

Italian–Libyan relations

Lorenzo Del Castillo outlines the background to this relationship and the implications for Libyan migrants.

The geographic position of Italy gives it the uneasy responsibility of sending back illegal migrants; this is what happens every day, when overloaded boats – often managed by criminal organisations – arrive on the Italian coasts or islands such as Lampedusa. Frequently, large numbers of migrants arrive in poor health and some of these small boats never reach their destination. If migrants are caught, they are moved to a ‘CIE’ (centro di identificazione ed espulsione, which translates as identification and expulsion centre), where they wait to either be sent back to their country of origin or obtain the status of a political refugee. If they successfully cross the Italian border, they start a new life with the status of illegal migrants, and so are labelled ‘criminals’. According to Amnesty International, the rights of detainees do not seem to be fully respected in the CIEs (Amnesty International, 2005).

Law 94/2009 (‘Provisions on public safety’), the final installment of the ‘Security Package’, introduced the crime of illegal entry and residence, punishable by a fine of €5000–10,000. In addition, Law 189/2002, the Bossi-Fini law on immigration and asylum seekers, grants residence permits only to people who can prove they are in employment. Moreover, in July 2009, the Italian Government introduced the crime of illegal immigration, with sentences of one to four years imprisonment for illegal migrants who have not obeyed the order to leave the country. However, on 28 April 2011, the European Court of Justice ruled that illegal immigration is *not* a crime. In 2010 the number of legal migrants was an estimated 4,919,000 (7 per cent of residents), accounting

for 11 per cent of the GDP. However, obtaining a definitive figure for the number of illegal immigrants is more difficult: about 500,000 people according to the Social Investments Studies Centre (CENSIS, 2011).

‘Friendship, Partnership and Cooperation’

On 30 August 2008, the Italian Prime Minister Silvio Berlusconi and Colonel Gaddafi signed a Treaty of ‘Friendship, Partnership and Cooperation’ in Benghazi, the second largest city in Libya (Benghazi Treaty, 2008). Formally, this Treaty pursues the goal of closing the ‘chapter of the past’ with the resolution of bilateral issues and the building a new phase of Italian–Libyan friendship based on mutual respect, equal dignity and an equal and balanced relationship; the two sides expressed the intention to make the Treaty the legal reference framework for the development of ‘special and privileged’ bilateral relations, characterised by a strong political, economic and cooperative partnership.

Relations with Libya have never been easy and, when Gaddafi came to power, Italians living in Libya were expelled and their property confiscated. However, the business relationship between the two countries continued, thanks to ENI (the Italian multinational oil and gas company) and Libyan financial investments in Fiat. The standardisation of relations between Italy and Libya was preceded by numerous bilateral agreements, but many issues were left unsolved, including Libyan desire to repair the damage of colonialism, claims for work by Italian companies that were never paid, and the continuing challenge of illegal immigration, for example, in 2008, 37,000 migrants

were intercepted along the southern Italian coast (Organization for Economic Co-operation and Development, 2010).

The Benghazi Treaty

The Benghazi Treaty consists of three parts. The first part concerns several principles, including respect for international law and for human rights, fundamental freedoms in accordance with the respective laws, the principles of the United Nations Charter and the Universal Declaration of Human Rights. The second part states that Italy will implement basic infrastructure projects for \$5 billion, an annual outlay of \$250 million for 20 years. Italy will also implement ‘special initiatives’ such as the assignment of scholarships, the return to Libya of archaeological artefacts transferred to Italy in the colonial era and the construction of 200 housing units. In exchange, Libya agrees to pay the claims of Italian companies and to abrogate all provisions and norms that impose restrictions on Italian companies operating in Libya.

The third part considers fields of cooperation: the economy, industry, energy, defence, nonproliferation and disarmament. An important article regards the prevention of illegal immigration: ‘the two parts will work together to define actions to prevent illegal immigration in the countries of origin of the migration flows’. Half of the funding will be provided by Italy (more than €150 million) and the other half by the European Union (in the summer of 2010 €60 million was provided through an EU–Libya preliminary agreement on health, economic and political cooperation, migration management, education and energy).

Treaty applied

Presented in this way, the Treaty seems like the solution in the form of colonial reparation in return for convenient economic special treatment. However, the facts are somewhat different. Libya is famous for not respecting human rights: in which case, why does a democratic and modern country like Italy need the help of a country in which



Abandoned boat at Lampedusa, Italy

Photo courtesy of the United Nations

migrants to a country where their life or freedom could be in danger.

No progress

The only organisation that has succeeded in helping asylum seekers is the United Nations High Commission for Refugees, but during the summer of 2010, Libya forced the agency to close its activities in the country, putting at risk the future of more than 12,000 refugees and asylum seekers.

The Benghazi Treaty was 'suspended' (but 'not terminated') in February 2011; however, the situation of migrants is unlikely to change, nor is Italian policy about illegal immigration. ■

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political refugees are not safe? A few days after the ratification of the agreement, the transfer of hundreds of refugees from Lampedusa to Libya began without respecting the right to asylum of these refugees, as stipulated by the 1949 Geneva Convention.

Many rumours (and a documentary named 'Like a man on the earth', 2008, that collected the testimonies of those who survived), have claimed that the returned migrants were moved into camps located in the desert near the Libyan border. These rumours are now supported by evidence: a video filmed with a mobile phone at 12:31 on 16 March 2009, which was published online (*L'Espresso*, 2010) with the title 'Morire nel deserto' (dying in the desert). The video shows 11 dead bodies (seven men and four women) of people who probably died of thirst after walking for days in the desert. In those days, hundreds of migrants detained in the detention camp of the military base of Al Qatrun were abandoned in the desert near the Libyan border.

Not a mystery

The Italian Government has known since around 2004 how migrants are treated in detention centres in Libya, thanks to a confidential report produced by the Italian Civil Protection agency. However, this report was never made public. Since 2004, Italian agents have conducted training activities in Libya and interior ministry officials have frequently visited detention centres

in Libya, including Kufrah, which many refugees have described as a place of abuse, violence and torture, but Italian officials have not made any official statements. What about the European Union? The European Commission report of 2005 defines the conditions in Libyan detention camps as 'difficult but relatively acceptable in the light of the overall general context'. In 2007, a delegation of Frontex (the European Union agency for external border security) visited the south of Libya, including the Kufrah prison, but the only statements that were made were about 'the diversity and vastness of the desert' (Frontex, 2007). Many refugees from Eritrea, Nigeria, Sudan, Somalia and Ethiopia, who may have just been asking for political asylum have been imprisoned for years without having committed any crime, and they are threatened with repatriation if they do not behave well. There is only one way to be freed: to offer a bribe to the Libyan police, giving them between \$200 and \$500 (Fortress Europe, 2007), so that they can escape or not be arrested in the first place.

Libya is not a member of the Convention on the Status of Refugees of 1951. The Convention does not guarantee an individual right of asylum, but offers several other guarantees, including not rejecting refugees at the borders of a country where their life or freedom could be in danger. The Convention (despite the 'Beautiful Country' being part of it) does not even seem to be respected by Italy, which sends

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