

Strategic Sectors | **Culture and Society**

Mixed Flows at the Borders of Europe: The Case of Lampedusa

Lorenzo Coslovi¹

Researcher

Centro Studi Politica Internazionale (CeSPI), Rome

The Central Mediterranean Route: The Largest Maritime Gateway to Europe

In 2013, the central Mediterranean migratory route,² which saw approximately 43,000 arrivals, confirmed its status as the leading channel for mixed flows to Europe by sea, with Italy as the primary destination. There are several, well-known reasons that Italy – and, in particular, the Pelagie Islands – is the main destination of trans-Mediterranean migratory flows: the proximity to key countries of origin and transit and, in particular, to the extraordinary migratory hub that Libya has become; the scant appeal of Malta and Cyprus, the other two natural destinations; the professionalism of the smuggling and trafficking rings; and the limitations imposed by the migratory agreements Italy has signed with the countries of the Southern Mediterranean, agreements that, over the years, have failed to take into account their heavy exposure, first, to the fickleness and, now, to the instability of these countries' governments.

In 2013, some 43,000 people reached the Italian coast. More than half of them (27,000) set out from Libya, although significant increases were registered in arrivals from Egypt (about 9,000), Turkey, Greece and Syria, with landings on the coasts of Calabria and, to a lesser extent, Puglia. This increase in arrivals in 2013, which saw exponential growth in the second half of the year, was partially due to the

worsening of the Syrian crisis and the secondary movements of Syrian refugees resulting from the deteriorating conditions for refugees in Egypt following the ouster of President Morsi. The other main countries of origin are the same as in earlier years: the Horn of Africa (nearly 10,000 Eritreans and more than 3,000 Somalis), Nigeria (2,600), Egypt (2,300) and Mali (1,000).

As a result of these geographical origins, about 70% of the people who arrived in 2013 fulfilled the requirements to apply for international protection.³ Attention should also be drawn to the high number of minors (around 8,000), and, among them, unaccompanied minors (3,818), who undeniably constitute a greater challenge for the Italian reception and protection system. In this context, Lampedusa has once again emerged as both the main port of entry, having received close to 15,000 arrivals over the year, and a geographical and symbolic crossroads for the contradictions and challenges posed by mixed flows at the EU's external borders. The increase in arrivals over the course of the year, the dissemination of audiovisual material on the degrading treatment received by migrants in Lampedusa, and, especially, the accident of 3 October (366 dead off the coast of the island), have disturbed consciences and redirected Europe's gaze towards the burden of despair and death concentrated on its southern borders.

The Debate in Italy

As a result of the October tragedy, which occurred just days after Italy was strongly reprimanded by the

¹ This article was finalised before April 2014 (Editor's note).

² According to the classification by Frontex, this route refers to irregular migration from Northern Africa towards Italy and Malta across the Mediterranean Sea.

³ Estimates by the Italian Council for Refugees (CIR).

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Parliamentary Assembly of the Council of Europe, the key points of the mixed-flow management system have become the subject of intense and extensive debate in both Italian society and politics.

There are four main points under discussion: i) the urgent need to reform the reception system, whose macroscopic limits – despite recent improvements – are once again on display in the form of the deplorable conditions at the reception centres and the repeated violations of the dignity of the migrants held there; ii) the need to revise the country's immigration law, especially the amendments introduced by the so-called “security package”; iii) the need to rethink the cooperation agreements signed with the countries of origin and departure (including Libya) to ensure, once and for all, that they provide for the full respect of migrants' and refugees' fundamental rights; and iv) the need to test “humanitarian channels” that enable the safe arrival of refugees and asylum seekers.

However, the measures introduced by the current grand coalition government – made up of political forces with very different views on certain aspects of migratory policy – were limited and, at least in terms of external cooperation, have internally continued in the same line as that followed by the previous executive.

The revision of the legislation, the measures to reform the reception system and the rules governing the length of the stay at identification and expulsion centres are all on the agenda for 2014. However, the debate over the existing proposals (reducing the

maximum stay at identification and expulsion centres to two months, increasing the number of territorial committees for the recognition of international protection, and reviewing the tender procedures for the management of reception centres) is likely to be hampered by the heterogeneity of the political forces that make up the executive branch, including differences that could be exacerbated by the possibility of new legislative elections.

In terms of migratory cooperation, over 2013, Italy tried to renew its agreements with Libya through a series of initiatives – e.g., the establishment of a High-Level Italo-Libyan Group and the launching of the SAHARA-MED project (to provide training for Libyan authorities and support for the modernisation of migrant detention centres) – which, above and beyond any official intentions, continue to focus on “shutting the tap” in Libya without paying much attention to the treatment meted out to migrants in that country.⁴

Lampedusa Is Europe

In the wake of the tragedy in Lampedusa, Italy has faced an urgent need to assure Europe of its capacity to reconcile the demands of controlling irregular migration with the even more important obligation of preserving human life at sea. At the same time, as the incoming flows were largely made up of asylum seekers sailing for Italy due only to its geographical location, Italy has requested greater involvement by the EU to handle the crisis of the arrivals.

The first objective has been pursued through the implementation of the military and humanitarian operation Mare Nostrum, a rescue and control system that enabled the interception and rescue of more than 6,000 people in the last quarter of 2013 and that, in the Italian government's view, should set the guidelines for future actions by Frontex. Launched on 18 October, the operation includes various naval and airforce (helicopter) units and involves a wide range of national authorities involved in the management and control of migratory flows (the navy, coast guard, army, *guardia di finanza* (Italy's tax and customs police) and Ministry of the Interior/national police).

⁴ Indeed, it should be noted that, while the component involving training of the Libyan security forces has already been initiated, the actions aimed at improving the detention centres have been blocked by Tripoli's refusal to collaborate with the Italian Council for Refugees – CIR, the body responsible for carrying them out.

The launch of Mare Nostrum has caused some confusion among certain sectors of Italian civil society and certain European governments. The former view the operation's launch as yet another step towards the militarisation of the Mediterranean and the resumption of a policy, through the cooperation with Libya, aimed exclusively at blocking refugees' escape routes.

In other segments of Italian society, and also certain Member States, the main criticism has revolved around the operation's possible unintended consequences. The visibility of the Mare Nostrum unit, mere kilometres off the Libyan coast, could have the effect of encouraging migrants to cross the sea and, thus, of enabling criminal organisations to increase both their customer base and the number of voyages made.

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Notwithstanding the legitimacy of these concerns, the deployment of the Mare Nostrum mechanism has undeniably enabled the rescue of thousands of migrants and, in a few cases, the criminal persecution of trafficking networks, thereby fulfilling the tasks assumed by the Italian government when it was launched. However, due to its high cost and the large number of resources and personnel involved, the operation can only be temporary and is by no means a lasting, long-term solution.

Appointment in June 2014

At the same time, Italy has pressured Brussels to include the Mediterranean dimension of migration on its political and operational agenda with a renewed spirit of shared responsibility and solidarity.

Aided by the wave of emotion that followed the events of October, the Italian demands found some

echo and a consensus of concern in the European Parliament resolution of 23 October 2013, with the establishment of the Task Force Mediterranean, the timely launch of Eurosur, and in the attention devoted to the migratory issue by the European Council meetings of both October and December. The commitment to dedicate the Council of June 2014 to a general review of the European approach to migration, including the thorny issue of asylum and the Dublin Convention, while in a certain sense serving to delay any actual decisions, nevertheless confirms an assumption of responsibility by Europe. The proposals drafted by the Task Force (border surveillance; assistance and solidarity; fight against smuggling and human trafficking; regional protection, resettlement and reinforced legal avenues to Europe; and cooperation with third countries) should serve as the guidelines and objectives to be pursued in the run-up to this major event.

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Despite all of the foregoing, in light of the great increase in arrivals, Europe's involvement was limited and essentially took the form of the granting of extraordinary funds (about €30 million) and the participation of Slovenia in the Mare Nostrum operation. The Council meeting in June will make it possible to determine how Europe and the Member States plan to apply the principle of shared responsibility and solidarity in the management of their external borders and how they hope to reconcile the need to control irregular immigration with the rescue and reception of asylum seekers and refugees, above all in those areas of intervention that are the most complicated to pull off (cooperation with third countries, border surveillance and the fight against smuggling and human trafficking). In this regard, it will largely depend on how the debate on the mandate and role of Frontex and Eurosur develops – in particular with regard to the level of autonomy to be assigned to the

agency and the measures to be implemented to harness Eurosur's full potential when it comes to fundamental rights – and on the level of commitment achieved as a result of the testing of programmes for protected entry and the relocation of refugees within the EU.

Getting Down to Work

In the lead-up to June, Italy should implement various urgent reforms. Given the large number of potential beneficiaries of international protection among those who reach the Italian coasts, the reform of the reception system and the rethinking of the bilateral cooperation approach with the countries of origin and departure are the two main areas of intervention. The implementation of an effective and efficient national system of reception and integration would finally make it possible both to overcome the emergency logic that, from the start, has characterised the Italian response and to better safeguard the fundamental rights of the people the country takes in. This, much more than the image of Lampedusa “overflowing” with refugees, would lend greater authority to Italy's demand for support from the EU, a justified request, at least in part, given the greater

burden involved in managing arrivals by sea compared to arrivals made across land borders. Likewise, without forgetting the control requirement, Italy must resume its cooperation with the countries of origin and departure in accordance with a logic of transparency, within a framework of full respect for international conventions, and under the complete control of Parliament. This new cooperation must be founded on the promotion of legal mobility, support for the reintegration of migrants on their return to their home countries, and participation in resettlement and protected entry programmes for asylum seekers and refugees. Within this framework, the cooperation could be expanded to include the promotion and strengthening of the reception and integration systems in third countries, a measure that is certainly complex and liable to a heavy dose of ambiguity, but that is also increasingly indispensable. These measures would make it possible not only to ensure greater respect for migrants' fundamental rights, but also not to waste the opportunity offered by the Italian search and rescue unit, whose primary members, i.e., state authorities and fishermen – notwithstanding certain extremely serious events⁵ and obstacles⁶ – stand out for their level of commitment and dedication to safeguarding human life at sea.

⁵ We are primarily referring to the events of 2009, when Italy returned numerous migrants of Eritrean and Somali nationality intercepted at sea to Libya. (See: European Court of Human Rights, *Hirsi Jamaa and Others v. Italy* - ECHR 075 (2012) 23 February 2012.) On other occasions, including the events of 11 October off the coast of Malta, in which hundreds of people lost their lives, the rescue and salvaging mechanism has been called into question by newspapers. (See, for example: GATTI, F. “La verità sul naufragio di Lampedusa,” *L'Espresso*, 8 November 2013.)

⁶ The willingness of fishermen to participate in rescue and salvaging operations may be negatively impacted by the possible economic consequences of doing so (suspension of the fishing licence, potential accidents during rescue operations, and the transfer of migrants), as well as the risks it can pose to the crew's own safety. The establishment of a guarantee fund for fishermen who suffer financial losses as a result of their involvement in rescue operations could help to reduce the weight of these obstacles.