

Italy-Libya agreement: the Memorandum text

Memorandum of understanding on cooperation in the development sector, to combat illegal immigration, human trafficking and contraband and on reinforcing the border security between the Libya State and the Italian Republic the National Reconciliation Government of Libya State and the Italian Republic Government, here it follows 'The Parties' mentioned

They are determined to work in order to face all the challenges which have negative repercussions on peace, security and stability within the two countries and in the Mediterranean region in general.

In the awareness of the sensitiveness of the present transition phase in Libya and the necessity to continue on supporting the efforts aiming to the national reconciliation, in view of the stabilization that allows the formation of a civil and democratic Country.

Recognizing the common historical and cultural heritage and the strong bond of friendship between the two people are the basis to face the issues coming from continuous and high fluxes of irregular migrants.

Reaffirming the principles of Libya sovereignty, independence, territorial integrity and national unity, besides the non-interference in internal affairs.

In order to implement the subscribed agreements with regard to the Parties, including the Treaty of Friendship, Partnership and Cooperation signed in Bengasi on August 30th 2008, and in particular the article 19 of the same Treaty, the Tripoli Declaration of January 21st 2012 and other agreements and memorandums signed on the subject.

The Parties have taken cognizance of the Italy commitment in the dialogue and cooperation relaunching with the African countries of priority relevance for the migration routes, which led to the 'Fund for Africa' establishment.

Considering the Italian initiatives implemented pursuant previous agreements and memorandums of bilateral understanding, besides the support ensured to the revolution of February 17th.

In order to achieve solutions regarding some matters that negatively affect the Parties, including the irregular immigration phenomenon and its impact, the fight against terrorism, the human trafficking and fuel contraband.

Reaffirming the resolute determination of cooperating to individuate urgent solutions to the irregular migrants matter which cross Libya to go to Europe by sea, through the provision of temporary hosting camps in Libya, under the exclusive control of the Libyan Interior Ministry, in anticipation of repatriation or voluntary return to the countries of origin, working at the same time so that countries of origin accept their own citizens, that is signing agreements with these countries in regard to.

Recognizing that measures and initiatives undertaken to solve the irregular migrants' situation in accordance with this Memorandum don't have to damage in any way the Libyan social fabric or threaten the demographic equilibrium of the Country or the economic situation and the security conditions of Libyan citizens.

Highlighting the importance of Libyan land and sea borders' control and security, in order to ensure the reduction of illegal migratory fluxes, the fight against human trafficking and fuel contraband, besides highlighting the importance of benefiting from the experience of the institutions involved in the fight against the irregular immigration and the borders' control.

Considering the obligations coming from the international common law and the agreements which bind the Parties, including the Italy membership in the European Union, in the framework of the systems in force in the two Countries, the two Parties confirm the cooperation wish to implement the dispositions and purposes of this Memorandum agreeing on what follows:

Article 1

The Parties commit to:

A) start cooperation initiatives in conformity with programs and activities adopted by the Presidential Council and the National Agreement Government of the Libya State, in reference to the security and military institutions' support in order to stem the illegal migrants' fluxes and face the consequences coming from them, in accord with what foresees the Treaty of friendship, partnership and cooperation signed by the two countries and agreements and memorandum of understanding signed by Parties.

B) the Italian party provides support and financing to development programs in the regions affected by the illegal immigration phenomenon within different sectors, such as renewable energy, infrastructure, health, transports, human resource development, teaching, personnel training and scientific research.

C) the Italian party commits to provide technical and technologic support to the Libyan institutions in charge of the fight against illegal immigration, and that are represented by Defense Ministry border guard and the coast guard and Interior Ministry competent organs and departments.

Article 2

In addition, The Parties commit to undertake actions in the following sectors:

1) completion of the land borders' control system of south Libya, according to what foreseen by the above mentioned article 19 of the Treaty.

2) compliance and financing of the above mentioned hosting centers already active in respect of the pertinent laws, benefiting from available funds by Italy and funds by European Union. The Italian party contributes through medicines and medical equipment supply for the health hosting centers in order to fulfil the illegal immigrants' medical needs, treatment of transferable and serious chronic diseases.

3) the Libyan personnel training within the above mentioned hosting centers to face the illegal immigrants' conditions, supporting the Libyan research centers which operate in this field so that they can contribute in the individuation of the most adequate methods to face the irregular immigration phenomenon and human trafficking.

4) the Parties collaborate to propose within three months from the signature of this memorandum, a wider and more complete Euro-African cooperation view, to eliminate the causes of irregular immigration, in order to support the countries of origin of immigration in the implementation of development strategic projects, raise the level of tertiary sectors so that to improve the life standard and the health conditions, and contribute to the poverty and unemployment reduction.

5) support to the present international organizations and that operate in Libya in the migration sector in order to continue the efforts also aiming to the migrants' return to their countries of origin, including the voluntary return.

6) start of development programs through adequate job creation initiatives within the Libyan regions affected by illegal immigration phenomena, human trafficking and contraband, as “income replacement”.

Article 3

In order to accomplish the purposes of this Memorandum, the parties commit to establish a mixed committee composed of the same number of members between the parties to individuate the action priority, identify financing, implementation and monitoring instruments of the commitments undertaken.

Article 4

The Italian party provides the financing of the initiatives mentioned in this Memorandum or the ones proposed by the mixed committee indicated in the previous article without additional obligations for the Italian State budget in respect of the allocations already foreseen, besides making use of available funds from European Union, in respect of the laws in force in the two countries.

Article 5

The Parties commit to interpret and apply the present Memorandum in respect of the international obligations and the human rights agreements of which the two Countries are part of.

Article 6

The disputes between the Parties regarding the present Memorandum’s interpretation and application will be friendly negotiated by diplomatic means.

Article 7

The present Memorandum of understanding can be modified on request of one of the two Parties through a notes’ exchange during its forcefulness period.

Article 8

The present Memorandum comes into force in effect at the signature. It has triennial validity and it will be renovated by tacit agreement at the deadline for an equivalent period, unless written notification by one of the two contracting Parties, at least three months before the deadline of the period of validity.

Elaborated and signed in Rome on February 2nd 2017 in two original copies, each one in Arabic language and Italian language, all texts equally maintained.

For the National Reconciliation Government of the Libya State Fayeza Mustafa Serraj

President of the Presidential Council for the Government of Italian Republic Paolo Gentiloni
President of the Ministers’ Council

Translated by [Sandra Uselli](#)