

Forced Immobility

Undocumented Migrants, Boats, Brussels, and Islands

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Abstract

Over April and May 2020, some 425 undocumented male migrants, mainly of Sub-Saharan origin, making the perilous crossing by boat from Libya toward Europe across the central Mediterranean, were saved and taken aboard by Maltese search and rescue vessels. However, instead of being immediately ported and disembarked, they were transferred to four “pleasure boats” and left bobbing on the high seas, some for forty days, while the Maltese government sought out other European countries who might be willing to take in some of them. This article uses this episode to foreground the manner in which boats and ships are serving as floating islands, also in international waters, producing a modern form of forced immobility and arrest.

Keywords

arrest, boats, Brussels, forced immobility, islands, Italy, Malta

There is something inherently wrong, odd, and even unsettling when an object that is meant to move is standing still instead. In the outstanding fictional novel *The Nigger of the “Narcissus,”* a ship is becalmed for many days on its journey from Bombay to London.¹ The absurd condition becomes the setting for a study of human compassion, resilience, and solidarity.² This unnerving motif recurs in real life, and captures people’s imagination;³ it is also a plot deployed in both literary fiction and film.⁴ The current coronavirus pandemic has created various situations of such forced immobility and it has also inspired works of fiction based on such episodes.

The cruise liner *Diamond Princess* was quarantined for nearly a month in 2020 with all passengers on board, after the first identified passenger tested positive for COVID-19.⁵ Passengers were obliged to stay in their cabins for weeks on end, and then subject to further quarantine after disembarking. At least 712 out of the 3,711 passengers and crew were infected with the virus; fourteen died. The ship was stuck in the port of Yokohama, Japan, for 102 days.

Turning to fiction, the 2020 Canadian dramatic film *Corona* takes place entirely, with no cuts, in a stuck elevator: the aggregate of its occupiers becomes



gripped by an anxious panic that evolves into blatant racism and stereotyping when one of the elevator's occupants, a Chinese woman who cannot speak English, starts coughing.⁶

Halted Mobility

COVID-19 put paid to many potential episodes of mobility. In their attempts to slow the spread of the virus and avoid transmission, governments imposed curfews and lockdowns, closed airports and ports, cancelled public events, and obliged the cancellation of flights and ferry trips. In the meantime, people found themselves having to be “repatriated,” or being “stranded,” unable to “go back home,” while debating the virtues of either leaving or staying where they were. Additionally, social distancing and self-isolation, including stints of quarantine, plus “working from home,” has meant that individuals have also had to cut down on movement and physical social contact, retreating within the limited spaces and social circles (if any) of their households, or navigating in “bubbles” and “corridors” where these are available. Thus, in a way, we have all become more islanded than we ever imagined. Meanwhile, real geographical islands have sought to make a virtue out of their relative isolation in the post-COVID-19 landscape. At the time of writing (May 2021), only seven countries in the world have not declared a single case of COVID-19: five of these are small Pacific island states: Kiribati, Nauru, Palau, Tonga, and Tuvalu.⁷

COVID-19 has also interrupted the intended journeys of migrants. The plans of those meaning to travel, to seek and start new lives in other countries, have been compromised and affected in many ways. Some have had to postpone their dates of departure, perhaps indefinitely, while others may have had their journeys interrupted in unlikely transit points. With respect to the latter, various migrants have found themselves in situations of “involuntary immobility,”⁸ or else have been “. . . ‘stuck’ in a situation of ‘forced immobility’ for indeterminate periods of time.”⁹ The suspension of movement—*under arrest*, in a literal sense—has, in some situations, been brought about by government policy, citing security and safety concerns, exacerbated by the same mobility-restricting measures described above intended to brake the spread of viral infections. Some such episodes have involved forced immobility, including containing immigrants on boats that are “stuck” on the high seas for days on end.

This article draws its critical observations mainly from one such episode.

Four Hundred Twenty-Five Men on Four Boats for Forty Days

During May and early June 2020, 425 men “lived” on four chartered tourist boats, anchored in a relatively shallow area known as Hurd Bank (Lon-

gitude: 14.7603N; Latitude: 35.8977E); these constitute international waters in the central Mediterranean sea, just outside the territorial zone of Malta, a small island state and the smallest member state of the European Union (EU). They did so for forty days, thus matching both the spirit and letter of the origins of the word quarantine: *quaranta*, which means forty in Italian.¹⁰ The migration “crisis” of Europe, with undocumented migrants crossing from North Africa and the Middle East into the European Union, has teamed up with the corona “crisis” to create added difficulties. But the Maltese government may have seen this fortuitous conjuncture as an opportunity for political brinkmanship and breaking deadlocks.

This particular event, hitherto unprecedented, is relevant for many reasons, which include:

- clear evidence, in the shift of tone and policy, that dealing with such undocumented migrants has become a security issue, rather than a humanitarian one, in the post-COVID-19 scenario;
- the uncoupling of the act of saving lives at sea—which is a fundamental humanitarian act and an international obligation of all states—from that of the safe porting and disembarking of these same saved lives;
- the unsettling deployment of tourist pleasure boats as becalmed, artificial, and floating islands, on/in which to “house,” park, and contain such migrants until—as was hoped by the Maltese government—a reasonable accommodation can be diplomatically secured;
- the need to construct and deploy boats as artificial islands where no material ones exist.

These examples transpose the notion of the “carceral/enforcement archipelago”¹¹ to new (floating) sites and sights.

This exploration is couched within an “island studies” perspective, given that we are faced with a four-boat archipelago, boats whose official function is to offer pleasure cruises, but which is transformed in this tale to park and contain immigrants outside the legal jurisdiction of any country. The episode reaffirms the historical relevance of islands as sites of containment for the undesirable, and the construction of artificial islands where required. The analysis is also inspired by the work of Suvendrini Perera and her invitation to adopt an “island imaginary” when considering the “management” of para-legal migration; the title of her 2009 book is reflected in the sub-title to this article, albeit with some important tweaks.¹²

Enter the Island

The island is the preeminent geographical unit to serve as a leitmotif for isolation, with its “tenacious hold on the human imagination.”¹³ The constrained

materiality, a consequence of being surrounded by water, transforms the island into a platform and crucible for human experimentation and societal transformation.¹⁴ The setting also privileges islands as spaces that enact “ontologies of power.”¹⁵ At least since 1423, when Venice set up a *lazaretto* (quarantine station) on the islet of Santa Maria di Nazareth near the city,¹⁶ islands have served to protect communities by forcing the immobility of sailors and passengers suspected of being carriers of contagious diseases.

Within fiction, *Robinson Crusoe* serves as the initiator of a genre that casts heroic characters, stranded and stuck against their will on desert islands for long periods, battling stoically against nature, religious doubt, and depression to emerge victorious, albeit irrevocably changed, as with the movie *Castaway*.¹⁷ The emblematic Robinson Crusoe himself becomes a symbol of triumphant capitalism and neo-colonialism once he is no longer alone on his island.¹⁸ In his experimental short novel, D. H. Lawrence has his character shifting to progressively smaller islands until he is alone in his elusive and troubled search for peace.¹⁹

Lingering Detention Centers

In any case, the mythical search for (the island) paradise endures in the twenty-first century, nurtured by millenary tropes and peddled by island tourism agencies as well as by a niche real estate industry, which continues to lease or sell islands as unbeatable bastions for safe and exclusive retreat from general humanity. The contemporary trend has decidedly shifted away from islands as places forlorn and remote, marginalized and unattractive, suitable for parking human undesirables: lepers, criminals, travellers, or immigrants under quarantine. Emblematic high-security prisons, with iconic inmates, include Alcatraz, USA (with Al Capone) and Robben Island, South Africa (with Nelson Mandela), and island gateways to immigrants include Ellis Island (New York, USA). And yet all of these island locales, like many others, now no longer serve such a purpose. Instead, they have been requisitioned and refitted as tourist sites, open-air museums to attract visitors. Islands have become attractive pieces of real estate, settings for gated communities; whole islands can be bought, and sold, by the rich and famous.²⁰ Moreover, if no island is found in the right place at the right price, then it can be manufactured: artificial islands are symbols of the hubris of the Anthropocene, and as such, these “anxious spaces” have been rocked by the crisis of modernity.²¹ They serve as manifest public investments against the inundation that some low-lying island states are likely to face from sea level rise (think Hulhumale, in the Maldives), land reclamation projects to house growing populations (think Flevopolder, in the Netherlands), or major infrastructures (think Kansai International Airport, near Osaka, Japan).²²

The exception that proves the rule in this case is the lingering use of islands as detention centers: various island bases, or entire islands, house facilities for the parking of undocumented migrants.²³ And where no convenient islands exist, then “floating islands”—boats and ships—can be commandeered to serve that purpose.

Islands: Inside and Outside the Law

Post 9/11, the “island on an island” US base at Guantànamo Bay, Cuba, has become “an ambiguous space both inside and outside different legal systems.”²⁴ But already in the 1980s and early 1990s, refugees—mainly from Haiti, but also from Cuba itself—held at Guantànamo Bay were denied any rights to appeal for asylum on the grounds that they were in a “lawless enclave” or “legal limbo” outside US jurisdiction.²⁵

Australia followed suit and declared parts of its island territories and territorial waters to be “non-Australia” for specific purposes. In August 2001, the Norwegian vessel *MV Tampa*, carrying 438 undocumented migrants, entered Australian territorial waters, was boarded by Australian troops, and was obliged to anchor off Christmas Island; its human cargo of “boat people” was eventually transferred to an Australian vessel and taken into detention on the island state of Nauru. The incident led to the Australian legislature amending its Migration Act in order to limit the country’s obligations with respect to migrants, doing so by excluding portions of its sovereign territory for the purposes of claiming asylum. Thus, Australia designated Christmas Island, Ashmore Reef, Cartier Islands, the Cocos (Keeling) Islands, and various Australian sea and resources installations as “excised offshore place[s]” deemed outside the country’s “migration zone.” With this amendment, those entering these spaces were deemed “offshore entry persons” who are unable to make visa applications, or request asylum status, unless the minister exercises discretion on their behalf.²⁶ These areas were thus effectively “de-territorialized” for the purposes of asylum seekers.²⁷

These examples suggest how island spaces in particular can be both inside and outside the law, designed to isolate, contain, and punish asylum seekers who try to circumvent the standard protocols.²⁸ Such a technology of excision produces “spaces of exception” that manifest legalized lawlessness via the very exercise of sovereignty.²⁹ It is not just that some governments appear to be adopting an “out of sight, out of mind” approach to these kinds of small and remote island outposts, far from the concerns and interests of their electorate, and using them allegedly to flaunt international humanitarian obligations.³⁰ It is also because, being small islands, they also lend themselves as amenable laboratories for “creative governance,” where any non-desirable outcomes can be more effectively managed and contained.³¹ Small islands

can more easily escape regulation and convention.³² In such islanded places of convenience, migrants' movements can be frozen "in an endless temporal limbo."³³

But then, what happens when no suitable offshore island is available to excise, and suspend therein, the journeys of undocumented migrants? How does one craft an "elsewhere," which is such a convenient *topos* to have at a state's disposal?³⁴ If islands did not exist, we would have to invent them. Indeed: so we have.

Context

The "migration crisis" in the Mediterranean has been long brewing, and is not likely to go away any time soon. Thousands of desperate migrants have worked their way to North Africa or the Middle East and attempted to cross over to Europe via three main routes. Of these, the "central Mediterranean route," mainly from Libya to Italy, is by far the most dangerous. Over 180,000 persons made the perilous crossing in 2016 alone; and over 20,000 persons are believed to have drowned while attempting the journey since the late 1980s, often in rickety and unseaworthy vessels.³⁵ Italy and Malta find themselves as the main destinations of such migrants; they are rescued within their respective territorial waters, taken directly to port where they are disembarked, and then often temporarily detained and processed. Finding migrants at sea, often in desperate conditions—without food or water, in leaking or sinking boats—necessitates their rescue according to accepted principles of international law, including the *International Convention for the Safety of Life at Sea*.³⁶

Malta thus "found itself at the heart of a complex circulatory system, articulating mobilities operating at various scales."³⁷ The country has a land area of just 316 km², and—with a population approaching 500,000—is one of the world's most densely populated countries; yet it is the tenth smallest one in terms of territorial size. The influx of undocumented migrants into the country was met by concerns from state and civil society officials who cited pressure on finite resources (including land) and adopted a narrative of vulnerability and inability to cope.³⁸ These concerns were addressed at Brussels and the European Union (EU), once Malta became a full member of the EU in 2004. However, even so many years later, and in spite of much lip service to "solidarity," the EU has not managed to agree on a "burden sharing" agreement for such migrants.

In the face of such inaction and political foot-dragging, Italy and Malta decided to take matters into their own hands. In Italy, already in 2009, Prime Minister Silvio Berlusconi had started the practice of intercepting migrants on the high seas and forcibly returning them to Libya, which was accepting

them against payment, flouting principles of international law. Even migrants who had already been landed on the Italian island of Lampedusa—which lies closer to Tunisia than Sicily—were flown back to Libya, possibly without their knowledge.³⁹ But such agreements could only be brokered as long as a functioning Libyan government existed. Post Gaddafi, this has no longer been the case.

Then, in June 2018, the avowedly anti-immigrant *Lega* Party entered into a government coalition in Italy. It criminalized saving lives by non-governmental organization ships that patrol the Mediterranean Sea in search of boats in distress; thus, as the argument goes, encouraging smugglers to desist in their dark work. In this way, private vessels carrying migrants that cross into Italian territorial waters now face fines of up to one million euros, the arrest of the captain, and the confiscation and possible destruction of the vessel.⁴⁰ In May 2018, the *Aquarius*, a French NGO rescue vessel carrying 629 migrants, was refused entry into Italian (and Maltese) ports and was left bobbing at sea with its human cargo, until Spain's then newly appointed Prime Minister Sanchez stepped in and agreed to take in the migrants.⁴¹ In August 2018, the Italian coastguard vessel *Ubaldo Diciotti* had docked in the Italian port of Catania with 177 migrants, but was prevented by the Italian authorities from disembarking them on land. These migrants spent over a week on board the vessel, unable to leave; the standoff was lifted only after the Catholic Church brokered a deal with Ireland and Albania to accept the migrants.⁴²

Apart from also refusing the cargo of the *Aquarius*, Malta followed Italy in “getting tough”: it also criminalized the act of saving people on the high seas, particularly by vessels flying flags that belonged to non-Mediterranean countries. In June 2018, the vessel *MV Lifeline* was impounded by the Maltese authorities after disembarking 234 migrants it had rescued off Libya. Its captain was charged with operating a ship that was not registered for rescue operations and was fined €10,000 (US\$12,200).⁴³ The verdict was, however, reversed on appeal, the Malta court having found no evidence of “criminal intent.”⁴⁴

By March 2020, the coronavirus pandemic was obliging many countries to take desperate measures of containment. Both Malta and Italy closed their air and sea ports, and international tourism was effectively suspended. The Italian government seized the German-flagged *Alan Kurdi* and Spanish-flagged *Aita Mari*, two migrant rescue vessels, in a move interpreted as offering solace to the embattled Italians who were trying to cope with a pandemic that had already claimed over 67,000 lives there.⁴⁵ Of course, in an argument echoed by Malta's Prime Minister Robert Abela, if ports are closed to tourists, they are also closed to migrants. The EU declined to comment.⁴⁶

It was at this time that the Maltese government adopted its “pleasure boat” strategy. There had been a reshuffle in January 2020, with a new Prime Minister taking over and involving various changes in the cabinet, including the appointment of Mr. Evarist Bartolo, a seasoned politician, as the new Minister

of Foreign and European Affairs. Mopping up some 400 migrants from different operations in the course of a few weeks, the Malta government decided to charter four boats from a local tourism company and host these saved migrants on the high seas, just outside Malta's territorial sea. Meanwhile, frantic rounds of consultation, dialogue, and even threats got underway with various European Union governments and in Brussels. Minister Bartolo argued that Malta was protecting the EU's external border, but "we cannot become [the] European Union's crisis center," especially with the situation in Libya worsening. On May 8, Malta pressed its demand for EU migration action by warning that it would vote to freeze financing for Operation Irini, a naval mission that was monitoring arms traffic into Libya.⁴⁷ Malta may be the EU's smallest member state; yet it was trying to "punch above its weight" and force the migration issue.⁴⁸ The standoff certainly made the news; however, it did not secure its objectives: by early June, it had become clear that Malta's actions were not going to change the status quo. On June 6, the four boats were allowed into the harbor of Valletta, Malta's capital and main port, and their passengers were disembarked. "No European country accepted these migrants, despite talk of solidarity," the government said in a statement.⁴⁹ Additionally, the decision was taken because the migrants had stolen knives and the crew feared for their own safety, with the Maltese government also declaring that the situation at sea had become "very difficult and commotions arose."⁵⁰ Precious political capital had been spent: Malta's ambassador and permanent representative to the EU was given a different diplomatic posting three days later.⁵¹ It was only after the migrants had been all disembarked in Malta that three EU member states—France, Luxembourg, and Portugal—agreed to take on some of them.⁵²

Meanwhile, the Italian government announced plans to commission a "quarantine ship," capable of containing 400 persons and with the ability to cater to specific culinary requirements as may be dictated by religious observance.⁵³ The Maltese government followed this lead: it began looking for a vessel capable of housing up to 200 migrants at sea for up to a month, with bidders expected to provide crew, food, cleaning, fuel, and security.⁵⁴ In Greece, the ferry *Blue Star Chios* took on board around 1,000 migrants after the Moria detention center outside Mytilene, Lesbos, burned down.⁵⁵

Discussion

Creating Islands

With the advantage of hindsight, one can argue that Malta sought to implement and construct its own variant of "The Pacific Solution." The country is an archipelago, with some twenty-four named islands, islets, and rocks, of which three—Malta, Gozo, Comino—are inhabited.⁵⁶ Only these three islands po-

tentially have the infrastructure and size to “park” or “quarantine” immigrants on land while government decides on its next move.⁵⁷ However, these islands are not sufficiently offshore or apart from each other to be suitably excised as enclaved spaces. Hence, Malta resorted to chartering four *Captain Morgan* vessels, described as “iconic” because they are “loved by tourists.” In a twist of irony, however, instead of inviting holidaymakers to enjoy relatively short harbor cruises with stunning coastal views, these boats were now pressed into service to contain “bored looking men drying their laundry” on deck on the high seas.⁵⁸ Captain Morgan Cruises has been operating in Malta since 1972: its website promises that it is “unbeatable in value for money, security, safety and big fun!”⁵⁹ As a Maltese anthropologist put it, with this move, the Maltese government “created islands, four of them in fact, and used them to dump undesirables.”⁶⁰

There is not much to distinguish quarantine stations from detention centers. “It does not take much to extend this securitizing function—protecting others from the dangers parked on island spaces—to a penal function.”⁶¹ Italy has had its fair share of island prisons: Elba probably housed its best-known prisoner, Napoleon, in 1814; the island of Santo Stefano is dominated by a prison, in use until 1965; and Asinara, off Sardinia, served as the site for a maximum security facility. In the Maltese archipelago, the thirteenth-century Jewish mystic Abraham Abulafia was probably exiled on Comino, where he died.⁶²

Ships and boats have also served as floating island prisons. Some forty hulks of former Royal Navy vessels served this purpose in eighteenth- and nineteenth-century Britain.⁶³ More recently, the United States has been accused of operating seventeen “floating prisons” to house those arrested in its “war on terror.”⁶⁴ The perverse transformation of pleasure craft as “prison ships” has been on display of late in the case of cruise ships that have identified passengers infected with COVID-19.

Additionally, mega-ships serving as floating cities have been construed by libertarians in the US as key to escaping the clutches of the state, navigating in international waters so that their (wealthy) occupants would be effectively stateless and not obliged to pay tax.⁶⁵ Such “seasteading” projects, if ever they materialize, would usher in floating islands that operate deliberately in non-jurisdictional, excised space.⁶⁶

Subaltern Silence

At least one other important observation needs to be made about this episode. For the duration of this standoff, the 425 immigrants may have been seen primarily as pawns, meant to force the hand of Brussels. At the same time, their humanity and agency went largely unacknowledged and unreported. The public at large was not informed about their opinions and views

for the forty-day duration of their saga at sea. Their floating island, pleasure-cum-prison boats, were out of sight and out of mind, patrolled by the “search and rescue” vessels of Malta’s armed forces. The migrants were not allowed to give interviews or to communicate with the media. The latter were offered images and some video footage of the migrants on board, sometimes waving; but the image that circulated the most is of them sitting idly, while their motley clothes are hanging out to dry.⁶⁷ This lack of voice constitutes “subaltern silence.”⁶⁸ That such passengers were agitated and getting restless after forty days languishing in aquatic limbo was to be expected. It was deeply ironic that such a situation was happening to 425 “nameless blacks,” while “Black Lives Matter” demonstrations were underway in the US and other parts of the world.⁶⁹

Conclusion

*Becalmed upon the sea of thought,
Still unattained the land it sought,
My mind, with loosely-hanging sails,
Lies waiting the auspicious gales.*⁷⁰

Malta Prime Minister Dr. Joseph Muscat (2013–2020) struck a somber tone on 4 July 2017, when Malta had just completed its six-month stint as President of the EU Council of Ministers. His stern rebuke of Brussels and the EU member states was in sharp contrast with the upbeat one of his predecessor thirteen years before. Then, in his speech on the day of Malta’s accession to the EU (1 May 2004), Malta Prime Minister Dr. Lawrence Gonzi (2004–2013) had described the EU in glowing terms: as family, mosaic, and project.⁷¹

“For all the good intentions which we all declare in signed declarations,” said Dr. Muscat, “when it boils down to real, effective solidarity, we as member states should all be ashamed of our record.” The main bone of contention is migration. He continued: “In the absence of real solidarity by all member states, no one should blame affected member states for trying to protect their own national interest.”⁷²

These “protective measures,” also adopted by Italy over the years, now include closing ports; decoupling the saving of undocumented migrants from their porting and disembarkation; requesting other EU member states to take their “fair share” of any saved migrants prior to disembarkation; criminalizing rescue operations at sea; and, more recently, engaging makeshift prison ships/floating islands, and then parking these, with their recently saved human cargo, on the high seas, becalmed for days on end, in a state of forced immobility.

Quarantine in 2020 has thrust us into situations that have obliged a re-configuration of time-space compression.⁷³ The post-coronavirus epoch has mainstreamed the practice of quarantine, a measure that seeks to balance

the need to maintain connectivity and travel, while protecting and keeping communities safe. The quarantining of para-legal migrants on the high seas is presented as a necessary and normal accommodation during these testing times, and with no end in sight.⁷⁴ The unprecedented contemporary extension of the confinement of such migrants to static, “floating islands” is being resorted to particularly by Malta and Italy, states at the southern border of the European Union with limited room for maneuver and agency, and abetted by the added layer of (now normalized) securitization protocols imposed by the same states to stem the transmission of COVID-19. Cruise ships and other “floating islands” are the new avatars of carcerality on the sea. Expect more and similar techniques of immobility.

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Notes

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