

**BORDER COUNTRIES IN AN ENLARGING UNION:
SOME REFLECTIONS BASED ON THE ITALIAN EXPERIENCE**

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ABOUT THE CEPS-SITRA NETWORK

CEPS, with financial assistance of the Finnish SITRA Foundation, embarked at the end of 2000 on a programme to examine the impact of Justice and Home Affairs acquis on an enlarged European Union, the implications for the candidate countries and for the states with which they share borders. **The aim of this programme is to help establish a better balance between civil liberties and security in an enlarged Europe.**

This project will lead to a series of policy recommendations that will promote cooperation in EU JHA in the context of an enlarged Europe as well as institutional developments for the medium- to long-term in areas such as a European Public Prosecutors Office, re-shaping Europol and a developed system of policing the external frontier (Euro Border Guard). These must be made within a balanced framework. **There are two key issues:**

First of all, to prevent the distortion of the agenda by “events” – some items are being accelerated and other marginalised. This risks upsetting the balance, carefully crafted by the Finnish Presidency, between freedom, security and justice. The current ‘threat’ is that security issues, at the expense of the others, will predominate after the catastrophic events of 11th September. These have resulted in a formidable political shock, which served as a catalyst to promote certain initiatives on the political agenda, such as the European arrest warrant, and a common definition of terrorism. The monitoring of items, which could be marginalised and the nature of the institutional/political blockages that could distort the Tampere agenda, is our priority.

Secondly, how to look beyond the Tampere agenda, both in terms of providing a flexible approach during the period of completion of the Tampere programme as well as what should come afterwards. Much detail remains to be filled in about rigid items on the Tampere agenda and CEPS will continue to work in three very important areas:

- Arrangements for managing and policing the external frontier
- Judicial co-operation leading to the development of a European Public Prosecutor
- Strengthening of Europol, particularly in the field of serious trans-frontier violence and moves towards a more federalised policing capacity

The CEPS-SITRA programme brings together a multi-disciplinary network of 20 experts drawn from EU member states, applicant countries as well as neighbouring states: the European University Institute in Florence, the Stefan Batory Foundation (Warsaw), European Academy of Law (ERA Trier), Academy of Sciences (Moscow), London School of Economics, International Office of Migration (Helsinki), Fondation Nationale des Sciences Politiques (CERI) in France, Universities of Budapest, Université Catholique de Louvain-la-Neuve, University of Lisbon (Autonoma), University of Nijmegen, University of Burgos, CEIFO in Stockholm, University of Tilberg and University of Vilnius, as well as members with practical judicial and legislative backgrounds.

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In order to understand the Italian perspective – or rather the Italian *perspectives* – on the shift eastward of EU external borders, it is useful, if not necessary, to anticipate briefly a few schematic concepts about the meaning of borders in Italian history. This will enable us to achieve a better understanding of current Italian attitudes in the European debate on border management issues in the framework of the enlargement process. But a rapid overview on the recent transformation of the nature and function of borders in the Italian case will also allow us to draw some tentative lessons for the ongoing enlargement process in the field of Justice and Home Affairs.

Italy as a Border Country

After having lost its geopolitical centrality with the fall of the Roman Empire, Italy has been for centuries what we can call a *border country*. But the meaning of such a suggestive but still rather vague expression changed deeply across centuries.

While hosting the temporal centre of Christianity, Italy has long been a *cultural border* between Christianity and Islam, with a substantial part of its current territory under Arabic domination or threat for centuries. Since national unification (1870), Italy has shared borders with unstable empires or fragmented and weak states to the east and south. More recently, in the past century, Italy was a crucial sector in the *geopolitical border* between the West and the Communist bloc. During the cold war, for example, it was not by chance that Italy was host to the biggest Communist Party in the West as well as one of the largest US military contingents stationed outside the United States.¹ During the last decades, and especially since 1989, Italy has served increasingly as a *geo-economic border* and has consequently been a target for migratory pressure, both as a destination and as a transit country.

The Schengen Enlargement to Italy

Having been for at least one century an emigration country – probably the largest one in contemporary world history (in absolute terms) with over 25 million expatriates between 1876 and 1976 (Favero and Tassello, 1978) – Italy, until very recently, lacked appropriate norms, institutions and infrastructures for the management of immigration. After its sudden, largely unforeseen metamorphosis from a geopolitical to a socio-economic fault-line, Italy had to equip itself rapidly with a workable migration management system. This process of institution building and policy adaptation was put in place under strong external constraints and was mainly based on the import of external standards, on the compliance with some sort of *acquis*,

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¹ For an interesting reflection on the border location of Italy and its implications for the country’s geopolitics, see Caracciolo (2001).

which was produced elsewhere to respond to different, although in part similar, challenges and situations.²

The first Italian law on immigration (1986) was primarily aimed at implementing an International Labour Organisation convention on equality of rights for “extra-communitarian” workers. Very soon, however, a quite different type of *acquis* gained central ground. The second comprehensive Italian bill on immigration was actually adopted in 1990, a few months before the country signed up to the Schengen implementation convention. And the current immigration legislation entered into force in the spring 1998, on the same day in which Italy was finally admitted as a full member to the “Schengen club”.

Two lessons can be drawn from the Schengen enlargement to Italy for the current (Schengen/EU) enlargement to Central and Eastern Europe:

- First, there is a positive lesson, namely that, in the Italian case, Schengen acted as a *virtuous external constraint* and as a *modernising factor* (Pastore, 1999). Without that kind of pressure, the process of adopting modern standards and adequate techniques for border controls, data protection and police cooperation would have probably been slower and less effective.³
- Second there is also a less positive or at least more controversial lesson to be drawn. The long *de facto* transition period (more than seven years) that Italy had to endure before full operational admission to the “Schengen system” was managed in a rather opaque way, which produced unnecessary tensions and probably affected the overall effectiveness of the European internal security regime during that period.⁴

Implications for Italy of the Shift Eastward of the EU External Border

Being “guardians of the gate” has never been a comfortable position. At the present (and still very limited) stage of development of the post-Tampere common migration policy, the costs and responsibilities connected with a peripheral location in the Union seem to outweigh the opportunities, which may also derive from such a condition. The shift eastward of EU external borders, which will follow enlargement, will partially soften the position of Italy as a geo-economic border country. Slovenia’s accession, in fact, will imply that, although probably after a transition period, controls at Italy’s North Eastern land border will probably be lifted and transferred to the new EU borders with Croatia, Yugoslavia, Romania, or – depending on the pace and dynamics of enlargement – Moldova, Ukraine, Turkey.⁵

The prospect of transferring responsibilities for the controls over a crucial stretch of the future common EU borders to Slovenian authorities is certainly dominating the minds of some on the Italian side. As a matter of fact, over the past few years the pressure of illegal immigration at the border between Slovenia and Italy has increased significantly (from 2,564 undocumented migrants apprehended in 1998, to 6,068 in 1999 and 18,044 in 2000).

² For an historical overview of the gradual formation of the Italian immigration law system, see Pastore (1998).

³ An excellent reconstruction of the evolution of Italian immigration control system can be found in Sciortino (1998).

⁴ On the whole process of Italy’s accession to the Schengen system, see Comitato parlamentare di controllo sull’attuazione ed il funzionamento della Convenzione di applicazione dell’accordo di Schengen, 1997-1998.

⁵ For a broader assessment of the “migratory” impact of enlargement on Italy, see Balfour et al. (2001).

However, the level of bilateral co-operation has increased as well and, in January 2001, an experiment of joint patrolling of the border was started. The first results seem promising, also in terms of the estimated residual clandestine flows (Pastore, 2001a).

The Persisting Nature of Italy as a Border Country

But even if and when Italy has no external land border left (apart from the less problematic Swiss one), and the burden is transferred to Slovenia, Hungary or – as it seems likely and certainly desirable in the long run – to some EU agency, this will certainly not suffice to entirely free Italy of its geopolitical destiny as a “border country”. That vast, fluid, non-linear border that is the Mediterranean will *never* shift eastward. Italy, just like Spain and Greece, will never become a “core country”, with all the advantages and the limitations intrinsic to such a condition.

Remaining a border country, even if only a “blue” border country, will have important implications for Italy, first of all in the field of migration policy, but more largely in all its external strategies (also as an actor in the developing common Common Foreign and Security Policy (CFSP) and a European Security and Defence Policy (ESDP). Two of those possible implications are worth pointing out here:

- First, *as a border country, Italy cannot afford to take a purely confrontational attitude towards non-EU sending and transit countries in the field of migration management*. No country is potentially as much interested as Italy in giving a concrete meaning to expressions such as “partnership with the countries of origin”, “regional migration management”, “*co-développement*”, etc.;
- Second, *Italy can neither afford to face the challenges connected with its border destiny unilaterally, nor only through a bilateral dialogue with relevant Mediterranean partners*. An effective “communitarisation” of migration policies, the development of a comprehensive and sustainable EU Mediterranean policy, the creation of an effective EU capacity in the field of crisis prevention: all these are primary interests for a border country like Italy.

Some trends in Italian external policies in the last few years seem to point in the right direction. One could think, for instance, of the recent, rather innovative, Italian migration policy, based on an original blend of cooperative control efforts and active, although selective, admission schemes (Pastore, 2001b).⁶ But mention should be made also of other Italian initiatives like the Alba Mission in 1997 or the “Adriatic Initiative” revitalised by the Ancona Conference in May 2000. The forthcoming months will show with what degree of continuity, consistency and determination the new Italian government will be willing and able to pursue such objectives, which seem to correspond to fundamental, structural Italian national interests, but also – at least in the long run – to common European ones.⁷

⁶ The strategic guidelines of Italian migration policy are officially presented in the Planning Document on Immigration Policy for the years 2001-2003, approved by the Council of Ministers on 15 December 2000. See “Documento programmatico relativo alla politica dell’immigrazione e degli stranieri nel territorio dello Stato, a norma dell’art. 3 della legge 6 marzo 1998, n. 40. 2001-2003”, published in *Gazzetta Ufficiale* (Official Journal), supplemento ordinario, 16 maggio 2001.

⁷ On 12 October 2001, the Council of Ministers chaired by Mr Berlusconi approved a draft bill for the reform of the law n. 40 of 1998 on “Immigration and the Status of Aliens”. The proposal introduces deep changes to previous policy trends on several key issues (admission rules, expulsions, asylum, etc.). In some areas, such as family regroupment and acquisition of long-term resident status, the proposal goes against recent directive proposals by the European Commission. The external dimension

REFERENCES

- Balfour, R., L. Einaudi, F. Pastore and L. Rizzotti (2001), ‘L’impatto dell’allargamento sui movimenti di popolazione’, in Presidency of the Council of Ministers, Department for Economic Affairs (ed.), *Allargamento a Est dell’Unione europea: sfide e opportunità per l’Italia*, Roma: Presidency of the Council of Ministers.
- Caracciolo, L. (2001), *Terra incognita. Le radici geopolitiche della crisi italiana*, Roma-Bari: Laterza.
- Comitato parlamentare di controllo sull’attuazione ed il funzionamento della Convenzione di applicazione dell’accordo di Schengen, 1997-1998, Stato di attuazione della Convenzione di applicazione dell’accordo di Schengen, Vol. I (1997) and II (1998), in Atti Parlamentari, XIII legislatura, Indagini conoscitive e documentazioni legislative n. 3 and n. 3-A, Roma: Camera dei Deputati, Ufficio Pubblicazioni e Informazioni Parlamentari.
- Favero, L. and Tassello, G. (1978), “Cent’anni di emigrazione italiana” (1876-1976), in G. Rosoli (ed.), *Un secolo di emigrazione italiana 1876-1976*, Rome: Centro Studi Emigrazione.
- Pastore, F. (1998), Migrazioni internazionali e ordinamento giuridico, in L. Violante, (ed.), *Diritto e giustizia*, Annali della Storia d’Italia, Torino: Einaudi.
- Pastore, F. (1999), ‘L’expérience italienne dans la mise en oeuvre de Schengen’, in K. Hailbronner and P. Weil (eds) *Von Schengen nach Amsterdam. Auf dem Weg zu einem europäischen Einwanderungs- und Asylrecht*, Köln: Bundesanzeiger.
- Pastore, F. (2001a), “L’Italia e le migrazioni dall’est”, in R. Balfour (ed.), *Guida ai paesi dell’Europa centrale orientale e balcanica. Annuario politico-economico 2001*, Bologna: Il Mulino.
- Pastore, F. (2001b), “La politica dell’immigrazione”, in F. Bruni and N. Ronzitti (eds), *L’Italia e la politica internazionale*. Edizione 2001, Bologna: Il Mulino.
- Sciortino, G. (1998), “Planning in the Dark: the Evolution of Italian Immigration Control”, in G. Brochmann and T. Hammar (eds), *Mechanisms of Immigration Control*, Oxford: Berg.

of Italian migration policy could be strongly affected by the reform, both at the EU level and in the relations with sending states.

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