DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL RELATIONS

“TECHNIQUES OF INTERNATIONAL NEGOTIATIONS” CHAIR

AN ITALIAN “SUBPRIMACY”? THE ITALIAN NAVY MARINES’ AND THE BATTISTI’S CASES

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ACADEMIC YEAR 2012/2013
An Italian “subprimacy”? The Italian Navy Marines’ and the Battisti’s cases

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INTRODUCTION

“He who wishes to be obeyed must know how to command”

(Niccolò Machiavelli, The prince)

Machiavelli’s quote can sum the following work up, since it represents the current leadership idea within the today global shift of powers. In this scenario, my personal aim is to deeply examine one country’s specific role in this system, Italy. It will be argued that it, in the last decades, has lost the ability to be considered a leading influential power in world politics.

The true problem for Italy is how it can maintain its prominent prominent position on many international forums given its weakening influence around the globe and given the lack of a strong political will to support and agree on international policies.

In this work’s specific case, Italy has gone through high-ranked positions (where it was considered one of the greatest powers) towards perpetual a status and influence that can only be viewed by others as one having limited international influence and being considered as a less important world power.

Previous researches have investigated the position of Italy on the world’s international stage and have also seen a fading power with only a moderate ability to persuade and alter international
policies. Their analysis meant to state and demonstrate that Italy no longer occupies an important position and no longer demands a top seat. This work will consider the causes for this and will look at the global shift of power the world is witnessing nowadays, where new countries (like BRIC) are emerging again and demanding a greater role and position in the international arenas.

This work looks at both the declining power of Italy alongside the growing power of other countries, the weakening role of Italy in what it is suggested as Italy in ‘subprimacy’.

Italy’s fall towards subprimacy will be considered in the next chapters and it will be argued that although real and evident this new role may not be permanent but it will require strong leadership and consensus to ‘stop the rot’.

The argument is summarized below.

**Chapters**

In the dissertation, the introductory study will take into account the new international governance related to Italy. As a consequence, in order to understand this process, a description about BRIC in the G-20 perspective will be given. A more specific focus will broaden the Brazilian and the Indian development within such perspective and will deepen the knowledge about how BRIC countries have become the new G-20 weakness in the UN context,
so far. That is why, the chapter will also consider the Security Council reform, as well as the contrasting groups created within it: a reference to the quarrel between Uniting for Consensus group against the G-4 one will be given, too. The issue will gain access into the heart of the problem in the last part, where a theoretical definition of the Italian subprimacy will make the reader understand the direction this work is aiming to follow.

A second and a third aspect of the work will concern the two cases which subprimacy is related to: the Battisti and the Italian Navy Marines cases. These affairs inspect the bad side of the coin and will prove that two countries like Brazil and India are still able to keep Italy in check. During these chapters, the main events will be examined as well as the international law involved within both the affairs. A useful link will step up to the plate through the last sections of both affairs, where it will be defined whether or not they can be considered as subprime cases. An expert-in-field’s interview will strengthen such position, offering a practical evidence to the dissertation.

The fourth and last chapter of this work explores the re-emerging countries and their close link with the so called Italian subprimacy in relation to the global shift of powers. While a general explication about the international and the domestic nexus will be given, this section will also take into account the multi-laterality of the today’s world, trying to explain as well the reasons for which the re-emerging countries (and to that extent, the BRIC countries) are strongly subverting the main current powers’ behaviours.
Moreover, it will be stressed the Italian role within the global system of powers and the way its domestic policies have been led in the last decades.

In the end, the reader will have the right instruments to judge by himself whether Italy is living a subprime period and to improve upon the final theories about their contingent limits.
CHAPTER 1
ITALY AND THE NEW INTERNATIONAL GOVERNANCE

This first section of the work will take into account the different evolution of the international governance system and how Italy has tried to deal with such matter. The development of the new G-20 reunion will be explained, while on the other hand one will read about the fight between G-4 and Uniting for Consensus group as far as the Security Council reform is concerned and its compromise achievement. A kind of smattering will be given as well about the concept of subprimacy and the whole evolution there is around this term, which defines a rooted situation, rather than a current circumstance.

1.1 G20 vs. G8

In international relations, necessity is the queen of all resolutions. Indeed, G-20 was born in 2008 for the world economic disaster was threatening the global population and preventive actions were quickly required there where institutions were unable to find an innovative answer. The ground was already prepared by former Canadian PM Martin, who replied to the Asian financial crisis through the G-20 summit, by replacing the old G-8. Indeed, Martin wrote that “an effective new group [...] is something that the world very much needs”. The G-20 is effective and has succeeded in perking the countries’ fates up after the 2008 crisis began. Furthermore, the Great countries recognized that the world needed a quick aid, through which to unfreeze credit and start

1 Martin Paul, “A global answer to global problems”, 2005, Foreign Affairs May/June
new financial reforms. At the Toronto summit, the G-20 was able to guarantee the spread of $350 billion, by changing the World Bank and the IMF into a more global reality\(^2\), although other reforms are needed.

Yet, at the 2010 Seoul summit, the G-20 had to face some struggles. Members fought each other to make decisions about the currency valuation and the trade imbalances. Two sides lined up: US, accusing China of manipulating currency in favour of its export-led growth, and China, blaming US for creating a massive credit. Some countries supported both, or agreed with US or China: this proved also the struggle similar summits have to live with when members meet and their backgrounds have different sources.

By the way, the Seoul summit will be the venue which witnessed and stressed the importance of the emerging countries in the G-20, both because it was different from the élitarian G-8 and because its agenda shifted towards such new economies. At Seoul, G-20 leaders voted for IMF reforms\(^3\) which will let re-emerging countries be more influent in the institutions: in other words, BRICS are affecting the global system more than what expected.

Who are they?

A habit among political analysts is to create some kind of acronyms in order to better interpret the changing reality of world governance: it is the case of BRICS, namely Brazil, Russia, India, China and South Africa, included in the category of (re-)emerging countries. BRICS are a new kind of conception going beyond the class of G8, G13, G14, G20 or G2.

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\(^3\) G-20 Seoul Summit, Agenda
1.1.1 The BRICS in the G-20 perspective: the Brazilian and the Indian development

Originally called BRICs, after the involvement of South Africa they are now called BRICS. All the countries taking part in the acronym are re-developing or newly industrialized countries; their ongoing stream of economy and meaningful influence on the global affairs made them become part of the international political and social world in a bunch of years. The word was originally created by Goldman Sachs analyst James O’Neill, with no idea about how much this concept would be used within the diplomatic forums, in the decades to come.

Since they gathered together 2006, BRICs countries have met many times in formal summits, but here are the most relevant ones:

- **September 2006:** at this stage, South Africa was not part of the group yet; they started a series of high-level meetings

- **June 2009:** this was the first formal summit, held in Yekaterinburg. The four leaders’ focus was on the improving and reforming the economic situation through the financial institutions; their cooperation was needed for this aim. All of them agreed on the need of a new global reserve currency, able to be diversified, stable and predictable. This also engendered a fall of the dollar value during those days.

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• **December 2010**: the summit where South Africa took part into the big project, formally invited by the BRIC countries which replaced on that occasion the name into BRICS.

• **March 2013**: the members agreed on the next creation of a financial institution challenging the actual IMF, so that it would not have the cartel by itself\(^6\).

It is not shocking if I say that the world is becoming multi-polar, and the main reason for this transformation is the rise of the \textit{“emerging powers”}\(^7\).

These new political and economic players are experiencing a global shift of powers, even though it is not that true if we check the distribution of wealth (GDP pro-capita) out.

What is to be remarked is that the term \textit{“emerging”} has no basis and lacks of historical depth: it is easy to understand because a long time ago in history the balance of powers was by their sides and they developed really fast, economically speaking. The arrival of the industrial revolution then fostered Europe towards a new re-arrangement of that balance, by sliding the actual re-emerging countries in the latest positions.

Nowadays, these new players are bringing towards a global disorder, since they are \textit{“revisionists powers, not satisfied with the role distribution in the system of global governance”}\(^8\).

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\(^6\) Blanchard Ben and Zhou Xin, \textit{“BRICS discussed global monetary reform, not yuan”}, 2011, Reuters Africa

\(^7\) Ferrara Pasquale, \textit{“More things in heaven and earth”}, 2012, Longitude, pp. 32-33

\(^8\) Ferrara Pasquale, 2012,... pp.32-33
Yet, this definition has not the power to explain the role of such new players: it actually does not consider the presence of non-Westphalian actors and the functions performed by them (changing step by step into many structure, when dealing with the international relations).
There are at least three roles played by these countries:

1. **SPOILERS:** their real interest is not to annoy the existing international architecture, but to match the distribution of power with the distribution of prestige. We can directly think to the Brazilian foreign policy. Spoilers are, in the international field, less usual than we can think about for the change of prestige always comes with a price.

2. **SUPPORTERS:** for this role, we ought to think about India. Western powers always try to please the new players in order to play as “responsible actors”. Yet, newcomers do not support the priorities of the already existing orders, they try to change it from the inside by not assuming a responsible body and by relying on an independent structure of global governance.

3. **SHIRKERS:** they play like free-riders and refuse to take responsibilities as they question directly the legitimacy of the international order, while trying to change the agenda-setting and the decision-making process. Yet, it is a long term strategy.

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9 Shweller Randall, *Emerging powers in an age of disorder*, 2011, Global Governance
All the three roles can be played in turn by the emerging countries, which are also considered the stimulus for new cleavages (i.e. Nuclear Weaponed-countries and non-nuclear ones...).

In this panorama, it is to be highlighted the role Brazil is playing as a new globalist country: it is a new party in G20 and is considered as well as a focus about the appreciation of the Latin America. For instance, the role that Brazil and Turkey played in the Iranian crisis as mediator made them gain ground at the international level: they are now considered as new actors taking into account the responsible sovereignty, in order to be given some kind of international reliability and in order to remark that they have a heavy word not only in the G20 traditional sectors, but also in the political security field.

As it has been properly suggested, one can witness the creation of the so called “Diagonal Players”\(^\text{10}\): namely, those countries entering the hard critical core-system, trying to solve the mechanisms through their “invisible” politics, like India and Brazil.

**INDIA**

As far as India is concerned, it has several challenging visions of its role in the international fields:

a) **Moralists:** India is needed as a moral instance in the world politics for more egalitarian and distributive politics.

\(^{10}\) Ferrara Pasquale, *Diagonal Players*, 2010, Unum Multiplex
b) **Hindu nationalists**: they want to bring the Indian glory to life through the national Hindu traditions rooted in the military and economic field.

c) **Realists**: the need to develop the military and economic fields is urgent as the nuclear capability to impose the Indian supremacy.

d) **Liberals**: they would like India to become a great commercial power once again, fostered by the globalization system.

Only the liberal vision makes India a likely supporter for a stakeholder role. The other point of views are definitely far from true, like the moralist one: it has definitely failed. Conversely, the Hindu nationalists and realists want India to develop and do whatever it takes to become a leading power\(^\text{11}\). By the way, India seems to be the most likely junior partner of the US, playing a role of supporter side by side the multi-polar international order.

This was determined by its Foreign Politics in the last decades, too. In the first part of the ‘40s, India focused on a strong relationship with the former USSR. Since 1991, a new economic openness and a close approach era to Western Countries has started. More recently, India strengthened the cooperation with the other main

\(^{11}\) Shweller, ..., pp. 292
re-emerging powers, getting engaged in the BRICS affairs. Indeed, willing for a strategic autonomy, the Indian foreign policy actions tend to produce two results: peace among close countries and internal economic growth.

Moreover, to reinforce its re-emerging power status, India has been asking for the acknowledgement of nuclear power role and for the access to the four international regimes about the control over the export of conventional, chemical, technological and nuclear weapons.\footnote{As explained by the Italian Embassy in India, http://www.ambnewdelhi.esteri.it/Ambasciata_NewDelhi/Menu-INF_rapporti_bilaterali/Cooperazione_politica/Politica_estera/}

On the regional scenario, are the relations quiet fragile with Pakistan, Bangladesh, Sri Lanka and Maldives, Afghanistan, Iran, Russia and China.

In Pakistan, after the unresolved dispute about the Kashmir borders, negotiations resumed in 2010 when both countries proclaimed the importance of avoiding dangerous escalations, by bringing relations back to normal.\footnote{Cavenaghi Piera, “Lasciar parlare il silenzio. La partition del subcontinente indiano e le abducteed women”, 2011, Diacronie – studi di storia contemporanea}

In Bangladesh, borders disputes still remain, even though they are improving toward enhancements. Furthermore if on the one hand, India is looking for a way to support Sri Lanka’s cause in Tamil. While, on the other hand New Delhi is trying to foster the dialogue with Maldives’ political parties, also after an Indian firm-contract annulment in that country.
In Afghanistan, India is considered the main supplier in the area, planning new social and infrastructural buildings. Moreover, India is definitely interested in a peaceful situation in that area, by erasing all terroristic cells and by creating an easy access from Central Asia to Europe. The most intense dialogue is conducted with Iran, where India detains relevant energetic market shares. It plays, indeed, the role of mediator, which is not siding the occidental countries but which is not totally insensitive to their requests. By the way, the greatest consensus is achieved in Russia, which is supporting India for the permanent seat in the UN. Its cooperation in the scientific, technological and nuclear field is deep enough to define this wide territory as the main Indian partner.

The relations with the powerful Chinese neighbour are quietly fragile, after the hospitality gave to the exiled Tibetan leadership. Nevertheless, the relation is independent to the intercourse present in the BRICS group, where they cope together to emerge. India entertains complicated relations as well with US. They have been cooled down when India supported the American Administration in the war against the terrorism. Moreover, India acts as mediator between Moscow and Washington even pro a China restraint.

As far as European Union is concerned, India has engaged in a strategic partnership since 2008: the Action Plan\textsuperscript{14}, supported by a complicated institutional

\textsuperscript{14} EU-India Summit, “Global Partners for global challenges: the EU-India Joint Action Plan”, 2008, Marseille
system and involving the environmental, scientific, innovative and energetic fields. A trade agreement conclusion would represent the direct improvement of the Euro-Indian relations, through the adding value it would have thanks to such an intercourse.

**BRAZIL**

On the other hand, one can remark the new development of Brazil, accounting for over 50% of South America’s wealth, population, territory and military budget\(^1\)\(^{15}\). 

Brazil’s foreign policies have changed over the past decade: it refused a privileged place in the Group of 7, offered by George W. Bush in 2001, claiming that the price for the top table was too high. Therefore, it approached to the Middle East regions, by sending its foreign ministry twenty-four times and arguing that US are no longer the *indispensable nation*\(^1\)\(^{16}\).

The first concerns came up when a new budding relationship was tied between Brazil and Iran. As the former has been constructing nuclear weapons, US looked for the Carioca support in order to sanction this action: Brazil did not only deny its consent, but it refused to condemn activities that they believe any rising power has to engage, as well.

\(^{15}\) As explained by the Italian Embassy in India, [http://www.ambnewdelhi.esteri.it/Ambasciata_NewDelhi/Menu/L_rapporti_bilaterali/Cooperazione_politica/Politica_estera/](http://www.ambnewdelhi.esteri.it/Ambasciata_NewDelhi/Menu/L_rapporti_bilaterali/Cooperazione_politica/Politica_estera/)

\(^{16}\) Spektor Matias, *Brazilian visions of global order*, 2010, Washington, Memorandum for discussion, pp. 2
The US/Europe-Brazil relationship is colouring the old world’s perception of the new Continent as more of an emerging rival than a true partner. Indeed, it is generally possible to state that Brazil and all the other BRICS countries are ready to flex their muscles and show the world they will no longer comply with US or European desires, by not bowing down to the evolving consensus if they don’t agree\textsuperscript{17}.

This is also proved by the Latin-American \textit{almanacco}\textsuperscript{18} by Donato di Santo [2009]. Near the Obama’s attention-seeking, it is to be highlighted the new Latin-American role, which was chosen by the American government as the main ally in the complicated negotiations as far as the Cuban transition is concerned. Brazil strengthened as well its role in the region: it is going for the elimination of those destabilizing processes in the Latin area, helping Perù in the drug trade fight; Brazilian diplomacy is also in favour of the Venezuelan entry in the Mercosur organization\textsuperscript{19}.

One must acknowledge the Brazilian ability to have involved also Mexico in the Southern part of the hemisphere, through an important bilateral meeting facing the energetic cooperation and the will to reinforce G20. As a consequence, during G8 meeting in L’Aquila in 2009, President Lula stressed the need and

\textsuperscript{17} Brazilian foreign minister Celso Amorim, quoted in Gus Lubin, "Brazil: Sorry Hillary, but we’re going to side with Iran", Business Insider, 2010

\textsuperscript{18} For further information, visit http://www.donatodisanto.com//public/contents/BRASILE_IL_PAESI/Brasile%202009.pdf

\textsuperscript{19} Di Santo Donato, ... pp. 1
the importance of this factor, highlighting the heavy word Brazil was retrieving in such kind of summit.

Moreover, during the UN General Assembly in New York, Brazil strengthened its regional influence, confirming its importance in the Latin-American relations. President Lula used also its new reinforced position to announce the Latin-American position about the need to reform the international financial institutions in order not to stop the credit system, when some areas of the globe have beaten the threatening crisis\textsuperscript{20}. After that, Mister Obama declared that G8 was an outdated venue where to make decisions for the global economic governance.

In the end, the massive nature of the re-emerging countries will create new changes: they will not need numbers of territory and population to challenge, but the real keys will be the internal growth and consolidation, processes for which BRICS countries are beyond Europe and US. Thereby, the year 2001 about which it has been spoken in the beginning of this paragraph is the symbol of the American-unipolar moment end. Naturally this date is just to consider the historical turning point, because most changes towards modernity that are defining the existing world are long-run. Therefore, modernity is the key through which one considers the development of a country, even though it is a strange notion. According to Mahbubani’s view of Indian modernity, “to understand [...] modernity [...], it is important to understand the premodern world that they hope to leave behind [...]. We had no refrigerators, no telephone, no television; but the real

\textsuperscript{20} Statement by H. E. Luiz Inácio Lula da Silva at the General Debate of the 64\textsuperscript{th} session of the UN General Assembly, New York, 2009
inconvenience we suffered was that we had no flush toilet”\textsuperscript{21}. This means that modernity is not the other countries overtaking, but the achievement of some standards able to threaten and challenge the whole developed world. BRICs are now willing to be an affecting part of the international system, as they are quickly developing towards the so called Western Standards.

\textbf{1.1.2 The future of the G-20 in the UN panorama}

Yet, much of the debate is still focused on the state-to-state forms of International cooperation. The greatest dissatisfaction comes from the emerging economies and BRICS members, as they are kind of excluded from this issue. The trend towards a greater role for the world’s emerging powers is remarkable in the pressure for UN Security Council enlargement and especially in the G8’s steering the global economy to G-20\textsuperscript{22}.

G-20 could make a major contribution to the effectiveness of the UN, if the internal cleavages could be ironed out. Indeed, no place is reserved for the poorest countries and none is carrying their proxies. The smaller countries of UN are also absent from the G-20 roundtable, depriving the meeting of their innovative diplomacy: this is not the right way to go, also because all countries are affected by the G-20 issues, taken under its charge. Therefore, it is in the interest of G-20 to work a relationship out with the “G-


\textsuperscript{22} Hampson Fen and Heinbrecker Paul, “The new multilateralism of the twenty-first century”, Global Governance, Limes, pp. 301
(the UN members) because the more they are excluded, the less they will respond to the G-20 wishes. In order to ensure a voice for the G-172, it could be agreed a new form of cooperation through formal alliances and partnerships with those countries that are not great powers by traditional definition, but that have interests in a peaceful and prosperous world.

Nevertheless, G-20 still remains the best solution so far to the legitimacy and efficiency conundrum, even though it cannot be considered as universally represented. Moreover, there is a greater diversity in G-20 political cultures than there was in G8.

It is also to be taken into account the extent to which common ground among the world powers leaders will expand and a shared sense of responsibility for global governance will emerge. The only risk is to become more of a mini-UN than a macro-G8: in this case, both the UN and the G-20 would be the poorer. According to Paul Heinbrecker [2011], the G-8 might will continue as a high-level dinner club that meets on the margins of the UN General Debate in New York, while it will be slowly supplanted by the G-20 in the diplomatic summits.

Nevertheless, UN is still a needed (but insufficient) reaction to a globalized world, as well as the G-20 is: such means are used differently in the various occasion the world offers every day. “UN embodies universality and G-20 efficacy. Together, they can produce synergies, with the G-20 strengthening the UN by reducing the gaps among the major powers on contentious issues [...] with

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23 Idem

24 Heinbrecker, pp. 5

25 Hampson and Heinbrecker, pp. 308
the UN returning the favour by extending the G-20’s effectiveness vis-à-vis the G-172.\textsuperscript{26} In other words, UN shall be reactive to those spoilers who give it a hard time in the processes, while G-20 shall find the right way to communicate with and involve the non-member states by giving them voice in its sentences: according to Heinbrecker [2011], neither is sufficient both are necessary.

\textsuperscript{26} Hampson, ... pp 13
1.2 The Security Council reform

The UN Security Council was founded after the II World War and is made effective by Chapters VI and VII of the UN Charter, authorizing the institution to use the force and halt any violent fight in the world. Signing countries know that under article 5 of the Treaty they commit to each other’s defence, in the “right of [...] self-defence”\(^{27}\). The Security Council can also legislate in order to deny terrorists the access to the global financial system, while the G-20 and the G-8 cannot. Essentially, the most international and political controversies and issues are always brought before its courts in order to find a solution: instances are the 2006 Israeli-Lebanese war or the use of military forces in Afghanistan. Thus, one can state that there is no way for which the G-20 can supplant the UN Security Council\(^ {28}\), thus no way to cross its so well defined boundaries.

Anyway, the G-20 members have always supported the idea to improve and change the way Security Council works. Indeed, the G-20 leaders could debate the issues during their seats and bring their voice into the Security Council through some permanent representatives, as the G-8 did in the end of the Kosovo war in 1999\(^ {29}\). Therefore, the G-20 would like to have an effective role within the UN Security Council and to participate in the UN-led

\(^{27}\) A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council (UN Charter, “Article 5”)

\(^{28}\) Heinbrecker, …, pp. 13

\(^{29}\) As well explained at http://www.nato.int/kosovo/press/p990608b.htm
military missions: the Greats actually think their presence could increase the UN’s capacity to be successful.

One sector of reform where the G-20 could be more contributing is the composition of permanent seats: in fact, all the re-emerging countries have no permanent seat within the Security Council, even though theirs would mean a strengthening of the international relations; neither Africa nor Latin America such privilege, while Europe has two of them. According to this, in re-emerging countries’ opinion UN Security Council is not the contemporary mirror of the world and thus it is illegitimate for a lack of representation.

On the other hand, many members support the idea for which the UN Security Council reform is not really needed: one can cite the cases of Darfur or Rwanda or Srebrenica to state that it has a performance deficit, rather than a representation lack. As a consequence, they think that more members do not contribute to a growth in effectiveness.

By the way, a broader membership would guarantee a better distribution and an equitable balance of powers. Nevertheless, a reform that would strengthen the UN Security Council cannot be bounded to a bigger membership.\(^{30}\)

According to Papadopoulou,\(^{31}\) there are some other issues to strengthen the Security Council effectiveness, involving:

I. The prompt decision making capacity
II. The role of those authority allowed to make decisions

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III. Greater consultation for decisions

IV. Transparency towards and involvement of all the other non-members

As a consequence, two issues are the reform’s focuses involving the composition of the body and the working methods of the Security Council related to the General Assembly\textsuperscript{32}.

Such issues have been in the UN agenda for ages: in 1993, the General Assembly decided to call for an open-ended working group, where all member states were allowed to take part and where to discuss about the increase of membership\textsuperscript{33}. The latter arranged a bunch of recommendations which led to more transparency and openness, while deciding also on other reform prototypes: for instance, the Razali Plan\textsuperscript{34} fancied 5 additional permanent members (Asia, Africa, Latin America, the Caribbean) and 4 non-permanent (Eastern Europe, Africa, Asia, Latin America and the Caribbean). Nevertheless, more than 10 years of deliberations have brought the Working Group to blurry results and to many critics coming from UN itself and beyond it. According to Papadopoulou, this is not because of the political will lack or to wrong work methods, but it is due to “\textit{intrinsic weakness of the United Nations mechanisms, namely the failure to circumvent protracted processes and materialize lofty declarations to substantial measures}”\textsuperscript{35}.

\textsuperscript{32} High-Level Panel on Threats, Challenges and Change, “A more secure world: our shared responsibility”, 2004, UN Doc A/59/565, para 245

\textsuperscript{33} General Assembly, “Resolution on the question of equitable representation on and increase in the membership of the Security Council”, 1993, A/RES/48/26, para 1


\textsuperscript{35} Papadopoulou Marialena, ..., pp. 7
A new panel was reunited in 2003 and it was called High-Level Panel on Threats, Challenges and Change, in order to ensure effective responses to the current problems. For these reasons, the Panel proposed two kinds of model:

1) **MODEL A**: six new permanent members provided within the Security Council and three new two-year non-permanent ones. No veto power is concerned.

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<tr>
<th>Regional Area</th>
<th>Number of States</th>
<th>Permanent Seats</th>
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<td>Americas</td>
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<td>1</td>
<td>1</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>191</strong></td>
<td><strong>5</strong></td>
<td><strong>6</strong></td>
<td><strong>13</strong></td>
<td><strong>24</strong></td>
</tr>
</tbody>
</table>

(36) **Model A**

According to the table 1.1, every regional area would acquire through such reform model A 6 new seats per each.

2) **MODEL B**: no provision for permanent seats, but for new category of eight four-year renewable seats and one new
two-year non-renewable seat. Every region, in this case as well, will reach a total of 6 seats each.

<table>
<thead>
<tr>
<th>Regional Area</th>
<th>Number of States</th>
<th>Permanent Seats</th>
<th>Proposed four-year renewable seats</th>
<th>Proposed two-year seats</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>53</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Asia and Pacific</td>
<td>56</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Europe</td>
<td>47</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Americas</td>
<td>35</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>191</strong></td>
<td><strong>5</strong></td>
<td><strong>8</strong></td>
<td><strong>11</strong></td>
<td><strong>24</strong></td>
</tr>
</tbody>
</table>

(Table 1.2)\(^{37}\)

Changing world has been deeply examined in this report, where to face today’s challenges as far as the equitable representation is concerned.

Nevertheless, some obstacles are not to be overtaken: the UN Security Council will be decided by the General Assembly, a body where the approval is required by the 191 UN members and thus subsequently ratifications in the national states. The contrasting interests within the Assembly about the membership criteria will hinder this kind of global consensus as far as the reform is concerned.

\(^{37}\) Taken from the High-Level report, ... pp. 68
Anyway, the UN Security Council democracy and efficiency are key aspects in the reform. Yet, veto power held by five of its components might hinder this crave: if on the one hand, it is interpreted as a hierarchy to respect and through which create cleavages within the Council, on the other hand it is used to protect the quintet from damages over their interests. It can be called as well as a paralysis of the democratic and effective system.

Actually, it is considered as an anti-democratic system that should be abrogated. Yet, none of them would never and ever approve a decrease of their powers. According to Bourantonis, it would not be “endorsed [...] the [...] equitable proposal of a system of double veto, whereby a Council decision would be vetoes only if at least two negative votes by permanent members were cast” \(^{38}\).

Therefore, the debate concerns two topics:

I. The ban of the veto power as far as the Chapter VII issues of the Charter are concerned (peace and aggression)

II. The non-attribution of the veto to new permanent members of the Council

As a consequence, High-Level panel suggested not to use the veto in case of genocide and Human Rights violations, only \(^{39}\). Yet, it is really not likely that permanent members will globally avoid to use a right provided by charter, as well as there is no way to spread the veto power to new permanent members, since the UN quintet would contrast such extension. It is to be said that veto divides UN as well as the issue of membership.


\(^{39}\) High-Level Report, ..., pp. 68
Indeed, the increase of membership is needed in order to have more representation within the Council. Yet, on the other hand, so far it has been said that some of UN members will not allow any provision about such issue. There seems to be two slants as far as the issue we are taking into account:

I. A **greater membership** handled and arranged by the re-emerging countries (BRICS) and all the developing regions of the world, where they are allowed to reach the same legitimacy as the other permanent members

II. A **reduced membership** managed by the developed countries, since they think that “the larger the Council becomes, the more cumbersome the decision-making processes will be”\(^ {40} \).

Hence, the issue of membership still divides UN Security Council, but some criteria have been decided in order to choose new non-permanent members through a reasonable point where to start. However, no criteria has been established yet about how to make a member more worthy than all the others to be chosen.

Furthermore, in 2004 Germany, Brazil, India and Japan committed to supporting each others on the permanent membership issue, claiming as well for an African seat\(^ {41} \). Naturally, a country such as Italy would always hinder a German seat, since it would determine the Italian slump towards a minor player. Or China and South Korea would forbid the candidacy of Japan, Pakistan would do the

\[\text{References:}\]


\(^{41}\) For further info [http://www.dw-world.de/dw/article/0,1564,1335522,00.html](http://www.dw-world.de/dw/article/0,1564,1335522,00.html)
same for India. Actually, the only feasible solution is to increase solely and only the non-permanent seats, so that such issue would be resolved.

In addition, there is no consensus neither about a regional representation: according to few, it would tend to hegemony and frictions, if we think about a broader Asian region (bigger than all the other ones)\textsuperscript{42}. Also Europe has no will to foster a regional representation in the Council, even though it is the most political cohesive section in the world.

In fact, the common seat for the EU would surely enhance its global role, but it could also have meaningful consequences and implications. Such proposal cannot be abandoned so easily: it is in perfect agreement with the effort made to serve a Common Foreign and Security Policy (CFSP).

This idea’s supporters think that EU needs such common seat in order to strengthen its voice in the international arena, while the opposers state that it would reduce the weight system of the European states, by decreasing their influence. Moreover, the UN Charter does not provide any seat for the international organization but for states.

And it is not achievable also because France nor UK will not step down in favour of a common EU seat and such a seat would meet the opposition of the UN members’ majority: hence, it is a long term project which cannot be planned for the near future.

\textsuperscript{42} Bourantonis, _, pp. 94
1.2.1 United for Consensus vs. the G-4

As we said so far, there are many proposers for an increasing membership in the UN Security Council as well as the status-quo proposers, namely permanent seats bounded to specific countries.

Such discrimination was not accepted by some nations, which strove for being included within the Security Council as permanent seats. As a consequence Brazil, Germany, India and Japan met their interests into the G-4 nations organization.

These countries were included into the non-permanent seats, even though in the last period they have grown exponentially as far as the economic and political predominance is concerned. They can therefore considered at the same level of development as the Security Council quintet. Yet, they are still opposed by some countries which are their direct rivals. The most faithful supporter of the G-4 is India: this country has always pointed out the need for a genuine reform based on the expansion of the UN members by reflecting the current reality through a better representation of the re-emerging and developing countries.

Even though the quintet and the G-4 are equally ranked as the 10 greatest economies (while Italy is the only excluded power from the quintet or the G-4 members), three out of five Security Council permanent members boast 67 years of experience within such

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43 As mentioned at http://www.globalpolicy.org/component/content/article/200/41231.html

inclusion of the G-4 nations within such international institution: that is why, in the ‘90s, the leadership of Italy came up with the idea to create the Coffee Club, namely the so called *Uniting for consensus group*.

Created to go counter the G-4 proposal, it is made up of roughly 40 states led by Italy, Pakistan, South Korea and Colombia with also an active role of Mexico and Argentina. Their thesis concerns the problems involving the increase of the permanent seats: such provision would stress the disparity among the members and would spread the *quintet*’s benefits to the other new permanent members (like the particularly advantageous election method).
Hence, the reasons highlighting the opposition are quietly clear, since it would be hard for these States to erode their international political importance.

Uniting for Consensus is not globally against the increase of the total members number within the Security Council. Indeed, the enlargement would involve only the quantity of non-permanent members, which would go from 10 to 20\textsuperscript{48}.

The non-permanent members would be elected by the General Assembly every two years and would be subject to re-election, on the allowance of their geographical groups.

Furthermore, in 2009 Colombia and Italy provided a new kind of reform which could be a great deal for both sides. They proposed new kinds of seats (non-permanent, clearly) for a longer duration and appointed to regional groups, rather than national countries.

The \textit{Uniting for Consensus} proposal does not concern any structural change, on the contrary it is supposed to seek a compromise, including as well the question of the veto, by \textit{"giving a narrow range of options that goes from abolition to limitation of the application of the veto on Chapter VII matters"}\textsuperscript{49}. The Group’s position reflects the Italian proposals on the main issues faced in 2009 negotiations, as follows.

Italy was strongly contrasting the G-4 proposal, as the latter has never considered the Uniting for Consensus point of view. That is why in 2009 the former hosted more than 80 countries to address the new path towards the Security Council reform: by underlining


the principle of representation, Italy proposed a draft where to foster both small and medium-sized states\textsuperscript{50}. In the final negotiations, a document was written and no mention to the expansion of seats was made: this is the evidence of a great diplomatic path followed during the meetings. Moreover, Italy stated that the expansion would never solve the problems of legitimacy and representativeness, mentioned by the G-4 states; only \textit{“periodic elections could ensure democratic and transparent criteria for selection”}\textsuperscript{51}. Despite the Italian position in favour of a compromise, the G-4 interpreted such negotiation as a refusal to enjoy a right which lies with them, too. That is why, since 2009 on, Italy has always entertained problematic intercourses with these countries such as Brazil or India, as this work is going to prove.

Nevertheless, Italy has always tried to foster the Groups of Africa, Asia, Latina America and others through the proposal for regional seats on a rotational basis. Such move comes from its strong belief that the reform must consider the rising role of regional organizations as new balancing forces. Yet, this position has not been shared by the UN institutions for legal and political reasons: for legal reasons, only States can be members of the UN; for political reasons, the strong representation of EU States is not always correspondent to the singular state one. What I mean is that there is a great difficulty to make the European states renounce to their sovereignty (like France or Britain), granting it to the EU seat. Further, such members would never quit their status of great powers.

\textsuperscript{50} “Italy hosts ministerial meeting on UNSC reform in Rome”. Kyodo News, 2009 at http://www.thefreelibrary.com/Italy+hosts+ministerial+meeting+on+UNSC+reform+in+Rome.-a0200796959

\textsuperscript{51} Martini Elisabetta, ..., pp. 7
As a consequence, this craved reform is delaying the Intergovernmental Negotiations. In order to go beyond such stalemate, France and Great Britain proposed an intermediate reform\(^{52}\) where to include new temporary categories of seats for a longer term: after this period, such seats could be turned into new permanent ones.

However, Italy’s position was vigorously against the intermediate reform for it creates *de facto* new national permanent seats as its real aim. Hence, Uniting for Consensus members rejected any idea of partial reforms, which would lead to an *ill-defined* and *ineffective* UN Security Council\(^{53}\). Only would a gradual approach be welcomed, where flexibility is the main instrument to rule over the reform, to be changed over time. Till that moment, there will be no way for Italy to approve new permanent seats and thus the G-4 members will be contrasted and hindered at any time.

On a closer inspection, one can argue that the UN Security Council reform proposed by the G-4 states is the issue for which the international relations are now trembling. As a consequence, when no country is ready to renounce to any benefit about its sovereignty and is furthermore holding in its hands all the power that could be shared among new members, these latter will always hamper those former whenever requested. Such *duel* has not found a way back to resolution, as far as Italy is concerned. As we know it is still the Uniting for Consensus’ leader while not fostering the G-4 members’ access within the UN Security Council.

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\(^{52}\) As explained at “UK-French Summit Declaration on global governance and development”, 2009, [http://www.number10.gov.uk/Page19944](http://www.number10.gov.uk/Page19944)

\(^{53}\) Martini Elisabetta, ..., pp 9
Such moves are carrying Italy against them, by not satisfying its needs or diplomatic necessities: the G-4 states are not forced by any institution to respect the international law and they would play any role in order to stress the heavy voice they are able make nowadays.

As a consequence, in many affairs, one can state that Italy might be threatened by a condition of *subprimacy*, where no solution has been found yet. The real problem is that those states against which it is (Brazil and India, in this case) are not willing to renounce the fight and find a compromise: I personally think it can be called a *diplomatic revenge*, where Italy is not baring its teeth because of the reasons examined in the next chapters.
1.3 The Italian *subprimacy*: definition and meaning

It is the time to deepen the concept this work has introduced so far: the *subprimacy*.

In which position is Italy ranked nowadays? In the end of the G-8 in L’Aquila, the Italian government was considered one of the great powers, even though many opponents would have liked to cut it out from the list. The reasons are easy to understand: other countries might strive for the Italian seat, since their GNP and growth rates are slightly higher\(^5\).

This is not the only truth, though. It is needed to take into account other politically and practically relevant factors as well. Even the historical burden teaches the world how much Italy contributed in creating the international system, thus it naturally comes the reason why it has such *privileged* places. Despite some critics, Italy still remains a stable democracy, while on the other hand many other candidates still look from the distance such achievement. Furthermore, Italy repeatedly showed its willingness to be accountable as far as the international governance strengthening is concerned.

As a consequence, Italy is still among the greats, although it is considered as a threshold country: it means that it always risks to be cut off the current list.

In fact, in the debate on its international arrangement, it is common to identify Italy as an *average power*, definition based on its actual capability in the fulfilment of the only *national interests*.

\(^5\) Silvestri Stefano, *"Italia o Italietta, al vertice o media potenza?"*, 2009, Affari Internazionali
through a poor effective political action. This concept has been well theorised by Carlo Maria Santoro in the ‘90s, who dreaded a sudden decline of the Italian relevance within the international context\textsuperscript{55}.

According to Dottori and Amorosi, Italy is still an average power. It has formally stopped being a great power years ago, to be more precise on the 8\textsuperscript{th} September of 1943\textsuperscript{56}. Truly, the concept of great power derives from (i) the ownership of massive armies, (ii) high density of population and (iii) a growing progress: Italy took part into such élite until the end of the II World War, as well as Germany\textsuperscript{57}.

However, some counter-balancing considerations are needed in order to draft a fair and complete picture on this issue. The average-power status does not mean global geopolitical inability, though: there exists some areas where Italy can still affect a meaningful influence by still being the protagonist of the action. For instance, it is a benchmark in the African horn especially in Somalia where in 1992-94 it was assigned a high-profile role, or in Ethiopia where it controlled the national security in UN’s shoes. Therefore, although the average-power status entails the satisfaction of its own interests, we have just proved that Italy has been able in some occasions to be quite relevant on the international stage, thanks to its flexible autonomy.

\textsuperscript{55} Santoro Carlo Maria, \textit{“La politica estera di una media potenza: l’Italia dall’Unità ad oggi”}, 1991, Bologna, Il Mulino

\textsuperscript{56} Dottori Germano and Amorosi Massimo, \textit{“La NATO dopo l’11 settembre: Stati Uniti ed Europa nell’epoca del terrorismo globale”}, 2004, Rubbettino Editore, pp. 111

\textsuperscript{57} Mearsheimer John, \textit{“The tragedy of great power politics”}, 2001, New York, W. W. Norton & Company, pp. 83-137
A case in point is the Italian participation in many relevant peacekeeping missions all around the world, some of them successful (like UNIFIL II in Southern Lebanon).

In the very beginning, when Santoro conceived the notion of average power, the ability to manage the interests of a country through international strategies was not that significant. Today, it is pivotal requirement in order to be well accepted by the international community: a country unable to deal with globalization is ipso facto banned from the system. Thus, the Santoro’s thought can be better explained as subprimacy, a way to reconsider the concept of average power through the globalization process.

As it was previously said, Italy is not living a geopolitical inability, but it cannot fully guarantee the satisfaction of all interests (similarly to other great countries) for it is not well considered by the international community.

A clear example is given by the Battisti and the Navy Marines cases, where two re-emerging countries (BRIC members) are using their heavy voice against Italy, where Italy revealed a kind of slowness in promptly replying through appropriate means.
CHAPTER 2
BATTISTI’S CASE

In this section, my job is to explain the first case this dissertation takes into account: Cesare Battisti’s case. In a very first stance, it will be illustrated the bilateral relations between both Italy and Brazil, so that it will be clarified the international background: such an information sheet will actually show the peaceful and coping intercourse there is between them, even though the case at issue is threatening its stability.

Therefore, we will go through the Battisti’s case events which have scarred the Italian-Brazilian relations since the ‘90s, by trying to highlight the actions that Italy shall carry on and the inability to make its rights come respected. Moreover, it will be my task to make understand the legal way to join a conclusion of the controversy, by analysing the diplomatic ways of treaties and customary law. In the end, everything will lead to a better understanding of the subprimacy we are going towards, by analysing the Marò case in the next chapter, as well.
2.1 The bilateral relations between Italy and Brazil

As I revealed in advance, Italy and Brazil have always entertained wonderful political relations, even though they worsened in the last 5 years because of the Battisti Affair.

The relations started in the distant past, when their intercourse were to become tightly bound. Since the proclamation of the new Italian Reign in 1861, the Italian government has despatched its own first Ambassador there: Gabriele Galateri was his name and he represented Italy from 1859 to 1862\textsuperscript{58}.

Brazil has also been very close to Italy for an Italian community has always lived there since the beginning of the XIX century. Such congregation is made of 300,000 people roughly keeping their Italian passport, and almost 25 million people descending from several Italian families\textsuperscript{59}: this represents the greatest heritage to promote the bilateral intercourse. Indeed, the first emigrates reached the Brazilian coasts in a poor condition: some of them were successful in creating an empire in several fields, such as the viticulture, the lock systems and the trailer-truck buildings.

Nowadays, the Italo-Brazilian relations have improved really much.

- From the \textbf{political} point of view, diverse treaties have been ratified at the bilateral level, many visits have been scheduled at the governmental and parliamentary levels.

\textsuperscript{58} Ambasciata italiana in Brasile, http://www.ambbrasilia.esteri.it/Ambasciata_Brasilia/Menu/_I_rapporti_bilaterali/Cooperazione_politica/Storia/

From the **economic** point of view, the intercourse is definitely intense; several important firms have relevant positions in Brazil, like FIAT (which created there its second global market), Pirelli or Telecom Italia\(^60\). One can also witness the presence of other Italian Small and Medium Enterprises (SME) contributing to the improvement of such relations.

From the **cultural** point of view, a great demand for the Italian knowledge is asked, by easing the channels of access towards our products and our cultural events.

From the **social** point of view, the Italian population presence makes dynamic the whole intercourse.

Moreover, it shall be mentioned all the meetings that every year take place between the both countries’ institutions. To briefly sum them up, in 2000 the Italian President of Republic Ciampi visited Brazil and 5 years later the Brazilian one visited Italy. In 2010, Prime Minister Berlusconi signed a Strategic Plan of partnership, together with President Lula in Washington; its aim was just to improve all the relations provided by the bilateral pacts and to guarantee their re-launch.

In 2010, an important meeting took place in Brasilia: the reunion for the Commission of italo-brazilian cooperation\(^61\), whose aim was to foster the exchange of all the experiences on common-interest issues. Such delegation was led by the Chamber of

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\(^{60}\) Ambasciata Italiana in Brasile, [http://www.ambbrasilia.esteri.it/Ambasciata_Brasilia/Menu/I_rapporti_bilaterali/Cooperazione_politica/Attualit%C3%A0/](http://www.ambbrasilia.esteri.it/Ambasciata_Brasilia/Menu/I_rapporti_bilaterali/Cooperazione_politica/Attualit%C3%A0/)

\(^{61}\) [http://www.cooperazioneallosviluppo.esteri.it/pdgc/Italiano/iniziative/Paese.asp?id=29](http://www.cooperazioneallosviluppo.esteri.it/pdgc/Italiano/iniziative/Paese.asp?id=29)
Deputies’ President, Maurizio Lupi. The meetings ended in the sign of the cooperation pacts, improving the Washington accords. Lastly, the Italian government was the only foreign one to be present in the moment of the Brazilian President Lula’s inauguration day.

Thus, this situation fostered the relations between both countries, by awarding Italy at the 8th place on a global scale (2nd on a European level) as Brazilian supplier in 2012. Despite the crisis, Italian exportations have roughly stood still: on the contrary, its economic presence in Brazil has grown of 145% thanks to the investments made since 2011 62.

Hence, Brazil still represents a good chance to our enterprises in the investments field. Moreover, great events will catch the global attention on this country, like the Football World Cup in 2014 and the Olympic games in 2016.

The relations became that deep thanks to the Economic Cooperation Commission, as well. Infact in May 2012, the Undersecretary of Foreign Affairs Marta Dassù led the task Regions-Government-Chamber system, through which a

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62 Ambasciata Italiana in Brasile, [http://www.ambbrasilia.esteri.it/Ambasciata_Brasilia/Menu/I_rapporti_bilaterali/Cooperazione_economica/](http://www.ambbrasilia.esteri.it/Ambasciata_Brasilia/Menu/I_rapporti_bilaterali/Cooperazione_economica/)
memorandum agreement was signed as far as the nautical and industrial fields are concerned.

Furthermore, both countries cope within the global economic arenas, like the WTO, where Brazil clouts in the main issues. For these reasons, Brazil is currently the 7th global power and the 1st one in Latin America. As it has a relevant economy, Brazil has a permanent seat within the G20 and has a consulting function within the G8.

Particularly intense, the cooperation program with EU has always influenced the economic experience in Brazil, which made it become its first commercial partner.
Indeed, the cooperation carried out by Europe and Italy has been pretty important in the development of some policies between the two countries.
The Italian one is still present in Brazil through many multilateral and bilateral projects.
Local institutions, Non-governmental Organizations and ONLUS are some important actors which make some proposals for Brazil come true through autonomous, national or European funds.

The interventions are in tune with the OECD orientation and the United Nations “Millennium aims”\(^63\): poverty and social disparities reduction, protection for the weakest bracket of society, environmental protection and improvement of the sustainable development.

In this wide country, such interventions against poverty are preeminent in the urban areas, where the greatest part of the

\(63\) http://www.un.org/millenniumgoals/maternal.shtml
population live, while in Amazonia the first aim is to protect the environment.

Nevertheless, although Brazil cannot be any longer considered as primary country in the Italian cooperation, the Italian government will engage in order to guarantee the success of the on-field initiatives. The Italian interventions have concerned some active roles, contributing to the identification and improvement of strategies and public policies about the social exclusion, the child labour and the educational abandonment, the natural resources exploitation and the sustainable development. Such interventions fit well with the Brazilian socio-economic situation, which is characterized by a constant increase in the average per-capita income, but, at the same time, by persistent gaps in the distribution of welfare.

The reached layer of cooperation in Brazil lets us speak about it as a partner, in the financial field as well, with whom developing mature and innovative basis. For these reasons, it is important to highlight the decentralized collaboration there is between regions-districts-municipalities and the Brazilian Institutions: a primary role is played by the project “Brazil Pròximo”, born in 2003 by accords between both governments. This experience has been made in the regions of Umbria, Marche, Emilia Romagna and Liguria, and aims to a mutual exchange of knowledge in the public policies and regional development fields. The plan provided the realization of seven projects in the tourism, social policies and environment scopes.

64 http://www.brasilproximo.com
A new dimension of cooperation took place in 2007: the Italian triangular cope in Brazil. Its aim is to help third countries through some agreed and planned interventions. It is not effective yet, but the first purpose of both countries was to give aid to Bolivia and Mozambique.

Nevertheless, since 2008 the situation has worsened, the relations have been cracked and a stalemate has been created between both countries. The reason is the Battisti Affair: it is not a brand new issue, it has lasted since the 1990s but since 2008 the Brazilian Institutions have welcomed him with will to get him back to Italy. Such situation is going to be explained in detail through the next paragraphs.
2.1 The events

A short overview is going to be given in order to understand the events having led to a breach in the Italo-Brazilian relations, by analysing the Battisti Affair from its start in the 1970s till when it became an international case in 2008. Brazil is accused of protecting him with no reason, Italy needs him back home in order to judge him after the crimes he committed in the 1990s. Which reason will be worth of supporting? In the next pages it is going to be understood the stalemate in which both countries have fallen and how to likely solve it. In a last stance, the concept of subprimacy will be analysed, too, by keeping an eye on the *fil rouge* which is ruling this work.

2.2.1 The years of lead and the break to Brazil

At least 10 years before the proposal of the Mitterrand Doctrine (which “*will take into account the chance to extradite the citizens coming from a democratic country, but which will deny this right just in case this country’s judiciary power has not a similar conception of freedom as France*”[^65]), the Armed Proletarian for the Communism (PAC) arose as an extreme left-wing faction in Lombardia in 1977: the so called *years of lead*.

[^65]: “Oui, j’ai décidé l’extradition, sans le moindre remords, d’un certain nombre d’hommes accusés d’avoir commis des crimes. Je n’en fais pas une politique. Le droit d’asile, dès lors qu’il est un contrat entre celui qui en bénéficie et la France qui l’accueille, sera toujours et a toujours été respecté ; il n’était d’ailleurs pas demandé, dans la circonstance, en temps utile. Je refuse de considérer a priori comme terroristes actifs et dangereux des hommes qui sont venus, particulièrement d’Italie, longtemps avant que j’exerce les responsabilités qui sont miennes, et qui veniaient de s’agrégé ici et là, dans la banlieue parisienne, repentis… à moitié, tout à fait,… je n’en sais rien, mais hors du jeu. Parmi eux, sans doute une trentaine de terroristes actifs et implacables. Ce sont justement ceux qu’on ne contrôle pas, c’est à dire qu’on ne sait pas où ils sont ! On dit qu’ils sont en France ? La France est quand même un pays - sans que je puisse préjuger en quoi que ce soit de ce qui se passera demain - dans lequel on a connu une trace moins sanglante qu’ailleurs, même si elle est encore trop sanglante. Mais je dis hautement : la France est et sera solidaire de ses partenaires européens, dans le respect de ses principes, de son droit : elle sera solidaire, elle refusera toute protection directe ou indirecte pour le terrorisme actif, réel, sanglant”.

(Mitterrand François, *Discorso al Palais des sport*, Rennes, 1 febbraio 1985)
This period was the result of the Italian political dialectic deterioration, which fostered violent rallies, armed fights and real terroristic attacks. We usually make reference to 1968 as the start of every kind of revolt, after the so called Piazza Fontana slaughter.

In that period, Arrigo Cavallina was the keystone for the PAC gathering: he was a burglar and the ideologist within the group who supported the idea for which “the utmost thief is a great revolutionary” 66, a rebel. Battisti was fascinated by his theory and became one of the most important PAC leaders in 1978, after having been screened out by Arrigo Cavallina.

In the very beginning, their aim was to look for finances: indeed they robbed a supermarket and, later on, a post office. Other kinds of crimes came after that, like two doctors’ murder in a gunfight.

Anyway, Cesare Battisti is still nowadays accused for four homicides: the cases Antonio Santoro, Pierluigi Torregiani, Lino Sabbadin and Andrea Campagna.

Effectively, in 1993, the court of Assize in Milan declared Cesare Battisti as the crimes direct guilt 67(by condemning him to a life sentence) but the convictions have not been served on a term of imprisonment as he broke to France.

The explained-up-above Mitterrand Doctrine granted protection to the terrorists coming from the years of lead.

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66 Turone Giuliano, Il caso Battisti”, Garzanti, Milano, 2011, p. 40
67 Court of Assize, Sentenza n 24/93, Milano, 25 maggio 1993
That is why the Chambre d’accusation in Paris denied the first extradition request to Italy, by offering to Battisti the residence permit on the French territory.

Through the new government led by Raffarin and through the Chirac’s Presidency, the Doctrine was questioned in 2002 by the President himself and Italy was ready to move for a new extradition request. Battisti was actually arrested in 2004 so that Italy could be satisfied in its rights. It was right in that moment that the “affaire Battisti” started: when he was caught, the reporter Guillaume Perrault accused the French government to support the political decisions coming from the Italian judiciary power. France was in a bad position, according to the local newspapers. This is indeed the reason why Battisti was released on the 3rd March 2004: the French government changed its mind and considered him as an activist, rather than an organized cell’s terrorist.

Until the time in which the French Court of Justice had not made a decision yet about the requested extradition, Battisti was left on probation. Mister Chirac decided not to oppose to any kind of choice the judiciary power was going to make and revoked the so called right of “naturalisation”, I mean the citizenship achieved through the permanence on the French territory for a given period, started in 2001 as far as Battisti is concerned.

The 21st August 2004, the former terrorist ducked the judiciary control out, while the police forces hunted him high and low. Yet, Battisti stated that he had been helped by “the French intelligence
department, from which he was proposed the idea to break towards Brazil” ⁶⁸. He also added that the French CIA delivered him an Italian passport in order to let him escape to Spain or to Canarias Islands, where he might leave for Brazil. Every time he reached any place, his passport was coded so that “someone always knew I was getting there” ⁶⁹ and he could be suggested what to do or how to be protected by the dangers on his path towards Brazil.

2.2.2  The extradition path, after the Supremo Tribunal Federal sentence

Therefore, Cesare Battisti was condemned to a life imprisonment as he was accused of 4 homicides, armed gang, armed robbery and gun detention: as already highlighted, he broke in the very first moment to France and then to Brazil, where he was arrested by the local authorities after a 3-year fugitive condition thanks to her French girlfriend’s shadowing.

It was March 2008, when the Italian government was actually able to move its very first steps towards a concrete extradition request in order not to leave unpunished the 1993 sentence.

Indeed, the Brazilian Republic attorney Antonio Fernando Souza had given his favourable opinion to the extradition beforehand, only if had Italy changed the 1993 sentence from the life imprisonment into a 30-year one (exactly, the maximum provided by the Brazilian law). The decision should have passed and been

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⁶⁸ Villaméa Luìs, “Cesare Battisti Interview”, Brazilian journal Istoé, Brazilia, 2010, p.20
⁶⁹ Idem
made in the Brazilian Constitutional Court, the so called Supremo Tribunal Federal (STF): moreover, Souza stated he was right when he talked about “common crimes” on the felonies Battisti was accused of, as they “have not a rebellion background; they have been committed in a situation where the victims were authorities and civilian together and, therefore, they were weak and defenceless. Even though crimes have been committed by a political gang’s member, the homicides must be considered in contempt of human life” 70.

Meanwhile, the ex-terrorist was listened to by the National Committee for Refugees (CONARE), in order to recognize the so craved political refugee status. Indeed, Battisti thought he was persecuted by the Italian government while looking for that shelter in Brazil, as the former might forbid the expected extradition: moreover, at the article 5 the Brazilian Constitution states that “extradition will not be allowed in cases of political or opinion crimes”.

On November the 28th, the status was denied. The CONARE committee made its decision through the landslide majority among the members. Nevertheless, Battisti had a the chance to repeal to the Ministry of Justice directly, in order to change the direction on the provision.

In fact, he definitely sentenced the allowance about the refugee status, by justifying the frights for political persecution after the crimes Battisti committed and repudiated beforehand.

70 Iannozzi Giuseppe, “Il brasile dà l’ok all’estradizione, Cesare Battisti Tornerà in Italia”, La repubblica, 3 aprile 2004
Meanwhile, the Brazilian Constitutional Court (the STF) had the ultimate word as far as the decision was concerned, considering that the highest authorities could choose to be favourable or not towards the extradition. Nothing like that happened: on November the 16th 2009, the Tribunal sentenced its decision through a draw on 4 out of 8 positive votes, while waiting for the President’s choice.

It shall be highlighted that the political stress were not bearable for the judges themselves: one of them, Carlos Ayres Britto, had revealed to the journalist Renata Lo Prete that some inexorable “pressures” were imposed as far as the vote was concerned.71 Moreover, his entry in the Constitutional Court was due thanks to Celso Antonio Bandeira de Mello, a lawyer enlisted in Battisti’s defence. The result of the vote was not so implicit, though.

Nevertheless, the only chance was in Luis Ignacio de Silva’s hand, the President of the Brazilian Republic: only he would have had the very ultimate word in regards to the case.

It is actually needed to talk about odds if we have well understood the doubts Gilmar Mendes, the STF President, had: if on the one hand some lawyers of them thought that the extradition issue has something to do with the foreign politics (therefore, a direct competence at the executive branch level), on the other hand some others strongly believed that the judiciary branch has to make the ultimate decision, towards which the government must adjust.

71 Ansa, “Caso Battisti, il giudice Britto accusa: ‘Su di me pressioni per cambiare idea’, Il Tempo, 16th November 2009
By the way, de Silva had already stated his approval on the extradition back then, even though it had no binding legal effectiveness.

On November the 18th, the STF sentenced the consent on the extradition, considering that it considered the refugee status as wrongful. The sentence was passed through a majority of 5 votes out of 9, but the only clause provided was very determinant: its implementation was left to the President of the Republic, by respecting all the treaties in relation to the case and to both countries (the 1989 Treaty and the 1951 Judiciary Cooperation Treaty).

Meanwhile, Battisti was convicted to serve a two-year imprisonment because of the use of a false passport while staying there in Brazil, during the fugitive period. We said Mister De Silva had many doubts about the case: there would actually be the elections on October the 3rd; Lula would not present his candidacy, but he would leave the floor to Dilma Rousseff coming from the same Lula’s party, Partido Dos Trabahadores. Surveys stated she could definitely win against the socialdemocratic José Serra, that is the reason why she has always expressed her opinion about Battisti’s extradition: it was like she felt she had to deal with it in the next future. She has always supported the idea to respect Lula’s verdict as well or, unless it was not present, to leave the ultimate decision to the STF: it means the green light about Battisti’s repatriation towards Italy.
In case de Silva was in favour of the political asylum, it might be possible to launch again the process through a formal request coming from the STF itself, as judges had already recognized the reasons why that status was not available in Battisti’s situation. They also added and confirmed that, even though he was not extradited, his status could not be switched into a political-refugee one: it would always be seen as the foreign-land-immigrate one.

Lula’s decision was made at the very end of his mandate, I mean on December the 31st 2010: he had been awaiting for the National Bar verdict he would change into an official sentence. They both stated that Battisti could not be extradited and moreover that he could be bestowed the refugee status, contrary to what the Brazilian Constitutional Court said.

The STF motivations to forbid the refugee status and to allow the extradition have had a great echo all over the international community:

1. A refugee status can be badly available to Cesare Battisti, the former PAC leader which has been sentenced in absentia to life imprisonment for armed gang, robbery and violent acts for kneecapping, by simply analyzing the 1951 Geneve international Covenant.

Therefore, this status cannot be invoked by Battisti. One should be an innocent escaping from a country where he risks his personal life for some independent situations (we can think about civil wars...) and he is not. He is running away for he is wanted by the
Italian country for the up-above crimes; the status cannot be accepted as an extradition denial based on the 1989 Treaty. On the contrary, it concerns an offence implemented by the Ministry of Justice Tarso Genro: at article 1 the Genève Covenant provides that the status cannot be granted to those whom “have committed heavy common crimes outside the welcoming country, before seeking refuge there”. Fausto Pocar remarkably shows that “these individual cannot be given shelter whereas a parallel treaty impose to extradite them”. 72

2. The crimes have been judged by the Brazilian State Bar as political, but we cannot find any reference about its matrix within the sentences condemning Battisti to life imprisonment in 1993.

The STF definitely pushes this theory back: in its opinion, the Italian government is exercising the right to judge the person who has been living fugitively for 20 years and who committed crimes which identify a serial killer profile. Moreover, these crimes have already been considered as “heliondoso” or “qualificados”, I mean formalities worsening the crimes. 73 Therefore, his conviction concerns only those so called COMMON CRIMES. Moreover, he was not sentenced about art.8 Italian Penal Code violations 74, which concerns political crimes: the STF


73 De Luca Anna, “Quali strumenti per la risoluzione della controversia internazionale tra Italia e Brasile?”, La Rivista Internazionale, Roma, 21 Gennaio 2010

74 “[1] Il cittadino o lo straniero, che commette in territorio estero un delitto politico non compreso tra quelli indicati nel n. 1 dell’articolo precedente, è punito secondo la legge italiana, a richiesta del Ministro della giustizia. [2] Se si tratta di delitto punibile a querela della persona offesa, occorre, oltre tale richiesta, anche la querela. [3] Agli effetti della legge penale, è delitto politico ogni delitto, che offende un interesse...”
highlights that Battisti’s political activism “is not enough to switch the common violations into some political ones, nor it can be used as a shield to avoid the penal law implementation”.

3. The Brazilian State Bar holds to be true that Battisti could suffer from “minor negative consequences” by going back to Italy, for he could be persecuted and be the target of discriminatory acts damaging the basic human rights.

It is needed to remind that Italy is a participating country into multiple covenants: the European Covenant about the human rights and fundamental freedom (1950), Political and Civil rights pact (1966), New York Covenant against tortures (1987)..... These covenants are committed to international impartial control mechanisms having already praised the Italian way to face the red and the black terrorism.

On the contrary, the Italian correctional system is bitterly famous for its flexibility towards the inmates, rather than the risk to be persecuted: Silvia Baraldini’s case is just an instance. [parlarne in nota forse?]. For these reasons, we are not still able to understand why the Brazilian Government kept on defending its inapt political line by violating the 1989 Treaty and the 1954 Covenant; by jeopardizing the Italian juridical system through a juridical emptiness for it would vanish all the pacts pledged beforehand.
2.3 The International Law

2.3.1 Its violations of the signed treaties: the 1989 Extradition Treaty and article 3, article 5 infringement.

Signed in Rome on the 17th October 1989 and divided in 22 articles, the Extradition Treaty entered into force within the Italian system through Law n. 144 on the 1st August 1993.

Article 1 already defines the obligation about extraditing towards the requesting Country “all those people being on the other Party’s territory, wanted by the requesting judiciary authorities for the purpose of the normal penal lawsuit development or of serving the imprisonment”75.

Moreover, many articles come along about the extradition limits: every Party can request a period of preventive detention in the other party’s territory for the person to be extradited was condemned in the Party’s national territory. Delivery must be completed in 20 days after, unless the subject at issue have to serve the imprisonment on the requested Party’s territory: indeed, Battisti had still to stay in Brazil for two years, as he was condemned for faked IDs.

The Treaty provides a temporary delivery, as well, in order to ensure the presence of the subject during the trial, or a delayed one in case of acute diseases.

Moreover, as article 17 perfectly highlights, it is possible to despatch some agents able to confirm the requested Party’s conduct, or the subject’s identity, by staying under the hosting territory’s jurisdiction and by never interfering through unvested authorities.

75 1989 Extradition Treaty, article 1
Nevertheless, in the Treaty no provision for its violations and resolutions are established, nor trial: so there is no procedure in a case like the Battisti’s one, taken into account. Therefore, Parties can address to the Conciliation Covenant (the one established and contracted in 1954 we are going to explain down below) and to the Customary Law, which is generally approved through behaviours never ratified but acknowledged as “general accepted law practices”76: Parties can actually make reference to the International Court of Justice, in the light of a dispute resolution.

Nonetheless, the 1989 Treaty was infringed at article 3, actually establishing all the cases in which no obligation can bound the extradition, on the basis of a juridical discretion. The so called discretion was abused by the Brazilian authorities in the 7 provided cases.

A Party can deny the extradition request:

a) If the requested subject has already been judged by the judiciary authorities in the requesting Party’s territory.

b) If statute-barred limitations intervened by one of the Parties’ law.

c) If, in the requested Party, amnesty was approved and the condemnation bears upon its penal jurisdiction.

d) If the requested subject is to be judged by a tribunal as an exception

e) If the requested Party is frightened for the subject could be persecuted for race, religion, gender, nationality, language and political opinions reasons.

f) If the crime is considered as military and, hence, compulsorily to process through a military tribunal, as it is not a common crime.

76 D’Amato Anthony, Trashing Customary International Law, American Society of International Law, 1987, p. 101
Some of these limits were worth of being highlighted by Battisti, in order to avoid the extradition towards Italy; he indeed made reference to letters d), e), f), (for which no reason can be available, as well explained through the Supremo Tribunal Federal decision in chapter 2.1.1) together with art. 5 and 6 of the 1989 Treaty.

Respectively, article 5 focuses on a no-extradition provision whenever every kind of fundamental and defence Rights were not taken as granted; or if the subject risked treatments against the Human Rights, approved by almost the whole International Community.

It does not take into account trials in absentia as a founded reason for the extradition denial. Italy was indeed accused and, hence, condemned in the past by the European Court of Human Rights for the violation of article 6 ECHR (the right to a fair process).

*In-absentia* trials *per se* were not really inconsistent with article 6 ECHR, but European Court of Human Rights stated its judgment for a matter of fairness: according to article 6, one must explicitly declare his will in renouncing to take part into the process, otherwise one must wield the right to start again the trial. As a consequence, the Court was against the inability for the condemned subject to open again the process, once he got back. Therefore, the *in-absentia* trials must provide a new sentence or decision “*when it is not clear unequivocally that one renounced to his right to be defended or to take part into it***” 77.

Such jurisprudence about the *in-absentia* trial can be involved in the explication of Battisti’s motivations to avoid extradition: he indeed renounced to the right of participating to the trial, by delivering “two handwritten letters to the District Attorneys’ office in Udine and Milan”. According to these letters, he “appointed two lawyers, representing him during the judiciary trials”. As a consequence, one may conclude that no infringement in article 5 of 1989 Treaty can be found.

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77 ECtHR, *Somogy vs. Italy*, sentence number 67972/01, 18th May 2004
Since no provision for the violations has been created within the 1989 treaty, it is needed to make reference to the other agreement which could help to solve the problem: the 1954 Conciliation Covenant.

2.3.2 Its violation of the signed treaties: the 1954 Conciliation Covenant.

Few months before the stalemate in the Italo-Brazilian relations, the Minister of Foreign Affairs Honourable Frattini proposed the intervention of the International Court of Justice, so that judges could verify the infringement of 1989 Treaty.
Nonetheless, the International Court of Justice is based on a consensual agreement and controversies have no specifically appointed judges, especially when treaties do not arrange any pact for this aim. That is the case of 1989 Treaty, analysed so far.

Anyway, the Conciliation Treaty was pledged and ratified on the 24th November of 1954 in order to supply this kind of lack. Signed in Rio de Janeiro, it establishes at article 4 the “arrangement of a Commission for the Conciliation, made up of an Italian, a Brazilian and a common-agreed member” 78 Therefore, the appeal to the International Court of Justice is only the last step to go for, since procedures must be developed through their paths before that.

Indeed, according to the 1954 Covenant, it is compulsory to set the Commission for the Conciliation up within 6 months, since the entry into force of the Covenant. Yet, after 57 years there is no evidence of the latter.

78 1954 Conciliation Treaty, article 4
Despite that, the Convenant allows Parties to ask independently for the start of the procedure: since that moment, Commission has a 4-month deadline in order to display its decision for the resolution, unless Parties do not agree on a broader time. After this step, article 14 states that, within 3 months, Parties can accept or deny the proposal, as it is not compulsory.

As a consequence, when this time elapses, Parties have the chance “to conclude a special agreement clearly defining the subject of the dispute, the particular competence which might be vested in the International Court of Justice” 79.

Lastly, whether these steps have not been evolving in a solution, Parties can resort to the International Court of Justice by simple application. Nevertheless, the latter might not lead to a clear problem solving of the controversy. Indeed, article 18 recites that “If the International Court of Justice should hold that a decision of a judicial or other authority of one of the Contracting Parties is wholly or in part at variance with international law, and if the constitutional law of the said Party does not make it possible, or does not make it fully possible, to remove the consequences of the decision in question by administrative action, then, in such circumstances, the injured Party shall be awarded equitable satisfaction in a different form”. In conclusion, Italy has all the powers and the reasons to demand the extradition, but Brazil has no will to make this dream come true. This is definitely a case where the “great” role of Italy overshadows towards the so called subprimacy for its inability to have a voice in such a matter.

In sum, we can conclude through this dissertation that Battisti’s extradition must be granted by the Brazilian institutions. After having

79 Idem, article 17
covered the historical excursus in the very beginning and all the intrinsic factors of the international controversy, we have identified the *fil rouge* of the case and its possible resolution. As a consequence, the latter would bring to a cleavage between both countries, even though it is impossible to reach as the real resolution is all in Brazilian hands, as it cannot be discussed under the international jurisdiction. Brazil is still able to keep Italy in check through its decisions and its behaviours.

As shown by the events and the current news, the Italian system is still waiting for its rights to be satisfied. In this work, this is the first practical experience the reader has had so far in order to understand what the topic of subprimacy is related with. It is important to stress that Italy is part of global mechanisms and have one of the most relevant voices in the international issues, so it is a pre-eminent power. Nevertheless, this case still remains unsolved given that the forth above global mechanisms are also influenced by the re-emerging powers and their wills. Moreover, Brazil is not part of the International Court of Justice, therefore it is really hard to force it to respect bilateral treaties. Personally, I think that Italy has not moved all its pawns yet because of the strong and old intercourses it has had with Brazil: it is also threatened breaking the ancient tie with the neo-latin country and thus losing the Guinness in trade it has acquired so hardly. Menacing Brazil with heavy sanctions, like repraisal or the halt of investments, would mean for instance to sink the second greatest FIAT markets: since FIAT is one of the enterprises leading the Italian economy, it would be unbearable to stop that kind of relations and unexplainable to the Italian pockets. Indeed, Italy rather prefers leaving the floor and let the affair stable as it is, awaiting for Brazilian moves towards a peaceful solution of the case,
since that country has always been a kind of rebel in this field: the silence bringing to the subprimacy, exactly.
CHAPTER 3

The Italian Navy Marines’ Case (Marò)

This chapter concerns a further demonstration to understand the situation Italy is living, politically speaking. The case taken into account is a modern one, the Marò affair. It is not yet permanently closed and it is interesting in how the government behaved related to such affair. In the first stance, the bilateral relations between both countries will be analysed, so that a background can be built up. Later on, we will examine in depth the practical case, the one concerning the militaries on commercial ships.

According to article 5 of the law n. 130/2011, armed teams on Italian ships can be both national and private. The former are provided by the Ministry of the Defence, the latter must be approved by the Internal Affairs, the Defence and the Transport ones. Moreover, the private armed teams have been the name of the game until nowadays in order to be defended from the pirates’ attacks. Atlanta Mission, Ocean Shield, and Combined Task Force are just some of the expeditions arranged to chase the pirates’ ships.  

Nevertheless, these forces deployment has not been useful to bound the attacks, since pirates work on small boats hidden in fish ones.

The Italian legislation allows the employment of both public and private teams. Militaries are awarded as Judiciary Police and are pretty famous as they have pushed almost all the attacks back.

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80 Colombo Alessandro and Greco Ettore, “La politica estera dell’Italia”, Bologna, Il mulino, 2012, p.113
Yet, something went wrong with the Enrica Lexie (E.L.) ship near the Indian coasts in February 2012. My task is to highlight the reasons of this controversy, the different points of view and how the countries can solve the dispute. Moreover, it will be important to stress the weak Italian role compared to the strong Indian behaviour, highlighted in the end by the interview to Mister Stefano Polli.
3.1 The bilateral relations between Italy and India

Italy and India are young countries but both have ancient civilizations. Their relations are dated back to the Roman Empire, when the trade with that part of the world started. The venetian Marco Polo is one of the most famous merchant who published the Million when visiting the Indian south-eastern part. Many others like him followed his path, like the general Ventura who contributed to the arrangement of the Punjab army in 1830. In the XIX century, Italy and India have shared the same experience in the fight for the independence: the Italian Risorgimento inspired many Indian rebels asking for freedom. Indeed, Giuseppe Mazzini was one of the idols followed by the Indian population. Independence was realized in both countries 80 years far the one from the other.

The two countries have recently enhanced their bilateral relations. The result was the start of a bunch of common projects, since when the Italian President of the Republic Carlo Azeglio Ciampi visited India in 2005. Their aim was to create an economic and political arena able to express all the partnership potentialities, since it is considered a strategic alliance for the next future.

Prime Minister Prodi visited India in 2007, definitively determining the improvement of the Indo-Italian relations through a broad program of bilateral agreements as far as the political, cultural, economic and scientific cooperation is concerned. Moreover, in 2009 the Minister for the Economic Development Scajola led the
first Government-Regions task in India, to which many enterprise took part.
The following years have also remarked a packed agenda with commitments, confirming the dynamic period these countries are living.

As far as the economic perspective is concerned, India now represents a market of great chances at the global level, for it gives broad opportunities, despite its difficulties. Indeed, the economic reforms started in September 2011 concerned the great distribution, the banking and the broadcasting fields: especially the governance reform for easier administrative procedures and for broader investments is the right way towards a substantial growth. In fact, according to the Indian Planning Commission, in 2017 the predicted growth percentage is 8%.
The Indian government has also approved a series of industrial projects, to fill the energetic and the infrastructural gap by involving its everlasting partner: Italy. Indeed, our country will take part not only in these former, but it will also have a relevant role in the automotive and agribusiness sector as well as in the mechanical engineering one82.

This economic cooperation between India and Italy started increasing in 1991. Since that year until today, the commercial exchange has become 12 times broader, improving from 708 million to 8.5 billion Euros83. This made Italy became the 4th Indian commercial partner among the EU member states: machineries

83 ISTAT source.
are the good the most exported in India, while the imports towards Italy concern textile goods.

According to the National Export Plan projected by the Internationalization of the Italian Enterprises Agency, Asia will be the main engine (the only, maybe) for the global trade\textsuperscript{84}. Effectively, Italy invested 694 million Euros in 2011, a triple amount than 2010\textsuperscript{85}; conversely, India spent 66 million Euros in Italy, which is a poor amount, given the Indian will to look for more economic chances in Europe.

Moreover, it must be stressed the massive presence of 400 Italian factories on the Indian territory. Such presence has different shapes: subsidiary enterprises, wholly owned by the parent Italian company (WOS); international Joint Ventures (JV) with Indian enterprises; commercial agents; delegation units. WOS and JV represent 60% Italian presence, even though the balance leans more towards a former leading position.

The main industrial poles where the Italian enterprises are located are Delhi, Gurgaon and Noida, Mumbai and Pune. Furthermore, thanks to its easing policies, the Gujarat region will soon become the new important pole for national and foreign investments.

Moreover, every 4 years the bilateral dialogue develops within the Mixed Indo-Italian Commission for the Economic Cooperation. The last session took place in Delhi, in 2009. It is a mean able to face problems and to improve solutions through the bilateral collaboration about the industrial, the commercial and financial

\textsuperscript{84} ICE, “Monti presenta all’ICE il piano nazionale dell’export 2013-2015”, 2013, Roma

\textsuperscript{85} EUROSTAT source
field (tourism, infrastructures, agriculture, textile...). Next summit is planned to be located in Italy, in 2013.

The bilateral cooperation is based as well on something more, which has reshaped in these years, given that India sorted by the primary-aid countries in the Italian Cooperation list. Nevertheless, three intervention projects are and will be still pursued till 2017, as far as the health, the woman condition empowerment and the Small and Medium Enterprises are concerned.

- The project in favour of the “Pneumonia control program in the Tibetan communities” was realized by the Italian Non-Governmental Organization AISPO. Its aim was to enhance that population’s health conditions and guarantee the access to medical corps. Moreover, it tried to control the pneumonia spread, through the implementation the Direct Observed Treatment Short strategy (DOTS)\(^\text{86}\).

- The project based on the women empowerment ended in 2013 and was promoted by the Italian PROSVIL association. It indeed played a pivotal role as far as the civil and political rights are concerned, through technical aid and capacity building within the Gujarat region. Thanks to this project, thousands of women could attend alphabetization classes and vocational training\(^\text{87}\).

- The integrated program in favour of the SME in India was made effective by the UNIDO, investing 3.2 million Euros and ended in 2013. Its primary aim was to offer technical

\(^{86}\) AISPO, “Sostegno al programma di controllo della tubercolosi presso le comunità tibetane, Dharamsala”, 2012

\(^{87}\) CGIL, “Donne: PROSVIL CGIL SEWA, concluso il progetto di cooperazione in India”, 2013
aid to the Indian SME development through Italian models and means.

After having illustrated the economic, political and social background of their bilateral relations, we need to say that such intercourse reached deadlock since when the Marò case has started. Both countries are maybe tired of that and afraid that this centuries-old partnership might end because of such affair. In detail, we are going to deeply examine the case and try to understand the locked positions where the countries are stuck at the moment in the next paragraphs.
3.2 The events

The accident took place off the Indian coasts of the Kerala State on the 15\textsuperscript{th} February of 2012. The ship, whose owners are Fratelli d’Amato SpA, was sailing towards Gibuti and had on board six Italian Marines (the so called Marò, from the San Marco pack). According to some interpretations for the events, a non-identified boat was approaching the E.L., although all the repeated light-flash warnings. Militaries on board passed to the second step, shooting sprays of gunfire into the water. The boat was not pirates’ but fishermen’s, the St. Anthony, and put out the sea off the E.L. after the warnings.

Two fishermen were killed, but E.L. crew has always supported that the shoots to death came from another ship, as that area is an intersection for many routes. E.L. was placed 22.5 miles away the coasts, the so called Exclusive Economic Zone (EEZ). This institution is to be considered within the customary law and supports the idea for which it can reach 200 miles out the coast\textsuperscript{88}. In this area, the territorial State has an exclusive control over the economic, biological and mineral resources as well as the fishing. It has no authority more than what already listed: as a consequence, the other States’ rights concern a functional peculiarity, involving only communication, sailing, sky and sea traffic, pirates’ chase, with no jurisdiction of the territorial state over the EEZ and the subjects spread all over that slice of water\textsuperscript{89}.

Therefore, the Indian institutions would have never tried to stop the E.L. in the EEZ, in order to check the militaries out; as a

\textsuperscript{88} Montego Bay Convention, \textit{article 55}, 1982
\textsuperscript{89} Conforti Benedetto, \textit{Diritto Internazionale}, Editoriale Scientifica, Napoli, pp. 285-290
consequence, a trick was put to use: the Indian coast guard asked E.L. to head towards Kochi harbour, for some pirates needed to be identified and it was needed the E.L. captain’s witnessing.

Yet, who gave the order to E.L. to get entry into Kochi harbour? It is important to remark that the captain shall always ask for permissions our Italian Ministries, in order to change routes. Indeed, he could also not respect the Indian request to dock.

Anyway, E.L. has been convoyed by the Indian coast guard and has been stopped by the Indian authorities on the 17th February 2012. After a few days, 30 armed militaries gained the access to the ship and arrested two Maròs, Massimiliano Latorre and Salvatore Girone, accusing them for homicide and seizing their weapons. Even though these latter were under the Italian property, the Indian authorities justified the requisition in order to verify whether the shot-to death came from them: the whole bunch of Italian representatives have not been able to play any significant role against India in that moment, but to be accepted during the technical mastery on the weapons.

3.2.2 Indian and Italian Public Opinion Reactions

At the time of the E.L. accident, the Indian State of Kerala was experiencing an electing poll: as a consequence, this might also explain why the reactions in the fishermen’s support were definitely high pitched. Indeed, their caste is considered as one of the poorest and lowest within the Indian society; that is why
protests have been granted and pandered by all the local leaders, by trade unions and by the local Church. They have been spreading in all the squares of the Kerala state, engendering the life risk for both Maròs under the Indian police custody.\footnote{Colombo and Greco, ..., pp. 118}

The Italian public opinion moved in favour of Maròs’ situation: within the Parliament, both Libertarian Party and Democratic Party showed the need to foster law n. 130/2011, improving the Ministry of Defence powers, as well\footnote{Italian Chamber Act, \textit{Urgent interpellance 2-01381}, seat number 594, 28\textsuperscript{th} February 2012}. Yet, the Northern Party “Lega Nord” was not really sure whether the Italian navy were in the dark about the captain’s decision to dock in the Indian harbour: Minister of Foreign Affairs Honourable Terzi stated that the decision was made by the captain, who was tricked in the very following moments, but no declaration has been released by him in order to confirm or prove this theory wrong.
3.3 Further Italian legal developments

The Italian government has lead two strategies at the same time: a judiciary and a diplomatic one. The former was definitely compulsory, after the arrest and the preventive detention of the ship, while the latter concerned the the Italian navy marines’ defence before the Indian courts. In this section, we are going to examine these two strategies separately.

3.3.2 Judiciary developments

After the ill-omened events in Kerala, the Italian government has submitted an appeal to the Supreme Court of Kerala, in which it complained for the Indian lack of jurisdiction in the case. Meanwhile, the tribunal in Kollam (an Indian municipal corporation) deported the Maròs to the prison in Trivundum, after having been apprehended into the company lodgings of Kochi Police. The Italian appeal succeeded in setting them free on bail on the 30th may of 2012: yet, the High Court of Kerala forces them to a bounded freedom of movements and a compulsory daily sign, while seizing their passports.

The Italian defence is founded upon two main issues:  

1) The functional immunity concerning the on board militaries

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92 Bargiacchi Paolo, “Debolezza politica e strategie inadeguate”, 2013, Limes
(Maròs are Italian police officers representatives, benefitting a functional immunity for they are carrying a public function out: the protection against pirates)

2) The tracking of the E.L. position when the events occurred, when the fishermen died.

(the Italian government considers the events as “sailing accidents”\(^93\) occurred in high sea. According to Art. 97 of Montego Bay Convention, it states: “The ships sail under the flag of only one nation-state and are submitted in high sea [...] to their exclusive jurisdiction.” As a consequence, the accidents fall under the Italian jurisdiction and, moreover, the access of E.L. was gained through a tricky ploy. This opinion is not totally shared by the Indian authorities: they were giving a service to the captain, so no immunity could be provided for their work. Moreover, they supported the idea for which the accidents occurred in the adjoining zone, out of the territorial sea, but still under the Indian jurisdiction. This might implies that art. 97 is not valid to defend the Italian Maròs.)

A compensation has also been provided to the Indian victims’ relatives, as a “gracy gift”\(^94\). This kind of compensation before the end of a trial is a common practice in order to define a compromise and be close to the civil lawsuits. Nevertheless, this move has been interpreted as a trick to shut the victims’ relatives up.

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\(^93\) Sarcina Giuseppe, “Caso Marò: maxi-risarcimento ai familiari dei pescatori uccisi”, 2012, Corriere della Sera

\(^94\) Idem
3.3.3 Diplomatic developments

The diplomatic side has been developing on a bilateral and on a multilateral issue.

At the **bilateral level**, the Italian Minister of Foreign Affairs Honourable Terzi and the Defence one Honourable Di Paola have been cooperating with the Italian Ambassador Giacomo Sanfelice di Monforte in Delhi. Yet, the very first initiative came from the Indian government. The Ambassador was summoned by the Indian authorities and was also given a complaint note, which pushed him to meet the secretary general of Farnesina. The real will of the Italian authorities has always been the diplomatic solution of the controversy, that is why Minister Terzi flew on the 28th of February 2012 to India where he met the Indian Minister of Foreign Affairs Somanahalli Krishna. The Minister Terzi’s diplomatic soft bargaining was kept on, even though the High Court in Kerala postponed several times its decision about the case. Only in the occurrence of the umpteenth indictment, the Italian legal action started being sharper but not that effective, by summoning the Indian Ambassador in Rome for further explanation on the Indian Authorities decisions.[Colombo, Greco]

At the **multilateral level**, the Italian diplomacy addressed in the very beginning the European Union, as it can be proud of the fight against the pirates in the Atlanta Task. Yet, the controversy was considered as a bilateral affair to be solved under the strict Indo-Italian jurisdiction. The European Parliament was also involved in this issue, which expressed its decision on the 10th may of 2012, stating that “in high sea, it is in force the jurisdiction under which the jurisdiction is sailing under; no authority besides the national
one are able to order preventive detentions of crews and ships, 
neither if it involves detective reasons".95

The Italian government has tried unsuccessfully to support the idea expressed by the European Parliament. The latter was also very welcomed by G8 rendez-vous and the International Maritime Organization (IMO) meeting on the 16th May of 2012. None of them has played a significant role: the IMO especially has always fought against the armed crew on board of the ships. Moreover, on the one hand, India is still aspiring to a seat in the Security Council and this would be the reason for which it has not seriously fought the sea pirates yet; on the other hand, Italy is on the opposite side, together with Pakistan, in defence of Uniting for Consensus [richiama capitolo 1], fighting against the growth of temporary seats within the Security Council. India might have suffered from that blow, and have reacted to it through a pip towards the Italian Authorities and their requests.

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3.4 The E.L. release and the appeal to the Supreme Court of New Delhi

The efforts made by Italian government through their judiciary and diplomatic levels was partially successful. Indeed, the Indian authorities had held the ship and 4 out of 6 militaries on board within the port. Yet, an appeal before the Indian Supreme Court established that it was not really possible, and allowed the departure of E.L.

The release was made possible and took place only through burdensome guarantees to foster the Indian trial:

- The 4 militaries will have to appear before any Indian Court, when requested, and Italy will force them to do so.
- The captain and the maritime agents will engage in order to guarantee the militaries’ presence before the requesting courts within six weeks after the injunction.
- In the respect of these guarantees, the High Court of Kerala will be paid 30 million Rupees.

Nevertheless, a wet blanket came from the High Court of Kerala itself: on the 29th May of 2012 it indeed establishes that it does have preeminent jurisdiction about the case. It states also that the Italian thesis have no basis where to exist: no pirates’ attack would have been led in the sea area of the supposed accident. Both militaries shot through no captain’s allowance.

The Italian defence has been challenged by the Indian High Court, whose decisions are explained as follows:

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96 High Court of Kerala, *Decision on the case about Massimiliano Latorre vs. Union of India*, Sentence n. 4545/2012
• Article 97 of the Montego Bay Convention finds no application in this case. The accident has occurred in the Indian EEZ, no way to interpret this as high sea.

• Indian jurisdiction must be taken into account, as victims are Indian; as the shot were taken against an Indian boat; as the events had serious fallouts on the mainland.

• No immunity can be accorded to both marines, for they were on board a private business ship, not a military one, and shot with no allowance by the captain or by the Italian Navy.

This decision surprised the Italian government, which could only appeal before the Supreme Court of New Delhi in order to assert and enforce their rights.

3.4.2 The Agreement on the transfer of sentenced persons

In a very short while, a new agreement between India and Italy has been reached: the Agreement on the transfer of sentenced persons, ratified in our system through law n. 183 on the 26th October of 2012.

The Indian government has been detaining 18 Italians, while on the other hand Italy has been apprehending 108 Indians: this has been the formal reason for a so quick treaty conclusion.

Actually, the Italian government was indeed afraid not to be able to get the Maròs back, after the conclusion of the High Court of Kerala. It was called by Honourable Palmizio “an insurance policy
to guarantee that they will come back, in any case and in any way"97.

Basically, the Agreement provides the sentenced peoples transfer, unless they showed a different will. The recipient country must compulsorily carry the judiciary execution on (being previously provided by the transferring country) or adequate the conviction to its own legal system.

Nonetheless, the sentence must be an ultimate one in order to allow peoples’ transfer98 otherwise if other appeal are provided, they cannot move from a India to Italy or vice versa.

As a consequence, this kind of agreement cannot solve the current Marò case, as it is conditioned to a conclusive sentence coming from the Court.

The occurred events have always had the uninterrupted support of both the Italian public opinion and the highest authorities. On the 4th November, during the National Unity festivity, President of the Italian Republic Giorgio Napolitano reminded all the efforts being made till that moment in order to make their rights come true and to have the Maròs back home99. [Intervento del presidente Napolitano alla cerimonia di consegna delle decorazioni dell’ordine militare d’italia, 4 novembre 2011].

The Grand Prix Formula 1 motor-racing competition in India has also been a chance to protest and serve the Italian cause about the Marò case. In fact, the Italian Navy Sails was drawn on the Ferraris bodies, avoiding the standard yellow stripe which stood for their support in any kind of rally.

98 Agreement on the transfer of sentenced peoples, article 4
99 Intervention of the Italian Republic President Giorgio Napolitano during the ceremony of decorations delivery, 4th November 2011
Yet, this type of support got a rise out of the Indians, which criticized the exploitation of sporting contests for private causes’ ends, having anyway nothing to do with them\textsuperscript{100}.

\textsuperscript{100} Ravelli Arianna, “All’India non piace la bandiera, la Ferrari ha un nemico in più”, 2012, Corriere della Sera
3.5 The debate within the Security Council and the sentence of Supreme Court of New Delhi

In November, India was in temporary charge for the Security Council Presidency and proposed at that time a passionate debate about piracy and its consequences. It is useful to remind that India is one of the greatest pirates’ victims for the highest lost of business ships.

The debate was to focus generally on the issue of piracy and particularly on the high sea jurisdiction and the Indo-Italian question. The chance was though given to the intervention of the EU in that issue, relying on the status of strengthened observer\textsuperscript{101}

EU representative has indeed remarked that the whole community shall be worried about the disrespect of basilar principles coming from the International Law, about the national jurisdiction of ships in international sea (the so called high sea).

Moreover, on the one hand, the permanent Italian representative, Ambassador Ragaglini, supported the idea for which both Maròs served as Vessel Protection Detachment (VPD) on board an Italian Petrol ship and they cannot be detained in a member state of United Nations. Furthermore, he added that freedom of sailing and anti-piracy Tasks would have no meaning if VPD functional immunity was not respected: as a consequence, all the Indian tasks would be in danger, whereas this status was infringed by the Indian jurisdiction.

What is more, the Italian legal system allows the employment of armed personnel on board the Italian ships, as none of them has never been chased by pirates till nowadays.

\textsuperscript{101} United Nations, “Resolution of the General Assembly about the Participation of the European Union in the work of UN”, A/RES/65/276
On the other hand, the Indian representative stated that Maròs shot to death the fishermen, after no provocation experienced by them; this issue is overseen according to the Internal and the International Law.

The debate found no more support by the other members of Security Council: they only generally mention the importance of militaries on board the ships in order to fight against the piracy off the Indian coasts.

Moreover, the Indian position was confirmed by the sentence of the Supreme Court of New Delhi. It actually stated that:

   a) Both Maròs have no right to immunity besides the jurisdiction

   b) The Indian policy does not grant any immunity to the on board armed personnel: as a consequence, the Indian government does not stipulate any Sofa (Status of Forces Agreement: it grants immunity to foreign militaries)

   c) The action ordered by the Italian Navy is not a way to grant and obtain functional immunity.

Nor can article 97 of Montego Bay Convention be taken into account, as it recites about any accident occurring in high sea. According to the Supreme Court of New Delhi, it cannot find application as it indeed concerns the VII part of Convention about the only high sea; as the events took place in EEZ, it has no jurisdiction on the issue.

The Indian jurisdiction and its penal codes spread till the Adjoining Zone and the EEZ. Nevertheless, the State of Kerala has definitely no jurisdiction over these territories: as a consequence, jurisdiction belongs to the Indian Union.
Therefore, the penal trial against the Maròs, at the tribunal in Kollam, will end and the Indian Union will set a special Court up in order to judge the case.

In conclusion, the trial and all the available appeals will be brought along before that Court. Indeed, Maròs are now living in New Delhi, forced to sign a paper at the police station once a week.

We can consider two positive perspectives about this new development of the case:

I) The tribunal of Kollam has no longer jurisdiction in the issue (therefore, judgment will be more objective, since that population was emotionally involved in the killings);

II) The Supreme Court of New Delhi also mentioned article 100 of Montego Bay Convention, concerning the establishment of a penal concurrent jurisdiction (where the Italian and the Indian governments can cooperate and make decisions about the issue).[Colombo, Greco p. 128-132]

In sum, the only terrible mistake was to let the E.L. gain the access into the Kochi harbour, rather than order the captain to follow the Gibuti route.

Anyway, on the one hand the Italian militaries have always been aided uninterruptedly by their diplomatic and consular authorities, in order to arrange a defence level before the tribunal courts: this brought also to the freeing of both Maròs!

Moreover, all this did not create any cleavage in the economic-commercial field; the weaponry cooperation was brought on and its temporary suspension was caused by a judiciary inquiry which did not involve the Marò case.
On the other hand, the Italian government often used only diplomatic means merely to achieve the desired result, thus showing some weakness and not matching up with the trial. Other weaknesses occurred in the allies relations (US and EU), whom did not side any position about the Marò case. Since the very beginning, Italy has never pushed the United Nations in order to have the upper hand on the role played in the Indian piracy and on the Marò arrest: to be more precise, the influence should have been borne on India, which is still yearning for a permanent seat in the Security Council.

Moreover, a strong diplomatic initiative could have been an effective support to the judiciary one: it should have been lead before every technical Indian courts in order to obtain more results. Yet, it cannot free-stand in a so hard situation. It is not worth, indeed, to saying that India is going to engender an international controversy: it has already happened and the international jurisdiction threat seems not to fear the Indian government, maybe because of its undefined results.

As a consequence, it is needed to improve the internal and international level:

I. At the **internal level**, it is important to foster the current legal system, by changing law 130/2011 and refining the role of the relation between the Ministry of the Defence and the military crews on board.

II. At the **international level**, it is essential to appraise the Italian model, which allows the boarding of both militaries
and private guards. It shall win the US opposition, as well, since America does not look kindly upon this issue.

Another possible proposal could be an international norm, ruling on similar cases as the E.L. one: it would be necessary that the State whom the ships belong have the exclusive territorial jurisdiction on them. Briefly, it shall be a law, matching article 97 of Montego Bay Convention and the regulation included in the 1958 Geneva Convention about the high sea (which is rooted in the accident occurred between a French mail ship and a Turkish one during the ’20s: the so called Lotus case)\(^\text{102}\)

\(^{102}\) “Turkey has, contrary to Article 15 of the Convention of Lausanne of July 24th, 1923, respecting conditions of residence and business and jurisdiction, acted in conflict with the principles of international law-and if so, what principles-by instituting, following the collision which occurred on August and, 1926, on the high seas between the French steamer Lotus and the Turkish steamer Boz-Kourt and upon the arrival of the French steamer at Constantinople-as well as against the captain of the Turkish steamship-joint criminal proceedings in pursuance of Turkish law against M. Demons, officer of the watch on board the Lotus at the time of the collision, in consequence of the loss of the Boz-Kourt having involved the death of eight Turkish sailors and passengers”

[Permanent International Court of Justice, “\textit{A series – number 10},” 1927]
3.6 A practical evidence: the interview

In conclusion, it was needed to enrich this work through a tangible clue coming from the world involved in this field: the journalism. My personal concern was to interview someone who could give an opinion founded on his job experience, that is why I decided to let mister Stefano Polli give his contribution. He is the Chief in charge for the Minister of Foreign Affairs’ concern and works as a journalist in the Italian Press Agency called ANSA. He is also responsible as far as the ANSA International Area is concerned and has followed the most important international events: wars, revolts, breaking news and diplomatic summits. The whole text is reported as follows.

1. Basically, the Enrica Lexie’s captain was lured through a tangle in the Kochi harbour in order to arrest both Marôs, since they were considered the only accused of the Indian sailors’ murder. Given that the Italian government would have never done this, how could this risky decision be made?

In this perspective, plenty of points are still to be cleared. Yet, we will never know what events really occurred in that occasion. For sure, beyond the Indian authorities’ trick, the affair should have been managed more cleverly. The striking mistake was made by gaining entry in the Kochi harbour: it is, indeed, the source of the events. It would be enough to think about how the events would have taken place if the ship kept on following the route, or about the different behaviour that other Occidental countries would have had, given that their sailors’ protection is priority number one.
Some observers supposed that the ship owner’s commercial relations with India might have a primary role in the decision, even though this theory is still to be proved.

2. Everybody knows that the economic interests involved in this affair, especially as far as the weaponry is concerned, are preeminent in such relations. Would it be the case, in your opinion, to state that Italy is choosing a weaker position in the bargain in order to keep such interests alive, by avoiding its affair interests?

I think it is not. Commercial relations are pretty important as well to Italy as to India. I believe that a great powerful country like Italy shall never renounce the defence and the application of its principles and values. Nevertheless, I remarked a strange inconsistency between the previous government’s behaviour and the current one: in the former, I would stress a confuse one, while in the latter, I would praise its concreteness.

3. The “high see” and the “Exclusive Economic Zone” are the characterizing issues in this case. Really, the Indian government stated that the Enrica Lexie was surfing in its “adjoining zone”, at the moment the events occurred. According to your opinion, is there a way to confirm the Italian thesis? If yes, what actions shall Italy carry on in order to apply its rights and make India understand that its political and diplomatic behaviours will not enhance the current situation?
If until nowadays it has not been possible to come to a shared end about the ship location, I badly mistrust it will be possible in the next future. Yet, this crucial point will be worth of being given, since it will shape the whole decision-making process in the Indian trial before the national courts.

Nevertheless Italy is living a difficult position, for both militaries are in Indian hands. For this reason, Italy cannot use all the available political, diplomatic and economic means in a powerful and strong way, for it is still paying for its mistake about the Kochi harbour.

4. Moreover, the Indian police force detained the Italian ambassador, revoking his passport and bounding his moves. Some supported the theory of abduction, which is a principle against the Geneve Covenant about the diplomatic agents’ freedom. Anyway, Italy did not seem stricken by this action and had no reaction. Which are the reasons for which the Italian power (belonging to G7 and then to G20) is not able to politically threaten a country like India (belonging to the BRIC)?

At the political, at the public opinion and at the journalistic levels, the Indian behaviour has been overall stronger and harder than the Italian one. On the one hand, it is needed to consider the scorn which the Kerala population is living. Indeed, in Kerala, many candidates were running for the administrative elections and used the Marò issue as the main topic during the political campaign. On the other hand, India is trying any way to confirm and strengthen its new emergent global power role, not only in the economic but also in the political field.
Conversely, Italy has been sitting in the international assemblies since decades and has grasped a political-diplomatic behaviour having as focus the dialogue and the compromise research. Nevertheless, this is not always possible and the Italian global response to this crisis has been considered and perceived weak and confused, especially in the very first stage of the events. It would be sufficient to think about the other countries’ behaviour in similar cases: the closest instance is “Ceremis case” in the USA\textsuperscript{103}.

5. United for Consensus is the organization led by Italy together with Pakistan, which was created in order not to allow persistent intrusions by the emergent countries within the Security Council. Given that India is striving for a permanent seat in that institution, might we affirm that a kind of revenge has been cried out by it in the Marò case?

Surely, Italy and India are living on different sides of the same coin about the reform dossier of the UN Security Council. This has not helped and will not definitely help, but I do not think it is a central element in the affair, since it has a particular historical path, going beyond the great international politics issues.

6. In my work, I support a thesis according to which Italy is living a subprimacy period, as related to the BRIC: for instance, the Battisti’s case as well as the Marò one. In both the affairs, Italy has not satisfied its interests and has

\textsuperscript{103} The Cermis case occurred on February 3, 1998 near a ski resort in the Italian dolomites. Twenty people died when a US aircraft cut the cable of an aerial tramway. The pilot was put in trial and was judged not guilty, in the very beginning, and Italy did not play a hard game against the USA, in order not to spoil their relations.

[Mary Dejevsky, “Cable car pilot not guilty of killings”, 1999, The Independent]
not prevailed at the international level. Do you think that a European Union intervention could redefine the Italian role in the world and help it to get what it is in its rights? If yes, how could the EU deal with this?

Step by step, the BRIC behaviour has become impetuous and violent in the international field. Relations among the occidental community, the “old” great countries and the new global actors (such as China, Russia, India and Brazil) are living a dynamic and shifting stage. During last months, countries are witnessing a BRIC slowdown, since they need to face the problems already known in the “old world”. Yet, BRIC have already conquered a new role (G20 replaced G8, for instance) and have started sharing different positions about the foreign policies, contrasting at times the occidental ones. The European Union is marching towards no result, through a short-sighted and dangerous Common Security and Defence Policy (CSDP). I mistrust that a satisfactory CSDP will be built in a few years.

This situation weakens the European member states’ position within the international controversies, such as the Marò case. Italy has been abandoned by its European partners, beyond some faked declarations: there is no European solidarity and this means today and will mean in the future one of the hardest problems for the next European development.

7. The Italian political ability has joint the lowest level when they detracted both Maròs from the Indian authorities, when they repatriated during the Easter time. Why did the Italian government made a decision like this and how did this choice change the legal events of the affair? Do you
think that India still has a solid consideration over the Italian government or are you afraid that India is stamping its feet for we are not able to diplomatically solve the controversy?

This event is the lowest political level touched until now, as far as the Marò case is concerned. Italy witnessed an internal institutional fight with no previous background: the former Italian Minister of Foreign Affairs’ resignation has clearly determined such an internal cleavage.

In this case, as well, it is not easy to build in detail what happened during those days. For sure, the Indian position has become stronger, while the Italian one has weakened. Yet, I do believe that, thanks to the great role played by our President of the Republic and thanks to the government change, such a situation found at least a balance: the decision to return the Maròs back to India helped to solve the misunderstanding, beyond the poor showing made in the international community.

8. Italian authorities paid 30 million rupees as a compensation to the victims’ families: given that they withdrew the pressed charges against the Italian government after that, some thought it was a meant to be a kind of bribery, on the one hand. On the other one, the international legal experts explained that it is a common practice realized as by Italy as by many other countries. With this action, Italy wanted to apologize for the events, without considering it as a debt. Since we have lived a period of crisis for years, do not you think that 400.000
Euros of compensation might be a heavy result for our money stocks?

I am not shocked by such compensations to the families, since Italy is facing a complicated situation in the weakness, at the moment. Both Maròs are and will be for the next future in India, for we are paying for the starting mistake. Yet, I understand that this proposal may contribute to perceive the general weakness and a global confusion over the Italian perspectives, especially in the very first stage of the affair.

9. We have read that both the Security Council and the European Parliament praised the fight against the piracy in the Indian sea. No mention was made to the Enrica Lexie case, seeming that no interest could support or discredit the Italian situation. Nonetheless, this affair provoked plenty of reactions within the international community. Which are the reasons to justify such an institutional lack?

Waiting for UN or European Parliament to make concrete decisions which could have a kind of effective political consequence has always been an utopia. The greatest decisions at the international politics level are, indeed, made in other locations: in the White House, in the Kremlin, in Beijing or in Berlin, perhaps. The lack of competence and effective instruments which NU and EU Parliament are suffering from are not a direct justification for their shyness and their punctual delays. Vice versa, through this behaviour, they only justify the global indifference towards the Italian declarations and personal positions.
A few time ago, a new agreement was quickly stipulated between the Indian and the Italian government about the transfer of sentenced people. Nevertheless, this provides the transfer after a claim preclusion sentence. In the Marò case, both the New Delhi and the Kollam Courts have not made a definitive claim preclusion decision, delaying the final sentence. Do you think it is a trick to detain the marines and to threat Italy so that it could serve and satisfy the Indian interests?

It seems to me both countries are really tired of this affair. Italy has led a fair game in the long run: the role played by Staffan de Mistura has been important, since it gave continuity and strength to the Italian requests. On the contrary, Minister Bonino faced the affair through new attitudes and motivations; we can say that the new government’s global behaviour is more balanced and more interested in the affair. The trial is slowly going on and I do believe that the critical time has ran away, even though the road ahead is still very long.

With these words, the interview ends. In conclusion, according to his opinion and thus confirming the thesis of this work, he is definitely convinced that the affair could have been better managed by the Italian government, only by forbidding the entry in the Kochi harbour. Moreover, our old experience in the occidental powers made us assume a weak position, determining a soft bargaining strategy, hence, a more diplomatic approach to the resolution. On the other hand, the hard position where the Indian government is stuck was
characterized by his continuous will to strengthen its new role within the international system: really, they think it could be possible to obtain a permanent seat in the Security Council by showing the world their tough side against a powerful country like India.

Most of all, Mister Polli does not speak about a concrete subprimacy, but he tacitly stresses the behaviour BRICs are assuming in order to redefine the current shift of global power. This has been demonstrated, as Polli said, by the conquered role they have within the G20 assembly, given that they have a great voice and can contrast the other members’ opinions when dealing with old occidental problems. Anyway, this debate made them slow down, giving the chance to the old world to face such a new shift. If Italy wanted to get its part of lost prestige back, it should for sure cope with the EU and find a common strategy to collaborate with this new overwhelming powers, without necessarily obstructing them.
CHAPTER 4
THE RE-EMERGING POWERS AND THE ITALIAN “SUBPRIMACY”

This chapter presents a broad analysis of the very important changes affecting our world. It attempts to offer a perspective on the coming order without succumbing to the temptation of difficult and dangerous predictions. It focuses on the emergence of new powers and the advent of a new international structure. Today, the world is increasingly multipolar with the emergence of new actors on the global stage, including the BRIC, the European Union (EU), and various non-state actors. However it is not completely true, as the US still remains the unique global superpower. This rising multipolarity will likely define the 21st century, despite many persisting uncertainties about the coming order, especially its formal shape – true multipolarity or asymmetrical multipolarity – and its rules – competitive or cooperative multipolarity.

Lastly, a wide perspective will be given for the analysis of the European Union role within the new multipolar system, whether it can be considered a global power through the indicators (which we are going to examine in a short while) and how it can actually improve its status.

In particular, our attention will be focused on Italy and its past: the changes occurred in the course of the time have changed the supremacy into a kind of subprimacy. A new key will be handed out in order to understand this new situation and many questions, posed during the work, will be answered in this chapter.
4.1 Foreign policy and International/Domestic nexus

This paragraph will try to show the theory about the strict relation between the foreign and the domestic politics.

My aim is indeed to demonstrate their connection through some ideas ‘legally stolen’ by Eleonora Brighi, a specialist in this field who wrote a forthcoming book called “Europe, the US and the policy of the pendulum : the importance of foreign policy paradigms in the foreign policy of Italy (1985-2005)”.

This connection will be linked to the case analysed before, more precisely Battisti’s and Maròs’ ones: we will understand how far the nexus is important and how relevant it is in determining foreign policies.

It must be said that foreign policy is a common practice deriving from the nexus between domestic and international politics. One can identify three different ways to conceptualise this nexus:

- Monocausal way
- Dualist way
- Dialectical way

This theoretical approach tends to move beyond the epistemological wars in International Relations. My personal concern in this paragraph is to explain the Foreign Policy through the theory for which we can still envisage a role, and especially to
give the means in order to understand why the Italian foreign policy could work better than what it currently does.

“To conceptualise does not mean to conceal the fact that reality is much more complex than our representations of it”\textsuperscript{104}; as Max Weber also argued, concepts should be understood for what they are, namely heuristic devices able to highlight patterns or phenomena to which we attach a particular interest or meaning\textsuperscript{105}.

To be precise, it is important to understand in what ways foreign policy is pushed and pulled by events happened in steps at the domestic and the international level.

The three broad categories mentioned above are three conceptualisations inspired by what scholars as Bob Jessop, David Marsh and Colin Hay have elaborated by replying to the discussion born between “agency” and “structure”: this new way has different internal variations which will make us better understand the actual practical situation in Italy.

The scheme below shows how the approach changes along the strength of the nexus:

\textsuperscript{104} Brighi Elisabetta, “Europe, the US and the policy of the pendulum: the importance of foreign policy paradigms in the foreign policy of Italy (1985-2005)”, 2007, Journal of Southern, ch. 2

Monocausal Approaches

They offer the crudest conceptualisation of the foreign policy and its nexus by reducing the complex interplay into a straightforward primacy of both sides of the equation.

The limits are striking: they assume the uncontested primacy of a socially constructed sphere over states’ domestic processes or over individual preferences.106

Dualistic Approaches

In this approach, foreign policy cannot be forced into one of the two terms I previously listed. It is actually their mix that creates all the foreign policy actions, by compounding their relative weights; specifically, they react with the maximisation of security at the international level, while on the other hand they legitimize the political élite at the domestic level.

The relative weights are solved in three different ways:
1. ADDITIVE CONCEPTUALISATION

It argues that the results of all the foreign policies come from an “addition” of pressures placed at the domestic and international level. Giving the mediating function which such a conceptualisation performs, foreign policy is a shared goal among a community of people and seems to be permanently balanced between domestic politics and international relations, and to be definitely lost in the bargaining. Yet, we still do not know what may influence the combination of international and domestic factors.

The scheme is a depiction of what Brighi meant through the additive conceptualisation.

2. NESTED-GAMES CONCEPTUALISATION

It starts from the same assumptions as the additive conceptualisation, but it differs in terms of relation between the levels. It is actually considered as hierarchical.
As the scheme can better explain, the international system operates a first selection among all potential foreign policies by selecting the range of those compatible with the state’s position\textsuperscript{107}. Therefore, the domestic politics operates a second filtered selection.

The hierarchy is definitely problematic: what about those foreign policies that “defy the apparently irresistible pressures from the structure [...] and delay the inevitable for a surprisingly long period”?\textsuperscript{108}

3. PENDULUM CONCEPTUALISATION

This last model can make us understand how the nexus works more in reality than in the other ones. When states face some international pressures, foreign policy tries to adapt more to the international field, while on the other hand domestic politics will influence foreign policy when the international politics is not that pressuring and compelling. Here is how this model is engendered by. Although the apparent perfection, it has great problems within: it is not yet clear when the international conditions are compelling the system and in what kind of domestic conditions.

How can we argue that domestic policy is not a real stimulus for the international system and the foreign policy?

\textsuperscript{107} Tsebelis George, “Nested games: the cohesion of French Coalition”, 1988, London, Cambridge University, pp. 4

\textsuperscript{108} Hill Christopher and Stravridis Stelios, “Domestic Sources of Foreign Policy: West European Reactions to the Falklands Conflict”, 1996, Oxford, pp. 10
To sum up, all dualist approaches admit that the nexus is important for the foreign policy, but they differ in the way.

Now that some considerations have been given on the conceptualisation of the nexus, we need to apply the practical case to the Italian foreign policy.

Italy has historically experienced a great diversity of combinations of international relations and domestic policy, which has influenced the development of the foreign policy. It is important to highlight that Italy is one of the few countries where the domestic issue still influences the foreign policy. The model to which we must make reference is the third one: PENDULUM. The question posed in the end
of its section are pretty important, since Italy is living in the ambiguity of the answers to them; once we know that this third model concerns the Italian politics, we must define how deep the domestic politics influence through this model the international field.

Thus, we need to explain in the next paragraphs how this can happen and through which indicators a country can be considered as powerful. So far, this first paragraph has been useful in order to understand which are the real theoretical nexus within the political forces and how they work. The practice is something different, we know: that is why I will take into account later on a historical path, as well, to draw some considerations.

My considerations will concern the Italian and the European background, as well as the subprimacy source. The analysis will take place by examining the different choices of the government and the relation with the opposition, by not leaving aside the role of the domestic politics in the system.

The up-above-explained cases about Battisti and Maròs will be clearer and will be the demonstration that Italy is shifting to a weaker power within the international community because of the questions I am going to talk out in this section. The lesser relevance of its voice will lead, according to the following thesis, to different power poles: the developed countries will likely leave the floor to the re-emerging ones, because of a transformation in the diplomatic relations among the nations, mostly. Indeed, the
Italian nexus is so strong that it will influence all the foreign policies, and, as we will prove, they will be always halted by the opposition in disagree with the majority. We will understand, as well, why this should not happen and how the opposition should support the majority to be consistent in facing the international community.

In a few words, the less the nexus is preeminent, the more foreign policies will work better in the international system and in the relationships among the countries of the world. Yet, the more foreign policies will push the countries, the more domestic politics will influence the choices about the international field. The wheel is still turning around...which way is Italy dealing with the question, facing the new shift in global power?

Re-emerging countries are exploiting these factors and using them to foster their economies and develop better than the strong countries.

BRIC in first row, these territories are going to conquer the forthcoming floor in the international scene. How might it happen?
4.2 States and Status: coming to terms with a new world

According to what has been said in the beginning of this chapter, a new shift in the power is taking place, supported by new international structures.

The new global actors determined that the American supremacy has started ending: it will still be the dominant power for years or decades to come, but its fall is not an illusion. A great uncertainty rules over who will rise as a more powerful country than America. Indeed, only few countries can emerge as central focus, by creating a sort of asymmetrical multipolarity\textsuperscript{109}, the BRICS. One can broadly speak of asymmetrical multipolarity, since the true one is not yet reachable.

To better explain, the US influence is weakening because of the rise of the “rest”: this rest is made of global, sub-state, non-state and supranational actors which are asymmetrically ambitious and power-gifted. They can definitely rise from the West, with the West or against the West.

In this scenario, China will be the real emerging power able to challenge the US. India will follow the path slower than China, of course, and Brazil with Russia will be the last adapting countries to the change.

\textsuperscript{109} Renard Thomas, \textit{A BRIC in the world: emerging poker, Europe and the coming order}, Gent, Academia Press, October 2009, pp. 16
The EU, as well, will have a kind of relevance in this order, where to be considered as a global power. Actually, the EU is not a power in the classical sense, it is neither a state. Yet, if global power is the capacity to have a voice at a global level, then EU has a sort of global power: thus, to become a true one, it will be needed a more coherent approach and a more integrated strategy. This will ask the EU to have only one voice in any kind of political issue it makes decisions onto: given that European countries are less able to defend their interests on their own, they definitely need that kind of consistency through the other members’ support, in order to be stronger. Only through a joined action, the EU becomes significant: divided we fail, united we prevail.\textsuperscript{110}

4.2.1 The future meets the past

In the last paragraph, we hinted at a new rise of the Eastern countries.

To our Western conception, the economic growth of China and India will seem a brand new reality, but to their Oriental views, it is just a return to the past reality: “The past two centuries of Western
domination of world history are the exception, not the rule, during two thousand years of global history”\textsuperscript{111}.

Therefore, the world is shifting towards a new global order, belonging to the past but improving for the future.

To begin with, some astonishing considerations must be done:

- The cost of transportation have been falling all these years, while the cost of communication have plunged dramatically, altering the nature of the international trade. It is easy to understand that countries like India have been facilitated in the emergence, as they rely heavily on communication services.

- Emerging powers are more able to recover the distance with developed countries. And we are not only talking about the economic sphere, but also about other spheres of powers, including the military realm\textsuperscript{112}.

- Public opinion is a really important factor in analysing the international politics, forcing most governments to take it into account while implementing their global strategies. Moreover, the existence of institutionalized global mechanisms regulates the success or the fail of a nation relating to all the countries, the re-emerging ones as well.

\textsuperscript{111} Mahbubani Kishore, \textit{The new Asian hemisphere: the irresistible shift of global power to the East}, New York, PublicAffairs, 2008, pp. 49
\textsuperscript{112} Renard,\ldots pp. 10
As a consequence, the world is changing: it is becoming multipolar with the emergence of China, India, Brazil and Russia. This is carrying the international system towards the development of a new structure of multilateralism.

4.2.2 An asymmetrical multipolarity: a global shift of power

The issue of emerging powers, thus the continuous interdependence, engenders a series of questions about the new structure of the world system. It is definitely hard to analyse, as all actors are interconnected in multiple layers of the system. Yet, one can still highlight general patterns and paths in the structure.

Firstly, a common consensus is about the end of the American unipolar moment, although its strength was created to last as an eternal hegemony. Indeed, as Huntington supports, “the US remains the dominant power, the lonely superpower”\textsuperscript{113}, maintaining its status for years or decades to come.

\textsuperscript{113} Huntington Samuel, “The lonely superpower”, Foreign Affairs, 1999, pp. 35-49
The debate around the American decline is not something hurried: US economy in the pre-crisis period was growing fast, the US military is more advanced than any potential competitor; and the US soft power is unchallenged even in Asia\textsuperscript{114}.

Yet, according to Renard, America’s decline is not an illusion and it must be conceived in relative terms. One must take into account the rise of the rest of the world, as well as the local/regional/global actors: the US power is up also to these factors. Hence, America is falling down not because it is weakening but because the rest of the world is getting stronger\textsuperscript{115}, thus rising.

The group of the “rest” is considered heterogeneous and it is composed of sub-state and non-state actors, like NGOs, corporations and militias; state actors and supranational actors, like regional organizations. The “rest” has ambitions to come true, which are not necessarily against the West, only: most of the elements actually come from the West, some others rise through the West aid (like Brazil, for instance), while a last group is against the West, like the antagonists Islamists. We can also state that there is not a clear line-cut among these clusters, therefore they can be blurred any time.

During the decades, scholars have tried to define this phenomenon of transformation through new terms, able to include all the changes. Huntington was the first one: he described the world as a “\textit{uni-multipolar structure with one superpower (America) and several major powers in which the settlement of key}
international issues requires action by the single superpower but always with some combination of other major states\textsuperscript{116}. It certainly expresses the US dominance, but it does not involve other two relevant factors: non-state actors and interdependence.

That is why, Richard Haass and Giovanni Grevi have recently founded new terms going beyond Huntington’s definition, in order to describe the global shift of power as it will be, rather than as it is.

I. According to Haass, the main characteristic of the 21\textsuperscript{st} century will be non-polarity, in a “world dominated not by one or two or even several states, but rather by dozens of actors possessing and exercising various kinds of power”\textsuperscript{117}, stressing the role on the non-state actors which are definitely becoming the centres of meaningful power.

II. In Grevi’s opinion, the world is converging into an inter-polar centre, defined a “multipolarity in the age of interdependence”\textsuperscript{118}. He definitely places states at the centre of the system, by considering non-state actors as new types of critical blows (9/11, for instance). He lists three categories of interdependence, relying on a degree of interpolarity: economy, energy and environment. As Renard remarked, the first two

\textsuperscript{116} Huntington, pp. 36
elements were already present and developed two centuries ago\textsuperscript{119}.

The only real difference from the past is the interpolarity, which creates layers of interdependence through non-state actors and international organizations.

My aim is to support the interpolarity theory, trying to explain how the world will achieve this goal. Indeed, only a few countries will emerge as central focus, establishing a new asymmetrical multipolarity, as already mentioned. The world will not be necessarily multilateral: this order might be cooperative (when states agreed to share global issue and resolution together) or competitive (when states fight a hatred war for the global leadership, dealing with issues unilaterally). In my opinion, these two faces will be living side by side for a long while: on the one hand, the unipolar America will keep on playing its role unilaterally as long as it can; on the other hand, the new re-emerging powers will support or dismiss the multilateral organizations’ work.

Yet, I am quite sure that, in the very end, one form of multipolarity will gain the hegemony, overshadowing all the others.

“Multilaterism is no destiny, but it is surely a sensible destination”\textsuperscript{120}.

\textsuperscript{119} Renard, ... pp. 18
\textsuperscript{120} Renard, ... pp. 18
Towards a multilateral world?

In the transition explained above, one witnesses different forms of multilateralism: it is important to mention all the political forums created in the last century, like the G20\textsuperscript{121}, the Shangai Cooperation Organization, or the BRIC, which are the complete expression of such a multilateralism.

Yet, many organizations are still unknown to the Western public. For instance, the Indian Ocean Rim-Association for Regional Cooperation, created in 1997 and involving 18 member states. Its aim is to foster the growth in the Indian Ocean area; or even the Indian-Brazilian-South African Dialogue Forum, established in 2003.

Most of them are stranger to our experience because they do not play a really significant role. Thus, a question might be legitimately asked: why were they created? The reason is totally prosaic: countries like India or Brazil are quickly emerging from their hidden sites, so their primary will is to raise their international status by leading some Eastern international organizations to gain the attention of foreign media: Grevi would name it “the share of glitter and spotlight”\textsuperscript{122}.

\textsuperscript{121} See Chapter 1
\textsuperscript{122} Grevi, ... pp. 23
These re-emerging countries indeed think about this phenomenon as an alternative way to the Western organizations, already considered as illegitimate. This point of view is confirmed in Brazil and India, where the BRICs is a forum where to undermine the American dominance, especially in the economic field: sure enough, they have been arguing about the creation of a new currency to replace dollar supremacy, for instance.

These emerging powers do not want to stand still and side the developed countries, but they actually aspire to increase their participation in global institutions in order to gain global power. Their will was shown during the panel discussion about the reform of the International Financial Institution and was also stressed in the first BRIC bulletin where the countries called for a urgent action about their representation in the institution. As I also said in Chapter 3, countries like India are demanding a predominant voice in political forums, like the UN Security Council, as well. Thus, this interpolarity will inevitably lead towards a new form of multilateralism, where formal and informal forums live together: the so called *multi-multilateralism*.

According to Mahbubani, multi-multilateralism is described as an asymmetrical process where:

- Countries are members of overlapping institutional organizations, establishing new multilateral interactions

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123 "BRIC Countries Joint-Communique", 2009, Reuters
124 Renard, ... pp. 20
• States meet in several forums where they can expand their international relations
• International institutions like UN live together with informal forums like G20 and go along with them.

In conclusion, re-emerging countries will try to earn a new stronger respect and a greater voice in global institutions: they will abide by the rules only if they can see their requests come true (better explained as a ‘no Western-tool perception’: they do not want to be considered as Western means.).

Meanwhile, informal multilateralism might become a suitable instrument to deal with the ongoing West-East crisis: in conclusion, it is a good way to assimilate the emerging countries in the Great-Nations group, rather than passing through the more classic and rigid institutions.
4.3 The new world order and the emerging powers’ identity

So far, my aim was to demonstrate the emergence of new poles of power. Yet, it is important to understand what an emerging power is and who they really are. In Chapter 1, we stressed the role of BRIC and how they are really linked to the idea of emerging countries. However, they are only a small part of the world we are going to examine in this section.

4.3.1 The emergence of power through global indicators

The economic dimension is an important factor in order to be considered a great power, but there is a distinction between an emerging economy and emerging power. According to Paul Kennedy, the economic growth has always been the clue to expand a country’s influence, allowing them to strengthen their military forces, thus their global support to several issues.

Therefore, economic emergence is a predominant factor but not the only one to define the conditions for a global power.125

According to Treverton, State power can be characterized as follows:126

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I. Resources or capabilities, or power-in-being
II. How that power is converted through national processes
III. Power in outcomes, or which state prevails in particular circumstances

The first level is about a *competence container*, even though the indicators are merely explanatory and related to the other two; the second one has no means to really be measured and objectified; the last one is the most important as it involves the policy-making of a state, but it is also hard to understand.

In order to figure the competence container out, we shall analyse all the dimensions involved, divided in *natural* factors (geography, demographics and resources) and *social* factors (economy, military, diplomacy and culture), which are the *traditional indicators of power*. A combination of all these dimensions can create what we call global power. We also must remark that power is taken into account in relative terms and we are going to analyse just some of the listed indicators.

a. **GEOGRAPHY:** the size of the country can be a good indicator to explain the power. For instance, BRIC can be evaluated as almighty states, since they rank in the top-10.

b. **DEMOGRAPHICS:** China together with India lead the list with over than one billion inhabitants each. The EU and US are the 3rd and 4th place, but their aged population will

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126 Treverton Gregory and Jones Seth, *“Measuring National Power”*, 2005, Santa Monica, RAND Corporation, pp. 1
make new challenges evolve in the next future. On the other hand, China will face difficulties, as well, for its one-child policy and will demote in the list.

c. **MILITARY**: these indicators are not so used nowadays. On the one hand, the EU report about security indeed supports the idea for which “large-scale aggression against any Member State is now improbable. Instead, Europe faces new threats which are more diverse, less visible and less predictable”\(^{127}\) like terrorism. On the other hand, tensions between emerging countries (China vs. India, for instance) are tangible clues for which military indicators can still be considered as a factor to measure a state power. Moreover, it is also to be stressed that the bulk of the military army is not necessarily an indicator of strength and power: mankind has been taught by history that many mighty armies were defeated by smaller forces for better technologies, ability or captains.

As I have already said, the up-above-listed indicators are the classical factors to measure the power of a state. Yet, there are many other **non-traditional ones** to establish the supremacy of a country.

A. **THE SOFT POWER**: it is the so called Power of Attraction, and US are the winners in this field. In fact, their soft power has taken the helm through the distribution of Coca Cola and the distribution of Hollywoodian films. This

influence is preeminent especially towards the Chinese and the Indian population, which ranks this Western weight as “positive”\textsuperscript{128}. Anyway, Asia as well is making many efforts in order to reach the top in soft power: we shall think about Bollywood or to the astonishing opening-ceremony in the 2008-Olympic games.

**B. PERCEPTION OF POWER:** this factor describes how the players perceive themselves and how they are perceived within the context of power. Taking into account the already mentioned actors, US is perceived by the Bertelsmann Stiftung\textsuperscript{129} survey as the greatest power all over the world. This report also showed that people think that America and EU will decline really soon, leaving the floor to China and India in the first places, followed by Brazil.

**C. LIFE SATISFACTION:** as expected, the Gallup World Survey\textsuperscript{130} indicated the main happiness within the European and American member states, while India and China are definitely unsatisfactory territories. The perception in the future changes: one argues that people will be as well satisfied in the re-emerging countries as in the developed ones. This also mean a great confidence in their future ability to grow and become powerful states.

\textsuperscript{128} Withney Christopher and Shambaugh David, ... pp. 3
\textsuperscript{129} “World Powers in the 21\textsuperscript{st} century”, 2006, Bertelsmann Stiftung, Berlin
4.3.2 The practical case: BRIC as re-emerging powers

Nowadays, it is important not to underestimate the role BRIC have and what they can really become in the next future. As shown by the statistics in the graph, BRIC will be more and more relevant within the international system in the next future.

As far as the countries taken into account in this work are concerned, India must be conceived as a true re-emerging country: the predictions for its growth rate are more than 6% in the next decades\textsuperscript{131}. This guarantees a second place in the BRIC

\footnotesize{\textsuperscript{131} Bagri Neha Thirani, “What they said: India’s growth slumps to a decade low”, 2013, New York Times, New York}
ranking for the still growing economies. India could also increase the gap with Brazil, even though no challenge for demographic process is being issued at the moment. By taking into account the up-above factors, India can rely on a very large army, despite its limited budget. Its growth will be comparable to the Chinese one, but less shocking.

Brazil, on its hand, is in the last row with Russia among the re-emerging powers. Particularly, Russia has had a 7% growth since 2000, although its economic and political and demographic challenges. Indeed it has always influenced its neighbour countries through a good job in diplomacy. Brazil has not gained access yet in the great-powers crew: nevertheless, it is emerging as the leader of developing countries, by proposing new reforms for multilateralism.

China is the only economy that, according to Renard, will really challenge the developed countries in the short run. Since 2008, the global crisis has burdened the whole world but China: it has had the chance to show its ability at the economic recovery, by reaching in the worst years 8% growth target. It is now considered as a new economic partner and the next leader in the making of G20. We can actually say that China has become stronger thanks to the world recession\textsuperscript{132}. To be more precise, China has what it takes to rely on an astonishing army, and its budget could be twice than the US one: it is the only country to be potentially considered as EMERGING.

\footnote{Renard Thomas, \textit{The coming order: Strategic and geopolitical impacts of the economic crisis}, 2009, World Political Review, pp 48-50}
4.4 The role of the European Union

The EU has always been defined as a *global actor*. The EU commission has delegations all over 130 different countries, EU Army is deployed by the UN side in many task-forces, the European literature is translated in the whole world.

Yet, there is a deep difference between global actor and *global power*.

According to what we analysed in paragraph 4.3.1, the indicators can generally tell us what kind of power the European Union is: it actually has the look of a global power, since its 27-member economy is to be the biggest and largest one in the next decade; its population is only in the third place, after China and India; while, for the military forces, it challenges the best armies.

Nevertheless, Europe cannot be compared to a normal Continental economy, since it scarred by several cleavages within their members. It is enough to think that eleven states still has their past currency, rather than Euro, and that all members own the economic tools in order to steer their wellness, independently from their neighbours. This is also shown when member states make deals with third countries, by sidelining the EU negotiated bargaining. As a consequence, the EU is not yet able to use this powerful tool since its countries do not agree with eroding their sovereignties, leaving the floor to the general EU foreign policy.

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133 Renard, ... pp. 31
Moreover, it cannot be considered as a great military actor: it has not its own army, but 27 armies cooperating with it which are arranged on a rotating non-permanent basis. Thus, all the EU-led operations are up to the national capability and to the will to take part into them.

Therefore, Europe cannot be defined, on the one hand, as a global power because of these natural reasons: it is not a power nor a state. It has been developing many state-like peculiarities, even though it is definitely not a state\textsuperscript{134}.

On the other hand, if global power is the influence wielded towards the world in general, EU has certainly such a global-power role (let’s just think about the leading position it had throughout the fights against the climate change).

Nevertheless, too many times the EU has thought nationally in order to act globally; according to Hyde-Price, of all the factors which mark a great power, the EU lacks just of one of them: the \textit{willingness to act}\textsuperscript{135}, rather than the sense of responsibility for milieu-shaping, or the system management or the scale of its resources. That is also why there is no way at the moment to be considered as a global power held in one single body: Europe will be enlivened by those 27 national voices for a very long time, with no reference to any kind of a general European Brain.

\textsuperscript{134} European Defence Agency, \textit{“Defence Data of EDA Participating Member States in 2007”}, 2008, Brussels
In order to solve this problem, Europe should develop a realistic approach towards the multilateralism, by using what negotiators call the stick and the carrot: a more assertive fashion to achieve a desired outcome. Yet, where no consensus can be reached among the European countries on the different issues, they should submit a rule of transparency in order to inform and allow the European Union to challenge in the debate for competing interests. I would really like to stress what already said about the BRIC countries: divide we fail, united we prevail. If respected, this rule will push EU as well in the top leaders podium. The understanding of this principle is still a murky issue.
4.5 The Italian subprimacy: how could it happen?

This chapter will take into analysis the Italian foreign policy and how it has always been influenced by its domestic politics. Its swinging arrays in both world wars have put in doubt its trustworthiness. The difficulty in the path to get an ultimate status within the international system was engendered by the economic weakness and the political divisiveness. If, on the one hand, Italy was almost successful in solving the latter, on the other hand it still had to face the presence of the largest Communist party outside the Soviet bloc, after the Second World War.

As a consequence, the Italian government tried to arrange the foreign policy in order to slow down the brand new situation coming from the polarized political system. Thus, it attempted to find a balance in three circles – the Atlantic, the European and the Mediterranean – which took care of strong relationships among USA, European partners and Arab countries. This guaranteed a high profile within the multilateral debates Italy took part into: NATO, EU and UN.

Berlusconi’s election in 2001 moved the balance towards some preferences: after the 9/11 attack, he aligned with the USA, at the brutal expense of the European countries which opposed the war: France and Germany. He thus gave way to the Atlantic circle, ruling against the other two. Berlusconi was defeated in 2006, when a new government was established: it wanted the revival of the past three-circles policy, but its stability was menaced by its own weakness and, in January 2008, it fell.
In other words, “the divisiveness of the Italian political system still constrains the ability of the country to develop a successful foreign policy”\textsuperscript{136}.

4.5.1 Italian politics in the post Cold War

The end of the two Superpowers competition changed the whole global system, with deep fallouts for Italy. On the one hand, the international panorama seemed definitely less threatening, but threats, on the other hand, have become chopped up and responses less coordinated\textsuperscript{137}.

More generally,

- the process of globalization addressed Europe towards a decreasing role;
- in 1992, the Lira crisis could overpower the monetary policy of the Italian government, one of the G7 members;
- the rise of the re-emerging countries like China, India and Brazil was going to put in danger the competitiveness of the Italian firms and, generally speaking, of the balance at a global level;

Through these main points, one can affirm that the Italian subprimacy started a long time ago, when governments changed

\textsuperscript{136} Andreatta Filippo, “Italian foreign policy: domestic politics, international requirements and the European Dimension”, Routledge, pp. 2
their minds about how to lead foreign politics sided by the domestic domain.

Moreover, Italy had to face a terrible domestic crisis, where the political system was forced to keep the same coalition in order to bound the Communist power: indeed, the government in charge had to deal both with the lack of competition (which was leading to stagnation and corruption) and with an uncontrollable public deficit engendered by the absence of any real political turnover and by the need to relieve the population. After the Tangentopoli scandal in 1992, the old system collapsed and new actors came up\textsuperscript{138}.

The new emerged system witnessed a centre-right and a centre-left coalition challenging for power with equal chances. Both of them wanted Italy to keep the traditional strategy as far as the foreign policy is concerned: the three-circles balance, by supporting the UN and NATO reform. Italy also raised its profile through the Somalia and Bosnia tasks, respectively in 1992 and 1995.

1996 was the year when Left Democrats (Ds) won the elections: they were supported by the Refounded Communist Party (Prc) and were the heirs of the Italian Communist Party (Pci), whose milestone was just to bring Italy back to the three-circle situation:

\textsuperscript{138} Guzzini Stefano, "The implosion of clientelistic Italy in the 1990s: a study of "peaceful change" in comparative political economy", 1997, European University Institute, Florence
• **European circle**: Italy took part in the programme for euro, despite the meaningful economic costs and in the negotiations for the Treaty of Amsterdam.

• **Mediterranean**: it supported the peace initiatives for the Oslo process, leading to the Camp David negotiations between Egypt and Israel.

• **Atlantic**: the Italian government took part in the NATO task in Kosovo, even though the Prc did not accept this choice and left the coalition alone.

4.5.2 *Towards the subprimacy*

The 2001 elections witnessed the Berlusconi’s centre-right coalition as the largest parliamentary majority in history: it involved the Northern League and the fascist National Alliance. The government thus had the freedom to revise any policy, like the foreign one. As I said before, it decided to have stance on the American side, rather than on the European or Middle Eastern one. It can be explained by several factors:

1. Berlusconi’s attempt to support a charismatic style which did not fit well with the institutions

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139 Andreatta and Hill, ... pp. 7
II. Berlusconi’s desire for personal recognition, frustrated by the presence of secessionist and post-fascist parties within his coalition

III. The will of the Bush administration to find some allies for its tasks in Iraq

Therefore, the pro-American attitude gave the way to all the relations in Europe and led, as well, to serious frictions with the EU institutions and its partners.

As I revealed in advance, the Bush administration’s global war on terror involved a deeper alignment by the Atlantic circle.

On the one hand, the Italian government had to face the shame because of the two intelligence operations arranged by the US government: they fabricated the evidence for the yellow cake (the concentrated uranium) in order to attack Saddam Hussein and his proliferation programme. On the other hand, Italy supported the Iraq invasion, cooling the French and the German relations down (which led to the Italian elimination from the negotiations in Iran, provided by France, Germany and England) and warming the American ones up. This break with the past was no longer sought: it actually brought to a Spanish-British-Polish axis, getting closer to the Israeli position rather than to the Arab capitals.

In other words, the idea of subprimacy was on his way.

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140 Andreatta and Hill, ... pp. 7-9
141 Andreatta Filippo and Brighi Elisabetta, “The Berlusconi government’s foreign policy: the first 18 months”, 2003, Berghahn, New York, pp. 221-236
It started indeed from the consideration Europe had about us, about our government and about our political affair management. In fact, the majority party made no effort to keep a tight relation with the Arabs; on the contrary, after 9/11, it declared: “We must be aware of the superiority of our civilization, a system that has guaranteed [...] respect for human rights, in contrast with Islamic countries [...] firmly entrenched where they were 1400 years ago”\textsuperscript{142}.

In February, the Minister for Reforms Roberto Calderoli wore on the Italian national TV a t-shirt depicting an image of the prophet Muhammad, published by the Danish \textit{Jyllands-Posten} and which caused meaningful tensions with the Islamic regions.

All these occurred events made the defeat of Berlusconi’s government up and led to the election of the Prodi’s government.

Its will was clear: it wanted to rebalance the foreign policy towards the old strategy, recovering the relations with the EU, by not abandoning the new close relation with the Atlantic dimension. It also had to face the situation handed down by the previous government, the troops in the Arabs countries: the government actually decided to withdraw them from Iraq, leaving a task force in Afghanistan since its aim was to reduce the terrorism\textsuperscript{143}. Moreover, it took part into the Lebanon task force against Israeli.

Thus, the climb towards a greater respect was to come through three factors based on the traditional three circles:

\textsuperscript{142} Il Corriere della Sera, “Berlusconi: Occidente, civiltà superiore”, 2001, il Corriere della Sera
\textsuperscript{143} Prodi Romano, “Speech ‘Per una politica estera dell’Unione’”, 2005
1. Israel and USA were aware that a solution could be found only through an allied mediation, the Italian one in this case.

2. Prodi’s government was convinced that Europe should provide peacekeepers where needed, in order to face the crisis.

3. Arab opinion in Lebanon gave a good rep to the new government, as it was not stuck any longer on the pro-Israeli stance.

All these factors contributed to a renewal of the relations and of the respect that the world had about Italy. Yet, troubles are on their way to go.

4.5.3 The domestic politics and the Italian subprimacy

Italian foreign policy has often been dominated by the domestic politics until 2006, when a change in the electoral system occurred. A new party fragmentation was engendered, causing even more tensions within the major coalition. The latter have led to the collapse of the Prodi’s government, before the expected deadline in 2010.
Moreover, one shall state that it is generally hard to keep the route when things change in politics, but the Italian situation suffers from two additional problems:

I. The short duration of its governments, usually lasting 5 years, differently than other major democracies where they work during 10/12 years.

II. It is definitely hard to divide the international field from the domestic policies’ bothers. It is demonstrated by the Prodi’s government crisis, where some radical leftist senators voted against the troops in Afghanistan, forcing the Prime Minister to resign after a vote of no confidence. ¹⁴⁴

Comparing the current situation with the Cold War period, we should think about the domestic politics as less dominating over the international foreign policy, since it has a weaker impact on the ideology. Indeed, the Cold War offered the chance to create a challenging international environment, sided by an ambiguous role of the domestic means. As a consequence, this new habitat asked for more freedom of choice, but also for extemporaneous decision-making in the short run: as a consequence, Italy has had to develop a pliable foreign policy, colliding against its fixed domestic politics.

Not only was the international politics influenced by the domestic ones, but public opinion as well had a great voice in the Italian government’s choices: according to the 2006 Transatlantic Trend

¹⁴⁴ Andreatta and Hills, ... pp. 9
Survey\textsuperscript{145}, Italian opinion about many issues (like the US leadership, NATO, the use of force...) is similar to its neighbours. The peculiarity is about the meaningful influence it has, by inhibiting the Italian government’s action on the international scene. I would say it seems like everybody was a politician with a relevant word in the national parliament. This situation engenders the inability to plan a long-term strategy in the next future, and thus a kind of subprimacy in relation to all the other European members. As Santoro stated, Italy has become an average power able to satisfy the only national interests without having a look beyond the borders.

This kind of subprimacy is due to two (according to Andreatta, mutually reinforcing) phenomena:

1. The \textbf{fragmentation} of the Italian party system, increased in sections after the 2005 reform, through which more than 20 parties are allowed to have a word of representation in Parliament.

   Such a fragmentation makes sure that some small parties (like the Communist, the Greens or the Northern League as well) are tied to non-traditional arenas. Differently to what happens in the rest of the world where they are only minorities within larger parties, in Italy they do have a great weight among the majorities, being pivotal in the coalition-making. As a consequence, they are not forced to respect any discipline coming from the larger party at the

\textsuperscript{145} Transatlantic Trends, \url{http://www.transatlantictrends.org/trends/}, 2006
government, but they are able to threat and menace the government through a possible withdrawal in the coalition support.

2. The influence these small parties have, is pretty large because they engender no bipartisan consensus on foreign policy. It definitely leads to no vote for the government, which is threatened by an internal rebellion every time a difficult decision must be made\(^\text{146}\).

After their neutral role during the Cold War, domestic politics have returned in a stronger guise. Unlike the other western democracies, the Italian bipartisan convergence does not allow governments to make decisions and resist the rebellions: in USA, UK and Germany, foreign policy decisions were successful only thanks to the support coming from the opposition parties. In Italy, “this has proved impossible because the opportunity to embarrass the other side is considered preferable to an effective foreign policy”\(^\text{147}\).

The instance can be found in 2007, when the centre-right opposition wing did not vote for the government about the troops-in-Iran issue, even though the centre-right wing itself was the promoter of this latter in 2002, when it was in the majority.

Italy must manage to defeat this impasse, since domestic politics will for sure totally influence the international ones more than


\(^{147}\) Andreatta and Hills, ..., pp.10
during the Cold War. Brighi’s nexus between both is present and there must be. Yet, it is important to stress that it must be balanced in a better way through the three theoretical method I listed up above, unknown methods to the Italian politics, still.

Italy might be thus condemned to a depression in the international action; no bipartisan consensus is present within the parliament, since the two main coalitions have different views on the three circles, and the gap is getting larger: Berlusconi’s centre-right has always tried to exalt the American circle, avoiding true relations with Europe and supporting the Israeli cause. On the other hand, Prodi’s centre-left has experienced a Europhile orientation, by balancing the Atlantic and the Mediterranean circles.

Therefore, not only might Italy be condemned to a changing foreign policy accorded to the different coalition in charge at any given time, but also all the weaknesses of that coalition and the lack of the opposition’s support might guarantee an unpredictable and variable foreign policy at any given election. No fil rouge would be respected and no continuity would gain the floor in order to re-establish the previous Italian supremacy.

It is to be said that Italy will not surely become a re-emerging countries or lose its total supremacy: our leadership in the G7, G8, G20 and within the Security Council has a great relevance. Nevertheless, I am trying to explain that this changes could bring to a lesser reputation and, in case, to a lesser relevance in the international field. Yet, this does not concern all the work Italy has
done so far and still keeps doing, helping the world to be a better place to live and negotiate.

However, it is to be said that a strong domestic policy can be used as a good weapon for the foreign one: it must follow the three circles and support them, but it will not be able to sustain a long-run attitude unless it has a really effective domestic environment.

In sum, in this chapter we have been through many central points:

- the important nexus concerning the domestic and foreign policy by Emanuela Brighi. The three listed approaches tended to highlight the great importance this link has in any country in order to have relevance within the international community;
- the multipolar world where the re-emerging countries are acquiring a preeminent role against the developed ones. We also listed the characteristics for which we can classify the power of all the countries, and their capability to be considered as supremacy or subprimacy;
- the Italian subprimacy, analysed through the foreign policy led by the past-10-year government and how it became something similar. The Atlantic, Mediterranean and Arabic circles are important to be kept on and to re-establish the lost piece of Italian supremacy. Yet, we do need a stronger government, supported by the opposition in order to have a consistent domestic and external policy.

This must not be considered as an utopia, it can be definitely reached, but we need experts in the foreign affairs able to fight for
the *globality* and the Italian importance. At moment, actually, the will to have a political revolution is dying, as well as the will to reacquire that lost piece of the so called *Italian Supremacy*. 
CONCLUSION

In sum, this work went through four sections which analysed different ways leading to the same path.

This dissertation has investigated the influence that re-emerging countries are having on the powers belonging to the Great groups. Particularly, such a work has given a special account for this widespread phenomenon as far as Italy is concerned within the international system.

Notably, the purpose of the current study was to determine the quite fast Italian fall towards a period of subprimacy, affected by the especial quick growth of those re-emerging countries, namely what scholars call the BRIC group (Brazil, Russia, India and China).

Indeed, this work has shown that Italy is now witnessing a new global shift of powers and must try its best to fit within such new international governance, which sees the re-emerging countries as a brand-new strength able to affect global decisions and rule all over the ancients balances created through the United Nations.

One of the more significant findings to appear through these studies is that all the efforts made to bound the re-emerging powers and to keep an élitarian polarity have been useless. World is now witnessing a cooperative/competitive momentum where BRIC countries are allowed to support or dismiss the international organizations’ work: as mentioned in the pages before, this is not
the final destination of a resolution, but a sensible destination to go to.

This happens also because re-emerging countries, and BRIC ones in particular, do not want to stand still and assist the developed countries, but they definitely aspire to increase their participation in global institutions in order to gain global power.

The current conclusions can be drawn from the present work through the account given in the two cases considered so far: the Battisti and the Italian Navy Marines ones. The results of such investigation showed that both cases are a clear findings of a growing Italian weakness towards those BRIC countries mentioned before, namely Brazil and India. As far as they are concerned, Italy has never pushed the United Nations to solve these affairs and many felt the UN could leverage some behaviours, since both India and Brazil are seeking for a permanent seat on the UN Security Council.

The second major finding has its roots in the UN Security Council reform. The latter has not surely helped in solving the diplomatic controversy among Great Powers and BRIC countries: Italy has always been the spokesperson about the dissatisfaction as related to such reform which would have witnessed the presence of more permanent seats. This official stance on the issue brought Italy to be considered as a diplomatic enemy to be shocked by all those re-emerging countries, which have found their way back to a partial
but successful achievement of their aims through the cases explored so far.

Such moves are carrying Italy against BRIC countries which would play any role in order to stress the heavy voice they are able to make nowadays.
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Acknowledgments

This is one of the hardest-earned works I have performed in all my life. Although my “only-childness”, I have never felt alone all these years spent in Rome, where I found my second family and where I have lived in happiness and carefreeness. This was possible just thanks to all the people siding with me in all kinds of nice and terrible situations.

As far as my “endeavour” is concerned, I would like to thank my supervisor Professor Pasquale Ferrara, who always helped me in improving my abilities without never giving up. Always ready to answer and make my requests come true, I knew he was there whenever possible.

I need to thank also Misters Enzo Quaratino and Stefano Polli, who consecrated so much time in order to gather more and more information for my work: thanks for all the patience you bore with me.

Last but not least, my gratitude must be recognized to Danny, one of my English professors who read in advance my whole work and knew how to suggest the right way to a successful achievement. He was maybe unconscious of the huge amount of work I needed him to do, but he never refused and drew back.

Beyond the real effort on this work and all the people who coped, there are others it is necessary to whole-heartedly thank.

Firstly, my mom, but also my inspiration, my consolation, my comfort, my shelter, my moral and practical advice, the only woman who would never
cheat on me, no matter what I do or what I believe in, I know she is and will ever be there. Without her pushing me and even hitting me when needed, I am quite sure I would not be here. Thanks mom to be my mom and to be that kind of mom.

My dad has always been a man of few words, but never let me go without appreciating me and what I have done for my next future. And I have always known that when he was moved by my path and my passions, I was on the right way towards my dreams. Thanks, daddy.

My grandpa would deserve separated pages of acknowledgement where to consecrate all my thankfulness. So far, he has been the experienced man where to find explanations and motivations for no matter what: he is the typical man who could teach history through its personal life, the only who one could listen to without getting bored, namely the most longed grandpa. I would not know what to do if he had not been here for all this time. Whatever he engaged into, he left his “footprint” and was the best in it: if I should choose, I would better say I would like to be like you, nonno! Thank you.

I would like to thank Anna, as well. She made me be more self-confident and believed in me every work I kept on. She has sided my passion for music and my academic path and has never given up on me. We shared our best times together and deserves to be loved. You are brave enough to achieve any desire and a piece of my success is totally thanks to you, to your suggestions and your everlasting patience in being ready to help me, at nights as well. You were there in my best moments but even in my worst ones, and gave me a hand to wake up again and again, by letting me walk with you towards my expectations. Thank you, my love.
It is the chance to mention also all those people who have spent five years with me and who I can definitely define as true friends. My mention is for **Andrea**, a special man who has always had time to spend with me, who has always been present and put on a pedestal my path. The classical friends with whom passing the nights talking about anything going through your mind: the pride you showed me is something I cannot really describe, thank you.

And also all the **Puppi Brothers (Frank, Sapuppo, Bob, Pippo and Mbare)** having gone along all these years, some friends where to find happiness even in my saddest times, some friends who you do not tell about great moments but with whom you live ones. A special thank to Bob, who has definitely sided with me every little day since 5 years and knows me better than anybody. You are the best, Bob.

**Bianca**: you have shared my academic and other important paths so far. You are the only who bore my worries about the exams and helped me in repeating every single page, even though you had already sit for them before me.

All the other friends (**Margherita, Arianna and il Presidente**) have always been by my side without never leaving me alone. Ever. We had such a good time and I definitely hope to spend some other in the next future. Thanks to be part of my life.

Moreover, I would like to thank also all those people who passed through my life all these years: **Chara, Flavia, Pejaro, Micella, miss Ioio, Anja, Roberta, Shparanise, Sannita, Giovanni M., Giangiu, Pipa and Peppa**: my path has
been that pleasant and I enjoyed it so much thank to you, as well. Always remember this.

My last but not least mention is for Music and my Green Trio Jazz Band (Luca and Mario): this passion tied us in a single flow of feelings and I hope it will improve and keep on towards better and more important paths. Music is my greatest passion, having been going along with me since I was born. In those moments in which I needed to mirror myself and find out my true emotions, all I needed to do was to face 88 keys, no matter for black or white ones, my best part was always ready to be drawn and played. You have been my daily bread, thanks to make me a better man and to move me and to know how to always handle me.