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From Exception to Excess:
Detention and Deportations across the Mediterranean Space

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1. Introduction

It is the last day of August 2005 on Lampedusa, a small Italian island situated south of Sicily. On the airport runway, two airplanes are parked approximately twenty meters away from each other and are waiting for passengers. A group of tourists pour out of the airport building and stroll toward the Air One plane, an Italian tourist carrier. The adjacent Air Adriatic plane, a private Croatian air company, is boarded by a group of passengers walking in fixed formation. Seven groups of ten men are escorted to the plane by four police officers wearing civilian clothes and large black protection gloves. The detention camp, separated from the runway by barbed wire is situated only fifteen meters or so away from the Air Adriatic plane. Behind the barbed wire there are several hundred migrants seated in small groups on the ground. When the plane takes off most of them rise to their feet, waving.

The detention camp for irregular migrants in Lampedusa came for the first time to a larger public attention in Fall of 2004 when Italian authorities expelled more than a thousand undocumented migrants to Libya on military and civil airplanes. Since then, the Lampedusa detention centre has been repeatedly denounced for instances of procedural irregularities and human rights violations. European NGOs, the European Parliament, the European Court of Human Rights and the United Nations' Human Rights Committee, all have called on Italy to put an end to the degrading treatment of migrants in detention, to respect asylum seekers' right to international protection and to refrain from the collective expulsion of asylum seekers and irregular migrants to Libya.

A number of factors led scholars to identify the situation in the detention camp in Lampedusa in terms of the 'state of exception': Italian authorities' disregard of these demands and their denial that any human rights violations are taking place in Lampedusa detention camp; their unwillingness to suspend the deportations to Libya; and the difficulty faced by Italian MPs, UNHCR, and NGOs in both accessing the camp and implementing any form of monitoring mechanism. The 'state of exception' is Schmittian notion reformulated by Italian philosopher Giorgio Agamben in order to signify a decision, enforced by the sovereign, to place (or 'abandon', in Agamben's terms) certain subjects outside the boundaries of the polis and hence beyond the protection or recourse to the law (1998). The camp stands as for a material spatial manifestation of the abstract juridical dimension that is the state of exception in which, through the suspension of the normal rule of law, the category of citizen is no

longer operative and in which the individual is divested of all rights and placed in the state of 'bare life'. Agamben takes the figure of the refugee as paradigmatic of the condition in which the rights of an individual are derogated and in which s/he is made vulnerable to acts of extreme violence and ill-treatment with impunity.

Scholarly analysis of detention camps for irregular migrants draws on Agamben's conceptualisation of the camp and the state of exception. The growing body of literature on the workings of the camp explores detention camps and the practices enacted within these as manifestations of nation states' sovereign power to suspend the normal/national rule of law through the state of exception and to abandon those detained in a juridical void (Papastergiadis 2006; Perera 2002). Detention is identified as means by which the state immobilizes the 'outside' within its borders (Diken and Laustsen 2003). Through subsequent deportation the state expunges the 'foreign' from the borders of its polity. This strategy, identified by Mirzoeff (2005) in terms of the 'detain-and-deport' model of jurisprudence is argued to be geared towards preventing the free movement of people as this might undermine the operating of cheap labour markets.

These scholarly conceptualizations of the detentions camps for irregular migrants offer important insights into the working of the camps and shed light onto the abuses migrants' undergo while in detention. Yet, as I will argue in this chapter, the overwhelming emphasis of this literature on migrants' displacement from the rule of law and camps as devices of total immobilization engendered the analysis of detention camps as mechanism of exclusion *in extremis*, in which this exclusion is enforced by nation states in an attempt to police their borders and stem unwanted migratory flows. Using the example of the Lampedusa camp, I will show however that an understanding of the detention of irregular migrants as principally a manifestation of state sovereignty is inadequate to account for the workings of camps in contemporary Europe. In this context the case of Lampedusa is of particular importance as its position at the external border of the European Union exemplifies the function camps perform with regards to the transformation of European space, the constitution of its citizenship and the organization of its labour markets. Such an understanding of camps requires, I argue, that camps are not viewed as abstract and dematerialised spaces of exception but rather that detention must be examined in relation to deportation. This is necessary, not simply because, according to the official rationale, detention and deportation are complementary because detention is considered indispensable for the operation of effective removal policies Europe-wide. But, more importantly, because an approach that examines detention and deportation together points to the limits of the state-centric model of sovereignty and enlarges the analytic framework to a trans-national space that exceeds the boundaries of the European polity.

In this regard, the discussion which follows focuses attention upon the notion of the deterritorialization of European borders and considers camps as modes of temporal regulation of transit migration. This discussion brings to the fore both the importance of the continuity of European space as it expands beyond its geo-political borders and the movements of migration that incessantly traverse that space. By considering both the transformation of European space and the temporal dimension of internment, the chapter considers detention and deportation in relation to larger movements of migration and re-interprets them as instances of migration control that intersect

migrants' trans-national trajectories. To consider detention and deportation from the perspective of movement of migration opens the space for the analysis of agency and resistance which, as some critics have underscored, is absent from the scholarship on camps grounded in the notion of the state of exception (Papastergiadis 2006). But, as I discuss in the final section, most importantly for the aim of the present analysis, this approach permits a shift of perspective away from the analysis that views detention camps as sites where the category of citizen is no longer operative (Perera 2002: 3) towards detention a mechanism that plays a pivotal role in the formation and organization of European citizenship through the principle of differentiated inclusion. Detention and deportation, as I suggest in the final section of this chapter, are privileged sites where it is possible to observe the tensions and contestations that accompany the process of re-organization of Europe's spaces and its citizenship.

2. The state of exception

Positioned some two hundred kilometres south of Sicily and three hundred kilometres north of Libya, Lampedusa detention camp is one of eleven so-called 'holding' centres,[1] most of which are located in the south of Italy. These centres were established by the Italian state for the purpose of the administrative detention of third country nationals pending deportation from Italy with the rationale that they would ensure the effective functioning of expulsion procedures.[2]

In January 2005, ten European NGOs[3] took legal actions against the Italian Government with regard to Lampedusa detention camp and filed a complaint with the European Commission calling upon it to sanction Italy for: 1) violation of the right to asylum; 2) violation of the prohibition of torture and inhuman or degrading treatment; 3) violation of the prohibition of collective expulsions; and 4) violation of the non-*refoulement* principle.[4] These NGOs gathered evidence of degrading treatment, arbitrary detention, and lack of access to the asylum procedure in Lampedusa detention centre and denounced the authorities for allowing overcrowding, poor hygienic conditions, the use of coercive and violent police methods, the use of

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[1] The official designation of detention centres is 'temporary stay and assistance centres' (CPT).
[2] The maximum period of detention for both undocumented migrants and asylum seekers is sixty days. While detention of asylum seekers cannot be carried out with the sole purpose of examining their application, it is nevertheless mandatory in cases when asylum seekers present their application after being arrested for entering or attempting to enter the country illegally, and/or residing in Italy in an irregular situation (see Andrijasevic 2006).
[3] ANAFE - Association nationale d'assistance aux frontières pour les étrangers (France), Asociacion 'Andalucía Acoge' (Spain), APDHA - Asociación Pro Derechos Humanos de Andalucía (Spain), ARCI - Associazione Ricreativa e Cultura Italiana (Italy), Asociaciòn 'Sevilla Acoge' (Spain), ASGI - Associazione per gli Studi Giuridici sull'Immigrazione (Italy), Cimade (France), Federación des Asociaciones SOS Racismo del Estado Español (Spain), Gisti - Groupe d'information et de soutien des immigrés (France), and ICS - Consorzio italiano solidarietà.
[4] The non-*refoulement* principle has been reaffirmed by the EU as the cornerstone of refugee protection. It prohibits the forcible return of anyone to a territory where they would be at risk of persecution: "No contracting state shall expel or return (*refouler*), a refugee in any manner to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group, or political opinion". This principle makes reference to the lack of individual assessments and to the removal of persons to countries where there exists a serious risk to the physical integrity of those concerned (mentioned in article 19§2 of the European Charter).

improvised identification procedures,[5] and the failure of the centre's authorities to provide migrants with information about the possibility of claiming asylum and/or to guarantee individual examination of asylum through individual interviews.[6]

Given the seriousness of the allegations raised by the NGOs, a delegation of twelve MEPs from the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (LIBE) of the European Parliament, went to Lampedusa to assess the identification and removal procedures, the treatment of detainees and the running of the detention centre.[7] Particular concern was expressed regarding the collective expulsions[8] of irregular migrants and asylum seekers to Libya due to the fact that Libya has no asylum system and has not a signed the 1951 Convention on the Status of Refugees.

Between October 2004 and March 2005, Italian authorities expelled more than 1500 irregular migrants and asylum seekers from Lampedusa to Libya. The biggest operation took place between the 1st and 7th of October 2004 when a total of 1153 migrants were deported. Even though Human Rights Watch believes that the majority of those were detained in Libyan detention camps, there is no information available concerning the whereabouts of those migrants that were expelled. The Libyan detention centres are in fact almost inaccessible to international organizations or human rights groups and UNHCR is unable to access people returned from Lampedusa to Libya since it cannot operate its protection mandate in Libya.

These allegations of degrading treatment of third-country nationals in detention, the difficulties faced by asylum seekers in gaining access to the asylum determination process, and the large-scale expulsions to Libya had prompted the European Parliament (EP), [9] European Court of Human Rights (ECHR), and United Nations' Human Rights Committee (UNHRC)[10] to call on Italy to grant UNHCR free access to the Lampedusa camp, to respect the rights of asylum seekers and refugees to international protection and to refrain from further collective expulsions. Notwithstanding this, however, collective deportations from Lampedusa to Libya continued throughout spring and summer of 2005. In August 2005, they took place on a nearly weekly basis following the signing of an agreement between International

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[5] Migrants and asylum seekers, the NGOs remark, have no effective access to an interpreter and are often identified by staff not qualified as interpreters and through improvised identification procedures in which nationality is determined on the basis of one's skin colour and facial characteristics. 'Complaint against the Italian government for violation of European Community Law', 20 January 2005. The complaint and the accompanying dossier are available at
http://www.gisti.org/doc/actions/2005/italie/complaint20-01-2005.pdf
[6] See 'Complaint against the Italian government for violation of European Community Law', 20 January 2005. The complaint and the accompanying dossier are available at
http://www.gisti.org/doc/actions/2005/italie/complaint20-01-2005.pdf
[7] European Parliament, Report from the LIBE Committee Delegation on the Visit to the Temporary Holding Centre in Lampedusa, EP/LIBE PV/581203EN
[8] According to the European Court of Human Rights, collective expulsions are defined as "any measure by which foreigners are forced, due to their membership of a group, to leave a country, apart from cases in which this measure is adopted following and based on a reasonable and objective assessment of the specific situation of each of the individuals composing the group".
[9] European Parliament, European Parliament Resolution on Lampedusa, 14th April 2005, P6_TA(2005)0138.
[10] CCPR/C/ITA/CO/5 dated 28th October 2005.

Organization for Migration (IOM) and the Libyan Government which aimed to deter irregular migration both from and into Libya.[11]

The Italian government agreed on the charge of camp overcrowding but rejected any of the other allegations advanced by the NGOs and European institutions.[12] It claimed that deportations from Lampedusa did not amount to collective expulsions but were rather refusals of entry made on an individual basis,[13] and that as the majority of migrants reaching Lampedusa are economic migrants rather than asylum seekers, Italy was not in violation of the *refoulement* principle or in breach of the Geneva Convention.[14]

The circumvention of international human rights conventions, the persistence of unlawful treatment of migrants, the extreme difficulty faced by Italian MPs and NGOs in gaining access to the camp, and Italy's continuation of the deportations in the face of EP, UNHCR and ECHR calls to refrain from collective expulsions to Libya, all point towards the 'state of exception' as a most appropriate conceptual framework within which to understand the space of the detention camp in the Lampedusa context. This interpretation is reinforced by applying the notion of 'emergency' by means of which the sovereign avails itself of the power to institute a temporary state of exception (Agamben 1995). The Italian government has indeed described the situation at the island of Lampedusa, since a couple a years the main arrival point for boats carrying migrants from Libya to Italy in terms of emergency and has spoken of a 'million illegal migrants' who are waiting on Libyan shores to cross over to Italy.[15] In this light, it can be argued that Italian government views the detentions in the Lampedusa camp and the successive deportations to Libya as indispensable measures for countering the 'emergency' caused by the mass-influx from Libya.

At a first glance, the image of a 'million illegal migrants' might suggest Italy's difficulty in managing large-scale migration from the South. However, as I have argued elsewhere, the expression merits a more serious consideration because it brings together a number of misconceptions that inform Italy's migratory policies: it inflates the numbers so as to produce the imagery of invasion, assumes that the entries via Italy's southern border constitute the majority of the country's undocumented migrants, and conveys the image that the bulk of migratory flows in and through Libya is of a clandestine nature and specifically geared towards Europe (Andrijasevic 2006). As for the migration from Eastern Europe during the 1990s –which scholars now refer to as 'the invasion that never took place' (Simoncini 2000)— so for the

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[11] The International Organization for Migration (IOM), commonly mistaken for a branch of the United Nations or a humanitarian organization, has recently come under attack by NGOs including Amnesty International and Human Rights Watch for managing detention centers, running return programs for irregular migrants and asylum seekers, and implementing EU border-regimes. For a more detailed reading of IOM's role in Libya see Andrijasevic 2006

[12] See Italian Ministry for Foreign Affairs' written reply prepared for the 85th session of the UN Human Rights Committee. Ministry for Foreign Affairs, Interministerial Committee of Human Rights, *Reply to List of Issues (CCPR/C/84/L/ITA) (Relating to CCPR/C/ITA/2004-5)*, U.N. Human Rights Committee 85th Session, Geneva 17 October – 3 November 2005.

[13] Refusal of entry does not equal expulsion and the former is an administrative measure that does not ban the migrant from entering the Italian territory in the future.

[14] For reference see footnote 12.

[15] This number was given by Italian Ministry of Interior G. Pisanu. See *il manifesto* 22nd April 2005, p.9. Http://www.ilmanifesto.it/Quotidiano-archivio/22-Aprile-2005/art74.html (consulted on 25/04/2005)

current migration to Italy via Libya: the reference to the magnitude of migratory flows invokes the fantasy of invasion from the South. However, the existing data offer a different image of migratory flows towards Italy. The recent report from the Italian Ministry of Internal Affairs indicates that the majority of third country nationals residing illegally in the country have reached Italy neither via sea nor having crossed its borders undocumented. They have on the contrary, entered the country at its land borders with valid entry clearance and have become undocumented either once their visas expired or after they overstayed their residence permits. According to the same source, only 10% of undocumented migrants currently residing in Italy entered the country 'illegally' via its sea borders.[16]

Scholars suggested that these contradictions play a crucial role with regard to representation and regulation of irregular migration or, as Nicholas de Genova puts it, to examine the visibility of 'illegal immigrants' and the invisibility of the law (2002). In the following sections, I will take this discussion a step further and argue that there contradictions have an additional theoretical bearing as they allow us to interrogate the conceptualization of the camp in terms of a space of exception. Starting from the discussion on the geo-political transformation of European borders, I suggest other possible analytic paths that put into question the binary logic 'inside/outside' on which rests the understanding of sovereignty and of camps as spaces of its manifestation and re-affirmation.

3. Deterritorialization of borders

The 'classical' conception of a geopolitical border rests on a strict connection between state and territory.[17] Imagined as continuous linear structure, borders are seen as enclosing a political territory and demarcating sovereign state's external edges. This notion of the border, resting on the distinction between 'inside' and 'outside' determined the definition and the organization of the modern state in Europe (Mezzadra 2006, Walters 2002).

Recent debates on the borders in contemporary Europe have drawn attention to the transformations that are reshaping the notion and the institution of the border. The processes of European integration and enlargement have brought about significant changes to the spatiality and the rationale of the border (Walters 2002). As part of the integration process and following the Schengen Treaty, internal borders between member states were lifted in order to allow for a free circulation of goods, services and citizens. This lifting of the internal borders of the EU also meant a simultaneous relocation of control to EU's external borders towards the East and South. While much emphasis has been placed on the high level of policing and control taking place at EU's external borders, scholars have also underscored the fact that the EU's external borders are not impenetrable barriers, as the expression 'fortress Europe' implies, but are rather characterized by their viability and mobility (Beck and Grande in Rigo 2007).

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[16] See Caritas/Migrantes, *Immigrazione. Dossier Statistico* 2005. Edizioni IDOS, Roma, 2005.
[17] For a detailed discussion on the classical conception of borders see Rigo 2007.

In order to convey the specificity of the EU's borders, scholars speak of the 'deterritorialization' of borders and 'delocalization of control' (Bigo and Guild 2003; Rigo 2005). The term deterritorialization connotes the fact that Europe's external borders do not match a fixed geographical demarcation but rather that they can be traced both within and beyond EU space. Readmission agreements with third countries, the Schengen system of visa regulation and/or the diversification of legal status are all instances of border deterritorialization.[18] Such displacement of borders creates new *loci* of control. The control, once located at the borders, is now exercised by a variety of means and in a variety of locations so much so that scholars talk of a 'virtual border' (Freudenstein 2001) and 'indeterminate zones' (Bigo 2003).

The case of the EU's external border between Italy and Libya illustrates this point well. Since 2000, Italy and Libya have developed a close collaboration on issues of irregular migration. Beginning with a general agreement to fight terrorism, organized crime and illegal migration in 2000, the collaboration extended in 2003 and 2004 to include a readmission agreement, border guard training programmes, the construction of detention centres and the funding of deportation schemes. In 2003 and 2004 Italy financed the construction of three detention centres for irregular migrants in Libya, as well as a programme of charter flights for the repatriation of irregular migrants from Libya to West Africa.[19] Future detention and deportation schemes are being developed under a EC funded Programme and implemented in collaboration with the IOM, who were called upon to develop a so-called Assisted Voluntary Return (AVR) and Reinsertion Programme geared towards returning irregular migrants from Libya to their countries of origin and strengthening cooperation on irregular migration between countries of origin and destination.[20]

The matter of Italian-Libyan partnership on deterring irregular migration, deportations of irregular migrants and asylum seekers from Lampedusa to Libya, their further removal from Libya to countries of West Africa, and Italy-funded construction of detention centres in Libya have so far been mainly addressed in the literature in terms of the 'externalisation' of asylum (Hamood 2006; Cuttita 2006). Externalisation signals the tendency, which is gaining currency in the EU, towards dislocating asylum seeker reception facilities and the assessment of asylum application to the EU's neighbouring countries. Deportations from Lampedusa to Libya occurred in fact in a highly charged political atmosphere surrounding the proposal to set up refugee processing centres in North Africa. The proposal, advanced initially by the Blair government, included 'Regional Processing Areas' (RPAs) and 'Transit Processing Centres' (TPCs); the former were to be located in the zones of origin of refugees with the aim of strengthening reception capacities close to areas of crisis, and the latter, positioned closer to EU borders, were envisioned as centres where asylum seekers could submit their asylum claims (Noll 2003). Even though the proposal was rejected by several EU member states, concerns about 'externalisation' to Libya remained

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[18] Others include the Schengen Information System, consulates' computerization, common EU visa and asylum policies, bilateral 'readmission' agreements between the EU and third countries for return of migrants, 'Safe Third Country' rule, and penalties on airline companies so-called carriers' sanctions.
[19] A total of 5688 migrants were repatriated on 47 charter flights to Egypt, Ghana and Nigeria as main destinations. European Commission (EC), *Report on the Technical Mission to Libya on Illegal Immigration*, 2005.
[20] *Programme for the Enhancement of Transit and Irregular Migration Management* (TRIM). EC, ibid., p. 15.

strong, as in October 2004 the informal EU Justice and Home Affairs Council debated the implementation of five pilot projects in Libya and several other North-West African countries with the aim of upgrading existing detention facilities and developing asylum systems.[21]

The following factors point to the increasing tendency towards the 'externalization' of asylum: a Europe-wide decrease in asylum numbers, the introduction of the 'safe third country' rule, the construction of detention centres and the collective deportations to countries neighbouring the EU. This is even clearer if we consider the case of Lampedusa, where migrants were first precluded from presenting asylum claims and then deported to Libya, most probably to the detention camps financed by the Italian Government. However, there are two major problems in relating deportation to, and detention in, Libya too closely with the externalisation of asylum. First, since the external processing centres do not officially exist as yet, and since Libya in practice has no refugee policy, it is better argued that Italy's deportations to Libya constitute a retraction of the right to asylum rather than its externalisation (Andrijasevic 2006). Second, the aspect of particular interest for this chapter, the idea of externalisation rests on a neat distinction between the 'inside' and the 'outside' with regard to the EU territory and its external borders.[22]

However, the debates on the deterritorialization of EU borders and the delocalisation of control introduced earlier point to the inadequacy of an analytical model organized around the 'inside/outside' dichotomy. The Italian-Libyan patrolling of the Libyan coastline, the deportations of irregular migrants to and from Libya, and the construction of Italy-funded detention camps on Libyan territory are all instances, I suggest, that de-localize the EU's external border from southern Italy into and, following the itinerary of subsequent deportation, beyond Libyan territory. Consequently, they all challenge the idea of the EU's external border as a firm border between Italy and Libya and show that the southern EU border, rather than being a linear and stable geographical demarcation is a discontinuous and porous space encompassing the area between southern Italy and Sub-Saharan Africa.[23]

A close reading of the EU's southern border of Italy and Libya indicates then that the EU's external border is not confined to the territorial limit of the EU as political entity and, as argued by Enrica Rigo in her ground-breaking new work, cannot be seen as the 'threshold' to EU's territory (2007). Hence, Italy-funded construction of detention camps in Libya, the proposal to set up in Northern Africa centres for processing claims for asylum in the EU, and European Commission-funded and IOM-implemented deportation programmes from Libya to Western Africa do not point to a separation (i.e. an outside) but rather a continuity in relation to EU's space and its juridical order.

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[21] The Commission denied that these pilot projects are directly linked to plans to create EU reception centres in North Africa. Antonio Vitorino, Justice and Home Affairs Commissioner, declared however that "in the short term the Commission could envisage the possibility of setting up humanitarian reception centres in the countries bordering the Mediterranean." EUOBSERVER, 4th October 2004.

[22] A third point needs to be made here, and that is that not all of the migrants expelled to Libya are actually asylum seekers and therefore it is inadequate to examine the deportations to Libya primarily from the perspective of externalization.

[23] A similar argument has been advanced also for the Eastern border of EU. For an excellent and innovative analysis of the deterritorialization of EU borders to the East and its relevance for the issue of European citizenship see Rigo 2005

Moreover, the deterritorialization of the EU's internal and external borders and the delocalization of control are bringing about significant transformations to territorial sovereignty. The principle of territorial sovereignty, understood in classical legal theory as resting on the inseparability between sovereignty and the law has been ruptured though the processes of deterritorialization and delocalization (Rigo 2007). This rupture produces a 'discontinuity' in the EU juridical space and results in what Rigo calls 'shared sovereignty' (2007). It is certainly possible, as some scholars have suggested, to view Italy's permission to UNHCR and IOM to establish their offices on Lampedusa[24] and its removals of irregular migrants and asylum seekers to Libya as indicators of a weak state's failure to control its borders or of Italy's contracting out its responsibilities on asylum. However, such a reading fails to observe that instead of being an exclusive matter of nation states' competence, as it traditionally was, nowadays the authority over entry and stay in state territory is shared among different state and non-state actors. Hence, rather than simply viewing detention and deportations as mechanisms through which state's sovereignty is reaffirmed and its geographical and symbolic borders reasserted it is more fruitful, in my opinion, to consider them as privileged sites in which we may observe the transformations of sovereignty in Europe arising from the 'management' of migratory movements.

4. Constitutive tensions

The 'spectacle of militarised border enforcement' (de Genova 2002) that regularly takes place in the open sea or along Italian, Spanish and Greek coasts shines a spotlight upon the acts of policing EU external borders. Such representation fixes the location of the EU's external border, reduces its denotation to that of a threshold, and reaffirms nation-states as its custodians.[25] As well as overlooking the changed nature and workings of the EU's external border, such a reading oversimplifies migratory movements as it reduces them to the space of the border and to the act of traversing it. Migrants are thereby represented as being located at Europe's 'outside', pushing against its external borders. This kind of account fosters a misrepresentation of northern African migrations in terms that highlight massive 'illegal' economic migration directed towards Europe. The case of the Italian authorities' treatment of migratory movements between Libya and Italy exemplifies this quite well.

Libya's migratory reality is that it is far from being either a country of massive emigration or that is exclusively a transit route for clandestine migrants from Sub-Saharan Africa to Italy. On the contrary, Libya is in firstly a destination country and the major country of immigration in the Maghreb. Foreign nationals constitute approximately 25 to 30% of Libya's total population. Large-scale economic and social development schemes in the 1970s, launched thanks to the revenues from the petroleum industry, relied in the first instance on migrant labourers from Egypt. Egyptian nationals, employed mainly in the agricultural industry and education,

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[24] Following the signing of the Asylum agreement between Italian Ministry and the UNHCR, which came into effect on the 1st March 2006, UNHCR were able to set its office on Lampedusa together with IOM and Italian Red Cross.

[25] For a gendered reading of the border spectacle see author's work on borders and sex trafficking in Europe (Andrijasevic 2003) and on representation with regard to gender and migration in counter-trafficking campaigns (Andrijasevic 2007).

constitute today the largest migrant group in Libya (Hamood 2006). Libya is home also to a large Maghrebi community (Morocco, Tunis and Alger) and the country's economic development relies on cheap and seasonal labour from the neighbouring countries of Niger, Chad and Sudan (Boubakri 2004; Pliez 2005). Since the 1990s, the presence of migrant workers from sub-Saharan states has been prompted by Libya's reorientation from pan-Arab to pan-African policy and its active role in the foundation of the Community of Sahel-Saharan states (CEN-SAD) which, as an economic project grounded in the free circulation of people and goods between its member states, is oriented towards regional cooperation and integration. Migrant workers from Sudan, Chad and Niger are generally present in the Libyan Saharan border areas where they work in sectors such as agriculture, tourism and local trade. These labour migrations, facilitated by an open border policy towards sub-Saharan Africa are of seasonal and pendular character rather than, as commonly assumed, the source of irregular migratory movements to Europe.

Moreover, as recent scholarship on migration has emphasised, global migrations display a 'turbulent' nature (Papastergiadis 2000) which exceeds the systemic 'push/pull' market logic (Mezzadra 2004).[26] Emphasising poverty and underemployment on the one hand, and demand for migrant labour in particular segments of the economy on the other, do not suffice to convey the multitude of arrangements, movements and subjective claims that inform men, women, and children's migratory projects. Migrants and asylum seekers, as Federico Rahola suggests in his innovative and thought-provoking genealogy of today's 'camp-form', share a condition of displacement that can be identified with a form of 'exit' from those political categories that consign the individual to an only one location (2007). While functional to circumventing international conventions and to the carrying out of deportations to Libya, authorities' inclusion of all migrants arriving from Libya to Lampedusa under the category of 'economic migrants' and their classification to a large extent as 'Egyptian' nationals,[27] signal the state's attempt to manage by symbolically reducing it to a single typology, the multiplicity of movements, belongings and histories that characterize contemporary migrations in the Mediterranean region (Van Aken 2007).

In order to fully comprehend the migratory movements across the Mediterranean space it is therefore necessary to broaden the scope of analysis away from the site of the external EU border and into the broader geographical space that is marked by delocalised control posts.[28] It is within this space, traversed by turbulent migratory movements that Dimitris Papadopoulos, Niamh Stephenson and Vassilis Tsianos propose to re-think the camp from 'below' (2008). In their analysis of migration in the Aegean zone, the authors break the progressive linearity by means of which migrants' journeys are commonly portrayed (i.e. a movement from A/origin to B/destination) and draw attention to interruptions and discontinuities such as waiting, hiding,

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[26] The emphasis, in what has become known as the concept of the 'autonomy of migration', is placed on the autonomous, constitutive and subjective force of the movements of migration rather than on migration as capital driven. For application of autonomy of migration as a research method see TransitMigration Fg 2007

[27] See European Parliament, *Report from the LIBE Committee Delegation on the Visit to the Temporary Holding Centre in Lampedusa*, EP/LIBE PV/581203EN, p.3.

[28] For a radically different representation of this space, that does not follow the traditional cartography see the project *MigMap – Governing Migration. A Virtual Cartography of European Migration Policies* at http://www.transitmigration.org/migmap/index.html

unexpected diversions, settlements, stopovers, escapes and returns. Careful to show that this does not imply that Schengen camps are not sites of confinement, the authors contend that camps represent less a paradigmatic incarceration locale or a present-day social model that is 'the equivalent of the panopticon' (Mirzoeff 2005: 119) and more a spatialized attempt to temporarily control mobility. Using Paul Virilio's work, the authors challenge functionalist view of camps as political disciplinary devices of exclusion, and shift the terms of analysis with regard to Schengen camps from space and immobilization to time and mobility. By doing so, they suggest that we re-think camps as 'speed boxes' that regulate the time of migration by 'decelerating' the speed of migratory flows. Viewed within this dynamic framework of migration, camps acquire a temporary nature and are conceptualised as provisional stations along multiple migratory routes.

Papadopoulos, Stephenson and Tsianos' work on Schengen camps is extremely useful in accounting for the ambiguities that emerge from the Lampedusa case and are commonly overlooked by scholars. So far, most attention has so has been paid to the difficulty faced by refugees in accessing the asylum determination procedure and to the implications of collective removals to Libya. Yet, little attention has been paid to the fact that the majority of the irregular migrants and asylum seekers, after being detained in Lampedusa are transferred to other Italian detention centres for irregular migrant, mainly in southern Italy. While this continuous detention follows the logic intrinsic to the detention centres' constitution, namely that detention is indispensable to ensure an effective removal policy, a report from Italy's Audit Court shows that, in 2004, out of nearly twelve thousand irregular migrants detained in Italian detention centres less than half were deported. Most were released after the expiration of the maximum detention period, and the rest escaped.[29]

Thus, as the case of Lampedusa shows, detention centres represent neither the end-point in one's migrational projects nor the place where migrants are 'abandoned in the [juridical] void' (Papastergiadis 2006). Rather, as noted by Papadopoulos, Stephenson and Tsianos, they act as 'stop over points' incorporated into broad and multiple migratory movements: migrants are detained, released and they move on. This interpretative framework also allows for a different reading of deportations. Rather than being simply a disciplinary practice which follows an unauthorized entry into a state's territory, it is possible to read deportation from Lampedusa to Libya in terms of attempts to decelerate the movement of migration into Italy. As for the case of Greece and Turkey addressed in Papadopoulos, Stephenson and Tsianos' work, so for Italy and Libya, the camps in the EU's southern neighbouring countries do not prevent or stop migratory movements but instead regulate the time and speed of migrations by 'temporarily diverting their directionality' (2008). Detention and deportation are thus both means of regulating migrants' mobility and circulation both within and beyond the territorial limit of the EU.

The regulation of (migrants') circulation is, contends Rigo, a key device through which Europe governs spaces no longer enclosed by its external border (2007). The organization of these spaces of circulation is the key tenet underlying a 'hierarchical order of relationships' in an enlarged Europe (Rigo 2005). The term indicates a

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[29] The 2005 report by Corte dei Conti http://www.corteconti.it/Ricerca-e-1/Gli-Atti-d/Controllo-/Documenti/Sezione-ce1/Anno-2005/Adunanza-c/allegati-d3/Relazione.doc

regime of differentiated degrees of mobility among the 'core' EU states, the 'new' member states, and the non-member states. Yet, becoming EU members does not entitle the nationals of the 'new' EU member states to the same labour privileges enjoyed by the citizens from 'core' EU countries. In fact, the freedom of nationals of the 'new' member states to take up employment anywhere in the EU is being delayed for a period between two to seven years after accession. This type of selective citizenship has been described in terms of 'partial-citizenship' (Mezzadra and Rigo 2003) and constitutes an example of 'deceleration' as it temporarily excludes large numbers of 'new' EU citizens from labour participation and supplies the conditions of possibility for their inclusion as 'illegal' labour (de Genova 2005).

The EU's government of spaces of circulation extends also to its southern neighbours. The European Neighbourhood Policy (ENP), which is oriented towards the countries of Eastern Europe and the Mediterranean that have no prospects of imminent EU membership, offers these countries increased political, security, economic, and cultural co-operation. The ENP avails itself of Action Plans, namely a set of common priorities to be agreed with each partner country. The not yet finalized Action Plan with Libya shows, EU policy makers are particularly keen on including so-called 'migration management' co-operation schemes in its relations with its North African neighbours. Developed under the framework of the external dimension of the common European asylum and immigration policy laid out by the Hague programme with the aim of integrating asylum into the EU's external relations with third countries, the cooperation between the EU and Libya is geared towards defining operational measures to counter illegal migration including *inter alia* the enhancement of border control at Libya's sea, southern land and air borders, and the establishment of dialogue on controlling immigration with the main countries of origin. [30]

The areas adjacent to the EU are therefore being organized into spaces that are hierarchically organized and differentiated through a set of devices and measures aimed at governing people's mobility (Rigo 2007). Together with the EU's external borders, detention camps and deportation policies are instruments which produce and establish difference by regulating circulation/mobility across European space. This difference is engendered on the one hand through the 'possibility' of deportability (Rahola 2007)[31] and on the other through the temporality of rights enjoyed by third country nationals (Guild 2007).[32] In other words, the differentiation of juridical status achieved via the deterritorialization as well as the proliferation of internal borders in the metropolis, is a method of government through which the EU institutionalizes mobility, thereby regulating the contemporary movements of migration and organizes

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[30] The Joint Action Plan is still in it draft form. Nevertheless, the combined information for the Action Plan (draft as at September 2005) and the Draft Council Conclusions on initiating dialogue and cooperation with Libya on migration issues (9413/1/05 REV 1) offer an outline of the main points and suggest the priorities likely to be included in the final Action Plan.

[31] The concepts of 'illegality' and 'deportability' become clearer when examined in relation to a concrete situation. To use Lampedusa one more time as an example, after being moved to another detention camp, migrants are usually release after have been served the order to leave Italy. Hence, once released, migrants become 'deportable': if they overstay the period within which they must leave the country, they are susceptible to another incarceration by failing to observe the expulsion order.

[32] On the topic of time/temporality and regulation of mobility see also Rigo 2007 and Neilson and Mitropoulos 2007.

hierarchically the access to its citizenship.[33] The enforcement of differentiated modalities of mobility, which is a key tenet underlying the constitution of European citizenship, clashes against the movements of migration already present or traversing the hierarchically organized areas of circulation. Rather than being simply an object of institutional regulatory frameworks, migration emerges therefore as constituent force of the European polity in as much as it challenges the concept of citizenship as being formalistically defined from 'above' and shows that European citizenship is a terrain of struggle constituted through a continuous interaction between migrants' practices of citizenship and its institutional codification.

5. Conclusions

Detention and deportation are not metaphors. They are physical spaces and material measures that affect the lives of thousands of men and women throughout Europe. While in detention and during deportations migrants are kept in degrading conditions, suffer humiliation, physical violence, and even death (Amnesty International 2005; Fekete 2005; FIDH 2005). The abuses of migrants' rights are commonly explained as arising from a state of exception enforced through the condition of 'abandonment' in which migrants, subjected to the rule of law are at the same time deprived of recourse to the law or its protection. This process of 'inclusive-exclusion' does not entail migrants' straightforward excision from the body of the state. Rather, it indicates a technology by means of which the 'outside' is captured within national juridical order (i.e. the field of the political) which seeks coherence and ascertains the boundaries of its political community through the lines of exception. These in turn define the boundaries of citizenship and preserves state's sovereignty in relation to which migrants are located as its constitutive outside.

Using the case of the Lampedusa detention camp as a starting point for my analysis of detention and deportation, I have investigated the deep transformations affecting the institution of the border and the notion of state sovereignty in contemporary Europe. Rather than seeing the proposal to set up transit processing centres in Northern Africa, the EU-Libya joint Action Plan, and the European Commission's co-financing and IOM implementing of removal schemes for irregular migrants in Libya as instances of externalizing to the EU's 'outside' matters regarding asylum or as a case of contracting out state's responsibilities on migration, I suggest interpreting these as examples of the deterritorialization of the EU's external border and of shared sovereignty. This is not to claim that space and territory do not play a role in the functioning of the border or that the state has no decision making power over entry or exit from its territory but rather to highlight the fact that the EU's external border no longer marks the edge of the territorial validity of the European legal system and that

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[33] While the structure of this paper does not allow for developing this point further, the institutionalization of mobility needs to be examined and understood in relation to the transformation of the capitalist mode of production and in capturing the living labour. Among most innovative and provocative studies in this area are Nicholas de Genova's (2002; 2005) investigation of the link between the production of illegality and the structuring of the US labour market; Dimitris Papadopoulos, Niamh Stephenson and Vassilis Tsianos (2008) work on the ways in which the institutionalization of mobility incorporates the movements of migration into capitals' productive structure; and Sandro Mezzadra's analysis of the detention camp as a type of decompression chamber that disperses the tensions accumulated on the labour market (Mezzadra and Neilson 2003; Mezzadra 2004).

nowadays the authority over entry and stay in state territory is shared among state and non-state actors. This approach challenges the institutional regulatory perspective and the dialectics inside/outside and puts forward an analytic framework which, by focusing on the continuities in relation to EU's space and its juridical order, attempts to account for the ways in which the emergence of complex 'assemblages' (Sassen 2006) of post-national configuration and the turbulence of migratory movements transform the boundaries of European citizenship.

To view migrants as actors and agents of the construction in the European community rather than its constituent 'outside' challenges the demarcation that defines the realm of the political and produces an interruption in the logic of 'omnivorous' sovereignty (Rahola 2007) which reinforces itself and its coherence though incorporating migrants within its boundaries. This is not simply of matter of acknowledging the agency of migrants as they circumvent or struggle against devices of mobility control. What is at stake is a theoretical and political challenge to recognize migration as a constituent force in the production of the European polity and citizenship thereby re-drawing 'the borders of the political' (Neilson and Mitropoulos 2007) and re-thinking the modernist dichotomies that still structure the definition and concept of state sovereignty as well as of the political forms of belonging (Papadopoulos and Tsianos 2007). These considerations, often considered appropriate for academia rather than practitioners and activists, need in my opinion to be kept in mind as in this changed political landscape the achievement of effective rights-based policies or radical political interventions will depend on the development of frameworks and tactics that are able to adequately grasp the current transformations of sovereign power and citizenship in Europe.

Acknowledgments

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