

# Review

by Sabrina Ellebrecht

**Silja Klepp**

*Europa zwischen Grenzkontrolle und Flüchtlingsschutz. Eine Ethnographie der Seegrenze auf dem Mittelmeer*

Bielefeld: transcript, 2011. 429 pp.

The EU migration and border control policies as well as the practices of border control have been subject to critical engagement and have fostered the interdisciplinary field of border studies. In this context, maritime borders and the practices of their control have traditionally been particularly difficult to research. “The ‘liquid’ object of investigation, the Mediterranean Sea, does not allow for testimony during the passage of migrants, neither does it allow for an ethnographer’s *participant observation*”<sup>1</sup> (p. 17). With her ethnographic study in and of the maritime border in the Mediterranean Sea, Silja Klepps works on this puzzle. Her book *Europe between border control and refugee rights. An ethnography of the sea border in the Mediterranean*<sup>2</sup> documents her courageous and extensive fieldwork in Libya, Italy and Malta between 2006 and 2007.

Drawing on her findings, Klepp assembles a collage of different bordering constellations, portraying legal tensions and aslant practices of border control within the border zone (*Grenzraum*). Klepp frames her ethnography as a legal anthropology, aiming to explore the (re-)production and shaping of law at and from the local level. For that purpose, she describes practices and decisions of different actors - local courts (chap. 7), the administration of detention camps (chap. 9), border guards and coast guards (chap. 6 and 8) - vis à vis migrants and refugees on a boat or from a boat. Klepp depicts the impact of local practices and interests on the formulation of EU policies and legislatives. Along the lines of Michael Lipsky’s street-level bureaucracy, she points to the unbowed agency of security personnel and border guards in the border zone (*Grenzraum*) who grant or refuse access to rights for refugees and migrants. Under the premises of a legal anthropology, the author explores the relation between space and rights as a recurrent theme. Thereby, space is dominantly understood as geographic space, conceivable in geometric distances. Contrasting a ‘geography of EU refugee rights’ with a ‘geography of rescue at sea’ in the Mediterranean, Klepp sees a ‘multiple peripherisation’ with regard to the protection of refugees in the EU (p.384).<sup>3</sup> This multiple peripherisation results firstly, in a minimised agency on the side of the boat-migrants and secondly, disillusions the universal idea of protection. This is aggravated by a territorial differentiation (*territoriale Staffelung*) of both refugee protection (p. 107, pp. 383f, pp. 387f, p. 392) and rescue at sea (pp. 256-260). Klepp concludes that, for the case of the Mediterranean border zone, territorial differentiation re-orders the overlapping and collision of universal rights on the one side and particularistic, i.e. local interpretations and applications of rights on the other side:

“The regime of territoriality concerning EU refugee protection appears to function in such a way that the more remote refugees are to the immediate territory of the EU, the less their rights and

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<sup>1</sup>All quotations have been translated by the author of this review and will be documented in the footnotes as in the original. „Der ‘liquide’ Forschungsgegenstand, das Mittelmeer, erlaubt keine unbeteiligten Zeugen bei der Überfahrt von Migranten oder die teilnehmende Beobachtung einer Ethnologin.“ (Klepp 2011: 17).

<sup>2</sup>Europa zwischen Grenzkontrolle und Flüchtlingsschutz. Eine Ethnographie der Seegrenze auf dem Mittelmeer

<sup>3</sup>„Insgesamt hat sich eine „peripherisierende“ Dynamik aus den Entwicklungen im Grenzraum des Mittelmeeres für den Flüchtlingsschutz in Europa ergeben, die ich als mehrfache Peripherisierung des EU-Flüchtlingsschutzes bezeichne [...]“ (Klepp 2001: 384)

lives seem to deserve protection. However, when approaching EU territory, rights gradually arise“<sup>4</sup> (p. 387). - „With regard to rescue at sea, too, the impression holds true, that the application of the humanitarian laws of the sea are decisively dependent upon the question where boat-migrants are: The closer they are to Europe, the higher their chances to be rescued“<sup>5</sup> (p. 257). - “The territorially bound imaginary of human rights and refugee rights brings about the attempt to intercept migrants’ boats as early as possible on their way to Europe”<sup>6</sup> (p. 388).

The book consists of nine chapters with an additional introduction and conclusion. Despite the variety of actors and settings considered during the research process - and referred to throughout the 400 pages - Klepp manages to stick to the perspective of a legal anthropology by focussing on the accessibility of rights for migrants and refugees which have migrated by sea. In chapter one, the author reviews those legal texts which play into the tension between refugee rights and maritime border control thereby giving a general background for her legal anthropology. In the second chapter, the author discusses in how far the accessibility of rights is altered in the border zone. The author further introduces to the 2006 Schengen Borders Code and the ‘European Agency for the operational coordination at the external borders’, Frontex. With regard to external borders, EU governance is characterised as being strongly determined by expert knowledge and security personnel (p.70).

Klepp’s monograph is particularly detailed with regard to her fieldwork, both concerning the documentation of her methods (chap. 3) as well as the description of findings and their political implications (chap. 5-9). The author reflects her position in the field, describes the preparation of field trips, admits luck and limitations and documents the setting and atmosphere during interviews. She constructs a “multidimensional and polyphone research design”<sup>7</sup> (p. 132) and argues that a multi-sited ethnography as contoured by George E. Marcus in 1995 is suitable to research the fragmented field of a border regime (pp. 112-114). Klepp spent four weeks in Tripoli in 2006, from April to Juli 2007, she was based in Palermo to gain an “inside perspective” (*Innensicht*) of/from the Italian-European border regime (p. 113). During this period she managed to go to Lampedusa for a week. From September to October 2007, Klepp conducted research in Malta. The ethnographer chose to „follow the people“ (p. 112f), which in her work is the migrant or refugee who migrates via Libya by sea to Italy or Malta. Her interviewees range from migrants and refugees to activists to border guards to journalist, fishermen and lawyers. To Silja Klepp, ethnography is not merely a ‘science of experiences’ (p. 109), instead and with reference to Akhil Gupta and James Ferguson, she conducted her research under the premises of an “ethnographic intervention” (p. 22) which aims at cross-referring seemingly isolated knowledge or practices amongst the different actors, i.e. to network those which are ‘worlds apart’<sup>8</sup> (p. 132, p. 404).

During her stay in Libya (chap. 5), Silja Klepp was based in a hotel and conducted her research under the appearance of a culturally interested tourist. She managed to talk to refugees and migrants whom she got to know when visiting the services of a Christian church community. From her conversations she was able to collect testimony to the transit economy built around the transport of migrants and refugees (pp. 175-179, pp. 182-184) as well as to the precarious situation of migrants and refugees in the slums of Tripoli (pp. 191f, pp. 196-200). Additionally, Klepp lays out the impression that the Euro-Italian cooperation with the former Libyan government aggravates the uncertain situation of migrants and refugees in Tripoli. For the increase in control and arbitrary detentions, which have been reported to occur more frequently prior to

<sup>4</sup> „Das Territorialitätsregime des EU-Flüchtlingsschutzes scheint dabei so zu funktionieren, dass je weiter die Flüchtlinge vom unmittelbaren Territorium der EU entfernt sind, desto weniger ihr Rechte und auch ihr Leben schützenswert sind. Nähern sie sich jedoch dem Territorium der EU an, stellen sich damit im Grenzraum auch verschiedene Rechte ein“ (Klepp 2011: 387).

<sup>5</sup> „Auch in der Seenotrettung gilt somit die Erkenntnis, dass es bei der Umsetzung des humanitären Seerecht entscheidend darauf ankommt, wo sich die Bootsmigranten befinden: Je näher sie Europa sind, desto größer scheinen ihre Aussichten auf Rettung zu sein.“ (Klepp 2011: 257)

<sup>6</sup> „Aus der territorial gebundenen Vorstellung von Menschen- und Flüchtlingsrechten rührt damit der Versuch, Flüchtlinge möglichst früh auf ihrem Weg nach Europa aufzufangen“ (Klepp 2011: 388)

<sup>7</sup> „Insgesamt bewährte sich auch auf Malta der mehrdimensionale und polyphone Forschungsansatz.“ (Klepp 2011: 132)

<sup>8</sup> „Daneben war es mir auch wichtig, Menschen und deren Aktivitäten zu vernetzen, die ich durch meine Forschung in unterschiedlichen Ländern, Orten und Milieus kennen lernen konnte“ (Klepp 2011: 132). - „Einen Anfangsgedanken aufgreifend kann die heutige Sozialanthropologie mit informierter Forschung vor Ort und auf Augenhöhe mit den Akteuren etwas bewirken, indem sie scheinbar isoliertes Wissen und Handeln verschiedener Ebenen aufeinander bezieht“ (Klepp 2011: 404).

the visits of European delegations (p. 202), results in a push factor to leave Libya towards Europe. In this sense, the border control regime which builds on a cooperation with Libya, could be proven to be contra productive.<sup>9</sup>

By describing her careful considerations, the anxieties of her interview partners and her own fears as a alleged tourist/ clandestine researcher, whose worries are also about the field diary being torn into pieces (pp. 118f, pp. 124f) she portrays the political atmosphere in Tripoli 2006. Klepp's account of the situation in Libya before the Arab spring is already a historical testimony and provides insightful ethnographic material. She concludes her analysis with a harsh critique concerning the co-operation between Italy, respectively the EU and Libyan authorities, arguing that the EU is co-committing human rights violations and thereby losing credibility when promoting human rights as her foundational value (p. 214).

With regard to the coast and border guards in South Italy and Malta (chap. 6 and 8), the author sees the paradox situation of "having to rescue unwanted boat-migrants" (p. 215). For the case of Italy, migration by sea has been heatedly discussed since the early 1990s (pp. 155-158); at the same time, the different coastal organisations are well trained and well equipped (pp. 250-252) which pinpoints the tension between political calculous and logistical capacity. For the case of the region of Sicily, Klepp describes local reception routines which vary notably. This is particularly highlighted through the example of three disembarkations and reception procedures of boat-migrants in Pozzallo and on Lampedusa. Whereas in Pollazzo migrants receive orders rather than information (pp. 325-329), the situation on Lampedusa is that of a managerial routine in which the „security personnel's monopoly of command and information is countered"<sup>10</sup> (p. 332).

With regard to the island of Malta, Klepp carves out the logic of a front-state perspective, who is unproportionally affected by the phenomenon of migration by sea and feels left alone by the EU (pp. 160-166, p. 225). In chapter 8, the author documents her impressions about the time of the Frontex operation Nautilus II hosted by Malta in autumn 2006. Klepp sees an uncertainty amongst border guards and coast guards concerning both the legal basis for operational activities and the shifts in responsibilities which accompany the Europeanisation of the border control policies. With regard to interception operations she quotes a Maltese Captain: "There is no body of international law which covers it" (p. 295).

The thirty pages which Klepp dedicates to the operation Nautilus II (pp. 291-321) provide a unique account of an early Joint Operation led by Frontex, since interviews with operational personnel have generally been interdicted through the Frontex headquarters in Warsaw (p. 294).

It is through little details that Silja Klepp collects evidence for two practices unintendedly produced by the policies concerning the Mediterranean border zone. First, a denying complicity to migrants who intend to reach Italy by sea through the Armed Forces of Malta (AFM) – apparently engines, water and food are handed over to migrants at sea so that they may reach Italy (pp. 244-247). Second, several hints suggest a high profit transit - or even 'boat-economy', such as the observations of a) stunning similarities amongst the boats – same manufacturer, same power range, and engines with running serial numbers (p. 221), of b) boats arriving several times after having been claimed back by Libyan authorities (p. 224f). Moreover, information about the clandestine accommodation along the Libyan coast (p. 219) and the conditions prior to the boat trip suggest an organised criminal network behind the boats (pp. 217-220). The fact that Silja Klepp presents those findings modestly, admitting that there is little evidence on the structure of these criminal networks (p. 222) speaks in favour of her work and analysis. She does the same concerning the 'rumour' of mother-ships who supposedly transport migrants half the way (ibid).

At first glance, it appears that Klepp oversupplies her reader with both chapter 7 and 9. However, on closer inspection, the inclusion of the analyses of three court cases against civilians (chap. 7) as well as of detention centers in Malta and South Italy (chap. 9) is justified with regard to her analytical argument: "The border zone, as zone of exception and sole state power, which brings about a monopoly of control

<sup>9</sup>This result is also underlined in an essay by Silja Klepp (2010) published under the title On the high seas things are a little bit delicate, in: Sabine Hess and Bernd Kasperek (eds.): *Grenzregime. Diskurse, Praktiken, Institutionen in Europa*. Berlin: Assoziation A, pp. 201–218.

<sup>10</sup>"Es wird deutlich, dass im Unterschied zu Pozzallo das Handlungs- und Informationsmonopol der Sicherheitskräfte auf Lampedusa aufgebrochen wurde" (Klepp 2011: 332).

and information on the side of the security personnel, is kept up beyond disembarkation”<sup>11</sup> (p. 329). As a particularly interesting finding; Klepp describes the practice of diplomats visiting detention camps to identify ‘their’ nationals. Even though she mentions that this practice goes against the idea of protection, she, unfortunately, does not draw a connection between this result and her main conceptual idea of a multiple peripherisation of refugee rights.

In general, the theoretical framing of the book is not as consistent as the ethnographic work. Spatial metaphors, such as island-laboratory (*Insellabor*) remain unexplained. The border is rightly constructed as a combination of diverse spaces and no longer as a border-line (p. 112), At the same time, however, territorial differentiation is merely thought in geographic terms.

Her take on law oscillates between deconstructing legal practices at/from the local level and a claim for universal rights – which leads to the bizarre opposition territorial vs. universal. In this context, the terms “arena of negotiation” and “regime-collision”, bearing much analytical potential, are used as an explanation per se and not as analytical tools.

Yet, Silja Klepp’s ethnography of the sea border in the Mediterranean distinguishes itself by means of her outstanding ethnographic work: Klepp provides compelling ethnographic material – particularly from her stay in Malta - and seldom historical testimony – such as from her stay in Tripolis. Her ethnographic findings are rendered valid sources through the careful reflection of her methods and moves. Silja Klepp’s ethnography of the sea border in the Mediterranean fosters a critical understanding about the different locales through and in which bordering practises occur. Finally, her analytical proposal of a multiple peripherisation of refugee rights deserves further critical attention.

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<sup>11</sup>„Der Grenzraum als Ausnahmeraum allein staatlicher Herrschaft, der ein Kontroll- und Informationsmonopol der Sicherheitskräfte schafft [..], wird über die Anlandung hinaus gewährt.“ (Klepp 2011: 329)