



Department of Political Science

Chair

Islam: Culture and Politics

THE HUMANITARIAN CRISIS IN MARE NOSTRUM
LIBYA AS A SPRINGBOARD FOR IRREGULAR MIGRATION

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“Once again, the European Member States renounce policies that attempt to ‘govern’ the immigration and illusory and cynically choose to prevent it. Anyone thinking of curbing this emergency sells illusions”.

Emma Bonino, 5 February 2017

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Introduction

In 2016, Libya was the departure point for 90% of migrants trying to reach Europe through the central Mediterranean route. Irregular flows that reached Italian shores in 2016 amount to more than 180,000 (Council of the EU, 2017). This issue has been at the centre of the European media for years, however the crossing of the Mediterranean is only the last part of a desperate journey that might last even for some years.

This thesis analyzes Libya's role in the humanitarian crisis of Mare Nostrum, depicting the North African country as a springboard for irregular migration to Europe. It also emphasizes the particular relationship between Italy and its former colony, Libya, by exploring the roots of it. Their relation, indeed, dates back to colonial days and these historical ties are at the basis of a strict collaboration between the two countries on migration issues, making Italy a pioneer country in outsourcing migration to Libya. As a matter of fact, an analysis of European policies on this direction cannot disregard the Italian pressures to put Libya at the top of the European agenda. Very recent evidences of this are the Italian-Libyan Memorandum of Understanding of 2 February 2017 and the consequent informal meeting of Malta summit of 3 February 2017, during which the European leaders agreed on "measures to stem the flow of irregular migrants from Libya to Italy" (European Council, 2017).

For the purpose of giving an added value to the present thesis, I personally conducted two interviews. In the first case, I collected a testimony of a Ghanaian guy (to whom I will refer as "D."), directly involved in the migration flow whose route, departing from Ghana and crossing the desert through Niger, leads to Libya. He eventually arrived in Italy in 2014, soon after the civil war in Libya broke out and living there had become unsustainable. The interview was semi-structured and was recorded by means of taking notes. Obviously, I made him aware of this, and I previously assured that the information given would be treated confidentially; his asylum application in Italy is still under processing. His testimony gave further relevance to the information that I came to know by studying reports on the issue, as for example those of some international organizations, such as Amnesty International, OECD, UNHCR, but also other studies such as the field works of Sara Hamood and Stefano Liberti¹.

The second interview, instead, was conducted with a member of the catholic Community of Sant'Egidio, Rolando Curzi, who accurately explained me the pilot-project of the humanitarian corridors, conceived and put in place by Sant'Egidio, which I present as a model that should be followed by the international community and, in this particular case, by the European Union. This, of course, would be only a part of the framework of policies that, if undertaken, would help to overcome the current migration crisis and all the relative problems connected to it.

1. Their field works, Hamood's "African Transit Migration through Libya to Europe: the Human Cost" and Liberti's "A Sud di Lampedusa. Cinque anni di viaggi sulle rotte dei migranti", have been particularly relevant for the conception and drafting of the first part of the third chapter.

Yet, a complete study cannot disregard a serious analysis of the historical and geopolitical facts that stand behind the political factor which, in this case, is the migration crisis that is mostly affecting Southern Europe.

Thus, this thesis starts by exploring the historical ties that link the two countries, and how this relationship has evolved throughout the years. Libya indeed, was conquered by Italy through the Italian-Turkish war of 1911; in that period, the European powers looked at the southern Mediterranean shores as a new political affirmation space; therefore the conflict that broke out in 1911 was an attempt to compete with the major European colonial powers, an attempt to conquer a space called the Fourth Shore (*la Quarta Sponda*) of Italy, as to indicate a new geographic connotation of the country. The Italian rule lasted until the early '40s; when the Second World War broke out, indeed, Italy concentrated all its efforts on it and already in 1942 United Kingdom, – allied of the Sanussi of Cyrenaica – and France managed to expel Italians from the Libyan territory. So it was that the UN General Assembly ruled that the birth of the United Kingdom of Libya would have been on 1 January 1952, under the helm of King Idris al Sanussi. However, for the purpose of this thesis the main relevance has been played by Gaddafi's period. Indeed Italy, even if with ups and downs, and despite repeated allegations regarding the colonial period, has always been a key player on the Libyan scene. The monarchy of King Idris came to an end in 1969 when the Free Officers, led by Gaddafi overthrew the Kingdom with a coup d'état.

Even if, for example, in the seventies the Colonel ordered a forced repatriation of Italians, Italy remained a privileged partner of Libya: Libya was necessary to Italy and Italy was necessary to Libya. To cite one example, Italy was the first importer of Libyan oil, when Libya's economy depended 99% on the hydrocarbon's industry. Given the (reciprocal) strategic interests between the two countries, when Libya undergone a severe arms embargo imposed by the UN, which led Libya to recession, Italy played a key role in leading its international isolation to an end. In 1999 the then Italian Prime Minister Massimo D'Alema visited Tripoli: since the beginning of the embargo, he was the first head of government of a Western country to travel to Libya. It is however in these years, and in particular from 2000 on, that the flows of people irregularly arriving on Italian shores started to increase. Among the push factors are the increasing emergence of political and humanitarian crisis in Africa, and mounting economic and social problems in Libya (particularly, the widespread racism against sub-Saharan Africans). The culmination of the collaboration of those years on the issue of illegal immigration came with the 2008 Treaty of Friendship, Partnership and Cooperation Agreement, signed by Berlusconi and Gaddafi. However, as will be seen, the practices envisaged by this treaty led to Italy's condemnation by the European Court of Human Rights.

Chapter two, instead, offers a detailed description of the foreign policy undertaken by Gaddafi. This overview is needed in order to better understand Libya's role, in past years, as a destination country for migration fluxes coming from sub-Saharan Africa, but also from East Asia. During his regime, that lasted forty-two years, Gaddafi did not follow a straight path; rather, his foreign policies decisions were often influenced by external circumstances of the moment and were driven by matters of convenience. Indeed, his foreign policy was initially characterized by a strong anti-imperialism,

leading to the dismantling of Western basis in Libya and culminating with terrorist attacks pursued against Western targets. This will entail Libya's international isolation from 1992 until the beginning of 2000s. Thanks to the mediating role played by Italy in particular, the international community decided to lift the embargo on Libya, thus permitting an economic and social revival for Libya. Worthy to mention is even his initial Pan-Arab idea which, however, did not find the favor hoped among the other Arab countries. Thus, once he perceived this, Gaddafi launched a campaign to declare his newborn interest in pan-Africanism in the late '90s. Right with this project of Africanizing Libya, he boosted racial sentiments of the Libyan population, so much so that many black workers of Africa were forced to leave Libya.

As said, in these years migration flows mostly departing from Libya began to affect the European shores, and Libya (shifting from being a destination country only to transit country) will be increasingly involved in the European and Italian attempts to address the issue. The third chapter of the thesis preliminary looks at migration routes through Libya to Europe, dedicating a section to each leg of the journey. As above mentioned, particular hints are given by the interview conducted with a Ghanaian migrant who has embarked on the same path, from Ghana to Italy, passing through Libya. Then, the attention turns to how the fall of Gaddafi in 2011 has influenced the efforts made in tackling irregular migration through the outsourcing migration control to Libya. Indeed, the North African state has undergone a political stalemate after Gaddafi's fall and Europe, still today, lacks an interlocutor for cooperation on managing the migratory fluxes. Further, the "securitization" of the phenomenon has led European states to let prevail national interests at the expense of solidarity efforts among them; this, for instance, has led some European states to temporarily withdraw from the Schengen agreements. The described attitude has in turn had negative effects on migrants' human rights which are too often left aside.

Finally, the fourth and last chapter provides a snapshot of the very recent efforts of cooperation along this path: namely the Malta declaration and the parallel Memorandum of Understanding between Italy and Libya of February 2017.

Together with the conclusion, and on the basis of the observations previously made, some policy recommendations conclude this work.

CHAPTER 1

The historical Italian-Libyan relationship

Since the late 1990s, Italy and Libya had engaged in bilateral agreements, formal and informal, on migration issues in order to tackle the massive irregular migration flows mainly coming from the African continent. Indeed, irregular migrants made and still make today their way to Europe through the Mediterranean, using Libya as a springboard to the old continent. However, in order to better understand the collaboration on migration issues between the two countries, it is fundamental to analyze the roots of this particular relationship, which dates back to colonial days, when Libya was the “Fourth Shore” of Italy. During the thirty-nine years of relationship between Italy and Gaddafi’s Libya, old and new problems came out without always reaching a definitive solution.

Of course, the following is not intended as an exhaustive description of the historical facts, but an analysis of the most important events for the purpose of this thesis object.

1.1. Libya’s tribal and ethnic divisions

The aim of this paragraph is to delineate a comprehensive overview of tribe’s role in Libyan history. Indeed, to better understand the historical and political facts that the present thesis is going to analyze, it proves to be necessary an outline of the Libyan geopolitical framework, particularly through the analysis of the oldest Libyan socio-political institution: the *qabīla*, i.e. the tribe, distinctive feature of the country which still today influences Libyan political dynamics.

The Libyan geographical environment is characterized by the vastness of the Sahara desert and by particular social, political and economic conditions, strongly affected by the majesty of the desert.

As Aldo Nicosia reminds us, Arab tribes in the country descend from those of the *Banū Hilāl* and *Banū Sulay*, arrived about a thousand years ago from the Arabian Peninsula, who respectively settled in Tripolitania and Cyrenaica and whose differences are still tangible today. Tribes living on the coast, thanks to the mild climate, could lead a sedentary life and engage in activities such as agriculture, trade and fishing. On the contrary, those who lived within the country were forced, by harsh climatic conditions, to a nomadic or semi-nomadic life living in large oases in search of pasture and water sources (NICOSIA, 2011^b). With these divisions in geographical areas, different tribes had developed different life-models, independent from each other.

Libya, under the Ottoman rule, was divided in three *vilayets* (regions) which approximately corresponded to today’s Fezzan in the southwest, Cyrenaica in the east and Tripolitania in the northwest. After the Italian colonial rule, which maintained more or less the same Ottoman organization of the territory, in 1951 the Libyan monarchy was established under the leadership of King Idris Al Sanussi. Only then, tribes were given a formal political role: the absence of political parties (prohibited by the

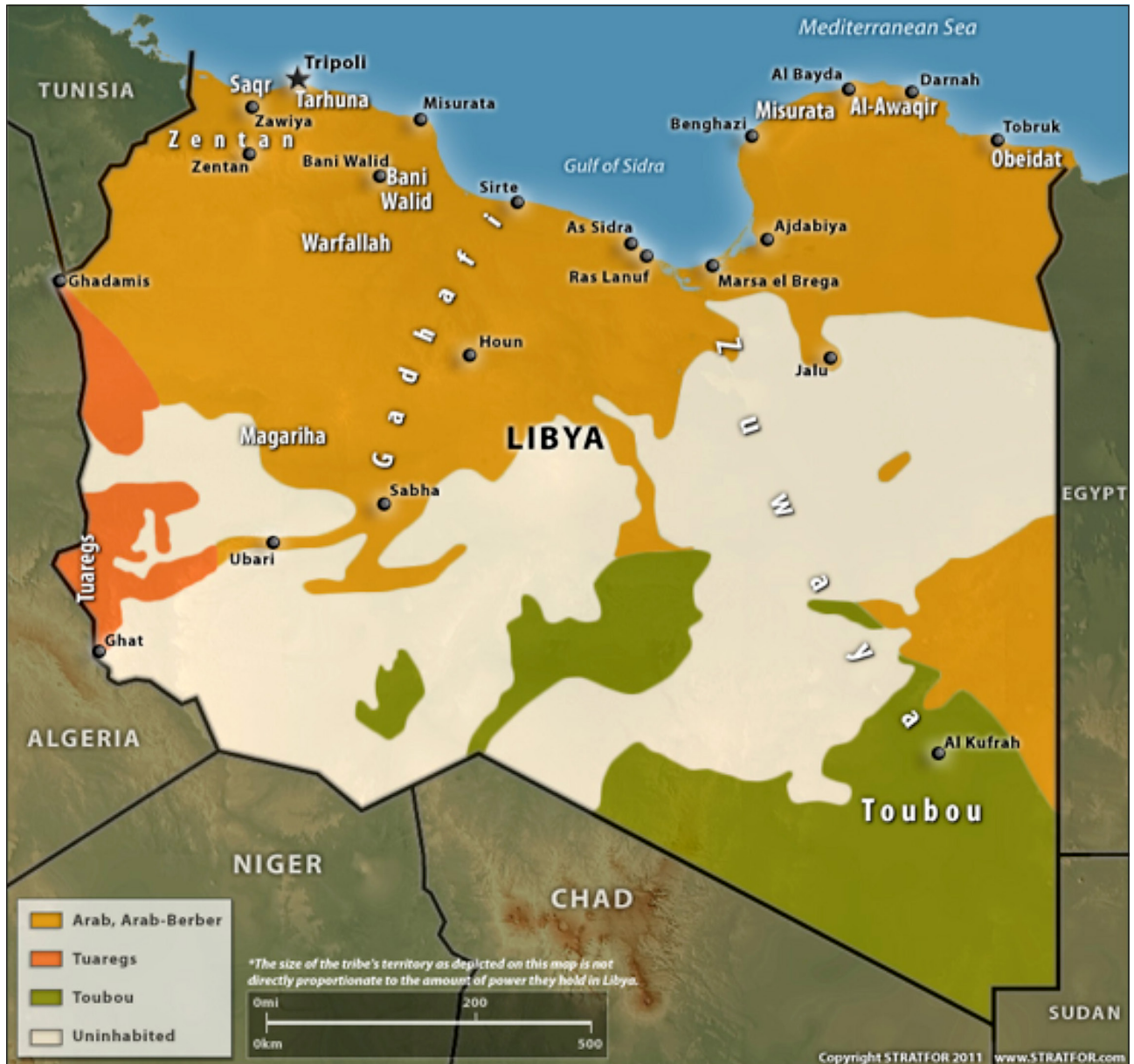
monarchy) implied the tribes to emerge as actors and arbiters of Libyan politics. Instead of relying on ideological alliances and administrative competence, the monarchy delegated the authority to powerful families and tribes, who consolidated their political and economic positions with appropriate unions and alliances (NICOSIA, 2011^a). Indeed, King Idris relied on the coagulation of the strongest Libyan tribes to carry out a compact political action.

However, when Gaddafi came in to power in 1969, despite his Bedouin roots, held a strong opposition to the monarchical system (which, as will be better explained later, had strong ties with the West) that favoured the tribes representing the élites, since in his view tribes represented an obstacle to modernization. The revolutionary regime had indeed initially tried to exclude this typical element of Libyan society, hoping to replace its functions with the political structures created by his “Popular revolution” (MEZRAN, 2011), as for instance the People’s Committees. In order to accomplish this goal, the old élite – formed by tribal leaders – was replaced by young administrators, younger and loyal to the regime. Further, administrative boundaries, that were formerly established on the basis of the presence on the territory of the various tribes, were modified so that the territory was divided into zones that crossed the old tribal boundaries, combining different tribes in the same zone. “Tribal leaders, however, scoffed at efforts encouraging members to drop tribal affiliations, and pride in tribal lineage remained strong. This was remarkable in light of the fact that many tribes had long ago shed their Bedouin trappings and had become agrarian villagers. In effect, the government had brought about the abolition of the tribal system but not the memories of tribal allegiance” (www.globalsecurity.org).

Thus, already at the end of the ‘70s the influence of tribalism, even if in an informal manner, seemed to increasingly re-emerge, resulting in the partition of duties and oil revenues between tribes and clans. Since the ‘80s all the institutions that were set up by Gaddafi as an alternative to the tribal system failed, and simultaneously the discontent towards the regime had worsened. For this reason Gaddafi had gradually returned to rely on the clan system (MEZRAN, 2011).

Of the 140 main Arab-Amazigh tribes generally identified in Libya, only 30 played and still play an important political and social role (COMBAZ, 2014). Gaddafi based his rule mainly on three tribes: his own small tribe (Gaddafa), Magariha and Warfallah. Gaddafa is an Arabised Berber tribe and his territory runs from the port of Sirte down into Sahara, as it is possible to evince from the map below, and it required alliances to stay in power. Key roles in the secret services and special forces of the army, in addition to his tribe Gaddafa, were entrusted to members of the Magariha and the Warfallah tribes, respectively the first and the second largest Libyan tribes. As can be seen in the map below, all these tribes were located in the northwest of the country.

In 1993, despite their strong ties with the central power, some officials belonging to the Warfallah tribe tempted a (then failed) coup against the regime, demanding greater representation in government; following these events, Gaddafi relied only on his tribe members (NICOSIA, 2011^b). Important to remember is the fact that, as will be deeply addressed later, right-hand man of Gaddafi, Jalloud, belonged to the Magariha tribe. He was considered as the second most important man in the country in the early stages of the regime, though he then played a key role in the final fall of Gaddafi in 2011 (APPS, 2011). Worthy to mention, for the purpose of the present thesis, are even the nomadic Saharan ethnic groups



Map 1: Libya's tribes

Source: “Libya Tribes Map is republished with permission of Stratfor”.

of Tuareg and Tebu, especially for their active role in the smuggling of migrants. They are mostly concentrated in the cities of Kufra and Sebha. It is indeed reported that clashes in these cities between the Tebu and local Arab ethnic groups have been longstanding, mostly over the lucrative business of cross border smuggling and human trafficking. As reported by the UNHCR website, “according to St. John competition over the control of commercial, human migration, and drug trafficking routes has been longstanding in southern Libya”¹. Indeed, the semi-nomadic clans of the Sahelian border zones (and in particular the Tebu and Tuareg) having ethnic ties crossing national boundaries, played a key role in facilitating the transport of migrants and have become dominant in the migrants smuggling trade (REITANO, ADAL, SHAW, 2014)

1. Canada: Immigration and Refugee Board of Canada, Libya: *Situation of the Tebu ethnic group and their:*

1.2. Libya, the Fourth Shore

Within the political framework of the nineteenth century, the European powers began to look at the Mediterranean as a political affirmation space and *Mare Nostrum* was one of the main focuses of their foreign policy. The Ottoman Empire controlled the area of North Africa since 1551, even if the provinces of today's Libya had passed from 1711 to 1835 under the Karamanli dynasty control². In 1835 the Karamanli dynasty was no longer able to run the region because of internal rivalries and a new Ottoman occupation succeeded; the area was divided in three *vilayet* (regions), which roughly corresponded to the today's Fezzan, Tripolitania and Cyrenaica. This division marked the differences between the three areas, nowadays still tangible (MEZRAN, 2011).

During the nineteenth century, however, the Ottoman Empire began to lose control over some of its peripheral provinces; between 1881 and 1882 France took advantage of this circumstance and conquered Tunisia, while in Egypt the United Kingdom was establishing a British protectorate. The conquest of Tunisia by France caused a political earthquake in Italy, who believed in the existence of a sort of natural right to dominate the ancient regency of Tunis. The reasons for this were, in particular, the proximity of its coasts to the Italian ones and because of a large Italian community living in those territories (CRICCO & CRESTI, 2012). Hence, as D'Asaro underlines, two main reasons were at the basis of the Italian colonialist attitude over North Africa and in particular over Libya: first of all, the need to carve out a channel and prevent the colonial expansion of the other colonial powers on the North African coasts; secondly, to create a space for the Italian immigrants so far "victims" of emigration to the faraway America (D'ASARO, 1981). Therefore, the Italian-Turkish conflict that broke out in 1911 was an attempt to compete with the major European colonial powers, an attempt to conquer a space often called the Fourth Shore ("*la Quarta Sponda*") of Italy, as to indicate a new geographic connotation of the country. From that year on, the press began a political campaign to favorably guide the public opinion towards the new colonial enterprise.

Hence, after years of espionage and trips to study the Libyan coastal defenses by the Italian Government, and after securing the support of other European colonial powers, on 28 September 1911 the then Italian Minister of Foreign Affairs, Antonino di San Giuliano, – Giolitti's government – finally issued an ultimatum to the Ottoman Empire ordering the eviction from the area. Only some days later, on 3 October 1911, military operations began that culminated in November of the same year with the Italian proclamation of sovereignty over the provinces of Tripolitania and Cyrenaica, which from that moment on became internationally known as Libya. However, differently from what the Italians were expecting and unlike the affirmations of the Italian nationalist propaganda – which sustained that Italians would be welcomed in Libya as saviors from the Ottomans – the local population resisted and rose up. The Arabs, indeed, rioted and one of the main events of resistance happened on 23 October when they attacked the Italian outposts near the oases of al-Hani and Sciara Sciatt in Tripolitania; this

2. The Ottoman Empire was losing its grasp on its North African territories; a civil war broke out and the Ottoman governor of Tripolitania was murdered by the Janissary Ahmed Karamanli, who seized power in 1711. He created an independent State, while recognizing the Ottoman sovereignty over the occupied territories.

was just the beginning of a resistance that lasted until 1931. Right after this episode, Giolitti ordered the deportation in Italy of those rebels that had not been executed yet (approximately 3000/5000 people). In particular they were deported to Gaeta, the Italian isles of Tremiti, Favignana, Ponza and Ustica. As Varvelli underlines, the uprisings against the Italians represented the first resistance movement inspired by a pan-Islamic sentiment, which contributed to create a first Libyan national sentiment as well (VARVELLI, 2016).

In order to put pressure to the Ottomans, in May 1912 Italy occupied Rhodes and some of the Dodecanese islands off the Turkish coasts. However, only on October of the same year, while the Ottoman Empire was being weakened by the situation in the Balkans³ and Italy succeeded in an offensive in North Africa, Istanbul sought peace with Rome. With the Treaty of Ouchy (18 October 1912), even known as the First Peace Treaty of Lausanne, the Ottoman Empire granted to Italy its rights over the provinces of Tripolitania and Cyrenaica. According to the Treaty, the figure of the Sultan covered a key role in the new society, since he still held the authority on the provinces, ensuring autonomy to the territories. Yet, this peace Treaty did not put an end to the hostilities because of its ambiguous nature, which enabled Libyan people to still consider the Sultan as a political and spiritual guidance, despite the Italian occupation (VARVELLI, 2016). As many scholars highlight⁴, only in 1923, with the Second Peace Treaty of Lausanne, began to exist a real Italian jurisdiction over Tripolitania and Cyrenaica. Indeed, after a sort of ceasefire during the First World War, on which Italy concentrated all its forces, in October 1922 with the rise of Benito Mussolini the course of events took a different direction.

The path taken so far was abandoned. The Italian dictator launched his *Riconquista* of Libya, in referral to the Roman original conquer occurred around 2000 years before. No more interaction and mediation with local tribes and elites but use of military forces. The major resistance was found in Cyrenaica, heading which was the figure of Sidi Umar al-Mukhtar. “He was captured in 1931, after spending years at the helm of the resistance, and following a summary trial was hanged publicly. The death of the man who became a national hero marked the end of the Libyan resistance to Italy (MEZRAN, 2011)”. Worthy to mention here, is the belonging of Al-Mukhtar to the Sanussi tribe, which, after leaving Mecca, had settled in Cyrenaica in 1843. This tribe had a key role in the resistance against the Italian colonization, even if they came out defeated. As it will be showed in the next paragraphs, after the Libyan independence the King of Libya will be Sidi Muhammad Idris al-Mahdi al-Sanussi, belonging to the same tribe.

By 1932 the Italian regime had completed the occupation of the country and in 1934 Marshal Italo Balbo, the new governor of Libya who succeeded to Caneva, “maintained that Tripolitania and Cyrenaica were to be unified in a sole colony and named Libya. Despite this unification, regionalism continued to mark the colonial policy and Libya was not considered to be a territorial unit” (BALDINETTI,

3. The Ottomans were losing power not only on the North African shores, but even on other fronts: between 1912 and 1913 the Balkan League (Bulgaria, Serbia, Greece and Montenegro) attacked the Ottoman Empire and conquered almost all the remaining European territories pertaining to Istanbul.

4. On this, see Karim Mezran, *Libia. La fine di un'era?* in Mezran, K. & Colombo, S. & Van Genugten, S. (2011). *L'Africa mediterranea. Storia e futuro*, Donzelli Editore, Roma, and Varvelli Arturo (2016). *La Libia e l'Italia. Dalla Guerra di conquista del 1911 a oggi*, Edizioni del Capricorno, Torino.

2010). By 1939 the colony was annexed to the metropolitan Italian territory, becoming its integral part. Indeed, “in 1938, with the arrival of the *Ventimila* – the 20,000 Italian settlers – and the annexation of Libya to the metropolitan territory, the project of building the Fourth Shore was achieved” (CRESTI, 1996).

Soon after that, the Second World War broke out and this put definitely an end to the Italian colonization project in Libya. Already in 1942 United Kingdom, – allied of the Sanussi of Cyrenaica – and France managed to expel Italians from the Libyan territory.

1.3. The independence

At the end of the Second World War Italy, who had been defeated, tried to claim its sovereignty over the territory, but without success: the United Kingdom held already control over Tripolitania and Cyrenaica, while Fezzan pertained to France. In 1949, after the refusal of the so-called Bevin-Sforza plan (according to which the Fezzan was controlled by France, Tripolitania by Italy and Cyrenaica by United Kingdom) the United Nations General Assembly ruled that the birth of the United Kingdom of Libya would have been on 1 January 1952. Indeed, “on 21 November 1949 the General Assembly adopted United Nations resolution n. 289 which concerned the disposal of the former Italian colonies and which subsequently led to Libyan independence. The resolution stated that Libya, formed through the unification of Cyrenaica, Tripolitania and Fezzan, should constitute an independent and sovereign state, and that full independence should be reached by 1 January 1952” (BALDINETTI, 2010). The Dutch Assistant Secretary General Adrian Pelt was appointed at heading the transitory phase as United Nation Commissioner in Libya. An advisory council of ten members to support Pelt was elected; among them were representatives of Egypt, France, Italy, Pakistan, Great Britain and the United States. The other members represented the three regions of Libya, being the minorities (the communities of Jews, Maltese, Italians and Greeks) represented by an Italian. The future of the newborn Libya was being shaped by external forces (BALDINETTI, 2010).

On 7 August the committee agreed that the National Assembly should be formed by sixty members, twenty from each province. “The National Assembly, which called itself the National Constituent Assembly of Libya (NCAL) began its work in late 1950. [...] On 2 December [...] the Assembly unanimously enacted its two main resolutions. First, that Libya should be a federal, independent, sovereign state and second, that the government should be a constitutional monarchical representative democracy, under the crown of King Idris al-Sanussi” (BALDINETTI, 2010). In the following meeting a committee of eighteen members was appointed, which had the task of drafting the constitution, that was then promulgated on 7 October 1951; it consisted in 213 articles and it established that Libya had a federal form with a representative system and it was a monarchy based on inheritance system. As stated above and as Vanderwalle highlights: “in a sense, Libya was an accidental State: created by, and at the behest of, Great Power interests and agreed to by local provinces who feared other alternatives” (VANDERWALLE, 2006). Idris al-Sanussi, Emir of Cyrenaica, became the king of the new independent country.

Although the Italian colonial era was over and despite the birth of the independent United Kingdom of Libya, in the former colony had remained a substantial amount of Italians. For this reason, an agreement which would protect the local Italian community with King Idris, was crucial and essential. “Negotiations between Italy and the new Kingdom of Libya were long and complex and ended up with the signing of the Italian-Libyan Treaty of 2 October 1956, pursuant to the UN General Assembly resolution n. 388 of 15 December 1950” (CRICCO & CRESTI, 2012). Worthy to note here is that 1956 is the same year of the Suez Crisis, that precisely in October 1956 entered its most delicate phase when Israel, followed by the United Kingdom and France, invaded Egypt in order to regain control over the Suez Canal, a strategic point for Western forces in that area. Indeed, these operations represented the reactions of the United Kingdom, France and Israel to Nasser’s nationalization of the Suez Canal Company (the British-French enterprise which operated on the Canal since its construction in 1869) occurred on 26 July of the same year. Under the pressure of the Soviet Union and the United States, along with the United Nations, the three powers proceeded to withdraw their troops from Egypt (CORRAO, 2015). And it was right in this context that the Libyan Minister of Foreign Affairs and Prime Minister Mustafa Bin Halim, during the ceremony of the signing of the 1956 Treaty at Palazzo Madama, made explicit reference to the serious international events that were taking place in the Middle East chessboard. In this perspective, Bin Halim declared that the Italian Republic is a precious factor of rapprochement between the West and the Middle East, rapprochement that can only be the pledge of stability and the maintenance of international peace and cooperation (CRESTI, 2005).

According to the Treaty, Italy had to pay back £ 5 million in compensation that would have been used for the economic reconstruction of the country. Yet, the text of the Treaty specified that the cash outlay was aimed at the general development of Libya and not at the compensation for war damage, as the Libyans would have wished for (ARUFFO, 2001). On the other hand, it was guaranteed to the Italian community the possibility to remain in its former colony and it had the right to retain ownership of many public offices, in accordance with clause 9 of the UN resolution n. 388, with which was recognized to Italian settlers in Libya the right to continue to freely enjoy their heritage (CRESTI, 2005). However, as it will be demonstrated in the following paragraphs, this proved to be not sufficient to the safeguard of the interests of the Italian community, especially after the coup d’état of 1969 carried out by the Young Officials; the colonial legacy issue will be the main reason of disagreement between the two countries throughout the years of privileged relationship.

The situation of the newborn country was failing: a weak institutional structure, combined with a depressed economy deprived of an autonomous organization. For about the first ten years after independence the economy of the country would depend on the technical assistance of countries like United States, Italy and the United Kingdom. But something changed with the discovery in 1959 of oilfields in the Libyan territory. Even in this process the intrusion of the Western powers was high: King Idris proved to be unable to build an adequate political and economic apparatus. Therefore, in particular the US intervened in the development process of oil industry. Obviously this did not come without a price: US obtained in exchange for this “help” the use of the air bases at Wheelus Field. Even the UK detained one, at El-Adem. Thereby, Libya was a pro-Western country in a North-African

context of decolonization and rebellion against the Western powers, above which there was the Egyptian Nasser and its pan-Arabism ideology (CORRAO, 2015). Before the discovery of oilfields, Libya was one of the most poor countries in the world. After that discovery King Idris decided, in 1964, to abolish the federal form and centralize the power, in order to have more control over the hydrocarbon industry management. However, this undermined the existing system of tribal alliances and provoked revolts against the monarchy, which were the prelude of the upcoming coup d'état (VARVELLI, 2016).

The Kingdom came to an end on 1 September 1969, when a group of Young Officials turned against the Sanussi monarchy; it did not take long to discover that at the head of the revolt there was a young officer whose name was Muammar Gaddafi.

1.4. The 1969 Al-Fatah Revolution and the rise of the Colonel

Just before the coup, the situation in the country was very uncertain and unstable: “the rift between the government’s policy, essentially conservative, and the pan-Arab and pro-Nasser feelings of increasingly conspicuous sections of the population, was every day more accentuated” (DEL BOCA, 1998). The discontents towards the government came not only from the students, trade unions and some political parties which were inspired by the new pan-Arab movement, but also from many members of the army, especially those of lower rank, which were starting to feel a strong resentment against the monarchy. In the meanwhile, for the third time, the Arab-Israeli crisis resulted into an armed conflict, the 1967 Six-Day War, in which Israel deprived Egypt of the Sinai peninsula and the Gaza Strip, Jordan of the West Bank and East Jerusalem and Syria of the Golan Heights. This contributed to increase a great sense of humiliation in all the Arab world; even in Libya political tensions were exacerbated and were organized demonstrations in support of Nasser.

King Idris, very old, had left the country for Turkey to get treatment, leaving the leadership in the inexperienced hands of the Crown Prince, Hasan al-Rida and to the weak government of Wanis Gaddafi, who seemed not able to properly manage the fate of Libya. In this framework, the “strong man” apparently was ‘Abd al-Aziz Shalhi, son of Ibrahim Shali, man of confidence of King Idris (CRICCO & CRESTI, 2011). However as mentioned above, “the Libyan army was divided between senior officers, representatives of the most important families of the country, which were conservative and pro-Western, and the young officers, participating in large numbers to the underground movement of the Free Officers” (CRICCO & CRESTI, 2011). The model inspiring these young officers was Nasser, symbol of the ideals of Arab nationalism versus the Western imperialist interests.

The senior officers, aware of the existence of this reactionary faction, were organizing a coup d'état with the tacit consent of King Idris and of the United Kingdom (who wanted to keep its strategic air base in Libya, El Adem, and continue to enjoy its privileges in the country). Though, the young officers had been informed of this intention, thus promptly organized a preventive coup d'état, code name: Operation Jerusalem. Thus the Free Officers, a group of seventy young graduates of the Armed Forces, overthrew the monarchy. They created the Libyan Revolutionary Command Council (RCC) of twelve members, yet without revealing their names.

The revolutionaries forces occupied almost all the major cities of Libya by the morning of 1 September 1969, with the exception of Tobruk (CRICCO & CRESTI, 2012), which had then been occupied three days later, on 4 September. The foreign communications were interrupted, and travel within the country hampered by checkpoints. The new government made a self-announcement through the national radio; only on 8 September their names were revealed, and the world found out that the real leader of the revolution was Muammar Gaddafi, a twenty-seven years old official coming from Sirte and belonging to the Berber tribe of Gaddafa. All the senior officers, caught off guard, were captured and jailed.

King Idris, who at that time was in Greece, launched a desperate request of intervention to the United Kingdom which, however, had already decided to not intervene but rather to seek negotiations with the representatives of the RCC to safeguard British interests in Libya (CRICCO & CRESTI, 2012).

The first political acts of the new government “clearly reflected the strong Islamic roots and the pan-Arab feelings of his commander: the consumption of alcohol was prohibited, churches and night-clubs were closed, banks in foreign ownership seized and Arabic decreed the unique official language” (MEZRAN & VARVELLI, 2012). But also, the American and British military bases were closed, a strong relationship with Nasser’s Egypt – of which Gaddafi was a great admirer and follower – was established and a strict control of social and political components of the country was undertaken: the latter point is to be considered one of the first steps toward authoritarianism. Last but not least, in the seventies the Colonel ordered a forced repatriation of Italians, regardless of the Treaty of 1956.

However, all in all, Italy remained a privileged partner of Libya: Libya was necessary to Italy and Italy was necessary to Libya. To cite one example, Italy was the first importer of Libyan oil, when Libya’s economy depended 99% on the hydrocarbon’s industry.

As of October 1970, only the oil ministry was headed by people outside RCC, since the new apparatus was not aware of the policies pursued so far in this field, and it chose to have continuity with the previous government for reason of convenience. In the meanwhile, the replacement of the senior army proceeded quickly. On 12 June 1971 it was announced the creation of the Arab Socialist Union, a single party based on the Egyptian model; any political activity external to this party was banned and punished with the death penalty (MEZRAN & VARVELLI, 2012).

1.4.1. The international recognition

The coup d’état occurred right in the middle of the Cold War. For this reason, the Soviet Union immediately grabbed the chance and was one of the first states to recognize the new Libyan government: it did so “on 4 September, only few hours after the announcement by the Revolutionary Command Council regarding the conquest of Tobruk” (CRICCO, & CRESTI, 2012). So did Egypt, in order to support the pro - Nasser orientation of the Libyan Free Officers. For both Soviet Union and Egypt, this was a clear attempt to direct Libya to their geopolitical sphere of influence. Therefore, even if at first glance the United States, United Kingdom and Italy opted for waiting for further developments, after the Soviet Union declaration of support, they quickly proceeded to recognize the new government. The United States in particular were concerned that without recognizing the newborn government,

the Soviet Union could achieve one of its main objectives in Mediterranean politics, namely the leaving by the United States of their military base in Libyan territory, Wheelus Field.

For what concerns Italy, the Italian ambassador in Libya Carlo Calenda was pressuring the Foreign Minister Aldo Moro for a quick solution so that Italy would take its own distinct position in relation to decisions that the other European countries or the United States would take. However the Italian Foreign Minister was not very brave: he was more inclined to an agreed action, and above all it seemed necessary to him to avoid that the Italian recognition would happen after that of the US and Britain. A coordinated recognition by the three countries took finally place on 6 September; nevertheless, Italy's position appeared due to taking note of the decision of the two great powers, United States and United Kingdom, rather than by agreements among the three governments, as requested and wished by Italy (VARVELLI, 2009).

1.5. Post-colonial relationships: the anti-Italians provisions

Right after the Revolution, one of the first moves of Gaddafi was the expulsion of the Italian community, according to him still too present and active on the Libyan territory. The Italians, having understood the situation, in that climate of uncertainty started to leave the former colony. "Between 1 September 1969, the day of the coup, and 10 January 1970, 830 Italians left Libya and, once reached Italy they were sent to the refugee camps of Canzanella, near Naples, Brindisi, Bari, Taranto and Brescia" (DEL BOCA, 1998). In the following years, other Italians continued to leave the country, halving the community from more than forty thousand to twenty thousand or so.

On 9 July 1970 Gaddafi gave a historic speech in Misurata on the relations between Italy and Libya, speech given right on the 58th anniversary of the conquest of the Libyan city by the Italian troops, which took place on 9 July 1912 (CRICCO & CRESTI 2012). Gaddafi declared that the presence of 15,000 Italian settlers in Libya was a clear indicator of the colonial past that could not be forgotten. According to him, if the Italians who were still residing in Libya, had still colonialist intentions, the Libyans would have the right to ask for a showdown (VARVELLI, 2009). If however, on the one hand, he advanced a criticism about the Italian colonial times of Giolitti and Mussolini, demanding compensation for the damages suffered by the Libyan community, on the other hand he pointed out that a distinction was needed between Italy of the past and Italy of today. He indeed invited the then Italian Minister of Foreign Affairs, Aldo Moro, in Libya. "The invitation is a clear sign that Gaddafi does not want to break up with Italy, that is willing to open negotiations, to seek a solution that meets the needs of both countries" (DEL BOCA, 1998). Nevertheless, in that period Moro was involved in the internal disputes within the Christian Democracy, its party, and a government crisis occurred in Italy.

This prevented Moro to accept the invitation; his silence was interpreted by the Libyan Colonel as a deny, as an unwillingness to come to terms and he proceeded, therefore, to the expulsion of the Italians without any palliation, how it would have been desirable if the Italian government had responded to the call of Gaddafi. "On 21 July 1970 the RCC promulgates three paramount laws providing for the confiscation of all properties of the Italians and the Jews and the expulsion of all the members of the two communities" (DEL BOCA, 1998). These laws were announced through the radio, the same

instrument that was used for the announcement of the socket to power after the coup. “From the point of view of international law it was an act of extreme gravity [...] and from the human point of view it represented a deep humiliation (as well as a serious economic harm) for Italian citizens who were affected” (CRICCO & CRESTI, 2011). This provision represented only the first of numerous Libyan claims towards Italy; every year, on 7 October, in Libya was celebrated the Day of Vengeance, whose symbol was ‘Umar al-Mukhtar, head of the Libyan resistance who was sentenced to death and executed in 1931 by the Italians.

The properties of the Italians at that time amounted, according to a first rating of the Italian embassy commercial counselor in Tripoli, Luigi Morrone, to more than 100 million (CRICCO & CRESTI, 2011). In particular, article 1 imposed the return to the Libyan people of all real estate owned by Italians, but also buildings and land of any type. “Each owner had the obligation to report to the Ministry of Housing or to the Institution for the Agrarian Reform stating everything that was in his possession, within 30 days” (VARVELLI, 2009). The penalties for those who would not follow these instructions were described in the following articles. Obviously these measures involved the unilateral withdrawal, by Tripoli, of the Italian-Libyan Treaty of 1956, which has been described above.

Though, not only the Italians were chased away: the new Libyan government had the intention to cancel any explicit referral to the Italian past. Indeed, for instance, the head office of the local newspaper, “Il Giornale di Tripoli”, was shut down, along with the Cathedral in Tripoli, which was replaced with a mosque. All the monuments dating back to the colonial era were thus destroyed. It is important not to forget that Gaddafi had a personal resentment against the Italian occupiers who had humiliated the Libyan people with the deportations, but they mostly had killed so many men of his tribe and of his family (CRICCO & CRESTI, 2011). Without considering all the people who lost their lives or limbs because of mines left on Libyan territory during the war.

This represented the beginning of a new crisis in the relationship between the two countries, which will be partially fixed with Moro’s visit to Libya the following year, on 5 May 1971.

1.6. Enemies but allies

Yet, “despite Libyan requests for compensation for damages, relations between the two countries continued rather positively throughout much of the seventies” (VARVELLI, 2010). Indeed, after the forced eviction of Italians from the Libyan territory, Italian oil companies avoided to be nationalized, differently from the other Western companies operating in the country as for example the British Petroleum Exploration Company in 1971 and the American Bunker Hunt in 1973. Further, in 1972, Italy entered into a joint venture (50-50) with Libyan National Oil Company (LNOC).

Therefore, the Libyan attitude towards Italy was apparently contradictory: if on the one hand Libya will continue to claim the Italian debt to Libya, on the other the Colonel’s intentions to preserve the relationship between the two states will trickle out, especially in commercial terms. From its side Italy had two main interests to preserve: the presence of the remaining Italian community in Libya and the commercial and oil relations with the country.

So it was that the Italian Minister of Foreign Affairs Moro visited Tripoli on 5 May 1971. During the talks it was mainly discussed about the modernization of Libya: the Italian Minister proposed a form of privileged cooperation with Italy, which would have provided skilled manpower in the petrochemical industry, in exchange for which Italians would have had advantages in purchasing oil (CRICCO & CRESTI, 2011). The strengthening of relations with Libya continued with the visit to Italy of the Libyan Prime Minister ‘Abd al-Salam Jalud and the signing of the so-called “Jallud-Rumor Protocol” on 25 February 1974, from the names of the Italian Prime Minister Mariano Rumor and the Libyan Prime Minister Jalud. “According to the agreement, ENI⁵ would import 30 million tons of oil every year in exchange for technology, the training of Libyan technicians, the participation of Italian firms in the industrialization of Libya, particularly in the building of petrochemical and fertilizer plants, and the promotion of agricultural development projects” (BINI, 2014).

Cooperation between Italy and Libya had definitely as its principal object the oil, but this was not the only one. Indeed, initially the creation of a positive climate was permitted by the availability of the Italian Government to cooperate in two areas considered crucial by the Libyan regime: intelligence security and arms trade. In fact, in the seventies Italy believed that Gaddafi’s Libya acted as a bulwark against the Soviet expansion in the Mediterranean area, thanks to the anti-imperialism attitude of Gaddafi (ST. JOHN, 2002). Italy became an important supplier of weapons to the Regime of Tripoli: in 1972, Rome was required to supply military vehicles and equipment, including 152 tracked vehicles M-113 equipped with cannons, produced by Oto Melara, the Italian company of Finmeccanica (CRICCO, 2003 and VARVELLI, 2012^a). Collaboration between the two countries will also spread to a further area: in fact, “on 1 December 1976 it was announced by surprise a new agreement between the Libyan Arab Foreign Bank, controlled by the government of Tripoli, and FIAT, which included the purchase by Libya of 180 billion lire to the Turin company’s shares, with the passage in the Libyans hands of 9.1% of the automotive company” (CRICCO & CRESTI 2012). The Libyan investment lasted about ten years, until 1986, when the Libyans sold their shares, getting a big surplus. Since the agreement of 1974 on economic, scientific and technical cooperation above mentioned (the Jallud-Rumor Protocol), Italy’s role as privileged economic partner of Libya was clear. If on the one hand Italy needed the Libyan oil, on the other Libya needed that Italy bought its oil, in order to sustain the rentier state⁶, the state system on which the Libyan apparatus was based.

But above all Italy was essential to Libya for its *know-how*, particularly in the maintenance of Libyan ability to extract oil and for support in the realization of many civil and building works. After the cooling of Libyan relations with other Western countries (France, Uk, USA)⁷ at the turn of the 70s and 80s, Italy was the only real Western contact Libya had (MEZRAN & VARVELLI 2012).

5. Ente Nazionale Idrocarburi, a multinational company that was created by the Italian government in 1953, under the presidency of Enrico Mattei.

6. As Beblawi underlines “the emergence of the new oil states in the 1970s and their promotion to the forefront of world trade and finance resuscitated the concept of rentier economies” (Beblawi, 1990). A ‘rentier state’ is a state essentially based on redistribution of oil income.

7. The reasons for this will be explained throughout the next section of the present work, it being mostly dedicated to Gaddafi’s Foreign Policy.

1.7. The rapprochement: from the late '90s to the 2008 Treaty of Benghazi

As described so far, the colonial legacy had always had a great impact on relations between Italy and Libya. After prolonged diatribes the two countries came to the conclusion of the 1956 Treaty, which included a number of measures, among which the maintenance of the properties of Italian citizens in Libya and the financial compensation from Italy, as a reward for the colonial period. However, as already mentioned, the Free Officers who seized power in 1969 did not keep into account the above cited Treaty and proceeded to the expulsion of the Italian community still present in Libya, in addition to seize their assets, through the approval of three laws on 21 July 1979.

Nevertheless, in the eighties Libya was accused of international terrorism for several terrorist attacks⁸ carried out mainly in Europe and of which Gaddafi was held responsible. For this reason the United Nations Security Council voted to resolution 748 of 31 March 1992 through which was imposed the embargo on Libya, and only revoked it in 2003. On November of the same year, just six months later “Gaddafi will admit that the sanctions on Libya has already cost \$ 2.5 billion” (DEL BOCA, 1998). Therefore, the international sanctions were seriously harming the North African country, and the internal economic and social crisis became soon evident; for this reason Libya tried to approach again some European countries, Italy in particular. “During the '80s and the '90s Italy remained Libya's only real Western reference point, reinforcing its complementary function in the Libyan economy. In Libya, Italian companies built civilian infrastructures and supplied primary goods and finished products to population” (VARVELLI, 2012^b).

In 1999 the then Italian Prime Minister Massimo D'Alema visited Tripoli: since the beginning of the embargo, he was the first head of government of a Western country to travel to Libya. “From that date diplomatic relations between Italy and Libya were gradually restored, which led in later years to agreements on several issues, such as jurisdiction over international criminal activity and illegal immigration” (CRICCO & CRESTI 2011).

Already on July 1998 a rapprochement phase began with the signing of a joint statement: a Joint Communiqué was indeed signed by the then Italian Foreign Minister Lamberto Dini and its counterpart Omar Mustafa El Muntasser as a beginning of an agreement with broader political purposes. “However, the ups and downs in Italian-Libyan relations prevented such an agreement from being concluded, in spite of the efforts of all governments in the following decade, including those of the center left” (RONZITTI, 2009).

Yet on 13 December 2000 the two countries signed another agreement, this being on the fight against terrorism, organized crime, illegal drug trafficking and illegal immigration. Worthy to note here, is the international context of that period: “From 2000 on, the flows of people irregularly arriving on Italian shores started to increase. Among the reasons for these mounting figures were some main causes: the emergence of political crisis in Africa; economic and social problems in Libya; closure of other important maritime routes (namely those of Morocco, Tunisia and Egypt), and finally

8. The Libyan international terrorism as part of the foreign policy of Gaddafi will be addressed in the second chapter, p. 42, paragraph 2.3.

the attraction exerted by the Italian black market (PASTORE & TRINCHIERI, 2008). Relations between Italy and Libya, as it has often been pointed out, did not always proceed smoothly. However, “bringing relations back on track was fundamental for economic and particularly energy interests (especially for ENI) and for obtaining Libya’s commitment to cooperate with FRONTEX⁹ in sea patrolling” (CECCORULLI, 2014). Therefore the final act, which brought the dispute on colonial past to an end and permitted a renewed cooperation between the two countries, was the signing in Benghazi, on 30 August 2008, of the Treaty on Friendship, Partnership and Cooperation by the then Italian Prime Minister Silvio Berlusconi and Mu’ammar Gaddafi. The Treaty entered into force on 2 March of the following year and contributed to a major improvement of bilateral relations.

The twenty-three articles constituting the Treaty are divided into three sections, all preceded by the preamble. The first part (articles 1 to 7) is dedicated to general principles, such as the respect for international law, for sovereign equality of states but above all the respect for human rights and of the fundamental freedoms, in accordance with the Italian and Libyan national laws and the objectives and principles of the UN Charter and the Universal Declaration of Human Rights (Treaty on Friendship, Partnership and Cooperation, 2008). The latter is the content of article 6, and it represents a contradiction with what is stated about immigration in the third part; this idea will be better explained in the next paragraph.

In the second section (articles 8 to 13) a significant portion has been dedicated, once again, to the colonial legacy and to their (definitive) solution. For this, the Italian Government agreed to pay to Libya 5 billion US dollars to be used in the construction of infrastructures and to be distributed to the Libyan state in the course of twenty years. So it was that three billion and a half, out of the five available, were used in the construction of approximately 1800 km long highway that (roughly) traveled throughout the Libyan coast, from the Tunisian border to the Egyptian one.

The Treaty provided that the infrastructure works would have been entirely entrusted to Italian companies. Less onerous but still an Italian duty were university and post-university scholarships dedicated to a hundred Libyan students in Italy; the rehabilitation, in Italian institutions, of those injured because of the explosion of mines scattered on Libyan territory by the Italians; last but not least, the handing over of the Libyan archeological heritage which was brought to Italy during the colonial period (as the famous Venus of Cyrene). What is worth noting here is that with this Treaty, for the first time in history, an ex colony admitted the wrongs inflicted to the colonized population in such a clear way. Berlusconi indeed, expressed its regret stating that:

On behalf of the Italian people, as head of government, I feel compelled – he said – of offering an apology and express our sorrow for what happened many years ago and that has marked many of your families¹⁰.

9. FRONTEX (European Border and Cost Guard Agency), helps EU countries and Schengen associated countries to manage their external borders. It also helps to harmonise border controls across the EU. The agency facilitates cooperation between border authorities in each EU country, providing technical support and expertise (europa.eu).

10. The declaration of President Silvio Berlusconi was reported by the Italian National newspaper *Corriere della Sera* on 30 August 2008, *Berlusconi da Gheddafi, siglato l'accordo: “Uniti sull'immigrazione”*, available at: http://www.corriere.it/esteri/08_agosto_30/berlusconi_libia_gheddafi_bengasi_478ee3f4-767e-11dd-9747-00144f02aabc.shtml.

Libya, on its part, undertook to grant entry visas to the Italians born in Libya, since one of the discriminatory Jamahiriyya laws prevented those expelled in 1970 from returning to Libya.

The third and last part (articles 14 to 23) is related to the new bilateral partnership. The Treaty lists the sectors in which the collaboration between the two countries would have been developed, in order to give a new impulse to bilateral relations: particular emphasis is placed on collaboration in the fight against terrorism, organized crime and drug trafficking, and last but not least illegal immigration (CRICCO & CRESTI 2011). Indeed, “the Treaty paved the way for more stable cooperation, especially in sectors of more recent interest, such as immigration” (VARVELLI, 2012^b). In this sense, worthy to note is Article 19 of the Treaty, which “commits the parties to collaborating to prevent illegal immigration in the countries of origin of the migratory flows through bilateral and regional initiatives” (RONZITTI, 2009). Indeed Article 19 calls for the complete implementation of the agreements on the matter of immigration concluded so far. Particular reference to the above mentioned Agreement signed in Rome on 13 December 2000 and inter alia, as regards the fight against illegal immigration, the Cooperation Protocols signed in Tripoli on 29 December 2007: the Libyan coasts – from which more and more illegal migrants set off to reach Lampedusa (when not Greece and Malta) – had to be patrolled by mixed crews on patrol boats provided by Italy. Instead, Libyan land border would have been controlled through a satellite system financed both by Italy and the European Union (RONZITTI, 2009). On a more general level, the two parties will cooperate on efforts to prevent illegal immigration in the countries of origin of migration flows (art. 19.3).

Collaboration in the defense sector was enshrined in the final articles, which advocated the creation of close cooperation between Libya and Italy in arms industry, of which the Tripoli regime was the ninth customer for global importance (CRICCO & CRESTI, 2012).

Finally the last article, article 23, predicts that 30 August would have been celebrated from that time forward as the Italian-Libyan friendship day. As expressed in the Treaty, the signing of this agreement marks an historic moment in the relations between the two countries (Treaty on Friendship, Partnership and Cooperation, 2008).

1.7.1. Critics, human rights abuses and the ECHR condemnation of Italy

The Treaty provoked much controversy for two main reasons. First of all, there was a clear contradiction between the reference to the general will to disarmament, and on the other hand the referral to the weapons that Italy would have provided to Libya. Indeed, Article 3 of the Treaty refers to “refraining from the threat or use of force” and Article 5 provides for a “peaceful settlement of disputes”, but above all Article 21 stresses the importance of the “collaboration in the field of non-proliferation and disarmament” with the engagement of both parties to commit themselves to make the Mediterranean region a zone free from such weapons (*Trattato di Amicizia, Partenariato e Cooperazione*, 2008).

As it has already been underlined, this constitutes a big contradiction with what is mentioned in article 20, paragraph 2, which reads: “the parties also undertake to facilitate the creation of a strong and broad industry partnership in the field of defense and military industries” (*Trattato di Amicizia, Partenariato e Cooperazione*, 2008). Indeed with the end of the embargo on Libya, Italy became the

first European supplier of weapons to this country, which bought – only in 2008 – a quantity of weapons equal to 93,3 million euro from Italy (CRICCO & CRESTI 2011).

The other critical point, of particular importance for the present thesis, is the contradiction between the reference in Article 6 to the “respect for human rights and fundamental freedoms”, with reference to the UN Charter and the Universal Declaration of Human Rights, and the real intentions of Italy, which asked the help of Libya in the containment of migrants in Africa, preventing their access to the Italian coasts. This is not only in contradiction with the right of asylum which could have been recognized to many among those who were trying to flee, but it is even incongruent with the fact that both “Libya and Italy are parties of the 2000 UN Protocol against organized crime to combat the trafficking of human beings via land, sea and air” (RONZITTI 2009).

The system so implemented (from the Italian part, particularly under the impulse of the Northern League), inaugurated indeed a policy of push-backs of migrants coming from Libya, reducing their number to close to zero (TOALDO, 2015), that caused Italy to be condemned by the European Court of Human Rights. Definitely, with the policy undertaken, Italy did not respect one of the main principle of the 1951 Geneva Convention of which Italy was part (Libya, instead, did never take part to it). The principle in question is the *non-refoulement* principle, according to which “no Contracting State shall expel or return (*refouler*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion” (UNHCR, 1997). Italy, with the above described policy of push-backs did not respect it, on the contrary it did not even have the possibility to establish if those on the boats were asylum seekers or so-called economic migrants.

This led to the European Court of Human Rights condemnation of Italy, through the *Hirsi v Italy* case in 2012. The applicants against Italy were 11 Somalian and 13 Eritrean which left Libya in 2009; on 6 May 2009, when their boats were almost 30 kilometers far from the Italian island of Lampedusa, Italian authorities intercepted them. The migrants on the boats were rescued and transferred on the Italian Coast Guard vessels. Without being informed about their destination and without checking their identities, they were brought to Tripoli and handed over to the Libyan authorities.

On 25 May 2009, the then Italian Minister of the Interior, Roberto Maroni, referred that between 6 and 10 May 2009 (only few months after the entry into force of the Italian-Libyan Treaty), more than 471 clandestine migrants had been intercepted on the high seas and transferred to Libya, in accordance with the bilateral treaty (European Court of Human Rights, 2012). In his view (and in that of his government), pursuing this policy meant stopping the human smuggling and trafficking of the migrants passing mainly through Libya, therefore meant saving lives. However, how it will be discussed later on, this paved the way for an increase of human smuggling and trafficking.

The applicants, relying on Article 3 submitted that the Italian decision of sending them back to Libya had exposed them to the risk of ill – treatment there, as well as the risk of being ill – treated if they were sent to their countries of origin, namely Eritrea and Somalia. Indeed, it was proved that irregular migrants and asylum seekers had been arrested indiscriminately and detained in inhuman conditions, being victims of acts of torture.

They further complained of having been subjected to collective expulsion prohibited by Article 4 of Protocol n. 4 (European Court of Human Rights, 2012).

Therefore, Italy was condemned for the violation of article 3 of the Convention on Human Rights, which is on the degrading treatment and torture. It was also held responsible for the violation of the ban on collective expulsions (violation of Article 4 of Protocol n. 4), in addition to not having safeguarded the effective right for victims to make a complaint with the Italian courts (representing the violation of Article 13, which provides for the right to an effective remedy). Therefore, as Ceccorulli precisely summarizes, the security approach undertaken to tackle the problem of illegal immigration has uncovered shortcomings on many fronts. First of all, some practices to deal with irregular migration have resulted in breach of the main conventions on basic human rights protection; secondly, activities such as screening of the immigrants led to discrimination practices; thirdly, relying on authoritarian regimes (in our case, Gaddafi's one) for the management and the control of illegal fluxes has proved to endanger even more migrants' lives (CECCORULLI, 2014). Indeed, as has been underlined, Libya did not take part to the 1951 Geneva Convention, the UN multilateral Treaty which defines the term "refugee" and delineates the rights of the displaced persons, as well as the legal obligations of States to protect them. Therefore, rejecting migrants and sending them back to Libya, would have meant depriving them of the right to seek asylum in a foreign country, not to mention the really poor conditions of the detentions camps where they would have been sent.

1.8. Libyan Civil War and the end of migration containment

The privileged collaboration between Rome and Tripoli entered yet again into crisis at the beginning of 2011 with the outbreak of the Libyan civil war, which consequently led to a huge increase in the arrivals of clandestine migrants departing from Libyan shores and traveling through the Mediterranean.

Indeed, the Libyan civil war of 2011 marked the end of the Jamahiriyya but also the consequent end of the system of migration fluxes control which had been established with the 2008 Treaty. Also, the 2011 civil war led Libya to become not only a transit country of migration flows, but also a country from which they originated. The rebels established the National Transitional Council (NCT) in opposition to the existing regime and the protests, that broke out between 15 and 17 February 2011, continued until 20 October 2011, when Gaddafi was killed in Sirte. The long phase of instability inaugurated by that period, and still ongoing today, led to the inability of any political actor to restore a state entity able to hold the monopoly of force.

Berlusconi's Italy, in the initial phase of the uprisings, has shown clear strategic oscillations and a detached position in respect to the other European countries, avoiding to publicly blame Gaddafi's regime for the crimes committed against Libyan population. Indeed, at the rise of the Libyan crisis, the Italian government opted to wait to see if Gaddafi would have been able to restore its grip on power, as to continue the business between the two countries. However, when it became evident the other European powers' position – in particular that of France – the Italian position seemed a nonsen-

sical defense of the regime (VARVELLI, 2012^b) and Berlusconi's government was forced to back the European one. As Michela Ceccorulli rightly underlines, the reasons behind this attitude are mainly the followings: first of all, especially after the signing in 2008 of the Treaty of Friendship, the economies of the two countries were particularly interconnected and interdependent; Gaddafi's family investments in Italy, for instance, amounted to 6-7 billion euro. Secondly, assuming a clear position against Gaddafi would have harmed the figure of Berlusconi and his coherence as a statesman, since in recent years he had always supported the figure of the Colonel and his (embarrassing) requests to Italy. Thirdly, and most important from our perspective, Gaddafi was believed to be able to stop irregular immigration en route to Europe. Thus, weakening his position would put the 2008 Treaty into doubt – thing that actually happened – (CECCORULLI, 2014).

Indeed, already on 26 February 2011 the then Italian Defence Minister Ignazio La Russa declared that the bilateral Treaty with Libya was suspended. Thus, the outcome of the crisis that led to the overthrow of the regime and the killing of Gaddafi, marked the end of the privileged relationship between the two countries and a return “to the Italian-Libyan relations of the ‘50s, when Italy was looking for an operating space with Libya which was friend of other powers” (MEZRAN & VARVELLI, 2012).

Italy soon tried to restore the outsourcing system of border and migration fluxes control: from a military point of view, on 18 October 2013 the Italian Government launched operation Mare Nostrum, a military and humanitarian operation aimed to save thousands of migrants illegally departing from the Libyan shores under unsafe and terrible conditions. Italy pursued alone this operation for an entire year (even if the European Commission provided for a financial support with almost 2 million euro). Then, on 31 October of the following year – 2014 – the European agency, Frontex, launched Triton operation which replaced Mare Nostrum; this, however, had a different nature in respect of his predecessor and operated on a smaller scale. Worthy to note here is that, not by chance, the second semester of 2014 was Italy's turn for the Presidency at the European Council. Further and most importantly, since 2012 Italy tried to re-externalize borders control mainly through a collaboration with Libyan authorities, in particular with the Department for Combating Irregular Migration (Dcim) at the head of the Libyan Ministry of the Interior.

It did so by providing technology, some equipment and especially in doing business intelligence which probably served to coordinate the monitoring of flows departing from the ground and recovery operations on the high sea of Mare Nostrum ships (MORONE, 2015). As the Italian Mare Nostrum represented a sort of predecessor of the European Triton operation, the Italian collaboration with Libyan authorities represented a precedent for what the European Union tried to implement through the European Union Border Assistance Mission (Eubam), which began in May 2013 with the aim of collaborating with Libyan authorities, training the Libyan Police. However, this came into action too late, when the level of the uprisings in Libya was already too high to make its work possible. And, as Brantner and Toaldo highlight, the main shortcoming of this approach is that Eubam operation was intended as a pure technical assistance, when instead border security is a political issue and not a technical one. “Border security comes with citizenship. (...) The question today is what kind of deal Europe can offer the border communities that are making a living from illegal traffics, including the

smuggling of human beings? They must have a legal alternative or little will change.” (BRANTNER and TOALDO, 2015). There is therefore the need of a different approach to the situation, an approach that addresses the root causes of the massive fluxes coming from Libya: the solution of the Libyan civil war (as well as the countries of origin of the migration flows) and the establishment of a unique national government. That is actually far from being undertaken, since Libya is still split in two: at the present there are two governments, the internationally recognized one in Tripoli (Tripolitania) headed by Fayeze al Serraj and the National Unity Government based in Tobruk (Cyrenaica) at the head of which is the powerful General Khalifa Haftar.

The efforts made by various international players to control migrations to Europe, passing through Libyan territory, have been so thwarted. For this, the Italian government has decided to undertake a different policy, concentrating the efforts not on Libya anymore, but directly on the countries of origin of the migration fluxes directed to Europe and on the other transit countries such as Egypt, Tunisia and Sudan (MORONE, 2015). The process in question is commonly known as the “Process of Khartoum” or the EU Horn of Africa Migration Route Initiative, which will be discussed in more detail in the third chapter¹¹.

11. See chapter 3, paragraph 3.9.2. “Khartoum process”, p. 66.

CHAPTER 2

Gaddafi and its “schizophrenic” foreign policy

2.1. Anti-imperialism provisions

2.1.1. El Adem and Wheelus Field: dismantling the Western bases

Western influence in Libya has been one of the main targets of the RCC since its socket to power. With the speech given on 16 October 1969 in Tripoli, only six weeks after the coup, in spite of having repeatedly stated that his intentions were to maintain good relations with the US and the UK, Gaddafi confirmed the concerns of Western countries who still had interests in Libya. Indeed, although it achieved formal independence from the colonial Italy years before, during the monarchical period (1951-1969) it depended much on relations with the Western countries. Definitely, the monarchy of King Idris had as its cornerstone the treaties of alliance with the Anglo-Americans.

One of the main evidences of this still tangible Western interference in Libya, was the presence of the American Wheelus Field and the English El Adem military bases. Gaddafi’s initial attitude was instead distinguished by an anti-imperialist sentiment and on the occasion of the above mentioned speech he announced that:

the era of the bases is over [...] because we do not accept neither bases nor foreigners, neither imperialists nor invaders [...]. The [bases] evacuation is an absolute necessity. It is the indispensable condition for our freedom (Ansell, M.O. & al-Arif, I. M., 1972).

According to the Colonel indeed, the military bases were a clear symbol of the colonialist past and, if USA and UK were desiring to keep the existing economic relationship with Libya, the closing of the bases was a prerogative. Again, “during a question and answers session with Libyan students, Qadhafi pledged that Libya shall never agree to the continuation of foreign bases and restated his commitment to liberating Libya” (STOTTLEMYRE, 2012).

The transition from the first to the second independence – the real one – had to be accomplished within few months: its failure would have meant the failure of the revolution. Reunited in the barrack - fortress of Bab al ‘Aziziyah, the twelve members of the RCC discussed for entire days on possible solutions to be undertaken in order to achieve full Libyan sovereignty. The first point addressed was, exactly, the evacuation of military bases in the hands of the British and the Americans. In particular Wheelus Field, with its luxury, its waste of money and the unbridled consumption of alcohol, represented a slap to the poverty of Libyans and their religion (DEL BOCA, 1998).

The lease treaty with England would have expired in December 1970 and the one with the United States in July of three years later; by surprise, not only Libya announced it would have not renewed the contracts with the two great powers, but it would not even have waited the deadlines to chase them

away (DEL BOCA, 1998). Negotiations for the early termination of the treaties with Great Britain and the United States would begin on 8 and 15 December. The man in charge to take care of the negotiations was Jallud, right-hand man of Gaddafi who had followed postgraduate courses in Canada and in the United States, and for this had a deep knowledge of that culture.

On that occasion the US State Department drew up an analytical paper on the nature and prospects of the new Libyan military government. What emerged from this was that RCC was actually characterized by internal divisions. A first group, led by Gaddafi was characterized by an anti-imperialist sentiment and was in favour of the Arab unity. The other group, representing a minority, was instead headed by Lieutenant Colonel Adam al-Hawaz, who after the revolution of 1969 had been immediately appointed by Gaddafi as Defense Minister (CRICCO & CRESTI, 2012); the second faction seemed more inclined to maintain the relationship with the United States and Britain. The analysis carried out by the US State Department showed itself particularly accurate, so that only few days later a coup organized by the minority group led by Adam al-Hawaz was foiled. After this episode Gaddafi held full control and could proceed to the dismantling of the Western bases without any interference.

Jallud met therefore the British ambassador Maitland in Tripoli and 31 March 1970 was set as the date for the withdrawal from the base of El Adem. Only some days later the same meeting occurred between Jallud and the American ambassador Palmer, during which it was established that by 30 June 1970 the Americans would have left their base of Wheelus Field (CRICCO & CRESTI, 2011).

It is important not to forget that the international geopolitical context of that period was the Cold War; for this reason, Jallud, on his part, had to reassure the Americans that after their withdrawal from the base, it would have remained under Libyan control without any Soviet interference. The signing of the agreement was decided to be on 23 December, to coincide with Nasser's visit to Tripoli, during which it was expected the joint announcement by the Egyptian leader and by Gaddafi, of the launch of enhanced cooperation in the political and military field between the two countries (CRICCO & CRESTI, 2012). In fact, the current situation was the opposite to the previous one: while the monarchy of King Idris considered the presence of foreign bases as deterring the Egyptian expansionist ambitions, now Nasser's Egypt was considered instead a model by the new Libyan regime, especially for Nasser's pan-Arab ideal, which will be at the core of Gaddafi's early foreign policy.

If on one side the United Kingdom and the United States were convinced that the evacuation of the military bases would have avoided jeopardizing their relations with new Libyan regime (thus opening a new phase of collaboration), on the other side real Gaddafi's intentions were very different. Indeed, he considered the dismantling of foreign military bases only the first step towards total Libyan independence from the foreign influence. The next step would be the pursuing of a new oil policy, which had been totally exploited by foreign oil companies until that moment.

2.1.2. Oil power: the new oil policy and nationalizations

The presence of foreign military bases in Libya was the main symbol, but not the unique one, of a residual Western influence and interference in Libyan internal affairs. Indeed, "in less than ten years, Libya has become the largest producer of oil in Africa, but to enjoy the enormous benefits coming

from that industry are not the Libyans, but the twenty-two foreign companies operating in Libya” (DEL BOCA, 1998).

Therefore, already on 16 January 1970 the RCC decided to immediately address the issue of the percentage that foreign oil companies poured on Libya, by them judged unprofitable for the Libyan state (CRICCO & CRESTI, 2012). At that time the Oil and Mineral Resources Minister was ‘Izz al-Din Mabruk, who declared that the Revolutionary Command Council was willing to safeguard the rights of the Libyan population, until that moment victim of exploitation and humiliation by the Western countries. Negotiations for the determination of the new oil prices between the foreign oil companies and the governmental Committee elected for the occasion began on 20 January 1970; the main purpose was to raise the official Libyan oil price, with higher revenues for the North African state. Worthy to mention here is that in those years Libya had already become one of the main oil producers of the world. It went from a production of 0.9 million tons in the initial 1961 to 72.3 million tons in 1966, with a total increase of 142% per year; Gaddafi in 1970 brought the production of oil at its historic high, i.e. 165.2 million tons (DEL BOCA, 1998).

However the Libyan request to raise the official oil price was refused by the oil companies. The Colonel’s reaction to this was to put at the head of the Committee Major Jallud, member of the RCC, who already showed great resoluteness and determination during the negotiations that led to the dismantling of military bases. He adopted the policy of sowing discord and division between the oil companies, pointing to a policy of price – rise demands even called *leap – frogging*.

The first company to be targeted was the independent American Occidental Oil Company, and Jallud ordered it to reduce the daily output from 800,000 barrels per day to 50,000; his manager, Armand Hammer, for fear that the company would have been totally nationalized proposed a correction of the then official price of crude oil of \$ 2,23 a barrel, increasing it by 30 cents (CRICCO & CRESTI, 2011), through the so-called “Agreement of 1 September 1970”. Therefore, the other oil companies were forced to individually negotiate with Tripoli losing the strength of a united front and giving the opportunity to the Libyans to exert different pressures to the various companies.

This Libyan attitude sanctioned a big change for all OPEC¹ members who, following the example of Libya, demanded an increase in the official oil price to the foreign oil companies operating in their countries. In particular, during the XXI OPEC conference held in Caracas between 9 and 12 December 1970, it was ratified – through the so-called “Caracas resolution” – the principle of uniformity of the official price and the taxation rates on the basis of the highest values applied within the group of the OPEC member countries (CRICCO & CRESTI, 2011); this meant that the increase of 30 cents per barrel obtained from Libya were applied by all the OPEC member countries. It is important to remember that 1970 is the same year in which the RCC enacted the decree of expulsion of the Italians from Libya, falling into the anti-imperialist politics of those years, which has been addressed in the previous chapter.

1. The Organization of the Petroleum Exporting Countries (OPEC) is a permanent, intergovernmental Organization, created at the Baghdad Conference on 10-14 September 1960 by Iran, Iraq, Kuwait, Saudi Arabia and Venezuela. Libya joined it in 1962. OPEC’s objective is to co-ordinate and unify petroleum policies among Member Countries, in order to secure fair and stable prices for petroleum producers; an efficient, economic and regular supply of petroleum to consuming nations; and a fair return on capital to those investing in the industry (www.opec.org).

Multinationals, exasperated by the continuous rise in oil prices imposed by Gaddafi, officially asked to come to a common agreement with the OPEC countries. They came to an accord by signing the Tehran agreement of 15 February 1971, with which was set an increase of the official price of crude oil by 35 cents a barrel. Unsatisfied, Libya undertook parallel negotiations with the companies operating in its country that culminated in the signing of the Tripoli Agreement of 2 April 1971; Libya was able to obtain a further increase in the price, which went from \$ 2,53 per barrel decided with the previous agreement of 1 September 1970, to the new price of \$ 3,32 (CRICCO & CRESTI, 2011). However, not all the companies were willing to bow to the dictates of Gaddafi and the only way to tackle those who did not comply with the imperatives of the RCC was to nationalize them: “on 1st September 1973, fourth anniversary of the revolution, Libyan government announced it would have nationalized all foreign oil companies operating in the country” (TOALDO, 2012) who had not complied with the imperatives of Gaddafi.

So it was that on 7 December 1973 the associated company of the British Petroleum, the BP Exploration Company, was one of the first oil companies to be nationalized, and with it others such as Shell, Texaco and Amoseas. Italy, ‘deserved’ a different approach: not nationalization but a Libyan-Italian co-participation in the company. Thus in 1973 Libya signed a special agreement with ENI (Ente Nazionale Idrocarburi), providing a Libyan stake in the Italian company of 50%. Nevertheless that year, 1973, was the year in which the oil crisis broke out following the Yom Kippur War². Obviously the United States were allied of Israel and this had repercussions even on relations with the American companies; for this, in June of that year Gaddafi announced the nationalization of the American Bunker Hunt, on the occasion of the third anniversary of the American withdrawal from the military base of Wheelus Field. At that point in time, Gaddafi declared:

the right to nationalize stems from our sovereignty over our land. [...] America continues to support Israel in order to humiliate the Arabs. [...] The time has come now that the Arabs take serious measures to remove American interests from our region³.

Therefore in Libya had remained only those companies who had accepted the Libyan conditions on the oil prices. The National Oil Company (NOC) at that time was controlling 70% of the production of crude oil and performed control functions, participation, production, refining and distribution; oil revenues, which in 1969 amounted to 1.13 billion, exceeded 20 billion at the beginning of the eighties (DEL BOCA, 1998).

The oil revolution had a decisive effect on the political revolution; in fact, the coincidence with the rapid growth of oil prices because of the Yom Kippur war caused that, thanks to the nationalized oil, the Libyan regime had a fixed and huge source of revenue. These revenues then formed the basis

2. The war was initiated by Egypt and Syria on 6 October 1973, on the Jewish holy day of Yom Kippur and during Ramadan, the month of fasting in Islam, and continued until 26 October 1973. The war, which eventually drew both the United States and the Soviet Union into indirect confrontation in defense of their respective allies, was launched with the diplomatic aim of convincing a chastened – if still undefeated – Israel to negotiate on terms more favourable to the Arab countries (www.britannica.com).

3. Discourse reported by Angelo Del Boca (1998) from an interview to Gaddafi by “Le Monde” journalist Renaud de Rochebrune, “Le colonel Kadhafi menace d’utiliser l’“arme de pétrol”, Le Monde, 13 June 1973.

for and permitted the social policies that would have been implemented in the following decade by Gaddafi. In fact, as pointed out by Romano, Gaddafi had not only an ambitious political program: he also had the means to achieve it.

The new prosperity of Libya had the effect of making much more convincing all the initiatives with which the Libyan leader was trying to achieve Arab unity (ROMANO, 2015).

2.2. *Al-Kitab al-akhdar*. The Green Book and Gaddafi’s political philosophy

On 16 April 1973, on the Yom Kippur War’s eve, Gaddafi gave a speech which then became known as “the Zuwara speech”, named after the city where it was held, on the occasion of the anniversary of the Prophet Muhammad’s death. This speech is considered as the beginning of the phase of the Popular Revolution whose objective was to give more power to the people eliminating the intermediate bodies between it and the leader, with a clear socialist slant. In order to achieve this goal, the five points of the “Zuwara program” foresaw the elimination of opponents of the regime, a cultural and administrative revolution, people in arms and the suspension of state laws (TOALDO, 2012). Gaddafi’s political ideology can be described as a nationalism that had as its main objective the union of the Arab countries; of course, the necessary precondition for this was the emancipation from the influence of Western countries. In this perspective, Israel was a clear symbol of the continuity of Western colonization and interference in the Arab world sphere.

The project for a new society outlined by Gaddafi was enclosed in his famous Green Book, published in three volumes between 1975 and 1979. The name given is clearly and deliberately a reference to the Little Red Book of Mao Tse-Tung, published in 1966 at the beginning of China’s Great Cultural Revolution. Throughout the book he aims at an alternative to both communism and capitalism – both considered inadequate for the Arab emancipation –, a sort of “third way”; he explains his vision about democracy, economy and society, hoping for a form of direct democracy based on popular committees. In fact the cornerstone idea of his manifesto is that institutions are an obstacle in the path that should lead citizens to the exercise of power through a direct democracy.

The volume consists on almost 170 pages and it is divided into three sections: the first one is dedicated to the solution of the problem of democracy, according to him to be solved through the power of the masses; the second section is instead concentrated on the solution of the economic problem, which is identified with socialism; finally, the third and last part is about the social base of the Third Universal Theory, which describes his political thought; as already mentioned the masses have a central role and Libya is conceived as a *Jammahiryya*, which means “the state of the masses” based on direct participation of the people to the government without the principle of representation. The pamphlet was made compulsory as a school textbook. It became, de facto, a real Constitution for Libya and despite having been repeatedly discredited, the Green Book, as pointed out by Del Boca, is worthy of attention because it “is one of the few answers of the Arab-Islamic world to the dominance of the West even in the field of political thought” (DEL BOCA, 1998).

2.2.1. Political and economic dimensions and the 1977 Jamahiriyya

The first section is aimed at presenting the solution to the “problem of the instrument of government”, since the dominant model, i.e. the Western parliamentary system, is considered outdated and undemocratic. Gaddafi presents his theory stressing the need for direct democracy in society, a new state organization which is based on the authority of the people and renounces to the liberal principles of representation and delegation of authority. According to the Colonel the struggle to come to power has always had as outcome the defeat of the real democracy, i.e. of the people. Indeed,

the political struggle that results in the victory of a candidate, who got 51% of all the votes of the electors, leads to a dictatorial system presented under the false guise of democracy. [...] This is the truth about the dominant political systems in the contemporary world. Their falsification of true democracy is clear: they are dictatorial regimes ⁴.

The parliamentary system is therefore described as a trick: the parliament governs in the name of the people but the government is not realized in the name of the people. The poor indeed cannot afford to bear the cost of an electoral campaign, so the rich will always be those who win.

The party is considered to be the incarnation of the dictatorship of a minority; as well as the struggle for power of the political parties, even the class struggle divides society and leads to power only one part of it, resulting to be a harm to all the excluded parts of the population. Otherwise, the popular congresses are the only means to implement people’s democracy and there can be no democracy without popular congresses. The popular congresses and the popular committees are the fruit of the struggle of people for democracy but direct democracy is the only ideal form of government; therefore any other form is considered to be undemocratic.

A further element characteristic of liberal democracies, according to Gaddafi wrongly evaluated as positive, is the print. When an individual owns a newspaper, this is “his” newspaper and expresses “his” opinion. So the claim that the newspaper expresses public opinion is false and without basis because in reality it expresses the opinions of a single individual. According to Gaddafi the problem of press freedom is directly connected with the general problem of democracy and therefore it cannot be solved unless the entire crisis of democracy in the whole society is solved. He envisages the solution for it in the application of the Third Universal Theory, according to which

the democratic system is a cohesive structure whose foundations are firmly laid on basic popular congresses, people’s committees and professional associations. All these come together in the General People’s Congress. Absolutely, there is no other conception for a genuine democratic society [...] Theoretically, this is the genuine democracy. But realistically, the strong always rule, i.e., the stronger part in the society is the one that rules (The Green Book).

These theoretical frames will have soon a practical resolution. On 2 March 1977 Gaddafi, in Sabha, declared the beginning of the masses (*jamahir*) era and the birth of the Arab Socialist People’s Libyan Arab Jamahiriya. With the Sabha declaration the political control of the country was entrusted to 187 basic popular congresses and 47 municipal popular congresses; both the *Qa'id* (duce, guide)

⁴. This, and all the subsequent quotations derive from the Italian version: Moammar El Gheddafi (1975), *Il Libro verde*, Società Italo Araba Editoriale, Roma.

and *Mu'allim* (master) titles were recognized to Gaddafi, the same titles that once were recognized to Nasser (VANDERWALLE, 1998). But an even more important decision has been taken on 2 November of that year, namely the foundation of the Revolutionary Committees, who had the official task of speeding up completion of the state of the masses but their real task was of ideological vigilance and political militia loyal to the regime; they even made use of their own judicial system through the establishment of the Revolutionary Courts (TOALDO, 2012).

While these changes occurred within the Libyan society, the second volume of the Green Book appeared in 1977; this was dedicated to the economic problem and its solution had to be achieved through the implementation of socialist principles. Gaddafi indeed strove for an economic revolution, transforming the existing societies of wage earners – based on the liberal Western model – into companies of partners by applying a political and economic theory of social organization. In this new structure the ownership and regulation of production, distribution, and exchange would belong to the community as a whole. The chapter begins by saying that despite the problem of private wealth has already been dealt with in some way, and although there have been some improvements, the economic problem remains open. It is then addressed the problem of wage:

workers do not consume their products, but they are forced to sell them in exchange for a fee, while a fair norm is that producers must consume the products of their work. Workers, even if their wage bills have improved, remain enslaved. [...] The ultimate solution is the abolition of the wage and human being's freedom from this kind of slavery (The Green Book).

It then goes through the property problem: it is affirmed the principle according to which the house must be owned by those who live in and for this reason everyone can only own one. Any extra property house will be considered unlawful. In March 1978 the General People's Congress in fact began a radical redistribution policy in the housing sector by establishing the rule cited above, namely that every family could possess one house only (TOALDO, 2012).

Still on the concept of ownership, the land was ideally not owned by anyone, but everyone could work on it in order to enjoy its direct benefits, i.e. the fruits of the crops. Hiring labor, however, was not admissible. Through the application of these principles it would have been possible to get to the advent of a socialist society in which profit and currency would no longer exist. Yet, this will also serve to justify the nationalization of almost all private activities; it will be chosen 1 May 1979 as the date by which all private companies and uncultivated land should have been nationalized (CRICCO & CRESTI, 2011). Finally, it was also abolished the religious property and the opposition of the *ulama*⁵ was silenced by Gaddafi, on charges of misinterpreting the Koran. This will provoke a strong resentment of the religious apparatus, but the particular Gaddafi's relations with Islam will be addressed in the following paragraphs.

Nevertheless, this economic policy was not well received both by internal members of the CCR and by the intellectual classes as well; in those years many students will leave the country. It is estimated that in 1981 between fifty and hundred thousand Libyans expatriated (VANDERWALLE, 2006).

5. *Ulama* are those recognized as scholars or authorities in the field of religious Islamic studies.

2.2.2. Social base of the Third Universal Theory

In 1979 the third part of the volume appeared; it looked at the launching of a social revolution, presenting solutions to the man's struggle in life, achievable through the application of the Third Universal Theory. The utopian society, as imagined by Gaddafi, is a "natural society" based on the equality of its members and where the State has no functions, and money is not a necessity. A particular attention is given to women's role in the community (namely twenty pages out of sixty-seven of the third volume are dedicated to this topic), which is described after having taken in consideration other components proper of the Libyan society. Key elements of Libyan society are indeed the family (*usrah*), exalted by Gaddafi as a social constraint, place of cohesion and emotional harmony, reproductive cell that promotes the strengthening of the tribe and the nation (ARUFFO, 2001); the tribe (*qabīla*) is the natural enlargement of the family, and the national community (*ummah*) which is in turn a tribe that has grown as a result of the reproduction.

Worthy of notice is the above mentioned description given on women and the discriminatory tones used against this gender. It is said that "each of the two⁶ is not the other, and between them there is a natural difference, proof of which is the existence of man and woman together in creation. This in fact means that for each of them exists a natural role that differs in accordance with the diversity of the one related to the other" (The Green Book). Fundamental element of difference highlighted by Gaddafi is the absence of menstruation in man and their presence in woman, which during this period is limited in her actions. "These natural data cause congenital differences, for which it is not possible that man and woman are equal" and it goes on by saying that "industrial companies in our era have adapted the woman to work in its more material aspects making her like a man, at the expense of her femininity and her natural role in life, in relation to the beauty, maternity and serenity" (The Green Book). Nevertheless, Gaddafi's policies towards women have been ambivalent: while on the one hand he relegated them to a traditional house-working environment, on the other hand some laws enacted by the RCC had helped to promote their condition, such as the law on maternity leave.

Another section is dedicated to the "blacks who will dominate the world" and "their backward social traditions imply the fact that they have no limits in contracting marriages, and this leads them to dramatically multiply". Finally, the last sections are devoted to education, music, arts, sports and shows. This is therefore the perfect society at which Gaddafi yearns for. An utopian "natural" society based on his Third Universal Theory.

2.2.3. The (contradictory) relation with Islam and the 'war' against the ulama

The role of Islam in Gaddafi's politics saw several stages: initially he used it as an instrument for the overall control of the population. Yet, during the 70s, when he outlined his utopian project of a natural society based on socialist precepts (totally inconsistent with Islamic principles) through the Green Book, he easily detached Islam from his politics. Once the Jamahiriyya's dream failed, however, he returned to invoke the Islamic principles.

6. Namely man and woman.

In the early years of the Republic, therefore, it was promoted a “re-Islamization” of the law, which instead had been modified by the Sanussi monarchy in an attempt to modernize the State on the example of Western countries. This decision is consistent with the policy of those years of Gaddafi, who wanted to “clean up” the country of Western influence, thus recovering the Arab-Islamic tradition (CRICCO & CRESTI, 2012). In fact in the Green Book Gaddafi talked of decisions relating to the “Arabization” of the country, in line with the pan-Arab project, underlining the need to translate the documents and road signs into Arabic, but also the prohibition of alcohol. Still, he pursued the transformation of the names of the months of the Gregorian calendar and the promotion of traditional Arab clothing (CRICCO & CRESTI, 2012).

With the Cultural Revolution Gaddafi proclaimed the suspension of the legal system in force in order to eliminate any obstacles to its plans to build a new socialist society. As mentioned above, with the application of the socialist theories asserted throughout the Green Book, he placed himself in stark contrast with the Islamic principles. He also abolished the religious property and the opposition of the *ulama*, the doctors of the law, was silenced by Gaddafi, on charges of misinterpreting the Koran. These positions were of course considered heretical by the *ulama*, and he received accusations of heresy especially by the Muslim Brothers. This authorized the colonel to give the order to the Revolutionary Committees to assault the recalcitrant mosques.

The culmination of this contrast happened in July 1978 when, during a debate with the doctors of the law, Gaddafi criticized the role of the *hadith*⁷ and tried to prove that the Koran was the only source of authority for Muslims. *Ijtihad* (i.e. free interpretation) was, according to the qa’id, a prerogative of every Muslim believer and the Green Book, although imbued with socialist elements, was based on Islamic precepts (WRIGHT, 1981).

He further made a sharp distinction between the Koran, ‘the revealed and eternal word’, and the *shari’a*, which he considers a law drafted by the *ulama* throughout the centuries. For example, he challenged the *ulama* to find a single word in the Koran in favor of stoning and polygamy, practices instead fully permitted by the *shari’a* (DEL BOCA, 1998).

In this context, the Islamist opposition was getting harder, such as that represented by the Muslim Brothers who, during the Libyan monarchy, had enjoyed a relative freedom of expression. However, with the advent of Gaddafi they had been forced to dissolve their organization in 1980 because of the strong repression suffered. A few years later this movement reappeared on the scene (especially in Cyrenaica) within groups of students, finally creating the association of the Libyan Islamic Group (*al-Jama’a al-Islamiyya al-libiyya*); again, however, they will be subjected to harsh repression and death sentences (CRICCO & CRESTI 2011).

2.2.4. From the pan-Arab to the pan-African idea

Therefore, as said above, in 1973 emerged the concept of a stateless state, driven by direct popular democracy; the Green Book did not explicitly address the matter of foreign policy, however a lack of

7. *Hadith*: the set of narratives concerning the actions and the Word of the Prophet.

State structures advocated through the Third Universal Theory revealed to be functional to the *qa'id's* pan-Arab project.

Indeed, totally breaking with the foreign policy of the Sanussi monarchy (1951-1969), Gaddafi called from the outset the cornerstones of the new Libyan foreign policy: neutrality, non-alignment, pan-Arabism, a privileged relationship with Nasser's Egypt and, finally, support to all movements of struggle and national liberation in the world⁸ (DEEB, 1991). The Sanussi monarchy instead, as it has widely been addressed, relied on the Western aid and protection through, for example, the presence of the British and American military bases in its territory, while one of the first Gaddafi's moves was to expel them from the Libyan territory.

In order to achieve the goal of an Arab Union, a lack of state institutions, capable to develop in the Libyan people a sense of belonging to the Libyan Nation, was therefore purposeful. In 2011 Karim Mezran prophetically wrote that "this lack of State institutions, fundamental to the economic and political management of the State is, after all, what would result in a real power vacuum at the sudden fall of the regime" (MEZRAN, 2011); this is what actually happened as a result of the 2011 Libyan civil war and today, on the eve of six years since its beginning, Libya still lacks a governmental unity.

Gaddafi's action has been guided by the belief of being the heir of Nasser and on the fact that he claimed that the Egyptian leader had designated him for the implementation of the Arab unity; Libya's initial involvement in Africa had as its main goal the liberation of African countries which still were under colonial or apartheid regimes and the dissemination of Islam (SOLOMON & SWART, 2005). However, worthy to note is that, although he inherited from Nasser the pan-Arab ideology, an element that distinguishes much of Gaddafi's position by Nasser's one is the importance given to Islam; for Gaddafi belonging to Islam was an integral part of the pan-Arab doctrine. Yet this will not be enough for Gaddafi to "save" himself from the antagonism of the Muslim Brothers.

Consequently, the belief of being Nasser's heir has led Gaddafi, since the beginning of the regime and in particular in the 1970s and 1980s, to develop an intense political activity towards some sub-Saharan countries supporting certain liberation movements or revolutionary groups and seeking regional integration. One of the main purposes of his action was to eradicate the Zionist influence from the area and between 1973 and 1978 great sums have been invested in Africa in order to promote alliances favorable to Gaddafi's project. In the meanwhile, thanks to Libyan action in the area, Arabization and Islamization progressed. Schools, hospitals, mosques were built; even some scholarships were enacted to enable young Africans to train in Libya, in particular in a missionary association University center for Islamic preaching (*da'wa Islamiyya*) (CRICCO & CRESTI 2011).

One of the first concrete attempts to create an Arab Union with other Arab States occurred with Egypt. Even if after Nasser's death in 1970, Libyan-Egyptian relations deteriorated, negotiations between Gaddafi and Sadat (who succeeded to Nasser) began in 1972 with the commitment of completing the process by 1973. However, as Varvelli notices, this alliance was flawed since the beginnings:

8. As will be discussed in the next paragraphs, this in particular will lead Libya to be held responsible of international terrorism, inter alia for the support given to the Palestinian PLO of Yasser Arafat. See paragraph 2.3. "From international terrorism charges to international isolation", p. 42.

firstly neither Gaddafi nor Sadat were willing to bend themselves to the other's aspirations; secondly, and most importantly, there was a clear divergence between the two about the setting of international politics, particularly on the Arab-Israeli question. If on the one hand Sadat had shown a certain openness towards the United States, on the other Gaddafi continued to promote pan-Arabism in order to be united in fighting a total war against Israel (VARVELLI, 2009^b).

Therefore the effort to merge the two states failed, and so did many other attempts with other Arab countries. As for instance those with Tunisia in 1974, with Syria in 1980, with Chad in 1981 and with Morocco in 1984, but also with Algeria in 1987 and with Sudan in 1990: they all subsequently failed. "One of his more ambitious and frequently stated goals was the creation of a Saharan Islamic state that would encompass about 100 million Muslims in a region extending to the southern fringes of the Sahara" (SOLOMON & SWART, 2005).

Nevertheless he will never be able to reach this goal. Varvelli clearly points out the main causes that led to the failure of Gaddafi's objectives: first of all because these were imposed from above and were not based on a widespread sense of Arab nationalism; secondly because of a wide divergence of views and interests among the members (an example in this regard is the case of Sadat's Egypt); finally, because of Gaddafi's attempts to dictate the policies terms and conditions of difficult acceptance for the other states (VARVELLI, 2009^a).

2.2.4.1. Libya's intervention in Chad

Worthy to mention, among Gaddafi's various attempts to pursue the Arab union, is the Chad expedition: Chad represented one of Libya's deepest involvements in African politics as well as one of the most crushing defeats. Indeed, "between 1973, following the crossing by Libyan troops of the Libyan-Chad border into Aouzou, and 1987 when the Libyan army was forced back into Aouzou, nearly 3,600 Libyan troops were killed (SOLOMON & SWART, 2005).

Among the reasons for the Libyan interest towards Chad was the underlying theme of Gaddafi's policy, namely the expulsion of imperial powers from the African area. In the Chadian case the imperial power in question was France. Another driving reason that led to the Chad occupation was the interest for the Aouzou strip, a vast border area between the two states, rich in mineral resources. In fact, although it was recognized the sovereignty of Chad on the strip, through a treaty of 1955 concluded between Idris Al Sanussi of Libya and France – who at that time exercised a protectorate over Chad – Gaddafi unilaterally annexed that part of the territory in 1976, using it immediately as a base of support for the activities of the National Liberation Front of Chad (Frolinat), next to which the Libyan troops intervened in the same year (ALUNNI, 2012).

In subsequent years a civil war erupted in Chad between the north⁹ – predominantly Muslim and non-black belonging to the old feudal states – and the mainly Christian black population of the southwest. Gaddafi successfully intervened supporting the rebel forces led by Goukouni Oueddei of the Gouvernement de l'Unité National Transitoire (GUNT) fighting against Hissein Habré of the Armed

9. Where also lived the Awlad Sulayman tribe, who had strong historical ties to the southern Libyan region of Fezzan.

Forces of the North (FAN). Clearly, behind the attack there was also the will to exert influence in Chadian internal affairs in order to transform the country into a satellite state of Libya (CRICCO & CRESTI, 2011), falling within the project of a pan-Arab Union.

In January 1981 a joint communiqué issued by Gaddafi and Goukouni detailed their intention to pursue Libya-Chad unity (STOTTLEMYRE, 2012), and this was announced even through the Libyan radio; however, the reactions of the other African countries were drastic, and some of them even tried to seek an alliance with the former colonialist France, in order to get military protection. The matter ended with the request from the OAU¹⁰ to withdraw Libyan troops. In fact, the organization called on the two countries to “consider that agreement as null and void and of no effect” and urged “Libya to immediately withdraw” its troops from Chad. Gaddafi tried to resist until when the then President Goukouni Oueddei, with a great and sudden turnaround (after having being helped by Gaddafi to conquer N’djamena), demanded on 30 October 1981 the withdrawal of all the Libyan troops deployed in Chadian territory (DEL BOCA, 1998). Therefore, even at the urging of the French President Mitterrand, with whom Gaddafi entertained good relationships, the withdrawal of Libyan troops was completed on November 31. Nonetheless, this did not lead to the conclusion of the internal conflict in Chad.

Following French and American intervention in support of the rebels combating against Gaddafi, the qa’id started a normalization of relations with Chad and in 1989, after years of conflicts (about twenty years) it was asked to Algeria to mediate between the two contenders. Therefore, in that year, an agreement that put an end to the armed conflict was signed in Algiers, but this was not sufficient to ensure the end of Libyan vindications over the Aouzou strip. After having submitted the matter to the International Court of Justice in The Hague, on 3 February 1994, the Court decided to attribute the long-disputed strip to Chad (CRICCO & CRESTI, 2011) and Libya, in the face of international pressure, had to eventually abandon its ambitions to annex the rich strip. The humiliating defeat suffered in Chad has been one of the main causes that led Gaddafi to change the course of Libyan international politics and in particular of Libyan African politics.

2.2.5. The 1990s change in Foreign politics

After the harsh campaigns waged against many African countries, Gaddafi found himself isolated because of the (unsuccessful) attempts to destabilize their regimes and governments and he became to be viewed with widespread suspicion by them. An example of this is that, despite the qa’id wished to take the lead of the OAU, none of the members of the assembly voted in favour of this, following in particular his military intervention in Chad. Further, Gaddafi, had agreed to withdraw Libyan troops from Chad by the end of 1981, in order to ensure that the annual meeting of the OAU would occur in Tripoli, as scheduled; however, most members boycotted the meeting in Tripoli in 1982 (DEEB,

10. Organization of African Unity; it was established on 25 May 1963 in Addis Ababa, by 32 signatory governments. Its main objectives were to promote and intensify their cooperation and efforts to achieve a better life for the peoples of Africa; safeguard the sovereignty and territorial integrity of Member States; rid the continent of colonisation and apartheid; promote international cooperation within the United Nations framework; and harmonise members’ political, diplomatic, economic, educational, cultural, health, welfare, scientific, technical and defence policies. (<https://www.au.int/en/history/oau-and-au>) It will be replaced by the African Union (AU) in 2002.

1991). Thus, once he perceived that his popularity among Arab countries was by then outdated, he launched a campaign to declare his newborn interest in pan-Africanism. This about-turn can be dated "to September 1998, when (Gaddafi) declared pan-Arabism 'a mirage' and announced the abolition of the Ministry of Arab Unity Affairs" (SOLOMON & SWART, 2005), marking the abandonment of the Arab unity dream that Nasser's heir had tried to prosecute for almost thirty years.

Qa'id's new project became therefore a borderless United States of Africa for the sake of African people, though "probably with some notion of self-interest in any Pan Africa, as he saw himself at the helm or at least with enormous influence" (SHAH, 2011).

Reunited in Sirte on September 1999 for an extraordinary OAU summit, the member states issued the "Sirte Declaration" calling for the establishment of a new African Union. "The vision for the Union was to build on the OAU's work by establishing a body that could accelerate the process of integration in Africa, support the empowerment of African states in the global economy and address the multifaceted social, economic and political problems facing the continent"¹¹.

The Africanizing Libya project has however been not willingly accepted by the population, and there had been several racial incidents, so much so that many black workers of Africa were forced to leave Libya. In fact, the unilateral (on the Libyan side) opening of borders had led to a sharp increase of African workers in the country: it was estimated a presence of more than a million blacks immigrants throughout the country, who were, inter alia, accused by the locals of being behind a rampant crime and of taking away jobs from young Libyans (CRICCO & CRESTI, 2011), aggravating an already serious unemployment problem. As Adebajo underlines, "in 2000, widespread xenophobic attacks in Tripoli and Zawiyah against thousands of black African migrant workers led to several deaths damaging Gaddafi's pan-African image (ADEBAJO, 2011). This is, ironically, exactly the same fate reserved today to the immigrants mostly coming from Africa (and Libya as well) that try to reach Italy and Europe fleeing wars and looking for better life conditions.

In July 2002 was finally held the inaugural meeting of the African Union (Durban Summit), which replaced the former Organization of African Unity convening its first Assembly of Head of States and Government; however, Gaddafi's idea to merge all the African States into the United States of Africa was finally rejected by the African foreign ministers reunited for their annual meeting, in January 2003 (SOLOMON & SWART, 2005).

Even Gaddafi's call for the establishment of an African army and a framework for the defence of the African states, advanced in the occasion of the extraordinary Summit held in Sirte, however, had not been well-received by the other member states, being skeptical toward this idea and rather preferring the establishment of a standby military force.

The unitary ideology of Gaddafi took a further nuance in 2005, when he declared that state-nations did no longer have any utility and that a new necessity of building a larger-scale international bloc emerged: he appealed to non-African Arab states (including Iran) asking to join the African Union, in order to form a new Arab-African Union. In the meanwhile, he was supporting "separatist movements

11. Contents taken directly from the African Union website: www.au.int.

of the Tuareg populations in Mali and Niger. In those years the region was affected by uprisings and it was assumed that they were instigated by Tripoli, which had in previous years trained and armed the rebel groups: during a visit to Mali in April 2006 Gaddafi urged the Tuareg tribes to come together to set up the Great Sahara state, provoking serious concern in Algeria and Niger” (CRICCO & CRESTI, 2011).

The qa'id's proposals, however, met with little result as the African heads of state considered most important to solve other issues that were affecting their countries, including the resolution of the humanitarian crises that were overwhelming the continent, like those in Somalia or Sudan.

Thus, it has been clearly shown how “Gaddafi's Libya has suffered a strong case of foreign policy schizophrenia” (SOLOMON & SWART, 2005): the role of ideology in the Libyan foreign policy was replaced throughout the years by an opportunist pragmatism that revealed the essential and primary role played by state interests over ideological preferences.

2.3. From international terrorism charges to international isolation

It has repeatedly been stressed that one of the main purposes of Gaddafi's foreign policy program was the support to national liberation movements, that almost always turned out in support of acts of international terrorism. Chief among them was, of course, the support given to the most extremist Palestinian movements that entered into contrast with the Palestine Liberation Organization (PLO), judged too moderate and yielding toward the West and Israel; among them worthy to mention is the one called Abu Nidal, which will have an active role in the terrorist attacks occurred in the airports of Vienna and Fiumicino. This attitude contributed to foster the American vision of Libya as a “rogue state”, strongly linked to international terrorism. In the first half of the seventies Gaddafi had even built Libyan training camps providing shelter to international terrorists wanted across the world; not only, the *qa'id* had also begun distributing Soviet arms to national organizations of rebels such as the Palestinian PLO and the Chadian FROLINAT, but also equipped the insurgent factions in Zimbabwe, in the Philippines, in Thailand and the Afghans and Pakistanis Pashtun (CRICCO & CRESTI, 2012).

Gaddafi even signed an agreement with Tunisia in 1976, with the purpose of arming and training the separatist Spanish group of ETA, but even the separatists groups of Bretagne and Corsica, who wanted to secede from France. Gaddafi sent financial aids even to more and more separatist groups all over the world, among which the Irish IRA. “Libya stood accused of having a hand in nearly every terrorist incident committed against Western targets by Arab perpetrators during the 1970s and 1980s, and Qadhafi received increasingly negative coverage in the American media” (Stottlemire, 2012). Indeed, among the various positions of the Western powers on the issue, worthy to mention is the American one: Libyan-American relations were already compromised by the Israeli-Palestinian conflict in which America was the strongest ally of Israel; as Del Boca reminds us, “if Rome reminds Gaddafi, almost obsessively, the colonial occupation (...), Washington appears in the eyes of the Leader as the most brutal and arrogant manifestation of Western imperialism” (DEL BOCA, 1998).

But relations further deteriorated in 1979, the year of the Iranian revolution, during which some functionaries of the American Embassy were taken hostage by Iranian militants. In that occasion the

US Embassy in Tripoli was stormed and sacked by Libyan demonstrators of the revolutionary Committees in support of the Iranian militants. The Libyan government showed to be indifferent to the fact (CRICCO & CRESTI, 2012), thus tacitly endorsing the events. Only some time later Tripoli presented official apologies, but for President Carter was too late and the Libyan attitude was at the basis of a radical change in American politics toward the North African State. On 29 December Carter informed the Congress that Libya was between those nations that have repeatedly provided support for acts of international terrorism (DEL BOCA, 1998).

In 1981, shortly after Reagan took office in the presidency of the United States, it was taken the decision to expel all the Libyan diplomatic corps, as Gaddafi was from that moment officially considered a strategic threat for American interests both in the Middle East and in Africa. The US administration's goal was to make it clear to Gaddafi that acts of international terrorism of any kind would no longer be tolerated. Although Gaddafi sent a long letter to Reagan a few days after he took office, with the intent to renew ties, it is with Reagan that there will be a final rupture of relations between the two states. In fact, the American president, having understood how important the Chad issue was for the Libyans, had decided to intervene in Chad supporting Habrè, who had just been kicked out by its antagonist Oueddei, backed by Libya (DEL BOCA, 1998).

The American attitude became increasingly harsh and in 1982 Reagan imposed the embargo on Libyan oil; given that oil had always been the cornerstone of Libyan economy and since at that time there was no shortage of crude oil (so that the international crude oil prices were low), Libya was particularly affected by this move and reached a very high level of insulation. Nevertheless, the straw that broke the camel's back is represented by the terrorist attacks that were launched simultaneously on 27 December 1985 and that were attributed to the organization Abu Nidal with the Libyan support; that day, in Vienna and Rome Fiumicino airports, some gunmen opened fire on the passengers waiting to board with the airlines companies TWA (American) and El Al (Israeli) (CRICCO & CRESTI, 2011). Libyan acts of international terrorism however still continued and on 5 April 1986 an umpteenth attack was held at the German disco "La Belle", in Berlin, frequented by American military personnel; even this was attributed to Tripoli. To this last act finally followed, on 15 April 1986, the American operation *El Dorado Canyon*, which comprised air strikes against Tripoli and Bengasi (CRICCO & CRESTI, 2012).

In 1989, after a naval block imposed by the Libyan regime in the Sirte Gulf, the US Air Force had shot down two Libyan aircraft. However, the American operation was not enough to stop the action of the *qa'id* and Libya continued to promote terrorist acts: the most tragic were the Lockerbie incident, in Scotland, and the one in Ténéré desert in Niger. Libyan government, indeed, ordered in 1988 the bombing of the Pan American Flight 103, which took off from London and was directed to New York city. Shortly after having taken off, it exploded over the Scottish town of Lockerbie: all the 259 passengers as well as eleven people on the ground were killed¹². Despite two Libyans, Abdelbaset Ali Muhammed al-Megrahi and al-Amin Khalifa Fhimah, were suspected for this act, Tripoli did not

12. For further details see the CIA report *Terrorist bombing of Pan Am Flight 103*, available at: <https://www.cia.gov/about-cia/cia-museum/experience-the-collection/text-version/stories/terrorist-bombing-of-pan-am-flight-103.html>.

agree to hand them over to an international tribunal (ALUNNI, 2012). In 1992, following the umpteenth Gaddafi refusal to hand over the Lockerbie bombers and after the US government's evidence that Libya was working at a chemical weapons program, the international community (in response to the US proposal) unanimously agreed to impose an embargo on Libya, through the United Nations Security Council resolutions n. 731/92 and n. 748/92. Resolution n. 731¹³ of 21 January 1992 imposed the ban on flights over the country and on the sale of weapons to the Gaddafi regime, while the following Resolution n. 748/92¹⁴ also banned the sale of tools needed to process the oil and gas, and the freezing of Libyan assets abroad, as well as all the activities of Libyan Airlines, that had to cease immediately. All this was part of the President Bush's policy of so-called "doctrine of rogue states", through which the United States linked to Libya and other states of the world the image of countries sponsors of international terrorism and holders of weapons of mass destruction.

An important rapprochement succeeded in 1998, during the Clinton administration, when the Foreign Affairs journalist Milton Viorst had been invited in Libya by a collaborator of Gaddafi "to report on its effort to return to the world community". After having reached Gaddafi in his tent in the middle of the desert, where he used to receive visitors, Viorst was told the following words:

The cause of our conflict with America is not that we attacked them. We have never attacked an American target. America started the aggression against us right here in the Gulf of Sirte. When we defended ourselves, they attacked us in these very tents. We were bombed by missiles in our own territorial waters. In 1986 our own children were killed. No one can bring my daughter back to me. Then Lockerbie came along. Now we'd like this chain of events to be over. But America doesn't want to turn the page. We shall, however, show courage and be patient, and America will be the loser¹⁵.

The publication of this article was one of the signals that led the US administration to rekindle a debate on the issue, discussing the possibility of reopening towards Gaddafi. Yet the real breakthrough came when Tony Blair and Clinton proposed to institute the proceedings for the Lockerbie bombing in The Hague, at the International Court; Libya accepted the proposal in March 1999 on condition that UN sanctions would have been immediately suspended (CRICCO & CRESTI, 2012).

In the UNSC decision to leave the embargo on Libya, both the United States and France abstained; the US, indeed, still had some concerns on Gaddafi's credibility and, above all, it was concerned for the Libyan pursuit of the WMD (Weapons of Mass Destruction) program. France, on its side, had suffered the attack on UTA plane over Niger (Ténéré) and pretended a compensation to the families of the victims like the one provided to the victims of the Lockerbie disaster. Finally, Libya agreed to pay \$ 170 million compensation to the families of the UTA victims through the charity association of Gaddafi's son, Saif al-Islam, i.e. the Gaddafi International Association for Charitable Organizations. This led the then Italian President of the European Commission, Romano Prodi, to "predict a key

13. Full text of Resolution 731 can be found at the following link: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/731\(1992\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/731(1992)).

14. Full text of Resolution 748 can be found at the following link: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/748\(1992\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/748(1992)).

15. The full interview, "The Colonel In His Labyrinth" is available at the following link: <https://www.foreignaffairs.com/articles/libya/1999-03-01/colonel-his-labyrinth>.

change in the European Union's ties with Libya" and to express "his hope that the settlement would allow Libya to take its full place in the Euro-Mediterranean Partnership"; even the same France called for a "progressive normalization of EU connections with Libya" (SOLOMON & SWART, 2005).

2.3.1. Libyan arsenal and the renounce to weapons of mass destruction

After the removal of the 1992 UN sanctions, Libya repeatedly tried to re-establish good relations with the United States and the European Union. Besides the already mentioned compensation to the families of the victims of the attacks of Lockerbie and Ténéré, a decisive move was the renunciation to the program of Weapons of Mass Destruction (WMD), which, as we have seen, remained one of the reasons for American skepticism towards the North African country.

Indeed Gaddafi, on 19 December 2003 announced it would dismantle both its WMD program and the ballistic missile program. Libya would have further allowed international supervisors to enter in its territory in order to track unconventional weapons and oversee their destruction; indeed, as a sign of the Libyan commitment, experts of the US, Britain and the United Nations were invited to travel to Libya and inspect the situation (STOTTLEMYRE, 2012), removing or destroying key components of those programs when it proved to be necessary. Libya, on its side, had provided a set of information to the Western powers, in particular about foreign suppliers.

"Since December 2003 Libya has also agreed to abide by the Missile Technology Control Regime (MTCR) guidelines, and signed the Comprehensive Test Ban Treaty" (SQUASSONI & FEICKERT, 2004); by signing this Treaty Libya also convened to host a monitoring station at Misratah, in northwestern Libya. Its commitment continued by joining the Chemical Weapons Convention in 2004 and by promising full cooperation with the International Atomic Energy Agency (IAEA), declaring all nuclear activities to the agency.

Libya's WMD disarmament represented therefore a critical step towards its reintegration into the world community: one of the effects has been the US opening an interest section in Libya, its first diplomatic presence there in almost twenty-five years. Most importantly, the United States had foreseen three phases for the normalization of relations: "the administration will negotiate lifting executive orders, the Iran and Libya Sanctions Act (ILSA) and removing Libya's name from the official list of State sponsors of international terrorism" (SOLOMON & SWART, 2005), the latter happening on 15 May 2006. Apart from some interpretations, according to which the renounce to the weapons of mass destruction (WMD) program would be due to the fear of Gaddafi to suffer the same fate as Saddam Hussein¹⁶, the real reason that stood behind the new Libyan attitude was the desire to re-enter the international stage after years of isolation, which provoked, above all, a huge economic loss to the country. Indeed, between 1992 and 1999, Libya suffered for the UN sanctions a loss of almost 30 billion dollars, caused mainly by a fall in oil prices which, in turn, caused a rampant unemployment. Thanks to the lessening of relations with the West since the early two thousands, then, Libya has benefited from an unprecedented increase in foreign investment, which reached at the end of 2004 about 4 billion dollars (CRICCO & CRESTI, 2012).

16. On 20 March 2003, the United States led an invasion force into Iraq to topple his government, which had controlled the country for more than 20 years. Saddam Hussein was finally captured on December 2003.

Therefore, both the release of the suspected Libyan terrorists to an international tribunal and the renounce to the WMD program, have reopened for Libya the doors to the West after years isolation.

2.4. Libya back to the international scenario: Barcelona Process and the beginning of cooperation on migration issues

In 2003 the European Union, through its *Report on Wider Europe-New Neighborhood* had empathized the importance of developing a zone of prosperity and friendly neighborhood, with which the EU could enjoy close, peaceful and cooperative relations (CRICCO, 2008). In this perspective Libya clearly played a key role both for its central position in the heart of the Mediterranean and for its historical supply of energy to Europe, which had come to a halt during the period of the UN sanctions. In this background Gaddafi officially visited Brussels in 2004 and met the then Italian President of the European Commission Romano Prodi; this visit – which represented his first time to Europe after fifteen years – formally marked Libya’s return to the international community, after years of isolation. Worthy to note here, is that “Italy, that had started to establish relations with Libya in the late ‘90s, paved the way for the country’s progressive reacceptance in the international community” (CECCORULLI, 2014).

In that occasion Gaddafi declared: “I would like to seize the opportunity today and declare before you... that Libya is determined and committed to play a leading role in achieving world peace” to which Prodi, speaking on behalf of Europe, replied that “we need to work together on peace, stability, migration, security, economic reform, and cultural co-operation (...) this is the essence of our new neighbourhood policy, within which Libya must find its place”¹⁷. But this meeting was even important for something else: in 1995 the then fifteen members of the European Union organized the Barcelona Euro-Mediterranean Conference to strengthen their ties with the countries of the Mashriq and Maghreb region¹⁸; Libya, however, did not take part to it. Indeed, because of the suspicion of Libyan complicity with Islamic international terrorism and because of Gaddafi’s anti-western policy, the member states of the European Union excluded Libya from the new project. However some key moves of Gaddafi, such as the above mentioned handing over of the Libyan citizens accused of having perpetrated the terrorist attacks, made Libya to be gradually readmitted to the international community. Subsequently, during the Brussels meeting, President Prodi, declared that Libya would be allowed to join the Mediterranean partnership.

Above all, the main aim of the European Commission was to enlist Libya’s help in the fight against illegal immigration, given the increasing illegal migration flows that left the north African coasts to reach Europe. The entry of Libya into the Barcelona Process was indeed of mutual interest and can be explained by common economic and security interests: on the Libyan side, it would have provided international legitimacy to Gaddafi’s regime and it would have favoured new foreign invest-

17. Speeches reported by the English BBC NEWS, “Libyan leader embraces West”, 27 April 2004. Article available at the following link: <http://news.bbc.co.uk/2/hi/europe/3661789.stm>.

18. Namely Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Palestine, Syria, Tunisia, and Turkey.

ments, helping the recovery of the economy. From the European point of view, instead, the integration of Libya in the Mediterranean partnership was desirable above all for economic reasons. In fact, as mentioned in the first chapter of the present thesis, Libya has always been an important source of energy supply for European countries (mostly for southern European countries, like Italy), both for its geographical proximity to the European coasts and for the quality of its crude oil. Further, as Werenfels points out, the Libyan economy is very attractive for the European countries, since after years of sanctions that have weakened its economy, there is a lot of catching up to do. Yet, what is most important from our point of view is the security aspect of this collaboration and in particular because Libya is the main transit country for a growing number of African migrants and refugees trying to reach Europe. If therefore the EU wants to reduce this flow, it greatly depends on Libyan cooperation. Gaddafi, nevertheless, has made cooperation in this field conditional on the supply of speedboats and radar equipment by the EU (WERENFELS, 2004), which implied the European Union to lift its arms embargo on Libya in 2004. A further security aspect that was interesting for the EU-Libyan cooperation is, certainly, the common interest in fighting international terrorism.

Indeed, if in the '70s and '80s Libya was accused of supporting and leading terrorist attacks in the Western world, since the mid 90s it has been pursuing a zero-tolerance policy against the Islamic terrorists. In particular after the 9/11 attacks, Gaddafi showed its commitment in the fight against the Islamic terrorists and some months after the attack, he even published a document in English titled "*The Leader's Analysis of the Current Crisis of Terrorism in the World*" (CRICCO, 2008), delivering secret information to the US government as well.

Beyond the mutual interests of collaboration, however, there remained a dark side in the Libyan regime, namely the gross violation of human rights and the low level of democratization of the country. Despite the continuing violations of human rights perpetrated by the Libyan regime, however, in 2008, on the occasion of the official start of the Union for the Mediterranean, promoted by the then French President Sarkozy as the overcoming of the Barcelona Process, Gaddafi was invited to take part in the new euro-Mediterranean organization. With a big setback to the French president, though, Gaddafi refused the invitation (CRICCO & CRESTI, 2011). This, anyway, did not prevent the European countries (in particular Italy) to individually create a separate partnership on security and migration management. Thus it came, for example, the conclusion of the Treaty on Friendship, Partnership and Cooperation between Berlusconi's Italy and Libya in 2008. Indeed, almost all the migrations flows routes through the Mediterranean, find Italy as the main gateway to Europe and the inability of the European Union to work together to tackle this issue has frequently led Italy to deal with this problem – that affects us all – alone.

The next chapter will indeed argue about this matter, discussing how Libya represents a thoroughfare from Africa to Europe and how Italy is the first country that desperate migrants, attempt to reach by boat, in precarious conditions.

CHAPTER 3

Migrants in dirty hands

3.1. Libya, a thoroughfare from Africa to Europe: from destination to transit country

Historically, Libya has been a destination country for many migrants seeking employment. The main pull factor towards the country has traditionally been the possibility for financial improvement along with the relative ease to enter in the country (HAMOOD, 2006). Indeed, in the early years of the monarchy it was one of the poorest countries in the world, yet after the discovery of oil fields in 1959, Libya undergone a great economic boom and its economy, from that moment on, depended almost entirely on the oil industry. This led Libya to become one of the most attractive countries in the North African area, luring in its territory large amounts of intra-regional labour migrants. However, at the end of the last century it became to be seen even as a transit country, as a gateway to Europe, and no longer as a destination country only; among the push factors, the widespread racism against the sub-Saharan Africans and the increasing political instability of the country.

Therefore, from the 1960s, the oil industry was dominant in the Libyan economy and it allowed the Kingdom to develop ambitious programmes both for economic and social development. Worthy to mention on this regard is the Great Man – Made River (GMR) project, a network of underground pipelines bringing drinking water from the Sahara to the Libyan coasts (CRICCO & CRESTI, 2012). At this time however, the country necessitated manpower, unavailable among the local population as Libya was demographically poor. Initially this need was supplied by the Arabs, particularly Egyptians and Tunisians. Later, even Asian and East European nationals came over to work in Libya (HAMOOD, 2006).

However, as widely addressed in the second chapter, in the 1990s Libya suffered an international isolation because of the repeated terrorist attacks pursued against Western targets. Following its unwillingness to hand over the Libyan citizens accused of having carried out the attacks, the UN imposed an air and arms embargo through the UN sanctions in 1992. This isolation clearly provoked disastrous consequences on Libyan economy. In the meanwhile Colonel Gaddafi, after the failure of his pan-Arab dream, redirected his foreign policy towards sub-Saharan Africa. The pro-African policies undertaken by Gaddafi, boosted a great influx of sub-Saharan Africans in the country. Among these policies, worth mentioning is the foundation of the Community of Sahel-Saharan States in 1998, during the summit held in Tripoli, strongly promoted by Gaddafi. It currently counts 28 member states. Among the goals of the Community is the aim to support free movement of persons, capitals and interests of its members along with free trade and movement of goods ¹.

1. Further details are available on the African Union website <https://www.au.int/en/recs/censad> and on the CEN-SAD website: [HTTP://WWW.CENSAD.ORG/INDEX.PHP](http://www.censad.org/index.php).

Thus, to counter the effects of the embargo, Libya facilitated migrants entry in the country. “Initially (...) Libyan border police were able to redirect migrants to areas where they could fill labour needs and many were sent to the Saharan border areas to work in the major agricultural projects. Thus, towns such as Kufra and Sabha now have sizeable communities of sub-Saharan Africans” (HAMOOD, 2006). Nevertheless, as seen, Gaddafi’s pan-African project led to many racial incidents in Libya, so much so that many black workers of Africa were forced to leave the country. According to some evaluations, there were more than a million blacks immigrants throughout the country, who were, *inter alia*, accused by the locals of being behind a rampant crime and of taking away jobs from young Libyans (CRICCO & CRESTI, 2011), aggravating an already serious unemployment situation. This led the Libyan government to promote “measures to privilege Libyan nationals for employment” (HAMOOD, 2006).

It was therefore in this context that Libya turned from being a destination country only to transit country. Contrary to the other North African countries, Libya thanks to its flourishing oil economy has not been a “migrants producing” country and this situation changed only in the nineties. It was the last country in the area to become a point of departure to the old continent. As Hamood outlines, some specific factors have made Libya eligible as a transit country. First of all the ease of entry into Libya; secondly, its geographical location in a region considered as one of the poorest in the world and hidden by frequent and continuous internal conflicts; third element is its past as a destination country which provided a ready-made supply of sub-Saharan refugees and migrants ready to depart for Europe; finally, its geographic proximity to Italy facilitates the journey (HAMOOD, 2006). Indeed, Libya’s west coast is just 350 km far from the Italian island of Lampedusa. Nevertheless there is a further element that, throughout the years, contributed to boost the central Mediterranean route. Worthy to remember is the fact that from the 1990s until the early 2000s the main central Mediterranean sea routes were those departing from Morocco (mostly directed to Spain) and Tunisia.

However, during the years these “were gradually subjected to ever more stringent control and drastically reduced (...) with bilateral agreements with transit countries. (...) Specifically, the ‘de-structuring’ and contraction of the market in Tunisia corresponded to an opposite trend leading to the build-up of the Libyan route” (AZIZ, MONZINI & PASTORE, 2015). Thus, enhanced controls and bilateral agreements concluded between Europe and both Tunisia and Morocco redirected the main migration flows towards Libya, which became the main African departing point towards Europe. Along these routes have developed real illicit trafficking and smuggling organizations that follow migrants in their crossing of the Sahara first and the Mediterranean in a second moment.

3.2. Human smuggling and human trafficking

Recent smuggling of migrants and trafficking in human beings are among the most lucrative illegal businesses worldwide; smugglers and traffickers exploit the desperation of those who flee from economic disparities, conflicts and crimes and that attempt to seek a better life escaping from the African continent. It is estimated that 80 per cent of migrants and refugees crossing the Sahara first and the

Mediterranean secondly, are “facilitated” and “accompanied” by migrants smugglers and criminal groups providing them services such as transportation throughout the routes, corruption of border officials and temporary accommodations (REITANO, ADAL, SHAW, 2014). Almost always, smugglers in countries of origin coordinate their action with smugglers in transit and destination countries.

Smuggling of migrants and trafficking in human beings are often confused and recognized as the same phenomena. Even if certain features of the two frequently overlap, as for instance the fact that both of them involve organised criminal networks and they are both highly profitable businesses (MONZINI, AZIZ, PASTORE, 2015), at least from an international law point of view they are two distinguished actions. In 2000 the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children” and the “Protocol against the Smuggling of Migrants by Land, Air and Sea” were adopted, being then ratified by Libya in 2004. Both these Protocols, along with the “Protocol Against Illicit Manufacturing and Trafficking in Firearms” are all part of the UN Convention against Transnational Organized Crime (UNTOC), commonly known as the “Palermo Convention”. The Convention addresses smuggling and trafficking in two distinct Protocols, as to highlight a firm distinction between the two crimes. Human trafficking is defined as

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation².

Placing the victims in exploitative positions typically means forcing them to prostitution, forced labour, slavery and sexual servitude. Smuggling, on the contrary, involves the financial or other material gains through the illegal entry of a person into a State which is not his/her country of origin and where he/she does not reside. Therefore, the differences between smuggling and trafficking are the following. First element of differentiation is the consent, which characterizes smuggling, and lacks in trafficking. Indeed “smuggling of migrants, while often undertaken in dangerous or degrading conditions, involves migrants who have consented to the smuggling. Trafficking victims, on the other hand, have either never consented or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers” (UNODC, 1999). Thus, smuggling is a “business deal in which the smuggler offers a variety of more or less coordinated facilitating services and the migrant agrees to and pays for such services” (MONZINI, AZIZ, PASTORE, 2015).

The relationship between the smuggler and the migrant is therefore consensual. A further element that differentiates the two actions is the grade of exploitation which the victim is exposed to, that is higher in trafficking. Important to mention is finally the element of transnationality. “Smuggling is always transnational, whereas trafficking may not be. Trafficking can occur regardless of whether victims are taken to another State or only moved from one place to another within the same State” (UNODC, 1999). It is thus possible to evince that smuggling is to be seen as a crime against the state, whilst trafficking is a crime against the individual.

2. Article 3(a), of the Protocol to Prevent, Suppress and Punishing Trafficking in Persons, Especially Women and Children.

3.3. Smuggling networks in Libya

During the period of Gaddafi and its agreements, particularly with Italy³, to contain migration fluxes towards Europe, Libya was an hostile environment to illegal immigration, with the most controls being along the coasts to prevent passage to Europe. However, the Southern border zones were left relatively uncontrolled, permitting the local semi-nomadic populations of Tebu and Tuareg to move with relative ease in the border zones (OECD, 2015). Thus, “the networks through which migrants from sub-Saharan Africa were smuggled became not only well established, but also closely integrated into the local economies of the border towns, particularly in the south” (SHAW & MANGAN, 2014). What declared one of the interviewees by Stefano Liberti during his trip along migrant routes, named Ibrahim, confirms the fact that the smuggling operations have become a real means of livelihood for local populations, and in particular those of the desert. Ibrahim claimed indeed that drivers transporting migrants through the desert are mostly former Tuareg rebels who have been able to convert back to the business of emigration their knowledge of the desert slopes. “Sometimes, those driving the pick – ups for Algeria are the same people who, during the high season, carry European tourists to see the beauty of the Ténéré desert” (LIBERTI, 2008).

Originally, departures for Europe from the Libyan coasts were organized from the city of Zuwarah, which is 56 km far from the Tunisian border and only 100 km far from the capital city, Tripoli, the nerve center of smuggling activities (MONZINI, 2008). Paola Monzini, relying on documents of investigation carried out by Italian authorities in the second half of 2000s, has identified the key players involved in the smuggling business, each of them having different roles, which remained roughly the same even after the fall of Gaddafi’s regime. According to these reports, some of them are former agents of the secret services or police forces and some others are traders and shop owners. Usually these individuals belong to families that own large farms or hangar, particularly useful for hiding migrants before the embarkation (MONZINI, AZIZ, PASTORE, 2015).

The smugglers network is thus composed by skilled intermediaries, with the task of recruiting “clients” directly in origin countries; this is generally called *tchaga* in the hausa language⁴, which means intermediary, also called “connection man” by the Anglophones. This is often an immigrant turned back or blocked in transit countries (Liberti, 2008). Then there are local intermediaries, who instead have the task of maintaining connections with their own nationals in Libya; for the period in which migrants are held in garages or private farms before being embarked, they are entrusted to particular figures in charge of their management who organise control, food and accommodation. A key role have the intermediaries in charge of finding the boats to be used for the crossing; other experts of the maritime passage have instead the duty of fuelling and loading operations of the boats and, finally, there is the figure of the transporter, who has to collect and move migrants through Libya and to the points of departure (MONZINI, 2008).

3. As noted, collaboration between the two countries became in the late nineties and culminated with the conclusion of the 2008 Treaty on Friendship, Partnership and Cooperation.

4. It is a lingua franca spread across much of the Sahel region, Western Africa, and mainly used for trade purposes.

It has been often emphasized an existing connection between smuggling networks and jihadi groups. “Particularly in recent years (...) the line between jihadism, organised crime and smuggling has increasingly become blurred. Ansar Al Sharia, a jihadi organisation recently blacklisted by the UN, had some degree of control over the smuggling route between Sebha (...) and Sirte, in the central coast of Libya and at the centre of the so called ‘oil-crescent’”. However, Toaldo explains, “inconclusive evidence about a major role of jihadi organizations in the smuggling of human beings, and even less evidence of the Islamic State, which at the moment seems to be more interested in the control of the far more profitable oil fields” (TOALDO, 2015^b).

3.3. Routes to Europe

Migration to Europe is not a new phenomenon and the will to leave countries overwhelmed by crisis, conflicts and persecution, as well as economic instability, has led thousands of African migrants to flee their countries in last decades. These migration flows are considered, most of the times, as irregular flows: “migration is considered irregular when it takes place outside the legal and regulatory norms of the sending, transit, and destination countries” (REITANO, ADAL, SHAW, 2014). Given the fact that it is increasingly difficult for Africans to get to Europe through legal means, they generally enter the territory of the old continent as irregular migrants.

This section focuses on the main routes travelled by migrants and asylum seekers, from sub-Saharan Africa to Libya and subsequently from Libya to Italy. The journey exposes migrants at a high risk, not always ending in a successful arrival to Europe, the hoped-for destination. Indeed, it is sadly known that the “central Mediterranean route – where migrants coming from Libya make up the vast majority – is the world’s deadliest” (TOALDO, 2015^a).

As underlined by Hamood, the typical journey generally comprises three stages: after having firstly crossed the desert in very precarious and life threatening conditions, migrants travel from the Libyan frontier up to the Libyan coasts for finally getting on to a boat to cross the Mediterranean sea (HAMOOD, 2006). Travel to Libya was originally by foot or camel and lasted about an entire month; in recent times it has been replaced by modern means of transport such as pick-up trucks (HAMOOD, 2006). The land transportation indeed, used for the journey to Libya, occurs with the use of pick-up trucks and cattle trucks. The formers are used because of their utility in crossing the desert terrain and they usually carry 20-40 migrants, piled one on the other. The cattle trucks are used in the same way of the pick-ups with the only difference that they can carry a higher quantity of people. Sometimes these transports are used to carry animals (mostly camels) and migrants are presented to the authorities as cameleers (MALAKOOTI, 2013). As noted, a key role in travelling of migrants along these routes is played by the nomadic tribes and clans living in the Sahara, who facilitate their transport; in particular the Tebu clan hailing from Northern Niger and Southern Libya, have become dominant in the migrants smuggling (MONZINI, AZIZ & PASTORE, 2015), along with the Tuareg.

It is possible to affirm that the two main land routes in the desert leading to Libya are those crossing Sudan and Niger, as it is showed in the map below (Map 2). The first route channels mi-

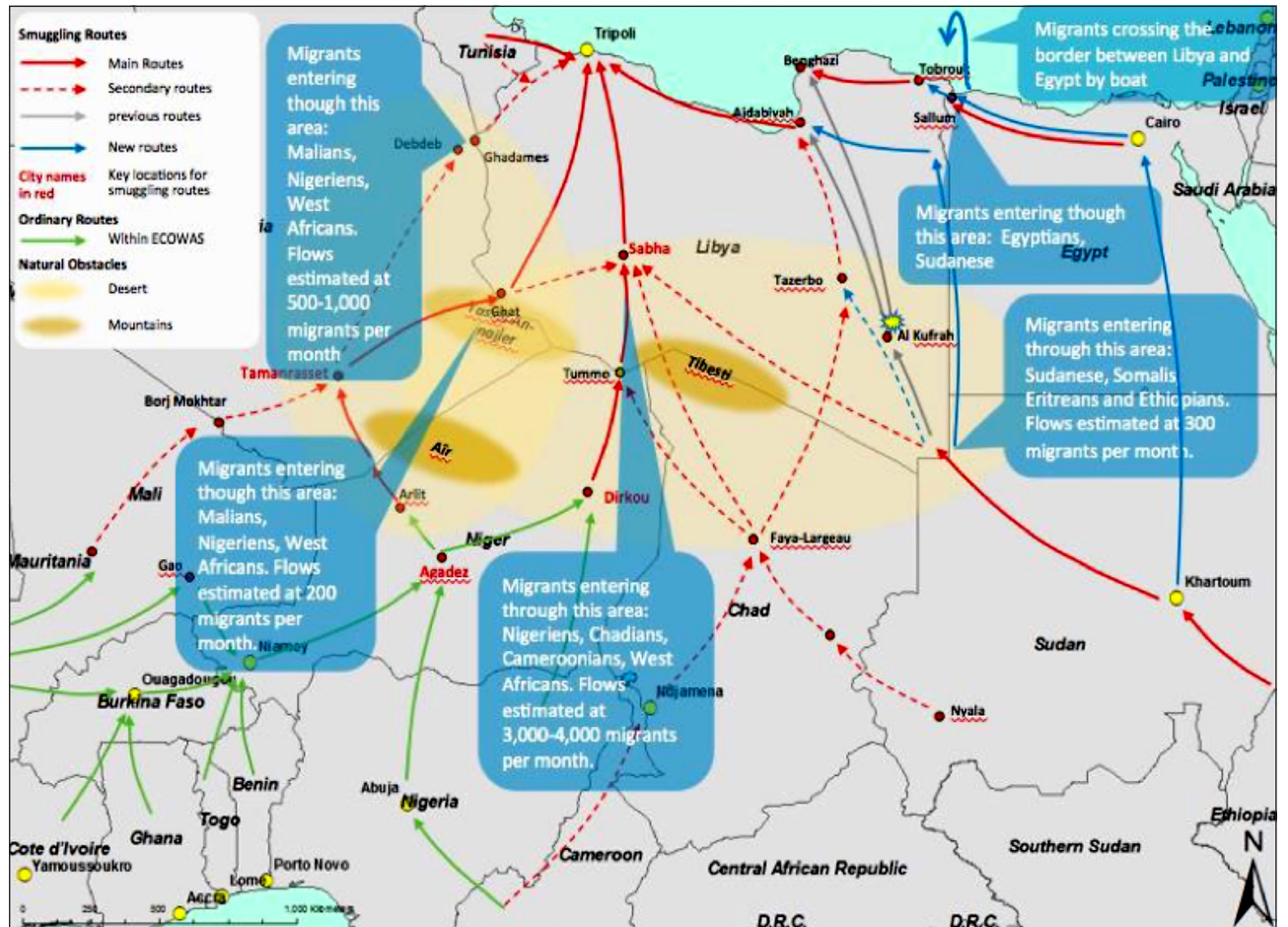
grants coming from East Africa (particularly the Horn of Africa and Sudan) onto desert paths passing through the capital of Sudan, Khartoum. The main starting point in this area is Eritrea; the principal reason to leave from this country is to escape the military conscription and political persecution, since it is applied indefinitely the mandatory military draft to its inhabitants (FORTI, 2015). This route is also considered to be the most risky because of the length of the journey, which requires approximately ten days. Migrants on this path (normally Sudanese, Ethiopians, Eritreans and Somalis) usually meet Sudanese smugglers in Khartoum or Omdurman who transport them in pick-ups to the border with North Darfur; from that site, they usually change smuggler and travel in another car to the Libyan border where they typically change again the car and travel for almost a week through the desert, until they arrive in Kufra (MALAKOOTI, 2013).

It can be the case that migrants, especially Eritreans and Ethiopians, settle in Sudan after fleeing their countries and during this time many of them work there (even for some years) before moving on (HAMOOD, 2006). Indeed, many remain in transit hubs to work to afford the next leg of their trip (REITANO, ADAL, SHAW, 2014) and continue to pay their smugglers; this almost always results in forced labour and enslavement. For what regards controls on this route, these are very weak and the Sudanese authorities interviewed on this regard affirmed that they find it challenging due to the fact that the border is located right in the middle of the desert (MALAKOOTI, 2013), making this route smooth to cross for both smugglers and migrants.

The second route, instead, collects the migratory flows coming from West Africa and Central Africa and in particular from countries like Ghana, Nigeria, Gambia, Senegal, Mali, and Ivory Coast; the depositions collected in the Sicilian reception centers talk about politics or religious (or sexual) persecution, dictatorships, civil wars, conflicts over land ownership, economic reasons, violence within the family groups or communities (FORTI, 2015). These flows cross Niger passing through the city of Agadez, which is a main hub for migrants willing to find smugglers who lead them up to Libya (MALAKOOTI, 2013). From here, migrants can cross the Ténéré desert by truck and enter in Libya at al-Gatroun: this journey implies at least two weeks. Sometimes, as it can be seen in Map 2, they might go from Agadez to Algeria before reaching Libyan territory.

Even along this route migrants are forced to stop in several cities and to change the means of transport before getting to the Libyan territory. In this case the travel is considered particularly dangerous as it involves crossing the Sahara and they often have to sleep in the desert with a little amount of food and water. As for the other main route, controls are very little compared to the amount of flows and this is mainly for two reasons: first of all, because the authorities are often on the payroll of smugglers and, secondly, because (as for the Sudanese route) the desert is too vast to be overwhelmingly controlled by the authorities. As reported, many migrants stopped and worked in the city of Sabha before moving on and almost all worked for some time in Tripoli in order to earn money to continue the journey (SHAW & MANGAN, 2014).

The same information was corroborated through an interview I personally conducted with a Ghanaian migrant who left his country in 2012. He followed the above described path, arriving in Libya in the same year, yet reaching Italian coasts only in 2014. To preserve his privacy, we will refer to him



Map 2: Migration routes into Libya

Source: <http://www.refworld.org/docid/52b43f594.html>.

as D. After having left Ghana for reported political persecution, he initially decided to go to Togo for one month with the intention to later go back to his country. However, he soon realized it was not safe to return; when in Togo, he met other two Ghanaians that were headed to Libya with the intention of earning some money and then go back to Ghana. Thus, they paid for his journey with the promise that, once in Libya, he would have worked for free for some months to pay them back. They therefore took a bus from Togo to Niger, passing through Benin⁵.

Once in Niger they stopped in Agadez. As reported also by the above mentioned sources, Agadez is defined as a hub for migrants where it is possible to find smugglers that allow them to continue the journey to Libya. D. has declared that smugglers in Agadez were all his countrymen and he, with other migrants willing to reach Libya, were held in a big house whose owner was a Ghanaian woman, in charge of organizing the trip to Libya. They waited there for two weeks until when twenty-seven of

5. Worth remembering that all these countries are part of the ECOWAS (Economic Community of West African States), where the population of this region enjoys free movement. Established on 28 May 1975 via the Treaty of Lagos, ECOWAS is a 15-member regional group, whose main goal is the promotion of economic integration. The member states are: Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, The Gambia, Ghana, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal and Togo. For more information visit the link <http://www.ecowas.int/about-ecowas/basic-information/>.

them were “packed” on the back of a pick-up, and crossed the desert. His statement “they know the desert”, in referral to the drivers of the pick-up, is a further confirmation of what has been reported by many, namely that the pick-ups drivers are often tribes men and semi-nomads local people whose home is the desert. After four days of desert crossing in precarious conditions, they arrived in Sabha, where all the main routes from sub-Saharan Africa converge, as showed by Map 2.

3.4.1. *Through the desert*

The desert crossing, though probably less known than the sea crossing, is described as a ‘living hell’ and it is considered the phase of greater difficulty (FORTI, 2015; MONZINI 2008). Here, migrants are subjected to the most unscrupulous abuses. Many sources and depositions collected by scholars report that the vast majority of those travelling to Libya does it in high precarious conditions: the travel is made on pick-up trucks overcrowded, with about forty-five people gathered together into the open back of the vehicle. This means that, not too seldom, travelers fall from the pick-up but the drivers do not stop, leaving those who have fallen out at the mercy of the desert (FORTI, 2015; HAMOOD, 2006). Also D. has declared that during his journey a man travelling with him fell off the pick-up; in this case, however, the migrant was lucky enough because the driver stopped and let him get back on the vehicle.

During the journey, persons are provided with just a bottle of water each and with a poor shortage of food, primarily because of the lack of space on the vehicle. A survivor interviewed by Hamood declared that smugglers mixed the water with petrol to discourage people from drinking too much (HAMOOD, 2006). Yet, they not only start the journey with a poor shortage of food and water: the journeys sometimes are prolonged because of problems encountered on the way such as the rupture of the vehicle or the running out of petrol. This renders even more tough and life-threatening the situation.

3.4.2. *Transit in Libya*

The culmination of the hell is, however, the transit in Libya, where both the routes described above converge. As reported, asylum seekers landed in Italy in 2014 spent an average of thirteen months in Libya: in prison or in detention centers for migrants, or in informal “collection houses”. They had been at the mercy of traffickers, police, militias: in the middle of the Libyan anarchy, there are police officers who inflict tortures and extort money, armed gangs who run special centers for migrants to the sound of beatings and torture, and armed groups of traffickers and mediators who organize boarding (FORTI, 2015). The majority of people coming from the East reach Kufra, even if most people did not plan to stop there. Before leaving, however, they need to find other smugglers willing to lead them in the cities, commonly the coastal Tripoli or Benghazi. As in the first steps of the journey, migrants might stop in Kufra (or in other border cities) to work in order to earn enough money to continue the journey. “Short-term work in Kufra usually involves working on farms, in the construction industry, loading trucks, washing cars, or working as a waiter in one of the many local restaurants or cafés” (HAMOOD, 2006).

Worth mentioning again is the importance of tribal affiliations in providing a support to guide migrants on how to travel within the country and how matters work in Libya: tribesman and fellow na-

tionals are important and trusted sources of information for migrants, throughout the way to Europe (LIBERTI, 2008). However, migrants do not stop in Kufra anymore (as depicted in the map), but now both the eastern and western routes converge in Sabha, a temporary stop where travelers have to find other smugglers and means of transport to get to the coast. This is the same route that D. has run during his travel in 2012: indeed, he stopped in Sabha for one week where he lived in a house controlled by Ghanaians who were collaborating with some Libyans: a real intra-regional network of smugglers. From there, he then took another pick-up that drove him up to Tripoli. He referred that the pick-up could not drive along the main roads since these were controlled by armed soldiers. Hence, they travelled only during the night and, once again, through the desert. For the same reason, the passengers were even covered with a tarpaulin, just like it would happen with goods and merchandises.

D. worked in Tripoli for two years, working as a bricklayer. When however, in 2014 the civil war broke out, he reports that the situation was very dangerous. No one could easily exit the country. When the food finished was very hard to get some, since the rebel forces used to capture any people found along the streets and they did not hesitate to cut people's legs or heads. A Ghanaian "friend", met there, said to D. "you have to find a way to leave", before the situation would have become too risky and he offered himself to help him in the escape. Thus D. accepted and one night, around 10 p.m., a Libyan and a Ghanaian men reached him saying they were taking him to a safe place. The "safe place", he soon found out, was the seaside, full of other migrants ready to leave for Europe. He was aware of the risks that the journey would have implied and therefore tried to make some resistance, but, under threat, he was forced to leave.

3.4.3. Crossing Mare Nostrum

The final step of the long journey outlined at the beginning of this section is the passage from Libya to Europe (mostly to Italy and Malta), often described by refugees and migrants as a "terrifying experience" (Amnesty International, 2014). The process begins by trying to establish contact with a wasit ("facilitator"), who is a person of the same nationality of the travelers, who acts as a link between the Libyan smuggler and the migrant or refugee who wants to attempt the Mediterranean crossing. After that, the migrant or refugee moves to the coastal towns of departure, usually the city of Zuwarah.

There, the smuggler and the traveler (with the help of an own national) reach an agreement over the price to pay for the journey (HAMOOD, 2006), which is not fix but varies depending on the nationality of the traveler and on the part of the boat on which he/she wants to travel, as well as his/her capacity to negotiate the price (LIBERTI, 2008). Generally Syrians are those who are better off and consequently those who can afford to pay more, thus "earning" the safest places on the boat: they have been known to pay up to € 2000 (OECD, 2015). Indeed, according to the report of Amnesty International which collects many testimonies of survivors, higher prices are paid to sit on the top decks (and most people who survived shipwrecks were those sitting there). Instead, Africans, who usually lack of extra money to sit in the "better" places, appear to be paying € 600/800 and are placed below deck, the most dangerous place in cases of shipwrecks and for the risk of intoxication by fumes (Amnesty International, 2014; OECD, 2015). The same information is reported by Toaldo, who points out how in this business exists

a real racial hierarchy. “The Arabs often sit in the upper deck where they can at least breathe fresh air while the sub-Saharan Africans occupy the lower deck close to the engine-often resulting in a higher death rate” (TOALDO, 2015^b).

This racial hierarchy of the smuggling system is of course a direct consequence of the changing politics performed by the Libyan government. Indeed, as mentioned, black African migrants traditionally performed the least – paid jobs in Libyan society, compared to those performed by Arabic – speaking people. During the 2011 civil war, however, Gaddafi was being held responsible of using black Africans to defend his regime. This, of course, boosted the already existing racism towards them, who became to be subjected to increasing acts of aggression, which is one of the main reasons that nowadays leads them to leave Libya and cross the Mediterranean (Amnesty International, 2014). But this is not the only connection between the practices of human smuggling and Gaddafi’s policies. Indeed, during his regime, the economics of human smuggling were essential in the social contract between the central government and the peripheries: the security apparatus turned a blind eye to illicit trafficking and human smuggling (when not directly involved in the practices) in exchange for political support (TOALDO, 2015^b; SHAW & MANGAN, 2014). The fall of the regime did not help to end these practices, instead it worsened the situation. The boat trip usually occurs on board of small rubber dinghies with a little motor on which are taken up 30-100 people and journeys can take 2-6 days, but it could take even more if migrants find themselves lost at sea (MALAKOOTI, of 2013). D. has reported that on his boat they were around 120 people, instead the 45 that it could normally transport and the journey lasted four days (with neither water nor food), until when they were intercepted and rescued by the Italian Navy.

According to many witnesses, smugglers gather and hold migrants in basic lodgings, *hawsh*, which almost always consist on just one large room (HAMOOD, 2006). The travelers wait there until the number of passengers is reputed sufficient and the time waited can even amount to six months. Generally they are transported to the beach through a car journey. Departures almost always happen during the night: here, refugees and migrants are firstly boarded on small boats and then taken to bigger boats at high sea. If, once they realize the highly unsafe conditions of the boat trip, some of them try to resist or to go back, they are threatened and forced to go on board (Amnesty International, 2014); this is actually what happened even to D. himself. As Hamood has highlighted, the problems related to the boat trip are three: overcrowding, poor conditions of the boat and a lack of a professional driver (HAMOOD, 2006). Indeed, it is very rare that smugglers climb on boats; rather, some of the migrants are “trained” in how to steer the boat and it appears that in most of the cases the “driver” does not have to pay for the trip. This obviously rises even more the level of risk of the boat trip, since these are persons who have never seen the sea before and have no idea of how to manage the situation. “As a result, many boats do not go far, often only ending up on the Tunisian coast or drifting in the sea until they are rescued by the Italian, Tunisian or Libyan authorities, depending on where they are found” (HAMOOD, 2006).

It may happen therefore that many do not succeed in their first attempt to cross the Mediterranean and there is a considerable time lapse before they try again the crossing. This is essentially for two reasons: first of all, they can usually be held in detention centres after being caught by the police following the failed attempt, and secondly because they need to gather again some money to pay the second journey.

3.5. Human rights at risk and detention centres

Therefore, it clearly appears that throughout their route economic migrants and asylum seekers are exposed to severe human rights abuses. Not only in countries of origin, from which they flee because of internal humanitarian crisis and brutal regimes, but also along the route towards Europe; they are exploited by smugglers and traffickers, and their lives are exposed at a high risk through arbitrary and unlawful detention, acts of torture and ill-treatment, unfair trials and conviction to death penalty.

The flows of migrants converging in Libya are defined as “mixed-migration”, which consist on “mixed complex population movements including refugees, asylum seekers, economic migrants and other migrants” (IOM, 2009). As meaning, that among them there is a large amount of people eligible for refugee status. However, most of them do not even consider the possibility of applying for asylum in Libya as they do not believe it as a viable option. Further, in 2006 Hamood wrote that the presence of the UNHCR office in Tripoli was either not known or not believed to exist by many of the potential asylum seekers. Those instead aware of the presence of the office, were afraid of going to seek asylum to the UNHCR in Tripoli, fearing to be exposed to arbitrary detention or deportation (HAMOOD, 2006). Four years later, in 2010, Gaddafi even ordered the closure of the office.

A statement of the Libyan Foreign Minister explained the decision in question by affirming that the “Great Jamahirya does not recognize the existence of the Office of refugees in its territory because it is not a 1951 Refugee Convention member”⁶. One of the main human rights principles entrenched in the Geneva Convention of 1951, is the principle of non-refoulement, already addressed in previous section when talking about the Italian Condemnation by the European Court of Human Rights⁷.

Article 33(1) states that:

no Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

Yet, as noted, Libya did not take part to the Geneva Convention and as a result in Libyan context no distinction is made between migrants and refugees. Direct consequence of this is that foreigners might be repatriated without first ensuring that they have or have not the right to political asylum, thus violating the basic international law principle of non-refoulement. Further, “as the Government of Libya currently maintains no asylum process, all migrants that enter the country without official authorization are detained for an indefinite period of time with no opportunity to contest their detainment” (MALAKOOTI, 2003).

Indeed, the exposure to the violation of human rights of these people comprises even the risk of torture and detention, which has often an arbitrary character and happens on a random basis (European Commission, 2005). Most of the times, they are not informed about the length of their deten-

6. Speech reported by the Italian newspaper *Il Sole 24 Ore* published on 9 June 2010, available at: <http://www.ilsole24ore.com/art/notizie/2010-06-09/tripoli-chiude-ufficio-rifugiati-080300.shtml?uuid=AYZOG8wB>.

7. See paragraph 1.6.1 “Critics, human rights abuses and the ECHR condemnation of Italy”, Chapter 1, page 21.

tion nor they are given any possibility to contest it. It has been reported that the moments in which migrants and asylum seekers are most exposed at detention risk are the moment of the arrival at the Libyan borders and while they wait to leave for Italy from the Libyan coasts (HAMOOD, 2006). The most lucky are detained just for a short period of time, others even for years. During the imprisonment period, they are given very poor quality and insufficient amounts of food, beaten (sometimes even to death), their bodies being used to put out the cigarettes and many other forms of torture and ill-treatment. Migrants arrested by the Libyan police and held in the centres are almost always obliged to perform forced labour for the police and others local subjects, obviously receiving no money compensation for it.

To free themselves there are three possibilities: to pay the ransoms requested; to be recruited by locals being exploited in forced labour practices (which, in practice, is another form of subjugation) or, if the opportunity comes along, the best option is to escape (AZIZ, MONZINI, PASTORE, 2015). Women are often at risk of being raped by the drunken guards and violence against woman is particularly reported to be present in the area of Sabha. By menacing the migrants imprisoned in this border city, the smugglers are able to obtain around 3,300 dollars for each prisoner. The smugglers held in Sabha are connected with other smugglers networks in Tripoli, who then receive the prisoners and ask further money to reach the Italian shores (AZIZ, MONZINI, PASTORE, 2015).

During its mission to Libya in November/December 2004, the European Commission visited four different categories of detention centres: short-stay detention centres, long-term detention centres, open camp villages and repatriation camps. In the overcrowded short-stay detention centres migrants were controlled by police guards and the hygiene standards were reported to be very poor, with no places to eat and no beds to sleep. The long-term detention centres could be easily assimilated to prisons, consisting in large rooms with a capacity of 200 persons or more. Moreover, among those bunched in these centres it has been ascertained the presence of persons who claimed that they were refugees, unable to seek asylum, further confirmation of the fact that often migrants in Libya have no chance to find protection and ask for asylum. The third type of detention centres were open camp villages rented to African migrants, described by the Commission as forms of social control in which dominated a ghetto-like atmosphere. The last place visited has been a repatriation centre, where migrants were waiting to be redirected to their own countries (European Commission, 2005).

The situation of the open camp villages recalls, once again, the widespread racism in Libyan society. Black Africans in Libya reported local young people throwing stones at them or hitting, spitting or insulting them, often shouting ‘abeed/’abd, which means slave in Arabic (HAMOOD, 2006). This rampant racism broke out after the already addressed racial incidents of the 2000s, that led even to deaths and injuries. Many sub-Saharan Africans endured even the burning and looting of their homes, finding themselves homeless. The most dramatic incident occurred in September 2000 in Zawiyya, 40 km from Tripoli, when a crowd of Libyans took to assault with iron bars and Molotov cocktails homes of African immigrants. Although not clear neither the reasons of the attack nor the toll of dead and injured, what is certain is that after this episode it followed a period of massive repatriations (LIBERTI, 2008).

3.6. European attitude and borders control: Schengen area

Until now it has been discussed about the illegal migratory fluxes that, crossing Africa, try to reach Europe; about how illegal practices, such as smuggling and trafficking networks, do work and how migrants are affected by this. These mixed migratory flows have as a unique goal that of reaching Europe, which is highly being affected by irregular fluxes and the matter has put to the test the very essence of the European Union. At a time when the European Union would have had to put into practice actions taking account of the founding principles of the Union itself, and in particular solidarity, cooperation and respect for human rights, national egoisms have prevailed. This being the reflection of an absence of a European common approach, even to asylum and migration control. To pay the highest price were (and still are) the most geographically exposed countries of Southern Europe, thus Spain, Italy and Greece. Indeed, “very little was done at EU level in the years when the current crisis was building up. Migrations through the Mediterranean had long been considered a national matter, and were left to certain member States, Italy in particular” (TOALDO, 2015^a).

Historically, among the push factors for the development of an EU approach towards migration issues, a key role has been played by the process that boosted European economic integration. In order to achieve a full economic integration, indeed, among the members states was perceived the need of eliminating internal barriers, thus allowing free movement of persons and goods within the European borders; conversely, irregular inflows were increasingly perceived as potentially dangerous in security terms. On this regard, “the Single European Act⁸ of 1986 was a significant watershed for migration issues: internal free movement of goods, persons services and capital was said to require ‘compensatory’ security measures to strengthen external border controls” (CECCORULLI, 2014). The process towards the abolition of internal borders control was enhanced through the signing of the Schengen Agreement of 1985. With this, the initial signatory states (namely those of the so-called Benelux – Belgium, Netherlands, Luxembourg – along with France and the then Federal Republic of Germany) agreed the progressive removal of internal borders. “Simultaneously, to guarantee security within the Schengen area, cooperation and coordination between police services and judicial authorities have been stepped up. Schengen cooperation has been incorporated into the European Union (EU) legal framework by the Treaty of Amsterdam of 1997” (EUR-LEX, 2009) and achieves the objective of free movement previously enshrined in the Single European Act.

When a further convention was signed in 1990, and came into force in 1995, controls on borders between the signatory states were abolished and it was “created a single external border where immigration checks for the Schengen area are carried out in accordance with identical procedures. Common rules regarding visas, right of asylum and checks at external borders were adopted” (EUR-LEX, 2009).

8. The SEA was a revision of the 1957 Treaty of Rome, expanding the powers of the European Community (EC) in various fields, above all that of a Common Foreign Policy. It set even the goal for the EC of the establishment of a single market by December 1992. For the integral text: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A-xy0027>.

Yet the Schengen area, that now embraces 26 countries, has been widely put into discussion at the rising of the actual migrants crisis which, as stated above, has led EU member States to protect their own interests and national security, at the expense of a collaboration at EU level. Indeed, some States even reintroduced border controls. These are for example France, which took the decision following the Paris terror attacks of November 2015, Germany, Austria, but also Hungary, Macedonia, Croatia and Slovenia⁹. Similar actions are under way even in northern Europe: Sweden, “the most open country in Europe for immigrants” (TRAINOR, 2016), reintroduced border controls in 2016.

As a consequence, even the neighboring Denmark took the same actions. “Anti-immigrant sentiment is widespread everywhere in Europe, but nowhere is it more strident than in eastern Europe, where the governments of Hungary, Slovakia, and Poland are the nationalist cheerleaders of a closed Europe. Yet they love the benefits that Schengen brings” (TRAINOR, 2016).

3.7. The Dublin Conventions and their shortcomings

Hence, the creation of a free-movement area within European borders brought the need to coordinate the asylum policies at an European level; humanitarian crisis that were causing mass of refugees seeking asylum in Europe (above all the Yugoslavian conflict of 1999) turned the European members’ attention towards the Union’s borders and led it to insert into the European agenda flow controls, international protection and internal security (Ceccorulli, 2014). At the time, the Convention regulating refugees protection at the EU level was the Dublin Convention, signed in 1990 and entered into force in 1997. This has been later modified by Dublin II, which introduced the system of EURODAC: extensively “European Dactyloscopy, a database for the handling and storage of the fingerprints of asylum seekers and people detained when crossing the EU’s external borders. Using this system, the competent authorities can check whether it is their responsibility to respond to a request for asylum. The applicant may be returned to another EU member state if they are shown to have already applied for asylum in that country or to have crossed its borders to enter the EU” (GARCÉS-MASCAREÑAS, 2015). A further integration was introduced in 2013 with Dublin III (it actually came into force in January 2014). One of the main criticisms advanced is that it is unfair. Indeed, since it foresees that the potential refugee has to seek asylum in the first country of arrival, the responsibility falls disproportionately to the border countries: “being registered in the first country of arrival means being unable to seek asylum in other member states, or, in the case of doing so, running the risk of being returned. In 2013, for example, Italy received almost a third of the asylum seekers transferred from another member state” (GARCÉS-MASCAREÑAS, 2015).

Secondly, it has been claimed that it works inefficiently, since despite “the first country of arrival” principle, many applicants seek asylum in another country; this is due to the fact that many of them

9. The east European countries are mostly faced with the migration fluxes coming through Greece and even more through Turkey. This route saw an increase in fluxes following the harshening of the Syrian conflict but also the temporary controls of the Libyan route. The trend was reversed again with the European Union-Turkey Agreement of March 2016, that contributed to reducing significantly the flows arriving in Europe.

might prefer another country because of the language and/or because of the presence of other friends and acquaintances there. Further, the system does jeopardize the rights of refugees, since the asylum system is different in every country of the Union, and a fair examination of asylum requests is not guaranteed by all member states (ECRE, 2013), being the rights of asylum seekers once again at risk. “Additionally, the allocation of responsibility is applied in a very disparate way, for example, by not taking into account the presence of family members, applying the humanitarian clause very restrictively and using the country of first arrival as the main criterion” (GARCÉS-MASCAREÑAS, 2015).

As seen, therefore, European efforts to tackle irregular migration flows through a common action, have been really poor so far and the existing system shows many flaws. Certain states, indeed, (and Italy more than others) have had to bear the strategic and economic efforts alone, this being once again a clear reflection of the failure of a unity at the European level.

3.8. The fall of the Regime and its influence on migration fluxes

At this point of the work, it is clear Italy’s role as a pioneer in cooperation with Libya (mainly from the late 1990s) to stop irregular flows coming from the African continent. As seen, this is due both to the colonial legacy that links the two countries and to Italian geographical position, being highly affected by irregular migration flows.

Italian efforts culminated with the signing of the 2008 Treaty of Friendship between the then Italian Prime Minister Berlusconi and its counterpart, colonel Gaddafi and, as seen, it led Italy to be condemned by the European Court of Human Rights through the *Hirsi v. Italy* case, for practicing rejections at high sea without not even ensuring if people on boats were eligible or not for refugee status, thus breaching the legal obligation under the Geneva Convention¹⁰.

However, during the 2011 Libyan revolution Gaddafi was killed on 20 October. This put an end to the regime, but it also contributed to end the bilateral migration control system which reached the pinnacle with the above mentioned treaty. As reported by OECD, “Italian cooperation with the Libyan authorities under the previous regime kept the numbers below 10 000 in 2009 and 2010, but cooperation has broken down since the fall of the Gaddafi dictatorship and smugglers have been able to dispatch boats with greater ease. The recent record figures of this route – 172.000 in 2014 and 141.000 through October 2015 – reflect this lack of counterpart in Libya” (OECD, 2015). Indeed, what left by Gaddafi is a weak state; at the time he concentrated in his hands all the control to limit the opposition to the regime. This has meant that still today, almost six years after the fall of the regime, Libyan has not yet a governmental unity. The insurgents had set up the National Transitional Council, however, not being able to take control over the area of Tripolitania, where the support to the regime was still very strong. Given the circumstances and the consequent massive flows from the Libyan coasts, the Italian government immediately invoked the intervention of the European Union, and in particular that of Frontex agency. “In relation to requests for strengthening of the surveillance

10. See paragraph 1.6.1 “Critics, human rights abuses and the ECHR condemnation of Italy”, Chapter 1, page 21.

of the external borders of the EU, advanced by the Italian Government, the joint operation patrol in the central Mediterranean called Hermes 2011, originally planned for June 2011, was thus brought forward to 20 February” (NASCIMBENE & DI PASCALE, 2011); Italy was guiding the operation.

In this context, where no one is really in charge and “the basic elements of sovereignty such as law enforcement, border control and relations with the outside world are dispersed in a myriad of actors” (TOALDO, 2015^b) it proves to be almost impossible to counter human smuggling through the outsourcing of migration control.

3.9. Outsourcing migration control through Libya: recent developments

Migration came to be seen as a security threat in the European framework after the 9/11 terror attacks against the United States. As after the attacks in Madrid and London (respectively on 2004 and 2005), the emphasis on border control and security gained prominence in the European agenda; in the meetings of the European Council which followed the terror attack against the United States (Laeken 2001 and Seville 2002) was clearly highlighted the need of carefully watching at illegal immigration for security reasons (CECCORULLI, 2014). It is in this context that the European agency of border control, Frontex, was established in 2005¹¹.

In 2013 occurred one of the most tragic events in the Mediterranean happened until that moment. A trawler carrying over 400 people (the majority of them being Syrians) departed from the city of Zuwarah (Amnesty International, 2013) that, as seen, is one of the major points of departure from the Libyan coasts. Shortly after the departure it had been intercepted by a vessel of the Libyan authorities who had ordered the “commander” of going back to Libya. He opposed resistance, and Libyan authorities eventually gave up. However, the trawler was shot and gradually began to take in water and many of those on board, drowned. Survivors report that they have repeatedly called the Italian RCC that, however, would have answered that competence pertained to the Maltese SAR (Search And Rescue). Most likely if they had intervened promptly, this disaster would not have happened and many could have been saved. (GATTI, 2013).

As a response to this catastrophe, was launched Eurosur, to be understood as a tool for the strengthening of Frontex: “the information-exchange framework designed to improve the management of Europe’s external borders. It aims to support member states by increasing their situational awareness and reaction capability in combating cross-border crime, tackling irregular migration and preventing loss of migrant lives at sea” (Frontex, 2013), through the use of drones.

3.9.1. The attempt of a common response

On 3 October 2013, only some days before the above described tragedy, happened a similar event, which led 366 migrants to die. The then Italian government guided by Enrico Letta, inaugurated Operation Mare Nostrum, a wide search-and-rescue (SAR) operation carried out at high sea, to prevent

11. It has already been showed what FRONTEX agency is; see chapter 1 paragraph 1.6 “The rapprochement: from the late ‘90s to the 2008 Treaty of Benghazi”, p. 20.

other similar disasters to occur again in the Mediterranean. The military and humanitarian operations in the southern Mediterranean Sea began on 18 October 2013 to deal with the humanitarian emergency under way in the Strait of Sicily, due to the exceptional influx of migrants. The operation consisted of an enhancement of the migration control device already active within the mission “Constant Vigilance”, which the Italian Navy played since 2004, with a ship that cruised permanently the Strait of Sicily and maritime patrol aircraft. Operation Mare Nostrum thus had a twofold mission: to ensure the safety of life at sea; bring to justice all those profiting from the illegal trafficking of migrants (Ministero della Difesa, 2014), through the deployment of the facilities of the Italian Navy, Coast Guard, Air Force, and Guardia di Finanza. Mare Nostrum operated jointly with the activities covered by Frontex and Eurosur.

However, it was not an European action but Italy acted singularly, even if poor economic help was provided by the other member states. Mare Nostrum “has revealed the impracticability of Dublin arrangements in that many, if not most, of the people rescued and disembarked have moved irregularly to apply for asylum in other European Countries where they have family, relatives or other links. In 2014 (...) only 25,026 asylum applications were reportedly lodged in Italy. Germany received 97,093 (...) and Sweden 50,175” (Amnesty International, 2014) by the summer of 2014.

It has been previously showed the Eurodac system introduced with Dublin II: however, for the reasons already explained, migrants and asylum seekers most of the times do not want to stop in Italy (thing that would happen following the Dublin regulation), and to avoid being stuck in Italy they refuse to be fingerprinted. “These irregular movements within Europe testify the inherent flaws of the Dublin system which, by seeking to contain asylum seekers in the EU country of first arrival, does not allow them to find adequate and durable solutions” (Amnesty International, 2014).

Thus, after strong Italian pressure, the European Commissioner for Home Affairs, Cecilia Malmström, said that Operation Mare Nostrum would have been replaced on 1 November 2014 by the Frontex – led operation Triton, originally called “Frontex Plus”. The warrant in this case was not to save lives at sea, rather it consisted on border controls, which actually is Frontex’s main institutional mission. Although, in case of need, they would also have operated search-and-rescue (SAR) operations. Further, contrary to Mare Nostrum that went south toward the Libyan coast, “Triton remained within EU territorial waters, far from where most shipwrecks took place in the central Mediterranean” (TOALDO, 2015^a).

Triton operated on a smaller scale even from other points of view: the monthly budget amounted to € 2,9 million and originally coordinated the deployment of only three open sea patrol vessels, two coastal patrol vessels, two coastal patrol boats, two aircraft, and one helicopter (Frontex, 2014). As of May 2015, twenty-six European member states were contributing to Triton operation, by deploying experts and technical equipment: Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, and United Kingdom (Frontex, 2015).

The limited action of Triton contributed to make the winter of 2015 a deadly one. In that period occurred the most tragic shipwreck so far: a fishing boat carrying migrants capsized north of the Li-

byan coast while a merchant approached for relief. According to a survivor, victims would be more than 900, including 50 children (La Repubblica, 2015). “The following day, the EU Joint Foreign and Home Affairs Council approved a ten-point plan” in continuity with the European agenda previously agreed but with three key additions: “it boosted Triton with more funds and a much wider area of operations; it launched anti-smuggling operation EUNAVFOR MED (...), which tasked with intercepting, seizing and destroying smugglers’ boats; and it established ‘a new return programme for rapid return of irregular migrants coordinated by Frontex’” (TOALDO, 2015^a). EUNAVFOR MED, established on 18 May 2015, is commonly known as “Operation Sophia”, after the name of a baby who was born on board of a German navy ship operating within EUNAVFOR MED framework, from a Somali mother rescued in the Central Mediterranean. The navy ship was named “Sophia”, in honour of the Queen of Prussia Sophia of Schleswig-Holstein (EEAS, 2016).

It is based on four phases: the first one focuses on monitoring and evaluation of the smuggling networks and human trafficking in the Mediterranean, and this phase is now completed. The second phase of the operation involves searching and, if necessary, diversion of suspicious vessels, while the third step allows the disposal of the ships and their equipment, to stop the traffickers and smugglers. Finally, the fourth phase will consist in the withdrawal of forces, thus the ending of the operation (Ministero della Difesa, 2015). Its mandate has been extended by the European Commission until 27 July 2017 and two additional tasks to the mission have been added: training of the Libyan coastguards and navy; contribution to operations of arms embargo on the high seas off the coast of Libya, in accordance with UN Resolution n. 2292 of 14 June 2016 (EEAS, 2016).

3.9.2. *Khartoum Process*

Externalization of European border controls has long relied on Libya; however, as seen, after the 2011 Civil War that disrupted the long collaboration between the north-African country and Europe (Italy in particular), this was no longer possible, being Libya a failed state. Particularly after the new escalation of the internal conflict in 2014, it emerged the need, especially for Europe, for a new outsourcing system of border control: so it was that the so-called “Khartoum Process” (more precisely “Eu-Horn of Africa Migration Route Initiative”) was established in 2014¹². It gives “new impetus to the regional collaboration between countries of origin, transit and destination regarding the route between the Horn of Africa and the European Union” (IOM, 2014), harmonizing the efforts made in the fight against human smuggling and human trafficking¹³.

The new area of externalization, indeed, would be re-directed to other transit countries and especially to the “origin countries” where, as seen at the beginning of the chapter, one of the two main

12. Worth remembering that a similar form of regional dialogue developed in the region is the “Rabat Process”, launched in 2006, bringing together 55 European and African countries, with the goal of enhancing dialogue and cooperation on migration, as well as to identify common priorities in order to develop practical cooperation (European Commission, 2015).

13. On the AU (African Union) side, the efforts are concretized through African Union Migration Policy Framework for Africa, the Ouagadougou Action Plan, and the AU Commission Initiative against Trafficking. On the European Union side, the Global Approach to Migration and Mobility (GAMM) published in 2011 provided for the possibility of establishing a regional dialogue and cooperation process in the Horn of Africa/East Africa (IOM, 2014).

migration flows directed to Libya origins from: the Horn of Africa. “The Eu-Horn of Africa Migration Route Initiative, set up in the international summit in the Sudanese capital between 13 and 16 October 2014, was officially launched at the Fourth Ministerial European-African Conference held in Rome on 27 and 28 November 2014 between the ministries of Interior and Foreign Affairs of the 28 members of the European Union and those of Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Tunisia” (MORONE, 2015). Libya, at that time already ungovernable, did not take part to the works and the European Union tried therefore to focus negotiations with other major transit countries such as Tunisia, Egypt and Sudan, with the aim of containing as much as possible migration fluxes coming from the Horn of Africa. The Initiative “is led by a Steering Committee comprised of five EU Member States (Italy, France, Germany, UK, Malta), five partner countries (Egypt, Eritrea, Ethiopia, South Sudan, Sudan) as well as the European Commission, the European External Action Service and the AU Commission on the African side” (IOM, 2014).

The Declaration pays great attention to the need to strengthen borders and national police forces, and to build “reception centers” in the countries of the region upon individual request, for then proceeding to select migrants and welcome any requests for asylum (Declaration of the Ministerial Conference of the Khartoum Process, 2014). The first center created on this example was established in Niger, key country for migration fluxes towards Libya but even main destination country for the recent repatriations from Libya. In total, 30 million euro have been allocated to finance regional development projects and protection programs related to migration (MORONE, 2015; European Commission 2015), and in particular to the migration fluxes control.

To conclude, it seems that the European Union has learned little from past experiences of outsourcing migration control with third countries such as Libya or Turkey. It is possible indeed to highlight two shortcomings of this attitude. Firstly, the collaboration under the Process of Khartoum would be mainly focused on Sudan and Eritrea, two countries that rarely meet basic human rights standards. Important to bear in mind is that “collaborating with countries like Sudan and Eritrea means to become partakers of policies that are considered to be detrimental to human rights” (Morone, 2015). As seen, even the police forces that are meant to collaborate in the administration of the holding camps are mostly corrupted and often belong to the local criminal networks. Secondly, this attitude does not address the root causes that lead migrants to abandon their countries and it thus act only as a temporary solution. As seen with the Libyan case, once Gaddafi was killed and his regime was overthrown, migrants taking the Libyan route rose considerably, given the failed system of control.

About this, Sara Prestianni of the Arci Immigration Office, has given an interesting contribution. She talks about a perverse relationship with African countries: the EU, in order to stop the flows, is not only tightening relations with dictatorships that are the real causes of migration, but above all we have the evidence of what are the actual effects: in Sudan, country at the heart of the European strategy for migration outsourcing, in May 2016 1,300 Eritrean refugees were arrested and expelled, then deported to their country. In Eritrea, however, illegal leaving is considered a crime. About those 1,300 people there is no news (La Repubblica, 2016).

CHAPTER 4

Ways forward

4.1. Future challenges

As widely addressed, Libya is a clear example of how policies of outsourcing migration containment to northern African dictatorships are ineffective and outdated, causing gross violations of basic human rights. After 2011, indeed, in Libya there has been no effective state institution able to control migration fluxes; yet, the policy of migration outsourcing completely collapsed after the civil war that broke out in 2014. Indeed, since 2014 the country has been divided into two centres of power which today are represented by Serraj, on the one hand, and Haftar on the other. Headquartered in Tripoli, Fayeze al-Serraj's UN-backed Government of National Accord, is the officially recognized government in Libya even though in recent times is rapidly losing ground.

The other major political actor on the scene is the Libyan National Army of the powerful general Khalifa Haftar, based in Tobruk, who detains control over the eastern area of the country. He enjoys the military and political support of Al Sisi's Egypt, in addition to the Russian one, but also that of the Emirates and France, who all played a role in strengthening his power. "The General's aim is to broaden and extend his power, progressively undermining al-Serraj's leadership and forcing the international community to assess alternative options (or at least officially include Haftar in the country's transition process).

This strategy seems to have produced initial results in that the European Union (...) has officially asked al-Serraj to devise a more inclusive cabinet and evaluate the integration of Haftar's forces into the future governmental structure" (MISSAGLIA, 2017). In the meanwhile, the south of the country has fallen into a tribal anarchy dominated by the two major ethnic groups: Tuareg and Tebu. Moreover, a number of local and external stakeholders having interests in Libya are struggling for the hegemony, thus rendering the situation even more complex.

4.2. Malta Summit and the Italian-Libyan Memorandum of Understanding. February 2017

It is in this geopolitical context that on 3 February 2017 the European member states have gathered in Malta (country at the head of the Presidency of the EU Council for the first semester 2017), to discuss the latest Italian proposal on this regard. The Summit, hosted by the Maltese President Muscat and chaired by Donald Tusk has been divided into two parts. In the morning session the European leaders discussed about "measures to stem the flow of irregular migrants from Libya to Italy" (European Council, 2017); in the afternoon session, instead, the main focus has been on "preparations for the upcoming 60th anniversary of the Rome Treaties on 25 March 2017" (European Council, 2017).

The spotlight, anyhow, has been on the Central Mediterranean route departing from Libya, matter at the core of this thesis. More precisely, there are two parallel and distinct projects. Both of them are a further demonstration of Italy's prime role in cooperation with Libya, primarily on migration issues. The first project is the one between Italy and Libya, agreed in Rome on 2 February 2017 by the Italian Prime Minister Paolo Gentiloni and his Libyan counterpart, Serraj. The European one, instead, has been agreed during the Malta summit on Friday, 3 February. This is definitely a diplomatic victory for Italy, which managed to bring Libya to the top of the European agenda and it represents a further demonstration of Italy's key and leading role in the development and enhancement of cooperation on migration issues with Libya.

The Malta Declaration highlights recent trends in the Central Mediterranean route: in 2016 over 181,000 migrants arrived through this path. Therefore, the main goal of the meeting has been to undertake further actions to reduce migratory flows, break the business model of smugglers as well as saving lives. Above all, they agreed to enhance cooperation with the Libyan authorities, commitment highlighted in point 5 of the Declaration:

Efforts to stabilise Libya are now more important than ever, and the EU will do its utmost to contribute to that objective. In Libya, capacity building is key for the authorities to acquire control over the land and sea borders and to combat transit and smuggling activities. The EU remains committed to an inclusive political settlement under the framework of the Libyan Political Agreement and to supporting the Presidency Council and the Government of National Accord backed by the United Nations. Where possible the EU and Member States will also step up cooperation with and assistance to Libyan regional and local communities and with international organisations active in the country (Malta Declaration, 2017).

The priorities of the agreement (as evincible from point 6 of the Declaration) are therefore the following: first of all, the formation, equipment and support of the Libyan Coast Guard, which will have the task of bringing to the mainland migrants intercepted in territorial waters. It has also been highlighted the need of further efforts to disrupt the business model of smugglers by involving Libya and relevant international partners; in this direction, since smuggling activities have developed as proper economic illegal activities for marginalised local and border communities, the European Union is committed to improve the socio-economic situation of these local communities, "especially in coastal areas and at Libyan land borders on the migratory routes". Moreover, the EU works hard to ensuring adequate reception capacities and conditions in Libya for migrants, together with the UNCHR and IOM; it supports IOM in stepping up voluntary return activities, and enhances information campaigns addressed to migrants¹.

For what regards the bilateral agreement (Memorandum of Understanding) between Italy and Libya, instead, the Italian commitment is much stronger. The basic difference between it and the Malta Declaration, is that while the implementation of the European project will be entirely delegated to Libyans, Italy will instead be directly involved in Libyan territory. The agreement² provides Italy

1. For the integral text of Malta Declaration, visit the following link: http://www.consilium.europa.eu/press-releases-pdf/2017/2/47244654402_en.pdf.

2. The integral text in Italian has been reported by the Italian newspaper "La Repubblica", 02 February 2017 http://www.repubblica.it/esteri/2017/02/02/news/migranti_accordo_italia-libia_ecco_cosa_contiene_in_memorandum-157464439/.

for the financing of the initiatives mentioned in the Memorandum with no additional burden on the budget of the Italian State with respect to the already foreseen allocations (art. 4); and the delivery of three patrol boats to Libyan authorities. In addition, Italy will also intervene in the immigration centers, whose conditions have often been denounced by several humanitarian organizations. The aid will consist in the financing and supply of medicines and medical equipment. The agreement on immigration is not the unique form of collaboration between Italy and Serraj's Libya.

Last January, indeed, Italy was the first Western country to reopen its embassy in Tripoli (in fact, after the 2014 civil war, many international institutions and agencies had moved its offices to neighboring Tunisia), with ambassador Giuseppe Perrone.

However, already on 21 January a car full of explosives exploded about 350 meters from the Italian embassy in Tripoli, killing the two men on board and damaging some nearby parked cars. It is not yet clear who was behind the attack, even if the prosecutor in Tripoli suspected men of Haftar to have been responsible.

4.2.1. Humanitarian organizations' reactions

However, this new path is not free from criticisms. Key institutions involved in the management of migrants and asylum seekers, such as Médecins Sans Frontières, the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and Amnesty International have all harshly criticized the new agreements. They (reasonably) claim that Libya is not a safe country, and entrusting the management of migration to those who do not respect human rights means putting at risk the lives of thousands of people, thus questioning the values on which is founded the European Union itself.

Carlotta Sami, UNHCR spokeswoman for Southern Europe, during an interview with the Italian newspaper "La Repubblica" on 4 February, declared on this regard:

My concern is deep because I care about the rights. You see, the document speaks of "illegal migrants" when in fact most of those fleeing would be entitled to international protection. In 2016, 38% of asylum seekers has obtained refugee status. Seeking protection is not illegal, but it is rather a right, and ignoring this means failing to commit to our welcoming responsibilities. Is that what Europe wants to do? (La Repubblica, 2017^b).

It is not possible to rely on Libya, a fragile and poorly controlled State, for the repatriation of people who would be eligible to the right of asylum. But above all, as already highlighted, this State has never took part to the Geneva Convention, fundamental International Treaty for the rights of refugees. Sami goes on by stating that "human conditions for an agreement are not there. In Libya, in the 24 reception centers, are practiced violence, tortures, abuses. Women suffer repeated rapes". Thus, what she (as many other scholars) suggests as a viable solution, is the creation of legal channels to Europe for refugees.

Of course legal corridors to Europe are only a part of the general framework of policies that should be undertaken to tackle the problem of irregular migration.

4.3. Humanitarian Corridors: an interview with Rolando Curzi

On this path, a suggestive example is the pilot-project of the “humanitarian corridors”, promoted by the catholic Community of Sant’Egidio in collaboration with the Federation of Protestant Churches in Italy and the Waldesian Community. The Community of Sant’Egidio was founded on 7 February 1968, in the period following the Second Vatican Council, at the initiative of a young man, who was then less than twenty, Andrea Riccardi³. He gathered a group of high-school students, like himself, to listen to and to put the Gospel into practice.

I personally conducted an interview with Rolando Curzi, a member of the Community, during which he accurately explained me the origins of the humanitarian corridors and how they do work. “The idea of humanitarian corridors comes from a deep wound that the Community of Sant’Egidio is being feeling for a long time, which is that of the many deaths at sea. The crisis of course exploded in 2011, with the Arab uprisings, but actually the Community had been looking at the phenomenon long time before 2011, even if it was given less media attention, because less frequent. So we asked ourselves how we could help the refugees to arrive safely in Europe. Thus, the idea of humanitarian corridors came out”. However, in order to put into practice this idea, they needed first of all a sort of agreement with the Italian government and, not less important, they had to find the resources to implement the project without weighing on the state coffers. Concerning the first problem, they finally reached an agreement in 2015, signing with the Italian Ministry of Interior and Ministry of Foreign Affairs a Memorandum of Understanding. For what regards the economic aspect, they have been able to make a deal with the Italian Federation of Protestant Churches and the Waldensian Board, who has made available his “8xmille”⁴. Thus, it is a totally self-financed project. Being a pilot project, it foresees the possibility to be extended and replicated. It has already been scheduled the arrival in two years of a thousand people, in particular from the refugee camps of Lebanon and thus involving in particular Syrians and Iraqis refugees.

Curzi goes on by saying that a new agreement has been signed with the Italian Episcopal Conference that will allow 500 refugees from Ethiopian refugee camps, (thus essentially refugees from the Horn of Africa) to reach Italy. This will be realized thanks to the collaboration of the Italian Caritas and the “Migrantes” foundation and will begin already this year (2017). As evidence of the fact that the project is working and is saving a lot of persons that would otherwise put at risk their lives to reach Europe, other countries are willing to be involved in this project. These are France, with which the agreement is still in the making, and Poland. The case of Poland is particularly interesting: indeed, it was one of the European states that, in the face of the current migration crisis, did not hesitate to close its borders, careless of the Schengen agreement.

Yet a key aspect of the project is that it would be a concrete mean to overcome the above described

3. He held the post of Minister for International Cooperation and Integration during the Monti government, from 16 November 2011 to 28 April 2013.

4. According to the Italian law, taxpayers are free to chose to whom devolve 0.8% from their annual income tax return: it is possible to choose between a religious entity recognized by the Italian state or to a social assistance scheme run by the Italian State.

obstacles posed by the Dublin Regulation, namely the fact that asylum seekers must remain in the first country of arrival, where they have to leave fingerprints according to the EURODAC system. In fact, it has been showed how most of the times, refugees coming to Europe have as main destination goal countries of northern Europe (Sweden and Germany in particular) for matters of family reunification or because they have acquaintances there. It is for this reason that many of them, when reaching southern Europe, refuse to be fingerprinted. This problem, if the humanitarian corridors would be carried out by all the European states, would be exceeded, allowing refugees to go straight to the hoped – for destination countries. Worthy to remember here is that, in the Malta summit the insistent Italian request for a reform of the Dublin Treaty was substantially rejected.

“In this first phase, the main criterion to choose if people are entitled to be included in the project more than others is that of vulnerability: namely, those most in need, ill people, families with children and elderly people. So much so that the first family that arrived in Italy through the humanitarian corridors (even before the first group departed) is that of a child who got a cancer eye and therefore necessitated a surgery immediately⁵. Other people who have the priority are those who are known to be particularly persecuted or threatened”. These people are identified in the refugee camps by members of the Community of Sant’Egidio who stay there for a period needed for the identification of the group of refugees.

Another positive element of the project is that the expensive and time-consuming work that is usually undertaken by the Italian authorities through the Territorial Commissions for the Recognition of International Protection, is in this context skimmed through humanitarian corridors. In fact, people who arrive on Italian soil are previously provided with a legal humanitarian visa and can, once in Italy, apply for asylum. As Curzi highlights, this is to indicate that security is unique and at all levels: in fact, not only refugees arriving via secure channels (since they travel by air), but there is a security for the receiving country since the people who arrive are granted refugee status. This permits to overcome another problem: as seen, migration issue is often seen under the security lens, and for this people (and the populist movement make rid of this), are often afraid of the fact that among the migratory flows are hidden dangerous terrorists.

Further key aspect of the humanitarian corridors is the following. Countries involved in the project, namely those from which the corridors depart from are, until now, Lebanon, Morocco and Ethiopia. These are all relatively stable countries, but bordering with countries such as for instance Syria and Eritrea overwhelmed by humanitarian crisis. The possibility to go directly from refugee camps in Lebanon, Morocco and Ethiopia to Europe, serves to ensure that refugees are intercepted before they get to Libya and in general before they fall into the network of smugglers and traffickers.

Finally, other essential part of the project that seems to be lacking in migration policies taken so far, is integration in Italy. Humanitarian corridors, instead, do not stop their mission once refugees arrive in Italy. Indeed, these people are involved in a complete integration program which lasts at least one year: during this period (in which they are hosted by Italian families) they are taught Italian lan-

5. This Syrian family arrived in Rome on 4 February 2016 from Lebanon, thus inaugurating the beginning of the humanitarian corridors.

guage, children are enrolled in Italian schools to promote their integration in the society and, as Curzi reports, some of them have already found a job. What he depicts is a sympathetic Italian society, eager to welcome people fleeing from situations of extreme insecurity.

Conclusion

The aim of the present thesis was to analyze Libya's central role in the current humanitarian crisis of the Mediterranean and its historical collaboration on these issues with Italy, for finally proposing possible policies. For this purpose, the analysis focused primarily on the colonial ties that link the two countries. The second section has instead shed light on the "schizophrenic" foreign policy of Gaddafi and how this contributed to shape Libya's central role in the process of mass migration from Africa to Europe, moving from being a destination country until the early 2000s to a transit country. In the third section, then, after a detailed description of the routes of migrants from sub-Saharan Africa to Europe, passing through Libya, the focus has then been the attitude of Europe on this regard. The main agreements and actions toward this issue have thus been analyzed, to the latest progress: 2017 Malta summit and the Memorandum of Understanding between Italy and Libya. Finally, it has been proposed a model of strategy, on the basis of the Humanitarian Corridors of the Community of Sant'Egidio.

To conclude, given the complexity of the framework outlined so far, no single strategy can solve the current migration crisis and in particular irregular flows coming from Libya. It should be clear, at this point, how much the Libyan society is fragmented into several local and rival actors. During the regime, Gaddafi managed to maintain power only through an intricate system of alliances with the most powerful tribes, and in particular, Magariha and Warfallah, along with its own Gaddafa. Doing this, he exasperated the differences between the local powers and when his regime was overthrown, the situation broke out. Still today Libya is profoundly divided, with two spheres of power: Tobruk and Tripoli, none of which is able to control the country alone. It is therefore essential to involve all the local and international actors "to supplement for the absence of a national interlocutor in Libya and build a shared approach with them rather than outsource European policy" (TOALDO, 2015^b). Taking the last sample of cooperation on the issue, namely the Malta summit (and the parallel Italian-Libyan accord), it seems that the European political actors have not completely understood this concept yet. They indeed excluded general Haftar from negotiations. Even if not internationally recognized, he still represents a key actor on the Libyan stage, holding control on strategic points within the country, as for instance many oilfields.

Last but not least, it is also needed the inclusion of the tribal minorities and in particular of the Tebu and Tuareg, demographically important, but who have always been excluded from the Libyan political stage. Taking advantage of their knowledge of border and desert areas, they could be key actors even for border controls; as seen, they are semi-nomadic communities living on the borders, thus knowing very those areas. As Toaldo suggests, these minorities "need to be given a buy-in into an integrated and decentralized border management system in which they will be allowed to police the border. Their exclusion (...) must end" (TOALDO, 2015^b).

Secondly, it emerges the need of combating the criminal networks of human smugglers and traffickers who, as seen, have been able to set up a proper economy based on these illegal practices, at

the expense of millions of desperate people who flee their countries with the hope to find a better life. The OECD has given valuable hints with regard to the policies that should be undertaken to tackle this phenomenon. It rightly underlines how “migration, even when smuggling is involved, is at its core a development issue involving economic disparities and the challenges of providing sustainable livelihoods. (...) Law enforcement responses should be accompanied by strategies that address the root causes if the objective is to put an end to human smuggling” (OECD, 2015). For this, the recommended policies are the following. It should be taken note of the impossibility to permanently seal borders and coast lines, which is actually part of the policy that the European Union is undertaking through operation EUNAVFOR MED and part of the newly agreed Italian-Libyan accords. As happened, this strategy only serves migrants to shift to other routes. This is actually what occurred after the EU-Turkey agreement signed in 2016. The fluxes were redirected to other riskier routes, as for example the Libyan one; thus, this agreement of course served to stop migration fluxes entering from that side, however it put under greater risk people fleeing from hunger and wars. It is a further demonstration of how the agreements concluded so far, beyond being regardless of basic human rights, are useless to solve the problem and a serious and comprehensive action is needed, addressing even the root causes of migration.

Moreover, “smuggling has become an economic driver in several regions and a livelihood for smugglers and residents of key towns along smuggling routes. (...) Finding stable work opportunities and safe place to live overrides desire to migrate” (OECD, 2015). Improving economic and human conditions in countries of origin is arguably the most incisive solution to avoid irregular migration. Another way to be pursued is the enhancement of the intra-regional mobility, thus “reducing the appeal of using smugglers for longer journeys that take migrants to distant countries about which they have more limited information and for which the journey is riskier” (OECD, 2015). European leaders, in collaboration with their African counterparts, should “rethink border management and improve investigative capacities in order to fight the criminal networks that manage human smuggling”; in this direction, “joint investigative European-Libyan terms can be built” (Toaldo, 2015^b).

Finally, given the political stalemate of Libya and the widespread violence within the country, it results quite hard to guarantee the respect of human rights of the Libyan population itself and, consequently, of all those transiting the country before reaching Europe. For this reason, as highlighted by many scholars and international organizations (see for instance Amnesty International, 2014; TOALDO, 2015^a; TOALDO, 2015^b; OECD, 2015) emerges the need to build direct legal channels from origin countries to destination countries, thus avoiding the passage through violent and dangerous places such as Libya; this should be true both for refugees and for legal economic migrants claiming humanitarian protection.

Yet, this strategy does permit to overcome even many other issues. As seen, the humanitarian corridors, avoid asylum seekers (but also economic migrants) to fall into the smuggling networks. Also, it allows to overcome the problem of the Dublin Regulation III, sending asylum seekers directly towards the wished destination country and thus sharing responsibilities between all the European member states, and not only between Southern Europe countries. Last but not least, all the agreements

taken so far do not even take in consideration a key aspect that should instead be incorporated into the Agreement of Malta lacks any hint to integration: this aspect is conversely part of the described Humanitarian Corridors. As the former Minister of Foreign Affairs, Emma Bonino, has declared commenting on the Agreement of Malta,

once again, the European Member States renounce policies that attempt to “govern” the immigration and, illusory and cynically, choose to prevent it. Anyone thinking of curbing this emergency sells illusions. In January, it has landed in Italy twice as many migrants from the same period last year.

Finally, all the efforts described above, in order to function, have a *conditio sine qua non*: ways out to the current political impasse should be reached. Otherwise, all the efforts will be vanished, as already happened in past attempts to tackle the issue and this should be done, through an inclusive dialogue with all the stakeholders present in the Libyan political scene.

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Summary

In 2016, Libya was the departure point for 90% of migrants trying to reach Europe through the central Mediterranean route. Irregular flows that reached Italian shores in 2016 amount to more than 180,000 (Council of the EU, 2017). This study aims at investigating Libya's role in the current migration crisis, which actually changed in recent years: indeed, from being mainly a destination country for many sub-Saharan Africans it became, at the beginning of the 2000s, even a transit country. For this, it is possible to depict the country as a springboard for irregular migration to Europe.

Specifically, the present thesis is going to explore the role that migration had in conditioning relations between Libya and Italy and, conversely, how the agreements and the cooperation efforts between the two countries conditioned the flows passing through Libya. A string of agreements and treaties on this issue culminated with the signing of the 2008 Treaty of Friendship by Gaddafi and Berlusconi, which however has cost to Italy the condemnation by the European Court of Human Rights.

The basic mistake of the Italian (and European) attitude, has been that of interpreting the migration issue under the security lens, thus adopting measures such as migration control outsourcing through agreements with North African dictatorships and, in this specific case, Libya. This policy has proved to be a short-sighted policy, resulting in a complete failure. Evidence of this are the last data of migration fluxes travelling through the central Mediterranean route which, as mentioned above, in 2016 amounted to more than 180,000.

It has been over five years since we liquidated Gaddafi, the result of an adventurous French-British coup. Since then, it seems that the sport of choice for us Europeans is chasing his worthy successor, with whom reestablish the exchange of money against the migrants' block that had worked so brilliantly (CARACCILO, 2017).

With these words Lucio Caracciolo, Director of the Italian geopolitical magazine *Limes*, has welcomed the February 2017 agreements: respectively the EU Malta summit and the Memorandum of Understanding between Italy and Libya, which will be covered in greater detail later. In fact, after the fall of Gaddafi's regime, European policy makers did no longer have a political interlocutor; "with Gaddafi, so goes this line of thinking, there was at least an address and someone who could effectively push back migrants on Europe's behalf" (TOALDO, 2015^b). But the very rupture with this longstanding policy has occurred in 2014, when a new civil war broke out. This led to the establishment of two distinct government, respectively in Tripoli and Tobruk, both of them unable to effectively run the country. An externalization of migration control is, in this situation, far less achievable. However, as it will be addressed in further details, this seems not to worry the European leaders, who have just agreed on a further externalization policy to Libya during the Malta summit of 3 February 2017.

Gentiloni's Italian government has even signed a bilateral Memorandum of Understanding, which provides further more cooperation between the two countries and a direct Italian involvement in the

implementation of the policies. Yet, a complete study cannot disregard a serious analysis of the historical and geopolitical facts that stand behind the political factor which, in this case, is the migration crisis that is mostly affecting Southern Europe.

Thus, this thesis starts by exploring the historical ties that link the two countries, and how this relationship has evolved throughout the years. Before addressing this matter, worthy to bear in mind is the Libyan geopolitical framework, and particularly the oldest Libyan socio-political institution: the *qabīla*, i.e. the tribe, distinctive feature of the country which still today influences Libyan political dynamics. Gaddafi's regime had initially tried to exclude this typical element of Libyan society, hoping to replace its functions with the political structures created by his "Popular revolution". However, since the '80s all the institutions conceived as an alternative to the tribal system failed, and simultaneously the discontent towards the regime had worsened.

For this reason Gaddafi had gradually returned to rely on the clan system and from that moment on, his politics could not disregard tribes' role; in particular, he based his ruling on his own small tribe (Gaddafa), on Magariha and on Warfallah. Worthy to mention, for the purpose of the present thesis, are even the nomadic Saharan ethnic groups of Tuareg and Tebu, especially for the active role they play in the smuggling of migrants. They are mostly concentrated in the cities of Kufra and Sebha, nerve centres of illegal routes.

Libya's first relations with Italy, though, began when its territory was conquered by Italy through the Italian-Turkish war of 1911; in that period, the European powers looked at the southern Mediterranean shores as a new political affirmation space. Therefore the conflict that broke out in 1911 was an attempt to compete with the major European colonial powers, an attempt to conquer a space called Italy's Fourth Shore (*la Quarta Sponda*), as to indicate a new geographical connotation of the country. The Italian rule lasted the early '40s; when the Second World War broke out, indeed, Italy concentrated all its efforts on it and already in 1942 United Kingdom, – allied of the Sanussi of Cyrenaica – and France managed to expel Italians from the Libyan territory. So it was that the UN General Assembly ruled that the birth of the United Kingdom of Libya would have been on 1 January 1952, under the helm of King Idris al Sanussi.

Yet, for the purpose of this thesis the main relevance has been played by Gaddafi's period. The monarchy of King Idris came to an end in 1969 when the Free Officers, led by Gaddafi overthrew the Kingdom with a coup d'état. When Gaddafi came to scene, Italy, although with ups and downs, and despite repeated allegations regarding the colonial period, has always been a key player on the Libyan scene. Even if, for example, in the '70s the Colonel ordered a forced repatriation of Italians, Italy remained throughout the years a privileged partner: Libya was necessary to Italy and Italy was necessary to Libya. To cite one example, Italy was the first importer of Libyan oil, when Libya's economy depended 99% on the hydrocarbon's industry.

Nevertheless, in 1992 Libya undergone a severe arms embargo imposed by the UN because of acts of international terrorism allegations against Western targets, which led the country to a serious economic recession. Given the (reciprocal) strategic interests between the two countries, Italy played a key role in leading its international isolation to an end. In 1999 the then Italian Prime Minister Massi-

mo D'Alema visited Tripoli: since the beginning of the embargo, he was the first head of government of a Western country to travel to Libya.

It is however in these same years, and in particular from 2000 on, that the flows of people irregularly arriving on Italian shores started to increase. Among the push factors are the increasing emergence of political and humanitarian crisis in Africa, and mounting economic and social problems in Libya (mostly the widespread racism against sub-Saharan Africans), but in particular the increasing security problem in the country. The culmination of the collaboration on the issue of illegal immigration came, as already mentioned, with the 2008 Treaty of Friendship, Partnership and Cooperation Agreement, signed by Berlusconi and Gaddafi. However, the practices envisaged by this treaty led to Italy's condemnation by the European Court of Human Rights, through the *Hirsi vs. Italy* case.

In chapter two the attention turns to the foreign policy undertaken by Gaddafi, described as “schizophrenic”. This overview is needed in order to better understand what is then described in the third chapter, namely Libya's role in past years as a destination country for migration fluxes coming from sub-Saharan Africa, but also from East Asia. Indeed, during his regime, that lasted forty-two years, Gaddafi did not follow a straight path; rather, his foreign policies decisions were often influenced by external circumstances of a particular moment and were driven by matters of convenience. As a matter of fact, his foreign policy was initially characterized by a strong anti-imperialism, leading to the dismantling of Western bases in Libya and culminating with terrorist attacks pursued against Western targets. This will entail Libya's international isolation from 1992 until the beginning of 2000s, due to the arms embargo imposed by the UN. Thanks to the mediating role played by Italy in particular, the international community decided to lift the embargo on Libya, thus permitting an economic and social revival for the country.

A key role in shaping Gaddafi's foreign policy has had his political philosophy, entrenched in the *Green Book*, a pamphlet divided into three sections. The first section is dedicated to the solution of the problem of democracy, which should be reached through the “authority of the people”, thus the power to the masses; the second section, instead, looks at the problem of economy, to be solved through the implementation of socialism; and finally the third part is dedicated to his Third Universal Theory, referring to the style of government that should be implemented. It was partially inspired by Islamic socialism and Arab nationalism. Indeed, at the beginning of his ruling, he followed the idea of a Pan-Arab union, being inspired by Nasser, that he had always considered a model to follow.

The idea, however, did not find the favor hoped among the other Arab countries and Gaddafi's attempts to enlarge the Libyan state by merging the boundaries with other countries (for example with Egypt), eventually failed. Thus, once he perceived this in the late '90s, Gaddafi launched a campaign to declare his newborn interest in pan-Africanism. It is right with this project of Africanizing Libya and his policy of open borders for Africans that he boosted racial sentiments of the Libyan population, so much so that many black workers of Africa were forced to leave Libya.

Worthy to remember in fact that since the '60s Libya, thanks to the discovery of oil fields, undergone a great economic development, yet it needed manpower, unavailable among the local population. Thus, this necessity was initially supplied by the Arabs, particularly Egyptians and Tunisians.

Later, even Asian and East European nationals came over to work in Libya. Yet with the UN embargo of the '90s the country suffered a great economic decline and the pro-African policies undertaken by Gaddafi, boosted a great influx of sub-Saharan Africans in the country to counter the embargo effects. Nevertheless, as seen, Gaddafi's pan-African project led to many racial incidents in Libya, so much so that many black workers were forced to leave the country.

It is in this context that Libya turned from being a destination country only, to transit country and it was the last country in the region to become a point of departure to the old continent. Along the routes undertaken by migrants from sub-Saharan Africa to Europe, have developed real illicit trafficking and smuggling organizations that follow migrants in their path towards Europe.

It is estimated that 80 per cent of migrants and refugees crossing the Sahara first and the Mediterranean secondly, are "facilitated" and "accompanied" by migrants smugglers and criminal groups, who have made of the migrants smuggling a real economic business and a mean of sustainment. Smuggling is often confused with trafficking, and although many characteristics may overlap, the key differentiating element is the consent: this is usually present in smuggling activities, but lacks in trafficking, which is instead practiced through the use of force. It has been ascertained that a key role in smuggling activities through and to Libya is played by the semi-nomadic populations of Tebu and Tuareg, who have been able to convert their deep knowledge of the desert into a fruitful business.

Their journey to Europe is substantially composed by three phases: firstly, they need to cross the desert, from their country of origin to Libya. It has been showed the existence of two main routes leading to Libya: the first one gathers all migrants and asylum seekers coming from the Horn of Africa, passing through Sudan (and especially through Khartoum) for finally reaching Libya. The other one, instead, channels all migrants and asylum seekers coming from Western Africa, passing through Agadez, Niger, for finally reaching Libya. Both these routes lead most of the times to the Libyan city of Sabha, where migrants usually stop to work for a certain period of time, in order to be able to pay to smugglers the next leg of the journey. Indeed, from there they usually later move to the coastal cities of Zuwarah or Tripoli, in order to approach Libyan shores, and from there depart towards Europe.

This travel might last some weeks or months for the most fortunate, however it might be the case that this could even take some years; during this period migrants and asylum seekers are highly exploited by smugglers and deprived of the most basic human rights.

But how does Europe reacts to all this? As highlighted, the European members have often failed to give a unilateral response to this phenomenon. Additionally, the "securitization" of the phenomenon has led European states to let prevail national interests at the expense of solidarity among them; this, for instance, has led some member states to temporarily withdraw from the Schengen agreements. The described attitude has in turn had negative effects on migrants' human rights which are too often left aside when attempting to tackle migration issues: the focus is always on "border controls" and on "stopping migration flows", without a comprehensive understanding of the phenomenon.

One of the main problems and failures in this regard is the Dublin Regulation; amended twice, with Dublin II and Dublin III, it is the clear reflection of the failure of an equal division of burdens and responsibilities among member states. Indeed, the basic principle of the Regulation is that a migrant

should apply for asylum in the first country of arrival. This obviously weighs disproportionately on member States of Southern Europe.

The most recent attempts of outsourcing migration through Libya are the Italian-Libyan Memorandum of Understanding of 2 February 2017 and the consequent informal meeting of Malta summit of 3 February 2017, during which the European leaders agreed on “measures to stem the flow of irregular migrants from Libya to Italy” (European Council, 2017). This agreement have been attacked by both humanitarian organizations and scholars. Indeed, they are first of all careless of the humanitarian aspect of the issue: concluding an agreement with a state that is failed and profoundly divided, means sending back migrants in a country that is not able to protect vulnerable people, with the unique aim to close European borders.

Finally, some possible path are highlighted. Firstly, it is necessary to bear in mind that no single strategy alone can effectively solve the problem. Short-term and emergency measures, such as the already existing search and rescue operations (SAR) at high sea, should be integrated with long-run actions. These are mainly the following. In the long-run, it emerges the need of combating criminal networks of human smugglers and traffickers. For doing so, improving economic and human conditions in countries of origin is arguably the most incisive solution to avoid irregular migration, thus “reducing the appeal of using smugglers for longer journeys that take migrants to distant countries about which they have more limited information and for which the journey is riskier” (OECD, 2015). Another possible way to tackle smuggling of migrants is the implementation of legal channels for both economic migrants and asylum seekers that avoid migrants to fall into the illegal smuggling networks. Worthy example of this is the pilot-project of the Humanitarian Corridors already implemented by the Community of Sant’Egidio. This project, first implemented in 2016, is even the sole one, so far, to having enclosed in its long-run policy a key element, often forgotten by European policy-makers: integration.

However, for the recommended policies to function on the long-run, there is a *conditio sine qua non*: namely, the solving of the current political impasse of Libya, through an inclusive dialogue with all the stakeholders present in the Libyan political scene.

