The Other Side of the Fence:
Reconceptualizing the "Camp" and Migration Zones at the Border of Spain

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CPSA Montreal 2010
Draft

In April of 2008, John matter of factly explained to me how migration to Melilla used to work. "We used to climb the wire," he said, "but, then, when we were trying the Moroccan police started shooting."[1]

He was referring to October of 2005, when he had made his first attempt to enter Melilla, Spain, by crossing its border with Morocco – at the time, demarcated by a three meter high barbed wire fence. The border fence at Melilla is now twice as fortified – higher, with a double barbed wire fence and patrolled on both sides by Spanish and Moroccan authorities. The change was a direct result of events in September and October of 2005 when "hundreds" (some human rights activists claim thousands) of sub-Saharan African migrants who had been living in the surrounding forests for up to two years "attacked" the border.[2] Using makeshift ladders and cardboard suits to protect themselves from the barbed wire, they attempted to climb the fences of Melilla and Ceuta, the two Spanish enclaves on the Moroccan side of the Mediterranean Sea that are the only land borders that Europe shares with Africa. On three separate nights at the end of September and the beginning of October, migrants undertook what was described by Abdellah Bendhiba, the governor of Nador province, as "an assault of rare violence."[3] In one night, an estimated 400 migrants attempted to enter Melilla. Moroccan troops opened fire in "self-defence" and at least six migrants were killed. 290 were arrested. Meanwhile, at Ceuta five migrants had already died in attempted crossings, deaths for which neither Spain nor Morocco was willing to take responsibility. The Spanish Interior Ministry stated that an internal investigation had confirmed that Spanish shots were not what killed them. Hein De Haas reports that in the aftermath of these clashes, 1500 migrants were rounded up and deported or abandoned in the Algerian desert in a national effort by the Moroccan authorities to remove irregular migrants.[4]

Attempts to cross the fence into Melilla were and are attempts to gain entry into Europe through Spain. The fences surrounding the enclave, for many, represent a safer and more sure way of border crossing than do the seas between Africa and Spain, most often crossed using small, wooden boats called *pateras*, overcrowded and subject to capsizing in the rough waters of the Mediterranean. The crossing is one of the final stages of a journey that for many has been several years long, as migrants from Sub-Saharan Africa walk or pay for passage through known migration and smuggling routes through Africa from Cameroon, Mali, and Nigeria.[5] In entering Melilla, however, migrants are not crossing into Europe in anything other than a strict territorial sense. Rather, they enter a migration non-place, captured by the European border regime of migration control. Border regimes are not marked only by lines on a map, or even by the fences, check points

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[1] John (false name), Group Migrant Interview, 8 participants (Cameroon), Oujda, Morocco. April 2008
[2] Jørgen Carling, "Unauthorized Migration From Africa to Spain." International Migration. 45:4 (2007), p. 23.
[3] BBC News, "Six killed near Spain's enclave". Thursday October 6. [online] http://news.bbc.co.uk/2/hi/europe/4316702.stm.
[4] Hein de Haas, "Morocco: From Emigration Country to Africa's Migration Passage to Europe." Working Papers: Migration Information Source. (Oct 2005) [online], p. 5.
[5] See: de Haas 2005; Carling 2007.

and gateways that physically mark the border. They are also marked by spaces in which the sovereign power of the state operates in one of its most powerful guises to intercept, interdict, deter and return "unwanted" migration. Within these irregular spaces, migrants can be contained, managed and (eventually) returned to their country of origin. They may include detention centres, immigrant reception centres, "processing" centres, holding rooms at airports or border check points, or refugee camps. Bigo notes that detention camps are often located in specific places at border zones that are somehow outside of the rigid sovereignties of a given state – they are "in-between."[6] As what Robert Davidson calls "non-spaces", these camps enclose areas in which the regular law of the state is suspended.[7] In the case of the Spanish enclaves in Morocco, the non-place takes the form of an autonomous city, surrounded by high fences. Here, the practices, programs and policies of border control operate to capture migrants and to sort them into categories of "wanted" and "unwanted", "regular" and "irregular." In consequence, some are deported, returned and removed from the sovereign space of Spain/Europe. Some wait for years even for this result. A few are transferred to the mainland and granted asylum. Fewer still achieve immigration, or are procedurally transferred to the mainland to disappear into the irregular economy.

In existing as this "non-place" for migrants, Melilla is, in Agamben's terms, a "camp" – a "space that opens up when the state of exception starts to become the rule."[8] Many have analyzed spaces of migration control in terms of the structure of the camp, where politics is reduced fundamentally to biopolitics, life to bare life, and where the agency and capacity of individuals is stripped away in the exertion of the sovereign's power capacity to exclude, to locate people outside of the normal state of law, and to make them exceptional. Here, migrants live in a state of exception, unable to access or to participate any further in mobility (unless it be removal or deportation), and seemingly unable to participate in the politics of migration. Such an analysis, however, treats the fences of Melilla as not simply objects that have been crossed, but as limits that permanently mark a break in the migration routes of the sub-Saharan Africans, and of the North Africans, Indians and South-East Asians, who make the crossing. This fails to recognize the ways in which the politics of migration are deterritorialized, existing beyond geography in communities of mobility that shape a profoundly powerful politics. Shifting our understanding away from the reification of borders, however, recognizes the fence as marking a particular stage of movement – a particularly difficult one, to be sure – that exists within a larger political space characterized by a politics of migration that is shaped by the mobility of the migrants themselves.

Jennifer Hyndman argues that borders breed an "uneven geography of power and status."[9] Those that traverse this geography must navigate the impositions of sovereign state power and attempts to define and regulate their status. Dynamics of race, class, gender, religion and ethnicity are all played out along the territorial border, reinscribing it amongst and between migrants as much as it exists in geography. These dynamics shape how the border is experienced, always regulated by programmes and policies of the sovereign state in border management and control. Today's regime of migration control operates within a paradigm of "regular" and "irregular" migration, a paradigm that in many ways has replaced the less-easily defined paradigm of "voluntary" and "forced"

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[6] Didier Bigo, "Detention of Foreigners, States of Exception, and the Social Practices of Control of the Banopticon" in Rajaram, Prem Kumar and Carl Grundy-Warr, eds.. Borderscapes: Hidden Geographies and Politics at Territory's Edge. University of Minnesota Press, Minneapolis, 2007., p. 5.

[7] Robert A. Davidson, "Spaces of Immigration "Prevention": Interdiction and the Nonplace" *diacritics* 33.3-4 (Fall-Winter 2003), p. 15, 4-5.

[8] Giorgio Agamben, Means without End: Notes on Politics. Minneapolis: University of Minnesota Press, 2000. p. 39.

[9] Jennifer Hyndman, Managing Displacement: Refugees and the Politics of Humanitarianism. Minneapolis: The University of Minnesota Press, 2000, p. 1.

migration. Regular migration is, in fact, regulated migration, and the objective of the state is always to achieve this control over the mobility of persons – particularly as they cross state borders. In this paradigm, refugee migration to the global North through resettlement programs is in many ways "regular." Movement takes place through processes of permissions and selections made in distant refugee camps, and when individuals arrive at the border their status is already determined and approved by the state, their papers already in order, and their migration managed from beginning to end. Irregular migration, by contrast, evades this control and crosses geographic borders by ways and means not controlled or condoned by the state. The "attacks" on the borders of Melilla and Ceuta in 2005 were glaring examples of such attempts. There are quieter ways. *Patera* boat crossings, stow-aways on trucks and ferries, and the use of smuggling networks are all characteristic of irregular migration at the European border. Asylum seekers, in as much as they access mobility as individuals and without the express permission or sanction of the state, are too often captured in the net of border control – and are prevented and deterred as much as those moving for other reasons. It is irregular migration that is the object of border control, and increasingly restrictive regimes are designed to both prevent and deter such movements in the name of border security.   The consequence of such is to close down and restrict access to the asylum system as the embedded assumption is that if you arrive at the border irregularly you are both illegal and unwanted.

Melilla is an integral part of this system of border control. The enclaves represent the only land borders that exist not only between Spain and Morocco, but between Europe and Africa and as such are the objects of high anxiety. Within the securitized European border regime, Melilla operates as a space of exception, a location of sovereign control where migrants are stripped of their autonomy and held in a state of uncertainty, without voice or the capacity to exert control over their migration futures, always temporary and without a "place" in the society they have entered which is, for them, neither Spain nor Europe. However, by looking over at the other side of the fence and by incorporating migrant narratives we can begin to understand the ways in which the non-place of Melilla is in fact the same space of non-citizenship represented by the illegal camp in Oujda, Morocco. Beginning analysis and engagement from this space, and from the narratives and actions of the migrants themselves, reveals a different kind of politics. Rather than the overwhelming imposition of sovereign power, a potentially powerful politics is revealed. Using Rancière's conception of politics, of the sudden speech and demands made by those who "have no part", and including those who are on the other side of the fence, alternative ways of understanding the exceptional space of migration are revealed.

Securing Europe's Borders

Understanding the establishment of Melilla as a non-place, a camp, must begin from an understanding of the broader securitization of the European border regime. This securitization of Europe's frontiers is fundamentally rooted in the development of the European common area with the Schengen Convention, which came into force in 1995.[10] Integrated into the larger European Union framework by the Treaty of Amsterdam in 1997, Schengen outlines the principles and conditions of freedom of movement within the EU, and establishes a common external border.[11] It is this external border that has become the focus of migration control. The individual national

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[10] Andrew Geddes, "Europe's Border Relationships and International Migration Relations" *JCMS* 43:4 (2005),, p. 794. See also: Timothy J. Hatton, "European Asylum Policy" *National Institute Economic Review* 194 (2005); Christina Boswell, "The 'external dimension' of EU immigration and asylum policy" *International Affairs* 79:3 (2003); Andrew Geddes, The Politics of Migration and Immigration in Europe. London: SAGE Publications, 2003.

[11] Harold Shepherd, "Towards a Common European Asylum System: Asylum, Human Rights and European Values" *Refuge* 22:1 (2004), p. 97-98.

borders of many European states have become displaced and made remote from their actual sovereign territory. Internal borders have become, in many ways, deterritorialized; they exist between citizens and non-citizens, between participants in formal and informal labour markets, amongst and between markers of race, class and gender, and between accepted "regular" migrants and irregular migrants. External borders, meanwhile, are those of the frontier states of the EU. These borders are fundamentally territorial, and are increasingly subject to harsh and restrictive controls. They are both state borders and regional borders, and are subject to these two overlapping policy regimes. The border between Spain and Morocco is not simply national – it is also the border between the European Union and Morocco, and between the European Union and Africa.

Increasingly restrictive border control policies also capture the decreasing accessibility of the European asylum system. The connection drawn in policy circles between asylum seeking and irregular migration is fundamentally linked to questions of security.[12] It operates around suspicions of "false" asylum claims, which are taken to indicate that any available channels of asylum are being taken advantage of by those otherwise ineligible for regular migration. Adamson writes:

> [l]ike other dimensions of globalization – whether financial flows or
> information technology or marketization processes – the intervening variable
> for understanding the relationship between migration and security is state
> policy, and much of migration policy is about designing systems that allow
> some categories of immigrants in, while attempting to keep other categories
> out – clearly a significant challenge.[13]

The border is the problem, in which the migrant is an object. Rather than attending to the experience of the migrant, therefore, the focus of both policy development and analysis has been the integrity of the border itself.

The European border regime reflects what Chimni refers to as the non-entree regime,[14] designed to deter, intercept and interdict all migration not expressly permitted by the state. Policies including non-arrival measures designed to impede entry using mechanisms such as visa regimes, carrier sanctions, airport liaison officers, and interdiction at sea have been developed and are increasingly efficient with the development of new technologies. Programmes such as the European Union border security programme FRONTEX and the Spanish maritime programme SIVE have been put in place to enforce much of the policy within secretive policing regimes. A network of radar, sensors, cameras and "immigration centers" have been put in place along the Southern border to identify and intercept irregular migrants.[15] For those migrants who are successful in arrival, deterrence policies such as detention, temporary protection status and limitations in employment, welfare, residence and accommodation are also increasingly prevalent.[16]

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[12] See: Ole Waever, "The Constellation of Securities in Europe" in Aydinli, Ensel and James N. Rosenau, eds.. Globalization, Security and the Nation-State: Paradigms in Transition. New York: State University of New York Press, 2005. pp.151-174.; Andrew Geddes, The Politics of Migration and Immigration in Europe. London: SAGE Publications, 2003.; Elspeth Guild, "Protection, Threat and Movement of Persons: Examining the Relationship of Terrorism and Migration in EU Law after 11 September 2001" in Crépeau, François et al., eds.. Forced Migration and Global Processes: A View from Forced Migration Studies. Toronto: Lexington Books, 2006. pp. 295-318; Fiona Adamson, "Crossing Borders: International Migration and National Security" International Security 31:1 (Summer 2006), p. 174.

[13] Fiona Adamson, "Crossing Borders: International Migration and National Security" International Security 31:1 (Summer 2006), p. 175

[14] B.S. Chimni, "The Geopolitics of Refugee Studies: A View from the South" Journal of Refugee Studies 11:4 (1998). p. 352.

[15] Peter Andreas, "Redrawing the Line: Borders and Security in the Twenty-First Century." International Security 28:2 (Fall 2003), p. 105

[16] Channe Lindstrøm. "European Union Policy on Asylum and Immigration: Addressing

Juss observes that there is a general concern within the Northern states of the Union that Southern Europe may present an easy entry point to Europe – and thus to the Northern states.[17] In response to pressure exerted by these states through the cooperation and policy mechanisms of the EU, Southern European countries have adapted national policies to reflect the European political agenda. Geddes argues that the EU policy framework has influenced the repressive elements of Southern European policy, leading not only to an emphasis on external frontiers, but also to an increase in capacity to control the borders and an increased willingness to expel irregular migrants.[18] This has created marked policy shifts. Where regularization programs, particularly in Spain, were formally an important part of domestic immigration policy, legislation has recently moved in directions that both restricts the rights and privileges afforded to non-citizens, and limits, if not prevents, irregular migration.[19] Such developments have led scholars such as Schuster to assert that the most disquieting element of European practices of deportation, detention and dispersal is their normalization.[20]

As European integration has developed, the gap between Spanish policy and European interests has closed. The perception in the NGO and human rights community is that influence exerted by the European Union enforces the notion that the Spanish responsibility is to "Stop! Stop! Stop!" migration at the border.[21] The perception is shared by many in the Spanish government, who cite intense pressure on the Ministry of the Interior to "step up" its control of the border at the time of Spain's accession to the European Community. Now, however, Spain is "on the same page" as Northern European countries. One government worker asserted that it is important to have a sense of effectively dealing with migration because it gives the population a sense of control – even if this is not good for the migrants in Spain.[22] Human rights advocates assert that the government is no longer able to "do any politics" for those without documents.[23] Indeed, Spain has become one of the staunchest proponents for tougher border controls. FRONTEX was a Spanish initiative and the Strait of Gibralter has become the most heavily policed Southern point in Europe.[24]

Throughout the same period, Spain's refugee and asylum procedures have become restrictive and inaccessible. By 1993 the denial rate of applications reached 96%, and by 1996 only 5500 refugees were living in Spain.[25] In 2000, 7926 asylum applications were filed, but only 453 findings were favourable.[26] According to a member of the Ministry of the Interior in Madrid, all that is really happening is control; in the rigidness of the border control regime, and the associated control of all

the Root Causes of Forced Migration: A Justice and Home Affairs Policy of Freedom, Security and Justice?" *Social Policy and Administration 39*:6 (2005), p. 589.

[17] Satvinder Juss, "The Decline and Decay of European Refugee Policy" *Oxford Journal of Legal Studies.* 25:4 (2005), p. 758

[18] Geddes 2003, p. 166.

[19] Geddes 2003, p. 150, 164. Mikhail A. Alexseev, <u>Immigration Phobia and the Security Dilemma</u>. Cambridge: Cambridge University Press, 2006, p. 149.

[20] Liza Schuster, "A Sledgehammer to Crack a Nut: Deportation, Detention and Dispersal in Europe" *Social Policy and Administration* 39:6 (2005), p. 617.

[21] "Cristina" (false name) Individual NGO Interview, Madrid Spain, March 2008.

[22] "Jose" (false name) Individual Government Interview, Madrid Spain, March 2008.

[23] "Cristina"

[24] Andreas 2003, p. 105-106.

[25] Kitty Calavita, "Immigration, Law and Marginalization in a Global Economy: Notes from Spain." *Law and Society Review.* 32:3 (1998). p. 545.

[26] Nieves Ortega Pérez, "Spain: Forging an Immigration Policy." *Working Paper: Migration Information Source.* (Feb 2003) , p. 6.

irregular migration, we are seeing "the death of asylum."[27] The coordinator of a Madrid African migrant support and human rights organization agrees, but broadens the accusation to all of Europe. Refugee status in Europe is disappearing as a meaningful concept, he says. The result is an increase in irregular migration, as refugees are afraid to make claims – either to refugee status, or to any kind of social support – concerned that their story will not be good enough and that their deportation will be immediate.[28]

Even as this restriction and control characterizes the regime in the Spanish mainland and in Europe, it is tempered somewhat by the maintenance of a humanitarian discourse at the level of the European Commission and Parliament in media releases, public discussion and policy justifications.[29] This is stripped away, however, in the enclaves. Robert Franks, a government spokesperson in Ceuta, stated that: "Without a doubt this is the Southern frontier of the Europe of Schengen. We have a whole continent to the south of us. It is increasingly evident that this wall is necessary."[30]

Camp Melilla

Lavenex argues that the goal of the European migration regime is to curtail unwanted flows before they reach the common territory.[31] Melilla is before the common territory. It is, however, within the auspices of European policy and as such migrants find themselves caught in stasis, unable to more either forward or back. The securitization of the borders of Europe is focused fundamentally on the external borders, and becomes visible on the borders of Spain. The arrival of irregular migrants by boat on the Spanish coast has engendered public panic, and further justification for restrictive measures and increased surveillance of the border. The operation of FRONTEX, co-patrolling of the coast with Morocco, and SIVE have all directed the full attention of the migration-security regime of Europe onto Spain's borders. Within the rubric, however, the enclaves of Ceuta and Melilla have a unique role. They are simultaneously part of Europe, and outside of the "Fortress." In this, they have become a kind of migratory "non-place" within the border control regime. In the space of the autonomous city, migration to Europe has an exceptional character. Far from being included in the migration zone of Europe, within the enclaves the violence and repressive elements of the securitized migration regime loses what thin veil of humanitarian motives that remains present on the continent.

Melilla is an area of twelve square kilometres that has a ten kilometre border with the Moroccan province of Nador. This border is marked by a double barbed wire fence, patrolled on each side by both Spanish and Moroccan authorities. The only break in the fence is a gate across the main road, heavily guarded and with two check points for entry, and two check points for exit. The road is lined by a high fence, with a sidewalk for pedestrians that is similarly surrounded. Those crossing the border must present identification and all necessary visas and documentation. Reflecting an agreement between Spain and Morocco, residents of Nador are able to cross the border freely, primarily to work, and each day thousands who live in Morocco but work in Melilla do so.[32] This border crossing is part of their daily commute, and it is this kind of mobility that characterizes "regular" migration to Melilla. Strict regulations about residence and work establish

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[27] "José"

[28] "Miguel" (false name). Individual NGO Interview. Madrid, Spain. May 2008.

[29] See: Steffan Angenendt and Roderick Parkes, "Can Further Nationalism Facilitate a Common EU Approach to Migration?" *The International Spectator*, 44:3 (2009), pp. 77-96.

[30] Andreas 2003, p. 106.

[31] Sandra Lavenex, "Shifting up and out: The foreign policy of European immigration control" *West European Politics*, 29:2 (2006), p. 337.

[32] Carling 2007, p. 23.

the rules by which Moroccan citizens find employment in the Spanish territory. Crossing the Mediterranean to the mainland of Spain, however, is entirely different and requires accessing the regular Spanish immigration regime of visas and permissions. When crossing the Mediterranean, migrants cross another border. The border of sovereign Spain may be the fence in Nador; the border of Fortress Europe is the sea.

While regular migration across the border of Melilla is treated largely as migration to the autonomous city in and of itself, irregular migration is targeted within the understandings and practices of the European border regime. Irregular flows are understood as crossing the border without permission or crossing with permission and illegally remaining. The nature of the free movement of Moroccan citizens across the border, however, creates differences in the character of irregular migration along ethnic lines. Typically, North Africans (such as those from Algeria) use false Moroccan passports to cross the border. By contrast, Sub-Saharan Africans – made more visible by race - must either hide in vehicles crossing the border or scale the fence. It is this necessity of a more direct attack on the border that underscored the characterization of the "attack" on the border in 2005 as one by African migrants. As the only route seemingly available, these racialized migrants are compelled to make
 use of more dangerous means of crossing border, in a mobility that reveals the fundamentally racialized nature of border control. Sub-Saharan African migrations are approached from the first with suspicion; it is not imagined as possible that a black migrant could be "regular" or permissible. The increasing level of seucirty that results increases the vulnerability of black African migrants. It has the further impact of closing access to the "normal" asylum regime, driving incidents of irregular border crossings up.

The choice to enter Melilla itself also reflects a choice between more dangerous and less dangerous routes. Crossing the Mediterranean Sea using small, wooden boats known as *pateras* represents significant risk. The possibility of capsizing and drowning at sea is high, as is the possibility of interception by one of the joint patrols of the Spanish and Moroccan authorities. Either option can effectively end a migratory journey. Crossing the land border of Melilla is thus comparatively safer. Further, interception at the enclave border is more likely to result in removal to Algeria than to a country of origin as it is undertaken by the Moroccan authorities rather than the Spanish. This less distant removal allows for a greater possibility of future attempts. As such, both asylum seekers and other migrants have identified Melilla as a key gateway to Europe, and the pressure on the border has been significant. Sub-Saharan Africans began to arrive in Melilla and applying for asylum in late 1991.[33] Most arrived without documents, and an inability to prove nationality thus made it difficult for Spanish authorities to either challenge the asylum claim or to repatriate migrants under one of several readmission agreements.[34] As the numbers increased, reception centres in Melilla quickly became overcrowded, and the central government initiated transfers to the mainland. Between 1996 and 1999 nearly 10,000 migrants were transferred in this way, only increasing the view of Spanish vulnerability to irregular migration in popular discourse.[35] This transfer to the mainland also represented the final stage of the journey for migrants, enabling them to achieve the goal of reaching Europe, and allowing them access to the asylum system and other processes of formal and informal integration that, although restrictive, represented a possibility of regularization and residence within the EU. As Carling notes, more than one million irregular

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[33] Carling 2007, p. 23.
[34] Ibid.
[35] Ibid.

migrants have been regularized in Spain since 1990, a statistic that has made unauthorized entry seem a valid possibility for those waiting at the borders of Europe.[36]

As the restrictiveness of the European asylum system has increased, however, so has the difficulty in bridging this space between Melilla and Europe. The border has been drastically reinforced, particularly after 2005, and the possibility of transfer to the mainland is far less assured. Today, upon arrival in Melilla most migrants register with the police immediately.[37] Their assumption and hope is that registration, frequently coincident with the filing of an asylum application, will effectively time stamp their arrival. A lack of documents combined with the asylum claim protects them from immediate removal. The belief is that, after a certain fixed time period they will be transferred to the mainland. While it is the case that a three year period in the mainland will entitle a person to residence regardless of how s/he achieved entry to Spain, such a policy does not exist in practice in Melilla.[38] The city's autonomy has meant that Spanish state policies are only selectively applied, and the "waiting time" for migrants not only regularly exceeds three years but also frequently ends not in residence in Spain, but in deportation to the country of origin. By registering, migrants enter the migration control system of the enclaves, with reflects the border control system of the continent. The process is very slow and highly uncertain, and reveals the operations of the sovereign power of Spain in important ways. It is in this increasing restriction that the character of Melilla as a camp becomes particularly visible.

For Agamben, sovereign power is founded upon the ability to decide upon the state of exception, and the camp is the space in which this is permanently realized. He understands "the camp" as a spatial arrangement of the permanent state of exception that remains outside of the normal state of law.[39] It is a space of containment that operates not only to exclude individuals from the normal operations of society, but also to keep them outside and to prevent any possibility of bridging this gap. Agamben writes that "we will... have to admit to be facing a camp virtually every time that such a structure is created, regardless of the nature of the crimes committed in it and regardless of the denomination and specific topography it might have."[40] In this, he is gesturing to the existence of the space of a camp even outside of our traditional imagination of such a place. He describes a soccer stadium used to house illegals and airport zones as possibilities. Melilla is similarly such a place.

The impact of living in a camp space is to be rendered as, in Agamben's terms, "bare life." Agamben argues that state power is founded upon the ability of the state to keep bare life safe and protected to the degree that it submits itself to the sovereign's right to decide life and death. A state of exception exists when this life is put into question, and revoked as the foundation of political power.[41] As such, bare life *no longer matters*; it does not justify or support power, and so is ultimately vulnerable to power. It "cannot be inscribed into the order."[42] As Agamben writes, such a state means that literally anything can happen within the camp as the exercise of sovereign power is arbitrary.[43] The lived consequence of this state of being is that migrants caught within the space of a camp are denied the capacity for political agency, and are instead laid bare to the will of the state to not simply exclude them, but also to remove them entirely. As a Melilla asylum lawyer and claims

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[36] Carling 2007, p. 24.
[37] Carling 2007, p. 24; "José"
[38] "Jane" (false name), Individual NGO Interview. Melilla, Spain. May 2008.
[39] Agamben 2000, p. 39.
[40] Agamben 2000, p. 41.
[41] Agamben 2000, p. 4-8
[42] Agamben 2000, p. 43.
[43] Agamben 2000, p. 42.

assessor says, "only the Spanish government knows when people will be able to move"[44] – and in what direction.

Simon, an irregular migrant from Chad who has been in Melilla for three years, says that the city is an environment that changes a man. He tried twice to enter Melilla; during his first attempt he was caught and returned to the Algerian desert. He walked back to Oujda and, after some time recovering, made another attempt at crossing the border by hiding underneath a truck. He was successful and, like most other irregular migrants, immediately reported to the police to register.[45] Chad will not accept Simon's repatriation because Spain cannot prove that he is a national. And so Simon waits. His friend Francis from Cameroon, has similarly been waiting for five years.[46] As irregular migrants, Simon and Francis are required to live in the immigration reception centre, and to carry migrant ID cards issued by the Melilla authorities. These pieces of ID are used as leverage and weapons. Migrants cannot enter or leave the centre, their only shelter, without them. They cannot access what food is provided (one or two meals a day). If a migrant does something that displeases the authorities – such as speaking with a journalist - the cards are taken away for a period of time. Arun, an Indian migrant who has been in Melilla for four years, met me in the private schoolroom of a human rights activist, out of sight. He was defiant in his desire to tell his story, but was afraid that being seen talking to me would be looked upon poorly. He had had trouble before, he explained, when he spoke to some journalists and a filmmaker. His ID had been taken away, and he had been forced to sleep outside and go without food for almost a week. He, too, is waiting and hoping for a residence permit from Spain. "We are mentally damaged," he says. "three to four years of nothing but wondering..."[47] Migrants are not permitted to work, and spend their days washing cars to earn small amounts of money from citizens and tourists. They wait and, as Arun says, wonder. They also live in a state of fear of deportation. Francis described two nights previous to my arrival, when, in the middle of the night, a group of migrants from Bangledesh had been rounded up and removed without warning. The assumption was that they had been deported, but no one seemed sure of what happened to them. Other Bangledeshis, he explained, had been sleeping outside ever since, fearing another round-up. The remaining migrants, with wide ranging nationalities, live in fear. "We have no papers and can do nothing," he said. "Everyone is afraid they may be next."[48]

This state of insecurity in which irregular migrants in Melilla are held is only amplified by the uncertainty created by the unpredictable actions of the authorities. Within the state of exception, politics as participation, engagement and voice seems impossible and whatever agency the migrants may have enacted in crossing the border seems to have been crushed. Yet Melilla is only one place within a broader space of migration along the European border between Spain and Morocco. The act of crossing the fence marks an interruption in the European border regime that is jarring enough to demand an extreme response from the state. And on the other side of the fence, down the road and in Oujda, an "illegal" migrant camp has been set up at the University and hundreds of migrants who have crossed the Algerian desert live there, preparing and waiting for the moment of their own interruption. The state of exception created in Melilla is only one part of the story; to discover other voices we must cross the fence and recognize that the space of migration is only interrupted by the

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[44] "Jane"
[45] "Simon" (false name), Individual Migrant Interview. Melilla, Spain. May 2008.
[46] "Francis" (false name), Individual Migrant Interview. Melilla, Spain. May 2008. Translation from French.
[47] "Arun" (false name), Individual Migrant Interview. Melilla, Spain. April 2008.
[48] "Francis"

fence, not broken by it, and that the politics of migration at the borders of Europe are shaped as much both those waiting to cross as by those who have already crossed.

The Other Side of the Fence: Oujda

The role of Morocco within the European border regime is as both partner and problem. Morocco is a partner in the context of the readmission agreements it has signed with both Europe and Spain to accept back not only those irregular migrants of Moroccan citizenship who have crossed the Spanish/Moroccan border, but also to accept back non-Moroccan migrants who have transited through Moroccan territory.[49] It is in this role as transit state that Morocco presents the "problem." As the main transit zone to Spain, Morocco is increasingly vested with the responsibility of deterrence and deflection on behalf of European authorities. Migrants from Senegal, the Gambia, Sierra Leone, Liberia, Mali, Côte d'Ivoire, Ghana, Nigeria, the Democratic Republic of the Congo (DRC), Cameroon, and the Sudan have, in recent years, been joined by migrants from Bangledesh, Pakistan, India and China as they migrate towards Europe using long established and well known routes.[50] For Carling, Morocco exemplifies the "buffer zone",[51] experiencing a significant influx of migrants – most often through the Algerian desert – and subsequently "housing" them as the border controls of Europe deflect, deter and intercept. In Morocco, unauthorized migration is known as "*hirjra sirriya*", or hidden or secret migration. Within these flows, two distinct systems have become integrated at border points: the older system of migrants of Moroccan origin, and new flows from Sub-Saharan Africa, Asia and the Middle East. They make use of the same boats, and often of the same smugglers' networks. The trend, however, is towards the newer transit migration. While during the 1990s only two percent of those intercepted while crossing the Mediterranean were non-Moroccans, today more than one quarter of the migrants are from Sub-Saharan Africa.[52] Between 65,000 and 120,000 migrants enter the Maghreb annually, with between twenty and thirty percent entering Algeria and Morocco. From there, tens of thousands attempt to make the crossing to Europe.[53] The Sahara is a historical transit area, but it represents only one stage of most journeys. Migrations are generally undertaken in several phases, from "migration hub" to "migration hub" as migrants pause to earn enough money to pay for the remainder of the journey.[54] To enter Morocco, migrants move most often from Agadez in Niger to Tamarasset in South Algeria. From there, using false papers and transportation provided by those who the authorities consider to be traffickers or smugglers, they move to North Algeria and then enter Morocco. Nine kilometres from the border is Oujda.[55]

In the unauthorized migrant camp that has sprung up at the Mohammed I University in Oujda, the population of approximately 2000 migrants is highly transitory. Numbers wax and wane as individuals and groups leave to attempt one crossing or another into Spain – either across the Mediterranean to Almerìa or Granada, to the Canary Islands, or through the fences at one of the enclaves. If the attempt fails, many return to Oujda to regroup for another attempt. Generally, the consequence of interception by the Moroccan authorities is deportation to the Algerian desert. Depending on where in the desert they are dropped, and if they are not injured and have enough

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[49] Geddes 2005, p. 165.
[50] Hein de Haas, "Trans-Saharan Migration to North Africa and the EU: Historical Roots and Current Trends." Working Papers: Migration Information Source. (Nov. 2006) [online] p. 1.
[51] Carling 2007, p. 9.
[52] Carling 2007, p. 9-10.
[53] de Haas 2005 , p. 3.
[54] De Haas 2006, p. 3.
[55] De Haas 2006, p. 6.

money to bribe any border guards they encounter, it is only a seven hour walk.[56] The camp is not inviolate against police raids, but it is less vulnerable than other locations as a small piece of Moroccan law grants the University a degree of autonomy from the state. This creates a state of exception in a vastly different sense from that created in Melilla, where power rests in the goodwill of the University to refuse to grant the police access to its property, thus tenuously protecting the migrants living on campus. Following a sense of social justice and humanitarianism, University authorities tolerate the presence of the migrants, sometimes providing them with supplies and more secure shelter in bad weather.[57] When the students are gone, however, raids increase as the changeable protection of the University gives way to the power of the state. Despite some degree of exposure, however, migrants at Oujda choose to remain on campus as it provides easier access to the medina in the city, where they can beg and sometimes perform odd tasks for a small wage to earn money for their attempted crossing to Spain.[58]

Visiting the camp at Oujda presented opportunities to speak with several migrants, sometimes individually but more often in groups, about their experiences and choices to stay at Oujda, and to continue to attempt to reach Spain. They were all men – the women, they explained, are either in the medina begging or in the forest, out of sight and where it is safer. While the police don't often come onto campus, they watch, and the consequences of being seen can include removal, targeted raids, difficulty accessing the services of local NGOs such as Médècins sans Frontiers (who provide health care to the migrants), or problems with papers if they choose to go to Rabat. When I asked what papers they are referring to, Charles pulled out a folded paper from his pocket and shows it to me. It was a document from the UNHCR, indicating that an asylum application had been filed in Algeria and that temporary status had been granted. "But I don't know if I should go to Rabat and claim in Morocco," he said. He preferred to keep the paper with him and, instead, to go to Spain.[59] Many of the migrants in the camp have similar papers, documenting either an application or the granting of some kind of status. To make a claim in Morocco, they must journey to Rabat, where the UNHCR oversees all asylum claims.[60] Most have chosen not to go, however; their goal for asylum is Spain. Morocco is not seen as hospitable to asylum seekers – particularly those from Sub-Saharan Africa. Spain, in contrast, is seen as respecting human rights and as providing protection, security and support for refugees.[61]

These migrants are making migration choices in the face of a daunting migration control system that operates to prevent the realization of these choices. The policy objectives of the EU are to encourage migrants to apply for asylum elsewhere, and significant amounts of money are invested in "partner" states annually to build the capacity of these states to process claims and either provide temporary residence or permanent resettlement for those claimants who are successful.[62] Such efforts mean little to the migrants in Oujda, who instead wait for the opportunity to enter Spain. While they are waiting they choose to live in the camp, under a system of self-organized and representative governance devised by the migrants themselves. "We have a meeting every week for representatives." John tells me. "And everyone has to come. We don't work; there is no excuse not

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[56] "John"; Group Interview (5 participants), Cameroon Migrant. Oujda, Morocco. April 2008.
[57] "Amir" (false name). Individual Interview. Oujda, Morocco. April 2008.
[58] "Amir"
[59] "Charles" (false name). Group interview (8 participants), Nigerian Migrant. Oujda, Morocco. April 2008.
[60] "Sarah" (false name). Individual INGO Interview. Rabat, Morocco. April 2008.
[61] "Charles", "John".
[62] See: Emma Haddad, "The External Dimension of EU Refugee Policy: A New Approach to Asylum?" *Government and Opposition*. 43:2 (2008); Lavenex 2006; Sarah Wolff, "Border Management in the Mediterranean: internal, external and ethical challenges." *Cambridge Review of International Affairs*. 21:2 (2008).

to come!" They solve inter-group disputes as well as conflicts between individuals – including theft, violence and harassment – through this group, where each nationality has at least one representative. Despite their exclusion from society at large, and their vulnerability to violent impositions of the state, they have continued to live according to the principles of equality that they argue justifies their migration in itself.

"Everyone has the right to move." John says. Charles agrees: "anyone who needs to can claim asylum. It's law. We shouldn't be treated different, and I have been here for five years so that I can go to Spain."[63]

"The part that has no part"

Rancière writes: "Politics exists when the natural order of domination is interrupted by the institution of a part of those who have no part."[64] Those who have no part are those who cannot be incorporated into the order of society, and made a partner in its processes. They are, in Agamben's terms, the bare life that is captured and controlled within the state of exception. What we traditionally think of as politics – the procedures and systems of legitimation by which the societal contract is achieved – is, for Rancière not politics at all, but the end of such. Such a process is, instead, a disciplining exercise for the purpose of governing bodies; it is policing.[65] Politics is not achieving agreement, thus indicating acceptance and the end of contestation. For Rancière, it is the disagreement, the defiance and the breaking down of such an agreement; it is the challenging of consensus by those who are not part of the normal order. Politics is ongoing, but not omnipresent in this understanding. As Rancière makes note, it actually happens "very little" or "very rarely."[66] Politics is momentary, and appears in glimpses and moments of disagreement. It is shut down, only to reappear again in moments of insurrection and challenge. This conception of politics characterizes those of migration at the border of Melilla. In Oujda, as migrants defiantly return back to the camp time and again after being removed to the Algerian desert, there is an interruption of the controlling logic of removal. As migrants fail to cross the border, but return to try again there is a similar statement, and a demand to enter the space cordoned off by the fence. Rancière argues that political activity is whatever shifts a body from the place assigned to it, or changes a place's destination.[67] In "becoming" an irregular migrant, those who (attempt to) cross the border clandestinely have a place within the border regime assigned to them – one of exclusion, and of removal. By refusing this removal, and returning again, migrants are contesting this assignment of "place." The preservation of asylum papers, but refusal to use them to remain in Morocco rather than for travel into Spain similarly refuses a particular placement within the system. It is an insistence that the migrant retain control over where and when asylum claims are made, to what state, and under what conditions.

Let us return, then, to Melilla. Irregular migrants living at the reception centre – or, in many cases, squatting in ravines and spaces in the city – have been reduced to Agamben's "bare life." Edkins wrote of refugees that they were bodies that could not speak, but that could be saved.[68] A

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[63] "John", "Charles"

[64] Jacques Rancière, <u>Dis-agreement: Politics and Philosophy</u>. Minneapolis: The

University of Minnesota Press, 1999. p. 11.

[65] Rancière 1999, p. 28-29.

[66] Rancière 1999, p. 16.

[67] Rancière 1999, p. 30.

[68] Quoted in Liisa Malkki, <u>Purity and Exile: Violence, Memory, and National Cosmology Among</u>

<u>Hutu Refugees in Tanzania</u>. Chicago: The University of Chicago Press, 1995, p. 14.

similar thing may be said of the camp of Melilla where there are bodies that cannot speak, but can be held or, better, removed. In Rancière's terms, by ascribing these individuals the "status" of irregular migrant, the state is attempting to make them "a part" – to incorporate them into the state-controlled consensus framework of the border that is the end of politics. With Rancière's understanding of politics, however, the fleeting interruptions and flashes of resistance create politics itself within this state of exception. Within such moments, these migrants find a voice and demand an equality of place.

Arun takes time to speak with journalists still, despite having his ID cards taken away and his food denied. Groups of migrants refuse to sleep in the reception centre, and wash cars to generate their own incomes. My first visit to Melilla was punctuated by such accounts. On the fourth day when, sitting with a friend at a café during siesta we were approached by two young boys emerging from the mosque, asking us if we could take them to Miguel (a local human rights activist). They had escaped, they explained, from the centre for unaccompanied minors, a centre designed to house irregular migrants under the age of 16 who had crossed the border alone. It transpired that they had been beaten, denied food and showers, and finally locked into the centre. Twelve children, all North African and ranging in age from six to fifteen, scaled the outer wall and made their way to the downtown core of Melilla. They wanted to find Miguel so that they could go to the police and make a complaint against the authorities. As we waiting for Miguel to arrive, they chanted in Spanish: We are minors! We have rights! They insisted upon making the complaint themselves when Miguel offered to go for them. They wanted to take ownership, and insisted upon demanding recognition of their circumstances. In this, they were demanding to participate in the equality of law that "regular" people in Melilla enjoy; they were demanding a change in their place and their role. Filing the claim took three hours, earned the authorities at the centre for minors a warning, and ended with all of the children returning to the centre. There was nowhere else for them to go. But, fundamentally, filing the claim was a transgressive and political act, and the "part that has no part" demanded to be given access to a principle that "does not belong to it" – equality.[69] They demanded to be heard.

I don't want to romanticize the power of oftentimes momentary and only fleetingly powerful politics that exists across the fence of Melilla. Returning three weeks after the children filed their complaint, I found that all but two of them had been deported – according to Miguel, they were rounded up in the middle of the night and likely dumped somewhere in Morocco.[70] This removal, shocking as it is, represents a sovereign response, an expulsion, a silencing and a re-taking of control that is both violent and terribly final in its consequences for the individuals it touches. The consequences of the politics of migration are often thus, carried out in the name of security, of controlling irregular migration, and of re-establishing the regular order.

The degree to which such actions deter and prevent these politics, however, is always a question – and by asking this question, by responding to the demand, an understanding of migration politics as Rancière's politics of dissensus, disruption, interruption and contestation we open up powerful potentials for change in an otherwise rigid regime.

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[69] Rancière 1999, p. 33.
[70] "Miguel" (false name). Individual NGO Interview. Melilla, Spain. May 2008.