

# **From Securitisation to Externalisation: A Journey through the Italian/Libyan Partnership on Migration**

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## **Abstract**

This research aims to analyse the process which led to the establishment of the Italian/Libyan partnership on migration. It will assess the process of adoption and harmonisation of restrictive asylum and migration policies of European Union (EU) member states as well as examine how the responsibility for assessing and managing asylum cases can be externalised to countries at the EU external borders and to non- EU countries. In the absence of a formal migration regime, Northern states have the power to choose those partners satisfying their interests and to transmit their policies to Southern states. Libyan cooperation on migration with Italy will be analysed in this context. Within this main aim there are three objectives: Explore the process which led to the rise of what can be defined 'Fortress Europe;' Explore inter-state relations within the refugee and migration regimes; Assess to what extent the Dublin System and the Safe Third Country notion influenced the establishment of the Italian/Libyan cooperation on migration. Part one will explore the process which led to the creation of what can be called Fortress Europe: attention will be paid to the securitisation of European borders and the implementation and harmonisation of restrictive migration and asylum policies. Part two will analyse inter-state power unbalance within the refugee and migration regimes and the way stronger states can impose their guidelines on weaker ones. Part three will argue that the Dublin System and the concept of Safe Third Country are among the instruments used by the EU / North Western EU states to delegate the responsibility for migration and asylum management to states at the EU external borders as well as the reason for its externalisation through bilateral agreements with third countries. Part four will provide an outline of the findings and of the research method employed.

**Key Words:** Dublin System, Safe Third Country, Italy, Libya, securitisation, migration governance, externalisation, non-refoulement.

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## **1. The Creation of the EU Migration and Asylum System**

Until the 1970s, migration in Europe was managed nationally through domestic administrative measures.<sup>1</sup> It has been only with the arrival of new migration flows since the 1980s, facilitated by advances in transportation and communication technology that this issue has become an integral part of the international agenda and attracted attention from politicians, academics, the media and the general public.<sup>2</sup>

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In particular, worldwide concerns over security resulting from the 9/11 events have contributed to negatively change the perception of irregular migrants and asylum seekers. These groups are associated with terrorists by virtue of the common use of clandestine routes of entry and are often believed to engage in criminal activities and abuse of the system in order to access to economic advantages.<sup>3</sup>

The regulation of migrants' entry is in most cases seen as necessary to guarantee national security and social peace: migration is severely restricted at times of economic recession, political instability and international tensions as well as when state sovereignty is perceived as being under threat.<sup>4</sup>

Over time, European states' anxiety to protect their territory against threats purportedly posed by migration and international terrorism has resulted into an increased securitisation of Europe's external frontiers.<sup>5</sup> Since the early 1990s EU countries have modified and harmonised their national legislation to reduce the number of people entering their territories.<sup>6</sup>

Among others, the EU *acquis communautaire*, the collection of EU principles which member states must incorporate as prerequisite for membership, aims to prevent secondary movements between countries through standardised treatment of asylum applications, as well as to devolve the responsibilities for the management of migration and asylum flows to states at the EU external borders.<sup>7</sup>

The implementation of an EU migration and asylum policy, to date, does not correspond to the enhancement of a harmonised system of protection. This can be exemplified, for instance, by the adoption of the principle of Safe Third Country<sup>8</sup> enabling the removal of asylum seekers to EU countries not necessarily capable of guaranteeing protection, on the grounds that protection can be sought everywhere within the EU.<sup>9</sup> Since the harmonisation process, all EU member states are considered safe and able to offer protection. As such, additional movements across states are deemed to be motivated by reasons other than the need for protection.<sup>10</sup>

International refugee law establishes that the country where an asylum claim is filed is responsible for its processing, as opposed to requiring asylum claimants to seek protection in the country of first arrival. EU member states, however, through the Dublin system often abuse the principle of 'first country of asylum' and invert the concept of responsibility sharing by expecting the country of first entrance to take responsibility for processing claims of asylum seekers entered in an irregular fashion, even when the country does not provide sufficient guarantee for protection and regardless of where the claim has been lodged.<sup>11</sup>

Although increasing the number of states where asylum seekers can in theory be returned and granted protection, when combined with the principle of Safe Third Country, harmonisation permits the redistribution of asylum seekers to transit countries and to those countries proximate to migration producing areas.<sup>12</sup>

EU countries, by virtue of bilateral readmission agreements, can also devolve their responsibilities by refouling asylum seekers to third countries on the grounds

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of the alleged protection provided there to those expelled<sup>13</sup> but without guarantee for its effective implementation: this is in stark violation of Article 33 of the Refugee Convention.<sup>14</sup> Non EU states can further expel asylum seekers to other countries without guarantee for a fair assessment of their claims: chain refoulement also represents a violation of article 33 of the Refugee Convention.<sup>15</sup>

## **2. Inter-State Relations within the Refugee and Migration System: North/South Cooperation**

To respond to the emergence of trans-boundary issues typical of the current globalised system, since World War II states have progressively developed a global governance system based on multilateral institutions and international organisations regulating issues ranging from security to trade.<sup>16</sup>

This global system does not include, however, a formal institutional framework able to regulate states' management of international migration; states, in fact, retain great autonomy for the determination of their migration policies according to their security and economic interests.<sup>17</sup> With the exception of the United Nations High Commissioner for Refugees (UNHCR) addressing asylum and refugee protection<sup>18</sup> and of the International Organisation for Migration (IOM) addressing international migration issues<sup>19</sup> there is no single formal structure regulating migration.

The lack of a formal migration regime, nevertheless, does not correspond to the lack of a global migration governance, given the emergence of a range of legislation and institutions regulating policy areas with a direct impact on migration.<sup>20</sup>

Alter and Meunier<sup>21</sup> note that, within the current informal migration regime, the number of international agreements and rules not hierarchically ordered makes it difficult to locate the agent responsible for an issue and as such reduces the clarity of legal obligations whilst increasing rule ambiguity and undermining accountability. These regulations have been developed in a way that allows Northern states to choose those partners able to satisfy their economic and security interests, to establish their level of participation as well as to transmit guidelines to Southern states.<sup>22</sup> In the absence of a formal governance system to ensure reciprocity, states with a less developed system are frequently pushed to accept the regulatory framework of stronger states, defining the terms of global migration governance.<sup>23</sup>

Southern states usually have a higher degree of dependency on primary commodities and have lower GDP per capita whilst Northern states have higher national incomes, more industrialised systems and major capacity to project their military and political power over others.<sup>24</sup> Despite the presence of the UNHCR as well as of the Refugee Convention and its Additional Protocol there is no adequate legal framework ensuring fair distribution of responsibility among states and

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adequate protection of those in need: burden sharing is mainly characterised by states' powers and interests.<sup>25</sup>

As noted by Betts and Millner within the two actors' model of the so called suasion game, one actor will be privileged and will need to be persuaded to cooperate whilst the other one will have little choice than to cooperate and to accept the often inconsiderable contribution offered by the most influential actor.

Within the refugee regime, Southern states would be those with little bargaining power, those forced to cooperate with Northern states by accepting the limited assistance offered to them given the few binding obligations Northern states have towards responsibility sharing and refugee protection.<sup>26</sup>

The suasion game which sees one actor satisfied and one other aggrieved<sup>27</sup> finds expression in the cooperation on migration between the EU/EU member states and Italy where the former expect Italy to reduce migration flows to Europe and to provide protection to those in need and the latter is obliged to accept the little assistance offered to it or to lose its credibility as responsible EU member state.

The 1990s saw countries of emigration such as Greece, Spain, Portugal and Italy turning into countries of immigration. Whilst still serving as transit migration routes to the North, Southern European countries started receiving long term migrants as a result of the gradual improvement of their economic systems and of the increasing push factors in developing countries.<sup>28</sup> Control measures implemented by North Western European countries to protect local economies and ensure security further pushed migrants to enter Europe via South and East.<sup>29</sup>

In this scenario, Italy, because of its limited infrastructure for receiving migration and the lack of a clear political strategy combined with its limited labour market capacity and its long coastline, has found itself struggling to manage migration flows.<sup>30</sup> The result has been the enactment of legislation developed on the policy model provided by Northern EU countries.

Furthermore Italy, seen as a gateway to European borders, has been progressively asked by other EU member states to impose stricter migration controls so as to prevent migration through the Mediterranean basin in line with its EU membership obligations.<sup>31</sup> By incorporating the core elements of the EU migration policy Italy has managed to join the Schengen area in 1998.<sup>32</sup> Geddes and Schuster<sup>33</sup> argue that migration and asylum policies in Europe are elaborated by the EU according to the agendas of its most influential member states and gradually transmitted and implemented by states at the EU external borders in collaboration with third countries, on the grounds of asymmetry of power between states.<sup>34</sup>

Geddes<sup>35</sup> in fact notes that the adoption by Southern states of restrictive migration legislation to satisfy the EU requirements has led to increased focus on external border management. Influenced by the EU policy model and to relieve part of the pressure experienced, Italy, for instance, has been one of the EU

countries supporting the idea of an engagement of the EU with migration producing countries.<sup>36</sup> As argued by Geddes<sup>37</sup> externalising migration controls frees states from some of the legislative and judicial constraints they face at national level.

### **3. The Intra-Territorial and Extra-Territorial Effects of the EU Migration and Asylum Policy: The Italian/Libyan Bilateral Readmission Agreement**

The Dublin System is vital to understand how Northern EU member states and the EU can impose guidelines on asylum and immigration legislation on frontier states.<sup>38</sup>

The Dublin Convention and Regulation, known as the Dublin System,<sup>39</sup> have both tried to deter secondary movements and multiple applications of asylum seekers within EU member countries. The System links responsibility for asylum processing with entry controls and attributes the duty for processing application claims to the main entry points to the EU.<sup>40</sup>

The Dublin System does not take into consideration the need for equitable distribution of responsibility across EU member states and triggers henceforth animosity amongst EU member states.<sup>41</sup> The System, in fact, by assuming that all EU member states have a fair and efficient asylum apparatus, allows signatory countries to expel asylum seekers to those states at the Southern and Eastern EU external borders characterised by semi developed asylum and economic infrastructures.<sup>42</sup> This has been defined by ECRE as the intra-European notion of 'protection in a different place.'<sup>43</sup>

The Dublin System has contributed to the transformation of Italy from a transit to a destination country by triggering the rise of the total number of applications upon arrival and by facilitating the return of asylum seekers from other states.<sup>44</sup> According to Human Rights Watch<sup>45</sup> the Dublin Convention, inter alia, explains why Italy has tried to counter the return of asylum seekers to its territory by externalising the responsibility to manage migration and asylum flows through a bilateral readmission agreement with Libya, strategic point of transit migration from Africa to Europe.<sup>46</sup>

The embracing of an EU asylum policy has an impact on the domestic policies of European states as well as of those outside the European borders.<sup>47</sup> The process of policy harmonisation started in 1997 with the Amsterdam Treaty is currently being developed through the adoption of bilateral agreements and through discussions on extra territorial processing.<sup>48</sup>

Byrne<sup>49</sup> distinguishes between intra-European deflection policies adopted by EU member states for the distribution of migrants and asylum seekers within the EU and external deflection policies for their re-distribution outside the EU.

Externalisation, consisting of delegating the control of EU borders to countries outside the EU, aims to reconcile European states' responsibilities for provision of refugee protection with the minimisation of its political, economic and social

implications.<sup>50</sup> The strengthening of protection capacities in third countries aims at shifting rather than sharing the physical responsibility for the management of migration outside Europe, by enabling the regions producing refugees and asylum flows to provide protection.<sup>51</sup>

Beside the Safe Third Country notion, externalisation has other two dimensions:<sup>52</sup>

**Capacity Building:** The development and strengthening of the asylum protection network within a third country so that member states of the EU can sign readmission agreements with it.

**Outsourcing:** The transfer of asylum seekers from EU member states to transit processing centres managed by the EU in third countries, without considering if they passed through these.

In the absence of a fair and equitable system of responsibility sharing, individual member states at the EU external borders are tempted to implement national policies for the physical distribution of asylum seekers to third countries to balance the responsibility posed on them in their capacity of country of first entrance.<sup>53</sup>

Readmission agreements with third countries are linked to the principle of Safe Third Country, also defined by European states as 'safe haven.' These in fact allow EU member states to legally return third country nationals to the country they passed through, where safe, in observance of the Refugee Convention and of their own national legislation, as embedded among others in Article 3.5 of the Dublin Convention and Article 3.3 of the Dublin Regulation.<sup>54</sup>

Readmission agreements are tantamount to an attempt to transfer responsibility for the treatment of asylum seekers to states outside the EU.<sup>55</sup> For instance, the migration readmission deal with Libya has allowed Italy to intercept asylum seekers and migrants in international waters and to return these to Libya with no consideration of their right to apply for asylum.<sup>56</sup>

The agreement between Italy and Libya was initiated by Italy as a result of the influx of irregular migrants to its Southern coasts at the end of the 1990s. Italy has for long time lobbied the EU for the lifting of the 18-year-old embargo on Libya as well as for the normalisation of its relations with Western countries, necessary for the provision of equipment to reduce migration flows.<sup>57</sup> Libya's geographical position and its intention to re-establish relations with the international community made the country a potential partner.<sup>58</sup>

Similarly to other states at the EU's external borders, Italy is held responsible for restraining migrants' entrance to the EU and hence has progressively developed a strategy based on restricting criteria for eligibility and the externalisation of the responsibility for managing migration to Libya.<sup>59</sup>

The 2008 Treaty of Friendship, Partnership and Cooperation between the Republic of Italy and Libya has called, for instance, for the patrolling of 2000 Km of Libyan coast with boats, devices and technology funded by Italy and the EU.<sup>60</sup>

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Libya has been induced by Italy to approve restrictive migration policies, among others, through the provision of financial and technical incentives.<sup>61</sup>

'Push back' measures have been defined by the Italian government as necessary to reduce irregular migration: most of those readmitted to Libya have been subjected to ill treatment and detention, removed from Libya to neighbouring countries or left stranded in the desert. Furthermore, Libya has signed readmission agreements on borders' control with Chad, Niger, Sudan and Egypt as well as implemented projects with the IOM to facilitate the return of irregular migrants.<sup>62</sup>

Migration affects not only receiving countries but also transit ones: many transit countries, in fact, are held accountable for controlling access of migrants to Europe and receive financial support in exchange of restrictive policies to hinder access through their borders.<sup>63</sup>

#### 4. Conclusions

This chapter argues that the Italian/Libyan cooperation on migration is the result of the so called Fortress Europe where EU member states have progressively restricted migrants' access to Europe and transferred the responsibility for preventing and managing asylum and migration flows to states at the EU external borders and from there to third countries.<sup>64</sup>

The EU's role is that of transmitting the agendas of the most powerful EU member states to those with less authority and to shape the EU asylum and migration policy according to the interests of the most influential countries.<sup>65</sup>

Migration policies implemented by North Western states push migrants to enter Europe via the South or the East.<sup>66</sup> Furthermore, the Dublin System and the concept of Safe Third Country have created a situation where a great part of the responsibility for ensuring security within Europe rests on frontier states.<sup>67</sup>

In this context Italy has tried to externalise its responsibilities for migration management to Libya, despite its ongoing violations of international standards.<sup>68</sup>

According to Ronziti<sup>69</sup> and Klepp<sup>70</sup> the Treaty itself has been the cause of human rights violations at the expense of those migrating given that Libya, at the time of writing, is not party to the Refugee Convention. Italy has cooperated on migration management and prevention rather than refugee protection by preventing the arrival of people and returning migrants to a country that fails to ensure their protection.<sup>71</sup> Besides, according to Andrijasevic<sup>72</sup> and Proasyl<sup>73</sup> push-back measures by Italian authorities have led to an infringement of the principle of non-refoulement, given that people on boats have not been allowed access to the Italian territory where they could have applied for asylum.

As argued by Andrijasevic,<sup>74</sup> however, the expulsion of third country nationals from Italy to Libya has constituted a retraction rather than an externalisation of the right to asylum. Externalisation, in fact, is based on the establishment of centres for the management of asylum claims outside the EU, the recognition of the notions of asylum seeker and refugee as well as the re-location of people at risk of

persecution in places where they have the right to apply for asylum: none of these conditions apply to Libya.

The initially planned research method for this work has focused on qualitative interviews with individuals with a deep knowledge of the subject. Policymakers have been thought to be those with a wider knowledge of Libyan cooperation with Italy and semi-structured interviews have been deemed to be the most suitable tool for the penetration of the respondents' point of view.<sup>75</sup> Difficulties in accessing policymakers as well as the material, financial and time constraints of this project, however, have been reasons for the gathering and analysis of qualitative secondary data only.

### Notes

<sup>1</sup> Emanuela Paoletti, 'Power Relations and International Migration: The Case of Italy and Libya', *Political Studies* 59, No. 2 (2011): 269.

<sup>2</sup> Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World* (London: Macmillan Press Ltd., 1993), 98, 165 and 166; Rey Koslowski, *Global Mobility Regime: A Conceptual Reframing*, *Transatlantic Academy at the German Marshall Fund*, 2008, 2.

<sup>3</sup> Koslowski, *Global Mobility Regime*, 5; Daphne Bouteillet Baquet, 'Passing the Buck: A Critical Analysis of the Readmission Policy Implemented by the European Union and its Member States', *European Journal of Migration and Law* 5, No. 3 (2003): 366; Hall Raymond, 'UNHCR: Falling Asylum Figures: A Wake up Call for the EU?', *Forced Migration Review* 23 (2005): 54; Jeff Crisp, 'Beyond the Nexus: UNHCR's Evolving Perspective on Refugee Protection and International Migration', *UNHCR* 155 (2008): 2.

<sup>4</sup> Amnesty International, *Living in the Shadows: A Primer on the Human Rights of Migrants* (Oxford: Alden Press, 2006), 21; Castles and Miller, *The Age of Migration*, 289.

<sup>5</sup> Andrew Geddes, *The Politics of Migration and Immigration in Europe* (London: Sage Publications, 2003), 131-132 and 135; Silja Klepp, 'Italy and its Libyan Cooperation Program: Pioneer of the European Union's Refugee Policy?', *Unbalanced Reciprocities: Cooperation in the Mediterranean Area*, ed. Jean Pierre Cassarino (Middle East Institute, 2010), 77; Paoletti, 'Power Relations and International Migration', 272.

<sup>6</sup> Castles and Miller, *The Age of Migration*, 98-100.

<sup>7</sup> Rosemary Byrne, 'Harmonization and Burden Redistribution in the Two Europes', *Journal of Refugee Studies* 16, No. 3 (2003): 339-342 and 346; Tim Morris, 'Chequered Progress towards a Common EU Asylum Policy', *Forced Migration Review* 23 (2005): 17.



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- <sup>8</sup> Amnesty International, *Refugees: Human Rights Have No Borders* (Oxford: Alden Press, 1997), 74-75: When considered safe, the country of first arrival will be responsible for processing an asylum claim and for granting protection.
- <sup>9</sup> Byrne, 'Harmonization and Burden Redistribution in the Two Europes', 337-338.
- <sup>10</sup> Michael Collyer, 'The Dublin Regulation, Influences on Asylum Destinations and the Exception of Algerians in the UK', *Journal of Refugee Studies* 17, No. 4 (2004): 376-378; ECRE, *Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered* (2008), 9.
- <sup>11</sup> Amnesty International, *Refugees*, 74: The only exception to this is when the asylum seeker has already been granted protection in another country. This country will be known as 'first country of asylum'.
- <sup>12</sup> Byrne, 'Harmonization and Burden Redistribution in the Two Europes', 343 and 347-348.
- <sup>13</sup> Corrado Bonifazi, 'European Migration Policy: Questions from Italy', in *Eldorado or Fortress? Migration in Southern Europe*, eds. Russell King, Gabriella Lazaridis, and Charalambos Tsardanidis (Hampshire: Palgrave Macmillan, 2000), 246.
- <sup>14</sup> UNHCR, *Convention and Protocol Relating to the Status of Refugees* (2010), article 33: 'No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened...'
- <sup>15</sup> Amnesty International, *Refugees*, 31 and 74.
- <sup>16</sup> Alexander Betts, 'Global Migration Governance', *The Global Economic Governance Programme* 43 (2008): 2, 4 and 6; Khalid Koser, 'Introduction: International Migration and Global Governance', *Global Governance* 16, No. 3 (2010): 306.
- <sup>17</sup> Koser, 'Introduction: International Migration and Global Governance', 301-302; Alexander Betts, 'Cooperation in the Refugee Regime', in *Refugees in International Relations*, eds. Alexander Betts and Gil Loescher (New York: Oxford University Press, 2011), 56-57; Betts, 'Global Migration Governance', 2.
- <sup>18</sup> Gil Loescher, *The UNHCR and World Politics: A Perilous Path* (New York: Oxford University Press, 2001), 2-9.
- <sup>19</sup> Betts, 'Global Migration Governance', 6-9: The IOM operates outside of a clear mandate provided by the international community and mainly as service provider to states paying for its service.
- <sup>20</sup> Koser, 'Introduction: International Migration and Global Governance', 301, 308 and 312; Betts, 'Cooperation in the Refugee Regime', 56; Betts, 'Global Migration Governance', 2 and 10.
- <sup>21</sup> Karen J. Alter and Sophie Meunier, 'The Politics of Regime Complexity', *Symposium, Perspectives on Politics* 7, No. 1 (2008): 13-16.

<sup>22</sup> Alexander Betts, 'North-South Cooperation in the Refugee Regime: The Role of Linkages', *Global Governance* 14, No. 2 (2008): 159-161; Betts, 'Global Migration Governance', 16 and 18-19; Alexander Betts and James Milner, 'The Externalisation of EU Asylum Policy: The Position of African States', *Compass, Centre on Migration, Policy and Society, University of Oxford*, WP-06-36 (2006), 18.

<sup>23</sup> Betts, 'North-South Cooperation in the Refugee Regime: The Role of Linkages', 158-161 and 174; Betts, 'Global Migration Governance', 2-3 and 13-16; Betts and Milner, 'The Externalisation of EU Asylum Policy: The Position of African States', 18.

<sup>24</sup> Byrne, 'Harmonization and Burden Redistribution in the Two Europes', 343; Geddes, *The Politics of Migration and Immigration in Europe*, 149-166.

<sup>25</sup> Loescher, *The UNHCR and World Politics*, 2-9; Betts, 'Cooperation in the Refugee Regime', 53 and 56-57; Sophia Benz and Andreas Hasenclever, 'Global Governance of Forced Migration', in *Refugees in International Relations*, eds. Alexander Betts and Gil Loescher (New York: Oxford University Press, 2011), 203-205: The UNHCR relies on governments' funding and therefore can be, at times, unable to act independently from states.

<sup>26</sup> Betts and Milner, 'The Externalisation of EU Asylum Policy: The Position of African States', 18.

<sup>27</sup> Betts, 'Cooperation in the Refugee Regime', 54 and 60-61.

<sup>28</sup> Castles and Miller, *The Age of Migration*, 82-83.

<sup>29</sup> Joanna Apap, 'Citizenship Rights and Migration Policies: The Case of Maghrebi Migrants in Italy and Spain', *Southern Europe and the New Immigrations*, eds. Russell King and Richard Black (Sussex: Sussex Academic Press, 1997), 138 and 142; Byrne, 'Harmonization and Burden Redistribution in the Two Europes', 343 and 347-348; Castles and Miller, *The Age of Migration*, 89; Liza Schuster, 'A Comparative Analysis of the Asylum of Seven European Governments', *Journal of Refugee Studies* 13, No. 1 (2000): 122-123 and 129.

<sup>30</sup> Apap, 'Citizenship Rights and Migration Policies: The Case of Maghrebi Migrants in Italy and Spain', 138 and 145; Salvatore Colucello and Simon Massey, 'Out of Africa: The Human Trade between Libya and Lampedusa', *Trends in Organized Crime* 10, No. 4 (2007): 79.

<sup>31</sup> Bonifazi, 'European Migration Policy: Questions from Italy', 240 and 246.

<sup>32</sup> Emanuela Paoletti and Ferruccio Pastore, 'Sharing the Dirty Job on the Southern Front? Italian-Libyan Relations on Migration and Their Impact on the European Union', *International Migration Institute (IMI)*, WP- 10-29 (2010): 8-11.

<sup>33</sup> Geddes, *Politics of Migration and Immigration in Europe*, 179-185; Liz Schuster, 'A Comparative Analysis of the Asylum of Seven European Governments', *Journal of Refugee Studies* 13, No. 1 (2000): 121, 126 and 129.

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- <sup>34</sup> Betts, 'North-South Cooperation in the Refugee Regime: The Role of Linkages', 158-161; Andrew Moravcsik, 'Taking Preferences Seriously: A Liberal Theory of International Politics', *International Organization* 51, No. 4 (1997): 520-521.
- <sup>35</sup> Geddes, *Politics of Migration and Immigration in Europe*, 179-185.
- <sup>36</sup> Bonifazi, 'European Migration Policy: Questions from Italy', 247.
- <sup>37</sup> Geddes, *Politics of Migration and Immigration in Europe*, 179-185.
- <sup>38</sup> Schuster, 'A Comparative Analysis of the Asylum of Seven European Governments', 122 and 129.
- <sup>39</sup> Amnesty International, *Refugees*, 74: The Dublin Convention establishes that an asylum application rejected by an EU state cannot be re-considered by another EU country.
- <sup>40</sup> ECRE, *Comments from the European Council on Refugees and Exiles on the European Commission Proposal to Recast the Dublin Regulation* (2009), 2-3; ECRE, *Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered* (2008), 7; Michael Collyer, 'The Dublin Regulation, Influences on Asylum Destinations and the Exception of Algerians in the UK', *Journal of Refugee Studies* 17, No. 4 (2004): 375-377.
- <sup>41</sup> Byrne, 'Harmonization and Burden Redistribution in the Two Europes', 342 and 353; ECRE, *Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered*, 4 and 6.
- <sup>42</sup> Amnesty International, *Refugees*, 74; ECRE, *Comments from the European Council on Refugees and Exiles on the European Commission Proposal to Recast the Dublin Regulation*, 2-3; ECRE, *Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered*, 4 and 12-14.
- <sup>43</sup> ECRE, *Comments from the European Council on Refugees and Exiles on the European Commission Proposal to Recast the Dublin Regulation*, 2-3.
- <sup>44</sup> Juss-Buss and Swiss Refugee Council, *Asylum Procedure and Reception Conditions in Italy* (Bern: Swiss Refugee Council, 2011), 8.
- <sup>45</sup> Human Rights Watch, *Libya: Stemming the Flow. Abuses Against Migrants, Asylum Seekers and Refugees* 18, No. 5 (2006): 100.
- <sup>46</sup> Amnesty International, *Refugees*, 74-75: The Convention allows EU member states to send asylum seekers to non EU countries. No consent is required by the host country or guarantee that this is safe and can provide protection.
- <sup>47</sup> Maria Teresa Gil Bazo, 'Refugee Studies Centre: Refugee Protection: Where is the EU Heading?', *Forced Migration Review* 23 (2005): 58.
- <sup>48</sup> Human Rights Watch, *Libya*, 91-95; Bouteillet Baquet, 'Passing the Buck', 368-379.
- <sup>49</sup> Byrne, 'Harmonization and Burden Redistribution in the Two Europes', 341-342 and 348.

<sup>50</sup> Migreurop, *European Borders, Controls, Detention and Deportations: 2009/2010 Report* (Paris: Migreurop, 2010), 33; Paoletti, 'Power Relations and International Migration: The Case of Italy and Libya', 273; Paoletti and Pastore, 'Sharing the Dirty Job on the Southern Front? Italian-Libyan Relations on Migration and Their Impact on the European Union', 8.

<sup>51</sup> Betts and Milner, 'The Externalisation of EU Asylum Policy: The Position of African States', 3 and 7-8.

<sup>52</sup> Human Rights Watch, *Libya*, 91-92.

<sup>53</sup> Byrne, 'Harmonization and Burden Redistribution in the Two Europes', 341.

<sup>54</sup> Bouteillet Baquet, 'Passing the Buck', 359, 362 and 367; Official Journal of the European Union, *Council Regulation (EC) No 343/2003 of 18 February 2003*, 3.

<sup>55</sup> Bouteillet Baquet, 'Passing the Buck', 367.

<sup>56</sup> Juss-Buss and Swiss Refugee Council, *Asylum Procedure and Reception Conditions in Italy*, 9.

<sup>57</sup> Colucello and Massey, 'Out of Africa', 83; Human Rights Watch, *Libya*, 102; Proasyl, *Fatal Alliance: EU-Libya Cooperation on the Prevention of Illegal Immigration* (2010), 1.

<sup>58</sup> Amnesty International, *Libya of Tomorrow: What Hope for Human Rights?* (London: Amnesty International Publications, 2010), 26-27 and 92-93; Paoletti and Pastore, 'Sharing the Dirty Job on the Southern Front? Italian-Libyan Relations on Migration and Their Impact on the European Union', 9 and 20; Migreurop, *European Borders, Controls, Detention and Deportations*, 33.

<sup>59</sup> Human Rights Watch, *Libya*, 100.

<sup>60</sup> Colucello and Massey, 'Out of Africa', 84; Paoletti and Pastore, 'Sharing the Dirty Job on the Southern Front? Italian-Libyan Relations on Migration and Their Impact on the European Union', 13; Natalino Ronziti, 'The Treaty of Friendship, Partnership and Cooperation between Italy and Libya: New Prospects for Cooperation in the Mediterranean?', *Documenti IAI, Istituto Affari Internazionali* (2009), 6.

<sup>61</sup> Paolo Cuttitta, 'Readmission in the Relations between Italy and North African Mediterranean Countries', in *Unbalanced Reciprocities: Cooperation in the Mediterranean Area*, eds. Jean Pierre Cassarino (Washington: Middle East Institute, 2010), 34, 36 and 40-44.

<sup>62</sup> Amnesty International, *Libya of Tomorrow*, 94; Rutvica Andrijasevic, 'How to Balance Rights and Responsibilities on Asylum at the EU's Southern Border of Italy and Libya', *Compass, Centre on Migration, Policy and Society, University of Oxford*, WP-06-27, 2006, 154-156; Colucello and Massey, 'Out of Africa', 84; Migreurop, *European Borders, Controls, Detention and Deportations*, 39-40. Paoletti, 'Power Relations and International Migration: The Case of Italy and Libya', 276.

<sup>63</sup> Michael Collyer, 'States of Insecurity: Consequences of Saharan Transit Migration', *Compass, Centre on Migration, Policy and Society, University of Oxford*, WP-06-31, 2006), 2-5.

<sup>64</sup> Amnesty International, *Refugees*, 74-75; Human Rights Watch, *Libya*, 100; Paoletti, 'Power Relations and International Migration: The Case of Italy and Libya', 271 and 273.

<sup>65</sup> Schuster, 'A Comparative Analysis of the Asylum of Seven European Governments', 126 and 129.

<sup>66</sup> *Ibid.*, 129.

<sup>67</sup> Bonifazi, 'European Migration Policy: Questions from Italy', 245 and 247; ECRE, *Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered*, 4-5 and 12-14; Human Rights Watch, *Libya*, 100.

<sup>68</sup> Amnesty International, *Libya of Tomorrow*, 93; Human Rights Watch, *Libya*, 11, 20, 30, 38, 52, 60 and 100; Migreurop, *European Borders, Controls, Detention and Deportations*, 42-43.

<sup>69</sup> Ronziti, 'The Treaty of Friendship, Partnership and Cooperation between Italy and Libya', 8.

<sup>70</sup> Klepp, 'Italy and its Libyan Cooperation Program: Pioneer of the European Union's Refugee Policy?', 90.

<sup>71</sup> Rutvica Andrijasevic, 'Deported: The Right to Asylum at EU's External Border of Italy and Libya', *International Migration* 48, No. 1 (2009): 148-151.

<sup>72</sup> Andrijasevic, 'How to Balance Rights and Responsibilities on Asylum at the EU's Southern Border of Italy and Libya', 14 and 26.

<sup>73</sup> Proasyl, *Fatal Alliance: EU-Libya Cooperation on the Prevention of Illegal Immigration*, 5.

<sup>74</sup> Andrijasevic, 'How to Balance Rights and Responsibilities on Asylum at the EU's Southern Border of Italy and Libya', 19; Andrijasevic, 'Deported: The Right to Asylum at EU's External Border of Italy and Libya', 159; Klepp, 'Italy and its Libyan Cooperation Program: Pioneer of the European Union's Refugee Policy?', 86.

<sup>75</sup> Jennifer Mason, *Qualitative Researching* (London: Sage Publications, 1996), 33, 62, 65 and 190.

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