

MODULE 3. CIRCULARITY.

EXTERNALIZATION OF THE BORDER AND DEPORTATION AGREEMENTS

Capsule 3. Libya, status migrants, deportation arrangements.

Italy-Lybia agreement: friendship, partnership and cooperation

In 2008, Italy signed the first treaty with Libya chaired by Gaddafi: “Human rights and basic freedoms with the commitment to act in accordance with the respective laws, objectives and principles of the United Nations Charter and the Universal Declaration of Human Rights” were mentioned.

From 2008 to today, the scenario has profoundly changed for Libya. To comprehend the Rome-Tripoli memorandum of understanding signed in January 2017, it is necessary to start again from the 2008 Treaty focusing on the partnership side, which will promote special relations between the two countries. It contained lots of programmatic rules without allocated resources, except for the fight against illegal immigration.

The cooperation between Italy and Libya has involved many areas: economic and industrial; energetic; defence; non-proliferation and

disarmament. But the fight against terrorism and illegal immigration have always been the areas with the largest investments.

What about immigration in previous treaties

Since migratory flows to Italy have always been massive, Libya would never have been able to stop them. We are not talking about Libyan citizens, but people from other countries in the hands of traffickers, who embark them on the coast of Sirte.

The 2008 treaty provided for sea patrolling by Italian-Libyan crews aboard patrol boats supplied by Italy. But also a remote sensing system at the Libyan land borders managed by Italian companies: a rather expensive business which, however, did not involve the displacement of Italian policemen. All this was paid half by Italy and half by the European Union also thanks to the financial coverage of corporate taxes.

Libya and the Convention on the Status of Refugees

Libya has never signed the 1951 Convention on the Status of Refugees and does not consider itself a country that can grant asylum: this has always aroused strong concern for the fate of migrants at its borders. Some social research claims that this dissociation is the result of an ideological vision, according to which the notion of refugee is foreign to Arab culture, where solidarity and brotherhood between Arab countries requires nations to welcome brothers from other Arab nations. However, the doubt remains that this was only a strategic choice oriented only by the interest of the exploitation of migrants on Libyan land and coasts (including economic agreements with foreign countries).

The conditions of refugees in Libya are no different from those of other migrants, who according to UNHCR sources are about 570,000.

Fleeing their countries because of the wars, refugees choose Libya not because it is a safe country, but because in recent history it has had a rich economy and they are convinced that they can find work and send money to their families. For example, there have been Iraqi doctors or doctors of other nationalities who have worked with Libyan colleagues to deal with Covid but without a contract or documents.

So what about the rest of the migrants and refugees who lack certain job skills and knowledge?

In Libya's unstable conditions, which government can guarantee a legal migration policy?

UNHCR has often proposed to Libya to give refugees a work permit. Without documents, everyone finds themselves in a more precarious situation, becoming the prey of smugglers; trying to cross the sea on a dangerous journey; women are almost always victims of prostitution and trafficking.

The Libyan authorities do not recognize UNHCR but then constantly ask for help with refugees.

Libya has only recently begun to recognize the problem, but the other solutions, then, must be sought in the countries of departure and transit, where instead the funds of the International Cooperation and Decentralized Cooperation suffer a substantial cut from year to year and reduce in a consistent way the intervention in the territories of the NGOs.

Why is Libya not a safe country?

Doctors for Human Rights is one of the humanitarian organizations that have collected data on direct testimonies of the migrants

themselves. In recent years, at least 85% of migrants arriving from Libya have suffered torture and CIDT (Cruel, Inhuman or Degrading Treatment) in that country. Specifically, 79% were detained or kidnapped in overcrowded places and in poor sanitary conditions; 70% suffered constant deprivation of food, water and medical care; 65% serious and repeated beatings, rape and sexual outrages, burns caused by the most disparate instruments, falaka (beatings to the soles of the feet), electric shocks and torture with stressful positions (handcuffing, standing for a long time, suspension of upside down, etc).

All detained migrants have suffered continuous humiliation, including religious outrages and degrading treatments. Nine out of ten migrants said they saw someone die, be killed or tortured. Some survivors were forced to torture other migrants to avoid being killed. The testimonies of migrants forced to work for free in conditions of slavery for months or years are truly countless. These data represent a faithful picture of the systematic violence to which all migrants arriving from Libya in Italy are subjected.

According to the testimonies, the migrant exploitation network in Libya is managed both by highly organized criminal groups and by elements belonging to militias, armed forces and police either by small gangs or individuals. But often these groups behave in the same way and it is therefore almost impossible to demand compliance with any law on the matter. The migrants themselves recounted a wide range of abuses and violence perpetrated in Libya by different actors: as police officers, who after arresting migrants often attack them with beatings and torture; military or militiamen, who inflict cruel, inhuman and degrading treatment, severe abuse and torture on migrants confined to prisons, detention centers or military camps; professional trafficking groups and criminal gangs such as the Asma Boys, who manage so-called ghettos or "special places" where migrants are kidnapped and tortured for extortion purposes; the same groups are

responsible for violent attacks with firearms, sticks and knives in the streets, inside the centers of collection of migrants on migratory routes (the so-called foyers or connection houses) and in private homes; to these are added Libyan civilians and businessmen who can exploit migrants by forcing them to forced labor in conditions of real slavery; Libyans or even sub-Saharan African citizens who run ghettos, foyers and connection houses and who use violence against those who fail to pay the monthly payment.

In these years of socio-political chaos, the trafficking network in Libya has become a sort of swamp, in which even a single individual can enter and exploit migrants through kidnappings, forced labor or extortion of money. Unfortunately, today in Libya the "migrant exploitation industry" is one of the main sources of income across the country.

Obscure points of the memorandum between Italy and Libya

According to the latest report from the International Organization for Migration (IOM), in the first six months of 2021 the number of migrants and refugees who died trying to reach Europe by sea, 896, more than doubled compared to the same period of 2020.

The central Mediterranean route between Libya and Italy is still the deadliest, with 741 confirmed victims: almost triple compared to last year, since shipwrecks are not reported or are difficult to verify. This is followed by the route between West Africa and the Canary Islands, where at least 250 people have died.

The IOM report also shows an increase in North African "search and rescue" operations along the Central Mediterranean route: more than 31,500 people were intercepted or rescued by the North African

authorities in the first half of 2021, compared to 23,117 in the first six months of 2020.

Over this period, operations off Tunisia increased by 90% while more than 15,300 migrants were repatriated to Libya in the first six months of 2021 - almost three times more than in the first half of 2020.

The arrival of a new national unity government in Tripoli - in March 2021 - has not seen a decrease in the number of migrants hosted in Libyan detention centers, which at the end of June 2021 exceeded 6,000 people. Alongside the official figures, it is also estimated that several thousand other migrants are being held in unofficial detention centers in the country, which cannot in any way, under international humanitarian law, be defined as "a safe haven".

The landings in Italy

As for the landings, Italy continues to be "left alone" by Europe. Despite the European Commission's proposal for a New Pact on Migration and Asylum, the reform of the Dublin rules is still a utopia. The Italian government obtained that the issue of migration was included in the agenda of the European Council of 24-25 June 2021, but no new proposals raised from the summit regarding the reactivation of the agreements on the relocation of migrants in Europe.

In the refinancing proposal for the mission in Libya, the Italian government has asked that starting from 2022, the management of this mission will pass under EU control through Operation Irini. This operation would have the primary purpose of enforcing the arms embargo against Libya, but would also deal with the training of the Libyan military.

From 2017 to 2020, Italy allocated 22 million euros only for the training and support missions of the Libyan Coast Guard. In the 2021

report, the government planned to spend an additional 10.5 million euros for the same purpose, the highest amount of money ever allocated.

Wouldn't it be preferable to target these funds at serious projects for the direct relocation of migrants to different European countries, increasing the number and quality of the so-called humanitarian corridors?

Some solutions against the waste of funds towards Libya and for the respect of human rights

ASGI (Association for Legal Studies on Immigration) and the organizations of the Asylum Table asked Parliament to set up a Commission of Inquiry to investigate the real impact of the money spent in Libya and on shipwrecks in the Mediterranean and to present a text committing the Government and consequently the European Union to:

- stop the Italy-Libya agreement, subordinating any future bilateral agreement to the political transition of the Libyan crisis, as well as the necessary legal system reforms that eliminate arbitrary detention and provide for adequate assistance and protection measures for migrants and refugees;
- prohibit the renewal of military missions in Libya, strongly calling for the closure of the detention centers in the North African country;
- promote, as Europe, a plan for the evacuation from Libya of the most vulnerable people at risk of suffering violence, mistreatment and serious abuse;
- establish a European naval mission with a clear task of searching and rescuing people at sea;

- promote, as Europe, an automatic mechanism for the immediate landing and the subsequent redistribution of people arriving on the southern coasts of Europe, following the principle of sharing responsibilities between member states on asylum and immigration;
- revocation of the Libyan search and rescue area, as it is only aimed at the interception and illegal rejection of people;
- recognize the role of humanitarian organizations in safeguarding human life at sea, stopping their criminalization and freeing their ships still under arrest.

To date, February 2022, the responses from the Italian Parliament have been disregarded and postponed. The Italy-Libya Memorandum is five years old, Italy continues to be not a destination for migrants but often only a transit country for the doors of Europe. The management of migratory flows is still based on emergency plans and waste of resources that strengthen and enrich the unstable Libyan government, its coast guard and all those who exploit refugees' life.

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Sources:

- Arci Nazionale
- ASGI (Association for Legal Studies on Immigration)

- ISPI (Institute for International Political Studies) Online Publications
- Medu (Doctors for Human Rights): Report on the conditions of serious violation of the human rights of migrants in Libya
- The Italy - Libya Treaty of friendship, partnership and cooperation by Natalino Ronzitti
- UNHCR testimonies from Libya