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“GATE TO LAMPEDUSA—GATE TO EUROPE.” MONUMENT TO MIGRANTS LOST AT SEA BY MIMMO PALADINO. PHOTO COURTESY OF: VITO MANZARI, 2014. WIKIMEDIA COMMONS.

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# The ‘Europeanization’ of the Italian Migration Regime: Historicizing its Prerequisites, Development, and Transfer, from the ‘Oil Shock’ to the Mediterranean ‘Migration Crisis’

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After the 2015 ‘Migration Crisis’ a focus on securitizing Schengen area borders and externalizing migration control has dominated deliberations between the countries of the European Union, as well as EU dealings with bordering nation states. Italy sits at the geographical and political crossroads of this situation, and its migration regime has gradually come to shape the EU’s handling of Mediterranean migration. Paradoxically, this regime entails a willingness to flout rule of law and human rights precedents upheld by European institutions themselves. This article brings together scholarly work from a variety of disciplines to historicize the prerequisites, development, and transfer of Italian migration management methods from national to supranational levels. The article traces increasing European integration and a hardening of external borders towards a Global South, through the aftermath of the 1973 ‘Oil Crisis’, the formation of the Schengen Area based on French and West German demands for a stricter migration policy, domestic Italian political developments in the 1990s, and an externalizing of border control in the 2000s. The study argues that these developments are a result of complex and sometimes circular situations of pressure and coercion but also surprising outcomes based on circumstances of immigration to Europe that no party had foreseen.

## *Introduction*

This paper deals with what I contend has been a gradual ‘Europeanization’ of Italy’s migration regime and related methods intended to control, manage, and stem the increasing number of migrants arriving by way of the Mediterranean and hailing from Northern Africa and beyond.<sup>1</sup> My aim will be to historicize this process and illustrate that its roots and reasons stretch back at least to the ‘Oil Shock’

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<sup>1</sup> I would like to note that all translations from sources originally in Italian used in this paper are my own. The responsibility for any errors or omissions remains solely mine.

of 1973, which brought a new urgency to European relations with Maghreb and Arab countries. This tumultuous relationship would set the stage for deliberations of what later became the Schengen Agreement, which in turn brought both increasing European integration and a hardening of external borders toward a Global South, which is now seemingly considered expendable. It is important to note that throughout this paper I will use the term Europeanization in a slightly altered fashion from what is customary. As described by International Relations scholar Ulrich Sedelmeier, it most often “refers to the impact of the European Union (EU) on nation states...across policies, politics and polities.”<sup>2</sup> Instead, I lean towards the interpretation of political and social scientist Lucia Quaglia who posits a bottom-up reading of Europeanization. Namely, she asserts that it can also be considered a sort of nationalization of European concerns where one country’s (in this case Italy’s) prerogatives becomes paramount to the EU as a whole.<sup>3</sup>

I view the current Italian migration regime as willing to walk a legal tightrope with what can be called acceptable from a rule of law and human rights perspective, which was set down in the institutional and legal framework of the European Convention of Human Rights. This was built up in the aftermath of the Second World War and itself predates European integration. A prime example of such behavior includes engaging in so-called *refoulement* of refugees at sea through forcibly returning them to North African coasts.<sup>4</sup> The European Court of Human Rights (ECHR) strongly condemned *refoulement* in 2012 at the resolution of the *Hirsi Jamaa and others v. Italy* case. Italy has also made several bilateral agreements intended to secure the return of migrants to third-party countries such as Libya—a nation that is not even participatory in the 1951 United Nations Refugee Convention and which is currently torn between several factions. These factions are fighting a prolonged civil war in the aftermath of the toppling of autocrat Muammar Gaddafi in 2011.<sup>5</sup>

It is important for me to underline, however, that I am not setting out to paint a picture of Italy as the rogue ‘bad actor’ with undue influence in this story. Not only did Italy face immigration at unprecedented levels in the time period I am investigating, it also attempted to save many lives at risk in the Mediterranean when others were slow to act. All the while, its European Union counterparts, at least

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<sup>2</sup> Ulrich Sedelmeier, “Europeanization,” in *The Oxford Handbook of the European Union*, ed. Erik Jones, Anand Menon, and Stephen Weatherill (Oxford: Oxford University Press, 2012), 825.

<sup>3</sup> Lucia Quaglia, “The Role of Italy in the European Union: Between Continuity and Change,” *Journal of Southern Europe and the Balkans* 9, no. 2 (August 2007): 134.

<sup>4</sup> A French term meaning expulsion of potential asylum seekers to a country where they risk persecution, which is forbidden under article 33 of the 1951 United Nations Refugee Convention.

<sup>5</sup> Paula García Andrade, “Initiatives of EU Member States in Managing Mixed Flows in the Mediterranean and the EU Distribution of Competences,” in *The Common European Asylum System and Human Rights: Enhancing Protection in Times of Emergencies*, ed. Claudio Matera and Amanda Taylor (Den Haag: CLEER Working Papers, 2014), 52.

initially, seemingly wrung their hands and hid behind the stringent stipulations of the Dublin Regulation, which dictates that asylum can only be requested in the member state where the applicant first entered. Also worth noting is that Italian civil society, the media and the political sphere frequently questioned the validity of governmental approaches to handling the migration influx, negating any simplistic reading of an uncontested regime acting on a uniform national mandate. Rather, it is my view that the transfer of Italian migration management methods from national to supranational levels is the result of complex and sometimes circular situations of pressure and coercion, with alternating flows of power politics and surprising outcomes based on circumstances of immigration to Europe that no party had planned for.<sup>6</sup>

As far as the current state of research is concerned, there has already been quite a lot of scholarly work done on the topics of Schengen, Italo-Libyan relations, EU migration regimes in the Mediterranean, the Oil Shock, and Europeanization, by academics in a variety of disciplines. This paper aims to aid in the discussion by connecting previous scholarship and providing a long-term perspective that historicizes the processes taking place. Historians such as Elena Calandri, Giuliano Garavini, Massimiliano Trentin, and others have identified the Oil Shock as a watershed moment not just for the economy worldwide and North–South relations, but also for having shaped the European Community (EC)–Mediterranean interaction in the decades after 1973. In this paper I take that a step further and show how the reverberations of that event set the stage for the Schengen Agreement. Political scientist Simone Paoli has made a convincing argument in claiming that this agreement had as its primary objective the protection of the European core states from undesired immigration from the Global South through a reinforced externalization of control and securitization of borders, not simply the opening of restrictions internally on the continent to speed up travel and commerce.<sup>7</sup>

The findings brought to light in Paoli's incisive article would be further enriched by connecting them to developments on the domestic political scene that took place within Italy following the Schengen area elaborations. These changing circumstances led to more criticism of both the EU and migration. Quaglia coined this the rise of a 'Euro-realist' political paradigm.<sup>8</sup> Sociologist Sara Casella Co-

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<sup>6</sup> Roger Cohen, "Opinion—Europe's Migration Impasse," *The New York Times*, November 4, 2017, <https://www.nytimes.com/2014/11/05/opinion/europes-migration-impasse.html>; Deborah Ball and Giovanni Legorano, "Migrant Surge Exposes EU's Policy Discord," *Wall Street Journal*, March 11, 2015, <http://search.proquest.com/docview/1661907999/abstract/B6174A997A1342A8PQ/1>; Chiara Saraceno, "Le frontiere interne," *La Repubblica*, June 9, 2015, <https://ricerca.repubblica.it/repubblica/archivio/repubblica/2015/06/09/le-frontiere-interne32.html?ref=search>.

<sup>7</sup> Securitization of border controls involves an overriding focus on threat assessment and prevention in all management of people moving across national boundaries. Simone Paoli, "The Schengen Agreements and Their Impact on Euro-Mediterranean Relations: The Case of Italy and the Maghreb," *Journal of European Integration History* 21, no. 1 (2015): 131.

<sup>8</sup> Quaglia, "The Role of Italy in the European Union," 134.

lombeau adds that the European core Paoli refers to was reinvented in a new form specifically centered in the major continental European powers, to the detriment of surrounding countries on the European periphery. In addition, she claims this re-foundation of a new political core also affirmed the position of a much older center of power, namely the nation state.<sup>9</sup> This stands in contrast to other scholarly work that only sees a continuous erosion of the nation state in this time period, with nationalist politics losing importance in the face of increased European integration.<sup>10</sup> I find that to be too quick a conclusion to draw and instead view national political priorities as having been reinvented in new ways. When certain governments of the EC, such as in France and Germany, struggled to adopt a more restrictive immigration policy on the national level due to unexpected and persistent resistance from parliamentary opposition, civil society, and political forces domestically, they instead turned to the supranational level to reinvigorate their legislative push.<sup>11</sup> The border externalization process mentioned above did not necessarily stop at the Italian borders, as historians Alessandro Triulzi and Antonio Morone illustrate. Italy developed its own stringent migration regime, initially in reaction to and later supported by the EU. The goal then was to push the boundaries further beyond the Mediterranean Sea itself and into North African countries like Libya, where the shapes this externalization took was in turn informed by the colonial experience Italy had previously had in the very same region.<sup>12</sup>

My analysis centers on the development of a specific Italian migration regime and its subsequent Europeanizing through many phases of contributing events, implementation, and development, each of which will constitute a section of my paper. The first section runs from the Oil Shock of 1973 until the rapid oil price decline in the mid-1980s, where I supply the background for why a build-down of borders in the EC in tandem with a hardening of external control became politically expedient. The time period from approximately 1984 to 1990 makes up the second section and deals with the foundation and initial implementation of Schengen, where a French and West German desire to shore up sovereignty, externalize border control, and ease the flow of commodities and citizens came at the expense of more peripheral countries, chief among them Italy. The third stage

<sup>9</sup> Sara Casella Colombeau, "Policing the Internal Schengen Borders—Managing the Double Bind between Free Movement and Migration Control," *Policing and Society* 27, no. 5 (2017): 480.

<sup>10</sup> Giuliano Garavini, "The Colonies Strike Back: The Impact of the Third World on Western Europe, 1968–1975," *Contemporary European History* 16, no. 03 (August 2007): 318.

<sup>11</sup> Paoli, "The Schengen Agreements and Their Impact on Euro-Mediterranean Relations," 129.

<sup>12</sup> Alessandro Triulzi, "'Like a Plate of Spaghetti': Migrant Narratives from the Libya-Lampedusa Route," in *Long Journeys: African Migrants on the Road*, ed. Alessandro Triulzi and Robert Lawrence McKenzie, vol. 8 (Leiden: Brill, 2013), 4; Antonio M. Morone, "Policies, Practices, and Representations Regarding Sub-Saharan Migrants in Libya: From the Partnership with Italy to the Post-Qadhafi Era," in *EurAfrican Borders and Migration Management—Political Cultures, Contested Spaces, and Ordinary Lives*, ed. Paolo Gaibazzi, Alice Bellagamba, and Stephan Dünnwald (New York: Palgrave Macmillan, 2017), 130.

has its beginnings in the early 1990s, when a general collapse of the post-war Italian domestic political paradigm opened up the possibility for new political forces to enter the national stage. Political parties such as Forza Italia with Silvio Berlusconi at the helm and Lega Nord led by Umberto Bossi, both occasionally capitalized on fears of immigration and showed the initial signs of willingness to risk international condemnation through *refoulement* of unwanted refugees and economic migrants.<sup>13</sup> This section ends and the fourth one begins with the 2008 Italy–Libya *Treaty on Friendship, Partnership and Cooperation*, signed into law by Libya's autocratic leader Muammar Gaddafi and Silvio Berlusconi, who at this point was acting as Italy's Prime Minister for the third time. The treaty traded an increase in Libyan border control and a clampdown on illegal migration in return for Italian financial aid and investment.<sup>14</sup> Fresh off the heels of this treaty came the eruption of the so-called Arab Spring in 2011, a pivotal point that brought several thousand Tunisian refugees to Italy. Italian dissatisfaction with being saddled with sole responsibility to process and perhaps absorb these migrants, as stipulated in the Dublin Regulation, led the country to give some of these newcomers temporary residency permits allowing for free travel within Schengen. When a small minority boarded trains towards France (along with human rights activists accompanying them), the reaction of French authorities threatened Schengen cooperation, further secured French national borders within a nominally borderless area, and ultimately increased Europe-wide acceptance of Italian approaches and demands. The final and fifth section will detail how the unfurling of events from the previous section were in a sense repeated on a larger stage in the lead-up to the often-termed Mediterranean 'Migration Crisis' in 2015.<sup>15</sup> EU-member states proved willing to support, engage with, and ultimately almost entirely adopt Italian ways of dealing with the crisis of tens of thousands of people escaping poverty and war. What had originally been Italian programs came under the EU operational umbrella and externalization of European borders took its first tentative moves beyond the Mediterranean and into African countries.

<sup>13</sup> Quaglia, "The Role of Italy in the European Union," 134.

<sup>14</sup> Chiara De Cesari, "The Paradoxes of Colonial Reparation: Foreclosing Memory and the 2008 Italy–Libya Friendship Treaty," *Memory Studies* 5, no. 3 (July 2012): 317.

<sup>15</sup> See for example: Ferruccio Pastore, "The next Big European Project? The Migration and Asylum Crisis: A Vital Challenge for the EU," (Research Report, Oslo: Norwegian Institute of International Affairs, 2015), 4; Marco Scipioni, "Failing Forward in EU Migration Policy? EU Integration after the 2015 Asylum and Migration Crisis," *Journal of European Public Policy* 25, no. 9 (September 2018): 1357–75; Åsne Kalland Aarstad, "The Duty to Assist and Its Disincentives: The Shipping Industry and the Mediterranean Migration Crisis," *Mediterranean Politics* 20, no. 3 (September 2015): 413–19.

*After the Oil Shock—Inward European Focus rather than Mediterranean Engagement, 1973–1986*

Before beginning to detail the differing opinions among European nations on the value and ways of handling immigration that took place in relation to Schengen from 1984 and onwards, it is important to discuss why this discrepancy in attitudes existed in the first place, as well as present the historic preconditions that led to inward-looking European integration as a politically viable option. Following the postwar boom years of European growth from the early to mid-1950s onwards, all of the member states of the EC apart from Italy experienced mass immigration. In large part, this was due to guest labor programs instituted to attract workers both from within Europe and outside of the continent, seemingly constituting efficient transfers of ‘idle hands’ from poorer countries in the Global South, putting them to work in the more affluent Global North. However, in the late-1960s and early-1970s this immigration started carrying grave political, social, and economic liabilities.<sup>16</sup>

Behind this migratory pressure lay the fact that poverty in the former colonized countries was not only still prevalent, but actually growing despite rising production and trade after independence. This was partially because the raw materials they primarily exported had steadily declined in value since the Second World War.<sup>17</sup> The Oil Shock of 1973 is often summed up as OAPC (Organization of Arab Petroleum Exporting Countries) and its allies punishing the US and European nations supporting Israel in the Yom Kippur war with Egypt, through a targeted oil sales embargo and price hike. It can, however, also be read as an attempt by the Global South to address the decline in raw material prices (including the price of oil) and to improve their standing through economic activism, for a time uniting both oil producing countries and the other raw material-exporters of the developing world. This economic activism affected how European countries initially involved themselves politically with the Global South at their Mediterranean doorstep, only to ultimately disengage and instead focus on migration control and inward integration.

Coined as the high point of ‘Third Worldism’ in certain academic quarters, the oil price worldwide did indeed reach record levels, shocking a developed world that had grown dependent on affordable oil for its own economic post-war revival.<sup>18</sup> Ensuing financial reverberations forced most Western European countries to wind down immigration programs, with France and West Germany taking the

<sup>16</sup> Garavini, “The Colonies Strike Back,” 306; Paoli, “The Schengen Agreements and Their Impact on Euro-Mediterranean Relations,” 126.

<sup>17</sup> Giuliano Garavini, “Completing Decolonization: The 1973 ‘Oil Shock’ and the Struggle for Economic Rights,” *The International History Review* 33, no. 3 (September 2011): 476.

<sup>18</sup> *Ibid.*, 483; Massimiliano Trentin, “Divergence in the Mediterranean: The Economic Relations Between the EC and the Arab Countries in the Long 1980s,” *Journal of European Integration History* 21, no. 1 (2015): 91.



lead in clamping down on their demand for foreign labor.<sup>19</sup> This was complicated by the fact that labor migration turned out to be quite far from being a faucet one could simply turn on and off according to fluctuations of demand. European governments were left reeling, with new impetus to engage with the oil producing countries in the southern Mediterranean and the Arab world.

Many motives have been attributed to these overtures, ranging from genuine social responsibility and a rising consciousness of historic wrongdoing by the colonial and imperial powers, to more realist-driven desires of oil security and a concern for what instability on the southern edge of the Mediterranean might mean for migration pressure to Europe.<sup>20</sup> The EC's Global Mediterranean Policy had in fact already been inaugurated in 1972, but was quickly followed in 1974 by the Euro-Arab Dialogue, both meant to engage with Mediterranean and Arab countries in the surrounding regions of the EC. Little, however, was achieved in the time before a second Oil Shock came with the Iranian revolution of 1979. Prices again skyrocketed, but the fallout this time was different. As soon as 1982 oil prices started declining before falling steeply in 1985–86, Third World economic activism fell apart and the Global South was left with rising national debt and a growing trade deficit with the developed nations. In the meantime neo-liberalist doctrine had become dominant in the US as well as in key European countries, meaning free-market fiscal policy prescriptions were now the solution offered by the Global North, rather than political engagement coupled with development cooperation.<sup>21</sup>

Arguments for why this was the preferred route taken by the European developed nations differ. Historian Massimiliano Trentin sees EC engagement, trade, and investment with the Mediterranean countries as always closely following the oil price, depending on what would ensure European prominence in the region. Other scholars, such as Giuliano Garavini and Elisabetta Bini, point to a renewed European turn towards strengthening its relationship with the USA and its interests in the Mediterranean and Middle East region playing a part in this decision.<sup>22</sup> The picture is undoubtedly complex, but for the purposes of this article I see it as having made European countries such as France and West Germany feel it politically expedient not only to wind down their immigration programs, but also start a process of cajoling other EC member states into aligning their migration policies to their own.<sup>23</sup> The Mediterranean became less a destination for investment

<sup>19</sup> Colombeau, "Policing the Internal Schengen Borders," 484.

<sup>20</sup> Elena Calandri and Simone Paoli, "Europe and the Mediterranean in the Long 1980s," *Journal of European Integration History* 21, no. 1 (2015): 6; Garavini, "The Colonies Strike Back," 309.

<sup>21</sup> Calandri and Paoli, "Europe and the Mediterranean," 11; Trentin, "Divergence in the Mediterranean," 89.

<sup>22</sup> Elisabetta Bini, "A Transatlantic Shock: Italy's Energy Policies between the Mediterranean and the EEC, 1967–1974," *Historical Social Research* 39, no. 4 (2014): 158; Garavini, "The Colonies Strike Back," 319; Trentin, "Divergence in the Mediterranean," 89.

<sup>23</sup> Colombeau, "Policing the Internal Schengen Borders," 484.

and trade, and more an area delegated to securitization and risk-management of a more direct kind.

*French and German Migration Concerns Leads to European Integration on Unequal Terms, 1984–1990*

The Schengen Acquis has undoubtedly contributed to a broadening of horizons for EU citizens both work- and leisure-wise, as well as expanded markets for business and helped growth in trade between the member nations. But it has hardly been the unmitigated success story certain academic quarters claim it to be, nor does it ensure equal treatment for those wanting access to it, be they countries or individuals. Indeed, at the heart of Schengen lie a series of exclusionary processes that have had wide-ranging consequences in the decades since it came into being.<sup>24</sup> In the mid-1980s, Italy (alongside other countries on the periphery of the EC such as Greece) were knowingly kept out of the initial talks to form a borderless area. At first this area encompassed France, West Germany, and the Benelux countries, but it was later brought into the wider EC policy field and turned into the foundations of Schengen.<sup>25</sup> France's President François Mitterrand and West German Chancellor Helmut Kohl announced the Saarbrücken Accord in July 1984, meant to ease the crossing of both people and commodities through the lessening of their bilateral border controls, harmonizing legislation, and externalizing security checks to their frontiers with adjacent nations. Italy's Foreign Minister Giulio Andreotti shortly thereafter signaled his country's strong interest in negotiating a similar agreement with France. His French counterpart quickly declined the Italian request however, as France had a series of misgivings towards Italian immigration policy and fears of what opening its borders to Italy could entail.

The French government considered Italy's system of controls far too lax and believed that up to 800,000 undocumented migrants then residing in Italy would cross the Alps as soon as any restrictions were lifted. Claims such as this seem to die hard, as we will see them oft repeated throughout the at times strained Franco-Italian relationship over their shared border. Interestingly enough, persistent stereotyping of Southern Europeans as work-shy and always looking to leech off of their thrifty northern neighbors also had a bit-part to play in the French rejection. This is exemplified in Foreign Ministry deliberations and documents noting that "abolition of border controls with Italy might encourage an influx of inactive and

<sup>24</sup> See: Dane Davis and Thomas Gift, "The Positive Effects of the Schengen Agreement on European Trade," *The World Economy* 37, no. 11 (November 2014): 1541–57; Cristina Elena Popa, "The Challenges of the Schengen Area," *Expert Journal of Economics* 4, no. 3 (2016): 96, <http://economics.expertjournals.com/23597704-410/>.

<sup>25</sup> Emmanuel Comte, "Migration and Regional Interdependence in the Mediterranean, from the Early 1980s to the Mid 1990s," *Journal of European Integration History* 21, no. 1 (2015): 116.

unemployed Italian persons,” as Simone Paoli has uncovered.<sup>26</sup> The total order of French demands for Italy to be allowed into the Schengen deliberations were quite extensive and included: broad border policing cooperation, a drastic tightening of immigration policy, a harmonization of visa requirements (including demanding visas from countries just across the Mediterranean, hitherto exempted by Italy), and chiefly, a readmission agreement between the two countries, governing any migrants caught illegally or denied admission into France.

The Italian Prime Minister at the time, Bettino Craxi, was convinced that the EC would do well to adopt a more generous stance in its immigration policies, in tune with moral responsibilities and political interests in the Mediterranean. Not coincidentally, this was along the line of thinking of his own government, which argued for a continued visa exemption of several Third World countries, many of them Mediterranean, as part of a strategy meant to strengthen political ties and intended to improve the economies of countries around the Mediterranean basin. Tightening of access to the EC through enhanced visa restrictions would contravene any such strategy. Craxi was, in fact, so concerned that in the Florence summit with Mitterand on June 14th 1985, he insisted on making two points of Franco-Italian disagreement the main issues. The first were the visa-requirements mentioned above and the second was demands for stricter Italian border policing.<sup>27</sup> Mitterand for his part, was quite adamant that the ultimate aim of a common EC migration policy should be restrictive in order to protect France in particular and Europe in general, from undesired immigration from the Global South. For him, this meant Italy needed to better enforce regulations against illegal migration across the border into France, particularly migrants coming from the Mediterranean region. The disagreement seemingly proved too deep to resolve, and all talks came to a sudden end in the early months of 1986.<sup>28</sup>

Ultimately, Italy did cave in to demands and went on to become a full-fledged party to the Schengen Acquis, conforming its immigration legislation to the stricter regulations already adopted by the other parties to the agreement. The reasons for this about-turn had their origins partially in the domestic political reality of Italy, where the fall of the Craxi cabinet in April 1987 gave impetus to political forces within the country that felt it too costly to stay on the margins of Schengen, and the rest of continental Europe.<sup>29</sup> The other countries party to Schengen

<sup>26</sup> See for example: Stephen Brown, “Letta Tells Germans That ‘Lazy Italians’ Cliché Helps Populists,” *Reuters*, November 14, 2013, <https://www.reuters.com/article/us-germany-italy-lazy/letta-tells-germans-that-lazy-italians-cliche-helps-populists-idUSBRE9AD16H20131114>; Roger Cohen, “Opinion—A Cheer for Italy’s Awful New Government,” *The New York Times*, June 8, 2018, <https://www.nytimes.com/2018/06/01/opinion/italy-government-league-five-star-movement.html>; Paoli, “The Schengen Agreements and Their Impact on Euro-Mediterranean Relations,” 132–33.

<sup>27</sup> In fact, the very same day the Schengen Agreement was signed.

<sup>28</sup> Paoli, “The Schengen Agreements and Their Impact on Euro-Mediterranean Relations,” 134–35.

<sup>29</sup> Calandri and Paoli, “Europe and the Mediterranean,” 12.

quickly accepted the Italian turnaround, seeing it as a necessary externalization of border control, convenient from both an economic and political standpoint.<sup>30</sup>

Still, there were prominent dissenting voices within Italian politics, such as then-Vice President of the Council of Ministers Claudio Martelli, who attacked the core of the Schengen Agreement.<sup>31</sup> He went on to introduce a bill in 1989 that was intended to reform and distance Italian immigration policy from what the Schengen members had opted for, in a clarion call meant to dissuade Italy from following the French example. But this was not to be; instead other national politicians in Italy counter-positioned themselves to ride a growing wave of popular concern with immigration as the new decade approached. Derisive terms used by Italy's Northern neighbors to describe its migration policies and border control, such as being the 'soft underbelly' and 'open door' of Europe, were adopted in critique of what was claimed to be the liberal approach, as exemplified by politicians like Martelli. In the end, Martelli himself was pressured to abandon his original stance and in March 1990, with an almost baffling turnaround, he went as far as proposing Italy deploy its army to patrol the coast. By the end of that same year, all the significant reforms required by the five original signatories as a precondition for Italy's accession to the Schengen system were adopted and the country signed both the Saarbrücken Accord and the Schengen Agreement itself on November 27<sup>th</sup>, 1990.<sup>32</sup> From there, the controls were implemented swiftly—already the year after as many as ten out of twelve EC member states now required visas for citizens of all Arab states.<sup>33</sup>

### *A Migration Regime Takes Shape Domestically, 1990–2008*

The politics of Italy in the 1990s, with its seismic shifts and the birth of what has been called the Second Italian Republic, is a wide topic to wade into.<sup>34</sup> It brought the rise of a new political paradigm in the wake of the complete reshuffling of Italian political life, which Quaglia dubbed the 'Euro-realist' paradigm. The first instances of *refoulement* at sea with the fall of next-door communist Albania and an increase in externalization of migration control through foreign diplomacy, in combination made up the beginnings of a new migration agenda for Italy.<sup>35</sup>

The fracturing of the hitherto main governing parties DC (Christian Democrats) and the PSI (Italian Socialist Party) came in the wake of domestic turmoil after the

<sup>30</sup> Paoli, "The Schengen Agreements and Their Impact on Euro-Mediterranean Relations," 139–40.

<sup>31</sup> Vice President of the Council of Ministers is the second highest post in the Italian government.

<sup>32</sup> Comte, "Migration and Regional Interdependence in the Mediterranean," 118; Paoli, "The Schengen Agreements and Their Impact on Euro-Mediterranean Relations," 141, 143, 145.

<sup>33</sup> Comte, "Migration and Regional Interdependence in the Mediterranean," 117.

<sup>34</sup> For the sake of brevity and scope I will necessarily have to stay focused on the aspects directly related to my paper.

<sup>35</sup> Quaglia, "The Role of Italy in the European Union," 134.

*Tangentopoli* scandal and *Mani Pulite* investigations into corruption and Mafia links within the established political class.<sup>36</sup> This domestic political turmoil, as well as the general international upheavals following the collapse of the USSR set the scene for a structural reworking of Italy's dealings with both the EU (that the EC became following 1993's implementation of the Maastrich Treaty) and Italian migration policy. A common view of the former has been that Italy seemingly lacked a clear and focused strategy in its dealings with the European Union. However, Quaglia posits that up until this time period the Europe-oriented parts of Italy's political class imposed change through lifting issues to the supranational level, inducing the desired domestic reform by way of European and international fora.

With the mid-1990s election win for Berlusconi's Forza Italia, a new incipient foreign policy emerged that was less willing to put European integration above all else. This new Euro-realist political paradigm viewed international and European influence on Italy's political agenda with suspicion, made wider use of bilateral relations to further its own foreign policy, and sought to define and defend Italian 'national interests' more vigorously. This last point aimed to curry favor with public opinion and seemingly 'stand up' to the EU. Stemming Mediterranean migration figured high among those national interests. Migration had gradually risen on the agenda for the past decade among both the political elite and general population, with Italy moving from being a transit post on the journey to a destination country in and of itself for large masses of migrants.<sup>37</sup> A landmark event that shaped this impression came in the Summer of 1991 when the Italian-built ship *Vlora* crammed with as many as 20,000 people escaping chaotic post-communist Albania anchored in the Southern Italian port city of Bari, bringing with it fears of increasing immigration of destitute and foreign people. The Italian government turned these migrants away, the first documented cases of illegal Italian *refoulement* in violation of the Refugee Convention.<sup>38</sup>

As the 1990s came to a close, Italy sought closer border policing cooperation with countries along the Southern coasts of the Mediterranean, chief among them Libya.<sup>39</sup> Libya's autocratic leader Gaddafi quite willingly collaborated with the Italian search for an externalization of border and migration policing. After spending much of the 1980s and 1990s as an international pariah, Libya was gradually brought back into the orbit of the European countries. Italy had kept a mostly

<sup>36</sup> Sometimes translated as Bribesville, *Tangentopoli* was a term popularized in Italian media to describe the widespread corruption in post-war Italian politics. *Mani Pulite* was the nationwide judicial investigation into this systemic corruption, at one point involving indictments of more than half of all Italian parliamentarians.

<sup>37</sup> Paoli, "The Schengen Agreements and Their Impact on Euro-Mediterranean Relations," 139.

<sup>38</sup> Alessandro Triulzi, "Empowering Migrants' Voices and Agency in Postcolonial Italy," *Critical Interventions* 10, no. 1 (2016): 5.

<sup>39</sup> Morone, "Policies, Practices, and Representations Regarding Sub-Saharan Migrants in Libya," 138.

cordial diplomatic relationship with Libya since the 1969 coup, while still maintaining its political distance. At the same time, Italy remained heavily involved in oil and gas exploration and production on Libyan territory through the energy extraction giant ENI (*Ente Nazionale Idrocarburi*), in which the Italian state to this day holds a golden share of 30.303%.<sup>40</sup> An important development in 2008 encompassed both the increased Europeanization of Italy's migration agenda and exemplified a sign of the nation's new Euro-realist foreign policy: Italy first pressured the EU to lift its ban on commercial relations with Libya before Berlusconi himself travelled there, meeting Gaddafi in Benghazi to sign the *Treaty on Friendship, Partnership and Cooperation* between the two governments. This included an apology and promises of colonial reparation.<sup>41</sup> According to historian Antonio Morone, allowing for joint Italo-Libyan coast guard patrols, the 2008 Treaty quickly led to a much more organized pushback of migrants landing in Italy than the more scattered efforts had previously seen.<sup>42</sup> Historian Alessandro Triulzi, called it “systematic *refoulement*” of all northbound migrant boats across the Mediterranean. The Italian Minister of Interior Roberto Maroni went as far as praising these harsh tactics, jointly developed by Italy and Libya, as a “model for the whole of Europe.”<sup>43</sup>

Domestic changes in Italy's politics in the period described, in combination with the already more stringent migration approach the country had been forced to adopt, led Italy down a potentially controversial path. Libya became Italy's adjunct in the process of externalizing and securing its own Mediterranean border, and in turn that of the European Union.<sup>44</sup> Describing this Triulzi does not mince words, stating that the former colony was “...acting as a *gendarme* for the old metropolis.”<sup>45</sup> Through *refoulement* and the beginnings of a system of holding camps for illegal migrants, these borders were in the process of being relocated from the south of Italy beyond the coastal waters of Libya and into Libyan territory proper.<sup>46</sup> The next section details how this burgeoning migration management system would cope with its biggest challenge to date, and in turn how Italy's Northern neighbors would relate to it.

<sup>40</sup> A company share giving the right of decisive vote.

<sup>41</sup> The intention and veracity of this apology is disputed and a topic worthy of discussion elsewhere, but for the purposes of this paper there are several other points that merit attention. For more on this controversy, see: De Cesari, “The Paradoxes of Colonial Reparation”; Triulzi, “Like a Plate of Spaghetti,” 215.

<sup>42</sup> Morone, “Policies, Practices, and Representations Regarding Sub-Saharan Migrants in Libya,” 139.

<sup>43</sup> Triulzi, “Like a Plate of Spaghetti,” 215.

<sup>44</sup> Morone, “Policies, Practices, and Representations Regarding Sub-Saharan Migrants in Libya,” 129.

<sup>45</sup> Triulzi, “Empowering Migrants' Voices and Agency,” 4.

<sup>46</sup> Morone, “Policies, Practices, and Representations Regarding Sub-Saharan Migrants in Libya,” 139–40.

*Italian Migration Management Gains Acceptance on a Wider Stage, 2008–2011*

With the coming of the so-called Arab Spring in 2011, change was underfoot in the Maghreb and beyond. Over the course of the year, tens of thousands of migrants left the chaos of political and social unrest in Northern Africa, heading towards Italy. The Italian migration officials issued temporary residence permits to a number of these refugees of Tunisian descent, which gave them the right of free movement within the Schengen zone. This did not particularly endear Italy to its neighboring Schengen member states, least of all to France.<sup>47</sup> Disregarding the permission papers given to them by Italy and reintroducing internal border checks under the pretense that these migrants constituted a threat to its national security, the French immigration authorities adopted a firm stance in their handling of what was only a few hundred Tunisian refugees and accompanying activists arriving by train at the Ventimiglia/Menton border.<sup>48</sup> Fueled by the now firmly entrenched Euro-realist political paradigm, as well as the more combative stance of the third Berlusconi-government with foreign minister Franco Frattini, Italy strongly protested this reaction. Not only did an assertive Italy feel threatened by the increase in migration (regardless of whether the threat was as serious as portrayed politically), it also demanded support from its Schengen neighbors and was not afraid to prove the point. The two countries were at loggerheads. France continued to defy the European Court of Justice (ECJ), which ruled the reintroduction of internal border controls to be illegal and instigated on dubious grounds. After all, the low number of Tunisians seeking entry could not be reasonably said to threaten the national integrity of France. The Schengen Border Codes of 2006 did, indeed, allow for temporary internal controls on extraordinary grounds, but that was not intended to mean the exclusion of a small group of citizens of a specific nationality.<sup>49</sup> Also worth noting is the fact that Italy had already issued thousands of temporary permits the very same year, and that this in turn constituted only a small fraction of the annual total numbers of these permits issued across the EU.<sup>50</sup> The situation threatened the stability of the Schengen System as a whole. When putting the numbers in context, France's reintroduction of internal border checks seems unnecessarily dramatic. Several scholars have pointed out that looking at the overall migration figures at stake and disregarding glaring media headlines from both France and Italy relating to illegal arrivals, the immigration situation in 2011 had not fundamentally changed since the preceding year.<sup>51</sup> Furthermore,

<sup>47</sup> Lauren McClure, "Suspending Schengen: Exceptions to the Schengen Agreement and the Legality of France's Decision to Close Its Borders with Italy," *Loyola University Chicago International Law Review* 9, no. 2 (2012): 327.

<sup>48</sup> Colombeau, "Policing the Internal Schengen Borders," 489–90.

<sup>49</sup> See: Regulation No. 562/2006 of the European Parliament and of the European Council of 15 March 2006, (L 105) 1–32, "Crossing Internal Borders," article 20.

<sup>50</sup> McClure, "Suspending Schengen," 334–35, 341.

<sup>51</sup> Colombeau, "Policing the Internal Schengen Borders," 484.

of the people that did arrive illicitly, the vast majority did so by overstaying their authorized travel period on tourist visas, compared to a mere 12% arriving by boat across the Mediterranean as these North Africans had.<sup>52</sup>

My contention is that the French government's reaction and its subsequent endangerment of the Schengen System as a whole, came after Italy instrumentalized its refugee situation by giving out the temporary permits and tested the waters, so to speak, to find out what the reaction would be. This was done in order to raise the Schengen member states' awareness of Italy's predicament and open up a supranational transfer of its national approach to tackling the influx of refugees; thus, grafting it onto existing EU border externalization. France had already been a committed supporter of the EU's border control agency Frontex and considered the expelling of a high annual number of illegal migrants (40,000 alone in 2011) as a laudable accomplishment.<sup>53</sup> Now Frontex would get directly involved in the Mediterranean through launching operation *Hermes*, at Italy's request, to help manage the migration flow. This signaled a new commitment to externalizing borders and co-opting the Italian migration agenda. Even as the Gaddafi regime fell in 2011, Italy still persisted in its attempts to move the border controls further from its territory, now with new agreements in place with the Libyan National Transit Council. Here again there are historical antecedents, as France and Italy had already previously probed the possibility of outsourcing asylum processing to third-party countries like Libya, making sure the refugees with illegitimate claims would not set foot on European soil after being refused asylum.<sup>54</sup>

In summation, the Franco-Italian conflict over migration at Ventimiglia/Menton was seemingly intransigent and in a sense left unresolved with both parties appealing for a reform of Schengen that has yet to come. I contend that this event also signaled a milestone in the EU adoption and support for a migration agenda previously foisted upon Italy.<sup>55</sup> France could no longer as easily deport its migration problems to Italy as it had done before. Rather, the 2011 incident served as a hard-won realization that the two countries now apparently both stood to gain in their shared desire to externalize and further securitize border control. In the final section we move closer to the end of my proposed timeline of examined events: the Mediterranean 'Migration Crisis' of 2015.

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<sup>52</sup> Triulzi, "Like a Plate of Spaghetti," 214.

<sup>53</sup> Active since 2005 and headquartered in Poland, Frontex is responsible for patrolling the borders of the Schengen area. McClure, "Suspending Schengen," 344.

<sup>54</sup> Andrade, "Initiatives of EU Member States in Managing Mixed Flows in the Mediterranean," 52, 55, 57.

<sup>55</sup> McClure, "Suspending Schengen," 345.



*The Old Colonial Hand Takes the Lead in Border Externalization, 2012–2015*

Italy has long been active diplomatically and economically in the Mediterranean region, but in the past century it also asserted power through colonial domination. As briefly mentioned before, the question of apologizing to Libya for that period came into play in 2008. It is certainly notable that no other former colonial power has yet apologized for past wrongdoing or promised reparations like that year's *Treaty on Friendship, Partnership and Cooperation* between Italy and Libya ostensibly did. However, the apology can be read in many ways.<sup>56</sup> I return to the perspective of Morone when he posits that it was quite simply a case of *realpolitik*. Behind the excuses for Italy's past behavior, their shared history served as political capital. It benefited both the Libyan regime in its desire for international acknowledgement and economic development, and the Italian government in their search to externalize borders even further through *refoulement* and outsourcing migration management to its former colony.<sup>57</sup> Despite the European Court of Human Rights (ECHR) condemnation of the Italo-Libyan bilateral agreement of interception and return of migrants at sea in the July 2012 *Hirsi Jamaa and others v. Italy* legal judgment, in the years leading up to 2015 it would seem the *de facto* pushback policy persisted, now with additional EU-wide financial and operational backing.<sup>58</sup> An example of this would be the European Union Border Assistance Mission (EUBAM) of 2013, where the EU promised to help equip and train Libyan police forces with the view to aid in the control and slowdown of the movement of refugees towards Europe.<sup>59</sup>

As shown earlier in this paper, Italy had previously been on the receiving end of policy-change coercion and political pressure to adapt its migration policy according to other nations' priorities. Towards the end of the time period examined, both the seriousness of the migrant situation and Italy's growing assertiveness and sense of its own agency, meant that it could now push for and succeed in transferring national maritime operations, like the 2013 rescue mission *Mare Nostrum*, from its own jurisdiction (and financial responsibility) to the Frontex-sponsored operation *Triton* that took place over the following year. No longer was Italy expected to receive deported illegal migrants from France and left to handle the situation alone. The restrictive migration policies that became widespread in Western and Central Europe in the 1980s had come full circle, driven by an 'emergency'

<sup>56</sup> The treaty exchanged an increase in Libyan border control coupled with a clampdown on illegal migration in return for Italian financial aid, increased investment, an apology for violence committed during Italian colonial control and a promise of reparations.

<sup>57</sup> Morone, "Policies, Practices, and Representations Regarding Sub-Saharan Migrants in Libya," 141.

<sup>58</sup> Andrade, "Initiatives of EU Member States in Managing Mixed Flows in the Mediterranean," 52.

<sup>59</sup> Antonio M. Morone, "Il processo di Khartoum: l'Italia e l'Europa contro le migrazioni," *ISPI Analysis* 5, iss. 286 (June 2015): 2.

narrative meant to stem public anxiety and had picked up the particulars of a developing Italian migration management agenda on the way.<sup>60</sup>

Not to say that there were not also more deep and wrenching arguments over how to cope with the increasing number of migrants, who were arriving by way of the Mediterranean, and the declining European appetite for foreigners, as political scientist Jonathon Moses put it.<sup>61</sup> Italy did not get full and unconditional support. The yet-to-be solved Dublin Regulation debacle is a prime example of continued strife.<sup>62</sup> But in other ways, it can be said that the old colonial hand of Italy was indeed given more room to operate based on its past experience and continuous engagement in the area, leading diplomatic efforts to externalize EU-border controls into unchartered territory further south. The strategies involved built upon the already established Mediterranean model that Italy spearheaded with Libya. They were now expanded to mean an offer of political and diplomatic recognition from the EU as a whole in exchange for several third-party African countries taking over vanguard border control duties for the Union.<sup>63</sup> My analysis differs from that of scholars such as Emanuela Paoletti, who claims that Italy has been the one primarily making concessions and compromises to appease Libya and therefore weakening rather than strengthening its position vis-à-vis its former colony in the process.<sup>64</sup> It is true that both sides had their own agency in the relationship and Libya was by no means a blank slate onto which Italy could project power and policy. That being said, the continuity displayed over decades in Italian externalization attempts despite both resistance from European legal institutions and regime-change in Libya, make it likely that Italian political leadership held it up as a successful strategy, not a loss of face. While the press and public opinion stayed focused on the growing dimensions of human tragedy already long visible in the Mediterranean by 2015, Italian and EU diplomacy were spending significant efforts and political capital on constructing the EU-Horn of Africa Migration Route Initiative, taking potential border externalization well into the African continent and “improving national capacity building in the field of migration management” in the region.<sup>65</sup> It must be said that there is a strong contradiction, even hypocrisy,

<sup>60</sup> Emanuela Paoletti, “Power Relations and International Migration: The Case of Italy and Libya,” *Political Studies* 59, no. 2 (June 2011): 283–84.

<sup>61</sup> Jonathon W. Moses, “The Shadow of Schengen,” in *The Oxford Handbook of the European Union*, ed. Erik Jones, Anand Menon, and Stephen Weatherill (Oxford: Oxford University Press, 2012), 5.

<sup>62</sup> Here I am referring to the EU asylum processing regulation which dictates that asylum can only be requested in the member state where the applicant first entered. With the increase in Mediterranean migration this has repeatedly pitted countries like Greece, Italy, and occasionally Spain against their fellow member states.

<sup>63</sup> Morone, “Policies, Practices, and Representations Regarding Sub-Saharan Migrants in Libya,” 145.

<sup>64</sup> Paoletti, “Power Relations and International Migration,” 270–73.

<sup>65</sup> Colloquially known as the Khartoum Process. Morone, “Il processo di Khartoum,” 4; Morone, “Policies, Practices, and Representations Regarding Sub-Saharan Migrants in Libya,” 145.

at the heart of this Italo-European Union policy. The overarching goal of stemming migration and combatting people smugglers to ensure more humane treatment of refugees *en route*, means halting thousands of people escaping humanitarian crises or political persecution through supporting local authoritarian regimes who are themselves in large part responsible for the dire national situations.<sup>66</sup>

### Conclusion

I have shown that the exclusionary processes and strong desires to regiment and strengthen border controls that lay at the center of Schengen-deliberations in 1984-85, were themselves made politically palatable amidst the background of changing Euro-Mediterranean relations in the wake of the Oil Shock which happened over a decade earlier. Through coercion and applied pressure, the Schengen System resulted in a complete change of Italy's migration agenda and approach. Italy's immigration situation and attitudes towards migrants then underwent further changes after domestic developments in the 1990s, becoming considerably less *laissez-faire*, more restrictive, and inclined towards *refoulement* as an acceptable practice. A growing Italian assertiveness and an emphasis on politically useful national interests above all else in relation to its migration agenda, forced the relationship with France over migrants to a high level of conflict in 2011. Ultimately this was resolved by increased EU acceptance and adoption of Italy's prerogatives and methods in the Mediterranean. Approaching 2015 this externalization continued into Africa, where Italy, the EU, and regimes in third-party African countries were all willing to flaunt their disregard for human rights in an attempt to slow down the movement of people towards Europe. A migration management agenda had in a sense travelled in a circular motion, beginning with European pressure put on Italy and ending with the Europeanization of an Italian regime infused with traits taken from its bilateral dealings and Mediterranean history, now poised to be externalized well beyond continental limits.

But why this imperative to put border security above all else in the heated exchange happening over migration policies? Historian Charles Maier has posited that this inclusion and exclusion is really about identity, rather than a simple case of economic rationale in deciding access to material wealth between those on the inside and those on the outside of borders.<sup>67</sup> Views of migrants as a threat to Europe's own national identities are hence linked with much older ideas of 'otherness' about the people who were once colonial subjects.<sup>68</sup> This otherness

<sup>66</sup> Morone, "Il processo di Khartoum," 7.

<sup>67</sup> Charles S. Maier, "'Being There': Place, Territory, and Identity," in *Identities, Affiliations and Allegiances*, ed. Seyla Benhabib, Ian Shapiro, and Danilo Petranović (Cambridge: Cambridge University Press, 2007), 78.

<sup>68</sup> Morone, "Policies, Practices, and Representations Regarding Sub-Saharan Migrants in Libya," 141.

also includes stripping these migrants of their agency and freedom of movement and reducing them from autonomous subjects in their own story to mere objects susceptible to outside influence and control.<sup>69</sup> At the same time, the jarring truth is that the ‘othering’ and use of exclusionary tactics does not curtail the migrant’s double usefulness as both an external threat and simultaneous subaltern working class.<sup>70</sup> This is not limited to official migrant labor quota-schemes however, as several academics have pointed out throughout the time period described, informal economies on both sides of the Mediterranean benefited from access to low-cost workers, particularly in the agricultural sector.<sup>71</sup>

I concur with Maier’s assertion that borders and the challenges, as well as the benefits associated with them, are here to stay.<sup>72</sup> But that should not preclude more common-sense migration policies taking the place of current knee-jerk reactions, which have potentially dangerous consequences and come in the face of a migration movement that in all likelihood will not substantially diminish anytime soon. Indeed, as Paoletti puts it, “the more states and supranational bodies do to restrict and manage migration, the less successful they seem to be.”<sup>73</sup> Perhaps the solution then is not to pile added restrictions on top of previous ones, but to develop a more sensible migration practice overall. Yes, there is a major migration issue to be faced, but openness to long-term solutions rather than close-mindedness in the short-term, surely offers more safety for all involved.<sup>74</sup> If not, then what purpose does upholding a vaunted legal framework for the protection of international human rights serve, if they are to be valid for a select few within our borders while adoptable on a voluntary basis outside the confines of the European Union?

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<sup>69</sup> Alessandro Triulzi, “Empowering Migrants’ Voices and Agency,” 12.

<sup>70</sup> Maier, “‘Being There’: Place, Territory, and Identity,” 80.

<sup>71</sup> Comte, “Migration and Regional Interdependence in the Mediterranean,” 112–13; Triulzi, “Like a Plate of Spaghetti,” 220.

<sup>72</sup> Charles S. Maier, “Does Europe Need a Frontier? From Territorial to Redistributive Community,” in *Europe Unbound: Enlarging and Reshaping the Boundaries of the European Union*, ed. Jan Zielonka (London: Routledge, 2002), 18.

<sup>73</sup> Paoletti, “Power Relations and International Migration,” 269.

<sup>74</sup> Antonio M. Morone, “La Libia, crocevia migratorio. Nuove e vecchie dinamiche dal 2011 al 2014,” in *I rifugiati e l’Europa: tra crisi internazionali e corridoi d’accesso*, ed. Luca Ciabbarri (Milano: Edizioni Libreria Cortina, 2015), 62–63.