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Italy's Migration Policies and the Mediterranean Refugee Crisis

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Securitarian, humanitarian, and economic concerns concur in defining a country's migration policies. The political upheavals and conflicts in the MENA region and the resulting outflow of refugees highlights how migration policies and foreign relations - both domestic and external dimensions - are strictly interlinked. In the middle of the refugee crisis, with the Mediterranean becoming the "graveyard" for thousands of migrants and Libya plunging into chaos, Italy sought a new approach to border control with the Mare Nostrum operation. Was it an ephemeral response to the public outcry or should it be considered a call for a more coordinated and coherent European effort?

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The central Mediterranean corridor is a favoured route for human traffickers, with Italy, among the Southern European countries, receiving the bulk of total arrivals by sea. Since the beginning of the Arab uprisings, Europe has been seeing its first increase in asylum-seeker numbers in several years, with the number of arrivals reaching 70,000 in 2011 alone.¹ However, this record high was surpassed by the 165,000 arrivals that have arrived so far in 2014, with Italy alone receiving 140,000 migrants, the majority of whom are asylum seekers fleeing Eritrea (25%), Syria (21%), Egypt (3%), Somalia (3%) and other sub-Saharan countries (30%).²

While fences and push-back practices have put an abrupt end to the trip of migrants at the Greek and Bulgarian borders with Turkey and at the Spanish possession of Ceuta and Melilla on the Moroccan coast, the Italian approach has changed radically with the Mare Nostrum operation.³ A military and humanitarian mission led by the Italian Navy, Mare Nostrum directed the active search and rescue of migrant boats heading towards the Italian territorial waters as well as the monitoring of smuggler activities operating from the Libyan ports. The operations started in October 2013, soon after which more than three hundred migrants died in a single wreck off the coast of the island of Lampedusa. This was the most dramatic of a long string of sea tragedies that received extensive media coverage and pushed the government to take action.

Mare Nostrum, which was conceived of as an emergency operation, finally ended in November 2014, after rescuing more than 100,000 migrants and bringing 330 alleged smugglers to justice.⁴ NGOs and human rights groups raised concerns about the destiny of thousands of migrants after Triton, an operation run by EU's border control FRONTEX, took over the control of the central Mediterranean corridor. In fact, Triton's radius of operations extends to a maximum of 30 nautical miles off the Italian territorial waters, thus covering 18 miles of international waters, whereas Mare Nostrum extended 150 nautical miles east of Lampedusa and 400 nautical miles to the south, that is almost close to the Libyan coastline. Besides, the Triton mission is limited to border control operations, without a mandatory search and rescue task. Finally, the monthly budget of Triton amounts to three million Euros, representing one third of the Mare Nostrum budget. All in all, Triton is a less encompassing and comprehensive operation.⁵

Critics of this humanitarian approach denounced the economic costs of Mare Nostrum and its connection with the surge of arrivals by sea during the last year, which practically made Italy an open door to Europe. As in other European countries, the Italian debate over immigration preceded both the refugees' emergency in Middle East and North Africa (MENA) and the sovereign debt crisis.⁶ Despite the perception of an unprecedented migrant "invasion" in the wake of the conflicts in the MENA region, in 2012 the total inflow in crisis-stricken Spain and Italy fell by 22% and 19% respectively. In these two countries, figures of total arrivals were more than twice higher in 2007.⁷ However, the sense of vulnerability induced by a deteriorating economy and the exodus of thousands of people towards the northern shores of the Mediterranean, accentuated the perception of migrants as economic and social threats to an already retrenching welfare state, in times of austerity and unemployment.

In the Italian political scene, the xenophobic regional party Lega Nord, junior partner in Berlusconi's centre-right coalition governments, built up much of its fortunes thanks to its anti-immigrant rhetoric, leading the centre-right on migration and citizenship issues. In the Lega Nord discourse, regular workers, "illegal" immigrants, Islamophobia, openly racist outbursts, localism and the staunch defence of the *jus sanguinis* on citizenship are all seamlessly bundled together.⁸ The major legislative achievements of such political orientations are the Bossi-Fini law (Law 189/2002) and the Law 94/2009. The former tightened the norms against the aiding and abetting of "illegal immigrants" and enforced a "push-back policy" towards the arrivals, while the latter introduced the offence of illegal immigration.⁹ The latter provided that the sanctions against illegal immigration would fall within the criminal law. Only a recent bill voted in April 2014 provided for the decriminalisation of illegal immigration, bringing back sanctions in the context of civil law.

The tragedies happening at the sea found a constant place in the headlines, which certainly urged a change in the policy operated by the centre-left Partito Democratico (PD), the senior partner of the

Italian coalition government since 2013. Notwithstanding significant opposition, the Italian government's commitment to a progressive policy towards migration meets the demands of an important part of the leftist and Catholic constituencies supporting the PD.^{10 11} Civil society organisations referring to those political traditions play an active role as outspoken supporters of the rights of migrants and their integration into the Italian society. Notably, the Catholic Church's stance on humanitarian issues and migration and Pope Francis' media impact are crucial in raising awareness of the migrants' conditions and depriving traditional conservative arguments - evoking the images of an invasion menacing "our" traditions, culture or religion - of their legitimisation.¹²

Securitarian, humanitarian, and economic concerns also coexist in the external dimension of the Italian migration policies. Nonetheless, in the migration agreements co-signed with transit countries such as Tunisia, Libya and Egypt, the securitarian dimension prevailed both before and during the wake of the Arab spring. In effect, border control and border control assistance has been prioritized over a more comprehensive human rights policy framework. The first agreement with Tunisia dates back to 1998, while on April 2011 an accord provided for the repatriation of Tunisian nationals fleeing the country after the 5th of April of that year. On December 2012, two patrol boats were donated by the Italian government to the Tunisian authorities. Similarly, in 2010 two boats were handed over to the Egyptian police. The first agreement of police cooperation with Cairo dated back to 2000, while a Memorandum of Understanding on migration and employment was signed after Mubarak's fall in May 2011.¹³

Among the North African countries, Libya plays a key role in Rome's Mediterranean policies. Libya is both one of Italy's main oil and gas suppliers and a major outlet of the trans-Saharan and northern African trafficking routes directed to Europe. In 2008, Italy signed the "Treaty of Eternal Friendship" with the regime of Gaddafi, completing a decade long effort to establish a privileged and durable cooperation with Tripoli. The treaty committed Italy to finance the construction of infrastructures in Libya, while assuring the prominent role of the Italian contractors - and notably of the energetic giant ENI - in the development and exploitation of the country's rich oil and gas reserves. No less important, it committed Libya to halt the waves of illegal migrants seeking to reach the Italian coast.¹⁴ It goes without saying that the Gaddafi regime's treatment of migrants illegally entering Libya in order to embark for Italy was totally incompatible with most basic human rights. Eventually, the demise of Gaddafi and the subsequent fragmentation of the territorial control among militias and a legitimate government in Tobruk, left Italy without a strong and unitary counterpart to address in order to contain the migratory fluxes.

Lacking the capabilities to directly intervene in the stabilisation of the country, the efforts of Rome mainly focus on the diplomatic level. A Ministerial Conference on International support to Libya was held in Rome on the 6th of March 2014. The questions of illegal migration and refugees were not mentioned in the conclusions of the conference, although the Libyan state was urged to secure its national borders, mainly because of terrorist proliferation.¹⁵ In October, the then Minister of Foreign Affairs and designated EU Foreign Affairs and Security Policy High Representative, Federica Mogherini accompanied the UN Secretary General Ban Ki Moon and his special envoy for Libya Bernardino Leon in a visit to Tripoli. Ban Ki Moon stressed the necessity of halting the hostilities in order to stop the exodus of refugees from the Libyan coast.¹⁶

The political upheavals and conflicts in the MENA region and the resulting outflow of refugees highlights how migration policies and foreign relations are strictly interlinked. In Libya - as in Syria - the re-establishment of governments with international legitimacy, with an effective and responsive military and in full control of the country's borders is a precondition to both stopping the refugees crisis and dismantling the lucrative human trafficking networks on which local warlords often rely upon. Although the international community could engage the warring parties to respect human rights (at least in principle) and to create safe heavens or humanitarian corridors for refugees and displaced people, the actual normative environment, practices, and priorities are totally different across the Southern and the Northern shores of the Mediterranean.

Nonetheless, human security is a transnational issue and common policies are required on the

regional scale. The Italian presidency of the EU set among its top priorities a common policy on migration and the promotion of the Common European Asylum System (CEAS), a European system of border guards and the reinforcement of FRONTEX to fight human trafficking.¹⁷ However, the instruments in the hands of the EU are highly limited, the often lamented “absence of Europe” in migration policies being the consequence of the member states different foreign policies' priority, as well as their internal political debate and public opinion sensibilities.

As shown in the last report of the European Council on Refugees and Exiles, *despite two phases of legislative harmonisation within almost 15 years, the establishment of an EU agency on asylum and increasing practical cooperation at EU level, significant divergences continue to exist among EU Member States with regard to recognition rates, reception conditions and procedural safeguard.*¹⁸ The rise of xenophobic right wing political parties in a number of EU Member States doesn't help matters, as they lean on and conflate domestic economic insecurity, the myth of the “(poor) migrants invasion” and aversion to pool resources and responsibilities on the European level.

In the case of border control, the experience of Mare Nostrum marked an important shift from the “defence” of the borders to their “management”, introducing a comprehensive approach blending together intelligence, military and humanitarian tools. Nevertheless, a single state cannot cope alone successfully with processes that are transnational by their nature. In this sense, the seek and rescue operations would be a quixotic effort - though praiseworthy - in absence of a more coordinated effort on the European level. Finally, herein lies the main difference between a European proactive external action and a passive fortress-like Europe made up of quarrelling watchtowers.

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