



Mediterranean Programme

Ninth Mediterranean Research Meeting

Florence – Montecatini Terme, 12-15 March 2008

Readmission and Forcibly Return in the Relations between Italy and North African Mediterranean Countries

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Workshop 1

The Implications of Readmission and Enforced Return on Euro-Mediterranean Relations and Beyond

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ABSTRACT

This paper analyses the issue of readmission and forcible return in relations between Italy and North African Mediterranean countries. Section 1 summarizes general developments of the relations between Italy and each of the five North African Mediterranean countries with regard to the following: agreements signed; actual effectiveness of both formal and informal agreements; rejections to and from North Africa. Section 2 shows the incentives offered by Italy to North African countries of origin and transit in order to increase their cooperation: legal immigration opportunities; conditional development cooperation; technical assistance, financial assistance and training programmes for police officers; international political support and trade partnership. The paper comes to the following conclusions: readmissions have been carried out within both formal and informal frameworks (readmission agreements, police cooperation agreements, agreements which had not yet come into force, informal and secret agreements); the effectiveness of such agreements mainly depends on the willingness and capacity of the readmitting country, rather than on the existence of a readmission agreement; rejections from North African countries may be considered, at least partly, as a consequence of increased Italian pressure; rejections to North African countries carried out from international waters as well as from the national waters of North African countries are a further result of such pressure and are in most cases carried out jointly or in cooperation by Italian and North African police forces; Italy has offered financial, technical and political incentives, and at least in some cases North African countries have been able to turn the question of immigration to a powerful lever to gain benefits from Italy.

Introduction

All North African Mediterranean countries except Libya are emigration countries. Their over 500,000 expatriates living in Italy constitute around 17% of the foreign population regularly residing in that country. Most of them have only temporary permits of stay and could turn to irregular immigrants upon expiry of their documents. Indeed, tens of thousands of nationals from Morocco, Algeria, Tunisia and Egypt are estimated to stay irregularly in Italy, waiting for the next opportunity to get a regular status.

Libya instead is not a country of origin but it is the most important country of last transit for migrants attempting to reach Italy irregularly by sea. 22,591 migrants arrived from Libya in 2005 and 20,907 in 2006, that is nearly all those who reached Sicily and its minor islands in that period (see Table 1). 70% of them were nationals of North African countries, whereas most of the others came from other African countries.

Also the coasts of Tunisia, Egypt and Algeria serve as starting points for migrant boats.

Arrivals from Tunisian coasts have notably decreased in recent years, after Tunisian authorities strengthened controls on departures. In the past many third country nationals – mostly from Algeria, Morocco and sub-Saharan countries – arrived by sea through Tunisia. Now nearly all migrants setting off from Tunisian shores are Tunisian citizens.

Migrants arriving by sea from Egypt to Calabria and the South-East of Sicily are mostly Egyptian citizens, but most recent arrivals also included citizens from Pakistan, Iraq and Turkey.¹

Arrivals from Algeria to Sardinia started in 2005. Only one boat arrived that year, transporting 8 Algerian citizens. In 2006 the number of migrants reached 91, including 67 Algerians and 24 Tunisians. In 2007 there has been an enormous increase: media reported that nearly 2,000 immigrants have been apprehended between October 2006 and early January 2008.² Most if not all of them are Algerians, although no official information about their nationality is available as to Mid January 2008.³

On the one hand, arrivals by sea make up only a small percentage of total irregular immigration, since most foreigners irregularly residing in Italy are overstayers and many others have entered the country irregularly by land (Ministero dell'interno, 2007, p.336). On the other hand, the percentage increases drastically if calculated only on citizens of African countries. This is the first reason why Italian governments have been stressing the importance of increasing surveillance of southern sea borders, which also implies requesting North African countries to readmit irregular immigrants (not only their own nationals but also third country nationals setting off from their coasts).

Besides, there are at least two further internal political motivations. First, arrivals by sea (including casualties) have a much stronger mediatic impact on public opinion than overstayers and immigrants entering the country illegally by land do have. Secondly, the attempt to link the fight against illegal immigration with the fight against international terrorism has increased fear against arrivals from North Africa.⁴ For both reasons, most political parties' propaganda includes the engagement for reinforcing cooperation with North African governments.

While concentrating – in this paper – on the issue of readmission, it should be also pointed out that this represents only part of the objectives of Italian relations with North African Mediterranean

¹ Source: Ansa, 4 November 2007.

² Source: Ansa, 9 January 2008.

³ On 21 April 2007 Ansa reported about seven persons arrived to Sardinia declaring to be Moroccan citizens.

⁴ According to Antonio Martino, Italian minister of Defence under the last Berlusconi government, «illegal immigration is infiltrated by Al Qaeda», and it is often managed “by terrorists in order to bring persons, weapons and drugs to Italy and Europe” (Source: ANSA, 8 November 2004). Also the vice-minister of Interior under the current Prodi government, Marcella Lucidi, stressed that the link connecting illegal immigration “with international terrorism requires a particular surveillance of clandestine immigrants from the Horn of Africa as well as from the sub-Saharan region, where Islamic fundamentalism is spreading rapidly” (Camera dei Deputati, session of 19 September 2006, <http://www.camera.it/dati/leg15/lavori/stenografici/sed037/s090.htm>).

countries in the field of migration controls. Indeed, these countries have been also requested to: a) strengthen regulations on illegal emigration of their citizens and on the stay of foreign citizens; b) intensify controls all over their territories in order to detain and expel illegal immigrants; c) build up detention centres for illegal immigrants; d) strengthen surveillance at their land borders (in order to prevent the inflow of would-be transit migrants from neighbouring countries) as well as on their coastline (in order to prevent the departure of migrant boats towards Italy); e) cooperate in the exchange of information and in the joint investigation aimed at combating the organised smuggling of migrants; f) improve their legislation and practices in the field of asylum and protection.⁵

The issue of readmission itself will be investigated in this paper on the basis of a broader concept of readmission. Not only readmission from Italy to North African countries will be considered but also other activities involving the forcible movement of persons in the interests of Italian policies of immigration control. These activities include: repatriations carried out by North African countries on behalf of Italy; repatriations carried out by North African countries with the financial or technical support of Italy; repatriations and deportations carried out by North African countries as a consequence of Italian pressure; rejections of migrants from international waters towards North African countries; rejections of migrants from the territorial waters of North African countries.

Section 1

Formal and informal frameworks for the readmission and forcible movement of persons

Italy has signed readmission agreements with Morocco, Algeria, Tunisia and Egypt (see Table 2), whereas no readmission agreements have ever been signed with Libya officially. The first readmission agreement was signed by Morocco, in July 1998. Tunisia followed few days later. Algeria signed in February 2000, Egypt as late as January 2007.

The main problem in the readmission of immigrants to North African countries of origin seems to be the fact that procedures related to identity verification in the countries of origin are too slow. For this reason only small numbers of persons can be readmitted. Since detention for the purpose of expulsion cannot be extended over sixty days, Italian authorities often have to release detainees because the authorities of the country of origin are not prompt enough in responding to the Italian requests. As a result, many immigrants escape expulsion (see Table 5).⁶

In order to better evaluate the effectiveness of Italian formal and informal readmission agreements, comprehensive data (including information about the readmitting country and the nationality of the people rejected) about both rejections at the borders (or immediately after their border crossing) and expulsions from the Italian territory (including not only the total of expulsion orders but also the number of expulsions actually carried out) would be needed. Unfortunately, figures provided by Italian authorities are incomplete.

Some data are presented in the tables 3-5. Table 3 shows only expulsions actually carried out on the total of irregular immigrants apprehended, on the basis of data reported by the Italian Ministry of Interior (Ministero dell'interno, 2007). These figures give an overview on the effectiveness of readmission procedures with countries of origin. Table 4 is based on data provided by Caritas/Migrantes (2004, pp. 123-125; 2005, p. 125; 2006, p. 92) and provides data on expulsions that do not match with the ones reported in the previous table.⁷ Table 5 shows in particular the effectiveness rate of the detention for the purpose of expulsion, on the basis of data reported by the

⁵ These requests have been at least partly met (Cuttitta, 2006).

⁶ Foreigners released from detention centres are ordered to leave the country within five days. Most of them remain irregularly in the country.

⁷ Other sources (Coslovi, Piperno, 2005; Projet Mirem) report figures which differ from both the aforementioned (Coslovi and Piperno only report figures regarding Morocco; Projet Mirem only reports figures regarding Morocco, Algeria and Tunisia).

Italian institution responsible for the audit of the state budget's management (Corte dei conti, 2003, p. 73).

The following paragraphs summarize the main agreements and practices related to readmission and forcibly return to and from North African Mediterranean countries.

1.1. Morocco

In July 1998 Italy and Morocco signed a readmission agreement which has not been ratified yet. Though, readmissions have been carried out in fact,⁸ also on the basis of the additional protocol signed in June 1999, and there has been an increase in expulsions of Moroccan citizens since 1999 (Coslovi, Piperno, 2005, p. 21). Still, the effectiveness rate of expulsions was never as high as Italian authorities expected, because Moroccan authorities have very slow procedures and therefore do not readmit but small numbers of returnees at a time. "At last we have realised" why they only accept two fingerprints of supposedly Moroccan citizens at a time: because they have not a computerised database for fingerprints, and "the person in charge has to leaf through thousands of paper files", said Italian minister of interior in March 2007.⁹

Since Morocco is not a last transit country for migrants heading for Italy, the issue of the readmission of third country nationals from Italy (and of the rejection of third country nationals from Morocco to its neighbouring countries) has little importance in the relationships between the two countries. Much more crucial is the question of the readmission of Moroccan unaccompanied minors, which would deserve further investigation. Morocco is the main country of origin of unaccompanied foreign minors living in Italy.¹⁰ Until now it has proved particularly difficult to establish effective readmission programmes in this field, due to the insufficient cooperation granted by the Moroccan government and to the lack of competences and financial resources to be invested for the reintegration in the country of origin (Petti, 2006).

1.2. Tunisia

Tunisia and Italy signed an agreement on both readmission and police cooperation in August 1998. Each party engaged itself to readmit not only its own nationals illegally residing in the territory of the other signatory state but also citizens from third countries (except Arab Maghreb Union members)¹¹ that have travelled through the territory of the other signatory state.

According to Tables 3 to 5, expulsions of Tunisians have a relatively high effectiveness rate.

Since July 2000 joint border control activities between Italy and Tunisia were coordinated by a liaison officer of the Italian Ministry of Interior stationed in Tunis. In December 2003 a new agreement strengthened police cooperation between the two countries with regard to "the control of vessels suspected of transporting illegal migrants". Italy and Tunisia also decided to set up liaison offices in both countries "in order to ensure a quick and immediate information exchange and to initiate parallel inquiries on transnational criminal organisations" (Pansa, 2004).

Police cooperation between Italian and Tunisian authorities resulted in the rejection of migrants from international waters to Tunisia on several occasions in 2003, 2004 (Cuttitta, 2006b, 2006c), 2006 (Vassallo Paleologo, 2007) and 2007.¹² No information about the nationality of the forcibly returned migrants is available.

Furthermore, Italian pressure can be considered the reason why Tunisian authorities also carried out deportations of foreigners. Over 40,000 people from over fifty different countries have been

⁸ Parlamento italiano, *Audizione del ministro plenipotenziario coordinatore del Partenariato euromediterraneo*, Cosimo Risi, 3 May 2007, <http://web.camera.it/dati/leg15/lavori/stenbic/30/2007/0503/s000r.htm>.

⁹ Parlamento italiano, *Audizione del ministro dell'interno*, Giuliano Amato, 7 March 2007, <http://web.camera.it/dati/leg15/lavori/stenbic/30/2007/0307/s000r.htm?campo=/bicamerale/leg15/schengen/resoconti/leg15fr.htm>.

¹⁰ According to the Comitato Minori Stranieri, cited by www.osservatoriotratta.it, over 1,600 Moroccan unaccompanied minors (25% of the total amount of foreign unaccompanied minors) lived in Italy in 2007.

¹¹ Members are Algeria, Libya, Mauritania, Morocco and Tunisia.

¹² Source: Ansa, 18 and 19 July 2007.

apprehended while trying to enter or leave Tunisia illegally in the six years period between 1998 and 2003. Most of them were citizens from Maghreb countries (Tunisians alone were 30% of the total) and sub-Saharan Africa (Boubakri, 2004, p. 6). Around 34,000 have been reportedly apprehended in the following four years, from 2004 to 2007.¹³ In Tunisia there are several detention centres for illegal migrants. The location of most of them is kept secret by authorities. No figures are available about the number of people detained nor about the number and the nationalities of the foreigners who have been actually removed from the Tunisian territory. Though, it seems that many of them have been brought from detention centres to the Saharan border and have been left there to their fate (Cutitta, 2006b, p. 183).

1.3. Libya

The forced return of migrants is not new a new issue in Libyan recent history. Since the country's doors were opened to foreign workforce after the discovery of oil in the 1960s, Libya has been an immigration country for decades, and foreigners from both North African and sub-Saharan countries were not only subject to permanent exploitation as workers, but they were also occasionally subject to collective deportations and acts of mass violence (Pliez, 2004) already before Italy started pressuring Libya for tighter controls on immigrants.

Nevertheless, it seems evident that the continuous and systematic deportation of tens of thousands of foreigners every year since 2003 were determined by Italian requests for tighter controls. In 1998 the Italian government started negotiating with Libya for the joint management of migration flows. A police cooperation agreement was signed in December 2000, and an Italian investigation unit was established in Tripoli in May 2003.¹⁴

Libyan authorities repatriated around 43,000 illegal immigrants in 2003, 54,000 in 2004, 47,991 in 2005. They were mainly nationals from sub-Saharan African countries and Egypt. Some of them were caught while trying to leave for Italy from the Libyan coasts, many others seemed "to have been arrested on a random basis" (European Commission, 2004). Until September 2004 all the foreigners repatriated had been apprehended by the Libyan police within the Libyan territory. Then Libya eventually accepted to readmit illegal migrants rejected from Italy, although no readmission agreement had ever been signed. This decision was taken after a new police cooperation agreement had been signed on 3 July 2003. On that occasion, Gadhafi rejected the Italian proposal of joint patrols in Libyan territorial waters. The contents of the 2003 agreement were never made public.

Thousands of people (3,043 according to Paoletti, 2008) were thus deported to Libya, and most of them were subsequently rejected from Libya to neighbouring countries. Deportations from Libya have been continuing even after Italy stopped rejections in 2006 as a consequence of the strong criticism from several international institutions and NGOs (Andrijasevic, 2006; Paoletti, 2008): 53,842 expulsions were carried out in 2006, while in May 2007 around 60,000 foreigners were awaiting their expulsion in Libyan detention centres (Frontex, 2007, p. 10).

Also these expulsions must be linked with increasing Italian pressure. After the 2003 agreement, two memoranda on police cooperation were signed (on 6 February 2005 and 18 January 2006) and further informal agreements were met by the Italian and Libyan ministers of interior. Eventually, the police cooperation agreement signed on 29 December 2007 allowed for the joint patrolling of Libyan territorial waters. Several migrant boats have been forcibly returned by Libyan authorities from international waters in recent years (Fortress Europe, 2007), responding to Italy's requests for an increased control of Libyan sea borders. The new agreement will allow for rejections to be carried out in cooperation with Italian police forces even in Libyan territorial waters.

In recent years, Libya also signed cooperation agreements with the neighbouring countries Chad, Niger, Sudan and Egypt on border control issues and the exchange of information. Furthermore, upon initiative of the Italian government, Libya signed a cooperation agreement with

¹³ Source: H. Boubakri (private communication).

¹⁴ On 12 September 2006 in Rome the Libyan and Italian governments agreed that a liaison officer of the Libyan ministry of interior would be soon dispatched to Rome.

the International Organisation for Migration in August 2005. Since 2006 the IOM Tripoli office has been managing a project named Trim (Programme for the Enhancement of Transit and Irregular Migration Management in Libya), funded by the Italian government and the EU Aeneas Programme, which aims at providing irregular migrants in Libya with the opportunity to return to Niger and Chad under the supervision of Unhcr. Reportedly, 1,300 people have been repatriated from Libya under the Trim scheme since 2006.¹⁵

1.4. Egypt

Leaders of both the current and the previous Italian government have often praised Egypt as an exemplary partner in the fight against illegal immigration. In the last years, many thousands of Egyptian citizens have been readmitted to Egypt from Italy, while hundreds of transit migrants have been repatriated from Egyptian territory with the support of Italian authorities.

As regards transit migration, thousands of Sri Lankans entered the Red Sea and reached the Mediterranean through the Suez Canal until 2002. Twenty-three ships with 1,470 passengers arrived to Calabria and Sicily in 2001, twenty-four ships with 2,372 passengers in 2002 (Pansa, 2004). On the basis of a police cooperation agreement signed in June 2000, and upon further informal agreements reached by the two governments in May 2002, a liaison officer of the Italian Ministry of Interior was dispatched to Egypt (Ministero dell'interno, 2003, p. 120). Then the joint control of the Suez Canal could start. While ships were confiscated by Egyptian authorities, passengers were repatriated with flights chartered by the Italian government. Thus, Egypt cooperated with Italy for the forced repatriation of third country nationals from its territory on the basis of a police cooperation agreement: 524 Sri Lankans were repatriated from Egypt between 2003 and 2004.¹⁶

As regards Egyptian irregular immigrants, the head of the department for immigration and border police of the Italian ministry of interior said as early as 2003 that Egyptian authorities cooperated in a satisfactory way for their forcibly return, although no readmission agreement with Italy had been signed yet.¹⁷ Afterwards, the number of Egyptians arriving irregularly by sea shot up from 102 (2003) to 8,782 (2004) and 10,288 (2005), then it dropped to 4,478 in 2006. Until 2006 all Egyptians travelled to Libya first, and then they headed from Libya to Italy. Recently, increased controls over Libyan sea borders caused an increasing number of Egyptians to set off from Egyptian coasts and attempt to reach the Italian territory in only one stage, without transiting through Libya.

Notwithstanding the increased number of Egyptians arriving irregularly, rejections from Italy went on. In 2004 and 2005 many Egyptians who had been identified immediately after landing were first rejected to Libya and then returned from Libya to Egypt, while others were repatriated directly from Italy. Data regarding actually returned Egyptians seem to be contradictory (see Tables 3, 4). Though, hundreds of Egyptians every year were repatriated on the basis of the police cooperation agreement and further informal agreements as a matter of fact, and cooperation with Egyptian police was considered "excellent" by Italian sources (Ambasciata d'Italia al Cairo, 2007). After Italy stopped deportations to Libya in 2006, Egyptians were always returned directly to their home country. Egyptian policemen assisted their Italian colleagues during repatriation flights.

On 9 January 2007 Egypt and Italy signed a bilateral readmission agreement also providing for the readmission of third country nationals.¹⁸ Readmissions have now a formal legal frame.

¹⁵ Source: Fortress Europe (<http://fortresseurope.blogspot.com/2006/01/libia-bltz-italiano-tripoli-in-vista.html>).

¹⁶ Italy and Sri Lanka had signed a readmission agreement in 2001. Although the agreement did not apply to people apprehended in the territory of a third country, Sri Lankan authorities were ready to readmit their citizens from Egypt.

¹⁷ Parlamento italiano, *Audizione del Direttore centrale dell'immigrazione e della Polizia delle frontiere del Ministero dell'interno*, prefetto Alessandro Pansa, 3 December 2003, www.camera.it/dati/leg14/lavori/stenbic/30/2003/1203/s020.htm

¹⁸ Egypt has not signed readmission agreements with any other EU member state so far.

1.5. Algeria

Readmissions from Italy to Algeria were long carried out on an informal basis, and expulsions of Algerians seemed to have a very low rate of effectiveness (see tables 3-5). As Sardinia became a landing point for an increasing number of immigrants arriving from Algerian coasts, the Italian government increased pressure on Algerian authorities, requesting the ratification of the readmission agreement signed by the two countries in 2000 (following the police cooperation agreement of 1999). Eventually the readmission agreement came into force on 14 October 2006.

Should third country nationals setting off from Algeria significantly increase in number, their readmission from Italy would become an important issue in the relations between Italy and Algeria, as well as their removal from Algerian territory.¹⁹

Section 2 Incentives offered

Countries of transit and origin do not have sufficient means to really come up to the expectations of immigration countries. Not only do they lack the necessary resources to control their land and sea borders but they often also lack any interest in it. Countries of origin like Morocco, Tunisia, Algeria and Egypt have a peculiar interest in keeping emigration levels high. Not only does increased emigration result in a decrease of internal unemployment, but it also increases the volume of remittances sent by their citizens from abroad to the families back home.

Therefore illegal emigration is far from representing a problem for countries of origin. Countries of transit have no interest in stopping illegal migration either. On the contrary, they often benefit from transit migration movements. In Libya, for instance, a lively border economy – consisting in specific shops, inns and car-repair garages for travellers and their vehicles – flourished along main migration routes from southern neighbouring countries. The closing of the Sudan border caused the crisis of these activities, thus undermining the economy of the whole region.²⁰

Furthermore, North African countries are often reluctant to close their land borders, fearing this could put their relations with neighbouring countries of origin into question. This applies particularly to Libya.

Finally, all North African countries, which are generally and reductively perceived as transit countries from the European perspective, are also immigration countries in fact. Libya has been one since the Sixties; Morocco, Algeria, Tunisia and Egypt have become immigration countries in the last decade. The whole North African region has become a large migration area (Palidda 2004) characterised by different migration patterns which can not be reduced to the concept of “transit migration” (Düvell, 2006). The demand for cheap foreign workforce in North African countries is likely to increase in the near future (De Haas, 2007).

For all these reasons, very convincing arguments are needed in order to gain collaboration from North African countries of transit and origin. In some cases these countries have been able to take full advantage of the situation and gain important benefits in exchange for their cooperation. Libya is the best example with regard to this, but also the other countries have learnt that they can make best conditions for cooperating with immigration countries.²¹

The following paragraphs give an overview of the main incentives offered by Italy to North African countries.

¹⁹ From 2000 to September 2007 around 40,000 foreigners have been apprehended, and 27,567 have been expelled (source: Fortress Europe, Aracem, 2007).

²⁰ Cf. Pliez, 2006.

²¹ The current Italian ministry of interior, Giuliano Amato, explained that Egypt has laid “fair claims” for more legal immigration and development cooperation before signing the readmission agreement in 2007. (Parlamento italiano, *Audizione del ministro dell'interno, Giuliano Amato*, 7 March 2007, <http://web.camera.it/ dati/leg15/lavori/stenbic/30/2007/0307/s000r.htm?campo=/ bicamerali/leg15/schengen/resoconti/leg15fr.htm>).

2.1. Legal immigration opportunities

Legal immigration to Italy is regulated within the frame of a yearly quota system setting an annual ceiling to legal entries of foreign workers.²² In 1998 the centre-left Italian government decided to use this system as a lever towards the main countries of origin of illegal immigrants. Every year since then new *decreti-flussi* (“flows decrees”) have been setting the maximum number of foreign nationals allowed to enter the Italian labour market. Shares of this quota can be reserved to citizens of particular countries. Further shares can be reserved to particular categories of countries, without previously splitting each share among the countries included in each category. The remaining part of the quota is free and open to nationals of any non-EU-country.

Egypt obtained from Italy a reserved share only in October 2002, upon its decision to cooperate. The Italian ministry of interior sent a liaison officer to Egypt, and the joint control of the Suez Canal could start. At the same time the Italian government issued the decree granting reserved shares, and Egypt was rewarded with a share of 1,000 legal immigrants – 10% of the whole share granted to single countries. After Egypt proved willing to readmit thousands of Egyptian citizens from Italy in 2004 and 2005 (although no readmission agreement has been signed yet), the reserved share was further increased for both 2005 and 2006, reaching the maximum amount ever allocated to a single country (7,000). After the signature of a formal readmission agreement, the 2007 decree raised again the share, providing for the entry of 8,000 Egyptian workers. In November 2005 Egypt and Italy also signed a labour agreement aiming at providing Egyptian workforce with professional competencies through training programmes, in order to allow the match-making between Italian labour demand and Egyptian labour offer.

Morocco and Tunisia are also good examples of the reserved shares policy. With the readmission agreement of 6 August 1998 Italy engaged itself to grant Tunisia a preferential treatment with regard to annual quotas of entry permits for foreign workers. Two months later the flows decree for 1998 (which had been issued in December 1997) was supplemented for the first time ever with the addition of reserved shares. Italy kept its word and reserved 1,500 entries for Tunisian workers. Also Morocco was granted a reserved share by the same decree, as a reward for the readmission agreement signed few months before.²³

Both countries also happened to see their shares cut because of insufficient cooperation. The Moroccan reserved share was halved in 2001 owing to the difficulties the Italian government had to face in implementing the readmission agreement. In 2001 the provisions of the 1998 agreement regarding police equipment to be supplied from Italy to the Tunisian border police expired, and illegal arrivals to Sicilian coasts from Tunisia increased. The reserved share for Tunisian citizens, which had been increased from 1,500 to 3,000, was dropped to 2,000 (2002) and then to only 600 (2003) – this was however in line with the decision of the Berlusconi government to reduce reserved shares for single countries and increase reserved shares for categories of countries, which made the instrument of reserved shares more flexible.²⁴

Further negotiations with the Tunisian regime led to a new agreement on police cooperation, which was signed on 13 December 2003, after the Italian government promised to increase the 2004 reserved share for Tunisian workers. Six days after the signature of the agreement the Italian government issued the flows decrees for 2004 and raised the Tunisian reserved share to 3,000 units – the highest level so far.

As regards Algeria, Algerian citizens have been granted a reserved share only in 2007, after the sudden increase in the number of migrant boats arriving to Sardinia from the Algerian coasts. The

²² Cf. Cuttitta, 2008.

²³ Besides Morocco and Tunisia, only Albania (which was the main country of origin of illegal immigration to Italy during the 1990s, and it had signed a readmission agreement with Italy as early as 1997) was granted a reserved share that year.

²⁴ By giving countries of origin the chance to increase their own share in the course of each year (instead or besides the fixed amount), the Italian government has the opportunity to exert a continuous pressure on them.

reserved share should serve both as a reward for the readmissions already carried out and as an incentive for further improving cooperation in this field.

Finally, Libya is the only North African country which is not a country of emigration. Therefore reserved shares within the system of legal immigration quotas do not play any role in relations with the Libyan government.

2.2. Conditional development cooperation

North African countries have been offered increased development cooperation in exchange for the cooperation in the management of illegal migration.

Development cooperation with Morocco and Algeria was resumed respectively in 1998 (when the Italian-Moroccan readmission agreement was signed) and in 1999 (when the Italian-Algerian police cooperation agreement was signed). The number of ongoing development cooperation projects with Egypt has notably increased since 2002, that is since actual police cooperation started. The agreement for the Egyptian debt for development swap towards Italy was signed in February 2001, that is eight months after the first police cooperation agreement was signed.

Tunisia is probably the most evident example of the Italian policy of conditional development cooperation. In the period 1992-1993 Tunisia was in the sixth place of the list of the 20 main recipients of Italian bilateral ODA (official development aid). In the following years, when migrant boats started arriving to Sicily and its minor islands, Tunisia disappeared from that list. Italian development assistance programmes for Tunisia are agreed by a joint commission (*Grande Commissione Mista Italo-Tunisina*) composed by members appointed by the governments of both countries. After the meeting held in 1991, the commission did not meet for seven years.²⁵ On 3-5 August 1998 the joint commission met again in Rome and agreed a new programme offering Tunisia 108,44 million Euro loans and 3,31 million Euro grants for the period 1999-2001. On 6 August the Italian and Tunisian governments signed the readmission agreement. Further 33 million Euro loans and 7,23 million Euro grants were added later, for a total amount of around 152 million Euro.²⁶

The next meeting of the commission was held in Tunis on 5 October 2001. 36,5 million Euro loans and 71,75 million Euro grants were allocated for the period 2002-2004, plus further 6,42 million Euro on a “multi-bilateral channel”, for a total of nearly 115 million Euro.

The 2004 meeting of the commission took place in Rome on 22 June. A first major funding consisting of 179 million Euro loans and 2,98 million Euro grants was allocated for the period 2005-2007, as a reward for the signature of the new police cooperation agreement in December 2003, and it was also stated that a minor funding for further projects to be financed in the same period would be agreed upon later, so 10 million Euro grants were added in the following years for a total amount of nearly 192 million Euro.

The last meeting took place in Tunis on 24-25 October 2007, but this time the amount of the funding will be established in later stages.

The Organization for Economic Cooperation and Development criticized the 2005-2007 programme, stating that it “was shaped almost exclusively by Italian diplomats (...). The development staff of the UTL” (that is the local country development cooperation office in Tunis) “was not invited to participate in the elaboration of programme content in Tunis, nor to attend the discussions at the Joint Commission meeting in Rome”.²⁷ Further OECD criticism to Italy regards the too high level of tied aid within Italian programmes.²⁸

Nevertheless, increasing development programmes were one of the main reasons for the Tunisian government not only to sign the 1998 and 2003 agreements but also to join the

²⁵ On the one hand, it is true that all Italian development cooperation projects were subject to cuts after 1992; on the other hand, it is evident that Tunisia was more affected by these cuts than other countries.

²⁶ Source: Ufficio di Cooperazione – Ambasciata d’Italia, Tunisi.

²⁷ OECD, 2004, p. 54.

²⁸ OECD, 2004, pp. 38, 58.

International Organization for Migration (IOM) in 1999 and sign an agreement in 2001 allowing IOM to open an office in Tunis. Since then, the IOM has been carrying out projects – which are all co-financed by Italian development funding²⁹ – in the following fields: management of legal migration, economic development of Tunisian regions with high emigration rate, enhancement of transit and irregular migration management in Tunisia. Thus, development assistance turns from an indirect lever to gain cooperation to an immediate tool for enhancing actual cooperation, since part of the aid is allocated to the very field of border controls and migration management.

The principle of conditioned development cooperation turned to law in September 2002, when law 189/2002 came into force. According to art. 1 of this law the Italian government, when concluding or assessing cooperation and aid programmes with non-EU countries, shall also consider the cooperation offered by the relevant country in the prevention of illegal migration flows and in the fight against criminal organisations operating in this field. Cooperation and aid programmes are subject to reassessment if the relevant countries do not adopt appropriate measures.

2.3 Technical assistance, financial assistance and training

Authorities of all North African countries have been also supplied with technical equipment for their police forces. Furthermore, the latter have been offered training programmes organised by the Italian ministry of interior. In some cases Italy has granted financial aid for return flights, and it has built (or offered its financial contribution for the building of) centres for the management of illegal migration flows.

Egyptian police officers have been offered training programmes organised by the Italian ministry of interior since 2004. The relevant activities took place mostly in Italy. Furthermore, the Egyptian police has been equipped with technical instruments for the detection of falsified documents and with maritime vehicles for the surveillance of sea borders. A new patrol boat was given to Egyptian authorities after the signature of the readmission agreement in 2007.

With the 1998 readmission agreement Italy granted Tunisia technical equipment for the three-year period 1999-2001. The total value of such supplying was 20,7 million Euro. The agreement of 1998 also stated that the Italian government would contribute with 260,000 Euro to “the establishment of detention centres in Tunisia” in order to help the repatriation of foreign citizens which had been rejected from Italy to the North African country. This was the only provision of the agreement that Tunisia did not accept in the end. The regime of Ben Ali feared that accepting the contribution could lead to interferences of a foreign country in domestic questions such as the management of detention centres (including the conditions of detention) and the expulsion of foreigners.

After the expiry of the 1998 agreement, further 12,5 million Euro’s worth goods were supplied for 2002 and 2003 by charging the relevant amount on the development cooperation budget, then the 2003 police cooperation agreement set the value of Italian supplying of equipment at 7 million Euro a year. Italian police also organises training courses for Tunisian border guards. Assistance to Tunisia including training programmes and technical equipment is continuing under the current Prodi government, as agreed by a meeting of experts held in Tunis in February 2007.³⁰

Training for Libyan police has been provided by the Italian ministry of interior since 2004. From August 2003 to December 2004 Italy has supplied Libyan authorities with technical equipment including *inter alia* nighttime viewers, binoculars, all-terrain vehicles, mattresses and wool covers, life boats, sacks for corpses transport. In the same period Italy paid 50 charter flights to repatriate 5,688 persons from Libya to 10 different countries. No detailed information is available for the period 2005-2006, but on 6 February 2005 a memorandum was signed in Tripoli by the Italian Minister of Interior and the Libyan Secretary of the General People’s Committee for Public

²⁹ Other sources of financing are EU programmes and the Tunisian government, whereas no other EU countries directly participate in IOM projects in Tunisia.

³⁰ Cf. *Procès verbal de la VIème session de la Grande Commission Mixte italo-tunisienne*, Tunis, 25 October 2007,

Security. Italy promised appropriate technical supplying to Libyan authorities for the implementation of a border control system.

Currently, Italy is also participating in the project “Across Sahara” (funded with 1.5 million euro by the EU within the AENEAS programme), offering training programmes to the Libyan police. The Italian government has also given its own contribution of 700,000 euro for the Trim project (whose budget totals around 2 million euro), which aims at facilitating the return of immigrants from Libya.

Under the Berlusconi government Italy also decided to finance the construction of three detention centres in Libyan territory. Between 2004 and 2005 the Italian government allocated 6.6 million euro for a centre in Gharyan and 5.2 million euro for a centre in Kufra. Another detention centre was to be built in Sebha.³¹ The current government (in charge since Spring 2006) has formally changed the destination of the buildings, at least partly. The centre of Gharyan has been opened in June 2007 as a training centre for Libyan police, the Kufra centre has been renamed as border medical centre (but construction had not yet started in July 2007), whereas the Sebha centre is seemingly not going to be built any more.³² However, the centres will be actually managed by Libyan and not by Italian authorities, so it will be up to them to decide how to use them in fact.

Finally, in 2007 Italy has supplied Libyan authorities with instruments for the detection of falsified documents, five GPS-equipped all-terrain vehicles, seven computers and seven satellite communication systems.³³ The new police cooperation agreement of December 2007 also states that Italy will provide six patrol boats for the surveillance of Libyan sea borders.

2.4. International political support and trade partnership

In the second half of the 1980s the long period of international isolation of Libya began, since the Gadhafi regime was accused of being involved in terrorist attacks against the USA and other western countries.³⁴ This led USA, EU and UNO to impose embargos against Libya, which exacerbated economic depression and political isolation. The Libyan regime decided to turn all its attentions to African countries. Gadhafi’s pan-African policy also included an open door policy towards immigrants from sub-Saharan countries, whereas Tunisian and Egyptian immigrants were still subject to occasional closing measures. More recently, Gadhafi decided to pursue a policy of reconciliation with western countries in order to avoid the risks of American attacks on his country and to obtain the lifting of all embargos.

Illegal immigration thus became one of the main levers Libya could make use of in order to exert pressure on the EU and above all on Italy. The Libyan regime was long suspected of voluntarily regulating the intensity of illegal migration flows through Libya towards Europe by alternating the tightening and easing of border controls, as strong fluctuations of the number of arrivals to Italy in different periods since 2002 may suggest.

Italy and the EU tried vice-versa to tie the lifting of European sanctions to the Libyan willingness to fight illegal transit migration. Particularly Italy played an important role as a mediator between Libya and the other member states. In exchange for a stronger Libyan engagement against illegal migration, the Italian government offered not only financial and logistical support, but also a stronger engagement for the lifting of all sanctions.

As a first step Libya accepted to sign a police cooperation agreement with Italy in December 2000. Italy increased its diplomatic efforts at international level for the rehabilitation of the Gadhafi

³¹ Cf. European Commission (2004, p. 59), Corte dei Conti (2005, vol. II, t. II, p. 6), Corte dei Conti (2006, vol. II, t. II, p. 32); Ministero dell’interno (2005, p. 43).

³² Camera dei Deputati, session of 5 July 2007,

http://www.camera.it/resoconti/dettaglio_resoconto.asp?idLegislatura=15&idSeduta=0184&resoconto=stenografico&tit=00090&fase=00060.

³³ Source: Corriere della Sera, 30 December 2008.

³⁴ Namely the attacks on the discotheque La Belle in Berlin, whereby two US soldiers and a Turkish woman were killed and hundreds of people injured in 1986, and the attacks on US and French civil aeroplanes, whereby 270 passengers of a Pan Am flight and 170 passengers of a UTA flight were killed in 1988 and in 1989 respectively.

regime. A further police cooperation agreement was concluded in July 2003. Still Italy was not able to supply Libya with military equipment because of the EU arms embargo.

Eventually, a stronger Libyan cooperation against illegal migration – since 2003 at the latest – contributed to the lifting of all international sanctions, and it was certainly one of the main reasons of the removal of the EU embargo. There were of course many other more important factors which led to the lifting of UN and US sanctions,³⁵ but it must be stressed that the European embargo was removed only few days after Libya accepted for the first time to readmit illegal migrants from Italy into its territory in October 2004.³⁶

Thus Libyan priorities shifted from Africa to the West. Gadhafi marked a turning point not only in his policy towards Europe and western countries (which became one of gradual opening) but also in his policy towards sub-Saharan countries (which became one of gradual closing).³⁷

Relations between Libya and Italy are also burdened with questions arising from colonial past. Libya requests reparations for the Italian colonization period (1911-1943). In 1998 Italy apologized for occupying Libya and promised compensations. The question was used by Gadhafi to counterbalance Italian requests for a stronger cooperation in the field of border controls. Libya's request of the construction of a coastal highway from the Tunisian to the Egyptian border was considered too hard at first by the Italian government. Afterwards, Italy changed its mind. Libya's decision to sign the police cooperation agreement of 29 December 2007 came after Italian minister of foreign affairs D'Alema (on 10 November in Tripoli) and prime minister Prodi (on 9 December in Lisbon) had reassured Gadhafi about the willingness of Italy to build the "highway from Ras Ejdaire to Sallum (...) as part of compensation"³⁸ in order to "fold the page of the past" and "consolidate friendship and cooperation relations between the two countries".³⁹

It should also be pointed out that such "cooperation relations" also include strong economic interests. Italy was Libya's main trade partner in the period of international embargo, and in recent years it has tried to strengthen this position. The particular link between economic and immigration issues deserves to be stressed (Dietrich, 2004). Immediately after the first readmission flights to Libya, on 7 October 2004, Italian prime minister Berlusconi travelled to Mellitah (Libya) to open the biggest Mediterranean gas pipeline, which has been supplying Italy with Libyan methane since then. The pipeline was built and is now operated by the Italian public oil company ENI (Ente Nazionale Idrocarburi), which is the sole partner of the Libyan NOC (National Oil Corporation) for the management of the Mellitah gas extraction plant. On 16 October 2007, that is two months before the signature of the last police cooperation agreement, ENI and NOC signed a new

³⁵ UN sanctions (arms embargo and ban on flights to Libya), which had already been suspended in 1999, were definitively removed in September 2003, after Libya accepted the responsibility for the aeroplane attacks and agreed to compensate the families of the victims. US sanctions (prohibiting weapons contracts, economic ties and investment by US firms – including oil companies – in Libya) were lifted in April 2004 after Gadhafi promised to dismantle the country's weapons of mass destruction, eliminate its longer-range missile programs and end its cooperation with terrorists (in December 2003) and after Libya opened the country to comprehensive inspections of the International Atomic Energy Agency by signing an additional protocol to its Nuclear Non-Proliferation Treaty safeguards agreement (in March 2004). In June 2004 the US officially resumed diplomatic ties with Libya after 24 years.

³⁶ On 22 September 2004 the EU announced it would remove the embargo during the next meeting of the EU ministers of foreign affairs to be held on 11 October; on 26 September the Italian and Libyan ministers of interior met in Tripoli; on 1 October Libya readmitted into its territory the first group of illegal immigrants; on 11 October EU sanctions (arms embargo and economic sanctions) were finally lifted. Another decisive factor for this was Libya's decision of September 2004 to compensate the people injured in the attack to the discotheque in Berlin in 1986.

³⁷ Though, Gadhafi still holds pan-African speeches in African contexts: "Libya is the land of all Africans (...). You are calling it infiltration, but it is not, it is a normal movement of Africans on their land. (...) We should remove all obstacles before the African citizen (...). The efforts you are making at the borders, border monitoring, customs, immigration and security, get rid of all these things. (...) Let the people move from one place into another work place, if they did not find work they would return back from where they came" (AU ministers of interior Council, 18 June 2005).

³⁸ Jamahiriya News Agency, 10 November 2007.

³⁹ Jamahiriya News Agency, 9 December 2007. Instead, Italy has not yet been able to obtain that Libya allow around 20,000 Italians who were expelled in 1970 (after Gadhafi's assumption of power and after all their properties had been confiscated) to return to Libya.

agreement. Eni is going to invest 28 billion US dollars in ten years in the extraction of gas and oil in Libya, and it can extend its rights to exploit Libyan resources until 2047.⁴⁰

Italy has strong economic ties with all other North African countries too. It is the main trade partner of Egypt and the second trade partner of Tunisia, Algeria and Morocco. While it seems evident that strong economic ties within a given international bilateral framework are very likely to influence relations in other fields within the same framework, it is difficult to tell in how far such ties have influenced relations in the field of migration controls between Italy and each North African country, nor is it easy to tell whether it is Italy that has been able to capitalise on them in order to pressure North African countries or, vice-versa, North African countries have been able to gain better trade conditions in exchange for increased cooperation in the migration field.

Conclusions

The readmission of irregular immigrants to their countries of origin, as well as their forcibly return to and from transit countries, has long become a core issue in relations between Italy and North African countries.

As regards the effectiveness of readmission policies, Tunisia and Egypt seem to have been more effective than the other countries. The effectiveness seem to depend on both the willingness and the capacities of the readmitting country, rather than on the existence of a readmission agreement.

Most cases prove that readmissions can be carried out even in the absence of a readmission agreement, on the basis of police cooperation agreements (Libya, Egypt), or before the readmission agreement has come into force (Morocco, Algeria). It seems thus to be confirmed that “the operability of the cooperation on readmission has been prioritised over its formalisation” (Cassarino, 2007), although the latter is still considered an important goal to attain, and it cannot be excluded that a formal readmission agreement with Libya will be signed in the future.

Italian pressure also caused Libya and Tunisia to carry out rejections from their territories to neighbouring countries and countries of origin. Italy granted financial contribution for repatriations from Libya and Egypt. Libya and Tunisia have also cooperated with Italy in the rejection of migrant boats from international waters to their territories. Finally, Italian authorities should soon be allowed to patrol Libyan national waters in cooperation with Libyan border guards, which will result in further rejections.

As regards incentives offered by Italy, the information summarised about Libya, as well as a more detailed case study (Paoletti, 2008), lead to the conclusion that this country has been able to turn Italian requests to its advantage. More generally, as it has been already suggested by other scholars (Cassarino, 2005, De Haas, 2007), it seems that all North African countries were able to capitalize on the issue of readmission and forcibly return of their citizens as well as of third country nationals, in order to obtain larger financial, technical and political benefits from Italy. In most cases it would be difficult to tell who has gained more at the bargaining table.

⁴⁰ Source: Fortress Europe (<http://fortresseurope.blogspot.com/2006/01/novembre-2007.html>).

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TABLES

Table 1

Italy – Illegal immigrants apprehended at Italian sea borders									
Source: Italian ministry of interior									
<i>Region</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Apulia	28,458 (74.58%)	46,481 (92.96%)	18,990 (70.81%)	8,546 (42.43%)	3,372 (14.21%)	137 (0.95%)	18 (0.13%)	19 (0.08%)	243 (1.10%)
Calabria	873 (2.29%)	1,545 (3.09%)	5,045 (18.81%)	6,093 (30.25%)	2,122 (8.95%)	177 (1.24%)	23 (0.17%)	88 (0.38%)	282 (1.28%)
Sardinia	-	-	-	-	-	-	-	8 (0.04%)	91 (0.42%)
Sicily	8,828 (23.13%)	1,973 (3.95%)	2,782 (10.38%)	5,504 (27.32%)	18,225 (76.84%)	14,017 (97.81%)	13,594 (99.70%)	22,824 (99.50%)	21,400 (97.20%)
Total	38,159 (100%)	49,999 (100%)	26,817 (100%)	20,143 (100%)	23,719 (100%)	14,331 (100%)	13,635 (100%)	22,939 (100%)	22,016 (100%)

Table 2

Italy – Agreements signed with North African countries		
Country	Type of Agreement	Place and date of signature
Algeria	Criminality and illegal immigration	Algiers, 22 November 1999
Algeria	Readmission	Rome, 24 February 2000
Algeria	Executive agreement	Rome, 9 October 2000
Egypt	Police cooperation	Cairo, 18 June 2000
Egypt	Readmission	Rome, 9 January 2007
Libya	Criminality and illegal immigration	Rome, 13 December 2000
Libya	Police cooperation	Tripoli, 3 July 2003
Libya	Police cooperation	Tripoli, 29 December 2007
Morocco	Readmission	Rabat, 27 July 1998
Morocco	Executive agreement	Rome, 18 June 1999
Tunisia	Readmission and police cooperation	Rome, 6 August 1998
Tunisia	Readmission and police cooperation	Tunis, 13 December 2003

Table 3

Italy – Foreigners apprehended and actually expelled, 1999 – 2006 (does not include rejections at the border or immediately after border crossing) (Source: Ministero dell'interno)												
	Morocco			Tunisia			Algeria			Egypt		
	Act- ually expel- led	Appre- hended	Effect- iveness rate									
1999	1,402	4,110	34.1%	1,405	2,419	58.1%	597	1,671	35.7%	n. a.	n. a.	n. a.
2000	2,370	7,109	33.3%	1,345	2,588	52.0%	757	2,328	32.5%	n. a.	n. a.	n. a.
2001	4,359	10,585	41.2%	1,854	2,976	62.3%	1,475	3,298	44.7%	n. a.	n. a.	n. a.
2002	4,662	11,757	39.7%	2,025	3,888	52.1%	1,448	3,995	36.2%	n. a.	n. a.	n. a.
2003	3,597	8,273	43.5%	1,604	3,140	51.1%	n. a.	2,568	n. a.	n. a.	n. a.	n. a.
2004	2,809	7,832	35.9%	1,356	2,871	47.2%	n. a.	2,138	n. a.	562	1,163	48.3%
2005	2,421	9,317	26.0%	991	3,199	31.0%	n. a.	2,366	n. a.	671	2,355	28.5%
2006	1,887	14,047	13.4%	688	5,205	13.2%	327	2,382	13.7%	n. a.	2,592	n. a.
total	23,507	73,030	32.2%	11,268	26,286	42.9%	n. a.	20,746	27.9%	n. a.	10,230	26.5%

Table 4

Italy – Total number of persons to be expelled and expulsions actually carried out (Source: Caritas/Migrantes)						
	2003		2004		2005	
	to be expelled	% of actually expelled	to be expelled	% of actually expelled	to be expelled	% of actually expelled
Algeria	n. a.	n. a.	n. a.	n. a.	2,648	24.8%
Egypt	n. a.	n. a.	n. a.	n. a.	2,453	66.2%
Morocco	n. a.	45.9%	n. a.	38.5%	9,839	29.9%
Tunisia	n. a.	55.5%	n. a.	n. a.	3,782	33.8%

Table 5

Italy – Total number of detainees to be expelled and expulsions actually carried out (Source: Corte dei Conti)						
	2002			2003		
	Detainees to be expelled	Actually expelled	Effect- iveness rate	Detainees to be expelled	Actually expelled	Effect- iveness rate
Algeria	1,363	179	13.1%	753	146	19.4%
Egypt	n. a.	n. a.	n. a.	n. a.	n. a.	n. a.
Morocco	3,256	809	24.8%	2,227	942	42.3%
Tunisia	1,898	993	52.3%	1,042	523	50.2%