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Raffaela Puggioni

PhD Thesis in International Relations

EXPLORING THE INCLUSION- EXCLUSION DYNAMIC:

Kurdish Refugees in Italy

F185188



Abstract

The PhD project explores whether the prevalent refugee discourse provides adequate analytical tools for understanding the policies and practices of reception as developed in Italy in response to Kurdish refugees since November 1997. The thesis will suggest that dominant state-centric analyses are unsatisfactory and that an important step forward can be achieved through a multidisciplinary approach, which will allow us not simply to reveal how reception works, both *de jure* and *de facto*, but also to problematise the way in which refugees are conceptualised and located within the receiving society. An exploration of the dynamic of inclusion, exclusion and in-between will demonstrate why analyses of reception policies do concern IR discipline; why refugees are not necessarily inscribed within systems of exclusion; why the (taken for granted) homogeneity of the political community needs to be contested; why the dominant political opposition between ‘insiders’ and ‘outsiders’ is highly problematic; why the representation of the refugee as the ‘negative other’ is unsatisfactory and why spaces of inclusion, exclusion and in-between are constantly negotiated and modified according to the way in which political, socio-economic, ethical and diplomatic contingencies are understood and tackled both at the local and national level.

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Moving from the theoretical to the empirical framework, I would like to acknowledge the important contributions that I received during my field-work in Italy, where I engaged in stimulating conversations with many officials, personnel of NGOs and with many Kurdish asylum seekers and refugees. Each of them has provided a piece of story that encouraged me to embark in a close scrutiny of the many practices of reception that have been developed within the Italian peninsula. I would like to thank Daniela di Rado, Ahmad Soran and Daniela Trapasso (Italian Refugee Council), Franca d'Amore (USI – Special Office of Immigration), the vice-prefect Renato Franceschelli (the Ministry of the Interior), Roberta Montivecchio (UNHCR), S. Sonnino (Central Commission), Nerina Renda (Prefecture of Catanzaro), Anna Laganà (municipality of Badolato) Anna Garito (Italian Red Cross), and the many Kurds I had the pleasure to speak with both in Rome and in the region of Calabria. Conversations with Araz, Josef, Sami, Aziz, Rahime, Hambullah, Ibrahim, Muhlis, Ahmet, Behzad, Mehmet, Halise, Ayse, Lamet, Beyazid, Sadik, Erdal, Serpil, Bulent, Mehmetziya,

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INTRODUCTION

The aim of the PhD project is to question whether the prevalent refugee discourse, extensively approached from a state-centric perspective, provides adequate analytical tools for understanding the policies and practices of reception as developed in Italy since November 1997 in response to Kurdish refugees. The present thesis will suggest that the dominance of state-centric analyses has prevented the expansion of our conceptual tools and greatly restricted refugee discourse to the legal and political perspectives as well as to the domestic and international contexts. The dominance of a statist understanding of concepts such as state, state sovereignty, citizenship and membership has resulted in the construction of discourse of exclusion. More specifically, International Relations (IR) scholars tend to construct refugee exclusion through processes of comparison between the citizen – the subject *par excellence* of the political community – and the refugee – the negative opposite of the citizen whose exclusion is inscribed in the state-citizen political relationship. Within this conceptual approach, the presence of the refugee is deemed to be always already located within spaces of exclusion, spaces where no processes of inclusion can be properly developed because of his/her apolitical subjectivity and apolitical sense of identification within the receiving society. This negative representation has resulted in the failure of IR scholars to question whether exclusion is the proper site where the refugee ought to be located, and to problematise the dominant discourse centred on ‘global refugee crises’.¹

The present thesis will, consequently, attempt to demonstrate not only why policies of reception are of concern to IR discipline, despite remaining virtually unexplored, but also why it is crucial to evaluate the official and political responses together with the way in which unofficial actors, non-political institutions, charitable organisations, local populations and refugees themselves respond and actively participate within the reception processes. A break with the existing conceptualisation of ‘refugee-ness’ and a broader focus of analysis will help to reveal how inadequate it is to continue to understand the exclusion of the refugee as founded on the conceptual impossibility of being part of a (taken-for-granted) homogeneous political community, composed of a community of citizens whose primary source of identity is located within the political and public sphere. The Italian case, which represents the (political)

community where the responses and non-responses offered to Kurdish refugees will be evaluated, exemplifies why the thesis advocates that the homogeneity of the political community is an artefact.² An evaluation of the historical political disjunction between the Italian institutions and the Italian people(s) will reveal why analyses centred exclusively on official politics are inadequate; why it is important to evaluate the official and non-official actors that take part within the reception processes; why these very processes are highly dynamic; why a sense of identity and of belonging are not *per se* connected to the political sphere and, finally, why the opposition insiders/outsiders is not *necessarily* constructed according to, or because the lack of, political attributes.

The thesis will, consequently, advance that an important step forward can be achieved through a multidisciplinary approach that moves back and forth between different levels of analysis; combines theory and practice, official actions and unofficial re-actions; investigates multiple sites of enquiry including the political, social, legal and ethical; explores spaces of dominance and of resistance; and uncovers important social local realities, in which a multiplicity of inclusive, exclusive and in-between policies and practices of reception are created, invented and constantly negotiated. This broader focus of enquiry allows us not simply to reveal how reception works both *de jure* and *de facto* but also to contest the way in which refugees are conceptualised and located within the receiving society. The thesis will, hence, privilege an analysis that explores how refugees have been perceived and understood from the standpoint of the receiving society, and how such a specific perception has impacted on reception policies. The PhD project will not seek to address the ontological question ‘who are refugees?’, but it will, indeed, try to explore how the receiving society, i.e. Italy, has perceived and understood refugees. The questions that will be posed are, hence: how have Italians conceptualised the figure of refugees? How have reception policies been organised? How does reception work in everyday life? To what extent does a logic of exclusion dominate reception policies? Who are the actors involved within reception? To what extent do refugees accept passively whatever is offered? And to what extent do refugees create and invent their own counter-responses, their own spaces?

An exploration of the interplay between systems of exclusion – founded on the state-citizen political relationship – and those of inclusion – strongly shaped by the Christian duty of reception – will provide the analytical framework for investigating

the many, and even contradictory, policies that Italian national and local institutions have developed in response to Kurdish refugees. In particular, it will be argued that policies of reception, produced within the Italian framework, can be adequately understood if the condition of human existence, constituted *both* of the citizen *and* of the human dimension, receives more attention. To state that both dimensions need to be considered intimately related presupposes *per se* the refusal to adopt an either/or choice approach, an approach that would compel choosing between constructing the refugee *either* as a human being *or* as a non-citizen (or ex-citizen). Moving beyond this either/or choice approach, the present thesis wants to suggest that in order to make sense of Italian reception policies, the taken-for-granted assumption that there is a binary opposition between the commitment toward humanity and the commitment toward fellow-citizens needs to be abandoned. It will emerge that policies of exclusion (founded on the binomial refugee-non-citizen) and policies of inclusion (founded on the binomial refugee-human-being) represent not *the* only available options but simply *two* options. This process that moves beyond the traditional way of evaluating reception policies in terms of *either* inclusion *or* exclusion opens up possibilities to recognise that a space *in-between* inclusion/exclusion exists. The present research does not want to suggest that our way of being *humans* and *citizens* is unproblematic, but indeed that more attention should be devoted to the space in-between the two. An exploration of this space in-between allows an escape from a homogenising process that ‘simulates’ the existence of homogeneous political communities³ constituted by (homogeneous) human beings whose fundamental (political) attribute is their being citizens.

Thanks to an exploration of the interplay between inclusion and exclusion, it will be suggested that mechanisms of inclusion tended to prevail, at the national level, once the discourse of reception, and hence of protection, was constructed on the *human* perspective, formulated on the cosmopolitan duty of reception, strongly influenced by the Catholic creed. Conversely, mechanisms of exclusion became dominant not simply because of the prevalence of political evaluations, but also because of the construction of a *political* discourse based on the binary opposition of ‘us-the-citizens’ versus ‘them-the-non-citizens’. But while this very construction, posed in dichotomous terms, between the protection of the state versus the protection of human beings dominated the *official political debate* soon after the disembarkation of hundreds of Kurdish refugees along the southern Italian coastlines, such opposition has not necessarily

emerged in the *local practices* of reception. More specifically, it will emerge that the existing gap between national official politics and local reception practices is the result of the historical absence of a serious public and political debate on the principle of asylum, which has resulted in the failure of the ‘political class’ to produce comprehensive asylum legislation. Enormous legal lacunae have encouraged the development of a high level of *juridical flexibility* in interpreting the few asylum legal norms. These processes of interpretation have allowed, on the one hand, Italian national institutions to subject reception policies to the contingent political, economic, ethical and diplomatic determinants and, on the other hand, local administrations to freely decide whether to implement, depart from or even disregard, national policies. As result of the existence of a high level of juridical flexibility, Italian *local* institutions have been central in negotiating, and even manipulating, processes of reception according to their understanding of the needs of refugees as well as according to the prevalent image of who the ‘needy refugees’ were. It is precisely because of processes of manipulation of legal norms that Italian reception policies are conceptualised not simply as located *in-between* inclusion and exclusion, but also as *spatially* and *temporally situated*, and hence as deeply *selective*. More specifically, the absence of a national plan and of a coordinated system of reception have determined the emergence of a politics of reception, and hence of protection, strongly *localised* (as only few municipalities have organised some assistance), *selective* (not all refugees have obtained the very same treatment), and *temporally situated* (the assistance was limited in time, independently of the effective needs). The emergence of such a process of selection has *de facto* transformed the institution of asylum into a political tool – despite its *apolitical* valence – that has been used to construct inclusive, exclusive or *in-between* policies according to historical contingencies.

In sum, the present research will attempt to explore: 1) why policies of reception are of concern to IR scholars, despite remaining virtually unexplored; 2) why policies of reception cannot be seriously tackled if the analysis continues to be limited to a state-centric level of analysis; 3) how Italian national and local institutions have perceived, evaluated and constructed the problematique of reception, and hence of protection; 4) to what extent the organisation of policies of reception has depended on the way in which the process of constructing identities (of insiders and of outsiders) has been shaped; 5) how Italian people(s) have participated and responded to mass refugee influxes: *qua* citizens (reproducing the political dichotomy citizens/non-

citizens), *qua* humans (reproducing a humane logic) or *qua* both citizens and humans (reproducing *both* a political *and* a humane logic); 6) how Kurdish asylum seekers and refugees have taken part in the process, and to what extent the image of refugees as “helpless objects of pity” needs to be questioned.⁴

ITALY AND KURDISH REFUGEES

Italy represents a highly peculiar political framework in which to investigate how processes of inclusion, exclusion and in-between are constantly negotiated within local practices and in which to contest many of the taken-for-granted assumptions that continue to dominate the IR discipline. An analysis of Italian reception policies will allow us to open up spaces and problematise the centrality of political identity; the homogeneity of the political community; the (political) opposition between ‘insiders’ and ‘outsiders’; the *necessary* logic of exclusion that dominates refugee discourse and, hence, the representation of refugees as “constitutive outsiders”, “recipients of aid”, and “speechless emissaries”.⁵

On first, reading Italian newspapers, books and articles on immigration and (the few on) asylum, it appeared that Italy was a political space where exclusion was dominant, a space where refugees were simply *institutionally invisible*, and hence a space of non-asylum. All the reading seemed to confirm that Italy was simply *another* sovereign state where practices of exclusion dominated, perfectly in line with the overall position of Fortress Europe.⁶ Only after some preliminary interviews held in Rome with some of the personnel of charitable organisations working in the field did I start to realise that a shift of focus was necessary, and that it was necessary to combine the analysis of the official *national* policies with the official *and* non-official *local* ones. Research that concentrated exclusively on national political and legal aspects was not going to offer adequate responses and make sense of the multiple inclusive and exclusive policies and practices that were reproduced locally. It is this approach that has allowed the uncovering of social realities not described in any political and official discourse. More specifically, a close scrutiny of how the reception system works in practice, and how it departs from the official legal norms, has stimulated a re-conceptualisation of the very meaning of inclusion and exclusion, which are understood as if located at the opposite poles of an imaginary axis. Within a conceptual framework where *inclusion* (all those acts that favour and encourage integration) and *exclusion* (all those acts that aim to deny and prevent access to the

territory) represent simply two and opposite conditions, it becomes crucial to explore the dynamic processes that are developed *between* those two extremes.

The thesis will argue that these in-between conditions can only be discovered through analyses that, focusing on local realities, are able to reveal not simply how legal norms are constantly manipulated according to the willingness of (national and local) official institutions, but also how asylum seekers and refugees themselves create their own space, their own survival strategies, particularly when the local administration offers exclusively non-responses. In particular, the thesis will explore: 1) those mechanisms of inclusion as created in the province of Catanzaro in the Calabrian region, soon after the arrival of more than 600 Kurdish refugees on the 26th December 1997; 2) those mechanisms of exclusion, as developed soon after an asylum request was presented by the leader of the Kurdistan Workers' Party (PKK), Abdullah Ocalan; 3) those in-between mechanisms as developed in the Italian capital, together with an evaluation of the survival strategies invented by refugees themselves, living in the so-called '*Villaggio Globale*' (Global Village), after the official non-responses of the municipality. The attempts to create their own (moral) space, to allow their voices to be heard and their presence to become visible, make any evaluation of Kurdish refugees highly valuable. It is particularly outstanding the way Kurdish refugees have demonstrated a strong willingness to affirm their agency. Such willingness has been further re-affirmed upon the arrival and permanence in Italy of the PKK leader, though his presence and his request of asylum have been accompanied by a strong process of politicisation. Because of such a process, the institution of asylum has been deprived of its *apolitical* valence and has entered not simply the world of politics but the world of *Realpolitik*, with its vocabulary of state sovereignty, right of border control, duty of protecting national interests, the priority of geopolitical evaluations and, in general, the defence of the *status quo* approach. At that time, the political discourse was constructed as if only two options were available, presupposing an either/or choice approach: either the safeguard of Italian national interests or the protection of Ocalan.

To conclude, an exploration of the dynamic of inclusion, exclusion and in-between developed by the Italian institutions in response to Kurdish refugees as well as the counter-responses reproduced by Kurds themselves will attempt to demonstrate why analyses of reception policies do concern IR discipline; why refugees are not *necessarily* inscribed within systems of exclusion; and why spaces of inclusion, exclusion and in-between are constantly negotiated and modified according to the way

in which political, socio-economic, ethical and diplomatic contingencies are understood and tackled both at the local and national level.

FRAMING THE RECEPTION PROBLEMATIQUE

Before embarking on the analysis of the policies and practices of reception developed in Italy in response to Kurdish refugees, a preliminary analysis of the complexity of the reception problematique is necessary for better comprehending to what extent the thesis departs from IR orthodoxy; which lenses are adopted for framing the issue; and why reception discourse, despite its national and local focus, is relevant to the study of International Relations. The following pages will attempt to offer a general and preliminary overview of the multiple questions that the conceptual, legal, and ethical dimensions pose in reference to the problematique of reception. All these dimensions are closely connected to one another, and the responses given to one dimension have direct repercussions on the way other perspectives are tackled. An analysis of these perspectives is, without doubt, a crucial starting point for the very reason that it helps to understand how states perceive, evaluate and construct reception; how states prioritise policies of protection; which actors take part within the reception system; which ethical standing point states adopt; and which legal provisions are developed and incorporated within the asylum legislation.

The conceptual dimension

The existence of refugees questions, conceptually, not simply the meaning of state sovereignty and of the sanctity of the borders, but more importantly the very meaning of the concept of state. The prevailing political discourse represents the state, and political life in general, as dominated by processes of political participation, representation, and protection. The *state* is pictured as the entity *par excellence* responsible for the protection and safeguard of its citizens, whose task emanates directly from the community of citizens. A circular, and thus essential, relationship is created between the state and the citizens: the citizens attribute power to the state, and the state, in return, represents and protects its community within, and only within, the boundaries of its sovereign territory.⁷ Once the activities of the state become the major source of threat to its citizens, the prime justification of the state's very existence is *per se* undermined, with a consequent break of the state-citizens political relationship, since the state neither represents nor protects its own citizens. The state's failure,

and/or unwillingness, to fulfil its traditional and given task becomes more evident not simply because it is unable to protect its citizens from terrifying abuses perpetuated within its territory, but even more because human rights atrocities do (generally) originate from those institutions that are, at the same time, *the* entities responsible for safeguarding its citizens from such atrocities.⁸

What the present thesis aims to explore is whether, and to what extent, the dominance of the concept of exclusion - inherent in the way the state-citizen relationship has been historically conceptualised - needs to be questioned, and whether it is more appropriate to conceptualise reception policies as based not simply on systems of exclusion, but on systems *in-between* inclusion and exclusion, in-between the image of refugee-as-human-being and refugee-as-non-citizen. Needless to say, the way the concept of statehood has been historically conceptualised is highly relevant for the present research because it mirrors the way national governments organise their reception policies in response to refugee influxes. It is also relevant to evaluate whether, and to what extent, the concept of statehood, and the derived concept of citizenship, ought to be taken as static concepts, as concepts that can be applied always already to any national context regardless of the historical peculiarities of that specific political framework. It is this dimension that will be considered, using as a starting point the works of E.F. Isin and P.K. Wood, *Citizenship & Identity*, and of M.J. Shapiro, 'National Times and Other Times'.⁹ Both works are extremely valuable for the way they contest the existence of a *necessary* correspondence between citizenship and identity, and for the way they problematise the taken-for-granted homogeneity of political communities. As accurately analysed in Isin and Wood's *Citizenship & Identity*, identity ought not to be understood as presupposing some "intrinsic and essential content", connected to a common history, language and values, for the very reason that identity is, indeed, "always contradictory, made up out of partial fragments".¹⁰ Because of these 'fragments' inherent in the idea of identity, the concept of "hybridity" is introduced for the way it

complicates and even prevents neat categorization of people, ... [and] because it reasserts the *fluidity and contingency* of identity.¹¹ (Emphasis added)

Identity is, hence, conceptualised as 'fluid' in the sense that "(n)ot everyone fits neatly into categories imposed by others",¹² and as 'contingent' because it clearly represents the product of "specific chains of historical events and ideas".¹³ Thanks to a conceptualisation of identity as 'fluid and contingent', a space for contesting the

homogeneity of political communities is opened up. It is at this point that Shapiro's analysis is brought in. In particular, Shapiro's work is relevant for its elaboration of the idea that communities, far from being homogeneous realities, are made up of "multiple [and] disjunct presences", presences that can be more easily revealed by processes that contest the way official discourse is reproduced and reaffirmed.¹⁴ This led Shapiro to stress not simply that the way "the state attempts to write itself" is a social construct but also that the 'multiple presences' that make up communities are constantly hidden and homogenised in the official political discourse where a falsified image of homogeneity tends to prevail.¹⁵

Hence, the way in which policies of reception are developed and organised depends closely on the way the concept of identity is perceived and constructed, how the 'us' and the 'them' are understood and to what extent the 'other' is going to remain always already the 'other', or to what extent the 'other' might be included within the 'us'-community, a community which is far from being homogeneous as unproblematically assumed by the vast majority of IR scholars.

Analyses of the concept of identity and how this very concept is negotiated within political communities are relevant for the present thesis because they represent a crucial starting point not simply for approaching a serious debate on Italian identities but also for making sense of the existent disjunction between Italian state and Italian people(s) and of the 'multiple presences' and responses that coexist in the peninsula. Moreover, an understanding of the historical processes of identity formation allows us to fully comprehend how the concepts of 'insiders' and 'outsiders' have been constructed; why the Catholic Church has played a key role in shaping and diffusing Christian-Catholic values; and why reception policies, strongly based on the Christian 'duty of reception', have long been developed following a logic of charity and humanitarian assistance.

In short, it is within the conceptual dimension that questions related to the way in which the concepts of reception and protection are perceived, are posed. Which lenses do states use for framing the issue? Whose protection do states privilege? Is it the state protection, or is it human protection? How do the citizens understand reception? How do they prioritise their commitment toward fellow citizens and their commitment toward humanity? How do citizens participate and respond to mass influxes: *qua* citizens, humans or *qua* both citizens and humans? Each of these questions is fundamental for understanding not simply how states tackle the problematique posed

by refugees, but also who the agents involved within the process are, and hence which level of analysis is more appropriate. If all the political decisions are confined exclusively within the government, the level of analysis will be as well limited to the national perspective. If, conversely, local institutions, people, charitable networks and refugees themselves play a role within the reception process, as agents and not simply as passive objects, the level of analysis cannot *per se* be confined to the national one. The analysis of national political decisions needs, consequently, to be accompanied by evaluations that, moving beyond the political, are able to grasp what happens beyond the official and political space; how a multiplicity of actors try to resist, manipulate and even ignore what has been officially established by the central authorities. All these aspects are certainly crucial for achieving a more comprehensive understanding of the dynamics of inclusion and exclusion inherent in the processes of reception. It is these dynamics that will be considered in the present thesis, with the aim of moving beyond a state-centric level of analysis, which has largely been dominated by a statist and static understanding not simply of concepts such as state, state sovereignty, citizenship and political identity, but also of the very conceptualisation of protection and reception.

The legal dimension

The conceptual and legal dimensions are closely connected to one another for the very reason that the concept of 'refugee-ness' has been *juridically* formulated according to a specific understanding of the concept of protection and, above all, according to the prevailing conceptualisations of state, state sovereignty, membership and identity. Because of the interrelation between the two dimensions, the juridical perspective will be evaluated in chapter two, after having discussed and questioned the dominant statist understanding of those very concepts.

An analysis of the political and legal dimensions represents a crucial starting point not simply because IR scholars tend to approach the refugee discourse focusing on these two dimensions, but also because their analysis allows us to understand the importance of moving beyond the official (political and legal) discourse and uncovering what happens in everyday *local* practices. In particular, what the present research aims to contest is the way in which the legal dimension is generally approached from both legal scholars and lawyers. As clearly put forward in T. A. Aleinikoff's article, 'State-Centred Refugee Law', not only legal scholars but also

lawyers tend to privilege a state-centred perspective, without questioning whether refugees themselves attribute such an important value to the concept of membership.¹⁶

As Aleinikoff has put it,

[L]awyers, like states, have difficulties with persons unattached to political communities because such membership is believed to be the only basis for secure possession and protection of rights. Thus legal academics ... have primarily focused their attention on obtaining some form of membership for refugees who have made their way to the West.¹⁷

What is interesting in Aleinikoff's article is the way in which the author contests how the present refugee regime has been shaped and developed, and how the dominance of a discourse founded on the concepts of sovereignty and membership has determined the marginalisation of refugees voices.¹⁸ It is this very state-centric language that pictures refugees, both theoretically and legally, as

helpless objects of pity who must be assigned to some political community in order to have an identity at all (even the word 'protection' suggests a paternalistic relationship between the powerful protector and the needy protected).¹⁹

The present research does not want to deny the importance of membership, but aims, indeed, to question, as proposed in Aleinikoff's article, whether the membership problematique ought to be given the prominence given to it by legal scholars and lawyers. Moreover, it is because of the prominence given to (the lack of) membership that most refugee legal studies envisage very little space for optimism particularly when confronted with a world of states which retain lots of discretionary power in applying the so-called 1951 UN Convention (Convention Relating to the Status of Refugees).²⁰ The way states 'manipulate' the legal definition contained in the UN Convention and apply it according to their political contingencies has led J. Hathaway to affirm that "(t)he notion of refugee law as a rights-based regime is largely illusory".²¹ It is as well 'illusory' for Hathaway to envisage any possibility of reforming the international refugee regime and incorporating the voices of the "intended beneficiaries"²² for the very reason that the reform of refugee law, that is on the international agenda, is not taking place because

its protectionist tendencies has made it nearly irrelevant to meeting the needs of refugees, but rather because it is viewed by many powerful states as insufficiently attentive to their sovereign right to exclude aliens.²³

In very general terms, refugee legal studies tend to emphasise the inadequacies of the legal definition of refugee contained in the 1951 Geneva Convention, following a state-centric perspective, which leads *inevitably* to analyses that constantly utilise

those data to demonstrate why the present refugee regime has failed to take the protection of refugees seriously. More specifically, the discourse tends to concentrate on those legal tools that states have slowly developed in order to restrict the number of those who can be granted the status of refugee, and to confine and contain the phenomenon of displacement as close as possible to the area of conflicts.²⁴ In reference to the European context, the adoption of visa requirements, carriers sanctions, notion of safe country and the introduction of the so-called readmission agreements between West and East-Central European states clearly aim to prevent and discourage asylum seekers from gaining access to the asylum procedures, and to create a 'sanitary belt' that protects the external borders of the EU.²⁵ As a consequence of all these mechanisms introduced by the EU member states, the protection of refugees, that once used to be a key concern of asylum policies, has now become secondary to the protection of the receiving countries.²⁶

All of these legal studies are certainly important and relevant, but they are *per se* insufficient for making sense of the Italian reception policies because their state-centric perspective does not allow for any exploration of the dynamics inherent in the processes of reception, but they simply allow for a construction of reception as always already exclusive. The present thesis will, hence, try to emphasise why the legal problematique is not simply connected to the way in which international principles have been incorporated within the national legislation, but more importantly whether the principle of asylum is *de facto* respected and what is the level of juridical interpretation, and hence of juridical manipulation, inherent in the national legal norms. As will be shown in chapter two, where the legal dimension will be considered, Italy, as compared with its European partners, has only recently started to become a country of destination for many groups of refugees and, hence, the shift from an open-door to a closed-door policy is not as evident as in other European member states. An analysis of the legal aspect is, without doubt, crucial for understanding the dynamics inherent in the Italian asylum legislation which contains only few norms on asylum and which has failed to put into practice the right of asylum as expressed in the Italian Constitution. The complete absence of any asylum law has led to a paradoxical situation that has allowed each municipality not only to interpret the legal norms differently but also to disregard the norms altogether if local institutions wanted to do so. Italy has thus developed a very peculiar reception system, a system where legal norms have become highly flexible and open to any (inclusive and exclusive)

interpretation according to the contingent willingness of the local institutions. Because of the juridical peculiarities of the Italian asylum legal system, it is argued that it is neither sufficient nor adequate to analyse simply what has been established by the law. It is, indeed, crucial to evaluate how the legal norms are put into practice, and why the enormous legal lacunae have stimulated and encouraged a myriad of official and unofficial initiatives that have moved beyond the mere asylum legal provisions contained within the legislation. From an accurate analysis of the Italian legal framework, it seems appropriate to conceptualise the peninsula as a political space where two opposite and official logics coexist. On the one hand, official national policies *seem* to reproduce a logic of non-inclusion, and the complete absence of a comprehensive asylum law seems to mirror such non-inclusive attitudes. On the other hand, the reception system has been organised in such a way as to leave each municipality completely free to organise its own local reception, and hence to depart eventually from the national official logic. The present thesis therefore wants to suggest that it is possible to make sense of what happens locally only once an analysis of everyday practice is brought back in. This analytical process will, thus, allow an understanding of reception policies not simply as exclusive, but as embedded within everyday practices that might be located *in-between* inclusion and exclusion. It is precisely because of the intention to explore the dynamic processes embedded in reception policies that the present thesis contests both the analyses that understand the political community as representing a *national* homogeneous whole and the analyses that understand *national* legislation as representing a mirror of everyday *local* practices.

The ethical dimension

Although the ethical perspective will not be specifically addressed in a separate chapter, this dimension will be present throughout the whole thesis, either explicitly or implicitly, for the very reason that all the arguments adopted are *per se* embedded in ethical thought.²⁷ However, a small section in chapter one will be specifically devoted to the ethical dimension as well as in chapter three when considering the Christian ethics of reception as diffused by the Italian Catholic Church.

Given the complexity of the ethical perspective, only a few issues will be tackled. These issues relate not only to the question ‘what ought to be done’, but more importantly to the question of ‘who’, ‘when’, and ‘why’ ought something be done. the

way in which all these questions are answered depends not simply upon the ethical standing point, but also on the question of 'who' ought to take any actions and which principles ought to inspire those very actions. Here are some of the questions that are relevant for the present research. Is it the international community or the receiving states that ought to do something? If it is the receiving state which institutions ought to respond to refugees? Is it the task of political institutions or of charitable networks? Who are (or who ought to be) the direct beneficiaries of the state's actions? Whose protection ought to come first, the state's or human beings'? If it is human beings' protection that ought to come first, then is everyone entitled to protection? If not, how should those entitled to such protection be selected? Which criteria are, or ought to be, utilised? Are any criteria for admission more moral than others? How do political aspects influence states' responses, particularly when refugee outflows originate within a 'friendly' country? And last but not least, what meaning ought to be attributed to protection? Does protection imply access to the territory of the receiving state or does it imply the provision of temporary aid and assistance? Or does it, finally, imply that states ought to develop those socio-economic conditions for future inclusion as full citizens? None of these questions presupposes always valid and quick-fix answers, and the present thesis will demonstrate precisely how, within the Italian framework, the answers have been understood as *spatially* and *temporally* contingent and, hence, constantly subjected to political, socio-economic and ethical determinants.

More specifically, it will be argued that an evaluation of the key role played by the Catholic Church and the Christian ethics of reception is crucial in order to fully understand how the Church has influenced the very meaning of reception, traditionally understood as based on a logic of charity and humanitarian assistance. This logic has been enormously influenced by the generalised assumption that migratory influxes were the proper concern of charitable organisations and not of political institutions. A brief evaluation of the concept of solidarity, as expressed by the Catholic Church, will allow us to better comprehend why it is argued that refugees are located in-between inclusion and exclusion, in-between the image of refugee-as-human-being and refugee-as-non-citizen. The ethics of solidarity toward humanity, expressed in the Christian principle 'each man is my brother', presupposes an attitude of openness as well as willingness to help those in need independently of their origin, creed and the legal living status. And it is this very understanding of ethics that opens up spaces for investigating, as suggested by D. Campbell and M.J. Shapiro, how "*the ethical relation*

... [and] our responsibility to the other” is established and constantly negotiated within everyday experience.²⁸

LOCATING REFUGEES

As so far argued, the very existence of refugees generates a multiplicity of questions – conceptually, legally, ethically, socio-economically and, very broadly, politically – that often presuppose conflicting answers and/or solutions. Although IR scholars tend not to embark on analyses that focus on the problematique of reception, the few refugee studies that consider the broader discourse of displacement are strongly dominated by a state-centric perspective, where a vocabulary of ‘high politics’ tends to dominate. The analysis put forward in N. Soguk’s *States and Strangers* provides precisely the theoretical tools for understanding how a logic of exclusion has operated within the discipline, how refugees have “become objects of acts of problematization”, and which processes have managed to

incorporate a specific figure of the refugee into the field of state practices in the form of a problematique body with peculiar characteristics, attributes, and experiences.²⁹

Within a conceptual framework where the refugee is constantly subjected to a process of comparison with the subject *par excellence* of the political community (the citizen), the refugee (citizen’s negative opposite) is, inescapably, conceptualised as “an aberration of the proper subjectivity of citizenship”.³⁰

As already indicated, the present thesis aims to move beyond the logic of exclusion – embedded in the conceptualisation of the state-citizen relationship – and to question whether it is more appropriate to conceptualise reception policies as based, not simply on systems of exclusion but on systems *in-between* inclusion and exclusion, in-between the image of refugee-as-human-being and refugee-as-non-citizen.

The ontological questions, who are we?, are we “citizens, humans or somehow both”?³¹, are hence crucial, because the way we respond to them establishes *per se* where refugees are located within a political community. If our primary and constitutive attribute is our ‘being citizens’, no political space can be properly found for non-citizens because of the inescapability of the political within the national space. Hence no policies of reception, particularly long-term reception, can be properly developed because their being non-nationals does not allow for their inclusion. Their condition of exclusion is already *conceptually* incorporated in the very definition of a politics of identity constructed on the premise that our primary identity is to be found

in our being members of an original political community, namely the state. If, conversely, our primary and constitutive attribute is our 'being humans', policies of reception can be envisaged following a logic of inclusion, because of the absence of any theoretical basis for exclusion. Within such a framework, the voices of non-citizens can be easily *incorporated*, and not simply accommodated,³² within the receiving society, because their voices are *per se* not in conflict with those of the other *human beings* living in the community. Within a political framework where the 'insider' and the 'outsider' are *both* constituted as human beings, the presence of the refugee will not be problematised because of his/her being something 'other' as compared to the insider, and the binary opposition insider/outsider will lose its *raison d'être*. If, finally, we want to reconcile both dimensions and move beyond the option *either humans or citizens*, refugees will be precisely located *in-between* the human-citizen divide, in-between inclusion and exclusion, and in-between our way of being humans and our way of being (non)-citizens. As will emerge more clearly later on, once a close scrutiny of the reception offered to the Kurdish refugees will be evaluated, the present thesis wants to suggest that, within the Italian framework where refugees are understood as located *in-between* the human-citizen divide, the reception that has resulted oscillated precisely between inclusion and exclusion, generating policies which were neither fully inclusive nor fully exclusive, simply in-between. They were neither fully inclusive because being refugees constantly brought to the surface their being 'non-citizens', nor were they fully exclusive because being refugees did not eliminate their constitutive human dimension. It is this 'human nature' that has represented historically the ingredient that has combined, within the Italian context, the *caritas* that has dominated the Catholic world and the *humanitas* of the laics.³³

IDENTITY, 'OTHERNESS' AND LEGAL NORMS

As already explained, the thesis aims to contest the traditional incorporation of a logic of exclusion within IR refugee discourse, an incorporation constructed on the centrality of the state-citizen political relation and on the historical dominance of state-centric approaches. What is advocated, consequently, is an opening up of spaces for evaluating more seriously the dynamic processes of inclusion and exclusion as embedded within reception policies. Such a broader focus will allow us to reveal that a close evaluation of the concept of 'between-ness', which clearly evokes a state of

fluidity and becoming, offers a more adequate conceptual tool for making sense of Italian reception policies. This condition of between-ness that characterises Italian reception is intimately connected to a specific and historical understanding of three key concepts, closely correlated one to another: identity, 'otherness' and legal norms. And IR scholars tend precisely to conceptualise the exclusion of the refugee through the adoption of a state-centric understanding of these concepts. Firstly, as already stated, the theoretical base for the exclusion of the refugee has been constructed on the assumption that refugees, lacking those political attributes embedded in the concept of citizenship, can uneasily, if at all, be incorporated within a 'foreign' political community. Secondly, the exclusion of the refugee is further reaffirmed once a process of comparison, via negation, between citizens and non-citizens is introduced. It is at this point that the non-citizen is conceptualised as the 'other', and this very conceptualisation of 'otherness' is constantly reproduced as a justification for perpetuating exclusion. Finally, the process of exclusion is completed once the logic of exclusion is incorporated within the national legislation, as well as within international legal obligations, as the vast majority of legal refugee studies argue.

What is interesting in studying the Italian framework is the difficulty, if not the impossibility, of theorising refugee exclusion according to this specific understanding of identity, 'otherness' and legal norms. Such difficulty clearly emerges once we discover that: 1) a strong disjunction between Italian institutions and Italian peoples exists, and such disjunction has prevented the emergence of a strong political identity; 2) the absence of a sense of political identity has directly shaped the way the 'other' is constructed, a construction that can be properly located outside the political; 3) the few legal norms concerning asylum have been expressed in such a way as to be malleable to any inclusive and/or exclusive interpretation, according to the prevalent image of 'others', and/or according to historical contingencies.

Moving from a critical analysis of how those three concepts have been historically conceptualised within the Italian framework, the thesis will evaluate not simply how they depart from IR traditional theorising, but also why their understanding is crucial for fully comprehending the factors that have influenced and shaped policies and practices of reception. Although all these aspects will be considered in a detailed way in the thesis, it is worth briefly outlining why these elements are crucial in order to make sense of the way reception policies have been developed during the past decade toward humanitarian refugees, in general, and toward Kurdish refugees, in particular.

Identity

Although the thesis will not specifically address the issue of Italian identities (which requires an extensive analysis of Italian history, considered both from a national and from a regional perspective), it will indeed briefly explore why the historical disjunction between Italian institutions and the Italian peoples has prevented the emergence of a political identity, and how the presence of the Roman Catholic Church has greatly influenced and shaped the so-called ‘ethics of reception’, based on a logic of assistance and charity. As result of a generalised lack of any sense of identification with the public and political sphere, Italian identity will be defined as *a-political*, as suggested in the reading of the works of two Italian academics, namely G. Zincone’s article, ‘L’Identità degli Italiani e la Paura degli Immigrati’ (‘The Italians’ Identity and the Spectrum of Immigrants’) and E. Galli della Loggia’s book, *L’Identità Italiana* (*The Italian Identity*).³⁴

G. Zincone’s article is interesting for the way in which the author explains why Italian identity is a “strong though pre-political identity”.³⁵ It is a *strong* identity because 80% of Italians feel proud to consider themselves as ‘Italians’, but it is a *pre-political* identity because of the complete absence of any identification with the public sphere, an identification that is, indeed, connected with the Italian “landscape, language, culture, (and) the character of the people”.³⁶ Although the inexistence of a political and civic conscience might represent a positive aspect in response to the phenomenon of immigration, it can be dangerous because it lacks a strong political basis and “points of civil orientation”³⁷ for developing positive attitudes toward migrants. And as G. Zincone has put it:

[w]e possess an identity which can be easily manoeuvred. ... Our identity, because of the lack of civic values, is like an open door where everything might get in.³⁸

A more detailed and comprehensive analysis is offered in E. Galli della Loggia’s book, which evaluates the historical determinants that have played a crucial role in shaping Italian identity, an identity not founded on processes of identification of the Italians with the state. According to Galli della Loggia, the historical failure of the political ‘class’ to transform *heterogeneous* regions into a *homogeneous* whole is generally considered to represent the main cause of the enormous divide between “national identity and Italian identity”, between the “way of ... being national State and the historical past of the country”.³⁹ The historical processes that led to the geographical unification of the country in 1861, the profound gap between the governing political

class and the governed ‘masses’, the pervading presence of the Catholic Church and of its institutions, and the absence of any identification of the citizens with the state have all contributed to create a country where “the geography of the State and the geography of the society do not meet”.⁴⁰ All these aspects are certainly crucial, not simply because they represent some of the key features that greatly distinguish Italian politics, but because they question the taken-for-granted assumption that a circular, and even natural, relationship between the citizens and the state exists, and hence that citizens’ primary identification *has to be* political. As clearly expressed by Galli della Loggia, because no political relationship is, and has been, established between Italians-as-individuals and Italy-as-a-state, the country has been transformed into a land populated by

individuals who will experience big difficulties in becoming citizens. ... (I)n order for the individual to be able ... to be integrated as citizen ... it is necessary to have the presence of the State.⁴¹

The *de facto* inexistence of a strong political identity is the direct result of the enormous gap between the realm of politics and the realm of the State and of its institutions, a gap that has determined the consequent absence of a “culture of the State”,⁴² a culture that does not understand the Italians and the Italian state as opposing entities. Although it might seem a political paradox, Italians’ primary sense of identification is not located within the political realm. This political disjunction is the result of the historical opposition between Italian people and state’s institutions: between people – who have hardly achieved a meaningful identification with their political representatives – and those representatives who have historically represented not the interests of the people but their own. This historical opposition between Italians and their representative institutions helps us to understand why there is no proper culture of the state and why the Catholic Church, taken as an institution and as the embodiment of Christian doctrine, has occupied the strongest social and political role within the country, representing

the only effective common characteristic of the whole of Italian humanity and, hence, ... the only unifying aspect of the peninsula.⁴³

Given the aim of the thesis, what is important to understand is how the historical opposition between the Italian state and the Italian people has determined the emergence of the so-called *paese legale* (legal country) and *paese reale* (real country), between what is established by law and the way in which the country is effectively

run.⁴⁴ It is the huge gap between these ‘two countries’ that helps to explain why *national* asylum policies do not coincide with *local* asylum practices.

‘Otherness’

Although in Italy very little theorising has been produced on refugees, save some works that focus on legal matters, some interesting materials can be gathered from sociological migration studies that have focused on the way in which migrant living in the country are perceived and treated. The vast majority of these studies tend to concentrate on the legal and political aspects which lead inevitably to an overall negative picture, where processes of exclusion seem to constantly dominate.⁴⁵ The recurrent image that emerges from migration studies is the image of migrants trapped within widespread mechanisms of exclusion embedded within legal, administrative and socio-economic procedures, as well as within the discriminatory vocabulary that dominates public, legal and political discourse.⁴⁶ Even the physical space where they are confined represents not simply a space of marginalisation but *another*-space, a “somewhere-else” in reference to the world dominated by the Italian citizens.⁴⁷ Within this discourse, the *other* becomes *every other* not recognised as properly belonging to the Italian world, and the linguistic expressions of ‘*extracomunitario*’ and ‘*clandestino*’ are but illuminating examples.⁴⁸ The migrant is thus represented as *the other* in relation to the legitimate national social actor. S/he becomes a stranger, an alien, and an “out of place” within any public domain.⁴⁹ And according to A. Dal Lago, whose position is very close to H. Arendt, it is precisely because of the lack of Italian citizenship that migrants are treated as “*non-persons*”, in the sense that they are deprived of any guarantee of protection, of any respect of their dignity and identity.⁵⁰

Despite their importance in emphasising why foreigners are not particularly and generally welcome, these analyses tend to obscure those positive and inclusive responses that have been created and those localities that more than others have encouraged and worked towards that objective. Departing from this dominant way of conceptualising the ‘other’, meaning any others, the present thesis wants to suggest that it is more appropriate to conceptualise the ‘other’ as meaning *many others*. This conceptualisation that refuses the idea of a ‘homogeneous other’ has led to an exploration of 1990s reception policies as *selective* and *localised*. They are *selective* in the sense that a clear selection in deciding whom to include or to exclude, among these *many others*, has been put into place. This helps to explain why some have been

(selectively) included, others have received exclusively temporary protection and still others have received only policies of exclusion. They are *localised* because programmes for their inclusion have not occurred as a result of a national plan but, indeed, in those few localities where political institutions and/or unofficial networks have worked in order to offer some and more inclusive responses. It is because reception policies are understood as selective and localised that it is important to scrutinise how the processes of constructing different, and even opposing, images of the 'others' work; why they work differently according to the group of 'others' under consideration; and finally why the same legal provisions have been interpreted, and even manipulated, differently according to the prevalent image of the 'others'.

Although the present thesis concentrates on the multiple and localised responses offered to Kurdish refugees, particularly between 1997-2001, a brief analysis of the reception policies adopted during the past decade in response to the so-called humanitarian refugees – such as the Somalis, the Yugoslavs, the Albanians and the Kosovo-Albanians – will be introduced. Such an evaluation will allow us to demonstrate why the concept of 'otherness' is crucial in order to understand how reception policies have been developed. What will emerge is the picture of a (fragmented) country where refugees have received completely different responses, which have been precisely connected with processes of constructing multiple images of 'others'. And Kurdish refugees, among the many 'others', have been selectively privileged.

Italian asylum norms

The importance of scrutinising how asylum norms are understood and applied is not simply connected to the way in which international principles have been incorporated within the national legislation but, more importantly, how *national* legal norms are constantly manipulated in everyday *local* practices. As compared to northern European countries, Italy has failed not only to produce an asylum law that would have established a set of rights and entitlements for asylum seekers and refugees but it also failed to implement the right of asylum as expressed in the Italian Constitution. The absence of any legal certainties in reference to asylum has led to a situation where legal norms have become highly flexible and malleable to be interpreted according to the prevailing political and socio-economic determinants, as well as according to the prevailing image of who the 'needy refugees' are. Although a high level of flexibility

in interpreting the norms is somewhat legitimate, particularly once local authorities are faced with reception problems whose solutions are not covered by the legislation, it is not so legitimate when the legislation does offer adequate answers. In order to make sense of the existence of a high level of juridical flexibility, it is important to consider at least four important aspects that make the Italian framework quite peculiar. Firstly, as already noted, the historical opposition between the Italian state and the Italian people has constantly determined a tension between the so-called *paese legale* (legal country) and *paese reale* (real country). Secondly, this historical tension has traditionally stimulated a high degree of flexibility in interpreting national legal norms, and hence in perpetuating the dichotomy between the ‘legal country’, which bears very little connection with everyday practices, and the way the country is effectively run (the real country). Thirdly, the widespread assumption that Italy is merely a country of transit, and not one of immigration, has started only recently to be challenged, leading consequently to enormous delays in adapting the legislation to the changing migration patterns. Finally, the legal gaps have been further reinforced by the constant adoption of a re-active, as opposed to a pro-active, approach. This has led, inevitably, to responding to big influxes of refugees by the adoption of the so-called ‘emergency policies’, policies that clearly responded to mechanisms of temporary protection because produced under conditions dictated by emergency. All these aspects have, without doubt, facilitated the emergence of processes of manipulation of asylum legal norms, generating such a level of juridical flexibility that has allowed Italian political institutions to subject policies of reception, and hence of protection, to the contingent political, socio-economic, ethical and diplomatic determinants.

OUTLINES OF THE CHAPTERS

The analysis developed in the PhD project offers an exploration of the processes of inclusion, exclusion and in-between that have been provided within the Italian framework in response to the influxes of Kurdish refugees. The research journey will, thus, embark in a quite unfamiliar horizon of enquiry for IR discipline and attempt to demonstrate the relevance of the reception problematique for international politics. The thesis will engage in an exploration that, moving beyond a state-centric perspective, privileges a multidisciplinary approach, an approach that investigates different level of analysis; combines theory and practice; explores official national policies and everyday local realities; and uncover how a multiplicity of policies and

practices are constantly negotiated by the many actors involved within the reception system. This broader focus of enquiry will allow us to make sense of the Italian 1990s reception policies in general, and of the responses offered to Kurdish refugees in particular. In order to fully comprehend how the thesis departs from the prevailing conceptual and legal refugee discourse, these two dimensions will be scrutinised in the first two chapters. Such preliminary analysis will open up the possibility of moving beyond the official and political domain, and above all, beyond conceptualisations that represent the refugee as always already the *negative* opposite of the citizen.

Chapter One will consider how concepts of the state, state sovereignty and citizenship have been traditionally conceptualised and how such a conceptualisation has determined a negative understanding of the figure of the refugee. While the first part of the chapter will scrutinise how the exclusion of the refugee is inscribed in the way in which the political state-citizen relationship has been theorised, the final section of the chapter will be, indeed, devoted to problematise how identity and political community are conceptualised within IR discipline. This analysis will allow us to contest the existence of a *necessary* correspondence between citizenship and identity, as well as the existence of homogeneous political communities constituted by a community of citizens, whose primary source of identification is located within the political and public sphere. Having established how the exclusion of refugee operates within the dominant political discourse, the analysis will evaluate to what extent such an understanding has been incorporated within refugee legal studies.

Chapter Two will provide a general overview of the legal asylum framework, which will be scrutinised from three different perspectives: the international, the European and the Italian. The first part of the chapter will evaluate why the vast majority of refugee legal studies argue that a statist understanding of the state-citizen political relationship has been replicated in the refugee legal definition contained in the 1951 UN Convention. An analysis of the historical processes that led to the Convention, as well as the way in which the definition of refugee has been incorporated within European asylum policies, will provide the analytical tool for understanding why the (supposed) beneficiaries of the international refugee regime have no space for making their voices heard. In the second part of the chapter, the legal analysis will shift from the international and European to the Italian national context. Noting the relative absence of any asylum law, attention will be devoted to evaluating the enormous lacunae contained in the few asylum norms and, more

importantly, to scrutinising how the phenomenon of immigration has been perceived in the peninsula; and how legal immigration legislation has slowly evolved from the first coherent juridical body in 1986 to the most recent one in 1998. Such a legal overview is crucial for understanding why Italy, as compared with its European partners, has only recently developed immigration legislation and how the assumption that Italy was simply a country of transit, and not one of immigration, has had an enormous impact in shaping its migration and reception policies.

After having scrutinised the conceptual and legal framework, the analysis will then consider more closely where the refugee can be properly located within the Italian reception system. Chapter Three is central to understanding how the thesis departs from a state-centric analysis and why the refugee is located not simply within systems of exclusion but, indeed, within systems *in-between* inclusion and exclusion. A close scrutiny of the interconnection between the concept of identity, 'otherness' and legal norms will help us to reveal why Italian reception policies are conceptualised as *spatially and temporally situated*, and as deeply *selective*. All these introductory analyses will, thus, provide the conceptual background for exploring how Italian reception has been organised in practice and why an exploration of the inclusion/exclusion dynamic represents a more adequate tool for uncovering the multiple and overlapping responses offered to refugees. These responses will be considered in the following three chapters, each of which will tackle a different perspective, with the specific aim of clarifying the way spaces of inclusion and of exclusion are constantly negotiated and modified not simply according to the political, socio-economic, ethical and diplomatic contingencies, but also according to the way in which the image of the refugee is perceived and diffused in space and time.

Chapter Four will offer a general overview of the reception policies that have been *de facto* organised during the 1990s in response to the influxes of 'humanitarian' refugees fleeing from Somalia, the former Yugoslavia, Albania and Kosovo. These examples will reveal not simply how the legislation has evolved during the past decade, but also why in order to fully understand local practice of reception, a close scrutiny of the gap between the so-called real country and the legal country is necessary. Such a gap will be strongly exposed once a general overview of the kind of reception that Italian regions are able to offer is evaluated. Despite a local focus of analysis, it will be shown that such an analysis is, however, crucial for IR discipline because it reveals, on the one hand, how a country like Italy has long represented a

country of transit for refugees, and on the other hand, why the vast majority of refugees have not accepted passively to remain in the first safe country as disciplined in the Dublin Convention.

Chapters Five and Six will consider more closely the reception responses developed from November 1997 once the so-called Kurdish 'emergency' officially exploded. The chapters are closely related to one another, although the level of analysis is completely different: while the former evaluates how political institutions have perceived and tackled the problematique of reception, the latter explores how reception has been *de facto* developed. More specifically, Chapter Five will attempt to evaluate why national political institutions have approached the problematique of reception following political evaluations; why Kurdish refugees became politically visible only from November 1997; why such visibility has been largely influenced by the new European rules, and in particular the entry into force of the Dublin Convention and of the Schengen *acquis*; and finally why the asylum request presented by Abdullah Ocalan, leader of Kurdistan Workers' Party (PKK), has become highly politicised. The analysis put forward in the chapter is crucial not simply for understanding the political climate that arose at that time, but more particularly for comprehending why reception in general, and the principle of asylum in particular, have become subjected to political evaluations and, hence, to a process of *political selection*.

Chapter Six will consider the mechanisms of inclusion, exclusion and in-between that have been developed in the country between the very end of 1997 up to June 2001. Firstly, it will evaluate the inclusive responses as reproduced in the province of Catanzaro, in the Calabrian region, soon after the arrival in the area of more than 600 Kurdish refugees. In particular, it will explain why the reception has been unique; why the mechanisms of inclusion developed ought to be conceptualised as spatially and temporally situated; and why, although only a few Kurdish refugees live in the area, the reception developed is considered as inclusive. Secondly, the policies of exclusion as reproduced in response to Ocalan's asylum request will be explained. Although the debate that arose as result of the so-called 'Ocalan case' is considered in chapter five, chapter six will further highlight why mechanisms of exclusion, which resulted in the *de facto* expulsion of Ocalan from the country, have tragically prevailed over the principle of legality and over the right of asylum as expressed in the Italian Constitution. The final section of the chapter will focus attention on the municipality

of Rome and evaluate, on the one hand, the non-responses of the official institutions that have clearly failed to develop the necessary mechanisms of reception and, on the other, which survival strategies and spaces of inclusion Kurdish refugees themselves have invented as a result of the official non-responses of the municipality of Rome.

To conclude, the thesis will attempt to demonstrate that the prevalent conceptualisation of the image of the refugee, as the negative opposite of the citizen, needs to be contested. A close scrutiny of the dynamic between mechanisms of inclusion and those of exclusion will provide the conceptual tools for better comprehending the multiple responses that have been developed in Italy as a result of the influxes of Kurdish refugees. Although the thesis will devote great attention on national and regional level of analysis, such a focus is, however, an important site of exploration for IR scholars, because it opens up the possibility for expanding refugee discourse beyond the dominant state-centric perspective, and for discovering how and why local policies and practices of reception have impacted on European asylum policies.

NOTES

- ¹ See LOESCHER, G., and MONAHAN, L. (eds.), *Refugees and International Relations* (Oxford: Oxford University Press, 1989); LOESCHER, G. *Beyond Charity. International Cooperation and the Global Refugee Crisis* (New York: Oxford University Press, 1993); WEINER, M. *The Global Migration Crisis. Challenge to States and to Human Rights* (New York: HarperCollins College Publishers, 1995).
- ² See SHAPIRO, M.J. 'National Times and Other Times: Re-Thinking Citizenship', *Cultural Studies*, 2000, 14, (1), 80-82, 85, 94-96; BHABHA, H.K. 'DissemiNation: Time, Narrative, and the Margins of the Modern Nation', in H.K. BHABHA (ed.), *Nation and Narration* (London and New York: Routledge, 1990), pp. 292-297; LINKLATER, A. *The Transformation of Political Community. Ethical Foundations of the Post-Westphalian Era* (Cambridge: Polity Press, 1998), pp. 167-168, 181-184.
- ³ WEBER, C. *Simulating Sovereignty. Intervention, the State and the Symbolic Exchange* (Cambridge: Cambridge University Press, 1995), pp. 9, 30-38.
- ⁴ ALEINIKOFF, T.A. 'State-Centred Refugee Law', in: E.V. DANIEL and J.C. KNUDSEN (eds.), *Mistrusting Refugees* (Berkeley: University of California Press, 1995), p. 267.
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²⁹ SOGUK, N., *cit.*, p. 17.

³⁰ Ibid., p. 11.

- ³¹ WALKER, R.B.J. *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993), p. 154.
- ³² JACOBS, D. *Rights Across Borders: Immigration and the Decline of Citizenship* (Baltimore: John Hopkins University Press, 1996), quoted in E.F. ISIN and P.K. WOOD, cit., p. 69.
- ³³ ZINCONE, G. 'L'Identità degli Italiani e la Paura degli Immigrati', *La Repubblica*, 15/10/2000.
- ³⁴ ZINCONE, G., ibid.; GALLI DELLA LOGGIA, E. *L'Identità Italiana* (Bologna: Il Mulino, 1998).
- ³⁵ ZINCONE, G., cit. As it will be explained later in the thesis, I will define Italian identity as apolitical, instead of pre-political, because such definition does not presuppose the existence of a pre-ordinate development of identity from a pre-political phase to a political one. See chapter three – section 3.3.
- ³⁶ Ibid.
- ³⁷ Ibid., "punti di orientamento civile".
- ³⁸ Ibid.
- ³⁹ Ibid., p. 61; "identità nazionale e l'identità italiana", "il modo ... di essere dello Stato nazionale e il passato storico del paese".
- ⁴⁰ Ibid., p. 81; "In Italia, dunque, geografia dello Stato e geografia della società non si incontrano".
- ⁴¹ Ibid., p. 103; "individui che avranno grande difficoltà ad essere cittadini. ... perché l'individuo possa ... integrarsi nel cittadino ... è necessaria la presenza dello Stato".
- ⁴² Ibid., p. 152.
- ⁴³ Ibid., p. 44; "l'unico tratto effettivamente comune all'intera umanità italiana e quindi, ... l'unico aspetto unificante della penisola".
- ⁴⁴ See KEATING, M. *The Politics of Modern Europe. The State and the Political Authority in the Major Democracies* (Hants: Edward Elgar, 1993), p. 193.
- ⁴⁵ See BALBO, L., and MANCONI, L. *I Razzismi Reali* (Milano: Feltrinelli, 1992); COCCHI, C. (ed.), *Stranieri in Italia* (Bologna: Istituto Cattaneo, 1990); COTESTA, V. *Sociologia dei Conflitti Etnici. Razzismo, Immigrazione e Società Multiculturale* (Roma-Bari: LaTerza, 1999); DAL LAGO, A. *Non-Persone, l'Esclusione dei Migranti in una Società Globale* (Milano: Feltrinelli, 1999); DAMIANI, M. 'Un Convegno a Roma sulla Società Multiculturale ed i Problemi dell'Immigrazione Straniera in Italia', *Affari Sociali Internazionali*, 1990, XVIII, (2), 131-134; NAVARRI, A. 'La Cittadinanza Impossibile', *Critica Marxista*, 1999, 5, 67-74.
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- ⁵⁰ Ibid., p. 207.

CHAPTER ONE:

STATEHOOD, CITIZENSHIP

AND 'ALIEN-NESS'

1.1 INTRODUCTION

The aim of the present chapter is to problematise the way in which the exclusion of the refugee has been constructed, conceptually, via a specific understanding of key political concepts such as state sovereignty, citizenship, political community, membership, identity and sense of belonging. It is because of a *statist* understanding of these concepts that IR mainstream represents the refugee as the 'excluded', as someone whose identity is always already constructed as if *necessarily* opposed to the one of the citizen, an opposition that is, simultaneously, the very negation of the subjectivity of the refugee. In particular, the chapter will scrutinise why the exclusion of the refugee is embedded in the way in which the state-citizen relationship is theorised, a relationship inscribed in the very conceptualisation of political life. Within a discourse centred on processes of political participation, representation and protection, non-citizens figure as anomalous presences, for the very reason that the way in which political life is represented presupposes, conceptually, that only citizens develop a sense of identity and of belonging with the political community where they are members.

A close analysis of the concepts of state, state sovereignty and citizenship will reveal why these concepts, contrary to IR orthodoxy, are neither immanent nor given, but they are social constructs. And because social constructs, their meaning cannot be taken for granted, nor can the historical processes that have led to their progressive transformation be ignored, *as if* they were immune from any spatial and temporal investigation. The recognition that state and state sovereignty (as well as all the other political concepts connected to them) are social constructs implies *per se* that the exclusion of non-members is inscribed in the way in which these concepts are theorised. The chapter will, hence, attempt to provide a more inclusive reading of these concepts with the intention of expanding the way in which International Relations theory is read. The need to move beyond the dominant articulations of political assumptions and categorisations has been made explicit in R.B.J. Walker's *Inside/Outside*, when stating:

[t]heories of international relations ... can also be read ... as a crucial site in which attempts to think otherwise about political possibilities are constrained by categories and assumptions that contemporary political analysis is encouraged to take for granted.¹

The following pages aim precisely to contest the way in which IR scholars have traditionally constructed a *statist* understanding of the 'political possibilities' connected to the concepts of state and state sovereignty. This critical exploration will be carried out, first of all, via an analysis that explores how processes of exclusion are constructed, and constantly reaffirmed, through a political narrative strongly dominated by a discourse centred on the state-citizen political relationship. Hence, the question that is posed is not simply 'where can the refugee be located within a political community other than his/her own?', but indeed, 'given the historical dominance of a state-centric discourse, how is the representation and perception of the refugee included within such a discourse?'

Within a political narrative where the refugee is pictured as a non-citizen, an analysis of the meaning of 'being a citizen' becomes essential. Such an analysis will require a preliminary scrutiny of the citizenship debate and an evaluation of whether, and to what extent, the concepts of identity and citizenship are conceptually interconnected. In particular, it will be emphasised why the modern idea of citizenship incorporates *per se* two opposed principles. On the one hand, it expresses a *universally* applicable principle of the right to freedom and equality, as contained in the Universal Declaration of Human Rights (UDHR) that applies indiscriminately to everyone. On the other hand, citizenship expresses a *particularistic* principle because it presupposes not only that each political community establishes its own criteria for the assignment of the membership, but also that the right to freedom and equality is guaranteed only to members.²

While in the first part of the chapter, attention will be devoted to scrutinise how dominant theorising constructs the exclusion of refugees, the final part will, indeed, problematise this very exclusive reading. The concluding section will specifically contest the way in which identity and political community are conceptualised, as well as the existence of a *necessary* correspondence between citizenship and identity. This 'unfamiliar' reading of membership and identity will open up possibilities for problematising the existence of *homogeneous* political communities composed of a community of citizens whose primary source of identity is *necessarily* located within the political and public sphere. The argument will, consequently, try to move *beyond*

an essentialist understanding of identity and reveal the existence of fragmented identities located within fragmented communities. Through an analysis of identity, or identities, expressed in terms of fragmentation, fluidity and hybridity, it will emerge not only why the assumption that everyone fits neatly into well-defined categories cannot continue to be taken for granted,³ but also why the figure of the refugee, from the stand point of the receiving society, evokes an image of 'between-ness'.

1.2 THE STATE, THE CITIZEN, THE 'ALIEN'

An analysis that clarifies the way in which the three concepts of state, citizen and 'alien' are *conceptually* connected represents a crucial starting point for making sense of the prevailing logic of exclusion that dominates IR discourse. In order to clarify how such a discourse is constructed, it is necessary to understand why the conceptualisation of the state-citizen relationship presupposes *per se* the exclusion of the non-citizen. More specifically, the conceptual construction of exclusion operates within two different political spaces, which might lead to talk of a *double exclusion*. Firstly, the exclusion of the citizen from his/her own community of origin, and/or of belonging, is perpetrated once a profound political break between the state and the citizen occurs, a break that provokes *per se* the transformation of the citizen into a refugee. Secondly, the shift from the status of 'citizen' to the one of 'refugee' provokes a further process of exclusion: i.e. the political impossibility for the ex-citizen (the 'new' refugee) to move from a condition of exclusion – derived from his/her expulsion from the community of origin – to one of inclusion within *an-other* community. The conceptual impossibility for the refugee to be included within another community is, thus, reaffirmed within a discourse constructed on the political divide citizen/non-citizen, a divide based on processes of comparison, via negation, between the *citizen* (the subject *par excellence* of the state) and the *refugee* (the 'non-subject', the negative opposite of the citizen). It is at this point, when the state-citizen relation is broken, that the existence of the refugee is perceived as a scandal for politics, if not its very negation. And it is a scandal for the failure of politics to fulfil its given task: the full realisation of the citizen within his/her political community,⁴ a realisation that is *per se* negated once the political act of persecution is perpetrated, and hence once the citizen is transformed into a refugee.

In order to fully perceive why a logic of exclusion is already inscribed in the state-citizen *circular* relation, and how disruptive might the break of such a relation be

within a world of states, it is necessary to evaluate *primarily* the way in which the concepts of the state, state sovereignty and political life are conceptualised, and how the concept of 'refugee-ness' is *negatively* constructed upon such a conceptualisation.

State, state sovereignty and political life

Mutually exclusive territoriality, independence, international recognition, authoritative decisions over entry/exit policies, and citizenship are considered to configure the attributes *par excellence* of modern sovereign states. Conventional discourse takes the state not only as a starting point but also as the principal agent of action that

derive(s) its powers from the citizens it represents, ... the citizens for whom, in return, the state deploys law, force, and rational administrative resources in order to guarantee certain protections.⁵

Political life is, consequently, conceptualised in terms of participation of the citizens in the conduct of the state, a state that represents and protects its community from whom its legitimate power emanates. Political life is hence articulated in the very processes of participation, representation and protection, activities that take place within (and only within) the boundaries of the sovereign territory.⁶ When the activities of the state become the major source of threat to its citizens, the prime justification of its very existence is undermined, since the state is neither representing its citizens nor protecting them. It is within this terrain, where human rights are abused, that a re-consideration of the meaning of protection, and above all of 'national security', is needed. The concept of security, traditionally used exclusively as meaning 'national security', can hardly continue to be taken for granted, particularly when confronted with an increasing number of conflicts where the threats come not from outside but from within national borders.⁷ And it is precisely from within national boundaries that the plight of refugees originates, a plight that exposes not simply the disjuncture between the state and its citizens (or between the citizens and their state), but also the very conceptualisation of being a *sovereign* state. And it is on the meaning of state sovereignty that the focus will now concentrate, devoting special attention to the way in which IR scholars have approached such a concept not simply from a state-centric perspective but also as if an immanent concept.

The meaning of the concept of state sovereignty has never been fixed, but historically contingent. It took a few centuries of evolution, from the first conceptualisations of the philosophers of the eighteenth century, before arriving at the

current idea that states are founded on the so-called *popular* sovereignty as opposed to *monarchical* sovereignty. From the negative and pessimistic Hobbesian formulation of the human nature (*homo homini lupus*) emerged modern absolutism that, recognising the sanctity of life, limited the *summum imperium absolutum* of the sovereign; from the Lockean optimistic formulation (*homo homini deus*) emerged modern liberalism; and from the Rousseauian formulation emerged modern democraticism that determined the development of the principles of the formal equality of citizens before the law and the recognition of a popular sovereignty.⁸ But it was not until the end of the Second World War that the concept of sovereignty,

based on the will of the people has become established as one of the conditions of political legitimacy for a government.⁹

The notion of popular sovereignty implies *per se* the recognition that the state is sovereign, but its sovereignty is not a *summum imperium absolutum*. Its being sovereign is founded on the state-citizen relationship, a relationship based on a mutual recognition that the activities of the state are for the benefits of its citizens, from whom its activities originate. This very understanding has been publicly emphasised by the UN secretary-general, Kofi A. Annan, who has highlighted the specific role of the state in protecting and safe-guarding its people. As he put it:

[s]tates are now widely understood to be *instruments at the service of their peoples*, and not vice versa. ... When we read the charter today, we are more than ever conscious that its aim is *to protect individual human beings*, not to protect those who abuse them.¹⁰
(Emphasis added)

Notwithstanding the radical historical transformation of the concept of state sovereignty, IR theorists have, however, demonstrated a surprising ‘blindness’ in considering uncritically such a concept as static, immune from any spatial and temporal investigation. The nearly complete absence of theorising of the historical evolution of the concept of sovereignty has led IR scholars, as C. Weber puts it, to “two embarrassments”.¹¹ On the one hand, IR scholars have taken the concept of sovereignty, that emerged in the West during the post-World War II, and

universaliz(ed) this form of sovereignty to the entire history of sovereignty (or to the entire history of authority more generally) in every locale.¹²

On the other hand, taking for granted the stabilisation of the meaning of state sovereignty, IR scholars have been unable to investigate how such a meaning has been fixed in the theory and practice of international relations, and how both the constitution of communities and the idea of political representation are closely related to the

question of sovereignty.¹³ Consequently, the problematique of political representation led Weber to investigate not simply

‘what is represented?’ or even ‘how is representation possible?’ [but, more importantly] ... ‘what happens when it is no longer possible to represent sovereign foundations?’ In other words, what happens when a logic of representation fails and is replaced by a logic of simulation?¹⁴

According to Weber, it is more appropriate to conceptualise the very idea of state sovereignty in terms of simulation rather than in terms of representation. It is in situations where a state fails to represent, both politically and symbolically, the voice of the people that the state simulates a series of images and models that make the logic of representation *appear* to function, allowing the state to still claim to be *the* representative “agent of its people”.¹⁵

It becomes evident, through an expansion of Weber’s analysis, that once the state simulates not simply activities of representation, but more importantly, activities of protection, a profound break between the state and the citizens does occur. It is the occurrence of such a break that ought to stimulate a process of re-conceptualisation not simply of the concept of the state, but also of the concept of *sovereign* state, a sovereignty that is neither immanent nor given. Not only is sovereignty the result of a social construct, but its appearance as a “lifeless category” is clearly the result of the way in which a “conventional story” is, and continues to be, written.¹⁶ As put in Walker’s *Inside/Outside*,

the state appears in the conventional story as a formal and almost lifeless category, when in fact states are constantly maintained, defended, attacked, reproduced, undermined, and relegitimised on a daily basis.¹⁷

The constant processes that attempt to make the state ‘appear’ as a ‘lifeless category’ have provoked “a certain amnesia about its historical and culturally specific character”¹⁸ and made the vast majority of IR scholars adopt the concepts of state *and* of sovereignty *as if* they were “more or less interchangeable terms”.¹⁹

Observed through these lenses, the traditional picture of the modern state system appears quite different. What comes out is the representation of a system

not based on some timeless principle of sovereignty but on the production of a normative conception that links authority, territory, population (society, nation), and recognition in a unique way and in a particular place (the state).²⁰

Pictured in this way, the traditional definition of state sovereignty loses its static image and acquires a more dynamic one, one that portrays sovereignty as an “inherently *social* concept”,²¹ a concept constantly produced and re-produced by social practices

within a well-defined spatio-temporal political framework. Entities such as nation, state, citizens, and aliens, closely interrelated to the very concept of sovereignty, cannot, certainly, be excluded from such a process of re-conceptualisation, a process that reveals how these entities cannot be taken, for the very same reason, as given but as historically contingent.

At this point of the discussion, the question regarding the (possible) location of the refugee within the political community becomes unavoidable. In particular, it is crucial to understand how the refugee could possibly be included not simply within a political discourse that takes for granted the state-citizen political relation, but also within a political discourse strongly constructed *as if* state and state sovereignty were immanent concepts. Hence, the question that might be posed is: given the historical dominance of a state-centric perspective, how is the representation of the refugee included within such a discourse? And it is to this question that the following section will concentrate attention.

Representing the refugee

As mentioned, given the prevailing political discourse, the existence of the refugee represents a clear and tragic failure of the state in fulfilling its traditional task for the reason that human rights abuses originate from those very institutions of the state that are, at the same time, *the* entities responsible for the protection from such abuses. The major difficulties arise, consequently, when questioning whether the “states which are part of the problem can also be part of the solution”.²²

A possible and preliminary response to the question related to the problematique of representation and perception of the refugee is offered in the analysis put forward in N. Soguk’s *States and Strangers*. Soguk’s analysis provides precisely the analytical framework that problematises the way in which IR scholars represent any refugee discourse as a discourse of the “marginalized and of otherness”,²³ an otherness which is, however, instrumental for the constant reaffirmation of the *centrality* and the *subjectivity* of the citizen. As Soguk has put it, “conventional discourse” is founded on the

premise that the modern citizen, occupying a bounded territorial community of citizens, is the proper subject of political life: the principal agent of action, the source of all meaning of value, and the point of decision to which, ultimately, all matters of political uncertainty must recur.²⁴

The citizen, the ‘proper subject of political life’, is not included within a *generic* community of individuals, but s/he is included within a community of citizens, a community where the non-citizens are *per se* excluded, or not fully included. Moreover, because political communities are founded on the existence of a *circular* relationship between the state and the citizens, they are founded, *ipso facto*, on the exclusion of the non-citizens. And refugees *in primis* are excluded for the reason that their very act of fleeing and requesting asylum presupposes *per se* a clear affirmation that the (taken-for-granted) state-citizen relationship has been broken. And it is precisely because of the centrality given to such a relationship – and to the assumption that such relationship is unbreakable – that a profound distortion in the representation of the image of the refugees is created. They are perceived and pictured as *non-citizens*, as ‘aliens’ not simply living within the national boundaries of a country other than their own, but as non-citizens who have lost a vital connection, in terms of representation, protection, and sense of belonging to their community of origin, a connection which is deemed *per se* irreplaceable. Within the dominant political discourse citizens are included within a community of fellow-citizens, a community where a specific understanding of identity and of a sense of belonging is taken to exist. It is precisely as a result of the lack of any political connection with the receiving society that, according to Soguk, the exclusion of refugees is deemed to be perpetrated as long as they remain non-citizens and as long as they remain “cut off from the land, the home, the homeland, the bounded community, and the nation”.²⁵ Furthermore, the sharp dividing line that differentiates between insiders (citizens) and outsiders (non-citizens) is built through processes that construct a specific statist vocabulary that constantly shapes our political, social and legal imagination. And it is through such a construction that

[m]eanings of words like *territory, sovereignty, country, homeland, democracy, citizen, refugee, and state* are constantly negotiated, differentiated, and hierarchized to affirm the state-centric imagination of the world.²⁶

This specific ‘statist imagination of the world’ is, and needs to be, constantly reproduced in order to guarantee the perpetuation of the present order, an order which is represented not merely as *the* only available option but as *the* only order that guarantees a peaceful, wealthy, democratic and secure existence.²⁷ Hence, within the present political discourse, the image of the refugee is deemed to be conceived as the *negative opposite* of the citizen and any refugee discourse, as a consequence, becomes

a discourse of the “marginalized and of otherness”,²⁸ an otherness which is, however, essential in order to reaffirm the subjectivity of the citizen. The figure of the citizen (the insider) is thus not only represented as the only proper subject of the nation-state but its uniqueness is further reaffirmed thanks to the negative representation of the ‘alien’, of his/her being a non-citizen and of his/her failure to *belong* to a community of citizens.

If the refugee is represented as the negative opposite of the citizen, in order to discover how such a representation is so ably reproduced, one needs to first uncover how the construction of his/her *positive opposite* (the citizen) operates. It becomes, hence, crucial to introduce within the present analysis the citizenship debate to clarify some key questions. To begin with: what does it mean to be a citizen? What does it mean to possess citizenship? Why is the (full) inclusion within a sovereign state subordinated to such possession? How do nation-states determine who belongs or does not belong to the community? How has citizenship been historically defined? And last but not least, as put in Walker’s *Inside/Outside*, who are we? Are we “citizens, humans or somehow both”?²⁹ All of these questions require not simply an analysis of the way in which the concept of citizenship has been historically conceptualised, but also, and more importantly, a prior clarification of the space occupied by ethics within IR discipline, and in particular the way commitment towards fellow-citizens (as expressed in communitarianism) and commitment toward humanity (as expressed in cosmopolitanism) are perceived.

1.3 LOCATING CITIZENS’ COMMITMENT

An understanding of the way in which the cosmopolitan and communitarian approach has been tackled within IR discipline is certainly crucial for comprehending the way the criteria for ethical judgements have been established, and in particular the way “a universalist account of humanity and a particularist account of political community”³⁰ have been articulated. The two approaches have been traditionally understood as one opposed to the other, clearly privileging an either/or choice approach: *either* communitarianism *or* cosmopolitanism, *either* a prime commitment toward fellow-citizens *or* a prime commitment toward humanity, *either* a prime identification as members of the political community *or* a prime identification as members of the global civil society. Although the present thesis will not address the cosmopolitan-communitarian debate,³¹ what is important to comprehend is how the debate has been

shaped, and how, given the historical dominance of a state-centric approach, IR mainstream has privileged the communitarian standpoint, and hence, an ethics centred on the way political life is organised within the sovereign territory. As specified in Walker's *Inside/Outside*, it was in particular the way IR scholars articulated the concept of state sovereignty, as well as the centrality attributed to citizenship that determined the predominance of analyses whose attention was devoted to the national territorial space, and hence to a 'particularist account of political community'. And as Walker has put it,

[a]s a response to questions about whether 'we' are citizens, humans or somehow both, *state sovereignty affirms* that we have *our primary* – often over-riding – *political identity* as participants in a particular community, but *retain a potential connection* with 'humanity' through participation in a broader international system.³² (emphasis added)

It was precisely the primacy given to a state-centric approach, founded on the assumption that the sovereign state was both the starting point and the principal agent of action, that has determined a specific statist understanding of political life, and of the space that ethical judgements ought to occupy. And it is on the space that ethics occupies within the discipline that it is important to briefly concentrate attention.

To begin with, the general acceptance that the way governments treated their own citizens was not of international concern clearly determined the relegation, within the domestic sphere, of all those issues concerning violations of human rights. The traditional distinction between the 'domestic' as opposed to the 'international' not only has restricted the way ethical issues relating to world politics were investigated but also has legitimised the assumptions that the domestic is governed by order and the international, only and exclusively, by anarchy.

IR scholars have traditionally considered normative theory as not "fundamentally necessary" to the study of world politics justifying, in this respect, the inclusion of ethics with other marginal sub-groupings such as post-modernism, feminism, and ecological approaches.³³ Only a few selected topics were considered relevant to IR, particularly those referring to just war theory, the sanctity of national boundaries expressed in the right of non-intervention, the justifiability of nuclear deterrence, the principle of international humanitarianism, and distributive justice.³⁴ IR discipline has clearly organised its sphere of theorising through processes that distinguished *selectively* not simply between the realm of 'high' politics and of 'low' politics, but these very processes of selection have also been applied to ethical theorising.

Moreover the traditional marginalisation of ethics has been historically constructed on the assumption that politics and ethics obey, and have to obey, to two opposing principles,³⁵ and on the articulation of a long series of binary oppositions assumed, *a priori*, to constitute a given within IR discipline. Domestic vs. international, order vs. anarchy, politics vs. ethics, objectivity vs. subjectivity, public vs. private, self vs. other, citizens vs. aliens are but a few examples of an endless list of dichotomies that have shaped IR discourse.

The (taken-for-granted) principle of sovereignty has, therefore, systematically marginalised any meaningful discourse aiming to construct a more *humane*, as opposed to a *statist*, approach centred on human beings, on their life, values, cultures, rights and needs. And it is these values that need to be evaluated when refugee discourse is involved. Recognising the importance of incorporating such values within any reception policies makes the difference between the adoption of policies that care for human beings and those that treat ‘aliens’ as simply non-citizens. Hence, the ‘amorality’ of the principle of sovereignty has done much more than simply legitimise the exclusion of any ethical reasoning; it has, indeed, limited the sphere of ethical theorising within the discipline. Moreover, the prevailing normative literature has generally sought to “ameliorat[e]” or “overcom[e]” the moral lacunae of the discipline rather than “contesting and problematizing the parameters of anarchy and sovereignty”.³⁶

The concept of sovereignty, even in the present historical moment, seems still firmly anchored to the old international order, an order where the logic that shapes states’ foreign policy does not obey “consistently by an impartial concern for human rights”.³⁷ However, the centrality of such a principle has started to be questioned by an increasing number of IR scholars who are scrutinising whether there are the conditions for moving beyond the anarchical society, beyond a legal system based on sovereign states, and beyond a system that *cannot* be thought as the *only* available alternative.³⁸ Although many fundamental changes (as for instance the processes of globalisation) have been taking place in the contemporary international system, no agreement has been reached concerning the impact and significance of such changes. Because all the changes have taken place within the state-centric system, scepticism prevails in envisaging a shift toward a post-Westphalian order, an order where state sovereignty ought not to be assumed as *the* governing principle.³⁹

How are all these issues related to the present research? As will emerge more clearly later on, when the Italian reception framework will be scrutinised, the thesis clearly privileges a specific understanding of ethics, an understanding that aims to move beyond the cosmopolitan-communitarian opposition through an analysis that tries to conciliate the individual-as-human-being with the individual-as-citizen. This aim is attempted not by a theory of ethics willing to discover and apply some universal principles but, as suggested in D. Campbell and Shapiro's volume, *Moral Space, Rethinking Ethics and World Politics*, by narratives able to uncover

*the ethical relation in which our responsibility to the other is the basis for reflection. Eschewing hierarchical constructions of moral value, ... [the] focus [is] instead on the always already ethical situation integral to the habitus of experience.*⁴⁰

The analysis of the policies of reception adopted in Italy in response to the influxes of Kurdish refugees aims precisely to make sense of the way 'our responsibility to the other', and the 'ethical relation' with the other is created. More specifically, on the one hand, it will explore those 'moral spaces' where a sense of responsibility and relation, grounded on ethical principles, is created between the political institutions and the refugees and, more importantly, between the charitable networks and the refugees. On the other hand, it will explore and question to what extent the *Italians-as-citizens* and the *Italians-as-human-beings* are prepared to depart from the official statist logic and affirm a more humane logic even to the point of disregarding and/or moving beyond official political decision. It is at this point that an exploration of the way in which the Catholic Church has influenced the responses towards refugees will be introduced. Such an exploration will reveal how the communitarian and cosmopolitan principles are constantly negotiated within everyday practices as well as within the dominant public debate that tries to conciliate between the *political-statist* position with the Christian *ethical-humane* one, between those who privilege the *Realpolitik* approach and those whose action is primarily centred on the individuals-as-human-beings, and not *exclusively* on the individuals-as-citizens.

To conclude, having scrutinised why the state-citizen relationship presupposes conceptually the exclusion of the non-citizens, and why the dominance of state-centric analyses have resulted in privileging a political discourse in which commitment towards fellow-citizens is taken to be prior to a commitment towards humanity; the analysis can now evaluate more closely how the concept of citizenship has been theorised. More specifically, what is important for the present discussion is to establish

to what extent a state-centric conceptualisation of the institution of citizenship has been constructed in such a way as to reinforce the exclusion of non-citizens.

1.4 CONCEPTUALISING CITIZENSHIP

The meaning that it is generally attributed to the concept of citizenship not only is closely connected with the way in which the state is theorised, but also has emerged from the same historical processes that led to the formation of the modern nation-state. Although the applicability of its meaning has eventually become universally accepted, it should not be misleading because citizenship is nonetheless a “contingent and political” phenomenon whose “boundaries ... have been highly contested”.⁴¹

Citizenship, since its early formulation in Greek philosophy, has always presupposed a dividing line between insiders and outsiders, between the citizens who, thanks to ascribed criteria, were accorded the capacity and faculty to actively and politically participate and determine the fate of the polity and the non-citizens whose involvement was *a priori* denied.⁴² The relationship established between the individuals and the state is thus founded on the formal possession of citizenship, which involves three interconnected dimensions: the legal, the political and what might be defined as the social dimension. As clearly explained in V. Stolcke’s *The ‘Nature’ of Nationality*:

one regard(s) an individual’s legal status within a polity which warrants the unqualified enjoyment of civil, political and social rights. Second, this political status is formally grounded in a prior legal relationship entered into by the individual and a state. ... And third, belonging to the nation-state has ... often been taken to be ‘ascribed’ by an inner, subjective sense of shared national identity.⁴³

It was within the modern world-system that citizenship, privileging only those recognised as nationals of a particular state and excluding the non-nationals, started to presuppose a system of exclusion, an exclusion constructed on an “imperialist practice that found its strongest expression in citizenship” and on a legal and moral system with exclusive jurisdiction over all the individuals living within the same territory.⁴⁴ It was precisely through the establishment of the modern state system that it was historically possible both to transform the ‘subjects’ living within the national territory into ‘citizens’, and to draw a line between the citizens and the non-citizens.⁴⁵ The division between insiders and outsiders, between those who are entitled to enjoy *all* the rights and those who are entitled to enjoy only *some*, has resulted in the development of powerful

means by which to justifiably allocate rights to some and to deny rights to others, by virtue of the spatial determination of citizenship.⁴⁶

The attribution of the status of citizen started, thus, to be used as a powerful instrument for allocating specific sets of rights to specific and arbitrarily selected groups. And although historically the possession of citizenship was proclaimed to be universally applicable, because expressing the

quintessence of the modern individual's political emancipation and *equality in the eyes of the law*,⁴⁷ (emphasis added)

such a principle of equality had a highly limited applicability. It referred not to an equality amongst *individuals* but to an equality amongst *citizens* who belonged to the same nation-state, an equality that was applicable exclusively within *their* nation-state. Hence, the way the principle of citizenship has been historically formulated contains *per se* a clear contradiction because, despite the rhetoric of its universal applicability, it is implemented exclusively within the territory of the state and applied selectively to some (the citizens) and not to the whole population living within in the same boundaries.

What is important for the present research is to understand whether, and to what extent, citizenship reaffirms and reinforces the state-citizen political relationship – which presupposes *per se* the dominance of practices of exclusion – or whether citizenship can become an instrument for producing inclusion. Hence, what needs to be comprehended is not simply the historical processes of inequality as scrutinised for instance in T.H. Marshall's *Citizenship and Social Class*,⁴⁸ but more importantly the very meaning that the institution of citizenship continues to evoke. And in this respect the work of R. Brubaker is highly valuable for the way in which the author scrutinises those attributes that are considered to be embedded within the idea of citizenship.⁴⁹ Although the model that Brubaker proposes, as he himself acknowledges, is “largely vestigial ... significantly out of phase with contemporary realities of state-membership”,⁵⁰ it still delineates the prevalent and widespread meaning generally attributed to the concept of citizenship, which should be “*egalitarian, sacred, national, democratic, unique, and socially consequential*”.⁵¹ And in particular, to quote Brubaker extensively,

Membership of the nation-state ... should be *egalitarian*. There should be a status of full membership, and no other (except in the transitional cases of children and persons awaiting naturalization). ... Second, membership should be *sacred*. Citizens must make sacrifices – etymologically, perform “sacred acts” – for the state. They must be prepared

to die for it if need be. ... Third, state-membership should be *based on nation-membership*. The political community should be simultaneously a cultural community, a community of language, mores, and character. Only thus can a nation-state be a nation's state, the legitimate representative and the authentic expression of the nation. ... Fourth, membership should be *democratic*. Full membership should carry with it significant participation in the business of rule. And membership itself should be open: since a population of long-term resident non-members violates democratic understanding of membership ... Fifth, state-membership should be *unique*, that is, exhaustive and mutually exclusive. Every person should belong to one and only one state. Statelessness ... can be catastrophic in a world in which even so-called human rights are enforceable for the most part only by particular states. ... Lastly, membership should be *socially consequential*: it should be expressed in a community of well-being. Membership should entail important privileges. ... [T]hese should define a status clearly and significantly distinguishable from that of nonmembers.⁵²

However, all of these attributes of membership (egalitarian, sacred, national, democratic, unique, and socially consequential) as explained in Brubaker's analysis, cannot be applied all at once, particularly if the question of admission is considered more closely. If, for instance, the application of the principles of equality and democracy was considered, a coherent practice would require the granting of full citizenship, at least, to all those foreigners who have been long-term residents. But, if that were the case, a new discrepancy would soon emerge. If membership is understood as evoking 'unique, sacred and national' attributes, these very attributes can hardly, if at all, be reconciled with the admission of foreigners. Although Brubaker did recognise that citizenship does not *necessarily* presuppose the dominance of systems of exclusion, he did, however, recognise that these attributes are adopted as important tools for justifying "a series of more or less restrictive preconditions for admission".⁵³ The analysis of states' discretionary decision in reference to the procedure of admission to the process of naturalisation exemplifies how citizenship is *selectively* allocated. In particular, Brubaker distinguishes between two groups of countries according to the processes that migrants have to undertake in order to obtain citizenship. On the one hand are countries where a discretionary system prevails. The processes for obtaining citizenship are not clearly put forward, naturalisation is quite exceptional and it is the state that allocates, at its discretion, citizenship, which is clearly understood as a "privilege bestowed by the state ... on certain deserving individuals".⁵⁴ On the other hand are countries where the process of naturalisation is the norm, and the state itself strongly encourages such process. The criteria for admission are, hence, clearly specified, and the attainment of citizenship is quite straightforward once the specified preconditions are met.⁵⁵

Having clarified those important attributes that the concept of citizenship evokes as well as the inherent incongruence that those very attributes incorporate, what still needs to be understood is why the possession of the citizenship is so important. If foreign migrants were considered, Brubaker might be right to affirm that citizenship ought to be granted, if the principle of equality and democracy are to be respected. The question is certainly different for refugees, because their very act of fleeing from their own country represents *per se* a manifest indication not only that their country has *de facto* deprived them of the 'right to remain', but also that the possession of the citizenship has lost its symbolic attributes. Hence, what needs to be asked is not exclusively, 'why is it important to be recognised as a citizen?' but, more importantly, 'given the present world order, what are the consequences of being deprived of the possession of citizenship?' And here the work of J.H. Carens and of H. Arendt is highly valuable, for the different emphasis attributed to the possession of citizenship.⁵⁶ While the former concentrates attention on the importance of being recognised as citizens in terms of economic and social life, the latter concentrates attention, indeed, on the political valence that the very possession of citizenship presupposes.

According to Carens, who advocates a liberal egalitarian perspective, in an age of sovereign states, the possession of citizenship is not merely a legal or political question but can represent a life/death question because the lack of such possession has direct implications on the economic and social life of individuals. Moreover, the attribution of present-day citizenship has many elements in common with medieval "feudal status" because of its ascribed criteria. And as Carens has put it:

[i]t is assigned at birth ... *not subject to change by the individual's will and efforts*; and it has a major impact upon that person's life chances. To be born a citizen of an affluent country ... is like being born into nobility. To be born a citizen of a poor country ... is (for most) like being born into peasantry in the Middle Ages.⁵⁷ (emphasis added)

Departing from the comparison of the character of modern citizenship and the feudal status, Carens not only questions whether modern discriminatory practices, that citizenship does involve can be possibly justified,⁵⁸ but also stresses the importance for citizens of having the right to remain in their country. Not denying the relevance of the right of freedom of movement, Carens draws attention to the importance for the citizens to remain members of their community. As he puts it:

under ... perhaps most circumstances the right to remain in a country where one is already a member is much more fundamental than the right to get in. ... This is not a denigration of the importance of the freedom to move, but rather a claim that the freedom to remain is even more important.⁵⁹

The right to remain becomes even more important within a world of states in which the possession of the formal status of citizenship presupposes (or better, should presuppose) the full respect and protection of human rights. However, being refugees implies not simply that their right to remain has been negated, but also that they have been deprived of such a right despite their being citizens and despite possessing the legal precondition for receiving such protection. Hence, the phenomenon of forced mass migration exposes clearly why, within a political order where the implementation of human rights is attributed exclusively to states' institutions, the loss of one's nationality might imply, consequently and tragically, a loss of human rights altogether. And in this respect, Arendt's *The Origins of Totalitarianism* is interesting, particularly for the way in which she defines as "rightless" those refugees who fled from the conflicts during the imperialist era.⁶⁰ They are defined as "rightless" because living in a situation of "stateless",⁶¹ and it is this very situation of 'stateless' that represents, for Arendt, their biggest tragedy. Refugees' biggest tragedy does not, in fact, simply consist in having been deprived of human rights such as

life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion⁶²

but that "they no longer belong to any community whatsoever".⁶³ According to Arendt, such an expulsion from their own community determines as well expulsion from any other community where they cannot be fully included because of their condition of being 'stateless'. To use Arendt's own words:

we have really started to live in One World. Only with a completely organized humanity could the *loss of home and political status become identical with expulsion from humanity altogether*.⁶⁴ (Emphasis added)

For Arendt, refugees are excluded from 'humanity altogether', and not simply from their own state of origin, for the very reason that they have, first and foremost, been deprived of a political space within their own community. Hence their exclusion (via expulsion) presupposes *per se* the loss of their political subjectivity that only the status of citizenship can provide. For Arendt the existence of the refugee is problematic not simply because, within a world of states, it is the state that ought to guarantee the protection of human rights but, more importantly, because the refugee is denied the access to a political and public space. It is exclusively within this space that the political activity, embedded in the possession of citizenship, can properly flourish.⁶⁵ For Arendt, citizens' primary source of identity is located within the political and

public sphere. It is here where the citizens participate actively to the conduct of the political community, thanks to the establishment of political ties based on “relations of civility and solidarity”.⁶⁶ And it is these very political ties, and not “some set of common value”, that keep together the political community, a community that represents

the world they set up in common, the spaces they inhabit together, the institutions and practices which they share as citizens.⁶⁷

1.5 THE CITIZENSHIP DEBATE

A closer analysis of the ongoing citizenship debate will help to further clarify the way in which the meaning of political community, membership, identity and sense of belonging have been conceptualised within the principal theoretical approaches, namely liberalism, communitarianism and civic republicanism. More recently, some scholars have expanded the boundaries of the citizenship debate and included the wider problematique of minority groups. Such an inclusion has determined a shift from the traditional focus on state sovereignty, border control, citizenship and identity, to a focus on the rights that minority groups (be they native minorities or immigrants groups) ought to enjoy within the community where they live.⁶⁸ To the traditional questions such as: what is a (political) community? Who belongs (or ought to belong) to such a community? Can non-members have access to it? And if so, on what grounds and which criteria, legal and moral, are (and ought to be) adopted for the selection of future insiders? What kind of inclusion is granted, full inclusion or limited inclusion?; further questions automatically arise once the minority rights debate is introduced. Questions such as: who are (or ought to be) the beneficiaries of human rights within the present multicultural and multiethnic sovereign states? How to deal with group identities as well as cultural differences when the problematique of justice is taken into consideration? To what extent does the very conceptualisation of citizenship presuppose systems of exclusion? And last but not least, how can the principle of equality, loudly proclaimed in modern democracies, be reconciled with the differentiated treatments accorded to non-nationals?

The issue is certainly highly complex and the following pages will not attempt to provide an exhaustive argumentation. The analysis will be restricted to offer a general overview of the way in which the concept of citizenship is connected to the dominant political understanding of community, membership, identity and sense of belonging. It

is these very concepts that are relevant for the present thesis, for the way they influence how reception policies are organised, both nationally and locally, in response to refugees. More specifically, a general overview of the citizenship debate, as emerged within liberalism, communitarianism and civic republicanism – each of which has advocated a specific conception of belonging and membership – will help to clarify why the citizenship debate is so controversial and, more importantly, how the exclusion of non-members is constructed, justified and perpetuated. Such an overview will also help to understand the centrality attributed to the idea of political community; why a strong sense of belonging and identity to the community of origin creates a political relationship between citizens and fellow-citizens; and why such political relationship presupposes the exclusion of non-members. Although liberalism, communitarianism and civic republicanism have a different understanding of the political activities that members ought to perform within their community, they all presuppose the creation and maintenance of systems of exclusion, of systems where non-members are always already excluded because lacking the constitutive attribute of the members: the political subjectivity and a shared public space where to perform political activities.

However, these approaches should be considered as “ideal types rather than water-tight categories” in which scholars can be easily and perfectly included in one of each.⁶⁹ If for instance, liberalism is considered, it is composed of a variety of groupings, and in this respect, the work provided in Philip Cole’s *Philosophies of Exclusion*⁷⁰ is highly valuable. The author explores, on the one hand, the conceptual incoherence embedded within liberalism – which uncritically accepts exclusive membership despite its universalist commitment to the moral equality of human beings – and on the other hand, evaluates liberal political theory groupings. And more specifically he distinguishes between 1) “liberal ‘orthodoxy’” which is centred on the inalienable moral right of immigration as contained in the Universal Declaration of Human Rights;⁷¹ 2) “communitarianism-on-liberal-foundations” and “liberalism-on-communitarian-foundations”, according to the way in which liberal theorists have mixed together both principles of liberalism and communitarianism;⁷² 3) “liberal nationalism” in reference to those theorists who privilege the obligations towards co-nationals as opposed to obligations towards humanity;⁷³ and 4) liberal egalitarianism which is based on the assumption that all human beings ought to be treated as free and equal moral persons.⁷⁴

To conclude, given the scope of the thesis, the following three sub-sections will not provide an exhaustive analysis of three approaches of political theory, as expressed in liberalism, communitarianism and civic republicanism, but they will offer, indeed, a general overview of the work put forward in W. Kymlicka's *Multicultural Citizenship*, M. Walzer's *Spheres of Justice* and A. Oldfield's 'Citizenship and Community', who have been chosen as 'representatives' of those very approaches.⁷⁵

W. Kymlicka's liberalism

Within the ongoing discussion on multicultural politics – centred on the wider debate of identity and minority rights – Kymlicka's work offers an important contribution for the way in which minority rights, cultural diversity, identity and citizenship are evaluated. However, the conclusions of the book are somewhat unconvincing and unsatisfactory, for the very reason that the author fails to actually challenge the predominant logic of maintaining the present political order, an order where the majority groups still retain the stronger position. The logic of the *status quo* is constantly, though indirectly, advocated and it clearly emerges once Kymlicka affirms that:

political life has an *inescapably national dimension* ... these inescapable aspects of political life give a profound advantage to the members of *majority nations*. We need to be aware of this ... and take steps to prevent any resulting injustices.⁷⁶ (emphasis added)

Given the inescapability of the national dimension, as well as the acceptance of the present order where majority nations retain the advantage, one might question whether it is really feasible 'to prevent any resulting injustices' and which instruments will be able to achieve such aim. Kymlicka's uncritical reaffirmation of a politics of the *status quo* is put forward in such a way that it contradicts his previous arguments. And in particular, the very same critique formulated against the way in which liberals and socialists accept the dominance of a national identity within any political community can certainly be applied to his arguments as expressed in the conclusions. Kymlicka's conclusions have not, in fact, moved away from those very shortcomings attributed to liberals and socialists that he himself acknowledges when stating that:

[b]oth recognize that their principles presuppose the existence of national groups between the abstract individual and universal humanity. The problem is that they have often supported the existence and identity of majority nations, while neglecting or denigrating national minorities. ... They have all been guilty of ethnocentric assumptions.⁷⁷

But, let us take a step back and explore why Kymlicka's *Multicultural Citizenship* does not allow for the expansion of the basis of a multicultural society and certainly not for a theory of justice that would have combined the universal human rights and "group-differentiated rights ... for minority cultures", as his declared intention.⁷⁸

Within the framework of multicultural societies, Kymlicka distinguishes between what he defines as 'national minorities' and 'ethnic groups', that is between minorities who though demanding some forms of autonomy, "typically wish to maintain themselves as distinct societies alongside the majority culture", and minorities who, as result of

individual and familial immigration ... typically wish to integrate into the larger society, and to be accepted as full members of it.⁷⁹

The two groups are further distinguished in reference to the possession of so-called "societal cultures", cultures that generally only national minorities possess although no necessary connection is established between group and culture.⁸⁰ The sharp distinction between 'national minorities' and 'ethnic groups' creates, without doubt, many difficulties because such a distinction presupposes *per se* the adoption of two different treatments that respond to two different logics. While Kymlicka argues that it is crucial for native groups to maintain and protect their societal cultures, this same logic does not apply for immigrants whose entitlement is negated and justified on the base of their presumed voluntary action of choosing to move to a new country.⁸¹ And because immigrants have voluntarily chosen to live in another country, they can *in principle* be entitled to the citizenship as long as they accept the new societal cultures. As Kymlicka has put it:

[n]ational membership should be open *in principle* to anyone, regardless of race or colour, who is *willing to learn* the language and history of the society and *participate* in its social and political institutions.⁸² (emphasis added)

Leaving aside all the possible speculations about what Kymlicka meant when adopting the phrase 'in principle', it is still puzzling why, despite his primary concern of defending ethnic minority groups, he does not allow, at the same time, immigrants to enjoy and maintain their distinctive culture. And this very possibility is negated simply because immigrants have presumably chosen to move away from the native culture, though even the new generations, who have not made any choice, are prevented from publicly maintaining their distinctive 'familial' culture. Unfortunately, such logic is applied even when the condition of refugees is considered, clearly presupposing that

the maintenance of a distinctive culture is certainly not dependent on the voluntary act of migrating. Because refugees are *forced* to move to other countries as result of personal persecution,

they did not choose to give up their culture. ... [and because] they have not relinquished the rights which go with membership in their original culture, refugees arguably should *in principle*, be able to re-create their societal culture in some other country, if they so desire.⁸³ (emphasis added)

Refugees are, thus, expected *in principle* to maintain their native culture if they wish to do so, though what they

can *realistically* expect is *to be treated as immigrants*, with the corresponding polyethnic rights, and hope to return to their homeland as quickly as possible.⁸⁴ (Emphasis added)

Kymlicka's argument does not go as far as envisaging a 'multicultural citizenship', in the sense of envisaging a membership that presupposes an equal treatment of all the majority and minority groups living within the same multicultural society. His arguments stop much earlier. He does recognise that group-differentiated rights are needed in order to make everyone feel accepted within the community and to experience a sense of belonging to it.⁸⁵ But despite that, his arguments suggest that everyone belongs *exclusively* to his/her own societal culture, which influences the way in which choices are made, and that a dominant culture is an inescapable dimension of any political community. And because the state *unavoidably* has to privilege one particular culture (in terms of language, education, public holidays, national symbols, religious commitments), the state *unavoidably* has to disadvantage, at the very same time, other groups.

If Kymlicka's conclusions were to be accepted, such an acceptance would presuppose *per se* that the *inescapable* act of privileging one culture would not allow us to *seriously* "rethink the justice of minority rights claims" for the very reason that injustices against minority groups could only be reduced but not completely eliminated.⁸⁶ Group-differentiated rights are certainly needed, but they are needed not simply, as Kymlicka states, "to accommodate our differences"⁸⁷ for the very reason that minority groups "demand a society that incorporates rather than accommodates their voices".⁸⁸ And to incorporate their voices might imply considering the option of treating people not in reference to their ethnic or national identity but primarily as individuals, as human beings. But such an option is unthinkable for Kymlicka because of the inescapable national dimension of the political life.⁸⁹ What he is ultimately

advocating, despite his liberal approach to minority rights, is the perpetuation of an *unequal citizenship*, the perpetuation of a *liberal* theory that might consider *individuals* as morally equal to other *individuals*, but not a *liberal* theory that considers *citizens* as morally equal to *non-citizens*.

M. Walzer's communitarianism

The following analysis will briefly evaluate Walzer's *Spheres of Justice* devoting special attention to the argument put forward in the second chapter of the book which deals specifically with membership, understood as a "social good".⁹⁰ Within the broader issue of distributive justice, Walzer's primary concern was to analyse how groups are constituted and particularly how the decision to grant membership to "strangers" is taken.⁹¹ Walzer stressed the importance for individuals to possess the membership, without which

[m]en and women are ... [not only] stateless ... [but] [t]hey are cut off from the communal provision of security and welfare. Even those aspects of security and welfare that are ... collectively distributed are not guaranteed to non-members: for they have no guaranteed place in the collectivity and are always liable to expulsion.⁹²

The possession of the citizenship is strongly reaffirmed once the problematique of mass immigration is considered. Because of the high level of individuals' mobility, moving from less advantageous to richer countries, "[a]ffluent and free countries are ... besieged by applicants".⁹³ And it is because of such a 'siege' that members of richer countries have to decide which criteria *they* want to apply in selecting whom to admit within *their* community. The process of establishing the 'necessary' criteria for determining how to allocate membership is, according to Walzer, unavoidable as long as "members and strangers" belong to two distinct groups.⁹⁴ The decision of whom to grant access is not only dictated by the way in which members of the community understand the very meaning of membership but also by the particular relationship that has been established between actual members and would-be members. As Walzer has put it:

we who are already members do the choosing, in accordance with our own understanding of what membership means in our community and of what sort of a community we want to have. ... Hence the choice is also governed by our relationships with strangers – not only by our understanding of those relationships but also by the actual contacts, connections, alliances we have established and the effects we have had beyond our borders.⁹⁵

In clarifying the selection criteria, Walzer rejects specifically the principle of mutual aid advocated by J. Rawls.⁹⁶ Although it might be “a (possible) external principle”, appropriate in certain circumstances, its applicability is not a desirable one not only because of its vagueness but more particularly

because it sometimes comes up against the internal force of social meanings. And these meanings can be specified, and are specified, through the decision-making processes of the political community.⁹⁷

Moreover, the decision of the members has to emerge from a free choice, a choice that is “authoritative and final”.⁹⁸ And although in “time of trouble” the state might become a “refuge” for its members, independently of their possession of the citizenship, the persecuted have no legal membership rights. Time of trouble has to be considered an exception, and because an exception no outsider has any right to claim to become an insider.⁹⁹ The problem of deciding whom to admit becomes particularly pressing once the number of “needy outsiders” increases and, according to Walzer, the logic that dictates policies of inclusion cannot be based on the principle of mutual aid, but by “some more direct connection with our way of life”.¹⁰⁰ And where no connection at all can be established, then the principle of “antipathy rather than affinity” is more likely to prevail.¹⁰¹ The decision of whom to admit as members of the community is not dictated by the ‘emergency’ of the applicants but by the way in which a “sense of relatedness and mutuality” is established between would-be members and local population.¹⁰² It is to this sense that refugees “must appeal” if they want to be included, although no right of success is guaranteed and, more importantly, in some cases, “they may well have no right to be successful”.¹⁰³ The way admission policies are formulated, based on ideological affinity, mutual recognition and direct connection, allows certainly for “a lot of room” but, despite that, the

principle of mutual aid can only modify and not transform admissions policies rooted in a particular community’s understanding of itself.¹⁰⁴

To conclude, within Walzer’s communitarianism, ‘strangers’ can claim no right of becoming part of a ‘foreign’ society. It is exclusively the members that possess a right of choosing, a right not connected to strangers’ needs or state of emergency, but according to the way in which already-members understand the possession of their membership and establish *selectively* who might share their inner way of life, a life that ought not to be altered from ‘strangers’.

A. Oldfield's civic republicanism

Oldfield's *Citizenship and Community* exemplifies the centrality, if not essentiality, for civic republicanism – inspired by the Aristotelian philosophical tradition – of being actively and politically involved as citizens and the importance of sharing a sense of belonging and commitment to the own political community. It is precisely because of such political involvement within the public sphere that citizenship is understood not simply as a status but also as “an activity or a practice” which becomes essential in order to become a citizen in the proper sense, or as Oldfield put it: “not to engage in the practice is, in important senses, not to be a citizen”.¹⁰⁵

Autonomy, friendship and judgement are the three core elements constitutive of a political community, a community that is held together thanks to a strong sense of solidarity and cohesion founded not only on self-determination but also, and particularly, on a common history, language and territory.¹⁰⁶ But such solidarity and cohesion can exist only as far as a political identity is voluntarily created. According to Oldfield the decision to become politically involved as “active citizens” has to emerge from a voluntary individual action. It is this very action of choosing to assert themselves as ‘active citizens’ that results in the engagement in the activity and practice of citizenship.¹⁰⁷

As opposed to liberal individualism, according to which citizens can freely choose whether to be politically active, civic republicanism assumes that

political life – the life of a citizen – is not only the most inclusive, but also the highest, form of human living-together that most individuals can aspire to.¹⁰⁸

Notwithstanding the high commitment within the political community that civic republicanism presupposes, individual autonomy is preserved, and as Oldfield remarked

far from undermining the individual's autonomy, institutional supports that motivate individuals to engage in the practice of citizenship enable them to reach a degree of moral and political autonomy which a rights-based account cannot vouchsafe.¹⁰⁹

Moreover, within the political community, a sense of friendship needs to exist among citizens, in order to make the community work and it is this sense of “*friendship*” that on the one hand, “moralizes” individuals’ actions and, on the other, “creates citizens”.¹¹⁰ The creation of a strong political identity is thus crucial in determining the boundaries between insiders and outsiders, citizens and non-citizens, members of the political community and non-members, friends and “potential enemies”.¹¹¹ And it is

precisely this sense of shared identity, *as citizens*, that establishes the prior commitment toward one's own political community, a community, that although it does not entail an aggressive attitude toward the 'other', nonetheless presupposes that

to remain a citizen one cannot always treat everyone as a *human being*.¹¹² (emphasis added)

Tragically enough, Oldfield uses the word 'human being', presupposing that only insiders, because part of the same political community, can be treated as *human beings*, a treatment that cannot be assured to outsiders. It follows that our way of being, and being treated as, *human beings* is determined exclusively from our being *citizens* of the political community where we belong (or we are supposed to belong). Outside such a community, individuals are treated as non-citizens, i.e. as non-human beings.

Despite affirming the centrality for citizens to become politically and actively involved, Oldfield does recognise that such a community of citizens is largely an ideal because in the modern world the practical limitations are so many that

potential citizens lack the resources for engaging in the practice of citizenship; they lack the opportunities; and they lack the appropriate attitudes of mind – in other words, motivation.¹¹³

The realisation of the civic republican community envisaged by Oldfield presupposes the creation of a community where citizens enjoy a broad sets of rights (civil, political, legal and economic); an institutional apparatus that is constructed and decentralised in such a way that everyone, at different levels, can participate in it; and a civic education that encourages citizens not only to become actively involved and to recognise their duties as citizens, but also to perform such duties.¹¹⁴ All these aspects presuppose that a political community is thus created, and it can be created only *once* individuals are transformed into citizens and *once* a sense of shared identity and shared commitment is established within the community of citizens. The very possession of citizenship is thus fundamental not simply because it presupposes a legal status but, more importantly, because it presupposes an active and political involvement within the community. The bond that ties citizens together is, and has to be, consequently, strongly differentiated from altruism. While altruism presupposes a response from one human being to another human being, citizenship presupposes indeed a response not simply from one citizen to *another* citizen but a response from one citizen to *another fellow* citizen.¹¹⁵

To conclude, the way in which civic republicanism theorises the political community does not allow for creating any space for the inclusion of the non-citizens. Even if 'outsiders' were physically included, in the sense of living within a political community other than their own, they would be *a priori* excluded from any political involvement, because of the impossibility of sharing the very same identity of the 'members'. Within such a political community, not only the possibility of becoming full members is automatically denied but, more tragically, 'outsiders' have no guarantee of being treated as human beings.

1.6 UNCOVERING FRAGMENTED COMMUNITIES

Although the citizenship debate so far analysed might have offered some clarifications, it is still far from providing satisfactory answers that would allow for the creation of some space for the inclusion of non-members. And in particular, all the explanatory frameworks put forward by 'members' of liberalism, communitarianism and civic republicanism simply allow us to make sense of the perpetuation of systems of exclusion, an exclusion found on the taken-for-granted assumption that the political community represents *per se* an homogeneous whole, constituted by homogeneous members whose fundamental attributes can be shared exclusively with fellow-citizens. The unique political relationship established between citizens and fellow-citizens is constructed in such a way that does not allow for the inclusion of non-members. The way in which political community, membership and sense of belonging are constructed within liberalism, communitarianism and civic republicanism can hardly open up spaces for inclusive reception policies, save some temporary measures of inclusion during exceptional circumstances. Even the liberal and minority-rights-oriented framework put forward in W. Kymlicka's *Multicultural Citizenship* does not offer much help in envisaging policies of inclusion.

As already explained the aim of the thesis is to contest the dominant conceptualisation of identity and political community, and particularly the existence of a *necessary* correspondence between citizenship and identity, as well as the existence of homogeneous political communities, composed of a community of citizens whose primary source of identity is *necessarily* located within the political and public sphere. The argument that follows will, consequently, try to move *beyond* this essentialist understanding of identity and move *toward* an understanding that opens up spaces for uncovering the existence of fragmented identities located within fragmented

communities. The argument will rely essentially on the work of E.F. Isin and P.K. Wood as articulated in their *Citizenship & Identity*, that specifically challenges the essentialist and constructivist understanding of identity, and on M.J. Shapiro's 'National Times and Other Times' which contests the way in which official discourse constantly reproduces homogeneity out of fragmented communities.

To begin with, Isin and Wood's declared intention is to move beyond the set of civil, political and social rights as considered in T.H. Marshall's analysis and to "advocate ethnic, sexual, technological, ecological and cultural forms" of citizenship, forms that do not simply represent an extension of civil, political and social rights.¹¹⁶ From the very beginning, the authors highlight that, as a result of the transformation of modern capitalism, new ways of conceptualising identity and citizenship are emerging.¹¹⁷ In particular, as result of the wider processes of 'postmodernization' and 'globalization',

*'stable' identities are giving way to new and fragmented identities. ... To discuss citizenship means to critically explore these claims of a fragmented, decentred subject as well as of shifting group rights and identities without succumbing to either essentialist or constructivist views of identity.*¹¹⁸ (emphasis added)

Citizenship rights, understood as "the right to an identity", in the sense of the right to have rights, are considered not merely to involve legal and political requirements but also to represent "an articulating principle for the recognition of group rights".¹¹⁹ Citizenship is thus understood as combining the whole of social practices, rights and duties inscribed in the polity. And it is precisely in this sense that citizenship is described as

neither a purely sociological concept nor purely a legal concept but a relationship between the two.¹²⁰

If citizenship is understood as 'the right to an identity', the interrelation between the two concepts becomes clearer and although expressing two opposed principles (identity the 'particular' and citizenship the 'universal') both are nonetheless "group makers".¹²¹ They are 'group makers' because both presuppose the creation of distinct categories that, differentiating between members and non-members, delineate processes of exclusion, an exclusion that expresses different valence: citizenship a legal one and identity a social and cultural one.¹²² The idea of 'group' is understood in quite a broad sense because it does not refer exclusively to minority groups but to all groups. And in this sense citizenship too is the expression of groups, intending for

groups both the marginalised who seek official recognition, and the dominant groups who seek domination.¹²³

For Isin and Wood, the main problem when considering groups and groups' identity is thus in investigating whether, and to what extent, it is possible to "transcend essentialist and constructivist views of identity".¹²⁴ Although it is generally assumed that identity presupposes and involves some "intrinsic and essential content" as result of shared history, experiences and values, it is indeed "always contradictory, made up out of partial fragments".¹²⁵ And it is through a conceptualisation of identity in terms of fragmentation, "fluidity and contingency" that the concept of "hybridity" is introduced.¹²⁶ Such a concept is thus crucial in discussing identity because it questions the assumption that everyone fits neatly into well-defined categories expressed in well-defined entities.¹²⁷ The concept of hybridity is understood to describe three marginalised realities, what the authors define as "border existences", "subaltern identities" and more importantly "border-crossing".¹²⁸ And it is the concept of "border-crossing", with its image of "between-ness",¹²⁹ that is crucial for the present research, for the way it helps to understand refugees' identity (or the 'fluidity' of their identity) an identity that is non-static, non-homogeneous and strongly marginalized. The idea of "border-crossing" represents thus

the constant presence of a divide, or identities that are either/or, always with the possibility of conflict. ... 'Borderlands' ... describes the marginalized experience always as irregular, unusual and deviant.¹³⁰

The very existence of refugees confutes the assumption of the necessary coincidence between identity and territory,¹³¹ and their presence within a country other than their own constantly reproduces such 'irregular, unusual and deviant' images. As already noted, the question for refugees, as well as for minority groups in general, is to be included in a society that "incorporates rather than accommodates their voices".¹³² And, according to Isin and Wood, such an incorporation does necessarily require not only an important shift of power, a shift from the centre to the periphery, but also an expansion of the base of power, an expansion that is perhaps

the only means to a new radical citizenship and perhaps the only way to invent a postnational and postnationalist state in which *citizenship can become a product of diversity* rather than an instrument of a dominant group, which uses it to 'accommodate' diversity. Ethnicity and race are only two aspects of diversity.¹³³ (Emphasis added)

Thus, the key is to conceptualise citizenship as an instrument that encourages diversity, a diversity that is always already embedded in the concept of identity, a concept that

cannot any longer be taken as static and essentialist, but as in a constant process of becoming. A serious recognition of identity as embedded in constant processes of becoming presupposes a recognition that the image of homogeneous political communities is an artefact, for the very reason that such homogeneity is but a social construct. Shapiro's analysis puts it very clearly. Citizenship is a social construct because it is "a temporal as well as spatial phenomenon", and the way "the state attempts to write itself" and to represent images of homogeneity is a social construct too.¹³⁴ As matter of fact, the sovereign state is generally pictured as a monolithic entity, representing an homogeneous culture, history and tradition. Shapiro's argument is articulated on the idea that "[o]ther modalities of writing – e.g. journals, diaries, novels and counter-historical narratives" represent the reality much closer than official documents, histories and journalistic commentaries which try to

impose coherence on what is actually a series of fragmentary and arbitrary conditions of historical assemblage.¹³⁵

Moving from the writings of Jean-Luc Nancy¹³⁶ (opposed to the Habermasian community based on communicative consensus),¹³⁷ Shapiro elaborates the idea that communities are dominated not by homogeneity but by "multiple [and] disjunct presences", and because of that, he advocates

a politics of citizenship that seeks less to bind than to unbind, that constructs the 'community' in a way that loosens the demand for a generalized way of being in common.¹³⁸

Because there can be no fixed and homogeneous way of representing citizens as a uniform whole without creating new forms of exclusion, it becomes crucial to constantly recognise that people's "ways of being-in-time are diverse".¹³⁹ It is this diversity that is constantly hidden and masked in official political discourse that tries to create "unity out of constitutive division" and to reproduce a "statist, juridical view of citizenship".¹⁴⁰ For Shapiro, a commitment to a new politics of citizenship presupposes, therefore, a commitment to a process that constantly negotiates and re-negotiates the "aggregation of difference".¹⁴¹ Political communities are constituted of a variety of "multiple presences" which cannot be trapped within the 'homogenising' processes that try to construct and represent a distorted, statist and monolithic image of the communities.¹⁴²

This refusal to accept an image of the people or of the nation as “immanent subjects and objects” has also been expressed in H.K. Bhabha’s ‘DissemiNation’, which, reaffirming the importance of the spatio-temporal dimension, states that

the space of the modern nation-people is never simply horizontal. Their metaphoric movement requires a kind of ‘doubleness’ in writing; a temporality of representation that moves between cultural formations and social processes without a ‘centred’ causal logic. And such cultural movements disperse the homogeneous, visual time of the horizontal society.¹⁴³

Because the people cannot continue to be represented as mere “historical events” or as part of “a patriotic body politic”, it is necessary to reconstruct our way of reading the nation-space, and it is through such a process of reconstruction that it is possible to discover that

[t]he people are neither the beginning or the end of the national narrative: they represent the cutting edge between the totalizing powers of the social and the forces that signify the more specific address to contentious, unequal interests and identities within the population.¹⁴⁴

More precisely, the people are not merely ‘historical events’ in the sense that their cultural identification is much more complex and cannot be reduced to the totalising narrative that not only pretends to function in the name of (homogeneous) ‘people’, but “make them the immanent subjects and objects of a range of social and literary narratives”.¹⁴⁵ Bhabha’s stress on the centrality of the spatio-temporal dimension represents the recognition, on the one hand, of a *spatial* dimension located both “within the margins of the nation-space and in the boundaries *in-between* nations and peoples”¹⁴⁶ and, on the other, of a *temporal* dimension that constantly reveals the “presence of another temporality”, a temporality that is inscribed within a “double narrative movement”, a movement that refuses precisely to represent and ‘narrate’ the people as ‘neither the beginning or the end of the national narrative’.¹⁴⁷ And precisely in reference to the movement between time and space as well as between the place of origin and sense of identity that led N. Papastergiadis to argue that

[m]odern identity is no longer confirmed by an exclusive and autonomous linkage between time and space. The question ‘Who am I?’ can no longer be answered by identifying our place of origin and the time of living there.¹⁴⁸

To conclude a ‘disruptive’ reading of traditional understanding of political concepts, such as community, membership, sense of identity and belonging, opens up spaces for contesting the existence of homogeneous political communities constituted by homogeneous citizens. A departure from the dominant state-centric perspective will

allow us to move *beyond* an essentialist understanding of identity and to move *toward* a discourse that uncovers the existence of fragmented identities located within fragmented communities. And it is precisely the recognition of the existence of fragmented realities that will expand the political horizon of enquire and problematise the prevailing logic of exclusion that permeates refugee discourse.

1.7 CONCLUSION

The analysis put forward in the chapter aimed to contest and problematise the way in which dominant political discourse, centred on the state-citizen relationship, has been traditionally conceptualised within IR discipline. An evaluation of how the concepts of state, state sovereignty, citizenship, political community and identity have been historically constructed represents a crucial starting point for making sense of how states understand, perceive and respond to the problematique of reception, and hence of protection. The way in which policies of reception are organised depends strongly on the way states establish their ultimate goals, how they determine which interests to prioritise (the protection of national interests vs. the protection of human beings), how processes of identity are constructed, and hence, whether the citizen/non-citizen divide is taken for granted and/or questioned.

In the first part of the chapter, attention has been devoted to highlighting the way IR mainstream has traditionally privileged state-centric analyses, founded on the premise that citizenship represents the prime source of identity. In the final section, I relied in particular on the reading of Isin and Wood's *Citizenship and Identity*, Shapiro's 'National Times and Other Times' and Bhabha's *Nation and Narration*. These authors have clearly exposed the way in which the dominant political discourse tends to picture homogeneous political communities, inhabited by a community of citizens whose primary identity is located within public and political space, a space where non-citizens, non-members, are *per se* excluded via processes that are always already inscribed in the conceptualisation of the state-citizen political relationship. If we accept that 'stable identities are giving way to new and fragmented identities' and that communities are constituted by 'multiple and disjunct presences', this presupposes that the opposition between insiders/outside, members/non-members, citizens-alien, so central for (many) IR scholars, needs to be contested. And it needs to be contested not simply on the basis that the ongoing migratory processes demand a more inclusive conceptualisation of citizenship but, more importantly, because the exclusion of non-

members cannot continue to be grounded on the assumption that political communities have to preserve their homogeneity, an homogeneity that is simply an artefact, a social *and* political construct.

As previously indicated, the aim of the thesis is to explore whether, moving away from the dominant discourse of exclusion, it is more appropriate to locate the refugee in-between inclusion and exclusion, in-between the image of refugee-as-human-being and refugee-as-non-citizen. But before this analysis can be put forward, it is necessary to consider *preliminarily* the way the legal refugee discourse has been constructed. An exploration of the legal framework will demonstrate to what extent the international refugee regime has incorporated a state-centric understanding of the phenomenon of forced migration, and whether it has reproduced a politico-legal discourse centred on the attainment of membership. The analysis of the legal framework, as tackled in the following chapter, will attempt to demonstrate why politico-legal discourses are inadequate to fully grasp the policies and practices of reception developed in Italy in response to Kurdish refugees.

NOTES

- ¹ WALKER, R.B.J. *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993), p. 5.
- ² LINKLATER, A. *The Transformation of Political Community. Ethical Foundations of the Post-Westphalian Era* (Cambridge: Polite Press, 1998), p. 191.
- ³ ISIN, E.F., and WOOD, P.K. *Citizenship & Identity* (London: Sage Publications Ltd., 1999), p. 56.
- ⁴ DILLON, M. 'The Scandal of the Refugee: Some Reflections on the "Inter" of International Relations and Continental Thought', in D. CAMPBELL and M.J. SHAPIRO (eds.), *Moral Spaces. Rethinking Ethics and World Politics* (Minneapolis: University of Minnesota Press, 1999), p. 94.
- ⁵ SOGUK, N. *States and Strangers. Refugees and Displacements of Statecraft* (Minneapolis: University of Minnesota Press, 1999), pp. 9-10.
- ⁶ *Ibid.*, p. 10.
- ⁷ See BUZAN, B. *People, States and Fear. An Agenda for International Security Studies in the Post-Cold War Era* (Hemel Hempstead: Harvester Wheatsheaf, 1991).
- ⁸ REVEDIN, A.M. *Diritti dell'Uomo e Ideologie Contemporanee* (Padova: CEDAM, 1988), p. 301.
- ⁹ SASSEN, S. *Losing Control? Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1995), p. 2.
- ¹⁰ ANNAN, K.A. 'Two Concepts of Sovereignty', *The Economist*, 18/09/1999.
- ¹¹ WEBER, C. *Simulating Sovereignty. Intervention, the State and the Symbolic Exchange* (Cambridge: Cambridge University Press, 1995), p. 2.
- ¹² *Ibid.*, pp. 2-3.
- ¹³ *Ibid.*, pp. 3-8.
- ¹⁴ *Ibid.*, pp. 38, 31.
- ¹⁵ *Ibid.*, pp. 28, 38.
- ¹⁶ WALKER, R.B.J., cit., p. 168.
- ¹⁷ *Ibid.*
- ¹⁸ *Ibid.*, p. 166.
- ¹⁹ *Ibid.*, p. 164.
- ²⁰ BIERSTEKER, T.J., and WEBER, C. 'The Social Construction of State Sovereignty', in T.J. BIERSTEKER and C. WEBER, (eds.), *State Sovereignty as Social Construct* (Cambridge: Cambridge University Press, 1996), p. 3.
- ²¹ *Ibid.*, p. 1.
- ²² HURRELL, A. 'Power, Principles and Prudence: Protecting Human Rights in a Deeply Divided World', in T. DUNNE and N.J. WHEELER (eds.), *Human Rights in Global Politics* (Cambridge: Cambridge University Press, 1999), p. 287.
- ²³ SOGUK, N., cit., p. 51.
- ²⁴ *Ibid.*, p. 9.
- ²⁵ *Ibid.*, p. 18.
- ²⁶ *Ibid.*, p. 35.
- ²⁷ *Ibid.*, p. 50.
- ²⁸ *Ibid.*, p. 51.
- ²⁹ WALKER, R.B.J., cit., p. 154.
- ³⁰ *Ibid.*, p. 61.

- ³¹ For a comprehensive analysis of the cosmopolitan-communitarian debate, see BROWN, C. *International Relations Theory: New Normative Approaches* (New York: Columbia University Press, 1992); COCHRAN, M. *Normative Theory in International Relations. A Pragmatic Approach* (Cambridge: Cambridge University Press, 1999); BELL, D. *Communitarianism and its Critics* (Oxford: Clarendon Press, 1993); LINKLATER, A. *Men and Citizens in the Theory of International Relations* (London: MacMillan, 1990).
- ³² WALKER, R.B.J., cit., p. 154.
- ³³ See FROST, M. *Ethics in International Relations: a Constitutive Theory* (Cambridge: Cambridge University Press, 1996), p. 5. Concerning the scepticism for a more comprehensive analysis of normative theory within IR, see *Ibid.*, pp. 42-74.
- ³⁴ See BEITZ, C.R., COHEN, M., SCANLON, T., and SIMMONS, J. (eds.), *International Ethics* (Princeton: Princeton University Press, 1990).
- ³⁵ See the six principles of political realism in MORGENTHAU, H.J. *Politics Among Nations. The Struggle for Power and Peace* – brief edition (New York: McGraw-Hill, 1993), pp. 4-16.
- ³⁶ CAMPBELL, D., and SHAPIRO, M.J. 'Introduction: From Ethical Theory to the Ethical Relation', in D. CAMPBELL and M.J. SHAPIRO (eds.), *Moral Spaces. Rethinking Ethics and World Politics* (Minneapolis: University of Minnesota Press, 1999), p. viii.
- ³⁷ BROWN, C., 'Universal Human Rights: a Critique', in T. DUNNE and N.J. WHEELER (eds.), cit., p. 116.
- ³⁸ See KRASNER, S.D. *Sovereignty. Organized Hypocrisy* (Princeton: Princeton University Press, 1999); WEBER, C. *Simulating Sovereignty. Intervention, the State and the Symbolic Exchange* (Cambridge: Cambridge University Press, 1995); BIERSTEKER, T.J. and WEBER, C. (eds.), *State Sovereignty as Social Construct* (Cambridge: Cambridge University Press, 1996); DACYL, J.W. 'Sovereignty Versus Human Rights: From Past Discourses to Contemporary Dilemmas', *Journal of Refugee Studies*, 1999, 9, (2), 136-165; JOPPKE, C. 'Asylum and State Sovereignty. A Comparison of the United States, Germany, and Britain', *Comparative Political Studies*, 1997, 30, (3), 259-298; PAPISCA, A., and MASCIA, M. *Le Relazioni Internazionali nell'Era dell'Interdipendenza e dei Diritti Umani*, (Milano, CEDAM, 1997).
- ³⁹ See, LYONS, G.M., and MASTANDUNO, M. (eds.), *Beyond Westphalia? State Sovereignty and International Intervention* (Baltimore: The Johns Hopkins University Press, 1995).
- ⁴⁰ CAMPBELL, D., and SHAPIRO, M.J. 'Introduction', cit., p. x.
- ⁴¹ ISIN, E.F., and WOOD, P.K., cit., p. 5.
- ⁴² See POCOCK, J.G.A. 'The Ideal of Citizenship since Classical Times', in G. SHAFIR (ed.), *The Citizenship Debates* (Minneapolis: University of Minnesota Press, 1998), pp. 31-41; and WEBER, M. 'Citizenship in Ancient and Medieval Cities', in *ibid.*, pp. 43-49.
- ⁴³ STOLCKE, V. 'The 'Nature' of Nationality', in BADER, V. (ed.) *Citizenship and Exclusion* (London: MacMillan Press, 1997), p. 61.
- ⁴⁴ ISIN, E.F., and WOOD, P.K., cit., p. 55.
- ⁴⁵ WALLERSTEIN, I. 'The Insurmountable Contradictions of Liberalism: Human Rights and the Rights of Peoples in the Geoculture of the Modern World-System', *The South Atlantic Quarterly*, 1995, 94 (Fall), 1167, quoted in *ibid.*, p. 68.
- ⁴⁶ ISIN, E.F., and WOOD, P.K., cit., p. 68.

⁴⁷ STOLCKE, V., cit., p. 61.

⁴⁸ See MARSHALL, T.H. 'Citizenship and Social Class', in G. SHAFIR (ed.), cit., pp. 93-111. Marshall's primary concern, in his *Citizenship and Social Class*, was to question whether the principle of equality, as embedded in the institution of citizenship, has generated social inequality. More specifically, he explored, on the one hand, the way in which civil, political and social rights have been progressively recognised in England and, on the other hand, how the advent and development of modern capitalism has directly shaped such an evolution. Marshall's first step has been to analyse the three 'elements' - the civil, the political, and the social embedded in the very concept of citizenship - and to assign, by an evolutionary approach, the historical development of each element respectively to the eighteenth, nineteenth, and twentieth century. According to Marshall's analysis, the evolution of the institution of citizenship has coincided in England with the emergence of the capitalist class system, which is *per se* "a system, not of equality, but of inequality" (p. 102). Although historically the hierarchy of status, embedded in the medieval system, was slowly eliminated, the status itself was indeed maintained. It was precisely the emergence of the 'single' status of citizenship that, replacing the 'differential' feudal status, advocated and affirmed the principle of equality, despite the fact that social structure was still based on inequality (p. 104). The advent of the principle of citizenship, together with the evolution of its civil, political, and social 'elements' had a very limited impact, even by the end of the nineteenth century, in reducing the existing social inequality. And as Marshall has put it: "[citizenship] was an important ingredient in an integrating process. ... Citizenship requires a bond of a different kind, a direct sense of community membership based on loyalty to a civilization which is a common possession". (p. 105).

⁴⁹ BRUBAKER, R. 'Immigration, Citizenship, and the Nation-State in France and Germany', in G. SHAFIR (ed.), cit., pp. 131-164.

⁵⁰ Ibid., p. 134.

⁵¹ Ibid., p. 132.

⁵² Ibid., pp. 132-134.

⁵³ Ibid., p. 136.

⁵⁴ Ibid., p. 137.

⁵⁵ Ibid.

⁵⁶ See respectively, CARENS, J.H. 'Migration and Morality: A Liberal Egalitarian Perspective', in B. BARRY, and R.E. GOODIN (eds.), *Free Movement. Ethical Issues in the Transnational Migration of People and of Money* (Hemel Hempstead: Harvester Wheatsheaf, 1992), pp. 25-47; ARENDT, H. *The Origins of Totalitarianism* - third edition (London: George Allen & Unwin Ltd., 1967).

⁵⁷ CARENS, J.H., *ibid.*, p. 26.

⁵⁸ Ibid., p. 27.

⁵⁹ Ibid., p. 29.

⁶⁰ ARENDT, H., cit., p. 269

⁶¹ Ibid., p. 302.

⁶² Ibid., p. 295.

⁶³ Ibid.

⁶⁴ Ibid., p. 297.

⁶⁵ PASSERIN D'ENTRÈVES, M. 'Hannah Arendt and the Idea of Citizenship', in C. MOUFFLE (ed.), *Dimensions of Radical Democracy. Pluralism, Citizenship, Community* (London: Verso, 1992), p. 146.

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- ⁶⁶ Ibid., p. 151.
- ⁶⁷ Ibid., p. 153.
- ⁶⁸ See KYMLICKA, W. (ed.), *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1995); KYMLICKA, W. *Multicultural Citizenship* (Oxford: Oxford University Press, 1999); CARENS, J.H. *Culture, Citizenship, and Community. A Contextual Exploration of Justice as Evenhandedness* (Oxford: Oxford University Press, 2000); YOUNG, I. M. *Justice and the Politics of Difference* (Princeton NJ: Princeton University Press, 1990).
- ⁶⁹ ISIN, E.F., and WOOD, P.K., cit., p. 7.
- ⁷⁰ COLE, P., *Philosophies of Exclusion. Liberal Political Theory and Immigration* (Edinburgh: Edinburgh University Press, 2000).
- ⁷¹ Ibid., p. 43. See chapter three, pp. 43-59.
- ⁷² Ibid., p. 61. See chapter four, pp. 60-85.
- ⁷³ Ibid., p. 87. See chapter five, pp. 86-106.
- ⁷⁴ Ibid., see the critique of J.H. Carens' position, pp. 142-144.
- ⁷⁵ See respectively, KYMLICKA, W. *Multicultural Citizenship*, cit.; WALZER, M. *Spheres of Justice. A Defence of Pluralism and Equality* (Oxford: Basil Blackwell, 1983); OLDFIELD, A. 'Citizenship and Community: Civic Republicanism and the Modern World', in G. SHAFIR (ed.), cit., pp. 75-89.
- ⁷⁶ KYMLICKA, W. *Multicultural Citizenship*, ibid., p. 194.
- ⁷⁷ Ibid., p. 74.
- ⁷⁸ Ibid., p. 6.
- ⁷⁹ Ibid., pp. 10-11. Kymlicka, as he himself explains, uses the term "'a culture' as synonymous with 'a nation' or 'a people' – that is, as an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history". See ibid., p. 18.
- ⁸⁰ Ibid., p. 101.
- ⁸¹ Ibid., see chapter five 'Freedom and Culture', pp. 75-106.
- ⁸² Ibid., p. 23.
- ⁸³ Ibid., p. 98.
- ⁸⁴ Ibid., p. 99.
- ⁸⁵ Ibid., p. 181.
- ⁸⁶ Ibid., p. 108.
- ⁸⁷ Ibid.
- ⁸⁸ JACOBS, J.M. *Edge of Empire: Postcolonialism and the City* (London and New York: Routledge, 1996), cited in E.F. ISIN and P.K. WOOD, cit., p. 69.
- ⁸⁹ ISIN, E.F., and WOOD, P.K., ibid., pp. 193-194.
- ⁹⁰ WALZER, M., cit., p. 32.
- ⁹¹ Ibid.
- ⁹² Ibid., pp. 31-32.
- ⁹³ Ibid., p. 32.
- ⁹⁴ Ibid., p. 34.
- ⁹⁵ Ibid., p. 32.
- ⁹⁶ See RAWLS, J. *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971).
- ⁹⁷ WALZER, M., cit., pp. 33-34.
- ⁹⁸ Ibid., p. 41.
- ⁹⁹ Ibid., pp. 41-42.
- ¹⁰⁰ Ibid., pp. 48, 49.

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- ¹⁰¹ Ibid., p. 50.
¹⁰² Ibid.
¹⁰³ Ibid.
¹⁰⁴ Ibid., pp. 50, 51.
¹⁰⁵ OLDFIELD, A. cit., p. 79.
¹⁰⁶ Ibid., pp. 85, 80.
¹⁰⁷ Ibid., p. 80.
¹⁰⁸ Ibid., p. 79.
¹⁰⁹ Ibid.
¹¹⁰ Ibid., p. 82.
¹¹¹ Ibid., p. 81.
¹¹² Ibid.
¹¹³ Ibid., p. 86.
¹¹⁴ Ibid., pp. 86-87.
¹¹⁵ Ibid., p. 81.
¹¹⁶ ISIN, E.F., and WOOD, P.K., cit., p. viii.
¹¹⁷ Ibid., p. ix.
¹¹⁸ Ibid., p. 13.
¹¹⁹ Ibid., pp. ix, 4.
¹²⁰ Ibid., p. 4.
¹²¹ Ibid., p. 20.
¹²² Ibid.
¹²³ Ibid., p. 14.
¹²⁴ Ibid.
¹²⁵ Ibid., pp. 57, 17.
¹²⁶ Ibid., p. 57.
¹²⁷ Ibid., p. 56.
¹²⁸ Ibid., pp. 17-18.
¹²⁹ Ibid. 18.
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¹³¹ See MASSEY, D. 'Double Articulation: A Place in the World', in A. BAMMER (ed.), *Displacements: Cultural Identities in Question* (Bloomington: Indiana University Press, 1994), quoted in E.F. ISIN and P.K. WOOD, cit., p. 18.
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¹³³ ISIN, E.F., and WOOD, P.K., cit., p. 69.
¹³⁴ SHAPIRO, M.J., 'National Times and Other Times: Re-Thinking Citizenship', *Cultural Studies*, 2000, 14, (1), pp. 79, 84.
¹³⁵ Ibid., p. 80.
¹³⁶ See NANCY, J.L. *The Inoperative Community* (Minneapolis: University of Minnesota Press, 1991), cited in SHAPIRO, M.J., cit., p. 82.
¹³⁷ See HABERMAS, J. 'The European Nation-State: on the Past and Future of Sovereignty and Citizenship', *Public Culture*, 1998, 10, (2), 397-416, cited in SHAPIRO, M.J., cit., p. 81.
¹³⁸ SHAPIRO, M.J., *ibid.*, p. 82, 81.
¹³⁹ Ibid., pp. 81, 94.
¹⁴⁰ Ibid., pp. 84, 94.
¹⁴¹ Ibid., p. 85.
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- ¹⁴³ BHABHA, H.K. 'DissemiNation: Time, Narrative, and the Margins of the Modern Nation', in H.K. Bhabha (ed.), *Nation and Narration* (London and New York: Routledge, 1990), p. 293.
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CHAPTER TWO:

REFUGEES WITHIN THE LEGAL FRAMEWORK

2.1 INTRODUCTION

While the previous chapter has investigated how the exclusion of the refugee has been constructed, theoretically, within IR discipline, the present chapter will evaluate how the international refugee regime has constructed, legally, the existence of refugees. The chapter will, in particular, highlight why the legal discourse is not simply connected to the way in which the principle of refuge, as contained in the 1951 UN Convention, has been incorporated within national legislation but, more importantly, how the presence of refugees is perceived within the receiving society and how asylum national norms are implemented within local contexts.

The chapter will adopt three levels of analysis: the international, the European and the Italian. In the first part of the chapter, the historical processes that led to the emergence of the present international refugee regime will be considered, devoting special attention to the prevailing understanding that dominates legal asylum analyses. An exploration of the historical processes and of the way in which the definition of refugee has been legally formulated will help to clarify why the vast majority of refugee legal studies argue that the present regime is more concerned to protect, first and foremost, states' national interests than refugees' life. This preliminary analysis will be followed by a brief evaluation of the legal instruments that have been developed, during the past decade, within the European asylum framework. Most of the attention will concentrate on the new European legal obligations that the so-called Dublin Convention has established for member states and how it has restricted refugees' possibilities of choosing where to apply for asylum.

After having delineated the international and European legal framework, the analysis will, finally consider the Italian asylum context. The final part of the chapter will attempt to demonstrate why it is advocated that, if the focus of analysis remains *exclusively* within the legal framework, what will emerge is the picture of a country where practices of exclusion strongly predominate, leaving no space for inclusive mechanisms. At first glance, this preliminary legal overview would lead us to

conclude that the vast majority of refugee studies are right when affirming that the present international refugee regime is based on a marginal system of protection and that legislation forces refugees to become passive beneficiaries of humanitarian assistance and aid. In particular, what will emerge is the picture of a country where the asylum legal system does not offer any possibility for refugees to receive adequate reception and protection both because of the enormous legal lacunae and because of the way in which the norms are put into practice.

The analysis provided in the chapter will, hence, demonstrate, on the one hand, why dominant legal approaches are *adequate* for explaining why refugees are excluded within the receiving political community and, on the other, why these very perspectives are *inadequate* for exploring the multiple mechanisms of inclusion, exclusion, and in-between that are created, negotiated and invented within local practices of reception. An overview of the Italian reception system exemplifies, precisely, the importance of moving beyond official legal analyses and of investigating how asylum norms are constantly manipulated according to local understanding of the meaning of reception and of protection as well as according to local understanding of the very presence of refugees.

2.2 THE INTERNATIONAL REFUGEE REGIME

Until recently, the international community has maintained a sharp legal distinction between the protection of human rights and the protection and safeguard of refugees despite a close connection between the two.¹ Although the causes that force people to flee their country are numerous - war, internal conflicts, poverty, natural disasters, political persecution, 'ethnic cleansing', etc. - the recognition of human rights abuses is not a necessary and sufficient condition for being granted the legal status of refugee. From an international law perspective,² a refugee is exclusively one who is outside his/her country of origin and the motives that have forced him/her to flee have to be of political nature. The image that comes out of the international law definition is the image of an individual who is

of necessity an alien for the State where he resides. He is always defined in terms of a particular nationality or lack of nationality, and ... *(t)he events which are the root-cause of a man's becoming a refugee derive from the relations between the State and its nationals.*³

It is precisely because of the centrality of 'the relations between the State and its nationals' that the dominant image tends to represent the refugee as *non-citizen*, as 'of necessity an alien' living within the national boundaries of a country other than his/her own, as an alien who has entered a world where s/he does not properly belong.

As J. Vernant observed already in 1953, in common usage a refugee is someone who has been forced to abandon his/her home for reasons that are "*always of political nature*".⁴ However, according to Vernant, the strong emphasis on political reasons is somewhat restrictive because it fails to acknowledge that sovereign states are responsible not simply for their political acts, but also for the living conditions of their nationals. Hence, the economic conditions of their population should be regarded as the direct outcome of political decisions and not simply as the result of natural phenomena.⁵ It is precisely because of the close interrelation between the political and the economic that it becomes difficult, except in the few cases of political dissidents, to differentiate between those individuals who are induced to flee as result of political factors and those who are induced to flee because of economic conditions.⁶ If Vernant's interpretation were accepted, it would imply that all victims of war and political persecution as well as all those who are victims of economic disasters should be properly considered as refugees. This is certainly not the legal understanding generally accepted by sovereign states when deciding whom to admit into their territory and to whom to grant protection.

The prevailing legal definition of refugee, as specified in article 1 of the so-called 1951 Geneva Convention, is indeed restricted to all those who fear being *politically* persecuted because of their "race, religion, nationality, membership of a particular social group or political opinion".⁷ And it is because of this restrictive understanding of who is a refugee that the vast majority of refugee legal studies concentrates attention, *quite exclusively*, on the inadequacies of the UN definition and on the discretionary power retained by sovereign states. As argued in G. Goodwin-Gill's 'International Law and Human Rights', refugees, and migrants more in general, are often located "on the periphery of effective protection" because, on the one hand, states are taken as the "guardians or protectors of human rights" and, on the other hand, because these very rights are protected only within the "context of community or citizenship".⁸ Within a state-centric discourse where states are taken as the starting point and where the concept of sovereignty is understood

in its high positivist sense, as an absolute assertion of right and power in a society of

the very possession of the membership becomes *per se* a “fundamental question” in order to guarantee the respect of human rights, and *in primis* the inalienable rights that each individual possesses, *qua* individual.⁹ It is precisely as result of the dominance of state sovereignty and of states’ discretionary power in deciding whom to grant protection that the UN definition is understood to be an unbalanced compromise between the self-interest of sovereign states and their intention to offer effective protection to those who have been forced to flee from their country of origin. As J. Hathaway has put it:

refugee law has been a *means of reconciling* the commitment of states to discretionary control over immigration to the reality of coerced international movements of persons between states.¹⁰ (Emphasis added)

If the historical circumstances that led to this compromise were considered, as well as the number of the many refugees, broadly defined, who are excluded from any protection, it seems evident that sovereign states continue to retain a position that allows them to manipulate the international refugee definition both “substantively and procedurally” as they please, for the very reason that “no effective form of international supervision” exists.¹¹ Because of states’ power to manipulate the legal definition contained in the Geneva Convention according to political, economic and diplomatic determinants, the present regime does not offer adequate guarantees of protection, if at all, to refugees. As Hathaway stated:

contemporary international refugee law is marginal to the protection of most persons coerced to migrate, who must rather accept whatever emergency assistance or limited resettlement opportunities are voluntarily made available to them. ... The notion of refugee law as a rights-based regime is largely illusory.¹²

The above statement contains at least two important aspects that need to be highlighted, aspects that recur in the vast majority of refugee legal studies. Firstly, the present international refugee regime is based on a ‘marginal’ system that, as result of the predominance of state sovereignty, is unable to respond effectively to forced mass migration and, hence, the number of those assisted represents simply a minority. Secondly, contemporary refugee law clearly reproduces the image of refugees as passive beneficiaries of humanitarian assistance and aid, and hence, refugees are left exclusively with one option: accept, without any possibility of speaking up, ‘whatever emergency assistance is made available to them’. These two aspects clearly take us back to the analyses put forward in the previous chapter, and lead us to affirm that the

international refugee regime has incorporated a state-centric understanding of the phenomenon of forced migration, reproducing a politico-legal discourse where refugees are treated and pictured as passive “recipients of aid” and as “speechless emissaries”.¹³

However, as stated in the general introduction, the present thesis aims precisely to move beyond this *exclusivist* political and legal discourse and to contest how the present refugee regime is generally understood, an understanding that constructs, and constantly reaffirms, an image of marginalisation and exclusion. A. Aleinikoff’s article, ‘State-Centred Refugee Law’, represents a stimulating starting point for the way in which the author analyses critically how legal scholars and lawyers tend to approach the problematique of forced displacement.¹⁴ It is in particular, the final part of the article that advocates an expansion of the way refugees’ narratives are read and perceived. This alternative reading would allow us to move away from the existing “state-centred model”, dominated by “the language of sovereignty and membership”, a language that constantly reproduces narratives where refugees are inscribed as

helpless objects of pity who must be assigned to some political community in order to have an identity at all.¹⁵

It is within these state-centric narratives where a “paternalistic relationship between the powerful protector and the needy protected”¹⁶ is established, a relationship that strongly dominates our political imaginary and understanding of the phenomenon of forced mass displacement. What is advocated is, thus, the adoption of different lenses that allow us to move away from a top-down approach and privilege a bottom-up approach, where refugees would participate “in the definition of both ‘the problem’ and acceptable ‘solutions’”.¹⁷ Before considering in detail how a more positive and inclusive (or less exclusive) understanding of the subjectivity of the refugee might emerge, and which narratives will allow us to perceive the agency of the refugees, it is necessary to step back and spend more time scrutinising the dominant legal discourse. In particular, it is necessary to consider, primarily, two important aspects: 1) the historical and political context that made the present international refugee regime come to life; 2) the European and Italian legal asylum frameworks. This preliminary overview will allow us to better comprehend, on the one hand, why the vast majority of legal refugee studies affirms that the present regime is more concerned to protect, first and foremost, sovereign states and, on the other hand, why these studies are unable to fully grasp what happens in everyday life, how agents other than official

institutions take active part within the reception processes and how asylum-seekers and refugees try *not* to accept *passively* what sovereign states try to impose on them.

2.3 SOME HISTORICAL OVERVIEWS

The aim of this section is to offer a brief overview of two important historical moments that have characterised the international refugee regime. Firstly, it will be evaluated how the problematique of forced mass displacement was initially tackled at the international level, and in particular the period just before the Second World War up to the 1951 UN Convention. This analysis will allow for a better comprehension not only of the generalised fear of Western countries to be invaded, but also of the political and legal uncertainties that arose once questions of protection, assistance, and legal recognition have been posed. This preliminary analysis will then be followed by a general overview of how the principle of asylum was perceived during the Cold War, a period that was clearly and strongly shaped by East-West political opposition.

In 1938, a single High Commissioner's office responsible for all the League's work on refugees was set up, after the evident ineffective role of both the *High Commissioner on behalf of the League in Connection with the Problems of Russian Refugees in Europe* (1921) and the *High Commissioner for Refugees Coming Out of Germany* (1933).¹⁸ However, it soon became evident that the High Commission was, *de facto*, unable to fully respond to the 'crisis' as the members of the League were unwilling to assume greater responsibilities.¹⁹ Notwithstanding the uncertainties and confusion surrounding the rights to be guaranteed to refugees, according to W.R. Smyser, some significant progress had been achieved during the inter-war period.²⁰ Firstly, a general agreement was reached that stipulated not only that refugees' status was legitimate – since it was the direct result of events beyond their control – but also that refugees were entitled to some forms of specific recognition and protection, which were no longer obtainable from their state of origin. Secondly, it was agreed, although not in a well-articulated form, that states were to respect the so-called *principle of non-refoulement* that protected refugees against any forced repatriations to areas where they would have suffered further persecution. Thirdly, there was widespread international awareness that, once refugees were admitted into the 'receiving' countries, states had to meet some basic needs that would have guaranteed to the 'newcomers' an acceptable standard of living. Finally, it was generally, though not universally, recognised that a common or at least a well co-ordinated system was a

conditio sine qua non for a more effective policy.²¹

By the end of the Second World War, the number of refugees increased to 27 million, a population whose legal status was still uncertain as they were often described as ‘temporarily displaced persons’ rather than as refugees. It was indeed certain that most of them could not, nor wanted to, go back to their unsafe homes and that they were certainly not temporarily displaced but desperately in need of permanent refuge and protection.²² In December 1950, a new office of United Nations High Commissioner for Refugees (UNHCR) was established both to serve as the principal agency to provide “international protection” and to seek “permanent solutions” to the plight of refugees.²³ It was followed, in July 1951, by the so-called Geneva Convention which provided, first of all, for a legal definition of refugee, a definition that applied to any person who

as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such a fear, unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as result of such events, is unable or, owing to such fear, is unwilling to return to it. (Convention Relating to the Status of Refugees, article 1A[2])

The geographical and temporal limitations of the Convention were eliminated by the entry into force of the 1967 Protocol Relating to the Status of Refugees.²⁴ Prior to 1967 the UNHCR’s activities were limited exclusively within European territory and were to take care only of those refugees who were fleeing ‘as a result of events occurring before 1 January 1951’. Non-European refugees, as well as those who escaped after 1 January 1951, were either ignored or protected via *ad hoc* institutional arrangements.²⁵ Although the 1967 Protocol represented a step forward, because it lifted the geographical and temporal limitations, thereby expanding the UNHCR mandate, it clearly reflected both the desire of the international community to make the status of refugee exceptional and the political climate of the Cold-War era in which it was formulated.²⁶ The UN Convention failed clearly to guarantee, *de facto*, a right of asylum, although it established a body of general principles that were to promote and safeguard the sphere of social and economic rights together with the reaffirmation of the principle of *non-refoulement*.

Considering the alarming number of ‘displaced persons’ after World War II, it should not be surprising that much of the debate during the drafting of the 1951 Convention was “devoted to how best to protect the national self-interest of receiving

States”, states not obliged to admit *permanently* all refugees arriving at their borders, and states that based refugee law upon a “theory of temporary protection”.²⁷ As Hathaway has emphasised, not only has the UN definition been formulated in such a way that it is applicable exclusively to individuals and not to groups but it also is tied to a highly restrictive and subjective idea of persecution.²⁸ Persecution, in the sense of a deliberate act of violence perpetrated by the government against individuals, is thus the key criterion for deciding who deserves, and who does not deserve, the status, a criterion that leaves outside all the victims of systematic violence and economic deprivation that do not cross the borders to seek asylum.²⁹ This category of people is referred to as ‘internally displaced people’ and because they remain within their national territory, they cannot be protected as refugees because neither the UNHCR nor any other international organisation has a mandate that might legitimate any programme of assistance without the ‘sovereign’ permission of the state.³⁰

Since its formulation, the inner logic incorporated within the international refugee regime has been strongly shaped by the East-West political opposition, a logic clearly visible not only in the legislation itself but in the very perception and attitude toward all ‘refugees’ who successfully escaped from Communist regimes. Based on the implicit assumption of a well-founded fear of persecution, everyone coming from countries that barred exit was welcome.³¹ Everyone deserved to be welcome because they were assumed to be heroes in search of freedom, in search of a life free from terror, abuses and deprivation. Western liberal democracies not only welcomed but also encouraged such outflows from the East. The more who escaped the more effective were Western policies at stigmatising Eastern countries as awful perpetrators of human rights abuses.³² This open-arm attitude was deemed to persist as long as the Cold-War was in place, as long as the number of the people who actually succeeded in fleeing was reasonably manageable, and as long as refugees were coming as a result of the East-West conflict. But, as G. Loescher’s analysis has emphasised, since the late 1950s, refugee movements were not exclusively the result of East-West political conflict but also originated in the so-called developing countries, which in most cases represented Western countries’ colonies.³³ This situation clearly put the UNHCR in a very delicate position. On the one hand, mass displacement was clearly connected not only to civil conflicts but also to anti-colonial armed opposition, which were directly ‘attacking’ the Western colonial powers. On the other, the UNHCR was not in a position to exercise politico-economic pressure on the ‘colonisers’ who happened to

be the Western countries that were among the founding members of the refugee regime itself.³⁴ Thanks to the introduction in 1973 of the concept of “good offices” by the UN General Assembly, the UNHCR was able to assist and provide help to all those people who, although displaced, were not considered ‘statutory refugees’ because they lacked a well-founded fear of persecution, yet also the UNHCR was able to maintain good relations with its Western financial supporters.³⁵ Between the 1960s and 1970s, most refugees from Africa and Asia found refuge within their regions of origin, and in most cases, either returned home after the proclamation of independence or received asylum in neighbouring communities.³⁶

The 1980s witnessed a new phase of refugee outflows fleeing internal conflicts where external powers, particularly super-powers, were directly or indirectly involved.³⁷ During this decade the very limited scope of the asylum regime became much evident, particularly when considering all the ‘non-statutory’ refugees that were making their way to Western industrialised countries.³⁸ Moreover, during this decade a new category of refugees emerged, formed by single individuals who took the initiative of finding their way to the West either alone or through immigrant-trafficking organisations.³⁹ This phenomenon increased enormously from the end of the 1980s, and in particular, once *both* the asylum *and* immigrations channels started to be subjected to a more selective scrutiny, refugees started to resort to any available instruments, legal or illegal,⁴⁰ for escaping and protecting their lives. Today, governments of the so-called ‘developed world’, having very little reason to accept the compromises inherent in the Geneva Convention, have formulated new ‘techniques’ in order to prevent huge inflows of unwanted people. In particular, because of the constraints of the 1951 Convention to which they are signatories, government after government, particularly in Europe, has started to apply the strictest interpretation of the Convention.⁴¹ Because most refugees came from economically poor countries and because the majority were not accorded refugee status on the basis of the UN Convention, politicians easily justified, and continue to justify, the introduction of restrictive measures by arguing that they were, *de facto*, economic refugees using asylum procedures to gain entry to the West. Ironically, the very definition of ‘economic refugees’ was first used in the 1930s to refer to Jews escaping from Nazi persecution (*Wirtschaftsemigranten*).⁴² Closing the immigration doors resulted in the number of applications for asylum increasing enormously, and in the number of rejected claims sky-rocketing because, although in need of protection, applicants were

falling outside the refugee definition as contained in the Geneva Convention,⁴³ or at least this is what the institutions nominated to evaluate the asylum requests constantly report.

Neither the crossing of national borders nor the application for asylum offers any guarantees for obtaining the status of refugee. Only asylum-seekers (people requesting refugee status) able to prove a well-founded fear of persecution that derives from their 'race, religion, nationality, membership of a particular social group, or political opinion', are granted asylum. Even the experience of serious abuses of basic human rights is *per se* insufficient for obtaining the Convention refugee status; sufferings have to be linked to civil or political motives, otherwise the claim is going to fail.⁴⁴ The inadequacy of the refugee definition (based exclusively on a well-founded fear of persecution) *seems* self-evident when considering that very few are granted asylum and that the UN Convention has partly determined a confusing list of legal status. As observed in 1986 by the Independent Commission on International Humanitarian Issues (ICHI), governments now classify asylum-seekers as "de facto refugees", "political or economic immigrants", "external displaced persons", "mandate refugees", "shuttle refugees" or "refugees in orbit".⁴⁵ Even those who have been recognised as 'statutory refugees' might find themselves labelled as refugees with an A or B status, with "tolerance status", or with "exceptional leave to remain".⁴⁶

It should, however, be noted that all these different legal statuses tell us nothing about what kind of protection refugees themselves are willing to receive. They demonstrate, indeed, that the attitude of the commissions responsible for examining asylum claims has changed since the end of the Cold War era, a change that might be interpreted as connected *both* with a logic of exclusion *and* with the complexities of the phenomenon of forced displacement. What is, for instance, rarely questioned within refugee legal studies is how decisions are taken, what the composition of the commission is, what informative channels the commission adopts, and whether the available interpreters and/or lawyers possess the necessary skills for carrying out that important and delicate task. Although these issues seem minor problems when confronted with issues of sovereignty, membership, protection and assistance, they are indeed crucial for understanding which factors influence and shape the criteria utilised for establishing who is entitled to recognition of refugee status and who is not.

2.4 EU ASYLUM POLICIES

Having offered a preliminary and general overview of the historical processes that led to the present international legal framework, the focus of the analysis will shift toward the European asylum policies. In particular, it will be evaluated how European member states have slowly resorted, since the end of the Cold war, to asylum policies whose primary aim was to protect states' borders from 'unwanted influxes'. The process of harmonisation and integration within the European Union has paradoxically been accompanied by increasing acts of racism and xenophobia against 'aliens', be they asylum-seekers, refugees, economic migrants or 'illegal entrants'. And in particular, the dismantling of the 'iron curtain' and the consequent collapse of the Eastern bloc, followed initially by a short period of enthusiasm, have been accompanied by a growing sense of fear and anxiety that Western Europe was about to be invaded by masses of asylum-seekers and illegal migrants coming from the East.⁴⁷

Political and social conditions during the 1990s were undoubtedly different from preceding decades: the economic boom came to an end during the 1970s; growing xenophobic incidents were, and still are, questioning the capacity of the states to integrate culturally different minorities; a sense of anxiety and fear was rapidly spreading within the Community. It should not then be surprising if, within such an atmosphere, the process of European integration was going to be increasingly dealt with in terms of security.⁴⁸ A fear of being invaded and a widespread sense of inability to manage such (possible) invasion explain why, once principal deterrents to emigration were finally abolished in 1989-90, new barriers started to be erected by Western countries.⁴⁹ The end of the Cold War determined, within the European context, a radical shift from what D. Joly refers to as "uncoordinated liberalism", that prevailed during the post-World War II up to the 1980s, towards the adoption of a new paradigm, "harmonized restrictionism", where logics of restriction, convergence and secrecy clearly dominated the agenda.⁵⁰

Nowadays, it is generally assumed that as soon as a refugee crisis is over, refugees will go back to their home country; it is there where they properly belong. This assumption helps to explain why the kind of protection that governments are prepared to offer is more often based on temporary protection. It is worth noting that the wars in the former Yugoslavia made apparent, for the first time in Europe, the "discrepancy between legality and reality", i.e. the clash between the narrow legal

definition of 'refugee' expressed in the UN Convention and the real need of the 'excluded' to receive protection.⁵¹ The conflict in Bosnia-Herzegovina, which generated more than three million displaced persons, demolished the prevailing assumption that all those who do not meet the 1951 Convention criteria (failing to suffer individual persecution) were, necessarily, economic migrants and also made clear that European states lacked appropriate and coherent mechanisms to deal with the refugees' crisis.⁵² Although a need for more co-ordinated and homogeneous asylum policies has been acknowledged since 1976 by the Council of Europe,⁵³ the impact of its recommendations within member states has been very limited. It was not until the mid-eighties and early nineties that the whole approach towards 'aliens' began to change due to the establishment of the Single Market as well as the coming into force of the Schengen Agreement. The process of abolition of internal border controls not only determined the reinforcement of external protections but also called for more cohesive and harmonised procedures towards the admission of non-EU nationals.⁵⁴ But, in the process of formulating asylum policies an important shift did occur. The debate moved from a "human rights platform" of the Council of Europe⁵⁵ to the economic-political approach of intergovernmental fora which, conducted in a highly secret atmosphere, were free from any public debate and any "democratic controls of the European Parliament and the legal control of the Court of Justice".⁵⁶

The first legal body set up to harmonise asylum policies within EC member states was the Schengen Agreement,⁵⁷ in 1985, followed by the Schengen Implementation Agreement (SIA) in 1990, which, aiming at freedom of movement, established a common policy on visas and a strengthened control of external borders based on the principle, "no visa, no entry".⁵⁸ The SIA contains, in particular, the following provisions:

- the implementation of unified, stricter external borders controls (articles 3-8 SIA);
- a common entry and visa policy (articles 9-27 SIA);
- unified criteria to establish responsibility for the processing of asylum applications (articles 28-38);
- a close co-operation between national police authorities for "preventing and detecting criminal offences" (articles 39-91);
- the setting up of the Schengen Information System (SIS), in order "to maintain public order and security" (articles 92-119).

The SIA contains many provisions that enormously limit refugees' sphere of

protection making it very difficult, if not impossible, for genuine refugees to reach Europe *legally* and get access to its asylum procedures. The SIA prescribes, in fact, not only that external borders must be crossed exclusively at “border crossing points during the fixed opening hours” (article 3[1]), but also that “aliens” have to be in possession of valid travel documents and must not be considered a “threat to public policy, national security or the international relations of any of the Contracting Parties” (article 5 [1-e]). Although “these rules shall not preclude the application of special provisions concerning the right of asylum” (article 5 [2]), the SIA does not enter into the merit of the question. In order to reduce the number of would-be refugees, carriers’ sanctions for those transporting aliens without the required documents have been introduced (article 26 3[2]). These provisions have clearly shifted the burden of determining the merit of asylum claims to carriers’ personnel, who are neither authorised nor qualified to fulfil this task, transforming, *de facto*, transport companies into “refugee screening agencies”.⁵⁹

Since 1 September 1997 the so-called Dublin Convention (DC),⁶⁰ which applies to all 15 EU Members States, has replaced the provisions of the SIA concerning asylum procedures (articles 28-38 SIA), with more guarantees of protection to refugees. It establishes, on the one hand, a well-defined hierarchical criterion for determining the country responsible for the examination of asylum applications (articles 3-8 DC) and, on the other, a “sovereignty” or “opt-out” clause (article 9) that allows Member States to “deviate from the Treaty in the application of the [above] criteria”.⁶¹ The introduction of a hierarchical order represents an attempt to solve the so-called phenomenon of ‘refugees in orbit’ (i.e. refugees for whom no State is willing to take responsibility) and the so-called ‘asylum-shopping’. As stated in the DC, its objective is to

ensure that every asylum-seeker's application will be examined by a Member State, unless a ‘safe’ non-Member country can be considered as responsible. This will avoid situations of refugees being shuttled from one Member State to another, with none accepting responsibility, as well as multiple serial or simultaneous applications. (article 1)

Due to the introduction of the “one-chance-only principle”, EU member states have, *de facto*, reduced the possibilities for would-be refugees to move to those EU countries where their chances of obtaining refugee status are higher.⁶² Only the ‘first host country’ is the country responsible for examining the asylum claim. In the case of rejection, no other claims of asylum can be made in another European country, and

because of the introduction of the Schengen Information System, would-be refugees are likely to be 'detected' if another application is submitted. Although the possibility of presenting more than one application might appear irrelevant, it is definitely not so. Unfortunately, neither the SIA nor the DC succeeded in the process of harmonisation of asylum legislation and each member state applies its national asylum legislation.⁶³ Although all EU members are signatories of the 1951 UN Convention, huge differences both in the interpretation of the Convention and its application in national law still exist, which can make the difference between life and death particularly when there is a serious risk of being deported to 'unprotected' areas.⁶⁴

However, as evaluated later in the thesis, although there is no doubt that the implementation of the DC has enormously reduced the possibility for would-be refugees to select the EU member state where they would like to apply for asylum and/or to live, as the vast majority of refugee legal studies argues, such a possibility has not been completely eliminated. As will be discussed in chapter four, the DC has *partially* failed to prevent would-be refugees from selecting the destination country, though in many cases it implies that 'refugees' live in the chosen country despite not possessing valid documents. Although the introduction of the Information System makes it relatively easy to detect, within a short period of time, whether more than one application has been submitted, it is, however, not so easy to control the *movement* of would-be refugees, particularly within the Schengen *acquis*, in cases where no other application has been submitted. As will be explained in chapters four and five, the constant movement of big fluxes of Kurdish would-be refugees, particularly from southern Italian regions towards Schengen countries, represents a clear example of the *de facto* difficulty, if not impossibility, of restricting the 'choice' of destination country. Such movement also demonstrates that, although the DC has managed to *reduce* the occurrence of 'asylum shopping', it has determined, at the very same time, situations where would-be refugees (or refugees themselves) prefer to live in those countries where they have connections and/or where work possibilities are greater, despite their lack of a valid resident permit. During the past decade, especially since 1997, the vast majority of Kurdish would-be refugees have moved quite easily from southern Italy to countries such as Holland, France, Germany and Austria. In Italy, the entry into force of the Dublin Convention has done very little to modify and put a halt to such movement. And this constant movement might only be uncovered if some further aspects are evaluated: 1) the way Italian reception policies have been

organised, and in particular what kind of assistance and protection the country has offered, *de jure* and *de facto*, to asylum-seekers and refugees; 2) whether asylum-seekers accept passively to remain in the first safe country and whether, and to what extent, they select the destination country according to their family and/or community connections as well as according to the work possibility in that particular country. It is on the Italian legal framework that the rest of the chapter will concentrate, although many of the questions raised so far will find more satisfactory answers only in subsequent chapters.

2.5 THE ITALIAN ARENA

Before considering in detail the asylum legal procedure, a general overview of the Italian migration framework will be offered. Such an overview will help to clarify why, during the past decades, the taken-for-granted assumption that Italy was a mere country of transit, and not one of destination either for migrants or for refugees, has had an enormous impact on shaping the legal immigration and asylum frameworks. It will be shown: 1) how the phenomenon of immigration was initially perceived; 2) why Italy, unlike other northern European countries, has experienced migratory fluxes quite recently; and 3) why only in 1986 was the first attempt to produce an immigration law put forward.

The task of offering a brief summary of the Italian *modus operandi* and *vivendi* is certainly not easy, and it becomes even harder when confronting two different, if not clashing, worlds: the so-called *paese legale* (legal country) and *paese reale* (real country). This historical definition well represents the dichotomy between what is established by law, which is often a mere fiction for the little connection it bears with daily life, and the way the country is effectively run.⁶⁵ Italy has often been pictured as the “sick man of Europe”⁶⁶ as well as the country that is characterised by a highly peculiar political and social system and which has many of those features typical of southern countries such as Spain, Portugal, Greece and Turkey.⁶⁷ In particular, Italy, likewise some southern European countries, has started to experience the phenomenon of immigration only recently, after a century-long history of mass emigration since its reunification in 1861.⁶⁸ During this long period, migration was certainly not a free choice but the only way of life for many Italians, particularly for those living in the southern regions and on the two major islands of Sardinia and Sicily. In some geographical areas the phenomenon reached such magnitude that a culture of

migration emerged and pictured “migration and life abroad” as “normal, rather than exceptional”.⁶⁹

In 1973, for the first time, migration flux registered a reverse course; rather than a country of high emigration, Italy started to become a country of immigration not only for many Italians, who found their way back to their homes, but also for many foreign migrants and for some groups of refugees.⁷⁰ But unlike other industrialised countries, this important shift occurred not only within a “context of de-industrialisation” and an increasing rate of unemployment but also within a context of widespread ‘informal economy’ and long-standing disparities between the northern and southern regions.⁷¹ The peculiarities of the internal *informal* market certainly had a strong impact in creating those pull-factors that encouraged immigration, though they simultaneously determined the exclusion of the majority of migrants from the legal economy.

The presence of illegal immigrants, the so-called *clandestini*, remained virtually unnoticed until August 1985 when the then-President of the Council of Ministers, Bettino Craxi, in a public speech at the University of Perugia (the Italian University for foreign students) linked terrorist incidents in Italy to illegal migrants. The *clandestini* in the country immediately became a political and security issue while the terrorist attack, the year after, at the *Leonardo da Vinci* International Airport in Rome became the *casus belli* for public opinion to criticise both the lax border controls and the inadequate migration policy.⁷² The attack fed an explosion of media coverage, that not only offered very negative images of immigrants’ life but also called for an urgent solution to all those living illegally in the country. Because of the absence of reliable data, the press started a sort of competition to guess the real figure of the phenomenon of ‘illegality’ and started to stress the ‘self-evident’ connection between illegality and criminality. An atmosphere of recrimination of the inactivity and incapacity of the government to effectively control Italian borders, along with growing acts of intolerance, started to dominate parts of the country from the mid-1980s, and migrants found themselves trapped within a context where acts of racism and xenophobia were usually accompanied by conditions of *de facto* segregation.⁷³

Until the mid-1980s the country lacked coherent legislation that would protect the rights of migrants. The only available legislation regarding foreigners consisted of a few articles of the so-called *Testo Unico di Pubblica Sicurezza* (t.u.p.s.), dating back to the fascist era, that regulated only those aspects relating to public security. Although no reliable data concerning the real number of *clandestini* were available, it was

estimated that in 1984 more than 700,000 were staying in Italy without legal permission.⁷⁴ The availability of a more comprehensive analysis from the mid-1980s was accompanied by the creation of a set of more coherent legislation. The need for its continuing modifications – this has occurred four times since 1986 – demonstrates, on the one hand, the inability of the political class to fully grasp the social, economic, political and ethnic aspects of immigration and, on the other, the inadequacy of adopting general amnesty for resolving the endemic problem of the illegal entry of *clandestini*. Between the legislation of 1986 and that of 1998, some progress has, however, been achieved particularly when considering the vocabulary utilised to refer to foreigners as well as the progressive recognition of a greater set of rights and duties. The modification of the words utilised in the legislation represents *per se* the official, though often only *de jure*, acknowledgement of a deeper respect of migrants' dignity. The word *extracomunitari*,⁷⁵ used both in the 1986 Immigration Act and in the 1990 Martelli Act, has been replaced, in 1995 decree-law, by the expression "citizens of countries not belonging to the European Union" and more recently, in the 1998 Act, simply by the word "foreigners".⁷⁶ The latest legislation, the 2002 Act, represents a somewhat clear (and depressing) *involution*, both because of the terminology adopted – "extracomunitari immigrants", "extracomunitari workers" and "foreign workers" – and because of the incorporation of a strong logic of exclusion, an exclusion that dominates the present right-wing Berlusconi government.⁷⁷

During the past decades immigration policies have slowly moved from a *laissez-faire* to a closed-door policy, as result of both tighter border control and the reinforcement of coastline patrols with the specific aim of halting the influxes of 'clandestini'. The advocacy of a closed-door policy has been essentially the result of a widespread, though superficial, equation: immigration has slowly become synonymous with illegality/clandestinity and criminality, and the phenomenon of uncontrolled influxes of migrants is considered the main cause of a generalised sense of insecurity perceived particularly within urban areas.⁷⁸ This sense of insecurity is constantly reinforced by incessant messages produced by the media and the political parties (particularly those of the Right) that tell the public that the equation immigration/criminality is confirmed by national statistics which clearly reveal that the Italian prisons are overwhelmed by a vast majority of migrants.⁷⁹ This partial picture is reinforced by the fact that the figures and gravity of the crimes committed by nationals are rarely, if ever, mentioned and/or compared with the criminal offences committed

by foreigners. Moreover, statistics are certainly not as self-evident as the media and political parties try to demonstrate. The large percentage of 'foreign' detentions (from 27% to 50%) does not automatically imply that migrants are more likely to commit crimes than Italians.⁸⁰ In many cases the crime itself consists in possessing no permit to reside in the country or lacking any valid identity documents. The lack of a residence permit or the proof of a stable and permanent address presupposes, furthermore, the impossibility of being subjected to alternative measures of detention other than jail even when small crimes are committed.⁸¹

If legal norms are considered, what emerges is the picture of a country where migrants are strongly marginalised and exploited. This exclusion, embedded in migrants' juridical condition, has led A. Dal Lago to affirm that migrants are trapped within a legal and political environment highly hostile to migrants.⁸² Furthermore, according to Dal Lago, although *no open* and violent hostility against foreigners is generally advocated save for some isolated cases, a more subtle and hidden hostility predominates within the Italian framework. It is a hostility that probably has more negative effects, one which has been appropriately described as a "strategic hostility", because it aims "to 'control' the juridical condition of foreigners", through apparently "neutral technical definitions" ably incorporated within the whole body of the legislation related to migrants.⁸³ Within the framework of what Dal Lago defines as the "democratic exclusion", such 'technical definitions' are, in the official rhetoric, adopted in a very effective manner in order

to oppose racism, to restore legality, to keep order. They are based on nothing but democratic commonsense, 'what democrats think' about immigration: that is, that the migrants are a problem or an objective 'menace' from which our society must defend itself, even if in a frame of 'tolerance', 'respect for the other cultures' and 'multiculturalism'.⁸⁴

Hence, migrants find themselves trapped within a framework that, though it advocates the respect of democratic principles and of the dignity of the 'other', excludes *de facto* migrants. Such exclusion operates consequently within strategies that are democratic only in appearance, thus Dal Lago's definition of 'democratic exclusion'.

In general terms, from the enactment of the first Immigration Act in 1986 up to the 1998 legislation, public debate has been dominated by a discourse centred on the so-called phenomenon of 'clandestinity', and the related fear of being invaded by constant uncontrollable influxes of *clandestini* (illegal entrants). It is perhaps not surprising that, because of this fear of invasion, most legal initiatives have been

directed towards an increased adoption of what might be called 'punitive' instruments. At least three such punitive instruments can be identified. Firstly, more restrictive and repressive norms have been progressively incorporated within the legislation, together with increased numbers of police units for patrolling the southern coastlines, especially in Sicily, in Puglia and now also new units at the borders with Slovenia.⁸⁵ The second punitive instrument has been the progressive stipulation of so-called 'co-operation agreements' with neighbouring Mediterranean countries and/or countries which are experiencing big outflows of migrants, agreements which are *de facto* readmission agreements. In particular, as result of the partial success of the coastline patrols, Italian authorities have resorted to bilateral agreements with Albania, Morocco, Tunisia and Turkey, the efficacy of which has already been questioned several times.⁸⁶ Despite the 'generous' financial support, which does very little to ameliorate living conditions or to improve democratic institutions in those countries, the Italian authorities are constantly accusing those governments of not doing enough to prevent migrants fleeing to Italy.⁸⁷ The third punitive measure is represented by the creation of the so-called 'temporary reception and assistance centres' (cpta - *centri di permanenza temporanea e assistenza*) where 'undocumented people' or those who have received a decree of expulsion are detained, up to a maximum of 60 days, before their deportation can be carried out.⁸⁸ The centres have turned out to be much worse than prisons, and for some centres it is more appropriate to use the word 'lager'. The national press has paid very little attention to the inhumane conditions that are reserved to all those that are caught while trying to evade the official border controls. Media attention has only been given to dramatic events, where some migrants lost their lives after several attempts at rebellion and evasion.⁸⁹ But, except for those accidents, very little is known of what happens in those centres, which are subjected to strict surveillance by the police. The living conditions are highly dramatic and inhumane and in the vast majority of the cases migrants are left completely unaware of what their destiny is likely to be.

The Italian policy has clearly shifted from lax migration control to a closed-door policy that does little to differentiate between economic migrants and would-be refugees. Everyone who now tries to reach Italian soil is automatically considered a clandestine who has to be sent back to the country of origin or of provenance, and since the 1998 legislation the number of deportations has thus increased enormously.⁹⁰ The public attitude is clear: the number of those that are already in the country is rather

high, let's keep other would-be migrants as far away as possible or send them back, no matter who they are, whether migrants or political refugees. The media do not even attempt to produce an alternative image; on the contrary, they constantly produce messages of *clandestini* invading the Italian land.⁹¹ Despite efforts at the institutional level to stress that the logic of the immigration legislation has been to punish '*clandestini*' and to build simultaneously an inclusive system for those that are already in the country, in practice very little has actually changed, particularly for those who already live in conditions of marginalisation. The generalised and dominant attitude of '*laissez-faire*' of the 1970s and 1980s, characterised by lax migration controls and considerable lacunae in the legislation, has been slowly supplanted in the 1990s by a closed-door policy where "the need for control (has) take(n) priority over the one for solidarity".⁹²

Since the 1986 Act, very little has been done to solve, or at least improve, the social and economic problems of job stability, equal opportunity, housing and social services which also affect the vulnerable and unprotected within Italian society. In particular, the immense difficulty in getting decent housing has become an endemic problem which not only prevents foreigners from settling down in the country, even after having lived in Italy for an extended time, but also represents a major handicap to family reunion as well as to a normal and decent life. The Italian Parliament has simply established, in the 1990 Immigration Act, the creation of so-called 'first reception centres' (*centri di prima accoglienza*). The number of centres is insufficient and, save in limited cases, they have nothing that might resemble a centre of *reception*. They are simply dormitories, places where migrants find a bed and one hot meal per day and where, despite need, they are not able to spend any time during the day, as the centres are closed. Furthermore, once the fixed period of stay within the centre ends (45-60 days for migrants and up to 9 months for asylum-seekers), they *have* to leave, and the question of whether they have another place to stay becomes, in the eyes of Italian institutions, irrelevant.

2.6 THE ASYLUM FRAMEWORK

Having outlined the Italian migration framework, it is time to consider more closely the asylum context, a context where the few existing legal norms are remote from everyday realities. What will emerge in the next pages is the picture of a country where no serious policies of reception and of settlement have been adopted and where

enormous legal lacunae make the task even more difficult. Part of the juridical deficiencies can be explained by the assumption that Italy was considered simply a country of transit, not one of permanence. This assumption has long been adopted to justify the absence of any asylum law. Some asylum norms have been introduced only in the so-called 'Martelli Act', which was, however, an immigration law; these norms establish how the asylum procedure should work and the (few) rights and duties accorded to asylum-seekers.

Given its centrality, the 1990 'Martelli Act' will be used as a watershed to differentiate between the asylum procedures utilised before and after it entered into force. The following discussion will thus consider the Cold-War period up to 1989, and from 1990 to the present day. The following sections will offer a general picture of the asylum framework, without analysing the juridical debate in great detail. This analysis will provide the analytical tools to understand why the thesis advocates that an analysis of the legal framework is *per se* not sufficient to make sense of the inclusive, exclusive and in-between mechanisms created in everyday local practice. If the analysis were limited exclusively to the juridical problematique, what no doubt would emerge was the picture of a country where exclusion dominated everywhere, where refugees were abandoned to themselves, and where the lack of any coherent asylum act was but the demonstration of the political unwillingness to provide effective protection. This would have, inevitably, led us to adopt the traditional statist discourse: refugees are unprotected and excluded because the principles of sovereignty, national security, membership, and sense of identity and of belonging prevail.

From the 1948 Constitution up to 1989

Article 10 of the Italian Constitution, laid down in 1948, contains one of the most liberal juridical norms in term of asylum, for the very reason that it guarantees the right of asylum, a right that was not incorporated in the Geneva Convention. In pure legal terms, the Constituent Assembly clearly adopted a highly liberal approach proclaiming in article 10(3):

[a]ny alien barred in his own country from the effective exercise of the democratic liberties guaranteed by the Italian Constitution has the right of asylum in the territory of the Republic on the conditions laid down by law.

The above article contains two fundamental principles that need to be taken into account. The first part of the article, advocating the right of asylum, clearly goes

beyond the Geneva Convention. The Constitution and the Convention are, in fact, based upon two completely different principles: while the former guarantees *asylum* to any alien barred from the exercise of democratic liberties in his own country, the latter guarantees *refuge* only to those who do suffer political persecution as well as to those who, in practice, are able to provide evidence of such persecution.⁹³ It becomes evident that the two concepts, *asylum* and *refuge*, are not equivalent or mutually interchangeable. It is also evident that the right of asylum, as expressed in the Constitution, represents a much wider instrument for the protection of refugees. Unfortunately, this part of the norm is not as open as might appear at first glance. The biggest restriction comes from the final part of the article which states that ‘the conditions’ that make the right of asylum effective have to be ‘laid down by law’. This part of the article has long been interpreted as a legislative clause; in other words, to make the right of asylum effective, legislation enacted by the Parliament ought to be produced.⁹⁴ Hence, the absence of any asylum legislation has clearly determined the absence of any *de facto* right of asylum. Instead of modifying the Constitutional norm, the Italian Parliament has never taken the necessary steps to pass an asylum act. Moreover, as already noted, such a step was deemed unnecessary because Italy was not believed to be a country where refugees would come and apply for asylum. The political and public logic was quite clear: a country like Italy, with a century-long history of emigration, was unable to offer assistance and protection to Italians, let’s imagine which resources were available for ‘foreigners’! The absence of any asylum act has determined a situation where asylum-seekers have been treated, *de facto*, as any other foreigners irrespective of the Constitutional principles that aimed to guarantee them special protection.⁹⁵ The failure to guarantee the right of asylum seems even more paradoxical if one considers that recently article 10(3) has been re-interpreted differently. In 1997, the so-called Court of Cassation ruled that despite the absence of any asylum act that would have specified in detail the implementation of the right of asylum, article 10 guarantees a subjective right of asylum independently of the existence of appropriate legislation.⁹⁶ This means that the Constitutional norm has never been used – save five or six cases in more than 50 years – not because of the absence of an asylum act, but because of a restrictive interpretation of the norm.

What was, hence, the juridical and social condition of asylum-seekers and refugees up to 1989? Leaving aside the Italian Constitution, what was the impact of the ratification of the Geneva Convention? How was it implemented? How did the

country regard refugees that fled during the Cold War? Unfortunately, despite the ratification of the Geneva Convention,⁹⁷ very little protection and assistance have been *de facto* offered. Although the Italian government did ratify the 1967 Protocol, it lifted the temporal limitation but kept the geographical exemption. The implementation of the Convention has thus been enormously limited by the geographical reservation since the Italian authorities accepted asylum claims only from those refugees fleeing from Europe eroding, *de facto*, not only the spirit of the Convention but even more the liberal principles expressed in the Italian Constitution.⁹⁸ All asylum-seekers coming from Africa, Latin America, Asia, the Middle and Far East were, hence, admitted only on a temporary basis, in order to allow the UNHCR (ACNUR in Italy) time to find them a permanent settlement in another country.⁹⁹

Soon after the ratification of the Geneva Convention an agreement was concluded, on 2nd April 1952,¹⁰⁰ between the Italian government and the ACNUR through which the government authorised the establishment in Rome of the so-called *Commissione Paritetica di Eleggibilità* (CPE), whose main task was to determine whether an asylum-seeker was eligible to be recognised as refugee according to the Geneva Convention.¹⁰¹ Up to 1990 when the so-called Martelli Law lifted the geographical limitation, asylum-seekers received two different treatments both in legal and social terms depending on their country of provenance. Articles 2 to 34 of the Geneva Convention were applied to those from European countries; if eligible for the refugee status, they were classified as '*de jure refugees*' or '*rifugiati sotto convenzione*' (refugees under Convention).¹⁰² They were entitled to temporary residence identical to the one issued to any other foreigner living in Italy and to a work permit. To decisions regarding the eligibility of refugee status, the CPE adopted a highly illiberal approach. Firstly, there were no established rules for determining the criteria regarding conditions of eligibility; secondly, the decision of the CPE was unquestionable, hence no appeal could be presented before the court, which explains as well why, thirdly, the decision was given verbally, depriving asylum-seekers from challenging juridical action.¹⁰³ If the CPE considered asylum-seekers ineligible for the status of refugee, they had no choice but to remain *illegally* in Italy, unless another country was willing to consider their case. What was quite paradoxical was the fact that the Commission, despite the presence of two members from the Ministry of the Interior and Foreign Affairs, did not generally notify the police authorities of their

negative decisions permitting, *de facto*, asylum-seekers to *illegally* stay in the country.¹⁰⁴

Regarding asylum-seekers who were fleeing from countries outside Europe who were to be taken care of by the ACNUR: after a thorough screening process to determine whether the Geneva Convention criteria were met, they were recognised as “*de jure* refugees” or “*rifugiati sotto mandato*” (refugees under mandate).¹⁰⁵ Their legal and social conditions were, however, highly precarious since they were not permitted to work, to engage in liberal professions¹⁰⁶ or to receive any social assistance or benefits.¹⁰⁷ Between 1970 and 1982, ACNUR granted protection to 2,157 non-European refugees and all of them, apart from 203 who decided to remain in the country, found a more durable solution in other countries, particularly the United States, Canada and Australia.¹⁰⁸ The Italian government did, however, make two important exceptions to the geographical limitation, granting the status of refugee to thousands of Chilean refugees in 1973 and to almost 3,000 Indo-Chinese in 1979.¹⁰⁹

The Italian authorities were long criticised for maintaining the geographical reservation. In a 1987 Resolution, the European Parliament affirmed that

keeping the reservation creates imbalances since it respects neither the attitude of the international community nor the position of the Community Members States towards refugees.¹¹⁰

The European Resolution was followed, in 1989, by the United States Committee for Refugee (USCR) that writing to the Italian authorities stated that it was a “political anachronism” to maintain the geographical reservation on the eve of the 1990s.¹¹¹ The Italian authorities, in response to the many criticisms from the international community, promised several times to lift the geographical reservation. They finally kept the promise at the end of 1989, the government gave birth to the decree-law that, after a long and difficult debate between the government and the Parliament, was converted into the so-called Martelli Act.¹¹²

From the 1990 ‘Martelli Act’ to the present day

The Martelli Act represented, without a doubt, a significant step forward because it was the first legislation that regulated asylum procedures and established new criteria for the entry and sojourn of “*extracomunitari*”, together with a new amnesty for legalising the position of those living in the country without permission.¹¹³ The

legislation specifically aimed, as clarified by C. Martelli, the then-vice-president of the Council of Ministers, neither to promote nor to stimulate immigration but to govern and programme it.¹¹⁴ Hence, the key to the interpretation of the legislation was not an “indiscriminate amnesty” as in the case of the 1986 act nor a decision to open the Italian borders to anyone.¹¹⁵ Before 31 December 1989, everyone could easily enter Italy as the country had no “doors”; afterwards, doors started to be slowly created, leading Italy towards a more coherent migration policy.¹¹⁶ For the first time, a migration act established procedures to expel illegal foreigners; criteria for determining migration quotas according to the economic and financial conditions; and the reinforcement and modernisation of the police at the borders.¹¹⁷

Considering all the provisions relating to asylum, it has to be acknowledged that, in contravention of the spirit of article 10 of the Italian Constitution, no right of asylum has been included in the legislation. An important step forward was, however, made by the lifting of the geographical limitation, *ex* articles 17-18, of the Geneva Convention (article 1[1]) and the automatic recognition of the status of refugee to all “non-European foreigners under mandate”¹¹⁸ who presented their applications within the following 60 days from the entry into force of the law.

If the procedure for asylum is considered, it will clearly be seen not only how complicated is the process – *all’italiana* – but how huge a gap exists between what is established by law and what is guaranteed in practice. Such a gap demonstrates the unwillingness of the Italian institutions to provide any serious programme of protection as well as any serious policy of reception.

Before proceeding with the analysis, it is worth explaining the meaning of the Italian term ‘*profugo*’ (plural, *profughi*). This is generally, though inappropriately, translated into English as ‘refugee’, which does not bear the same legal valence as the one contained in the 1951 UN definition. In Italian common usage, a *profugo* is someone who has fled from his/her country of origin for political and/or economic reasons. In legal terms, a *profugo* is someone for whom no specific set of rights has been recognised: neither a right to be protected and assisted nor a right against expulsion and deportation. Only asylum-seekers (*richiedenti asilo*), as a result of their legal request for asylum, and refugees (*rifugiati*), as a result of their legally recognised status, are protected *de jure*, though not always *de facto*. However, no distinction is usually made in common usage between *profughi*, asylum-seekers, and refugees; they are generally and offensively labelled as *profughi*, *clandestini* (illegal entrants) or

extracomunitari. In short, in the present thesis the term ‘*profugo*’ will be adopted exclusively in reference to those who have fled from their country, but for whom no legal status has been (yet) recognised and the word ‘refugee’ in reference to those who have been recognised as ‘statutory refugees’. To all these distinctions, it has to be added the so-called ‘Dublin-cases’ (*casi-Dublino*), i.e. those *profughi* sent back to Italy because, in respect of the Dublin Convention, the country is responsible for examining the asylum request.

At least five basic phases characterise the procedure of asylum, a process that takes generally more than a year:¹¹⁹

1. a willingness to apply for protection and asylum is expressed by the *profughi* either spontaneously (if aware of the procedure), or after having received the necessary information at the moment of access into the Italian territory;
2. the process of identification, screening and completion of the necessary papers (specifying the reasons for fleeing) take place at the local *Questura* (police headquarters);
3. a temporary and renewable permission of stay, valid for three months, is issued;
4. the interview with the Central Commission that examines the asylum application takes place, with the possibility of being accompanied by an interpreter;
5. the request of asylum *ex* Geneva Convention is accepted or rejected.¹²⁰ If the request is accepted a renewable permission of stay for two years is issued by the local *Questura*.

If one moves from the procedure established by law to an analysis of the practice, huge discrepancies in its application are soon revealed. The procedure of asylum *should* begin once a willingness to request asylum in Italy is expressed at the local *Questura*, which is obliged to consider the request save the existence of legal impediments (the so-called ‘*clausole ostative*’).¹²¹ The legal norm clearly presupposes that *profughi* are perfectly aware of the legal procedure existing in the country as no *Questura* are legally obliged to inform *profughi* of the (few) rights they are entitled to. It is taken for granted that *profughi* are aware that a willingness to apply for asylum has to be clearly expressed. But the expression of such willingness and the actual written application and the screening do not always coincide in time, and even some months might pass by. During the whole procedure, the only financial support that asylum-seekers are *de jure* guaranteed is the amount of 34.000 lire (circa 11 pounds) per day up to 45 days. The request for such an amount is supposed to be submitted

once the procedure of asylum has started. And here some problems arise. Not all the *Questure* apply the norm in the same way. For some the procedure starts once the application of asylum is submitted, independently of the day the willingness to apply has been expressed. According to such an understanding, *profughi* (not yet asylum-seekers as no application has been officially submitted) are not entitled to apply for the only financial support accorded by law until the necessary papers have been filled in.¹²² The delays in filling in the papers bear another devastating consequence: no permit of stay in the country is consequently issued until that moment. And no permission means no right: no right to apply for a place in the so-called reception centres, no right to receive any economic and medical assistance. A small piece of paper containing the appointment with the *Questura* is given; this paper does not contain any photo and can be used neither as a document of identity nor as a certificate to obtain assistance. However, the possibility of filling in the necessary papers soon after arrival in the country as well as accessing the information relating to financial assistance for 45 days does not *necessarily* guarantee better living conditions. Even if the local *Questura* guarantees the necessary information and advice is given, the whole process that leads to financial support might take up to six months, and it is unlikely that asylum-seekers are going to effectively get the money after this time.¹²³ But that is not all. In order to get financial support for the first 45 days, it is not enough to submit a specific application; *profughi* have to provide the necessary evidence, at the local *Questura*, of their place of accommodation. But, in the majority of the cases, *profughi* are going to experience the 'Italian way' of dealing with the letter, not the spirit, of the legislation. Paradoxically, some *Questure* will not simply register the address but they will personally verify whether the *profughi* are really living at that place and whether they are in need of financial assistance. Unless asylum-seekers know someone in the country that might help them, they are not, generally, able to provide any address, and in such a case no financial support can be delivered to them. Unfortunately, no financial help is given even when they do provide the address where they are actually staying, because that accommodation will automatically be considered a place of 'hospitality' and therefore they are not entitled to any benefits.¹²⁴

Although part of the inefficiencies of the system (if there is a system in a proper sense) are due to the increased number of applications, asylum applications have never been processed within the 45 days considered in the 1990 Martelli Act but within at

least three months, nor has the money ever been sufficient to satisfy the basic necessities. The situation has now further deteriorated and the whole process, from the submission of the application up to the decision of the Central Commission, takes at least a year, though neither the bureaucratic mechanisms nor the number of the members of the Commission have changed since 1990.¹²⁵

The access to the procedure changes slightly once a big influx of *profughi* (400-900) reaches the southern coasts, generally of Puglia or Calabria. In cases of big influxes, access to the asylum procedure becomes somewhat easier as everyone tends to be admitted to the territory and the personnel of the Italian Refugee Council are generally able to provide the necessary information and legal assistance to *profughi*.¹²⁶ After their arrival they are generally taken to the so-called reception camps where they tend to stay between 15 and 30 days under strict police surveillance, until the asylum application is completed, the screening interview has taken place and the first permission of stay has been issued. At this point, an important distinction needs to be introduced between two groups of individuals: the *profughi*, legally labelled as *clandestini* because of the failure to submit an asylum application despite possessing the necessary pre-requisite conditions, and those asylum-seekers who express clearly a willingness to apply for asylum. This distinction is crucial in order to fully understand some of the practices adopted both by the Italian institutions and *profughi* themselves. As matter of fact, during the past decade, the number of asylum applications has been rather low, and has been accompanied by a high number of so-called 'decrees of expulsion'. Such decrees are issued to those who have entered Italy 'illegally' and to those who, despite possessing all the necessary pre-requisites for accessing the asylum procedure, opt not to apply. Apparently, in Italy, the vast majority of *profughi*, even if coming from countries where human rights abuses are well known and where political persecutions do occur, have opted not to apply for asylum. This has led to the paradoxical situation where only a few tend to apply, while the vast majority (particularly of Kurdish origin) have opted for a decree of expulsion, often understood by the *profughi* themselves as a 'pass' for reaching northern European countries. The way the decree of expulsion has been conceived by the Italian institutions allows *profughi* to move freely within the country for up to 15 days, simply ordering the 'illegal' to leave the country *spontaneously*, within that period of time. Because of this legal norm, those who have applied for asylum are going to remain in the camp until a permission of stay is issued, while those who have opted not to apply are 'released'

soon after. The number of those who leave the country is not, however, limited to those who received a decree of expulsion, but is much higher.¹²⁷ According to the Dossier Nausicaa, it is realistic to estimate that at least one-third of *asylum-seekers* (not simply *profughi*) remains in Italy, with a big concentration in Rome and in central and northern regions, while all the others leave Italy and move to northern European countries. In 1999, out of 8,311 applications of asylum examined (and out of 33,364 applications presented) by the Central Commission, 6,029 applicants were ‘missing’, and it has been estimated that at least one-third, though missing, remained in the Italian territory.¹²⁸ Given the prevailing system, it becomes quite evident that the way in which the legal norms have been organised makes *profughi*, asylum-seekers and refugees *invisible*, as suggested in Dal Lago’s *Non-Persone*.¹²⁹ But while Dal Lago adopts the definition of “social invisibility” (*invisibilità sociale*), in reference to the whole of social, political and legal policies that are embedded within the Italian framework,¹³⁰ I rather refer to an ‘invisibility’ that is *institutional*, an invisibility that strongly operates at the institutional level – in the political discourse, legal and administrative practices – and not *necessarily* at the social level, at the un-official level, at the human-relations level as constituted in everyday local practices. And it is this institutional invisibility that is important to explore next.

2.7 WHEN REFUGEES BECOME INSTITUTIONALLY INVISIBLE

Some questions arise quite spontaneously from what precedes, such as: why do the vast majority of *profughi* tend to opt for a decree of expulsion, despite the possibility of accessing the asylum procedure? What have the Italian institutions done in order to encourage asylum applications, particularly as result of the entry into force of the Dublin Convention? To what extent is the low number of applications due to Italian reception policies? And, conversely, to what extent is it due to the *choice* of *profughi*, independent of the kind of reception offered in Italy? In order to respond to the above questions it is crucial to consider, initially, a few important aspects, starting from an evaluation of the way in which immigration and asylum competences have been distributed at the national and local levels as well as the devastating effects caused by the absence of any asylum law. These preliminary evaluations will, thus, allow us to better comprehend why it is advocated that refugees are institutionally invisible, though such a conceptualisation will emerge, in a more comprehensive way, in the following chapters.

In very general terms, the central government is responsible for establishing the guidelines of the politics of asylum and immigration such as the legal conditions of immigrants, the pre-requisite for the access to the territory and the economic funds to be allocated for the adoption of policies of reception. The local institutions are, conversely, responsible for organising and putting into practice the politics established at the national level though, as a result of the legal lacunae within the Italian legislation, local authorities have faced, and still do face, enormous difficulties in providing adequate responses. Legal deficiencies have determined the development, *extra legem*, of local policies in the attempt to fulfil the legal vacuum and to offer some responses to migrants and refugees.¹³¹ The absence of appropriate legislation has produced enormous local differences in terms of reception, because each region has organised itself autonomously. In a situation of legal uncertainty, the first visible consequence was that in some geographical areas local authorities have been more responsive and active towards migrants and refugees, while others (the vast majority) have opted for policies of indifference. Despite the fact that the 1998 immigration legislation¹³² has provided for the constitution of a specific fund for the development of policies of reception, local authorities are left free to evaluate whether or not to produce any reception initiatives. Such a situation has been further complicated by the fact that the implementation of the few rights established by law had to face intricate bureaucratic procedures. All these aspects have determined the development of a highly inadequate reception system and in the vast majority of the cases, the adoption of the expression 'reception' is inappropriate as very little, if any, has been done locally.

Moreover, the 1998 Immigration Act included no provisions able to ameliorate the living situation of asylum-seekers, save a very generic specification that all those migrants living *legally* in the country, including asylum-seekers, ought to be assisted by local institutions. And, given the Italian framework where huge discrepancies exist among different geographical areas, asylum-seekers and refugees are deemed to be assisted differently according to the different opportunities available within the municipality where they live.¹³³ Commenting on the *de facto* discrepancies inherent in the legal formulation of the 1998 Act, the vice-prefect Renato Franceschelli stated:

the illegal is of state's competence while the legal is of local institutions' competence. Hence the asylum-seekers, possessing a legal permit of sojourn, ought to be of local institutions' competence. And here, an abyss is opened: 8,000 municipalities with 8,000 levels of interests to the problematique. There are municipalities that offer something

and there are, conversely, municipalities that offer nothing. There are municipalities that encourage processes of integration and there are, conversely, municipalities unable to offer any kind of assistance.¹³⁴

To the lack of a national plan as well as homogeneous local responses, one further matter needs to be considered: the constant adoption of so-called 'policies of emergency' – strongly based on a logic of temporary assistance – which has determined the development of what might be defined as a *circular process of non-reception*. Although policies of 'emergency' are in general those policies adopted in conditions of 'crisis', a situation of 'crisis' in Italy is not necessarily determined by an unpredictable event, but simply by an extreme slowness in operating and in adopting a pro-active approach. In very general terms, Italian authorities are more likely to react to a specific phenomenon than to produce the necessary steps to avoid or reduce the impact of such a phenomenon. And the phenomenon of immigration and asylum is still faced in terms of emergency though the phenomenon is neither new nor unknown. A condition of emergency, which in theory should represent a *temporary* condition of crisis, is transformed in Italy into a *permanent* situation of emergency, and the constant need of reception centres, information centres and of interpreters is certainly a clear example. After more than ten years since the country acknowledged the need for the creation of reception centres to accommodate immigrants and asylum-seekers, the overall infrastructures have remained insufficient, and nowadays they are able to satisfy less than half of the general demand.¹³⁵ The reception capacity of the country is further complicated by the fact that no asylum law has yet been produced and reception centres available at the moment are highly inadequate for asylum-seekers and refugees because they originally were created exclusively for migrants possessing a job, with a temporary need of accommodation in public infrastructures. The emergency situation that characterises the Italian reception system becomes particularly, and tragically, evident if one considers the slowness in issuing a temporary permit of stay (which is crucial in order to gain access to public services), and the chronic incapacity to find accommodation without leaving asylum-seekers and *profughi* with the only option to spend long periods of time sleeping outside in public parks.¹³⁶

Despite the fact that very little is guaranteed by law, in practice only a small minority manages to receive that little as prescribed in the juridical norms. As a consequence, one might certainly affirm that a policy based on *emergency* as well as

on a *differentiated application* of the legal provisions is *per se* a policy of non-reception and, therefore, a policy of non-protection. This leads one to conclude that, during the past decade, *profughi* and asylum-seekers have been 'institutionally invisible', save in those few cases where local political institutions have moved beyond the logic of non-inclusion which continues to dominate the country. To be 'institutionally invisible' does not mean that political institutions are not aware of the existence of *profughi* and asylum-seekers in need of assistance but that nothing is done *institutionally* to respond positively and efficiently to their needs.

As already noted, the *de facto* non-existence of a policy of reception is directly connected with the assumption that Italy continues to represent a country of transit, where *profughi* soon move north towards other European countries, as for instance Germany, France, Holland, Austria and Scandinavian countries. In the vast majority of the cases *profughi* tend to express the desire not to apply for asylum in Italy, a decision that has been strongly – though not exclusively – influenced by the Italian reception system. This has clearly come out during an interview with Soran Ahmad, who at the time was responsible for the Italian Refugees Council in the Calabrian region:

in the vast majority of the cases, they themselves did not want to apply for asylum, because Italy offers no guarantee, no security and no right ... no one applies ... because ... Italy has no policy of asylum.¹³⁷

The complete absence of legal certainty, even in reference to the few rights guaranteed by law, has consequently determined the development of a circular system of non-reception. On the one hand, perverse institutional mechanisms of non-reception have been created to the point of offering no information and directing *profughi* to the closest railway station.¹³⁸ And, on the other hand, *profughi* themselves, would rather not apply for asylum but continue their journey to northern countries, at the cost of prolonging their condition of invisibility and 'forced illegality'.

It is undeniable that the country, and the Ministry of the Interior *in primis*, is directly responsible for this constant flux toward the north, a flux that has always been visible,¹³⁹ but very little has been done during the past decade as well as after the entry into force of the Dublin Convention. Though such a flux was somewhat justifiable before the entry into force of the 1990 Martelli Act, when the geographical reservation to the UN 1967 Protocol was maintained (hence the justification of being

a country of mere transit), such a justification could hardly be applied during the past decade. Italy, despite having lifted the geographical reservation in 1990, has continued to produce policies of pseudo-reception during all the past years. The attempts of the ACNUR (UNHCR) to minimise the government's responsibility, because it might not possess the necessary information,¹⁴⁰ are certainly unconvincing even when acknowledging all the dysfunction of the country. It is unconvincing because the Prefectures represent the Ministry of the Interior at the local level and they are perfectly aware of the incoming fluxes as well as of the number of decrees of expulsion issued locally by the *Questure*. It is, in fact, the decree of expulsion that is the most-used instrument to get rid of *profughi*, as that 'document' obliges them to leave the country *spontaneously* within 15 days, enough time to move north. Even before big influxes of *profughi* from countries such as Iran, Iraq, Turkey, Sri Lanka and Afghanistan, if no willingness to apply for asylum in Italy was expressed, decrees of expulsion were issued within a few days. As will be examined in chapters five and six, the case of Kurdish *profughi* exemplifies not simply the way the decree of expulsion has been adopted by the local police, but also, and more importantly, the way Kurds themselves produced their own responses, refusing to accept *passively* to remain in the 'first safe country', as well as producing their own 'survival strategies' if no institutional responses were available to them.

2.8 CONCLUSION

From the preceding analysis, it *seems* that, within the Italian context, very little hope for inclusive policies of reception is left. What emerges is the picture of a country where asylum-seekers are left *de facto* with very little assistance, as result both of the enormous legal lacunae and of the bureaucratic deficiencies which represent chronic features of the Italian public administration. As mentioned, part of the legal deficiencies is the result of the assumption that Italy was simply a country of transit, a country where *profughi* would arrive and stay only for a short time until a more durable solution was found from the ACNUR (UNHCR), and/or until the Italian territory was crossed in order to reach northern European countries. This has clearly led to a situation where the country possessed a fairly open attitude towards *profughi* in term of access to the territory but certainly not in terms of providing long-term policies of reception and of settlement.

As previously stated, the main objective of the chapter was to provide not simply



the legal background but, more importantly, to demonstrate that an analysis that focuses on the legal framework does not offer adequate answers because it does not allow us to make sense of what happens in everyday local practices. In particular, it can hardly be perceived why, on the one hand, it appears that central political institutions are willing to adopt *exclusively* a logic of non-inclusion via legislation that contains an enormous legal vacuum though, on the other hand, each municipality is left free to organise its reception policies and even to utilise, in response to refugees, the norms contained in the migration legislation in the event more inclusive responses were to be developed.

What the thesis aims to demonstrate is that the way in which legal aspects are posed, and in particular the emphasis on the official legal decisions, do not allow for a proper exploration of the dynamics inherent in the processes of reception, but they simply allow for a construction of reception as always already exclusive. Instead of posing questions that constantly try to highlight how exclusive are reception policies, how a country like Italy interprets the Geneva Convention or even how many asylum seekers have obtained the recognition of the status of refugee, the focus in the following chapters will be directed towards other questions. And more precisely, what will be explored and questioned is: what is going to happen if we depart from a state-centric analysis and read the legislation with different lenses? What is going to happen if we discover that *marginalized* Italian citizens would receive, in the very same conditions of need, very little, if any, from social services? What picture would emerge if we discover that what appears to be *institutional indifference* is not simply the result of a willingness to exclude but is the result of a specific understanding of the migratory phenomena? What if asylum was understood as an issue of mere assistance, an assistance that was believed to be more appropriately carried out by Catholic networks? And last but not least, how do asylum seekers themselves respond to this situation? Are they passive subjects or active agents? In order for these questions to be answered, it is not sufficient to look at the legal framework, not simply because of the legal gaps and/or because of a high level of juridical flexibility, but because there is a need to move our focus of analysis away from the politico-legal aspects, strongly influenced by a state-centric discourse, and to start questioning where refugees are properly located within the Italian context, as evaluated in the following chapter.

NOTES

- ¹ LOESCHER, G. 'Refugees: a Global Human Rights', in T. DUNNE and N.J. Wheeler (eds.), *Human Rights in Global Politics* (Cambridge: Cambridge University Press, 1999), p. 245.
- ² For a detailed legal perspective concerning refugees see GOODWIN-GILL, G. *The Refugee in International Law* (Oxford: Oxford University Press, 1996).
- ³ VERNANT, J. *The Refugee in the Post-War World* (London: Allen & Unwin, 1953), pp. 4-5.
- ⁴ Ibid., p. 5.
- ⁵ Ibid.
- ⁶ Ibid., pp. 5-6.
- ⁷ The so-called 'Convention Relating to the Status of Refugees' was adopted by the UN Conference on the Status of Refugees and Stateless Persons at Geneva 2-25 July 1951, and entered into force on 22 April 1954.
- ⁸ GOODWIN-GILL, G. 'International Law and Human Rights: Trends Concerning International Migrants and Refugees', *International Migration Review*, 1989, 23, (3), 526.
- ⁹ Ibid., pp. 529, 528.
- ¹⁰ HATHAWAY, J. 'Reconceiving Refugee Law as Human Protection', *Journal of Refugee Studies*, 1991, 4 (2), 114.
- ¹¹ Ibid.
- ¹² Ibid., pp. 114-115.
- ¹³ See respectively HARRELL-BOND, B. 'The Experience of Refugees as Recipients of Aid', in A. Ager (ed.), *Refugees. Perspectives on the Experiences of Forced Migration* (New York: Pinter, 1999), pp. 136-168; MALKKI, L.H. 'Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization', *Cultural Anthropology*, 1996, 11 (3), 377-404.
- ¹⁴ ALEINIKOFF, T.A. 'State-Centred Refugee Law', in: E.V. DANIEL and J.C. KNUDSEN (eds.), *Mistrusting Refugees* (Berkeley: University of California Press, 1995), pp. 266-268.
- ¹⁵ Ibid., p. 267.
- ¹⁶ Ibid.
- ¹⁷ Ibid.
- ¹⁸ See ZOLBERG, A.R., SUHRKE, A., and AGUAYO, S. *Escape from violence* (Oxford: Oxford University Press, 1989), pp. 24-53.
- ¹⁹ Ibid., pp. 18-19.
- ²⁰ SMYSER, W.R. *Refugees. Extended Exile* (New York: Greenwood Press, Inc., 1987), p. 7.
- ²¹ Ibid.
- ²² Ibid., pp. 7-8.
- ²³ Ibid., p. 8.
- ²⁴ The 'Protocol Relating to the Status of Refugees' was adopted by the United Nations General Assembly on 16th December 1966 and came into force on 4th October 1967.
- ²⁵ ZOLBERG, A.R., SUHRKE, A., and AGUAYO, S., cit., p. 23.
- ²⁶ See Ibid., pp. 21-29.
- ²⁷ HATHAWAY, J.C. 'Can International Refugee Law Be Made Relevant Again?' USCR, 1998. <http://www.refugees.org/world/articles/intl_law_wrs96.htm>

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- [Accessed 2 Febr. 1999], p. 1.
- ²⁸ Ibid.
- ²⁹ LOESCHER, G. *Beyond Charity. International Cooperation and the Global Refugee Crisis* (New York: Oxford University Press, 1993), p. 6.
- ³⁰ See UNHCR, *The State of the World's Refugees 1997-98. A Humanitarian agenda* (Oxford: Oxford University Press, 1997), pp. 99-105, 112-120.
- ³¹ WEINER, M. *The Global Migration Crisis. Challenge to States and to Human Rights* (New York: HarperCollins College Publishers, 1995), p. 35.
- ³² LOESCHER, G., cit., p. 59.
- ³³ Ibid.
- ³⁴ Ibid., p. 71.
- ³⁵ Ibid., p. 73.
- ³⁶ Ibid., p. 75.
- ³⁷ WEINER, M., cit., p. 5.
- ³⁸ LOESCHER, G., cit., p. 81.
- ³⁹ Ibid., p. 93.
- ⁴⁰ The definition of what is *legal* or *illegal* is, however, dictated and constructed by states' policies. If one adopts a human rights perspective, it is hard to imagine the 'illegality' of trying to save one's own life, considering the instruments available and the conditions of desperation which are normally prevalent. If article 3 of the UDHR means anything at all – "everyone has the right to life, liberty and security of person" – it becomes difficult to blame refugees for resorting to 'illegal' methods.
- ⁴¹ JOLY, D. *Haven or Hell? Asylum Policies and Refugees in Europe* (London: Macmillan, 1996), pp. 11-12.
- ⁴² LOESCHER, G., cit., p. 17.
- ⁴³ WEINER, M., cit., p. 35.
- ⁴⁴ HATHAWAY, J. 'Reconceiving Refugee Law', cit., pp. 121, 123.
- ⁴⁵ COLLINSON, S. *Europe and the International Migration* (London: Pinter Publishers, 1994), p. 17.
- ⁴⁶ Ibid.
- ⁴⁷ COHEN, R. 'Migrants and Asylum-Seekers in Contemporary Europe', in R. COHEN (ed.), cit., p. 468.
- ⁴⁸ See COLLINSON, S., cit., pp. 11-35.
- ⁴⁹ COHEN, R., cit., p. 468.
- ⁵⁰ See JOLY, D. 'Whose Protection? European Harmonization on Asylum Policy', in R. COHEN (ed.), cit., p. 496; JOLY, D. *Haven or Hell?* cit., pp. 44-46.
- ⁵¹ JOLY, D. *Haven or Hell?*, cit., p. 1.
- ⁵² Ibid., pp. 12-13. In particular, countries like Austria, Germany and Switzerland began to require visas in July 1992; Italy and the Netherlands started implementing new administrative regulations; Norway and Belgium did not process any asylum applications from the former Yugoslavia, though respecting the principle of *non-refoulement*; and Sweden, taking into account its Yugoslav community, granted some family visitors visas.
- ⁵³ Ibid., p. 47. In 1976, the Council of Europe produced the first 'Recommendation on Harmonization', followed by a second one on the 'Harmonization of National Procedure Related to Asylum' in 1981.
- ⁵⁴ See CARTE, F.W., FRENCH, R.A., and SALT, J. 'International Migration Between East and West in Europe', *Ethnic and Racial Studies*, 1993, 16 (3), 469-470.
- ⁵⁵ See JOLY, D. *Haven or Hell?*, cit., p. 47.

- ⁵⁶ See FERNHOUT, R. "Europe 1993" and its Refugees', *Ethnic and Racial Studies*, 1993, 16, (3), 495.
- ⁵⁷ The Schengen Agreement was originally signed on the 14/06/1985 by the governments of the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands aiming at the gradual abolition of controls on their common borders. Some other EU countries joined later: Spain and Portugal (26/06/1991), Italy (02/11/1990), Greece (06/11/1992), Austria (28/04/1995). See GUIMEZANES, N. 'La Convention de Schengen: une Présentation Française', in A. PAULY (ed.), *Schengen en Panne* (Maastricht: European Institute of Public Administration, 1994), pp. 5-42; ELSSEN, C. 'Les Mécanismes Institutionnels: Trevi, Schengen, Dublin, Maastricht', in *ibid.*, pp. 43-53.
- ⁵⁸ FERNHOUT, R., *cit.*, p. 495.
- ⁵⁹ *Ibid.*, p. 496. See also ECRE, 'The Role of Airline Companies in the Asylum Procedure', *ECRE Research Paper*, July 1988; and ECRE, 'Carriers' Liability', *ECRE Research Paper*, February 1999.
- ⁶⁰ The Convention determining the "State Responsible for Examining Applications for Asylum Lodged in one of the Member States of the European Communities", signed in Dublin 15/06/1990, entered into force on 01/09/1997 in twelve countries, while in Sweden and Austria on 01/10/1997 and, finally, in Finland on 01/01/1998. Its entry into force replaced the SIA's asylum provisions that came into force between 26/03/1995 and 31/08/1997. See VAN DER KLAUW, J. 'The Dublin Convention: a Difficult Start', in M. DEN BOER (ed.), *Schengen's Final Days? The Incorporation of Schengen into the New TEU, External Borders and Information Systems* (Maastricht: European Institute of Public Administration, 1998), pp. 77-78.
- ⁶¹ *Ibid.*, pp. 79-80. The criteria are applied in the same order in which they appear in the DC: family reunion, the release of a visa or resident permit and the first country criterion.
- ⁶² HAILBRONNER, K., and THIERY, C. 'Schengen II and Dublin: Responsibility for Asylum Applications in Europe', *Common Market Law Review*, 1997, 34, (4), 964.
- ⁶³ *Ibid.*
- ⁶⁴ BHABHA, J. 'Enforcing the Human Rights of Citizens and Non-Citizens in the Era of Maastricht: Some Reflections on the Importance of States', *Development and Change*, 1998, 29, (4), 705.
- ⁶⁵ See KEATING, M. *The Politics of Modern Europe. The State and the Political Authority in the Major Democracies* (Aldershot: Edward Elgar, 1993), p. 193.
- ⁶⁶ TARROW, S., and LANGUAGE, P. (eds.), *Italy in Transition* (London: Frank Cass & Co. Ltd., 1980).
- ⁶⁷ See SAPELLI, G. *Southern Europe Since 1945: Tradition and Modernity in Portugal, Spain, Italy, Greece and Turkey* (London & New York: Longman, 1995).
- ⁶⁸ SIGNORI, C. and MALTESE, C. *L'Immigrazione Straniera in un Sondaggio di Opinione*, in TREVES, C. (ed.), *Sindacato dei Diritti e Società Multietnica* (Roma: Ediesse, 1989), p. 43. For a general overview of the impact of Italian migrants abroad see GABACCIA, D. *Italian History and gli Italiani nel Mondo, Part I and Part II, Journal of Modern Italian Studies*, 1997, 2, (1), 45-66.
- ⁶⁹ GABACCIA, D., *ibid.*, p. 45.
- ⁷⁰ There are two main approaches that scrutinise the various root-causes that determined such a shift. On the one hand, U. Melotti has argued that migration fluxes began slowly to be directed towards southern European countries soon after the 1973

oil shock when northern European countries started reconstructing their own internal economies (towards a capital-intensive system) and moving towards a closed-door immigration policy. Countries such as Italy, Spain and Greece became consequently not only "second choice" countries, but also countries where a lax migration policy enormously facilitated unnoticed entries. On the other hand, V. Cotesta argues that such an analysis underestimates the 'pull-factors' that contributed to the process of immigration in a country like Italy. Important phenomena such as the process of internalisation of the economy, the closed-door policies adopted by Northern European countries, and the economic, cultural and social transformations that occurred in Italy need to be taken into consideration when dealing with immigration issues. See respectively MELOTTI, U. 'Migrazioni Internazionali e Integrazione Sociale: il Caso Italiano e le Esperienze Europee', in M. DELLE DONNE, U. MELOTTI and S. PETILLI (eds.), *Immigrazione in Europa* (Roma: Cediss, 1993); COTESTA, V. *Sociologia dei Conflitti Etnici. Razzismo, Immigrazione e Società Multiculturale* (Roma-Bari: LaTerza, 1999).

⁷¹ VEUGELERS, J.W.P. 'Recent Immigration Politics in Italy: A Short Story', *West European Politics*, 1994, 17, (2), 34.

⁷² Ibid., p. 37.

⁷³ BALBO, L., and MANCONI, L. *I Razzismi Reali* (Milano: Feltrinelli, 1992) p. 33.

⁷⁴ CASACCHIA, O. 'La Dimensione Quantitativa dell' Immigrazione Estera in Italia', in N. SERGI (ed.), *L' Immigrazione Straniera in Italia* (Viterbo: Edizioni Lavoro, 1987), p.33.

⁷⁵ The term '*extracomunitari*' is a typical Italian expression, which might be translated as 'non-EC nationals'. The distinction is consequently between *comunitari*, those belonging to the European Union, and those coming from an outside (*extra*) world. Unfortunately such a terminology is adopted mainly, if not exclusively, towards non-white migrants in a very discriminatory and racist manner.

⁷⁶ See respectively: Act no. 943, 30/12/1986, 'Norme in Materia di Collocamento e di Trattamento dei Lavoratori Extracomunitari Immigrati e Contro le Immigrazioni Clandestine', *Gazzetta Ufficiale*, no. 8, 12/01/1987; Decree Law (*decreto legge*) no. 416, 30/12/1989, converted into Law no. 39, 28/02/1990, 'Norme Urgenti in Materia di Asilo Politico, di Ingresso e Soggiorno dei Cittadini Extracomunitari ed Apolidi già Presenti nel Territorio dello Stato', *Gazzetta Ufficiale*, no. 49, 28/02/1990; Act no. 40, 06/03/1998, 'Disciplina dell'Immigrazione e Norme sulla Condizione dello Straniero', *Gazzetta Ufficiale*, no. 59, 12/3/1998.

⁷⁷ See the so-called Bossi-Fini Act, no. 189, 30/07/2002, 'Modifica alla Normativa in Materia di Immigrazione e di Asilo', *Gazzetta Ufficiale*, no. 199, 26/08/2002.

⁷⁸ DAL LAGO, A. *The Impact of Migrants on Italian Society. The Italian Case. EC-DG XII – TSER*, 1998, pp. 15-16.

⁷⁹ Ibid., p. 37.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid., pp. 21-23, 32-42.

⁸³ Ibid, p. 42.

⁸⁴ Ibid.

⁸⁵ See the legislation relating to the reinforcement of the military contingent in Puglia, Ministry of the Interior – decree no. 233, 02/01/1996, 'Regolamento per Azione dell'art. 2 del Decreto-Legge 30 Ottobre 1995, no. 451', which was converted into Law no. 563, 29/12/1995 'Disposizioni Urgenti per l'Ulteriore Impiego delle Forze

Armata in Attività di Controllo della Frontiera Marittima nella Regione Puglia', *Gazzetta Ufficiale*, no. 255, 31/10/1995.

⁸⁶ MINISTRY OF THE FOREIGN AFFAIRS, 'Relazione Annuale sull'Attuazione della Politica di Cooperazione allo Sviluppo nel 1999'. <<http://www.esteri.it/archivi/servsto/archvsto/guidarch/arch-dgae.pdf>> [Accessed 20 Oct. 2002].

⁸⁷ See 'Italia-Tunisia: Arriva l'Intesa', *La Repubblica*, 06/08/1998; 'Contro il Traffico di Clandestini Forze Italiane in Albania', *La Repubblica*, 27/10/1998; 'Punto per Punto l'Accordo con Tirana', *La Repubblica*, 10/11/1998; 'Clandestini, Italia e Albania contro il Traffico Criminale', *La Repubblica*, 10/11/1998.

⁸⁸ If during these 60 days Italian authorities do not establish the identity of the 'illegal entrants', and hence to establish toward which country they ought to be expelled, they are released and simply given a decree of expulsion.

⁸⁹ See 'Lampedusa, Chiuso il Centro della Rivolta', *La Repubblica*, 30/07/1998; 'Rogo nel Centro d'Accoglienza Trovato il Responsabile', *La Repubblica*, 29/12/1999; 'Ancora Tensione Immigrati. Fuga di Massa da Palermo', *La Repubblica*, 31/01/2000.

⁹⁰ If one considers the 1997 data of the Ministry of the Interior, although 49,065 foreigners received the order (*intimazione*) to leave the country within fifteen days, only 8,444 had actually left the country. Two years later in 1999, 54,000 were 'physically' accompanied to the frontiers and sent back.

⁹¹ See PERRONE, L. 'L'Invenzione di un'Emergenza: Gli Sbarchi di "Clandestini" in Puglia', *Critica Marxista*, Jan-Apr. 1999, (1-2), 21-37.

⁹² PUGLIESE, E. 'Italy Between Emigration and Immigration and the Problems of Citizenship', in D. CESARANI and M. FULBROOK (eds.), *Citizenship, Nationality and Migration in Europe* (London & New York: Routledge, 1996), p. 119.

⁹³ See BEGHE' LORETI, A. *Rifugiati e Richiedenti Asilo nell'Area della Comunità Europea* (Padova: CEDAM, 1990), p. 104.

⁹⁴ For a detailed discussion concerning the right of asylum expressed in the Italian Constitution see ZIOTTI, P. *Il Diritto d'Asilo nell'Ordinamento Italiano* (Padova: CEDAM, 1988), pp. 93-127; CASSESE, A. 'La Condizione Giuridica dello Straniero', in G. BRANCA (ed.) *Commentario della Costituzione Italiana* (Bologna: Il Mulino, 1975); For a general overview concerning refugee policies in Italy since its unification see LEENDERS, M. 'From Inclusion to Exclusion: Refugees and Immigrants in Italy Between 1861 and 1943', *Immigrants and Minorities*, 1995, 14, (2), 115-138; and VERNANT, J. *The Refugee in the Post-War World* (London: Allen & Unwin, 1953), pp. 182-198.

⁹⁵ ZIOTTI, P., cit., p. x.

⁹⁶ Civil Court of Cassation, united sections, decision no. 4674, 26/05/1997.

⁹⁷ The UN Convention was ratified on 24/07/1954, law no. 722, *Gazzetta Ufficiale* no. 294, 23/12/1954. The 1967 Protocol was ratified on 14/2/1970, law no. 95, *Gazzetta Ufficiale*, no. 79, 28/03/1970.

⁹⁸ ZIOTTI, P., cit., p. 4.

⁹⁹ PRANDI, A. 'The Difficult Situation of non-European Asylum-Seekers in Italy', *Refugees*, 1984, 1, 13.

¹⁰⁰ The agreement entered into force after the enactment of the law no. 1271, 15/12/1954; see ZIOTTI, P., cit., p. 184.

¹⁰¹ The committee was composed of representatives of the Ministry of Foreign Affairs, the Ministry of the Interior and of the UNHCR (ACNUR in Italy). It was officially established with the *Decreto Interministeriale* 24/11/1953 and operated up to 8/3/1991 when it was substituted, after the 1990 legislation, by the so-called Central

Commission (*Commissione Centrale per il Riconoscimento dello Status di Rifugiato* – Central Commission for the Recognition of the Status of Refugee). During its forty years of activity it has considered about 125,000 applications, of which 26,500 (20.8%) have been accepted and granted asylum. See ACNUR, 'Schede Informative', 1994, unpublished document, p. 3.

¹⁰² BEGHE' LORETI, A., cit., p. 106.

¹⁰³ ZIOTTI, P., cit., pp. 187. 186.

¹⁰⁴ Ibid., pp. 194-195.

¹⁰⁵ PRANDI, A., cit., p. 13.

¹⁰⁶ Paradoxically the only job refugees were entitled to do was that of journalism. This was due to the sentence of the Constitutional Court, no. 11, 1968; see Ziotti P., cit., pp. x-xi

¹⁰⁷ PRANDI, A., cit., p. 13.

¹⁰⁸ Ibid., p. 14.

¹⁰⁹ Ibid.

¹¹⁰ See BEGHE' LORETI, A., cit., pp. 104-105.

¹¹¹ DE BERNART, M. 'Rifugiati e Richiedenti Asilo in Europa: Nuove Sfide, Vecchi Timori', *Sociologia Urbana e Rurale*, 1991-1992, xiii, (36-37), p. 75.

¹¹² Decree-Law (*decreto-legge*) no. 416, 30/12/1989, converted in Law no. 39, 28/2/1990. A decree law is a decree enacted by the government in a situation of "necessity and urgency" and, although it applied immediately after its publication in the so-called *Gazzetta Ufficiale*, it has to be ratified (and eventually amended) into a Law within 60 days by the Parliament. All but one of the 13 original articles of the above decree-law have been amended.

¹¹³ Law no. 39, 28/02/1990, 'Norme Urgenti in Materia di Asilo Politico, di Ingresso e Soggiorno dei Cittadini Extracomunitari ed Apolidi già Presenti nel Territorio dello Stato', *Gazzetta Ufficiale*, no. 49, 28/02/1990.

¹¹⁴ MARTELLI, C. 'Introduzione', in G. STROZZI, *La Normativa sugli Extracomunitari. Testo e Commento della Legge 28.2.1990 n. 39* (Roma: Edizioni delle Autonomie, 1990), p. 5.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Article 1(3) does not contain the expression 'refugees under mandate' which is the juridically appropriate expression, but "foreigners", demonstrating that those refugees protected by the UNHCR were not legally considered as 'refugees'.

¹¹⁹ DI RADO, D., Italian Refugee Council, interview held in Rome, 17/05/2001.

¹²⁰ It is not rare that the Commission despite the adoption of a negative decision, in respect to the principle of non-refoulement, releases a recommendation to the local police asking them to issue a temporary permission of stay on humanitarian grounds (article 5 D.L. 286/98). Interview with SONNINO, S., Central Commission, interview held in Rome, 22/06/01.

¹²¹ The asylum application might be rejected if: 1) the status of refugee has already been granted from another state; 2) *profughi* have passed by a country that has subscribed the Geneva Convention; 3) crimes connected to war, against humanity and peace have been committed, and if actions have been undertaken against the aims and principles of the United Nations; 4) *profughi* have already been condemned in Italy on the grounds of specific crimes; 5) *profughi* are deemed dangerous for state national security.

¹²² DI RADO, D., cit.

¹²³ AHMAD, S., Italian Refugee Council in Calabria, interview held in Badolato Superiore, 22/05/2001.

¹²⁴ HEIN, C., and PITTAU, F. 'Aspetti Giuridici Relativi alla Tutela dei Rifugiati in Italia', *Affari Sociali Internazionali*, 1991, xix, (2), 175.

¹²⁵ The new legislation has modified neither the amount for the daily financial support nor the limit of 45 days. It has, however, expanded the commission, nominating a commission on a regional basis according to the need; see the so-called Bossi-Fini Act, no. 189, 30/07/2002, cit.

¹²⁶ DI RADO, D., cit.

¹²⁷ Ibid.

¹²⁸ ICS, 'Dossier Nausicaa. Un Primo Quadro sulla Tutela del Diritto d'Asilo in Italia', December 2000, unpublished paper, p. 14.

¹²⁹ See in particular the argument put forward in chapter six in DAL LAGO, A. *Non-Persone, L'Esclusione dei Migranti in una Società Globale* (Milano: Feltrinelli, 1999), pp. 205-235.

¹³⁰ Ibid., p. 213.

¹³¹ See DOSSIER DI RICERCA, *Migrazioni. Scenari per il XXI Secolo* (Rome: Agenzia Romana per la Preparazione del Giubileo, 2000), pp. 851-854.

¹³² Act no. 40, 6/03/1998, 'Disciplina dell'Immigrazione e Norme sulla Condizione dello Straniero', *Gazzetta Ufficiale* no. 59, 12/03/1998.

¹³³ A general overview of the geographical differences is offered in chapter four.

¹³⁴ FRANCESCHELLI, R., Vice-Prefect at the Dublin Unit, Italian Ministry of the Interior, Rome, interview held in Ghent (Belgium), 12/11/2001.

¹³⁵ DI RADO, D., cit.

¹³⁶ Ibid.

¹³⁷ AHMAD, S., cit.

¹³⁸ MONTIVECCHIO, R., UNHCR (in Italy ACNUR: *Alto Commissariato delle Nazioni Unite*), Department of Social Policies, interviewed held in Rome, 29/06/2001.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

CHAPTER THREE:

LOCATING REFUGEES BETWEEN INCLUSION/EXCLUSION

3.1 INTRODUCTION

The present chapter is central for understanding how the thesis departs from a state-centric approach, and in particular why it advocates that it is not sufficient to look at the politico-legal analyses, where the image that prevails is the image of refugees always already inscribed within systems of exclusion. The chapter will move from an evaluation of the key role played by the Catholic Church and the Christian ethics of reception to emphasise how the Church has strongly influenced the meaning of reception, understood as based on a logic of charity and humanitarian assistance. This very understanding of reception has determined not simply a nearly complete, and uncontrolled, delegation of the care and assistance of migrants to the Catholic network, but also the absence of any political and public debate that would have considered, more seriously, that the presence of migrants and of refugees is certainly not a question of charity and assistance. The decision to evaluate the concept of solidarity of the Italian Catholic Church, in this respect, has not been accidental for a few important reasons. Firstly, the position of the Church in Italy has been historically quite strong not only in shaping and influencing the (Catholic) ethical principles of the country but also in intervening and interfering in the *political* decision-making processes. Secondly, the Italian Catholic Church has traditionally played a crucial role in providing assistance: during the past century to Italian emigrants and more recently to foreign immigrants in Italy. Thirdly, its position exemplifies the atmosphere of uncertainty in regard to the meaning of reception. Such uncertainty becomes evident once the discourse of the inclusion of the 'other' is brought forward. And in particular, an analysis of the way 'otherness' has been understood within the dominant Italian migration analyses will reveal how such analyses are inadequate in making sense of the Italian reception policies for the way they tend to picture the 'other' as an homogeneous excluded whole. This image will be strongly opposed through an analysis that will attempt to demonstrate why, as result of multiple local responses, it is more appropriate to conceptualise the 'other' as meaning 'many others', and why the

construction of different, and even opposing, images of 'others' have resulted in the adoption of reception policies that were deeply *selective* and *spatially and temporally situated*. Moreover, the chapter will attempt to demonstrate why the process of constructing 'many others' is intimately connected to the way in which the Italian prime source of identity has been historically perceived, an identity that can be properly located outside the political and public sphere. This a-political location of Italian identity forces us to seriously question whether refugees can continue to be located necessarily within systems of exclusion, and to be constructed always already as non-citizens. The chapter will reveal why the construction of refugees as non-citizens can hardly be applied within a political context where people do not identify themselves *primarily* as citizens, and hence, why refugees, far from being understood *exclusively* as the negative opposite of the citizen, should properly be located *in-between* systems of inclusion and exclusion.

3.2 THE CATHOLIC CHURCH AND THE ETHICS OF RECEPTION

On the issue of migration, Catholic organisations and congregations have traditionally played, and still play, a crucial role not only in influencing the general debate but also in providing basic necessities to migrants, particularly as result of the assumption that migratory influxes were the proper concern of charitable organisations and not of political institutions. Although Catholic organisations no longer retain the monopoly on such a service, as a result of the increased involvement of some lay organisations and local authorities, their capacity to influence the migration debate and respond to 'emergencies' is still rather high. More particularly, the presence and active participation of voluntary religious organisations and charities have traditionally represented the *only* available institutions that have provided basic assistance and protection. Christian organisations, and Caritas *in primis* (which has traditionally cared for the homeless) have been able, from the very beginning, to satisfy immigrants' basic needs, such as a bed, hot meals and medical assistance, independently of their legal status.¹ It is, however, important to note that many of the infrastructures are not adequate for assisting migrants and even less for assisting refugees. As matter of fact, during the past decades, the services provided responded essentially to the so-called logic of *assistenzialismo*, a logic that does not allow for creating any conditions for autonomy and self-sufficiency.² And because of the prevalence of policies of *assistenzialismo*, Christian organisations have often been accused of producing policies

exclusively based on charity and mere assistance.³ The accusation is certainly appropriate, though charitable networks are hardly able to offer alternative solutions for the very reason that they do not possess the necessary tools to provide more inclusive policies. Their internal structure and the facilities they do possess simply allow for providing (temporarily) those in need with an assistance that is *per se* based on charity, and founded on the ethical principle of helping the 'needy others'.

Public services have only recently started to provide assistance to migrants though in many cases they do refer migrants to Christian organisations, which are able to respond more quickly to the immediate needs. Because of the decisive role played by the Catholic Church and because of its capacity to continue to mobilise a big network of volunteers, it becomes quite natural to question not only on what ethical ground such a mobilisation has been possible since the mid-1970s but also why nowadays the application of the traditional Christian 'duty of reception' has come under re-evaluation even within the Church itself. Moreover, an analysis of the way Christian-Catholic values have strongly influenced Italian policies of reception will allow us to better comprehend to what extent the refugee is located in-between inclusion and exclusion, in-between the image of refugee-as-human-being and refugee-as-non-citizen; and also, as suggested by D. Campbell and M.J. Shapiro, to investigate how the 'ethical relation' with the 'other' is created as well as how the 'responsibility to the other' is reproduced.⁴

From the principle of solidarity towards humanity ...

An understanding of the way Christian ethics has articulated the concept of the person is crucial for a deeper comprehension of the centrality of the principle of solidarity, traditionally understood as the ethical duty of the good Christian to help the other. According to the Catholic creed, human beings, as creatures of God, have been created equal, and because equals they possess equal and universal basic human rights:

[m]en are all equals independently of the regime and of the place in which they live. Their rights derive not from their belonging to a specific State or nation but because of being a person whose dignity does not modify according to places and political regimes.⁵

From this concept of human equality the principle of solidarity has been derived. And in particular, a sense of fraternity towards 'others' ought to characterise and shape the way human relationships are organised both as result of the principle of equality and of

individuals' awareness of sharing a common history and destiny.⁶ The principle 'every man is my brother' (*ogni uomo è mio fratello*) summarises, in one sentence, the Christian creed as well as the general ethical attitude of solidarity and of human reciprocity that Christians ought to demonstrate towards the destiny of the whole of humanity.⁷ For the Christian, an attitude of openness toward humanity, as well as an attitude toward the creation of a dialogue among different cultures becomes, consequently, an "indispensable duty" (*dovere ineliminabile*).⁸ Moreover, the concept of solidarity is understood as "a Christian virtue",⁹ a virtue that makes individuals care for others, a care that does presuppose that human actions derive directly from acts of altruism and, hence, they are not dictated by "pure and simple schemes imposed by the law and justice".¹⁰ The concept of solidarity is, therefore, understood not as an issue that involves compassion but one that involves a sense of justice, not an issue of economic evaluation but one of ethics of care.¹¹ The Christian exhortation to 'love the foreigner' expresses consequently

the fundamental ethical attitude of reception, of attention and of solidarity which the Scripture recommends toward every immigrant.¹²

The processes of migration, within the Christian vision, represent therefore the privileged site where the principle of solidarity can find its most complete practical realisation thanks to the creation of a framework of welcome.¹³ Within this vision, a duty of reception is affirmed not only because of the sense of commonality in sharing the very same destiny, but also because of the existence of a right of possessing a homeland;

[i]ndependently of place of residence, man has the right to a homeland, understood as a welcoming human-spatial place where to feel at home, and achieve fulfilment with respect to security, trust, harmony and peace.¹⁴

From this right of possessing a place where men can feel to be home, as well as from the principle of safeguarding human integrity, the Church derives a right to emigrate and a right of reception in the host country. As clarified in the final document of the 1991 III World Congress on the Pastoral Care of Migrants and Refugees,

[w]hen ... the conditions of a state ... violate human dignity, man has the right to emigrate, to choose abroad a new address and to look for a more dignified condition of life.¹⁵

Apparently such right of emigration, as well as the consequent right of reception in a host country, finds a major limitation not simply in the state's practices but in Christian philosophy itself. It is in fact accepted that public authorities do put obstacles to

individuals' right of emigration if they are "justified by serious and well-founded reasons of common good".¹⁶ And these reasons are founded on the common good of protecting the existence of the community itself. The right to contribute to the well-being of the community takes priority over the right of emigration, for the very reason that

citizens have to bear in mind that they have the right, together with the duty, to contribute, according to their abilities, to the real progress of their own community. Especially in the underdeveloped regions ... they damage seriously the common good ... [and] deprive their own community of the material and spiritual means.¹⁷ (Emphasis added)

Moving to the Italian context, one might ask how acts of solidarity can be expressed within daily life in response to migrants already living in Italy both legally and illegally. Certainly, solidarity cannot be simply limited to a permission to stay in the country, but policies towards their inclusion need to be adopted. As clarified by the Pope, "acts of solidarity have to become the daily experience of assistance, of sharing and of participation"¹⁸ as fully-fledged human beings. And such a full participation-integration can only be achieved, both nationally and internationally, through the development of a "culture of solidarity", a culture able to promote acts of solidarity not exclusively among the individuals but especially within states and across the international community as well.¹⁹

The Church, and the Vatican in particular, has also expressed its position in regard to so-called illegal migrants. Within the Church "no one is a foreigner", and because of everyone being considered a member of the community, migrants (and illegal migrants are not excluded) ought to be "recognised and received as brothers".²⁰ Respecting the dignity of all individuals is strongly reaffirmed despite conditions of 'irregularity', while recognising, at the very same time, that the phenomenon of illegality in Italy has reached a point of "social emergency".²¹ And such a condition of emergency should be prevented through international co-operation which will ensure political stability and will reduce conditions of economic underdevelopment. Despite the fact that many migrants were living without legal permission, the Church has nonetheless the duty, following the mission of Christ, to ensure the basic means of living to everyone, not only independently of their legal living conditions but also independently of their religious creed.²²

To conclude, the principle of 'solidarity toward humanity', as understood in the Christian creed, presupposes an attitude of openness as well as willingness to help

those in need independently of their origin, creed and the legal living status. Within such a framework, an evaluation of how migrants entered the 'foreigner' country, either legally or illegally, is not considered an issue of concern for Christians for the very reason that the concept of solidarity, expressed in the principle 'each man is my brother', is taken to outweigh the one of legality.

... to the defence of state sovereignty

Having briefly considered the centrality of the principle of solidarity, an evaluation of the on-going debate of how to apply such a principle within the Italian context becomes unavoidable. And once attention moves from theory to practice, a strong tension is revealed. Despite the lack of a homogeneous position within the curia (which somehow reproduces the very same divisions of Italian public opinion) very few will nowadays advocate an open-arms policy or what might be defined as a 'blind' solidarity. In particular, the present debate has been articulated, on the one hand, about the meaning of solidarity towards those residing in the country without a legal status and, on the other, on the meaning of the unlimited duty of reception. The divisions and disagreements within the Church have been openly expressed in the forty-fifth assembly organised by the Italian Episcopal Conference (CEI) where, generally speaking, two main groupings emerged. Although there is a general agreement on the *duty* of reception, no unity has been expressed in relation to the meaning of reception and, more importantly, when such a duty has to be applied. On the one side, there are those who urge the creation of further reception centres as result of an increased demand though advocating, at the very same time, that:

[a]t the political level solutions have to be found in loco, resolving the internal conflicts and contributing to the development and welfare of the populations, but as an immediate response, reception is a duty. Those foreigners who reach our land cannot be thrown again into the sea: in order to reach Italy they have spent all they had and they are often well-qualified and culturally educated persons.²³

The positions of the other side are much more 'rigid', even less 'humane', as result of a shift of concern. Attention is not centred on the migrants themselves but on the receiving society and on the consequent fear of invasion. As specified by the bishop of Como, A. Maggiolini:

[i]t is necessary to welcome them within the possible and opportune limits ... No right of being invaded exists for a country like Italy or for another country of Europe. It is necessary that the forces of political power are going to seriously prevail and operate a selection among those who arrive, in consideration of their future integration as well.²⁴

This latter concern to protect, first and foremost, the *Italian sovereign state* has been brilliantly, though tragically, argued by the Jesuit V. Spicacci in the Jesuits' journal, *La Civiltà Cattolica*.²⁵ The analysis of the article becomes even more important if one considers that the content of the journal is subjected to a process of 'censure' from the Secretariat of the Vatican State, and it can be taken, therefore, as representing the 'new' official position of the Church. What is interesting to scrutinise is the *political* analysis proposed in the article, an analysis which departs completely from the traditional cosmopolitan values of the Catholic Church towards migrants, and to look at how the Christian 'philosophy of welcoming' has been supplanted not simply by a closed-door policy but by a sort of 'punitive' response. And despite the adoption of punitive policies, no conflict, according to the author, arises between the civil and Christian conscience.²⁶ In other words, the adoption of tough immigration policies is considered the appropriate approach, and therefore ethically acceptable, not simply for a good citizen but also for a good Christian. In particular, the author concentrates attention on the right/duty of sovereign states to control their national borders and reject all the '*clandestini*' thanks to the adoption of "all the available means of persuasion".²⁷

Spicacci starts from the premise that, although immigration certainly represents a positive aspect, it remains positive only as long as it presupposes 'legal immigration' established yearly by the government through the adoption of a quota system.²⁸ The author develops his analysis, attacking the Italian endemic way of responding to the influxes of *clandestini* with the regular adoption of general amnesties.²⁹ If Italian authorities were really willing to stop the constant influx of clandestine immigration, they ought "to adopt all the available instruments", as 'clandestine' immigration needs to be stopped at all cost.³⁰ The author's main concern is not exclusively the presence of "extracomunitari living at the moment in Italy, though clandestinely"; his concern is the incapacity of the Italian authorities to stop the constant influx of clandestine immigration that has rendered the conditions of Italy "dramatic and ungovernable".³¹ The author is certainly right in affirming that reception does not, and cannot, simply mean

a bed, medical assistance, and an honest income (but) ... It means much more. That is to guarantee a dignified housing solution, which qualifies for a life and for appropriate relations able to encourage a process of social-cultural integration within the Italian reality.³²

What is difficult to accept is the argument that the incapacity of the Italian authorities to produce a policy of immigration as well as an adequate policy of reception is *exclusively* connected with the incapacity to put a halt to 'clandestine' immigration.³³ The way Spicacci puts forwards his argument presupposes that Italy has failed to produce adequate policies of reception because of the high number of '*clandestini*' living within the country. This argument is hard to sustain. As matter of fact, many of the problems that migrants experience daily in terms of housing, work conditions, economic difficulties, and lack of public support in case of need, are endemic problems that are strongly connected with the Italian system as a whole, a system with poorly organised social services. It is without doubt that what Italian institutions offer to migrants is absolutely unacceptable, and as Spicacci put it:

this type of reception ... which grants the permission of stay and a working permit, but negates a decent house, is not reception any longer but exploitation of a cheap labour force.³⁴

What is missing in Spicacci's article is an analysis that recognises that many of the immense problems faced by migrants are the direct result of a social system and a work market that already hugely discriminate against deprived groups. The presence of (desperate) immigrants has expanded the exploitable labour force and the arrival of migrants has amplified what once were latent and hidden social and economic phenomena.

In the final part of the article, the *statist* 'recommendations' are put forward in a way that resembles an IR realist theorist. The dominant concepts are those of state sovereignty, right of border control, international agreements and duties of the international community. According to Spicacci, the aim of stopping 'clandestine immigration' at all cost, which has devastating effects on the whole international community, justifies the adoption of extreme measures. Because of Italy's thousands of miles of coastline, an adequate border control will require

extending its control even to borders (at least) and the territory (if necessary and possible) of the country from where the *clandestini* originate.³⁵

Italy should, therefore, operate not only a stricter border control and a tighter patrolling of the coastline but also an efficient policy to control the coastlines of emigration countries as well, a control which becomes essential for the maintenance of "social peace" both within the national community and the international one.³⁶ And such a peace is under threat because mass migration fluxes,

generated from deep economic and political disequilibria, are able to destabilise, in the long run, the geo-political order of whole areas of the planet.³⁷

Because national and international peace depends on the capacity to control migration fluxes, it becomes the responsibility of those states that experience mass outflows to “ask and obtain ... the help and collaboration of the international community” if they are unable to control the outflows themselves.³⁸ Such a control implies, according to the author, the adoption of what he defines as the “available means of persuasion, of diplomatic, economic and military nature”.³⁹ Unfortunately, the analysis does not consider at all that the vast majority of so-called ‘illegal entrants’ are refugees. All of them are simply and indiscriminately considered as ‘*clandestini*’ who should be blocked, first and foremost, by the police forces of their country of origin in order to guarantee the maintenance of the present international order.

Towards an ethics of *malleable* solidarities

As clarified, the concept of solidarity presupposes both a *duty* of reception, and more importantly, the recognition of human equality which presupposes an attitude of openness and welcoming towards any others in need. Up to the mid-1990s, the dominant discourse within the Church was clearly oriented toward an ethics of solidarity towards humanity which focused exclusively on the needs of migrants and left outside all the discourse related to migrants’ religious creed, ethnic belonging and even their legal status of residing in the country. A shift in concern started to be expressed from the mid-1990s, a shift that, despite the internal divisions within the curia, has clearly moved the attention from the needs of migrants to the needs of the receiving society, i.e. Italy. The discourse has changed radically as it moved from the cosmopolitan principle of safeguarding, respecting and assisting the ‘other’, meaning any other, to a communitarian discourse of protecting the Italian community from any ‘external invasions’. Spicacci clearly advocates a closed-door policy, and concepts such as those of state sovereignty, need for international co-operation and the maintenance of the *status quo* are the dominant issues.

Moving from this quite radical position, it becomes even more interesting to consider what has been said by the cardinal of Bologna, Giacomo Biffi, who has advocated not only providing reception exclusively towards Catholic immigrants, but closing Italian doors to non-Catholics. A selection process in deciding whom to admit to the country has clearly been put forward. According to this view, because Italy is a

Catholic country, or at least a country where Catholics are the majority, Muslims should be kept away because they can integrate uneasily. As affirmed by the cardinal:

[t]he criteria for admitting migrants cannot be solely of economic and social nature. It is necessary that we consider seriously protecting the identity of the nation.⁴⁰

The first and primary concern of the cardinal has nothing to do with the principle of solidarity and with the needs of migrants, but it has to do with the protection of Italian identity, an identity that is assumed to be strongly founded on the Catholic creed. Advocating a selection of migrants according to their religious creed and belonging creates problems of coherence not only with the Christian faith but also with human rights. Biffi has responded to this objection affirming that:

[a] right not to be invaded exists! A country can admit those whom it pleases at home. ... Catholicism is not any longer the state's official religion, but it remains indeed the historical religion of the nation.⁴¹

What is tragic is the fact that such an expression of closure is gaining consensus within the curia and in many cases non-Catholic migrants are refused those supports and assistance that until a few years ago were offered to everyone without discrimination. Such attitude of closure does not, however, characterise the whole of the country as in many areas Catholic organisations are still very active in assisting migrants according to their needs and not according to their non-Catholic creed. In general it can be stated that in those regions where the number of migrants is higher and the presence of right-wing parties is stronger, representatives of the church have been more likely to reproduce a discourse of closure following the moods of the local population and political parties. In the southern regions of the country, an attitude of reception still prevails and the capacity to mobilise Catholic volunteers is still rather high.

At this point it is crucial to understand the factors which have contributed to the shift from the indiscriminate application of the Christian ethics of reception to the present attitude that clearly advocates the adoption of selective processes. It is undoubted that, within the Catholic Church, the principle of solidarity toward humanity has always been taken for granted and, in particular, Catholics have traditionally been active in assisting Italian marginalised groups within the country and the many Catholic and non-Catholic communities in the so-called developing countries. Hence the Church has traditionally been able to put into practice the concept of solidarity towards humanity because, on the one hand, it assisted those in need abroad (particularly in depressed geographic areas) independently of their religious

creed and, on the other, it assisted Catholic marginalised groups in Italy. Until very recently the cosmopolitan principle of solidarity toward humanity did not clash with the communitarian principle of protecting the Italian Catholic community as these two principles were affirmed and put into practice within two different geographical contexts. In other words, once the phenomenon of non-Catholic immigration started to be perceived as a threat to the Italian Catholic community, the concept of (unlimited) solidarity started to be questioned. So far, the Church has not proposed to close the door to everyone, but to select who is entitled to have the access to the country. What is perceived to be under threat is not the community of the Church itself but the Italian nation, a nation whose Catholicism has represented for centuries *the* unifying element of the peninsula.⁴² And it is precisely because of the co-existence of both inclusive and exclusive attitudes, both within the Catholic world and the population in general, that the present thesis advocates that it is more appropriate to conceptualise the way solidarity is expressed as *malleable localised acts of solidarity*. As already noted, the principle of assisting those in need is no longer applied indiscriminately to everyone, but a clear selection has been put into place. This process of selection is not determined by migrants' 'desperate' living conditions but, indeed, by their legal status as well as their religious affiliations. Acts of solidarity are, therefore, increasingly subjected to processes of selection, and hence of discrimination, that do not allow *per se* for equal processes of solidarity, but of many solidarities according not to the needs of migrants but according to a sense of Christian-Catholic belonging within the Italian geographical framework. The concept of solidarity has lost, consequently, its traditional unambiguous meaning and acquired one which is *malleable* and can be modified according to 'whom', and even to 'where', acts of solidarities are expressed. Because not the whole country has produced processes of selective solidarity, it becomes more appropriate to conceptualise acts of solidarity as *malleable localised solidarity*. They are *malleable* because the Christian ethics of reception has been subjected to processes of manipulation according to the prevalent *understanding* and *perception* of the needs of 'others', of who are these 'others' as well as of the historical and local context. They are *localised* because different localities have produced different policies of reception that have oscillated between inclusion and exclusion. Defining solidarity as malleable and localised presupposes that, in order to fully grasp when acts of solidarity (embedded in the Christian duty of reception) are put forward, the analysis has to focus on how the concept of 'otherness' is understood, and how

such an understanding has resulted in the development of *local* policies and practices of reception that have oscillated between inclusion and exclusion precisely according to the prevailing image of the many others. And it is on the analysis of the way the 'other' (or better still, 'others') has been constructed during the past decade that the following section will concentrate.

3.3 CONSTRUCTING 'OTHERNESS'

As already explained my interest is in looking at the dynamics of inclusion and exclusion and in particular how inclusive responses can be generated within a theoretical and legal framework where logics of exclusion seem to dominate. These logics of exclusion have been strongly reproduced within the vast majority of Italian immigration and asylum analyses that tend to picture the country as an homogeneous whole dominated by policies of exclusion. Such analyses, though bringing to the surface why foreigners are not always particularly welcome, simultaneously obscure those positive responses that have been created and those localities that more than others have encouraged and worked towards that direction. Because of the existence of both inclusive *and* exclusive responses, closely linked to the way the image of 'otherness' has been constructed, it is argued that it is important to move away from a generalised discourse where logics of exclusion appear to dominate towards a discourse that, looking instead to the particular, brings to the surface more positive logics. This approach will, hence, allow us to evaluate whether the dominant discourse is adequate for making sense of the reception policies adopted in response to refugees' inflows, as well as whether the process of stigmatisation of the 'other', meaning any other, can be accepted uncritically, and whether, and to what extent, it is more appropriate to talk of many other.

The following analysis will be, hence, divided into three sub-sections which will consider respectively: 1) how migrants are conceptualised within dominant approaches which tend to focus on the mechanisms of non-inclusion as embedded in everyday practice, and *in primis* in the discriminatory vocabulary that dominates the public, legal and political discourse; 2) why, as a result of different inclusive local responses, the present research advocates that it is more appropriate to conceptualise reception policies as *selective* and as *spatially and temporally situated*; 3) whether, and to what extent, the (political) construction of refugees as non-citizens can be unproblematically applied to the Italian context, and hence, whether policies of inclusion/exclusion are

founded exclusively on processes of negation/comparison between citizens and non-citizens.

From generalised logics of exclusion

L. Balbo and L. Manconi in their book *I Razzismi Reali (The Real Racisms)*⁴³ have analysed the vocabulary generally utilised to describe the 'other', an *other* who is understood as representing *every other* not recognised as properly belonging to the Italian world. The expressions adopted when talking about 'them' are various, but none of them is actually appropriate.⁴⁴ The term "immigrant citizens" or "foreigner citizens", representing deeper respect of their dignity and rights, is without doubt the most appropriate, but in Italy it is used exclusively by the Left, and it represents a political fiction: they are either citizens or non-citizens.⁴⁵ The most common expression is, instead, '*extracomunitari*', which strongly symbolises the dividing line between an 'us' belonging to the European Community (*comunitari*), and a 'them' which are not only represented as outsiders but they are also grouped together because belonging to the '*extra*' community, the 'outside' community. They are, hence, defined as *extra-comunitari*. This linguistic expression does not contain any reference to their countries of origin; they are exclusively defined in comparison with the territorial space of Europe, a (homogeneous) space which is represented as if opposed to an outside (homogeneous) world.⁴⁶ Migrants become consequently objects of constant processes of comparison with *the* Italian citizens, a comparison that aims exclusively to picture migrant as the 'other'. Unlike citizens, migrants are consequently pictured as lacking some inner quality: they become non-members, non-nationals, non-EU citizens, they are *extracomunitari*. Once they enter this 'world', they acquire a new identity: they are "strangers" both because "they do not belong to our national space, ... [and] because they do not belong to our social 'nature'"'.⁴⁷ The migrant represents thus *the other* in relation to the legitimate national social actor. S/he becomes a stranger, an alien, an 'other', an "out of place" within any domain.⁴⁸ All the practices of discrimination, embedded in everyday relations, originate from the

primary discrimination, the 'national one', which is inherent in the status of the international migrant.⁴⁹

Because trapped in this 'primary discrimination', Dal Lago described migrants in Italy as "*non-persone*" (non-persons).⁵⁰ They become *non-persons* because they live within a framework that deprives them of any real guarantee of protection or respect of their

dignity and identity. Whatever sphere they try to enter, they are not treated as *persons*, they are something 'other', they are *non-persons*. But what determines the dividing line between *persons* and *non-persons*? How can someone be treated and/or considered as a *non-person*? The answer, according to Dal Lago, is directly linked to the norms related to the concept of citizenship which establish whether someone is or is not a *person*, and not vice versa.⁵¹ The foreigner is thus excluded because, lacking citizenship, s/he is a "slave of her/his nationality".⁵² Within Italian culture and language, the principle of nationality is deemed to prevail, establishing who is a person *de jure*, notwithstanding being a person *de facto*.⁵³ Dal Lago, uses the definition of non-person offered in the Webster dictionary as

*a person that usually for political or ideological reasons is removed from recognition or consideration,*⁵⁴ (English and emphasis in the original document)

and emphasises how the distinction between a person and a non-person is the result of a social construct and hence foreigners are treated as non-persons not as result of

some intrinsic or natural characteristics but because [they are] socially deemed such, through a process of exclusion or ... social removal.⁵⁵

Immigrants, in Italy, not only are trapped within processes of exclusion, but also have become the target of processes of stigmatisation that construct 'them' as "social evils".⁵⁶ It is a construction that involves the whole system but which is now operating strongly at the media level and subtly fomented and manipulated by political parties, particularly the Right, which has succeeded in the "social construction of the migrant as an enemy".⁵⁷ Moreover, the increasing phenomena of hostility against foreigners is, as already noted, the result of the prevalent assumption that the immigrant is the equivalent of 'clandestine' and 'illegal entrant'. Such an assumption justifies the process of constructing the migrant as a social and common enemy. And because an enemy, s/he cannot be trusted, and because an enemy, the legitimate feelings that can emanate against 'them' can only be highly hostile.⁵⁸

According to this understanding, processes of exclusion are directed against everyone who does not belong to the national realm, a realm where only citizens are deemed to belong to it. And it is precisely the lack of any political recognition and location within the (political) community that the *other* is perceived as representing *any others*, a perception that seems to explain why, in everyday practice, any distinction between legal migrants, clandestine, *profughi* and refugees has been

abandoned. As Balbo and Manconi have put it, even the political solidarity that prevailed throughout all the 1970s towards refugees has disappeared:

[p]rofughi, the politically persecuted, exiles, refugees and asylum-seekers ... are all considered a sub-category of 'immigrants'.⁵⁹

... to a selective and localised inclusion

Although *profughi* and asylum seekers have not been immune from superficial construction, particularly in everyday discourse, some cautions are needed before accepting uncritically that *profughi* are constructed *as if* belonging to a sub-category of migrants, as Balbo and Manconi have argued. As matter of fact, such evaluation can hardly explain the kind of reception policies adopted during the 1990s and in particular why, both nationally and locally, different responses have been adopted for statutory refugees and humanitarian refugees, whose assistance has been disciplined via *ad hoc* legislation. If Balbo and Manconi were right in claiming that 'profughi, the politically persecuted, exiles, refugees and asylum-seekers' are all included within an 'homogeneous other', how can we, then, make sense of the different, and even discriminatory, reception policies adopted during the past decade? If the process of stigmatising the 'other' can be applied indiscriminately to any other, why has every group of humanitarian refugees received different responses? Shouldn't it be more appropriate to talk of a process of construction, and even of stigmatisation, not of the 'other' but of *many others*? Among these *many others*, some have been privileged, others have been (selectively) included, others have received temporary protection and still others have received only policies of exclusion. If Italy were a framework where logics of exclusion always prevail, as stressed in the vast majority of Italian migration analyses, how can we possibly conceptualise those inclusive/exclusive responses produced towards some groups of refugees? What the present research advocates is that, given the multiple responses offered to humanitarian refugees and statutory refugees, it is more appropriate to conceptualise Italian reception policies not only as *selective* (which presupposes moving away from the image of the 'other' meaning any 'others') but also as *spatially and temporally situated*, because they are produced within a specific space and time, according to the prevalent image of 'otherness'. It becomes consequently important to understand how the process of constructing different, and even opposing, images of the 'others' works and in particular why it

works differently according to the group of 'other' we are considering. Hence the issue here is to understand why *some* are more 'others' than 'others'.

What the thesis argues is that an understanding of reception policies as selective and localised will help to clarify how processes of selection tend to operate and why, consequently, some groups of refugees have received a more inclusive reception than others. Moreover, an analysis that refuses to scrutinise Italy as a homogeneous country provides a more appropriate approach for understanding why the same legal provisions have been interpreted, and even manipulated, differently according to the prevalent image of others within each local context. The question is hence to explore not simply how the image of the others is constructed but also, and more importantly, whether such an image is constructed by processes of negation/comparison between the Italian-as-citizens and the non-citizens, as for instance advocated in Dal Lago's book *Non-Persone*.

According to an analysis conducted in Italy by the 'Association of Argentine Residents' (*Associazione di Residenti Argentini*) the process of constructing the others operates thanks to the diffusion of specific and interconnected images, symbols and vocabulary. The dividing lines between

the 'us' and the 'other' in Italian society today do not go through the colour of the skin or the religion. The barriers are connected instead to the juridical-bureaucratic condition ('extracomunitari', 'immigrants') or to particular groups, whose negative connotation in the collective imaginary is, in many cases, antecedent of or independent from the present migratory phenomenon ('Moroccan', Gypsy-Slavs).⁶⁰

Although foreigners continue generally to be identified as '*extracomunitari*', which still represents the dominant linguistic expression, new negative stereotypes have slowly emerged. The introduction of such new stereotypes has determined some sort of classification of the 'negative others'. Within this classification, at the moment, the '*zingaro*' (Gypsy) occupies the 'first place' followed by the '*marocchino*' (Moroccan), Albanians and Nigerians. Despite the fact that Italy has not been immune from xenophobic and racist attitude, such an attitude should not be understood as directly connected with the colour of the skin. It is not rare, in fact, to read on the walls of some big cities "better Negro than Gypsy".⁶¹ More particularly, the fact that Gypsies, Albanians and Moroccans are constantly the target of discriminatory actions might be explained by the consideration that their miserable living conditions remind Italians of the same circumstances that a big proportion of their population experienced not long ago. And not only do strong racist attitudes *seem* to be closely connected with that

remembrance but also the feelings of exclusion are strongly and constantly reproduced *as if* they would cancel from collective memory part of Italians' migratory history.⁶²

The very negative image of the Gypsies is clearly demonstrated not only by the huge difficulties in their integration within Italian society, but also in the fact that, in the vast majority of the cases, they continue to live on the peripheries of cities and their living conditions are quite often highly dramatic, even though many are Italian citizens. Such a strong sense of refusing to accept Gypsies helps to explain, as analysed in the next chapter, why very little has been done to help those *profughi* of Roma origin who escaped from the former Yugoslavia, and more particularly why it has been important to Italians to differentiate between those of Roma origin and those who were not. All of them were refugees from the former Yugoslavia, and all of them were entitled to receive the very same reception independent of their ethnic origin.

The importance of the way the image is constructed was also crucial during the 'Albanian crises'; after a very negative image had been reproduced by the media and politicians, the mechanisms of exclusion were adopted. Thanks to the constant reproduction of negative images, no public opposition has been expressed against the deportation of Albanians. As will be discussed more clearly in the next chapter, where the responses offered to humanitarian refugees will be considered, it is crucial to understand the way 'others' are constructed and why, because of a different construction, even the same legal provisions related to reception have been interpreted and put into practice differently in space and time.

To conclude, the responses offered to refugees have been subjected to constant processes of reconstruction and defining policies of reception as selective and localised suggests that the policies adopted are *constantly* negotiated according to the prevalent *understanding* and *perception* of the needs of the 'others', of who these 'others' are as well as of the contingent local context where policies of reception (or of non-reception) are produced.

Beyond the citizen/non-citizen (political) divide?

In the previous discussion, it has been argued that the multiple responses offered to refugees are intimately connected to the way the image of the 'many others' is constructed, an image that is not static but subjected to constant processes of reconstruction in space and time. What is important, at this point, is to explore how these very processes of constructing different images of others depart from IR

dominant discourse, a discourse where refugees are pictured as always already excluded as a result of the political state-citizen unique relationship.

Although the argument has been partially articulated in the first chapter, it is worth reconsidering briefly how the exclusion of the refugee is produced, and why this thesis advocates that it is necessary to move beyond the citizen/non-citizen divide strongly embedded in the way the political community is theoretically constructed. This analysis will, hence, help to understand whether, and to what extent, the dominant (political) image that pictures the refugee as the 'non-citizen' can be unproblematically applied to the Italian context, a context where policies of inclusion and exclusion have been strongly influenced by the way the image of the 'others' has been spatially and temporally constructed.

As emerged in previous chapters, the present thesis aims to contest the way traditional legal-political discourses have conceptualised the figure of the refugee, and it is from this theorising that it is important to depart. While the first chapter problematised the way in which a specific understanding of key political concepts such as state, state sovereignty, citizenship, political community, membership and identity have all been strongly dominated by a state-centric approach. The second chapter demonstrated how refugee legal studies have largely reaffirmed this statist logic, reproducing the image of the refugee as the 'excluded', as someone who is "of necessity an alien ... always defined in terms of a particular nationality or lack of nationality".⁶³ As clarified, these very processes of exclusion operate via complex mechanisms that construct *negatively* the image of the refugee as if his/her identity is always already *necessarily* opposed to the one of the citizen, an opposition that represents, at the same time, the negation of the subjectivity of the refugee. In particular, it has been explored how, within IR discipline, the exclusion of the refugee is embedded in the taken-for-granted circular state-citizen relation, a relation that presupposes *per se* the exclusion of the non-citizen because lacking any forms of representation and protection from the state where s/he resides. N. Soguk's *States and Strangers* explores precisely how the statist conceptualisation of sovereignty has determined both a partial understanding of the concept of refugee, as opposed to the one of citizen, and the acceptance of the inclusion of the refugee within what he defines as the "citizen/nation/state hierarchy".⁶⁴ It is within this hierarchy that political discourses are deemed to represent the refugee not in relation to her/himself, but solely for what s/he is not. The refugee becomes, consequently, a subject lacking a long series of qualities that are deemed to represent

the *conditio sine qua non* for participating as a fully-fledged member within the national community. The image of refugee that emerges from this representation can only be negative, “a lack or an aberrance”⁶⁵ of what is deemed not only to be *the* norm but also essential in order to enter and share, with the members, their cultural identity and their inner way of life. As Soguk has put it:

[r]efugees figure as lacking the citizen-subject’s secure home, ... secure sociocultural affiliations, ... shared understandings with other citizen-subjects ... and ... secure ties to a community, of which the sovereign state is the representative and protector.⁶⁶

This negative representation of the refugee is investigated in M. Dillon’s article, *The Scandal of the Refugee*, which explores, particularly in its first part, the way traditional discourse defines the refugee as “a scandal for politics”, as a “constitutive outsider”, and as an “(inter)national political production of its age”.⁶⁷ S/he is a *scandal* because of her/his lack of identification within a specific political order, an order based on the premise that the intrinsic aim of politics is the realisation of sovereign identity; s/he is a ‘*constitutive outsider*’ because s/he can be defined neither as a “co-national nor another national”; s/he the ‘*inter*’ because s/he is located in the “strange territory of estrangement that is located between the two”.⁶⁸ And this state of estrangement derives clearly from the political events that have forced her/him to a condition of displacement, a condition that implies *per se* the loss of those political bonds deemed essential in order to be included as a full member within the political community. Refugees, lacking proper ties to a community of citizens, to the state, and to its protection and representation, are not only deemed to be ‘refused’ as members but they are, or can be, considered as disruptive elements because of their ‘inessentiality’. Using the vocabulary of security discourses, refugees and immigrants in general,

are not just foreigners who enter or have entered a political-territorial area where they are considered not to belong ... the migrant appears as the other who has entered ... a harmonious world and, just by having entered it, has disturbed the harmony.⁶⁹

From this reading, it is evident that the exclusion of the refugee is intimately connected to the way the political location of the citizen is produced, and in particular the way his/her political identity is constantly constructed and reaffirmed within her/his community of belonging. In particular, within the dominant refugee discourses, processes of exclusion are already embedded within the way in which the political subjectivity of the citizen is produced, a subjectivity that can be properly affirmed thanks to a politics of identity that constantly constructs the citizens *as if* their prime

source of identity were located exclusively within the public and political sphere.

At this point, the issue is to explore whether this conceptualisation of the image of the refugee as *necessarily* opposed to the citizen can be unproblematically applied within the Italian framework. Hence, the key question is: what is going to happen to this statist construction once we acknowledge that Italians' prime source of identity is properly located *outside* the realm of politics? What if, contrary to the vast majority of IR studies, a sense of identity and of belonging are not always already connected to the political sphere? And hence, what if the opposition insiders/outside is not *necessarily* constructed according to, or because the lack of, political attributes? In order for these questions to find (some) satisfactory answers, some considerations of the way in which Italians tend to identify themselves are needed. It is this dimension that will be now considered, using as a starting point the works of two Italian academics, namely G. Zincone's article, *L'Identità degli Italiani e la Paura degli Immigrati* (The Italians' Identity and the Spectrum of Immigrants) and E. Galli della Loggia's book, *L'Identità Italiana* (The Italian Identity).⁷⁰ Such evaluations will allow us to explore where refugees can be properly located within the Italian framework.

G. Zincone's article is interesting for the way in which the author explains why Italian identity is a "strong though pre-political identity".⁷¹ It is a *strong* identity because 80% of Italians feel proud to consider themselves as 'Italians', but it is a *pre-political* identity because of the complete absence of any identification with the public sphere, an identification that is, indeed, connected with the Italian "landscape, language, culture, (and) the character of the people".⁷² Although the inexistence of a political and civic conscience might represent a positive aspect in response to the phenomenon of immigration, it can be dangerous because it lacks a strong political basis and "points of civil orientation"⁷³ for developing positive attitudes toward migrants. Italians possess, hence, an identity that can be easily manoeuvred, and as G. Zincone has put it:

[o]ur identity, because of the lack of civic values, is like an open door where everything might get in.⁷⁴

Although I agree with Zincone's analysis, I would rather define the identity of Italians as *apolitical* instead of pre-political. Defining identity as apolitical presupposes that the processes of identity formation do not necessarily move, via evolutionary stages, from a pre-political to a political condition, *as if* only a political identity is the proper and primary source of identification for a community of people. This refusal to accept that

people's prime identity has to be necessarily and properly located within the political sphere animates the willingness, of the present thesis, to contest and problematise any analysis founded on the assumption that the exclusion of the refugee is *per se* the result of processes of comparison, through negation, between the (political) citizen and the (a-political) refugee.

These processes of political comparison/negation can hardly be reproduced once refugees enter a community whose primary bonds are located beyond the political, and hence within a community whose members do not identify themselves *primarily* as political citizens. And this seems to be the case of the refugees (in the broadest sense) who have entered the Italian space, a space where a clear disjunction exists between the Italian people and the Italian political and bureaucratic apparatuses. This disjunction between the Italian people and the Italian state has been analysed in E. Galli della Loggia's *L'Identità Italiana* (*The Italian Identity*). At least two important aspects considered in the book are highly important for the present discussion: 1) the enormous impact of the Catholic Church in shaping and diffusing its ethical principles as well as in constantly interfering in public and political debates; 2) the disjunction between the Italian people and state is but the result of the historical absence of the state-as-institution.

Regarding the first aspect, the Catholic Church has always participated actively in dominant public and political debates, well aware of its enormous impact in diffusing its ethical values, and in producing a strong sense of identity founded on Catholicism, which has represented for centuries "the only unifying aspect of the peninsula".⁷⁵ And, as noted earlier on in the chapter, the Church has also been highly visible and incisive in responding to migrants' and refugees' basic needs, though its intervention has been strongly founded on policies based on mere assistance and charity.

Regarding the second aspect, according to Galli della Loggia, the disjunction between the Italian people and the Italian state is the result of the historical failure of the governing political classes to progressively create a political identity that would have allowed the Italian people to identify themselves with the state. It is this failure that helps to explain why Italians' prime identification goes beyond the public and political sphere, a sphere often understood as opposed to the very interests of the people.⁷⁶ The *de facto* absence of a prime identification of the people with the state is but the direct result of the enormous gap between the realm of politics and the realm of the State, a gap that has determined the consequent absence of a "culture of the State",

a culture that would have created a sense of identification of the Italians with the political institutions that ought to represent them.⁷⁷ This disjunction between the people and their 'representative' institutions makes Italy appear

in the eyes of non-Italians ... [as] a country that in reality does not exist, an identity that is non-existent because in its place there are many, indeed infinite [identities].⁷⁸

Italy is defined as the country that does not exist for the very reason that its organisation departs completely from the dominant imaginary of what the essential attributes of a political community are supposed to be. Hence, Italy is populated not by a community of citizens, but by a community of "individuals who will experience huge difficulties in becoming citizens", owing to the *perceived* absence of the state, and hence of a culture of the state.⁷⁹ Italy can still be pictured as a nation for the strong sense of 'Italian-ness' that people share, even though at the same time people act "as if the State does not exist. As if it were ... far away and hostile".⁸⁰ This opposition and sense of hostility between the people and the state has determined the absence of any political identification with the institutions of the state, and has resulted in the creation of a 'public culture' in which

the *political commitment* of the individuals ... has rarely been understood as meaning civic culture, *conscious identification* with the exigencies of life and of the government of the community, *respect of the rules* and of the procedures, of rights.⁸¹ (emphasis added)

All these aspects embedded in the Italian *modus vivendi* and *operandi* presuppose that the traditional binary political opposition between the citizen and the non-citizen cannot be taken for granted and applied unproblematically within any community, and that a sense of identity and belonging is not always already located within the political and public sphere, *as if* individuals are primarily constituted as citizens. The way in which this theorising problematises how the citizen/non-citizen divide has been historically constructed leads us to seriously question and explore: 1) where the refugee can be properly located within the Italian fragmented and apolitical community; 2) to what extent 'refugee-ness' implies that refugees are *necessarily* located within spaces of exclusion, and hence that policies of reception are *necessarily* embedded within systems of exclusion.

3.4 LOCATING THE REFUGEE

As argued in previous chapters, refugees are located within spaces of exclusion within any legal-political discourse constructed on state-centric analyses whose starting point

is situated within the state-citizen political relation. If one moves from the legal-political terrain toward the image that emerges from the humanitarian organisations the picture is not much more positive. Refugees are quite often described in compassionate terms, not simply as victims of events for which they are not responsible, but also as “recipients of aid”.⁸² The issue is not simply “being ‘helped’ *per se*”, but the “relative powerlessness” that the “*structure*” of the refugee regime creates, as well as the ascribed role refugees are “forced to assume” in order to receive external help.⁸³ What is tragic is not simply that, quite often, refugees’ dignity is disregarded, and hence that they are treated simply as “nameless numbers”,⁸⁴ but also that refugees themselves feel ashamed of their status and,

perceiving themselves as persons who have rights under international humanitarian and human rights law, ... feel they are obligated for *any* help they receive.⁸⁵

The image that is reproduced within the humanitarian discourse proposed by the UNHCR is also one that pictures refugees as passive objects, whose lives have been deprived of any meaningful sense, and hence it has *per se* transformed refugees’ lives into an empty existence. And as put in the UNHCR’s *Journal, Refugees*:

[i]n some ways, becoming a refugee makes life desperately simple, and empty. No home, no work, no decisions to make today. And none to make tomorrow. Or the next day. ... Most hope that, one day, they may be able to rebuild their lives in a sympathetic environment. To exist again in more than name.⁸⁶

What emerges vividly from the vast majority of representations coming from legal-politico-humanitarian discourses is not simply the image of individuals who have been deprived of their political subjectivity, which presupposes *per se* their exclusion from any meaningful space within their own community, but more importantly the image of *excluded homogeneous* individuals as if their condition of displacement is experienced in the very same way from every refugee, *qua* refugee. As clearly put forward in N. Soguk’s *States and Strangers*, the experience of ‘being a refugee’ represents *per se* a unique story, quite often indescribable and not fully comprehensible because, save the drama of displacement,

there is no intrinsic paradigmatic refugee figure ... (but) there are a thousand multifarious refugee experiences and a thousand refugee figures whose meanings and identities are negotiated in the processes of displacement in time and place.⁸⁷

It is beyond doubt that refugees share a common condition of displacement, but this condition is experienced differently according to the way they perceive and question their own condition, their identity and the processes that forced displacement involves.

And these processes include not simply the search for a new home but also the search for the meaning of the space called 'home'. And here M. Dillon's analysis is highly significant. The dramatic and violent events that forcibly induce the condition of displacement force the refugee to search for a new space to call home, and to question the relation between the meaning traditionally attributed to the home and the space of politics whose (given) task is to protect and create a secure space (hence a home) for the community of citizens. In Dillon's own words, the presence of the refugee

generates a necessary re-presentation of home, that inevitably calls into question what home was really like. No one knows what home was really like, however, because the home recalled is not the home that was; and yet, also the home that was could not have been the securely domesticated home one thought it was because it proved so susceptible to radical dispersal and dissolution. The question of the home is therefore radically problematized by the unsettled, and is never resettled even when the unsettled regains a home.⁸⁸

This searching for a new home implies *per se* a process that also involves a search for the political and social identity that the possession of a home presupposes. The refugee is, consequently, perceived as someone who has lost any meaningful means of identification that would have allowed for reducing, though not eliminating, the perception of being 'suspended' between the two worlds of the previous unsafe living space and the future home. This very perception of experiencing a condition of *limbo* transforms the journey into a prolonged condition of displacement. As explored in M. Damiani's 'La Questione Kurda' (The Kurdish Issue),⁸⁹ the refugee does not necessarily flee with the intention of remaining for years in the country of destination, but until conditions in the country of origin become safer. It is the hope of eventually returning home safely that suspends the refugee in a condition of between-ness, a condition that is *per se* determined, on the one hand, by the strong memories of the social bonds created in his/her country of origin and, on the other, by the lack of any meaningful inclusive social space within the destination country.⁹⁰ This condition of limbo, which continues even after having reached a safe country, means that

in his/her perception it seems that the *journey ... is never going to finish. One leaves, but one never arrives*, in the sense that man never reaches ... an acceptable change of his/her own living condition, a form of inclusion, which implies a process of identification and incorporation within the society of destination.⁹¹ (Emphasis added)

The metaphor of the journey effectively pictures a condition which is not static but in constant flux, where the refugee perceives when the 'journey' of displacement started but cannot see the point of 'arrival'. A point of 'arrival' could hardly be envisaged not only because the processes of 'identification within the destination society' cannot be

fully achieved⁹² but even more because the refugee cannot eliminate his/her condition of 'estrangement'. However, this condition of 'estrangement' where the refugee is suspended in-between the past and the present, in-between there and here, within a journey that is permanently in flux, *might* not be a condition embedded in his/her 'refugee-ness' but, indeed, in human nature as such. As perceptively explored in Dillon's 'The Scandal of the Refugee':

[h]ere ... is the inescapable and irresolvable ... ontopolitical question that the refugee brings to presence: What is it to be human, when the human is precisely that which is in-between – neither simply one thing, nor the other, precisely "inter" – without a secure term or dwelling place?⁹³

Hence, according to this reading, the condition of estrangement embedded in the image of the refugee is connected not to his/her condition of refugee-ness but to the inescapable condition of estrangement of the human existence. The condition of estrangement, of between-ness, of being in constant flux, prevents thus us from locating individuals within well-defined identities. Furthermore, the representation of identity becomes *per se* an unachievable task for the very reason that, as clearly argued in M. Keith and S. Pile's *The Place of Politics*, "any articulation of identity ... is only momentarily complete", because identity is understood as "a process rather than an outcome".⁹⁴ Because it is a process, which clearly presupposes a condition of constant becoming, it cannot be *per se* represented without doing violence to the representation itself. Hence, the impossibility of representing the process of identity formation results in the construction and representation of *fragments* of identity and certainly not of the whole process. The impossibility of representing the "ceaseless process of identity formation" leads Keith and Pile to compare this impossibility with the act of photographing a race-horse at full gallop. Likewise with identity, the image that emerges is simply a mere representation of a specific moment, a moment that, though real, does not represent the whole process. As they put it:

[a]t times ... this process is stopped to reveal an identity that is akin to a freeze-frame photograph of a race-horse at full gallop. It may be a 'true' representation of a moment but, by the very act of freezing, it denies the presence of movement. The photograph represents a momentary stop in this gallop, simultaneously real and unreal, it is a moment at which *closure* occurs. Likewise, with identity, the very act of representing the ceaseless process of identity formation is based on a moment of *arbitrary closure*.⁹⁵

This 'moment of arbitrary closure', intimately connected with the impossibility of representing the processes embedded in identity formation, can be adequately adopted to illustrate where refugees are located within the Italian context. In particular,

refugees have been subjected to processes that constantly ‘photographed’ and reproduced multiple, even clashing, images of them. They have been variously pictured as heroes escaping from terrifying human rights abuses, as ‘*clandestini*’ trying to evade official controls, as our needy brothers, as ‘desperate others’ in need of charity and assistance, as people who have specific rights as a result of international obligations, as institutionally invisible presences, or as the ‘citizens’ of friendly countries. Such multiple and frozen representations of refugees have clearly influenced policies of reception in Italy, which have been constantly subjected to processes of revision according to the image that prevailed *spatially* and *temporally*. And it is precisely because of these processes of representing multiple (positive and negative) images that refugees are located in-between policies that are neither fully inclusive nor fully exclusive, simply in-between.

3.5 INCLUSION, EXCLUSION AND IN-BETWEEN

As so far explained, the thesis suggests that in order to make sense of Italian reception policies it is important to abandon the assumption that, within the receiving society, refugees are *either* included *or* excluded and, and more importantly, the existence of a binary opposition between the commitment toward humanity and the commitment toward fellow-citizens. The way in which the Italian Catholic Church has incorporated, albeit only recently, both an ethics of solidarity towards humanity and a more *political* ethics clearly concerned with the defence of the national community exemplifies how both principles have been subjected to constant processes of negotiation in response to refugee influxes. It is precisely this important shift towards what has been defined as ‘an ethics of malleable solidarities’ that opens up the possibility of recognising that a space *in-between* inclusion/exclusion exists. This in-between space has emerged as result of three interconnected legal-politico-social processes that have clearly shaped the way policies of reception have been put forward.

Firstly, the disjunction between the Italian people and the Italian state, as well as between the so-called legal country and real country, has historically determined a strong friction between what was established legally and politically at the national level and the way each municipality put into practice those very decisions. This friction, strongly influenced by the non-existence of any political identification with the state’s institutions, has *de facto* determined a high level of juridical flexibility in interpreting and putting into practice the legal norms.

Secondly, a specific understanding of migratory phenomena, strongly influenced by the traditional Catholic ethics of reception centred on a logic of *assistenzialismo* has, until very recently, left the vast majority of reception activities under the *de facto* control of Christian/Catholic networks *as if* policies of reception were not of state competence but simply matters of assistance and charity.

Thirdly, the adoption of different *ad hoc* legislation in response to humanitarian refugees as well as the different interpretation of the asylum legal norms have determined not only processes of selecting 'needy others', but also policies of reception that were spatially and temporally situated. They were *spatially situated* because, despite the legal norms that ought to have been applied nationally, each municipality was left free to interpret, manipulate and eventually put into practice the juridical provisions, while they were *temporally situated* because policies of reception were limited in time according to the local perception and/or willingness to adopt any policies.

Hence, what emerges is the image of a highly fragmented country that has historically failed to create a community of citizens that would have developed processes of political identity and a sense of belonging between the state and the citizens. This has clearly led to a situation where public and political debates on the meaning of community, citizenship and political identity have not been properly developed, and hence the opposition insiders/outsideers and the exclusion of non-citizens have not been based on the political citizen/non-citizen divide but, indeed, on the *apolitical us* versus the *many others*. These 'many others' have received completely different responses, which have long been understood *as if* they were not a concern of political institutions but, indeed, a matter of charity. Because of this understanding policies of reception have long been taken as meaning simply the respect of the principle of *non-refoulement*, which has determined the development of temporary policies based on charity and assistance and/or of self-help strategies invented by refugees themselves. Such a situation has been articulated in a speech by Ana Liria-Franch, the delegate of the ACNUR (UNHCR) in Italy:

when we talk of 'admission within the territory' we talk ... of a duty of the state. Of a specific responsibility ... that the state has undertaken as a result of an international convention (1951). If it is true that the duty of admission derives from the principle of non-refoulement, it is not true that admission can be simply limited to the respect of the non-refoulement. ... (R)eception means: I offer you a minimum level of reception and of assistance in order for you to live with dignity up to the decision of your request of asylum! ... (A)ll of this is – in primis – the responsibility of the state.⁹⁶

This clearly presupposes that the presence of the state has to be more visible, and hence that all the efforts of charitable organisations, though important in responding to the immediate needs of the refugees, are “unable to completely fulfil the shortcomings and the lacunae of the state”.⁹⁷

Italy no doubt has represented (and, in many respects, continues to represent) a hard reality as widespread non-inclusive mechanisms have been incorporated within the institutional and legal arrangements in such a way to make *full* inclusion for foreigners, be they migrants or refugees, difficult. There is also no doubt that the dominant social processes that constantly construct and reconstruct the image of ‘others’ have determined the development of (official and unofficial) mechanisms that have oscillated between inclusion and exclusion and which need to be investigated more closely.

By *mechanisms of inclusion* is understood initiatives produced by political institutions at all levels (national and local) whose aim is to produce policies of long-term inclusion, i.e. mechanisms that aim to integrate refugees within the society. By *exclusive mechanisms* is understood, conversely, all those initiatives undertaken by political institutions which aim to completely exclude refugees, to deprive them of any possibility of receiving even temporary protection or admission into the country; i.e. initiatives which clearly respond to a logic of a closed-door policy. Within these latter mechanisms can be incorporated all policies of deportation, even to areas where a conflict still persists, and the activities of patrolling and blockage of coastlines to prevent anyone reaching Italian soil. Between these extremes a myriad of *in-between mechanisms* are created that are neither completely inclusive nor completely exclusive. It is these in-between mechanisms that clearly prevailed in Italy following the general attitude to admit *profughi* into the country and to leave them, soon after, to the mercy of the local intention, where mechanisms of inclusion, exclusion and in-between were going to be developed.

All the policies of temporary protection adopted during the 1990s towards humanitarian refugees exemplify in-between mechanisms, as analysed more closely in the next chapter. They were neither completely inclusive, since no intention of producing a policy of settlement was elaborated, nor completely exclusive, since *ad hoc* legislation provided (or attempted to provide) for their temporary protection and assistance. However, it has to be acknowledged that, despite *ad hoc* legislation,

enormous delays have occurred in putting into practice, if at all, the legal provisions. This has led to a condition that might be called a condition of 'physical acceptance', which was the result of a generalised attitude of institutional indifference. The reason for adopting the definition of '*physical acceptance*' is connected to the fact that, soon after the access into the country, no action whatsoever was undertaken by political institutions; the only help they *might* have received came exclusively from local charitable organisations and/or the local population. Usually, these initiatives were oriented towards the relief of their dramatic living conditions and/or in offering some temporary basic support. Despite the crucial role played by charitable networks both in responding immediately to the emergency and, eventually, in pressurising political institutions to act, it is difficult to envisage the creation of mechanisms of inclusion without the direct involvement of these institutions. The 'physical' presence of *profughi* was somehow accepted though no social and/or economic processes were activated for their inclusion within that specific local context. Their condition was certainly one of marginality, and even the physical space where they tended to 'survive' was at the margin of the cities, in the countryside and/or in the urban peripheries. Even if *ad hoc* legislation had been enacted, as in the cases of humanitarian refugees, this period of physical acceptance tended to characterise the initial phase, before concrete actions (if any) were undertaken by the political institutions, save the respect of the principle of *non-refoulement*. As will be shown in detail in the next chapter, a clear example of a condition of 'forced physical acceptance' was the case of *profughi* of Roma ethnic origin from the former Yugoslavia: despite the legislation, very little has been done in the vast majority of cases, and their survival strategies essentially consisted in begging and/or in cleaning car windcreens at traffic lights.

Among in-between mechanisms can be included the condition that might be defined as '*benevolent non-inclusion*'. Such a definition has been indirectly suggested during the many interviews conducted with personnel of public institutions and in many newspaper articles, particularly in reference to the practices adopted by the police at borders. I refer particularly to the practice of issuing decrees of expulsion (decrees that allow free movement within the country for up to fifteen days) even to those who possessed the pre-requisites for applying for asylum, and/or the practice of giving a piece of paper simply containing the appointment for proceeding to the request of asylum and to the process of identification. These two practices have been

considered by many as a 'benevolent' action of the police forces because these legal stratagems, although they do not offer *de jure* any protection, do allow refugees to legally transit along the Italian territory. They are, however, actions of non-inclusion because *profughi* were neither advised to apply for asylum (despite being entitled to) nor rejected at the borders, hence no mechanisms of exclusion have been produced. They were simply admitted into the territory, and soon after abandoned to themselves. This attitude, as already mentioned, was the result of three widespread assumptions: 1) Italy was simply a country of transit, where no one wanted to apply for asylum; 2) northern European countries, as result of their earlier experience in reception, were able to provide better assistance; 3) those *profughi* who were going to remain could rely on strong and well-organised charitable organisations.

In general, in Italy in-between policies have clearly prevailed, though these mechanisms were situated within highly dynamic processes which were subjected to constant revision and reconstruction, according to the image of refugees that dominated spatially and temporally. The policies adopted in response to humanitarian refugees clearly exemplify such dynamic processes. At the very beginning, soon after admittance into the territory, *profughi* were abandoned to themselves and only after the enactment of *ad hoc* legislation have some local authorities tried to produce policies of temporary reception. These policies tended to be terminated once the crisis in their country was over (or presumed to be over) and a 'voluntary' plan of return entered into force. These shifting and sometimes contradictory policies adopted in response to humanitarian refugees will be considered in the next chapter, which will make plain not only the different assistance provided within each geographical area but also how the prevalent and 'frozen' images of refugees have determined spatially and temporally situated policies as well as highly selective processes according to those specific images. In such a situation the ethics of reception has been strongly influenced by the prevailing representation of the refugee.

3.6 CONCLUSION

From the preceding analysis it has emerged why it is advocated that the refugee should be properly located not within systems of exclusion but within systems that oscillate between inclusion and exclusion. This analysis becomes highly important for IR discipline not simply for the way it contests and problematises the location of the refugee, but more importantly for the way it opens up spaces for processes of re-

evaluation of some important political concepts, such as those of political community, sense of identity and belonging, the (political) attributes of the citizens and of the non-citizen, and above all the very meaning of 'refugee-ness'. This process of re-evaluation, if not of re-construction, will reveal how those concepts should not be necessarily adopted for producing and justifying systems of exclusion, but for expanding the basis for more inclusive political responses. And it is precisely the strong willingness to uncover more inclusive responses that made this research project depart from the official policies. And more specifically it was (and still is) the Christian ethics of reception that has represented the driving force and has enormously stimulated many Italians to undertake positive initiatives and provide for those supports not offered by political institutions. All these aspects will emerge more clearly in the following chapters where the analysis will concentrate exclusively on the way reception policies have been *de facto* organised.

NOTES

- ¹ See FONDAZIONE MIGRANTES, 'Ruolo della Chiesa Italiana nell'Assistenza ai Migranti' in DOSSIER DI RICERCA, *Migrazioni. Scenari per il XXI Secolo* (Rome: Agenzia Romana per la Preparazione del Giubileo, 2000), pp. 1589-1594.
- ² The word 'assistenzialismo', within the Italian context, implies a policy that aims to economically assist individuals, both as individuals or as part of a 'disadvantaged' social group. It tends to create processes that not only make people dependent on that economic assistance without encouraging people to move beyond that policy of assistance. Such a policy is not perceived by the beneficiaries as temporary but as a 'way of living'. The word 'assistenzialismo' connotes consequently a very negative image, because it creates a system that constantly reproduces itself and does not encourage, even in the long term, a policy of self-reliance.
- ³ FONDAZIONE MIGRANTES, cit., pp. 1556-1558.
- ⁴ CAMPBELL, D., and SHAPIRO, M.J. (eds.), 'Introduction: From Ethical Theory to the Ethical Relation', in D. CAMPBELL and M.J. SHAPIRO (eds.), *Moral Spaces. Rethinking Ethics and World Politics* (Minneapolis: University of Minnesota Press, 1999), p. x.
- ⁵ III CONGRESSO MONDIALE PER LA PASTORALE DEI MIGRANTI ED I RIFUGIATI - Documento Finale - 'Migrazioni, Luogo di Annuncio e di Promozione nella Solidarietà', *Dossier Europa Emigrazione*, 1992, xvii, (1), 14; "gli uomini sono tutti uguali al di là del regime o del luogo in cui vivono. I loro diritti derivano non dall'appartenenza ad un determinato Stato o nazione ma dall'essere persona la cui dignità non subisce variazioni con il mutare dei luoghi e dei regimi politici".
- ⁶ Ibid.
- ⁷ SALVOLDI, V. "Ogni Uomo è mio Fratello". L'Etica della Solidarietà, *Dossier Europa Emigrazione*, 1991, XVI, (5), 20.
- ⁸ BAUSOLA, A. 'Principi e Criteri per una Fruttuosa Convivenza, Oltre il Razzismo e l'Intolleranza', in PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLE, *Migration at the Threshold of the Third Millennium*, Vatican, 5-10 October 1998, p. 138.
- ⁹ III CONGRESSO MONDIALE PER LA PASTORALE DEI MIGRANTI ED I RIFUGIATI, cit., p. 14; "una virtù cristiana".
- ¹⁰ SALVOLDI, V., cit., p. 20; "puri e semplici schemi imposti dalla legge e dalla giustizia".
- ¹¹ III CONGRESSO MONDIALE PER LA PASTORALE DEI MIGRANTI ED I RIFUGIATI, cit., p. 14.
- ¹² Ibid.; "l'atteggiamento etico fondamentale di accoglienza, di attenzione e di solidarietà che la Scrittura raccomanda verso l'immigrato di ogni tipo".
- ¹³ Ibid., p. 13.
- ¹⁴ Ibid.; "Quale che sia il suo luogo di residenza l'uomo ha diritto ad avere una patria intesa come ambito umano-spaziale accogliente nel quale egli possa trovarsi come a casa propria, dove realizzare se stesso in una prospettiva di sicurezza, di fiducia, di concordia e di pace".
- ¹⁵ Ibid., p. 16; "Quando ... uno Stato ... presenta condizioni che ledono l'umana dignità, l'uomo ha diritto ad emigrare, a scegliersi all'estero una nuova dimora e a procurarsi più degne condizioni di vita".
- ¹⁶ Ibid.; "giustificati da gravi e fondate ragioni di bene comune".

- ¹⁷ Ibid.; *"i cittadini devono ricordarsi che ad essi compete il diritto ed insieme il dovere di contribuire, secondo le loro possibilità, al vero progresso della loro propria comunità. Specialmente nelle regioni economicamente sottosviluppate ... danneggiano gravemente il bene comune ... privano la loro comunità dei mezzi materiali e spirituali"*.
- ¹⁸ GIOVANNI PAOLO II, 'Allocuzione ai Partecipanti al III Congresso Mondiale della Pastorale per i Migranti ed i Rifugiati, 05/10/1991, quoted in III CONGRESSO MONDIALE PER LA PASTORALE DEI MIGRANTI ED I RIFUGIATI, cit., p. 16; *"solidarietà deve diventare esperienza quotidiana di assistenza, di condivisione e di partecipazione"*.
- ¹⁹ Ibid., p. 16.
- ²⁰ Ibid., p. 4; *"riconosciuti ed accolti come fratelli"*.
- ²¹ JOANNES PAULUS II, 'Immigrati Irregolari e Solidarietà', *Dossier Europa Emigrazione*, 1995, XX, (3), p. 3.
- ²² Ibid.
- ²³ 'Il Monito della Chiesa: "L'Accoglienza è un Dovere"', *La Repubblica*, 10/11/1998. *"A livello politico debbono essere trovate soluzioni in loco, risolvendo i conflitti interni e contribuendo allo sviluppo e al benessere delle popolazioni, ma nell'immediato l'accoglienza è un dovere. Questi stranieri che arrivano sulla nostra terra non possiamo ributarli in mare: per arrivare in Italia hanno speso tutto quello che avevano e spesso sono persone qualificate e culturalmente valide"*.
- ²⁴ Ibid., *"Bisogna accoglierli tutti nei limiti del possibile e dell'opportuno ... Non esiste un diritto all'invasione di un Paese come l'Italia o di un altro Paese d'Europa. Bisogna che le forze del potere politico abbiano a farsi valere seriamente in modo da fare una cernita tra le persone che arrivano, in vista anche di una loro integrazione"*.
- ²⁵ SPICACCI, V. 'Coscienza Civile, Coscienza Cristiana e Immigrazione Clandestina in Italia', *La Civiltà Cattolica*, 1999, 1, (3569), 425-438.
- ²⁶ Ibid., pp. 437-438.
- ²⁷ Ibid., p. 437; *"tutti i mezzi di persuasione possibili"*.
- ²⁸ Ibid., p. 425.
- ²⁹ Ibid., p. 427.
- ³⁰ Ibid., p. 431; *"adottare tutti i mezzi utili"*.
- ³¹ Ibid., p. 433, *"gli extracomunitari presenti attualmente in Italia, anche se clandestini"; "drammatica e ingovernabile"*.
- ³² Ibid., pp. 433-434; *"un posto letto, l'assistenza sanitaria, un reddito onesto (ma) ... vuol dire molto di più. E cioè assicurare una soluzione abitativa dignitosa, che abiliti a una vita e a relazioni idonee a favorire il processo d'integrazione socio-culturale con la realtà italiana"*.
- ³³ Ibid., p. 433.
- ³⁴ Ibid., p. 434; *"questo tipo di accoglienza ... che concede il permesso di soggiorno e di lavoro, ma nega un alloggio decente, non è più accoglienza ma sfruttamento di manodopera a buon mercato"*.
- ³⁵ Ibid., p. 434; *"estendere il proprio controllo anche alle frontiere (almeno) e al territorio (se necessario e possibile) del Paese da cui i clandestini provengono"*.
- ³⁶ Ibid., pp. 434, 436; *"pace sociale"*.
- ³⁷ Ibid., pp. 434-435; *"L'esperienza ha insegnato che tali fenomeni, provocati da gravi squilibri di carattere economico e politico, sono capaci di destabilizzare, alla lunga, l'assetto geopolitico di intere aree del pianeta"*.

- ³⁸ Ibid., p. 437; "chiedere e ottenere ... l'aiuto e la collaborazione della comunità internazionale".
- ³⁹ Ibid.; "tutti i mezzi di persuasione possibili, di natura diplomatica, economica e militare".
- ⁴⁰ 'Accogliere gli Immigrati Solo se Cattolici', *La Repubblica*, 14/09/2000; "I criteri per ammettere gli immigrati non possono essere solo economici e previdenziali. Occorre che ci si preoccupi seriamente di salvare l'identità della nazione".
- ⁴¹ Ibid.; "Non esiste il diritto d'invasione! Un paese può far entrare chi vuole in casa sua. ... il cattolicesimo non è più la religione ufficiale dello Stato, rimane nondimeno la religione storica della nazione".
- ⁴² See GALLI DELLA LOGGIA, E. *L'Identità Italiana* (Bologna: Il Mulino, 1998).
- ⁴³ BALBO, L., and MANCONI, L. *I Razzismi Reali* (Milano: Feltrinelli, 1992).
- ⁴⁴ Ibid., p. 59.
- ⁴⁵ Ibid., p. 62.
- ⁴⁶ Ibid., p. 60.
- ⁴⁷ DAL LAGO, A. *The Impact of Migrants on Italian Society. The Italian Case*. EC-DG XII – TSER, 1998, p. 9.
- ⁴⁸ Ibid., p. 7.
- ⁴⁹ Ibid., p. 9.
- ⁵⁰ DAL LAGO, A. *Non-Persone, L'Esclusione dei Migranti in una Società Globale* (Milano: Feltrinelli, 1999), p. 207.
- ⁵¹ Ibid.
- ⁵² Ibid.; "schiavo della sua nazionalità".
- ⁵³ Ibid.
- ⁵⁴ Webster dictionary, quoted in *ibid.*, pp. 213-214.
- ⁵⁵ DAL LAGO, A. *Non-Persone*, cit., p. 214; "per qualche caratteristica intrinseca o naturale ma perché socialmente considerat[i] tal[i], in seguito a un processo di esclusione o ... rimozione sociale".
- ⁵⁶ DAL LAGO, A. *The Impact of Migrants*, cit., p. 26.
- ⁵⁷ Ibid., p. 52.
- ⁵⁸ BALBO, L., and MANCONI, L., cit., p. 61.
- ⁵⁹ Ibid.
- ⁶⁰ BERNARDOTTI, M.A. 'Ma Qual è il Razzismo degli Italiani?', *Società Multiethnica. Osservatorio Metropolitano delle Migrazioni*, June 1997, no. 1, <www.comune.bologna.it/iperbole/immigra/index.html> [accessed 10 Feb. 2001]; "il "noi" e l' "altro" nella società italiana non passa oggi per il colore della pelle o la religione. Le barriere si riferiscono piuttosto alla condizione giuridico-burocratica ("extracomunitari", "immigrati") o a particolari gruppi, la cui connotazione negativa nell'immaginario collettivo è in molti casi antecedente o indipendente dall'attuale fenomeno migratorio ("marocchini", "zingari-slavi").
- ⁶¹ SORAVIA, G. 'Nomade, Zingaro, Profugo, Immigrato', *Società Multiethnica. Osservatorio Metropolitano delle Migrazioni*, August 1996, no. 2, <www.comune.bologna.it/iperbole/immigra/index.html> [accessed 10 Feb. 2001]; "meglio negro che zingaro".
- ⁶² BERNARDOTTI, M.A., cit.
- ⁶³ VERNANT, J. *The Refugee in the Post-War World* (London: Allen & Unwin, 1953), pp. 4-5.
- ⁶⁴ SOGUK, N. *States and Strangers. Refugees and Displacements of Statecraft* (Minneapolis: University of Minnesota Press, 1999), p. 9.

⁶⁵ Ibid., p. 18.

⁶⁶ Ibid., p. 19.

⁶⁷ DILLON, M. 'The Scandal of the Refugee: Some Reflections on the "Inter" of International Relations and Continental Thought', in D. CAMPBELL and M.J. SHAPIRO (eds.), *Moral Spaces. Rethinking Ethics and World Politics* (Minneapolis: University of Minnesota Press, 1999), pp. 95,103,106.

⁶⁸ Ibid., pp. 95,101.

⁶⁹ HUYSMANS, J. 'Migrants as a Security Problem: Dangers of 'Securitizing' Societal Issues', in R. MILES and D. THRÄNHARDT (eds.), *Migration and European Integration* (London: Pinter Publishers, 1995), p. 59.

⁷⁰ See ZINCONE, G. 'L'Identità degli Italiani e la Paura degli Immigrati', *La Repubblica*, 15/10/2000; and GALLI DELLA LOGGIA, E. *L'Identità Italiana* (Bologna: Il Mulino, 1998).

⁷¹ ZINCONE, G., *ibid.*; "un'identità forte ma prepolitica".

⁷² Ibid.; "il paesaggio, la lingua, la cultura, il carattere delle persone".

⁷³ Ibid., "punti di orientamento civile".

⁷⁴ Ibid., "La nostra identità priva di valori civili è come una porta aperta dove può entrare di tutto".

⁷⁵ GALLI DELLA LOGGIA, E., *cit.*, p. 44; "l'unico aspetto unificante della penisola".

⁷⁶ Ibid., pp. 139-165.

⁷⁷ Ibid., p. 152.

⁷⁸ Ibid., p. 61, "ad occhi non italiani ... un paese che in realtà non esiste, un'identità che non c'è perché al suo posto ce ne sono molte, anzi infinite".

⁷⁹ Ibid., p. 103; "individui che avranno grande difficoltà ad essere cittadini". See in particular the argument put forward in chapter five.

⁸⁰ DIAMANTI, I. 'Ha Senso Ancora Discutere di Nazione?', *Rassegna Italiana di Sociologia*, 1999, 40, (2), p. 305; "come se lo Stato non ci fosse. Come se fosse ... lontano e ostile".

⁸¹ GALLI DELLA LOGGIA, *cit.*, p. 145; "l'impegno politico dei singoli, ... ben poche volte ha voluto dire cultura civica, immedesimazione consapevole con le esigenze di vita e di governo della collettività, attenzione alle regole e alle procedure, ai diritti".

⁸² HARRELL-BOUND, B. 'The Experience of Refugees as Recipients of Aid', in A. AGER (ed.) *Refugees. Perspectives on the Experiences of Forced Migration* (New York: Pinter, 1999), pp. 136-168.

⁸³ Ibid., pp. 139-140.

⁸⁴ Ibid., p. 141.

⁸⁵ Ibid., p. 143.

⁸⁶ UNHCR, 'Focus: Ethnic Conflict', *Refugees*, 1993, (93), 48, quoted in NYERS, P. 'Emergency or Emerging Identities? Refugees and Transformations in World Order', *Millennium*, 1999, 28, (1), 19-20.

⁸⁷ SOGUK, N., *cit.*, p. 4.

⁸⁸ DILLON, M., *cit.*, pp. 101-102.

⁸⁹ DAMIANI, M. 'La Questione Kurda', in SERVIZIO SOCIALE INTERNAZIONALE, *Albania, Kosovo e Popolo Kurdo. Tre Tematiche che Interessano L'Italia* (Roma: AWR 1999), pp. 15-43.

⁹⁰ Ibid., p. 39.

⁹¹ Ibid.; "nella sua percezione il viaggio sembra ... non avere mai fine. Si parte, ma non si arriva, nel senso che non si raggiunge ... un cambiamento accettabile della

propria condizione di vita, una forma di inserimento, che implichi un processo di identificazione e incorporazione nella società di arrivo”.

⁹² See for instance ZINDATO, D. ‘Il Viaggio’, in E.M. ALOCCO (ed.), *La Moglie di Lot. Vivere in Esilio* (Roma: Ed. Lavoro, 1996), pp. 59-74.

⁹³ DILLON, M., cit., p. 102.

⁹⁴ KEITH, M., and PILE, S. ‘The Place of Politics’, in M. KEITH and S. PILE (eds.), *Place and the Politics of Identity* (London: Routledge, 1993), pp. 27-28.

⁹⁵ Ibid., p. 28.

⁹⁶ LIRIA-FRANCH, A. ‘Anticipazione Dossier Caritas sull’Immigrazione’, speech presented in Rome, 29/02/2000. <<http://briguglio.frascati.enea.it/immigrazione-e-asilo/2000/marzo/lirya-franch.htm>> [Accessed 10 Feb. 2001], p. 2; “quando parliamo di “ammissione sul territorio” parliamo ... di un obbligo dello stato. Di una precisa responsabilità ... che lo stato si è assunto in base ad una convenzione internazionale (1951). Se è vero che l’obbligo dell’ammissione deriva dal principio di non-refoulement, non è vero che l’ammissione si può limitare al semplice rispetto del non-refoulement. ... accoglienza vuole ... dire: Ti offro almeno un minimo di accoglienza e di assistenza per permetterti di vivere dignitosamente fino alla decisione sulla tua domanda di asilo! ... tutto questo è – in primis – responsabilità dello stato”.

⁹⁷ Ibid., p. 3; “non possono completamente sopperire alle mancanze e alle lacune dello stato”.

CHAPTER FOUR:

1990s ITALIAN RECEPTION

POLICIES

4.1 INTRODUCTION

While previous chapters have attempted to demonstrate why the dominant legal-political analyses, strongly based on a state-centric approach, are unable to grasp the dynamic processes of inclusion/exclusion embedded within reception policies, this chapter will concentrate on the way in which reception has been effectively carried out. More specifically, the chapter will consider: 1) how *profughi* and asylum seekers tended to move around the country from the so-called regions of entry towards those of exit and/or permanence and the type of responses that each region has been prepared to offer; 2) how reception has been organised in response to the so-called humanitarian refugees, and in particular how legal provisions have been put into practice, if at all, at the local level.

The analysis put forward in the chapter will help to clarify why a partial awareness and understanding of the phenomenon of reception has clearly determined the adoption of policies based exclusively on charity and assistance, and why differentiated treatments, closely connected to the prevalent images of the refugees (broadly defined), have prevailed. Moreover, it will emerge why the presence of well-established and organised charitable networks, within the Italian context, remains crucial in creating more positive responses, although it is undeniable that, the more public institutions have been prepared to actively participate in reception activities, the more effective the reception policies have been.

The cases briefly considered in the chapter – *profughi* from Somalia, the former Yugoslavia, Albania and Kosovo – are crucial in demonstrating not simply how the legislation has evolved during the past decade, but also why reception should be properly defined as highly *selective* and *spatially and temporally situated*. Hence, a brief analysis of the reception policies adopted during the 1990s will help to show why, within the Italian context, it is more appropriate to talk of the emergence of a generalised approach that made *profughi* become *institutionally invisible*, and hence institutionally non-included. Only within very limited cases has reception been

oriented towards the future integration of the refugees within Italian society, and such inclusive responses have not been the result of any government plan but rather of local, official and unofficial, initiatives.

4.2 MAPPING LOCAL REALITIES

A closer analysis of the peculiarities of local contexts will allow for a better understanding of the way the fluxes of *profughi* and asylum seekers moved around the country as well as the kind of reception that local realities have generally provided. At least four geographical areas can be distinguished within the country according to how local institutions have responded to the *profughi* and asylum seekers, and to how local non-official networks have mobilised themselves in response to migratory fluxes. The map of the Italian peninsula can be roughly drawn as follows (see map of Italy):

- 1) regions of entry (Puglia, Calabria, Sicily and Friuli Venezia Giulia);
- 2) regions of exit (Trentino Alto Adige and Liguria);
- 3) regions of permanence (Veneto, Piedmont, Emilia Romagna and Tuscany);
- 4) metropolitan areas (Rome and Milan).

However, it is crucial to keep in mind, as noted in chapter two, that probably no more than one-third of the overall influx remains in the country, the vast majority (willing or unwilling) tend to move from the so-called regions of entry towards those of exit. It is also important to emphasise that those areas defined as ‘regions of permanence’ have neither provided more inclusive mechanisms nor experienced greater involvement in local political institutions than other regions. The definition of ‘regions of permanence’ is instead connected to the fact that these regions, unlike others, have not experienced the same fluidity and mobility especially because, representing destination points for many migrants, well-organised networks have been established and consolidated during the past decade. Consequently within these areas of permanence refugees (broadly defined) can create *their* living space somewhat more easily because a greater flexibility, already developed in response to migrants, exists.

The vast majority of data used in this section will rely on the so-called ‘Dossier Nausicaa’ which represents the first and most complete report published by ICS (Italian Consortium of Solidarity), Censis and ACNUR (UNHCR) in response to the lack of national reliable and official data.¹ In terms of numbers, it is difficult to establish how many refugees actually reside in the country because a centralised system has not been created, neither is the number of permissions of stay issued for

asylum known. According to an ACNUR estimate, at least 12,800 refugees and approximately 10,100 humanitarian refugees currently live in Italy.²



Map 1: Map of Italy

1) Regions of entry

Puglia and Calabria

In general, the geographical areas most affected by influxes of entry are those of the so-called 'salentina' coast in Puglia and the ionic coast in Calabria, in the south of Italy. Fluxes from Albania and Montenegro tend to reach the coast of Puglia, while those from Turkey and Greece have usually been directed to the Calabrian coast. Fluxes of Kurds tend to reach both Puglia and Calabria.³ The reception situation of these two regions is very similar in terms of the organisation of the first reception centres and in how information is provided to the 'newcomers'. Although the centres are described as 'first reception centres', in the vast majority of the cases it is more appropriate to talk of 'reception camps' because of the infrastructures utilised. They tend to consist of former military bases, typically isolated from urban areas or located at the periphery of cities, surrounded by barbed wire and under police surveillance, which renders escape difficult, though not impossible. The *profughi* are generally accommodated in caravans and charitable organisations (generally *Caritas* or the Red Cross) provide for the preparation and distribution of the food. The biggest limitation within the camps, despite a legal norm that decrees the activation of appropriate information centres,⁴ is the process of delivering information to the *profughi*. Such difficulty is directly connected to the limited availability of interpreters and to the *de facto* absence of a well-defined system that provides adequate reception after the short period of permanence in the camps.⁵ The provision of fragmentary, if any, information has serious consequences over time in terms of the legal and living conditions of asylum seekers. During the past decade, no information has been generally provided on asylum applications nor on the importance for the *profughi* to express verbally their clear intention to submit an asylum application. Without such declared intentions, decrees of expulsion were automatically issued even if *profughi* came from countries where human rights abuses were well known. Even in situations where would-be refugees have explained their intention to move to northern European countries and submit their application there, the necessary information on the entry into force of the Dublin Convention, and of its legal consequences, have not always been given accurately, if at all.⁶ In very general terms, the odds of receiving the necessary information of asylum procedures depend more on the refugee's country of origin than on his/her fear of persecution, however well-founded. For example, while Kurds tend to be admitted into Italian territory and given access to the asylum procedure,

Albanians and Roma tend to be admitted in the territory and expelled soon after (even within the same day), while Chinese are rejected immediately.⁷

The period of permanence within the camps, as already discussed in chapter two, varies according to the refugees' effective access to the asylum procedure and not necessarily to the possession of the pre-requisites and motives of the flight. Hence, situations exist where *profughi*, independently of the information they received *in loco*, opt not to claim asylum and pretend to receive a decree of expulsion, generally understood as a pass for reaching northern European country. Once a decree of expulsion is issued, the *profughi* are generally going to leave the camps within a few days, while those who intend to submit an asylum application tend to remain for up to 20-30 days. However, once a permission of stay (or decree of expulsion) is issued *profughi* and/or asylum seekers are *forced* to go somewhere else. Whether they know where to go and whether they possess the economic means for reaching another area are not issues for the personnel of the camps. Despite legislative provision for financial support in the first 45 days, very few have managed to receive it. Hence, personnel at the centres tend to direct asylum seekers to the closest railway station without offering any indication of where to go or how to pay for the train tickets.⁸

Sicily

The situation in Sicily, another region affected by *profughi* influxes, is highly peculiar because the island is not equipped with adequate reception facilities. Fluxes tend to come from the countries of the Maghrib, and because of this origin, access to asylum information is generally not offered to a high number of *profughi* typically labelled as '*clandestini*'. What has been created in the island might be called a perverse mechanism by which the willingness to apply for asylum is accepted only if *profughi* come from countries where violations of human rights are well-known and occur on a large scale. In fact, those coming from Maghrib as well as from China are *a priori* denied access to asylum without an accurate case-by-case evaluation.⁹ They are immediately sent back to the country of provenience and/or to the nearest cpta (centre of temporary permanence and assistance) before the operation of repatriation can take place after their identification.¹⁰ In very general terms, those few who are admitted to the procedure of asylum are often abandoned to themselves, while the organisations specialising in asylum, which are very few, move constantly from one part of Sicily to another struggling to guarantee a minimum service.¹¹ It is quite difficult to guess the

real number of asylum seekers for a few reasons. Firstly, because Sicily has not provided sufficient reception centres,¹² most of the asylum seekers tend to move to other regions or to live in Sicily without possessing the appropriate permission of stay. Secondly, rarely does the interview before the Central Commission take place because either no notification has been delivered as the address is unknown, or conversely they do not possess enough money to go to Rome for the interview.¹³ In all of these cases, they live in a situation of 'forced illegality' and dependence upon their capacity to invent strategies of survival.

Friuli Venezia Giulia

A further area of entry exists between the region Friuli Venezia Giulia and Slovenia, where the influxes are quite constant though less visible when compared with the cargo-boats that reach the southern Italian coasts carrying hundreds of would-be refugees.¹⁴ In this northern region has been created the so-called 'bulletin of the expelled', which reports daily on the number of the decrees of expulsion.¹⁵ What is impressive is the high number of those expelled as well as the 'ridiculous' number of those who apply for asylum. The provinces most affected by *profughi* fluxes are Gorizia and Trieste, though the local responses are completely different. In the case of Gorizia, the general attitude of the police is to issue a decree of expulsion, after having stopped *profughi* at the local railway station, where they are easily recognised.¹⁶ The almost complete absence of information as well as of interpreters leads automatically to the expulsion of the vast majority of would-be refugees, because of their failing to state *verbally* the word 'asylum'. Such a magic (and vital) word should presumably be expressed in Italian, as no interpreters are provided by the police forces. During 1999 something like 2,890 were expelled and 1,507 rejected, while in 2000 the number increased up to 12,763 expulsions, more than 2000 of which were readmitted to Slovenia.¹⁷ The number of those who submitted asylum requests during the year 2000 is surprisingly low – only ten persons – despite big influxes from Iran, Turkey, Sri Lanka and Afghanistan.¹⁸ This figure demonstrates what happens in those localities where there is no willingness to provide necessary information to the *profughi*, or to allow them the chance to explain the reason for their flight. As argued by the personnel of the Italian Refugee Council (CIR), the basic right to be informed and have access to the asylum procedure is more likely to be respected once the influxes of *profughi* are numerically visible and cannot pass unnoticed.¹⁹

The situation in Trieste is completely different because the assistance provided within the city is quite positive, though the same evaluation does not apply to the service and assistance offered at the port of Trieste. The municipality has demonstrated a willingness to provide information: the creation of a 'section for political asylum' in the foreign office at the *Questura* (police headquarters) and of an information centre, which has been operating in Trieste since 1999, are two clear examples.²⁰ What is highly surprising, indeed, is the dramatic situation at the port of Trieste, which completely frustrates all the efforts of the city. During the past several years, the nearly complete absence of information has resulted in lots of rejections even of Kurdish *profughi* from Turkey. Even in cases where a willingness to apply for asylum has been expressed, the police tended to conduct some sort of pre-examinations arbitrarily leaving the would-be refugees no possibility of receiving the necessary legal information.²¹

2) Regions of exit

Trentino Alto Adige and Liguria

Trentino Alto Adige and Liguria are those regions where there is a highly visible movement of *profughi* and asylum seekers towards other European countries such as Austria and Germany (via Trentino) and France (via Liguria). The numbers of people in transit in both regions are considerable. In the year 2000 alone, about 10,000 asylum seekers (mainly Kurds) crossed through the region of Trentino, followed by a regular movement via Vintimille of approximately 10,000 asylum seekers of Kurdish origin, roughly 1,000 from China, and 2,000 from the Maghrib.²² Despite the high number of *profughi* and asylum seekers in transit across these two regions, and the fact that the phenomenon is both visible and known, very little has been done and the entry into force of the Dublin Convention has not modified local responses. In the eyes of local institutions these movements of people are institutionally invisible, as if the country has no responsibility to respond to such outflows. These outflows are certainly visible not only to Italian institutions but also to the authorities in Austria, Germany and France, and it is not rare that parliamentary enquiries take place in these countries on the issue of 'illegal entrants'.

In Trentino, in July 2000 a 'provincial plan for the assistance of *profughi*' was adopted, even though the project has not yet been implemented. However, the number of *profughi* to be assisted by the plan is quite low, if not ridiculous, as it considers the

creation of a centre of first reception for up to fifty-five people, or in exceptional circumstances temporary centres for 150 people.²³ The situation in Liguria is not dissimilar to the one of Trentino. No more than 200 asylum seekers reside locally, which is small when compared with an outflow of more than 12,000 each year. In Vintimille, despite the presence of well-organised and co-ordinated charitable organisations, the complete lack of reception centres nullifies any acts of solidarity as well as any attempt to produce reception.²⁴

3) Regions of permanence

Veneto, Piedmont, Emilia Romagna and Tuscany

As already mentioned the term of 'regions of permanence' as utilised in the Dossier Nausicaa is somewhat misleading, because regions such as Veneto, Piedmont, Emilia Romagna and Tuscany have not adopted policies of reception more than other regions. They are simply regions where the presence of asylum seekers and *profughi* tends to be more stabilised and more permanent. Despite differences among and within these regions, it is undeniable that *something* has been done, though this 'something' does not consist in the development of a well-established system of long-term reception. In some municipalities local energies have been enormously mobilised, though these energies have been *spatially* and *temporally* circumscribed to some groups of asylum seekers and/or *profughi*.

Veneto

The region of Veneto is one of the most active regions in terms of reception. It is also a quite attractive region for its local economic market that is able to incorporate 'newcomers' easily though usually the jobs on offer are within industries.²⁵ Policies of reception have been adopted recently and, in particular, small projects of reception have been developed in favour of humanitarian refugees, and it is these very experiences that have stimulated the development of more organised and co-ordinated projects. This interest in producing reception has led to the creation of a regional co-ordination centre that provides for accommodation and works in close contact with local institutions, charitable networks and national organisations.²⁶ Within this positive framework the so-called 'Oasis Project' (*Progetto Oasi*) has been developed through the direct involvement of some *Comuni* (municipalities), local associations and charitable networks. The project was created in 1999 after some members of the

'Committee for Peace and Reception of Schio' visited a 'first' reception centre in Puglia, and realised the need for the creation of the so-called 'second' reception centres beyond the requirements of emergency. The underlying logic of the 'Oasis project' was consequently to produce a process of reception that would initiate a process of integration eliminating, or at least reducing, those conditions of uncertainty, non-protection and abandonment that tend to characterise the living conditions of most asylum seekers.²⁷ The project responded to the needs of asylum seekers (after their 'forced' permanence in reception camps) through the creation of a co-ordinated project based on a logic of reception and solidarity. As a result, public information processes have been undertaken that aim to create a 'culture of reception' in order to facilitate the direct involvement of the local population in the project. In terms of reception, the project aimed to cover key areas of intervention which include necessary legal and medical assistance, support in terms of accommodation, job market and schooling for children.²⁸

Piedmont

In Piedmont, reception is quite different and local initiatives have responded differently to the presence of asylum seekers and refugees. For some years a provincial 'Co-ordination' for asylum has operated, which works in close contact with the local institutions of the province, the *Questura* and the Prefecture of Turin, and the many organisations of the area. The 'Co-ordination' has organised various initiatives that moved toward policies of reception, legal and work assistance for asylum seekers, refugees and *profughi*.²⁹ It should, however, be noted that, although the reception procedure tends to respond quite quickly to the needs of asylum seekers in terms of accommodation and the 45 days of financial contribution, assistance does not cover all the period up to the interview with the Central Commission. Furthermore, some reception centres run by volunteers tend to close for periods during the summer or, in cases of private centres, assistance terminates once the 45 days of financial contribution ends.³⁰ Within the region of Piedmont, apart from Turin, the only other province producing reception policies is Alessandria, which historically has been particularly responsive to the conditions of asylum seekers and *profughi*, and small experiences of reception have occurred.³¹

Emilia Romagna

Emilia Romagna is distinct, for despite having an historical tradition of 'foreign' reception, no official and well-established policy of reception has been developed. Even in a major city like Bologna, the processes of reception, as well as those of integration, are left completely to local and spontaneous social initiatives. The indifference of the political and social institutions has determined, quite naturally, conditions of marginality and social exclusion.³² In general terms, the local responses offered in the region vary enormously between one province and another, though in the vast majority of cases, most of the initiatives have traditionally responded more to economic migrants than to asylum seekers and *profughi*. Despite the existence of well-organised charitable networks and many active organisations, it appears that all their energies tend to be activated once an emergency explodes, instead of producing permanent mechanisms able to function all the time. In other words, *ordinarily* asylum seekers and refugees are institutionally invisible entities, a condition that changes *extraordinarily* once their presence reaches such a magnitude and their tragic living conditions become so apparent that something has to be done by local institutions.³³

Tuscany

The situation in Tuscany is not dissimilar from the one just considered, and despite its historical tradition of reception, most initiatives have been concentrated in favour of economic migrants.³⁴ Activities in favour of *profughi*, asylum seekers and refugees have started only in the past three years with the introduction of some specific services for them, including the development of a more organised system of information and of training personnel. The number of asylum seekers and *profughi* living in a situation of complete institutional invisibility is high and the first major reaction of the local population towards this 'unknown' phenomenon occurred in 1998 in reference to *profughi* from Kosovo. Those who arrived before the beginning of the NATO bombardment found themselves completely unprotected for at least two reasons: 1) vast majority were unaware of the possibility of applying for asylum; 2) the programme of protection in favour of the Kosovo-Albanians started only at the end of March 1999. A deeper awareness of the highly tragic conditions within the so-called 'abusive camps' (*campi abusivi*)³⁵ had the positive effect of stimulating a mobilisation both of the local institutions and population and the creation of a public debate on the issue of asylum and on the protection of *profughi*.³⁶

Metropolitan areas (Rome and Milan)

Though the situation of reception in Rome will be considered more deeply in chapter six, it will be pointed out here that centres of reception are highly insufficient (492 beds out of an average of 1500-1800 demands), and the waiting period before accommodation is provided ranges between one week for single males and up to three months for families.³⁷

The reception situation in Milan is not dissimilar from the one in Rome and the number of 'disappeared' asylum seekers is rather high: 212 out of 556 asylum seekers who presented an application at the *Questura* of Milan in 1999 simply disappeared. Although the number of reception centres is rather high (80 only in the province of Milan with up to 5,658 beds available), the centres specific for asylum seekers number only 4 with a total of 126 beds, and none of the centres is organised to accommodate families.³⁸ In Milan, as is common, reception policies directed towards asylum seekers have started to be implemented only recently, through the development of organisations specialising in their legal, medical and social assistance. The lack of a centralised office able to co-ordinate the different offices and services represents a serious limit, particularly in a big city like Milan, where some services are often duplicated, while others are completely forgotten, and it is not always clear who-does-what.³⁹ The situation is further complicated by the lack of adequate training of the personnel at the *Questura*, which results in differentiated treatment of those asylum seekers who are assisted by specialised operators and interpreters, and those who are not.⁴⁰

To conclude, despite the differences within the peninsula, access to information and legal advice is, in the vast majority of the cases, left at the discretion of the police forces and local institutions. What is surprising is that the Dublin Convention has not encouraged the creation of adequate infrastructures able to provide the necessary legal assistance as well as reception centres able to respond to the well-known specific necessities of the regions. Although it is undeniable that the absence of any asylum law renders *per se* the adequate assisting and protecting of asylum seekers impossible, it is also true that the few norms that do exist are not sufficiently (if at all) implemented. This is certainly the case of the creation of first reception centres at the borders as well as the access to legal advice and interpreters.

4.3 RESPONDING TO HUMANITARIAN REFUGEES

At this point of our discussion, an important distinction needs to be considered between the so-called 'humanitarian refugees' (generally understood as in need only of *temporary* protection) and 'statutory refugees' (as defined in the 1951 UN Convention).⁴¹ This is a *legal* distinction that has been crucial in determining the adoption of different schemes of protection and assistance. Until the 1998 Immigration Act, Italian legislation contained no legal provision for the protection of humanitarian refugees and this legal lacuna has been partially fulfilled through the adoption of *ad hoc* legislation in response to each '*profughi* crisis'. This has certainly been the case for *profughi* from Somalia, the former Yugoslavia, Rwanda, Albania and Kosovo. In all other cases, *profughi* were subjected to article 1 of the 1990 Martelli Act and were entitled to submit an application for recognition of the status of refugee as guaranteed in the UN Convention, as already considered in chapter two. If one looks exclusively at the *legal* aspects, humanitarian refugees have been somewhat privileged in comparison with statutory refugees, but if actual practices are taken into account as well, the comparison becomes more complicated. The complication is due to the fact that *profughi* in Italy are constantly trapped not only within a system lacking adequate legislation but, more tragically, also within a system where application and respect of legal norms are left to the discretion of local authorities. Consequently, in order to offer a general picture of the national situation, it is necessary to consider the two categories of refugees separately as the procedures have been different.

An analysis of the so-called 'humanitarian refugees' is important because it further clarifies not only how the legislation has evolved during the past decade but also why it is argued that Italian reception is highly *selective* and *spatially and temporally situated*. The following sections will briefly evaluate those policies produced towards influxes of *profughi* coming from Somalia, the former Yugoslavia, Albania and Kosovo. In general terms, it can be affirmed that the kind of reception offered responded not only to a logic of temporary economic assistance but also to an assistance based on a logic of *assistentzialismo*. No plan of settlement has been examined at the governmental level, because no intention to produce policies of long-term inclusion has been shown. The presence of well-established charitable networks remain, however, crucial in creating more positive responses, for the more the institutions have been prepared to actively operate and participate in reception activities, the more effective these policies have been. The cases briefly considered aim

to emphasise why many factors need to be taken into account simultaneously: the legal lacuna and/or the different interpretation of the legislation; how the legislation becomes effective at the local level; the existing local networks; and how the image of the *profughi* is constructed. All these elements have determined and influenced the dividing line between those that have or have not received not only a *humane* reception but a reception at all.

Broadly speaking the cases of *profughi* from Somalia and from the former Yugoslavia clearly exemplify the slowness of the government to enact *ad hoc* legislation and the consequent slowness of the reception machine to function, as well as the unwillingness of most municipalities to produce any reception. The responses offered to *profughi* fleeing from Albania (particularly in the summer of 1997) were quite exceptional as for the first time a policy of mass expulsion was adopted, and *ad hoc* legislation was enacted exclusively regarding those Albanians who disembarked in Italy in March 1997. The government's response during the Kosovo crisis was also distinct: for the first time, the country adopted a pro-active approach and the programme of reception was organised before the actual arrival of the *profughi*. Finally, it has to be noted that the language utilised for 'categorising' the *profughi* has been quite different, and no sign of a *de facto* evolution in term of respect has been introduced in the legislation. In particular, they have never been officially and legally defined as 'humanitarian refugees', not even the Kosovo-Albanian refugees. Despite 1998 Immigration Act guarantees, through a decree of the President of the Ministers of Council, the adoption of

temporary protection measures ... for relevant *humanitarian exigencies*, in occasion of conflicts, natural disasters or other particularly serious events within countries not belonging to the European Union [article 18(1)] (Emphasis added)

article 18 does not refer specifically to humanitarian refugees. The article concentrates, indeed, on the occurrence of 'conflicts, natural disasters or other events' which generate 'humanitarian exigencies' – and not 'humanitarian refugees' – and require the adoption of 'temporary protection measures'.

The Somali '*citizens*'

The legal condition of the *profughi* fleeing the devastating civil war in Somalia at the beginning of the 1990s has been quite peculiar. Although the vast majority did not qualify for the status of refugee, as specified in the 1951 UN Convention, they could

not have been deported because of the ongoing violent conflict. Hence, once the request of asylum was rejected by the Central Commission, most of them (nearly 8,000) started to live in limbo, a situation of mere 'physical acceptance', of a condition which offered no legal permission to stay in the country, not even on humanitarian grounds. This condition persisted until the ministerial decree of the 9th September 1992⁴² accorded them greater, albeit temporary, legal status. Although it did not much improve their living conditions, the decree tried to redress refugees' uncertain status. Acknowledging that the internal situation in Somalia prevented any process of repatriation, it decreed:

[t]o Somalis citizens living within the national territory, ... can be issued, upon request, a temporary permission of stay for working or studying reason, for a maximum validity of one year. Such permission is renewable, if the conditions of impediment to repatriation remain.⁴³

A few considerations need to be drawn from the above article. To begin with, the legal instrument adopted, an administrative act, was certainly not adequate to fully respond to the living conditions of the Somalis. The mere possession of a permission of stay *per se* provides nearly nothing at all, save the possibility, if not certainty, of being subjected to exploitation within the economic market. In addition, a *temporary* permission of stay, and the constant fear of being repatriated at any time, automatically prevents the possibility of setting down in the country or creating less precarious living conditions.

The vast majority of Somalis lived in Rome and they tended to reflect the very same ethnic groupings that characterised their lives in Somalia.⁴⁴ The repetitions in Italy of the ethnic divisions of Somalia had an enormous impact on their living conditions, not simply because the support for housing and general services was filtered by their own clan of 'belonging', but also because these divisions prevented the creation of an 'overarching Somali community' which could have made its voice heard in a much stronger way by Italian institutions.⁴⁵ In particular, the ethnic divisions among the Somalis has been a 'profitable' source of business for some NGOs who proposed projects to the local Social Services for assisting Somalis, as specified in the 1990 Martelli Act. Unfortunately the majority of organisations that operated these projects were not run by Somalis but by Italians who set up the 'legal' participation of Somalis within the organisation solely for the purpose of obtaining funds. Once funding was obtained, very little, if any, actually assisted Somalis.⁴⁶ The Somalis themselves,

within their own clan, have ended up following those organisations that made more promises than others and used public funding to reproduce mechanisms of mere assistance and economic support, without any attempt to create long-lasting conditions for a more stable and less dependent way of life.⁴⁷ Despite some attempts particularly from the Red Cross and the Evangelistic Churches to create conditions for moving beyond policies of mere 'parasitism' toward policies that would have encouraged their being autonomous, such attempts wretchedly failed. As M. Delle Donne put it,

[i]n practice, the *education to assistenzialismo* has so much assuaged their awareness that some elements of the same ethnic group or clan control the situation and exploit it, becoming the spokesmen of those who consider profughi as a *business*.⁴⁸ (Emphasis added)

To conclude, in the case of the Somali *profughi*, it is possible to talk neither of mechanisms of inclusion nor of any proper reception policy as result of the absence of the elaboration, at the governmental level, of a general plan aiming to include them within the Italian context. The political institutions have clearly left all responsibility to local organisations which in the majority of the cases were more interested in receiving funding than in establishing not only the every-day needs but also a policy of reception that would have accepted them not simply *physically* but would have included them *socially* and *economically*. This perceived condition of a 'negated' inclusion has clearly and strongly emerged in the twenty interviews conducted by Delle Donne during her research. In particular a strong feeling of betrayal from the Italian institutions has come out from the interviewers. Despite the fact that Italy played a crucial role in Somalia up to the 1980s and the Italian language was officially taught there until 1972 in all the classes, no special attention has been given to Somalis. It is consequently quite interesting to conclude this section quoting some of the comments that have been expressed by some Somalis during the interviews:

[i]f we Somalis came here it is because we have been for many years an Italian colony / ... We do not receive any assistance from the Italian government ... Italy is my second country ... I have a right of living and remaining here, ... I am not as another foreigner / ... once you arrive in Italy, you realise that you are much more far away from Italians than when you were in Somalia / ... Italy has disillusioned me because it has pretended that we are as all the other Africans / ... you wanted us to learn Italian but you do not want us in Italy! And we cannot certainly speak Italian in Africa / ... all the organisations here aim only to steal money. ... they want us to do nothing, so they can have the money to assist us.⁴⁹

The '*sfollati*' from the Former Yugoslavia

The Italian government failed to juridically recognise those who fled from the Bosnia-Herzegovina conflict as refugees, opting instead for the definition of 'the *sfollati* (evacuees) from the former Yugoslavia'. The official and legal adoption of such a terminology exemplifies *per se* the unwillingness of the central political institutions to recognise a well-defined set of rights and, hence, to provide for the development, at the local level, of policies of settlement. The legal differentiation between being an 'evacuee' and a 'refugee' is certainly big, and the ambiguities inherent in the legal definition reverberated in the reception policies themselves. Moreover, being evacuated from a place of danger (which can apply to both nationals and third-country nationals) is certainly not the same as fleeing because of persecutions and/or of violent conflicts. At the time, the logic of the government was quite clear: the *sfollati* will not be entitled to access the asylum procedure and the reception will be organised only on a temporary basis through the adoption of *ad hoc* provisions. However, such provisions have been expressed in such a way as to make the legal norms open to different interpretations, leaving each municipality completely free to decide whether to produce or not produce any policies of reception.

At the very beginning, the government limited its action in decreeing some extraordinary, though quite confusing, measures⁵⁰ and a more coherent legal initiative arrived only at the end of 1992 with the enactment of *ad hoc* legislation (390/92 Act).⁵¹ The 390/92 Act provided for the adoption of "extraordinary humanitarian interventions" in favour of those evacuees who fled from the territories of the former Yugoslavia and entered the Italian territory after 30 June 1991.⁵² Those refugees who fled from the conflict before that date were left unprotected and were, *de facto*, not included within the category of *sfollati*. Moreover, although the 390/92 Act guaranteed to cover the costs connected with the reception plan, it failed to create any obligations on the Italian municipalities to develop any plan of reception, even if the number of *sfollati* living in their territory was quite high. The municipalities were, consequently, obliged neither to take any steps nor to act within specific deadlines. They were completely free to act, or not act, as they pleased, because the legislation decreed simply for the allocation of financial support in case of action. And here the legislation was expressed using a generic formulation that, if taken more seriously, would have allowed for a satisfactory plan of reception. As expressed in article 1(3), each

municipality could have arranged the reception system locally, given that the central institutions were to cover all the costs

related to reception, transportation, lodgings, board, clothing, hygienic-sanitary assistance, socio-economic assistance and any other necessity related to every-day life.
[article 1(3)]

Although the legislation specified the kind of assistance and the connected costs, it left unspecified what the *profughi* were supposed to do apart from receiving *passively* the assistance that each municipality was going to deliver to them. Moreover, while on the one hand, the costs of reception were not dependent on the economic resources of the regions but on the national budget, on the other hand, the definition of *sfollati* contained in the 390/92 Act created *per se* lots of uncertainties regarding the set of rights to be attributed to the *profughi*. In particular, apart from the respect of the principle of *non-refoulement*, it was not clear which rights were going to be, *de facto*, guaranteed to them, or how the category of *sfollati* was going to be identified. These uncertainties led to the adoption of policies clearly based on the logic of *assistenzialismo*, forcing *profughi* to remain in the country (quite often in the so-called refugee camps) and to be assisted, and taken care of, according to the decisions of each municipality. It took three long years from the beginning of the conflict in the Bosnia-Herzegovina up to the 1994 ministerial directive,⁵³ before the government realised that temporary measures, based on the logic of *assistenzialismo*, were unacceptable and that *profughi* could not be left completely out of the labour market and of the Italian educational system. Needless to say, in practice, huge discrepancies, if not discriminations, in the implementation of the law occurred as a result of the enormous delays in enacting *ad hoc* provisions, of the legal lacuna as well as of the high degree of juridical flexibility. The first and more visible discrimination related to the *sfollati* belonging to the Roma ethnic group. They were (and still are) generally considered 'Gypsy' and because 'Gypsy' in many cases, they did not receive any attention or economic support, because they were assumed not to 'belong' to the category of *sfollati*. Furthermore, many of those who arrived before the 30th June 1991 could not obtain any permission to stay (article 2, 390/92), because of the legal restrictions contained in the legislation. In the vast majority of cases, they received an order to leave the country (a decree of expulsion), an order that was generally connected to the fact that they were living in the country without possessing the 'right' legal paper. But, while on the one hand, they did not receive any permission of stay, because they

entered the country before the date established by the government, on the other hand, they were not going to be sent back⁵⁴ in respect of the principle of *non-refoulement*. They clearly lived in a condition of 'physical acceptance', in the sense that the only legal document that would have legitimised their presence in Italy as well as guaranteed some economic assistance, could not be issued to them, because of the restriction expressed in the legal norms.⁵⁵ Their *physical* presence in Italy was, hence, accepted, though no valid permit of stay was issued, nor was any social and economic support delivered to them.

Although the Italian political authorities intervened on numerous occasions in the attempt to clarify how the legal norms ought to be interpreted, those interventions had very limited impact in ameliorating the living conditions of the *profughi* as well as in eliminating the *de facto* discrepancies in providing assistance and/or in speeding up the process toward the adoption of adequate receptions. If the condition of the *profughi* of Roma origin is considered alone, the number of those who have been effectively assisted has been impressionably low. Out of 10,340 living in a condition of 'emergency' and out of 4,400 that were entitled to be assisted, only a small minority of 1,060 people have actually received protection and support.⁵⁶ In the vast majority of Italian municipalities, local political institutions have taken no action whatsoever, and in few cases they simply carried out some investigations in order to have a picture of the numbers of the Roma *sfollati* who were living, or better surviving, within their territory. Although the principle of *non-refoulement* has been respected and, hence, '*profughi*' have not been sent back, in the vast majority of the cases, the Italian institutions have not produced policies that would have allowed them to be included within the society, and, hence, *profughi*'s self-help strategies clearly dominated.

The Albanian *profughi-extracomunitari*

The so-called *questione albanese* (the Albanian issue) exploded in 1991 during March and August and a few years later in 1997 between March and September. Most of the public and political attention during both 'crises' tended to focus more on the image of the Albanians than on the dramatic conditions from which they were escaping. It is this image that has profoundly shaped the politics adopted. The picture representing the Albanians, at least during March 1991, was highly positive as they were portrayed, as expressed in two national newspapers *Il Giornale* and *La Repubblica*, not as 'aliens' but as brothers, as part of Italian history and culture:

*Albanians are not extracomunitari as the others, they are our extracomunitari. They speak Italian, they have our same face. ... Hence, we have the duty of helping these new 'Italians' (Il Giornale, 11.3.1991). ... [S]hall we be honest? The integration with Albanians will be incomparably much easier because they are like us, we share the same history, they want what we want, they desire what we desire ... a secular, tolerant society. (La Repubblica, 10.3.1991)*⁵⁷

This initial welcome attitude expressed publicly during March 1991 was to be dramatically modified just after few months when a fear of invasion prevailed, and such a fear was perceived unanimously by the government, the public opinion and the mass media. During the summer, the media started not only to reproduce a very negative image of the Albanian *profughi* but, at the very same time, they also kept diffusing messages of the enormous dangers that the *questione albanese* were soon going to create to the country. The vocabulary utilised by the press offers a clear picture of how effective the mass media have been in reconstructing a very negative image of the Albanians. Within Italian public opinion, strong feelings of fear and hostility against 'them' tended to prevail from the summer 1991 onwards, feelings that became crucial in preventing any visible opposition against the policies of exclusion adopted by the government. The vast majority agreed that Albanians deserved not only to receive less than nothing but also punitive measures had to be adopted. The initial images of heroes escaping from "terror, the spectre of civil war, and the bloody repression of Tirana's regime" looking at Italy as "the dream of liberty"⁵⁸ was to be soon replaced with the image of an Italy invaded not only by "ugly, dirty and wicked" men, but also by men pictured as "garbage", infected by 'Asiatic' epidemics, such as scabies.⁵⁹

The first 640 'boat people' who arrived in Otranto on the 4th March 1991, received help exclusively from the local population who provided them with hot meals and warm clothes.⁶⁰ After 48 hours of complete silence from Rome, some civil servants were finally sent to Otranto but only to examine the legal situation of these "*transfughi*" (deserters).⁶¹ After just a few days, another 20,000 Albanians found their way to the port of Brindisi where they were dramatically forced to remain in the quay for two long days, transforming tragically the port, as a natural consequence, into a sort of "*bidonville*",⁶² carefully patrolled by the police. Although the local population provided some help, it was not sufficient since a population of 90,000 were not prepared to respond to an emergency of 20,000 desperate people. The gravity of the situation was well described by a volunteer who compared it to an earthquake that not

only leaves 20,000 people with nothing more than their desperation, but also leaves 20,000 people receiving their first help only after a week from the tragedy.⁶³ The Italian government finally did something but not to improve the conditions of Albanians but to prevent other desperate *profughi* from coming. It ordered, on the one hand, to stop and send back all the boats that were approaching the Italian coastlines, and on the other hand, made new promises to provide further financial help to the Albanian authorities.

Soon after the first emergency was somehow resolved *all'italiana*,⁶⁴ a new "biblical exodus"⁶⁵ came but this time a treatment, that not even animals normally receive, was awaiting them. This time, in August 1991 the government was, indeed, ready to respond to this new influx of *profughi*. It was ready to deprive these desperate human beings of their dignity, humanity and respect that everyone as human beings ought to receive.

The newly appointed Minister of Immigration, Margherita Boniver, the Minister of the Interior, Vincenzo Scotti, and the President of the Council of Ministers, Giulio Andreotti, decided to follow the hard line, preventing them from reaching the Italian coastlines or sending them back once they reached the Italian territory.⁶⁶ But unfortunately what was actually done was much worse than mass expulsion or *refoulement*. The 17,000 that disembarked in Bari from the cargo-boat *Vlora* were soon conducted to the stadium *Delle Vittorie*, where they were forced to stay for nearly a week, until the 14th August. As described in *La Repubblica*, observing their body and face, it looked like they were escaping from a concentration camp, and they were not aware that another concentration camp was in store for them.⁶⁷ They were not aware that the Italian authorities, thanks to Pinochet's lesson, were going to intern them in the stadium, after a long walk of two kilometres "in a queue that looked like an anticipated Last Judgement".⁶⁸ They spent nearly a week in the stadium which clearly resembled an 'internment camp', a camp that deprived them of their human dignity. They were washed down by the police forces with hydrants, fed with food thrown down from helicopters and constantly under police surveillance. They were constructed as if they were "beasts" and because of such a tragic construction, they were treated as beasts, imprisoned in a stadium, an "animal cage", a "zoo".⁶⁹

On 14th August the stadium was emptied by using a subtle stratagem, the false promise of letting them stay in the country. The Italian government utilised, tragically, as an official instrument of foreign policy,⁷⁰ a deceit in order to make easier the

embarkation of Albanians to the planes directed to their home country. The mass expulsion was not, however, as easy as the authorities thought. While the vast majority of Albanians were sent back to their country without much trouble, some 1,900, the so-called 'irreducible', after prolonged fighting with the police over refusing to go back, obtained a temporary permission of stay, advocating that instead of dying in Albania they would rather die in Italy.⁷¹ Having pronounced these 'magic words', the authorities could not forcibly return them home according to the international principle of *non-refoulement*, and had to verify, consequently, the validity of their statements.⁷² All the others, despite screaming and crying during all the procedures of repatriation, had not been offered the same chance of staying in Italy, even on a temporary basis, because they did not pronounce the 'magic words'.

At this point one might ask: why all this cruelty? Did it have to happen in such an inhumane way? Tragically enough, the Italian authorities have been unable to find the legal instruments for defining the status of these people. They have been unable to define whether they were *extracomunitari*, immigrants, stowaways or refugees.⁷³ The only answer they found was based on a construction not only of a very negative image of Albanians, but a construction based on the principle of the *non-existence* of the Albanians as human beings.⁷⁴ What was tragic was that such a construction of non-existence had a clear and strong "*political* character", a character that did not prevent, though, acts of solidarity particularly coming from voluntary associations.⁷⁵

The adoption of such a hard line was, certainly, not the only option for the Italian government. One possible alternative was to face the situation of emergency by approving some temporary and extraordinary measures which would have appeared 'normal' considering the Italian way of solving conditions of emergency. In particular, they could have adopted the very same tactic as during the first crisis in March. The government could have decided to derogate from the law or even, as commonly happens in the Italian *praxis*, welcome them and leave the responsibility of finding solutions to local authorities and to voluntary organisations. The government decision was, instead, presented *as if* it was the only available alternative, and such an alternative was to apply literally the provisions of the Martelli Act.⁷⁶ Such a decision was dictated by the firm intention of the government to drastically discourage future influxes and to demonstrate, at the very same time, to its European partners that the country was perfectly capable of responding to unwanted inflows.⁷⁷ After the tragic resolution of the crisis, the prevailing public opinion was not only a "sense of relief"

but also a sense of satisfaction for the way the Italian government solved the crisis. Italians could now continue to enjoy their summer vacations as the condition of social alarm was finally under control.⁷⁸

Six years after the first Albanian exodus, a new crisis was about to explode in Albania, as a result of the collapse of the financial pyramid schemes since early January 1997. After the re-election of Sali Berisha in 1996 in Albania, not only the political situation started to deteriorate but serious abuses of human rights were registered as well. The breakdown of the country had not only national repercussions, as the government responded with a long series of repressive measures, but also international ones, as European countries had to evacuate their nationals using military forces.⁷⁹ Italy was soon going to face the political dilemma of deciding which responses the country was willing to adopt this time. Was it a military response or was it a humanitarian response? And here, the Prodi government clearly revealed that a coherent policy towards the crisis was non-existent. On the one hand, the government was persuaded of the necessity of a military intervention for restoring order in the country and convinced the United Nations to provide the mandate for a military-humanitarian intervention, led by Italy, with an international force of 6,000 soldiers.⁸⁰ On the other hand, after the arrival of more than 15,000 Albanians, from early March, not only was Italy not willing to receive the Albanian *profughi*, but it also adopted an aggressive policy, patrolling all the southern coastlines with the clear intention of preventing newcomers from reaching the coast. The government was not only disposed to “strictly drive back”⁸¹ any boats but the Italian navy was authorised, thanks to an intergovernmental agreement with the Albanian Ministry of Defence, signed on 24th March, to drive back even those boats navigating in international and/or Albanian waters. The patrol was soon transformed into a blockade, during which many tragic episodes occurred, episodes that clearly emphasised the contradictions of the Italian policy. In particular its willingness to lead the command of a UN military-humanitarian intervention was dictated more by the desire to establish order in Albania than to respond to the tragic conditions of the Albanian population. The decision to opt for a blockade clearly revealed that humanitarian concerns were not at the top of the Italian agenda. The country wanted clearly to stop and to prevent any inflows of Albanians, whose images were constantly stigmatised by the majority of political parties and the mass media. The picture of Albanian *profughi* presented by the media was much worse than negative; they were represented as a “dangerous menace”,

coming from a country “infected by the communist virus”,⁸² as “hooligans” and as barbarians invading the Italian soil.⁸³ What prevailed at that time was, as Dal Lago has defined it, a “*consensual social construction*”, a construction of the Albanians as a plague and as a threat to the country.⁸⁴ And the Italian government was, tragically, unable to critically analyse the prevalent image constantly reproduced by the media during all the period of the crisis. No voice, either at the governmental level or at the population level, was heard in favour of producing a policy of reception, even on a temporary basis, towards the Albanians. Not only was no one in favour of producing a (humane) reception policy, but even worse the crisis has been often represented not as an *Albanian* crisis, despite the collapse of the country into chaos, but as an *Italian* crisis, an Italian internal affair.⁸⁵ Thanks to such a construction, the discourse relating to the *real* victims of the crisis shifted from Albanians to Italians. The real victims were not Albanians but Italians, Italian businessmen forced either to escape or to protect their factories with arms, the Italian tourist industry, particularly the Adriatic *Riviera* and the region of Puglia where some Albanians had been dispersed, after having managed to enter into the country.⁸⁶

To conclude, apart from the very beginning in 1991, the mechanisms created towards the Albanian *profughi* have been only, and tragically, mechanisms of exclusion, an exclusion that has been expressed not only at the political level, but also by public opinion which accepted uncritically the negative and stigmatised message of the press. A clear tacit consensus has been manifested, no one wanted ‘them’, and their very presence in the Italian soil was perceived as uncomfortable, as a menace, as a threat, as a problem to be solved through the adoption of policies of exclusion.

The Kosovo-Albanian *profughi*

A pro-active approach and a strong willingness to provide a prompt humane reception, which has rarely, if ever, characterised Italian policies during the 1990s, were no doubt the key factors that tended to dominate the reception scenario during the Kosovo crisis. Although some delays and malfunctions occurred during the process,⁸⁷ the overall operation was certainly highly positive particularly if compared with the reception, or better the *negated* reception, towards the Albanian influxes. It has, however, to be noticed that the scenario is still dominated by policies oriented to provide essentially temporary protection and not to create mechanisms of inclusion that would have allowed for the creation of conditions of settlement in the country.⁸⁸ However, all the

negative images, all the panic of invasion and all the tragic episodes registered during both the Albanian crises in 1991 and in 1997 have not been reproduced during all the period of the crisis. What did dramatically change was the different perception of the crisis which, this time, was considered essentially in humanitarian terms. The desperate conditions of the *profughi* became the real issue and all the energies of the *whole* country concentrated consequently on the relief operations that needed to be carried out as well as the organisation of the reception camps via the mobilisation of all those forces present in the charitable networks.

All the media attention was certainly focused on the conflict, concentrating particularly on the cruel methods of massacre and genocide perpetrated on Kosovo Albanians and on the thousands of *profughi* constantly fleeing to the borders of neighbouring countries. Everyone agreed that it was “a human catastrophe with no precedents”⁸⁹ and because of that, no one questioned that the country, and the government *in primis*, needed to mobilise all its available energies for responding positively to the desperate and extreme conditions of *profughi*. The constant reproduction of cruel images of the ethnic cleansing stimulated and provoked not only a positive response to *profughi* but also succeeded in concentrating all the efforts to operate more efficiently and rapidly. Continuous appeals for financial contributions to the so-called *Missione Arcobaleno* (rainbow mission) promoted by the government, dominated the TV programmes and newspaper. As effectively expressed in *La Repubblica* the relief mission was

an humanitarian intervention aiming at relieving concretely all the sufferings of the whole people. It is an act of peace, a signal of hope to actively sustain. ... It is always the time for fundamental principle of humanity. The ‘Missione Arcobaleno’ is inspired by these values, an extraordinary effort to assist and help the *profughi* from Kosovo which cannot come solely from the government.⁹⁰

Although there has been a general agreement, even amongst other European countries, that help and assistance have to be delivered to *profughi*, there has been no general agreement on where the relief operations should be carried out. The political dilemma was certainly not new: was it better to financially help the countries where *profughi* were fleeing or was it time to rediscover a deeper commitment towards asylum, allowing refugees to secure their life away from the Balkans? In very general terms, it was agreed that, on the one hand, it was necessary to keep *profughi* as close as possible to their home in order to make their return easier once the conflict was over, and on the other hand, to provide only temporary protection to those arriving in the European

country. And Italy moved towards both directions. It provided, in Albania, for the delivery of basic 'materials', in terms of human forces and basic needs to be provided in the refugee camps and, it arranged *in loco* for reception centres, particularly in the southern Italian regions.

Quite surprisingly, the country was soon mobilised. On the 21st March a 'war cabinet' meeting was convened, where Massimo D'Alema, the then-President of the Council of Ministers, declared

[w]e need all the emergency instruments available in our country. ... Kosovo is experiencing a military offensive against civil population and this is unacceptable.⁹¹

On Friday 26th March the Council of Ministers declared the 'state of emergency' according to article 18(1) of the 1998 Act, regarding 'temporary protection measures for relevant humanitarian exigencies' which allowed the 'emergency machine' to get started.

What was quite surprising for a country like Italy was not only that the country was ready to receive up to 25,000 *profughi* and approximately 14,000 in Puglia alone,⁹² but it managed to be ready before the inflows of *profughi* actually reached the Italian coastlines. And what was even more surprising, considering the situation of the 'everyday *clandestini* emergency', was that the initial non-arrival of the *profughi* created lots of anxieties. Such anxieties were clearly expressed by Emma Bonino, MP of the Radical Party who stated:

we fear that the worst is going to happen for the people of Kosovo ... But the real problem is that only few *profughi* are coming. And this is worrying. It means that in Kosovo conditions are so insecure that the people do not even find the courage ... to flee.⁹³

At the same time, the Minister R.R. Jervolino declared to be prepared even to send the navy to the other side of Adriatic to get the *profughi* from Kosovo,

we will not leave ... the *profughi* in the hand of speculators and we will not leave them in the hands of those who select the possibility of salvation according to income.⁹⁴

To conclude, financial contributions together with the relief operations and the work in the reception centres were without doubt huge and without precedent within the Italian context. As specified by M. D'Alema, more than five million Italians did financially contribute to the *Missione Arcobaleno*, hundreds of volunteers worked in Albania and in the Italian camps in the territory of Kosovo, 129 billion lire (circa 43 million pounds) came from private donations, 70 billion lire directly from the government,

more than 60,000 people were assisted and 2,300 containers were arranged to be delivered within two months.⁹⁵

4.4 CONCLUSION

Although the present thesis is more concerned with evaluating the kind of reception adopted in response to the influxes of Kurdish refugees, the general overview offered in the chapter is, however, crucial for a better comprehension of the legal and social framework that prevailed within the Italian peninsula at the time the so-called 'Kurdish issue' (*questione curda*) exploded officially in 1997. More specifically, the chapter has tried to emphasise, on the one hand, the enormous differences that exist within the Italian regions and the way a constant and visible outflow of *profughi* and asylum seekers, who clearly wanted to move to northern European countries, has been officially and tacitly accepted by the Italian political institutions. On the other hand, the chapter has attempted to demonstrate why the reception policies adopted during the 1990s should be properly conceptualised as flexible, selective and localised, for the very reason that their organisation has not been the result of a national plan of reception but of the willingness (if any) of the local institutions. Moreover, as the cases considered have clearly demonstrated, the different responses were not simply the result of the way the legislation was interpreted and/or of the different reception facilities available locally, but more importantly they were intimately connected to the images of *profughi* that prevailed spatially and temporally.

NOTES

- ¹ ICS (ed.), 'Dossier Nausicaa. Primo Quadro sulla Tutela del Diritto d'Asilo in Italia', Dec. 2000, unpublished paper.
- ² Ibid., p. 13.
- ³ Ibid., p. 6.
- ⁴ Article 11(5) D.L. 286/1998 decrees the creation of services of first reception at the frontiers aiming to offer basic information and assistance to those *profughi* willing to apply for asylum.
- ⁵ It is not rare that interpreters are refugees themselves who arrived in the country within the previous year and are perfectly aware of the procedure because they have experienced it themselves. AHMAD, S., Italian Refugee Council in Calabria, interview held in Badolato Superiore, 22/05/2001.
- ⁶ See ICS, cit., pp. 22, 25.
- ⁷ Ibid., cit., p. 21.
- ⁸ Information gained by Kurdish asylum-seekers interviewed in Rome, and confirmed by the personnel of the Italian Refugee Council.
- ⁹ ICS, cit., p. 7.
- ¹⁰ The operation of repatriation is not, however, always as easy as one might expect. Before proceeding to repatriation, the necessary information on the identity of the '*clandestino*' has to be collected. Such an operation presupposes at least two conditions: 1) the information provided by the '*clandestino*' regarding his/her identity and country of provenience ought to be correct and accurate; 2) the destination country ought to be willing to collaborate and to offer prompt information. If within 60 days, there is no certainty regarding the identity of the '*clandestino*', s/he has to be released from the cpta and a decree of expulsion will be issued. As previously noted, a decree of expulsion simply requests the '*clandestino*' to leave the country within 15 days, without presupposing any officials to accompany him/her to the frontiers. RENDA, N., Immigration Unit at the Prefecture in Catanzaro, interview held in Badolato Marina, 17/06/2001.
- ¹¹ ICS, cit., p. 36.
- ¹² Ibid., p. 38. In particular, the whole region can host up to 500 asylum seekers within the reception centres, and it is not rare that many are located in cpta together with those awaiting their 'forced' repatriation.
- ¹³ Ibid., p. 37.
- ¹⁴ Ibid., p. 6.
- ¹⁵ Ibid., p. 31.
- ¹⁶ Ibid., p. 32.
- ¹⁷ Legally speaking, there is a huge difference between been expelled and been rejected. While in the first case, *profughi* are expelled, in the sense they receive a decree of expulsion, in the second case, *profughi* are physically sent back home, provided that their country of origin is known.
- ¹⁸ Ibid., p. 32.
- ¹⁹ DI RADO, D., Italian Refugee Council, interview held in Rome, 17/05/2001.
- ²⁰ ICS, cit., p. 34.
- ²¹ Ibid.
- ²² Ibid., pp. 40, 44.
- ²³ Ibid., pp. 41-42.

²⁴ Ibid., p. 45.

²⁵ Ibid., p. 56.

²⁶ Ibid., p. 57.

²⁷ Ibid.

²⁸ Ibid., p. 58.

²⁹ Ibid., p. 60.

³⁰ Ibid., p. 61.

³¹ Ibid., p. 60.

³² Ibid., p. 62.

³³ See for instance the way the Prefecture of Bologna has been mobilised in response to the tragic condition of *profughi* coming from the former Yugoslavia. OSSERVATORIO COMUNALE DELLE IMMIGRAZIONI, 'Assistenza ai Profughi: Quadro della Situazione Italiana. I Dati del Ministero dell' Interno', *Società Multietnica. Osservatorio Metropolitano delle Migrazioni*, August 1996, no. 2. <www.comune.bologna.it/iperbole/immigra/index.html> [Accessed 11 March 2001]; MINARDI, B., and FESTI, S. 'Relazione sugli Sfollati dalla Ex-Jugoslavia sul Territorio del Comune di Bologna' in *ibid.*; CIR, 'Relazione sul 2° Censimento di Cittadini Provenienti dalla Ex-Jugoslavia Presenti nel Campo di Via Agucchi del Comune di Bologna' in *ibid.*; VOLTA, C. 'Solidarietà con i Profughi Provenienti dalle Zone di Guerra della Ex Jugoslavia: l'Attivazione dei Centri di Accoglienza', in *ibid.*; TAROZZI, A. 'Il Rientro dei Profughi della ex-Yugoslavia Presenti nella Provincia di Bologna', in G. CAMPANI, F. CARCHEDI, and G. MOTTURA (eds.), *Migranti, Rifugiati e Nomadi: Europa dell'Est in Movimento* (Torino: L'Harmattan, 1998).

³⁴ ICS, cit., 63.

³⁵ The expression '*campi abusivi*' is used to mean those areas (generally located at the periphery of cities) transformed into a sort of living camp with tents and old caravans. The camps are generally '*abusivi*' in the sense that no official and legal permission to occupy that area has been given. The absence of hygienic and electrical facilities tends to transform, quite naturally, the camps into ghettos.

³⁶ ICS, cit., pp. 64-66.

³⁷ D'AMORE, F., cit.

³⁸ ICS, cit., p. 51.

³⁹ Ibid., p. 52.

⁴⁰ Ibid., p. 53.

⁴¹ The distinction between 'statutory refugees' and 'humanitarian refugees' is used here to make clear the difference between the two categories, though such a distinction has not been officially utilised in Italy until the 1998 Immigration legislation. See Act no. 40, 06/03/1998, 'Disciplina dell'Immigrazione e Norme sulla Condizione dello Straniero', *Gazzetta Ufficiale* no. 59, 12/03/1998.

⁴² Ministerial Decree, 09/09/1992, 'Norme sul Rilascio del Permesso Temporaneo di Soggiorno per Motivi di Lavoro o di Studio ai Cittadini Somali Privi del Riconoscimento dello Status di Rifugiato', *Gazzetta Ufficiale*, no. 252, 26/10/1992.

⁴³ Ibid.

⁴⁴ They tended to live within their own clan of origin, the Darood, Hauia, Isaaq and a fourth one which, moving beyond ethnic divisions, tried to incorporate Muslim Somalis together within the broad sense of belonging to Islam. See DELLE DONNE, M. *La Strada dell' Oblio. Richiedenti Asilo e Rifugiati in Italia* (Roma: Sensibili alle Foglie, 1995), pp. 86.

⁴⁵ Ibid., p. 87.

⁴⁶ Ibid.

⁴⁷ Ibid., pp. 87-88.

⁴⁸ Ibid., pp. 88-89; "di fatto, l'educazione all'assistenzialismo ha talmente assopito la loro coscienza che taluni elementi della stessa etnia o clan gestiscono la situazione e la sfruttano, facendosi portavoce di chi considera i profughi un business".

⁴⁹ Ibid., pp. 100-102, 104; "Se noi somali veniamo qui è anche perchè noi siamo stati per tanti anni una colonia italiana/ ... non troviamo nessuna assistenza dal governo italiano ... l'Italia è il mio secondo paese. ... ho diritto di vivere e restare qui, ... non sono come un altro straniero. / ... quando arrivi in Italia ti accorgi che sei più lontano dagli italiani di quando stavi in Somalia./ ... L'Italia mi ha molto deluso perchè ha fatto finta che noi siamo uguali a tutti gli altri africani. Ci volete anche voluto insegnare l'italiano e non ci volete in Italia! E noi l'italiano mica lo possiamo parlare in Africa. / ... le organizzazioni che sono qui, sono per rubare i soldi. ... Vogliono che non facciamo niente, così loro possono avere i soldi per assisterci".

⁵⁰ See *ibid.*, p. 123.

⁵¹ Decree-law no. 350, 24/07/1992, 'Interventi Straordinari di Carattere Umanitario a Favore degli Sfolati delle Repubbliche Sorte nei Territori della ex Jugoslavia, Nonchè Misure Urgenti in Materia di Rapporti Internazionali e di Italiani all'Estero', converted into Act 390, 24/09/1992, *Gazzetta Ufficiale*, no. 227, 26/09/1992.

⁵² Ibid. This is what the law contemplates in its title.

⁵³ See article 4(1) of the directive of the President of the Council of the Ministers, 14/04/1994, 'Controllo degli Ingressi sul Territorio Nazionale degli Sfolati delle Repubbliche Sorte nei Territori della ex Jugoslavia'.

⁵⁴ ZORZELLA, N. 'La Normativa in Materia di Profughi della Ex-Jugoslavia. Aspetti di Tutela delle Minoranze Etniche', *Società multiethnica. Osservatorio Metropolitano delle Migrazioni*, August 1996, no. 2. <www.comune.bologna.it/iperbole/immigra/index.html> [Accessed 11 March 2001].

⁵⁵ Ibid.

⁵⁶ OSSERVATORIO COMUNALE DELLE IMMIGRAZIONI, 'Assistenza ai Profughi, cit.

⁵⁷ Quoted in BALBO, L. and MANCONI, L. *I Razzismi Reali* (Milano: Feltrinelli, 1992), p. 65; "gli Albanesi non sono extracomunitari come gli altri, sono i nostri extracomunitari. Parlano italiano, hanno le nostre stesse facce. (...) Abbiamo dunque il dovere di aiutare questi nuovi 'italiani' (Il Giornale, 11.3.91). ... vogliamo essere sinceri? L'integrazione degli albanesi sarebbe incomparabilmente più facile proprio perchè ci sono affini, hanno la nostra stessa storia, vogliono quell che noi vogliamo, desiderano quell che noi desideriamo ... una società laica, tollerante. (La Repubblica, 10.3.1991).

⁵⁸ 'Fuga dall'Incubo Albanese. Sbarcano a Otranto 640 "Boat People"', *La Repubblica*, 05/03/1991; "terrore, dallo spettro di una guerra civile, dalla sanguinosa repressione del regime di Tirana"; "il sogno di libertà".

⁵⁹ DAL LAGO, A. *The Impact of Migrants on Italian Society. The Italian Case*. EC-DG XII – TSER, 1998, p. 183.

⁶⁰ 'Fuga dall'Incubo Albanese', cit.

⁶¹ Ibid.

⁶² 'Loro Hanno Fame e Noi diamo Bastonate', *La Repubblica*, 09/03/1991.

⁶³ 'Da Brinsisi SOS Disperato. "Intervenga l'Esercito"', *La Repubblica*, 9/3/1991. The Ordinance no. 2102/FCP, due to the large influx of Albanians, established special

- funds for creating reception centres in those areas affected by the situation of emergency. See Ordinance no. 2102/FCP, 13/03/1991, 'Interventi Urgenti in Favore dei Profughi Albanesi', *Gazzetta Ufficiale*, no. 62, 14/03/1991.
- ⁶⁴ Out of the 24,000 who arrived in Italy, only 650 have been granted refugees status; 14,000 were allowed to remain for humanitarian reasons; 4,000 were supposed to be sent back by 31 July 1999. The others, unsurprisingly decided to return spontaneously to Albania, after having spent two days in the cold winter in the port of Brindisi.
- ⁶⁵ 'Tornano i Disperati Del Mare. Migliaia di Esuli Albanesi sulle Navi verso l'Italia', *La Repubblica*, 08/08/1991.
- ⁶⁶ 'Vertice Notturmo con Andreotti, *La Repubblica*, 08/08/1991; 'Rimpatriati a Forza con un Ponte Aereo. L'Ordine: Non Sbarcheranno più', *La Repubblica*, 09/08/1991.
- ⁶⁷ 'Rimpatriati a Forza con un Ponte Aereo', *ibid.*
- ⁶⁸ *Ibid.*
- ⁶⁹ DAL LAGO, A., *cit.*, p. 186.
- ⁷⁰ BALBO, L., and MANCONI, L., *cit.*, p. 31.
- ⁷¹ "'Ecco Perchè Rimarranno Qui". La Vittoria degli Irriducibili', *La Repubblica*, 15/08/1991.
- ⁷² *Ibid.*
- ⁷³ DAL LAGO, A., *cit.*, p. 186.
- ⁷⁴ *Ibid.*
- ⁷⁵ *Ibid.*
- ⁷⁶ BALBO, L., and MANCONI, L., *cit.*, p. 31.
- ⁷⁷ *Ibid.*, p. 45.
- ⁷⁸ *Ibid.*, p. 32.
- ⁷⁹ PERLMUTTER, T. 'The Politics of Proximity: The Italian Response to the Albanian Crisis', *International Migration Review*, 1998, 32, (1), 206.
- ⁸⁰ *Ibid.*, p. 203.
- ⁸¹ See decree-law no. 60, 20/03/1997, 'Interventi Straordinari per Fronteggiare l'Eccezionale Afflusso di Stranieri Extracomunitari Provenienti dall'Albania', *Gazzetta Ufficiale*, no. 66, 20/03/1997; and decree of the President of the Council of Ministers, 19/03/1997, 'Dichiarazione dello Stato di Emergenza per Fronteggiare l'Eccezionale Situazione Derivante dal Massiccio Esodo delle Popolazioni Provenienti dall'Albania', *Gazzetta Ufficiale*, no. 66, 20/03/1997.
- ⁸² DAL LAGO, A., *cit.*, p. 183.
- ⁸³ See 'Ideologia del Rifiuto', *Il Manifesto*, 15/03/1997.
- ⁸⁴ DAL LAGO, A., *cit.*, p. 188.
- ⁸⁵ *Ibid.*, pp. 193-200.
- ⁸⁶ See 'La Puglia Finisce su "Blob": la Reazione dei Pugliesi', *I Quaderni Speciali di Limes*, March 1997, 1, p.72.
- ⁸⁷ The malfunctions concerned essentially the co-ordination of the operations of delivering goods. In particular, malfunctions have been clearly revealed when, after having collected goods of basic necessity, particularly thanks to the generosity of the Italian population, a great number of containers remained for long periods in the port of Bari before being delivered to the population in Kosovo.
- ⁸⁸ A Decree of the President of the Council of Ministers established the entry into force of a regime of temporary protection which provided for the issuing of a permission to stay for humanitarian reason from each individual coming from the zones of conflict with no distinction regarding the nationality, ethnic group and date of arrival in the country. The permission was initially valid until the 31 December 1999, but it was

renewable every six months until the conflict was over. However, the *profughi* were left free to apply for asylum – *ex* Geneva Convention – if they wished to do so.

⁸⁹ 'In Viaggio con i Profughi', *La Repubblica*, 29/03/1999; "*una catastrofe umana senza precedenti*".

⁹⁰ 'Aiutiamo Subito i Profughi', *La Repubblica*; "*un'intervento umanitario che ha l'obiettivo di alleviare concretamente le sofferenze di un intero popolo. E' un'azione di pace, un segnale di speranza da sostenere attivamente. ... E' sempre il tempo dei principi fondamentali dell'umanità. A questi valori si ispira la 'Missione Arcobaleno', uno sforzo straordinario di assistenza e aiuto ai profughi del Kosovo che non può essere solo del governo*".

⁹¹ 'D'Alema Convoca un "Gabinetto di Guerra"', *La Repubblica*, 22/03/1999; "*Dobbiamo predisporre tutti gli strumenti d'emergenza di cui dispone il nostro Paese. ... In Kosovo è in atto una offensiva militare contro popolazioni civili e questo è inaccettabile*".

⁹² 'Basi di Missili sulle Coste Pugliesi', *La Repubblica*, 24/03/1999; 'Comiso, dai Missili Nucleari ai Profughi del Kosovo', *La Repubblica*, 04/05/1999.

⁹³ 'Troppo Disperati Anche per Scappare', *La Repubblica*, 28/03/1999; "*Temiamo il peggio per la gente del Kosovo. ... Ma il vero problema è che vediamo arrivare pochi profughi. E questo è preoccupante. Evidentemente in Kosovo ci sono condizioni di tali insicurezza che la gente non ha neanche il coraggio ... per scappare*".

⁹⁴ 'Case e Scuole per i Profughi. L'Italia si Prepara all'Esodo', *La Repubblica*, 28/03/1999; "*non lasceremo ... i profughi in mano agli speculatori e non li lasceremo in mano a chi seleziona le possibilità di salvezza in base ai redditi*".

⁹⁵ 'Perché ha Funzionato la Missione Arcobaleno', *La Repubblica*, 01/09/1999.

CHAPTER FIVE:

KURDISH REFUGEES AND THE POLITICAL DISCOURSE

5.1 INTRODUCTION

While in chapter four attention was devoted to offering a general overview of the regional reception peculiarities and to evaluating the kind of policies that have been organised during the 1990s in response to humanitarian refugees, in the present and following chapter, attention will shift towards a close evaluation of the reception responses (and non-responses) that have been developed towards Kurdish refugees. The last two chapters are closely connected to one another, although the level of analysis is completely different. While the following pages will analyse how the Italian national political institutions have perceived and tackled *politically* the problematique of reception, the next chapter will, indeed, explore how reception has been *de facto* developed.

The present chapter will attempt to offer a general overview of the political debate that emerged in Italy during two historical moments: 1) when the so-called Kurdish 'emergency' officially exploded between November 1997 and the beginning of January 1998; and 2) when Abdullah Ocalan, leader of the Kurdistan Workers' Party (PKK), arrived in the country (12/11/1998) and presented a request of asylum. An analysis of these two periods will exemplify why the introduction of political determinants radically modified the traditional Italian way of responding to 'emergencies'. The chapter will, therefore, focus on the political discourse that arose as result of three big influxes of Kurdish refugees, and question why, since November 1997, a political debate has exploded; why the presence and transit of the Kurds has become highly politicised; why the institution of asylum has been adopted as if a political tool at the disposal of the political parties; and finally why Ocalan has been *selectively* and *politically* excluded from any protection. Because asylum (and reception more in general) was perceived as a political tool, the disembarkation of Kurdish refugees was no longer considered an issue of local authorities but, indeed, as a political and national concern for the very reason that the reception, that the Kurds were going to receive, would have impacted on the Italian external relationships with

Schengen countries – where the vast majority of the Kurds aimed to arrive – and from Turkey – where the vast majority originated. The key political question that dominated at that time was not simply what ought to be done, but what ought to be done given the new European rules, and that the vast majority of refugees were coming from a ‘friendly’ country like Turkey. The problematique of reception, officially raised in legal terms – who are the Kurds? Are they *profughi* or *clandestini*? – involved, indeed, a multiplicity of political issues. To begin with, if the Kurds were *profughi* escaping from persecutions, what kind of protection and reception had Italy to organise? How had reception to be interpreted? Could reception continue to be understood simply in terms of admission into the Italian territory? Could the Kurds be considered as *clandestini*, as result of the issuing of decrees of expulsion? Which factors (legal, political, economic, and ethical) were to influence the political decisions? To what extent was external political pressure to play a role within the decision-making processes? And last but not least, how did the Kurds themselves respond to the new European rules and to the changed position of the Italian authorities?

5.2 FROM THE ALBANIAN ‘CRISIS’ TO THE KURDISH ‘EMERGENCY’

The political and public debate, regarding which policy was the most appropriate in response to the so-called Kurdish ‘emergency’, has been preceded by the *questione albanese* (the Albanian issue), which exploded, as explained in the previous chapter, in March and summer 1997. Although the country’s response to the Albanians who disembarked during the summer has already been considered, it is however important to briefly explain the prevalent political climate and how this has affected the debate that arose in occasion of the disembarkation of Kurdish refugees (broadly defined).

Starting particularly from that summer, as result of the constant messages coming from the national press on the many ‘*clandestini*’ reaching the Italian southern coastlines, growing feelings of hostility and xenophobic reactions against ‘foreigners’ were slowly emerging, particularly within the urban areas. Moreover, a generalised dissatisfaction for the incapacity of the government to control unwanted influxes of migrants and for the manifest inadequacy of the Martelli Act in responding to *profughi* ‘emergencies’ were strongly expressed.¹ What was at stake, at that time, was the traditional dilemma of how to find an adequate balance between a strict application of the Martelli Act and the Catholic ethical duty of reception. More specifically, the country lacked any legal and political instruments that would have facilitated the

adoption of the necessary reception measures in response to big influxes of humanitarian refugees. This legal lacuna, which was going to be soon fulfilled thanks to the introduction of article 18 within the 1998 Immigration Act,² was clearly and officially exposed during the Albanian 'crisis' as Italy was *apparently* left with simply two alternatives. While on the one hand, the vast majority of Italians demanded the adoption of a strict interpretation of the Martelli Act, which presupposed the expulsion of all the Albanians from the country because, legally speaking, they were considered as '*clandestini*', as no *ad hoc* legislation was enacted for their protection, on the other hand, a small portion of the country demanded a response to the humane crisis through the adoption of some temporary measures of protection.³

As briefly considered in chapter four, the so-called *questione albanese* exploded in early March 1997 when a shipload of 15,000 Albanians reached the Italian southern coastlines and again during the summer. But while those Albanians who disembarked in March received a policy of temporary protection, those who arrived during the summer were offered solely responses of exclusion. Out of the 15,000 who arrived during March, 7,187 were still in the country by the end of August, and were going to be forcibly sent back by the 30th November 1997 as agreed by the two governments of Rome and of Tirana and the reception camps were going to be slowly closed down.⁴ The decision to respond with forced repatriation was strongly opposed only by two political parties, the so-called Communist Re-foundation Party and the Green Party who believed that alternative legal and more humane instruments could have been adopted, despite the non-existence of any legal norm concerning the protection and assistance of humanitarian refugees. Until the very last moment, before the order of deportation was going to be implemented, the key question still under discussion was: is it absolutely necessary to forcibly return Albanians to their country of origin? Is it the only available alternative? The vast majority of political parties as well as public opinion expressed no doubt about it, including the Catholic association *Caritas*, despite its traditional assistance to *profughi* and migrants.⁵

The adoption of such a hard line was certainly not the only option, as the government could have enacted some temporary and extraordinary measures as its 'usual' practice, instead of presenting the strict application of the Martelli Act as the only available solution. The decision to take a hard line was dictated by the firm willingness to drastically discourage future influxes and to demonstrate to its European partners the ability to respond to unwanted inflows. As cynically expressed, at the very

beginning of December, in a article in *Il Corriere della Sera*, the country adopted “the right line of legality” because the country has reached

the only possible point of equilibrium. The firmness to those who have to be repatriated or are not supposed to arrive. ... We have made no mistake with the Albanians.⁶

The message was quite clear: Albanians were not supposed to arrive in Italy, and their very arrival *deserved* to be treated not in humanitarian terms but by a strict interpretation of the legal norms, which did not contemplate any possibility of protection, even on a temporary basis. The spokesman of the Green Party, Luigi Manconi, believed, indeed, that an alternative solution to a plan of forced deportation could have been adopted and, for this very reason, he considered such political action as a

moral and political defeat. ... [I]t cannot be ignored that a country like Italy has not been able to offer an alternative solution to less than 5 thousand profughi.⁷

It was at the beginning of November, while the debate regarding which measures were appropriate for dealing with the *questione albanese*, that the so-called *questione curda* (Kurdish issue) exploded soon after 796 *profughi* disembarked at Santa Maria di Leuca (Lecce), on 2nd November 1997. Even on this occasion, as for the Albanians, the key dilemma was officially expressed in legal terms – who are they? are they *profughi* or *clandestini*? – although the biggest concerns were the political implications this question implied both in terms of the maintenance of good relationships with its European partners as well as with Turkey, from where the vast majority of Kurds originated. But, while for the *questione albanese* it was relatively easy for the vast majority of the political parties to demonstrate that Albanians were not *profughi* and that, after a short period of assistance, they were inevitably going to be repatriated, such a temporary solution could not be advocated so easily for the *questione curda*. The traditional legal dilemma – are they *profughi* or *clandestini*? – could not, this time, be solved by stating simplistically that the motives of flight were of economic nature.⁸

5.3 KURDS: FROM INVISIBILITY TO ‘EMERGENCY’

As already explained, the vast majority of Italian reception policies adopted during the 1990s tended to respond to a logic of emergency though the situations of emergency were neither unexpected nor unpredictable. The fact that the dominant political discourse continued to be articulated around the concept of emergency should not come as a surprise, particularly if one considers that the country lacked not simply an

asylum law but also adequate housing infrastructures for the reception of refugees. As a consequence, every time a new big influx of refugees reached the Italian territory, it was automatically perceived in terms of emergency and of crisis. The disembarkation 'en masse' of the Kurdish *profughi* has been understood precisely in terms of emergency, an emergency that exploded officially only at the very end of 1997. The aim of this part of the chapter is to clarify why the so-called *questione curda* was officially and publicly raised only in November 1997 and more specifically, why three big influxes of Kurdish *profughi* triggered an explosion in Italy of a political and public debate on the issue of reception and at the European level, of a discourse centred on security, and hence on the prevention of unwanted influxes of illegal migrants.

The arrival of conspicuous inflows of Kurdish *profughi* occurred certainly prior to 1997, though their presence and transit, from the so-called regions of entry towards those of exit, remained institutionally invisible up to November 1997. Most of those who reached the Italian coastlines, particularly the southern regions, tended to use the country as a territory of transit. The vast majority of Kurds were willing to reach other northern European countries and, generally, the Italian police forces at the borders allowed them to do so. As explained in previous chapters, because of the failure of *profughi* to express a clear willingness to apply for asylum, and because of the complete absence of information provided to the *profughi*, the police at the borders tended to issue them the so-called decrees of expulsion. Kurdish *profughi* were, consequently, treated as if 'illegal entrants', as '*clandestini*', because of their failure to express verbally a clear willingness to apply for asylum. The instrument of the decree seemed, however, to satisfy both parts. It seemed to satisfy, on the one hand, the Italian authorities as no policies of reception needed to be considered because no one wanted to apply and, on the other, the Kurdish *profughi* themselves as they could continue their journey and apply for asylum in northern European countries that possessed much longer traditions of reception. The many protests of those organisations working in favour of asylum seekers, and the Italian Refugee Council *in primis*, were completely ignored, together with the proposal, presented in 1995, of producing an *ad hoc* legislation for humanitarian reasons in favours of the Kurds.⁹

Despite the high number of Kurdish *profughi* arriving along the Italian southern coast throughout the summer of 1997,¹⁰ only at the very end of that year, for the first time, was the adoption of policies of reception, and not simply of emergency,

advocated by the central institutions. Such an important shift was not, or not exclusively, dictated by humanitarian concerns but was strongly influenced by external security pressures. Countries like Germany, France, Austria and the Netherlands started to pressurise the Italian political authorities and to request a tougher immigration and asylum policy as result of the entry into force of the Dublin Convention (01/09/1997), as well as of the Schengen *Acquis* (26/10/1997). It was particularly the constant transit of Kurds from the southern regions of Italy towards those very countries that represented the most worrying aspect since Italy was clearly encouraging such outflow. The number of Kurdish *profughi* transiting the peninsula was certainly high, as something like 4,497 *profughi* reached the southern coastlines between January and October 1997 and the vast majority of the Kurds who entered Italy moved towards Germany, France and the Netherlands.¹¹ As reported by Kurt Schelter, the spokesman of the German Ministry of the Interior, something like 3,000 Iraqis (mainly of Kurdish origin) entered 'illegally' into Germany during the first eight months of 1997, and Italy was considered to be directly responsible for such a transit.¹²

If the traditional Italian logic of issuing decrees of expulsion could have been somewhat justified on the basis that no clear willingness to request asylum was expressed, such a justification could no longer be sustained after the entry into force of the Dublin Convention. As result of the Convention, the pressure from the other European partners started to increase, and such pressure was certainly formulated according to a logic dictated more by security than humanitarian concerns.¹³ The 'European' message was straightforward: if the *profughi* possessed the pre-requisites for formulating a request of asylum, Italy had the obligation to consider such a request because it represented the 'first safe country', as disciplined in the Dublin Convention. If, conversely, the *profughi* lacked the necessary pre-requisites – and could consequently be labelled as 'illegal entrants' – the adequate policy would have required Italy not to adopt the instrument of the decree of expulsion, but to reject them all at once at the borders, without allowing '*clandestini*' to freely circulate within the Schengen *acquis*.¹⁴ Unfortunately, it took a while before this logic was actually and fully incorporated in local practices as well as before the taken-for-granted assumption of Italy being a country of mere transit had been seriously questioned.¹⁵

The political and public debate regarding the Italian responsibility of taking care of those would-be refugees entering the Schengen *acquis* via the Italian southern coasts exploded, in an unprecedented way, soon after 796 *profughi* (of whom 550 were Turks

of Kurdish origin) disembarked at Santa Maria di Leuca (Lecce), in the coast of Puglia on the 2nd November 1997.¹⁶ As was common practice, the vast majority of *profughi* received a decree of expulsion,¹⁷ and despite the many protests coming particularly from Germany and France, no visible and substantial transformation of the Italian way of dealing with big inflows of *profughi* was produced. The 'European' anxieties were further exacerbated after the news was heard that a 'biblical exodus' was soon going to reach European countries and that something like 20,000 Kurdish *profughi* were ready to flee and to enter Europe via Italy.¹⁸

While an animated debate arose on which policies were most appropriate, particularly given the enormous pressure coming from Germany, a new influx (19th November) of 374 Turkish and Iraqi Kurds reached Monasterace on the coast of Calabria,¹⁹ though this time the *profughi* were treated *as if* institutionally invisible. No asylum application was submitted, no decree of expulsion was issued (a decree that *per se* would have, at least, represented legal evidence of their transit along the Italian territory), no process of identification took place. A small piece of paper was given to all the *profughi* who disembarked, a paper that simply contained the date of the appointment for the process of identification, a process that was supposed to take place after fifteen days since their arrival. Needless to say no one showed up and, presumably, all those *profughi* moved towards northern Europe and/or northern Italian regions.²⁰

Before long two new big influxes of Kurds arrived: 27th December 1997 when 837 *profughi* disembarked from the cargo-boat *Ararat* near Badolato on the Calabrian coast; and the ship 'Cometa' reached the coast of Puglia carrying 386 *profughi* at the very beginning of 1998; this was soon followed by small boats carrying on board mainly Kurdish *profughi* who had been stopped by the police of Lecce.²¹

In general terms, from the first big visible influx on 2nd November 1997 up to the beginning of January 1998, only those who arrived with the cargo-boat *Ararat* (26th December 1997) received a *de facto* reception. All the other *profughi*, who clearly represented the vast majority, were, indeed, *legally* treated as if 'clandestini', hence a decree of expulsion was issued to them, and/or their very presence and transit along the Italian peninsula was taken as if institutionally invisible. Although policies of exclusion have not been implemented in response to those influxes of Kurdish *profughi* who reached the Italian coastlines up to the beginning of January, the political climate was quite explosive due to the constant pressure coming particularly from countries

such as Germany and France. Because of this pressure, a security meeting was arranged (8th January 1998) among the heads of the police departments of those countries “affected” by the phenomenon such as Greece, Italy, France, Germany, the Netherlands and Turkey.²² The aim of the meeting was to increase border control, intensify collaboration among the police departments and prevent further ‘clandestine’ disembarkations from occurring.²³ The patrolling of the coastlines was immediately increased and, as a result of close co-operation with the Albanian police forces, the Italian forces could also operate in Albanian territory and many small boats were stopped soon after having embarked with would-be refugees. A framework of security, aiming to prevent anyone – identified as a ‘*clandestino*’ – from reaching the Italian territory, started to prevail. As expressed in the left-wing newspaper *La Repubblica*:

the anti-immigration control has been reinforced ... The operation of controlling the territory ... has operated as well in the Albanian ports where, ... seven rubber dinghies full of clandestini of Kurdish origin have been blocked on their way towards Italy. ... [A]pproximately 200 Kurdish immigrants have been stopped before finding their way towards the Puglian coasts.²⁴

In short, within a little bit more than two months of first explosion of the issue of the ‘Kurdish emergency’, the Italian political institutions were failing to demonstrate any visible and concrete sign of taking care of the refugees in respect of the Dublin Convention. Furthermore, enormous external European pressure had the immediate effect of encouraging not the adoption of a national plan of reception, but indeed of policies of exclusion via the adoption of a tighter border control with the clear aim of preventing new influxes. Moreover, external European pressure made Italy consider more seriously many of those issues that have been taken for granted during the whole of the 1990s, issues such as: the assumption of Italy being merely a country of transit; northern European countries being prepared to continue to accept silently the constant inflows of *profughi*; and the very meaning of protection and reception,²⁵ which could not possibly signify the mere acceptance, into the Italian territory, of the *profughi*, via the adoption of what has been previously defined as mechanisms of benevolent non-inclusion.

5.4 THE PROBLEMATIQUE OF RECEPTION: AN OVERVIEW

As extensively highlighted in the previous chapters, Italy, given its reception system, was ill equipped not simply to assume all its responsibilities as derived from the Dublin Convention, but also to respond quickly and effectively to such a high number

of *profughi*. This very lacuna of the reception system was dramatically exposed once the Kurdish *profughi* moved from a condition of institutional invisibility to one of political visibility. This important shift has encouraged an animated debate both on the issue of reception and on the dilemma of defining *legally* whether the Kurds who entered the country were to be recognised as *clandestini* or as *profughi*.²⁶ This dilemma, formulated in legal terms, involved only *apparently* a legal question, as it expressed, indeed, the problematique related to reception. The issue was not simply whether the Kurds entering the country were in effective need of protection, and consequently whether Turkey was a perpetrator of human rights abuses, but the issue was much more complex and clearly involved a multiplicity of questions. To begin with, if the Kurds were to be considered as *profughi*, what kind of responsibility did the country have towards them? Was it merely a legal responsibility as derived from Italian international obligations, as for instance the Geneva and Dublin Conventions? Or was it, as well, an ethical responsibility as derived from the historical duty of reception as expressed in the Christian-Catholic ethics? If reception was a duty, which Italian political authorities were to respond to the refugees? Was it a responsibility of the local or of the national institutions? Moreover, if the Kurds were to be considered as *clandestini*, was it because of political determinants or was it the result, as it appeared, of the failure of many Kurds to apply for asylum? Which factors (legal, political, economic, and ethical) were to become crucial in shaping Italian reception decisions? To what extent was external political pressure to play a role within the decision-making processes? And last but not least, how were political evaluations to be reconciled with the Christian ethics of reception?

Although many of the answers to the above questions will emerge more clearly later on in the chapter, when considering the political debate, a brief overview of the different, even opposing, public and political perceptions of the problematique of reception will help to better understand where Kurdish refugees have been located, and consequently which mechanisms (of inclusion, exclusion and in-between) have been advocated. In particular, the positions as expressed by the Prodi government,²⁷ by those charities working with refugees, and by the national newspapers will be briefly considered.

At the governmental level, between November 1997 and January 1998, two opposing approaches were clearly advocated, one of inclusion and one of exclusion. On the one hand, the Prodi government wanted to prove to its Schengen partners that

Italy was able to take full responsibility for the obligations derived from the Dublin Convention. Unfortunately, this political willingness had not been fully put into practice, save in the province of Catanzaro in the Calabrian ionic coast, where a more serious attempt of producing policies of reception had been considered.²⁸ Despite the strong efforts of the government to modify its traditional responses towards the *profughi*, and hence to encourage local prefectures to provide the *profughi* with the necessary information, very little was achieved in the practice.²⁹ On the other hand, in order to prevent further political frictions with its European partners, as well as with the Turkish government, policies of exclusion started to be implemented from the very beginning of 1998. Would-be Kurdish refugees were either stopped at the Italian borders, as a result of the increased patrolling of the coastlines, or were prevented from fleeing, particularly from Albania, as result of the adoption of tighter border controls, within the Mediterranean Sea. At the time, the position of the government was certainly unclear, if not contradictory, and its failure to attempt to propose and initiate a national plan of reception, instead of relying on local willingness, was a visible sign of the atmosphere of uncertainty prevalent at that historical moment.

The position of the many charitable organisations working in the field, as well as some left-wing parties, has been more coherent than the one expressed by the government, although it did not exercise any significant impact on the government's political decisions. The vast majority of organisations started to advocate the enactment of *ad hoc* legislation for humanitarian reasons, as already adopted on occasions of previous 'crises' during the whole of the 1990s. The adoption of such legal measures would have allowed each Kurd to be granted automatically a humanitarian permission to stay, without passing through the standard asylum procedure and the case-by-case determination.³⁰ This solution would certainly have accelerated the legal procedure, though it would have offered, at the very same time, limited guarantees of protection, being based on a *temporary* solution. Although the Italian Refugee Council (Cir) was in favour of such legal measures just a few years before, it modified its initial position advocating, this time, the adoption of the asylum procedure *ex* Geneva Convention. This shift was clearly dictated by a stronger awareness of the motives behind the flight of the Kurdish refugees, who certainly could not be defined, in the vast majority of cases, as 'humanitarian refugees' but, indeed, as 'statutory refugees', because they were in need of permanent protection and not simply of temporary solutions. Although the possibility of granting temporary

humanitarian protection was not *a priori* excluded, it was advocated solely in favour of those Kurds who were not going to obtain the refugee status *ex Geneva Convention*.³¹ Charitable organisations tended to focus their attention exclusively on the Kurds, on their motives to flee, and more importantly, on the very meaning of the institution of asylum and, consequently, on the political and ethical duty of the country to offer a concrete plan of reception, and not simply the admittance into the territory.³² The position of the charities demonstrated more consistency than the one expressed in the political and mass-media discourse, where both inclusive and exclusive mechanisms had been advocated, shifting from one approach towards the other without producing any coherent images.

In very general terms, the newspaper articles that appeared at the time contained plenty of information with reference to the peculiarity of the Kurdish people and to their being a nation without a country; the number of Kurds reaching the Italian coastlines; the number of decrees of expulsion issued; the different approaches adopted by the local Prefects; the many foreign criticisms regarding the Italian inability and/or unwillingness to seriously respond to the Kurdish influxes; the new obligations in respect of the Dublin Convention; and the uncertainties of the status to be granted to the Kurds, who were considered, at times, as *clandestini* and, at other times, as *profughi*.³³ No serious attempt to offer accurate analyses of the Italian reception system, the prevailing legal lacunae, the constant transit towards northern countries, the traditional misuse, if not abuse, of the decree of expulsion, and of the very meaning of asylum and of protection has been put forward. Even the many articles, that were advocating that reception of the Kurds was a duty, left aside any serious debate on the very meaning of reception, which could not simply signify mere admission into the Italian territory. This failure to produce any comprehensive account of the complexity involved in the so-called *questione curda* resulted in the propagation of messages that were highly confusing and partial. In the vast majority of the cases, the messages were simply proposing the pictures and descriptions as understood by the Italian politicians without any attempt to investigate more closely the problematic of reception and to explore the Kurdish perception and understanding of their 'refugee-ness'. The newspaper articles were simply representing small portions, small frozen and static fragments, and certainly not the whole picture. The images that prevailed were representing the Kurds as *clandestini* that were to be sent back; as *profughi* in need of international protection; as a people willing to remain in Italy and apply for asylum; as

a people in search of a better way of life outside the Italian context; as an European concern because they had entered the Schengen *acquis*; as an Italian legal and political issue as result of international obligations; and as a diplomatic issue because they were fleeing from a political and economic partner like Turkey. It is on the messages reproduced within the national newspapers that the discussion will now concentrate, aiming to provide a general picture of the atmosphere of uncertainty prevalent during that historical moment.

5.5 KURDISH REFUGEES: WHAT PROTECTION?

As previously mentioned, the political and public debate became animated as a result of three Kurdish influxes, and it is worth reconsidering briefly those occasions. The first important episode was registered on 2nd November 1997, when Kurdish *profughi* shifted from a condition of institutional invisibility to one of political visibility. Such a shift was directly and specifically connected with two events: firstly, the number of those who disembarked was quite high (796, of whom 550 were of Kurdish origin); secondly, Italy had new legal obligations as a result of the entry into force of the Dublin Convention as well as of the Schengen *acquis*. The second important episode exploded soon after Christmas when a new shipload of 837 *profughi* reached the Calabrian coast, followed, within less than a week, by a new influx of 386 *profughi* who disembarked on the Puglian coast. And soon after these new influxes, drastic measures to prevent would-be refugees from coming were put into place.

On the occasion of the first 'crisis' (02/11/1997), despite the willingness of the Prodi government to fulfil the new European obligations, the vast majority of *profughi* received a decree of expulsion. According to left-wing newspapers as well as many charitable organisations, the government was directly responsible for not allowing Kurds to submit an asylum application and receive full information on the procedure. As matter of fact, the situation at the time was quite confusing both for the 'newcomers' and for the government in the sense that none knew exactly how to respond to the new European rules. As clearly expressed in the newspaper *Il Corriere della Sera*

To the drama of the boat people is added the chaos of the legislation as well as the uncertainties of Europe just entered into the Schengen era. ... [T]he immigrants disembarked at the Puglian coasts do not know yet whether they will be allowed to remain in Italy, move to France and Germany, obtain a permission for humanitarian reasons, get access to the asylum procedure, or be forced to return home.³⁴

Though it might seem paradoxical, the entry into force of the Dublin Convention and of the Schengen *acquis* disoriented both the government and the *profughi* who had just arrived. While on the one hand, local authorities were trying to convince *profughi* to apply for asylum, because Italy, as result of the new regulations, was clearly the 'responsible country', on the other hand *profughi* expressed no intention of remaining in the country, but simply indicated that they wished to continue towards northern European countries. Because of the unwillingness of the Kurds to request asylum in Italy, the government adopted its traditional technique: a decree of expulsion was issued to everyone who refused to apply.³⁵ And it was specifically the use of the decree of expulsion that provoked the whole debate. In the eyes of the Schengen partners, the decision to issue decrees of expulsion, which allowed *profughi* to move freely in the country for up to 15 days, was a clear signal of the willingness of the Italian government to ignore the Dublin Convention allowing 'illegal entrants' to circulate freely within the Schengen *acquis*. The attempt to suspend for a while the adoption of decrees of expulsion, hoping that the *profughi* would apply for asylum once full information was provided from specialised organisations, wretchedly failed.³⁶ Hence, the Italian government found itself in a quite embarrassing situation because the only available political instrument consisted, at the time, simply in issuing decrees of expulsion to all those who refuse to apply. Despite the willingness of the government to demonstrate that the country wanted to fulfil its new responsibilities as the first country of entry, it lacked the necessary instruments for achieving this political aim. Contrary to the government's expectation, the refusal of *profughi* to apply for asylum, despite having been advised to do so, was due neither to the lack of the necessary information nor to the fact that they were not refugees in the proper sense.

In the eyes of the Kurds, they could not have been forced to apply for asylum in Italy but, indeed, they ought to be left free to decide where to look for protection within 'democratic' Europe.³⁷ It is because of Kurds' very act of refusing to accept passively to remain in the first safe country that the statement expressed by the then-Foreign Affairs under-Secretary, Piero Fassino, "if they do not apply for asylum, it means they do not need it",³⁸ was certainly highly simplistic, if not hypocritical.

At the time, no one in the government evaluated seriously why Kurdish *profughi* opted not to apply for asylum, being aware that in case of applying in another European country, they were likely to be sent back to Italy through the application of the Dublin Convention. It was only in response to those *profughi* who arrived with the

boat *Ararat* (26/12/1997) that the key issue emerged more clearly. The problem was neither simply whether to provide correct and full information, as claimed in many newspapers articles, nor whether Kurds were in effective need of protection. The key issue was whether the reception offered would have guaranteed them decent living conditions while the Central Commission was examining the asylum application, and whether the Kurds intended to remain in the country and under what conditions.³⁹ It is this point that it is important to highlight: the problem was not simply whether the Kurds were requesting asylum in the country, but more importantly whether they had any real intention to remain in Italy. The concern of the government was to demonstrate how it was responding to the Kurdish influxes and, above all, that Italy was no longer utilised as a mere territory of transit. But, in order to achieve that political objective, the government needed the collaboration of the Kurds, a collaboration that has been obtained exclusively in the region of Calabria, as analysed in the next chapter. Moreover, because the government wanted to demonstrate to its Schengen partners its respect of the Dublin Convention, Italian political institutions tended to evaluate the problematique of reception neither in terms of rights to be granted nor in terms of the implementation of article 10 of the Italian Constitution, but simply in terms of making Kurds request asylum.

The respect of the Italian constitution has not been officially considered despite the fact that, just a few months previously (26/05/1997), the Court of Cassation had clarified that the right of asylum, as contained in article 10, was legally effective despite the absence of an implementation law.⁴⁰ This issue was partially posed, at the beginning of December, by Luigi Manconi, the spokesman of the Green Party, whose words have been completely ignored, because expressed, presumably, at the wrong historical moment: while the political debate on the forced repatriation of the Albanians was still on. It is worth considering his point of view, though it represented an isolated position. As he put it:

I have always been convinced that these issues are not to be evaluated in terms of philanthropy, of solidarity. We have to talk in terms of rights when referring to the Albanians, or to the Kurds. There exists article 10 of the Constitution concerning the right of asylum, despite the absence of a law for its implementation. ... The issue of the Kurds is a serious wound inflicted upon international law. Well: to receive the Kurds in Italy, or the Albanians, means to respect one among the first universal rights of human being.⁴¹

This statement is important for the way it highlighted not simply the human rights perspective, but also a strong sense of respect for the principle of legality, and hence of

the principle of asylum as contained in the Italian constitution. However, the government demonstrated clearly that it was more concerned to satisfy its European partners than to consider more seriously the meaning of the principle of asylum and of reception, the political framework that made the Kurds flee and, above all, the strong desire of the vast majority of Kurdish refugees not to remain in the first safe country but to reach, indeed, Kurdish communities abroad.

5.6 REFUGEES' RESPONSES: AN EXPLORATION

Before the analysis moves towards a closer evaluation of the political discourse, it is important to briefly highlight how the Kurds, during their forced permanence in the so-called first reception camps, attempted to resist and react to the entry into force of the new European rules. More specifically, the arrival of the Kurds clearly exposed not simply the weakness of the Italian reception system but, more importantly, the weakness inherent in the legal definitions. Clear evidence of the impossibility of defining the Kurds either as *clandestini* or as *profughi* emerged from the responses of the vast majority of the Kurds who disembarked at the very beginning of January 1998. Those who failed to apply for asylum, legally speaking, were *clandestini*, though they were also *profughi* if the motives for flight were considered as well. It was precisely this juridical ambiguity that the Italian authorities found difficult to handle for the very reason that the country was not ready to deal with those *profughi* who demonstrated a strong determination not to accept *passively* the new European rules. The refusal to apply for asylum in Italy was not simply an act of protest against the Italian system of reception, but more importantly a strong manifestation of *profughi*'s willingness to decide by themselves where to apply for asylum, notwithstanding the European provisions. This act of refusal emerged clearly once the Kurds decided to initiate a hunger strike, forcing the Italian police to issue them with a decree of expulsion as they themselves demanded. And here, an unpublished report provided by personnel of the Italian Refugee Council (Cir) has been highly significant for better understanding the prevailing atmosphere within the reception camps.⁴² What was interesting in reading the report was to discover the dilemma that personnel of the Cir faced during the process of providing information to the Kurds. The problems did not simply concern the local deficiencies in recruiting interpreters but, more importantly, in creating an atmosphere of trust with the Kurds. Apparently, much of the information provided to the Kurds did not match that which the Kurds themselves possessed, particularly in

reference to the entry into force of the Dublin Convention. The biggest difficulties emerged once personnel of the Cir attempted to convince the Kurds that, as result of the new European rules, any intention to apply for asylum had to be expressed in Italy, which represented their first country of entry. Italy could no longer represent merely a country of transit, and if the Kurds were in need of protection, such a need had to be expressed there.⁴³

The task of providing information became even more difficult once a general picture of the overall Italian asylum system was drawn, a picture that did not fail to illustrate the legal lacunae as well as the gaps between what was established by law and everyday practices. While, on the one hand, the personnel of the Cir were trying to convince the *profughi* that only Italy was responsible for considering their asylum application *ex* Dublin Convention, on the other hand, the picture that was offered was highly negative. Because of the uncertainties prevalent within the Italian reception system, and the strong desire expressed by the vast majority of *profughi* to reach Kurdish communities established in northern European countries, only a very few applied for asylum, mainly those who had no Kurdish connections in Europe.

Moreover, the police tried to keep the Kurds as long as possible within the reception camps following the government's intention to demonstrate to Schengen countries that *profughi* were not left free within a few days as the usual practice and that some forms of reception was provided. The Kurds, aware that their very failure to request asylum would result in an immediate decree of expulsion, started to protest vigorously, demanding the respect of the Italian legal norms.⁴⁴ The act of the Kurds organising a hunger strike in order to make the police authorities understand that they had no intention of remaining in the first safe country not only exposed the weakness of the Italian reception system and of the inadequacy of the legal definition, but also questioned the dominant idea that pictures the refugees as passive "recipients of aid".⁴⁵ It is this aspect that is important to highlight, an aspect that, in general, does not receive enough attention, if any, within legal and humanitarian refugee studies. The problematique of reception is generally approached from a state-centric perspective, which tends to concentrate all the focus on policies adopted by the government without any serious attempt to investigate whether, and to what extent, refugees try to respond to and resist those policies. These aspects will emerge more clearly in the next chapter once the reception organised in the province of Catanzaro and in Rome will be considered. More particularly, it will analyse why the reception provided to those who

disembarked in December 1997 was unique and why, contrary to dominant refugee discourse, the opposition between those who provide reception and those who receive passively whatever is given was not reproduced. Local institutions tried, from the very beginning, to create a dialogue with the Kurds, a dialogue that the administration believed was essential for any plan of reception to become effective. This analysis will be followed by an exploration of the enormous lacunae of the reception system in Rome, lacunae that have encouraged the Kurds to develop their own survival strategies, their space of inclusion.

5.7 THE POLITICAL DISCOURSE

A close scrutiny of the political discourse will reveal why it is argued that the Italian government was much more concerned to maintain good political relations with its European partners and with Turkey than to evaluate more seriously the problematique of reception. As already explained, the key issue was not simply which actions were more appropriate in terms of reception, but which *political* actions the country wanted to undertake, given the new European rules as well as the unwillingness to alter the politico-economic relationship with a NATO member state. However, the Italian government could not possibly have responded to the Kurdish *profughi* following legal-humanitarian evaluations (in respect of the Geneva and Dublin Conventions) without, at the very same time, modifying the *status quo* in respect to relations with Turkey. Because of this impossibility of finding a coherent compromise between the two, legal-humanitarian evaluations were advocated together with security-political ones.

As already mentioned, the government at the time was quite disoriented, for the very reason that the traditional practices of reception were not adequate for responding *politically* to the Kurdish 'emergency'. The issuing of the decree of expulsion was no longer an available option as result of the many criticisms received during November nor could the processes of reception be left to the complete discretion of local political authorities. It was because of the uncertainty of which policy was more appropriate that the Italian government started to advocate the 'intervention' of the European Union, or at least of its Schengen partners. The issue was officially raised by Piero Fassino, the then-Foreign Affairs under-Secretary, in a meeting of the Schengen Committee, the day after the disembarkation of more than 800 *profughi* on the coast of Calabria, stating:

[w]e are now in the Schengen era: the Kurds do not arrive in Italy, but in Europe. We might even offer everyone the status of political refugee, but it is the Union that has to decide.⁴⁶

This statement exemplifies the prevailing attitude of the government that was trying not to take any decisions without preventive agreements with its partners, hoping to receive some advice regarding the legal status that was to be granted to the Kurds. If it were a common European decision, Italy could have not been blamed for adopting policies that contravened the political position of its partners. The country, at that time, was certainly highly concerned about its image on the continent, which ought not to be surprising given the many frictions already occurring with countries like Germany, Austria and France because of the constant transit of *profughi* from the southern Italian regions.⁴⁷ What was, indeed, surprising was the ambiguous position of the Italian government towards Turkey, and consequently towards the Kurds more in general. This ambiguity was due to the fact that, despite the strong tendency to consider Kurds as refugees, there was neither the intention of politically isolating Turkey nor of producing a diplomatic fracture with that country. This political intention clearly emerged in Piero Fassino's words, when he stated:

[t]he Italian position is clear: it is not in isolating this country that one promotes a solution to the Kurdish issue, nor the full respect of human rights. ... The closer Turkey becomes to Europe, the more it will be possible to demand the application of European standards in respect of human rights and of minorities.⁴⁸

This statement reveals quite clearly the intention of the government to maintain a good relationship with Turkey via the adoption of highly diplomatic (if not hypocritical) language. More specifically, although it was acknowledged that Turkey was responsible for human rights abuses and for the constant Kurdish outflows (hence Kurdish flights were based on a well-founded fear of persecution), Turkey ought to be neither politically isolated nor officially labelled as a perpetrator of human rights abuses.

A more contradictory position was expressed, that very same day, by the then-Minister of the Interior, Giorgio Napolitano, a position that clearly reaffirmed the intention of the government to maintain good diplomatic relation with the government of Ankara. The inconsistency was revealed once the Minister advocated both a statist and a more humanitarian position. While, on the one hand, the Minister called for a direct intervention by Turkey to fulfil its duty, as a sovereign state, through a tough border control with the aim of preventing further Kurdish outflows, on the other hand,

he invoked an international military intervention for safeguarding and protecting the Kurdish people. As he himself put it, within the very same interview:

[a]t this point, let Turkey intervene. ... It is they ... who have to control the boats about to leave. ... An international initiative is urgently needed in order to bring peace to the region of Kurdistan and to let people know the rights of those populations.⁴⁹

This ambiguity of the Italian government in reference to the problematique of reception was quite frequent at that time. While there was a general willingness to recognise that the Kurds were fleeing because serious human rights abuses were taking place in Kurdistan – hence Italy had a legal and moral duty to provide a serious policy of reception – at the very same time, the country wanted to halt the constant Kurdish outflows. However, this political objective of preventing new influxes was not advocated because it aimed to protect the country from a future invasion (an issue that was not at all brought forward), but because it aimed to maintain good relationships with Schengen countries – where the vast majority of the Kurds hoped to arrive – and with Turkey – from where the vast majority of the Kurds originated. Moreover, Kurdish influxes possibly could have been stopped only if the Kurdish issue was going to be tackled at its roots via the adoption of one of the two alternatives proposed by the Minister: either the outflows were going to be stopped by eliminating the root-causes of their flights – through an international initiative in Kurdistan – or they were going to be stopped because of the adoption of policies that prevented them from fleeing – through a Turkish initiative. Needless to say, the second option, in the long run, tended to prevail.⁵⁰ What the Minister Napolitano was proposing, though using diplomatic wordings, has been expressed without paraphrasing by the MP Ramon Mantovani, in charge of foreign relations in the so-called Re-foundation Communist Party, who highlighted the contradictory position of the Minister:

[h]e is right saying that the rights of the Kurdish people need to be recognised, but he cannot possibly ask their persecutors to persecute them in such a way as not to allow them to escape from Turkey.⁵¹

This ambiguous and inconsistent position of the Italian government was officially replicated by the then-Minister of the Interior (Giorgio Napolitano) and the Minister of Foreign Affairs (Lamberto Dini) before the so-called '*Commissioni riunite I-III*' (Reunited Commissions I-III) of the Parliament.⁵² The debate before the commissions took place on 8th January 1998 and, as already noted, during this same day, a meeting among the police forces of the countries 'affected' by the Kurdish phenomenon was held in Rome to discuss the necessary security measures to be collectively adopted.

And the Turkish forces have not been excluded from participating in the decision process.

The political interventions of the two Ministers, as expressed before the *Commissioni riunite*, are highly important for the way they exemplify how the problematique of reception was perceived by the government, which political vocabulary was adopted for framing the issue, and finally how humanitarian and legal concerns were advocated and mixed with politico-security aspects, producing those contradictions and inconsistencies previously mentioned. From the speeches of the two Ministers, at least five aspects are important to highlight for the present discussion. Firstly, although the Minister of the Interior did not officially define the Kurds as 'refugees', he clearly emphasised why the Kurds ought not to be considered as 'illegal entrants' because they were fleeing from geographical areas where human rights abuses did occur. The Kurds needed, consequently, to be distinguished from those

extracomunitari who try to enter illegally into the Italian territory for motives not referred to ... as persecutions.⁵³

Secondly, the Minister offered an overview of the various attempts undertaken by the government from the beginning of November 1997 in order to produce policies of reception as demanded by the Schengen partners in respect of the Dublin Convention. However, from the picture offered, it seemed that the issuing of the decree of expulsion adopted during the November 'crisis' was due exclusively to the unwillingness of the Kurds to submit applications of asylum. No considerations were expressed in reference to the inefficiencies inherent in the reception system nor in reference to the Italian traditional way of responding to the *profughi* 'crises'.⁵⁴ Thirdly, although in the first part of the speech, the Minister stated that the Kurds needed to receive protection and that the government was prepared to offer such a protection, the security issue of "contrasting clandestine immigration" as well as "the criminal trafficking of human beings" was brought forward and mixed with the issue of reception. As expressed by the Minister of Interior:

[t]he decision of the Government aimed to demonstrate that Italy intends to assume its responsibility in the examination of the requests of asylum according to the prescriptions of the Dublin Convention. ... We have to, and we want to, do whatever is in our competence, both in producing an Italian politics of asylum ... and in tackling jointly at the European level the issue of humanitarian protection, and in developing ... the cooperation within the Union and within the Schengen acquis in order to contrast clandestine immigration and the criminal trafficking of human beings.⁵⁵

From this statement, it emerges quite clearly how the issue of respecting Italian legal obligations as contained in the Dublin Convention was not the only issue that concerned the government. The final part of the statement implies *per se* that, even if the Kurds were to be considered as ‘refugees’, and hence the country was trying to produce ‘an Italian politics of asylum’, these very influxes of ‘*clandestine immigration*’ ought, however, to be stopped via the adoption of some form of European cooperation. Fourthly, this objective of protecting the country from the ‘criminal trafficking of human beings’, was replicated in the speech of the then-Minister of Foreign Affairs and his words contained those very contradictory features already noted in the speech of the Minister of the Interior. On the one hand, it was advocated that the influxes ought not to be considered as representing a threat to the country, although they were simultaneously defined as “clandestine influxes”; and on the other hand, it was emphasised that a balance between the protection of the country and these influxes was needed. As stated by the Minister:

[w]e ought not to make the mistake of evaluating the clandestine influxes of immigrants of these days ... as a direct assault against us, a threat to our way of life, a challenge to our country and exclusively to our.⁵⁶

This statement was followed soon after by the assertion that it was necessary to create a balance between

the exigency of State auto-defence and the respect of human rights and of fundamental liberties.⁵⁷

In other words, though not officially expressed using this vocabulary, there was a need to find an adequate equilibrium between safeguarding Italian interests – which were not under threat because of a possible Kurdish invasion but because of the difficult dialogues with Italian external partners – and the ‘respect of human rights and of fundamental liberties’ that were clearly under threat in the region of Kurdistan. However, the Minister’s speech did not indicate how the equilibrium between the humanitarian perspective and the statist logic was supposed to be established, particularly given the messages that were sent to the Foreign Affairs Ministers of Albania, Turkey and Greece demanding

‘the adoption of necessary measures in order to contain a quite disturbing phenomenon.’ ... I have asked all of them to make a special effort to control their ports, passengers and, particularly, the organisations that arrange the *illegal trafficking of clandestini*.⁵⁸ (emphasis added)

Such an official request could hardly be reconciled with the protection of human rights as well as with the respect of fundamental liberties as proclaimed earlier on, nor did the discourse of the Minister explain which instruments the *profughi* were supposed to resort to in order not to cause such a 'disturbing phenomenon'.

Finally, with the clear intention of preventing any political friction with Turkey, the Foreign Affairs Minister, while illustrating the conditions of the Kurds living in the Turkish territory, minimised the responsibility of the Turkish government in respect to acts of violence and persecution perpetrated against the Kurds. Although it is without doubt that the Kurdish problematique is not exclusively a Turkish problem, as the population is divided among a few states, it is politically unacceptable to simplistically declare that

[i]n Turkey ... the Kurds are integrated within the big urban areas, while the problem of their rights, in condition of equality with the other Turkish citizens, exists in that part of country, the south-east of Anatolia, which extends up to the borders with Iraq.⁵⁹

As put forward in the speech, the Kurds who were fleeing from the south-eastern regions of Turkey were doing so not because they were subjected to persecutions from the government of Ankara but because they found themselves in-between the fire of the Kurdistan Workers' Party (PKK) and the Turkish police forces.⁶⁰ And because the government of Turkey was not responsible for any repressive measures against the Kurds, the Minister concluded his speech advocating not simply the restoration of good relation with Ankara, via processes that aimed to reopen dialogue with Turkey both at the Italian and European levels, but also the maintenance of the existing international order.⁶¹ This objective of maintaining a politics of the *status quo* was brought forward, during the discussion, by Enrico Jacchia, an MP of the so-called *Forza Italia* party, stating:

let us not destabilise the Turkish government. ... [I]nsisting on political asylum, we are affirming that the Turkish government is a persecutor! It is as if we are putting a bomb under the chair of the Turkish government, and setting fire to the fuse! I beg that we do not do it!⁶²

To conclude, an animated political debate exploded upon the arrival '*en masse*' of Kurdish *profughi* because of the ethical, legal, political, and diplomatic issues that their very arrival stimulated. More specifically their arrival was connected not simply to the ethical question – what policies ought the country to undertake? – and the legal one – who are they, are they *profughi* or *clandestini*? – but also to political and diplomatic questions – which politics is the most appropriate given the unwillingness to modify the

relations with Schengen partners and with Turkey? It is because of these very aspects that it has been argued that the disembarkations of the Kurdish *profughi* precipitated a profound shift in perception: the Kurds became politically visible when once they had been institutionally invisible. As result of this important shift the debate on reception and asylum started to be perceived as necessarily subjected to political determinants and not to *apolitical* evaluations centred on the effective needs of reception. A year after the first Kurdish political crisis, a new crisis was about to explode when Abdullah Ocalan, leader of the Kurdistan Workers' Party (PKK), arrived in the country (12/11/1998) and requested asylum.

5.8 POLITICISING ASYLUM

The present and concluding section will be devoted to a brief analysis of the political debate that exploded soon after Ocalan presented a request of asylum. This request was soon perceived as a political issue, and *qua* political, the evaluation of the application has been subjected to the political scrutiny of the Italian Parliament and not to the *apolitical* analysis of the so-called Central Commission and of the appropriate court. On this occasion, it was the political parties that discussed and decided whether it was *politically* appropriate to grant asylum to the PKK leader. The decision whether or not to grant asylum has transformed the *apolitical* institution of asylum into a political tool that could have been utilised and manipulated according to the prevailing political determinants.

Although this section might seem separate from the analysis so far put forward, it is indeed central because it helps to further demonstrate why it is argued that Italian policies of reception are strongly selective. And they are selective because of the way protection is *selectively* allocated not according to need but according to the prevailing interests of the contingent historical moment and to the way the public and political discourse of protection is constructed. The case of Ocalan demonstrates clearly how the dominance of political evaluations, constructed on the alternative *either* the Italian national interests *or* the protection of Ocalan, has resulted in the prevalence of mechanisms of exclusion. The principle of protection has not been applied according to effective need but according to the *political* subject that was demanding asylum. As will emerge in the following pages, the dominance of the *Realpolitik* approach, the strategic geopolitical position of Turkey as well as the unwillingness to alter the *status quo* played key roles in shaping and reaffirming exclusive responses.

The tragic epilogue of Ocalan's stay in Italy, as well as the way in which the asylum debate has been strongly politicised, represented both a failure of the institution of asylum and a dangerous precedent for the future. The constant pressure made on Abdullah Ocalan to compel him to leave the country has clearly demonstrated the weakness of the principle of asylum and the dominance of statist evaluations. Such pressure resulted in a condition that should be properly defined as a 'negated protection', for the very reason that the political forces opted for the adoption of a 'persuaded' expulsion, in the sense that Ocalan, as long as his asylum request was under examination, could not *legally* be expelled from Italy, but he could be *de facto* forced to leave the country 'spontaneously', as actually happened.

Abdullah Ocalan and the request of asylum

While it is irrelevant for the present thesis to clarify the dynamics of the arrest of Abdullah Ocalan upon his arrival at the Fiumicino Airport in Rome (12/11/1998),⁶³ which were connected with two warrants issued by Turkey and Germany, it is indeed important that he wrote a letter to the then-president of the Council of Ministers, Massimo D'Alema, expressing his intention to apply for asylum.⁶⁴ Following the advice of his two lawyers, Ocalan's request was formulated according not only to the Geneva Convention but also to the right of asylum as expressed in article 10 of the Italian constitution, rarely advocated during the past fifty years. It was precisely this request that has stimulated and activated the whole of the asylum debate.

During the first few weeks, the debate was constructed around the question: 'who is Ocalan?' or, as expressed in an article of the Agence France-Presse (AFP), is he a "charismatic leader" of a repressed people as considered by the Kurdish separatists or is he a "bloody murderer" as claimed by Ankara?⁶⁵ At the very beginning, public and political forces were concerned with evaluating whether Ocalan possessed the necessary prerequisites for an asylum application in respect of the Geneva Convention and of the Italian legal system, which forbids extradition of foreign nationals who might face the death penalty in the country making the demand.⁶⁶ Soon after this initial stage, the problematique of asylum started to be constructed in a completely different way. The question was not asylum *per se*, but the political, economic and diplomatic consequences should asylum be granted to a leader who was considered a terrorist by the government of Ankara. *Any* available way out started to be considered, provided the Italian government could have got rid of that embarrassing political

presence. Because Ocalan was considered a terrorist, and because Turkey was pressuring for extradition, the request of asylum, normally assessed by two specific Italian institutions, became both a national and an international political issue. The concepts that started to dominate debate were those of state sovereignty, right of border control, duty of protecting national political and economic interests, the priority of geopolitical evaluations and in particular the defence of the *status quo* approach.⁶⁷ Only two weeks after Ocalan's arrival, legal-humanitarian evaluations were clearly supplanted by a statist approach.

More specifically, while at the very beginning the country was characterised by a clear-cut distinction between right-wing parties and left-wing parties, such positions modified radically within less than two weeks. The discourse reproduced by right-wing parties, who were inclined to produce mechanisms of exclusion and to privilege the *status quo* approach prevailed over the position of left-wing parties, who favoured granting political asylum to the PKK leader. Mechanisms of exclusion dictated by politico-diplomatic determinants strongly prevailed, transforming the two initial opposing visions into what has been called the "single thought". As stated by A. Curzi in the editorial of *Liberazione*:

Ocalan case exemplifies the framework of the homogenisation of the positions, which I define as the 'single thought'. After some moments of uncertainty, not only the press, but also the political world as a whole, aligned in condemning the behaviour of the Communist Re-foundation party and called for any way out ... provided it got rid of a 'trouble' that Italy ... in any case ought not to have taken the responsibility for.⁶⁸

More specifically, a public and political debate on the responsibilities and role played by members of the Communist Re-foundation Party started to dominate the discussion, transforming what was supposed to be an exclusively legal case into a politico-diplomatic issue. And it soon became a politico-diplomatic issue not simply because of the request of asylum *per se*, but also because such a request was to block any procedure of extradition that Turkey had already announced it intended to submit.⁶⁹ No doubt the Communist Re-foundation Party played a crucial role in facilitating Ocalan's arrival in the country, given that Ramon Mantovani, who arrived with him from Moscow, as well as his two solicitors, were MPs of that party. However, those political accusations were not taking due consideration of the positive (official and unofficial) signals that emerged during the whole of 1998. As emphasised in G. Mascia's newspaper article, the decision of Ocalan to arrive in Italy resulted in a miscalculation of "our democratic conscience"; of the unwillingness of the Italian

Parliament to put into place an international conference on the Kurdish question as declared in the resolution adopted just the previous month; and finally a miscalculation of the impact of both internal economic pressures and external politico-diplomatic ones.⁷⁰ It is these very aspects that determined a clear shift from the initial position, when the question of the rights of the Kurds represented the core of the debate, to the next stage, when statist evaluations prevailed. As put in Mascia's article:

[t]he great questions of human rights and the rights of the people have appeared abstract idealisms if compared with commercial interests and of governments' equilibriums.⁷¹

The political debate was to be further exacerbated because of the increased pressure, if not threat, of the Turkish government not only as result of the Italian refusal to extradite the PKK leader, but also because of the decision of the court to terminate the state of custody for Ocalan.⁷² Legally speaking, despite the two warrants of custody for Ocalan, the Italian court was unable to continue keeping him under house arrest. On the one hand, the only country to which extradition could have been granted was Germany who decided not to proceed with that intent, and on the other hand, the existence of a norm decreeing the death penalty in Turkey left no legal possibility for the extradition of Ocalan to that country.⁷³ The decision of the Italian court did not find favour in Turkey where the boycott of Italian products ensued, followed by the government beginning to make accusations against Rome for allowing a 'terrorist' to move freely within the country.⁷⁴ The various attempts by the Italian government to demonstrate the willingness to continue a dialogue with Ankara, and re-establish a condition of 'normality' in their relationship were ineffective as long as Italy was going to host Ocalan in the country and as long as Turkey perceived that Ocalan's political interventions were finding some favourable audience.⁷⁵ Needless to say, the many interventions by President D'Alema re-affirming the importance of the Turkish partnership were not as effective as hoped, and as stated during his speech before the two chambers of the Parliament,

[o]ur friendship and our attention towards Turkey cannot thus be questioned. ... [W]hatever we will decide ... is not an act of hostility against Turkey, but an act of respect of our law, our history, our values.⁷⁶

Within a political framework where the boycott of Italian products was increasing and the political pressure from Turkey and from the USA was an everyday occurrence, all the options to get rid of Ocalan started to be considered more seriously and to be reaffirmed more vigorously.⁷⁷

This pressure has strongly influenced the way the parliamentary debate was conducted just two weeks after the arrival of Ocalan in the country, a debate that concerned neither the principle of asylum nor the respect of article 10 of the Italian Constitution. The debate concentrated, indeed, on the issue of protecting and safeguarding Italian national interests, of maintaining good political relationship with Turkey and of re-establishing a state of 'normality' in respect of the industrial trade (especially army trade) with Ankara. Right-wing MPs were convinced that the only political action that the government *ought to* undertake at that time was a policy of exclusion through a process of a 'persuaded' expulsion, and it was this very option that prevailed at the end.⁷⁸ The resolution that followed the parliamentary debate, after two weeks, exemplified clearly the political willingness of the vast majority of right-wing MPs to consider Ocalan as a *persona non grata*, as a political problem that Italy had to get rid of, and as stated:

in the conviction that the permanence in Italy of the leader of the Kurdish communist party bears serious prejudice to national security and to the international relations of the country: it commits the government to assume promptly any opportune initiative for Abdullah Ocalan to be expelled as soon as possible from the Italian territory as an unwanted guest.⁷⁹

To conclude, the asylum request submitted by Ocalan was processed as if it were a political concern and not an apolitical legal issue as clearly stated by his solicitor from the very beginning: "[p]olitics ought not to get involved in this issue because it is first of all a legal battle".⁸⁰ The tragic epilogue of Ocalan's permanence in Italy and the way the asylum debate has been strongly politicised represented a tragic failure of the respect of the principle of legality, and more importantly, of the institution of asylum which, in order to be meaningful at all, ought not to be subjected to political determinants. As long as the principle of asylum is constantly modified according to the contingent historical moment, no effective guarantees of protection can be properly developed. The importance of protecting the institution of asylum will be tackled, in a more detailed way, in the next chapter, where it will be emphasised why the asylum request submitted by Ocalan ought to be evaluated in respect of the principle of legality and not according to political evaluations.

5.9 CONCLUSION

Analysis of the political discourse which emerged since November 1997 has attempted to demonstrate how Italian institutions have perceived, evaluated and constructed the

problematic of reception, making evident why the principle of protection has been applied selectively, according to political determinants; why political aspects played a key role in establishing whom to exclude from protection; and why political forces have been more concerned to evaluate external relations with European countries and with Turkey than to consider the inclusion of the Kurds within Italian society. It is important to stress this last point. Despite the conspicuous number of Kurdish *profughi* who reached the Italian southern coastlines, the political debate that emerged at the time was constructed neither on the opposition us-the-citizens versus them-the-non-citizens nor on the production of images of the Kurds as the negative 'others', as non-citizens that had to be excluded because they represented 'disruptive' presences within the Italian community. The political discourse was, indeed, constructed on the issue of safe guarding Italian foreign relationship with its Schengen partners and with Turkey.

As stressed in the chapter, November 1997 represents an important point of rupture for the Italian reception policies in at least four important respects. Firstly, the assumption that Italy was merely a country of transit started to be questioned as a result of the entry into force of the Dublin Convention and of the Schengen *acquis*. The country had new European obligations to fulfil and the constant external pressure from its partners forced Italy to revise and consider more seriously its traditional (non)policies of reception. Secondly, because of this pressure, the generalised attitude of political indifference towards the arrival and transit of Kurdish *profughi* modified completely, making the Kurds shift from a condition of institutional invisibility to one of political visibility. This important shift stimulated an animated public and political debate on the issue of reception and, more importantly, on the legal dilemma of establishing whether the Kurds were to be recognised as *clandestini* or as *profughi*. Thirdly, this dilemma, posed in legal terms, was soon transformed into a political dilemma, which the Italian government has been unable to face following coherent politics. While on the one hand, a policy of reception was advocated, on the other, a clear political intention of maintaining a good relationship with the government of Ankara was strongly reaffirmed. Fourthly, Kurdish *profughi* have demonstrated an impressive determination to resist and react against the entry into force of the new European rules, which exposed some of the weakness, if not the flawed theorising, behind the generalised assumption that refugees are passive objects. The refusal to apply for asylum in the first safe country was a visible act of protest against both the Italian system of reception and the new European provisions.

All these elements, as elaborated in the chapter, reveal why reception policies, which are apparently only a concern of local and national institutions, have political repercussions at the international level. The declared intention of the Kurds to select the destination country and the asylum request presented by Abdullah Ocalan have enormously exposed how reception policies impacted on the international framework, and why the full respect of the principle of protection, embedded in the institution of asylum, ought not to be subjected to political determinants. Once this political analysis is combined with the evaluation of the reception policies developed *de facto* between 1997 and 2001, as considered in the next chapter, it will emerge more clearly why the present thesis argues that refugees should be conceptualised as located within highly dynamic processes and within policies that constantly oscillate between inclusion and exclusion, which represent simply two extreme reception possibilities, and certainly not the only available alternatives.

NOTES

- ¹ DAL LAGO, A. *The Impact of Migrants on Italian Society. The Italian Case*. EC-DG XII – TSER, 1998, pp. 32-38.
- ² Regarding article 18 of the law 40/98, see chapter four – section 4.3.
- ³ ‘Le Reazioni Politiche’, *Il Corriere della Sera*, 01/12/1997; ‘An: Resa. I Verdi: no al Rientro Forzato’, *Il Corriere della Sera*, 01/12/1997; ‘Manconi: Grottesco Aver Paura di Loro’, *Il Corriere della Sera*, 03/12/1997; ‘Napolitano: Perché non si Parla di Permessi?’ *Il Corriere della Sera*, 06/12/1997.
- ⁴ See ‘Prodi: Nessun Rinvio, Albanesi a Casa’, *Il Corriere della Sera*, 30/11/1997; ‘Albanesi, Operazione Rimpatrio’, *Il Corriere della Sera*; ‘La Rabbia nei Punti di Raccolta’, *Il Corriere della Sera*, 30/11/1997; ‘Albanesi, Sciopero della Fame’, *Il Corriere della Sera*, 01/12/1997; ‘Annuncio del Prefetto di Bari’, *Il Corriere della Sera*, 03/12/1997.
- ⁵ See, ‘I Blitz delle Forze dell’Ordine’, *Il Corriere della Sera*, 04/12/1997; ‘Il Presidente Caritas: Distinguere tra Accoglienza e Permanenza’, *Il Corriere della Sera*, 04/12/1997; ‘Chiusi 51 Centri di Accoglienza, Rilasciati 273 Permessi di Soggiorno’, *Il Corriere della Sera*, 05/12/1997.
- ⁶ ‘La Giusta Linea della Legalità’, *Il Corriere della Sera*, 05/12/1997; “l’unico punto di equilibrio possibile. La fermezza con chi deve ripartire o non deve arrivare. ... Non abbiamo sbagliato con gli albanesi”.
- ⁷ ‘Resa Nota la Direttiva Prodi sui Profughi’, *Il Corriere della Sera*, 02/12/1997; “una sconfitta morale e politica. ... [N]on si può ignorare che un Paese come l’Italia non è stato in grado di offrire una risposta diversa a meno di 5 mila profughi”.
- ⁸ Regarding a general overview of the Kurdish history, see CHALIAND, G. (ed.), *A People Without a Country. The Kurds and Kurdistan* (London: Zed Books Ltd., 1980); MCDOWALL, D. *The Kurds* (London: Minority Rights Publications, 1992); KREYENBROEK, P.G., and SPERL, S. (eds.) *The Kurds. A Contemporary Overview* (London & New York: Routledge, 1992); MCDOWALL, D. *A Modern History of the Kurds* (London & New York: I.B. Tauris, 1997); SCHRADER, L. *Il Diritto di Esistere* (Torino: Edizioni Gruppo Abele, 1999); FAWCETT, L. ‘Down But Not Out? The Kurds in International Politics’, *Review of International Studies*, 2001, 27, (1), 109-118.
- ⁹ HEIN, C. ‘Curdi: un’ ‘Emergenza’ Prevedibile’, *Cir Notizie*, 1995, IV (4), 2-4.
- ¹⁰ ‘Gli Sbarchi di Quest’Anno’, *Il Manifesto*, 28/12/1997.
- ¹¹ MIGRATION NEWS SHEET, ‘Influxes of Kurdish Asylum-Seekers’, *Migration News Sheet*, January 1998, no. 178.
- ¹² ‘Per i Profughi Curdi Bonn Sgrida l’Italia’, *La Repubblica*, 13/11/1997.
- ¹³ The emergence of a generalised European framework of security became apparent in the so-called 46-point action plan adopted by EU Foreign Ministers, 26/01/1998. The central aim of the plan was to reduce the numbers of Kurdish ‘illegal immigrants’ entering into Europe via Italy. See MIGRATION NEWS SHEET, ‘Influx of Kurds Prompts Adoption of a 46-Point Action Plan’, *Migration News Sheet*, February 1998, no. 179, 9-13.
- ¹⁴ See, ‘Ankara Warns EU Against Giving Kurds Political Refugee Status’, *AFP*, 02/01/1998, and ‘Kurdish Refugee Problem Must Be ‘Nipped in the Bud’ – Kindel’, *AFP*, 03/01/1998.
- ¹⁵ See ICS (ed.), ‘Dossier Nausicaa’, December 2000, unpublished document.

- ¹⁶ 'Gli Sbarchi di Quest'Anno', cit.
- ¹⁷ 'Accoglienza Italiana', *Il Manifesto*, 05/11/1997; 'L'Emergenza dei Curdi', *Il Corriere della Sera*, 06/11/1997.
- ¹⁸ 'Kurds Say Turkey 'Exporting' its Problems to EU Countries', *AFP*, 04/01/1998.
- ¹⁹ 'Emergenza: Sbarcano altri 400 Curdi', *Il Corriere della Sera*, 20/11/1997.
- ²⁰ AHMAD, S., Italian Refugee Council - Calabria, interview held in Badolato Superiore 22/05/2001.
- ²¹ QUESTURA DI LECCE - (UNITA' DI CRISI) 'Prospetto Riepilogativo Relativo agli Sbarchi di Extracomunitari Avvenuti sulle Coste Salentine dal 30/12/1997 al 07/01/1998', unpublished document. The vast majority was of Kurdish origin, and in particular 67 Kurdish Iraqis and 147 Kurdish Turkish. The other *profughi* were coming respectively from Azerbaijan, Algeria, Bangladesh, Iran, Kenya, Pakistan and Sri-Lanka. As specified in the document between the 30 December and the 7 January, in the province of Lecce, save those who arrived with the shipload of the 'Cometa' on the 1st January, 62 *profughi* found their way to the coast of Puglia. Up to the 7th January, out of a total of 448, only 170 applied for asylum, and this figure includes exclusively those asylum seekers of Kurdish origin and 7 Iraqis.
- ²² MIGRATION NEWS SHEET, 'Schengen Partners Express Irritation at Rome's Decision to Allow Kurds Apply for Asylum', *Migration News Sheet*, February 1998, no. 179, 23.
- ²³ Ibid.
- ²⁴ 'Curdi: Rinforzi ai Confini. Bloccati a Centinaia', *La Repubblica*, 09/01/1998; "il controllo anti-immigrazione è stato rinforzato. ... L'attività di controllo del territorio ... ha operato anche nei porti albanesi dove, ... ha bloccato ... sette gommoni carichi di clandestini di origine curda in partenza verso l'Italia. ... [C]irca 200 immigrati curdi sono stati ... fermati prima ancora di salpare verso le coste pugliesi."
- ²⁵ See the official discourse of the then-Minister of the Interior, G. Napolitano, before the so-called 'Re-united Commissions', COMMISSIONI RIUNITE I-III, 'Audizione del Ministro degli Affari Esteri, Lamberto Dini, e del Ministro dell'Interno, Giorgio Napolitano, sulle Relazioni tra l'Italia e la Turchia e sulla Questione dei Profughi Curdi', 08/01/1998, in CAMERA DEI DEPUTATI, UFFICIO RICERCHE E DOCUMENTAZIONE IN MATERIA ISTITUZIONALE, 'Documentazione sul Caso Ocalan', no. 117 (Rome: Camera dei Deputati. Servizio Studi, 1998), pp. 142-145.
- ²⁶ 'Emergenza Curdi: Attesi 5 Mila', *Il Corriere della Sera*, 04/11/1997.
- ²⁷ A more accurate analysis of the political discourse is offered in section 5.7.
- ²⁸ An analysis of the reception provided is offered in chapter six.
- ²⁹ See 'Manconi: sono Profughi, Vanno Accolti e Tutelati', *Il Corriere della Sera*, 03/11/1997; 'Profughi o Clandestini: è Lite Sugli 800 Curdi', *Il Corriere della Sera*, 04/11/1997; 'Sui Curdi un Pasticcio Diplomatico', *Il Corriere della Sera*, 05/11/1997; 'Un Fuggiasco: 'Ma se Torno a Casa Mi Fanno Fuori Subito'', *Il Corriere della Sera*, 05/11/1997; 'Non Ripetete l'Errore che Avete Fatto con gli Albanesi, Noi Siamo Diversi'', *Il Corriere della Sera*, 05/11/1997.
- ³⁰ 'Protezione Umanitaria per Tutti i Kurdi', *Il Manifesto*, 09/01/1998.
- ³¹ 'Il CIR: Asilo e Diritti, non Accoglienza 'Temporanea'', *Il Manifesto*, 09/01/1998.
- ³² Ibid.
- ³³ See 'Profughi o Clandestini: è Lite sugli 800 Curdi', *Il Corriere della Sera*, 04/11/1997; 'Un Popolo Diviso tra 4 Stati', *Il Corriere della Sera*, 04/11/1997; 'Emergenza Curdi: Attesi 5 Mila Profughi', *Il Corriere della Sera*, 04/11/1997; 'Accoglienza Italiana', *Il Manifesto*, 05/11/1997; 'La Fuga Infinita dei Curdi', *Il*

Corriere della Sera, 10/11/1997; 'Ottanta Clandestini Curdi a Piedi da Milano a Besenato', *Il Corriere della Sera*, 11/11/1997; 'I Curdi Traditi da un Trattato', *Il Corriere della Sera*, 11/11/1997; 'Curdi: Rubati con il Tir della Speranza', *Il Corriere della Sera*, 16/11/1997; 'Sono Sporchi, Milano Fatica a Trovare un Letto agli Esuli', *Il Corriere della Sera*, 16/11/1997; 'Clandestini, Blitz Italo-Francese', *Il Corriere della Sera*, 19/11/1997; 'Emergenza: Sbarcano altri 400 Curdi', *Il Corriere della Sera*, 20/11/1997; 'Calabria, Altro Sbarco in Massa di Curdi', *Il Corriere della Sera*, 20/11/1997; 'Gli Sbarchi di Quest'Anno', *Il Manifesto*, 28/12/1997; 'Fassino: sulla Loro Sorte Deve Decidere l'Europa', *Il Corriere della Sera*, 28/12/1997; 'Il Calvario del Popolo Senza Amici. A Milioni Scappano dalla Guerra', *Il Corriere della Sera*, 28/12/1997; 'Aiutiamoli a Raggiungere gli Altri Stati', *Il Corriere della Sera*, 29/12/1997; 'Italiani, e il Vostro Esame per Schengen', *Il Corriere della Sera*, 30/12/1997.

³⁴ 'Sui Curdi un Pasticcio Diplomatico', *Il Corriere della Sera*, 05/11/1997; "Al drama dei boat people si aggiunge il pasticcio delle leggi e le incertezze dell'Europa entrate nell'era di Schengen. ... [G]li immigrati sbarcati sulle coste pugliesi non sanno ancora se potranno restare in Italia, andare in Francia e in Germania, ottenere il permesso umanitario, accedere all'asilo politico o essere costretti a tornare indietro".

³⁵ 'L'Emergenza dei Curdi: Resteranno in Italia solo i Profughi Politici', *Il Corriere della Sera*, 06/11/1997.

³⁶ 'Fassino: I Curdi non Chiedono Asilo. Saranno Espulsi', *Il Corriere della Sera*, 07/11/1997.

³⁷ CIR, 'Missione Cir in Puglia dal 2-6 Gennaio', 1998, unpublished document.

³⁸ 'Fassino: I Curdi non Chiedono Asilo' ... cit.; "Se non presentano la domanda vuol dire che non ne hanno bisogno".

³⁹ CIR, 'Missione Cir in Puglia', cit. This very consideration has been as well expressed by TRAPASSO, D., Italian Refugee Council in Calabria, interview held in Badolato Marina, 25/05/2001; MONTIVECCHIO, R., ACNUR (UNHCR), interview held in Rome, 29/06/2001; DI RADO, D., Italian Refugee Council in Rome, interview held in Rome, 15/05/2001.

⁴⁰ See chapter two – section 2.6.

⁴¹ 'Manconi: "Quella dell'Ordine Pubblico è una Questione Simbolica"', *Il Corriere della Sera*, 06/12/1997; "Io sostengo da sempre che questi temi non vanno affrontati in termini di filantropia, di solidarietà. Degli albanesi, o dei curdi, dobbiamo parlare in termini di diritti. Esiste l'articolo 10 della Costituzione sul diritto d'asilo, anche se non ha una legge di attuazione. ... La questione dei curdi è un'incredibile ferita inflitta al diritto internazionale. Bene: accogliere i curdi in Italia, o gli albanesi, equivale a uno fra i primi diritti universali della persona umana".

⁴² CIR, 'Missione Cir in Puglia', cit.

⁴³ Ibid.

⁴⁴ Ibid.; and CAPPELLETTI, L. 'La "Questione Curda"', *CIR NOTIZIE*, 1998, VII, (1-2), 3.

⁴⁵ HARRELL-BOND, B. 'The Experience of Refugees as Recipients of Aid', in A. AGER (ed.) *Refugees. Perspectives on the Experiences of Forced Migration* (New York: Pinter, 1999), pp. 136-168;

⁴⁶ 'Fassino: sulla Loro Sorte Deve Decidere l'Europa', *Il Corriere della Sera*, 28/12/1997; "Ormai siamo nell'era di Schengen: i curdi non arrivano in Italia, ma in

Europa. Potremmo anche concedere a tutti lo status di profugo politico ma deve essere l'Unione a deciderlo.”

⁴⁷ See the report presented by Piero Fassino – Foreign Affairs under-Secretary – before the so-called ‘Schengen Committee’, 25/02/1998, ‘L’Italia in Schengen: Relazione Annuale del Governo Italiano sullo Stato di Applicazione della Convenzione Schengen’.

⁴⁸ ‘Fassino: sulla Loro Sorte’ ..., cit.; *“La posizione italiana è chiara: non è isolando questo paese che si favorisce una soluzione alla questione curda, né il pieno rispetto dei diritti umani. ... Quanto più la Turchia sarà vicina all’Europa, tanto più sarà possibile chiederle di applicare standard europei nel rispetto dei diritti umani e delle minoranze.”*

⁴⁹ ‘Napolitano: la Turchia Blocchi la Fuga dei Curdi’, *Il Corriere della Sera*, 28/12/1997; *“A questo punto intervenga la Turchia. ... Sono loro ... a dover controllare le navi in partenza.”* See also, ‘Italians Call Turkey to Account’, *The Guardian*, 29/12/1997.

⁵⁰ The Italo-Turkish co-operation agreement – signed in Rome, 22/09/1998 – exemplifies such an approach. See ‘Accordo di Cooperazione tra il Governo della Repubblica Italiana e il Governo della Repubblica di Turchia sulla Lotta al Terrorismo, alla Criminalità Organizzata, al Riciclaggio dei Proventi Illeciti, al Traffico Illegale di Stupefacenti, Sostanze Psicotrope e di Esseri Umani’, in CAMERA DEI DEPUTATI, UFFICIO RICERCHE E DOCUMENTAZIONE IN MATERIA ISTITUZIONALE, ‘Documentazione sul Caso Ocalan’, no. 117 (Rome: Camera dei Deputati. Servizio Studi, 1998), pp. 321-326.

⁵¹ ‘Napolitano: la Turchia Blocchi la Fuga ... cit.; *“Ha ragione a dire che vanno riconosciuti i diritti del popolo curdo, ma non può chiedere ai suoi persecutori di perseguirli così bene da non farli scappare dalla Turchia”.*

⁵² The ‘Commissioni Riunite I-III’ are formed respectively by the Commission of Constitutional Affairs (I) and of Foreign Affairs (III) of both Chambers of the Parliament.

⁵³ COMMISSIONI RIUNITE I-III, ‘Audizione del Ministro degli Affari Esteri, Lamberto Dini, e del Ministro dell’Interno, Giorgio Napolitano, sulle Relazioni tra l’Italia e la Turchia e sulla Questione dei Profughi Curdi, 08/01/1998’, in CAMERA DEI DEPUTATI, UFFICIO RICERCHE E DOCUMENTAZIONE IN MATERIA ISTITUZIONALE, cit., p. 143; *“extracomunitari che tentano di entrare illegalmente in territorio italiano per motivi non riferibili a persecuzioni”.*

⁵⁴ Ibid., pp. 143-144.

⁵⁵ Ibid., pp. 144-145; *“La scelta del Governo ha voluto significare che l’Italia intende prendersi la sua parte di responsabilità nell’esame di domande di asilo secondo le prescrizioni della Convenzione di Dublino. ... Dobbiamo e vogliamo fare quel che ci compete, sia impostando una politica italiana dell’asilo ... sia affrontando congiuntamente a livello europeo questioni di protezione umanitaria, sia sviluppando ... la cooperazione in seno all’Unione e nell’area Schengen per il contrasto dell’immigrazione clandestina e del traffico criminale di esseri umani”.*

⁵⁶ Ibid., p. 147; *“non dobbiamo commettere l’errore di vedere nel ... clandestino afflusso di immigranti di questi giorni ... un assalto diretto contro di noi, una minaccia alla nostra convivenza, una sfida al nostro paese e solo al nostro”.*

⁵⁷ See the political intervention of the Minister of the Foreign Affairs, Lamberto Dini, in ibid., p. 148; *“l’esigenza di autodifesa dello Stato e l’osservanza dei diritti umani e delle libertà fondamentali”.*

- ⁵⁸ Ibid., p. 149; “ad adottare le ‘misure necessarie ad arginare un fenomeno sempre più inquietante’. ... A tutti ho chiesto un impegno particolare al controllo dei porti, dei passeggeri e, soprattutto, delle organizzazioni che gestiscono il traffico illegale di clandestini”.
- ⁵⁹ Ibid., p. 150; “In Turchia ... i curdi sono integrati nei grandi centri urbani mentre il problema dei loro diritti, in condizione di eguaglianza con gli altri cittadini turchi, si pone in quella parte del paese, il sud-est anatolico, che si estende ai confini con l’Irak”.
- ⁶⁰ Ibid.
- ⁶¹ Ibid., p. 151.
- ⁶² Ibid., p. 170; “non destabilizziamo il governo turco. ... [I]nsistendo sull’asilo politico, affermiamo che il governo turco è un persecutore! Stiamo mettendo una bomba sotto la seggiola del governo turco, incendiando la miccia! Supplico di non farlo”!
- ⁶³ See ‘Roma, Manette per Ocalan Capo dei Separatisti del PKK’, *La Repubblica*, 13/11/1998; and ‘Arrestato a Roma il Leader Curdo’, *Il Corriere della Sera*, 14/11/1998.
- ⁶⁴ D’ALEMA, M. ‘Informativa Urgente del Governo sull’Arresto e sulla Richiesta di Asilo Politico del Leader del Partito dei Lavoratori Curdi, Adbullah Ocalan’, 17/11/1998, in CAMERA DEI DEPUTATI, UFFICIO RICERCHE E DOCUMENTAZIONE IN MATERIA ISTITUZIONALE, cit., pp. 184-185.
- ⁶⁵ ‘Abdullah Ocalan, either “Charismatic Leader” or “Bloody Murderer”’, *AFP*, 13/11/1998.
- ⁶⁶ See the discourse of the then-Minister of the Interior M. D’Alema before the Parliament, D’ALEMA, M. ‘Informativa Urgente del Governo’, cit., pp. 184-188.
- ⁶⁷ See FRANZA, M. “La Questione Curda”, in *Limes*, 03/12/1998. <<http://www.limes.net/online/curdi.htm>>. [Accessed on 23/Oct/2000]; and ROMANO, S. ‘Il Dilemma Italiano’, *Il Corriere della Sera*, 15/11/1998.
- ⁶⁸ CURZI, A. ‘A Proposito di Ocalan: Coerenza e Pensiero Unico’, *Liberazione*, 28/11/1998; “Il caso Ocalan è esemplare per illustrare il clima di appiattimento delle posizioni che io chiamo del ‘pensiero unico’. Dopo qualche momento di incertezza non solo la stampa, ma l’intero mondo politico, si schierano nel condannare il comportamento di Rifondazione comunista e invocano una qualsiasi via d’uscita ... pur di liberarsi da un ‘impiccio’ che l’Italia ... non avrebbe in nessun caso dovuto assumersi”.
- ⁶⁹ ‘L’Italia Prende Tempo, Imbarazzo tra i Ministri’, *Il Corriere della Sera*, 15/11/1998.
- ⁷⁰ MASCIA, G. ‘Un’Occasione Persa’, *Liberazione*, 19/01/1999.
- ⁷¹ Ibid.; “La grande questione dei diritti umani e dei diritti dei popoli sono apparsi astratti idealismi di fronte agli interessi dei commerci e agli equilibri dei governi”.
- ⁷² ‘Kurdish Rebel Leader Freed in Italy’, *AFP*, 20/11/1998.
- ⁷³ See the speech of the Minister M. D’Alema, ‘Informativa Urgente del Governo’, cit., pp. 202-210.
- ⁷⁴ ‘Kurdish Rebel Leader Freed in Italy’, cit.
- ⁷⁵ See ‘Il Sogno di Apo: Rivoluzione Continua per un Kurdistan Libero’, *Il Corriere della Sera*, 14/11/1998; ‘La Verità di Ocalan’, *Il Corriere della Sera*, 15/11/1998; ‘Obiettivo: Lasciare le Armi per Fare Politica dall’Europa’, *Il Corriere della Sera*, 15/11/1998; “Italia non mi Tradire, io Lotto per la Libertà”. Ocalan al Governo: Siate Coraggiosi’, *La Repubblica*, 18/11/1998; ‘Un negoziato come Quello per la Palestina.

Lettera Aperta del Leader del PKK al Presidente del Consiglio Italiano Massimo D'Alema', *La Repubblica*, 15/12/1998.

⁷⁶ D'ALEMA, M. 'Informativa Urgente del Governo', cit., pp. 187-188; *"La nostra amicizia e la nostra attenzione verso la Turchia dunque non possono essere messe in discussione. ... ciò che decideremo ... non è un atto di ostilità verso la Turchia, ma è un atto di rispetto verso le nostre leggi, la nostra storia, i nostri valori"*.

⁷⁷ 'Il Ministro degli Esteri Turco: non Potete Schierarvi coi Terroristi', *Il Corriere della Sera*, 15/11/1998; *"Quell'uomo è un Criminale, Consegnatelo a noi Turchi"*, *La Repubblica*, 16/11/1998; 'D'Alema: "Non Accetteremo Nessun Ricatto su Ocalan"', *La Repubblica*, 16/11/1998; 'Dini: sull'Estradizione ora Serve Serenità', *Il Corriere della Sera*, 16/11/1998; *"Mail Bombing" Contro gli Amici dei Curdi*, *La Repubblica*, 17/11/1998; *"Ad Ankara la Protesta contro 'l'Italia Terrorista'"*, *La Repubblica*, 17/11/1998; *"Italia-Turchia, Vigilia di Crisi e un Curdo si dà Fuoco a Roma"*, *La Repubblica*, 18/11/1998; *"No alle Intimidazioni, sì al Dialogo con Ankara"*, *La Repubblica*, 19/11/1998; *"Turchia Furibonda: "Intervenga la Nato"*, *La Repubblica*, 20/11/1998.

⁷⁸ See 'Informativa Urgente del Governo', cit., pp. 183-200; and 'Comunicazioni del Governo sulla Vicenda del Leader del PKK, Abdullah Ocalan', parliamentary session no. 448, 02/12/1998, in CAMERA DEI DEPUTATI, UFFICIO RICERCHE E DOCUMENTAZIONE IN MATERIA ISTITUZIONALE, cit., pp. 212-236.

⁷⁹ Resolution no. 6-00066, 02/12/1998, in CAMERA DEI DEPUTATI, UFFICIO RICERCHE E DOCUMENTAZIONE IN MATERIA ISTITUZIONALE, cit., p. 241; *"nella convinzione che la permanenza in Italia del leader del partito comunista curdo rechi grave pregiudizio alla sicurezza interna e alle relazioni internazionali del Paese: impegna il Governo ad assumere sollecitamente ogni opportuna iniziativa perché Abdullah Ocalan sia allontanato al più presto dal territorio italiano quale ospite indesiderato"*.

⁸⁰ 'Pisapia: "Niente Politica. Basta la Legge a Tutelarlo"', *Il Corriere della Sera*, 14/11/1998; *"Su questa vicenda la politica non deve entrare perché è innanzitutto una battaglia legale"*.

CHAPTER SIX:

1997-2001: INCLUSION, EXCLUSION AND IN-BETWEEN

6.1 INTRODUCTION

While chapter five evaluated how Italian institutions have tackled, politically, the so-called Kurdish 'emergency', the present chapter will explore the mechanisms of inclusion, exclusion and in-between as developed towards Kurdish refugees (broadly defined) between December 1997 and June 2001. The chapter will be, hence, divided into three sections which will consider respectively: 1) the inclusive reception project that has been developed in the province of Catanzaro in response to more than 600 Kurds who disembarked from the cargo-boat *Ararat* on 26th December 1997; 2) the mechanisms of *legal* exclusion that have been produced as a result of the asylum request presented by Abdullah Ocalan in November 1998; 3) the non-responses of the municipality of Rome and the survival strategies that Kurdish refugees have invented, within the so-called 'Global Village', because of the absence of adequate official responses.

Although the chapter will evaluate how reception has been organised within two different geographical areas, no comparative process will be put forward, as the two areas are too dissimilar in terms of official responses, working possibilities, charitable networks and social framework. Each of these factors is crucial in shaping the processes of reception and in influencing the way in which refugees themselves perceive, accept and/or react to the reception proposed locally. The following pages will, consequently, attempt to highlight why it is important to move beyond an analysis that focuses exclusively on the political and legal national context, making apparent why more satisfactory answers can be achieved through an approach that takes the *domestic* as a political and social space constituted by multiple and overlapping possibilities, and not simply by homogenising national processes. The analysis of the reception policies developed in the province of Catanzaro and in Rome will stress why more attention should be devoted to those informal spaces of inclusion that attempt to go beyond the official responses, too often trapped by a strict interpretation of legal and bureaucratic procedures. Thanks to an analysis that juxtaposes the peculiarities

between and *within* two different geographical realities, it will emerge why, within the terrain of reception, juridical flexibility, selectivity, temporality and spatiality are crucial components of the Italian *modus operandi*.

Moreover, although the so-called ‘Ocalan case’ has been highly peculiar, as a result of a strong process of politicisation of the institution of asylum, it exemplifies why the few existing juridical norms are subjected to constant processes of manipulation, and why such a manipulation has resulted in the development of a spatially and temporally situated reception. The principle of protection, embedded within the concept of asylum, has been *de facto* transformed into a powerful tool that can be manipulated by local and/or national institutions in order to produce mechanisms of inclusion, exclusion and in-between according to the prevailing political intentions, and/or according to refugees’ images, or fragments of images, that prevail spatially and temporally. It is within this shifting and uncertain framework that Kurdish refugees have attempted to create their own space and expand their inclusive possibilities, thanks to the support of strong and well-organised informal networks. This very act of ‘resistance’ has exposed the weakness of the image, constantly diffused within refugee studies, of the existence of a strong opposition between an ‘us’ who offer solidarity, charity and humanitarian relief and a ‘them’ who receive passively whatever is offered.

6.2 INCLUSION: THE CASE OF CATANZARO

This part of the chapter offers a general overview of the reception mechanisms that have been developed in the province of Catanzaro in response to the disembarkation of 837 *profughi* from the cargo-boat *Ararat* on 26th December 1997.¹ More specifically, the following sub-sections will attempt to explain 1) why a project of reception has been developed at the local level; 2) which factors have been crucial in activating local energies; 3) why the reception has been highly exceptional; 4) why the mechanisms generated *in loco* should be defined as inclusive; how the legislation has been ‘manipulated’; 5) to what extent the local population has contributed to the reception project; and 6) finally how the Kurds have responded to and participated in those initiatives.

As argued in previous chapters, Kurdish *profughi* remained institutionally invisible until November 1997, when Italy was forced to take more seriously the international obligations as derived from the Dublin Convention and the Schengen *acquis*. Before 1997, the decree of expulsion was adopted as a juridical tool for

justifying the failure of the country to develop any serious system of reception. The assumption that Italy was merely a country of transit, because no one wanted to apply for asylum, was taken for granted for years. This determined the creation of what has been defined as a 'circular system of non-reception',² for the very reason that perverse institutional and legal mechanisms of non-reception have been developed to the point of offering no information regarding the procedure of asylum and directing *profughi* to the closest railway station in order for them to reach northern European destinations. Until the landing of the cargo-boat *Ararat*, these assumptions were not questioned at all: Calabria was a region of transit where *profughi* tended to remain simply for a few days, the time necessary to recover from a terrifying journey and to receive a decree of expulsion. The short period of permanence of the *profughi* in the area was legally defined as a period of 'emergency'.³ And because an 'emergency', the responsibility of taking care of the *profughi* was exclusively in the hands of the local prefecture, and not the municipalities, whose involvement was rarely, if at all, advocated. Moreover, the act of issuing decrees of expulsion presupposed, *per se*, that local municipalities were not going to be involved in any reception projects because, legally speaking, they considered all illegal entrants as *clandestini* and not would-be refugees.

The clarification of how local competences are distributed regionally is crucial in order to fully perceive why the services provided in the municipalities of Badolato and Soverato⁴ moved far beyond their institutional competences. What was unique was the personal involvement of the local administration, population and charitable organisations, an involvement that manifested a strong sense of 'responsibility' and of 'ethical relations' with the Kurds, the 'needy others'.⁵ The existence of such relations has been clearly exposed in at least three respects. Firstly, despite the fact that the Kurds reached a depressed and scarcely populated area, a duty of reception was strongly manifested, a duty that *per se* implied the absence of hostility toward the 'newcomers'. The vivid remembrance of the forced emigration experienced, directly or indirectly, by the vast majority of the local population enormously influenced and shaped their attitude of openness and affection toward the Kurds.⁶ Secondly, on different occasions the Kurds participated and shared with the local population moments of 'community' celebrations, as for instance five days after their arrival, during the celebration of New Year's Eve and again at the end of March on the occasion of the so-called *Newroz*, the Kurdish New Year's Eve. Thirdly, important efforts to create a dialogue with the Kurds were made, despite the many difficulties in

communicating and in understanding cultural differences.⁷ It is, however, important to underline that the impressive involvement of local energies in the organisation of a reception plan was demonstrated exclusively to the *profughi* of the *Ararat*. It is undeniable that a serious attempt to produce mechanisms of inclusion – understood as all those acts that favour and encourage integration – had been developed though, after the enormous efforts of local institutions, populations and of many Kurds, the outcomes were not as positive as everyone expected.

From previous experiences to the ‘emergency’ of the *Ararat*

During the past few years, the number of *profughi* who reached the coastlines between Crotone and Reggio Calabria has been quite constant: approximately 2,200 *profughi* in 1997, 1,100 in 1998, and 1,500 the following year.⁸ In 1997, the landing of cargo-boats carrying *profughi* was certainly not an unknown phenomenon for the Calabrian ionic coast, though in terms of numbers the disembarkation from the *Ararat* was certainly the most conspicuous. However, during previous ‘emergencies’, it was normally the local prefecture that took care of all legal matters and of accommodating the *profughi* in local reception camps until a decree of expulsion and/or a permission to stay was issued. Generally, local administrations did not take part in the process, though they might have simply provided for a place to temporarily accommodate the *profughi* until the situation of ‘emergency’ was over, and the *profughi* had moved to other Italian regions and/or European states.

Before the ‘emergency’ of the *Ararat*, three big influxes of Kurdish *profughi* have reached the Calabrian ionic coast in 1997, though they *de facto* remained institutionally invisible. The first big influx arrived on 22nd May, when 220 *profughi*, of whom 110 came from Iraq and 100 from Turkey, reached the coast of Santa Caterina. On that occasion, some timid attempts to make them apply for asylum, instead of issuing them decrees of expulsion, were made. Although their stay in the area lasted much longer than average, all of them but one left the area and move north, possibly to European countries.⁹ A new temporary ‘emergency’ exploded at the very end of August when approximately 500 *profughi* reached the coast by the municipality of Badolato.¹⁰ Soon after the procedure of identification took place, as common *praxis*, everyone received a decree of expulsion.¹¹ The local prefecture co-ordinated the situation of ‘emergency’: it took care, *all’italiana*, of the legal aspect and provided the necessary basic necessities. The local administration and population took active part in

the process, soon after the disembarkation, as it was the population who offered hot meals and clothes, until the local prefecture organised itself. Local authorities of the municipality of Badolato, at that time, authorised the prefecture to accommodate the *profughi* in the school in Badolato Marina, which was not in use during the summer. At the time, the reception offered consisted simply in allowing *profughi* to recover from their long and dreadful journey and allowing the police authorities to issue the decrees of expulsion; within ten days all *profughi* were on their way towards northern European countries. No attempt to provide any serious reception was considered, because no serious evaluation of the willingness of the *profughi* to remain in the region was taken into consideration. As Anna Laganà, a member of the administration of Badolato, put it during the interview:

as we know, these are mainly places of transit. Perhaps, those who remain are those who do not know where to go. ... Mostly, these are people who aim to reach other localities ... Germany, north Italy.¹²

No reception was *de facto* offered not simply because the local administration did not want to, but because *profughi* themselves, ‘as we know’, did not wish to stay.

A third influx of 374 Turkish and Iraqi Kurds reached Monasterace on the 19th November¹³ and, as mentioned in chapter five, their presence in the area remained *de facto* invisible. This time, no procedure of identification took place, and hence no decrees of expulsion were issued. Their arrival was ignored as if it had never occurred. They were given a piece of paper and requested to come back within the next fifteen days. This official decision to ignore their arrival and transit was a clear signal of the unwillingness of local authorities to take any responsibility in respect of the Geneva or the Dublin Convention. No official record of their arrival exists and, consequently, Italy could not be formally accused by its European partners of not taking care of the refugees as the first country of entry. As commented by Soran Ahmad, in charge at the time of the Italian Refugee Council:

Italy could have justified itself and affirmed that they had gone away without requesting asylum. ... That was the politics of the time. What mattered was to have them out of the way.¹⁴

The response towards those who arrived on the cargo-boat *Ararat*¹⁵ was completely different, the option of issuing decrees of expulsion was *a priori* excluded as well as the adoption of what is generally defined as ‘virtual’ requests of asylum.¹⁶ As discussed in the previous chapter, on this occasion the Italian government wanted to demonstrate to its European partners its ability to fulfil its juridical obligations derived

from the Dublin Convention, and as result of this political willingness, it gave the order to the local prefecture in Catanzaro to try to keep the *profughi* in the country as long as possible.¹⁷ As a result of the constant pressure from some European countries and of the political intention to refrain from further “political complications” with Germany, some form of reception had to be invented locally.¹⁸ The request of the Ministry of the Interior was met and mechanisms of reception developed. However, alternative solutions, other than decrees of expulsion, have been established not simply because, at the national level, the problematique of reception has been approached in a completely different way, but also, and more importantly, because local institutions decided to provide a plan of reception, although they were not legally obliged to do so.

It was particularly the municipality of Badolato that activated its energies and attempted to consider seriously the possibility of creating spaces for the inclusion of the Kurds. However, an important role in creating those very possibilities has been played by the central government and by the national and international press. During the whole of 1998, Badolato attracted not only many political Italian figures, *in primis* the then-Ministers of the Interior (Giorgio Napolitano) and of Social Affairs (Livia Turco), but also some European MPs and many national and international journalists of well-known newspapers and televisions.¹⁹ All of a sudden, the small and unknown municipality as Badolato started to become the centre of attraction for leading visitors and for many national and international tourists. Everyone was interested in comprehending why the reception developed in Badolato was so peculiar and why many even advocated the existence of a ‘Badolato model’ of reception.²⁰ In particular the description and images of Kurdish children playing with the local children, and Kurdish men sitting in the bar playing cards with the ‘*Badolatesi*’ (inhabitants of Badolato) were highly effective in constructing and propagating a discourse of an easy and of a quick process of integration. Badolato became, from the very beginning, a point of attraction and the media certainly played an important role in reproducing positive images and stories. Stories abounded of remarkable acts of solidarity and humanity of the local population, of exceptional personal involvement of the local administration, of efficient co-ordination amongst the different public institutions and of the willingness to create those social and economic conditions that would have allowed the Kurds not simply to integrate but, more importantly, to re-populate an area that has experienced a long history of emigration.

Responding to the emergency

As extensively discussed, the disembarkation of the *profughi* from the cargo-boat *Ararat* on 26th December 1997 did not pass unnoticed, and as result of the constant pressure coming from European states, particularly Germany, the Italian political institutions have been forced to evaluate the problematic of reception more seriously. Although the local prefecture in Catanzaro received the order from Rome to try to keep the *profughi* in the country, local authorities have been left completely free to interpret the order, as no reception plan was going to be developed by the Prodi government.²¹ As a first response to the *profughi*, the prefecture of Catanzaro, as was usual practice in cases of 'emergency', activated its energies and co-ordinated operations for the distribution of hot meals and the necessary arrangements for their temporary accommodation. Because of the absence of appropriate housing infrastructures in the area, local schools were *de facto* transformed into reception centres. Soon after their disembarkation, the *profughi* were divided into four groups and temporarily accommodated across four cities, quite close to one another: Soverato, Badolato Marina, Gagliato and Lamezia Terme.²² The lack of appropriate centres resulted in the impossibility of keeping families together. This in turn created an explosive atmosphere when, after a few days, some men started to protest vigorously and organised a hunger strike.²³ The situation, at the very beginning, was certainly not easy to handle, both because of some communication problems and because of the lack of adequate centres which would have allowed families to remain together. After a little more than a week, two new 'centres' were organised: all the men were moved to the grammar school in Badolato Superiore and the women and children to the grammar school in Gagliato.²⁴ Local authorities tried to keep the *profughi* in the area, though it was not at all clear how they were supposed to handle a project of reception, given the traditional way of responding to *profughi*.

It was this uncertain situation that stimulated the Badolato administration to attempt, given the local resources, to move beyond the traditional non-responses and to propose alternative and more durable solutions. The request of the government to give the Kurds a serious reception was understood by the mayor of Badolato, Gerardo Mannello, and the then-prefect of Catanzaro, Vincenzo Gallitto, as the authorisation for seeking to produce something innovative. The idea of making the Kurds integrate into the reality of Badolato started to be considered as a possible option. It was Mannello who had the idea, as a first answer of reception, to accommodate some

Kurdish families in the many abandoned houses in Badolato Superiore.²⁵ However, before proceeding with any revolutionary and personal initiative, the mayor called a public meeting of all the citizens of Badolato in order to illustrate his project. What the mayor was proposing to his community was to utilise the abandoned houses and allow some Kurdish families to be re-united and to live in Badolato Superiore. Moreover, because the abandoned houses were private properties, the owners could be contacted directly or indirectly through the many relatives who possessed keys to the houses. From the beginning, the idea of the mayor was to extend hospitality to twenty Kurdish families, a reasonable number considering that Badolato Superiore had a population of approximately 500 people, mainly elderly. The mayor's project received the full consensus of the population, who demonstrated a strong sense of generosity, even though the plan proposed was revolutionary for that geographical area. Moreover, although no economic compensation was promised, the mayor received many more house keys than asked or expected.²⁶ A few days after the housing-project was illustrated, the prefecture managed to provide the basic furnishings and the necessary repairs which allowed twenty Kurdish families to get together and live in Badolato Superiore.

Given the exceptional reception that local administrations were prepared to provide, the normal asylum procedure was completely modified and new mechanisms *extra legem* were developed and adjusted in order to fit with the central political willingness to keep the Kurds in the country and the local political keenness to make the Kurds become part of that social and economic context. The 45-day financial support was not delivered, the asylum applications were not sent to the Central Commission in Rome, the permissions to stay were not issued soon after the asylum application, the Kurdish asylum seekers were not abandoned to themselves.²⁷ Because of the local willingness to create a serious project of reception, new mechanisms were invented. Until the end of June 1998, the prefecture of Catanzaro, in co-ordination with local administrations, provided for fully *assisting* the Kurds in terms of hot meals, medicine, clothes and whatever was deemed necessary for the personal care; it organised buses service to allow families to spend time together and/or to reach the office of the prefecture in Catanzaro if needed.²⁸ During the first six months, all the daily expenses were covered under the legal provision of 'emergency', a condition that no asylum norm considers at all. Moreover, a great number of volunteers organised day-and-night shifts in order to provide constant help and assistance, to the point of

using their own money, and organising small celebrations, particularly in the centre in Gagliato, when they perceived that some women needed moral support.²⁹ Finally, in order to guarantee that all the asylum applications would be processed quickly, the members of the Central Commission moved from Rome to Catanzaro.³⁰ By the very end of June, all asylum applications were processed; after the status of refugee or a humanitarian status was issued, the Kurds received a permission to stay and hence official authorisation to move out of the reception centres.

The Kurds who arrived on the *Ararat* were provided with everything, but at the high cost of not being able to move freely within the country, particularly toward other European destinations. They were *de facto* trapped within the centres, save those families living in the houses in Badolato, who were free to move within the village. Kurdish asylum seekers were assisted and received all the basic necessities they needed, though they lost their freedom. As expressed by Soran Ahmad:

This time, a special politics has been put forward. The budget had no restrictions. The expenses have not been limited to only five or six days of emergency, but to six months of emergency. Hence, medicines, food, everything has been covered by the budget of the Ministry. ... Everything was permitted ... for six months, thanks to the Germans, ... though, at the cost of their freedom. Even in Badolato, ... they were a little bit more free, though they were dependent on assistance.³¹

It is important to emphasise this last point: the issue of their freedom of movement was not at all officially raised during those months. What the local prefecture and administrations were trying to provide was care and assistance, generally not considered in the standard asylum procedure, for the entire period until the Central Commission had evaluated their applications. However, during these months, what was going to happen once recognition of refugee or humanitarian status was provided was not been carefully evaluated. More specifically, it was never considered how Kurdish refugees were going to move from a condition of mere assistance, strongly shaped by the traditional Italian logic of *assistenzialismo*, to a condition of economic independence. Although some projects for their economic integration started to be developed, as will be evaluated in the next section, the shift from a condition of full assistance towards one of self-reliance was not going to be an easy task.³² Moreover, while during the so-called period of 'emergency' Kurds were fully assisted, a condition that was partially unavoidable because until their asylum request was evaluated no official permission to work could be issued, once the 'emergency' was over, new legal provisions started to apply. The task of making the Kurds understand

the existing limitations of the local labour market and of the gap between the so-called real country and legal country was not easy. And this discrepancy could not be overcome by local institutions.³³ Although after the recognition of refugee status, Kurds were, *de jure*, entitled to receive economic support for the following five years, that entitlement did not offer any guarantees that, *de facto*, they were going to receive it. These discrepancies had an enormous impact in influencing the decision of many Kurds to move away from the province of Catanzaro. Finally, the lack of local experience in dealing with the reception of refugees as well as some miscalculations of the effective willingness of the Kurds to remain in the area have influenced the overall outcomes. All those who had Kurdish connections abroad aimed, from the very beginning, to move toward those areas, and slowly the vast majority started to move away from Badolato,³⁴ a departure that in many aspects seems to represent a failure of the reception project. What is argued here, by contrast, is that the Kurdish willingness and intention to move elsewhere, despite the many local efforts, ought not to be considered a fiasco, but indeed as an important lesson, to local and national institutions, of the complexity of any plan of reception.³⁵ Before evaluating why it is argued that, despite the outcomes, mechanisms of inclusion were developed at the time, it is important to investigate further how local institutions attempted to take care of the economic inclusion of the Kurds.

Toward mechanisms of inclusion?

A little more than a month after the arrival of the *Ararat*, the Italian Refugee Council, in co-ordination with local institutions, prepared a questionnaire in order to assess how many Kurds intended to remain in the area and what labour skills they possessed. The data that emerged from the census led them to believe not only that most Kurds intended to remain *in loco* but also that many would integrate economically within the 'traditional' sectors. Although the Calabrian region had experienced the phenomenon of depopulation because of the scarcity of job opportunities, it appeared that many Kurds would easily integrate into the local market, and simultaneously the local market itself would re-flourish thanks to their skills.³⁶ The willingness of many Kurds to remain in Calabria seemed further confirmed by the enthusiasm they expressed for having arrived in an area that, with its peculiar landscapes, resembled Kurdistan.³⁷ All these positive elements seemed to confirm that the economic integration of the Kurds in the region was a feasible and realistic plan. Moreover, the constant visits of Italian

and European MPs, as well as national and international journalists, seemed to represent a good opportunity for facilitating the allocation of financial resources that would allow the local administration to expand job opportunities. In the eyes of the local administration, the presence of the Kurds and their labour skills were perceived, from the very beginning, as a positive opportunity for developing projects that would expand the job market for both local people and the Kurds themselves. It appeared that a serious process of inclusion could have been *easily* developed, despite the non-existence of an adequate asylum law, the scarcity of jobs, and the lack of experience in refugee reception. The remarkable involvement of the local population as a whole, the historical Calabrian tradition of welcoming, and the willingness to make the Kurds to become part of that local 'reality' seemed sufficient to guarantee the success of the project of their social and economic inclusion. And it was this positive and optimistic picture that national and international press constantly diffused, transforming the unknown town of Badolato, renamed the "Italian Kurdistan",³⁸ into a point of attraction. The substantial media coverage,³⁹ dominated by a discourse of an easy and quick process of integration, enormously facilitated the allocation of special economic funds to the municipality of Badolato – whose people have experienced fifty long years of emigration – from central government, the region of Calabria, the local prefecture, and the EU.⁴⁰ Two big projects for the economic integration of the Kurds were developed, though neither achieved the success suggested by the initially optimistic atmosphere.

The first big project, presented for financial approval to the Italian Presidency of the Council of Ministers, regarded the acquisition, from private owners, of twenty abandoned houses in Badolato Superiore, which would have allowed the mayor to refurbish the houses and allocate them to those Kurdish families that intended to remain in the area.⁴¹ This project has, unfortunately, experienced the endemic slowness of the Italian bureaucratic system: it took more than three years for the money to be effectively allocated.⁴²

A second big project has been developed by the so-called CRIC association (Centre of Regional Intervention for Co-operation), which has benefited from some EU funds. The aim of the project was quite ambitious: the transformation of the town of Badolato into a tourist attraction. The so-called 'Pro Badolato' organisation was soon created with the aim of developing and co-ordinating the tourist network. Before the summer, a Kurdish restaurant, a shop of environmentally-friendly products, a ceramic and

woodcraft workshop and a small blacksmith were opened, though after a few months, they were closed down because of some financial problems.⁴³ Apparently, the project of the CRIC was not developed according to local capabilities and the economic market, but simply on the development of a tourist network, which did not consider the effective local resources. Although many important visitors were attracted to Badolato during the first six months of 1998, their presence was not necessarily going to create a successful tourist network. Moreover, the town had no experience either in forging ceramic, iron and or wood, and such abilities could not have been possibly gained after a two-week course.⁴⁴ Although the overall project was highly successful during the 1998 summer, its structural weakness was revealed after a few months. Unfortunately, the CRIC not only set up a big project independently of local resources and demand, but also failed to assess the skills and capabilities of the Kurds and, more importantly, of the local economic reality.⁴⁵

In addition to these projects, some attempts to facilitate Kurds' economic integration were developed by the prefecture of Catanzaro, which tried from the beginning to create a dialogue with the Kurds. Given the non-existence of effective job centres, the prefecture had specifically set up a committee and a working group with the aim to put together the local labour demand with the supply.⁴⁶ Apparently, not even the attempts of the prefecture of Catanzaro to create job opportunities went particularly well, though it is not easy to assess the reasons. And in this respect, during the many interviews conducted *in loco*, some discrepancies have emerged in the evaluation of the outcomes. These different opinions are, however, important because they mirror how local institutions, personnel of the Italian Refugee Council and Kurdish refugees themselves have perceived and understood the process of reception. It is to these evaluations that attention will now concentrate.

Evaluating the outcomes

As already mentioned, the reception mechanisms organised in the province of Catanzaro are conceptualised as inclusive, although only a few Kurdish refugees, out of the hundreds who arrived in 1997, are now living in the area. They are defined as inclusive because, given the Italian asylum system, a serious attempt to make the Kurds become part of that social and economic life has been developed. No doubt, however, if the outcomes were to be evaluated exclusively according to the number of Kurdish refugees living in the province, they would be certainly highly negative. If,

conversely, the efforts of the local political institutions, population, charitable networks and of the many Kurds were considered, a more positive framework would emerge. Moreover, if the distinction between objectives and outcomes as well as between local and national competence were introduced, a full picture of the many variables embedded in the reception system would be discovered.

As previously suggested, some discrepancies in interpreting the outcomes of the reception project emerged during the interviews conducted *in loco*. In very general terms, two opposite opinions have been expressed which together allow us to fully perceive how some misunderstanding and misperceptions impacted negatively on the overall projects. According to some, despite the enormous and exceptional efforts and personal involvement of local institutions, the reception plan did not work because the Kurds were unwilling to remain in the country, independently of the local job opportunities. The information gained from the census was consequently misleading, and despite Kurds have manifestly expressed the desire to remain in an area, which resembled Kurdistan, the vast majority intended, from the very beginning, to move towards other European countries and reach their relatives and friends.⁴⁷ Although this understanding would certainly apply to those who left the province as soon as the refugee status and the travel documents were obtained, it would hardly applied to those who have remained little bit longer and attempted to be involved in the local labour market.⁴⁸

According to Soran Ahmad, it would be unfair to attribute all the responsibility for the failure of the projects exclusively to the Kurds. A serious evaluation of the outcomes requires a closer scrutiny of how Kurds themselves understood and perceived the reception processes. While at the very beginning the prefecture covered all the costs of the everyday expenses, once the status of refugee was recognised, all assistance abruptly stopped.⁴⁹ The recognition itself implied that the state of 'emergency' was over, and hence, the local prefecture was no longer responsible for providing for everyday basic needs. The shift from a condition of full assistance to a condition of self-help was quite radical and local administrations did not possess the necessary legal and financial tools for continuing to assist the Kurds. Many refugees understood this shift, from the initial phase of first reception to the so-called 'second reception', as a 'betrayal'. According to Ahmad, it is important to seriously evaluate how the widespread media coverage that their arrival encouraged, and the constant visit *in loco* of national and international politicians impacted negatively on the way

refugees perceived the reception plan and the allocation of basic services. Many Kurds perceived that, at the very beginning, they were fully assisted *simply* because of the constant presence of national and international journalists and politicians. Once the presence of the Kurds in the area no longer represented a focus of attraction, all assistance and support immediately ceased.⁵⁰ As Ahmad has put it:

The condition of the profughi is not an easy task to handle. ... I remember initially all the human solidarity ... it seemed that some sort of magic among human relations was created, everyone was friendly and available, and Calabrian people are humanly very kind. ... The problem is that, at the beginning, everything has been given and, after a few months, it was no longer possible to give. And it seemed that everything was given as long as the TV cameras were there, once the cameras were gone, everything stopped.⁵¹

Although it is undeniable that innumerable acts of openness, support and assistance were expressed initially from local population as a whole, soon followed by a radical shift in the delivery of the services, local administrations were not *fully* responsible for such a sudden change. Consequently, it would be unfair to attribute all the blame of the partial success of the reception plan to local institutions, as many have advocated.⁵² A close scrutiny of the legislation reveals that, once again, the enormous gap between the so-called real country and the legal country played an important role. Once the status of refugee is recognised, refugees are entitled to receive economic support for the following five years, though the final decision to effectively allocate the money is on the hands of national authorities. Moreover, in the event that refugees' request are positively accepted, the whole bureaucratic procedure might take up to a year. This leads, inevitably, to the impossibility of refugees receiving economic support, despite being entitled to, when in need. The task of making the Kurds understand and accept the huge gap between what is established by law and how the everyday practice works was not an easy one, and it was even more difficult to clarify which institutions were (and still are) responsible for such a gap. As Nerina Renda, immigration officer at the prefecture of Catanzaro, has put it:

we had problems with the Kurds because of the incredible bureaucracy. The law establishes something, though you find yourself in dealing with an inefficient institution. We had lots of problems ... because they thought we were making false promises.⁵³

This strong sense of 'betrayal', of having received false promises, has been expressed during the interview with Aras, an engineer from Iraq who, because of his knowledge of English, was the most frequently interviewed Kurd during the whole of 1998.⁵⁴ Strong feelings of anger have been manifested against the Italian institutions and in

general against the asylum system as established in the Dublin Convention. As matter of fact, Aras and his wife, Silivana, after having remained in Badolato for quite some time, decided to go to Sweden both because work possibilities *in loco* were not those expected and because Silivana's relatives were residing there. At the time of the interview, they were living again in the province of Catanzaro, after having been sent back to Italy, in accordance with the Dublin Convention. Although the Central Commission granted them refugee status, they re-applied for asylum in Sweden, because re-submission of the application represented the *quickest* way for living *legally* in that country.⁵⁵ Having been sent back to Italy, they decided to go back to Calabria, aware that they could have relied on the support of the local population and charitable networks. Those feelings of anger that emerged during the interview were mainly directed toward Italian institutions and not the local population, from whom Aras and Silivana were receiving lots of support. It is important to stress this last point. The anger was not connected to a sense of being socially and economic excluded as compared to locals, but more importantly of being *institutionally abandoned*, despite the existence of legislation that established the allocation of economic support, including appropriate accommodation, if in need. This sense of being abandoned was perceived even more strongly after living in Sweden for a year and experiencing life in a country where a well-organised social system existed.⁵⁶ A completely different opinion has been expressed by Josef, Sami and Aziz, all Kurds from Turkey.⁵⁷ Despite recognising that working possibilities in the area were a few and that life in Italy was "difficult", none of them has, however, expressed any sense of disillusion with the little support received from local institutions.⁵⁸ Their perception that Italians were experiencing similar difficulties in the labour market as well as the lack of any specific aspiration for a professional career, played certainly a key role in shaping the Kurds' understanding of being included within the socio-economic local framework. A close evaluation of the conversations with the Kurds and with Daniela Trapasso, operator of the Italian Refugee Council, has been significant for revealing how a different perception of the reception processes, of the relationship with Italian institutions and with local population have directly impacted on the decision of many Kurds to leave or remain in the area.⁵⁹

As evaluated in chapter three,⁶⁰ although refugees share a common condition of displacement, the experience of 'being a refugee' represents *per se* a unique story, and such uniqueness has been manifestly exposed through a close scrutiny of how Kurds

perceived and questioned their socio-economic conditions within the destination locality; their being the 'same' and/or 'other' as compared with locals; and how they evaluated their professional aspirations and intention to be re-united with Kurdish communities living in other European countries. And it was precisely the difference in their perception of the condition of 'displacement' and 'refugee-ness' that has enormously impacted on the decision to remain in, or depart from, that local context. Difference in perceptions and/or aspirations led some to move away from the province of Catanzaro as soon as refugee or humanitarian status was obtained without any attempt to become part of that local context, others to depart only after having experienced the difficulties of the labour market, others to look for better living possibilities after having received 'false promises' from local institutions, others to decide to remain in the area despite the many difficulties and still others to move spontaneously to Badolato and Soverato because of a free choice and not simply because they arrived along that piece of coastline.⁶¹ Moreover, the decision of the vast majority of Kurdish refugees to move away from Calabria and look for a new home dramatically exposed why it is not *per se* sufficient to live in a safe space in order to perceive it as a 'home', nor is it sufficient to have reached a safe area to perceive that the journey of 'displacement' has come to an end. Although the dramatic and violent events that forcibly induce the condition of displacement make refugees search for a new space to call home, such a search is not automatically achieved once the first safe country has been reached.⁶² The perception of experiencing a condition of *limbo*, which naturally transforms the journey into a prolonged condition of displacement, is dramatically revealed once, as in the case of Aras and Silivana, the new living space does neither represent the imagined home, nor the imagined home can be easily achieved.

To conclude, the reception experience as developed in the province of Catanzaro is conceptualised as inclusive even though only a few Kurdish refugees live at the moment in the area. A close analysis of such an experience has allowed us to uncover the multiple factors that need to be accounted for in order to develop a serious plan of reception. The local social and economic environment, juridical aspects, perception of the reception processes, refugees' professional aspirations and their intention to reach Kurdish communities are all key factors that need to be assessed when considering more durable reception solutions, which should, first and foremost, question the assumption that refugees accept passively whatever is offered. And it is this aspect

that has been virtually ignored in refugee legal and political studies as well as in the Dublin Convention, which denies *a priori* the possibility of refugees (broadly defined) selecting the destination country, and hence freely deciding where to establish their future home.

6.3 EXCLUSION: THE CASE OF ABDULLAH OCALAN

As already argued in the previous chapter, a political discourse dominated by statist determinants and a process of manipulation of the asylum procedure have resulted in the 'camouflaged expulsion' of Abdullah Ocalan, despite the pending of his request of asylum. While the concluding section in chapter five evaluated how the public and political debate has been shaped and influenced by political and economic external pressure, the present section will explore why, given the *apolitical* valence of the principle of asylum, Ocalan's request ought to have been examined exclusively by the appropriate commission and court, and hence why the development of mechanisms of exclusion contravened the principle of refuge of the Geneva Convention and the right of asylum as expressed in the Italian Constitution. The complete failure to seriously evaluate these aspects made the institution of asylum subject to political evaluations, which offer *per se* no guarantee of protection because they are susceptible to manipulation according to the contingent state of affairs.

As already mentioned the political discourse has been shaped and constructed as if presupposing an either/or choice approach: either the safeguard of Italian national interests or the protection of Ocalan, and in general of the Kurds. More specifically, the public and political discourse has been put forward as if the issue were to question whether realist thinking – the protection of the state – had to take priority over idealist one – the protection of Ocalan – and not to seriously evaluate whether juridical aspects had any value at all as compared with political determinants. On the one hand, it seemed *idealistic* to believe that a small country like Italy could have played a role in stimulating and encouraging an international debate on the Kurdish question and in establishing the basis for a peaceful dialogue between the Kurds and the government of Ankara. On the other hand, it was believed that a favourable position towards Ocalan, and the Kurdish question in general, would have been utterly inappropriate and politically undesirable because the Italian government had to adopt responsible and realistic politics.⁶³ As stated by S. Romano, a well-known journalist, historian and

diplomatic, whose statements clearly resembled a lesson of political realism *alla* Machiavelli:

a State cannot simply wish to aim toward the 'Good'. It has to question what consequences might be derived from its initiatives. ... When political asylum is requested by a leader of a military and terrorist organisation, the recognition is never an impartial or neutral act. ... A government ... has the duty to calculate the effects of its decisions. ... [and] has above all the duty to protect its own citizens, safeguard its economic interests, maintain the political equilibria of the region where its nationals live.⁶⁴

According to this view, legal and *apolitical* evaluations, which would have required refraining from any political debate, were *a priori* excluded. Because of the failure to address the issue of asylum exclusively from a legal perspective, it appeared that Ocalan's request, if positively accepted, was a matter of the generosity of Italian institutions, and not a matter of respecting and implementing Italian legal principles. The issue that was supposed to be publicly and politically discussed was not whether to grant asylum to the leader of the PKK, following respectively either idealist or realist evaluations but, indeed, why as result of international obligations and of the Italian Constitution, the right of asylum needed to be given priority, and why the appropriate commission and court needed not to be influenced by the political debate. Moreover, the act of deciding within parliamentary institutions whether to grant asylum to Ocalan, was *per se* a political act that ought not to occur, as constantly affirmed by his solicitor: "[p]olitics ought not to get involved in this issue because it is first of all a legal battle".⁶⁵

The so-called 'Ocalan case' made evident how mechanisms of exclusion have been constructed, why the principle of protection, embedded in the concept of reception, has been applied *selectively* according not to need but to the prevailing political interests. The tragic epilogue of Ocalan's permanence in Italy has clearly exposed the weakness of the right of asylum and the principle of legality, and re-affirmed the predominance of *Realpolitik*. Moreover, as extensively argued, although processes of manipulation of the juridical norms have *de facto* dominated the whole of 1990s reception policies, in reference to Ocalan, the manipulation regarded, not everyday survival problems but, indeed, those legal provisions related to the admissibility of his asylum request and the grounds on which it was founded. Attention will be now devoted to this legal matter, through a close scrutiny of the argument put forward in Nazzarena Zorzella's article, 'Il Caso Ocalan e il Diritto

d'Asilo' ('Ocalan Case and the Right of Asylum'),⁶⁶ whose analysis concentrates exclusively on the legal and apolitical aspects of the principle of asylum.

Advocating the principle of legality

Zorzella's article concentrated attention exclusively on the Italian legal norms, stressing why the recognition of asylum has to be both impartial and neutral, and hence free from political evaluations. The article was published a few months after the 'forced expulsion' of Ocalan, with the declared intention of protesting the enormous delay by the Italian court and the Central Commission in examining Ocalan's application.

Although asylum legal aspects have been already evaluated in chapter two, it is worth recalling what has been said in reference to the legal distinction between 'refuge' and 'asylum' as expressed respectively in the 1951 UN Convention and in the Italian Constitution. The Convention and the Constitution are based upon two different principles: while the former guarantees *refuge* only to those who have suffered political persecution and are able to provide evidence of possessing a 'well-founded fear of persecution', the latter guarantees *asylum* to any alien barred from the exercise of democratic liberties in her/his own country. Article 10 of the Italian Constitution recognises, consequently, a subjective right of asylum and declares:

[a]ny alien barred in his own country from the effective exercise of the democratic liberties guaranteed by the Italian Constitution has the right of asylum in the territory of the Republic on the conditions laid down by law. [article 10 (3)]

Ocalan presented, legitimately, two asylum requests, whose procedures were independent of one another. On the one hand, the PKK leader requested an administrative procedure for ascertaining his 'well-founded fear of persecution' – *ex* Geneva Convention – and on the other hand, a juridical procedure for evaluating the pre-conditions for granting asylum – *ex* article 10.⁶⁷ Following the Geneva Convention, he possessed a 'well-founded fear of persecution' being the president of a party banished from the Turkish government and a member of the Kurdish nation, to whom is denied any form of social and political associations and respect of human rights and democratic liberties. Ocalan also possessed the pre-requisite for recognition of asylum as expressed in the Constitution, falling within the definition of being an 'alien barred in his own country from the effective exercise of the democratic liberties'.⁶⁸ The historical pretext that the Constitution could not have been advocated

was, at the time, easy to dismiss as result of a decision, taken in 1997, from the Court of Cassation. As already mentioned, the Court clarified that article 10 guarantees a subjective right of asylum independently of the existence of an appropriate asylum act that would have specified those juridical conditions for the implementation of the Constitutional norm.⁶⁹

Regarding the administrative procedure, no decision was taken by the Central Commission, whose members are directly elected from the personnel of the Ministries of Interior and Foreign Affairs.⁷⁰ The non-decision of the Commission and its refusal to evaluate the Ocalan case after his (forced) departure exemplified the failure of the government to respect the declared independence of the Commission. In the eyes of the government, the request of asylum was deemed juridically inadmissible, even though article 10 of the Dublin Convention obliges states to examine asylum requests up to three month after the asylum seeker has left the country.⁷¹ The non-decision of the Central Commission was a clear signal of the difficulties in evaluating the case, though such an evaluation ought not to be dictated according to destination person and political evaluations, but indeed according to the respect of the existing norms. As Zorzella has put it, despite the

exceptionality of the subject involved, ... the solutions offered could not be exceptional, as they have, indeed, to find a natural justification in the principles and regulations expressed in the Italian juridical system.⁷²

The right of asylum, as declared in the Italian Constitution, is a 'fundamental right', whose implementation ought to be free from any political decisions which are *per se* subjected to a constant process of fluctuation according to the government into power and according to the political momentum.⁷³ Political asylum, to be meaningful at all, ought to maintain its *apolitical* valence – despite its 'political' attribute – a valence that was completely disregarded nor made explicit within the public and parliamentary debate. The lack of any political determination to oppose external pressures, particularly those from Turkey and the USA, obscured the juridical aspects and made politics prevail over legality. The Italian legal provisions have been ably masked in name of the preservation of a politics of the *status quo*. Although the leader of the PKK was not officially expelled, because of some legal impediments (article 17, 40/98), he was forced to leave the country *spontaneously* (16/01/1999). Moreover, despite the various attempts to block the juridical procedure, the court did finally grant asylum to Ocalan on the 1st October 1999⁷⁴ demonstrating that the juridical procedure

was formally respected, though several months after his ‘camouflaged expulsion’. If the granting of asylum to Ocalan ought to be considered as a juridical victory over the political as many have affirmed, it is without doubt a Pyrrhic victory.

To conclude, the Ocalan case exemplifies why Italian reception policies are highly selective and why, *qua* selective, the principle of asylum and refuge is subject to the dominant understanding of the meaning of protection and to the existence of a political (national and/or local) determination in developing adequate tools for making such protection effective. While the examples so far considered exposed the nearly complete absence of any serious and direct involvement of political institutions in providing basic care and assistance during the so-called ‘first reception’, the Ocalan case has demonstrated that such political involvement ought not to regard the assessment of the asylum application, if its apolitical valence is to be fully respected.

6.4 IN-BETWEEN: THE CASE OF ROME

The decision to consider how the municipality of Rome has organised its reception system has not been accidental for few important respects. To begin with, Rome has become an important destination for asylum seekers especially for those who enter the country via southern regions. In the vast majority of the cases, the police personnel working in the so-called first reception centres tend to direct asylum seekers to Rome, because it is here where asylum applications are normally processed. Secondly, Rome, despite being a metropolitan which attracts quite naturally newcomers, has historically developed a very poor social system, and has *de facto* devolved all activities of assistance to private initiatives. Because of this tradition to delegate, particularly to the Catholic Church, all initiatives of assistance, local political institutions are now facing enormous difficulties in trying to fill the institutional gap that has been created during the past decades. Thirdly, because of the existence of such an extensive political void, Rome combines some of the typical characteristics of the areas of transit along with some of the peculiarities of the so-called regions of permanence. While, on the one hand, local institutions are unable to find immediate responses in terms of accommodation and basic assistance, forcing *de facto* many asylum seekers to move elsewhere, on the other hand, many asylum seekers opt to remain in the capital and look for assistance outside the official networks. Fourthly, the limited responses provided by local institutions and the inadequate reception system make Rome a key site for exploring why asylum seekers and refugees have developed and invented their

own survival strategies, and even their own living spaces where a more humane and alternative reception becomes possible. Finally, the atypical Roman reception system problematises the assumption that refugees are passive 'recipients of aid'. This assumption clearly exposes its weakness once refugees are located within a political and social space where very little, if any, is offered from the local and official institutions.

Given the huge gap between public and private responses, the argument which follows will be divided into two parts. The first part will consider the inadequacies of the social *public* mechanisms in responding to immediate basic needs, traditionally justified by the assumption of Rome being an area of transit. The second part will analyse how, as result of public non-responses, Kurdish asylum seekers have organised themselves, creating their own alternative spaces in which to meet their immediate basic necessities. The alternative space considered is the so-called 'Global Village' (*Villaggio Globale*), located in the centre of Rome, previously used as a slaughterhouse.

From public non-responses ...

As extensively argued in chapters two and four, many of the everyday problems in terms of accommodation and basic assistance are closely related to the juridical lacunae of the existing legislation which, because of the absence of an asylum law, can hardly provide satisfactory responses to asylum seekers. While the 1998 Turco-Napolitano Act established the creation of the so-called reception centres for migrants and for 'illegal entrants', no legislation has considered the creation of any accommodation facilities with special reference to asylum seekers.⁷⁵ Because of the legal lacuna and the scarcity of local official initiatives, many asylum seekers who arrive in Rome, particularly after having spent some time in the first reception centres in the southern regions, have no alternative other than sleeping in the Roman public parks, and the so-called *Colle Oppio*, by the Coliseum, has been transformed, for quite some time, into an open-air dormitory.⁷⁶ If the legal provisions and the intricate bureaucratic procedures are considered, the tragic living conditions experienced by the vast majority of newcomers should not come as a surprise. Needless to say their living conditions are highly dramatic, if not offensive to the human dignity and the very concept of protection inherent in the institution of asylum. What does, indeed, surprise is the scarcity of inclusive initiatives of the municipality of Rome, despite the existence

of an immigration legislation that allows the administration to develop spaces of inclusion through the adoption of broader interpretations of the legislation.

As previously stated, asylum seekers are entitled to receive some financial (though insufficient) support for their first 45 days, even though the overall asylum procedure takes generally more than a year to be processed. Those who find accommodation in reception centres will automatically be denied any financial assistance and they are permitted to remain in the centre for up to 270 days (nine months), and not until the procedure is completed and a job has been found.⁷⁷ Although it appears that the legal norms do not allow for any interpretative spaces, as clearly demonstrated in the previous sections, the legislation is more flexible than it appears. As matter of fact, the local prefect can adopt exceptional measures once an 'emergency' explodes, which might include exceptional solutions in providing immediate accommodation. The creation in 1992 of the so-called 'Special Immigration Office' (*Ufficio Speciale Immigrazione* - USI) was connected precisely to a situation of crisis: the official discovery of highly dramatic living conditions of many migrants who were staying in an abandoned bakery in Pantanella.⁷⁸ It is still this office that takes care of finding accommodation for migrants and asylum seekers within the reception centres in the municipality of Rome. It is here where information on the Roman reception capabilities has been obtained. Apparently, the USI no longer represents an 'emergency' office, hence it is unable to provide for immediate accommodation solutions even though it acknowledges that many asylum seekers are forced to sleep in public parks before a more decent place is provided.⁷⁹ Unless the local prefect decrees a state of emergency, places in the reception centres are given strictly according to bureaucratic procedures: accommodation requests are accepted exclusively on Mondays and Thursdays and only on Tuesdays are places in the centre allocated.⁸⁰ An asylum seeker has to wait generally a week before being allowed a bed in a centre, and during this period the USI is not responsible for providing any alternative solutions other than park benches. The situation becomes even more tragic, if not completely disastrous, when the waiting time for families is considered, a waiting time that usually ranges between two and three months, with an average of ten to twelve families on the waiting list.⁸¹ During this waiting period, as elaborated by D'Amore,

[w]e do not know what to do. In the meantime we have no answer to offer. ... We have even arrived at a situation where thirty-two families were awaiting. ... The average is between ten and twelve families on the waiting list.⁸²

But, if the *Special Immigration Office* is not responsible for this 'human crisis', which office is deemed so? Apparently, only the prefect is responsible for decreeing whether a situation of crisis is taking place, hence no other public and political institutions can respond to the accommodation emergency and adopt immediate solutions. As previous crises have demonstrated, prefects are more likely to respond and to find alternative accommodation *only if* the crisis acquires a public dimension, moving from a condition of institutional invisibility to one of political visibility. And given the existence of well-developed alternative responses, *public* and *political* institutions tend to intervene once *private* and *apolitical* resources are unable to cope.

Leaving aside the issue of the waiting period – though it is not a minor issue – one realises that the situation in terms of reception capacity, of those centres connected with the municipality of Rome, is certainly not much better, even after 1997 when, for the first time, a triennial reception plan was put forward.⁸³ Serious limits of accommodation exist and these limits are closely connected to some misperceptions of the overall accommodation needs: 1) the reception centres that work in connection with the municipality of Rome are able to accommodate only 492 people, less than a third of the overall annual requests;⁸⁴ 2) it is generally assumed that Rome is an area of transit, and that only a minority of those who apply for accommodation intends to stay in the metropolis; 3) the centres have been organised according to the assumption that the vast majority of those in need of temporary accommodation are migrants; 4) no attempt to develop project for the creation of centres for asylum seekers has been made, and apparently it is not clear which institutions ought to take the initiative, whether the local prefect, the Ministry of the Interior or the ACNUR (UNHCR).⁸⁵

All these problems have clearly determined the development of dramatic living conditions for asylum seekers, and in many respects for migrants as well. Although the USI has been created to help migrants, since 1997 the office has been dealing almost exclusively with asylum seekers, to the point that 95% of the beds in reception centres are allocated to asylum seekers and not to migrants.⁸⁶ However, the centres have not been organised to respond to asylum seekers' basic necessities, and the fact that the centres are closed during the day, that most of the courses to learn Italian are run in the evening, and that after nine months they have to leave, are clear signals that the

services offered are inadequate for asylum seekers. Moreover, the existing labyrinthine bureaucracy has, tragically, resulted in humiliating asylum seekers and keeping them busy during the day, when the centres are closed, making them to go from one office to another, and queuing for hours, if not days, each time.⁸⁷ Because in Rome there is no office in charge of coordinating the different offices and charities that provide legal and social assistance, during the first period, it is asylum seekers that move from one place to another, in the hope of solving their basic necessities as well as their legal situation.⁸⁸ In the event that, during the nine months of permanence in the centre, the Central Commission does not consider the asylum application, no alternative accommodation can be provided by social service, and personal initiatives become essential for inventing new strategies of survival and avoiding a return to the park benches. It is, however, quite obvious that, given the reception capability of Rome, as compared with the overall requests, there will always be many who will be automatically excluded from the reception centres.

What is surprising, if not disturbing, is the way the institutions try to minimise the gravity of the overall reception situation, with the justification that, Italy being a country of transit, many who 'circulate' in Rome have no intention to remain, and if they do remain, they are able to find *their* alternative responses. This way of understanding refugees' strategies of survival has been used by the political institutions as a justification for having failed to seriously consider the effective number of those in need, and more importantly, to question to what extent part of the outflows toward northern European countries is closely connected to the present Italian reception situation. As D'Amore has argued:

during year 2000, the number of requests has been approximately 1,800. We cannot compare this data to the population that moves around Rome, ... many are just passing through, many manage to find alternative solutions – given that they also receive the 45-days support from the prefecture – and some go and sleep in the park. After all that, they come and present a request, though while waiting, they might have found their solution, or have gone away from Rome.⁸⁹

Given the enormous deficiencies in providing effective assistance and the acknowledgement that the presence of refugees has become institutionally and politically visible since 1997, many questions still remain unanswered, questions that have been posed at the Special Immigration Office. Why doesn't the municipality of Rome try to expand its reception capacity? Why since 1997 has very little been done both locally and nationally? And last but not least, why is there no attempt to move

beyond the idea of reception centres and organise the reception within more independent housing facilities? As D'Amore has explained, the reason why in Italy reception centres are understood as the *optimum* solution for solving accommodation problems depends on:

issues related to budget and culture. We ought not to forget that *only during the past four years refugees have become visible here in Italy*. ... Italy has always been a country of transit. ... Italy only recently has become a country of immigration. ... It is as if for us it is still a novelty to provide reception, and it is for this very reason that *we continue to talk of emergency* and of centres. We cannot compare Italy with France, England or Germany ... because they have been working with foreigners for the past fifty years. ... In Italy, as compared with other northern countries, ... *people can manage to remain invisible* because there is a quite welcoming social tissue within the private. ... At the institutional level ... it is hard to realise it ... because, at the end of the day, this process has not lasted for many years.⁹⁰

From this overall picture, it emerges quite clearly why, as often emphasised, the idea of protection and assistance inherent in the concept of asylum is far from being effectively applied; why an impressive political void, both at the national and local level, has caused not simply situations of temporary crises but also of permanent emergencies; why a limited understanding of reception, perceived as mere admission into the territory, has enormously influenced and shaped the reception system; why huge discrepancies in implementing the few asylum and immigration norms exist; and finally why, because of an extensive political void, alternative spaces beyond the political have emerged, though these spaces can only partially reduce, and certainly not eliminate, the devastating consequences of the political vacuum. It is on these alternative spaces that attention will be now directed.

... to private initiatives

The aim of this concluding section is to devote some space to the voices of Kurdish refugees (broadly defined) and to let them express their understanding of the reception, and non-reception, that the municipality of Rome has provided them. All the interviews have taken place in a former slaughterhouse (known as Mattatoio Testaccio), located in the centre of Rome, which has been recently transformed into a 'social centre' and renamed as '*Villaggio Globale*' (Global Village). The existence of the village itself exemplifies, on the one hand, the very little interest of the local administration in responding adequately to the needs of refugees and marginalised groups and, on the other hand, how refugees themselves have attempted to invent and create some alternative responses. More specifically, the idea of utilising this abandoned place was

taken into consideration in 1997 once the Kurdish 'emergency' first exploded and no answers were offered from Rome. As already noted, the vast majority of Kurdish *profughi* and asylum seekers, having no place where to sleep, resorted to spending nights outside on the park benches, thus transforming the so-called *Colle Oppio* into a 'park-dormitory'. At the time, the only positive responses were given by charitable organisations, which attempted to provide some basic relief, particularly in terms of hot meals and warm clothes. The official responses were simply non-responses in the sense that the Prefect, instead of decreeing a state of emergency and providing some temporary accommodation, decreed the park to be cleared. It was only at that point that left-wing organisations started to get involved transforming the abandoned slaughterhouse into a 'social centre'.⁹¹

The name of the centre is itself highly significant and representative of the way in which the inside reality is separated from the outside world. It is a 'social centre' organised by unofficial institutions, each of which is independent from each other, although linked to the common task of providing those *social* responses not guaranteed by local administration. The centre is laid out as a *village* not only because different charitable associations have established there a small office but, more importantly, because the village represents a place of temporary refuge if no alternative accommodation are made available from public services. It is a *global* village both because a multiplicity of ethnic groups works and interacts there, and because many 'global' activities are constantly organised *in loco*, with the specific aim to represent and describe a reality that is itself a 'counter-reality', a counter-narrative that departs, and *wants* to depart, from the official, the 'common', the 'normal'. While from the perspective of an outsider it appears that the Global Village is a site of marginalisation, once the outsider gets inside, the perception of the inside reality is radically transformed. The village does not represent a space of marginalisation where people accept passively to remain in the margins. By contrast, it is a space where a counter-narrative emerges and is made explicit through the organisation of alternative and unfamiliar debate, music, public manifestations and, more in general, 'performative' acts that aim to discuss, describe and represent a reality that official discourse tries constantly to disregard, ignore and/or conceal.

It is within this 'global world' where the so-called *Azad* and *Ararat* associations, whose activities are organised in favour of the Kurds, were established. Despite a close collaboration between the two, their objective is completely different. The *Azad*

association is run by Italians and its focus is centred on the diffusion of the Kurdish issue.⁹² The association itself has been set up by Dino Frisullo, an Italian journalist who has experienced the hardship of Turkish prison for several months, after having participated in the celebration of the *Newroz*, the Kurdish New Year.⁹³ The *Ararat* is, conversely, a centre run by Kurds whose main objective is to provide basic needs, particularly to those just arrived in Rome, as well as to provide a social space where Kurds can get together, particularly during daytime when public reception centres are closed.⁹⁴ Apparently in 1997, the building, formerly used as a veterinary surgery, was in a complete state of abandonment. Thanks to the help of charitable, left-wing and Kurdish networks, Kurds were able to transform the building into a living space, and create all the basic facilities including a television room, where a Kurdish channel can be viewed. What is important to highlight is both how the Kurds have tried to utilise all the available resources and transform the abandoned surgery into a living space and how those living in the *Ararat* have defined the centre, a definition that has been written on one of the side-walls of the building. Only after having visited the *Ararat* several times, did I notice those words which are highly visible to those who enter into the village from the back. These words clearly exemplify the way in which Kurds have defined themselves as well as the space they occupy: '*Ararat: casa ai senza casa*' (*Ararat: a home for the homeless*). This very definition is strongly connected both to the lack of responses of the municipality of Rome and to the informal structure of the village that has been transformed into a place where individuals, belonging to different ethnicities, can find a refuge for the night. The village is itself a space of refuge, hence a 'home', though it is perceived not as the dreamed, secure, stable and private home that Kurdish refugees expected, but as a temporary refuge for those who find themselves in a condition of 'homeless-ness'.⁹⁵ Hence, the *Ararat* should be best described as a temporary *public* home that provides refuge to the homeless, and not the dreamed future *private* space that would have allowed the Kurds to perceive that their condition of 'homelessness' had come to an end. The temporary impossibility of living within a space that might be identified as a private home results in the perception that the condition of displacement has not come to an end. The failure of finding a place to call home signifies *per se* that their forced journey is not over yet and hence that the beginning of a new stable and secure point of arrival has not been achieved.⁹⁶ However, despite their perception of being homeless, and despite the little support, if any, provided from official public institutions, an incredible vein of optimism and a strong

willingness to keep going pervaded the vast majority of Kurds interviewed. Moreover, the perception that the *Ararat* represents a temporary refuge is strongly reaffirmed by the fluidity and constant movement of Kurdish refugees mainly, though not exclusively, of Turkish origin. This very fluid movement makes the *Ararat* a site of 'encounters', a site where a multiplicity of unique stories meets and interacts. Although each of these stories tells a different fragment, a different way of experiencing the condition of 'displacement', all the stories express a common desire: utilise all the available energies for expanding the existing "residence strategies"⁹⁷ and for building the dreamed and expected private space to call home.

The following pages do not aim to tell 'new' stories or to describe a reality not uncovered in the preceding chapters. Most of the stories will, indeed, appear quite familiar though they will describe a reality that is experienced not by nameless numbers, but by people with a face, a name, a past, a present and a future. Although the quotations do not exactly represent their own words, because a double process of translation has unfortunately occurred,⁹⁸ it is their stories, their fragments of life experienced within a well-defined space and time. The interviews have been left unstructured to allow the Kurds to express, in their own way, their story and their perception. And the different emphasis that each of them has given in narrating their story exemplifies precisely the different understanding and perception of their life in Italy. These very fragments will be expressed without any attempt to create homogeneity, coherence and fluidity in the narration, but reproduce, as close as possible, their stories as Kurds themselves have expressed them. However, the main objective is not simply to narrate some refugees' stories but, more importantly, to further expose how Kurdish refugees have re-acted to the non-reception provided by the municipality of Rome; why, as constantly argued in the thesis, it is important to take in due consideration the constant and voluntary fluid movement between Italy and northern European countries; why the idea of refugees being mere passive objects is highly problematic; and why refugees are not simply *either* included *or* excluded within the receiving society.

Narrating some fragments of life

Rahime and Hamdullah is a Kurdish couple with four children, who fled from Turkey, though they undertook the journey separately.⁹⁹ Hamdullah was the first to reach the coasts of Italy in September 1997 at a time when Italy was showing no serious interest

in processing asylum applications. Within two hours from his arrival, Hamdullah was on his way to Germany: the police personnel requested him to sign a document, gave him a decree of expulsion, took him to the closest railway station and, because he expressed the intention to go to Germany, the police provided him with the ticket to Vintimille. As Hamdullah has put it:

at the time when I arrived in Italy, it was not compulsory to request asylum. The police told me to sign a document and within two hours I found myself in the railway station. Initially I thought that the document was a receipt of the asylum request, only after, someone ... told me it was a decree of expulsion.¹⁰⁰

Rahime, despite being at her sixth month of pregnancy, made her way to Italy together with her three children, and reached the coast of Badolato the 26th December 1997, with the cargo-boat *Ararat*:

I first stayed in Soverato and then six months in Gagliato. When I arrived I was six months pregnant, ... everyone there was very nice. ... After my child was born, I started to live in a house in Gagliato together with another Kurdish family. ... There was a nun that took care of the children. She provided them with everything. ... Within two months since my arrival, I appeared before the Commission for the asylum request, and after having been waiting for three and a half months, I received no answer and no document. Then, I decided to go to Germany. ... The interpreter that was working there took me to Rome and bought me a ticket to Monaco.¹⁰¹

Rahime, as many other Kurds who disembarked from the cargo-boat *Ararat*, never intended to remain in Italy but aimed to reach Germany. It was there where her husband was staying, despite his lack of valid documents as no asylum request was submitted. Although Rahime had already applied for asylum in Italy, she re-applied again in Germany, and as she stated:

once in Germany, I re-applied for asylum, and my application was accepted. However, they discovered that Italy was the responsible country and they sent me back there after one year and seven months. ... Initially, the idea was to apply for family re-union once I obtained the status. ... Hamdullah was still in Germany, and initially, he did not requested asylum. ... Unfortunately, our plan did not work out.¹⁰²

Needless to say that, in strict application of the Dublin Convention, the German authorities did not at all consider keeping the family together and, despite having obtained the status, as soon as it was discovered that Italy was the country responsible for processing the application, Rahime and the children were sent back to Italy. Before accepting passively to return back to Italy, Hamdullah submitted the request of asylum and despite attempting to demonstrate that he was not given the opportunity to submit the application in Italy, he received the order to leave Germany within a month.

Although both Rahime and Hamdullah left Turkey at the end of 1997, after more than three years, they were still experiencing a condition of displacement and uncertainty: Rahime was sent back to Italy from Germany at the beginning of March 2000 and his husband followed her soon after. At the time of the interview, after more than a year since their 'forced' arrival in Italy, very little improvement has been achieved in terms of life conditions and legal status, particularly for Hamdullah:

I have applied for asylum more than one and a half year ago, and I am still waiting to obtain a permission to stay. ... Every time I go to the Questura I keep receiving a small piece of paper with a new appointment. ... If I go to the doctor, he does not accept that paper, he wants to see a permission to stay.¹⁰³

It is only Rahime that possesses a permission to stay, though only on a temporary basis. Apparently, thanks to the help of the Italian Refugee Council, she managed to receive a permission to stay for humanitarian reasons, because she has four children, though some further problems have arisen:

I have a temporary permission to be renewed every year. But my child who was born here in Catanzaro has not been included in my documents. ... He is a clandestino. His name and surname were registered incorrectly. ... We have no documents that can prove that he is our child.¹⁰⁴

Their living conditions in terms of accommodation were not much better. At the time of the interview, all the family was accommodated within a reception centre, though officially they were not entitled to, because they already spent there the maximum period allowed by law. Apparently, no one had the courage to abandon them in the street, despite the fact that their nine months permanence in the centre expired in March 2001.¹⁰⁵

A completely different story was narrated by Ibrahim, a story whose emphasis concentrated not on the living conditions in Italy, but on the importance he attributed to his arrival in Rome. As result of the arrival and stay of 'their president', Abdullah Ocalan, Rome has become an important and symbolic point of destination for many Kurds from Turkey. After having briefly described the first period of permanence in the country, Ibrahim shifted the conversation radically toward another issue: the new era of peace that the PKK had announced. Moreover, aware that his initial experience in the country represented the common practice and not an exception, he asked the interpreter, Gaffar, to describe how the asylum procedure works, as if it was completely irrelevant for him to tell that part of story. As 'common practice', Ibrahim arrived in the coast of Puglia 11th October 2000, with a cargo-boat of 600 *profughi* and was taken, soon after

the disembarkation, to the police headquarters because he was suspected to be a member of the crew. After a few hours of examination, he was taken to the reception camp in Lecce, where he remained for 19 days:

in the camp, not even basic human rights were respected, we were treated as if criminals. ... After a short period of time, I was released and left free, though I received no money to get to Rome, not even the money to pay for the train ticket. ... In the train, we were caught with no tickets, we started saying 'Ocalan', 'Kurdistan', confident that every Italian knew Ocalan. It was a way of identifying ourselves.¹⁰⁶

Once the conversation moved to the living conditions experienced in Rome, Ibrahim simply described, in two sentences, the non-reception offered by the municipality of Rome:

once I arrived in Rome, I lived in very difficult conditions, which have been experienced by 'primordial societies' centuries ago. After two days, I arrived here at the Ararat and, after two weeks, I got a bed in a reception centre. *However*, Italy is important because our president has arrived here. Rome has become an important site for the Kurds. It is a symbol. It is as if we love Italy, and the Italians, because our president has passed by Italy. ... I would rather remain in Italy than move towards northern Europe because Italians have been friendly and welcoming towards the Kurds.¹⁰⁷

What was quite surprising during the conversation with Ibrahim was his optimism and determination to remain in the country, despite Italian institutions were offering him very little, which seemed for him not to represent an important issue. The solidarity that a big portion of Italians did express when Ocalan was in Italy was much more valuable than receiving economic support and basic care from local official institutions. And as he put it:

Christian pilgrims come to Rome, Muslims go to Mecca and 'our Mecca' is Rome because our president has come here. ... Of course, there are many problems that prevent us to do many things, however, these conditions are not everlasting ... A 'revolutionary' person, although not possessing anything, is capable of creating something from nothing. ... Here at the Ararat, everything was in a complete state of abandonment, and we have transformed the building into what it is now. ... Before arriving in Italy, I used to smoke, daily, two packets of cigarettes, now I don't. ... I would rather remain in Rome, where you can feel the solidarity of the Italians, than move to northern Europe. Italians have been very friendly with the Kurds.¹⁰⁸

The very same optimism expressed by Ibrahim was replicated during the conversation with Muhlis, who arrived in Italy 20th September 2000 all the way along the Balkans inside a truck.¹⁰⁹ Like Ibrahim, his arrival in Italy was the result of a personal choice:

Why Rome? When Ocalan arrived here in Rome ... he attracted the attention of the Kurdish people. ... Rome has become famous to the Kurds and many want to come here because their president has arrived here.¹¹⁰

The focus of the conversation did not at all concentrate on the living conditions in Italy. Despite a specific question on the subject, he decided to focus on another story: the dramatic conditions experienced by the Kurds in the everyday life. And as he put it:

Before replying to your question, I would like to draw your attention to something else. Our people have been historically subjected to atrocities and massacres. The republic of Turkey has periodically and systematically perpetrated terrifying abuses at the Kurdish people. ... In order to understand why many Kurds arrive in Italy, it is important to consider that Ocalan has passed by through this country. ... We consider Italy as a friendly country because it has helped us. It is for this reason that Rome is an important destination for all of us.¹¹¹

Given Muhlis's strong desire to tell not his story but the story experienced by the vast majority of Kurds, the conversation continued along these lines, though it was also asked whether he intended to remain in the country, what he expected to achieve in Italy as a Kurd, and ultimately how important it was for him to obtain the full recognition as a citizen. And as expressed by Muhlis:

the Kurdish people have rights as everyone else. ... The Kurdish people are deprived of basic human rights. ... Why does Europe allow all these massacres perpetrated by Turkey to take place? ... Europe helps exclusively those who manage to flee, who represent simply a small minority, while the vast majority, more than thirty million, are in Turkey, in Kurdistan. ... It is them who need help most. ... If you really want to build a new life, you cannot forget the past. Hence, the whole of your life is focused on diffusing what has happened in your country. ... I live here without the Italian citizenship. However, I was living in Turkey and possessed the Turkish citizenship, but I was unable to express myself. ... We are not terrorists, we simply wish the respect of basic human rights. ... For us Kurds, the recognition of political and social rights is much more important than a piece of bread and some water. ... We are not permitted to talk our language, we are not permitted to express our culture. Our homes and our villages have been destroyed ... We do not expect to receive from you any money or any bread, ... the whole of our people are oppressed, and the recognition of the basic human rights is much more important than to find a job. ... We have to go on. ... We have to keep our strengths, our hopes, because those who cease to hope, at the very same time, cease to exist.¹¹²

The conversation with Ahmet, a Kurd from Turkey, was also different as his focus concentrated mostly on the journey from Turkey to Italy, and on his permanence in the reception centre in Crotone, in the Calabrian ionic coast.¹¹³ Ahmed reached the Italian coast on 27th February 2001, after a terrifying six-day journey in an old cargo-boat together with 420 people, of whom 80 children. After the first two days, they received no more food and, even worse, the boat was in very bad condition and the possibility of surviving was quite low:

the conditions of the journey were horrendous, and the possibility of arriving alive was less than 1%. But a miracle happened. We reached the Italian coast at 7.30 in the morning. ... Many women were wounded and the conditions of many pregnant women were very bad. ... After an hour and a half, the police arrived. ... The personnel of the

crew tried to escape soon after we reached the coast safely, but they were caught by the police soon after. However, I want to stress that the personnel of the crew are not criminals. They have saved our life. Instead of escaping, they only left the boat once we arrived safely. ... The crew saved the life of 420 people. We could have died!¹¹⁴

What I found quite 'unusual' during the interview with Ahmet was the way in which he stressed that the captain and the crew were not criminals, and that the crew had, indeed, put their lives at risk. Despite having the opportunity to abandon the boat before reaching the coastline – which represents the 'common' practice – the captain and the crew opted to take the cargo-boat as close as possible to the Italian coastline.

After the description of the moment of the disembarkation, the conversation shifted toward the treatments they received in the reception camp at Crotone. Although, quite unsurprisingly, the comments were highly negative, what is important to emphasise here is the way in which, on the one hand, the Italian police personnel did *de facto* force the Kurds to apply for asylum in the country, instead of issuing them decrees of expulsion and, on the other hand, the way in which Kurdish *profughi*, despite being trapped in the camp, tried to make their voice heard. And, to quote Ahmet extensively:

many of us had no intention to remain in Italy. ... They forced us to apply for asylum saying that it was part of the procedure. ... Although we were saying that we did not want to remain, the interpreter was always advising us to do the opposite of what we wanted. ... After having taken the fingerprints, the police said that we had to wait until we received the money. ... Even if we did not want the money they did not let us free. ... There was also a problem of communication. Initially, despite having the money, I did not manage to get a phone card for calling my relatives. ... After a week of forced permanence in the camp, we all started to protest. ... We decided to stand in front of the police office and block the entrance until they listened to us. ... After having protested, we received phone cards and cigarettes. ... They agreed to give us what we needed. ... Only after having protested, they told us that there was a person in the camp from a charitable organisation in charge of taking care of human rights. It was him who provided us with the phone cards and cigarettes. ... After 23 days, we got the money, 500.000 lire, and they let us free.¹¹⁵

From the camp in Crotone, Ahmet made his way to Rome, though initially he had no intention to remain in the country, particularly after having stayed for such a long period in the camp. His 'decision' to remain in Rome was more due to the fact that he had some friends in Rome, than the result of a personal choice as in the case of Ibrahim and Muhlis. However, contrary to the vast majority of *profughi* who find themselves in Rome, he did not experience the dreadful situation of sleeping outside:

No, I have not slept in the park, thanks to my friends who arrived in Rome before I did. Thanks to them, I arrived directly here to the Ararat. ... For the moment, it is here at the

Ararat where I sleep. I have not applied for a bed in the reception centre, because I wish to utilise this right during wintertime. If I apply now, after nine months, in the middle of winter, I will find myself out of the centre.¹¹⁶

Given the huge deficiencies of the Italian capital in terms of accommodation facilities, as well as the temporal limitations expressed in the asylum norms, it should come as no surprise that asylum seekers tend to create alternative accommodation responses and, more importantly, that they claim their (few) rights when in need more. However, the *Ararat*, as developed within the Global Village, does not represent the only counter-response created by the Kurds in Rome, the so-called 'Forte Prenestino' is another alternative space where Kurds, mainly of Iraqi origin, have autonomously organised themselves. And it is here where Behzad was temporally living at the time when I interviewed him at the Ararat.¹¹⁷

Behzad is a Kurd who fled from Iraq on 12th December 2000 and only after a long and risky journey from north Iraq, via Turkey and the Balkans, did he finally arrive in Italy, on the 21st March 2001. After two months of permanence in Rome, like Hamdullah, he was still awaiting to receive a permission to stay and hence a piece of paper that would have allowed him to be *legally* entitled to social assistance. Unlike all the other stories, that have been 'filtered' from the interpreter, Gaffar, the conversation with Behzad was conducted in Italian. The decision to narrate his story in Italian, despite his better knowledge of English, was a way of demonstrating all his effort to become part of the new reality, though this very reality seemed not to be interested at all. And as Behzad has put it:

when we first saw the police at the central station in Rome, I told them that we wanted to apply for asylum. They told us that they knew nothing ... to go away. ... Soon after, we met some Kurds who directed us to the Church. It was the Church that, finally, directed us to the Astalli Centre. The centre gave us the paper for requesting asylum and all the necessary information. ... During the first period, together with some friends, we slept outside near a Church. ... The Astalli Centre said that once we got a permission to stay, they will help us to find an accommodation in a reception centre. I do not have a permission to stay yet, maybe I will get it next week.¹¹⁸

Behzad, unlike many Kurds from Turkey, fled to Italy not because of some sense of attachment to the country but because, apparently, Italy represents the cheapest and easier country to reach within Europe. Within two months from his arrival in Rome, he has experienced not simply the huge gap between what is established by law and the everyday local practice but, most tragically, what a supposedly rich country, included within the G8, does offer to refugees. And as Behzad has expressed it:

I am a citizen of a country that is considered to belong to the so-called Third World. However, Baghdad, despite the war against Iran and the Gulf War, is much more organised than Rome in terms of legal advice and police. If someone sleeps in the streets, the police would come and ask you why you are sleeping in the streets. The police will either put you into jail or provide you with a bed. ... The problem here, in Rome, is that there is a huge gap between rich and poor people, ... there are people who have no place where to sleep and there are people who beg for money in order to buy some food.¹¹⁹

Behzad, as per the vast majority of refugees who arrive in Rome, has been sleeping outside for five long days, has experienced the apathy of the police personnel, the Italian way of queuing, the slowness of the Italian bureaucracy, and the large gap between local institutional practices that constantly seem to humiliate and ignore refugees and unofficial moral spaces where more humane 'encounters' become possible. Only after having roamed about Rome for a few days, and having received no help and attention from the police, Behzad and his 'companions in misfortune' have encountered some Kurds, who have directed them to the *Ararat*, where they finally found "humane people" (*persone umane*), a space that allowed them to feel again as human beings. As Behzad expressed it:

after we received the information at the Astalli Centre, we went to the Questura. We tried to enter into the Questura for five days. The first day, they told us that the office opens at 8.30. The next day, I arrived at 8.00 and it was full of people and each of them was trying to push vigorously in order to get in. We tried again the day after, and they told us that the first thirty people exclusively that manage to get in will be accepted. We tried again the next day and we arrived at six in the morning. ... Once the doors were opened, everyone started to push ... and I finally managed to get in, thanks to a big guy that pushed vigorously. If it weren't for him, I would have never managed to get in. ... They took my fingerprints and gave me an appointment for compiling the report. I went the day of the appointment, and I did not manage to get in, nor the next day, and finally we entered the Questura only on the third day.¹²⁰

Despite having being through 'hell', a strong desire to go on was expressed by Behzad, and before concluding this section, it is worth mentioning the comments that he made to the question that I posed at the very end of our conversation: 'what does it mean for you to be a Iraqi Kurd?':

the problem is not whether I am a Kurd from Iraq, a Kurd from Kurdistan, or a Kurd from some other Arabic territories. The problem is indeed that, in Iraq, men are not treated as equal. If men were treated as equal, it would mean that we could have lived all together. But if we are not considered as equal, we cannot live together. I am proud of being a Kurd independently of coming from Iraq, but I want to live in a country where men are equal and are treated as equal.¹²¹

To conclude, the preceding pages have timidly attempted to narrate some fragments of life as some Kurdish refugees, who were living and/or participating in the counter-

responses developed within the Global Village, have narrated them. This concluding section has, hence, attempted to open up some space for communicating with refugees, and as already expressed in a booklet edited by the Astalli Centre, these stories represent

a possibility of communicating between those who have been always, and with very little efforts, citizens and those who have discovered, painfully, to possess no longer a country of origin and are trying to find, with enormous efforts, a meaningful space within our.¹²²

6.5 CONCLUSION

This concluding chapter has proposed a quite unfamiliar journey for IR scholars, a journey that embarked on a close evaluation of the way in which mechanisms of reception are negotiated at local and national levels. The chapter has attempted to expose, via a close scrutiny of the reception dynamics, the complexity of the reception problematique, a problematique that cannot be tackled simply by adopting political and/or legal approaches. As demonstrated in the preceding pages, the receiving society does not merely *either* include *or* exclude refugees, nor do refugees represent passive objects that accept silently the Italian and European asylum provisions. Both the analyses of the reception developed in the province of Catanzaro and in the municipality of Rome are highly significant in the way in which they contest dominant refugees analyses and provide new analytical tools for problematising the prevailing conceptualisation of 'refugee-ness'. Thanks to an analysis that moves beyond official legal-political responses, the importance of evaluating how unofficial actors, non-political institutions, charitable organisations, local populations and refugees themselves respond and actively participate within the reception processes has emerged. And it is this very participation, via counter-responses and/or acts of resistance, that represents an important site of investigation for the very reason that it allows us to demonstrate why mechanisms of inclusion and exclusion represent simply two opposite and extreme reception possibilities, and certainly not, all the available alternatives. Moreover, a close investigation of the policies and practices of inclusion, exclusion and in-between allowed us to evaluate where Kurdish refugees are located within the Italian political and social community; how the few existing juridical norms are subjected to constant processes of manipulation; why the principle of protection, embedded within the concept of asylum, has been *de facto* transformed into a

powerful *political* tool; which strategies Kurdish refugees have constantly created and invented in order to reaffirm their subjectivity; and how an important ethical relation has been established between the Calabrian local community and the refugees.

NOTES

- ¹ Of the 837 *profughi* who disembarked, 178 were from Iraq, 470 from Turkey, 5 from Iran, 172 from Egypt, 5 from Palestine, 4 from Bangladesh, 1 from Afghanistan, 1 from Lebanon and 1 from Morocco. See QUESTURA DI CATANZARO, 'Dati Relativi alla Presenza dei Cittadini Extracomunitari', Jan. 1998, unpublished document.
- ² See the argument put forward in chapter two - section 2.7.
- ³ RENDA, N., Immigration Unit at the Prefecture in Catanzaro, interview held in Badolato Marina, 17/06/2001.
- ⁴ Refer to the Italian map, chapter four, p. 148.
- ⁵ See the argument put forward in chapter one - section 1.3.
- ⁶ LAGANA', A., official (*assessore*) in the municipality of Badolato, interview held in Badolato Superiore, 21/05/2001. At the time of the *Ararat* she was the local '*assessore*' of the finance and equal opportunities in Badolato.
- ⁷ RENDA, N., cit.
- ⁸ CIR – Centro Servizi, 'Rapporto 2000', June 2001, unpublished document.
- ⁹ AHMAD, S., Centro Servizi-CIR, interview held in Badolato Superiore 22/05/2001.
- ¹⁰ The municipality of Badolato, as the vast majority of municipalities on the ionic coast, is composed of two agglomerates: the so-called Badolato Superiore and Badolato Marina. The old part of the city, Badolato Superiore, is located on top of a hill (historically a strategic site for protecting the city from external attacks) and the more recent one, Badolato Marina, has been developed along the coast. At first sight, they look like two distinct cities and even the kind of life is completely different: the historical part is essentially populated by elderly people, the vast majority of the houses have been abandoned for years and, unsurprisingly, work possibilities are practically non-existent. See for instance GESUALDO, A. *Storia Politica di Badolato. Dal 1799 al 1999* (Cosenza: Edizione della Biblioteca Gesualdina, 2000), pp. 55-73.
- ¹¹ LAGANA', A. cit.
- ¹² Ibid. "*perchè noi sappiamo che queste sono sedi più che altro di passaggio, magari chi non ha una meta ben precisa, rimane. ... Ma per lo più è tutta gente che vuole raggiungere altri posti ... Germania, alta Italia*".
- ¹³ 'Emergenza: Sbarcano altri 400 Curdi', *Il Corriere della Sera*, 20/11/1997.
- ¹⁴ AHMAD, S. cit., "*l'Italia poteva giustificarsi che era andato via dall'Italia senza fare alcuna domanda. ... Questa era la politica di allora. L'importante era non averli in mezzo ai piedi*".
- ¹⁵ See for instance 'Il Dramma Dei Kurdi si Abbatte sulla Calabria', *Gazzetta del Sud*, 28/12/1997; 'Un Altro Carico di Disperazione', *Il Quotidiano*, 28/12/1998; 'Kurdi, Sbarco dei Mille in Calabria', *Il Giornale*, 28/12/1998; 'Il Grande Sbarco dei Kurdi', *La Repubblica*, 28/12/1998; 'Calabria, "Terra Promessa" per i Kurdi', *Il Giornale di Calabria*, 28/12/1998; 'Kurdi, lo Sbarco dei Disperati', *Il Tempo*, 28/12/1998.
- ¹⁶ CIR, 'Nota Informativa sui Richiedenti Asilo Alloggiati nella Provincia di Catanzaro', Rome 1998, unpublished document.
- ¹⁷ RENDA, N., cit.
- ¹⁸ Ibid., "*complicazioni politiche*".
- ¹⁹ LAGANA', A., cit.
- ²⁰ Ibid.

²¹ RENDA, N., cit.

²² AHMAD, S., cit.

²³ See 'Tensione tra i Profughi Kurdi', *Il Giornale della Calabria*, 31/12/1997; 'I Profughi Minacciano lo Sciopero della Fame', *Corriere della Sera*, 31/12/1997; 'E a Badolato gli Uomini Fanno lo Sciopero della Fame', *Il Messaggero*, 06/01/1998; 'In Calabria Uomini e Donne Divisi tra Badolato e Soverato', *Avvenire*, 06/01/1998; 'Badolato: Protestano Perché le Famiglie Sono State Divise', *Corriere della Sera*, 06/01/1998.

²³ It was decided to move everyone into two primary schools which had been closed for some time because of the absence of children. In the case of Gagliato, the local mayor offered simply the use of the infrastructure, as he did not want to get involved with the reception. The centre was consequently run exclusively by volunteers, while all the financial and bureaucratic problems were dealt with by the prefecture and the administrations of Badolato and Soverato. GARITO, A., volunteer for the Red Cross in Gagliato, interview held in Gagliato, 23/05/2001.

²⁵ RENDA, N., cit. The municipality of Badolato (both Superiore and Marina) consists of circa 5,000 persons, though many live abroad, and in Badolato Superiore, there are not more than 500 people. See 'Badolato, le Case si Aprono', *Il Manifesto*, 02/01/1998; 'Esperimento Pilota a Badolato: Comune e Prefettura Insieme Cercano Casa a Interi Nuclei Familiari', *Liberazione*, 02/01/1998; 'Il Sindaco di Badolato: Darò Casa a chi Resta', *Il Giornale*, 02/01/1998.

²⁶ LAGANA', A. cit.

²⁷ Regarding the standard procedure, see the argument in chapter two – section 2.6.

²⁸ RENDA, N., cit.

²⁹ GARITO, A., cit.

³⁰ NERINA, R., cit.

³¹ AHMAD, S., cit.; "questa volta hanno attuato una politica speciale. Il bilancio era aperto, la spesa non contemplava più solo cinque o sei giorni di emergenza, ma sei mesi di emergenza. Quindi pagavano le medicine, da mangiare, tutto con il bilancio del Ministero. ... Era tutto concesso ... per sei mesi, grazie ai tedeschi. Però, in cambio erano prigionieri. ... Anche a Badolato, ... erano un po' più liberi, ma legati all'assistenza".

³² AHMAD, S., cit.

³³ RENDA, N., cit.

³⁴ TRAPASSO, D., CIR – Centro Servizi, interview held in Badolato Marina, 25/05/2001.

³⁵ Ibid.

³⁶ NERINA, R., cit.

³⁷ See for instance the video produced by the cultural association TORRE DI BABELE, 'Newroz', Reggio Calabria, January 1998.

³⁸ GESUALDO, A. cit., p. 196.

³⁹ Ibid., p. 197. Apparently something like two hundreds newspapers articles appeared at the time in the Italian press.

⁴⁰ LAGANA', A., cit.

⁴¹ See for instance 'La Proposta del Sindaco di Badolato: Cento Abitazioni per i Profughi', *Il Quotidiano*, 30/12/1997; 'Un Rifugio nel Paese 'in Vendita'', *Il Quotidiano*, 07/01/1998; 'A Badolato, Progetto 'Multietnico' Elaborato dal Comune', *Il Quotidiano*, 09/12/1998.

- ⁴² RENDA, N., cit., It took two years before the project has been approved and another year before the funds were allocated to the offices of the Region of Calabria. At the time of the interview, the municipality of Badolato was still awaiting for the financial office of the Region to allocate the money. After all these years, the initial project is not going to be used, as the houses are not going to be allocated to the refugees arrived with the *Ararat* but once ready, they will be, however, utilised for hosting, on a temporary basis, families of asylum seekers just arrived in the country.
- ⁴³ TRAPASSO, D., cit.
- ⁴⁴ AHMAD, S., cit.
- ⁴⁵ TRAPASSO, D., cit.
- ⁴⁶ RENDA, N., cit.
- ⁴⁷ This opinion has been expressed in the interviews with Nerina Renda, and Daniela Trapasso, cit.
- ⁴⁸ AHMAD, S., cit.
- ⁴⁹ Ibid.
- ⁵⁰ Ibid.
- ⁵¹ Ibid., *“la situazione dei profughi non è facile da gestire. ... Io ricordo inizialmente quella solidarietà umana ... sembrava veramente che si fosse creata una sorta di magia nei rapporti umani, tutti gentili e disponibili, e i calabresi sono umanamente molto buoni. ... Ma il problema che all'inizio si è dato tutto e si è arrivati dopo alcuni mesi dove non si poteva più dare. E sembrava che fino a quando c'erano le telecamere si dava, finite le telecamere è cessato tutto”*.
- ⁵² Ibid.
- ⁵³ RENDA, N., cit.; *“abbiamo avuto problemi con i curdi, per la forte burocrazia. La legge dice una cosa poi ti ritrovi con un ente poco efficiente. Noi abbiamo avuto molti problemi ... perchè, pensavano che noi facessimo false promesse”*.
- ⁵⁴ ARAS, interview held in Soverato, 22/05/2001.
- ⁵⁵ Ibid.
- ⁵⁶ Ibid.
- ⁵⁷ JOSEF, interview held in Soverato, 22/05/2001; SAMI and AZIZ, 23/05/2001.
- ⁵⁸ Ibid. The interviews have been conducted in Italian, and the word “difficile” (difficult) has been used by all of them for describing life in Italy, though the difficulties regarded quite exclusively working possibilities, and not the relations with local people.
- ⁵⁹ TRAPASSO, D., cit.
- ⁶⁰ See chapter three – section 3.4.
- ⁶¹ At the time of the interview approximately ten Kurds were living in Badolato Superiore and twenty in Badolato Marina, though many have arrived in the area after 1998.
- ⁶² See chapter three – section 3.4.
- ⁶³ FRANZA, M. “La Questione Curda”, in Limes, 03/12/1998. <<http://www.limes.net/online/curdi.htm>>. [Accessed on 23 Oct. 2000].
- ⁶⁴ ROMANO, S. ‘Il Dilemma Italiano’, *Il Corriere della Sera*, 15/11/1998; *“uno Stato non può limitarsi a desiderare il ‘Bene’. Deve chiedersi quali potrebbero essere le conseguenze delle sue iniziative. ... Quando l’asilo politico è chiesto dal leader di una organizzazione militare e terroristica, la concessione non è mai un gesto imparziale o neutrale. ... Un governo ... ha il dovere di calcolare l’effetto delle proprie decisioni ... [e] anzitutto l’obbligo di proteggere i propri cittadini, tutelare i*

propri interessi economici, mantenere gli equilibri politici della regione in cui vivono i suoi connazionali”.

⁶⁵ ‘Pisapia: “Niente Politica. Basta la Legge a Tutelarlo”’, *Il Corriere della Sera*, 14/11/1998; “Su questa vicenda la politica non deve entrare perché è innanzitutto una battaglia legale”.

⁶⁶ ZORZELLA, N. ‘Il Caso Ocalan e il Diritto d’Asilo’, *Diritto, Immigrazione e Cittadinanza*, no. 1, 1999, pp. 54-59.

⁶⁷ *Ibid.*, p. 56.

⁶⁸ *Ibid.*

⁶⁹ See chapter two – section 2.6.

⁷⁰ ZORZELLA, N., *cit.*, p. 55.

⁷¹ *Ibid.*, p. 57.

⁷² *Ibid.*, p. 58; “eccezionalità del soggetto interessato, ... non possono essere eccezionali le soluzioni offerte, le quali debbono, invece, trovare una giustificazione naturale nei principi e nelle regole previste dall’ordinamento giuridico italiano”.

⁷³ *Ibid.*, p. 59.

⁷⁴ Second Section of the Civil Court of Rome (*Seconda Sezione del Tribunale Civile*), 01/10/1999; see ‘Ocalan: il Tribunale Civile di Roma Concede l’Asilo Politico’, *Il Quotidiano*, 04/10/1999.

⁷⁵ See GIACOMELLI, R. ‘Chi Fugge la Guerra non è Mai un Clandestino’, *Famiglia Cristiana*, 1999, 11, 60-61.

⁷⁶ DI RADO, D., Italian Refugee Council, interview held in Rome, 15/05/2001.

⁷⁷ *Ibid.*

⁷⁸ D’AMORE, F., Department of Social Services – Special Office of Immigration (*Ufficio Speciale di Immigrazione*), Refugees’ Section – interview held in Rome, 09/06/2001.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² *Ibid.*; “Noi non sappiamo che fare. Noi nel frattempo non abbiamo risposte. Siamo anche arrivati ad avere trentadue nuclei in attesa. ... La media è di dieci-dodici nuclei in attesa”.

⁸³ *Ibid.*

⁸⁴ See ICS (ed.), ‘Dossier Nausicaa. Primo Quadro sulla Tutela del Diritto d’Asilo in Italia’, Dec. 2000, unpublished paper, pp. 46-47.

⁸⁵ D’AMORE, F., *cit.*

⁸⁶ *Ibid.*

⁸⁷ As emerged in the many interviews conducted in Rome with Kurdish asylum seekers, in order to receive a permission of stay, it is not enough to get to the local *Questura* (police headquarter) the day of the appointment. The *Questura* tends to book appointments for a great number of asylum seekers and migrants, and apparently, once the doors are opened, only the first thirty people who push the most vigorously will get in. Although this example might seem trivial, it offers a clear picture of the many everyday ‘humiliations’ that many ‘foreigners’ are forced to go through.

⁸⁸ DI RADO, D., *cit.*

⁸⁹ D’AMORE, F., *cit.*; “nel 2000, il numero delle domande è stato di circa 1800. Non possiamo rapportare questo dato alla popolazione che circola per Roma, ... molti sono di passaggio, molti riescono a trovare delle soluzioni alternative – visto che

prendono anche i soldi per 45 giorni dalla prefettura – e alcuni vanno a dormire nei parchi. Dopo di che vengono a fare una domanda, nel frattempo magari hanno trovato una loro soluzione, o sono andati via da Roma”.

⁹⁰ Ibid.; “una questione di baget e di cultura. Non dobbiamo dimenticare che da quattro anni che ci sono rifugiati in modo visibile qui in Italia. ... L'Italia è sempre stato un paese di passaggio. ... L'Italia è diventato recentemente un paese di immigrazione. E' come se per noi accogliere è ancora una novità, per questo si parla ancora di emergenza e di centri. Noi non possiamo paragonare l'Italia alla Francia, Inghilterra o alla Germania ... perchè loro è da 50 anni che lavorano con gli stranieri. ... in Italia, a differenza di altri stati nordici, ... le persone riescono a stare nell'invisibilità perchè c'è un tessuto abbastanza accogliente tra il privato. ... A livello istituzionale ... si fa fatica a realizzarlo ... perchè in fin dei conti non è un percorso che dura da tanti anni”.

⁹¹ SIMONA, social adviser at the Azad Association, interview held at the Global Village, Rome, 11/05/2001.

⁹² Ibid.

⁹³ See FRISULLO, D. (ed.), *L'Utopia Incarcerata* (Roma: L'Altritalia, 1999).

⁹⁴ SIMONA, cit.

⁹⁵ This has clearly emerged during an informal conversation with Gaffar, the interpreter, who is himself a refugee and was living, at the time of the interview, at the Ararat.

⁹⁶ See chapter three – section 3.4.

⁹⁷ It is from G. Engbersen that I borrowed the definition of ‘residence strategies’. See ENGBERSEN, G. ‘Sans-Papiers. Le Stratégies de Séjour des Immigrés Clandestins’, *Actes*, 1999, (129), 26-38; and ENGBERSEN, G. ‘The Unanticipated Consequences of Panopticon Europe’, in V. GUIRAUDON, and C. JOPPKE (eds.), *Controlling a New Migration World* (London: Routledge 2001), pp. 222-246.

⁹⁸ Save a few interviews in Italian and in English, the vast majority of interviews was carried out in Turkish, translated during the interview in Italian by Gaffar, and now in English.

⁹⁹ RAHIME and HAMDULLAH, interview held in Rome – Global Village – 27/05/2001.

¹⁰⁰ HAMDULLAH, *ibid.*

¹⁰¹ RAHIME, *cit.*

¹⁰² Ibid.

¹⁰³ HAMDULLAH, *cit.*

¹⁰⁴ RAHIME, *cit.* The word ‘clandestino’ has been expressed by Rahime in Italian, and not in Turkish as the rest of the conversation. The adoption of such an expression exemplifies clearly how such a word has been incorporated in her ‘basic’ vocabulary, and, more in general, how refugees tend to (uncritically) reproduce the dominant Italian legal-bureaucratic definition.

¹⁰⁵ Ibid.

¹⁰⁶ IBRAHIM, interview held in Rome – Global Village – 11/05/2001. Regarding the way in which asylum seekers are treated in the camp of Lecce, *Regina Pacis*, see the dramatic description developed in PERRONE, L. ‘L’Invenzione di un’Emergenza: Gli Sbarchi di “Clandestini” in Puglia’, *Critica Marxista*, Jan-Apr. 1999, (1-2), 26-33; PERRONE, L. ‘Diari dai Centri di Prima Accoglienza’, *Critica Marxista*, Jan-Apr. 1999, (1-2), 38-53.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ MUHLIS, interview held in Rome – Global Village – 14/05/2001.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ AHMET, interview held in Rome – Global Village – 18/05/2001.

¹¹⁴ Ibid.

¹¹⁵ Ibid. The amount of 510,000 lire (approximately 165 pounds) represents one third of the economic support that asylum seekers are entitled to receive for the first 45 days. As extensively noted, the vast majority of asylum seekers do not receive any economic support once they leave the so-called first reception centre. The centre in Crotona, *Sant'Anna*, operates a different policy: asylum seekers are made free only once the local *Questura* provides them with a permission to stay together with such an amount of money. What is interesting to note is that this practice has been adopted since 1997 as result of a vigorous protest organised by Kurdish asylum seekers. On one occasion, as 'common' practice, some 120 Kurdish asylum seekers have been forced to leave the reception camp soon after they obtained the permission to stay, without receiving any economic means for paying the train ticket to Rome. Once the police personnel took the Kurds to the railway station in Crotona, and after the Kurds had been refused the access to the train without a valid ticket, they all decided to protest. All the 120 Kurds decided to sit down along the rails, which caused enormous delays and significant media coverage. After a few hours of protest, all the Kurds were taken back to the reception camp and, the next day, all of them were provided with 510,000 lire, enough money not simply to reach Rome, but to reach some European destinations. Since that protest, asylum seekers are left free from the camp only once the money is given. AHMAD, S., Italian Refugee Council - Calabria, interview held in Badolato Superiore, 22/05/2001.

¹¹⁶ Ibid.

¹¹⁷ BEHZAD, interview held in Rome – Global Village – 18/05/2001.

¹¹⁸ Ibid. The so-called Centro Astalli (Astalli centre) is effectively the only centre, in Rome, that is specialised to provide assistance exclusively to asylum seekers and refugees.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² A.A.V.V., *Un Passo più in là. Storie di Rifugiati* (Rome: Centro Astalli, 1999), p. 5; "una possibilità di comunicazione tra chi è da sempre e con poco sforzo cittadino e chi con dolore scopre di non avere più un paese di origine e con fatica cerca quale deve essere la sua collocazione nel nostro".

CONCLUSION

The PhD project has attempted to demonstrate the relevance of analyses of reception policies to the study of international relations, which *per se* presupposes the recognition that an expansion of the boundaries of the discipline is needed. In international relations theory, refugee discourse remains primarily focused on investigating states' behaviour on the occasions of the so-called global refugee crises, and on devoting the bulk of attention to the politico-legal frameworks. An analysis of the responses developed, since November 1997, toward Kurdish refugees has highlighted why the prevalent conceptualisation of the figure of the refugee does not offer an adequate analytical tool for fully comprehending the dynamic processes that emerged in Italian policies and practices of reception. The thesis has, consequently, attempted to demonstrate that a broader focus of enquiry is needed in order to expand dominant refugee theorising. More specifically, what is needed is the adoption of a multidisciplinary approach that combines different levels of analysis, theory and practice, that looks at both official responses and unofficial counter-responses; and an approach that uncovers how a multiplicity of policies and practices of reception (many of which clash with one another) are created, invented and are constantly negotiated within the receiving society.

The present thesis has thus suggested that the representation of the refugee, as always already inscribed within systems of exclusion, needs to be contested for the very reason that it simply offers a frozen image, a fragment that constantly constructs and represents refugees as non-citizens, negative others, apolitical subjects and non-agents. A break with the existing conceptualisation of refugee-ness and a broader focus of enquiry helps to reveal that the binary opposition between the commitment toward humanity and the commitment toward fellow citizens is highly problematic. It is also problematic to represent refugees as either included or excluded according to the prevalence of one commitment over the other. Therefore, the thesis has advocated that policies of exclusion (founded on the binomial refugee-non-citizen) and policies of inclusion (founded on the binomial refugee-human-being) represent *two* extreme reception possibilities and not all the available options. An exploration of the space in-between inclusion and exclusion has allowed us to uncover a multiplicity of responses and to distinguish between national mechanisms of exclusion and local mechanisms of

inclusion, between official and unofficial responses and between the image of refugees-as-non-citizens and refugees-as-human-beings. Within the Italian reception framework, this in-between space has been enormously expanded by a remarkable level of juridical flexibility – which has resulted in the development of processes of manipulation of legal asylum and immigration norms – and by the absence of a well-organised *public* social system whose lacunae have been traditionally filled by *private* social networks.

These alternative and quite unfamiliar explorations have encouraged us to embark on a research journey that has moved along four key lines of enquiry. Firstly, the thesis has started with a close investigation of how dominant analyses conceptualise, both theoretically and legally, the exclusion of refugees. Chapters one and two consequently evaluated how IR scholars have traditionally approached the problematique of protection, the political divide between insiders/outsideers, and the very idea of membership and a sense of belonging. In particular, the question was put: which lenses do states use for framing the issue? Whose protection do states privilege? How do concepts of identity and citizenship impact on the understanding of reception policies? How is the image of refugees conceptualised and represented within a state-centric discourse? And how do legal provisions incorporate statist standpoints? A preliminary analysis of the IR mainstream has revealed why a statist construction of political concepts such as those of state, state sovereignty, citizenship, political community, membership and identity has resulted in the representation of refugees as the excluded, the constitutive aliens, and as stateless and helpless objects.

A second horizon of enquiry emerged thanks to a reading of E.F. Isin and P.K. Wood's *Citizenship & Identity*, M.J. Shapiro's 'National Times and Other Times', and T.A. Aleinikoff's 'State-Centred Refugee Law'.¹ Their works have been extremely valuable for the way they contest the dominance of a state-centric approach and open up spaces for de-constructing and re-constructing those very political concepts. What Isin and Wood's analysis advocates is that we conceptualise identity not as a concept that presupposes some "intrinsic and essential content", but indeed as a concept in which "fluidity and contingency" represent crucial components of individuals' identities.² This understanding is an important starting point for recognising that individuals do not fit perfectly within well-defined categories, and for moving beyond the prevailing discourse in which citizens and refugees are taken as given, as if both were inscribed within fixed and unambiguous identities. This reading, thus, stimulated

an exploration of Shapiro's work in which the author exposes the taken-for-granted homogeneity of political communities as well as the homogenising processes that ably mask and obscure the "multiple [and] disjunct presences" that coexist within the political community.³ It is the recognition that political communities are made up of 'multiple presences' and that identity does not (and cannot) presuppose any essentialist attribute that led us to problematise, both conceptually and legally, the centrality of the concepts of membership and citizenship. It is at this point that the analysis put forward in Aleinikoff's article was introduced, for the way in which it advocates the departure from the prevalent state-centric approach, dominated by "the language of sovereignty and membership" and by narratives that constantly picture refugees as "helpless objects of pity".⁴

These analytical explorations led to the third line of enquiry, as developed in chapter three, which questioned where refugees are located within the Italian reception framework and to what extent dominant conceptualisations are adequate for making sense of reception responses developed since 1997 toward Kurdish refugees. Instead of questioning how Italian institutions have interpreted and implemented the Geneva Convention, how mechanisms of exclusion have been constructed within legal asylum norms, and how Italians-as-institutions and Italians-as-citizens have evaluated and understood membership and identity, the focus shifted in other directions. What has been explored and questioned was: what is going to happen if state-centric perspective is abandoned? Why does the country lack a coherent body of norms related to asylum? Is it *exclusively* because of the political intention of excluding refugees? And if not, which factors have influenced the apparent institutional indifference? How have *profughi* and asylum seekers responded to the Italian system of reception? Are they passive subjects or active agents? A close investigation of these questions has allowed for the emergence of a highly peculiar reception framework that can only be fully understood once the focus of analysis moves away from the politico-legal aspects and evaluates how reception works in practice, how the ethical relation with the 'others' is constructed, and how refugees (broadly defined) attempt to develop their own space and their own counter-responses.

Having established the peculiarities of the Italian reception framework, and the inadequacies of applying traditional refugee discourse, the analysis finally moved toward the fourth line of enquiry, which evaluated how reception has been organised *de facto* in response to humanitarian refugees and more importantly to the Kurds.

While chapter five attempted to demonstrate how Italian institutions have perceived, evaluated and constructed *politically* the problematique of reception, making evident why the principle of protection, embedded within the institution of asylum, has been applied *selectively* according to political contingencies; chapter six, conversely, evaluated more closely how mechanisms of inclusion, exclusion and in-between have been developed towards Kurdish refugees between December 1997 and June 2001.

The analyses put forward in the thesis have demonstrated the need to re-conceptualise the figure of the refugee as well as to expand the boundaries of IR discipline and encourage investigations that make the state neither their central focus nor their starting point. My reading and understanding of policies and practices of reception have clearly departed from state-centric perspectives and explored ways in which Kurdish refugees, far from being passive objects, have constantly attempted to use the available cracks and spaces of resistance to produce their counter-responses. The constant transit of Kurdish refugees from the so-called regions of entry toward those of exit and their refusal to apply for asylum in the first safe country represent significant examples of the agency exerted by the Kurds.

What next? Some thoughts for future investigations

The analysis developed in the thesis does not claim to be exhaustive, but rather a preliminary exploration of the dynamic processes of inclusion and exclusion as embedded within reception policies. Many sites of investigations have remained unexplored whilst others might have not been sufficiently addressed, and at least, three possible lines of enquiry could be further investigated in the future.

Firstly, although analyses that focus on the figure of the refugee abound, very few have embarked on explorations that, moving beyond the state-centric approach, seriously question and problematise the dominant conceptualisation of 'refugee-ness'. While the present thesis has clearly privileged an analysis that focused, quite exclusively, on the way in which the influxes of Kurdish refugees have been understood and tackled from the standpoint of the receiving society as well as how Kurds themselves have attempted to invent and create their counter-responses; the ontological question 'who are refugees? Are they non-citizens, human beings or both?' has not been sufficiently tackled. What has remained virtually unexplored was how refugees understand themselves from the 'inside' and how the figure of the refugee should be addressed from the ontological standpoint. The ontological perspective has been

somewhat taken for granted, leaving the problematique of identity in the background. As mentioned in chapter three, M. Dillon's 'The Scandal of the Refugee' represents an important starting point for the way in which it problematises the ontological question that the existence of the refugee exposes. As Dillon has put it:

[h]ere ... is the inescapable and irresolvable ... ontopolitical question that the refugee brings to presence: What is it to be human, when the human is precisely that which is in-between – neither simply one thing, nor the other, precisely “inter” – without a secure term or dwelling place?⁵

What is at stake here is the question of investigating whether the condition of 'estrangement' and of 'between-ness' is embedded in the concept of 'refugee-ness' or is embedded within human nature. To put it differently: is the refugee suspended in a condition of between-ness because of his/her refugee-ness or is this condition of between-ness *per se* experienced by all human beings, *qua* human beings?

A second possible line of investigation, closely connected with the preceding one, might move toward a closer scrutiny of the freedom of movement accorded to refugees, and question whether, and to what extent, refugees might be free to apply for asylum in their chosen country and not simply in the first safe country. The constant transit of Kurdish refugees from southern Italian regions towards northern European countries and their manifested desire to move to those countries where they had Kurdish connections have dramatically exposed how the Dublin Convention (DC) has restricted, if not eliminated, refugees' possibility of selecting the destination countries. Several studies have evaluated how DC has *de facto* restricted the refugees' possibilities for presenting more than one application;⁶ the failure of DC to succeed in the process of harmonising national asylum law among EU member states;⁷ and the risk of being deported to unprotected areas if an application is submitted in the 'wrong' country.⁸ What refugee studies rarely, if at all, question is whether refugees possess the right to submit an application where their relatives and/or their community are residing, or alternatively to what extent they might be free to move to those countries once the status of refugee has been obtained. The question is not simply whether the first safe country is *de facto* safe, but indeed, whether refugees want to remain in that country, and whether they should be permitted to select freely where to establish their future home.

A third possible line of investigation might explore more closely how the concepts of inclusion and exclusion are constantly negotiated in space and time, and why their very meaning cannot be taken for granted. The thesis has proposed a quite unspecified

definition, though it has recognised that those two categories do not have well-defined boundaries as generally assumed. What the Italian case has attempted to demonstrate is that a multiplicity of inclusive and exclusive conditions are, *de jure and de facto*, created and a clear-cut distinction between these conditions is certainly not possible. The question is not simply whether reception policies want to *institutionally* include or exclude refugees, but also whether refugees themselves want to be included within the receiving society, where processes of inclusion and/or exclusion operate. Are inclusion and exclusion to be evaluated at the political and legal level or are they to be considered at the level of everyday local practice? As the reception in the province of Catanzaro has demonstrated, despite local institutions wanting to develop policies of long-term inclusion, the results were not those expected. Those outcomes, however, have exposed not simply that refugees might find themselves both included and excluded depending on the legal, economic and social contexts, but also how different perceptions have impacted differently on the way in which refugees themselves understood their condition of inclusion.

To conclude, the thesis has attempted to offer a preliminary exploration of the dynamic processes that have been developed within the Italian reception context, and to evaluate which inclusive, exclusive and in-between policies have been adopted, and it is these policies that mirror not simply where Kurdish refugees have been located within the Italian peninsula but also which spaces Kurds themselves wanted to occupy.

NOTES

- ¹ See respectively, ISIN, E.F, and WOOD, P.K. *Citizenship & Identity* (London: Sage Publications Ltd., 1999); SHAPIRO, M.J. 'National Times and Other Times: Re-Thinking Citizenship', *Cultural Studies*, 2000, 14 (1), 79-98; ALEINIKOFF, T.A., 'State-Centred Refugee Law', in E.V. DANIEL and J.C. KNUDSEN (eds.), *Mistrusting Refugees* (Berkeley: University of California Press, 1995), pp. 257-278.
- ² ISIN, E.F, and WOOD, P.K., *ibid.*, p. 17.
- ³ SHAPIRO, M.J., *cit.*, p. 82.
- ⁴ ALEINIKOFF, T.A., *cit.*, p. 267.
- ⁵ DILLON, M. 'The Scandal of the Refugee: Some Reflections on the "Inter" of International Relations and Continental Thought', in D. CAMPBELL and M.J. SHAPIRO (eds.), *Moral Spaces. Rethinking Ethics and World Politics* (Minneapolis: University of Minnesota Press, 1999), p. 102.
- ⁶ HAILBRONNER, K., and THIERY, C. 'Schengen II and Dublin: Responsibility for Asylum Applications in Europe', *Common Market Law Review*, 1997, 34, (4), p. 964.
- ⁷ See *ibid.*
- ⁸ BHABHA, J. 'Enforcing the Human Rights of Citizens and Non-Citizens in the Era of Maastricht: Some Reflections on the Importance of States', *Development and Change*, 1998, 29, (4), p. 705.

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