

Plus ça Change: The Politics of Alterity, and Italian and Maltese Responses to Recent Migration Challenges

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Abstract

This paper analyzes the evolving urgent Mediterranean migration situation as it has involved two European Union nations that have attracted large numbers of displaced individuals/refugees/asylum seekers in recent years: Italy and Malta. While each of these countries was and continues to be affected by the mass exodus spurred by the Syrian Civil War, each has also, and even more materially, been challenged by large streams of incoming and transiting individuals from other nations located elsewhere in the Middle East, South Asia and North Africa that have experienced protracted periods of political turmoil, war, social conflict and unrest. We contend that both Italy and Malta have sought to circumvent European Union and United Nations norms and rules governing refugee treatment during this difficult historical era, and thereby have also undermined to varying degrees the human rights of those individuals coming to their shores. We root our analysis in Hannah Arendt's trenchant arguments concerning the origins of refugee status and the difficulty of ensuring displaced people rights in the face of human willingness to other based on perceived difference. In this fundamental sense, we conclude, recent Italian and Maltese actions are at once lamentable and predictable and a spur for determined efforts to address the perceptions and dispositions that have underpinned the attitudes that have spawned those rights-centered policies and processes.

Introduction

This paper explores the evolving urgent Mediterranean migration situation as it has involved two European Union nations that have attracted large numbers of displaced individuals/refugees/asylum seekers in recent years: Italy and Malta. While each of these countries was and continues to be affected by the mass exodus spurred by the Syrian Civil War, each has also, and even more materially, been challenged by large streams of incoming individuals from nations located elsewhere in the Middle East, South Asia and North Africa that have experienced protracted periods of political turmoil, war, social conflict and unrest. We argue that both Italy and Malta have sought to circumvent European Union and United Nations norms and rules governing refugee treatment during this difficult historical era, and thereby have also undermined to varying degrees the human rights of those individuals. Paradoxically, the two nations have taken the steps they have adopted to limit the number of refugees who

request asylum or who will wind up permanently residing in their territories, despite the fact that neither has represented the final destination for a majority of those displaced individuals arriving on their shores during the last decade.

A substantial part of the explanation for this policy turn in each country lies in the fact that the politics of each nation in the past decade have been characterized by growing numbers, if not always the ascendance, of actors and parties claiming that immigration will despoil the purity of each country's population while also contending that migrants and asylees will steal employment from existing residents (Powell, 2017). These fears were prototypically expressed, for example, at an anti-immigration rally in Malta in September 2014, at which participants argued that "real Maltese" citizens were at risk of extermination due to immigration, principally from African countries. One protestor contended on social media that the nation must be "cleared of African invaders, who want to destroy Maltese culture and civilisation" (Felice, 2014). Similarly, Matteo Salvini, leader of the Northern League in Italy, opined at a rally in December 2017 that if his party won the then pending national election, his government would provide many refugees "a one-way ticket to send them back" (Strickland, 2018). These arguments and anxieties have been felt and offered repeatedly across history by individuals fearing difference and pluralism and by political leaders wishing to use that phenomenon to garner power and influence. Indeed, they are rooted in the politics of alterity, or of "us" and "them," and therefore are as old as humankind.

We have anchored our descriptive analysis of the changing conditions for refugees and asylees in these two nations in two elemental insights concerning the implications of alterity originally offered by the distinguished political thinker and Holocaust refugee, Hannah Arendt. In 1943, Arendt authored an essay entitled, "We Refugees," outlining the conditions

confronting a new world population that, ironically, as she observed, seemed to constitute "... a new kind of human beings—the kind that are put in concentration camps by their foes and in internment camps by their friends" (1943). She went on to contend that this new group found itself in a peripatetic search for dignity through no fault of their own:

It is true we have had to seek refuge; but we committed no acts and most of us never dreamed of having any radical opinion. With us the meaning of the term 'refugee' has changed. Now 'refugees' are those of us who have been so unfortunate as to arrive in a new country without means and have to be helped by Refugee Committees (Arendt, 1943).

Arendt concluded that those experiencing this new status experienced conflicting emotions, but the invidious social sorting and shameful consequences that accompanied those mixed feelings were ever the same:

If we are saved, we are humiliated, and if we are helped we feel degraded. We fight like madmen for private existences with individual destinies ... [but] we actually live in a world in which human beings as such have ceased to exist for quite a while, since society has discovered discrimination as the great social weapon by which one may kill men without any bloodshed; since passports or birth certificates, and sometimes even income tax receipts, are no longer formal papers but matters of social distinction. It is true that most of us depend entirely upon social standards, we lose confidence in ourselves if society does not approve us (Arendt, 1943).

In short, soon after a world war that saw the systematic murder and persecution of millions of innocent Jews (and tens of thousands of members of other targeted groups as well) on the basis of a story that scapegoated them for Germany's perceived shame and economic woes, Arendt recognized how difficult it had been for those able to escape the Nazis to receive succor and acceptance in nominally friendly nations, where most of those refugees continued to be treated as interlopers or worse. Modern society, as she argued perceptively, had indeed found a new mechanism by which to rank and accord rights to residents based on whatever criteria, real or imagined, that could elicit popular opprobrium. Unfortunately, it was easy to make

arguments against refugees in any such dialogue. She concluded by suggesting, in a sentence that aptly applies as well to Italy and Malta's especially difficult recent struggle to address a large influx of would-be refugees in recent years, "The comity of European peoples went to pieces when, and because, it allowed its weakest member to be excluded and persecuted" (Arendt, 1943).

Arendt offered a second arresting insight into the problematique represented by the advent of refugees as a category of individuals created by humankind's inhumanity to its own and one that caused her to challenge 18th-century conceptions of human rights in her 1951 work, *On the Origins of Totalitarianism*:

We become aware of the existence of the right to have rights (and that means to live in a framework where one is judged by one's actions and opinions) and a right to belong to some kind of organized community, only when millions of people emerge who had lost and cannot regain these rights because of the new global political situation... The right that corresponds to this loss and was never even mentioned among the human rights expressed in the categories of the eighteenth-century because they presume that rights spring immediately from the 'nature' of man ... the right to have rights, or the right of every individual to belong to humanity, should be guaranteed by humanity itself. *It is by no means certain whether this is possible* (our emphasis) (Arendt, 1951(1979), pp. 296-297).

This is to say that the populations and officials of recipient nations must find the political will and logistical wherewithal to honor the human rights of displaced individuals and to ensure that each is treated equitably. We contend that the Italian and Maltese record on this count during the last decade and more is checkered at best and disillusioning at worst. The decidedly acerbic stance of these two nations toward those seeking refuge within their borders suggests the continuing power of alterity, or the willingness of humans to tyrannize over the powerless to assuage their own anxieties, hatreds or fears. Arendt's searching insight remains a central challenge for Europe, and for humanity, today. Her companion argument that only humankind can provide this guarantee also remains true, which posits a difficult obstacle for the

nations we profile briefly here as well as for all other countries in the world today: can their political leaders and populations find ways and means to protect the powerless without falling prey to their own worst impulses and temptations and scapegoating those individuals and worse for conditions they did not create?

The Recent Context for Refugees and the Displaced in the Mediterranean Region and Italy and Malta

More than 6.6 million Syrians have fled their homeland since the advent of a civil war in that nation in 2011 and another 6.7 million people remain displaced inside the country. According to the United Nations High Commissioner for Refugees (UNHCR), Syrians have sought asylum in more than 130 nations, yet the vast majority of the nation's displaced, or approximately 5.5 million individuals, today reside in neighboring countries, Turkey (3.6 million Syrian refugees), Lebanon, Jordan, Iraq and Egypt. For their part, European countries now host more than 1 million Syrian refugees, with Germany (59 percent) and Sweden (11 percent) hosting the largest numbers (UNHCR, 2021b).

The Arab spring of 2010-2011, and the social and political turmoil and war in several north African and middle eastern nations that followed on its heels, created an outpouring of individuals seeking refuge in or through Italy: more than 740,000 migrants (64,000 Syrians among them) during the period 2011–2017, compared to 325,000 during the previous 14 years. In particular, Italy and Malta became primary European landing countries for those fleeing their homes along the so-called “central Mediterranean route,” including individuals from Libya departing via the Sahara desert and Egypt (Strozza & Gabrielli, 2020). Syrian and other refugees attempted to reach reached Europe during these years via often fatal sea journeys and tortuous and dangerous land routes from Turkey (Denaro, 2016). As recently as 2020, according

to the UNHCR, approximately 94,000 refugees and migrants crossed the Mediterranean Sea to seek refuge in Europe. Italy experienced a 197% rise in sea arrivals that year, while Malta received 33% fewer sea arrivals than it had in 2019, in part because it cooperated closely with Libya, particularly, to forestall them. An estimated 1,064 people either died or went missing attempting to cross the Mediterranean in search of refuge in 2020.

Most asylum-seekers enter Malta, located in the Central Mediterranean about 100 miles from the coast of Tunisia, following rescue or apprehension at sea. The country received 4,090 asylum applications in 2019, making it the EU nation with the second-highest number of such applications per capita that year, following Cyprus (UNHCR, 2020). While Italy, Greece and Malta have been “first arrival countries” for refugees from North Africa, the Middle East and beyond in recent years, they have not served as the main countries of asylum for those refugees. Data regarding seaborne arrivals in Italy and the number of asylum claims filed in that country help to chart the contours of the transit phenomenon. For example, only 6% (in 2013) and 3% (in 2014) of Syrian refugees who came ashore in Italy presented an asylum claim to remain in that nation (Denaro, 2016, P. 78). Table 1 provides a summary overview by nation of the number and origins of refugees arriving in EU states by land or sea during 2021. Syria ranked fourth on the list of countries of origin for total refugees alongside a list that also included Bangladesh, Guinea, Ivory Coast and Afghanistan, among other nations.

Table 1

Country of origin	Percentage	Population
Tunisia	20.3%	16,365
Egypt	12.5%	10,037
Bangladesh	11.3%	9,089

Country of origin	Percentage	Population
Syrian Arab Rep.	6.6%	5,302
Côte d'Ivoire	5.3%	4,262
Iran (Islamic Rep. of)	5.1%	4,071
Afghanistan	4.2%	3,388
Iraq	3.7%	2,984
Eritrea	3.6%	2,928
Guinea	3.3%	2,690

Most common nationalities of Mediterranean Sea and land arrivals from January 2021. Source: UNHCR Operational Data Portal (UNHCR, 2022c).

Italy

According to a recent UNHCR factsheet, between January and November 2021 approximately,

62,943 persons arrived in Italy by sea, including 9,226 children travelling on their own. This is almost double the sea arrivals recorded in the same period last year [2020] (32,563 persons) and an even greater increase compared to refugees and migrants disembarking in the January-November 2019 period (10,882 persons) (UNHCR, 2022a, p. 2).

The Report also noted that,

With over 107,000 individuals reaching shore between 1 January and 30 November, southern Europe (Cyprus, Greece, Italy, Malta and Spain) saw a 31% increase in sea arrivals compared to the same period in 2020. However, of all countries in the region, only Spain and Italy experienced an increase in the numbers of refugees and migrants arriving by sea this year. Notably, Italy has received 59% of all sea arrivals in 2021 in the Mediterranean (UNHCR, 2022a, p. 2).

Italy has hosted displaced individuals and refugees since the 1970s and with 3 million net immigrants, the country has become one of the most important initial European destinations for such individuals during the first decade of the twenty-first century (Strozza & Gabrielli, 2020). Nonetheless, forced migration as a reason for travel to Italy was a much less significant phenomenon before 2010 (Strozza & Gabrielli, 2020). Indeed, historically, Italy accepted has

only a small number of asylum seekers during international crises and recognized Geneva Convention status in a few cases each year (Campesi, 2018). The number of sea arrivals to Italy, however, rose significantly to more than 740,000 during the 2011–2017 period. Syrian refugees, a total of approximately 65,000, arrived primarily between 2014 and 2016, when they chose the sea “alternative” route to the more widely used Balkan and Eastern routes to Europe (Strozza & Gabrielli, 2020). More, as noted above, most Syrians entering Italy have viewed the nation as a “transit country” as they journeyed to other European destinations.

Analyzing the EU mandated refugee reception system in Italy, Campesi has contended that,

the ‘refugee crisis,’ and the sense of emergency it created, has stimulated the emergence of distinct segments within the Italian reception system functioning according to radically different philosophies and objectives. This, in addition to increasing the overall lack of consistency of the system, is having a profound impact on the rights of asylum seekers, greatly increasing the risk of their spatial and social segregation within Italian society (Campesi, 2018, p. 490).

A recent Amnesty International report (2022) assessing Italy’s efforts to ensure that its approximately 300,000 irregular-status refugees have access to residence and work permits and health services during the pandemic confirmed Campesi’s contention. According to that analysis, by August 2021, “about 60,000 people had obtained some documentation, about a quarter of the 230,000 who applied, while tens of thousands of applications remained pending” (Amnesty International, 2022, p. 212). The result of these protracted delays in administrative documentation is that thousands of refugees and displaced individuals have continued to work in exploitative conditions (when they can find employment) and to live in inadequate housing in informal settlements as they await formal outcomes concerning their employment and residence

requests. Following its fact-finding visit to Italy in October 2021, the U.N. Working Group on Business and Human Rights contended, particularly, “that migrant workers employed in agriculture and the garment and logistics industries [in Italy] were trapped in a cycle of exploitation, debt bondage and human rights abuses [within the nation]” (Amnesty International, 2022, p. 212).

In April 2021, Italy’s National Guarantor for the Rights of Persons Detained or Deprived of Liberty published a similarly critical report summarizing its findings following visits to 10 Italian repatriation centers between 2019 and 2020. The Guarantor condemned legislative and regulatory gaps hindering the protection of the displaced as well as allowing gravely inadequate detention conditions for many refugees (Amnesty International, 2022, p. 212).

Meanwhile, Italy has continued to support Libyan authorities in ongoing efforts to prevent potential refugees from leaving that nation, despite widespread evidence of continuing abuses against them within their native country. By the end of 2021, according to Amnesty International, “32,425 refugees and migrants had been captured at sea by Libyan coastguards, supported by Italy and the EU, and returned to Libya, by far the highest figure on record” (Amnesty International, 2022, p. 213). The Italian government is supplying Libya with resources necessary to secure at-sea interceptions, including a maritime coordination center delivered to Tripoli in December 2021. Despite these initiatives, however, 67,477 people, including 9,699 unaccompanied children, had reached Italy by sea by the end of 2021, mostly from Libya and Tunisia, an increase of more than 34,154 arrivals compared to 2020. Deaths at sea of refugees and migrants in the Mediterranean also increased during 2021, reaching 1,553 by year’s end, compared with 999 in 2020 (Amnesty International, 2022, p. 213).

In addition, Italian authorities have continued to suppress the activities of individuals and organizations that assist refugees and migrants at its borders, using both criminal law and administrative measures to do so.¹ Schumacher has nicely summarized the character of this sort of government-backed challenge faced daily by the displaced and refugees in Italy:

The rise of Italy's coalition government under Matteo Salvini's Lega party and Luigi Di Maio's Five Star Movement in 2018 led Africans who originally immigrated to Italy to flee to other states using Schengen's passport-free movement provisions. For refugees from parlous African and Arab states seeking safe shores, Lega and Five Star was an unlikely partnership that produced a cruel irony: for all their natural opposition, they agreed on closing Italy to non-EU entries no matter the circumstances. Indeed, even considering the uncertain future of immigration policy in Italy following the (in retrospect, predictable) fall of the Salvini-Di Maio government in September 2019, Salvini's and De Maio's short partnership produced a new migration pattern internal to Schengen in a direct reflection of how most EU states have, despite lip service to the contrary, attempted to limit their substantive commitment to humanitarian policies. Even modest plans, like Italy's new government's one that would give residency permits to refugees working in agricultural and domestic jobs, continue to be opposed by Di Maio, now serving as foreign minister (2020).

The Dublin Regulationⁱⁱ Conundrum

The Italian government has “de facto overcome the restrictions imposed by the Dublin Regulation, according to which Italy, as a first EU country of arrival, was supposed to be responsible for the collection and examination of their asylum claims” (Denaro, 2016, p. 79). In an analysis of the Italian asylum system, Fullerton has also emphasized what she dubbed, “the current impasse in European asylum policy,” and underscored “the injustice and inefficiencies caused by the European Union (EU) Dublin Regulation” (2022, p. 57). Fullerton argued that inadequacies in the Union's asylum system actively encourage those seeking that status to flee from the states they enter first (Fullerton, 2022).

The European Court of Human Rights has acknowledged the dire conditions offered would-be asylees by some state asylum systems and has prohibited EU member nations from using the Dublin Regulation to send such individuals back to the state in which they initially

arrived for a decision on their asylum applications. Instead, states that apprehend asylum seekers must now provide them an opportunity to contest their return by presenting evidence that the first EU nation they entered has a deficient asylum system—whether in terms of meeting its obligations to ensure human rights generally or in its provision of needed sustenance and safety (European Court of Human Rights, 2021, p. 5; European Commission, 2018). Fullerton has contended that this situation, “creates opportunities for satellite litigation [... and] perverse incentives for member states to respond to the Dublin Regulation proceedings by offering individualized relief to the litigants rather than remedying system-wide deficits” (Fullerton, 2022, p. 57).

Malta

Since 2002, when more than 1,600 persons reached its shores via unregistered craft, Malta, a small Mediterranean island republic and EU member a population of half a million and a land area of only 122 square miles located roughly 100 miles from Tunisia, has experienced a steady stream of irregular immigration from North Africa, especially (Human Rights Council of the United Nations, 2018). Although the number of boat arrivals has decreased in recent years, Malta continues to confront the challenge of humanely addressing the needs of displaced individuals and refugees who reach the country in that way or by air and thereafter apply for protection. This fact has placed ongoing pressure on Malta’s financial and human resources. While in absolute terms these numbers may not seem impressive, they take on significance in light of Malta’s small size and the fact it is the most densely populated EU Member State and one of the most heavily inhabited countries in the world (Human Rights Council of the United Nations, 2018).

According to the Committee for the Prevention of Torture (CPT), prior to 2018, very few of those displaced individuals and asylum seekers who set out to do so, actually reached Malta, in part due to the Mare Nostrum policyⁱⁱⁱ and bi-lateral agreements with Italy^{iv} and the EU, including European maritime rescue operations and Italy's policy of automatic disembarkation of all rescued persons, which resulted in that nation intercepting and receiving many migrants and asylum seekers who might otherwise have reached Malta by sea (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 2021, p. 6, hereafter European Committee for the Prevention of Torture).

According to a report of the Human Rights Council of the UN, in March 2014 the Maltese Government committed not to detain vulnerable persons, including families with children, pregnant women and unaccompanied minors. Between 2015 and mid-2018, Malta took various steps to address the humanitarian challenge represented by an increased number of displaced individuals and refugees arriving in the country:

In December 2015, the Ministry for Home Affairs and National Security published the Strategy for the Reception of Asylum Seekers and Irregular Migrants following a public consultation process [...] The primary objective of the Strategy was to ensure compliance with the European Union's Reception Conditions Directive 2013/33/EU and relevant jurisprudence relating to the European Convention on Human Rights. The Strategy established a reception system based on three different stages of accommodation for asylum seekers and irregular migrants, namely: Initial Reception Centers (IRCs); Closed (Detention) Centers; and, Open Centers. The objective of the Initial Reception Facility is to accommodate newly arrived irregular migrants in a contained environment in order for such migrants to be medically screened and processed by the pertinent authorities, including the Agency for the Welfare of Asylum Seekers (AWAS) and Police officials. Irregular migrants are to be accommodated in this Facility separately from any other irregular migrants and only until the required medical clearances are obtained.

The period of stay at the Initial Reception Facility is ordinarily to be limited to no more than 7 days; although the period of stay may be longer if health-related considerations so dictate. Asylum seekers released from the Initial Reception Facility or from Detention are, if no alternative accommodation arrangements are available to them, offered accommodation at Open Centers. Such persons shall be accommodated at the Open

Centers for not more than 12 months unless humanitarian considerations dictate otherwise; provided that irregular migrants may be required to leave Centers earlier (Human Rights Council of the United Nations, 2018, p. 10).

In principle, as the CPT report claimed, these actions moved Malta away from immediately detaining all individuals who entered the country irregularly. At least nominally, the reforms established speedier processes by which refugees could challenge the lawfulness of their detention. These reforms formally granted power to the nation's Immigration Appeal Board to release individuals from detention (European Committee for the Prevention of Torture, 2021). The new process called for,

[...] an initial review of the detention after a period of seven working days. ... The Immigration Appeals Board shall grant release when detention is no longer requested. An applicant should be provided with free legal assistance and representation during the review of the lawfulness of his or her detention. Free legal assistance before the Board will be extended, but such an extension would not cover proceedings before the Civil, the Constitutional or the European Courts (Human Rights Council, 2016, p. 2).

Moreover, Malta undertook related institutional reforms, including restructuring its Office of Commissioner for Refugees into a government agency in August 2020, to enable it to address a backlog of asylum claims that have accumulated since 2016 (more than 4,000) (European Committee for the Prevention of Torture, 2021).

However, in practice, and contrary to Maltese legislation, the majority of the displaced persons coming to the Republic's shores, including the especially vulnerable individuals in the categories noted above, have been housed in detention centers, owing to lack of space in open centers or other alternatives. This has occurred even though the number of so-called irregular arrivals to Malta decreased in 2020 and 2021. Following a rise in sea arrivals in 2018 (about 1,445 persons) and a peak in 2019 (totaling 3,406 persons), Malta saw a decline in such entries in 2020 (2,281 persons) and a further substantial reduction in 2021 (Mijatović, 2022). According to the Commissioner For Human Rights of The Council of Europe, Dunja Mijatović, following

her visit to Malta from October 11-16, 2021, the number of refugee at-sea rescues decreased after the closure of Malta's ports on April 9, 2020, in response to COVID-19 (Mijatović, 2022, p. 14). The UNHCR has confirmed the Commissioner's claim, "Between 1 January and 31 October 2021, there were 607 sea arrivals to Malta. This is a 73% decrease compared to the same period last year (2,256 sea arrivals to Malta from January to October 2020)" (UNHCR, 2022b).

In May 2021, the Office of the United Nations High Commissioner for Human Rights (OHCHR) expressed concern about the lives of people at sea being endangered by Malta and other EU states delaying rescues and shifting responsibilities for such assistance to Libyan authorities. In addition, Amnesty International has argued that Malta's "Libya First" rescue policy has resulted in a cruel form of double jeopardy; not only are that north African state's authorities less well equipped to provide such search and support, but when they do offer assistance, the individuals returned to their home nation are routinely subjected to abuse (Amnesty International, 2022). One specific and cruel example of the humanitarian and human rights crisis this overall stance has created, according to the Commissioner of Human Rights of the Council of Europe, occurred in May-June 2020, "when Malta refused to disembark over 400 rescued migrants whom it kept for several weeks on chartered private vessels outside its territorial waters while trying to secure relocation commitments from other member states" (Mijatović, 2022, p. 14).

In addition, according to a recent Amnesty International analysis, Malta has continued to detain refugees and asylum seekers arbitrarily in sub-standard, unsanitary conditions (Amnesty International, 2022). A March 2021 CPT report on the visit it carried out (from September 17-22, 2020) to various centers, including, specifically, the Hermes Block and Safi Detention

Centre in Malta, expressed concerns over the legality, conditions (access to health care and sanitation especially) and length of detention for numerous individuals housed in those facilities:

As of 22 September 2020, the legal basis for the deprivation of liberty of the 1,400 persons in detention comprised: (i) immigration detention orders (110 persons), (ii) removal orders (96 persons) and Dublin detention orders (6 persons); and (iii) 1,188 persons, on public health grounds. Thus, over 90% are detained on public health grounds upon arrival, based on Malta's Public Health Ordinance. [...] It lasts for many months without review, and the migrants concerned are confined for 23 to 24 hours per day in their accommodation units (European Committee & for the Prevention of Torture, 2021, pp. 8–9).

In her interviews with several migrants at the Safi Detention Centre, the Commissioner for Human Rights of The Council of Europe found uncovered a number of worrisome conditions and practices:

[...] about poor health care, in particular as regards the availability of adequate medication. The majority had been vaccinated against COVID-19 but were not wearing masks. They also reported being handcuffed while taking walks (a migrant woman) or while being escorted to medical checks. Many voiced their anguish at not knowing the reasons for their detention and their despair in the face of an uncertain future. They deplored their lengthy detention and expressed their wish to live as free people, in dignity and to have jobs that would allow them to support themselves and their families. They also complained about not being able to obtain information about their situation and to access legal assistance and other support. The authorities confirmed that at the time of the Commissioner's visit detained migrants could only use a landline to make external calls. The mobile telephone service previously available to them had been discontinued (Mijatović, 2022, p. 17).

The CPT report described a system of "institutional mass neglect," inhuman and degrading treatment and excessive use of force against migrants. Both the CPT and the Commissioner for Human Rights, urged Maltese authorities to reconsider their immigration detention policy and to ensure dignified conditions in the government's refugee centers. The Commissioner called on Malta's government particularly to rethink its position concerning the prevention of arrivals to the nation by sea:

Although Malta has continued to carry out search and rescue operations, there have been numerous reports of delays and non-response by its Rescue Coordination Centre to distress calls (contested by the authorities), restricted disembarkation of people rescued within the Maltese search and rescue region (SRR), instructions given to commercial ships to return migrants to Libya and refusals by the authorities to provide life-saving assistance to, and allow the safe disembarkation of, migrants rescued by NGO ships (Mijatović, 2022, p. 14).

Overall, in 2021, Malta's rate of international protection (applicants granted Refugee or Subsidiary Protection status) was 5% compared to 13% in 2020. In recent years Libyans, Syrians and Somalis have comprised the bulk of the nation's refugee population. According to UNHCR, Malta 'closed' a high number of cases in the last two years (74% in 2021 and 66% in 2020), which refers to administrative or Dublin application closures, or applications that were explicitly or implicitly withdrawn or otherwise held to be inadmissible (UNHCR, 2021a, 2022b).

Conclusions

We anchored this brief review of Italian and Maltese policy reactions to sustained immigration of refugees and displaced individuals with Arendt's signal insight that ultimately, these vulnerable populations are especially dependent on political officials' willingness to ensure that their human rights are protected in the difficult straits in which they find themselves. We also highlighted Arendt's argument that the peculiar reality of modern-day refugeedom is the result of societal willingness to other and discriminate against minorities and targeted groups on a bewildering array of bases that together, as she observed, allow those populations to "kill men without any bloodshed; since passports or birth certificates, and sometimes even income tax receipts, are no longer formal papers but matters of social distinction" (Arendt, 1943). The deep irony in juxtaposing these insights seems clear. On the one hand, modern societies have created refugees and left them in a peculiarly bereft status by both practicing

alterity and simultaneously choosing to organize human political, social and economic relationships via nations. On the other hand, and paradoxically, only the populations that have proven so willing so often to create refugees by discriminating against specific groups can be looked to, to set matters right and to protect the human rights of those left without homes by conflicts, strife or demagoguery through no fault of their own.

We have argued that the Italian and Maltese governments have, in many respects, failed this test in recent years as they have sought to avoid responsibility to assist the displaced and/or have mistreated them, sometimes cruelly. In these actions, no doubt, these two countries have hardly been alone. We take some solace in the fact that there are institutions, including those whose work we have cited here, seeking to call these states to account for their treatment of refugees. While this demand to adhere to normatively powerful abstract claims is surely an essential factor for the protection of this fragile population, it is often in contest with the fears and quest for power of populations or popular groups seeking to set aside such values in favor of attaining or assuaging those concerns. In short, one may rightly conceive of what is daily occurring in Italy and Malta as those states make choices as a parlous struggle for the hearts and minds of those nation's populations concerning whether and how to assist the displaced. Based on the evidence we have surveyed of these government's actions toward refugees and the sustenance of their human rights in recent years, we conclude that Arendt was right when she wrote in 1951, and remains correct today that, "*It is by no means certain whether this [ensuring the human rights of the displaced] is possible*" (Arendt, pp. 296-297). Nonetheless, efforts to secure that possibility, however difficult, surely redound to freedom and therefore are worthy of constant pursuit. Our review of recent Italian and Maltese refugee policy and actions teaches, however, that those seeking such outcomes should be prepared for a Sisyphean quest. Indeed,

we employed the French adage “plus ça change,” referencing the apparent immutability of human nature, in our title to highlight the difficulties implicit in confronting humanity’s disposition to other based on perceived differences of all sorts. In our view, that fact should steel those active in ensuring the rights of the displaced for the challenges that alterity represents, rather than daunt them from seeking to address them. That is certainly the principal conclusion we carry away from our analysis of the recent experience of refugees with the nations profiled here.

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Notes

ⁱ In September 2021 the Locri tribunal sentenced Mimmo Lucano, former mayor of Riace, Calabria, to 13 years and two months' imprisonment for maladministration and embezzlement, notwithstanding prosecutors' acknowledgment that he did not profit from his conduct. He had organized a welcoming reception system for refugees, asylum seekers and migrants for many years. The sentence imposed was nearly double that requested by prosecutors (Amnesty International, 2022, p. 213).

ⁱⁱ According to the UNHCR,

The purpose of this Regulation, adopted in 2003, is to determine which State is responsible for examining an asylum application—normally the State where the asylum seeker first entered the EU—and to make sure that each claim gets a fair examination in one Member State. The ‘Dublin’ system operates on the assumption that, as the asylum laws and practices of the EU States are based on the same common standards, they allow asylum seekers to enjoy similar levels of protection in all EU Member States. In reality, however, asylum legislation and practice still vary widely from country to country, causing asylum-seekers to receive different treatment across Europe. In its 2008 evaluation, the European Parliament noted that, in the absence of harmonisation, ‘the Dublin system will continue to be unfair both to asylum seekers and to certain Member States.’ The Dublin system increases pressures on the external border regions of the EU and harshly disrupts the lives of those fleeing to Europe for protection. In December 2008, the European Commission proposed amendments to the Dublin Regulation, which were largely welcomed by the European Parliament, ECRE and UNHCR (UNHCR, 2019).

ⁱⁱⁱ According to the Italian Defense Ministry, “The Mare Nostrum Operation was launched by the Italian Government on 18 October 2013, as a military and humanitarian operation aimed at tackling the humanitarian emergency in the Strait of Sicily, due to the dramatic increase in migration flows” (Ministry of Defense of Italy, n.d.). Critics of this initiative have contended, “The emphasis of this operation was that of policing mare nostrum [our sea]—fingerprinting arrivals, prosecuting smugglers, and deterring further migration. Even so, the humanitarian aspect of the Italian naval operation proved to be unpopular, criticized as a state-operated ferry service for migrants” (Agbamu, 2019, p. 270). Agbamu, has also argued, “The unpopularity of the operation suggested that the Italian nation no longer had any taste for extending its influence beyond its borders. Mare Nostrum was discontinued after a year and replaced with an operation launched in collaboration with the European Union’s Frontex Border and Coast Guard Agency. ... To name a securitarian operation after *mos maiorum*, [ancestral custom], sent a clear message—the aim of the Italian navy was no longer to assert its responsibility over its sea, but to protect and regulate social life through adherence to tradition. This meant keeping outsiders outside. Thus, *mos maiorum* signaled Italy’s shutting itself off from *mare nostrum*” (2019, pp. 270-271).

^{iv} In its response to the CPT report, the Maltese government claimed, “There are no formal bilateral agreements with Italy in relation to Search and Rescue and related matters. However, the Maltese authorities collaborate with Italian counterparts on an ongoing basis, including on cases of distress calls at sea” (Malta Ministry for Home Affairs, National Security and Law Enforcement, 2021, p. 6).