



"PLAYING WITH MOLECULES"

The Italian Approach to Libya

Aldo LIGA

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Cover: “A scratched map of Libya hanging on the walls inside a reception centre for unaccompanied and separated migrant and refugee minors in Western Sicily”. © Aldo Liga.

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Ifri

27 rue de la Procession 75740 Paris Cedex 15 – FRANCE

Tel.: +33 (0)1 40 61 60 00 – Fax: +33 (0)1 40 61 60 60

Email: accueil@ifri.org

Website: ifri.org

Author

Aldo Liga is a freelance analyst on Middle East and North Africa issues and energy. He works for a Swiss-NGO which implements assessment, monitoring & evaluation and organisational capacity-building programmes. He holds a MA in International Security from Sciences Po Paris and a BA in Political Science from the “Cesare Alfieri” School of Political Sciences of Florence.

Abstract

This paper aims to analyse the many ways in which Italy is trying to play with the many Libyan “molecules”, the different parties of a fragmented and collapsing country, and the possible implications of the strategy adopted by the Gentiloni government and its Minister of Interior, Marco Minniti, towards the country. Rome engaged a patient strategy of “mending” with the two main national actors and with a plethora of local players, tribes, municipalities, city-states, and militias struggling in the quest for power. For Italy, a stable Libya is crucial to manage the flow of migrants leaving the country and crossing the Strait of Sicily, to ensure energy provisions, and to manage licit and illicit economic activities in the Mediterranean. Trying to assess the resilience of this strategy is of the utmost importance in order to have a measure of which kind of responsibility Rome assumed over the past two years and what kind of accountability would be inherited by the incoming government. Indeed, the “molecular” approach carried out by the Gentiloni Government in the country should be viewed as a double-edged strategy: while the migration flow dramatically shrank over the past months, economic relations recover and informal cooperation forges new spaces for dialogue, promoting ambiguous players, without a comprehensive approach and a clear political vision, could undermine prospects for peace in the country, Italian national interests and the future of Italy-Libya relations.

Résumé

Cette étude met en lumière la manière dont la politique étrangère italienne a choisi en Libye de traiter avec les divers éléments, ou « molécules », d'un pays entré en décomposition. La politique impulsée par le gouvernement Gentiloni, et en particulier le ministre de l'Intérieur Marco Minniti, a composé avec les différents acteurs pour « reprendre » et stabiliser le terrain, afin de mieux gérer les flux de migrants et les activités illégales en Méditerranée, mais aussi de sécuriser l'approvisionnement énergétique de l'Italie. Cette approche « moléculaire » est à double tranchant : alors que les flux migratoires se sont réduits, que les relations économiques s'intensifient et que les coopérations informelles créent de nouveaux espaces de dialogue, le manque de vision stratégique dans la mise en avant de nouveaux acteurs pourrait nuire aux perspectives de paix et *in fine*, aux relations entre l'Italie et la Libye.

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Introduction

Few miles off the Italian shores chaos has been ravaging Libya since 2014. For more than 40 years, the country “had been largely terra incognita, a place where the outsized personality of its quixotic leader and a byzantine bureaucracy obscured an informal network of constantly shifting power brokers”.¹ After the onslaught of the revolution in 2011, the NATO-led military intervention and the broke out of civil war, the political situation on the ground has radically evolved and those “power brokers” have given rise to a polycentral country. Ongoing conflictuality and instability in the country are considered serious threats to Italian national security. In fact, the diplomatic and economic relations between Rome and Tripoli have been characterised by asymmetry and interdependence, alternating continuity and unpredictability, since the fall of the Italian colonial empire after World War II (WWII).²

In mid-January 2017, Italy was the first Western country to reopen its embassy in Libya after the “getaway” of 2015, when most foreign embassies had closed for security reasons. Rome wants to be the “best placed to mediate and represent the international agenda on the ground”.³ Being the best placed is crucial to manage the flow of migrants leaving Libya and crossing the Strait of Sicily, to ensure energy provisions to the country – Libya ranking as one of its first supplier of both oil and natural gas – and to manage licit and illicit economic activities in the Mediterranean.

In post-Qadhafi Libya there is no stable government to act as a reliable counterpart to establish effective relations with. Conversely, there are three different and competing centres of power. The Presidential Council (PC), based in Tripoli and headed by Fayeze al-Sarraj, presides over the Government of National Accord (GNA), and it is the result of UN-brokered Libyan Political Agreement (LPA), signed in Skhirat in December 2015. A rival Government of National Salvation, headed by Khalifa Ghwell, legitimised by the General National Congress (GNC) elected in 2012, is no

1. F. Wehrey, “Libya’s Terra Incognita”, *Foreign Affairs*, 28 February 2011, www.foreignaffairs.com.

2. N. Chelotti and E. Johansson-Nogués, “‘Stable Unpredictability’? An assessment of the Italian-Libyan relations”, in: G. Edwards, L. Marchi and R. Whitman (eds.), *Italy’s Foreign Policy in the Twenty-first Century: A Contested Nature?*, Abingdon: Routledge, 2014, pp. 178-196.

3. K. Surana, “Italy’s Last-Ditch Effort to Stabilize Libya”, *Foreign Policy*, 13 January 2017, www.foreignpolicy.com.

more in control of relevant institutions.⁴ The third power originates from the authorities based in Cyrenaica, the House of Representatives (HoR) in Tobruk (who according to the LPA should endorse the GNA, but on two occasions voted down the list of ministers) and the government of Abdullah al-Thinni, operating from al-Bayda. Both are controlled by Field Marshal Khalifa Haftar, the leader of the Libyan National Army (LNA). Although Sarraj and Haftar met twice (in Abu Dhabi, in May 2017 and in Paris, in July 2017) a negotiated political solution to the crisis is hardly predictable, although both parties are now engaged in a negotiation to update the Skhirat agreement under the auspices of the new Special Representative and Head of the UN Support Mission in Libya, Ghassan Salamé.

Other than these “national” actors there is a plethora of local players, tribes, municipalities, city-states, and militias struggling in the quest for power, without any binding political framework. The humanitarian and governance crisis results in “a quarter million Libyans displaced and a breakdown in the economic, political, and judicial systems”.⁵ The plunge of oil exports over the last years (due to ongoing fighting and competition among militias for control over resources), the breakdown of the banking system, the liquidity crisis, the depreciation of the Libyan dinar and rampant corruption have led the country’s economy into the abyss. According to the World Bank estimates, the GDP per capita in 2016 had fallen by almost two-thirds from its pre-2011 level.⁶

This complex and unpredictable situation, and the involvement of other regional and not-regional actors (Algeria, Egypt, France, Russia, United Arab Emirates just to name a few) undermine Italy’s attempt to play the role it wishes in the region. In an interview to the Italian newspaper *Corriere della Sera*, the Minister of Interior Marco Minniti proposed a patient strategy of “mending”, sewing and repairing the territory through personal trust and investments, in order to stabilize it.⁷ But mending is a highly risky operation, depending on the number of menders (local, national and international) and on their conflicting interests, strategies and suasive tools. Promoting ambiguous players, without a comprehensive approach and a clear political vision, could

4. The vast majority of the members of the GNC (also known as the “Tripoli Parliament”) was moved across to the State Council, a consultative body created under the LPA. See M. Fitzgerald and M. Toaldo, “A Quick Guide to Libya’s Main Players”, *European Council on Foreign Relations*, December 2016, www.ecfr.eu.

5. Human Rights Watch, “EU: Shifting Rescue to Libya Risks Lives: Italy Should Direct Safe Rescues”, 19 June 2017, www.hrw.org.

6. M. Sanalla, “How to Save Libya from Itself? Protect Its Oil From Its Politics”, *The New York Times*, 19 June 2017, www.nytimes.com.

7. M. Gabanelli, “Minniti, la sfida alle Ong: ‘Portate i salvati in altri Paesi Ue’”, *Corriere della Sera*, 4 June 2017, www.corriere.it.

undermine prospects for peace in the country, Italian national interests and the future of Italy-Libya relations.

This paper aims to analyse the many ways in which Italy is trying to play with the Libyan “molecules”, the different parties of a fragmented and collapsing country and the possible implications of the deal on Italy-Libya relations in the long term and on the political and social definition of post-civil war Libya. Trying to assess the resilience of the measures recently put in place by the Italian government and their consistency with a structured political vision is crucial to assess which kind of responsibility Rome is assuming with the current approach and what kind of accountability would be inherited by the incoming government.

This policy paper is informed by the articles, papers and reports included into the bibliography. The credibility of information contained in this policy paper was filtered through interviews with key informants such as journalists, international organization and NGO personnel, magistrates, and people from Western and Eastern African countries recently landed in Sicily and hosted in Italian reception centres or living in informal gathering places.

From coloniser and colonised to strategic partners

The Italian occupation and colonial domination are among “the most important factors which have conditioned the evolution” of Italy-Libya relations and “continue to have a bearing on the bilateral relations even today”.⁸ Despite the fact that many decades elapsed since the end of the Italian presence in Libya, anti-Italian resentment has often been used as a leverage for political negotiations in the country. Back in the Qadhafi era, anti-colonial and anti-imperialistic feelings and the quest for a common external enemy to fight have been functional to build a new narrative of the Libyan identity.

The history of the land that nowadays we call Libya is intertwined with the rise of Italian imperialism: in 1912 the Treaty of Lausanne sanctioned the cession of Cyrenaica and Tripolitania to the Italians, after a military campaign against the Ottoman Empire; the territory was thus split into two different colonies (1911-1934), became the “Italian Libya” in 1934, and in 1939 coastal areas were included into the metropolitan territory: Libya was the “4th shore”, the *Quarta Sponda* of the Italian Empire. The Libyan land is conventionally divided into three regions, along the former Ottoman administrative entities: it is said that Tripolitania belongs to the Maghreb, Cyrenaica to the Mashreq and Fezzan to Africa.⁹ When the Italian empire fell in 1943, Italy lost control of the region: Tripolitania and Cyrenaica were militarily administered by the United Kingdom, while the Southern region of Fezzan was occupied by the French army.¹⁰ The 289 resolution adopted by the UN General Assembly in its fourth session (21 November 1949) stated “that Libya, comprising Cyrenaica, Tripolitania and Fezzan, shall be

8. N. Chelotti and E. Johansson-Nogués, *op. cit.* For instance, it seems that the “weight” of the colonial past is the reason why the Italian Government opposed, or certainly did not insist in proposing a name for the position of UN Special Representative in Libya, despite of the candidacy of Romano Prodi (in 2014) or Lamberto Zannier (in 2017) were largely expected at the UN. See F. Semprini, “Ecco perché l’Italia ha rinunciato ad avere l’inviato Onu in Libia”, *La Stampa*, 26 July 2017, www.lastampa.it.

9. I. W. Zartman, “States, boundaries and sovereignty in the Middle East: unsteady but unchanging”, *International Affairs*, Vol. 93, No. 4, 1 July 2017, p. 939. The shift between Tripolitania and Cyrenaica is particularly important in order to understand current political cleavages. The 1951 Constitution initially established a federal structure which provided provincial autonomy and a rotating capital between Benghazi and Tripoli. After the 1969 coup, Qadhafi moved political power and economic resources to Tripoli, exacerbating competition and resentment within the country.

10. Rome tried to return Tripolitania back with the Bevin-Sforza compromise, but the proposal was rejected by the UN General Assembly by one vote.

constituted an independent and sovereign state [...] not later than 1952". Idris al-Senussi, chief of the Senussi order, former emir of Cyrenaica and exiled political leader, was proclaimed King of Libya on 24 December 1951.

There were approximately 20,000 Italians in Libya at that time. Senussi's reign reinforced the interdependence between the two countries, especially in the construction sector. Muammar Qadhafi staged a coup in 1969 and the *Colonnello* defined his new policy towards Italy with a speech in Misrata on 9 July 1970, condemning colonialism and deciding to seize the assets of the Italian and Jewish communities and expel them from the country. The expulsion was promptly completed (with the exception of people employed in the energy and infrastructure sectors and 500 Italians considered "friends"): 352 farms, 500 shops and warehouses, 1,750 houses and apartments, 1,200 vehicles, tractors and planes were seized, for a total amount of 200 billion Italian liras.¹¹ Italy's moderate reaction allowed for a quick "reconciliation": at the beginning of the 1970s, dialogue between the Ministry of Foreign Affairs Aldo Moro (1969-1972) and Qadhafi led to the signature of important trade agreements involving major Italian companies in sectors such as energy and weapons.¹² Italy was then gradually perceived as a sort of bridge between Libya and the nascent European communities.

Yet the situation deteriorated again at the end of the 1970s: Qadhafi's pan-arabism, combined to his anti-Israel, anti-Western attitude and his support to international terrorist movements such as ETA and IRA, created contentions.¹³ The peak of the tension happened with the US bombing of Tripoli and Benghazi in 1986, two Scud missiles being fired from Libya in retaliation targeting a United States Coast Guard station in Lampedusa and falling short of the island, and the imposition of a UN embargo in 1992. The *détente* began only with the coming into power of Bill Clinton and resulted in an international rehabilitation in 2003, when Qadhafi apologized for the 1988 bombing of Pan Am Flight 103 over Lockerbie, Scotland; the sanctions were then removed.

During the 1990s and the early 2000s Romano Prodi, Massimo D'Alema and Silvio Berlusconi's successive governments in Italy worked to improve the relationship between Rome and Tripoli. After years of negotiations, started under the auspices of Prime Minister Prodi (2006-2008), Silvio Berlusconi and Muammar Qadhafi signed in August 2008 a "Treaty on Friendship, Partnership and Cooperation", whereby Italy agreed to pay \$5 billion as compensation for its occupation of the country,

11. A. Del Boca, *Gli italiani in Libia. Dal fascismo a Gheddafi*, Bari: Laterza, 1991.

12. M. Cricco, "La questione libica nella politica estera italiana degli anni Cinquanta, Sessanta e Settanta", in: M. Borgogni and P. Soave (eds.), *Italia e Libia. Un secolo di relazioni controverse*, Ariccia: Aracne Editore, 2015, pp. 173-200.

13. F. Casini, "Gheddafi, la fine di un dittatore", in: M. Borgogni and P. Soave (eds.), *ibid.*, pp. 201-226

pledging investments in construction projects (including a coastal highway from Tunisia to Egypt and energy facilities), as well as student grants and pensions for Libyan soldiers serving in the WWII, in exchange of a firm commitment to stop illegal migrations. Indeed, the migration flows crossing the Mediterranean from Libya had emerged as a top priority in Italian politics, both for centre-left and centre-right governments. Berlusconi labelled the Treaty “a material and emotional recognition of the mistakes that our country made to <Libya> during the colonial era”,¹⁴ possibly marking the first time a European head of state formally apologized for colonialism.

The deal was actually suspended in February 2011 after the beginning of turmoil. Italy first adopted a cautious, even adverse attitude during the first weeks of the crisis, yet quickly switched to a more robust approach, taking part in the “Odyssey Dawn” operation.¹⁵ After the overthrow of Qadhafi’s regime, Italy established good relations with the post-revolutionary governments of el-Kheib, Zeidan and al-Thini, with the explicit aim of resuming the implementation of the 2008 Treaty.¹⁶ But the outbreak of civil war in 2014 pushed Italy to change strategy. The new Prime Minister, Matteo Renzi (2014-2016), leader of a centre-leftist government with centre-rights “additives”, identified a new strategy based on four points: sustaining the UN-led initiative to stabilize the country; presenting Italy as a potential leader for peacekeeping operations; promoting an EU approach to managing migration flows; sustaining the efforts of ENI, the most important Italian energy company, to maintain its position in the country.¹⁷ Rome considered a military option between 2015 and the beginning of 2016 when chaos was at its highest, but this option was set aside due to the lack of a series of conditions, the achievement of an intra-Libyan consensus on Sarraj’s Cabinet among others. Nevertheless, in September 2016 Rome deployed a mission, “Ippocrate”, setting up a military hospital in Misrata, and, apparently Italian Special Forces regularly operate in Tripolitania and Cyrenaica, running training activities. In addition to this, Italy granted the use of its military airbases for US air operations against Islamic State-affiliated groups in the city of Sirte in August 2016. The Italian external intelligence and security agency, AISE

14. “Italy Agrees to \$5 Billion Libya Reparations”, *The New York Times*, 30 August 2008, www.nytimes.com.

15. Operation Odyssey Dawn was the Denmark, Italy, Norway and US name for their military support of Resolution 1973 (the British name was “Operation Ellamy”, the Canadian was “Operation Mobile”, and the French one was “Opération Harmattan”). From the end of March 2011 the operation continued under NATO command as “Operation Unified Protector”.

16. R. Aliboni, “La politica libica dell’Italia”, *Istituto Affari Internazionali*, June 2016, p. 3 www.iai.it.

17. *Ibid.*, p. 4.

(Agenzia informazioni e sicurezza esterna), has established a widespread network across the whole country.¹⁸

Renzi resigned in December 2016 and his Secretary responsible for intelligence services, Marco Minniti, was appointed Minister of Interior in the newly formed government headed by Paolo Gentiloni. Minniti is the architect of Italy's new Libyan policy,¹⁹ structuring past efforts and implementing old provisions through a revised engineering, with the aim of stemming mass migration from Africa, Asia and the Middle East, through Libya and across the Mediterranean. It is worth mentioning that this new strategy, which lies at the crossroads between internal and external security concerns, is conceived and unfold by the Ministry of Interior, and not by the *Farnesina*, the Ministry of Foreign Affairs and International Cooperation, led by Angelino Alfano. This choice has certainly led to prioritizing security concerns in conceiving the new Italian approach to a country on the brink of collapse. The work of Minniti adds up to the traditional multilateral attitude of Italian foreign policy which aims at promoting a political solution to the crisis, supporting the institutions validated by the LPA, and supporting the UN process of national reconciliation, preventing the possible dismembering of the country, perceived as a serious threat to the Italian national interest.

18. D. Raineri, "Forze speciali e servizi italiani si portano avanti con 'il lavoro' a Bengasi", *Il Foglio*, 16 April 2016, www.ilfoglio.it.

19. J. Horowitz, "Italy's 'Lord of the Spies' Takes On a Migration Crisis", *The New York Times*, 4 August 2017, www.nytimes.com.

Rome's "multi-track" approach

Since the early 1990s, Western Libya has emerged as one of the key launching points for boat departures of migrants and refugees (although it is hard to identify people fitting neatly into either category and the use of this distinction is contentious)²⁰ trying to reach the Italian shores and the rest of Europe. Sub-Saharan Africans have migrated to Libya for decades in search of employment opportunities and better living conditions, but the changing security environment in the country and the evolution of the smuggling network into an international web of human trafficking, shifting from a local business affair to an industrial phenomenon²¹ are raising the pressure on Italian shores. With the fall of a regime which held power for 42 years, the realities of migration networks appeared in broad daylight. Some Italian media compared this tragedy to the *mattanza*: a traditional Sicilian tuna fishing practice consisting of trapping tunas at the end of a complex corridor of nets, which could supposedly describe the situation lived by thousands of people from Africa, Asia and the Middle East, stuck in Libyan detention centres at the final stage of their journey to Europe.²² Qadhafi "had long served as Europe's *de facto* border guard and never hesitated to leverage this role in order to gain greater political and economic concessions from his counterparts across the Mediterranean"²³: during his last visit in Rome in August 2010 he claimed that Europe should have paid Libya at least €5 billion.²⁴ Once his regime collapsed, the volume of human flows, as well as the number of registered disasters, exploded. Only in 2017, more than 2,800 people died in the Central Mediterranean while trying to cross the sea to Europe. Since Libya never officially delineated its search-and-rescue area and only recently sent a request to

20. According to the United Nations High Commissioner for Refugees (UNHCR), refugees "are persons fleeing armed conflict or persecutions" while migrants "choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons".

21. S. Gallieni, "La Libia secondo Nancy Porsia, fra mafie, anarchia, ingerenze delle potenze regionali, migranti abusati e voglia di pace di un popolo", *A-dif.org*, 11 June 2017.

22. "Libia, 27 migranti morti soffocati in un container merci", *La Stampa*, 24 February 2017, www.lastampa.it.

23. P. Tinti and T. Westcott, "The Niger-Libya Corridor: Smugglers' Perspectives", *Institute for Security Studies/The Global Initiative against International Organized Crime, ISS Paper 299*, November 2016, p. 3.

24. "Gaddafi Wants EU Cash to Stop African Migrants", *BBC*, 31 August 2010, www.bbc.com.

the International Maritime Organization (IMO) in this respect, Italy has *de facto* assumed search-and-rescue responsibilities outside Libyan territorial waters.²⁵ In 2013, Rome launched a naval operation called Mare Nostrum (2013-2014), then followed by other missions: Triton (replaced by Operation Themis in February 2018), Operation Sophia and Operazione Mare Sicuro.²⁶ This effort is assisted by that of international NGOs, which rescued one-quarter of all the persons saved in 2016: nine NGOs operated in the Central Mediterranean route through dedicated rescue patrols: MOAS (Migrant Offshore Aid Station), Médecins sans Frontières, SOS MEDITERRANEE, Sea Watch, Jugend Rettet, Sea Eye, Life Boat Minden, Proactiva Open Arms, and Save The Children. This fleet rescued one-quarter of all the persons saved in 2016, but due to a new code of conduct approved by the Italian Government in Summer 2017, judicial investigations and fear of the increasing Libyan coast guard presence, their numbers started decreasing. Since 2013, the number of people crossing the Mediterranean had risen exponentially: from 15,900 arrivals in 2012 to 181,000 in 2016. In March 2017 Marco Minniti stated that he expected more than 250,000 migrants to reach the Italian shores before the end of the year.²⁷ But something changed that year: from July to December, there was a dramatic fall in the number of people crossing the Mediterranean – more than 34% less compared to December 2016. Overall, 119,300 people arrived in 2017.²⁸ In the first two months of 2018, there was again a 65.5% reduction compared to the same period last year.²⁹ Why such a sudden decline? It seems that the Italian attempt to reduce the flow, through mending the fragments of Libyan political and social landscape, began to bear fruits.

As already mentioned, reducing the number of people navigating to its shore, acting in the last bottleneck before aspiring migrants reach the Mediterranean is the first political priority for Rome. Stabilizing the country is a prerequisite to blocking the flow. In order to do it, Rome is pursuing a “multi-track” approach: talking with Sarraj in Tripoli and Haftar in Tobruk, directly engaging tribes in the South of the country, cities and militias. In addition to this, several agreements have been signed both

25. Human Rights Watch, “EU: Shifting Rescue to Libya Risks Lives. Italy Should Direct Safe Rescues”, *op. cit.*

26. Triton: 2014-2018 and Themis have been conducted by Frontex, the European Union’s border security agency; Sophia: 2015-present, European Union Naval Force Mediterranean (EUNAVFOR Med); Mare Sicuro: coordinated by the Italian Navy.

27. M. Ludovico, “Sbarchi, oltre 200 migranti al giorno. L’allarme del Viminale: +67%”, *Il Sole 24 Ore*, 15 March 2017, www.ilsole24ore.com.

28. Ministero dell’Interno, Cruscotto statistico giornaliero, 4 January 2018, www.libertaciviliimmigrazione.dlci.interno.gov.it.

29. Ministero dell’Interno, Cruscotto statistico giornaliero, 8 March 2018, www.libertaciviliimmigrazione.dlci.interno.gov.it.

at a bilateral and international levels with Libya's neighbouring countries, such as Mali and Niger, where Rome recently decided to open an embassy and send up to 470 soldiers in 2018 to "guarantee stability in the area and fight illegal trafficking of migrants".³⁰

Managing migration flows through dealing with competing governments

The reopening of the Italian embassy in Tripoli in January 2017 exposed the Sarraj government to renewed tensions with its competitors in the capital. The following month, Gentiloni and Sarraj signed the "Memorandum of understanding on cooperation in the development sector, to combat illegal immigration, human trafficking and contraband and on reinforcing border security", basically committing to revamping part of the "Treaty on Friendship, Partnership and Cooperation" signed in 2008 and then "mothballed" due to the uprisings of 2011 and the following political instability.

The Memorandum, which adopts a very generic and sometimes legally imprecise language,³¹ has two main objectives: to control the migration flows and to support the development of the region. Rome has pledged money, training and equipment to help the UN-backed government to manage land and sea borders. Basically, the 8-article text says that the two parties will establish military and security cooperation to dam migrant flows and face the consequences of this situation.³² With this purpose, the Italian government is providing technical and technologic support to the Libyan border police and coast guard, under the lead of the Ministry of Defence, and to the Ministry of Interior, and also helps implementing the control system of land borders in the South of the country. Furthermore, Italy is committing to support and finance programs targeting renewable energy, infrastructure, health, transports, human resource development, education, and scientific research. As of today, Tripoli asked for 10 boats for research and rescue activities, 10 patrols, 4 helicopters, 24 rafts, 10 ambulances, 30 jeeps, 15 cars, the total cost reaching €800 million.³³ In the summer of 2017, the Libyan coast guard began to effectively take

30. "Italy Approves Military Mission in Niger, More Troops to North Africa", *Reuters*, 17 January 2018, www.reuters.com.

31. A. Palm, "The Italy-Libya Memorandum of Understanding: The Baseline of A Policy Approach Aimed at Closing All Doors to Europe?", *EU Immigration and Asylum Law and Policy Blog*, 2 October 2017, www.eumigrationlawblog.eu.

32. P. Gentiloni and F. M. Sarraj, "Memorandum d'intesa sulla cooperazione nel campo dello sviluppo, del contrasto all'immigrazione illegale, al traffico di esseri umani, al contrabbando e sul rafforzamento della sicurezza delle frontiere tra lo Stato della Libia e la Repubblica Italiana", www.governo.it.

33. F. Sarzanini, "Gommoni, elicotteri e la sala-radar Per la Libia piano da 800 milioni", *Corriere della Sera*, 20 March 2017, www.corriere.it.

charge of the country's territorial waters, which the Italian fleet was authorized to enter to provide technical support, answering to an official request from the Sarraj government.

The decision to directly support the coast guard made the “mending” operation conceived by the Italian Government a substantially contentious move. The Libyan coast guard is fragmented: nominally it operates under the GNA Ministry of Defence; however, it is practically a prerogative of different militias. Since May 2017, 4 out of 10 patrol boats have been delivered to the Libyan coast guard and 89 people have been trained to use them. Reportedly, among them was Abdurahman Al Milad Aka Bija, known as Al Bija, the commander of the coast guard in Zawiya,³⁴ who is, according to Nancy Porsia, the undisputed leader, the “kingpin” of the human traffic trade in this coastal area of Western Libya, a region which includes some of the most important departing ports for migrants. In short, the Italy-Libya agreement is calling for people deeply involved in the human smuggling industry to stem the trafficking³⁵, as smugglers working in the west of Tripoli pay Al Bija his stake, under the threat of having their boats intercepted, stranded at sea and their “load” brought back to the Al Nasser Detention Centre in Zawiya (that belongs to Al Bija's Abu Hamyra tribe).³⁶

Externalising the control of European borders to Libyans could prove to be an opaque and counterproductive strategy for other reasons. Indeed, according to a recent report by Human Rights Watch, Libyan forces lack capacity, equipment and training to safely perform search-and-rescue obligations.³⁷ The limits of the Libyan coast guard's skills gained more evidence in the last few months: in May 2017 the Libyan fleet opened fire to an Italian patrol and in November, during a rescue operation with Sea Watch ship, they departed suddenly at full speed provoking many casualties among migrants at sea. Warning shots and direct threats of violence from the coast guard are reportedly quite common.

Supporting the coast guard is not the only disputable aspect of the Italian strategy. By deputising Libyan authorities to prevent migration and outsourcing the responsibility to save people, Italy opens up to the possibility to disembark people in Libya, where they “face arbitrary

34. F. Bechis, “Come non funzionano le motovedette italiane della Guardia costiera libica”, *Formiche.net*, 17 May 2017, www.formiche.net.

35. N. Porsia, “The Kingpin of Libya's Human Trafficking Mafia”, *TRT World*, 20 February 2017, www.trtworld.com.

36. Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (S/2017/466), UN Security Council, 1 June 2017, www.un.org.

37. According to the HRW report, Libyan coast guard forces' patrol boats intervene “in rescues already in progress by nongovernmental organizations,” use “threatening behavior likely to induce panic,” shot fires, creating destabilising waves and risks of collision and fail “to provide life jackets to people seeking rescue from unseaworthy vessels”. Human Rights Watch, *op.cit.*

detention in abysmal conditions”.³⁸ Libya is a party to UN protocols against smuggling and trafficking of human beings but has not ratified the 1951 Refugee Convention. The country criminalizes undocumented entry, exit, and stay and does “not distinguish between migrants, refugees, asylum seekers, victims of trafficking, or other particularly vulnerable groups”.³⁹

According to most of the people who experienced the journey, their worst experiences happened inside Libya. Indeed, in the absence of a central government, migrants have become preys of kidnappers, militias, businessmen and smugglers. From the South of Libya to the Mediterranean shores, in almost every step of their journey, migrants are stuck segregated in rudimentary conditions in connection houses or detention centres, where most of them are obliged to do forced-labour. In these camps, only around 30 of which are under the control of the Directorate for Illegal Migration,⁴⁰ while the others are managed by armed militias, people undergo all forms of threat and extortion, some of them being put in cages without food, where they are beaten, burnt, lashed, fire-branded, raped, sold on a kind of slavery market.⁴¹ In addition to this, there is evidence of an expanding blood and organ trade, in particular kidney and liver.⁴² Once they reach Libya, it is very difficult for migrants to go back to their home countries: according to the ISS/Global Initiative report “the line between smuggling and trafficking often blurs once in Libya”.⁴³

The inhuman conditions of Libyan detention centres have troubled the equilibria within the Italian government, in particular between Minniti and Mario Giro, deputy Minister of Foreign Affairs who claimed that returning migrants to Libya means “condemning them to hell”.⁴⁴ In order to face rising international pressures and intra-Government disputes, Italy is struggling to contribute to facilitating the presence of international

38. *Ibid.* According to the International Convention for the Safety of Life at Sea (SOLAS), disembarkation could occur only in “place of safety”, where survivor’s life “is no longer threatened and where their basic human needs (such as food, shelter and medical needs) can be met”. Asylum seekers cannot be disembarked in places where their lives and “freedoms of those alleging a well-founded fear of persecution would be threatened.” This is the reason why in 2012, European Court of Human Rights condemned Italy for pushbacks to Libya in 2009. And this is the reason why migrants are disembarked in Italy or Malta. But, if they are rescued by Libyan forces, it is improbable they are led to foreign countries.

39. *Ibid.*

40. Many people witness that in official centres there are the same illegal practices common in unofficial ones. For examples, in camps which received forms of support from international organizations migrants refer to be asked to demand their families at home to pay an additional ransom to the detention centre under the threat to be pushed back in neighbouring countries.

41. P. Tinti, “Nearly There, but Never Further Away”, *Foreign Policy*, 5 October 2017, www.europeslamsitsgates.foreignpolicy.com.

42. P. Lambruschi, “Libia, ecco le prove del traffico d’organi”, *Avvenire*, 21 August 2016, www.avvenire.it.

43. P. Tinti and T. Westcott, *op. cit.*, p. 13.

44. M. Menduni, “Giro: ‘Fare rientrare quelle persone vuol dire condannarle all’inferno’”, *La Stampa*, 6 August 2017, www.lastampa.it.

organizations, such as IOM and UNHCR, involving Italian NGOs into the management and control of centres in Libya and organizing humanitarian corridors from Libya to Italy.⁴⁵

While the Italian support to the Sarraj government was quite straightforward and the Memorandum has already been implemented, the attitude showed towards Haftar was much more cautious. Although the Field Marshal has emerged as a major player since the beginning of the crisis (due to his control over Cyrenaica, his military success against Islamist militants and to secure key oil terminals, his strong ties with Egypt and Russia), it was only after the meeting between Sarraj and Haftar, conveyed by the newly elected French President Emmanuel Macron on 25 July 2017, that the Italian government organized a first official visit of the Field Marshal in Rome. Apparently, Italy had not tried before to put together the two biggest players of the crisis, even if Rome had facilitated dialogue between the two parties, hosting the first meeting between the President of the High Council of State of Tripoli, Abdulrahman Sewehli, and the President of the House of Representatives of Tobruk, Aghila Saleh, in April 2017.⁴⁶

The rapprochement with Haftar is symptomatic of a changing balance of power within the Government, based on the line defended by the Ministry of Interior, Marco Minniti.⁴⁷ Relations with Haftar had often been contentious, the Field Marshal accusing Italy of violating Libya's sovereignty. Haftar visited Rome twice, in September and December 2017, meeting with ministers of the Gentiloni's government (Minniti, Alfano and Roberta Pinotti, the Defence Minister) as well as with ENI and AISE. Rome currently wants to include Haftar into a political and diplomatic solution to the crisis, after the tensions brought about by Italy's rising activisms in the country and the establishment of the military hospital in Misrata. In the wake of this effort Rome opened a consular office in Tobruk in June 2017. In addition to this, according to Mattia Toaldo, re-approaching with Haftar goes along with softening tensions with Egypt, which had been strained by the murder of Giulio Regeni in February 2016.⁴⁸ Italy recalled its former ambassador Maurizio Massari and appointed in May 2016 a new, non-

45. In December 2017 162 refugees and migrants from Eritrea, Ethiopia, Somalia and Yemen were relocated to Italy by plane directly from Libya. Minniti declared that this scheme will be replicated with other 10,000 people in 2018. See M. Specia, "In a First, U.N. Evacuates Dozens of Refugees from Libya to Italy", *New York Times*, 23 December 2017, www.nytimes.com.

46. "Libia, a Roma il primo incontro tra i vertici di Tripoli e Tobruk", *Corriere della Sera*, 22 April 2017, www.corriere.it; A. Gozzi, "Libia, Scaroni: 'Petrolieri più forti dei politici'", *Quotidiano.net*, 29 July 2017, www.quotidiano.net.

47. "Libia, il patto che 'regala immunità ai contrabbandieri' a danno dei migranti", *Redattore Sociale*, 8 September 2017, www.redattoresociale.it.

48. Giulio Regeni was an Italian PhD student at Girton College, Cambridge, doing research on Egypt's independent trade unions. He was abducted and tortured to death at the beginning of 2016.

resident one, Giampaolo Cantini, who was finally posted in Cairo in August 2017, since “completing” the Italian strategy to block migrants in the Mediterranean required to reactivate good relations with Egypt.⁴⁹

Tribes, municipalities and armed militias

Describing Libya as a collapsing country does not mean that the political arena is empty. Italy is dealing with a context where “political orders are still produced, albeit predominantly or even exclusively on the local and regional level by city councils, tribal politicians and tribal councils, businessmen and entrepreneurs, militia leaders, former elites of the Qadhafi regime, former army officers, ethno-political movements of minorities such as the Tubu, the Tuareg and the Amazigh (Berber), and by various Islamist factions”.⁵⁰

The second pillar of the Italian strategy to curb the influx of migrant thus adapts to this political context: dealing directly with the local actors, tribes, cities and, seemingly, armed militias as legitimate interlocutors in the management of the crisis. Indeed, a report of the Associated Press published at the end of August,⁵¹ pointed out a deal on the control over migrant departures between the Gentiloni and Sarraj’s governments and the “Al-Ammu” (also known as Brigade of the Martyr Anas al-Dabashi, affiliated with the Ministry of Defense) and the “Brigade 48” militias, the two most powerful militias in the city of Sabratha. Both are affiliated with Sarraj cabinet: “Al Ammu” with the Ministry of Defence and “Brigade 48” with the Ministry of Interior. This affiliation allowed the Italian government to consider working with a part of the recognized government. Italian officials visited Sabratha weeks before the entry into force of the deal and had several meetings with members of the militias.⁵² It is a fact that since summer 2017 the number of migrants leaving Sabratha, one of the main launching points to Europe, dramatically decreased. As was the case for Al Bija, *de facto* in control of the coast guard in Zawiya, Al-Ammu and Brigade 48 were considered the “kings of trafficking” in Sabratha,⁵³ and are now moving from the market of human trafficking to the market of extortion: in return for their involvement in damming the flow, the militias receive equipment, boats, salaries and, most importantly, impunity for

49. M. Toaldo, “The Thread between Giulio Regeni and Italy’s Migration Deal”, *Madamasr*, 7 September 2017, www.madamasr.com.

50. T. Hüskén and G. Klute, “Heterarchy, Connectivity and Locality Emerging Forms of Political Organization from Libya to Northern Mali” in: A. Varvelli (eds.), *State-Building in Libya. Integrating Diversities, Traditions and Citizenship*, Milan: Reser DOC, 2017, pp. 92-93.

51. M. Michael, “Backed by Italy, Libya Enlists Militias to Stop Migrants”, *Associated Press*, 29 August 2017, www.apnews.com.

52. *Ibid.*

53. *Ibid.*

other forms of illicit smuggling.⁵⁴ Such a controversial deal would contradict Minniti's commitment to "not allow to human traffickers to manage the future of our democracies".⁵⁵ The Italian Ministry of Foreign Affairs indeed denied the deal, stating that "the Italian government doesn't negotiate with traffickers." But even "if no money is paid, the idea that these groups are the gatekeepers to Europe gives them huge leverage".⁵⁶ Moreover, the deal destabilized Sabratha, unleashing tensions among different militias involved in the smuggling yet who were not part of the agreement.⁵⁷

Engaging with tribes is another pillar of the Italian multi-track strategy. It is particularly interesting to observe how the Italian engagement with tribes in the South of Libya will interact with the "art of not being governed" or "the art of ensuring trans-local sovereignty" and more in general with the concept of "heterarchy" or "heterarchical political orders", as developed by German anthropologist Georg Klute.⁵⁸ Libya is a country where popular affiliation to tribal social organization and culture is of great importance. Even under the rule of Qadhafi, tribes enjoyed significant political autonomy; they were not dissolved by the sedentarization and urbanization taking place after the discovery of oil.⁵⁹ This key political role has been recognised by the Italian government, which invited 60 tribal leaders to gather in Rome at the beginning of April 2017. Among them were representatives of the Tuareg of the Southwest (a people spread among northern Niger, northern Mali, southern Algeria and southern Libya), the Toubou of the Southeast (spread among northern Niger, Chad and southern Libya), and the Arab tribe of Awlad Suleiman (in the city of Sabha and other areas in Fezzan). After 72 hours of secret

54. "Libia, il patto che 'regala immunità ai contrabbandieri' a danno dei migranti", *op. cit.*

55. "Minniti: 'I diritti dei migranti? Un mio impegno personale'", *La Stampa*, 3 September 2017, www.lastampa.it.

56. D. Walsh, J. Horowitz, "Italy, Going It Alone, Stalls the Flow of Migrants. But at What Cost?", *The New York Times*, 17 September 2017, www.nytimes.com.

57. F. Semprini, "Così le milizie di Sabratha combattono per i soldi italiani", *La Stampa*, 27 October 2017, www.lastampa.it.

58. This concept describes the situation in which a state loses its "predominant position and becomes one player (albeit often first among equals) among a number of political actors who negotiate the political order on a horizontal plane. The state loses parts of its sovereignty (such as control over its borders and borderland economies) and has to share it with others." See: T. Hüsken, "The Practice and Culture of Smuggling in the Borderland of Egypt and Libya", *International Affairs*, Vol. 93, No. 4, 1 July 2017, p. 913.

59. "After the revolution in 1969 the Gaddafi regime decreed the abolition of the tribe as a legal unit and reorganized local administrative structures according to the leader's interests, explicitly replacing 'tribal politicians' with followers of the revolution. However [...] Gaddafi failed in his attempts to co-opt the younger generation as forces of the revolution in order to turn them against the local sovereign power of the conservative tribal establishment. Instead, local tribal politicians bypassed and even appropriated Gaddafi's system of basic congresses and committees. In his later years Gaddafi himself turned towards tribal affiliation and alliances as an overarching principle of politics. He developed skilful strategies to involve the tribes in his regime and contrived to co-opt some tribal elites as his accomplices and partners.", in: T. Hüsken, *op. cit.*, p. 902.

talks, supported by the GNA, the leaders reached a 12-point deal, agreeing to cooperate on securing the country's borders: a border patrol unit will be operational to monitor the 5,000 km border.⁶⁰ This agreement marks a significant role in the consolidation of the Italian influence in Fezzan, a region which is twice the size of Italy but inhabited by only 400,000 people. Minniti suggested to the tribe leaders to set up a sort of “confraternity” to broker with Tripoli and the neighbouring countries with one voice. On its side, Italy committed to support this effort with investments and creating job opportunities in their territories⁶¹ and offered to tribe leaders money to compensate for the loss of revenues from human smuggling,⁶² a difficult objective as this activity generates annual revenues estimated between \$1 and \$1.5 billion.⁶³ In fact, tribes in the country have long lived on the movement and trade of goods through the desert⁶⁴ and smuggling enabled “communities to sustain themselves in the face of neglect, abandonment or the absence of Libya’s formal governing bodies”.⁶⁵ Pushing the tribes to give up on this practice means to associate them to the Italian struggle to reduce the number of migrants crossing the country, but without guaranteeing economic imperatives, all parties concerned by smuggling activities have little incentive to crack down on the networks.⁶⁶ The 12-point deal, which interferes with very precarious equilibria,⁶⁷ is part of a broader set of attempts previously conducted by other international actors or NGOs to mediate intertribal conflicts, gathering leaders of rival tribes. For example, after two years fighting for the control of the city of Ubari, the Tuareg and the Toubou signed a peace agreement in Doha in

60. MEE and agencies, “Italy Brokers Deal with Libyan Tribes to Help Curb Migrant Influx”, *Middle East Eye*, 2 April 2017, www.middleeasteye.net.

61. E. Scalfari, “Minniti e il piano Africa ‘Aiuti alle tribù in Libia se serve anche militari’”, *La Repubblica*, www.ricerca.repubblica.it.

62. Smuggling can be defined as “a transgressive economic practice that is embedded in the wider social, political and cultural connectivity”, a connection which transgresses state borders, uses customary law as a shared legal frame and collides with state sovereignty and territorial integrity. See T. Hüskén, *op. cit.*, p. 899.

63. International Crisis Group, “How Libya’s Fezzan Became Europe’s New Border”, *Middle East and North Africa Report*, N° 179, 31 July 2017, www.crisisgroup.org.

64. In recent years, gold was discovered all over the Toubou territory, which along with the south of Libya includes the Tibesti region in Chad and parts of northern Niger. See J. Tubiana, “After Libya, A Rush for Gold and Guns”, *Foreign Affairs*, 26 February 2016, www.foreignaffairs.com.

65. P. Tinti and T. Westcott, *op. cit.*, p. 8

66. Indeed, according to Tinti and Westcott, “the broader smuggling economy not only sustains migrant smugglers but also local institutions and state (or quasi-state) functions. Niger’s state anti-corruption agency found that state security forces would not be able to function were it not for these bribes paid by smugglers and migrants. ‘The security forces recognise that they take money, but they have no choice. That is money they use to do their jobs’, the deputy head of the agency told Reuters. The Reuters report concludes that security forces would not be able to purchase basic necessities – such as fuel, spare parts for vehicles or even food – without these bribes.”, in: P. Tinti and T. Westcott, *op. cit.*, p. 16.

67. For example, the National Toubou Assembly stated that the Toubou who had signed the Rome deal were not the legitimate representatives of the Toubou community. See “Tebu Body Rejects Rome Deal with Tuareg and Awlad Suleiman”, *Libya Herald*, 6 April 2017, www.libyaherald.com.

November 2015. In 2016, the Awlad Suleiman and Toubou tribes met in Rome to sign a joint declaration on the city of Sebha, facilitated by the Comunità di Sant'Egidio.⁶⁸ The same parties signed a permanent Peace and Reconciliation Agreement at the end of March 2017 (just before reaching the deal on migration flow) supported by the Italian Ministry of Interior and facilitated by the Ara Pacis Initiative, another Rome-based NGO.⁶⁹

Tribes are not the only actors of local dynamics who are being integrated in the Italian strategy. Involving the mayors of cities, especially along the smuggling routes, is also a way to bypass the chronological limits of action of national actors. In Mid-February 2017, Minniti met with ten mayors who took an unmarked aircraft for “top secret operation in Rome.” According to Felice Colombino, the Ministry of Interior chief communications officer, the parties “signed an agreement to reconcile conflicts and try to reduce illegal immigration from Libya”.⁷⁰ Weeks later, on 14 March, a delegation of mayors of 17 Libyan cities met in Rome with the Ambassador Perrone and representatives from the Italian Ministry of Foreign Affairs and the National Association of Italian Municipalities (as part of cooperation between the Geneva-based Centre for Humanitarian Dialogue⁷¹ and the Ministry of Local Government of the UN-backed Government). Minister Minniti promised the realization of schools, hospitals, electricity and water supply networks, sport facilities, video-surveillance systems, and police stations. Cooperation with local authorities was deemed crucial to empower economic alternatives to human smuggling in the area, and by the end of August 2017, 12 cities had already sent their requests: Al Maya, Al Shueref, Bani Walid, Qatrun, Janzur, Khoms, Kufra, Sabratha, Zwara, Surman, Zawiya and Misrata.⁷² Even before the deal, Libyan municipalities had already played a significant role in Italian foreign and intelligence policy: for example, the mayor of Ghat, Komani Muhammad Saleh, played a key role in the negotiations to release three kidnapped Italian workers in November 2016.⁷³ The Italian intelligence, triangulating with the mayor, the Sarraj

68. The same organization had already mediated an agreement with politicians and activists of the Fezzan, representing the various tribes of the region, in order to allow the sending and distribution of humanitarian aid in the area, ensuring the presence of the International Red Cross, the Italian Cooperation and other NGOs.

69. F. Fubini, “Se l'Italia aiuta la mia tribù, fermiamo il traffico di uomini”, *Corriere della Sera*, 3 April 2017, www.corriere.it.

70. A. Ben Ibrahim, “Libyan Mayors Visit Italy to Discuss Cooperation”, *The Libya Observer*, 4 March 2017, www.libyaobserver.ly.

71. Centre for Humanitarian Dialogue, “Libyan Mayors Hold Historic Meeting to Promote Their Country's Stability”, 8 December 2017, www.hdcentre.org.

72. F. Sarzanini, “Scuole, ospedali e reti idriche: il piano del governo per aiutare la Libia”, 29 August 2017, www.roma.corriere.it.

73. According to Cacace, Conicos established as a very recognized institution in that region, helping population during water and electricity scarcity. See F. Cravero, “Italiani rapiti in Libia, Cacace

cabinet and representatives of the Tuareg tribe was able to set contacts with local militias.⁷⁴

To sum up, the “multi-track” approach pursued by the Italian Government, talking with Sarraj in Tripoli and Haftar in Tobruk and involving directly tribes in the South of the country, cities and militias, has strongly contributed to the reduction of migrant flow to Italy but raises many concerns about the inhuman conditions of migrants in Libyan detention centres and the legitimacy of empowering questionable actors without a clear greenlight from a stable national authority, possibly interfering with future prospects for peace and stability.

racconta: ‘Per resistere non pensavamo a famiglia e cercavamo di ridere’”, *La Repubblica*, 7 November 2016, www.repubblica.it.

74. G. Longo and F. Grignetti, “Libia, gli ostaggi italiani liberati grazie alle tribù tuareg”, *La Stampa*, 6 November 2016, www.lastampa.it.

Trade and economic interdependence

The management of migration flows is only one in the many fields of interaction between Italy and Libya. Since the 1950s, the two countries have developed strong economic relations which resisted many moments of strain, international isolation and embargo during the 1980s and 1990s⁷⁵ and, although severely affected, survived the overthrow of Qadhafi and the instability following in the country. Until 2014, 133 Italian companies maintained a presence in Libya.⁷⁶ In 2016, trade exchanges between Italy and Libya amounted to 2,9 billion euros, - 41,1% compared to 2015⁷⁷ and far less than the 20 billion recorded in 2008.⁷⁸ The share of oil and other energy products accounted for about 80% of the Italy-Libya exchanges in 2016.⁷⁹ The Italian *Mezzogiorno* (South), which has a deep specialization in energy products, contributes on its own for about 60% of Italian exports to Libya.⁸⁰ In fact, the fall of oil prices and instability in Libya have affected primarily the most Southern regions of Italy.⁸¹

Two major institutions play a crucial role in Libya's economic reliability and their stability is of the utmost importance to conceive a full restoration of economic ties between Italy and Libya: the Central Bank of Libya, where oil money is paid and government money is distributed, and the National Oil Corporation (NOC), which dominates Libya's oil industry.

Libya as a pillar of Italy's energy security

Libya has the largest proven oil reserves in Africa and ranks 21st in natural gas reserves at a world scale. Its economy is largely depending on the

75. R. Aliboni, *op. cit.*, p. 2.

76. M. Fattorini, "La guerra in Libia uccide le aziende italiane", *Linkiesta*, 25 February 2015, www.linkiesta.it.

77. "Economic Relations between Italy and the Mediterranean Area", *SRM*, 7th Annual Report, 2017, p. 23.

78. A. Carli, "Mediterraneo mercato da 500 milioni di consumatori. E l'Italia guarda alla Libia", *Il Sole 24 Ore*, 7 July 2017, www.ilssole24ore.com.

79. *SRM*, *op.cit.*, p. 24. Other than energy, the agri-food sector offered good opportunities for growth to Italian companies, but the breakdown of the Libyan economic system led to a drop of 25% in 2014 in this sector. "Libia: guerra taglia del 25% export alimentare", *ANSA*, 20 February 2015, www.ansa.it.

80. *Ibid.*, p. 39.

81. *Ibid.*, p. 34.

energy sector, which represents over 95 per cent of its export earnings. The oil and gas sector accounted for about 60% of total GDP in 2016.⁸² Italy, a country extremely dependent on energy imports, is the leading recipient of Libyan energy:⁸³ even if the flows from Libya to Italy were affected by the civil war, Tripoli was in 2016 Italy's sixth supplier of oil (5%) and the third of natural gas (7%).⁸⁴ Protecting these flows is crucial for Italy, and Operazione Mare Sicuro was also conceived with the aim of avoiding disruptions in energy exports and ensuring the security of onshore and offshore infrastructures.

By the end of 2017, Libya produced around 1 million barrels of oil per day, less than the 1.6 million pumped before the 2011 uprising, but a radical improvement compared to the 426,000 barrels produced per day in 2016: this increase was largely due to the rapid recapture of most of the Libyan territory by the Libyan National Army under the commandment of Khalifa Haftar, who has been "the force of liberation" for Libyan oil, taking "control over key ports from militia factions".⁸⁵ However the industry is still under strain, the National Oil Corporation (NOC), despite being "one of the few functioning parts of Libyan society", struggling to pay suppliers and engineers while getting only 25% of the budget required for 2017.⁸⁶ How to share oil rent between the competing governments is one of the main problems in planning the future of the country: energy, at the foundation of the rentier nature of the Libyan state, will play a critical role in the economic reconstruction.

Many international players are dealing with the Libyan energy industry, such as ENI for Italy, Total (France), Repsol (Spain), Wintershall (Germany) and Occidental (United States). The policies of these countries on the ground are deeply influenced by their energy stakes. ENI started operating in the country in 1959. The Italian government (through the Ministry of Economy and the Cassa Depositi e Prestiti) owns around 30% of golden share in the company, which is a fundamental piece of Italian foreign and intelligence policy. ENI has been labelled a "parallel state",⁸⁷ often regarded as a "spearhead for furthering Italian strategic interests in the region", and has also "in many ways fed back on Italian foreign policy,

82. "Libya facts and figures", OPEC, www.opec.org.

83. "Country Analysis Brief: Libya", US Energy Information Agency, 19 November 2015, www.eia.gov.

84. "The Italian Strategy in the Mediterranean", *Ministero degli Affari Esteri e della Cooperazione Internazionale*, November 2017, p. 35, www.esteri.it.

85. D. Kaletovic, "The Battle For Libyan Oil Is Heating Up", *OilPrice.com*, 18 December 2017, www.oilprice.com.

86. A. Raval and D. Sheppard, "Libya Warns Its Oil Recovery Is under Threat", *Financial Times*, 11 October 2017, www.ft.com.

87. A. Greco and G. Oddo, *Lo Stato Parallelo*, Milano: Chiarelettere, 2016.

contributing to shaping it over the years”.⁸⁸ Production activity is carried out in the Mediterranean Sea near Tripoli and in the Libyan Desert area. Although ENI activities were affected by the 2011 popular protest, they gradually recovered and in 2016 the group reached the highest level of production since the outbreak of the civil war, with a production of 346 kboe/day (roughly 1/3 of current Libyan production), approximately 20% of the group’s total production for the year.⁸⁹ It has recently discovered new resources in the basin of Gamma and will start production from the basin giant offshore Bahr Essalam by 2018. The Mellitah Oil and Gas compound, near Sabratha, is the departing point of the Greenstream pipeline for the import of gas produced at the fields of Bahr Essalam and Wafa. This is a crucial infrastructure for Italy energy security since the pipeline connects the compound with Gela, in Sicily, where gas is distributed to the national network. According to some sources,⁹⁰ the compound, operated by both ENI and NOC, was protected by the Al Ammu militia, the same that was in charge of “stopping” migrants’ departures from Sabratha. The brigade had started to guard the facility West of Sabratha in 2015. In September 2017, clashes exploded in the city between the Al Ammu and the Operation Room (created in 2016 to force Islamic State militants from Sabratha)⁹¹ and Al-Wadi brigade. It seems that the main reason behind the clashes was the control of migration flows, being all warring parties “friends making fortune from illegal immigration until the Italian government popped up and paid Anas Dibbashi Brigade millions of euros, according to Italian media claims, in order to stop illegal immigration”.⁹² The battle ends with the ousting of the Al-Dabashi, and Operation Room takes over protection of the Mellitah Compound.⁹³

Stable energy exchanges are a mutual interest, being ENI the major supplier for Libyan power generation. This interdependence also involves other domains, and ENI’s “dual flag” strategy has led to the building of several facilities for local populations: schools, infrastructures, houses, and financed programmes to preserve the country’s cultural heritage. Executive education programmes organised by the Company have trained several Libyan ministries and officers over the past decades.⁹⁴

88. M. Villa, “In for the Long Haul: Italy’s Energy Interests in Northern Africa”, ISPI Commentary, 30 May 2016, www.ispionline.it.

89. “Eni’s Activities in Libya”, ENI, www.eni.com.

90. M. Michael, *op.cit.*

91. A. Elumami, A. Lewis, “Armed Force Claims Victory in Libyan Migrant Smuggling Hub”, *Reuters*, 6 October 2017, www.reuters.com.

92. A. Ben Ibrahim, “ISIS Fighting Operation Room declares victory in Sabratha”, *Libya Observer*, 6 October 2017, www.libyaobserver.ly.

93. A. Elumami, “Armed Faction Takes Over Protection of Libyan Oil and Gas Complex, Fresh Concern Over Migrants”, *Reuters*, 7 October 2017, www.reuters.com.

94. N. Sartori, “Noi e la Libia”, *Il Post*, 24 January 2016, www.ilpost.it.

A double-edged economic exposure

More than 6 years of political and economic standoff have severely affected business. Italian companies are now exposed for around 900 million euros in credits with Libya, an issue which has not been appropriately addressed so far.⁹⁵ On the other side, several investments pursued by the sovereign wealth fund of the country, the Libyan Investment Authority (LIA), before the fall of Qadhafi in Italian companies and strategic assets, such as FIAT, ENI, UniCredit, Mediobanca, and the Juventus Football Club have been frozen by the UN sanctions in 2011⁹⁶. Italy was the country where LIA invested the most.

Nevertheless, the ambition to be the best placed once the political situation improves is strong. This led to the organisation of the first Italian-Libyan economic forum held in the city of Agrigento in July 2017, which brought together more than 100 Italian representatives of the energy, construction, communication and finance sector. Among them were some of the major Italian groups, such as Sace and UniCredit (banking and credit agency), Italferr and FSI (railway transportation), Anas and Trevi (roads and infrastructure), Leonardo (aerospace, defence and security), IVECO (vehicle manufacturing), Eni and Terna (Energy). The forum was introduced by a joint declaration of Angelino Alfano and the Libyan vice president of the Presidential Council, Ahmed Maiteeg, on economic cooperation.

In the course of 2017, Italian companies won several important contracts in Libya. In July 2017 the transportation ministry of the Sarraj government and AENEAS, an Italian consortium, signed a contract to rebuild the Tripoli International Airport, closed in 2014 after having been severely damaged, with two new terminals, one for international flights and another for domestic ones.⁹⁷ ENAV, the Italian air navigation service provider, is realizing the control tower at the airport of Mitiga and is training its air traffic controllers. The Joint Commission established with the 2008 Treaty has also been reactivated, with the aim to relaunch the project for the coastal highway, and support the rehabilitation of the Libyan infrastructure system.⁹⁸ One should also mention that Italy maintains 10 archaeological missions in Libya which could possibly play an important role to revive the tourism sector in the future. Finally, trade

95. Primo forum economico Italia-Libia – Agrigento – 8 luglio 2017, Camera Italo-Libica, www.cameraitalolibica.it.

96. H. Saleh and A. England, “Libya Sovereign Wealth Fund Chief to Appeal to UN Over Frozen Assets”, *The Financial Times*, 19 April 2017, www.ft.com.

97. “Mystery Italian Consortium Given Contract for Tripoli International Airport”, *Libya Herald*, 5 July 2017, www.libyaherald.com.

98. Ministero degli Affari Esteri e della Cooperazione Internazionale, *op. cit.*, p. 22.

routes between Libya have continued to be operational even during the most acute phases of the conflict. The Tarros Lines and Ignazio Messina shipping companies and the Italian-Swiss MSC still offer weekly routes between many Italian ports⁹⁹ and Tripoli, Misrata and Khoms.

99. Such as Ancona, Genoa, Gioia Tauro, La Spezia, Palermo, Salerno and Venice.

Informal spaces for cooperation and illicit trafficking in the Mediterranean

Between the Italian and the Libyan shores a variety of actors playing in geographical proximity interact and cooperate accompanying traditional diplomatic channels or bypassing physical boundaries.

The “war of fish” and informal diplomatic networks

Until the 1950s-1960s Sicilian fishermen operated in the waters off Libya and Tunisia without any concerns, some of them spending the night in North African ports before coming back home.¹⁰⁰ Yet fishing in the Central Southern Mediterranean has become a much more complex business by now. The sea between Italy and Libya is a paramount resource for both countries. There are unsolved disputes between Tripoli and the international community on the extension of its national waters: a dozen Italian fishing vessels have been seized since 2005, when Libya asserted that its territorial waters extended more than 70 miles off shore, well beyond international agreements.¹⁰¹ In addition to this, fisheries policy is an exclusive competence of the EU and disputes need to be addressed at European level. A Sicilian local organization, the *Distretto della Pesca e Crescita Blu*,¹⁰² led by Giovanni Tumbiolo currently claims that the “war of fish” between Italy and North African countries has cost Italy over €100 million euros so far, as a consequence of the seizure of more than 150 fishing boats (6 of which were never returned), 27 wounded and 3 deaths.¹⁰³ The Italian Navy was regularly involved in protecting Italian

100. For more information about relations between Sicily and Tunisia please refer to D. Settineri, “Migrati a sud. Storia e storie di siciliani in Tunisia”, *Dialoghi Mediterranei*, No. 3, August 2013, www.istitutoeuroarabo.it.

101. “Italian Navy Takes Control of Fishing Boat Seized by Armed Men”, *The Guardian*, 17 April 2015, www.theguardian.com.

102. Fisheries and Blue Growth District.

103. L. Bagnoli, “La guerra del pesce con Tunisia e Libia colpisce duro la Sicilia. I pescatori salvano i migranti ma nessuno difende il loro business”, *Business Insider*, 19 October 2017, www.it.businessinsider.com.

fish boats from being attacked and in preventing seizures, which were sometimes performed by the same patrol units offered to Libya by the Italian governments.¹⁰⁴ In this context, the *Distretto* has done a significant job in building up formal and informal relations with political relevance and transformative impact, although it is not possible to portray a comprehensive picture of the implications this *modus operandi* could produce. Tumbiolo developed over decades strong networks with members of different Libyan governments, local representatives and associations, transcending political fractures on the ground. In February 2017, he wrote a letter to Ayoub Omar Qassem, spokesperson of the government led by Fayez Al Sarraj, and to Ahmed El-Mismari, Libyan National Army's spokesperson, proposing a meeting to establish economic deals and scientific cooperation agreements in order to protect the Mediterranean Sea in the areas of Benghazi – Derna and Misrata – Tripoli, thus forging new spaces for dialogue and cooperation. The same month, he gathered in Palermo representatives of fishing departments, port authorities and companies from Tripoli, Benghazi and Tobruk, with the aim of establishing a sort of road-map to set up technical and scientific cooperation between the two shores, developing solutions for common infrastructures and innovative production techniques, promoting sustainable practices.¹⁰⁵ This informal network of dialogue involving fisherman communities thus managed to bypass state-level mediation and conflictuality.

Weapon and drug trade

Drugs, weapons and oil are common areas of interest for armed militias and criminal networks. While European governments are increasingly focusing on Libyan borders, little attention “is being paid to the continent's biggest frontier: the sea”.¹⁰⁶ The transit of goods, weapons and drugs across the Tyrrhenian Sea and the Strait of Sicily involves several actors in Italy and Libya. According to police sources, hundreds of “ghost ships” involved in illicit trafficking turn off their tracking devices while sailing close to Libyan ports, bogus shipping logs, and unusual coastal stop-offs and inexplicable voyages are registered in the Mediterranean. According to the *Financial Times*, in January 2016 “540 cargo ships entered European ports after passing through the territorial waters of terrorist hotspots Syria and Libya, as well as Lebanon, for unclear or uneconomic reasons during the

104. T. Ardagna, “Libia, Tumbiolo si rivolge a Gentiloni: «Il Governo assicuri l'incolumità dei nostri pescatori»”, *Distretto della Pesca e Crescita Blu*, 28 March 2017, www.distrettopescaecrescitablu.it.

105. T. Ardagna, “Incontro storico fra Tumbiolo, Cracolici e i vertici della pesca libici”, *Distretto della Pesca e Crescita Blu*, 16 February 2017, www.distrettopescaecrescitablu.it.

106. S. Jones, “Europe's Ports Vulnerable as Ships Sail Without Oversight”, *Financial Times*, 4 February 2016, www.ft.com.

course of their voyages”.¹⁰⁷ A recent report from Windward, an Israeli maritime intelligence company, warned those ships “could be involved in arms, drugs or human trafficking and eventually pose a terrorist threat.”¹⁰⁸ Police operations against these activities are quite common. For example, in 2016, the *Guardia di Finanza* (the Italian financial guard) blocked in Genoa a haul of teasers destined to the Government of National Salvation and guns and munitions directed to Misrata,¹⁰⁹ and the EU-funded Operation Sophia often carries out investigations on ships suspected of arms smuggling.¹¹⁰ A trafficking of cars from Libya (via Tunisia), involving goods for €10-12 million, was later discovered in the same port;¹¹¹ it had been established to finance terrorist activities in Europe. At the beginning of May 2017, Italian police seized in the port of Genoa 37 tons of psychotropic medications used by jihadists to enhance battle performance, produced in India with destination to ISIS-affiliated groups in Libya (estimated value: around €75 million). Genoa and Gioia Tauro (and, supposedly to a lesser extent, Ravenna, Marghera, Livorno and La Spezia) emerged as the Italian hubs for such drug trafficking.¹¹²

Last July, the European Union decided to extend the mandate of Operation Sophia to the fight against illicit trafficking of oil. The Procura of Catania is leading an investigation, called “Dirty Oil”, on Italian and Maltese brokerage firms acting as intermediaries between Libyan smugglers and Italian refineries and distributors. In October 2017, people from Italy, Malta and Libya were put in jail, among them Fahmi Mousa Saleem Ben Khalifa, leader of the most powerful militia of Zwara.¹¹³ The prosecutor of Catania, Carmelo Zuccaro, did not exclude the possibility that some of the men targeted in this investigation could be behind the murder of the investigative journalist Daphne Caruana Galizia, who was killed by a car bomb in Malta on 20 October.¹¹⁴

107. *Ibid.*

108. A. Cohen, “Italian Police Seizes 37 Tons of Drugs Designed for ISIS in Libya”, *RT*, 8 May 2017, www.rt.com.

109. M. Grasso and M. Indice, “Genova, bloccato carico di pistole elettriche”, *The Medi Telegraph*, 30 August 2016, www.themeditelegraph.it; and “Traffico di armi da Genova per la Libia”, *The Medi Telegraph*, 6 November 2015, www.themeditelegraph.it.

110. “Operation Sophia Crews Act Again to Implement UN Arms Embargo”, *European External Action Service*, 19 June 2017, www.eeas.europa.eu.

111. T. Fregatti and M. Indice, “Porto di Genova, traffico d’auto per finanziare la jihad”, *The Medi Telegraph*, 15 January 2017, www.themeditelegraph.it.

112. M. Grasso, M. Indice and M. Menduini, “Da Gioia Tauro a Genova: il contrasto alla droga passa dai grandi porti”, *La Stampa*, 19 February 2017, www.lastampa.it

113. F. Sarzanini and F. Naddeo, “Gasolio rubato in Libia da miliziani dell’Isis e rivenduto in Italia ed Europa: 6 arresti”, *Corriere della Sera*, 18 October 2017, www.corrieredelmezzogiorno.corriere.it.

114. L. Tondo, S. Kirchgaessner and J. Henley, “Death of Maltese Journalist ‘Could Be Linked to Fuel-Smuggling Network’”, *The Guardian*, 24 October 2017, www.theguardian.com.

Conclusion: the ambiguous implications of a “molecular” policy

Engaging a negotiation with the broken Libyan system in order to tackle global phenomena such as international migrations, global terrorism and transnational criminal networks and to secure Italian strategic asset needs a comprehensive strategy and a long-term political vision.

Three main issues dominate the complex relation between Italy and Libya: the management of migration flows; energy security and economic exchanges; and cooperation with local counterparts to ensure the security of the Strait of Sicily. Italy lacks a structured Mediterranean policy and the international projection of the country in Libya was entrusted to the Ministry of the Interior. The strategy of Marco Minniti has led to a “molecular” policy towards the area (which includes negotiations with Sarraj and Haftar, and involves tribes in the South of the country, cities and militias) that is successful to some extent, being a 34% reduction of migration flows in 2017 compared to 2016. Yet there are risks to empower and legitimise wrong actors, bring out ambiguous players and definitely endanger prospects for peace in the country, mortgaging the future of Italy-Libya relations. The sustainability of the “mending” approach proposed by Minister Minniti to stem the flow of people crossing Libya depends on the moves and reliability of a number of “menders” (local, national and international) and of the potential clashing of their conflicting interests. Sovereignty is eroding at all levels in Libya and alternative centres of power compete, with the country sliding into complete chaos.

Rome is struggling with this complex approach while the Italian public, not so aware of the many linkages between the two countries and their common past,¹¹⁵ remains extremely sensitive to the migration issue. According to the 2017 IAI/LAPS report, border security and the management of migration flows are the top foreign policy priorities for 66% of the interviewees (a spectacular jump from 30% in 2013).¹¹⁶

115. The production of specific literary products, a national debate on colonial heritage, the impact of experts and pundits on Libyan affairs are extremely limited in Italy.

116. Università di Siena and IAI, “Gli italiani e la politica estera”, October 2017, p. 9, www.iai.it.

Anti-migrant sentiments played a critical role in the victory of populist parties, the Five-Star Movement and the League, during the last general elections.

As already mentioned, “playing with molecules” is bearing some fruit, having the number of migrants and refugees arrived in Italy in the last months dramatically reduced. Despite this result, the inhuman living conditions of migrants in Libyan connection houses and detention centres are prompting the international community to react. On 14 November 2017, the United Nations blamed the Italian approach to the migrant crisis in Libya, saying that the “European Union’s policy of assisting the Libyan Coast Guard to intercept and return migrants in the Mediterranean was inhuman”. According to the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, “the suffering of migrants detained in Libya is an outrage to the conscience of humanity”.¹¹⁷ Italy actually wanted to implement in Libya the same arrangement that the European Union reached with Turkey, externalising migration control to the “access gate” to Europe, putting aside the fact that the Sarraj Government does not have the control of the territory and has subcontracted many functions to armed militias. Despite relative success in reducing the human flow, the funds enriched militias or corrupted coast guard officials that were in charge of people smuggling in Western Libya. This connexion, which has been regularly denied by the Government, but proved by many national and international news agencies confirming the emergence of a complex system of interaction with para-State actors, has already affected the credibility of the Italian approach and its sustainability in the long term. Italy has probably legitimised some actors to the detriment of others, unleashing clashes among different militias. In addition to this, the “dogma” of Libyan sovereignty has prevented the Italian government to leverage more influence on the management of detention centres or on the signature of international conventions on human rights from the Libyan counterparts. Furthermore, the deal with Libya emboldens other regional players, such as Tunisia, to claim renewed agreement and new funds from Rome while the number of migrants leaving their shores goes up.

The involvement of questionable actors in the protection of Italian energy facilities in Libya is another area of concern. One cannot exclude that Italy becomes hostage of this approach one day, which may have a political cost, as the case of the Lafarge case in Syria recently showed.¹¹⁸

117. “UN Human Rights Chief: Suffering of Migrants in Libya Outrage to Conscience of Humanity”, *OHCHR*, www.ohchr.org.

118. Former executives of the French cement and construction group Lafarge are under investigation due to claims of having agreed to pay money to jihadist groups in order to continue operating the group’s plant in Jalabiya, Syria.

Italian companies who operate in Libya are vehicles of the international projection of the country and their engagement with unofficial players should be attentively monitored.

At the same time, Italy could capitalize its “multi-track” strategy, using engagement with local actors, to foster the pacification of the country. Due to the important role played by tribes in being “local producers of order”, tribalism might indeed be the solution rather than the problem.¹¹⁹ According to Barah Mikail, “due to their political and social influence, tribes can also have an important role in solving Libya’s current crises [...] the authority they have on the people that belong to their “community” makes ‘asabiya (social cohesion) a potential driver for appeasement’”.¹²⁰ Mediate tribal conflicts and deescalate mutual rivalries, as Italy is doing, could be of great importance to overcome societal cleavages, contributing to the stabilization of the country. “When the right moment comes, ethnic and tribal divisions can one day be bridged again”,¹²¹ provided that the “mender” has a real comprehension of realities on the field and the entangled equilibria among tribes, clans, families and influential social leaders (elders, wisemen, and notables).¹²² Confidence-building measures and the establishment of permanent channels of communication are two critical tools to structure an informal network that could sustain the institutional rebuilding of the country. Supporting through these channels the rehabilitation of the economy could also “reduce the pervasiveness of smuggling and undermine the smugglers’ business model”.¹²³ At the same time, promoting informal agreements among local actors along the shores of the Mediterranean could forge new spaces for dialogue and cooperation, softening the “war of fish.”

The “molecular” approach carried out by the Gentiloni Government in Libya should thus be viewed as a double-edged strategy. Rome aspires to be recognized as holding a special responsibility for the country, due to geographical proximity, its colonial heritage and the geo-strategic relevance of Libya, but this proactive attitude might be perceived as an external interference motivated by domestic affairs and political expediency, discrediting the entire strategy. Supporting only the actors that

119. W. Kraus “What Is a Middle Eastern Tribe?”, in: A. Varvelli (ed.), *State-Building in Libya: Integrating Diversities, Traditions and Citizenship*, Milan: Reset DOC, 2017, pp. 73, 59.

120. B. Mikail, “Security and Stability in Libya: The Way Forward”, *Stractegia*, 27 July 2017, www.stractegia.com.

121. C. Gazzini, “Traversing the Tribal Patchwork of Libya’s South West”, *Crisis Group Commentary*, 12 June 2017, www.crisisgroup.org.

122. V. Collombier, “Dialogue, Mediation and Reconciliation in Libya’s Local Conflicts”, in: L. Narbone, A. Favier and V. Collombier (eds.), *Inside Wars: Local Dynamics of Conflicts in Syria and Libya*, Florence: European University Institute, 2016, p. 33.

123. L. Narbone, “Libya’s Illegal Migration: The Urgent Need for a New Strategy”, *The Independent*, 13 June 2017, www.theconversation.com.

can second the short-term vision of the Gentiloni Government, mainly focused on stemming migration flows, means exposing the country to possible retaliation from those who have not been empowered in this precise political phase, while they could play a role in a future reconciliation. It means giving in to blackmailing from questionable players, enriching militias (reinforcing their capacity to buy more weapons) and inciting centrifugal forces. Finally, it entails accelerating local processes and dynamics which could need additional time before being fully decrypted in all their aspects (as it could be in the case of tribes in the South of the country). In the coming months, it will be interesting to see to which extent the current approach will be implemented by the next Government. The 4 March general election ended in a stalemate (with the centre-right alliance winning a plurality of seats in the Chamber of Deputies and in the Senate, and the anti-establishment Five Star Movement becoming the party with the largest number of votes), and resulted in a hung parliament.

Influence should be managed with care: Rome, “mending” the Libyan fragmentation without a credible vision risks to put itself in a bad light for future negotiations, losing the role it wants to play to the benefit of other regional powers and potentially worsening the many security threats coming from the southern shores of the Mediterranean.



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