PETER MAYO AND MARIA PISANI

Out of Sight, Out of Mind.
Holding migrants at bay
in the Mediterranean
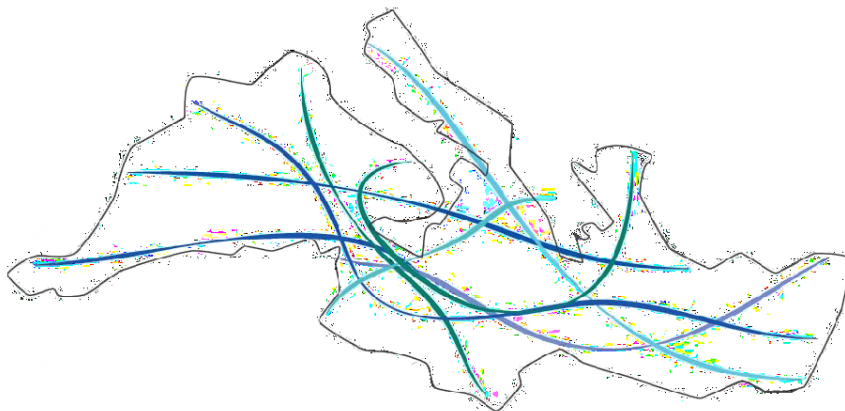
Authors
Peter Mayo, University of Malta, peter.mayo@um.edu.mt
Maria Pisani, University of Malta, maria.pisani@um.edu.mt

On the cover: *Routes* by ISIA Roma Design

- Peer Reviewed Journal

INDEXED IN
DOAJ

Out of Sight, Out of Mind. Holding migrants at bay in the Mediterranean

Abstract
The proposed 2017 EU-Libya agreement to prevent migrants from crossing over to Europe triggered the analysis in this paper concerning migration across the Euro-Mediterranean region with specific reference to Malta. We argue that this position of keeping migrants at arms length (out of sight and out of mind) from the heart of Europe makes any concept of a formal Social Europe (we recognise a different social politics from below) sound hollow. The main contention is that there can be no formal Social Europe unless it exists in solidarity with a Social World - a 'Fortress Europe' is no Social Europe at all. This applies to the interrelated issues of who can enter and who is barred from entering Europe, and who, among those residing in this continent, can enjoy the advantages of citizenship and who is denied them; in short, who is allowed to live in a dignified manner and who is omitted from the index of human concerns.

Keywords: Carceral state, Mediterranean, Illegalisation, Securitization, Social Europe, Social world

Ojos que no ven, corazón que no siente. Controlar a los inmigrantes en el Mediterráneo

Resumen
El acuerdo de 2007 entre la UE y Libia para evitar que los inmigrantes llegaran a Europa ha impulsado este artículo sobre la migración en la región euromediterránea, en lo referente al caso de Malta. Creemos que mantener a los inmigrantes a una distancia segura ((ojos que no ven, corazón que no siente) de Europa hace que cualquier idea de una Europa social sea vacía (reconocemos una política social diferente desde abajo). El punto crucial es que no puede existir una Europa social a menos que no esté conectada a un mundo social, y la "Fortaleza Europa" no representa en absoluto la Europa social. Esta afirmación se refiere a las divisiones interrelacionadas entre los que pueden entrar en Europa y los que son rechazados, y, para los que residen en el continente, entre los que disfrutan de la ciudadanía y los que no; esto es, entre los que pueden vivir de manera digna y los que no están en la lista de prioridades.

Palabras Clave: Estado carcelario, Mediterráneo, Clandestinidad, Políticas de seguridad, Europa social, Mundo social

Lontano dagli occhi, lontano dal cuore. Tenere a bada i migranti nel Mediterraneo

Sinossi
L'accordo UE-Libia del 2007 per impedire ai migranti di giungere in Europa ha fornito lo spunto per questo articolo sulle migrazioni nella regione Euro-mediterranea, con specifico riferimento al caso di Malta. Riteniamo che tenere i migranti a distanza di sicurezza (lontano dagli occhi, lontano dal cuore) dall'Europa renda vuota ogni idea di Europa sociale (noi riconosciamo una diversa politica sociale dal basso). Il punto cruciale è che non può esistere un'Europa sociale se non connessa a un mondo sociale, e la "Fortezza Europa" non rappresenta affatto l'Europa sociale. Tale asserzione si riferisce alle divisioni, collegate tra loro, tra chi può entrare in Europa e chi è respinto, e, per coloro che risiedono nel

continente, tra chi gode della cittadinanza e chi no; in sostanza, tra chi può vivere in maniera dignitosa e chi, invece, non è presente nella lista delle priorità.

Parole chiave: Stato carcerario, Mediterraneo, Clandestinità, Politiche securitarie, Europa sociale, Mondo sociale

Out of Sight Out of Mind.
Holding migrants at bay in the Mediterranean

PETER MAYO and MARIA PISANI
University of Malta

Introduction

Often in history we find instances when leaders of certain countries engage in schemes which could partly have been motivated by the desire to keep particular ethnic groups out of sight if not out of mind – away from their home territories. Documentation with regard to the provision of a 'settler-colonial' homeland for Jews indicates that one of British PM Balfour's motives in this regard could well have been to "restrict the entry to Britain of Jews from Eastern Europe, … 'keeping Jews out of Britain and packing them off to Palestine' " (Masalha 2018, p. 310).

Illegalized migration has emerged as a structural facet of neoliberal globalization. With many European countries witnessing an increase in immigration from various parts of the world, there have been attempts to make arrangements with other countries to keep migrants from Sub-Saharan Africa and the Middle East away from the shores of Europe. This is of particular concern to frontier island states or territories, with respect to North Africa, who used their influence in supranational organisations as the EU to lobby for policies to keep migrants at bay in the Mediterranean. Following the election of right wing populist anti-immigrant parties in government, Italy closed its ports to boats traversing the central Mediterranean route. This paper focuses not on Italy but on a neighbouring frontier island state, Malta, to shed light on the current situation regarding migration in the Mediterranean.

In the midst of the global pandemic, civil war in Libya continued to ravage the country. In the spring of 2020, the context was marked by armed conflict, displacement, human rights violations, and generalised lawlessness. Describing the deterioration of the humanitarian situation as at a level 'never previously witnessed in Libya', on the 4th of April the United Nations Support Mission in Libya (UNSMIL) called for an immediate cessation of hostilities in order to combat Covid-19 (UNSMIL, 2020). A few days later, in breach of international law, the Maltese authorities contracted a vessel to return 51 individuals, including seven women and three children, to Libya following their rescue in the Maltese search and rescue

(S&R) area. By the time the vessel reached Libya, 5 people were dead, whilst a further seven people were missing at sea (Times of Malta, 2020a). Just two weeks later, the Maltese authorities refused to disembark hundreds of asylum seekers and migrants that had been rescued by the Armed Forces of Malta in the Maltese S&R area. Citing public health concerns and measures to prevent the spread of Covid-19, the Government chartered tourist vessels to de facto detain hundreds of asylum seekers and migrants in international waters. Criticising the lack of support coming from other Member States the Government stated that the asylum seekers would remain at sea "pending their relocation to other European countries" (Times of Malta, 2020b). At the end of May the Prime Minister stated that "relocation isn't the solution. The solution is at Libya's shores" (Malta Today, 2020). What followed was a series of meetings between the Libyan and Maltese authorities to secure new arrangements, and true to form, in November the Maltese Foreign Affairs Minister announced that cooperation with the Libyan authorities had prevented a 'huge crisis' since "7,000 people seeking asylum in Europe had been stopped from landing here" (Times of Malta, 2020). Efforts to avoid moral and international human rights obligations are thus framed within a 'humanitarian' discourse. These developments reflect a broader 'solidarity' between Malta, Italy, Libya and the EU member states towards the normalisation of practices revealing no solidarity with the refugee; rather, the 'wretched of the sea'[1] are expendable pawns in a necropolitical chess game. The Government of Malta, representing the smallest EU member state, turned to Libya for solutions to the so-called solidarity crisis, political points and leverage.

1. This paper

The idea for this paper was originally prompted by the Easter Monday 2020 pushback and subsequent developments. It analytically exposes the situation concerning migration across the Euro-Mediterranean region with specific reference to Malta, arguing that this position of keeping migrants at arms length (out of sight and out of mind) from the heart of Europe makes any concept of a *formal* Social Europe sound hollow. It is argued that all is related and connected in this world. The main contention is that there can be no Social Europe (formal or otherwise) unless it exists in harmony and in solidarity with a Social World - a 'Fortress Europe' is no Social Europe at

---

[1] A term coined by Camille Schmoll, author of "Les damnées de la mer", or "The Wretched of the Sea" a book describing the experiences of women who crossed the Mediterranean. The play on the title of Fanon's classic is too obvious to be missed.

all. This raises the interrelated questions of who can enter and who is barred from entering Europe, and who, among those residing in this continent, can enjoy the advantages of citizenship and who is denied them (Pisani, 2012a).

2. Malta

Malta (total area: 316 sq km, population officially standing, at the end of 2019, at around 514,564) is among the most densely populated countries in the world (NSO, 2020). The nation joined the European Union in 2004 as the smallest EU member state. Since then, the country has witnessed considerable economic, social and cultural change. Since the present Government took power in 2013 the population has increased by 25%, triggered by what can be described as an economic policy driven by cosmopolitan neoliberal globalization. Indeed, pre-Covid-19, it is fair to say that the Maltese economy witnessed unprecedented economic growth, primarily driven by tourism, financial services, i-gaming and actively encouraging immigration from around the world. The economy was further bolstered through the Individual Investor (IIP) program[2]. Through the sale of Maltese (EU) citizenship (and of course a Maltese/EU passport) the program offers citizenship rights, residency, and visa-free travel to more than 180 countries around the world to international investors.

For more than two decades the islands have also been receiving asylum seekers from the coast of Libya, crossing the Mediterranean Sea in an effort to access protection in the European Union. Boats capsizing, stand-offs with merchant vessels in the high seas, thousands upon thousands of drownings, and dramatic rescue at sea are all, by now, a familiar and regular occurrence, particularly, but not exclusively, during the summer months. Indeed, so regular, so normalized are these occurrences, that loss of life barely even makes the headlines. Indeed, at these challenging times, in the midst of a global pandemic that has wreaked havoc and taken too many lives too soon, we can draw on Butler (2016) to bear witness to the global divisions and ask whose lives are mourned and whose lives are considered ungrievable? Zygmunt Bauman (2006) spoke of the 'human waste disposal industry'. This may explain why, when the Prime Minister of Malta, was questioned about the push back to Libya and consequent loss of life over the Easter Weekend, he responded with "My conscience is clear because we are doing what is right. That is why I am serene" (Times of Malta, 2020).

---

[2] In 2000 the IIP program was replaced by the Maltese Citizenship by Naturalisation for Exceptional Services by Direct Investment program; The key principles remain the same.

Certainly, it may be fair to say that, as an external border state, and indeed, a densely populated small nation, Malta faces a disproportionate responsibility in relation to other member states, and the nation's grievances in regards to other member states' lack of solidarity in this regard is justified. That said, it is hard to maintain the argument that Malta faces a 'crisis' given that this is a phenomenon that has continued, essentially unabated, for more than twenty years. In the absence of a safe and legal alternative, for refugees (Pisani 2018) and migrants making the crossing, and for the thousands who have lost their lives, the crisis is very real. For member states such as Malta, the crisis is both moral, and political, the response, by now, a familiar constructed narrative designed to negotiate with, and also to persuade the EU and the member states that Malta is too small, and too densely populated, to cope with the number of arrivals. At times of unrelated national political crisis (the murder of a journalist and accusations of corruption), the 'invasion' of illegalized black bodies provide a tried and tested strategy to deflect and blame or punish others for the islands' ills.

As the smallest member state, the nation also lacks muscle and leverage within the EU and in its negotiations with other Member States. The ongoing tactics the government deploys in order to prevent arrivals, though seemingly inhumane to many, can also be understood as efforts to compel (or essentially hold to ransom) the EU and its member states to shoulder its share of responsibility and act in solidarity with the island nation. From Malta's perspective, these policies are justified time and time again by the 'small scale argument'. It is a common characteristic of small territories to play 'Big' or 'Small' according to circumstance. It can play 'Big' as when then Maltese PM Dom Mintoff used the consensus option, at the Helsinki 1975 Security and Cooperation in Europe Conference, to influence global agendas. It can also play 'Small' when claiming 'exceptionality' with regard to the failings of the Dublin Regulation, and the lack of solidarity coming from the EU Member States (see also Mainwaring, 2012)

Adopting classic 'holding to ransom' tactics, the strategy appears to be one of intensifying the vulnerability of asylum seekers as a way of defying – or challenging – the EU and the Member States. In a report published following the Easter weekend push-back and ongoing stand-offs in the Mediterranean, Amnesty International describes Malta's 'unlawful practices' as:

the by-product of the European Union (EU)'s migration policies which have prioritized reducing arrivals at all costs, and of the EU member states' continuing failure to agree on a fair system to share responsibilities for arrivals. By progressively delegating to Libya control over migration flows in the central Mediterranean, the EU has shown that containing refugees and migrants in war-torn Libya mattered more than protecting their safety, and it has fuelled and facilitated violations and abuses on a vast scale...EU member states have

left countries on the external border of the Union such as Malta and Italy feeling legitimately aggrieved at having to face new arrivals by themselves… (Amnesty International 2020, 4)

In the absence of safe and legal measures to reach Europe (Pisani, 2018), the ongoing emphasis on deterrence in essence compels migrants and refugees to seek an alternative passage to Europe, thereby 'facilitating' rather than 'combatting' the smugglers business model. Research has demonstrated the complexity and heterogeneity of smuggling networks, ranging from informal contacts and 'ordinary citizens' to militia groups, and law enforcement guards. (Frontex 2016) People faced all kinds of 'coyotes' to use the popular Latin American term for unscrupulous smugglers (see the 1984 film *El Norte*[3]), throughout most of their hazardous journey (Gatti 2007)

While many make it to Malta's and other shores (travelling via the central Mediterranean route persists) and others are rescued off them, a number drown in the process of crossing over from North Africa in overcrowded rickety boats. They travel in a sea that is terrifying to many who had previously not experienced facing an ocean; some have been forced onto these vessels at gunpoint[4].

Because of the Dublin Regulation, and in the absence of 'responsibility sharing' from other EU member states (EUMS), beneficiaries of protection are forced to remain on this very small island state where they originally disembarked. Through fingerprinting, migrants who move on to other countries can be brought back to the country where they first landed (Mainwaring 2012). This has been described, from a Southern-European perspective, as an "infamous EU convention" that allows Northern countries to return migrants to countries like Malta if they first set foot in Europe there. (Frendo 2012, xvii).

3. Smallness as a form of Exceptionality?

Couched within a discourse of crisis and security concerns, political and popular statements stress Malta's being a frontier island with respect to North Africa from where many migrants and refugees from the Middle East, North and Sub-Saharan Africa attempt the crossing to Europe via the Mediterranean sea. Malta shares this position with Italy and Greece from

---

[3]   http://www.imdb.com/title/tt0085482/   Available   on   YouTube https://www.youtube.com/watch?v=tiuRrsgMoME

[4] Information disclosed to one of the authors by Her Excellency Marie Louise Coleiro, former President of the Republic of Malta as a result of conversations she has held with migrants and spokespersons of the African migrant community in Malta.

Southern Europe and also countries such as Hungary and Serbia within and beyond the EU respectively.

Located at the external border of the EU, Malta has indeed been disproportionately affected by the Dublin regulation.

The small scale factor heightens a xenophobic cultural discourse, in addition to a population density one. Derek Sayer (2018) reminds us "…small nations, as Milan Kundera points out, 'see their existence perpetually threatened or called into question; for their very existence *is* a question'" (p.173). This kind of discourse was already present prior to 2002 when the stress was placed on the Muslim threat to Malta's religious and cultural heritage (Borg and Mayo, 2006). It became arguably stronger post 2002.

It came as no surprise when, in November of 2020, the Prime Ministers of four countries, Italy, Greece, Spain and Malta, signed an undated memo stating that details in relation to the solidarity mechanism remain 'complex and vague' (Times of Malta, 2020). Indeed, the reader is reminded that prior to the launch of the New Pact on Migration and Asylum, the Government of Malta was already seeking alternative solutions with Libya. In what has become a familiar approach, demonstrating a strong sense of cognitive dissonance, in December of 2020, the Maltese Foreign Minister penned an opinion piece for *Politico* wherein he accuses Europe of burying 'its head in the sand when it comes to tackling migration'. He continues:

> The issue has become a thorn in Europe's side, exposing a decades-old failure to resolve those differences…we are no closer to an agreement than in previous years (Bartolo 2020).

Reiterating familiar and justified arguments, the Minister goes on to argue that front-line countries are under considerable pressure 'as a result of their geography and size' and should not be 'left to face migratory pressures alone'. He goes on to unpack a number of points as suggestions for the way forward. Many of the points made had been given importance in the political declaration of the Valletta Summit on Migration and consequent action plan of 2015. The Valletta Summit also sought to link migration to development and address the issue through the launch of the EU Emergency Trust Fund. Emphasising the need to work with African partner countries, the funds were put up in an effort to tackle 'the root causes of irregular migration and [for] promoting economic and equal opportunities, security and development' (European Commission 2015).

The very idea that these funds would manage to do what decades of work, programs and investment in international development had failed to manage seemed a trifle ambitious. This aside, it is more than apparent that this declaration, the funds, and of course subsequent agreements and programs have not managed to stem the flow of migrants and refugees.

Likewise, the spirit of such initiatives cannot be described as one of 'partnership' with African nations, wherein 'development' is used as 'leverage', an instrument of migration control and containment. Rather, the 'solutions' remain Eurocentric, steeped in racialised neocolonial manoeuvres that ignore the structural imbalances that pervade north/south relationships. The idea that development will stem the movement of young people migrating out of Africa might also be counterintuitive; research findings would suggest otherwise. Even when accelerated socio-economic development is factored in, economic and demographic imbalances and climate change are expected to increase the number of young people migrating out of Africa over the next 30-40 years; development will 'reduce population growth, but increase the ability of young people to migrate' (European Commission, 2018: 5). The question then, is not whether or not migration out of Africa can (or should) be stemmed, but rather, will the EUMS continue to pursue failed policies, geared towards containment and deterrence, that result in the violation of human rights and tragic loss of life?

4. Carceral Politics

Peripheral countries such as Malta also sought to stem the tide of migration, post 2002, by increasing the repressive aspect of the State, the carceral state, especially through the mandatory detention policy. By carceral state, we mean the state that punishes as part of its function in dealing with the excesses of hegemonic globalization (de Sousa Santos, 2003), that is neoliberal capitalist-driven globalization or "globalization from above." Often, in situations of migration crisis, or discursive constructions of 'crisis' (Mainwaring, 2012), countries resort to what Giorgio Agamben calls 'the state of exception' (Agamben 2005), a term not coined by him as it has had long usage in Italy. "This crisis is founded on the idea of a state of exception that warrants exceptional measures." (see Mainwaring, 2012:1), the Bossi-Fini law being among the worst manifestations of this. [5]

Detention centres are institutions that reflect the presence of a carceral state (Hernandez et al, 2015), that echoes Foucault's notion of 'The Carceral' (Foucault 1977, 293-37) Those who make it across the Mediterranean and are accounted for are all placed in mandatory detention

---

[5] Italy's Law No. 177, proposed by Gianfranco Fini of the National Alliance and Umberto Bossi of the Northern League (Lega Nord), introducing criminal sanctions for persons caught entering Italy illegally or who return following expulsion. Among other things, the law extended the time limit for those secluded in detention centres, as they await extradition, from 30 to 60 days. It also stipulates that asylum seekers are to be held in detention while awaiting asylum review. Source: European Roma Rights Centre. http://www.errc.org/article/harsh-immigration-law-passed-in-italy/1598.

on arrival as they await the outcome of their asylum claim. In the past, this waiting period would last as long as 12 months for asylum seekers and 18 months for those whose claim was rejected. Following ongoing condemnation by NGOs, and the European Commission of Human Rights (henceforth ECHR) among others, and changes to EU directives, the policy was revised in 2015 to no longer than 9 months for asylum seekers and an additional 6 months (with a possibility of extending to a further 12 months) for rejected asylum seekers. There was a case of rejected Malians being picked up and placed in detention for three months and later released following pressure from NGOs and other representatives of civil society. This and the earlier action regarding the wait for asylum seekers testified to the existence of a different Social Europe that operates at the grassroots. The detention policy and conditions in Malta, similar to that in Italy and other Mediterranean countries, have been subject to intense criticism and condemnation.

In 2013, the ECHR ruled that the policy – duration, conditions and absence of speedy judicial review - violated Article 3 of the European Convention on Human Rights, namely, the prohibition of inhuman or degrading treatment, Articles 5.1 and 5.4. The conditions inside some of these centres have been described by observers as appalling (Mainwaring, 2012), reminiscent of those depicted by Fabrizio Gatti in Lampedusa (Gatti 2005; 2007).

Médecins Sans Frontières (MSF) denounced the centres as unacceptable, lacking in: sanitation facilities and water, separation of men, women and children, privacy (see migrant voices in Cardona, 2010: 136, 149), bed space for every detainee, open spaces and access to outdoor areas, adequate medical facilities (Auditus and JRS 2015), food monitoring (see Médecins Sans Frontières 2009, in Mainwaring, 2012, 4) and baby facilities.

Psychological and physical stress abound (Pace 2012), often resulting in fatal casualties (suicide). This applies to not only those in detention but also those to whom deportation from the country crooks a beckoning finger. The body of Frederick Ofosu, 33, a Ghanaian national, was found in a building site in Malta, on a Saturday night in February 2017. The cause of death was strangling with an electric cable. "He left a recorded message for friends explaining his despair, saying he was being forced to feel like a criminal when he had done no wrong". (Grech, 2017) His death was immediately followed by a reversal of the decision to terminate the Temporary Humanitarian Protection (new) (THPN) of a number of migrants on the island.

With regard to the psychological effects of detention, the fear of deportation, the traumatic experience of the journey, poverty and family

separation, Jesuit Refugee Service (JRS) director Katrine Camilleri is reported to have said:

> Unfortunately even migrants with protection faced "huge challenges" trying to build a life here. Most will be unable to be reunited with their families as they only have subsidiary protection. They live from hand to mouth, working long hours for little more than the minimum wage, with little prospect of improvement even in the long term...(in Carabott 2016)

The sense of desperation is best captured in this excerpt from an interviewee (Joy, originally from Nigeria) taken from Cardona (2010, 149):

> My fear is that I don't have a future here in Malta because they don't have a plan for me and that I have been abandoned like every other African who came from West Africa.

The Carceral state also complements or subsumes, as one of its features, the ever present bureaucratic state, often denounced for systemic racism. There have been cases when migrants were sent to detention centres without any explanation, centres which were overcrowded and for which there was no alternative accommodation, this in the middle of a pandemic. They were kept there for around a hundred and sixty odd days, a situation slammed by magistrates as abusive and farcical.[6]

5. Flouting the 1951 Geneva Convention

As far as asylum seekers go, this is all part of a Europe-wide negation of responsibility for people to exercise the right, in this regard, as enshrined in the 1951 Geneva Convention.

While goods travel easily in this age of globalisation, mobility of people from certain countries and of certain socio-economic background is curtailed. Tragedies continue to occur at sea and elsewhere, not least when crossing Africa itself, as different forms of smuggling mafias emerge on both sides of the Europe-Africa divide, some even including migrants themselves who stop at Libya and decide to partake of the lucrative business mainly as brokers /'connection men' (Lutterbeck 2012, 69).

Contrast this dire situation with that of wealthy foreigners capable of spending huge sums on buying Maltese/EU citizenship through the passport purchasing scheme introduced by the present Labour government, and one can argue that rights and citizenship are now de facto commodities, the privilege of the super rich.

---

[6] See https://www.maltatoday.com.mt/news/court_and_police/106221/magistrate_blasts_abusive_and_farcical_migrant_detention_practice#.X_gv-9hKg2w).

It can also be a matter of religious identity if we are to take on board Hungary's and Slovakia's 2016 stances with regard to the EU's relocation plan. This invokes Europe's hegemonic Christian cultural legacy, which undermines the frequent trumpeting of secularisation as the hallmark of modern European societies.

Meanwhile, the North-South structural imbalances, lead to the shifting of populations in the South. This is a common feature of European imperial politics that persists: southern and oppressed populations can be moved at will to suit imperial interests (Mayo 2016). So when analysing the psychological effects of detention and hazardous journeys one would do well to not treat this as simply an individual condition but see it as symptomatic of larger structuring capitalist forces at play (Cooper & Hardy 2012).

6. Reasons for Migrating

The reasons for facing such hazards are many, but we would mention some here, not all of them imperially induced: civil wars fueled by a Western-based arms industry and the colonial legacy of the exacerbation of Indigenous group conflicts often resulting in rape and being disowned by family; the attempt, among women, to avoid female genital mutilation; evading religious fundamentalism; the negative effects on African farming of subsidies provided to farmers in other continents; the negative effects of climate change[7]; an impoverished environment - the ransacking of Africa (Rodney, 1973); a colonial ideology which presents the West as the Eldorado and a context for the "good life"; structural adjustment programmes; the quest for better employment opportunities (Pisani 2012b), social media and smuggling network inducements... and we can go on, perhaps falling prey to western stereotypes and constructions of Africa (Wright, 2012).

One global factor is that the economy of highly industrialised countries registers shortages in the amount of labour power that is required, and this has to be 'imported'. This is often done at a cost which undermines any claims for high remuneration by locally based workers. The global structuring economic forces are ensuring the ready availability of an underpaid and grossly exploited reserve or alternative army of labour to accommodate capitalist interests - depressing local wages and therefore labour costs (Aronowitz 2004, 28; Rizzo 2012, 160). A trade union official

---

[7] Malaria is likely to hit regions hitherto untouched. The UN Intergovernmental Panel on Climate Change predicts an increase of 1.5 degrees centigrade (IPCC 2018) and millions of people will face famine, extreme weather, floods and heatwaves; wars over resources will occur – (Empson 2016, 1-2).

from Malta denounced the practice, among "bad employers", to hire "two Africans for the price of one Maltese", stating that businessmen do not care a hoot "about nationals or nationalism" as "It's about money". He argued that, as long as this persists, both African and Maltese workers suffer, as the former will accept very low wages to get out of the tent or open centre - a process of labour market segmentation pitting worker against worker on ethnic/racial grounds. The trade unionist's task and that of his colleagues is therefore to entice immigrant workers to seek union membership and to convince them and union members of the benefits, to everyone, of third country nationals working legally." (in Cardona 2010, 113).

David Bacon (2008) argues that hegemonic globalization necessitates migration, but it is the same victims of this process who are rendered "illegal" and criminalized as a result. Immigrants fleeing poverty, wars and the negative effects of climate change are criminalized for reasons not of their own making.

The criminalization of migrants serves to fan the flames of racism and xenophobia. The covid-19 pandemic has made the situation worse as a number of asylum seekers lost their jobs, became homeless and therefore more exposed to the virus, and face difficulties in accessing community living given the widespread racism encountered.[8] The marginalisation of migrants with no access to citizenship rights and social benefits, especially rejected asylum seekers, leads some to eke out a living at the very margins of society, in the "underworld" if need be. Lutterbeck (2012) points this out with regard to migrants in Libya who join the smuggling broker ranks. One can also point to some African women in Europe who, together with other women, both autochthonous or originally from other continents, line up the especially informal, as opposed to the formal (with unionised sex workers), red light streets of European cities such as Hamburg. This is exploited by the media, the one-sided debate seeming to focus on exclusively around the 'hijab', Female Genital Mutilation (FGM), prostitution, HIV, or pregnancy (Pisani, 2012b).

Images of 'rescued' immigrants at sea being shown handcuffed in daily newspapers or when taken to hospital in Malta reinforce this image, conveying the message that "they are a dangerous element in society" (Mainwaring 2012, 8).

This obscures their being victims of a systemic oppressive and ultimately racist structure that encourages abuse of their vulnerability. They are often perceived as potential recruits for terrorist organisations. This adds fuel to the 'security' argument, constantly flung in people's faces. Criminality is considered as being the terrain for the nurturing of would be

---

8   See   https://timesofmalta.com/articles/view/migrants-more-vulnerable-to-covid-19-impact.780209

rapists and terrorists, hence the efforts to keep migrants at arms length. The onus is on national and not human security. The securitization discourse feeds into illegalization, as Alain Badiou (2008) and the *Sans Papiers* (illegal immigrants) movement in France have been arguing (Nail, 2015).

7. Meaning of social solidarity

Migrant criminalisation is coupled with the constant hammering home of the threat they pose to people's jobs (Rizzo 2012, 159), never mind the fact that they can be carrying out jobs avoided by people forming part of the 'autochthonous' population:

…the jobs they are getting are jobs the Maltese are refusing to do. So these worries of the Maltese people against immigrants who are taking away their jobs are all fiction. Fiction.(ETC official, in Cardona 2010, 114)

This alleged misconception helps foment the usual 'us' and 'them' binary, common in many countries, leading to misplaced alliances between autochthonous workers and employers against 'the competition' (Mayo 2016, 2022) – the treacherous nature of this misplaced 'nationalist' alliance is underlined by the earlier quote from the trade unionist interviewed in Cardona (2010).

It is not surprising to see racism toward people of colour and Arabs being rife in this country. The swing to the right is a feature of the political scenario in many countries worldwide, in the context of increasing immigrant labour, including the *gastarbeiter* (guest worker) in central Europe and elsewhere. Once again, given the size and density issues, it would be writ large in small countries such as Malta. Mainstream political parties do little to confront the situation through educational means for fear of losing electoral votes (Mayo, 2022). As immigrants in Malta disclose (a selection from several documented voices):

I would have loved to stay here in Malta, but with the threat of what they say every day on television, radio, newspapers and other media, they are not encouraging anybody…I can't stay with the people who don't like to see me. They don't like to sit close to you on the bus as if there is no space in the seat…(Moses, originally from Niger, in Cardona 2010,132).

For the fact that we do not have the same skin colour Maltese people look at us as if we were animals…(Carrie, originally from Nigeria, in Cardona 2010, 137)

There was the recent cold-blooded killing (April, 6, 2019) in a drive-by shooting of an Ivorian migrant, Lassana Cisse, for which two members of the Maltese Armed forces were arraigned in court (Mayo and Vittoria, 2021). This sent shockwaves throughout the island and featured during protests by the Blacks Lives Matter Movement on the main island.[9] There were cases of black people beaten up, at times to death, by bouncers outside entertainment sites.[10] 'Living in terror' is added to the list of worries for African migrants on the island, part and parcel of the 'carceral society'.

Over the years a range of actors in Malta, including Human Rights organizations and other advocacy NGOs (these more recently included migrant-led organizations), academics, the former President of Malta (Coleiro, 2016), migrants and groups of concerned people have developed a strong body of knowledge and experience, and a powerful collective voice. This collaboration, combining legal strategies with ongoing advocacy at the national and transnational levels (including developing an ongoing dialogue with the media), has contributed to changes to the detention policy (particularly in the case of child migrants), preventing a push back (eventually blocked by an interim order handed down by the ECHR), the release of detainees pending deportation (their ongoing detention was not in compliance with Human Rights, EU and Maltese law) and more recently an apparent reversal on the revocation of 'Temporary Humanitarian Protection (new)' status. This seems to imply that the best opportunities for political action, as far as the rights and dignity of irregularly arriving migrants and refugees are concerned, come from below, that is grassroots movements. This is a reflection of the kind of 'politics from below' which made their presence felt in other countries. It shows once again the presence of another Social Europe, or rather Social World, that exists not in the formal sectors but at the grassroots and across civil society. Maltese NGOs operate not only at the national level but also globally.

8. Out of the formal 'social' Europe's sight?

At the highest political levels, however, we continue to witness strategies intended to provide a semblance of keeping at arms' length the downtrodden of this earth. Rich and powerful countries finance others on the periphery in return for keeping migrants at bay, as with the aforementioned Malta-Italy deal and that involving Australian financing of

[9] See https://www.maltatoday.com.mt/news/national/102975/black_live_matter_is_the_end_of_silence_on_racism#.X_c3KRYo-Uk

[10] The case of Somalian Suleiman Abubaker stands out for which a huge anti-racist march and protest took place in 2011 in Valletta which we attended. One of us attended his funeral service and burial inside the grounds of the country's mosque. https://www.maltatoday.com.mt/news/national/10981/sombre-vigil-marks-death-of-sudanese-migrant-after-paceville-beating#.X_c4AxYo-Uk

projects in Papua New Guinea[11]and, of course, the past Italian deals with Libya - The Italian-Libyan Friendship Treaty (Ronzitti, 2009). This treaty was found, by the ECHR, to be in violation of human rights. It eventually collapsed owing to the uprising against and overthrow of the Gaddafi regime in Libya. In addition to the ones mentioned earlier, we also have had the EU deal with Turkey.

'Invaders' are to be seen as being 'kept at the gates' with hardly any concern for the conditions there - anarchic conditions in Libya with its two governments where 'slavery', anarchy and violence are rampant. The situation in Libya was decried as far back as 2010:

[…] It took me 15 days to travel from Sudan to Libya…In Libya also there is no stability of life…Nobody can really bear life in Libya…"(Bartholomew, originally from Eritrea, in Cardona 2010, 128)

[…] Just imagine where they have to collect 1,200 US Dollars from each person and load up to 32 persons on a small boat, putting their lives at risk…But still I prefer to be like that than to stay in Libya […] (Moses, originally from Niger, in Cardona 2010, 131-132)

Just like people who suffer from fundamentalist terrorist attacks, where some have the right to be defended and mourned (Parisians) while others (Nigerians), who die in their thousands, hardly make any headlines, certain persons are accorded the right to work and live while others continue to be disposable, erased from the index of human concerns. One can dare say that their identities can be subsumed under the term 'migrants' just like those branded 'deportees' in the famous Woody Guthrie song (*Deportee* or *Plane crash at Los Gatos*).

Meanwhile, whatever the nature of the deterrents, migrants, who have lost all their possessions and risk so much to make it through the Sahara and survive the terror that is Libya, will want to cross over to Europe by any means possible. Joy's affirmation is telling: "Then in the sea; that was another big danger but I had to take the risk because there was nothing I could do to help myself" (in Cardona, 2010:148).

Irrespective of the deals and security measures taken, there will always be those who attempt to deftly smuggle people across, the latter feeling that, at this stage in their journey, they have nothing to lose, 'only' their life.

As a migrant stated as far back as 2009:

11

https://www.migrationexpert.com.au/australian_immigration_news/2011/Aug/493/australia_s igned_immigration_deal_with_png. The detention centre on Manus Island, PNG is now being closed. See also See BBC News Report Australia's 'beautiful prison' in Papua New Guinea. http://www.bbc.com/news/magazine-31369186

[E]ven if detention is three years, people will not stop coming. They will still come. Even if detention is four years. [If] they make it four years, people will not stop because they believe that one day they're going to be free... [Detention] is a punishment...that will not stop people coming' (in Mainwaring 2012, 7-8)

This applies also to detention by proxy, that is to say offshore detention and exploitation. And yet, in the absence of safe and legal channels, caught between the devil and the deep blue sea, migrants and refugees will continue to make the journey, hence the tragedies that continue to turn the Mediterranean into one huge watery graveyard. The numbers are staggering: the total number of migrant deaths at the European external borders from 1994 to 2013 was calculated at 22,394 (Brian, Laczko, 2014: 20). Since then loss of life has continued: 3,279 in 2014, 3,784 in 2015, 5,098 in 2016, 3,139 in 2017, 2299 in 2018 (IOM 2018) and at least 1283 in 2019. (IOM, 2018, 2019, 2020); 256 deaths in the Mediterranean recorded from January to April 2020 (IOM, 2021).

Conclusion

People continue to express their indignation at these tragedies and sympathy for those who lose their life at sea. We recall the April 2015 tragedy when around 800 people, including children and toddlers, drowned in waters between Libya and Italy.

Questions however continue to be raised: given that the right to asylum is a human right, enshrined in the UN Geneva Convention of 1951, why are no international humanitarian visas issued to spare this human carnage? Are illegality and the mass human tragedies it spawns, a means of enabling Capitalism to cut down on labour costs relying, whatever the death toll involved, on an ultra vulnerable reserve army to depress local wages? Is this scenario of illegality a key requisite for the hidden economy that thrives within many countries on the periphery of the European continent?

Is the notion of the carceral state constantly changing its form as it accounts for victims of neoliberalism, from detention centres to now offshore centres (from a European perspective) as has been documented with regard to the US whose 'enhanced interrogation techniques' (read: methods of torture) were adopted in centres away from its shores in Egypt, Guantanamo and Abu Ghraib (Giroux, 2010: 15)? Is Europe, just as the USA, so concerned about its image to want to have unsavoury mechanisms of control deployed afar from its shores? Is the concern with simply stemming the flow of migration, rather than confronting the unequal

exchange relation between North and South, endemic to the current global economic model?

José Manuel Durão Barroso, then outgoing EU President, spoke of the social dimension being an inherent feature of the EU project - 'Social Europe' [in the formal sense]:

> The social dimension is not a new, additional strand, something that we add to what is, let's say, the core of Europe. The social dimension is an inherent part of the European project and of all that we have done over the years. (Barroso 2013)

Official Europe seems content with formally confining this social dimension to the area lying within its fortified terrain (as opposed to grassroots social action that tends to be more global in scope), to the detriment of those from afar, and those living precariously within, negatively affected by its and others' global economic policies. Given that all is related in this world, with actions in one place having ramifications for life elsewhere, we would question whether a genuinely Social Europe can conceivably exist in fortified isolation, disconnected from and oblivious to the idea of a genuinely Social World.

References

Agamben, G (2005) *State of Exception* (trans K. Attell), Chicago: University of Chicago Press.

Ameen, J., Vassallo, R (2005) Civil Liberties, uncivil behaviour. *Malta Independent on Sunday*, Sunday 16 January. http://www.independent.com.mt/articles/2005-01-16/local-news/Civil-Liberties,-uncivil-behaviour-70958

Aronowitz, S (2004) *How Class Works: Power and Social Movement*, Connecticut: Yale University Press.

Auditus, JRS (2016) Conditions in Detention Facilities Report. Malta. *Asylum Information Database* http://www.asylumineurope.org/reports/country/malta/detention-asylum-seekers/detention-conditions/conditions-detention-facilities

Bacon, D (2008) *Illegal People. How Globalization creates Migration and Criminalizes Immigrants*, Boston: Beacon Press.

Barroso, JM (2013) Speech by European Commission President José Manuel Durão Barroso at the Conference on Restoring Socio-Economic Convergence in Europe, Brussels: European Commission, http://europa.eu/rapid/press-release_SPEECH-13-802_en.htm.

Baczynska, G (2017a) EU needs Turkish-style migration deal on Libya: Maltese PM *Reuters* January 18 http://www.reuters.com/article/us-europe-migrants-libya-idUSKBN152304-

Baczynska, G (2017b) FACTBOX-EU leaders push measures to stop African immigration from Libya. *Reuters Africa* January 30 http://af.reuters.com/article/libyaNews/idAFL5N1FK41D?pageNumber=1&virtualBrandChannel=0.

Badiou, A (2008) *The Meaning of Sarkozy* London: Verso

Bauman, Z (2006), The Crisis of the Human Waste Disposal Industry. In: Macedo, D., Gounari, P (eds.), *The Globalization of Racism*, Boulder Colorado: Paradigm, 36-40.

Brian, T., Laczko, F (eds.) (2014) *Fatal Journeys Tracking Lives Lost during Migration* Geneva: International Organization for Migration (IOM)

Borg C and Mayo, P (2006) Towards an anti-racist agenda in Education. The case of Malta. Macedo, D and Gounari, P (Eds.) *The Globalization of Racism,* Boulder Colorado: Paradigm, 148-164.

Butler, J (2016) *Frames of War. When Is Life Grievable?* London: Verso.

Carabott, S (2016) 'High number of suicide attempts among migrants', *Times of Malta*, April 5. http://www.timesofmalta.com/articles/view/20160405/local/high-number-of-suicide-attempts-among-migrants.607837.

Cardona, M (2010) *You will always have the poor among you*, Malta: Centru Fidi u Gustizzja (Jesuit Centre for Faith and Justice)

Campbell, J. L., Hall, J. A (2009) National identity and the political economy of small states. *Review of International Political Economy* 16(4): 547–572.

Coleiro, M. L (2016) President of the Republic of Malta Speech on Republic Day, 13 December. https://president.gov.mt/media-all/id-diskors-tal-president-ta-malta-marie-louise-coleiro-preca-fl-okkazjoni-tac-cerimonja-tal-investitura-fjum-ir-repubblika/.

Cooper, L., Hardy, S (2012) *Beyond Capitalism? The Future of Radical Politics*, Winchester UK and Washington: Zero Books.

Council of the European Union (2017) Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route *Press Release* 3 February http://www.consilium.europa.eu/en/press/press-releases/2017/01/03-malta-declaration/.

de Sousa Santos, B (2003) The World Social Forum. Toward a Counter-hegemonic Globalisation (Part 1) Edited version of part of a paper presented at the XXIV International Congress of the Latin American Studies Association, Dallas, USA, March 27–29: 235-245 http://www.boaventuradesousasantos.pt/media/wsf_JaiSenPart1.pdf.

EC (2016) First report on relocation and resettlement 16th March Brussels: European Commission

https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-165-EN-F1-1.PDF.

EC (2017) Commission calls for renewed efforts in implementing solidarity measures under the European Agenda on Migration *Press Release* 2 March http://europa.eu/rapid/press-release_IP-17-348_en.htm.

Empson, M. (2016). *Marxism and ecology Capitalism, socialism and the future of the planet*. London: Socialist Workers' Party.

Eurostat (2014) Immigration by country of birth, 2014 (¹) YB16.png, Brussels: European Commission. http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Immigration_by_country_of_birth,_2014_(%C2%B9)_YB16.png.

Foucault, M (1977) *Discipline & Punish. The Birth of the Prison* (trans. A. Sheridan), New York: Vintage Books.

Frendo, H (2012) Foreword. In**:** Xuereb, P (ed.) *Migration and Asylum in Malta and the European Union*, Malta: Malta University Press.

Frontex (2016) Profiting from Misery: How Smugglers bring People to Europe *Frontex webpage* 18 February http://frontex.europa.eu/feature-stories/profiting-from-misery-how-smugglers-bring-people-to-europe-tQtYUH

Gatt, A (2014) Fair Sharing of Asylum Responsibility within the EU: Addressing Malta's Scenario. In: Xuereb, P (ed.) *Migration and Asylum in Malta and the European Union*, Malta: Malta University Press, 103-140.

Gatti, F (2007) *Bilal.Viaggiare, Lavorare Morire da Clandestini*, Milan: Rizzoli.

Giroux, H (2010) *Hearts of Darkness*: *Torturing Children in the War on Terror*, Boulder, Colorado: Paradigm; New York and London: Routledge.

Giroux, H.A. (2015) *Neoliberalism's War on Higher Education,* Chicago: Haymarket Books.

Giroux, H. A (2016) Anti-Politics and the Plague of Disorientation: Welcome to the Age of Trump. *Truthout* Tuesday, June 07 http://www.truth-out.org/news/item/36340-anti-politics-and-the-plague-of-disorientation-welcome-to-the-age-of-trump

Grech, H (2017). Man who took his own life had applied for assisted return, minister says Victim told friends he was forced to feel like a criminal. *Times of Malta*, February 21. http://www.timesofmalta.com/articles/view/20170221/local/man-facing-deportation-takes-his-own-life.640279

Hernández, K. L, Muhammad K. G and Thompson, H. A (2015) Introduction: Constructing the Carceral State. *Journal of American History*, 102 (1): 18-24. DOI: https://doi.org/10.1093/jahist/jav259.

IOM (2017) Latest Global Figures Migrant Fatalities Worldwide, *Missing Migrants Project website*, Geneva: International Organization for Migration (IOM) https://missingmigrants.iom.int/latest-global-figures

IOM (2020) IOM: Mediterranean Arrivals Reach 110,699 in 2019; Deaths Reach 1,283. World Deaths Fall https://www.iom.int/news/iom-mediterranean-arrivals-reach-110699-2019-deaths-reach-1283-world-deaths-fall

IOM (2021) Mediterranean Migrant Arrivals Reach 16,724 in 2020; Deaths Reach 256 https://www.iom.int/news/mediterranean-migrant-arrivals-reach-16724-2020-deaths-reach-256

IPCC (Intergovernmental Panel on Climate Change) (2018). *Global Warming of 1.5°C, an IPCC special report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty.* Summary for Policymakers. Geneva: IPCC. Retrieved 6 November 2018 from http://report.ipcc.ch/sr15/pdf/sr15_spm_final.pdf.

Law Library of Congress (2015) Court of Justice of the European Union; European Union: Challenges to Mandatory Plan to Relocate Refugees. *Global Legal Monitor*, 14th December http://www.loc.gov/law/foreign-news/article/court-of-justice-of-the-european-union-european-union-challenges-to-mandatory-plan-to-relocate-refugees/.

Lutterbeck, D (2012) From Malta to Mogadishu: Travel Experiences of Somali Migrants. In: Xuereb, P (ed.) *Migration and Asylum in Malta and the European Union*, Malta: Malta University Press, 61-79.

Mainwaring, C (2012) Constructing a Crisis: the Role of Immigration Detention in Malta, *Population, Space and Place*, published online in *ac*Wiley Online Library (wileyonlinelibrary.com) DOI: 10.1002/psp.1721

Mallia, P (2012) The disembarkation of migrants rescued at sea. Where is the solidarity? In: Xuereb, P (ed.) *Migration and Asylum in Malta and the European Union*, Malta: Malta University Press, 81-101.

Malta Today. (2020, May 24). *Libya, not relocation, is only real solution to migration crisis, Robert Abela says.* Retrieved from Malta Today: https://www.maltatoday.com.mt/news/national/102532/libya_is_only_real_solution_to_migration_crisis_robert_abela_says#.X-sMbdhKg2w

Masalha, N (2018) *Palestine. A Four Thousand Year History*, London and New York: Zed Books.

Mayo P., Hegemony, Migration and Misplaced Alliances. Lessons from Gramsci. In: O.G. Augustin and M.B Jorgensen (Eds.) *Solidarity without Borders*, London and New York: Pluto Press.

Mayo, P (2022) Gramsci, The Southern Question and the Mediterranean. In: Sultana, R.G (Ed.), *Educational Scholarship across the Mediterranean. A Celebratory Retrospective*, Leyden, Boston: Brill, 86-102

Mayo, P and Vittoria, P (2021) *Critical Education in International Perspective,* London, New York, Oxford, New Delhi and Sydney: Bloomsbury Academic.

Nail, T (2015) Alain Badiou and the Sans-Papiers. *Angelaki* 20(4):109-130

Pace, P (2012) Health Care for Migrants in Malta. In: Xuereb, P (ed.) *Migration and Asylum in Malta and the European Union*, Malta University Press, Malta, 237-256.

Pisani, M (2012a) Addressing the 'Citizenship Assumption' in critical pedagogy. Addressing the case of rejected female Sub-saharan African Asylum Seekers in Malta. *Power and Education*, 4(2): 185

Pisani, M (2012b) The elephant in the room. A look at how policies impact the lives of Female sub-saharan African Asylum Seekers living in Malta. Xuereb, P (Ed.) *Migration and Asylum in Malta and the European Union. Rights and realities, 2002-2011*, Malta: Malta University Press, 217-236.

Pisani, M (2018) Illegal young bodies and the failings of Liberal democracy. Some reflections on the European Union 's ' refugee crisis' and its implications for juvenile justice. Goldson B (Ed.), *Juvenile Justice in Europe*. *Past, Present and Future*, London and New York: Routledge, 162-185.

Rizzo, S (2012) The Capacities of the Maltese Labour Market to Absorb Irregular Immigrants'. In**:** Xuereb, P (ed.) *Migration and Asylum in Malta and the European Union*, Malta University Press, Malta, 141-162.

Rodney, W. (1973) *How Europe Underdeveloped Africa*, London and Dar Es Salaam: Bogle-L'Ouverture Publications.

Ronzitti, N (2009) The Treaty on Friendship, Partnership and Cooperation between Italy and Libya: New Prospects for Cooperation in the Mediterranean? *Bulletin of Italian Politics*, 1(1):125-13.3

Sayer, D (2018). *Prague. Crossroads of Europe*, London: Reaktion Books.

Times of Malta. (2020, May 1a). *'128 migrant relocation pledges yet to materialise', Malta tells EU in letter*. Retrieved from Times of Malta: https://timesofmalta.com/articles/view/128-migrant-relocation-pledges-yet-to-materialise-malta-tells-eu-in.789302

Times of Malta. (2020, April 24b). *How a Maltese fishing boat pushed migrants back to Libya.* Retrieved from Times of Malta: https://timesofmalta.com/articles/view/how-a-maltese-fishing-boat-pushed-migrants-back-to-libya.787664

UNCHR (2016) Mediterranean Sea: 100 people reported dead yesterday, bringing year total to 5,000. *UNCHR Newsletter* 23 September, Geneva: United Nations High Commissioner for Refugees (UNHCR) http://www.unhcr.org/news/briefing/2016/12/585ce804105/mediterranean-sea-100-people-reported-dead-yesterday-bringing-year-total.html.

Wright, H.K (2012). Is This an African I See Before Me? Black African Identity and the Politics of (Western, Academic) Knowledge. In Kashope Wright, H., Abdi, A.A (eds) *The Dialectic of African Education and Western Discourses*. New York, NY, Vienna and Frankfurt: Peter Lang, 180-191.