

(De-)Constructing Borders

Contestations in and around the Balkan Corridor in 2015/16

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Abstract: This paper attempts to give a critical framework to the emergence and closure of the Balkan corridor of 2015/16, focusing on the legal and political ambivalences of this temporary passageway. It argues that the corridor was a relatively safe and quick route across previously closed borders. However, despite the partial suspension of restrictive politico-legal mechanisms, it was also an instrument of control, which remained inscribed within the violent European border regime.

Keywords: Balkan route, humanitarian corridor, state violence, critical migration studies, state of exception

This article¹ analyses the contested movements to and through Europe along the so-called ›humanitarian corridor‹ and ›Balkan route‹² from mid-2015 to spring 2016. Analysing the multi-layered contestations between disobedient movements challenging restrictive regimes, and state authorities attempting to maintain control, exposes the legal and political ambivalences of the Balkan corridor. Suspensions of the law, both progressive (facilitating movement) and repressive (unaccountable violence) were part of a dynamic, which sustained the corridor as a legalised passageway across borders and a mechanism of control. The corridor meant the partial suspension of the

1 | The authors would like to thank the participants of the Moving Europe Workshop at the 2016 kritnet conference in Vienna, as well as Professor Julia Eckert and her PhD students at the University of Bern.

2 | The terms ›Balkan route‹ and ›humanitarian corridor‹ are often used interchangeably, although there is a historical, geographical and political difference between the two. The term ›Balkan route‹ refers to the geographic space and multiple clandestine paths along the Western Balkans. These paths are not a new phenomenon, as people denied access to legal routes across borders have long forged their own ways through the region and continue to do so despite the policies aimed at the restriction of movement. In contrast, the expression ›Balkan corridor‹ designates a specific state-controlled route which emerged in mid-2015 through Macedonia, Serbia, Croatia, Slovenia and Austria and was effectively closed in March 2016.

European migration regime, signifying that people otherwise not authorised to do so³ could exceptionally travel across a number of borders in a relatively safe and quick manner. However, this temporarily legalised passageway across borders remained inscribed within a restrictive control and registration system. The first part of the text analyses the emergence of a legalised passageway from the Greek islands across the Balkan states to Northern Europe during the second half of 2015. The second part focuses on the strategies of control employed to contain the migratory movements across the Balkan states and the temporary corridor.

Writing a chronology risks giving an impression of linear progression, but this text posits the opening and closing of the corridor as a messy and complicated process. This paper discusses the fluctuating existence of the corridor, drawing on several theoretical lenses to reflect on the ambivalences of the legal and extra-legal means of governance that sought to regulate and contain movement. The aim of this text is not to construct a coherent narrative out of complex ambivalences, but rather to draw on multiple sources and perspectives from critical theory and post-colonial theory – embracing what Spivak denominates »freedom for contradiction« (Spivak 1999: 39) – in order to reflect on the »humanitarian« corridor. As persons with the privilege of EU citizenship, we are not directly targeted by the discriminatory policies described in this article. However, we understand ourselves as unavoidably implicated in their construction and deconstruction. Critical analysis can show that the corridor remained inscribed within a restrictive migration regime, while it also serves to emphasise the fragility of the legal systems aimed at containment and control, and thereby contributes to their further contestation.

CROSSING THE BORDERS OF EUROPE: THE CREATION OF A TEMPORARY LEGALISED PASSAGEWAY

Migration and asylum regulations stratify rights based on racialised constructions of citizenship, which in interaction with socio-economic hierarchies, stipulate or deny rights to entry, transit, or stay. In and around the EU, several overlapping legal frameworks control, classify, and regulate people on the move. The Schengen Agreement⁴,

3 | In this article we use several expressions to designate movement across borders, because making a distinction between »refugees« and »migrants« risks textually reifying hierarchical categorisations which are not clear cut in reality.

4 | The relative freedom of movement enabled within the Schengen zone is upheld by the multiplication of external borders.

the Dublin Convention⁵, the EU's Visa Regulation⁶, and corresponding carrier sanctions reinforce and multiply the external(ised) borders. They function as regulatory techniques which subject different individuals to different kinds of borders, and render legal access to the Schengen zone quasi impossible for individuals required to meet unfulfillable visa requirements (Bigo/Guild 2005: 234). The lack of safe and legalised routes across the borders of Europe forces many non-citizens onto illegalised routes, which often imply long periods of repeated violent rejection at multiple borders.

However, migratory movements along the western Balkan route in 2015 and 2016 destabilised this regime of control, leading to the partial suspension of restrictive legal mechanisms. In the summer of 2015, the number of people crossing the maritime border between Turkey and Greece in small rubber dinghies increased.⁷ People had already been passing the border between Greece and FYROM/Macedonia in a clandestine way for many months. But as numbers of arrivals in FYROM/Macedonia increased throughout the summer, the Macedonian government declared a state of emergency on 20 August and attempted to close the Greek-Macedonian border (Moving Europe 2016b). They were only able to maintain the closure for three days. And with the continuous movement across the Greek-Macedonian border, the Macedonian government realised that it could not stop the people without the use of force. Thereafter, the passageway through Gevgelija became more and more normalised. State organised train transit was put in place from late August 2015 to early March 2016, and people no longer had to cross the country on foot.

Two weeks after this brief border closure, on Friday, 4 September 2015, and after numerous attempts from Viktor Orban's right wing Hungarian government to contain and restrain migrants in camps once they entered Hungary, the people who had been stuck at Keleti train station in Budapest for several days decided to walk to the

5 | By making it possible to return asylum-seekers to the country of first entry, the Dublin convention has contributed to the progressive externalisation of the EU border (Bohmer/Shuman 2010: 216).

6 | The EU Visa Regulation sets out the so-called ›negative list‹ covering over 120 countries, including most former colonies in Africa and the Middle East. The inequality of Schengen visa requirements is illustrated by the Migration and Home Affairs Department of the European Commission itself (European Commission 2016).

7 | This increase happened despite the many calls from refugees in Turkey for the opening of the border between Turkey and Bulgaria or Greece. In mid-September, for example, the #crossingnomore movement in Edirne saw several thousand migrants gather and march together to the border, demanding for it to be opened (Fiedler 2015).

Austrian border. This became known as the ›March of Hope‹, as people reclaimed their mobility and filled a two-lane motorway marching westwards (Kasperek/Speer 2015). Over the course of the weekend, it was reported that at least ten thousand people arrived in Germany (ibid.). Before the march, people at Keleti were denied to travel onwards with public transport, and prevented from taking the trains by means of racial profiling. This denial pushed people into more dangerous illegalised routes – as shown by the tragedy of 71 dead bodies that were found on 27 August 2015 in a lorry on an Austrian highway (De Genova 2016: 34). However, the ›March of Hope‹ built new possibilities across borders. The events in Hungary pushed the German government to declare, on 5 September, that it would not close its borders to those wishing to seek asylum. Subsequently, buses were organised to shuttle people from Hungary, across Austria, to Germany. However, the opening of the border remained partial: While terrestrial border crossings were facilitated, the visa regime and corresponding aerial controls continued to limit legal and safe routes across borders (Georgi 2016: 190f.).

On 14 September, Hungary closed its borders to Serbia by erecting a fence and deploying massive numbers of security forces to protect it (Moving Europe 2016c). Protests by the people who had expected to be able to move onwards, and were suddenly confronted with a closed border, were answered with heavy state violence. The Hungarian decision to reintroduce border controls forced refugees coming up from Serbia to swerve west and created a politically manufactured humanitarian crisis at the Bapska-Berkasovo crossing on the Serbo-Croatian border in the second half of September 2015. Croatian authorities reacted slowly, and, for the first few days, refugees had to cross the border by foot, without adequate infrastructure to meet basic needs on either side of the border. After crossing into Croatia, they had to walk 20 kilometres in the freezing rain, through fields and mud with the police-run camp of Opatovac as their only foreseeable option of shelter. In a reaction to the closure of the Hungarian border on 15 September (Blume et al. 2016), the Serbian government eventually started transporting people by bus to the Croatian border where they soon managed to cross. The corridor took the form that it would then keep until March 2016: The route ran from northern Greece through Macedonia, Serbia, Croatia, Slovenia, and then to Austria, Germany, and partly beyond.

These events constituted movements against the »juridical inequalities of citizenship« (De Genova 2013: 1181); a disobedience and a refusal of the given stratification of rights. What ensued throughout the whole western Balkan route concretely was the suspension of the ›normal‹ regulatory framework that allowed only those who could present a valid visa at the border to transit. Governments themselves were made to yield to a situation created to a large degree by people driven by their desire to con-

tinue their way to central Europe. By refusing the way in which the current normative sensory world is partitioned and divided between those with rights and those without, those individuals that protested and marched »acted as subjects that did not have the rights that they had and had the rights that they had not« (Rancière 2004: 304). Still, these were *moments* of dissent and they did not take place in a political vacuum.

The exceptional character of the corridor was characterised by the progressive suspension of certain regulatory frameworks as well as the use of repressive extra-legal mechanisms put in place by states making up the route. Several states gave the previously unauthorized movement a legal framework. Serbian authorities, for example, issued registration documents just after the border in the ›Commissariat‹⁸ run camp of Preševo, in the south of the country, rather than trying to contain the movements by means of violence. Documents were valid for just a few days and effectively enabled people to take state-organised transport and transit through the country. Simultaneously, fingerprints were often taken, with no information on which countries uploaded data to Eurodac and when. In this period of exception, the legal underpinnings and consequences of the means that were deployed to regulate people on the move were ambiguous.

State executives repeatedly declared states of exception in order to use extra-legal means for containing or controlling movement. According to Agamben, the power of the sovereign lies in the power to decide whether the law applies to a particular situation or if it should be held at bay due to a so called ›emergency‹ (Salter 2008: 366f.). He further develops the ›state of exception‹ as the state in which life is subject to the law but not contained *in it*, where the law is suspended but nevertheless retains its force (Agamben 1998: 181). Macedonia declared a state of exception in August during an attempt to close the route (BBC News 2015), and Hungary declared a state of emergency a month later in mid-September.⁹ In both instances, security

8 | The Serbian Commissariat is the government agency that deals with migration and asylum related affairs in the Republic of Serbia. The running of transit camps as well as the delivering of permits authorising NGOs to conduct aid or monitoring work in the Republic of Serbia all came down to Commissariat authority.

9 | Hungary passed several legislative provisions severely restricting the rights of asylum seekers between July and September 2015. Based on these new regulations, the Hungarian authorities can declare a state of emergency due to ›mass immigration‹ and deploy the army at the border. Hungary made use of these provisions in combination with the implementation of border closures in September 2015 (the closure of the Serbo-Hungarian border) and March 2016 (the closure of the entry point to the Balkan corridor at the Greek-Macedonian border) (Migszol 2016: 80ff.; bordermonitoring.eu/Pro Asyl 2016: 13ff.).

forces were mobilised and massive violence was used against those not authorised to cross the border. By triggering emergency clauses and deploying force, Hungary and Macedonia perpetuated the *factio iuris* which claims to maintain the law in its very suspension (Agamben 2005: 59) whilst simultaneously enabling the production of a kind of unaccountable violence, perpetuated by border forces and police. In the camps and at the borders people were excluded from any protected category »outside of the juridical order«, so to say, whilst »subjected to biopolitical intervention« (Dines/Montagna/Ruggiero 2014: 5).

By taking into consideration both these pockets of exceptionality, echoing Agamben's state of exception (Agamben 1998: 2005), and the contested movements across borders, we have argued for a more nuanced reading of the power dynamics at play and the ambiguity of the suspension of the law. The states in question were neither simply working along the lines of domination in a Weberian sense, nor as »rationalised administrative forms of political organization« (Das/Poole 2004: 5). Rather, the relation between the movement of people and the attempts of the state to overcome its margin (Asad 2004; Das/Poole 2004) could be considered as dialectic.

FORTIFYING THE BORDERS OF EUROPE: STRATEGIES OF CONTROL AND CONTAINMENT

The temporary permissions for movement were always already entangled with measures of control and containment. The tightly regulated corridor, as a technique of regaining control over unauthorised movements, also served for the gradual increase of restrictions (Kasperek 2016: 6). State authorities took measures to progressively restrict, control, and deny people of their rights. Numerous meetings in the second half of 2015 and the first half of 2016 asserted the plan to reduce the number of people travelling across the Balkans (European Commission 2015; European Council 2016a; European Commission 2016). The following paragraphs track the corresponding border management techniques and their implementation, until the closure of the Balkan corridor. They also highlight the politically manufactured humanitarian crises, repeatedly created by the restrictions imposed on the movement of people.

After the unsuccessful attempt to close the Greek-Macedonian border in August 2015, the next major restriction on movements on the Balkan route was the closure of the Serbian-Hungarian border in mid-September 2015. Then, on 18 November 2015, Slovenia closed its borders for refugees who could not demonstrate that they were from Syria, Afghanistan or Iraq. This created a domino effect in Croatia, Serbia, and Macedonia, with each state practising some form of discrimination. From then

on, only people with Greek registration papers stating Syria, Afghanistan or Iraq as a country of origin were allowed to pass the Greek-Macedonian border in Idomeni. The decision to partially close the border created yet another politically sanctioned crisis. In Idomeni, many of those who were not allowed to pass had no shelter, no protection from the rain and cold, and lacked access to sufficient food. The people who were prevented from crossing the border protested for several days, demanding for the border to be reopened. The racialised form of control functioned as a divide-and-rule strategy. Nonetheless, on the ground, cross-group solidarity often emerged, with non-authorised people crossing with groups of people from Syria or Afghanistan. A group of refugees went on hunger strike in Idomeni and sewed their lips together in November 2015, but the militarisation of the border increased. Macedonian military units and Greek police officers were deployed, a new barbed wire fence was constructed, and Frontex established an operational unit. Border guards repeatedly shot tear-gas and rubber bullets into groups of refugees trying to pass the border without authorisation. On 9 December, 400 Greek riot police officers were deployed to evict the people who were waiting in Idomeni. The police surrounded the camp, and pushed people out of their tents and into buses to Athens.

For a few weeks after the partial closure of the corridor, a relatively constant number of people with registration papers stating Syria, Iraq or Afghanistan as a country of origin were still allowed to pass through Idomeni. However, in mid-February, the restrictions based on nationality, which had been introduced in mid-November, were tightened further: Individuals from Afghanistan were evicted from the camp in Idomeni and no longer allowed onto the corridor as control measures became harsher and harsher. People from Syria and Iraq were still permitted to pass but in reduced numbers, forcing hundreds to set up camp at the border crossing in order to wait their turn. This diminished regime of movement lasted several weeks. Eventually, on 7 March 2016, the European Council announced that »[i]rregular flows of migrants along the Western Balkans route have now come to an end«, and that they would »continue to cooperate closely with the non-EU countries of the Western Balkans and provide any necessary assistance« for this purpose (European Council 2016b). On 8 March 2016, officials of the states composing the corridor announced the reintroduction of Schengen and henceforth the closure of the humanitarian corridor.

The eventual closure of the Balkan corridor at the Greek-Macedonian border turned Idomeni once again into the symbol of the inhumane consequences of EU border policies. However, people refused to give up and leave, despite the dire humanitarian situation. Notably, on 14 March, people gathered in Idomeni and started walking towards Macedonia, crossing a river, and eventually the border itself. But what started as the second ›March of Hope‹ soon morphed into another instance of state violence.

In Macedonia, refugees were separated from journalists and independent observers. Then, the approximately 2000 refugees who had crossed the border were pushed back to Greece through holes in the fence, group by group, without consideration of their individual circumstances and without being given the possibility to ask for international protection (Moving Europe 2016a). This collective expulsion was, and to this date remains, the largest and most mediatised one. But it is important to note that this was not an outstanding event, since it can be read alongside the growing systematic state practices of push-backs which, more than six months after the corridor closure, continue all along the Balkan route (Amnesty International 2016; Moving Europe 2016d).

The official description of the temporary and ambivalent passageway as a ›humanitarian‹ corridor obfuscates several aspects of the corridor as a necropolitical system of migration management.¹⁰ The characteristic of the corridor as a control and registration system, in conjunction with the gradual closure of the corridor and the crises created with each border closure, contradicts the narrative of a humanitarian approach. Moreover, many of the measures introduced operated in a legally ambivalent zone or relied on emergency stipulations, such as the separation of travel permissions based on nationalities or the re-introduction of Schengen controls at the internal borders of the EU. The repressive European migration regime, in which the corridor emerged, did not disappear during its existence and was re-strengthened during its closure and in its aftermaths. The ›EU-Turkey Statement‹, the planned reintroduction of Dublin returns to Greece, the outlines of Dublin IV, the EU-Afghanistan return agreements, and the record high number of deaths at sea in 2016, all attest to this fact.

BACK TO REINFORCED BORDERS: HIGHLIGHTING CRACKS IN THE PAST IN A PRESENT OF STUCKNESS

The corridor – with all its restrictions – remains a historical event initiated by the movement of people, which enabled thousands to reach central Europe in a relatively quick and safe manner. The ›humanitarian corridor‹ was a structure »we cannot not want« (Spivak 1991: 234) – a passageway enabling legalised and therefore relatively safe movement across borders for thousands of refugees. But at the same time it remained inscribed within a violent migration management system. In hindsight, and

10 | The concept of necropolitics denominates the racialised regulation of life, death, and violence (Mbembe 2003: 11f., 40).

within the current context of ›stuckness‹¹¹, the corridor may seem like it was a window of freedom. However, within the hegemonic discourse on securitised borders, and states protecting their sovereign right to defend them, a »persistent critique of what one cannot not want« (ibid.) remains important. Like before, and like during the existence of the corridor, attempts to cross borders are met with restrictions and violence. The struggles and movements which happened in the summer of 2015 shook the European border regime, but it is now returning with all its force: fences, push-backs, and an increase in Dublin deportations. Nonetheless, deconstructing the border regime shows the multiple cracks in a sometimes seemingly omnipotent system. Deconstruction means, therefore, to create and encourage interventions which widen these cracks. This analysis highlighted the ambivalences and contradictions in the politico-legal spaces in which the contestation of movement took place. This focus underlines the fragility of the techniques of control and containment and the multiple possibilities for questioning and destabilising them, building bridges not fences to move the external and internal borders of Europe.

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