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Mehmet Enes Beşer made an interview with Mrs. Palm on the Memorandum of Understanding between Italy and Libya and its effects upon the EU's migration policies.

**BMS: On 2 February 2016, the Libyan Government of National Accord and the Italian government signed a Memorandum of Understanding. This was seen as a milestone in European efforts to curb the migrant flows from Africa. Could you tell the major points of its content? What were the basic objectives?**

The memorandum was presented as the first chapter in a new era of cooperation on irregular migration and border control between Italy and Libya. To be precise, it was not a European effort, but an Italian effort, which was then politically endorsed and financially supported by the EU. This might be seen as a choice by the EU to remain in the background on such delicate issues, but it does not change the outcome, as the European Council reinforced the Memorandum through the *Malta Declaration on the external aspects of migration: addressing the Central Mediterranean route*, and significant funding is channeled

through the *EU Trust Fund for Africa* for such purposes. The memorandum presents an important development, as it represents the first operational step in the shift of focus to the Central Mediterranean. In practice, it resumes Italian and Libyan migration cooperation according to past bilateral agreements, and strengthens it, foreseeing that Italy will support and finance both development programmes and the technical and technological means for the fight against irregular migration in Libya.

Article 2 of the MoU further details the abovementioned objectives, listing the completion of Libya's southern land border control system; the financing of and the necessary adjustments to the local reception centres 'in compliance with the relevant provisions' and the supply of medicines and necessary equipment to meet the health needs of the migrants detained there; the training of Libyan personnel working in such centres with a special focus on their ability to deal with clandestine immigration and human trafficking; support to international organisations operating in the migration field in Libya; and the investment in development programmes in the region, particularly in projects for job creation.

**BMS: There is an inevitable dichotomy between prioritized security concerns and human rights including international protection. How could this agreement lead to human rights violations? In which aspects?**

This clearly represents the main problematic aspect of this

approach: there is a substantive lack of reference to the international protection and human rights framework, which is reinforced by the choice of vocabulary, that repeatedly refers to *clandestine* or *illegal* migrants. This contributes to the creation of a rhetoric based on the association of different legal statuses to a single category of persons not having the right to enter the EU territory.

Outsourcing migration management to third countries necessarily also implies the outsourcing of asylum management when the flows are of mixed nature, as is the case in Libya. Doing so in a country that does not recognize the right to asylum, nor has the institutional capacity and experience to process international protection claims, is highly problematic.

To this adds the critical situation of the rights of migrants in Libya: on the one hand there is a complete lack of a national framework regulating migrant's rights, contributing to great legal insecurity and arbitrariness, and on the other hand Libya is a heavily unstable country with numerous authoritative reports certifying the systematic violations of (migrant's) fundamental rights.

**BMS: What has changed from announcing the Memorandum to now?**

The Memorandum represents only the stepping stone of a much broader policy approach aimed at reducing crossings at any cost that the Italian Government is promoting, and indeed it has been bolstered up through dialogues with numerous Libyan actors and several other bilateral and

multilateral dialogues with other countries of origin and transit (such as Niger, Sudan, Chad, and Tunisia).

The first results in terms of curbing migratory flows are already visible: there has been an important decrease since July, reaching its lowest point in August, where only 3.918 arrivals were registered, compared to 21.294 in 2016. This seems to be the outcome of Libya's engagement in the prevention of departures and interception at sea leading to the transfer to detention centers, as well as in the reduction in crossings at Libya's southern border with Niger.

**BMS: You mentioned the memorandum as “a poor replication of the EU-Turkey deal”. Even though there are growing concerns regarding the right to international protection, the deal seems to work as the sea arrivals in the Eastern Mediterranean have sharply decreased. Would this “replication” be effective in curbing the flows?**

As mentioned before, there has clearly been a decrease in flows from Libya to Italian so following the increased cooperation on migration management. This decrease nevertheless gives rise to two fundamental questions: firstly, at which cost? And secondly, for how long?

As regards the first question, there is no doubt about this approach having negative effects on the human rights and the access to international protection for migrants. But if this seems not to represent a prioritarian concern for policymakers, at least the political aspect should ring an alarm bell: the highly unstable situation in Libya, added to a very fragmented scenario of actors creates great

uncertainty as to the if the cooperation will hold.

The recent deterioration of the stability due to conflict between different militias in Sabratha, a traditional migration hub, is increasing the probability of a renewed peak inflows according to Frontex, and some even link the outbreak of the fighting in Sabratha to the desire of militias to play a key role in ‘managing’ migration and the detention centers. There is indeed the suspect that militias might now be making money both through the traditional smuggling channels and the GNA-channeled EU and Italian money to stop flows. It is consequently not guaranteed that such cooperation might be effective in the long run in curbing flows.

**BMS: Citing your article, “the presence of conflicting actors in the area does not allow a long-term assessment of the feasibility of such policies.” So, should we expect that Italy will make a similar agreement with other “parts” of Libya?**

Although not being there much public information regarding all of Italy’s interlocutors, its strategy has reached far beyond the Government of National Accord. Indeed, additionally to several institutional players, Italy has dialogued with local tribes, mayors, entrepreneurs and even contending actors (i.e. Haftar). Despite that, the official line is that Italy only provides economic support to the GNA, and not to militias or other local players. That the GNA exercises territorial and sea control though militias are nevertheless widely known, and consequently leads to the same outcome.

**BMS: Would this set a bad example for the other Member States, so that they follow a similar path? Think about France made an agreement with Chad or Niger.**

Italy itself is very active also in Niger, a country that has been identified as a priority both at the European and bilateral level, due to it being a fundamental migration transit point of the Central Mediterranean route. Italy has opened an embassy in early 2017 and closed a deal with the Nigerian government foreseeing a € 50 million budget support for the enhancement of border control capacities. If the situation in Niger is less critical, is there a greater stability and fewer abuses of migrant's rights, the repressive measures have nevertheless fueled discontent at the local level, potentially mining stability.

France has so far demonstrated less interest in migration management, whilst maintaining a stronger focus on security and counter-terrorism aspects. What is worth monitoring is if and how Spain will reinforce its cooperation with third countries (such as Morocco and Mauritania) to avoid that the flow diverts from the Central Mediterranean route towards the west.