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تأثير العوامل البيئية على سياسة الهجرة غير القانونية في إيطاليا في الألفية الجديدة

Prof. Dr. Mustafa Abdalla Kashiem
Professor of Political Science, Tripoli University

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Mustafa Abdalla Kashiem
Professor of Political Science, Tripoli University
mabulgasem@yahoo.com

Abstract:

Italy migration policy reflects a dynamic process since the early 1990s when human trafficking and illegal migration became salient issues on the national and global levels. Italy migration policy interacts and adapts to the surrounding internal and external environments. As far as the method of this study is concerned, a legitimate question was asked: Is Italy national interest navigates its migration policy more than its global commitments? This study assumes that internal and external elements affect Italy migration policy; therefore, it was divided into four main sections: the internal-external aspects of Italy migration policy outputs, external causes of Italy migration dilemma, continuity and change in Italy migration policy. Since the focus of this study is on the internal-external aspects of Italy migration policy output; the process of making laws and concluding treaties and agreements was described and analysed through a comparative perspective. Further emphasis was on the impact of globalization, Sub-Saharan Africa underdevelopment and Libya instability upon this policy. Several aspects of continuity, e. g., adopting enforced controls approach, and change, e. g., internal and external milieus, are identified. The findings of this study indicate that Italy migration policy is not only succeeded in the process of interacting and responding to the internal-external environments, e. g., concluding the agreement with Libya in 2017, but it also reflects a human dimension, e. g., saving illegal migrants lives overseas. The results of this study largely support the underlying hypothesis that assumes the impact of internal and external elements upon Italy migration policy.

Keywords: Illegal migrants, Italian policy, internal and external elements, continuity and change, globalization, Sub-Sahara Africa, underdevelopment, and Libya instability.

ملخص البحث:

تعكس سياسة الهجرة في إيطاليا عملية ديناميكية منذ أوائل التسعينات عندما أصبح الاتجار بالبشر والهجرة غير الشرعية من القضايا البارزة على المستويين الوطني والعالمي. وتتفاعل سياسة الهجرة في إيطاليا وتتكيف مع الظروف البيئية الداخلية والخارجية. وتعكس إشكالية هذه الدراسة عموماً السؤال التالي: هل تجسد سياسة إيطاليا للهجرة لمصلحتها القومية أكثر من تمثيلها لمبادئ القانون الدولي والأخلاقيات الدولية؟ إن المحاولة المبدئية للإجابة على هذا السؤال تقودنا إلى تطوير

الفرضية التالية: "إن العوامل البيئية الداخلية والخارجية تؤثر على سياسة الهجرة في إيطاليا. وتمشيا مع الفرضية السابقة، فإنه سيتم التعامل مع السياسة الإيطالية للهجرة غير الشرعية كمتغير تابع، والعولمة وتخلف أفريقيا وعدم الاستقرار في ليبيا كمتغيرات مستقلة. وبناء على الفرضية السالفة الذكر، فإن هذه الدراسة تنقسم إلى أربعة محاور رئيسية هي: البيئية الداخلية والخارجية المحيطة بسياسة الهجرة الإيطالية، العوامل الخارجية المؤثرة على أزمة الهجرة غير الشرعية في إيطاليا، الاستمرارية والتغير في سياسة إيطاليا للهجرة غير القانونية. وطالما أن محور اهتمام هذه الدراسة منصب على وصف وتحليل تأثير البيئة المحيطة على سياسة إيطاليا للهجرة، عليه فإنه سيتم التركيز على المعاهدات والاتفاقيات ذات العلاقة. وتشير نتائج هذه الدراسة عموما إلى مصداقية الفرضية المثارة والمتمثلة في تأثير العوامل البيئية الداخلية والخارجية على السياسة الإيطالية للهجرة المتسمة بالتكيف المستمر والتغيير أحيانا والثبات أحيانا أخرى.

الكلمات الدالة: المهاجرين غير الشرعيين، السياسة الإيطالية للهجرة، العوامل البيئية الداخلية والخارجية، التغيير والاستمرارية، العولمة، تخلف أفريقيا، وعدم استقرار ليبيا.

Introduction:

The illegal migration process is a contemporary dilemma faces Italy as well as other countries in different areas of the globe. In the United States, illegal migrants reached the level of more than ten million.¹ Australia on the other side of the globe faces the same problem. Nevertheless, the migration process is known since the early human civilization, when people moved freely for economic and social reasons. The establishment of modern state in 1648 according to the Westphalia Treaty emphasized the element of sovereignty and independence; therefore, ethnocentrism and xenophobia became common feelings among certain segments of population, such as extreme right wings.

Italy and other European Union "EU" members witness two types of migration. The first is legal and intra-regional in nature. The citizens of the EU members move freely according to treaties of the European regional organization, namely the EU, in the last decade of the twentieth century, such as Maastricht Treaty of 1992 and Schengen Agreement of 1995. Furthermore, the EU members welcome their quota of migrants after they fulfill the basic standards and procedures that emphasized by national, regional and international laws. Nevertheless, not all member states have the same loading share of legal migrants. This is due to their prosperity and their people attitudes towards immigrants. For example, United Kingdom "UK" withdrew from the EU because of the prevailing negative attitude among British people towards migrants; especially from Eastern Europe. (see for example: Spring ford, 2013)

Italy, as well as other southern European countries, are also affected dramatically with the influx of illegal migration from their neighbouring states on the other southern side of the Mediterranean Sea, especially Libya. Furthermore, Italy is the most affected country from the dilemma of illegal migration. This is due to the increasing numbers² of illegal migrants on its

territory since the last decade of the twentieth century. Nevertheless, many illegal immigrants use Italian territory as a *transit area* to other European states such as Germany and United Kingdom.

Data and Methodology:

The in-depth analysis of the illegal migration dilemma³ shows that Italy sometimes adopts and executes an ideal policy and a real one in other times. Consequently, readers may ask why Italy did not follow a Machiavellian policy and deported all illegal immigrants or why it did not host all of them to become a model of European idealism? Another question can be raised is why Italy did not integrate illegal migrants in the society? These types of questions lead us to polarize the problem of this study in the following question: *Is Italy national interest navigates its migration policy more than its global commitments?*

Review of the literature reveals that several internal and external variables resulted in the illegal migration phenomenon and its negative impact on Italy since the last decade. It is noticeable that the Italian liberal parties are more tolerant towards illegal migrants than the radical right wings. Moreover, Globalization, Africa underdevelopment and Libya instability are among the influential external factors for this issue. The aim of this study is to describe and analyse these factors that presumably affect Italy public policy *vis-à-vis* illegal migrations. It is assumed that “*internal and external elements affect Italy migration policy.*”

In collecting the data, both quantitative and qualitative sources are used. While illegal migration statistics on the national level reflect the quantitative dimension; decisions, agreements and treaties represent the qualitative aspect. Additionally, different techniques were used in examining these sources: interviews, content analysis, and Pearson Correlation.

Figure (1) The Impact of Internal and External Factors upon Italy Policy of Migration

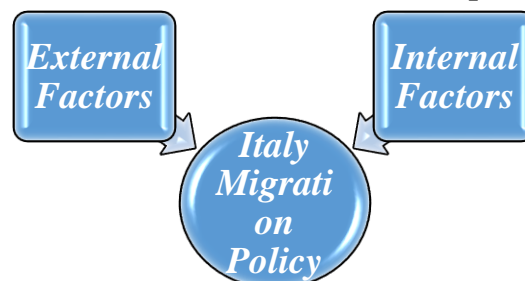


Figure: 1 portrait the hypothesis of this study. The dependent variable is Italy migration policy whereas internal and external factors represent the independent variables. Accordingly, this study will be divided into the following sections:

- The internal aspects of Italy migration policy output,
- The external aspects of Italy migration policy output,
- External causes of Italy migration dilemma,
- Continuity and change in Italy migration policy,
- Conclusion: results and recommendations.

The Internal Aspects of Italy Migration Policy Output

Italy migration policy reflects a dynamic process that takes into consideration the internal and external elements simultaneously. Italy migration policy faced challenges by the increase in the number of illegal migrants since the early 1990s. In order to describe and analyze the internal aspects of Italy migration policy output, this section will be divided into two sub-sections:

- ❖ The Development of the Illegal Migration Process in Italy,
- ❖ Italy Migration Policy Output,

The Development of Illegal Migration Process in Italy

Illegal migration is a contemporary new phenomenon for Italy as well as many other developed and developing countries. Italy laws and decisions dealt seriously with the illegal migration dilemma since the early 1990s. Data on illegal migration is available on national, (the Italian Ministry of Interior, regional, e.g., the EU Commission), and international levels, (UNHCR)⁴ This data outlines a general overview of the illegal migration problem that Italy faced since the early Millennium.⁵ Figure: 2 shows the development of the illegal migration process in Italy from 2000-to-2016. An in-depth analysis of this data leads to the following points:

1. From 1997-to 1999, the average of illegal migrants reached 110476 and the average of asylum seekers reached 10123 from 1990-to-1999. By the new millennium, the numbers of landed migrants and asylum seekers increased noticeably as demonstrated by the data on Figure: 2. For example, the number of asylum seekers during the period from 1990-to 2016 reached 23748. However, not all the asylum seekers requests have been examined, either due to lack of information or for any other subjective reasons. (see *Lunghini, 2016*)

2. Despite the alarming fears of Italy from the rising numbers of illegal migrants recently, the ratio of them is not threatening as it appears. For example, while the ratio of illegal migrants to the whole population does not exceed 1.55% in Italy, it reaches double that (3.41%) in the United States of America in 2016. A further comparison shows also that the stock of migrants as a percentage of population in 2013 is much higher in Canada (20.7%), the United States (14.3%) and Germany (11.9%) than in Italy (9.4%). However, the average annual growth of population is alarming in Italy, because it fell from (0.6%) during the years, 2000-2005 to (0.2%) during the years 2010-2015. Thus, youths and skilled illegal migrants who fulfill the conditions of asylum are needed in the long run for the developed countries, and Italy is no exception in this regard. (see *the HDR, 2015: 234 and 262; and Lunghini, 2016*)
3. The data on Figure 2 shows also that the level of illegal migration in Italy remained stable during the years from 2000-to-2007 with an average of 20473, but it is increased noticeably during the years from 1999, 2008, 2011 and 2014-2016. The unstable level of illegal migration is due to several factors, such as:
 - Libya during Kaddafi era used illegal migration in exercising political pressure on Italy and the rest of Western countries. During the years from 1992-to- 2003, the UN imposed a severe sanction against Kaddafi regime, and consequently he shifted his focus from the Arab World into the Sub-Saharan Africa. He used needy Africans as a threat *vis-à-vis* Italy in particular, and encouraged them to cross the Mediterranean since the early 1990s. When the Treaty of Friendship between Libyan and Italy was concluded in 2008, the level of illegal migration dropped noticeably from 36951 in 2008 to 9573 and 4466 illegal migrants during the years 2009 and 2010, respectively.
 - The Arab Spring revolution in North Africa resulted also in an increase in immigration. The number of immigrants increased from 4406 in 2010 into 62692 migrants in 2011. The Spring Revolutions resulted in political instabilities in North African states, in general, and in Libya, in particular. This helped the mafia of illegal migration in rationalizing their profits.
 - The Syrian events resulted also in waves of migrations during the years, 2013-2016. Many Syrians sailed from Libya to Italy in deadly boats and therefore the number of

illegal migrants doubled almost four times during the years from 2013-to-2016. (see Figure: 2)

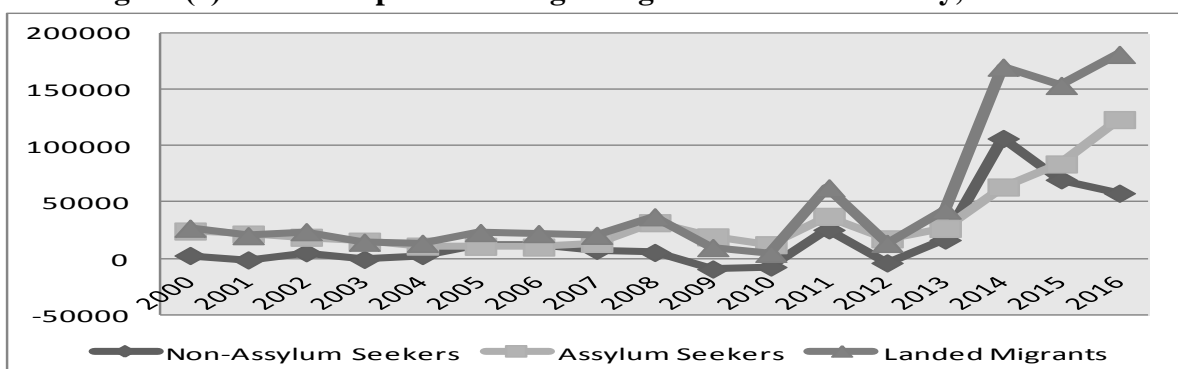
4. As most of the African illegal migrants do not intend to return to their countries, the number of asylum seekers has increased remarkably, especially during the years 2011, 2014 and 2016. However, a large portion of asylum seekers come from Arab Spring countries.
5. Illegal migrants who do not apply for asylum, or whose applications are rejected for any reasons, represent a serious problem for Italy, especially when they refuse to return to their countries. Obviously, not all applicants of asylum will be granted the permission to stay; therefore, their hosting will be costly and may lead to political instability. The real number of illegal migrants in Italy is very likely to increase not to decline. This can be attributed to political, economic and social instabilities in North and Sub-Saharan Africa. Italy and Libya will not be able bear the whole burden of illegal migration and therefore the EU, the exporting countries of illegal migrants and the rest of global community should share with them this burden.
6. Asylum seekers outnumbered landed migrants during 2009 and 2010 was because of accepting their applications outside Italian territory. Asylum requests usually dealt with by Italian embassies and consulates abroad, but not when migrants reached Italy without visa and official travel valid documents. Furthermore, the declining numbers of illegal migrants during 2009 and 2010 was a direct result of the Treaty signed in 2008.
7. Despite different nationalities of Sub-Saharan African illegal migrants, the data of Italian Ministry of Interior revealed that certain countries are considered as the main exporters. For example, Nigeria (21%), Eritrea (11%) and Gambia (7%) were the leading exporters of illegal migrants to Italy in 2016. However, Eritrea (25%) ranked as the first exporter of illegal migrants and Nigeria (14%) as the second in 2015. (*Italian Ministry of Interior*)⁶ As Eritrea is a former Italian colony, its illegal migrants prefer to emigrate to Italy for cultural reasons. Nigerian migrants largely use Italy as a transit country to cross to other European countries such as Germany and UK.
8. Recent data published by the Italian Ministry of Interior indicates a continued influx of landed illegal migrants during the first three months of 2017 compared with the same months in 2015 and 2016. During the first three months of 2015, the number of migrants reached 3528 and later increased to 5273, and then declined again to 4504 migrants in 2016 and 2017, respectively. In short, there seems to be no immediate ending for the dilemma of illegal

migration in Italy, as far as no dramatic changes in the internal and the external milieus take place in the near future.⁷

9. The statistical analysis⁸ shown in Table: 1 indicates that person correlation between asylum and non-asylum seekers variables on the one hand, and landed migrants on the other hand is strong (0.940** and 0.942**, respectively), and also significant at level (0.00); which means that the increase of their number depends upon the level of illegal migrants who arrived in Italy. Since most of illegal migrants did not accept the optional return to their countries, more landed illegal migrants will lead to more asylum and non-asylum seekers.⁹
10. The correlation between the variables of asylum and non-asylum seekers is not very strong (0.772**), but it is also significant at level (0.00). Most Illegal migrants are not eligible for asylum and therefore Italy does not grant this status to all illegal migrants. Those illegal migrants who do not meet the requirement of asylum should return to their countries. However, a large number of the non-asylum seekers are either give false information, or do not cooperate in the first place, in order to be treated, at least, humanely.

It is obvious from the quick review of illegal migration process development that this dilemma reflects a new challenge for Italian policy makers. The records of illegal migration dilemma reflect a continuous increase in their numbers on the one hand, and an escalation of critics for Italian government regarding its violation of human rights, e.g., enforced instead of voluntary return on the other hand. Consequently, Italian decision makers are not only managing the illegal migration dilemma, but they also aim to solve it permanently. They make laws, take decisions and conclude bilateral and multilateral treaties and agreements. This topic will be explored more in the next sub-sections

Figure (2)The Development of Illegal Migration Process in Italy, 2000-2016



Data Source: Ministero Dell'Interno, Dipartimento per le Liberta Civili el' Immigrazione, link, <<<http://www.libertaciviliimmigrazione.dlci.interno.gov.it/it/documentazione/statistica/i-numeri-dellasilo>>>; and (Lunghini, 2016).

Table (1) Person Correlation among Landed, Asylum and Non-Asylum Seekers, 2000-2016

		Landed Migrants	Asylum Seekers	Non-Asylum Seekers
Landed Migrants	Pearson Correlation	1	.940(**)	.942(**)
	Sig. (2-tailed)		.000	.000
Asylum Seekers	Pearson Correlation	.940(**)	1	.771(**)
	Sig. (2-tailed)	.000		.000
Non-Asylum Seekers	Pearson Correlation	.942(**)	.771(**)	1
	Sig. (2-tailed)	.000	.000	

** Correlation is significant at the 0.01 level (2-tailed).

Data Source: same as Figure: 2.

Internal Aspects of Italy Migration Policy Output

In this section, the focus will be shifted to the internal dynamic of Italy migration policy outputs. Interactions among public policy players, e., g., public opinion, political parties, civil society, interest groups and media resulted in a package of laws and decisions that reflect the process of Italy migration policy.¹⁰ Examining this policy outputs demonstrates how Italy dealt and still deals with this issue since early 1990s.¹¹

A review of the literature reveals that Italy migration policy reflects the attitudes of both moderate right attitudes and moderate left orientations (see in this regard, *Campani, 1993 and 1994 and Zaslove, 2004*) Public opinion, political parties, civil society organizations and media adopt a moderate position without extreme ideologies. During the national crisis, the public opinion tends to shift towards the extreme right or extreme left. However, public opinion is often more oriented towards the center. (for more details on the nature of public opinion, see for example: (*Davison, 2016: 1-5*))

As a respond to the increasing pressures on the government, Italy adopted laws and decisions regarding illegal migration on the national level, and it signed treaties and agreements on the global level. Nevertheless, the magnitude of illegal migration dilemma increased dramatically since the early years of the Twentieth first Century.¹² Kaddafi encouraged needy Africans to use Libya as a transit area to reach northern Mediterranean shores in order to enforce Italy and the EU to stop sanction on his regime.¹³

Regarding the migration policy, literature review reveals that Italy adopted several laws for this phenomenon according to the surrounding milieu. Internal factors such as public opinion pressure, ideology, non-government organizations, enforced Italian government to adopt a real politic migration approach towards illegal migration. Therefore, several serous laws

and decisions were issued since 1990. Five of these laws are briefly introduced in the following paragraphs¹⁴

Firstly, Immigration law number 39/1990 was promoted by *Legge Martelli* to slow down the flow of immigration by adopting a quota system responded to the Italian job market. According to this law, a renewable visa for two years will be issued for workers, students, patient treatment and family reunification. This law classifies illegal migrants, either as persons whose visas are expired, or as any migrants exceeding the quota. Illegal migrants will be expelled within the limit of two weeks either on their own or by force. Obviously, the aim of the migration law of 1990 was to manage the crises instead of finding a permanent solution to it; therefore, other laws were adopted in order to deal with this problem more comprehensively.

Secondly, the Immigration law number 40/1998 was promoted by *Turco-Napolitano* to distinguish between legal and illegal immigrants in Italy. Legal immigrants provide permanent residency “*carta di soggiorno*”, before offering the Italian citizenship. Illegal or irregular migrants as defined by the law of 1990 will be held in temporary detention centres, and will be forcibly deported. Asylum seekers immigrants will be held also in temporary detention centres until Italian authority takes positive or negative decisions.

Thirdly, the Immigration law number 189/2002 was promoted by *Bossi-Fini*, to deal with illegal immigrants more firmly. Thus, Illegal migrants from overseas are not allowed to enter Italy without visa and may be sent back by the Italian authority. Furthermore, illegal migrants on the Italian territory must be identified and deported to their homeland or detained in temporary detention centres for up to two months, and not come back to Italy before ten years. This law imposed three requirements for immigrant workers, who have to be employed by a company for at least three months. Signing a contract with the employer for at least one year and determining a minimum wage equals seven hundred EUR per month, plus a hundred EUR in expenses.¹⁵

The *Bossi-Fini* sponsored law of 2002 has been criticized for violating Italy international obligations regarding human rights, or immigrants lack of identity, exploitation of illegal immigrants and most importantly for ignoring the necessity of social integration for those who arrived to reunion with families. (See, *Struggle in Italy: Immigration Policies in Italy, op cit*).

Fourthly, the Security Set 94/2009 was issued in 2009 and it makes the public respond effectively to the migration crisis. Illegal migration becomes a crime that results in paying fine, or detained for more than six months, or send to prison up to three years when aiding illegal migrants to enter Italy, and housing them without documents. Furthermore, requests for money transfers require a permanent residency permission except in case for health care, school and birth certificates. Nevertheless, legal migrants must wait for two years to become citizens when married to an Italian. Unarmed citizen patrol groups were also formed in order to make Italian migration law more efficient and effective.

Finally, A ministerial circular letter issued by Interior Minister *Roberto Maroni* in April 2011 that forbids journalists and reporters access to any Italian detention centre. However, a year later, the new Interior Minister *Anna Maria cancellieri* cancelled the *Roberto Maroni's* circular letter in 20 April 2012.

The efficiency and effectiveness of the previous laws and decisions depend on Italy swift responses to external milieu. Italian policy makers were involved in bilateral and multilateral treaties and agreements in order to combat the increased influx of illegal migration. The next sub-section will describe and analyze the external aspects of Italy migration policy outputs.

The external aspects of Italy migration policy outputs,¹⁶

On the bilateral level, Italy concluded the Treaty of Friendship with Libya in 2008 to increase coordination and cooperation in different fields including the issue of illegal migration. Article 19 of this Treaty stresses the importance of mutual cooperation between the two countries in fighting terrorism, an organized crime, drug trafficking and illegal immigration.¹⁷ Paragraph two emphasizes that both countries to set up a system for monitoring the Libyan borders depending on Italian companies which will develop such effective system. This monitoring system will be financed equally (50% each) by the Italian government and potentially the EU. Both countries will conduct every possible means and will intensify their bilateral and regional efforts in order to stop illegal immigration. This involves contacting the exporting countries of the illegal migration.” (see the author, Kashiem, 2010: 10)

Two more agreements were signed between Italy and Libya in Rome on 13 of December 2000, and in Tripoli on 29 of December in 2007. While the agreement of 2000 focused on the war against terrorism, organized crime, drug trafficking, and illegal immigration, the Protocol of 2007 focused on dealing effectively with the problem of illegal migration.¹⁸

Recently on 19 of February in 2017, Italy and Libya signed a Memorandum of Understanding aimed to fight the migrant trafficking.¹⁹ But, the agreement of 2017 is only a part of complicated process on bilateral, multilateral and global levels. In this regard, the Italian Prime Minister *Gentiloni* called “the deal "just a piece" of a wider plan that will be discussed on the European level and will need economic commitment from the [EU].”²⁰ In order to examine the Memorandum of Understanding of 2017, the technique of content analysis is used quantitatively and qualitatively.²¹

Examining the Qualitative analysis Memorandum of Understanding of 2017 indicates the following points:

1. The Memorandum of Understanding is a continuation for prior efforts between Italy and Libya such as the Treaty of 2008.
2. Illegal migration is considered a serious challenge to both countries, and the Memorandum of Understanding and other documents are signed and ratified in order to make joint efforts to overcome those political, economic and social challenges,
3. It is one step forward of a complicated process to eliminate organized crimes, drug trafficking, illegal migration. This will make the Mediterranean more secure and peaceful,
4. The illegal migration phenomenon affects negatively the common interests of Italy and Libya and therefore both countries face the same problem.
5. Stress the importance of both countries unilateral, bilateral and multilateral commitments.
6. Italy support for the establishment of Libyan detention centre in order to shelter illegal immigrants temporary until they are sent back to their homelands
7. Italy support for Libyan border guards in order to eliminate or slow down the process of human trafficking from Sub-Saharan Africa into southern Italy,
8. Complete building the border control system in the Libyan southern border that mentioned in the Treaty of 2008,
9. The establishment of Italian Fund for African countries that are exporting illegal migrants; thus, there will be Euro-African economic projects that aim to eliminate human trafficking process,
10. The Memorandum of Understanding is renewable after three years, and might be terminated when one party notifies others three months in advance.

The quantitative content analysis of the Memorandum of Understanding of 2017 resulted in the development of Table: 2 that reflects the frequencies of words in the text.²² Examining the data of Table: 2 leads us to the following points:

1. Since the agreement is a bilateral text, Italy (8.50%) and Libya (11.52%) are the most frequent words. Other terms are used also in the text in order to mention both states in words like both parties (9.70%) and both countries (3.03%). The total frequencies of mentioning Italy and Libya reached almost one third of the total data (32.75%). But, since Libya is the main transit country of migration, the percentage of its frequency (11.52%) exceeded that of Italy (8.50%), which means it has more responsibilities *vis-à-vis* illegal migration process. The Memorandum of Understanding of 2017 stresses the crucial role of Libya as a sovereign nation in combating the increasing influx of illegal migrants to Italy. It is noticeable that Libya takes a heavy burden in the process of slowing down the influx of illegal migrants to Italy. Establishing detention centres for illegal migrants²³ represents an action taken by Libya.
2. The focus of the Memorandum of Understanding (6.67%) of 2017 is on strengthen the joint efforts to eliminate the influx wave of illegal migrants (9.10%) and human trafficking (3.03%) from Libya to Italy. The percentage of frequencies of these words reached 18.80%. The context in which the agreement was dedicated for was to combat illegal migration and human trafficking. In this regard, the first two paragraphs stress that: “*[It aim] to combat illegal immigration, human trafficking and contraband and on reinforcing the border security between the Libya State and the Italian Republic. [Both countries] are determined to work in order to face all the challenges which have negative repercussions on peace, security and stability within the two countries and in the Mediterranean region in general. (The Memorandum of Understanding, 2017)* Obviously, the common interests of both countries are to solve the dilemma of illegal migration that threatens their national securities.
3. Cooperation (4.24%) in the field of controlling (2.42%) migration (1.21%) enables both parties to support (3.64%) peace (.61%), security (3.03%) and stability (1.21%) in the Mediterranean (0.61%). Moreover, cooperation includes fighting against terrorism (0.61%, fuel contrabands (2.42%) that Libya suffers from, as well as supporting border guards (1.21%) who are expected to stop the influx of illegal migrants from the Libyan border (0.61%) with Sub-Saharan Africa. Cooperation between Italy and Libya represents 17% of all frequencies, due to their desperate needs in the area of security, stability and peace in both countries and the region as a whole.

4. Italy and Libya recognize the social, economic and political elements of the illegal migration dilemma; therefore, the frequency of words such as health condition (1.82%), unemployment (0.61%), life standard (0.61%) and job creation (0.61%) that reflect such a dimension reach 10.30%. Influenced by the deal of the EU with Turkey, the agreement indicates the importance of establishing hosting centres (2.42%) (*EU-Turkey Statement, 18 March, 2016*) But, the Libyan government lacks the power, as Turkey does, to stop the influx of illegal migration to Europe. Thus, the high expectations that emphasized by the Memorandum of Understanding of 2017 are too high; therefore, there will be enough disappointment by Italy in particular, and the EU in general.²⁴

Table (2) Content Analysis of the Memorandum of Understanding of 2017

Word	Frequency	%	Word	Frequency	%
Libya	19	11.515152	Return	3	1.8181818
Parties	16	9.6969697	Health Conditions	3	1.8181818
illegal Migrants	15	9.0909091	International	3	1.8181818
Italy	14	8.4848485	Guards	2	1.2121212
Memorandum	11	6.6666667	Stability	2	1.2121212
Cooperation	7	4.2424242	African Countries	2	1.2121212
Support	6	3.6363636	Migration	2	1.2121212
Security	5	3.030303	Mixed Committee	2	1.2121212
Two Countries	5	3.030303	Border	1	0.6060606
Human Trafficking	5	3.030303	Mediterranean	1	0.6060606
Development	5	3.030303	Peace	1	0.6060606
European Union	4	2.4242424	Terrorism	1	0.6060606
Countries of Origin	4	2.4242424	Eliminate	1	0.6060606
Control	4	2.4242424	Poverty	1	0.6060606
Fund	4	2.4242424	Unemployment	1	0.6060606
Financing	4	2.4242424	Life Standard	1	0.6060606
Contrabands	4	2.4242424	Job Creation	1	0.6060606
Hosting Centers	4	2.4242424	Chronic Diseases	1	0.6060606
			Total	165	100.00%

Data Source: Italy-Libya Agreement: the Memorandum text, Translated by Sandra Uselli, available at this link, <<<http://www.asgi.it/wp-content/uploads/2017/02/ITALY-LIBYA-MEMORANDUM-02.02.2017.pdf>>>

5. The Memorandum of Understanding of 2017 emphasized the regional and international dimension of illegal migration dilemma; thus, Table: 2 shows words such as: countries of origin (2.42%), African states (1.21%), international law and organizations (1.82) and the EU (2.42). Funds (1.21%) introduced by the EU to hosting centres are also mentioned by the agreement. Nevertheless, the totals of frequencies that indicate the regional and international dimension do not exceed (9.88%). The Memorandum of Understanding mentioned voluntary and non-voluntary return of illegal migrants to their countries, a position that contradict with

Italy international obligations. Obviously, Italy is a party to regional and international treaties and agreements that emphasize human rights in general and human rights of migrants whether they are legal or illegal in particular. For example, While the Human Rights Declaration of 1948, to which Italy and Libya are members, indicates general terms in this regard, the 1951 Refugee Convention, to which Libya is a non-member and Italy is a party, forbids returning people “in any manner whatsoever” to places where their lives or freedom would be threatened.²⁵

External Causes of Italy migration dilemma

In this section, the focus will be on the external causes of Italy illegal migrants’ dilemma, because it is a global process rather than a domestic phenomenon. In this regard, several external factors might be identified, but due to the limitation of this study, the focus will be only on three prominent external causes of Italy illegal migrants’ dilemma, namely:

- Globalization,
- African underdevelopment,
- Libya instability.

Globalization

Industrialization, communication and digital revolutions increased the level of inter transactions among people and nations. Thus, Globalization increased not only the levels of interdependency among global actors, but also the level of people transaction and movement. Globalization has generated gains for skilled workers and losses for unskilled immigrants who are pushed for example to be engaged in short-term work and irregular contracts. (*HDR, 2015: iii*) Globalization increases human trafficking on a large scale, but its effects are difficult to evaluate. In this regard experts of the UNDP argue that:

“It can be tricky to judge whether migration is voluntary or forced and difficult to extract data specifically on trafficking from data on other forms of illegal migration and exploitation. And because the activity is illegal, victims are unwilling to report abuse for fear of being deported. There is also a grey area between trafficking and smuggling. Between 2007 and 2010 trafficked victims of 136 nationalities were detected in 118 countries. Some 55– 60 percent of the victims were women. [and]... nearly half in Africa and the Middle East ... were trafficked for forced labour.”
(*HDR, 2015: 44*)

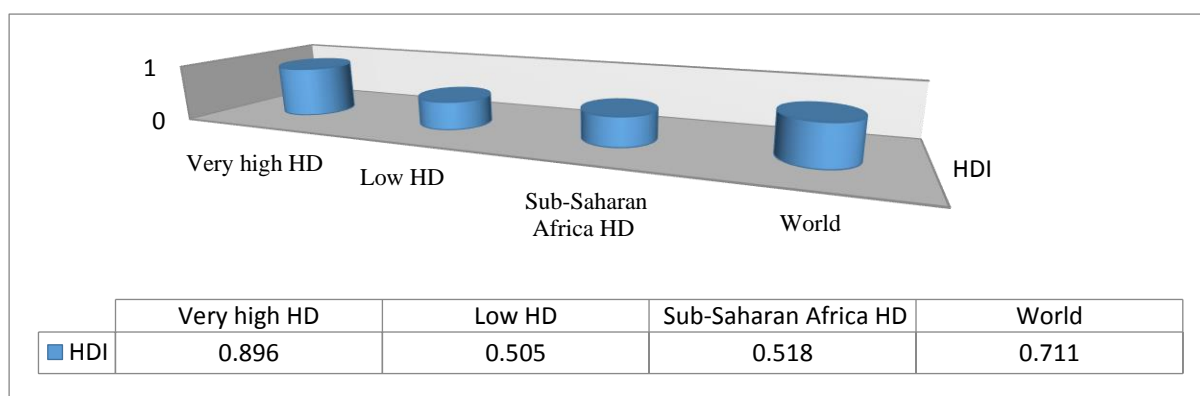
Obviously, Globalization affected negatively the element of sovereignty that is emphasized strongly by the traditional international law. Italy is no exception for the negative impact of Globalization; therefore, it was criticized noticeably when Italian government returned unilaterally illegal migrants to their countries. Italy is an important member in the United Nations Refugees Agreement of 1951; and thus, it is obligated to respect its rights and duties. The previous agreement forbids its signatories from returning illegal immigrants if their lives are threatened. Italy is also obligated to offer suitable places for illegal migrants until the official authorities examine their requests and causes for migration.

Africa Underdevelopment

African continent described by the UN development program “UNDP” as the most underdeveloped region in the world based on their Gross National Product “GNP” and GDP Per Capita. The Sub-Saharan Africa is considered the less developed area in the globe.²⁶ Most of Sub-Saharan illegal migrants use the Libyan-Italian terrorises either for transit purposes, or as their future land, or for political asylum objective. African Sub-Saharan countries are classified as the least underdeveloped states where poverty is the rule rather than the exception.

According to Figures: 3 and 4, the African Sub-Saharan states achieved the lowest level of human development compared to other regions;²⁷ and thus, illegal migrants are low income peoples, less educated and less skilled in the job market. Furthermore, large portions of illegal migrants suffer from incurable diseases, such as AID.

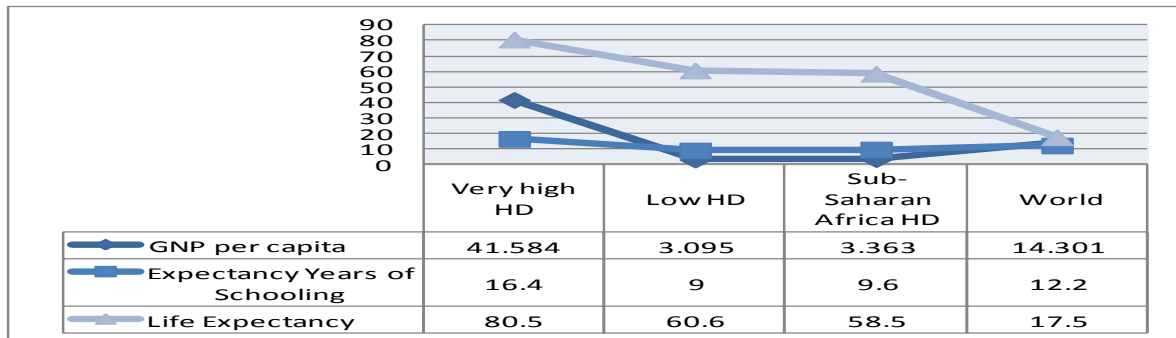
Figure (3) Sub-Saharan Africa Human Development Index in Global Context in 2014



Data Source: Human Development Report 2015 (New York: UNDP publication, 2015), p. 211, available at this link:<< http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf>>

The imported states of illegal migration, such as Italy, have to deal with fiscal, human, economic and political dimensions of the crisis, due to their miserable lives. Consequently, many African sub-Saharan people admit that migration become an ultimate goal for them. Despite their poverty, they utilize whatever they possess for a deadly journey through Libyan deep desert. The ultimate aim is to reach Libyan shores first, so they can make the sufficient money for their second risky deadly trip to Italy.

Figure (4) Different Indicators of Sub-Saharan Africa Human Development in 2014



Data Source: same as Figure: 3.

In order to avoid their enforced return to their countries, illegal migrants get rid of their identities, passport and other identifications “IDs” in order to confuse the host states with their nationality; in case they decided to return them back homes. Nerveless, some illegal migrants leave their countries for obvious political and security reasons and succeeded in the process of their political asylum, e.g., Syrians and some Sub-Saharan African migrants.

Unfortunately, Italy geographical location makes Lampedusa Island or “Isola di Lampedusa” a typical place for illegal immigrants to be landed in. In this regard, Eric Lyman said that: “This tiny speck of an island — much closer to the North African coast than to Sicily and the rest of Italy — has taken on an outsize role in the debate over illegal immigration, becoming, for many in Italy and across Europe, the face of the migrant crisis and the conduit for exporting Arab instability across the Mediterranean.”(Lyman, 2015) Despite migrants tragedies in the Mediterranean, Lampedusa remains Island of hope for many illegal migrants, because “where the islanders”’s compassionate welcome is at odds with Italy’s harsh immigration laws.”(Davies, 2013) But, other islanders fear that Lumpedusa is already a human dump of illegal migrants, and the Italian government should act accordingly (Delegraph, 2017).

Libya Political Instability

Libya is a North African country achieved its political independence in 24 December, 1951. Three political stages may be identified regarding political stability and instability in modern Libya. The first stage reflected the Era of constitutional monarchy (1951-1969), when Libya developed stable political institutions. The constitution of 1951 created in the beginning a federal state, then it was amended in 1964 where Libya became unitary states with one central government. Libya also had a parliament with two chambers that either elected every four years (the House of Representatives), or appointed by the king *Edris Elsunoussi* (the House of Senate). In short, Libya was largely a stable country during the constitutional monarchy.

The second stage began with a military *coup d'état* lead by colonial Kaddafi in 1969, who change the political system from a democracy into a dictatorship. Kaddafi eliminated his enemies including his partners who participated in the *coup d'état* of 1969. Some other opponents of Kaddafi regimes fled the countries, and developed what being called later the Kaddafi opposition abroad. He eliminates most of his opponents inside Libya by secret agencies and loyalists, and outside the country through head squads and corruption of their host states' politicians. Several *coup d'états* on Kaddafi regime were failed, and the result was either eliminated his opponents or enforced them to leave the country. Thus, Libya during Kaddafi era did not know, by and large, stability despite his iron hand and brutality.

In order to remain in power, Kaddafi adopted two policies on the internal and external levels. Internally, he did not only eliminate his enemies, but he used the element of tribalism successfully on the basis of divide and rule principle. Thus, the Libyans became more confused in their feelings towards tribalism and patriotism. Furthermore, Kaddafi used the issue of African refugees against the West in general and Italy in particular in order to left the sanctions imposed upon him by the UN, due to his sponsoring of terrorism on regional and global levels.

Finally, the overthrow of Kaddafi regime in 2011 reflected a new hope for Libyans to build a new democratic country; therefore, an interim constitution was adopted in 2011. The interim constitution set up a road map for democratic transformation; thus, elections were conducted in 2013 and 2014 for the House of Representative and the constitutional committee. Anti-change movements attempted to handicap and ruin the democratic process by several means. Tribalism and illegal migration were among the means that used successfully by anti-democratic process. The lack of central government resulted in political vacuum; and thus, the mafia of illegal migration become thriving and profiting business.

In short, currently Libyan instability might be summarized in several points:

- Lack of central government and political institutions,
- Lack of security and the spread of armed groups and international mafia that smuggle illegal migrants,
- Division of Libyans on the tribal, regional and ideological bases,
- Growing Libyan mafia that profit from illegal migration,
- Delayed process of moving from revolution into building state,
- External power intervention in the Libyan internal affairs,
- Conflict of interest among foreign powers,
- Failed UN mission that focus on managing the crisis instead of solving the roots of Libyan instability,

Unless the causes of Libyan instability are dealt with seriously on the national, regional and global level, the influx of illegal migration will continue from Libyan shores into Europe in general and Italy in particular. A central supported Libyan government is not only able to control its borders that is extended for more than four thousand kilos meters,²⁸ but it is also capable to participate in local projects that serve the interest of illegal migrants in neighbouring needy African countries. The common interest of Italy and Libya is to eliminate illegal migration by soft and hard diplomacies simultaneously. There is a legal framework between the two countries that reflects their common interest, e., g., the Treaty of 2008. According to Treaty of 2008 Italy will help Libya technically and financially in the process of controlling its border. But that aim mentioned by the Treaty of 2008 did not fulfil yet, if not worsen up the problem of illegal migration due to the Libyan instability and the lack of will from both sides as well as regional actors.

Continuity and change in Italy migration policy

Italy illegal migration policy reflects continuity and change aspects. In this sub-section, the focus will be on five aspects of continuity and five others of change:

1. Italy dealt with illegal migration dilemma effectively since the early 1990, and obviously it will continue to do so. Currently, Italy focuses more on managing the illegal migration dilemma rather than solving it compressively in the light of internal and external challenges.

2. Continued critics of Italy migration policy from governmental and non-governmental organizations on the grounds of violating human rights and international laws and norms. Italy is a party to the declaration of Human Rights of 1948 and Geneva Convention of 1951, and critics argue accordingly.
3. Although Italy plays a crucial role in the process of saving the lives of illegal migrants from, many illegal migrants continue to lose their lives in the sea, as a result of mafia exploitation and brutality. Sofia operation in which Italy is a major partner succeeded in saving lives sometimes but sometimes it does not. Nevertheless, Italy unilateral and multilateral efforts to save lives in the Mediterranean reflect the human dimension of Italy migration policy.²⁹
4. Continued negative impact of external factors on Italy, where Sub-Saharan Africa remains the exporter countries, and the North African states generally and Libya particularly remain the transit areas for illegal migrants in the new millennium.
5. Enforced a control approach is a prominent element in Italy migration policy. Detention camps, monitoring border and enforced return of illegal migrants are some aspects of Italy migration policy since the early millennium. Thus, national interest or Machiavellian approach is the dominant element in Italy migration policy. Although Wilsonian politics or idealist approach to illegal migrant's issue emphasizes the element of human rights and commitment to international law, Italy migration policy is more oriented towards realism rather than idealism.

On the other hand, several aspects of change can be identified regarding Italy migration policy. These include:

1. Changing the internal environment of Italy migration policy, when the radical right popularity increased noticeably. As mentioned before, Italian laws reflect such development, e. g., *Bossi-Fini* law of 2002.
2. Changing the external environment of Italy migration policy after 2008 in general and 2011 in particular compared with 1990s. Italy migration policy is a dynamic process; thus, change is a necessity and an obligation. When Kaddafi used politically migration dilemma, Italy concluded the Treaty of 2008. Moreover, when the Arab Spring Revolutions took places in North Africa in 2011, Italy concluded the agreements with Tunisia, Egypt and Libya in order to manage the illegal migration problem.

3. Changing the number of illegal migrants and asylum seekers over time, and the data of Figure: 2 indicate their yearly increasing development.
4. Changes in the perception of Italy decision makers, who dealt lately with the roots of illegal migration dilemma with a wider and a comprehensive view, which take into consideration the relevancy of exporting countries, regionalism and globalism. Illegal migration cannot be solved solely nationally and bilaterally, but it requires also regional and global coordination and collaboration.
5. Italy is not any longer a transit area for illegal migrants; thus, many of them, e., g., Eritrean refugees, intend to be residents in the long run. Italy migration policy takes that into consideration; thus, its policy deals with illegal migrants' dilemma in the short and long runs during their arrival and residency in Italy.

Conclusion: results and recommendations

Italy illegal migration policy is a dynamic process deals with a very complicated issue that reflects national, sub-regional, regional and global levels. On the state level, Italians face a new phenomenon that represents a continuous influx of illegal migrants. Although Italy policy reflects either the centre right or the centre left, several factors, such as illegal migration dilemma, lead to the rising of extreme right wings that demand a Machiavellian approach *vis-a-vis* migration. Italy illegal migration policy reflects also external aspects that affect the dimension of interdependency in the age of globalisation. By the end of this study, the results are summarized in the following points:

1. Illegal migration is a new complicated phenomenon that certainly requires a comprehensive solution.
2. Although Italy migration policy reflects a Machiavellian approach, it also takes into consideration the human rights element, e., g., saving lives overseas and refugees treatment.
3. Italy migration policy failed to eradicate the influx of illegal migrants since the 1990s, so it focuses instead on managing the problem.
4. The dynamic of Italy migration policy reflects the involvement of political Parties, NGOs, mass media and public opinion in the process of decision making.
5. Although the Italian central right and left dominate the process of illegal migration policy, the rise of extreme right shifts it more towards the extremism.
6. Bilateral arrangements with Libya as transit country reflects a new dimension in Italy migration policy, e. g., the Treaty of 2008 and the Agreement of 2017.

7. Arab Spring revolutions in North Africa speed the process of signing effective agreements (sub regional level) with Tunisia, Algeria and Egypt in order to returns their nationals who reach Italian coasts.
8. On the Regional level, Italy migration policy coordinates and cooperates its efforts in order to combat the influx of illegal migration, e. g., the Sub-Saharan Africa and the EU.
9. Italy is a party to the global legal regime that deals with illegal migration as a human issue, e. g., the Geneva Convention of 1951. Thus, Italy migration policy balances, to some extent, between internal and external demands and oppositions.
10. While Italy migration policy demonstrates the continuity of adopting security-oriented approach, it also reflects more dynamic external change, e. g., concluding new treaties and agreements.

The previous results support largely the underlying assumption that indicates the impact of internal and external factors upon the process of Italy migration policy. Italy migration policy reflects a continued dynamic process that takes into consideration internal and external milieu since the 1990s. Although Italy migration policy is Machiavellian in character, it reflects partially idealist aspects.

Reflecting on the findings of this study, the following recommendations may improve the treatment of this issue:

1. Dealing objectively with social, economic and human aspects is a better strategy to be adopted, along with the political dimension of Italy migration policy.
2. The global aspect of illegal migration dilemma requires further coordination and cooperation efforts between Italy, and the transit states, exporting countries, NGOs, regional arrangements and international organizations.
3. A continues interaction with the internal and external surrounding environments is a rational goal to be adopted by Italy migration policy.

Notes:

1 - The number of illegal migrants in the United States of America “USA” has fallen below eleven million in 2016 compared with 2003, due to their declining number in the exporter countries, and for more details see for example, Jerry Markon “U.S. illegal immigrant population falls below 11 million, continuing nearly decade-long decline, report says” **The Washington Post** (January 20, 2016), available at this link:

<< [>>](https://www.washingtonpost.com/news/federal-eye/wp/2016/01/20/u-s-illegal-immigran)

2 - The asylum seekers to Italy reached the pick in 2016; thus there “were more than 123,000, the highest figure ever reached in the last twenty years: an average of 10,000 per month”. (Lunghini, 2017)

3 - Is illegal migration in Italy and other regions, such as North America, Australia and Asia is a problem can be solved, or a crisis that characterized with certain elements as indicated by international relations’ scholars. In this regard, Charles Hermann (1986: 174-177) argues that international crisis reflects three elements: threat, decision time and surprise. Furthermore, Charles Kegley and Eugene Wittkopf (1989: 407) added a risk as a fourth element to the crisis. Nevertheless, elements such as shortage of time and threat of war are not clear in the case of international migration phenomenon. Thus, one can argue that migration is a contemporary dilemma or a process that existed in the last decade of the last century, and the world deal with it ideally and peacefully some times, and realistically and forcibly some other times.

4 - Data on illegal migration in Italy is available consistently since the early 1990s by the Ministry of Interior web-site. According to the Italian Ministry of Interior, most of illegal migrants use the Libyan territory as route to reach Italy. In 2014, more than 140,000 migrants came to Italy from Libya, while around 25% came from other routes. Other available routes for illegal migrants in order to reach Italy are from Egypt, Turkey, Greece, Tunisia, Algeria, Syria, Morocco and Montenegro, and for more details see the web site of the Ministry of Interior at this link,

<<[>>](http://www.magistraturademocratica.it/mdem/upy/farticolo/1.DATI%20IMMIGRAZIONE%20MIN.%20INTERNO%202014-2015.pdf)

5 - Several reasons for the influx of illegal migration in Italy might be identified, such as geographical proximity or Italy as the central Mediterranean route, Low rate of population growth (0.23%) and Italian economy demands for cheap labors. For more details, see for example: (*Banulescu-Bogdan and Fratzke, 2015*)

6 - For more details, you may visit the web of the Italian Ministry of Interior. at the following link, <[>](http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_31_dicembre_0.pdf)

7 -It is obvious that global cooperation is needed in order to deal effectively with the issue of illegal migration, and for more relevant data, see the Italian Ministry of Interior, Link:

<<[>>](http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_31_gennaio_2017_0.pdf)

8 - Statistical data analysis (SPSS) shows that while the mean of landed migrants’ variable is 49351, the means of asylum and asylum seeker variables are 31763 and 17588 illegal migrants, respectively. The standard deviation of the three variables is also 58652, 30870 and 31465, respectively.

9 - Interviewed a young Nigerian women (by the author in 2 March, 2017), who entered Libya illegally and intend to sail to Italy regardless of the risks, said *that there is no return option in her agenda. Reaching Lampedusa, and then ask for asylum and settle in Germany or UK or any other EU countries is her ultimate choice. Thus, the term optional return is not included in illegal migrants’ agenda, and asylum is an objective for many migrants when they leave home, and it is a mean when they reach their final destination. However, other migrants aim is to reach Europe as refugees and remain in detention camps, because they know in advance that they do not fulfill the requirement of asylum seekers.*

10 - Several reasons for a realist migration policy could be identified, such as the rise of extreme right wings, increased number of landed and asylum seekers of illegal migrants, and threatening Italian national security.

11 - For more details on the dynamic process and major players of public policy see for example *Wayne Parsons* (2003).

12 - Historically, Italy illegal migration politics reflects several phases which can be summarized as follow, firstly, until 1986, an inconsistent policy with weak control over immigrants flows; secondly, public opinion opposition to the Schengen system; and finally, government modest focus on illegal migration since the events at Bari in 1991. See for more details (*Campani, 1994: 33-49*)

13- The UN Security Council imposed sanction on Libya during Kaddafi regime last for more than a decade. Two decisions were issues by the Security Council in 1992 and 1993. (see in this regard *Resolutions number 748 and 883 issued in 31 March 1992 and 11 November 1993* respectively). The Security Council resolution number 1192 suspended the UN sanctions (1998) after Kaddafi handed over two suspects for trial before a Scottish court sitting in the Netherlands in connection with the Lockerbie bombing. Furthermore, the Security Council lifted the sanctions on Libya according to its resolution (1506) that issued in 12 September, 2003. See in this regard the UN website:
<<http://www.un.org/press/en/2003/sc7868.doc.htm>>

14- See in this regard the following document: “Struggle in Italy: Immigration Policies in Italy,” available in this link << <https://strugglesinitaly.wordpress.com/equality/en-immigration-policies-in-italy/>>>

15 - The Immigration law number 189/2002 promoted by *Bossi-Fini* reflected a compromise view between the extreme right wing and moderate-right wing led by Berlusconi. The strength of the radical right populist parties is a result of its increased popularity on the one hand, (see *Gomez-Reino, and Llamazares, 2013*) and adopting a coherent ideology on the other hand.(see, *Zaslov, 2004*) In this regard, *Zaslov* said that, Radical right party, such as the Freedom party and Lega Nord emphasize that, “uncontrolled immigration increases crime, threatens security, precipitates the lost of cultural identity, removes jobs from locals and overstrains the welfare state.”. *Zaslov* argued that, “the Freedom Party and the Lega Nord have been instrumental in passing more restrictive immigration policy, limiting the flow of immigrants and the ability of non-EU-labour to live, work, and settle permanently in ... Italy.” (*Zaslov, 2004*)

16 - The external aspects of Italy migration policy outputs include bilateral and multilateral treaties and agreements. The focus of this study is on bilateral arrangements in general, e. g., Tunisia and Egypt, and Libya in particular for these reasons:

- Although Libya is described as a failed state (or alert state especially in areas such as legitimacy, elites conflict, security apparatus and external intervention) that suffers from legitimacy and penetration crises, Italy concluded with it many treaties and agreements. (see *the Fragile State Index, 2016*) However, this position reflects an interesting methodological problem deserve further research;
- Most of illegal migrants take off with their deadly deteriorated boats to Italy from Libya territory; and thus Italy consider that as the main threat to its national security;
- Italy concluded more illegal migration agreements with Libya compared with other countries.

17 - Italy involved in various illegal migration agreements with the Arab Spring revolutions countries, in order to avoid the influx of illegal migrants in its soil. Arab Spring North African countries faced different level of turmoil and instability, and thus the mafia of human traffic used that instability efficiently, particularly in Libya. This spill over process resulted in co-signed bilateral agreements between Italy and Tunisia (2011), Libya (2011), and Egypt (2012). See for more details in this regard (*Paoletti 2012*)

18 - Italy public policy demonstrates that national interest has priority over human right element. Paoletti Said in this regard that “the re-engagement between Italy and North Africa since 2011 shows the continuation of a trend whereby border control is prioritized over a more comprehensive human rights policy framework. (Paoletti, 2012)

19 - The Memorandum of Understanding of 2017 emphasizes the importance of previous commitments between the two nations, especially the Treaty of 2008, which stresses in article 19 the common interest to eliminate illegal migration. The agreement of 2017 is a few pages in length (2899 words and only eight articles), but it reflects the two countries determination to fight crimes and illegal human trafficking.

20 - see in this regard for example, the Associated Press, “the Latest Italy Deal with Libya will Cut Migration Influx,” *Daily mail on Line*, (2 February, 2017), available at this link, <<http://www.dailymail.co.uk/wires/ap/article-4184310/The-Latest-US-halts-refugee-resettlement-program-Malta.html>>

21 - The focus on the Memorandum of Understanding of 2017 is due to many reasons such as:

- It is the most recent document that explores the intention of Italy migration policy,
- It reflects a cumulative negotiation process that reflects the skills of Italian diplomacy,
- It stresses the importance and the validity of earlier treaties and agreements that Italy and Libya are part off.
- It stresses the legitimacy of international previous commitments that both countries are members.

22 - The data of Table: 2 is reliable, because the search engine is used to select and gather frequencies from the agreement text. However, Quantitative continent analysis requires a qualitative analysis in order to explain the importance of frequencies in the agreement text; therefore, the method of this study is to combine between the two techniques whenever it is necessary.

23 - Libya also suffers from the influx of illegal migrants who intended usually to use it as a transit land. Nevertheless, Libya lacks a central government that does not suffer from penetration and legitimacy crises. The Libyan government who signed the agreement of 2017 did not approved by the House of Representatives on the one hand, and it did not exercise its authority over all its territory due to the spread of opposed armed groups on the other hand. However, Italian officials know these facts regarding the limited power of the *de facto* government, but it is in fact the only recognized entity by global community. Additionally, concluding an agreement with a weak government better than watching the influx of illegal migrants’ waves to Italian shores on the one hand, and commit Libya as a country regardless of its government on the other hand.

24 - Libya, as well as more than other forty countries, is not parties to the 1951 Refugee Convention. Accordingly, Libya does not distinguish between migrants and refugees on the one hand, and it is not obligated to settle them on the other hand. The Libyan Anti-Illegal migration Law (Number 19) of 2010 penalizes illegal migrants (article 6) with jail, paying fine of one thousand Dinars and deportation. However, Italy, as well as most of the EU members, are parties to the 1951 Convention; and thus, they are obligated to treat illegal migrants accordingly. (see *the Refugee Convention of 1951*)

25 - Italy and Libya signed the Universal Declaration of Human Rights of 1948, which guarantees the right to seek and enjoy asylum from persecution. As emphasized by the rules and principles of international law, domestic law should not contradict with regional and international treaties that signed and ratified by a given state. Consequently, Italian domestic laws that deal with the dilemma of illegal migration enter in a direct conflict with international law. Here, it is obvious that the relationship between law and politics is not a clear cut as the realist scholars argue. (see in this regard for example, *Morgenthau, 1985*)

26 - Sub-Saharan African Countries are: Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Congo, Democratic Republic of the Congo, Côte d’Ivoire, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya,

Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, South Africa, South Sudan, Swaziland, United Republic of Tanzania, Togo, Uganda, Zambia and Zimbabwe. Most illegal immigrants who use Libyan land as a transit area are from Francophone and Anglophone Sub-Saharan African countries.

27 - Nigeria, Somalia, Eritrea and Ethiopia are the most exporting countries of illegal migrants to Italy and the EU across Libyan soil, due to several reasons such as political and economic instability, spread of multidimensional poverty, and corruptions. According to the HDR (2015: 68) 78.9 million or 88.2% of the whole Ethiopian population and 88.4 million or 50.9 of the total Nigerian inhabitants are in multidimensional poverty. (For more details on the routes of migration, see: *Migrants Smuggling Data and Research, 2016: 58*)

28 - Libyan border is extended into 4348 Kilometers “Kms” as follow: Mediterranean sea coast (1770 Kms), Tunisia (459 Kms), Algeria (982 Kms), Sudan (459 Kms), Chad (1055 Kms), Niger (354 Kms), and Egypt (1115Kms). Obviously, it is a long border not just for instable country, but is also difficult to control by one government. Thus, a stable Libyan government requires political, economic and technical Italian and regional support in order to control the long border and stop the influx of illegal migrants to Italy. (see in this regard for example, *Bakrania, 2014*)

29 - The EU lunched the Sophia operation in 2016 in order to control the influx of illegal migrants to Italy, but its military and human mission is impossible since the number of refugees increased dramatically. Furthermore, the number of dead illegal migrants in the sea is also increased, and for more information in this regard see for example. (*Eliassen, 2017*)

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