement to sub-Saharan Africa was meant originally to help put pressure on the countries imposing the multilateral sanctions, the lifting of those sanctions in 1999 introduced a new dynamic in Libyan-African relations. For, as Libya sought to curry favour with Europe, its geographical location as important transit route for illegal African immigration to the European Union forced the Qadhafi regime to make unpopular choices vis-à-vis its African partners [...] How Libya would balance its commitments to sub-Saharan Africa against a rapprochement with the European Union that might put some of those commitment in jeopardy seemed destined to become a political dilemma for the Jamahiriyya” (Vandewalle, 2006, p. 196).

(and with financial and operational support of) Italy and de facto on behalf of other European states and of EU institutions. Like in previous cases, figures about recent expulsions from Libya are uncertain. In a joint press conference on 25 November 2005, the Italian Interior Minister Giuseppe Pisanu and his Libyan counterpart Naser al Mabruk Abdallah talked of over 40,000 expulsions in 2004 up from only 4,000 in 2001 (see <http://www.interno.it/news/articolo.php?idarticolo=21705>). The European Commission (2005, p. 38) relates different figures: 43,000 migrants expelled in 2003 (38% of them Egyptians) and 54,000 in 2004. The European Parliament (2005) reported of around 7,000 migrants deported per month in 2005. US sources give still another picture, with approximately 145,000 foreigners repatriated between 2003 and 2005 (US Dept. of State, 2007). The upwards trend of collective expulsions from Libya has been continuing in 2006 (64,330 according to the Libyan Minister of the Interior Salah Rajab) and in the first two months of 2007 (with over 5,000 expulsions: ECRE, 2007).

³¹ The negative impact of European migration controls’ externalisation is particularly heavy and strongly felt in Niger. For the very deprived northern part of this extremely poor country (last of 177 countries for which data are available in UNDP’s Human Development Index ranking: http://hdr.undp.org/hdr2006/statistics/countries/country_fact_sheets/cty_fs_NER.html) cross-border migration to southern Libya has long represented an important factor of subsistence. The recent toughening of migration controls at the Niger-Libya border and the increase in expulsions, which are targeting Nigeriens in spite of their very low propensity to “transit migration” towards Europe, are seriously jeopardising this sub-regional migration circuit, thereby further hampering Niger’s development and probably creating the long-term conditions for an ever stronger migratory pressure (Liberti, 2006a and 2006b).

Fully realising the existence and the risks associated with all these - internal and international – negative side effects of externalisation towards Libya as it has been carried out so far. Rebalancing the current approach represents a key challenge for the EU's and Italy's relations with the *Jamahiriyya*. At stake are not just the internal – ethical, legal and political - coherence of their foreign policies, but also the long-term effectiveness and sustainability of their migration policy strategies.

A deeply renewed and more balanced European approach to cooperation with Libya in the field of migration management would benefit also, and primarily, Libya itself. The Libyan need for foreign labour is not transient. It may oscillate following contingencies (such as oil prices), but it fundamentally depends on structural factors associated with the geographic and demographic features of the country, as well as with the peculiarities of an economy based on natural resources. The *Jamahiriyya* needs to fully acknowledge its nature as an “immigration country”, with all its social and political implications. On its side, the European Union and its Member States should provide advice and long-term assistance for the development of a sound, efficient, humane and sustainable immigration policy in Libya, rather than pushing or attracting its government – through a short-sighted use of “migratory conditionality” - into the narrow and in the long-term unsustainable role of a delegated border controller.

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