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Externalizing migration management, criminalizing solidarity

The contemporary regime of mobility is uneven, leaving the majority of the people especially from the Global South without access to regular forms of mobility. On the contrary, their mobility is seen as a threat to social cohesion in the Global North destinations, which has translated in enhanced outsourcing of border control, asylum and 'migration management' more broadly. In this article, I discuss the politics of mobility focusing in particular on the Mediterranean region. I pay special attention to enhanced control efforts, Southern Mediterranean States' attempts to respond to the externalisation of migration management by the European Union, and the criminalization of solidarity actions both on land and at sea.

On December 22, 2018, on the eve of the end of year holiday season, NGO ship Sea Watch 3 rescued 32 people in distress off the Libyan coast. What could have been a normal rescue operation of saving human lives from death at sea became a yet another standoff when the Maltese authorities refused the ship access to its ports in order to disembark those rescued. A week later, another ship, this time operated by the NGO Sea Eye, faced the same response when trying to disembark seventeen people they had rescued from sea. These incidents were a continuation of the practice, endorsed especially since the summer 2018, of increasing difficulties for non-profit organizations to perform search and rescue operations in the Mediterranean.

In what follows, I address the contemporary regime of mobility with a specific focus on the Mediterranean area. I begin by outlining the European efforts to outsource migration management and border control outside its territory, and discuss the responses by the Southern Mediterranean states to these efforts. These attempts to externalize border control and asylum are an integral part of the uneven regime of mobility, where control and confinement of those not considered as worthy of partaking in global circuits have not been coupled with a real access to mobility except for privileged few. In the concluding part, I address the issue of criminalizing solidarity. In this part I come back to the opening story showing how the aspiration by the civil society actors to claim back a huma(nitaria)n face to that lethal maritime border has resulted in an increased criminalization of solidarity.

Enhanced externalization

Externalization of migration management has been part of the European Union's (EU) common policy on migration and asylum since its inauguration in 1999. This attempt has been undertaken in various forms and labels, be it in the form of mobility partnerships or compacts, or by sending border officials to various locations across the globe. However, since the autumn of 2015 onwards,

in the midst of what came to be labelled as refugee or migration crisis in Europe, externalization of border control and migration management became more generalized and outspoken parts of diverse forms of external cooperation than ever before. Examples of these include the EU-Africa migration summit in Valletta in November 2015 that tied development cooperation and migration management explicitly together, and the deal between the EU and Turkey endorsed in March 2016. This latter was destined to halt departures from Turkey, and it has created a situation of protracted crisis on the Greek Aegean Islands with the subsequently imposed geographical limitation that forces those who have arrived after the conclusion of the deal to stay on the islands.

One solution proposed again in the EU Council conclusions in late June 2018 were disembarkation platforms in third countries, following the example set by Australia in the outsourcing of migration control and externalising asylum outside its territory to the island states such as Nauru. With this intent, the concerns of the neighbouring states as regards to hosting, in a formal manner, an increased number of people seemed completely bypassed. One by one, countries such as Albania, Egypt, Morocco and Tunisia refused to host such processing centres. This is understandable in light of the reluctance by the EU member-states to increase their resettlement numbers. Resettlement offers a legal avenue to access the EU territory for those who have already been assessed as qualifying for international protection by the UN Refugee Agency UNHCR, and an important increase in the resettlement quota is the idea upon which the processing centres would function, should they not bring forth a novel form of protracted confinement. Among the EU member-states, this kind of solidarity continues to be lacking. A notable exception is Portugal that already received six families and will receive up to some 1 000 people, Syrians from Turkey and South Sudanese from Egypt, within the EU resettlement framework; a small number of people but highly symbolic in the broader context aiming at a firm closure of borders and a denial of access to the EU territory. Portugal was also among the minority of the EU member-states that contributed fully to the intra-European solidarity efforts under the relocation programme that sought to distribute the newly arrived more evenly across the EU from the two most exposed countries, Greece and Italy. This relocation programme, considered as a failure due to the reluctance of many member-states to participate, targeted two selected nationalities, Eritreans and Syrians, who were most likely to receive positive decisions on their asylum claims; that is, to qualify for international protection.

The concerns of the neighbouring countries as regards to hosting a new kind of EU facility are understandable. Indeed, suggestions for hosting refugees outside the EU territory neglect the fact that the large majority of refugees worldwide already reside in the Global South. Moreover, it seems to bypass completely the fact that two major refugee-hosting states, by number — Turkey with its approximately 4 million refugees — and per inhabitant — Lebanon with its 1,5 million registered refugees for a population of 4 million. These numbers are gross approximates and under-estimates, as the UNHCR has not been permitted to register the newly arrived in Lebanon since 2015, when the number of UNHCR-registered refugees was one million people. Also other countries in the Southern Mediterranean already host a fluctuating number of people in transit, their aim being to reach the EU territory, even if this period of 'transit' may last for months, even years. Hence, the notion of 'transit' is to be used carefully, being cautious of the potential non-linearity at the level of actual lives of the people on the move.

Problem- and threat-oriented approach to mobility

The developments depicted above form part of the uneven access to mobility more generally and, together with increasingly tightened visa policies, they reflect the division between those worthy of access to mobility, and those whose mobility is considered as problematic. For example, African youths' aspiration to mobility is perceived as problematic, nothing similar to youth mobility from the affluent countries in the Global North, which is in turn encouraged and seen as a normal part of the transition to adulthood. In a similar manner, the aspiration to mobility of civil society actors from the Global South is easily perceived as suspicious by visa allocating agencies, which renders it difficult, if not impossible, to convene debates in Northern locations. One example of these practices we witnessed prior to the Politics of Migration seminar held in Tampere October 23, 2018, when two aspiring participants representing migrant organisations in Morocco were denied visas to travel and join the seminar. These denials occur in the paranoia of the EU member-states that everyone seeking to enter would also plan to stay indefinitely. It renders the mobility of the majority from the Global South problematic, even pathological, which

is contrary to the long-term emphasis on the possibilities of exchange and mutual learning provided by increased opportunities to move within the intra-European space.

Criminalization of solidarity

Over the years, different manifestations of solidarity with people on the move have been criminalized especially in different border locations, the area surrounding the town of Calais in Northern France as one emblematic example with numerous court cases charging solidarity advocates for transporting people to washing facilities and distributing food to recharging mobile phones. Similar practice can be witnessed in the mountainous Roya Valley designating the internal Schengen border between France and Italy, and along the so-called Balkan route; threats and arrests coupled with smear campaigns.

As illustrated in the opening paragraph, the border closure results in on-going human tragedies. In the maritime context, the criminalization of solidarity has only accentuated during the past year in terms of hindering and rendering criminal the search and rescue efforts by non-profit actors and commercial ships concerned to save lives at sea. In addition to the interdictions to disembark those saved at sea to nearest European ports, of actuality has been the confiscation of vessels of entrepreneurs who, while gaining their livelihoods, have not been able to leave people in distress at sea to drown. Over the years, these have included Tunisian fishermen, who have been accused of human smuggling. Their livelihood depends on the continuation of their fishing activity that is rendered impossible by the confiscation of the fishing boat.

In such context, it remains to be seen whether the bottom of humanity has been reached in terms of violating basic rights and discarding disposable human lives, or whether these practices constitute a prelude to an even firmer denial of principles that global responsibility and solidarity should be built upon.

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