

Humans at the borders of death: the need to open borders for human flow¹

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Abstract: Across the globe, humans are dying at sea, vanishing in deserts, imprisoned in detention centers, deported in airplanes, surviving in inhumane refugee camps, beaten and killed by the police, army or militias. This is happening in places such as the European Union (EU), where the access to human rights its being openly denied to migrants and refugees. As capital and "citizens" flow more easily among its member states, European Union has strengthened its borders to violently prevent the entry of desperate people. Today, Fortress Europe is European Union's shame. To overcome this attack on human rights, I propose a discussion on the centrality of open borders for human flow.

Keywords: Fortress Europe, open borders, migrants, human rights.

Introduction

People have been moving around our planet since the beginning of our existence and migration is deeply rooted in human history. In fact, the regulations to curb migration are a recent phenomenon from the late 19th century (Hayter, 2004:1). We cannot also forget that for centuries, many Europeans migrated in a process of colonization and Europe forced the displacement of millions of enslaved Africans. More recently, during World War II, the persecutions and the destruction of Europe provoked the biggest refugee crisis known in history.

The economic inequalities between North and South and between rich and poor have never been as deep as today (see Inequality.org, 2009). Capitalism and Imperialism - and their current varieties, neoliberalism and neocolonialism - have been provoking brutal inequalities worldwide and humans have been moving to find better lives in places where plundered riches are being accumulated. The present economic globalization is destroying peasants way of life; bringing people to urban areas and its

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slums; provoking crisis and unemployment; destroying territories with environmental disasters; fostering continuous wars; and, faster than ever, looting resources from the Global South. This leads humans to desperately seek better lives in new territories.

Presently, we have witnessed a worsening of the conditions of migrants around the world, and after the 2007-2008 crisis things got considerably worse. The crisis brought more poverty, unemployment, austerity and wars. This last crisis started in the deep heart of Capitalism: Wall Street. That's why it is important to acknowledge that the present humanitarian crisis of migrants is provoked mainly by the Global North.

Nowadays, economic globalization is growing worldwide: we see capital and goods passing through borders more steadily than ever; and the internet and transportation connecting people all over the planet faster than in the past. But for the poorest humans - real flesh and blood humans - the borders are strengthening and are more difficult to overcome than ever before (Bauder, 2015, 2017). Today we have borders that are *"humanodutos"* (Santos, 2018): places where the flow is conditioned more than ever; the Mediterranean is an example.

My article will be structured as follows. In the first section I'll discuss the European catastrophe for migrants. In second section I will explore the injustices of the Fortress Europe and discuss how these are rooted in the EU project. In the last section, I will discuss the idea of open borders for human flow attending to arguments regarding human rights.

Humans at the borders of death: the European catastrophe

*They got a right, listen not to the scaremonger
Who doesn't run when they're feel the hunger
From where, to what, to when? To here, to there
People caught up in red tape nightmare
Break out of the detention centers
Cut the wires and tear up the vouchers
People get ready it's time to wake up
Tear down the walls of Fortress Europe
This is a twenty first century Exodus*

Asian Dub Foundation - Fortress Europe (2003)

Today, thousands of humans on the planet die trying to cross borders, suffer because of borders legislation and are attacked due to the hate created by borders. Currently 71 million humans have been forced to escape from their homes; among them nearly 26 million are refugees and half are under 18 years old (UN, 2019). Most refugees do not live in the EU or the USA: in decreasing order of quantity, they live in Turkey, Pakistan, Uganda, Sudan and only after, Germany (idem 2019).

In recent years many disasters have taken place due to the borders of EU: children, women and men have drowned at sea; they have been dying in deserts or snowy mountains; they have been shot or beaten by police, army or militias; they are detained in prisons inside and outside EU; and they have been enslaved and raped. As far as we know, the deadliest catastrophes are happening in the Mediterranean Sea. Between 1992 and 2018, more than 34.361 migrants died due to the EU borders (McIntyre & Rice-Oxley, 2018). With this tragic numbers, it's evident that only great despair leads people to risk their lives to cross the borders of death of Fortress Europe.

In 2014, Spanish police fired rubber bullets on black Africans as they attempted to swim from Morocco into the Spanish enclave of Ceuta; at least 15 people were killed (Govan, 2014). First, Spanish authorities denied the use of rubber bullets but later they admitted having used them. However, they refused that the shots had interference in the deaths and no one was convicted (Abad, 2015).

In 2015, the death on the shores of Turkey of the three-year-old Kurdish boy, Aylan, shocked the world. The image of that little boy lying dead on the sand is part of our collective guilt. The borders restrictions constructed by EU were there, "pushing" Aylan into the sea. His family was fleeing from the brutal Syrian war and he died when they were trying to reach the Greek Island of Kos on boat.

In 2013, Italian authorities instructed a sinking boat, over radio to "call Malta" despite an Italian naval vessel being just a few miles away. Five hours after the call, the boat capsized sending over 260 people, including 60 children, into the waters: more than 90 drowned (Osborne, 2017). In 2015, in the Libyan coast, another boat sank, now with over 800 people dead, many of them children: till today it was the deadliest incident (UNHCR, 2015). In 2019, till 6 September, 927 deaths were already recorded in the Mediterranean (Missing Migrants, 2019).

Today the migrant issue is central in our society. And, the myth of a supposed migrant invasion is being used for the rise of the far right governments in the EU and the USA (Mehta, 2019). In fact, only 4.4 % of the 512.4 million people living in the EU are non-EU citizens (Eurostat, 2019). In 2018, the newly elected right wing Italian government refused to receive a boat with 630 migrants; they were left at the sea for days. This incident created a deep political crisis in the European Union; the consequence was the decision to make a new unjust agreement on migrants policy (Jones, 2018). The Italian government declared victory on this agreement. In 2019, the same Italian government decided to prosecute and even imprisoned members of the NGO “Sea-Watch” that rescue migrants at the sea. In August 2019, the Italian parliament passed a law proposed by Salvini that rose the fees on boats who rescue migrants from 50.000€ to 1.000.000€; this measure will profoundly affect the rescue of people in the Mediterranean (Squires, 2009). The EU, instead of confronting the governments that infringe human rights, keep silent, and when it acts, normally attacks even more the rights of migrants.

Fortress Europe: Europe’s shame

In the “Universal Declaration of Human Rights”, it’s written in article 13 that: “Everyone has the right to freedom of movement and residence within the borders of each state” and “Everyone has the right to leave any country, including his own, and to return to his country.”; in article 14: “Everyone has the right to seek and to enjoy in other countries asylum from persecution“. However, the declaration is silent about the duty of States to receive migrants, unless they prove they are asylum seekers, and as we know this is not easy to prove since the criteria are controversial and today there are limits on the numbers of acceptances.

The “European Convention on Human Rights” is not as benevolent as the “Universal Declaration of Human Rights”. In Protocol 4, article 2 of the Convention it states: “1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence”; “2. Everyone shall be free to leave any country, including his own”; “3. No restrictions shall be placed on the exercise of these rights other than such as are in accordance with law and are necessary in a democratic society in the interests of national security or public

safety, for the maintenance of public order, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”; “4. The rights set forth in paragraph 1 may also be subject, in particular areas, to restrictions imposed in accordance with law and justified by the public interest in a democratic society”. I draw attention to the use of the word "lawfully" on the 1st point: if you are undocumented you are not "legal" and then the States can forbid your free movement. On the 3rd point it says that you can use the rights pointed out in the 1st two points, but then a big list of abstract and doubtful restrictions for you to use these rights are mentioned. But what is written on the 4th point is even more shocking, after referring many restrictions on your rights to free movement in the points before; it says that depending on the law and public interest you may not have the right to move in some areas.

Compared with the “Universal Declaration of Human Rights” (that is not perfect on migrants rights), the “European Convention of Human Rights” is a disillusion. In fact, it’s a shocking non-human rights Convention in the case of migrants. And when we think that right-wing Governments commit illegalities when they treat migrants terribly, such as preventing the disembarkation of boats full of people, they can use in their defense the “European Convention of Human Rights” rules.

European identity is based on racist, colonialist and Eurocentric perceptions. And, European states were built on the imaginary of racial homogeneity, where non-whites are excluded from its identity (Goldberg, 2001). EU has profoundly built the imagination of "Europeanness" that develops an identity that excludes the ones who are imagined as non-Europeans. This "Europeanness" promoted by EU is at the root of Fortress Europe.

The European Union was constructed based on economic treaties (and interests) and not on human rights. Its origins are in The European Coal and Steel Community (1951) and in the European Economic Community (1958). Then, in 1985, five of ten member states signed the Schengen Treaty that allowed goods, capital and “citizens” to move freely between member states. Today twenty-six states are part of Schengen Area: these countries have abolished among them passport and border control. From these twenty-six countries, twenty-two are part of the EU and four are not. Croatia,

Romania and Bulgaria, EU members, are not part of Schengen Area mainly because some member states supposedly fear migration from these countries.

Nowadays, for human circulation, EU borders are diluted among member states but external borders are stronger than ever. And even if the majority of migrants want to reach central rich countries, they face the “fortified” borders in peripheral countries and in buffer zones: Libya, Morocco or Turkey.

Since the EU was implemented it has benefited from the dissipation of global borders for capital and goods and this is provoking deep global inequalities. At the same time EU has been preventing people from the Global South from escaping the economic destruction that neo-liberalism and neo-colonialism provokes in their countries. There is this great contradiction, in neo-liberalism, of defending open borders for capital and closed frontiers for humans, and this situation must be reversed (Hayter, 2004:171).

In the last years, the solution that the EU has been using for the humanitarian migrant crisis has been to fortify the external borders; place more police and military at the borders and sea; spend huge budgets to finance controls; construct more detention centers; expel migrants; finance other non-member states to control migrants in their territories. In 2015, due to migrant humanitarian crisis, some countries even suspended the Schengen Agreement to prevent people from entering their countries.

In 2016, EU made a shameful deal with the Turkish State that permitted the expulsion of people from Greek islands back to Turkey (Kingsley & Rankin, 2016). In 2018, after the Italian government denied aid to the boat Aquarius, EU governments reached a deal to construct detention centers in non-member states; they called them “holding centers” and in Libya people live horrors in these places.

This agreement shows us the dangerous path that European Union has been taking. As Kouvelakis (2016) defends: “The refugee crisis has illuminated how Fortress Europe acts as the complementary side of a neoliberal, deeply antidemocratic, and authoritarian European integration”. And Arruzza (2016) defends that: “In spite of its alleged universalistic vocation, the EU has so far realized only a single form of universalism: that of the circulation of commodities and money.”

Faced with this situation, important questions arise: has the EU improved the lives of humans outside Europe? Has the EU improved the lives of migrants and refugees trying to reach its member states? For these two questions I believe the answer is No. The European Union has aggravated world inequalities; has prevented migrants from reaching central countries of Europe, where the wealth is centralized; and has been responsible for human suffering at its borders. The EU failure to save and improve the lives of migrants and refugees is mainly because its structure is due to serve the needs of capitalism above all and not humans (Arruzza, 2016). The Fortress Europe has been a catastrophic path, and it's the opposite way of human rights which EU claims to have in its DNA. In fact, Fortress Europe must be the shame of the EU today and in the future.

Open borders for human flow

Several academics and political thinkers defend that people have the right to cross borders freely, since this is a fundamental human right (Carens, 1987; Hayter, 2001, 2004, 2015; Anderson et al., 2009; Myerson, 2013; Bauder, 2015, 2017; Dale, 2015; Barsefski et. al, 2016). As Teresa Hayter (2001:149) puts it, there is not much good arguing for better treatment of migrants and refugees unless we can argue that immigration controls are unnecessary and should be abolished. And she goes on:

“By far the strongest reason for opposing immigration controls is that they impose harsh suffering on migrants and refugees, in the hope of deterring others. They undermine a long list of human rights: the right not to be subjected to inhuman and degrading treatment, the right not to be tortured, the right not to be arbitrarily arrested and imprisoned, the right to a fair trial by a properly constituted court, the right to family life, the right to seek and find work wherever it is available.” (Hayter, 2001: 151)

Migration control and the arbitrary decision of who belongs to a territory and who doesn't, is a central pillar of Nation State: it is the on-going redefinition of who is in and who is out; of who is a migrant, refugee or expatriate; of which races, ethnicities or religions are welcomed or treated as deviants (Dale, 2015). And borders: “By dividing geographical space into national territories, they separate humanity into distinct national communities, enforce the global segmentation of labour, and reproduce neo-colonial and neo-imperial relations” (Bauder, 2015: 395).

Migration control has its origins in racism, legitimates racism and feed racism (Hayter, 2004:21); and: “contemporary borders and the laws and policies that keep people from moving freely across these borders maintain many of the political relations reminiscent of a colonial and imperial global past” (Bauder, 2015:395). In Europe, it’s evident how migration controls target mainly non-whites and people perceived as Muslims (Bauder, 2015; Mau et. al, 2015).

Nowadays, borders are more open than ever for capital and more controlled than ever for human flow. In fact, greater freedom of mobility granted to capital has taken place alongside with the strengthening of borders for humans and this is part of the neoliberal project (Anderson et. al. 2009; Bauder, 2017).

The borders in Global North are unfair and responsible for one of the greatest human catastrophes of our time. In a human rights perspective, there is only one solution to overcome this catastrophe: open borders for human flow. Therefore, the discussion on open borders for human circulation is urgent: it is a right and need for many people and has to be a central political demand for human rights and left wing activists. When I’m speaking of open borders I’m speaking about the abolition of migrant control. In fact, open borders “is a necessary part of a global system of common rights and contemporary struggle for the commons.” (Anderson et al., 2009: 5).

The arguments against open borders are frequently false or put the market economy or the hegemonic power above humans. To stop death and suffering, the human rights defenders and left wing activists have to be, without fear, against borders to allow people flow. On this Jesse Myerson wrote: “When the Right charges the Left with advocating amnesty, we should show them to be correct. No penalties, no electric fences, no drone surveillance, no papers, no fear. Instead, universal human rights, consecrated in struggle, enforced by solidarity.” (Myerson, 2013)

Final Thoughts

Humans have been questioning borders since they were invented, and today migrants, asylum seekers, refugees and solidarity movements are struggling against the injustices provoked by Fortress Europe. They have been resisting borders in various ways: collectively passing fences; rioting in detention centers; travelling in large

groups; occupying empty buildings to live and organize (Dadusq, 2017; Mudu & Chattopadhyay, 2017); establishing associations and collectives; or organizing street demonstrations (Hayter, 2004; Monforte, 2014).

Presently, the humanitarian migrant crisis is one of the main catastrophes and disputed issues in our societies. Thousands are suffering and dying because of borders and the far-right is using the migrant issue to their advantage. If they are using the false fear of migrants, then the human right defenders and left-wing activists need to have a sharp answer to the migrant crisis: the migrants have the human right to move freely across borders. We cannot hide the problem and we have to denounce openly these human rights violations.

If we are calling for an end of suffering, without calling for an end of migration control, then the problem will perpetuate. And if we want to claim open borders for human flow we have also to question neoliberalism and neocolonialism. When we speak of people escaping from misery or from war, crossing the border is a basic human right. Denying the right to cross borders is deeply unfair when the Global North is exploiting the Global South and accumulating the looted wealth.

Regarding the humanitarian migrant crisis, the main catastrophes are happening at the borders of the European Union. And if today it is easier than ever for EU “citizens” to circulate between members states, for Non-EU “citizens” it is more difficult than ever to get inside. The catastrophe of migrants in the EU provoked by the Fortress Europe is based in its Eurocentric, Neoliberal and Neocolonial project, which benefits from open borders for capital and closed ones for humans.

As Teresa Hayter puts it: “Immigration controls should be consigned to the dust bin of history, recognised for what they are: a cruel but relatively short-lived twentieth century aberration.” (2004: 172). In the future I hope that we can look to our present history and ask how we allowed these humans to die at the borders, at sea, in the deserts, in the snow, in prisons, under bondage. We will ask why we did not do anything to stop these atrocities. And the next generations, shocked, will ask us: “how did you allow this to happen?”. And they'll be right to condemn us for what we did and for what we let happened.

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