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Master Thesis

(DE)HUMANIZATION AND THE BORDER REALITY:
THE DISCURSIVE CONSTRUCTION OF MEANING IN THE CONTEXT OF THE
'BALKAN ROUTE' BETWEEN BOSNIA-HERZEGOVINA AND CROATIA

Student:

Rossana Conti

Supervisor:

Dr. Zorica-Iva Siročić, University of Graz

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1. **Introduction**

'Balkan Route' is the name given to the path traversed by migrants, refugees, and asylum seekers to reach the European Union (EU) through South-Eastern Europe. The flow of migrants along the route reached its peak in 2015, with more than 75,000 illegal crossings recorded throughout the region.[1] The main crossing points were located along the border between Serbia and Hungary and between Serbia and Croatia. In fact, the route, as established between 2015 and 2017, cut primarily across North Macedonia, Serbia, Hungary, Croatia, and Slovenia.[2]

It was in this framework that a number of regulations adopted by the aforementioned countries and the neighboring ones marked a stark shift towards securitization. Namely, the construction of the Hungarian barrier at the border with Serbia and Croatia between September and October 2015 and the following closure of the Slovenian, Croatian, and Macedonian borders sent a strong signal against tolerant approaches to the reception of migrants in the area.[3] The route was in fact declared formally closed in March 2016 following the EU-Turkey agreement that strengthened measures of containment of the refugee populations outside the borders of the European Union, with the ultimate aim of discouraging any illegal attempts to cross into its territory.[4]

Nevertheless, the combination of new regulations led primarily to the diversion of the passage of migrants toward other South-Eastern European countries. By 2018, the media were reporting the development of a 'new Balkan Route'[5] encompassed between Albania, Montenegro, and mostly Bosnia-Herzegovina, an area that had previously been excluded from the established migratory path due to its mountainous terrain and underdeveloped road and rail infrastructure.[6]

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[1] IOM, "Flow Monitoring Europe", 2020, https://migration.iom.int/europe?type=arrivalsb
[2] Wesley Dockery, "The Balkan Route – Explained", *InfoMigrants*, March 29, 2015, https://www.infomigrants.net/en/post/2546/the-balkan-route-explained
[3] Deutsche Welle, "Hungary Starts Building Fence on Croatian Border", September 18, 2015, https://www.dw.com/en/hungary-starts-building-fence-on-croatian-border/a-18721670
[4] Mariya Cheresheva, "EU and Turkey Seal Deal to Return Migrants", *Balkan Insight,* March 18, 2016, https://balkaninsight.com/2016/03/18/eu-and-turkey-seal-deal-to-return-migrants-03-18-2016/
[5] Mladen Lakić, and Gjergj Erebara, "'New Balkan Route' for Migrants, Refugees Causes Alarm", *Balkan Insight*, June 4, 2018, https://balkaninsight.com/2018/06/04/region-on-alert-as-migrants-open-new-balkan-route-06-03-2018/
[6] Amnesty International, "Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along Balkan Route", March 13, 2019, https://www.amnesty.org/en/documents/eur05/9964/2019/en/

The main entry points in Bosnia-Herzegovina are in the region of Trebinje, Foča, and Višegrad in Republika Srpska and Goražde in the Federation of Bosnia and Herzegovina.[7] Between January and November 2018, authorities in Bosnia-Herzegovina registered a number of arrivals twenty times greater than the previous year.[8] The majority of migrants have been residing since then in the northern Una-Sana canton, principally in Bihać and Velika Kladuša, the proximate villages to the frontier with Croatia. After the town of Šid on the Serbian-Croatian border, this quickly became the new main gateway to the European Union.

The rhetoric of a new 'refugee crisis' appeared soon entrenched in this framework. Moreover, the circumstances in which the reception of migrants has been carried out in the territory has growingly reached local and international attention. Indeed, the organizations and NGOs operating in the territory have been raising awareness to the inhumane means exerted against migrants by the Croatian border police.[9] As reported by the Council of Europe,[10] the issue of repeated illegal and violent push-backs of migrants has emerged coincidentally with an increasing preoccupation with strengthening deterrent measures to irregular entries. In fact, the control over the EU's external border is considered to be a crucial condition of Croatia's access to the border-free Schengen area.[11] The extremely challenging conditions surrounding the crossing of the Bosnian-Croatian border resulted in a growing population of refugees, migrants, and asylum seekers stranded in the northern Bosnian region. 'The game' is how the latter have been referring to their attempts to cross into EU territory, a practice that is resulting as growingly life-threatening.[12]

This is the socio-political context in which this research is localized. Here, at the periphery of Europe, the geographical frontier between Croatia and Bosnia-Herzegovina

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[7] IFRC, "Information Bulletin - Bosnia and Herzegovina: Population Movement", June 21, 2019, https://media.ifrc.org/ifrc/document/?theme=migration&wpv_post_search&wpvcountry=bosnia-and-herzegovina&wpvtheme=migration&wpv_view_count=26505

[8] Council of Europe, "Report of the Fact-Finding Mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, to Bosnia and Herzegovina and to Croatia 24-27 July and 26-30 November 2018", April 23, 2019, https://rm.coe.int/report-of-the-fact-finding-mission-by-ambassador-tomas-bocek-special-r/1680940259

[9] Human Rights Watch, "Croatia: Migrants Pushed Back to Bosnia and Herzegovina", December 11, 2018, https://www.hrw.org/news/2018/12/11/croatia-migrants-pushed-back-bosnia-and-herzegovina

[10] Council of Europe, "Report of the Fact-Finding Mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, to Bosnia and Herzegovina and to Croatia 24-27 July and 26-30 November 2018"

[11] Human Rights Watch, "EU: Address Croatia Border Pushbacks", November 8, 2019, https://www.hrw.org/news/2019/11/08/eu-address-croatia-border-pushbacks

[12] Oxfam, Belgrade Centre for Human Rights, Macedonian Young Lawyers Association, "A Dangerous 'Game': the Pushback of Migrants, Including Refugees, at Europe's Borders", April 5, 2017, https://www.oxfam.org/en/research/dangerous-game-pushback-migrants-including-refugees-europes-borders

mirrors the separation of local populations from refugee groups. Lines are drawn to separate the 'inside' from the 'outside' and the subsequent partition of humanity engenders rhetoric of 'us' against the 'other'.

The border reality, as the central locus of the research, will be explored in its discursive formation. In this context, the articulation of the hegemonic discourse on migration will be explored through the lens of the counter-hegemonic discursive formations and the challenges they pose to the former's regimes of truth. If, according to a post-structuralist standpoint, reality is constitutive and constituted through discourse, I question: what are the main discourses that participate in the development of the specificity of the 'Balkan Route' between Bosnia-Herzegovina and Croatia? At this purpose, the testimonies of push-backs at the Bosnian-Croatian border will be employed as the main body of sources, as they grant an access point to the direct implementation of the discursive articulations organizing its social fabric. In fact, the goal is to shed light on the socio-political consequences that the production of knowledge, the articulation of social spaces, and the formation of identities entail and how they are immersed in the existing power relations, both in legitimization and limitation.

The analysis of the border reality and its discursive formation is encompassed in a timeframe between the beginning of 2018 and the end of 2019. This framework embodies the development of the 'Bosnian Balkan Route' and its rhetoric of a 'refugee crisis', albeit prior to the implications of the spread of Covid-19 in the region, when the connotations of a different type of crisis influenced the former.

Firstly, I will illustrate multiple facets of the conditions in which the reception of migrants has taken place in northern Bosnia-Herzegovina, by comparing the analysis and reports of the main international organizations and NGOs involved in the area. Such examination will grant a preliminary, yet fundamental overview of these distinctive circumstances. Thus, particular attention will be paid to the geopolitical framework of Croatia and Bosnia-Herzegovina. Delineating the concrete setting, the main available data on the migratory flow, and the cardinal historical premises will provide a thorough picture of the border reality in question.

Before addressing the organization of the border reality at issue through discourse, fundamental theoretical and methodological assessments will be outlined. Drawing on a post-structuralist approach, the proposed methodology is based on discourse analysis theories, as formulated by Ernesto Laclau and Chantal Mouffe, and it relies primarily on a Foucauldian understanding of power and biopolitics. Furthermore, the definition of the working concepts of 'discourse and discourse analysis', 'hegemony and counter-hegemony', and 'power and

biopolitics' will be expanded here, setting the theoretical ground in which the analysis will be developed.

The main analysis will thus follow and will be articulated on the deconstruction of the main discourse on migration, the organization of social spaces and myths, and the formation of identities and groups. The main sources employed will be the oral testimonies of push-backs collected by Border Violence Monitoring Network (BVMN)[13] - an independent collaboration of NGOs and associations engaged in the assistance of asylum seekers, refugees, and migrants in the Western Balkans and Greece. Therefore, the hegemonic discourse on migration will be extrapolated, discerned, and interpreted through the lens of the counter-hegemonic sources. In fact, the testimonies, as articulated by BVMN, offered the most direct and valuable insights in the practices that organize the border reality. Nevertheless, it is necessary to take into consideration the nature of the chosen sources, as they represent serious allegations of the most severe breach of human rights. The testimonies have been selected for the discourse they carry, which is of interest to the research, although they are not to be retained as given facts, as they are yet to be examined as such. The results of the analysis, articulated in a hegemonic discourse and a counter-hegemonic one, will be compared in their antagonism and synthesized in a deductive process following the above-named discourse analysis methodology. Furthermore, the selected literature, which draws primarily from political philosophy and theory will set the theoretical framework in which the conclusion of the research will be encompassed and elaborated.

The violence inscribed on the body of refugees marks the way power is structured and supported by the construction of knowledge, spaces, and subjectivities through discursive practices. The goal of the research is to shed light on the social consequences and political implications of the discursive production of meaning that legitimate, objectify, and naturalize existing power relations through hegemonic formations.

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[13] Border Violence Monitoring Network, https://www.borderviolence.eu

2. __The Border Reality__

The migratory phenomenon in question is to be framed in the physical setting of the Bosnian-Croatian border. The border reality encompasses a set of distinct geographic, social, and political features shaping and shaped by the main discourses on migration. This chapter will explore the principal aspects that constitute the environment of the Bosnian Balkan Route.

After briefly disclosing some fundamental definitions and the concrete geographic traits of the territory, further details on the monitoring of the border and quantitative data on the arrival of migrants in the region between 2018 and 2019 will grant a preliminary picture of the range of such migratory flow. The assessment will take into consideration the main organizations involved in the migratory response in the Una-Sana canton. Their reports will shed light on the various subjectivities of refugees, migrants, and asylum seekers concerned, investigating how their reception has taken place in the above-described context. Thus, important issues regarding cooperation among stakeholders, the condition of reception centers, vulnerability, and health risks will be addressed. Moreover, particular attention will be paid to the recurring allegations of push-backs operated by the Croatian border police. In regards to this matter, the response of the authorities will be taken into account and will set the frame for the political implications enclosed in the border reality.

i. __Terminology__

Before addressing the specificities of the border reality, it will be convenient to delineate some fundamental terminology on migration, as formulated in the 'International Migration Law - Glossary on Migration' published by the International Organization for Migration (IOM) in 2019.[14] The following definitions will represent a useful tool to explore the environment and the subjects involved in the reality of the Bosnian-Croatian border. It will also represent a helpful guideline to deconstruct the different choices of terms in separate contexts, particularly in the analysis of the hegemonic and counter-hegemonic discourses at issue.

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[14] IOM, "International Migration Law – Glossary on Migration", 2019,
https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf

Asylum-seeker: an individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.

Economic migrant: while not a category in international law, the term is sometimes used to refer to any person who is moving or has moved across an international border or within a State, solely or primarily motivated by economic opportunities. The use of this term should be discouraged for a number of reasons. Firstly, categorizing migrants by a single reason of migration is questionable in light of the complex, and often overlapping, drivers of migration. Secondly, the term 'economic migrant' is often juxtaposed to the term refugee to underline the fact that refugees are entitled to a specific protection under refugee law, whereas States have no obligations towards those migrating to seek better economic opportunities abroad. This is clearly contrary to the prescriptions of international law and overrides the universality of human rights.

Irregular migrant: a person who moves or has moved across an international border and is not authorized to enter or to stay in a State pursuant to the law of that State and to international agreements to which that State is a party.

Migrant: an umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.

Non-refoulement (principle of): the prohibition for States to extradite, deport, expel or otherwise return a person to a country where his or her life or freedom would be threatened, or where there are substantial grounds for believing that he or she would risk being subjected to torture or other cruel, inhuman and degrading treatment or punishment, or would be in

danger of being subjected to enforced disappearance, or of suffering another irreparable harm.

Refugee (1951 Convention): a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Unaccompanied children: children, as defined in Article 1 of the Convention on the Right of the Child, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

ii.   The Bosnian-Croatian Border

The Bosnian-Croatian border stretches for about 950 km through a vast 'green area' outside of official crossings and without man-made barriers. Its ground is dense with forests, rivers, and minefields left from the Yugoslav secession wars, making it a particularly dangerous zone to cross.[15] The difficulty of the terrain explains why Bosnia-Herzegovina had initially been avoided by the flow of migrants that has moved across the Western Balkan since 2015. As disclosed in the investigation of the Council of Europe,[16] the Croatian side of the border is patrolled by more than 1,000 police officers and by 2,000 additional riot police. The latter were trained in border protection and human rights by Frontex, which provided further support and training in deterring human trafficking and illegal crossings.[17] Moreover, the European Border and Coast Guard Agency has been monitoring the border by airplane since July 18, 2018, and the Council of Europe reported plans to deploy thermo-vision bars to enhance the interception of illegal migrants at the border.[18]

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[15] Amnesty International, "Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along Balkan Route"
[16] Council of Europe, "Report of the Fact-Finding Mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, to Bosnia and Herzegovina and to Croatia 24-27 July and 26-30 November 2018"
[17] Ibid.
[18] Ibid.

iii.   Data on the Migrant Population

The International Organization for Migration (IOM) has been present in Bosnia-Herzegovina since the end of 2017, aiming at strengthening the country's migration response. According to the United Nations (UN) agency, Bosnian authorities have registered 24,067 arrivals of migrants by land in 2018, with peaks in September (7,699) and October (10,410).[19] In 2019, 29,232 arrivals by land were recorded, with peaks in July (4,465) and September (4,557).[20] Moreover, between 7,000 and 8,000 migrants, refugees, and asylum seekers are estimated to be present in the country, mainly concentrated in the area at issue, the Una-Sana canton. Lesser numbers are in transit in Sarajevo and in the Tuzla cantons.[21]

Since September 2015, IOM has deployed a Displacement Tracking Matrix (DTM) to gather information about the flow of migrants moving through the Balkan region. This set of tools is used to track and analyze human mobility and it was central to the establishment of a Flow Monitoring System.[22] This organized network collaborates with national authorities, such as ministries of interior, coast guards, and police forces to produce monthly reports with overviews of migration trends along the pathway through Europe.[23] Moreover, Flow Monitoring Surveys (FMS) are employed as part of this methodological framework to collect larger and more specific data on people on the move. Their findings are used in the IOM Flow Monitoring Reports and they investigate primarily information on the individual level, like socio-economic profiles, information regarding the journey (cost, routes, modes of transport, intermediaries), and some basic data on the intentions, expectations, and perceptions of the final destination that migrants have. These offer larger insight into the profiles of migrants, as well as into problematic developments of human trafficking, exploitation, vulnerabilities, and abuse.[24]

The combination of mobility tracking, flow monitoring, registration, and surveys provides a multi-layered digest useful to the purpose of giving a larger picture of the socio-political situation in question. In particular, the data collected in two particular Flow Monitoring Surveys will be employed:

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[19] IOM, "Flow Monitoring Europe"
[20] Ibid.
[21] IOM, "IOM's Migration Response", June 2020, https://bih.iom.int/iom-migration-response
[22] IOM, "Flow Monitoring Surveys: Bosnia and Herzegovina 2019", March 3, 2020, https://bih.iom.int/pbn/flow-monitoring-surveys-bosnia-and-herzegovina-2019
[23] IOM, "Flow Monitoring Europe"
[24] IOM, "Flow Monitoring Surveys: Bosnia and Herzegovina 2019"

i. A report with findings of 175 valid FMS conducted by IOM in Sarajevo, Banja Luka, Bihać, and Velika Kladuša between March and May 2018.[25]

ii. A report with findings of 354 valid surveys conducted by the DTM field team in two different locations in Bosnia and Herzegovina (not specified) between November and December 2019.[26]

The findings of the surveys reveal the composition of the refugee population stranded in the border reality of our interest.

The main nationalities detected and surveyed were: Pakistani (11% in 2018; 42% in 2019), Syrian (17% in 2018; 10% in 2019), Afghani (13% in 2018; 13% in 2019), and Iraqi (9% in 2018; 14% in 2019). Other nationalities present in lesser numbers were Algerian, Iranian, Egyptian, and Nepali.

The majority of migrants were men (78% in 2018; 87% in 2019) with an average age of 28 in 2018 and 26 in 2019. The average age of women was slightly higher: 31 in 2018 and 28.5 in 2019.

Although the majority of migrants reported being single (50% in 2018 and 61% in 2019), 48% of the 38% of refugees with children carried them along the route to the EU. The percentage of families traveling together was 39% in 2018 and 26% in 2019, with female respondents to be more likely to fall into this category. The rest were moving alone (44% in 2018 and 43% in 2019) or with a group of non-family members (17% in 2018 and 31% in 2019).

In 2018, 89% of the respondents declared to have entered Bosnia-Herzegovina through unofficial border crossings and 15% to be returned from Croatia. The data is missing in the 2019 survey. If only 8% declared to be in Bosnia-Herzegovina for more than three months in 2018, the percentage shifted to 36% being in the country between three and six months and 31% for more than six months in 2019, signaling the direct effect of the rapidly increasing difficulty in crossing the border into Croatia. Moreover, 16% of the respondents from the 2019 survey revealed considering returning to the country of origin due to excessive fatigue.

The main reasons for leaving the countries of origin reported in 2018 were war or conflict, economic issues, and violence. The main countries of destination in both years were

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[25] IOM, "Analysis: Flow Monitoring Survey. Bosnia and Herzegovina", September 2018, https://www.iom.int/sites/default/files/dtm/mediterranean_dtm_201809.pdf

[26] IOM, "Flow Monitoring Survey. Bosnia and Herzegovina", 2019, https://bih.iom.int/sites/default/files/BiH2019report.pdf

Germany (mainly for socio-economic reasons), Italy (for the ease to access to asylum), and France (to rejoin family members). Nevertheless, it is important to note that various factors play an important role in the ability to make decisions regarding journey and final destinations: available resources and travel routes, finances, and national government's policies. Furthermore, such decisions are dynamic and possibly change over time. In fact, the initial intention to seek asylum in Bosnia-Herzegovina can be altered by the challenges encountered in the asylum system, thus persuading migrants to proceed on their journey and attempt to reach the EU. On the other hand, other migrants, although initially determined to reach the European Union, can be induced to apply for asylum in Bosnia-Herzegovina after persistent push-backs.

Data from the 2018 survey revealed that 40% of the interviewed migrants received assistance during their journey (mainly non-food items and accommodation), 34% of which in Bosnia-Herzegovina. The type of assistance received in the country came by 66% from local communities, by 12% from the UN, 8% from IOM, 4% from State authorities, 4% from the EU, and 4% from NGOs.

A new module was included in the 2019 survey, aiming at gathering data on human trafficking and exploitative practices during their journey. The findings revealed that 14% of respondents reported they had worked or provided services for someone during their journey without receiving the expected payment; 3% reported they had been forced to work or perform activities against their will; 6% had been forced into a marriage against their will; 7% reported they had been held in a location against their will during their journey by armed individuals or groups other than the relevant government authorities.

From the data collected by IOM in the Flow Monitoring Surveys a clearer picture of the subjectivities composing the refugee population at the Bosnian-Croatian border emerges. Moreover, they provide a first overview of the migratory trends that have taken place in the region.

iv.   Cooperation among Stakeholders

The difficult management of migratory flows since the beginning of 2018 necessitated a joint effort from multiple agents. Indeed, IOM co-leads with the United Nations High Commissioner for Refugees (UNHCR) the United Nations Country Team (UNCT), an interagency group that co-chairs monthly Refugee and Migrant Response Coordination

Meetings, an important occasion for information exchange and coordination among international and civil society stakeholders.[27]

In order to examine the impact of the cooperation, or lack thereof, of multiple parties in the reception of migrants and refugees in the Una-Sana canton, the Organization for Security and Co-operation in Europe (OSCE) Mission to Bosnia-Herzegovina conducted a Needs Assessment in the first half of 2018.[28] Eleven stakeholders were assessed with an interdisciplinary and cross-sectional survey: the Service for Foreigners' Affairs; city, and municipal administrations; social welfare centers; NGOs; religious communities; health centers/hospitals; informal volunteer groups; the police; the border police; prosecutors; courts. The field research was performed between June and July 2018. According to the Mission, at that time there were over 4,400 migrants and refugees in the canton living without formal accommodation, basic hygiene, or access to official asylum procedures.[29]

Among the main issues detected by the OSCE lies the lack of coordinated measures and policies applied. Touching upon the conduct of the border police, an operationally independent body within the Bosnian Ministry of Security, the assessment revealed the absence of uniform instructions from the Ministry on how to approach, screen, and interview migrants, hence leading to divergent practices in registering and collecting data on those who crossed into the country. The lack of interpreters and cultural mediators impeached the effectiveness of their work, too. Thus, very few cases of human trafficking, smuggling, and/or gender-based violence were registered in the first half of 2018. Moreover, the Service for Foreigners' Affairs' (SFA) insufficient infrastructure and system for screening or conducting victim risk assessments worsened conditions of vulnerability among migrants, particularly in the case of missing, unaccompanied, and separated children, or victims of domestic violence. Furthermore, refugees were not provided with any information on the risks of falling victim to human trafficking.

The lack of uniform guidelines, appropriate tools, and adequate training among police professionals also hampered Bosnian law enforcement's ability to cooperate with relevant counterparts when dealing with migrant cases, including potential human trafficking victims and smuggled persons.

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[27] IOM, "IOM's Migration Response"
[28] OSCE, "Assessment: Migrant and Refugee Situation in Bosnia and Herzegovina; An Overview of the Intervention of Key Actors in the Field", September 25, 2018, https://www.osce.org/mission-to-bosnia-and-herzegovina/397319
[29] Ibid.

The provision of healthcare services for migrants and refugees across the country was found to be uneven, too, showing the lack of a clear plan to ensure their access to healthcare.

Therefore, the impact of NGOs, as assessed by the OSCE, was widely recognized as vital by the SFA, police agencies, and international organizations as well, due to the difficulty encountered in such fragmented cooperation. All of the above-mentioned parties reported having referred migrants directly to NGOs. In fact, the latter resulted as the main providers of direct humanitarian assistance to the refugee population. Several informal volunteer groups were also signaled as offering meaningful assistance to migrants in the country, although the lack of strong coordination with local administrations and their limited funding restricted their agency.

The complex constitutional structure of the country has been reported as a major hindrance to the effectiveness of its authorities by the Council of Europe, too. Between July 24-27 and November 26-30, 2018, the Council's Special Representative of the Secretary-General on migration and refugees, Ambassador Tomáš Boček, visited Bosnia-Herzegovina and Croatia, thus issuing a fact-finding report.[30]

Here, major discrepancies in the interpretation of legal provisions applicable to asylum seekers were reported. According to the Sector for Asylum (SA), migrants were unable to submit an actual asylum application without a certificate of residence. The official registration of an address implied registration with the local police, however, according to the SA, the Service for Foreigners' Affairs did not conduct registrations with the local police of those accommodated in reception facilities. Until such registration with the local police was carried out, the SA would not travel to those reception facilities and schedule interviews. The limited presence of the SFA in some government facilities left unclear how any official registration took place. Moreover, according to the Ministry of Security, the law on asylum did not provide for extensions or reissuing of these asylum requests, thus leaving no possibilities to extend the right to stay. Therefore, access to international protection for asylum seekers in the country appeared to be questionable.

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[30] Council of Europe, "Report of the Fact-Finding Mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, to Bosnia and Herzegovina and to Croatia 24-27 July and 26-30 November 2018"

v.   Temporary Reception Facilities

In 2018, the increasing presence of refugees at the border with Croatia led IOM to open a field office in Bihać and four Temporary Reception Centers in the Una-Sana canton with the support of the EU: the **Sedra Temporary Reception Center** for families and vulnerable migrants opened in the Cazin Municipality in July 2018; the **Bira Temporary Reception Center,** primarily for single men, opened in the City of Bihać in October 2018; the **Ušivak Temporary Reception Center** for single men, families and vulnerable migrants opened in the Hadžići Municipality in October 2018; the **Miral Temporary Reception Center** primarily for single men opened in the Velika Kladuša Municipality in October 2018, with IOM supporting the site management from November 2018. Moreover, the **Borići Temporary Reception Center** for families and vulnerable migrants was re-opened after a complete renovation in the City of Bihać in December 2018.[31]

The before-mentioned report[32] issued in occasion of the Council of Europe's Representative's visit to Bosnia-Herzegovina and Croatia provides a detailed description of the IOM-run reception facilities in the Una-Sana canton, hence presenting a clear picture of the conditions in which the accommodation of refugees took place through 2018.

The Miral facility is a two-story warehouse located in an industrial site in Velika Kladuša. At the time of the visit of the Council of Europe's delegation, about 600 people resided there, primarily single men. Nevertheless, a few families found shelter in the reception center as well. Most occupants complained about the sanitary conditions, lack of privacy, insufficient food, and poor organization of the site. Its conditions were particularly not suitable for families with children, women, or for longer stays. The local authorities opposed the opening of the facility and, therefore, withdrew all logistical support. Violent clashes among the occupants were reported, hence leading to the contraction of a private security company. Video footage of the security exerting forceful means against the residents was later to be reported.[33] Furthermore, in June 2019, a fire broke out in the center, leaving 29 people injured and drawing further attention to the precarious conditions of the site.[34]

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[31] IOM, "IOM's Migration Response"
[32] Council of Europe, "Report of the Fact-Finding Mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, to Bosnia and Herzegovina and to Croatia 24-27 July and 26-30 November 2018"
[33] Amnesty International, "Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along Balkan Route"
[34] Dado Ruvić, "Fire at Migrant Center in Bosnia Injures 29: Police", *Reuters*, June 1, 2019, https://www.reuters.com/article/us-europe-migrants-bosnia/fire-at-migrant-camp-in-bosnia-injures-29-police-idUSKCN1T230E?il=0

The Borići site was an abandoned student dormitory in Bihać. It had no windows, doors, electricity, or sanitation, making it unsuitable for accommodation purposes. Approximately 660 occupants were residing there, mostly young men. Only in late October 2018, the IOM initiated a renovation of the reception center with EU funding.

The industrially located Bira was a former refrigerator factory in Bihać. In its warehouse, at the time of the visit of the Council of Europe's delegation,[35] 1,800 migrants found accommodation, including 182 unaccompanied children and 300 family members with children. Families and unaccompanied children had been prioritized and placed in heated containers. UNHCR and the United Nations Children's Fund (UNICEF) provided support with the identification and profiling of people, together with other international actors arranging guardians for unaccompanied children. However, the poor separation of spaces posed risks to the safety and wellbeing of women and unaccompanied children. Women reported being afraid of using non-separated toilets at night and single men were detected while sleeping in containers for unaccompanied children. Moreover, due to the large capacity of the center, the distribution of food presented many difficulties as well.

Finally, the Sedra facility is a former hotel located in Cazin. At the time of the visit of the Council, about 400 people were accommodated, including 35 mothers with babies and 200 children, of which 13 unaccompanied. Food was provided by the cantonal Red Cross, through a volunteer-run kitchen. The delegation reported the lack of a systemic solution for medical services; UNHCR funded a daily medical service, connecting the Cazin health center and local hospitals. A pediatrician was hired for four hours per day by UNICEF in cooperation with the local health center. Furthermore, a social worker provided guardianship to unaccompanied children. Despite the friendly atmosphere found in the facility, episodes of domestic violence among residents were signaled as well.

The Council of Europe's delegation particularly stressed the need to address the safety needs of unaccompanied children, establishing effective protection from trafficking, violence, and abuse. Moreover, no government-level authority was appointed responsible for the guardianship and all competencies were devolved to cantonal authorities. Thus, the level of involvement and cooperation of the Centers for Social Welfare resulted in ineffective personal contacts. Moreover, although asylum-seeking children are entitled to elementary and

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[35] The Bira reception center was formally closed in September 2020. UNHCR, "Help – Reception Centers", https://help.unhcr.org/bosniaandherzegovina/where-to-seek-help/reception-centres/#:~:text=As%20of%20September%2030th%202020,or%20UNHCR%20for%20more%20information

secondary education, their enrollment in local schools was made difficult by the lengthy decision process of central authorities.

Amnesty International echoed the Council of Europe's worries over the inadequacy of the conditions of the temporary reception facilities and the challenging access of refugees to medical or psychological care.[36] The report issued by the NGO in 2019 stressed the difficult cooperation with local clinics, either due to lack of medical personnel or because of the reluctance of doctors to treat refugees. Activists in Velika Kladuša reported situations in which the local Emergency Service refused to send ambulances to assist migrants needing urgent medical attention. During Amnesty International's field research, a 17-year-old Pakistani boy died in a Bihać hospital after failing to receive timely medical treatment.[37]

Médecins Sans Frontières (MSF) has been working in Bihać and Velika Kladuša since June 2018, when it signed a Memorandum of Understanding with the Una-Sana canton.[38] The medical NGO, in cooperation with local health authorities, has been running a mobile clinic between the reception centers in the canton, addressing the most urgent healthcare and referring the most complex cases to the healthcare facilities in the area.[39] The main medical concerns reported by MSF were related to potential consequences of the harsh winter, such as hypothermia and frostbite, together with skin and respiratory diseases, many of which were caused by burning plastic to warm up. Furthermore, the NGO's medical personnel feared deterioration of mental health conditions and an increase in violence.[40] Their commitment in the region aimed at supporting those migrants who were not registered in the official camps, too, as they lacked access to any kind of services and were hence more exposed to the risk of violence. Additionally, the NGO launched a medical program focusing on victims of violence and sexual violence, many of whom were unaccompanied minors.[41]

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[36] Amnesty International, "Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along Balkan Route"
[37] Ibid.
[38] OSCE, "Assessment: Migrant and Refugee Situation in Bosnia and Herzegovina; An Overview of the Intervention of Key Actors in the Field"
[39] MSF, "Bosnia and Herzegovina", https://www.msf.org/bosnia-and-herzegovina
[40] MSF, "Push-backs, Violence and Inadequate Conditions at the Balkan Route's New Frontier", August 17, 2018, https://www.msf.org/push-backs-violence-and-inadequate-conditions-balkan-route%E2%80%99s-new-frontier
[41] MSF, "Beaten, Cold, Sick and Stranded: Migrants and Asylum Seekers in Bosnia", November 15, 2019, https://www.msf.org/beaten-cold-sick-and-stranded-migrants-bosnia

vi.   Vučjak Camp

In June 2019, all migrants found illegally outside the official IOM-run reception centers in private accommodations and abandoned buildings were relocated to a temporary camp in Vučjak, 8 kilometers outside of the city of Bihać and within 3 kilometers to the border of Croatia. The decision was taken by the mayor and the City Council of Bihać, with the support of the Una Sana Cantonal Government and after pressure from the local population, with the aim of preventing any escalation and deterioration of the security situation in the area.[42]

Shortly before, several hundreds of Bosnians had occupied the streets of the town against the management of the influx of migrants in the Northern canton.[43] A protest had already been held in Bihać in October 2018, involving thousands of citizens in the obstruction of the main road from Sarajevo, as well as the bus and train stations.[44] In June 2019, the protesters reported feelings of insecurity related to the growing presence of refugees sleeping rough, together with concerns about robberies and health risks.[45] The mayor Šuhret Fazlić declared to Human Rights Watch that the root of the issue was the failure of central authorities to provide shelter to the approximately 6,000 migrants residing in his town.[46]

During a two-day operation, about 850 migrants were collected by the police in private houses in Bihać and transported to the Vučjak camp.[47] As denounced by UNHCR, IOM, and the NGOs operating in the area, the fifty tents in which the migrants were accommodated did not meet any humanitarian standards and were not suited to protect migrants and refugees from low temperatures and rain.[48] In an article dated November 2019,[49] Médecins Sans Frontières described the hostile living conditions of the camp, which caused of a surge of respiratory infections and skin diseases.[50]

[42] Elida Vikić, "Bosnia Should Immediately Close Inhumane Migrant Camp", *Human Rights Watch*, October 19, 2019, https://www.hrw.org/news/2019/10/19/bosnia-should-immediately-close-inhumane-migrant-camp
[43] Dado Ruvić, "Bosnians Protest Against Migrant Influx in Border Town", *Reuters*, June 16, 2019, https://www.reuters.com/article/us-europe-migrants-bosnia/bosnians-protest-against-migrant-influx-in-border-town-idUSKCN1TH0RS?feedType=RSS&
[44] Mladen Lakić,"Anti-Migrant Protest Held in Bosnian Border Town", *Balkan Insight*, October 23, 2018, https://balkaninsight.com/2018/10/23/bihac-residents-stage-protest-against-migrants-and-refugees-10-22-2018/
[45] Ruvić, "Bosnians Protest Against Migrant Influx in Border Town"
[46] Vikić, "Bosnia Should Immediately Close Inhumane Migrant Camp"
[47] IFRC, "Information bulletin - Bosnia and Herzegovina: Population Movement", June 21, 2019, https://media.ifrc.org/ifrc/document/?theme=migration&wpv_post_search&wpvcountry=bosnia-and-herzegovina&wpvtheme=migration&wpv_view_count=26505
[48] Anja Vladisavljević, "Bosnia Moves Migrants, Refugees to 'Unsuitable' Forest Camp", *Balkan Insight*, July 3, 2019, https://balkaninsight.com/2019/07/03/bosnia-moves-migrants-refugees-to-unsuitable-forest-camp/
[49] MSF. "Beaten, Cold, Sick and Stranded: Migrants and Asylum Seekers in Bosnia"
[50] Ibid.

In addition, the camp was surrounded by an area in which landmines, legacy of the 1990s Yugoslav secession war, were still to be deactivated. Thus, its soil was contaminated with methane, a dangerous flammable gas.[51] Furthermore, after visiting the site, Balkan Investigative Reporting Network (BIRN) signaled how its proximity to a garbage dump in the summer heat increased the risk of infection, notably, of scabies, a contagious skin infestation from which many migrant residents suffered.[52] The harsh conditions of the camp and the threats from the forest had induced around 150 refugees to attempt illegally crossing the border into Croatia, a Red Cross staff member reported to BIRN.[53]

The Red Cross Society of Bosnia and Herzegovina (RCSBiH) and its six branches (Red Cross Branch of the City of Bihać, Red Cross Branch of Una-Sana Canton, Red Cross Branch of Ključ, Red Cross Branch of Tuzla, Red Cross Branch of the City of Mostar, and Red Cross Branch of Bijeljina) have been providing hot meals, blankets, clothing, hygiene items, first aid and psychosocial support in the Borići, Bira, Miral, and Sedra reception centers.[54] Concerning the case of Vučjak camp, the RCSBiH underlined that the poor access roads, the absence of electricity supply, water, and sanitation indicated the lack of the necessary infrastructure to secure the bare minimum living conditions in the camp.[55] Furthermore, the high danger represented by its location in the proximity of landmines added to its inhuman conditions and revealed a situation of extreme fragility. As stressed in their June 2019 report, RCSBiH requested an inspection by the UN Mine Action Service (UNMAS), after which updated mine maps were distributed to all migrants located in Vučjak, as well as to all those on the move assisted by the Red Cross Mobile teams.[56]

After widespread protests echoed by all international and local agents involved in the reception of migrants, the Vučjak camp was officially closed on December 11, 2019, and the 750 migrants in the site were relocated to two facilities near Sarajevo.[57]

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[51] Ibid.
[52] Vladisavljević, "Bosnia Moves Migrants, Refugees to 'Unsuitable' Forest Camp"
[53] Ibid.
[54] IFRC. "Information Bulletin - Bosnia and Herzegovina: Population Movement"
[55] Ibid.
[56] Ibid.
[57] Emma Wallis, "Moved Away: Vučjak Camp Closed in Bosnia", *InfoMigrants,* December 12, 2019, https://www.infomigrants.net/en/post/21506/moved-away-vucjak-camp-closed-in-bosnia

vii.   Push-backs

During its visit to the above-described reception centers, the delegation of the Council of Europe collected several testimonies of forceful push-backs from Croatia.[58] Video footage, allegedly taken in September-October 2018, proved for summary returns. Although the Ministry of Interior had received 193 complaints concerning allegations of ill-treatment at the border and of confiscation and destruction of possessions, no violations of law by police forces had been found. In addition, Croatian authorities claimed that the injuries imputed to the action of the police could have resulted from violence among migrants themselves. Furthermore, the Council exposed the concerns of NGOs working in the field, regarding the conviction and arrest of their members and volunteers for providing aid to refugees and migrants, a type of support that had been often qualified by Croatian authorities as assistance to the illegal border crossing.

Dunja Mijatović, the Commissioner for Human Rights of the Council of Europe, addressed these severe issues in a formal letter to Croatia's Prime Minister Andrej Plenković in September 2018.[59] On this occasion, the Commissioner urged the Croatian authorities to conduct adequate investigations into all registered cases of collective expulsions and of alleged violence against migrants. Plenković denied any allegations of wrongdoing, questioning the veracity of the sources.[60]

In the same month, Croatian police in the village of Donji Lapac, in the proximity of the border, refused to allow Croatia's Ombudswoman to access police records on treatments of migrants.[61] The detailed report issued by Human Rights Watch on the aforementioned case was addressed by the Croatian Interior Minister Davor Bozinović in a letter published on December 4, 2018.[62] Here, the Interior Minister stated that evidence of collective return and violence did not constitute the ground for a criminal prosecution, remarking how the bilateral readmission agreement with Bosnia and Herzegovina allowed Croatia to return migrants

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[58] Council of Europe, "Report of the Fact-Finding Mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, to Bosnia and Herzegovina and to Croatia 24-27 July and 26-30 November 2018"

[59] Council of Europe, Commissioner for Human Rights, "Letter to Mr. Andrej Plenković", September 20, 2018, https://rm.coe.int/letter-to-mr-andrej-plenkovic-prime-minister-of-croatia-concerning-the/16808d7db3?fbclid=IwAR13lXOapPBKXBWlQIU-kikeSEV8tRjNkobnfwW4HMo_SxSCzfTAOYTnXHI

[60] Human Rights Watch. "Croatia: Migrants Pushed Back to Bosnia and Herzegovina", December 11, 2018, https://www.hrw.org/news/2018/12/11/croatia-migrants-pushed-back-bosnia-and-herzegovina

[61] Ibid.

[62] Ibid.

without legal permission to stay in the country.[63] Bozinović had previously declared on the occasion of a visit to Berlin in June 2018 that "Croatia (...) has the strongest border police in this part of Europe".[64]

According to the Security Ministry of Bosnia and Herzegovina, under the aforementioned bilateral agreement, Croatia returned 493 people to Bosnia and Herzegovina between January and November 27, 2018.[65] In the investigation carried out by Human Rights Watch, none of the refugees interviewed had declared undergoing any formal return procedure before being forced back over the border, thus violating the EU Charter of Fundamental Rights and the 1951 Refugee Convention.[66]

Amnesty International has been widely reporting violence and abuse against refugees and migrants along the Balkan Route. Between June 2018 and January 2019, the non-governmental organization carried out field research, investigating systemic push-backs and collective expulsions at the border between Bosnia-Herzegovina and Croatia.[67] The testimonies collected in its report represent a detailed witness of the denounced dynamics taking place at the border. The NGO interviewed 94 refugees and migrants residing at the Bira and Miral temporary reception centers in Bihać and Velika Kladuša. The findings of the research reveal recurrent police brutality and systemic violence exerted against the refugees stranded at the border. A great majority of the testimonies reported being returned from Croatia, often repeatedly. Many declared being held in police stations inside Croatian territory, without due access to asylum procedures. About one-third of the interviewed migrants referred to being intimidated and hit by Croatian police, often with batons and pepper spray. Moreover, detention of documents, mobile phones, power banks, and money pointed at a deliberate practice at hands of Croatian authorities, aiming at discouraging any future attempts to cross into the country. Forced collective returns regularly took place at night and in remote areas without the presence of Bosnian border guards, enhancing the sense of disorientation and fear. The majority of the interviews intercepted in Croatian territory asserted that they had been beaten and detained for hours without food or water before being

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[63] Ibid.

[64] Nenad Kreizer, "In Croatia, EU Border Guards Use 'a Little Bit of Force'", *Deutsche Welle*, July 14, 2019, https://www.dw.com/en/in-croatia-eu-border-guards-use-a-little-bit-of-force/a-49587251?utm_source=NEWS&utm_medium=email&utm_content=2nd+section+1st+story+dw&utm_campaign=HQ_EN_therefugeebrief_external_20190715

[65] Mladen Lakić, "Report Accuses Croatian Police of Abusing Migrants", *Balkan Insight,* December 11, 2018, https://balkaninsight.com/2018/12/11/migrants-and-refugees-abused-by-croatian-police-human-righ

[66] Human Rights Watch. "Croatia: Migrants Pushed Back to Bosnia and Herzegovina"

[67] Amnesty International. "Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along Balkan Route"

brought back to the Bosnian border in overcrowded and windowless police vans. Oftentimes, they were delivered in the middle of forests at night and forced to walk without shoes, clothes, or sleeping bags. The report suggested that Croatian police strategically used adverse weather conditions to subject refugees and migrants to a type of physical trauma.

The increasingly abusive practices at the border were reported as the main reason for embarking on less-traveled routes. Here, the geographical perils added to the risk of being violently pushed back. The thick forests, rivers, and landmines made the path particularly dangerous, especially when facing the strenuous weather conditions in the winter.

MSF referred to Amnesty International that between June and November, their staff treated approximately 80 patients with serious physical trauma, such as broken limbs and ribs, severe cuts and bruises, allegedly caused by Croatian police.[68]

As reported by Balkan Insight, the Croatian Minister of Interior disclosed on July 2, 2018, that 12 people had died in the attempt of crossing the border to Croatia in the previous 18 months. In spite of the published data, other NGOs feared higher real numbers.[69]

Extremely important data on push-backs can be found in the testimonies published within the Border Violence Monitorning Network database. Since 2016, the NGOs constituting the network (No Name Kitchen, Collective Aid, Escuela con Alma, Josoor, and Re:Ports Sarajevo) have been collecting extensive testimonies of the conditions in which push-backs take place along the Balkan Route, between Italy, Slovenia, Croatia, Bosnia-Herzegovina, Montenegro, Albania, Serbia, North-Macedonia, Hungary, Bulgaria, and Greece since 2016. Their analysis shows that 63% of the push-backs operated between January 2016 and October 2020 are from Croatia, and 49% towards Bosnia-Herzegovina.[70] Between 2017 and 2020, 45% to 42% of cases involved minors and 60% to 37% reported asking for asylum.[71] The most common types of violence denounced in the testimonies are beating with batons/hands/other (71.5%), followed by theft of personal belongings (56.9%), destruction of personal belongings (40.3%), kicking (38%), insulting (26.9%), forcing to undress (19.3%), reckless driving (18.2%), exposure to air condition and extreme temperature during car ride (16.4%), pushing people to the ground (16.2%), threatening with guns

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[68] Ibid.

[69] Anja Vladisavljević, "Migrants and Refugees Find Squalor in Bosnia, Croatia Closed", *Balkan Insight,* July 31, 2019, https://balkaninsight.com/2018/07/31/migrants-and-refugees-find-squalor-in-bosnia-croatia-closed-07-30-2018/

[70] Border Violence Monitoring Network, "Statistics about the Countries of Push-backs", https://www.borderviolence.eu/statistics/countries-of-push-backs/

[71] Border Violence Monitoring Network, "Details about Push-backs", https://www.borderviolence.eu/statistics/push-backs/

(11.7%), gunshots (11.2%), water immersion (5.7%), electric shocks (5.3%), dog attacks (5.1%), pepper spray (3.7%), pouring water over one's head (1.9%), handcuffed (1.2%), sexual assault (0.8%), theft of official documents (0.4%). More than one type of violence can be reported in each testimony and only 9.9% declared that no violence was involved in the push-back.[72]

Amnesty International's account reported also how Bosnian border police publicly acknowledged being notified by their Croatian counterparts when groups of migrants were detected close to the border and readmitted into Bosnian territory. These returns took place informally and outside any provisions included in the Readmission Agreement between Bosnia and Croatia. In February 2019, the mayor of Bihać accused Croatian police of illegally entering Bosnia and Herzegovina in order to deliver refugees and migrants found on its territory.[73]

In a letter to Amnesty International, Croatia's Interior Ministry rejected all allegations of illegal push-backs, reiterating that the action of the Croatian police was encompassed within the bounds of the national and EU law. According to the Minister, all the imputations of police violence had been investigated with no evidence of unlawful use of force to be found, thus suggesting that 'migrants hoped that false accusations against Croatian police would assist them in their next attempt to enter Croatia'.[74]

viii.   Croatia's Access to the Schengen Area

Human Rights Watch has been committed to reporting the critical conditions in which the reception of migrants, refugees, and asylum seekers has taken place in the North Bosnian region since the beginning of 2018. In November 2019, the NGO commented on the European Commission's conclusion that Croatia was ready to join the Schengen Area as 'willfully brushing over evidence of violent push-backs of migrants at its borders. (...) The European Commission's action sends the message that serious human rights abuses are no obstacle to Schengen accession'.[75]

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[72] Border Violence Monitoring Network, "Statistics", https://www.borderviolence.eu/statistics
[73] Amnesty International. "Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along Balkan Route"
[74] Ibid.
[75] Human Rights Watch, "EU: Address Croatia Border Pushbacks", November 8, 2019, https://www.hrw.org/news/2019/11/08/eu-address-croatia-border-pushbacks

In July 2019, Kolinda Grabar-Kitarović, the President of Croatia at the time, had downplayed the alleged abuse of force by the police, declaring that: "When someone travels through this difficult terrain, it's normal for them to get scrapes, bruises, and injuries. Next time you hear stories about the brutality of our police officers, you should think twice. They are not violent, I can guarantee that"[76]. Nevertheless, later that month, she publicly acknowledged on the Swiss television broadcast SFR that border police were engaged in forcing migrants back into Bosnian territory, stating that: "Of course, a little bit of force is needed when pushing people".[77] In addition, she denied the illegality of the Croatian police's conduct, stressing instead that the attempt to cross the border was as illegal as the migrants trying to succeed in it.[78]

Soon after, the Croatian Ombudswoman published anonymous complaints by Croatian police who reported being forced to use unlawful means at the border. [79] The letter provides detailed descriptions of the conditions in which push-backs to Bosnia are practiced every day, in numbers of 20 to 50 people per day. According to the authors, the rights to asylum were willfully ignored and migrants, including women and children, were repeatedly deprived of their documents and papers. Moreover, the use of force and cruelty was declared as common practice among the several resource units in the police stations along the border.

Despite the Croatian President's admissions and the above-described public acknowledgments of police misconduct, Jean-Claude Juncker, the president of the European Commission at the time, commended Croatia "for its efforts and perseverance to meet all the necessary conditions to join Schengen. It is only through being united and standing together that we can ensure a stronger Schengen area. Sharing the achievement of Schengen must be our common objective. This is why I trust that Member States will take the right steps for Croatia to become a full Schengen member soon".[80] During the same press release in October 2019, the Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos reinforced Junker's praise of Croatia's successful efforts, by stressing how the

[76] Nenad Kreizer, "In Croatia, EU Border Guards Use 'a Little Bit of Force'"
[77] SFR, "Kroatiens Präsidentin Grabar-Kitarović zur Balkanroute", July 09, 2019, https://www.srf.ch/play/tv/tagesschau/video/kroatiens-praesidentin-grabar-kitarovi-zur-balkanroute?urn=urn:srf:video:68ae3d79-230b-4af6-a318-717b9aa8a514
[78] Ibid.
[79] Border Violence Monitoring Network, "Complaint by Croatian Police Officers Who Are Being Urged to Act Unlawfully", July 17, 2019, https://www.borderviolence.eu/complaint-by-croatian-police-officers-who-are-being-urged-to-act-unlawfully/
[80] European Commission, "Schengen Accession: Croatia on the Way to Join the Schengen Area", October 22, 2019, https://ec.europa.eu/commission/presscorner/detail/en/IP_19_6140

country's admission 'will contribute to further strengthening the Schengen area and ensure that the EU's external borders are better protected.'[81]

At the end of November 2019, two months before the beginning of Croatia's rotatory presidency of the EU Council, Angela Merkel echoed similar approvals of the country's border management. During her visit to Zagreb, the German Chancellor pointed out that: "From the perspective of a country that's supposed to protect the external [EU] border, it, of course, looks different compared to the perspective of a country [such as Germany] in the middle of the Schengen Area".[82]

Human Rights Watch highlighted in their declaration how certain criteria must be met to join the Schengen area, including respect for the right to seek asylum. Quoting Article 4 of the EU Schengen Borders Code, member states should act in compliance with EU law and 'obligations related to access to international protection, in particular the principle of non-refoulement and fundamental rights.'[83] According to the NGO, push-backs preventing people from accessing the Croatian asylum procedure violate Article 4.

Croatia has received 7 million Euros in EU funding to support border security, of which only 300,000 Euros were addressed to monitor the compliance of border police measures with EU asylum and human rights laws. The rest was allocated to infrastructure and border police equipment.[84]

The complex features assumed by the border reality through its development reveal a delicate geo-political environment. Its multilayered implications are thus to be investigated through the deconstruction of those processes that aimed at naturalizing a particular perception of this reality and the power relations in which it is imbued. For this purpose, the chosen theoretical and methodological framework, encompassed within post-structuralist discourse theory, will provide the ground for such analysis.

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[81] Ibid.
[82] Zoran Arbutina, "Croatia's EU Presidency: What Will it Bring for Europe?", *Deutsche Welle*, December 31, 2019, https://www.dw.com/en/croatias-eu-presidency-what-will-it-bring-for-europe/a-51847900
[83] Official Journal of the European Union, "Regulation (EU) 2016/399 of the European Parliament of the Council", 09 March 2016, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0399
[84] Amnesty International, "Croatia: Fresh Evidence of Police Abuse and Torture of Migrants and Asylum-Seekers", June 11, 2020, https://www.amnesty.eu/news/croatia-fresh-evidence-of-police-abuse-and-torture-of-migrants-and-asylum-seekers/

3. <u>Theory and Methodology</u>

The border reality in question took form within the set time-frame of 2018 and 2019, when the Balkan Route stretched and extended to Bosnia-Herzegovina and the rhetoric of a 'refugee crisis' rapidly reached the country. The environment of the border reality, as previously explored through its material setting and political implications, has evolved within this framework.

Stemming from a post-structuralist standpoint, the circumstances and dynamics in which the border reality developed will be approached through their discursive formation. The main discourses on migration entrenched in the aforementioned context will be analyzed as constitutive of the reality of the border itself. The methodology employed for this purpose draws on discourse analysis theory, particularly as formulated by Ernesto Laclau and Chantal Mouffe.

Before addressing the analysis of the discourses embedded in the reality at issue, it will thus be necessary to elaborate on some fundamental principles within the appointed theoretical and methodological framework and set the main working definitions, such as discourse and discourse analysis theory; hegemony and counter-hegemony; power and biopower.

i. **Discourse and Discourse Analysis Theory**

The term 'discourse' is pivotal to the type of analysis that will be employed; its meaning can assume different nuances, however, it can be initially defined as one specific approach to the understanding of the world. In fact, the way we speak about reality is not mirroring it neutrally, but it covers the active of shaping it. Thus, by investigating the normative structures of discourse, critical discourse analysis sheds light on the way political articulations and power relations organize society by discursive means. The same articulations present their regimes of truth as natural and objective; it is the aim of discourse analysis to illuminate the contingency of discourses regulating one aspect of reality.[85]

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[85] Marianne Jorgensen, and Louise J. Phillips, *Discourse Analysis as Theory and Method* (London: SAGE Publications, 2002)

The type of theory proposed in this thesis stems from a social constructionist approach to discourse analysis, as influenced by the critique of Saussure's structuralism and French post-structuralist philosophy. In particular, it is articulated around the latter's conception of reality: if the existence of reality is undisputed, its meaning can only be acquired through discourse. Moreover, language is here defined not as reflecting a pre-existing reality, but as composed of different and contextual patterns elaborated through discursive practice.[86] The main features defining this theory and methodology are grounded in the refusal of an ontological, objective, and universal truth. Contrarily, knowledge is to be understood as contingent, historically located, and connected to social action. In fact, different constructions of knowledge produce distinct understandings of the world, leading to separate social actions.[87]

The process of deconstruction of the 'natural' and 'objective' is thus central to the analysis of discourse. Influenced by Derrida's articulation on deconstruction,[88] Ernesto Laclau and Chantal Mouffe built their discourse theory on the assertion that truth is always assembled through discursive means. Thus, by questioning and dissecting the articulation of truth they reveal its contingency, concealed by the persistent effort to reach an objective and 'natural' character. Their theory postulates that reality is the junction of elements deliberately organized following an articulation that could always be structured otherwise. According to the authors, **discourse** is thus the fixation of meaning in a specific domain.[89]

Nonetheless, if contingency is inevitable, the purpose of fixing the meaning of elements in a discourse is ultimately unattainable. Therefore, discourses embody the struggle to constitute a consolidated system of meaning by halting the fluctuation of signs and by operating a selection and subtraction of possibilities. By deconstruction, discourse analysis traces the processes that strive to fix the position of signs, or those articulations whose frequency produces the effect of objectivity and homogeneity.[90]

In order to understand the methodology formulated by Lacau and Mouffe, as it will be applied to the analysis of the border reality, it is necessary to clarify the definitions that constitute the foundation of their conception of discourse and discourse analysis.

The signs contained in a discourse are defined as **moments.** Their meaning is determined by the differences between each other, or by their **differential positions**. The

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[86] Jorgensen, Phillips, *Discourse Analysis as Theory and Method*
[87] Ibid.
[88] Jacques Derrida, *Of Grammatology* (Paris: Les Éditions de Minuit, 1967)
[89] Ernesto Laclau, "Discourse", In: *The Blackwell Companion to Contemporary Political Philosophy,* ed. Robert Goodin, and Philip Pettit (Oxford: Blackwell, 1993)
[90]Åkerstrøm Niels Andersen, *Discursive Analytical Strategies* (Bristol: The Policy Press, 2003)

order of the signs is dictated by the **nodal points**. The other signs' meaning is also established through their relationship with the nodal points, while the **elements** are those signs whose meanings haven't been fixed yet. They are polysemic, as they carry several potential connotations. The practice of **articulation** connects the elements and transforms their identity. In fact, the aim of a discursive formation is to reduce the polysemy of signs, hence attempting to fix their meaning through a **closure**. Due to the inevitable contingency of the above-described process of creation of meaning, the closure represents the forever unfulfilled tension towards fixation embedded in discursive practices. Finally, the **floating signifiers** are signs especially apt to assume various meanings, insomuch as to reveal the struggle between distinct discourses trying to impose the fixation of their regime of truth. When two discourses are compared, a nodal point can become a floating signifier as the different fixations of meaning that it assumes in the separate discourses disclose the conflict between the two.[91]

The relational net through which discourses aim to fix the meaning of their signs is thus disclosed as an incomplete structure, never achieving a finite formation. Indeed, articulations are as temporary as the closure that aims to define their uncertain terrain. Laclau and Mouffe's discourse theory focuses especially on articulation, by investigating the discourses that originate a particular formation, the discourses that the articulation reproduces, and whether it challenges an existing discourse by redefining its moments.[92]

ii. Hegemony and Counter-Hegemony

For the purpose of understanding the way in which the principles of discourse theory can be applied to the analysis of socio-political contexts, it will be useful to explore how Laclau and Mouffe formulated the concept of society. The social is primarily considered as a discursive field organized by political articulations. All social phenomena are structured following the same assumptions as language, hence, all social practices are to be considered as articulations that reproduce or modify regimes of truth through political acts. In fact, politics embodies the building and molding of society through ceaseless processes that, like language, select the combination of some elements by excluding others. Similarly, political identities are not pre-

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[91] Jorgensen, Phillips, *Discourse Analysis as Theory and Method*
[92] Ernesto Laclau, and Chantal Mouffe, *Hegemony and Socialist Strategy. Towards a Radical Democratic Politics* (London: Verso, 1985)

given, but shaped through debate in the social field. This defines the absolute centrality that politics cover in Laclau and Mouffe's discourse theory.[93]

Thus, the concept of society is not envisaged as an objective totality, but rather as a partial structure that has temporary fixations, or closures. The totality in which the idea of society is imbued is imaginary and has the purpose of conferring meaning to human actions. It is the illusionary, yet necessary, character of society that provides a goal, a horizon to strive to. The floating signifiers that are in relation to a form of totality are referred to as **myths**. Discourse analysis aims at investigating the way in which some myths emerge by appearing as objective and the way they are attributed particular meanings by social actors in order to impose a particular perspective of society while suppressing others.[94] Furthermore, it is through history that political articulatory processes become sedimented discourse and assume the appearance of objectivity. The contingency of discourse in the social and political field is thus disguised, setting the ground for the fixity of **ideology**. In addition, the layer of sedimented discourse and sedimented power determines some of the main components of permanence and constraints within political articulations. In fact, if reality is theoretically mutable and never fully fixed, change is not necessarily always attainable, which is also due to the differential positions and uneven means of social actors.[95]

Moreover, discourses are to be understood as material: social and physical objects do exist outside of discourse, but they only acquire meaning through discursive articulations. Laclau and Mouffe argue against the conception of a mental character of discourse, that would reproduce the dichotomy between a pure, ontological expression of thought and an objective field located outside of any discursive formulations.[96] In fact, the materiality of discourse denies the presence of one single founding subject, in favor of multiple subject positions within a discursive articulation. Echoing Foucault, it is only by overcoming the concept of 'Man' as a unified subject that the classical binary of empirical/transcendental is dissolved. Thus, by rejecting the discursive/extra-discursive opposition, the dichotomy reality/thought is also invalidated.[97]

If there is no empirical ground outside discourse and no objective, ontological subject identified as thought, the materiality of the social is entirely shaped and ordered through discursive articulations. In this context, the paramount concept of **hegemony** explains how a

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[93] Laclau, "Discourse"
[94] Jorgensen, Phillips, *Discourse Analysis as Theory and Method*
[95] Ibid.
[96] Laclau, Mouffe, *Hegemony and Socialist Strategy. Towards a Radical Democratic Politics*
[97] Ibid.

particular discursive formation succeeds in prevailing within the social field. In fact, hegemony is defined as the way in which a particular junction of elements produces a perspective of the world that appears as naturalized through the suppression of alternative articulations. When two discourses are in conflict and two identities contrast each other, the social antagonism that emerges is solved by means of **hegemonic interventions**. These are articulations that force the establishment of an incongruous and unidirectional setting. Furthermore, the hegemonic subject and the hegemonized elements are not in a relation of interiority/exteriority, but they are both constituted in the general field of discursivity. Following Gramsci's analysis, a hegemonic formation is a type of historical bloc, or a configuration that links its elements according to a certain regularity in dispersion.[98]

Moreover, the specificity of a hegemonic type of articulation lies in its particular location within a field of discursive **antagonism**. Antagonism is here elaborated in comparison to the concept of difference. If a relation of difference between two subjects implicates the existence of the two, in a system of antagonism the presence of one impedes the other to constitute itself. 'The presence of the "Other" prevents me from being fully myself'.[99] Indeed, antagonism represents the experience of the limit of the social, insomuch as it materializes the limit of society and dictates the latter's failure to establish itself as an objective structure. In fact, every society, like every language, builds itself on the repression of the impossibility of its finitude. Language exists with the purpose of fixing what antagonism subverts. Therefore, the presence of antagonism prevents society from being fully itself, by virtue of the inevitable limits that pierce its constitution.[100]

The subversion that occurs through antagonisms can be further explained by the concept of **equivalence**. As previously described, the elements of a discourse assume meaning relationally, or else in rapport with the nodal point and with each other. Such articulation implies a process of equivalence: by linking some elements they become equal insofar as they differ from others. Thus, the chain of equivalence established points at some underlying common identity in relation to something else. Here lies the constitutive ambivalence of the relation of equivalence: two terms need to be different in order to be equal, yet the equivalence can only be realized by eliminating the difference among them. Therefore, the mobility of all differences reveals the fundamental contingency of discourse. Moreover, the negation of an object's positivity through chains of equivalence gives actual

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[98] Ibid.
[99] Ibid.
[100] Ibid.

form to negativity, or to the unreachable objectivity of the real. Hence, the impossible coexistence of objectivity and negativity, as constitutive of the social, is to be understood not as a relation of frontiers, but as a reciprocal, antagonistic subversion of their contents. The multiplication of antagonisms occurs when social relations are uncertain and hamper the development of any centrality. It follows that the logic of equivalence tends to the simplification of the political space.[101]

Furthermore, the more incomplete the social is, the more the possibilities of hegemonic politics increase. The multiplication of change, leads to greater instability, which offers increasing possibilities of articulations and antagonism, or growing chances for hegemonic practices.[102] If hegemony is a type of political articulation, it is not located within the social; it is not a topographic concept. Thus, it does not constitute a privileged point from which its dominant effects are spread. In fact, hegemony emerges within an antagonistic field of discursivity where a surplus of meaning occurs, without constituting the center of the social, nor accounting for its totality, as the infinitude of social formations represents the very condition for its existence.[103] Moreover, if the social is constituted by social actors located in differential positions within its fabric, when their particularities create chains of equivalence, they transcend their singularity and constitute a hegemonic relation with a universalistic character. However, this universality is only apparent, as it is located within the inextricable tension between universality and particularity, hence being inevitably mutable and always subvertible.[104]

As a result, hegemonic universality is fundamentally political and it can always be challenged through **counter-hegemonic** formations. The centrality of antagonistic practice and antagonistic limits define the core of Laclau and Mouffe's inevitability of counter-hegemonic opposition. Conflict is not only irremovable from the political field, nor it is to be envisaged as an impediment to the full realization of homogeneity. As previously exposed, objectivity and fixity are impossible to be achieved, although concealed in the ideal strive to universality embedded in the hegemonic formation. Therefore, antagonism is ineradicable and a final resolution of division is not attainable. Counter-hegemony is always possible due to the discursive political fabric of the social, imbued in antagonistic relations.[105]

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[101] Ibid.
[102] Ibid.
[103] Ibid.
[104] Ibid.
[105] Ibid.

To conclude, it is division and antagonism that set the ground for pluralist democratic politics. In fact, striving towards a final resolution of conflict can only undermine the democratic project, as it fails to realize that each hegemonic articulation is potentially negated and subverted by a counter-hegemonic one. The centrality of antagonism embodies the very possibility for democracy.

iii.   Power and Biopolitics

Having illustrated the discursive organization of society, the way in which hegemonic articulations operate, and the prevalence of politics and antagonism in the social field, the focus will shift now on the exercise of power. As a matter of fact, discursive formations allow the establishment and legitimization of relations of power within the social. Therefore, the target of critical discourse theory is disclosing, by means of analysis and deconstruction, the way in which knowledge is transmitted and naturalized, allowing the employment of power.[106]

In *Hegemony and Socialist Strategy*[107] Laclau and Mouffe describe the hegemonic formation as constructed through the regularity in dispersion of different elements, including forms of determination. The latter can comprise either power or types of resistance to it. Power is here postulated as pragmatic and internal to the social fabric, deriving from the opposition of logics of equivalence and difference. Nevertheless, it is never foundational and it is not located in a central point that dictates the core of the hegemonic formation. At the same time, power is not to be envisaged as a total diffusion through the social field. In fact, like discourse, it is always contingent and it acquires meaning in a specific relational context in which its logic is challenged by other, often contrasting, dialectics. Moreover, if society cannot be fixed by a positive logic of objective universalism, the understanding of power cannot provide for an approach centered on the determination of the essence of the social. Therefore, the concept of power cannot assume absolute validity. [108]

The methodological and theoretical framework provided thus far by Laclau and Mouffe's discourse analysis theory will be further expanded and reinforced by Foucault's postulations on **power** and **power relations**.

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[106] Ruth Wodak, and Michael Meyer, *Methods of Critical Discourse Analysis* (London: SAGE Publications, 2009)
[107] Laclau, Mouffe, *Hegemony and Socialist Strategy. Towards a Radical Democratic Politics*
[108] Ibid.

In the first introductory volume of his *History of the Sexuality*,[109] Foucault explores how the beginning of the modern age in the eighteenth century marked the shift towards types of power mechanisms that operated on 'men as living bodies',[110] by means of normalization and control, and extended on every level beyond the State. As a result, power is to be envisaged as the decentralized dispersion of forces that permeate the domain in which they act. Therefore, it cannot be localized and emanated through a central locus, nor it can be embodied by a single institution or structure. In fact, power is omnipresent: it comes from everywhere and it establishes itself in each relation, from one moment to the next. Its conditions of possibility are engendered by the moving character of force relations that always imply moments of power, albeit local and unstable. As a result, power appears as the general aftermath of these repetitive concatenations of mobilities.[111] Power relations are immanent, as they are perpetuated from multiple points in rapport to other forms of relation, (such as economic, of knowledge, sexual) and not in a position of exteriority or superiority to the latter. In fact, power comes from below and it is reproduced through manifold relations within the social field, annulling a top-down logic or a dichotomic division between dominant and dominated. Moreover, hegemonic effects are the outcome of the multiple confrontations of force relations diffused in the social fabric. Finally, due to this stark relational character, **resistance** is always present wherever and whenever there is power. As a matter of fact, the latter can only exist in rapport to the former, which functions as its antagonist, its limit, and its target. Similarly to power, resistance is not enclosed within one single locus, but it is found in a multiplicity of points dispersed through the power network. Nevertheless, resistance's formation is not to be understood as a simple reaction to the dominant force, a negative to the positive: it is the unsolvable, unfixable opposition to power.[112]

According to Foucault, the above-described anatomy of power dictates the way in which discourse can embody both an instrument and effect of power, or a point of resistance. The shift in the conception of power as immanent and omnipresent coincides with the understanding of its exercise over human beings perceived as bodies. Bodies are in fact immersed in the political field and imbued in relations of power. **Biopolitics** indicate the way in which the body and its economic use are invested with political power relations. In

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[109] Michel Foucault, *The History of Sexuality. Volume I: The Will to Knowledge* (Paris: Éditions Gallimard, 1976)
[110] Ibid., 89
[111] Ibid.
[112] Ibid.

Discipline and Punish,[113] Foucault analyzes how bodies can be subjected and ordinated by means of ideology and of material conditioning, with or without the deployment of violence, in order to be transformed into a useful force. The bodily multiplicity of a population is subjected to the immanence of mechanisms of power through punishments, disciplines, surveillance, and incarceration. This historical transformation represents the core of the passage from centralized sovereignty to continuous, immanent effects of public power. In particular, Foucault places the development of an art of the human body in the establishment of disciplines aimed at making bodies both more obedient and more useful. The manipulation and economization of bodies exemplifies the productive character of power. In fact, if the individual is clearly an ideological representation of the globality of the population, the techniques of power to which it is subjected transform it in a 'fabricated reality'.[114] Therefore, power appears not as subtractive, repressive, or abstractive, but as production of reality.

Finally, in *The Subject and Power*,[115] Foucault advocates for a different economy of power based on the empirical practice of resistance. In fact, resistance can work as a 'chemical catalyst'[116] that is able to shed light on the position of power relations, their points of application, and the methods employed.[117] As follows, the focus of Foucault's analysis of power is set on the specific means by which it is exercised and on the consequences implied by its exertion over others.[118] In fact, if 'power exists only when it is put into actions',[119] its action does not influence directly the other, but rather the other's action. The other is here envisaged as an active subjectivity that is constitutive of the power relation itself.[120] In fact, every power relation implies a strategy of struggle in which two forces are not super-imposed, but constitute a reciprocal limit and a potential point of subversion.[121]

To conclude, the analysis of discursive formations that reciprocally shape the border reality will be carried out in the observance of the notions of discourse, hegemony, counter-hegemony, as formulated by Laclau and Mouffe, while expanded by elements of Foucault's articulations on power and power relations. Specifically, particular attention will be posed to

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[113] Michel Foucault, *Discipline and Punish* (Paris: Éditions Gallimard, 1975)
[114] Ibid. 273
[115] Michel Foucault, "The Subject and Power", *Critical Inquiry* 8, no. 4 (1982): 777-795
[116] Ibid., 780
[117] Ibid.
[118] Ibid.
[119] Ibid., 788
[120] Ibid.
[121] Ibid., 780

the antagonistic field in which the political articulation of the hegemonic discourses on migration occur, or the limit posed to them by their counter-hegemonic formations. The goal is to shed light on the contingent character of dominant regimes of truth, as they continuously strive for objectivity. Thus, the role of resistance is here integrated as the constitutive limit to hegemonic blocs. The relational character of discourse, which according to Laclau and Mouffe is entirely constitutive of the social as political articulations, will also set the framework to analyze the effects of power relations in their immanent, dislocated, and productive action.

5. Analysis

The conditions in which the reception of migrants have taken place in the Una-Sana canton have been widely reported in their criticality. As previously disclosed, push-backs represent one of the most relevant issues at stake. In fact, these tactics, as operated by Croatian and Slovenian police at the border, breach the rights to asylum and to protection against *refoulement* (as enshrined in the '1951 United Nations Convention Relating to the Status of Refugees', or the 'Refugee Convention'), and violate the prohibition of collective expulsion (following Article 4 of Protocol No. 4 of the 'European Convention on Human Rights').[122] 'Multiple push-backs' have also been denounced, indicating the rejection of refugees from more than one state, in this context, from Slovenia to Croatia and finally to Bosnia-Herzegovina. The systematic implementation of such measures suggests a line of action responding to national policies, rather than representing occasional incidents.[123]

Moreover, push-backs represent relevant dynamics in which the discourses that organize the border reality can be observed. Here, the power relations that reciprocally shape discourses and tactics shed light on the same articulatory practices.

Central to the analysis will thus be the testimonies of push-backs from Croatia (and Slovenia in case of multiple push-backs) to Bosnia-Herzegovina between January 2018 and December 2019, as collected in the Border Violence Monitoring Network database.[124] In fact, the 343 selected reports from the field encompass the discourses on migration and disclose their direct implementation. The oral testimonies will be solely analyzed in the content they provide according to the standpoint of critical discourse theory, though they will not be regarded as proven evidence. As a matter of fact, the discursive formations are accessed through their contingent lenses. Therefore, the analysis will be grounded in the deconstruction of the hegemonic and counter-hegemonic discourses on migration, their organization of social spaces and their processes of group formation. The location of their lines of conflict within the antagonistic field will thus reveal their contingent character. Finally, particular attention will be paid to the political aspects and the social consequences that the articulation of discourses, spaces, and identities entail, insofar as to prove the way in which discourse can dictate reality.

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[122] Council of Europe Parliamentary Assembly, "Resolution 2299 - Pushback Policies and Practice in Council of Europe Member States", June 28, 2019, http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=28074&lang=en

[123] Council of Europe Parliamentary Assembly, "Resolution 2299 - Pushback Policies and Practice in Council of Europe Member States"

[124] Border Violence Monitoring Network, "Reports Archive", https://www.borderviolence.eu/violence-reports/

i. The Discourse on Migration: Illegality

Although unreachable, the horizon towards which discourses point is always represented by closure and homogeneity. In order to attain a seemingly objective structure, they organize their elements in the effort of halting the fluctuation of their meanings. Thus, they operate a selection and subtraction of possibilities. By deconstruction, the analysis will then trace the processes that aspire to hegemonically fix a precise understanding of the border reality, the articulations that are promoted, and its nodal points. Moreover, the objective appearance that they acquire will be confuted by the counter-hegemonic formations that emerge within the same social fabric. In particular, a different perspective on migration will appear, proving the existence within the hegemonic discourse of what had originally been excluded. Within the field of antagonism, the nodal point will reveal itself as a floating signifier, hence shedding light on the contingent character of each discourse on migration and on the social consequences they imply.

Within the discourse on migration located in the geopolitical fabric in question, illegality repeatedly emerges as the nodal point in rapport to which the other discursive elements assume meaning. The closure towards which the hegemonic discourse strives is articulated around the concept of illegality, thus presenting a particular understanding of the phenomenon of migration in the context of the Bosnian-Croatian border.

A paramount source that manifests the centrality of the notion of illegality in rapport to migration is Kolinda Grabar-Kitarović's interview on the Swiss television broadcast SFR on July 09, 2019.[125] The former Croatian President is here questioned on the systemic push-backs operated by Croatian police at the border with Bosnia-Herzegovina, as follows:

> *"My colleagues filmed illegal push-backs by the Croatian police. How do you react to this report?"*

> "Illegal push-backs? Why do you think they are illegal? We're talking about illegal migrants. People who want to come to Croatia illegally and the police send them back to Bosnia-Herzegovina. Because there are open border crossings that are open to everyone who comes to Croatia and wants to apply for asylum."

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[125] SFR, "Kroatiens Präsidentin Grabar-Kitarović zur Balkanroute"

"What about reports from NGOs and migrants reporting violence by the Croatian police? Are they wrong?"

"I did investigations and I was assured again and again, by the interior minister, the police chief, and the local police that they were not using violence that was excessive. Of course, there is a little bit of force involved when you are pushing people back. But you also have to look at the terrain. We are talking about the Croatian border as the EU external border, where we basically protect the whole of the EU and Switzerland from illegal migration."

The first question posed by the journalist links the elements of 'push-backs' and 'Croatian police' to the nodal point of 'illegality', thereby fixating their meanings. It is in Grabar-Kitarović's answer that the above-described order is subverted, by means of a hegemonic intervention: here, the link between 'illegality' and 'push-backs' is split and replaced with the articulation of 'migrants' and 'migration' (or 'crossing') around the concept of 'illegality'. Moreover, the position of the 'Croatian police' in association with 'push-backs' and 'illegality' is inverted, thus resulting as antagonistic to the illegality of 'migrants' and 'migration'. Therefore, her discursive articulation posits on one side, 'migration' and 'migrants' in an equation with 'illegality', and on the other side, 'push-backs' is equated to 'Croatian police' and opposed to the same nodal point of 'illegality', following the polarization proper of a logic of equivalence.

The second question expands the concept of 'illegality' with the element of 'violence', here linked to 'Croatian police' and in antagonism with 'NGOs' and 'migrants'. The answer perpetuates the previous hegemonic closure by dissociating 'force' with 'excessive' and replacing the latter with 'necessary' and 'protect'. The social space of the 'EU', and 'Switzerland' is here placed in conflict with 'illegal migration'. The action of the 'interior minister', 'the police chief', and the 'local police' is thus in line with the 'violence' and 'force' that are 'necessary' to 'protect' the 'EU external border' against 'illegal migrants'. Once again, the meaning that the elements acquire is in relation to the nodal point of 'illegality', which dictates the articulation of the discourse.

The regime of truth constituted by this hegemonic discourse implies the necessity and legality of push-backs. The force involved in such operations is thus justified by the respect of international laws and security at stake. The Croatian police stand as watchdogs against

illegality along the EU external border, hence making Croatia a warranty of legality and a protector of the entire European Union.

The pivotal position occupied by the concept of illegality in the discourse on migration embedded in the border reality is echoed in the testimonies of push-backs collected in the Border Violence Monitoring Network database. The 343 selected reports offer an insight on the discourse on migration as allegedly reproduced by local police, border police, and the army, or by those who directly implement the social consequences of such discourse. However, the testimonies incorporate important moments of subversion of the hegemonic discourse by engendering counter-hegemonic formations. Following a Foucauldian understanding of resistance, they work as 'chemical catalysts'[126] indicating where power relations are located and by which tactics they are enforced.

On September 6, 2018, four migrants from Iraq were caught by the Croatian police on their way to Rijeka. In the report collected by Balkan Info Van and published by BVMN, one of the four men describes being frisked and deprived of his belongings and addressing the policemen in an attempt to explain the reason they needed asylum. The way the answer of the police is articulated in the testimony remarks the position as nodal point covered by the concept of illegality:

"We respect you, (but) we have war in our country."
To this the police replied: "**You are illegal**."[127]

The words of Kolinda Grabar-Kitarović are here echoed and materialized, as they supposedly direct the line of conduct that shapes the border reality itself. Thus, the illegality of migration reproduced by the hegemonic discourse could imply the treatment of refugees and asylum seekers as criminals.

As a matter of fact, several of the selected testimonies refer to direct threats of imprisonment ('The police officers threatened them: "If second time you come, I'll take you to **prison**." They added that Croatian local people will call the police if they see them walking around'),[128] or similar conditions of detainment. ('The interviewee was locked in a

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[126] Foucault, "The Subject and Power", 780
[127] Border Violence Monitoring Network, "They Asked Several Times For Asylum, The Police Became Angry And Told Them To Be Quiet", September 6, 2018, https://www.borderviolence.eu/violence-reports/
[128] Border Violence Monitoring Network, "This Person, 21 Years, Was Beaten Severely All Over Their Body", February 13, 2018, https://www.borderviolence.eu/violence-reports/

cell at the police station for 6 hours without any water or food.')[129] Moreover, language belonging to the semantic field of the prison is often reported. ('The men were transported to another police station one hour away from the one in Stara Lipa, where they were forced to wear **grey prison uniforms** and **detained** for one night.')[130] ('The interviewee and the other men were also given a **bracelet with a number**, on which base they were called by the numbers instead of their names by the police.')[131] The interviewees themselves denounce the conditions in which the push-backs are operated as in line with the treatment of prisoners. ("They [Slovenian police] caught us, we went to the small car, 8 people **like prisoners**, no food, no water, no light inside of the car.")[132]

These articulations mirror the aforementioned connection between migration and illegality, by linking 'migrants' to 'illegal' and proceeding to describe the space to which they belong as the one of the 'cell', with 'grey prison uniforms', and 'bracelets with numbers', where their names are ignored and they are treated 'like prisoners'. On the contrary, 'police officers' and 'Croatian local people' are placed within the space of legality, in antagonism with the illegal migration they are meant to oppose.

Nevertheless, from the standpoint of the refugees involved in the testimonies, the nodal point of illegality in rapport to migration dictates a different articulatory order. In particular, the concept of illegality is often related to the condition of necessity, as it represents the only viable option to emigrate.

The respondent decided to choose an illegal option of border crossing because he didn't think there was any other way for him to reach **protection**. All his **efforts** of legal transit in the past **failed**. He had first applied for the US visa from Gaza but got **rejected** with an explanation that he was not qualified enough, although his English was at the level of a native speaker and he was a College graduate. Then, he applied for a visa to Turkey for two times, but again, he was rejected: "My life has been full

[129] Border Violence Monitoring Network, "He Found A Razor And Attempted To Commit Suicide By Cutting His Left Arm. A Police Officer Found Him Lying On The Ground Bleeding, But Did Not Provide Any Help", July 31, 2018, https://www.borderviolence.eu/violence-reports/
[130] Border Violence Monitoring Network, "The Men Had To Sign A Document That None Of Them Understood Because It Was Written In The Slovenian Language", July 3, 2018, https://www.borderviolence.eu/violence-reports/
[131] Border Violence Monitoring Network, "He Asked The Police If He Could Apply For Asylum And Had Prepared The Documents Proving That He Was Persecuted By ISIS In Afghanistan, But The Police Refused To See It" August 16, 2018, https://www.borderviolence.eu/violence-reports/
[132] Border Violence Monitoring Network, "Me And My Friend, We Had A Problem To Breath, There Was No Oxygen In The Container", July 4, 2018, https://www.borderviolence.eu/violence-reports/

of rejections, so I said OK, I **need** to go **illegal way** because there is **no legal way** for me."[133]

The strenuous circumstances surrounding the access to the asylum system make the 'legal way' non-existent for refugees and asylum seekers. Therefore, it is the hardship of many 'failed' and 'rejected' attempts of 'legal transit' that dictate the necessity of the 'illegal way'. In particular, the moments of 'efforts', 'need', and 'protection' are articulated around the concept of 'illegality' in antagonism to the previous examples, hence challenging their understanding of the phenomenon and presenting a counter-hegemonic formation. Therefore, 'illegality' emerges as the floating signifier that sheds light on the contingency of the analyzed discourses.

The impossibility to find a legal way to reach the European Union is echoed in many other testimonies. Moreover, the notion of 'illegality' is expanded by its relation to the element of 'smuggling', a well-established network of individuals that arrange and facilitate the passage of migrants. ('They didn't see another option for them to apply for asylum in Europe than through **cooperation** with **smuggler networks**. They didn't find a possibility to legally transit Europe.')[134] ('They felt there was no legal chance for them to reach asylum in Europe, and for this reason they decided to pay 2.500 Euros to a **"taxi driver"** who would **help** them.')[135] Once again, these discursive articulations reproduce the need to resort to illegal means as a direct consequence of the impossibility to reach Europe legally. The illegal way is here embodied by the 'cooperation' with 'smuggler networks', or 'taxi drivers' paid to 'help' them. The discourse seems to present smuggling as the only viable option that is able to actually help the migrants to attain their ultimate aim of protection, in spite of its illegality.

In many testimonies, the interviewees report being questioned by Croatian police about smugglers. ('The officers were acting aggressively towards the family and questioned them: "Did you come here with smuggler? Where are you from? What you want in Croatia?"')[136] However, many refugees pushed-back at the Bosnian-Croatian border described the police involved as accomplice to the business of smuggling, that often leads to

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[133] Border Violence Monitoring Network, "[...] So I Said Ok, I Need To Go Illegal Way Because There Is No Legal Way For Me" September 22, 2018, https://www.borderviolence.eu/violence-reports/
[134] Border Violence Monitoring Network, "For Muslims, No Asylum", September 24, 2018, https://www.borderviolence.eu/violence-reports/
[135] Border Violence Monitoring Network, "They Were just Saying To Us: "Fuck You Muslim, Fuck Your Mother, Fuck Your Brother", October 21, 2018, https://www.borderviolence.eu/violence-reports/
[136] Border Violence Monitoring Network, "The Kids Were [...] The children Should Not See Something Like This. Maybe They Will Never Forget This", October 19, 2018, https://www.borderviolence.eu/violence-reports/

the capture of migrants. ('The driver of the car who was also the smuggler was only charged €2200 and then **released**: "It is a business, **Croatian business**. Catching refugees, not a taxi driver. Only 2.200 fine for the driver, and the lawyer, but the driver is **free** now. **No jail**, nothing."')[137] The concept of illegality is here questioned again, by the unequal treatment of smugglers and refugees, the former implicated in the 'Croatian business' of 'catching refugees', thus 'released', 'free' with 'no jail', and the latter allegedly falling in the discourse of criminality.

The link between 'smugglers' and 'Croatian police' in antagonism with 'illegal migrants' is further extended to the 'local population' through the practice that sees the latter being financially rewarded by the police for spotting and denouncing the presence of migrants along the border. ('The interviewee saw how one police officer paid 50 euros to the local person, as a reward for calling them and helping them to catch the Kurdish family. The interviewee asked the police whether they could apply for asylum in Croatia, but he got a negative response and was attacked by the officers.')[138]

The nodal point of illegality is crucial to the understanding of a layered social fabric, in which the urge to protect the external border of the European Union from criminal migrants wavers when confronted by its antagonistic formation that sees the development of illegal practices of smuggling and corruption within the same field. In addition, according to their oral reports, the majority of the requests of asylum expressed by refugees when caught at the border would be ignored, hence violating the rights guaranteed by the 1951 Refugee Convention and grounding the practice of push-backs within the terrain of illegality. ('They requested asylum but the Croatian police told them that asylum doesn't exist in Croatia.')[139] Other dynamics entrenched in the push-back of migrants thus appear as breaching fundamental human rights. Such measures are also depicted as part of a wider systemic approach to discourage and hamper immigration. ('One of the respondents spoke about "torture" when he explained the situation in the van. It was his view that the officer behaved this way to make people in transit give up their intentions to reach Western/Northern Europe. "They are giving torture to us. After [so] the guys do not come back again."')[140]

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[137] Border Violence Monitoring Network, "For Muslims, No Asylum", September 24, 2018, https://www.borderviolence.eu/violence-reports/
[138] Border Violence Monitoring Network, "A Police Officer Paid 50 Euros To The Local Person, As A Reward For Calling Them And Helping Them To Catch The Kurdish Family", July 23, 2018, https://www.borderviolence.eu/violence-reports/
[139] Border Violence Monitoring Network, "They Requested Asylum But The Croatian Police Told Them Asylum Doesn't Exist In Croatia", February 17, 2018, https://www.borderviolence.eu/violence-reports/
[140] Border Violence Monitoring Network, "They Are Giving Torture To Us. After [So] The Guys Not Come Back Again", August 6, 2019, https://www.borderviolence.eu/violence-reports/

Thus, the counter-hegemonic formation illuminates the lines of conflict in which the contingency of the hegemonic discourse on illegal migration lies. The contradictions encompassed within the latter are located in a larger geopolitical system involving the entirety of the European Union, as reported in several testimonies. ("I do not understand this: on the one hand, the EU says they want to fight smugglers. But at the same time, they close the borders, which gives work for smugglers. They should do interviews with us here to find out who has the right to asylum.")[141] ("But Germany and other EU-states pay money to Croatia, that they protect the borders like this.")[142] Furthermore, as the 'illegal way' to reach 'protection' in Europe was presented as a consequence of the adversities within the asylum system, 'illegal migration' is also exposed as the outcome of historical and economic global relations, namely colonization. Awareness of the political implications of Croatia's access to the Schengen area, as previously described, is also displayed in several testimonies. ('One of the respondents voiced his frustration with the colonial legacy of his country and the extraction of natural resources from Morocco and other migrant-producing countries by now wealthy European states. (...) "The problem is the colonization, I would not be in Croatia and Bosnia without it. (…) This is Europe, Croatia maybe in five years [will become part of] Schengen. This is the problem."')[143]

The closure reproduced by the hegemonic discourse on migration with 'illegality' as its nodal point has been confronted along several lines of conflict by the counter-hegemonic formations that emerged in the same field. The testimonies of refugees involved in push-backs at the Bosnian-Croatian border between 2018 and 2019 challenge the understanding of the reality at stake by questioning the link between 'migration' and 'illegality'. As 'Croatian police' stands with 'protection of the EU border' within the space of legality, the concept of criminality is hereby excluded, as merely belonging to the space of 'illegal migration'. Nevertheless, the counter-hegemonic articulation subverts this regime of truth by connecting 'border police' to the illegal practices of smuggling and corruption, and to the alleged violation of human rights and rights to asylum. Furthermore, the antagonism that posits a limit to the homogeneity and fixity of the hegemonic formation reveals a much more fragmented reality on the field. The phenomenon of migration appears also as enclosed in a

[141] Border Violence Monitoring Network, "The Van Was Completely Dirty Inside, There Was Still The Vomit Of The Last 'Passengers'", April 16, 2019, https://www.borderviolence.eu/violence-reports/
[142] Border Violence Monitoring Network, "You Give Me Passport And Respect Me As A Human, There Is No Problem, I Come And Go. If You Don't Give Me Passport, I Will Come Many Times And Try Again And Again", June 6, 2019, https://www.borderviolence.eu/violence-reports/
[143] Border Violence Monitoring Network, "The Problem Is The Colonization, I Would Not Be In Bosnia And Croatia Without It", June 13, 2019, https://www.borderviolence.eu/violence-reports/

larger framework of power relations, mirrored in the discourses they reproduce and in their social consequences.

The deconstruction of the discourses on migration at issue reveals the processes of inclusion and exclusion by antagonistic articulations and logics of equivalence. Thus, if the border itself embodies the physical line separating the 'inside' from the 'outside', I question: what is included within one space and what is excluded from it? The analysis will therefore proceed in exploring the social spaces that organize the border reality, the myths that articulate them, and the field of antagonism in which their objectivity is subverted.

ii.   Social Spaces and Myths: 'Inside' versus 'Outside'

As previously described, Laclau and Mouffe's discourse analysis theory defines all social phenomena as structured discursively, following the same processes that articulate language. The centrality of politics in their theory determines the shaping of society through political articulations that organize spaces and identities by logics of equivalence and difference within an antagonistic field. In particular, social spaces are organized around myths, or those floating signifiers that are particularly apt to engender totality. In fact, the fixation and homogeneity to which discursive articulations aspire dictates the illusionary, yet necessary, character of society itself.

Therefore, the analysis of the border reality will now focus on the myths that organize its social spaces. The materiality of discourses determines the inclusion in the analysis of social and physical objects, hence of both linguistic and non-linguistic elements, that do exist outside of discourse, but that only acquire meaning through discursive articulations. The analysis will thus investigate the myths included within the social space of Europe and how the elements excluded from it define the space outside of it. Moreover, antagonistic formulations of the myths organizing Europe will provide a different perspective over the reality in question.

The hegemonic and counter-hegemonic discourses on migration had their lines of conflict located around the concept of 'illegality'. The former promoted Croatia as the defender of the European Union and its external border from illegal migration, thus excluding illegality from its field. On the contrary, the latter subverted this understanding of reality by presenting a

different perspective on migration and by proving the presence of illegality within the space of the hegemonic formation. Likewise, the social spaces of the border reality include specific key elements while excluding others, as they strive towards fixation, homogeneity, and objectivity.

Many of the testimonies of push-backs collected by Border Violence Monitoring Network at the Bosnian-Croatian border between 2018 and 2019 reproduce the articulation of the space of Europe around the myths of 'safety' and 'peace'. The same 'protection' that in the previously analyzed discourse on migration was presented as the aim that justified the recourse to illegal means is here located within the social space of Europe.

> "I just want to find a **safe place**, not too much money or big house. I just want a **peaceful life**. (…) **I just want a safe place in Europe and peace.**"[144]

> "We just want to have a **home** and to not have so **many problems** in our mind. I have four diplomas and I can do good **work**. We are only looking for a **good life** to take **care** of our families."[145]

The interviewees describe Europe as the place in which the elements of 'safety' and 'peace' belong and where their desire to have a 'peaceful life' can be fulfilled. Europe encompasses also the elements of 'home', 'lack of problems', 'work', 'care', and ultimately, a 'good life'. Similar concepts are reinforced in other testimonies in which preoccupations with religion ('The respondent tried to reiterate his intention for asylum, telling the police that he was being persecuted in Iran for his Christian faith'),[146] health ('The interviewee further explained that he has heart problems, which was the main reason why he left Algeria to get better medical care in Europe'),[147] and the economy ('I can't back to Algeria, I have nothing in Algeria')[148] are expressed as the main motive for migration.

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[144] Border Violence Monitoring Network, "You Know, They [Male Officers] Were Touching My Wife Everywhere", October 1, 2018, https://www.borderviolence.eu/violence-reports/

[145] Border Violence Monitoring Network, "We Are Not Terrorists, We Are Only Looking For A Good Life To Take Care Of Our Families", October 15, 2019, https://www.borderviolence.eu/violence-reports/

[146] Border Violence Monitoring Network, "We Hate All Of You [...] Only Because You Are From The Middle East", November 6, 2018, https://www.borderviolence.eu/violence-reports/

[147] Border Violence Monitoring Network, "I Swear I Thought He Wanted To Kill Me", July 29, 2018, https://www.borderviolence.eu/violence-reports/

[148] Border Violence Monitoring Network, "If You Are Sick Go To Bosnia, Take Medicine, I Don't Care About This!", April 27, 2019, https://www.borderviolence.eu/violence-reports/

Moreover, this articulation is further expanded by the possibility of 'change' and 'new start' that Europe embodies ("I just want to go somewhere safe, to a new country. I want to change everything and start new.")[149] In fact, the organization of the social space of Europe is determined by the opposition to what it is not, or else by the antagonistic space that originates the same desire for 'change' and a 'new start'.

> At the end of the interview, the respondent explained that he was trying to reach Europe to find a place where he can claim **asylum**, live in **peace** and **study**, which was impossible in his homeland Palestine: "All of us have **big problems** in life. In Syria is **war**. In Palestine, my two brothers were **shot** in Gaza by the Israeli army."[150]

The testimony exemplifies the contrast between the myths of 'asylum', 'peace', and 'study' by which the space of Europe is structured and the 'big problems', 'war', and 'shot' that identify what is closed outside of it. The 'inside' of Europe is thus defined in rapport to its 'outside', which assumes an identity itself in virtue of the same logic of equivalence.

> He explained that all of them have **difficult situations** in their homelands, escaping **war** and **violent governments**, and for this reason they have been searching for safety in Europe. "We have very **bad situations** in our countries. Especially in my case, I have a brother in **prison** in Palestine because of political reasons. My mother, they **shot** her on the way home in Syria. I have no way to go, only to Europe. (…) We don't need European money, we need **European safety**."[151]

Here, the 'outside' of Europe is similarly determined by the 'difficult situations', 'war', 'violent governments', 'bad situations', 'prison', and 'shot' that are in antagonism with the 'European safety' articulating its space.

The myths of 'safety' and 'peace' are inscribed within the social fabric of Europe, in a hegemonic formation that aims at fixing its meaning and organizing its reality. Such closure

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[149] Border Violence Monitoring Network, "I Said 'No, I Don't Want To Go Out, I Am From Palestine…', And They Started To Beat Me With The Baton On The Head And Dragged Me Out Of The Car", June 10, 2019, https://www.borderviolence.eu/violence-reports/

[150] Border Violence Monitoring Network, "They Were Vomiting Inside The Car Because The Police Officers Were Driving Very Fast And Swinging The Car Like This", October 8, 2018, https://www.borderviolence.eu/violence-reports/

[151] Border Violence Monitoring Network, "Some Started Vomiting Inside And Children Started Crying. It Was really Awful, Harder Than The Beating", October 11, 2018, https://www.borderviolence.eu/violence-reports/

is further reinforced by the principles of the logic of equivalence that, by articulating the elements included within 'Europe' and thereby defining what its social fabric does not encompass, shapes the identity of the space excluded from it. Moreover, from the analysis of the selected testimonies emerges the persistent association of the concept of Europe with the social space of the European Union. As a result, the discourse reproduces a homogeneous understanding of what the EU stands for and how its space is regulated.

Nevertheless, a contrasting perception is outlined in different testimonies that confute the objectivity and congruity of the previous articulations and challenge their regimes of truth. In particular, the violence and abuses experienced at the border present an ordering of reality in antagonism with the myths of Europe.

> "When the police was **beating** me, I was very **scared,** I thought that the **DAESH [ISIS]** was trying to **kill** me here in Europe. I came to Europe to be **safe** and to get **help** and I found this."[152]

The counter-hegemonic argument subverts the myths of 'safety' and 'help' embedded in the social fabric of Europe with the elements of 'beating', 'scared', and 'kill'. Thus, what the hegemonic discourse on Europe excluded from its field as belonging to the 'outside', is here brought within. The reaction of the interviewee to the alleged beating of the police is reported as of confusion and disappointment, due to the infringement of the expectations of 'safety' and 'help' connected to Europe and to the similarities with what belongs elsewhere ('DAESH') found within this space. Many testimonies report the lived experience of the confutation of the mythical aspects of Europe, setting the antagonistic field in which hegemonic and counter-hegemonic discourses confront each other. ("They […] started beating us, bump, bump, bump. They had electric shock. I said why do that because **this place is Europe and you don't do that**.")[153]

The argument against the hegemonic articulation of 'Europe' is further expanded by the concept of 'respect'. ("I hear that normally in Europe police is good, with respect.

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[152] Border Violence Monitoring Network, "One Officer Told Him To Kneel Down And Put His Head On The Ground, Another Police Officer Sat On His Head And Was Pushing His Head On The Ground With His Entire Bodyweight, For About 8 Minutes", July 26, 2018, https://www.borderviolence.eu/violence-reports/
[153] Border Violence Monitoring Network, "The Respondent Person Had Cuts On His Hand Caused By Electric Shocks", September 21, 2018, https://www.borderviolence.eu/violence-reports/

Slovenia is European Union but police had no respect!")[154] Likewise, the absence of rights is here linked with the space of Europe, contrarily to the myths that had defined it. ("Where is my right? I thought that in Europe I have rights. Where are they? I can't see them here!")[155] Thus, widely reported violations of the right to asylum embody yet another element of antagonism to the myths of 'protection' and 'safety' embedded in the hegemonic organization of the social space at issue. ("They don't have any system to apply for asylum, I asked three times and they don't accept me.")[156] As 'necessity' and 'protection' were invoked in the counter-hegemonic discourse on migration in a different relation to the floating signifier of 'illegality', the understanding of Europe as a grant of 'safety' would imply the respect of the 1951 Refugee Convention, particularly of the right to protection from *refoulement.* Nevertheless, the alleged experiences of abuse at the border, as perceived in the BVMN testimonies, and the following redistribution of the elements belonging to the field of Europe would prove the contrary. ('The interviewee asked the police if he could apply for asylum and had prepared the photocopy of the documents proving that he was persecuted by ISIS in Afghanistan, but the police refused to see it.')[157] ("I need to seek asylum I come from Palestine, Gaza, the situation in my country is very bad, there is a conflict and no job for me and my family. I need to have protection in Europe. But the police just said: 'You need asylum?' and laughed at me.")[158] ('He stated that he came from the district of Jalalabad (Afghanistan), which has been occupied by ISIS, and has no possibility of returning. Although the interviewee has attempted to cross the border to Croatia ten times, with the intention to apply for asylum there, he has continuously been denied access to any formal asylum procedures and violently pushed back to Bosnia.')[159] The element of 'asylum' is here excluded from Europe, contrasting its hegemonic myth of 'protection', according to which the EU stood as a guarantee of 'safety' against the dangers belonging to the 'outside'. The perceived violation of the migrants' rights manifests an antagonistic perspective on the social

[154] Border Violence Monitoring Network, "A Policeman Said 'Ah Mama And Papa!, Took His Baton And Struck Him Once On His Head. Our Friend Went Down Immediately", April 8, 2019, https://www.borderviolence.eu/violence-reports/

[155] Border Violence Monitoring Network, "One Officer Approached Me, Asked 'You Need Food?' And Took His Cup Of Hot Coffee And Spilled It Over My Face", July 14, 2019, https://www.borderviolence.eu/violence-reports/

[156] Border Violence Monitoring Network, "There Was No Opportunity To Claim Asylum During The Entire Interaction With The Authorities", November 7, 2018, https://www.borderviolence.eu/violence-reports/

[157] Border Violence Monitoring Network, "He Asked The Police If He Could Apply For Asylum And Had Prepared The Documents Proving That He Was Persecuted By Isis In Afghanistan, But The Police Refused To See It", August 16, 2018, https://www.borderviolence.eu/violence-reports/

[158] Border Violence Monitoring Network, "[...] So I Said Ok, I Need To Go Illegal Way Because There Is No Legal Way For Me" September 22, 2018, https://www.borderviolence.eu/violence-reports/

[159] Border Violence Monitoring Network, "The Officers Told The Men To Get Out Of The Car And Physically Attacked Them With Batons", August 14, 2018, https://www.borderviolence.eu/violence-reports/

space of the European Union, where the possibility to request asylum and protection would be erased, in spite of their 'necessity'.

The space of the 'outside' was previously defined by a logic of equivalence in rapport to the hegemonic articulation of Europe's field. On the contrary, the 'difficult situations', 'war', 'violent governments' located outside of Europe are reiterated in the counter-hegemonic organization of spaces by a logic of equivalence. Particularly, the element of 'danger' is repeatedly employed to connect the 'outside' to the 'inside' of Europe.

> "I told him that I was Syrian Kurdish and that I did not want to cause any problems. But they just kept telling me to go. If I have no problem in Syria, I would not go to Europe. I have everything I need in Syria. Just there is a war, and that is the problem. But maybe I don't want to go to Europe anymore, I will go back to Turkey and from there to Syria. **Police is very dangerous** here because they **treat me like I am dangerous**, but **I am not dangerous**. But if I go back to Syria, I will have to join Assad's army and yes, **I will be made dangerous**. **Croatia is dangerous**, so now, **I will also turn into a dangerous person** because I will have to return back to Syria and join the army for eight years and fight."[160]

The testimony links the element of 'danger' to 'war' and locates them within the space of Syria, or the 'outside' of Europe. Nevertheless, the lack of danger presented in the hegemonic distribution of the myths defining Europe is here confuted by the antagonistic articulation of 'danger' in connection with 'police' and 'Croatia'. Thus, 'danger' is equally engulfed within the space of Europe itself. Moreover, the structure of the discourse breaks the link between 'I' and 'dangerous': 'danger' is separated from the identity of the refugee and tied to the identity of the Croatian police. This articulation seems to reflect the discourse on migration and illegality that reproduced a depiction of the migrants as criminals. 'Illegality' and 'dangerous' would thus justify the force implied in the push-backs that consequently turn the police into dangerous subjects themselves. Finally, it is only the conditions of danger encompassed within the space of 'Syria', with its 'war' and 'Assad's army', that would necessarily transform the identity of the migrant into a 'dangerous' subject.

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[160] Border Violence Monitoring Network, "But If I Go Back To Syria, I Will HaveTo Join Assad's Army And Yes, I Will Be Made Dangerous", October 29, 2018, https://www.borderviolence.eu/violence-reports/

"I want to have asylum, I need to be in a safe country." But the policemen replied, in a friendly way: 'No, it's not possible, our law does not give us the authority to do that.' (…) I have already had a very long journey. It has been a very bad experience. I just want to go to a safe place, but **everywhere it is dangerous** for us. I really don't know what will happen to me in the end of my journey."[161]

The counter-hegemonic formation reveals the presence of danger in each space defining the border reality. The danger is not located solely outside of Europe, but it would be found within its social fabric as well, hence reversing its myths of 'asylum' and 'safety'. As a result, 'everywhere' becomes dangerous for migrants.

Furthermore, the reality of the Bosnian-Croatian border, as presented through the lens of the testimonies, becomes the embodiment of the subversion of the myths of Europe. The EU external border, protected by Croatia from 'illegal migration', draws the line between the 'inside' and the 'outside'. However, it is exactly here that the homogeneity of this partition is challenged by a contrasting organization of knowledge. Thus, the border reality becomes a buffer zone: within Europe but in contrast with its myths. In fact, the alleged abuses reported by refugees at the border fragment the elements of 'protection', 'respect', and 'rights' belonging and defining the social space of the European Union. Hence, the lines of conflict between the hegemonic and the counter-hegemonic formation are here disclosed, while subverting the former's regime of truth. ("We didn't try to apply for asylum. How can I apply for asylum or expect to be given protection from a country whose police officers force me to strip to my underwear and starts shoving my genitals with a tree branch in front of my wife and children?")[162]

The brutality that seem to characterize the systemic practice of push-backs at the border with Croatia, as alleged by the testimonies, would negate the safety at which the migrant population aims in European territory. Moreover, such articulation seals the linkage between the dangers encountered 'outside' and the violence experienced 'inside'. ('The respondent shared that he had attempted to cross the border seven times since fleeing the destruction of his home in Mosul, Iraq, and the death of most of his family. He shared that he

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[161] Border Violence Monitoring Network, "The Van Was Completely Dirty Inside, There Was Still The Vomit Of The Last 'Passengers'", April 16, 2019, https://www.borderviolence.eu/violence-reports/
[162] Border Violence Monitoring Network, "How Can I Apply For Asylum Or Expect To Be Given Protection From A Country Whose Police Officers Force To Strip Me To My Underwear And Starts Shoving My Genitals With A Branch In Front Of My Wife And Children", October 22, 2019, https://www.borderviolence.eu/violence-reports/

continuously experiences violence at the Croatian borders and notes the similarities between Iraq and Croatia.')[163]

As previously described, discursive articulations of social spaces include both linguistic and non-linguistic elements. In fact, physical elements are as involved as discursive elements in the organization of the spaces inside and outside Europe, as exemplified in the following testimonies:

"'This is not for you Europe, go to Muslim man country!', they kept repeating to us. No human rights. Where is the European Union? Where is the European people? All is blind. I am Muslim, but I read in the **Bible** and in the Bible is written, **respect** the **humanity** and the **human rights**. I **respect** the Bible, but Croatian police do not **respect** Muslims."[164]

"Tomorrow deport, you can't stay here. **Here is not Afghanistan or Iran.** (…) This is the last time that you wore your **scarf**, here is not Afghanistan, **here is Slovenia**, here is **no Islam**!"[165]

The first interviewee connects the linguistic elements of 'respect', 'humanity', and 'human rights' with the object of the 'Bible', inscribed in and defining the social space of Europe. However, the subversion of the link between 'respect' and 'human rights' proper to the social fabric defined by the Bible is enacted by the connection between 'Croatian police' and the negation of respect to 'Muslims'. Likewise, in the second testimony, the physical element of the 'scarf' is located within the 'outside' of Europe. 'Here' is equated with 'Slovenia' in antagonism with 'Afghanistan or Iran', hence excluding the presence of any 'scarf'.

Furthermore, central to the organization of the border's social spaces is the Islamic faith, positioned outside and in direct antagonism with Europe. This element defines both the social fabric of the border and the subjects located in it. In fact, as Islam is perceived as belonging outside of the European Union, so would the Muslim identities of migrants.

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[163] Border Violence Monitoring Network, "The Violence He Saw In Iraq is Similar To The Violence In Croatia", October 9, 2019, https://www.borderviolence.eu/violence-reports/
[164] Border Violence Monitoring Network, "For Muslims, No Asylum", September 24, 2018, https://www.borderviolence.eu/violence-reports/
[165] Border Violence Monitoring Network, "I Said To The Police That I Was A Muslim And Refused To Take Off My Clothes. But They Said, 'No Problem' And Took Off All My Clothes", August 5, 2018, https://www.borderviolence.eu/violence-reports/

The officers did not provide the group with water or directions, but just told them that **they were not welcome and must never come back**.[166]

After exploring the social spaces molded by the discourses on migration, the analysis will thus proceed in examining the subjects involved in the social fabric at issue. Shedding light on the elements that shape the identities of those who are 'not welcome and must never come back', I question: who is included within the legal space of Europe and who is excluded from it?

iii.   Identities and Group Formation: 'Us' versus the 'Other'

As explored in the processes of organization of social spaces, the materiality of discourses implies the rejection of a division between the discursive and the extra-discursive, the dichotomy reality/thought, and the humanist concept of 'Man'. The transcendental subject is thereby replaced in Laclau and Mouffe's theory with multiple subject positions designated by discourse. The subject is not sovereign and unified, but it can be ascribed to distinct subject positions within contrasting discourses. Moreover, the inevitability of contingency and antagonism in discursive formations implies the fragmentation of the individual. In fact, when antagonistic discourses aim at organizing the same social space, the individual is necessarily located in separate subject positions within the different formations. The myths that dictate the shaping of the social are also employed to invest the subject of particular meaning in relation to the other elements, whereby hegemonic interventions strive to maximize the homogeneity of the articulation and conceal its contingency. Therefore, the subject is never fixed, although the wholeness at which it aims represents the same necessary horizon towards which the articulation of social spaces strives.

Furthermore, identity stands for the identification of the individual with a subject position. This process is dictated by the establishment of chains of equivalence linking the key elements to each other. As a result, identity is entirely relational and social.

Likewise, the logic of equivalence allows for the organization of subjects into groups, whereby some subject positions, or identities, are retained, while others are excluded. Hence, group formation entails the practice of 'othering', by which the 'other' embodies all the

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166 Border Violence Monitoring Network, "The Police Just Told Them That They Are Not Welcome And Must Never Come Back", March 26, 2019, https://www.borderviolence.eu/violence-reports/

possibilities of identification excluded in the articulation. Discursive group formation, like the articulation of spaces, is thus political.[167]

By shedding light on identity and group formation, the analysis will first examine the nodal points around which the identities that shape the border reality are articulated. The investigation of the chains of equivalence established in the process will thus illuminate the constitution of the 'other', through the practice of 'othering'. A counter-hegemonic organization of subject positions will further reveal the hegemonic interventions involved in group formation. Finally, particular attention will be paid to the consequences tied to the hegemonic regime of truth and its perspective over the social fabric at issue.

The analysis of the social spaces revealed the elements excluded from the articulation of Europe, such as the aforementioned 'Islam' and 'Muslim country'. Focusing now on the subjects encompassed in the border reality, a parallel can be drawn between the elements involved in the processes of space and group formation. In particular, Islam emerges as one of the most predominant nodal points around which subject positions are organized. The interviewees involved in the push-backs at the Bosnian-Croatian border report being repeatedly questioned about their faith and being identified with it. ("They asking about everything, about Islam, [...] they are asking: 'You are Muslim, Sunni, Shia? You believe Allah, God?'")[168] Indeed, a prominent subject position they're ascribed to by the hegemonic discourse on migration, as reproduced in the BVMN testimonies, is the one of the Muslim. The identification that follows sheds light on the political character of group formation and its social consequences.

> At the police station, they asked the officers whether they could apply for asylum in **Slovenia**, but one **officer** just responded: "**For Muslims, no asylum**."[169]

Within this discourse, the migrants are located in the subject position of the 'Muslims'. The subjects are here articulated in antagonism with the 'asylum' embedded in the social space of 'Slovenia'. By a logic of equivalence, the European Union (represented by 'Slovenia') is to asylum like 'Muslims' are to the 'outside'. Moreover, if the 'officer' belongs to Europe, it

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[167] Jorgensen, Phillips, *Discourse Analysis as Theory and Method*
[168] Border Violence Monitoring Network, "They Are Giving Torture To Us. After [So] The Guys Not Come Back Again", August 6, 2019, https://www.borderviolence.eu/violence-reports/
[169] Border Violence Monitoring Network, "For Muslims, No Asylum", September 24, 2018, https://www.borderviolence.eu/violence-reports/

follows that the social group of 'Muslims' is in antagonism with his subject position. As a result, the articulation reproduces an understanding of the border reality in line with the hegemonic division of its spaces between the 'Europe' of 'safety' and 'rights' and the 'illegal migration' belonging to the 'outside'. In particular, following the organization of discourse reproduced in the testimonies, the identity of the subjects located outside is the one of the Muslim, against which the police would stand in protection of the EU external border.

The language repeatedly reported as employed by the police to address the refugee population and the subsequent order of reality would engender the alleged systemic perpetuation of violence against migrants, whereby identified as Muslims. ("They were just saying to us: 'Fuck you Muslim, fuck your brother, fuck your mother', just shouting at us and after beating us.")[170]

The presence of several elements belonging to the semantic field of Islamism in the hegemonic discourse reinforces the articulation of migrant identities around the nodal point of their alleged faith. In this context, the repetition of this discursive formation stirs the perceived Islamophobic tendencies that could be read in the demeanor of the border police.

> They also searched the three men. When they found a **Qur'an** on one of the **minors**, the tall **policeman** started **screaming** "What is this?", **beat** the owner, then threw the Qur'an on the ground, **stump** on it and finally **threw** it in the river.[171]

Here, the 'Qur'an' is the element identifying the subject position of the migrant 'minor' in opposition to the 'policeman'. The sight of the Muslim holy book, placed in antagonism with the Croatian police, induces the 'screaming', 'beat', 'stump', and 'threw' of the policeman's reaction. In fact, as the 'Bible' interpellated in a previous testimony[172] defined the space of Europe, the 'Qur'an' delineates here its antagonistic field. Therefore, if Europe stood for 'respect', 'human rights', and 'humanity', the exclusion of the Qur'an from its social space places the Muslim subjectivities in opposition to the same values. As a consequence,

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[170] Border Violence Monitoring Network, "They Were just Saying To Us: "Fuck You Muslim, Fuck Your Mother, Fuck Your Brother", October 21, 2018 https://www.borderviolence.eu/violence-reports/

[171] Border Violence Monitoring Network, "When They Found A Qur'an On One Of The Minors, The Tall Policeman Started Screaming "What Is This?", Beat The Owner, Then Threw The Qur'an On The Ground, Stump On It And Finally Threw It In The River.", April 19, 2019, https://www.borderviolence.eu/violence-reports/

[172] "**I am Muslim, but I read in the Bible and in the Bible is written, respect the humanity and the human rights. I respect the Bible, but Croatian police do not respect Muslims**." - Border Violence Monitoring Network, "For Muslims, No Asylum", September 24, 2018, https://www.borderviolence.eu/violence-reports/

according to this specific articulation, the identification of migrants with Islam would mark them as not worthy of respectful and humane treatment.

Different reported elements equated to the identity of Muslims, such as the hijab ('The officers ordered the female respondent to remove her hat for the picture, even after she said she did not want to due to her Muslim beliefs: "I tell him: 'No I am Muslim', and he said: 'This is not my problem'"),[173] or the refusal to eat pork ("We said we don't eat pork, and they said: 'We have nothing else then'. We asked for water and they said no. We could drink directly from the sink, but the sink was very dirty")[174] reproduce the antagonism between the subject positions of the border police and refugees. These discursive formations operate a disjunction between Muslim subjects and the respect of basic human rights.

Furthermore, other specific facets within the testimonies concur with the nodal point of the Islamic religion to shape the identities of the refugee population at the border. In particular the elements 'terrorist' and 'Taliban' add other layers of subjectification to the hegemonic discourse on migration. ("Police said to us: 'Go back and not come, fuck you!' They were saying: 'You are **terrorists**, **Taliban**!'")[175] Similar articulations would thus remark the antagonism between police and migrants, whereby the latter are identified with 'terrorists' and 'Taliban'. Therefore, the criminalization of migrants implicated in the discourse on 'illegal migration' reproduced here seems to reinforce the urge to protect the EU external border from illegal, criminal (and dangerous) subjects.

> They were mainly from Pakistan, Afghanistan, and Turkey. An officer brought in bread and cans of tuna which he **threw** at the group. This officer was described as **insulting** the groups by **equating them to terrorists** – showing the group **pictures of** known terrorists and Yasser Arafat and telling the group that **they were like these figures**. One of the police officers was FaceTiming a woman and **smiling** and **laughing** and **filming** them.[176]

[173] Border Violence Monitoring Network, "I Tell Him, No I Am Muslim And He Said: This Is Not My Problem!", May 13, 2019, https://www.borderviolence.eu/violence-reports/

[174] Border Violence Monitoring Network, "When They Found Photos And Videos Of Her Dancing, They Watched Them Laughing", March 30, 2019, https://www.borderviolence.eu/violence-reports/

[175] Border Violence Monitoring Network, "The Police Officers Physically Attacked Them Using Batons And Electro-Shock Weapons", June 13, 2018, https://www.borderviolence.eu/violence-reports/

[176] Border Violence Monitoring Network, "One Of The Police Officers Was Facetiming A Woman And Smiling", July 25, 2019, https://www.borderviolence.eu/violence-reports/

The alleged equation of refugees with terrorists is here manifested not only verbally, but also through non-discursive objects, such as the 'pictures of known terrorists and Yasser Arafat'. The constant articulation of the migrants' subject positions in opposition to the police officers justifies the 'threw' and 'insulting' linked to the latter's behavior. Moreover, the officer's 'smiling', 'laughing', and 'filming' suggest the lack of humane treatment that the aforementioned identity of the refugees implies.

The following testimony is particularly relevant to further investigate the processes of identity formation that shape the complexity of the border's social fabric.

"They told us to lay in the ground, all of us, also my baby. They did not speak nicely to my baby. My friend, a man from Iraq, was telling the police: '**I am a Muslim**, please **help** me.' And the police said: '**The Muslims killed my father during the war**, **I don't want to help you**.' I told that the man who killed his father was not my friend and asked why they didn't speak good to me. He [one officer] said to me: 'Shut up', and kept **speaking to me very badly**, called me "pičko matre" [mother fucker]. They [the policemen] searched our bodies, also of my wife and my daughter. They [the officers] were touching them and then kept doing it. You know, they were **touching my wife everywhere**. I said them: 'Please brother, don't touch my wife and daughter, please, don't touch them.' I kept asking them: 'Please, don't touch them.' But they told me: 'Shut up' and **kicked** into my legs [covering his eyes with his hands]. I asked them **why that happened, because I am not a terrorist, I am a refugee**. This is **not good behavior to us**." (…) "By the border, after they **robbed** us, they [the policemen] pushed to my wife and shouted at her to go back to Bosnia. They kept telling my wife bad things. They also **pushed** my friend, who is fifty years old, and now he has a problem with his knee. My friend told me: 'Don't worry, come and we will come to Croatia later.' One of the officers could hear it and said: 'After you'll go to Croatia?' and took a **baton** and **hit** this man into his leg. **They were acting to us like we'd be terrorists**."[177]

The equation between the subject position of the migrants and the identity of terrorists is here manifested in the violent attacks perpetrated against them by the policemen. In fact, the 'speaking badly', 'touching', 'kicked', 'not good behavior', 'robbing', 'pushed', 'baton', and

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[177] Border Violence Monitoring Network, "You Know, They [Male Officers] Were Touching My Wife Everywhere", October 1, 2018, https://www.borderviolence.eu/violence-reports/

'hit' all stand in rapport to the identification of the refugees with terrorists. The brutal response to 'illegal' migration, as perceived in the testimony, strives to be naturalized by the criminal character of its terrorist subjects.

However, another aspect of the dialogue sheds light on a particular articulation of both the social spaces and subjects of the border reality. In fact, as the migrant individual identifies himself as a Muslim, he equates this subject position with the request of 'help', presumably linked to a non-spoken element of 'humanity': "I am a Muslim, please help me." However, the policeman's response, as reported in the testimony, subverts the abovementioned order by linking the identity of the refugee to the clause "the Muslims killed my father", hence rejecting his appeal for help: "I don't want to help you." The layered structure of the Bosnian-Croatian border appears in a deeper fragmentation of its spaces. In fact, the discourse allegedly reproduced by the Croatian police appeals to the ethnic discernment between Catholic Croatia and the Muslim Federation of Bosnia-Herzegovina. The Muslim would thus be 'the other' on the Croatian field, or the abject pushed to the 'outside'. Moreover, the division embodied by the border is further echoed in the memory of the Yugoslav wars of secession to which the policeman would allude. Indeed, the partitioning of the border's social fabric along historically charged religious lines can be found in several of the analyzed testimonies. ("He said: 'Go back Bosnia, **you are Muslim and you need to stay over there**! I am not the responsible of this!' I think this is the matter why he don't come we come in Slovenia, in Croatia. I think this is what they want that we go back Bosnia, because **Bosnia is a Muslim country**, I think this is a factor.")[178]

Furthermore, different discursive formations underline the presence of a racial component within the process of group formation.

> The respondent tried to reiterate his intention for **asylum**, telling the police that he was being persecuted in **Iran** for his **Christian faith**. He asked the officers: "Aren't you Christian?" To which he said they replied: "We **hate all of you**, doesn't matter if you're Christians, only because you are from the **Middle East**."[179]

This testimony is vital to understand the effect of chains of equivalence involved in identity formation. In fact, the logic of equivalence strives for the homogenization of discourses,

[178] Border Violence Monitoring Network, "Everyone, Same Age, He Don't Want, He Say Our Politics Don't Want To You Stay In Slovenia.", August 24, 2019, https://www.borderviolence.eu/violence-reports/
[179] Border Violence Monitoring Network, "We Hate All Of You [...] Only Because You Are From The Middle East", November 6, 2018, https://www.borderviolence.eu/violence-reports/

social spaces, and identities by dissolving the internal differences within the two poles in antagonism. Therefore, the hegemonic articulation of a 'legal' and 'Christian' 'Europe' in opposition to the 'criminal' and 'Islamic' 'outside' overlooks the 'Christian faith' present in the latter. As a consequence, the articulation that connects the 'persecution' of the Christian **and** non-European respondent to his need for 'asylum' is reversed and his link to Europe is infringed. The subject position of the migrant is relocated in the 'Middle East', or within the social space in antagonism with Europe. His identity is thus redefined and the chain of equivalence between the policemen's 'hate' and his Middle Eastern subjectivity is re-established. The nodal point of the ethnicity would thus shape the identities of the migrants in antagonism with the subject positions ascribed to the policemen. As a result, such articulation reiterates and validates the latter's brutal conduct and the violation of the former's rights to asylum, as alleged by the testimony.

The hegemonic polarization of social spaces and identities is further reinforced by the equation of the Croatian police with the local population. Accordingly, both groups would stand equally against the refugee subjects, thus enacting an even starker partition of 'us' versus 'them'.

> There were **passers-by** who stopped and looked at them, and according to the respondents, the **police** said: "Look **Arab**, look **Arab**." Both, the officers and the passers-by **laughed** while they were being **beaten**.[180]

Therefore, the shaping of refugee subjects, as perceived in the hegemonic discourse on migration, entails a process of 'othering': the subject positions of the police and the Croatian population are linked together by their 'not being' migrants. They stand in opposition to the 'Other'.

The 'need' for 'asylum' is presented as the central motivation for crossing the border. However, the very process of 'othering' of the migrant would enact and justify the alleged breaching of their right to asylum.

Moreover, it can be observed that the preponderant racial aspect can be posited within what Piro Rexhepi defined as the 'increased racialization of religious difference that pits Balkan Muslims as secular, white and autochthonous Europeans, against the more darker and

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[180] Border Violence Monitoring Network, "A Policeman Said 'Ah Mama And Papa!, Took His Baton And Struck Him Once On His Head. Our Friend Went Down Immediately", April 8, 2019, https://www.borderviolence.eu/violence-reports/

thus more fanatical migrant Middle Eastern Muslim.'[181] In fact, the process of integration of post-cold war and post-socialist countries within the European fabric called for the 'Europeanization' of its societies, embedded in the insulation of the 'Islamic Other'.[182] Thus, the secularization and re-alignment of Balkan Muslims, or the 'potentially recoverable Europeans',[183] widens the distinction with the Middle Eastern Muslims. Such articulation, as reproduced in the EU dominant discourse,[184] would reinforce the component of moderation on the side of the former, and the extremism of the latter. As a result, the racialization of Islam associated with crime and terrorism entails the strengthening of the process of 'othering', by which the Middle Eastern/Arab refugee appears as a 'double transgressor of normative, material borders, as well as racial and religious ones.'[185]

The insulation of a non-European Islam is also embedded in a process of Orientalism, whose discourse, as Said defined it, 'was able to manage and even produce the Orient, politically, sociologically, militarily, ideologically, scientifically and imaginatively.'[186] In these terms, the construction of an 'Islamic Other', as ontologically located in direct opposition to Europe, reproduces the threat to the latter's 'civilization' insofar as to justify aggressive politics of securitization like the ones that were reported as defining the border reality.

In this framework, several more specificities emerge from the analysis of identity building. In particular, the distinction between 'migrant' and 'refugee' subjects is reproduced within several testimonies.

> "**No asylum** for **migrants**, only for **refugees**", and they refused to take the young
> men to a police station to claim asylum in Croatia.[187]

The subject positions of 'refugees' and 'migrants' are split, whereby the rapport to the nodal point of 'asylum' is of equivalence in the case of the former and antagonism in the case of the latter. If 'asylum' belongs to the social space of 'Europe', as previously analyzed, this chain of equivalence places the subjectivity of the 'migrant' in the 'outside'. The migrant is thus

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[181] Piro Rexhepi, "Arab others at European borders: racializing religion and refugees along the *Balkan Route"*, *Ethnic and Racial Studies* 41, no. 12 (2018): 2220
[182] Ibid., 2223
[183] Ibid., 2221
[184] Ibid.
[185] Ibid., 2223
[186] Edward Said, *Orientalism,* (New York: Pantheon Books, 1978)
[187] Border Violence Monitoring Network, "I Asked Him To Kill Me, But He Said: I Am Not Going To Kill You But Beat You", August 18, 2018, https://www.borderviolence.eu/violence-reports/

pushed back. ("They [police officers] were telling us: '**Go back you migrant**!'")[188] Taking into account this precise articulation, it follows the alleged conduct of the Croatian police and the reported systemic implementation of push-backs, thus underlining the way in which the hegemonic discourse can organize the actual reality of the border. Moreover, the subject position of the 'migrant' is here located outside of the European Union where the 'illegal migration' interpellated in Kolinda Grabar-Kitarović's discourse belongs. Therefore, the 'migrant' individual is linked to the 'illegal migration' by a logic of equivalence. Their identity is thus fixed within the domain of illegality.

> The interviewee explained that he initially told the police that they were from **Syria** and not from **Iran**, because he was worried that they would have labeled them and treated them as '**illegal migrants**' and not '**refugees**'.[189]

According to this testimony, the identities of the 'illegal migrants' and 'refugees' are determined by the country of origin, whereby the former is to 'Iran' like the latter is to 'Syria'. Respectively, the 'outside' of the European Union is further divided into sub-areas, hence proving the contingency of the hegemonic discourse on migration and its organization of the border reality into two polarized social spaces: 'inside' versus 'outside' of Europe.

As Elissa Helms pointed out, 'responses to the recent increase in migration and the so-called crisis of EU migration policies have generally taken for granted that we should and even *can* distinguish between "worthy" refugees fleeing war and "illegitimate" migrants fleeing the ravages of global economic inequalities. A refugee with a smartphone and money is somehow compromised: that shows initiative, means, education, the ability to act "middle-class-ness."'[190]

Thus, following the discursive articulation of the testimonies, a hierarchy of asylum seekers is established according to the geopolitical situation of their countries of origin. In particular, migrants coming from Northern African states like Algeria, Morocco, and Egypt are perceived as not worthy of protection and allegedly deprived of their rights to asylum due to the presupposed economic character of the problems inflicting their countries. ("The

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[188] Border Violence Monitoring Network, "The Police Refused Them Access To The Asylum Procedure And Verbally Attacked Them", June 14, 2018, https://www.borderviolence.eu/violence-reports/
[189] Border Violence Monitoring Network, "The Kicked Into Our Back, Neck, And Legs: They Fractured My Hand With Their Foot", August 21, 2018, https://www.borderviolence.eu/violence-reports/
[190] Elissa Helms, "Men at the borders: Gender, victimhood, and war in Europe's refugee crisis.", *FocaalBlog*, December, 22, 2015, www.focaalblog.com/2015/12/22/elissa-helms-men-at-the-borders-gender-victimhood-and-war-in-europes-refugee-crisis.

problem of Algeria is economic, no asylum. You will be returned to Bosnia.")[191] ("The translator also told us that if we enter any country, we don't have the right to apply for asylum. He also told us that we did not have any chance to get protection because we were Algerians and Moroccans. He was very unkind to us.")[192] ("The others, who were from North African countries, were told by the officers that there was no opportunity for them to claim asylum in Croatia.")[193] This sub-classification of the identities of migrants is also mirrored in differential treatments of the same population by border police, according to the oral reports. As follows, the partition of subjects at the border follows an ostensible classification of 'needs for protection' in relation to race and nationality. The higher the need, the higher the humanity of the subject. The lower the need, the higher the degree of force employed in the push-back. ("My friend said 'Morocco', he was beaten a lot. I said 'Palestinian', I was beaten a bit.")[194] ('The respondent reported that he believes the men from Pakistan were beaten more than the others.')[195]

Moreover, the hegemonic partition of social spaces and identity is therefore repeatedly contested in its contradictions and evident contingency. The identities of the migrants are as layered and mutable as the subject positions to which they are discursively ascribed.

"They were saying to me: 'You are [from] Pakistan, you are like dog, like bullshit, terrorist.'"[196]

Furthermore, the illegal identity of the migrants here reproduced posits them within the discourse of criminality. Such articulation implies the direct antagonism with the border police, or the watchdogs of legality, thus dictating the exigency of extreme measures to halt the criminal act of illegal migration. However, the enactment of such discourse would envisage a discernment between 'migrants' = 'criminals' = pushed back, and 'refugees' =

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[191] Border Violence Monitoring Network, "They Make Me Sign A Lie. But I Know That You Have To Sign Or You Get Beaten", April 29, 2019, https://www.borderviolence.eu/violence-reports/
[192] Border Violence Monitoring Network, "I Swear I Thought He Wanted To Kill Me", July 29, 2018, https://www.borderviolence.eu/violence-reports/
[193] Border Violence Monitoring Network, "We Would Melt The Snow To Drink Water", January 10, 2018, https://www.borderviolence.eu/violence-reports/
[194] Border Violence Monitoring Network, "Psychically He [The Minor] Changed, Before He Laughed, But Now He Is Giving Up Himself, December 4, 2018, https://www.borderviolence.eu/violence-reports/
[195] Border Violence Monitoring Network, "The Violence he Saw In Iraq Is Similar To The Violence In Croatia", October 9, 2019, https://www.borderviolence.eu/violence-reports/
[196] Border Violence Monitoring Network, "They Directly Deported Us, No Police Station, The Process Was Illegal", November 3, 2018, https://www.borderviolence.eu/violence-reports/

worthy of protection. As a matter of fact, the testimonies collected by Border Violence Monitoring Network report the fluctuation of such lines of partition, hence shedding new light on the contingent character of discourse. Indeed, many interviewees are identified with the subject position of the refugee, although they claim to receive the same violent treatment reserved for 'illegal migrants'. Migrants and refugees seem to be both addressed as criminals and consequently pushed back by the Croatian police. ("I think it is not fair to beat refugees, and not right. We are not criminals. We just want to get away from here.")[197] ("We aren't criminals, we are just refugees, we have our food and some blankets and want to continue our trip towards a safe place where we can have asylum.")[198]

This particular aspect underlines the political character of group formation, as no identity is ever ontological but shaped within distinct discursive formations. Likewise, the conduct of the border police is molded by the same discourses on migration. In particular, the criminal identity of the migrants/refugees, as reproduced in the analyzed testimonies, suggests the rigid response of the authorities. Moreover, such articulation endorses an element of 'danger' linked to the phenomenon of the 'illegal migration' and to the subject of the 'criminal migrant'. All of the interviewees report being appalled by the brutal approach of the police, as they described it, since they do not identify with the subject position of the 'dangerous individual' articulated in the hegemonic discourse on migration. ('The respondent stated his confusion at the police violence: "Why fight, I am a farmer."')[199] ("I asked him: 'Why did they act to me like that?' I am not dangerous, I am not a thief. I don't want to stay in Croatia, only [passing] in jungle."")[200]

A previously analyzed testimony had already underlined the relevance of the nodal point of 'danger' around which migrant identities are discursively constructed: "**Police is very dangerous** here because they **treat me like I am dangerous**, but **I am not dangerous**. But if I go back to Syria, I will have to join Assad's army and yes, **I will be made dangerous**. **Croatia is dangerous**, so now, **I will also turn into a dangerous person**

[197] Border Violence Monitoring Network, "There Was A Big Hill, And They Pushed My Friend From That Hill, So He Was Rolling Down From That Hill", October 9, 2018, https://www.borderviolence.eu/violence-reports/

[198] Border Violence Monitoring Network, "Me And The Minors Are Witnesses Of All The Violence That Happened In The Past, And These Scars Will Stay Inside Ourselves", April 18, 2019, https://www.borderviolence.eu/violence-reports/

[199] Border Violence Monitoring Network, "The Police Officer Began Firing His Gun In The Air", November 25, 2019, https://www.borderviolence.eu/violence-reports/

[200] Border Violence Monitoring Network, "This Is My Future, I Must Dream, I Must, I Must", November 7, 2018, https://www.borderviolence.eu/violence-reports/

because I will have to return back to Syria and join the army for eight years and fight."[201] The fluctuating subject positions in rapport to the concept of danger are exemplifying here the contingency of identity formation, which can never achieve its goal of objectivity and homogeneity even through hegemonic articulations.

The analysis of identity and group formation within the context of the border reality has revealed the political implications and social consequences generated reciprocally by discourse. In particular, the articulation of migrant identities in relation to Islamism, Arab ethnicity, differential need for asylum, criminality, and danger engendered a process of 'othering': their subject positions have been located on the antagonistic pole to European civilization, insofar to condone the alleged violent conduct of the Croatian police, who would be called to protect the integrity of the European Union. The border itself is the materialization of the lines of partition of identities articulated in its discursive dimension. The push-backs of subjects outside of its terrain would thus engender a hierarchy of mankind that is reciprocally molded in the same discourse on migration. As a consequence, migrants would be abusively stripped of their humanity.

Many testimonies account for dehumanizing articulations of migrants, by which the subject is located in an equation with elements belonging to the semantic field of animals.

> While they were walking through a forest, they were caught by the authorities. The officers asked them whether they were Muslims, and when they said yes, they started acting **aggressively** towards them. They **attacked** them with **batons**, followed by using **electric shocks**. (...) "**I am a man like you, I am not an animal**. He [police officer] said to me that **I am an animal**. He used the **electricity** and also **baton**."[202]

Once again, following this narrative, the faith of the interviewee would be the cause of abusive behavior on the side of the border police. 'Muslims' are linked to the 'aggressively', 'attacked', 'batons', and 'electric shocks' of the 'police officers' by a rapport of consequence. The defense of the victim subverts the articulation by linking 'I am' with 'a man' in opposition to 'animal'. However, the officer's reply expands his former discursive organization by adding 'animal' to the equation. As a result, the identity of the migrant is fixed in 'Muslim', which stands for 'animal' and calls for 'electricity' and 'baton'.

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[201] Border Violence Monitoring Network, "But If I Go Back To Syria, I Will HaveTo Join Assad's Army And Yes, I Will Be Made Dangerous"

[202] Border Violence Monitoring Network, "The Respondent Person Had Cuts On His Hand Caused By Electric Shocks", September 21, 2018, https://www.borderviolence.eu/violence-reports/

The process of dehumanization enacted here is mirrored in a large number of testimonies, in which the treatment of migrants is reported as in line with the 'animal' identity which they've been assigned. ("They treated us like animals or worse. They laughed at us and beat us as they search my things and threw them into the ground. It was snowing and was so cold.")[203] ("They then set some shoes on fire and cut through the shoulder straps of their backpacks while laughing. They talked to us like with dogs, with animals – they do not treat us like humans.")[204] ("'No, go to Bosnia. Too many Algerians. Big problem.' They give us no food, no water, no cigarette. We are treated like animals.")[205] ("The Croatian police is very hard with refugees. If they catch us they don't see us as humans. They look at us as if we were donkeys.")[206]

The marks of violence inscribed on the bodies of refugees, migrants, and asylum seekers seem to be the outcome of their dehumanization. The 'respect' and 'safety' of the mythical space of Europe crumbles in a hierarchy of lives who are worthy or not of being preserved. The discourses regulating the border reality respond reciprocally to a larger political framework, whose norms dictate 'whose life is grievable and worth protecting and whose life is ungrievable, or marginally or episodically grievable and so, in that sense, already lost in part or in whole, and thus less worthy of protection and sustenance.'[207] In fact, the discursive erosion of the migrant population's humanity not only would justify the brutality they claim to undergo, but it would also make such abusive conditions not deserving of international attention. The identity of the migrant is carved within the domain of the non-human insofar that their actual survival loses relevance.

> "I know that many people died in this river. Too many people died, I know from five persons in the last months. There is never anything about that in the news, they are refugee people, who cares? They think we are animals."[208]

[203] Border Violence Monitoring Network, "They Treated Us Like Animals Or Worse", November 29, 2018, https://www.borderviolence.eu/violence-reports/
[204] Border Violence Monitoring Network, "After The Beating He Had Lost Three Teeth, His Nose Was Bleeding And He Was In Heavy Pain", February 3, 2019, https://www.borderviolence.eu/violence-reports/
[205] Border Violence Monitoring Network, "They Fired Two Guns Into The Air And Yelled "Go! Go To Bosnia!", October 1, 2019, https://www.borderviolence.eu/violence-reports/
[206] Border Violence Monitoring Network, "If You Come Here Again, Something Will Happen, There Will Be A Big Big Problem!", April 12, 2019, https://www.borderviolence.eu/violence-reports/
[207] Judith Butler, "Precariousness, Vulnerability, and the Ethics of Cohabitation", *The Journal of Speculative Philosophy* 26, no.2 (2002): 149
[208] Border Violence Monitoring Network, "This Is Mental Torture!", April 16, 2019, https://www.borderviolence.eu/violence-reports/

When he realized that he was denied asylum in Slovenia and was going to be deported back to Bosnia, he found a razor and attempted to commit suicide by cutting his left arm. A police officer found him lying on the ground, bleeding, but did not provide any help. After ten minutes, another person came to treat his open wounds. The police's only comment about the whole incident was: "Why did you cut your hands? Cut your neck and kill yourself."[209]

The reported inhumane features of the border are evidently shaped by the discourse on migration in which its social fabric is imbued. The reciprocal molding of the discursive and extra-discursive dictates regimes of truth that structure the reality of the border itself, as reproduced in the analyzed sources. In this context, the perpetual articulation in which the identities of the refugee subjects are immersed is so pervasive that their own self-perception is impacted by it. ("I am feeling like a dog, not like a human.")[210] The direct consequences of dehumanization would thus be embodied in the blind eye of the authorities and in the endless abuses that would condition the very survival of the migrant. Indeed, no human rights are owed to a non-human subject.

"The worst is that they are insulting us, they start laughing and make jokes when they are starting to beat us. In this moment, you start to feel that you are not even human. You just try to escape, just to run and go, and then they make you fall down again and start beating you. And this is the worst part, you just want to survive and they make you fall down and start laughing and start beating more and more."[211]

As perceived through the oral testimonies, the brutalization of the refugee population at the border is a product of the hegemonic discourse on migration. Their identities are indeed posited in opposition to the Europe of 'safety' and 'human rights', hence making their subjectivities less worthy of 'respect', 'protection', and ultimately, of 'humanity'.

Nonetheless, as subjects are in fact subject positions, each individual can be located within antagonistic discourses, thus shifting their identity contextually. The indisputable

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[209] Border Violence Monitoring Network, "He Found A Razor And Attempted To Commit Suicide By Cutting His Left Arm. A Police Officer Found Him Lying On The Ground Bleeding, But Did Not Provide Any Help", July 31, 2018, https://www.borderviolence.eu/violence-reports/
[210] Border Violence Monitoring Network, "If You Are Sick, Go To Bosnia, Take Medicine, I Don't Care About This", April 27, 2019, https://www.borderviolence.eu/violence-reports/
[211] Border Violence Monitoring Network, "In This Moment, You Start To Feel Like You Are Not Even Human", November 23, 2018, https://www.borderviolence.eu/violence-reports/

contingency of discourse formations grants the possibility to subvert their articulations and contest their particular understanding of reality. Counter-hegemony is a constitutive part of hegemony, it is the necessary limit to the fixation, objectivity, and universality towards which discourses strive. Likewise, identities are always contingent and ought to be deconstructed following the lines of conflict between the different positions their subjects are ascribed to.

In this context, a counter-hegemonic articulation of the refugee's subject positions will present a different perspective over the border reality itself. The identity of the migrant had previously been located in chains of equivalence with the specific elements that concurred to a general dehumanization of their subjectivity. In particular, the performance of the police was shaped as a consequence of the connection between 'migrants' and 'animals'.

Nevertheless, the standpoint of the refugees within the testimonies of Border Violence Monitoring Network presents a counter-hegemonic articulation that re-organizes the subject positions of the migrants and the police, hence proposing an antagonistic understanding of the reality at stake.

> "They were **really aggressive**, **like dogs barking** at us. They asked, why are we coming to their country. **But we are refugees**. (...) The Croatian police sees us as **animals.** They were really **racist** and **didn't want to understand** us."[212]

This excerpt reproduces a different ordering of identities, whereby 'they' (the police) is to 'really aggressive' like 'dogs' is to 'barking'. The identity of the Croatian police is indeed equated to dogs, hence subverting the identification of migrants with animals, as reproduced by the hegemonic discourse. The way the police look at migrants as 'animals' is here contrasted by the clause 'but we are refugees', which establishes the migrants' subject position as human and not animal. Moreover, the elements 'racist' and 'didn't want to understand' further underline the articulation of the identity of the police around the concept of inhumanity represented by the clause 'aggressive like dogs'.

> "I experienced three **wars** in **Gaza** in 2008, 2012, and 2014 when my house and the house of my neighbors was **destroyed**, but I have never experienced **so much inhumanity** like in **Croatia**. **Croatian police** were acting **like beasts**."[213]

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[212] Border Violence Monitoring Network, "You Give Me Passport And Respect Me As A Human, There Is No Problem, I Come And Go. If You Don't Give Me Passport, I Will Come Many Times And Try Again And Again", June 6, 2019, https://www.borderviolence.eu/violence-reports/

The social space of 'Croatia' is here organized by the moment of 'so much inhumanity', insomuch that the comparison with 'Gaza' and its 'wars' and 'destroyed' serves as a reinforcement of the former's articulation. Similarly, the subject of the 'Croatian police' is linked to the element of 'beasts'. Thus, a logic of equivalence implies the connection of the identity of the 'Croatian police' with 'inhumane', whereby their subject position is located within the social space of 'Croatia'. The dehumanization that the refugee subjects underwent in the hegemonic articulation of their identity is here subverted by the contrasting definition of the police as inhumane, thus, by the same logic, less human.

Furthermore, other counter-hegemonic group formations operate a redistribution of the elements that had defined the identity of the migrant in the hegemonic discourse. In fact, the characterization of the police as 'animals', 'beasts', and 'inhumane' is strengthened by the concept of 'criminality': "They beat without **any pity**, they **don't have heart**. They are **criminals.**"[214] The lack of 'pity' and 'heart' of the police, which echoes the 'inhumanity' of the previous testimony, is here equated to the subject position of 'criminals'. The Croatian police, who stood in the hegemonic formation as watchdogs of Europe against illegal migration and criminal migrants, become here the perpetrators of crime.

> "Some were beaten, some were not, at the police station. They humiliated us, we were treated with humiliation. I've a question, **is it normal** that a man frisks a woman? A policeman frisked the woman, he did it on purpose, just to make us angry. The woman was crying, and they kept frisking her. (…) **They act with us like animals**."[215]

Once again, the alleged abusive tactics of the Croatian police are equated to the behavior of animals, hence making them less human ("They act with us like animals"). Moreover, the concept of 'normal' is here interpellated to question the police's actions. Thus, as what was animal was less human and what was criminal was more inhumane, the 'beaten', 'humiliation', and 'frisk' defining the police's conduct are rhetorically deemed as not normal.

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[213] Border Violence Monitoring Network, "[...] So I Said Ok, I Need To Go Illegal Way Because There Is No Legal Way For Me" September 22, 2018, https://www.borderviolence.eu/violence-reports/
[214] Border Violence Monitoring Network, "They Beat Without Any Pity, They Are Criminals", November 24, 2018, https://www.borderviolence.eu/violence-reports/
[215] Border Violence Monitoring Network, "The Woman Was Crying And They [Male Officers] Kept Frisking Her", January 10, 2019, https://www.borderviolence.eu/violence-reports/

Similarly, the behavior equated to their identity is described in other testimonies as 'crazy', or 'inappropriate'. ('The only female in the group of police officers the interviewee described as "**a crazy woman**". She laughed through the whole procedure in a very **inappropriate** way.')[216] ("Why he attacked the women and children? **Are they crazy**? He also attacked the pregnant women into her back.")[217]

Moreover, the aggressive demeanor of the police is also reported as fueled by alcohol consumption. ('The interviewee described that some of the police officers were totally drunk. "We smell that they drank beer." The police started beating them – punching, kicking …')[218] ('The respondent asserts that at least one policeman had consumed alcohol, which he could smell from his breath when the policeman went close to his face and told him to shut up.')[219]

Finally, the counter-hegemonic order of the identities of the police as 'inhumane', 'criminal', 'crazy', and 'not normal' finds strong parallels with the letter addressed to the Croatian Ombudswoman by policemen engaged in the protection of the state border'.[220] The anonymous complaints denounce the 'bad' and 'inhumane' treatment of refugees at the Bosnian-Croatian border. While disclosing vital details about the tactics of push-backs ('Orders of the chief *censored*, the executive, and the administration is to return everyone without papers, to leave no traces, to take money, break mobile phones throw into *censored*, or take for ourselves, and forcefully return refugees to Bosnia.')[221], the testimony identifies the temporary extra units of the police as particularly 'cruel', 'angry for being there', thus 'without control', like 'Janissaries, beating and stealing'. Their 'unlawful practices' are described as 'encouraged and ordered (…) by the executives who should stick to the law', hence shaping the 'shameful' and 'sad' conduct of the border police. Once again, the nodal point of criminality linked to the illegal migrants in the hegemonic discourse on migration defines here the identity of the policemen complicit in the unlawful, inhumane, and cruel treatment that refugees are subjected to.

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[216] Border Violence Monitoring Network, "[They] Forced One Guy Of The Group To Totally Undress Himself [...] [And] Kicked In His Genitals.", February 16, 2019, https://www.borderviolence.eu/violence-reports/
[217] Border Violence Monitoring Network, "A Police Officer Paid 50 Euros To The Local Person, As A Reward For Calling Them And Helping Them To Catch The Kurdish Family", July 23, 2018, https://www.borderviolence.eu/violence-reports/
[218] Border Violence Monitoring Network, "[They] Forced One Guy Of The Group To Totally Undress Himself [...] [And] Kicked In His Genitals.", February 16, 2019, https://www.borderviolence.eu/violence-reports/
[219] Border Violence Monitoring Network, "They [The Police] Do As When You Want To Catch Some Animals, They Do Like This, Like: 'I Catch You'", December 18, 2019, https://www.borderviolence.eu/violence-reports/
[220] Border Violence Monitoring Network, "Complaint by croatian police officers who are being urged to act unlawfully"
[221] Ibid.

Furthermore, the testimony of the police offers a particular vantage point to observe the exercise of power within the border reality. According to a Foucauldian standpoint, power is here understood as the concatenations of immanent force relations within the social field, whose effect is revealed in the manipulation and economization of human bodies. In fact, the productive character of power aims at transforming bodies into useful force. Thus, immersed in the political field, the body of the policeman and the body of the refugee are both reciprocally subjected to techniques of power by means of ideology and material conditioning.

Focusing on the power exercised by the police, Foucault defines it as embodying the 'infinitely small of political power',[222] or else as dictated by the manifold details that allow it to be coextensive with the entire social body. In fact, although connected to the center of political sovereignty, its power is dispersed through the social by specific and minute mechanisms. In particular, the police must be conferred the 'instrument of permanent, exhaustive, omnipresent surveillance, capable of making all visible, as long as it could itself remain invisible. It had to be like a faceless gaze that transformed the whole social body into a field of perception: thousands of eyes posted everywhere, mobile attentions ever on the alert, a long, hierarchized network'.[223]

The instrument of surveillance is thus pivotal to the effectiveness of the police institution and the minuteness of its techniques defines the pervasiveness of its power over the social as a whole. Such mechanisms are referred to as 'techniques of subjection and methods of exploitation, an obscure art of light (...) each gaze would form a part of the overall functioning of power.'[224] Surveillance thus engenders a hierarchized network of relations working in every direction, a system of supervised supervisors.[225] As the definition of power annulled a division between the dominant and the dominated, the whole system generates power relations and immerses each subject in their uninterrupted field. The police is thus situated within the permanent fabric of power relations in which it covers the role of subjecting while being subjected itself. Here, surveillance is everywhere, yet silent and discreet, a 'calculated gaze'[226] that grants 'the hold over the body, operate according to the laws of optics and mechanics, according to a whole play of spaces, lines, screens, beams,

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[222] Foucault, *Discipline and Punish,* 254
[223] Ibid., 255
[224] Ibid., 207
[225] Ibid.
[226] Ibid., 213

degrees and without recourse, in principle at least, to excess, force or violence. It is a power that seems all the less 'corporal' in that it is more subtly 'physical''.[227]

The border reality, as shaped by the analyzed discourses, exposes the prominent role of surveillance in the exercise of power on and by the police. The invisible gaze of the border police grants the effectiveness of its force by means of ubiquity. A network of permanent surveillance is ensured by the extensive presence of police officers and special riot police units and by the deployment of airplanes, thermo-vision bars, and night vision glasses.[228] Moreover, the invisibility of the gaze has been ensured by the recurrent practice of push-backs at nighttime, when the element of disorientation and blindness on the side of the migrants is maximized. Several testimonies collected by Border Violence Monitoring Network account for these specific and systemic techniques of surveillance, whose efficiency is grounded in dynamics of seeing without being seen.

> "It was **dark** and we were in a forest. I thought that if I run I would enter Bosnia and then, they could do nothing to me anymore. But after like 3 meters, they were some men with **black suits** that **I could not see properly** because **it was dark**, and they had **night vision glasses**, so **they could see me**. I was running with flip flops and I felt down when I tried to escape. He caught me and was beating me. He put this stick with electric shocks in my neck, after I fell down on the floor, and I swear I thought he wanted to kill me."[229]

> "After I am in Bosnia, **it is night and you cannot see**, they broke all the phone, you **don't know the place you are**, **you know nothing**. You must wait until the morning.You don't know where you are, are you in the north? In Bihac? Nothing."[230]

Here, power is exercised through the minute techniques of control over bodies, incorporated in a multiplicity of eyes present everywhere and yet invisible. The black suits and the night vision glasses account for the specificity of such systemic procedures. Indeed, the policemen

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[227] Ibid.

[228] Council of Europe, "Report of the Fact-Finding Mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, to Bosnia and Herzegovina and to Croatia 24-27 July and 26-30 November 2018"

[229] Border Violence Monitoring Network. "I Swear I Thought He Wanted To Kill Me", July 29, 2018, https://www.borderviolence.eu/violence-reports/

[230] Border Violence Monitoring Network, "The Problem Is The Colonization, I Would Not Be In Bosnia And Croatia Without It", [online], June 13, 2019, https://www.borderviolence.eu/violence-reports/

are able to see the refugees, who, conversely, are left in the dark. Their disorientation is augmented by the broken cellphones, which leave them deprived of GPS systems to find their way through the forest.

The relevant role of surveillance in the exercise of power is further confirmed by the recent deforestation of the Plješevica mountain at the Bosnian-Croatian border.[231] As reported by Tea Vidović of the Zagreb-based NGO Centar Za Mirovne Studije,[232] Croatian authorities have ordered the massive removal of trees to improve conditions of visibility and control the flow of migrants in Croatian territory. Representatives of the Una-Sana canton echoed the concerns and sought clarification from the Croatian counterpart.[233] As a result, the greater the visibility, the greater the efficiency of border patrolling, and the greater the risk run by migrants: 'Visibility is a trap'.[234]

Nonetheless, the strategic surveillance at the border is also corporal, as it is instrumental to the deployment of force over the body of the migrant. Like preys, refugees are first scrutinized, then chased, beaten, held captive, and finally displaced. Simultaneously, the body of the refugee bears the physical marks of the same power that defines - while being defined by - the body of the police officer. Both are vessels and products of the network of power relations in which the entire social body of the border reality is immersed.

Moreover, the power exercised by the police over individuals is further defined by Foucault as responding to 'a double mode; that of binary division and branding (mad/sane; dangerous/harmless; normal/abnormal); and that of coercive assignment, of differential distribution (who he is; where he must be; how he is to be characterized; how he is to be recognized; how a constant surveillance is to be exercised over him in an individual way, etc.)'[235] Thus, among the manifold, minute techniques through which power is exercised, discourse covers a relevant role. The 'binary division and branding' respond to the same discursive articulation of identities based on antagonism and chains of equivalence and difference. Therefore, discourse contributes to the establishment of power relations diffused through the entire border reality. In fact, in Foucauldian terms, discourse is both an 'effect and instrument'[236] of power, it 'transmits and produces power, it reinforces it'.[237] Thus, the

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[231] No Name Kitchen, "These photos are made and sent by @view.finder27", Instagram, November 08, 2020, https://www.instagram.com/p/CHUkz6iDhs3/
[232] Nenad Jovanovič, "Sječa šume zbog migranata', *Novosti* (May 21, 2020) https://www.portalnovosti.com/sjeca-sume-zbog-migranata?fbclid=IwAR1SIx7zIbVRIK14FBd_NM-tZm-moRXuZImYM7sY-XBS6bbfve_db9_cJZ8
[233] Jovanovič, "Sječa šume zbog migranata"
[234] Foucault, *Discipline and Punish,* 240
[235] Ibid., 238
[236] Foucault, *The History of Sexuality. Volume I: The Will to Knowledge,* 111

analyzed hegemonic and counter-hegemonic discourses, their social spaces, and their identities create knowledge and shape the reality of the border, while diffusing the immanent network of power relations.

To conclude, the hegemonic character of the discourses shaping the border reality can be traced within the three levels explored by the analysis. The organization of the discourse on migration around the nodal point of illegality had induced the partition of the border reality between the social space of Europe, 'safe' and 'human', and its antagonistic 'outside'. If illegal migration belonged to the latter, so did the subject position of the migrant, thus engendering an equation between 'migrant' and 'illegality'. The identity of the migrant was therefore carved within the domain of criminality, insofar as it justified the aggressive conduct of the border police. As a result, the identification of the migrant with the criminal endorsed a perception of the subject as dangerous. Conversely, the counter-hegemonic formations subverted the articulation of the subject positions by infringing the link between 'danger' and 'migrant' ("They treat me like I am dangerous, I am not dangerous")[238] and by connecting the former with the subject of the police. The element of danger is weaved into the different layers of the identities that assemble the border's social fabric. This appears as a consequence of the process of 'othering' entailed in the logic of equivalence that organizes seemingly homogeneous social groups in reciprocal antagonism. As the 'Other' incorporates everything that one discourse has excluded from its structure, the migrant becomes the dehumanized subject opposed to European spaces and identities. In the articulation of an 'us' versus the 'Other', as embodied by the policemen against the refugees, the 'Other' becomes a root of danger and eventually, a source of fear.

> "I told him: 'Why? We are all human', and he hit me. My friends who were already in the forest watched me as I did this. I told him: 'I am not scared of you, I am just a refugee. I won't kill anything, I won't steal anything.' He told me: 'You get out, motherfucker.' He was scared of me, he was scared of us."[239]

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[237] Ibid.

[238] Border Violence Monitoring Network, "But If I Go Back To Syria, I Will HaveTo Join Assad's Army And Yes, I Will Be Made Dangerous"

[239] Border Violence Monitoring Network, "When You Run, Someone Hides After The Trees [And Hits You In] The Face, In The Teeth, In The Knees", December 1, 2018, https://www.borderviolence.eu/violence-reports/

From illegality to danger, from Islamophobia to dehumanization, the analysis has revealed multiple aspects by which discourses would dictate the reality of the Bosnian-Croatian border, as depicted by the chosen testimonies. Thus, following the strictly reciprocal logic of discourse, fear appears as the final element that shapes and is shaped by the regimes of truth constituted by discourse. As a result, fear fuels and is fueled by the hegemonic discourse on migration, thus engendering the severe social consequences allegedly born by the border reality.

5. <u>Conclusions</u>

The three levels of analysis have exposed the recurring topoi that lay the foundation for the discursive organization of the border reality. The aspects defining the reality at issue have been explored in their discursive formation to shed light on how specific regimes of truth shape the same reality at stake. A precise understanding of the phenomenon of migration dictates the same social consequences entailed in it.

The chosen geopolitical context of the Bosnian-Croatian border within the newly established Balkan Route incorporated the processes of selection and exclusion embedded in articulatory practices. The precariousness of its conditions was reflected in the discourses carried out in the selected testimonies. The oral nature of the reports results in their subjective character that ought to distinguish them from accountable, given facts. The allegations they present to the public are highly grievous and grave and yet to be legally processed. Nevertheless, their personal angle could provide a useful perspective over not only the geopolitical context at issue, but also on the contingent processes involved in discourse formation. As a result, the border embodied the same lines of partition of spaces and subjects reproduced in its discursive dimension.

The hegemonic discourse reproduced a criminalization of migration that dictated the first paradigm defining the politics of the border. The illegal phenomenon and the integrity of Europe at stake implied the stark response and the brutal measures necessary to halt the flow of 'illegal refugees'. In this context, the border embodied a protective wall. Conversely, a different understanding of illegality as linked to the adversity and hardship of asylum measures presented the illegal access to Europe as the only feasible option to reach protection for migrants. Moreover, the hegemonic distinction between the legality of the Croatian police and the illegality of refugees was further subverted by the former's repetitive breach of human rights and rights to asylum that proved the presence of illegality within the homogenized domain of legality. Thus, the first counter-hegemonic formation pointed to the lines of conflict that shed light on the contingency of the hegemonic discourse on migration in relation to the element of illegality.

The antagonistic field in which the hegemonic and counter-hegemonic discourses constituted each other engendered a division of social spaces between the 'inside' of Europe and its 'outside'. Here, the analysis of the myths of Europe, such as 'protection', 'safety', and 'humanity', consequentially defined the violence and life-threatening conditions of the antagonistic outside. However, the actual experiences of the refugees in Croatian territory

were in stark antagonism with the myths characterizing the Europe of legality and human rights. The abuses and violence provoked the appalled reaction of the refugee population, confronted with dynamics that recalled the countries they fled from. The border reality embodied here a buffer zone in which the elements of Europe were subverted, hence blurring the polarizing lines of exclusion of the hegemonic articulation and revealing its contingent character.

The partition of the 'inside' versus the 'outside' implied the homogenization of the territories in antagonism. The identity of Europe was thus organized in rapport to the elements encompassed in and excluded from its discourse. Likewise, the subject positions within the two social spaces were also discursively constituted in reciprocal opposition. The moments defining the identity of the refugees were strongly embedded in religious connotations that depicted Islam as adverse to Christianity and civilization. Moreover, the racialization of Middle Eastern Muslims portrayed them as the dangerous terrorists threatening the safety of Europe. The character of danger was further reproduced in the distinction between illegal migrants and refugees, which dictated the urge to forcefully repulse the former. Moreover, the discursive formation of identities, as perceived through the testimonies, engendered a process of dehumanization of the refugee population, treated brutally in virtue of their animal-like identity. The brutalization was so pervasive that their very survival was questioned. However, allegedly, it was the very beastly conduct of border police that challenged the hegemonic order of discourse by linking their subject positions with the nodal points of inhumanity and criminality.

Finally, the border reality was examined on the level of the power relations that shaped its discursive dimension in reciprocity. In particular, surveillance was revealed as a paramount technique that granted the diffusion of power within the discursively established reality.

The analysis has exposed how the processes of identification of spaces and subjects within discourse have been reciprocally shaping the border reality, as perceived by the testimonies. The deconstruction of its articulations has shed light on the distinct layers that participated to the constitution of its environment. Thus, the brutality of push-backs cannot be envisaged without the dehumanization entailed within discourse. Likewise, the identity of Europe cannot be established without the Islamophobic tendencies embedded in the articulatory level. The power exerted by the police over the bodies of refugees can only be understood in rapport to the network of power relations in which their own bodies are molded.

It this precisely in this framework though, that the challenging of polarized identities engendered in the process of 'othering' and the subverting of hegemonic articulations are revealed in their fundamental role. The necessary character of counter-hegemony is exposed through the practice of resistance. In fact, if resistance is envisaged in Foucauldian terms as the unfixable opposition to power, yet not negative, the 'other' becomes an active subjectivity constitutive of the power relation.[240] Thus, resistance grants the 'other' with agency.

Resistance is thus embodied in the active deconstruction of polarized articulations, by which the positivist discourses of modern power oppress and marginalize entire social groups, operating a 'gigantic moral imprisonment'[241] and enacting 'that other form of madness, by which men, in an act of sovereign reason, confine their neighbors'.[242]

The hierarchy of humanities by which migrant subjectivities are classified is constructed with the main yardstick of the civil, rational, white, Christian, normal, European subject. The marginalization of the 'other' not only engenders the brutal social consequences explored in the analysis, but it also serves the purpose of restricting and prohibiting the desire for power.[243] According to Foucault, resistance is thus translated into the desubjectification of the will to power, by breaking the discursive norms imposed upon the individuals.[244] The marginalized group, or the 'Other', is thus central to the practice of struggle, outside of paternalistic rhetoric of victimization. Resistance is local, coming from the margins and from those subjectivities that have been the targets of power and repression.[245] In fact, power is not merely repressive, but it embodies the very possibility of change: it is transformative capacity.[246]

The Islamophobic, dehumanizing 'othering' of the refugee subject claims a synthesizing and polarizing notion of humanity. However, the deconstruction of the topoi reproduced in the hegemonic discourse enacts the resistance to the hierarchical subjectification of individuals in Eurocentric, liberal systems of power.

Resistance comes from realizing the fundamental character of counter-hegemony, from accessing the multiplicity of discourses that are already available.

María Lugones employs the idea of 'mestizaje' (curdling) to present a theory of multiplicity against the dominating logic of a unified, homogeneous and hierarchically

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[240] Foucault, "The Subject and Power"
[241] Michel Foucault, *Madness and Civilization* (Paris: Librarie Plon, 1961): ix
[242] Ibid., 223
[243] Brent Pickett, "Foucault and the Politics of Resistance", *Polity* 28, no. 4 (1996): 445-466
[244] Ibid.
[245] Ibid.
[246] Kevin Jon Heller, "Power, Subjectification and Resistance in Foucault". *SubStance* 25, no. 1 (1996): 78-110

ordered social.[247] Mestizaje is the enactment of resistance by 'asserting the impure, curdled multiple state and rejecting fragmentation into pure parts.'[248] The resistance to the synthesizing logic of purity represents the political agency of the subject fragmented. In Lugones' words, curdling is 'a technique of survival, an art of resistance, of metamorphosis, of transformation.'[249]

The character of the border reality with its contradictions, the fluctuation of lines of partition, of Europe that is yet not so Europe can thus become the fractured locus from which resistance is practiced. Here, the counter-hegemonic formations emerge from the local testimonies of the marginalized – and abused – subjects. The subjectivities of the migrants challenge the hegemonic polarization of the social and shed light on the contingency of its articulation. The universality of the Eurocentric, hierarchical system of power is thus subverted and its objectivity contested.

To conclude, the analysis of the border reality aimed at proving the practical implications of discursive deconstruction, that sets the ground for both epistemological and embodied practices of resistance. The horizon towards which counter-hegemony strives is dishomogeneity and humanization in the border reality.

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[247] María Lugones, "Purity, Impurity, and Separation", *Signs* 19, no. 2 (1994): 458-479
[248] Ibid., 460
[249] Ibid., 479

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