The Libyan-Italian Partnership: Attempts of Innovation in Solving the Migration Crisis

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Abstract
Italy and Libya hold a close relationship, and the migrations flow across the Mediterranean only deepens it. In August 2008 both countries signed a Treaty on Friendship, Partnership and Cooperation. Among other things, it called for deeper cooperation to fight illegal immigration. However, the scenario of potential cooperation changed quite significantly in 2011, in the context of the Arab Spring. In 2011 Libya faced growing waves of denouncements that questioned the longevity of Muammar Gaddafi's regime and its deep sectarianism. This led to an end his 42-year-old government and put the country in a civil war situation. The authoritarian resilience was broken in Libya, so was the rigid control of its borders. Both countries are still looking for a way to deal with Libya's border porosity and Italy's difficulty to deal properly with those who come looking for aid. Bearing in mind the importance of these events, we should ask: how did the Libyan Spring impact The Treaty on Friendship, Partnership and Cooperation between Italy and Libya of 2008? In February 2017, Italy and Libya signed a Memorandum of Understanding (MoU) on cooperation that deals, along with other topics, with illegal immigration. The recently signed MoU signals for some negative impacts from the Libyan Arab Spring and civil war on its relations with Italy as well as for the migration flows across the Mediterranean. The methodology used to guide our analysis consists of a bibliographic and documentary study, using supporting data and statistics available on official sources.

Keywords: Italy; Libya; Cooperation; Migration; Crisis; Arab Spring.

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Introduction

To say that Libya and Italy have a history together is the least: the two countries share a colonial past, commercial interests and a common problem that concerns illegal immigration. Over the 20th century, Italy moved from largely being a country of origin of many migrants all over the world to a destination of a large flow of people coming from other countries, particularly from North Africa and the Middle East (Paoletti, 2010). Italian foreign policy kept up with this change in pattern and as Paoletti's book (2010) suggests Italy has adopted increasingly restrictive policies to address illegal/undocumented migration over time – even though evidence shows there has been a quite significant difference between the political discourse and the de facto attitudes and policies towards the illegal migrants in the country. Also, as Mainwaring (2012) puts it, Mediterranean countries like Italy claim to bear the so-called migration 'burden' in Europe as a way of gaining both political leverage and financial and practical support within the European Union.

As for Libya, because of a pan-African open-door approach adopted by Muammar al-Gaddafi in the 90's, the country has increasingly become a destination country, especially for sub-Saharan African migrants. And, as Mainwaring (2012) puts it, Libya has also become an embarkation point for those who sought to flee the continent and go to Europe. This way, a complex dynamic emerged: on one hand both the flow to and through Libya were allowed; on the other hand, the introduction of new visa requirements in countries such as Italy was defined. And, despite the number of migrants that reached the other side of the Mediterranean, it is important to bear in mind that diplomatic incidents, as well as an increasing tension, were caused between Italy and Gaddafi's Libya.

The migrations' flow across the Mediterranean only deepens the relationship between Italy and Libya. In August 2008 both countries signed a Treaty on Friendship, Partnership and Cooperation, aimed to be a framework agreement. Among other things, it called for deeper cooperation to fight illegal immigration. However, the scenario of potential cooperation changed quite significantly in 2011, in the context of the Arab Spring.

In 2011 Libya faced growing waves of denouncements that questioned the longevity of Muammar Gaddafi's regime and its deep sectarianism. This led to an end his 42-year-old government and put the country in a civil war situation. The authoritarian resilience was broken in Libya and with that so was the rigid control of its borders. Italy's first reaction to the situation in Libya was to suspend the 2008 Treaty, but less than two months later it restored relations with the transitional government. Both countries are still looking for a way to deal with Libya's border porosity and Italy's difficulty to deal properly with those who come looking for aid.

Bearing in mind the importance of these events, we should ask: how did the Libyan Spring impact The Treaty on Friendship, Partnership and Cooperation between Italy and Libya of 2008? In February 2017, Italy and Libya signed a Memorandum of Understanding (MoU) on cooperation that deals, along with other topics, with illegal immigration. The recently signed MoU signals for some negative impacts from the Libyan Arab Spring and civil war on its relations with Italy as well as for the migration flows across the Mediterranean. The methodology used to guide our

analysis consists of a bibliographic and documentary study, using supporting data and statistics available on official sources.

1 Tracing back the relationship: from colonial to postcolonial ties

1.1 From colony to independent State

Italy and Libya hold a close relationship that dates back well before the agreements that have been taking place in the 21st century. The long-term ties between these two countries are due to a colonial relation in which Italy tried to establish itself as a power alongside its European counterparts. In order to understand this situation, it is important to bear in mind that when compared to other European Powers and because of its 'late' unification in 1881, Italy failed to establish a powerful and competitive colonial enterprise.

However, this scenario did not restrain the formulation of an ambitious Italian foreign policy that would turn its attention to a North African territory today known as Libya. Such an ambition was translated into reality in the beginning of the 20th century, amid a colonial structure that was made possible because of Italy's geographical proximity to the African Continent (Figure 1). Also, besides the proximity, at that moment Italy saw on Libya's territory – that at that time was part of the Ottoman Empire – a strategical place to guarantee its aspirations at the Mediterranean Sea (Paoletti, 2010; Visentini, 2010).

Figure 1: Libya's location in the Mediterranean Source: UK National Archives

This way, by a process historically known as "peaceful penetration", Italy established in Tripoli – today's Libya capital city – a commercial insertion which proved to be unsuccessful. Accordingly, Italy's action towards Tripoli turned into armed conquest – a conquest that happened in the name of Libyan's "liberation" of Istanbul's rule. Thus, it seems that Italy was taking the last shot in order to prove its will to become a colonial power. (Paoletti, 2010).

It is important to emphasize that afterward a series of complex events would occur gradually. According to Visentini (2010), by 1911 Libya's territory had already been occupied by Italy. Up to 1927, what is known today as Libya, was called Italian North Africa – and just in 1934, Italy gave Libya its current name. But, beyond this simplified timeline, and as Paoletti (2010) and many historians put it, during the first half of the 20th century a dark colonial chapter was written in Libya. A complex scenario that up to the beginning of the 21st century still represented a taboo.

Labanca (2010) emphasizes that during Italy's occupation military excesses were perpetrated. In this scenario, Italy created concentration camps in Libya and deported Libyans to Italy. All these actions, Labanca (2010) puts it, took place in order to establish and maintain Italy's dominating *status* and, by doing that, to face Libya's resistance, especially in its eastern region, Cyrenaica.

Further on, a different chapter between Italy and Libya was written in 1951, when Libya, amid the international decolonization waves, went on a successful independence process declaring itself as the United Kingdom of Libya – a constitutional monarchy under the rule of King Idris. At the same decade, in 1956, Italy and Libya reached an agreement to compensate the colonial past (Paoletti, 2010). However, a new growing tension took place from 1969, after a *coup d'état* in which Colonel Muammar al-Gaddafi and a group of military officers abolished the kingdom and established the so-called "Great Socialist People's Libyan Arab Jamahiriya"[1].

As Paoletti shows in her detailed study, after the *coup,* "some 14,000 Italians living in Libya were forced to return to Italy […] The Italian companies operating in Libya were forced to terminate their commercial activities, and their properties were confiscated". (Paoletti, 2010, p. 112). From this moment on, periods of dialogue and confrontation took an intense place.

Briefly, we can see that during the 20th century, Italy-Libya connections were defined by a hierarchical relationship that went back and forth repeatedly, even after Libya's independence. Nonetheless, in the 21st century, another phase of conversations was established and a new chapter was glimpsed. In order to renew the dialogue between these two countries, some agreements were reached, with special emphasis to the 2008's Treaty on Friendship, Partnership and Cooperation – as it will be explained in the next section. However, as history shows us, year after year, and even with the establishment of continuous dialogues, growing tensions did not go away. It is quite the opposite: there's still a long road to go.

1.2 A new chapter in Libyan-Italian Relations

Libya and Italy's colonial heritage has for long conditioned their relationship, limiting potential commercial enterprises, growth and periodically triggering tensions across the Mediterranean. The commercial relations between the two parties has been going through the ups and downs of their political relationship since Libya's independence. Libya is a large oil exporter, with reserves that accounted for 48.36 billion barrels at the end of 2016 (OPEC, 2017). Oil discoveries in the country date back to 1957 and, as Ronzitti (2009) stresses it, the Italian oil and gas company Ente Nazionale

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[1] According to Visentini (2010), Jamahiriya is a neologism that means State of the Masses. (p.3)

Idrocarburi (ENI) has been present in Libya even during the years of international terrorism and sanctions on the country.

Despite Libya's diplomatic isolationism, according to Pisano (1982) the economic cooperation between them can be traced back to the 70's and 80's, and was based on Libyan control over Italy's energy needs: at the beginning of the 80's Italy relied on Libya to supply for 15 to 17 percent of this needs. However, trade between the two countries covered more than just oil, with Libya being a significant market for the Italian products and services likewise the arms and construction industries (Pisano, 1982). Also, there has been Libyan investments in Italian firms, like Fiat, which would only benefit from a framework agreement between the two countries (Pisano, 1982; Ronzitti, 2009).

On 30 August 2008 the Treaty on Friendship, Partnership and Cooperation between Italy and Libya was signed in Benghazi, concluding a long and complicated negotiating process that had its roots in the Memorandum of Intent (2000) on terrorism and was accelerated in Berlusconi's administration. As Paoletti (2010) mentions, the Italian prime minister Silvio Berlusconi welcomed the treaty as a way of guaranteeing 'more oil and less migrants'.

The treaty was aimed at putting an end to the disputes and disagreements relating to the colonial heritage that for long had conditioned the relations between Italy and Libya, and limited the fruitfulness of this relationship. As Ronzitti (2009) signs, it is worth mentioning that before the 2008 Treaty there had been a number of bilateral agreements between the two countries, but none of them were as large or touched as many key topics as the Treaty on Friendship, Partnership and Cooperation. Considered a framework agreement, the treaty addresses matters as the damages related to colonialism, trade, investment and business to business relations, and the delicate issue of illegal immigration – which was regulated by an agreement on the fight against terrorism, organized crime and illegal immigration signed in 2000, that entered into force two years later, and two Protocols of 29 December 2007 implemented at the beginning of 2009 (Paoletti, 2010; Ronzitti, 2009).

Structurally, the Treaty of Benghazi is divided into three parts: general principles; closing with the past and ending the disputes; partnership. The first part largely repeats and reiterates the norms from international customary law and the United Nations Charter on seven articles: respect for international legality; respect for sovereign equality; prohibition of the threat or use of force; noninterference in internal affairs; peaceful settlement of disputes; respect for human rights and fundamental freedoms; dialog and understanding between cultures and civilizations (Gazzeta Ufficiale, 2009). The second part of the treaty refers to their mutual past and the reckoning of old disagreements. As Ronzitti (2009) mentions, this is the most onerous part of the treaty since it comprises a commitment to build basic infrastructure in Libya funded by Italy that sums up a total of $5 billion.

As for the third part, partnership, it is considered to be the most ambitious of the three. It envisages cooperation in different sectors such as culture, science, economy, industry, energy, defense, non-proliferation and disarmament, the fight against terrorism and illegal immigration – which is of main concern for this research. There had been previous common efforts to mitigate the illegal immigration problem in the

early 2000's, both bilaterally and at the regional level (Paoletti, 2010). However, none of them intended to be as extensive as the Treaty of Benghazi.

On the issue of illegal immigration, Ronzitti (2009) highlights that, on the one hand, Article 19 calls for the implementation of previous agreements and protocols on immigration, in particular, the ones agreed on in 2007 and the patrolling of the almost 200km of Libyan coast by mixed crews on patrol boats provided by Italy. On the other hand, Libyan land borders would be controlled by a satellite detection system jointly financed by Italy and the European Union (Gazzeta Ufficiale, 2009; Ronzitti, 2009). Illegal immigration by sea was the most urgent kind to be solved.

The treaty entered into force in the first months of 2009 and initially the bilateral relations showed significant improvements. As Paoletti (2010) stresses, economically there was a sharp growth in Libyan investments in Italy, and as of 2010 Italian commercial relations and investments with Libya had expanded relatively to other Mediterranean countries (Paoletti, 2010, pp.136). Regarding illegal immigration the collaboration also deepened, having new measures to tackle the problem been implemented since 2008. Less than two years after entering into force the treaty was said to have reduced illegal immigration by 90 percent (Camera, 2010; Paoletti, 2010). But the events of 2011 would change the course of this ongoing prosperity in the Italian-Libyan partnership, requiring further political and diplomatic efforts to address the migration issue.

2 Libya's Arab Spring and Gaddafi's Fall

During 2011, Magreb (North Africa) and the Machrek (the Middle East) were surrounded by demands of economic, political and social change. At the same time, the longevity, as well as the deep sectarism of their governments were being questioned. This way, a substantial movement emerged from this scenario, one that sought the end of a long winter and the start of a promising spring: the Arab Spring.

In this way, just as the fall of the Berlin Wall symbolically represents the end of the Cold War, the self-immolation of Tunisian youth in Mohammed Bouazizi in December 2010 denounced the social despair that has taken on not only Tunisian society but also neighboring countries with similar stories and structures. Associated with a scenario of corruption, repression, and incompetence, a growing wave of empathy engulfed populations and, from a process of politicization of empathy, increasing demands that governed the dominant governments and elites to promote a free political system and a developed economy emerged (Dodge, 2012).

Based on Wimmen's (2014) analysis, it may be said that the dynamics of the Arab Spring, even if limited, led to attempts of overcoming the barriers between sectors of society through narratives of (re)conciliation in favor of national unity. In other words, although briefly massive popular demands for social justice and political oppression seemed to grow up hand in hand. Thus, in countries like Egypt and Tunisia, the regimes of Hosni Mubarak and Zine El Abidine Ben Ali were overthrown. In addition, the dominant elites found themselves pressed to deal with the demands of the population.

At this very moment, Libya was in the middle of a civil war. Here in this paper, it is sustained that this civil war that belonged to the bigger picture of the Arab Spring. In this context, the 42-year rule of Muammar Gaddafi came to an end. This way, not only Libya's long-term leader was overthrown, he has also been killed. There was no turning back. There was not the "Great Socialist People's Libyan Arab Jamahiriya" anymore. Instead, the State of Libya was established (or so they thought).

Within a few days after Gaddafi's fall, anti-government forces took control of Libya's second largest city, Benghazi. This way during the months that followed the end of Muammar Gaddafi's rule, and as an alternative to the previous regime, Libya started to be governed by the National Transitional Council (NTC). However, the NTC was dissolved in 2012. (Khader, 2012; Varvelli, 2012)

As it can be observed and despite the wave of optimism during the Libyan Arab Spring, the post-Gaddafi Libya saw an internal problematic transition. Toaldo (2012) writes that the state's security apparatus vanished. This way, it was replaced by a confusing and highly disorganized system that was composed of the so-called revolutionary brigades (also known as militias).

And as Toaldo (2012) also shows, this scenario was intimately linked to the hybrid security system that emerged after the Arab Spring. This way, government institutions became weak and ineffective and gradually collapsed. From this moment on the management of migration control to and trough Libya became even more complex.

3 Changes in Libya and Italy's response

Briefly, we can see that from the moment that the authoritarian resilience was broken in Libya, so was the rigid control of its borders. In this way, the movements started in 2011 were soon in deep crisis, making their initial goals disappear and opening space for sectors of society to return to even deeper conflicts. In this sense, after Gaddafi, politics became the extension of the security sector, with politicians and government officials often representing the interests of local militias in the absence of real national political actors.

This way, besides the intention and the conquests of the Arab Spring movement in Libya, it is important to bear in mind that another phenomenon took place in there: new migratory flows. On one hand, Mainwaring (2012) says, there were those migrants, asylum-seekers, and refugees who were lucky enough to secure their migration out of the region, especially by air travels. On the other hand, in a larger amount and in order to flee the conflict, others were forced to seek shelter in neighboring African countries by land or to make their way across the Mediterranean to Europe. (Mainwaring, 2012, Paoletti, 2014).

It is important to notice that according to Mainwaring (2012), despite the volume of irregular migrants, we need to keep in mind that the European Union, and especially its southern member states, like Italy, overreacted to the volume of immigration. But, even with this so-called overreaction, a considerable flow of people arrived at countries like Italy. As Figure 2 shows, the number of boat arrivals in Italy that had been decreasing since 2008 sharply rose in 2011, and again in 2014. That was an unexpected flow due to the political instability in Libya that, as it will be explored in

this section, demanded attention from both countries and the rearrangement and deepening of an already established cooperation.
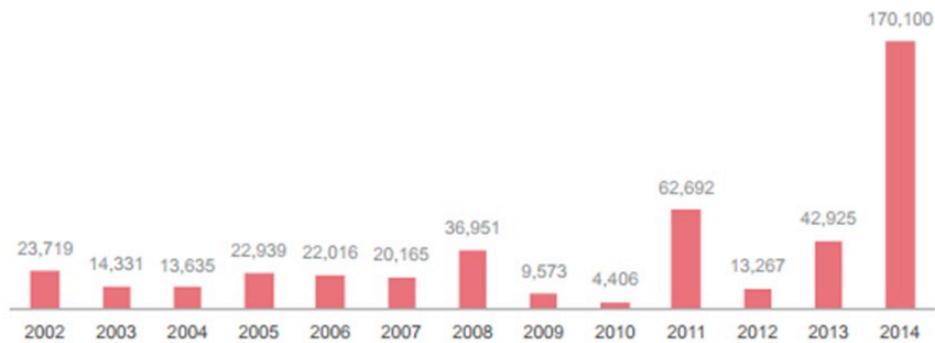

Figure 2: Number of boat arrivals in Italy (2002-2014) Source: Italian Ministry of the Interior; extracted from IOM Report (2015)

Attir (2012) provides an interesting taxonomy of illegal immigrants in Libya after 2011. According to him, they can be classified into four categories: 1) those who planned to remain in other countries for an extended duration; 2) those who planned to work temporarily in order to raise money and send it back home; 3) those who saw in Libya a transitional place; and 4) those who had already the necessary amount of money to be paid in order to assure access to a Europe and just stay in Libya to reach smugglers and board on boats. This taxonomy highlights the porosity of Libyan borders and how the country was seen as an in-between place. Figure 3 shows the proportion of the main country of departure of irregular boat arrivals in Italy, where Libya leads by far the numbers.
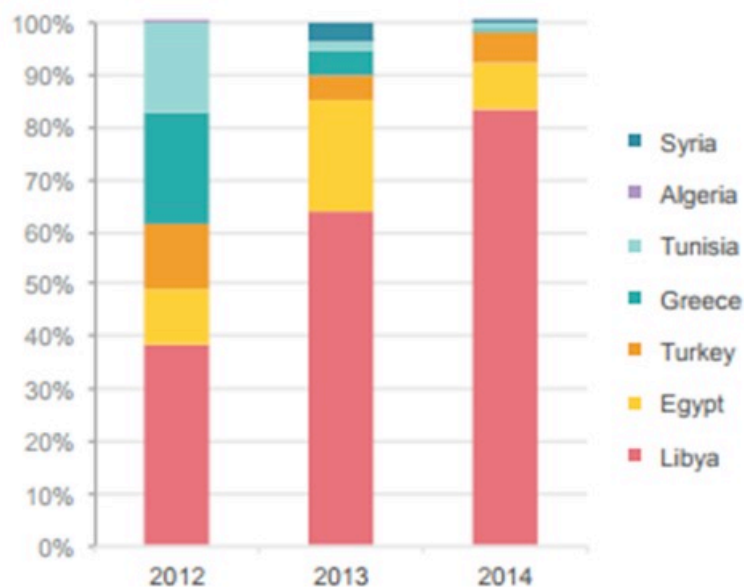

Figure 3: Proportion Country of Departure of Irregular boat arrivals to Italy (2012-2014) Source: Italian Ministry of the Interior; extracted from IOM Report (2015)

In response to the changes in Libya, the Italian government suspended the 2008 Treaty on 26 February 2011. However, over a month later, on 4 April, Italy recognized the NTC and restored relations with Libya. Paoletti (2012) argues that this

was due to the fact that both countries' goals concerning migration remained unaltered, despite political differences. In line with that, Italy signed a Memorandum of Understanding (MoU) with the NTC regarding measures to mitigate illegal migration, which included the exchange of information on migration flow, the engagement in mutual assistance to combat irregular migration (Frenzen, 2011). This MoU referred to four previous agreements signed by the two parties, and by the end of 2011, both countries had already declared their willingness to restore bilateral cooperation.

Their relationship gradually improved once again and the restoration of bilateral cooperation started with technical and vocational training. In 2012 the Italian prime minister Mario Monti and his Libyan counterpart Abdurrahim El-Keib met and discussed the possibility of collaboration on borders control and signed the Declaration of Tripoli which reaffirmed the main provisions of the 2008 Treaty (Paoletti, 2012). Also, in April 2012 Italy's and Libya's cooperation on migration was reinforced with an agreement on training programs, the detention of migrants, and voluntary return programs (Migration Policy Centre Team, 2013). As Paoletti (2012) stresses, the training was aimed at the Libyan police force as a means of ensuring the country's control over its coastal borders.

On October 2013, the Italian government launched a military and humanitarian operation called 'Mare Nostrum Operation'. It aimed at tackling the urgent situation in which the south of Italy was found due to the great increase in migration flows, as Figure 2 previously showed. The operation's goal was to safeguard human life at sea and bring into justice human traffickers and smugglers. However, it was seen by some analysts as supporting this dangerous crossing from Libya. The operation ended on 31 October 2014 and according to the IOM report (2015) the number of migrants on boat departures from the Libyan coast has increased by more than 25% in a 12-months comparison (May 2014 - May 2015).

At the beginning of 2017, a new move both on the relationship between Italy and Libya and their fight against illegal immigration was taken with the signature of a new MoU. Signed in February, this MoU is on cooperation in the development sector, combat illegal immigration, human trafficking and contraband and on reinforcing the border security between the Libya State and the Italian Republic. This time, the understanding was mainly concerned in solving the massive inflow of illegal migrants in Italy coming mainly from Libya. The internal division brought up by the Arab Spring in Libya is not completely healed and the porosity of its borders persists.

The recently signed MoU signals for some negative impacts from the Libyan Arab Spring and civil war on its relations with Italy as well as for the migration flows across the Mediterranean. Its assertiveness on trying to solve the illegal immigration problem across the Mediterranean was interpreted by analysts and human rights defenders as unconstitutional under Italian law. Regardless of its legality, the MoU clearly signals that the Arab Spring in Libya had a negative impact on the relationship between that country and Italy, a relationship that historically has had many ups and downs that finally seemed to be over with the Treaty on Friendship, Partnership and Cooperation.

Conclusions

Over this paper, it was possible to notice how Italy and Libya's long-term ties were permeated by ups and downs. After Libya's independence, in 1951, their relationship was no longer restricted to a colonial past. Quite the opposite: both countries showed increasing commercial interests, as well as diplomatic deadlocks concerning the illegal migration phenomenon. This paper also demonstrated that both Italy and Libya share a common tradition as destinations to those who seek to start a new life and/or to run away from difficult situations. And, by sharing this tradition, both countries indicated in numerous episodes a will to deal with the increasing flow that was being originated in the African Continent, crossed the Mediterranean and was reaching Europe.

We gave special emphasis to the 2008's Treaty on Friendship, Partnership and Cooperation which for some time glimpsed an atmosphere of substantial success. We also observed that 2011's Libyan Arab Spring represented a movement that not only impacted North Africa but also reached Italy and Libya's diplomatic concerns. Analyzing this scenario, we asked: how did the Libyan Spring impact The Treaty on Friendship, Partnership and Cooperation between Italy and Libya of 2008?

Looking at the facts presented in this paper we can say that the Libyan Spring certainly affected negatively the accomplishments that were being made since the entering into force of the 2008's Treaty. Furthermore, if we focus on the issue of illegal immigration, it can be said that the impact was even worse. As we have mentioned, the political instability in the country and porosity of Libyan borders made it the primary sight for immigrants to cross the Mediterranean – to the point that Libya represented the country of departure of over 80% of the illegal boat arrivals in Italy in 2014. Also, the initiative to sign a new MoU in 2017 can be considered an indicator for the consequences of the Arab Spring in the Libyan-Italian relations.

The analysis of the agreements between the two countries in the past decade and of specialized documents like those by IOM only corroborate to the view of this paper that the Libyan Arab Spring impacted negatively in the improving relations between Italy and Libya. On the other hand, what had been accomplished during the first years of the 2008's Treaty signals for benefits from cooperation between them, which only supports the view that the two countries should continue to keep a communication channel open and try once again to face this common challenge together.

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