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The Realities of Eritrean Refugees in a Carceral Age

Hyab Teklehaimanot Yohannes

**A thesis submitted in partial fulfilment of the
requirements of the University of Glasgow for a degree of
Doctor of Philosophy**

School of Education

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Abstract

Academics, journalists, and human rights groups have, for decades, written about the secretive and repressive nature of the state of Eritrea and the mass emigration of people from the country. At the core of these discussions have been discourses about human rights violations and ‘crime against humanity’ being committed by the government of Eritrea since the country’s independence. The reality, however, is that ever since its creation by Italian colonisers as a territorially bounded state, Eritrea has never been ruled by law, nor has it been subject to any rights-based system. Thus, the premise of human rights violations—the human rights lens through which these discourses are produced, and the geopolitical interests they serve—grasps neither the realities on the ground nor the complexities and nuances of how the human is differentially produced. Although the empirical evidence produced by UN branches, perennial human rights lobbyists and academic activists can be useful to back up normative claims, human rights discourses and approaches fail to address epistemic and methodological blind spots, leaving theoretical voids in our understanding of the carceral state of Eritrea and the realities of the lives of people fleeing the country. This study attends to these epistemic blind spots and theoretical voids by presenting an alternative reality that is grounded in the perspectives of those who have fled the country.

Underpinned by ontological, epistemological, and methodological assumptions of critical realism, this research considers the *what*, *how*, and *why* questions that underpin Eritrean refugees’ realities of *becoming*, and the conditions of *being*, refugees. Its key findings fall into three broad categories. First, the thesis finds that Eritreans are born into, and live in, conditions of lawlessness and rightlessness that began with the colonial occupation of what is now known as Eritrea, and these conditions have been maintained by the only government that has ruled the country since its independence. This precarious condition of ‘no laws nor rights’, and the modalities of punishment and control the government has imposed on the Eritrean people, explains why the country has been haemorrhaging its youthful population. Second, due to their unprotected status, Eritrean refugees have been left stranded indefinitely in exclusive biopolitical entanglements and necropolitical experimentations, in which they have been

treated as disposable corporealities that are always available for exploitation, violence, and removal without accountability. Third, the disenfranchisement of the refugees, and the collapse of all their human experiences and relations into indefinite modalities of precarity, carcerality and (im)mobility, has led to the total negation of their humanity. In these conditions, occurrences of dehumanisation and depoliticisation of Eritrean refugees are endless; murder is not unusual, nor is it a crime. In presenting these findings, the study does not only investigate the realities of being an Eritrean refugee, but also how processes and intertwined power relations interplay with causal powers and contextual circumstances that are responsible for the relegation of Eritrean lives to the precarious condition of being unliveable and ungrievable.

Through these findings, this study seeks to make three key contributions. First, by exposing the gaps in human rights discourses and esoteric political imaginations, this research offers an alternative approach to understanding the perplexing nature of the state of Eritrea and the realities of the people fleeing the county, by suggesting a total absence of law and rights, using the rule of ‘no laws nor rights’ as a starting point. Second, this thesis looks at how, in their constant struggle for survival and political existence, refugees play a disruptive role by shaking the principles upon which the nation-state system has been built (Agamben, 1995a). Agamben (1995a) makes this case from an Euro-centric perspective, thus he fails to see the links between the ‘world of modernity’ and the ‘world of coloniality’, and hence, the subjectivities these worlds create, shape, and reproduce. Third, drawing on clues from seminal thinkers in the fields of sovereignty and biopolitics, such as Arendt, Foucault and Agamben, the thesis opens new areas of criticism to further our understanding of the role of the state in the biopolitical b/ordering of societies and the policing of the ability to qualify as human.

Table of Contents

<i>The Realities of Eritrean Refugees in a Carceral Age</i>	1
<i>Abstract</i>	2
<i>List of Tables</i>	7
<i>List of Figures</i>	8
<i>Acknowledgement</i>	9
<i>Author’s Declaration</i>	10
<i>Definitions/Abbreviations</i>	11
Chapter 1 Introduction	13
1.1 About me.....	13
1.2 Research background, objectives and significance.....	15
1.3 Structure of the thesis.....	18
Chapter 2 Eritrea at a Glance	21
2.1 Introduction.....	21
2.2 Brief history and background.....	21
2.3 Reflections on the existing literature on Eritrea	30
2.4 Concluding remarks.....	38
Chapter 3 The Status of the “Refugee” in the Order of Rights	41
3.1 Introduction.....	41
3.2 From “the rights of man” to “human rights”	44
3.3 Locating the refugee in the rights-based order	49
3.4 Conceptualising the refugee	55
3.5 Concluding remarks.....	59
Chapter 4 Research Design and Methodology	62
4.1 Introduction.....	62
4.2 Research questions	62
4.3 Philosophical underpinnings of the study.....	62
4.4 Theoretical framework.....	67
4.5 Methodological framework and research design	68
4.5.1 Methods.....	69
4.5.2 Data coding and analysis	78
4.5.3 Validity and reliability.....	85
4.6 Concluding remarks.....	87
Chapter 5 Reflexivity and Positionality	89
5.1 Introduction.....	89
5.2 Researcher positionality	89
5.2.1 Research subjects and participants	91
5.2.2 Engaging with data and theory.....	93

5.2.3	Engaging with humanitarian organisations	94
5.3	Reflexivity in practice: learning, reflection, and unlearning.....	95
5.4	Ethical considerations	98
5.4.1	Participants' safety and data security	99
5.4.2	Responsibility towards the community.....	105
5.4.3	Researcher safety	105
5.5	Concluding remarks.....	106
Chapter 6	<i>The Limit of Traditional Norms</i>.....	107
6.1	Introduction.....	107
6.2	The merger of the norm and the exception	108
6.3	Independence and the abolition of the traditional norms.....	117
6.4	Concluding remarks.....	120
Chapter 7	<i>Eritrea as a "Carceral State"</i>.....	127
7.1	Introduction.....	127
7.2	Modalities of punishment and control	127
7.2.1	The rule of "no-laws nor rights"	136
7.2.2	Open-Ended National Service.....	141
7.2.3	Arbitrary detention and forced disappearance.....	153
7.3	Concluding remarks.....	160
Chapter 8	<i>Becoming a Refugee</i>	164
8.1	Introduction.....	164
8.2	The decision to exit	165
8.3	Border crossing	176
8.4	Life in transit countries.....	180
8.4.1	Life in refugee camps.....	181
8.4.2	"Self-settled" refugees	183
8.4.3	Smuggling and trafficking	189
8.4.4	Detention and deportation	193
8.5	Concluding remarks.....	195
Chapter 9	<i>Being a Refugee</i>.....	202
9.1	Introduction.....	202
9.2	The 'mammoth black hole separating Africa from Europe'.....	203
9.3	Asylum in transit countries in Europe	210
9.4	Seeking asylum in the UK	214
9.4.1	"Integration"—the 'untranslatable term'	222
9.5	Concluding remarks.....	227
Chapter 10	<i>Conclusion</i>	233
10.1	Introduction.....	233
10.2	Research findings	233
10.3	Theoretical contributions	240
10.4	Methodological contributions	244
10.5	Research limitations and mitigation strategies.....	247

10.6 Closing.....	249
<i>Appendices</i>	<i>250</i>
<i>Appendix A – Data Gathering.....</i>	<i>250</i>
<i>List of References.....</i>	<i>254</i>

List of Tables

Table 1: Overlapping domains of reality (adapted from Bhaskar, 2008, p. 47)..	64
Table 2: Examples of overlapping ontological domains.....	65
Table 3: Explanation (Amended from Srivastava and Hopwood, 2009, p. 78) ...	83
Table 4: Validity and reliability strategies	86
Table 5: Why Eritreans flee their home country.....	166
Table 6: Observation Proforma.....	250
Table 7: Focus Group Discussion Guide	250
Table 8: Interview Themes	252

List of Figures

Figure 1: Chronology of events.....	22
Figure 2: Coding and analysis stages	79
Figure 3: Items clustered by word similarity	80
Figure 4: Initial Codes	81
Figure 5: Final coding structure.....	83
Figure 6: Reflexivity in practice	96
Figure 7: Participants' descriptions of NS.....	142
Figure 8: NS Silver Jubilee celebration (Ministry of Information, Eritrea)	148
Figure 9: "Missing People"	159
Figure 10: Participants' reasons for exiting Eritrea.....	166
Figure 11: The UNHCR asylum process in Cairo, Egypt.....	186
Figure 12: Tax receipt (left) and temporary passport (right)	194
Figure 13: I was not born to be a refugee by artist Michael Adonay.	207
Figure 14: UK Asylum system prepared by Right to Remain in March 2018	215
Figure 15: Fresh claims process prepared by Right to Remain in March 2018...	220
Figure 16: 'Steps to Integration'	223

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Last, but not least, my thoughts go to my parents who taught (and continue to teach) me the values of being persistent, hardworking, and hopeful for a better future.

Author's Declaration

I declare that, except where explicit reference is made to the contribution of others, that this thesis is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution.

Name: Hyab Teklehaimanot Yohannes

Signature:

Definitions/Abbreviations

ASA	Association of Social Anthropologists of the UK and the Commonwealth
BMA	British Military Administration
CIO	United Nations Commission of Inquiry
ELF	Eritrean Liberation Front
EPLF	Eritrean People's Liberation Front
EU	European Union
GDPR	General Data Protection Regulations
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IOM	International Organisation for Migration
MSF	Médecins Sans Frontières
NGO	Non-governmental Organisation
NS	National Service
PFDJ	People's Front for Democracy and Justice
RLAP	Refugee Legal Aid Project
RSD	Refugee Status Determination
SERA	Scottish Educational Research Association

StARS	St. Andrew's Refugee Services
TPLF	Tigray People's Liberation Front
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nation High Commissioner for Refugees
USSR	Union of Soviet Socialist Republics
WWII	World War Two
WYDC	Warsay Yikealo Development Campaign

Chapter 1 Introduction

1.1 About me

From the outset, I want to make clear that I have a personal attachment to the object of the research inquiry and the subjects of the study. This research was born out of my passion and curiosity to investigate a problem that I share with many other Eritrean refugees. Because of my close affinity both with the research and the researched, I believe that it is important to introduce myself.

I was born and raised in Eritrea. In August 2010, I completed a BA degree in geography and was recruited into an open national service the following month. Among many reasons, working for pocket money in the national service, the bureaucratisation of life and the generalised oppression I faced led me to escape Eritrea for Sudan in 2011. Once in exile, I survived detention, torture and human trafficking. I was labelled as an “illegal migrant”, an “alien” and as a “victim”. In official documents, I was referred to as an “asylum seeker” at the beginning and a “refugee” afterward. As of the point of submission of this thesis, I remain a refugee and have been granted UK citizenship. I am in the process of becoming a rights-bearing subject however limited the rights granted to a naturalised refugee may be.

The fact that I am an Eritrean, a refugee and a victim of trafficking has shaped me both as a person and as a researcher. In today’s biopolitical world, people like me only surface as othered, marginalised, outlawed and incarcerated. We are much spoken *about*, yet we are commonly silenced.

Other factors such as educational and professional backgrounds have also contributed to shaping and reshaping the “self” that makes my identity. I have studied both in the East and in the West. However, regardless of where I was educated, I studied western education. I read western scholars and write in a western language. Likewise, for about eight years, I have worked both in the East and in the West at a professional level. I have worked with displaced people who have survived intolerable persecution in their home countries and continue to suffer from human trafficking, torture and marginalisation elsewhere. The

work experience enriched my academic and professional ambitions, but all I learned was through western institutional and educational culture.

My understanding of structures, processes and power relations has been shaped by the combination of Eastern subjectivity and Western institutional and educational culture which also shape the way systems, structures and power matrices treat the people I study. These complex processes, power relations and causal mechanisms are the objects of inquiry of this research. Positioned at a critical juncture between ‘the subject of study and the narrator’ (Hertz, 1996, p.7), I hope to investigate the causal mechanisms that outlawed Eritrean refugees and rendered them outliers in political life. In doing so, I write (and speak) in the first person as a way of maintaining my close affinity to the stories being told, and of recognising that my story is inescapably interwoven with theirs.

I understand that my interwoven relationship with the subjects of study and the object of inquiry generates strengths and weaknesses in my research. As Greene observes, insider researchers are often familiar with how to ‘access’ the subjects and objects of study and ‘interact’ with them (2014, pp.3-5). For example, fieldwork was never a big issue for me as I already both am part of the field and ‘live’ within the field. In addition to having prior knowledge of the language and culture of the people being studied, being an insider allowed me to observe and analyse events, patterns and structures from their perspective.

I also recognise that my insider status is susceptible to epistemological and methodological critiques. Insider research raises questions concerning epistemology (e.g. how researchers mediate the production of knowledge), data gathering (e.g. participant selection bias, conflicts of interest and ethics) and data analysis (e.g. biases towards findings and their interpretation) (Dwyer and Buckle, 2009; Greene, 2014, p.4; Taylor, 2011). I anticipated these challenges and used my skills to mitigate the potential weaknesses.

Furthermore, the insider/outsider dichotomy also has a bearing on the philosophical assumptions of the research. Arguing from a philosophical point of view, Mellor contends ‘that knowing what experiences of a certain kind are like does not entail having had them, even if having them is usually the best and

often the only feasible way of acquiring that knowledge' (2012, p.14). For Mellor, while 'the ability to imagine' experiences is a fundamental requirement to know them, being 'able to recall them' to 'imagine them correctly' is an advantage for those who had experienced the experiences over those who did not (2012, pp.13-14). Without disagreeing with Mellor's logic, I would suggest that this must also include a critical realist approach that embraces the provisional status of knowledge and the need for transparency and reflexivity about the research process as part of knowledge production.

As an insider researcher, I benefited not only through the use of the advantages of being an insider but also from having an in-depth understanding of what to anticipate and how to identify and mitigate context-specific problems. However, not all research challenges can be anticipated, nor are they all identifiable. As such, I recognise the unavoidability of the 'messiness' (Billo and Hiemstra, 2013) of the research process, I have sought to mitigate it and I have been transparent about it.

The conduct of this study took me through both familiar and unfamiliar challenges on familiar turf. What remained unchanged is that I never left the field; I am still the field and live in it. In Chapter 5, I discuss how I navigated my intersecting positionality.

1.2 Research background, objectives and significance

Eritrea, a country ravaged by centuries of colonialism, has over the past three decades transformed itself into an authoritarian state. Since its independence in 1991, which was consolidated by a people's referendum two years later, the country has never had a legislative parliament or an elected government. Its constitution was discarded despite being ratified in 1997 (Dorman, 2004c). The country's politics are dominated by one party headed by the only president the country has ever seen. It is described as one of the most oppressive countries in Africa because of its track record of arbitrary detention, indefinite national service and human rights violations (COI, 2016; Plaut, 2016; Woldemikael, 2013). Most notably, the United Nations Commission of Inquiry (COI, 2016) on human rights has accused the government of Eritrea of committing 'crimes against humanity' since its independence.

The government of Eritrea has, since independence, been incarcerating thousands of people in detention facilities and exploiting others in open-ended national service (Woldemikael, 2013; COI, 2016; Plaut, 2016b). These practices have left newly-weds separated for years, children orphaned because their parents died in wars or vanished in detention facilities and elderly people abandoned at home without care and support. This reality has led thousands of people to want to leave the country, but the government has established modalities of punishment and control to immobilise its citizens. For a successful exit from the country, one has to evade checkpoints, frequent roundups and a highly militarised border. For those who do decide to flee, crossing the border and safely entering a transit country is a matter of life and death.

The difficulties Eritreans face do not end after they crossed the border. Those who manage to escape face rightlessness and impunity in neighbouring transit countries and then in destination states. In transit countries, they become victims of immigration detention and deportation, and if granted the right to seek asylum, they become part of vetting and containment regimes. Stripped of their rights and exiled into realms of violence, the refugees face a precarious life or perhaps death in detention centres, at borders, in the sea or in the deserts. Many thousands die in human trafficking in transit countries; others lose their lives by drowning when attempting to cross the sea, such as in the Lampedusa incident of October 2013.

Through interviews, focus group discussions and participant observation, this study corroborates the realities of Eritrean refugees who have survived arbitrary detention, violent borders and trafficking, and bore witness apocalyptic scenes of their families and/or friends being ‘buried alive’, tortured to death or drowning at sea. Their experiences are symptoms of the activation of the rightlessness of the refugees and their treatment as a ‘remainder or detritus humanity’ (Rajaram and Grundy-Warr, 2004, p. 35). The stories provoke a crucial question: How and why are these people denied state protection *both* in their country of citizenship and elsewhere? In this study, examining the experience of Eritrean refugees as a form of biopolitical domination, I examine how and why Eritrean lives are systematically rendered unintelligible.

The scope of the research focuses on examining the experience of Eritrean refugees with a particular emphasis on the status of refugees in the biopolitical b/ordering of societies. In doing so, the study brings a new perspective to four overlooked areas:

First, it seeks to understand the structural issues that cause Eritreans to flee their country by investigating the link between state control and involuntary displacement. The study uncovers the complexities and perplexities of life and living in Eritrea by examining conditions of “no-laws nor rights” and the generative mechanisms driving emigration from the carceral state.

Second, it examines the process of *becoming* a refugee. This involves examining the actions people take to flee the country and their encounters with state and non-state actors in the process. In addition to examining their experiences, it explores the structural mechanisms and biopolitical processes that led to the displacement and juxtaposes the process of becoming a refugee with the simultaneous process of unbecoming a citizen. In doing so, the study delves into the interplay of complex relations of subordination, domination and transformation and sheds light on the causal mechanisms and power relations beneath.

Third, the study interrogates the condition of *being* a refugee. It examines the mechanisms by which refugees are processed and reduced to naked forms of life and the impunity with which these mechanisms operate to securitise their precarious status. The goal is to conceptualise the lived experiences of Eritrean refugees in transit and destination countries in a broader biopolitical context, at the centre of which is the carceral state. The study exposes violent practices directed to contain refugees in what Foucault calls the ‘carceral continuum’. This is an attempt to divulge not only the mechanisms by which states securitise the precarious status of the refugees but also highlight the practices carceral states employ, many of which are violent.

Finally, it is the objective of this research to question the structural problems of dissociating refugees’ experiences from political life and

hiding the crimes they face. Despite the challenges, refugees transform themselves to forces of resistance and symbolic visibility by crossing borders, dying in treacherous waters and deserts and appearing in politicised spaces. Although their situation remains precarious, to overlook their agency is to undermine their struggle for political subjectivity. As Edkins (2000, p. 7) asserts, 'depoliticization takes place side by side with politicisation of the bare life'. Yet, there is an irony that Edkins wants us to be cautious about: 'Bare life is politicized, and political life disappears' (2000, p. 7).

The research places Eritrean refugees as the focus of its inquiry and investigates their (im)mobilities, precariousness and carceralities. The main goal is to conceptualise the refugees' experiences and explain the causal and generative mechanisms that led to their experiences. Interrogating the refugees' rightlessness and lawlessness has allowed the study to unpack the structural problems and generative mechanisms that led to the violence and unfettered control over the refugees' bodies, embodiments, and freedoms.

1.3 Structure of the thesis

This thesis is divided into nine chapters. **Chapter 1** introduces the researcher and offers a brief introduction to the research background, objectives and significance. **Chapter 2** begins by offering a brief history of Eritrea and summarises the challenges Eritrean refugees face. This chapter also engages with the existing literature and the human rights approaches employed to study the experiences of Eritrean refugees. **Chapter 3** reviews the notion of the rights-based international order. It locates the status of refugees in the rights-based system and offers a conceptual framework. **Chapter 4** discusses the research design and philosophical underpinning and methodological approaches of the study in detail.

Chapter 5 discusses the topics of researcher positionality, the research process, and how these influenced (or did not influence) both the research and the researcher. At the crux of this chapter is my critical reflection on the research process.

Chapter 6 provides a brief analysis of traditional values, customary laws and the exceptional judicial framework in which they operated within Eritrea. Drawing from Agamben's theorisation of the state of exception, it argues that customary norms in Eritrea existed in an entangled relationship with the exception forming an all-encompassing totality. The chapter then discusses how the traditional values and norms were rendered obsolete and how the encompassing totality—the “juridico-exception”—was dismantled after the country's independence.

Chapter 7 examines the conditions of rightlessness and the generative mechanisms that are responsible for emigration from Eritrea. In post-liberation Eritrea, the unchanged and unelected government has deployed modes of production and administration of power that circumvent normality and perpetuate exceptionality. The chapter explains that these practices are neither legal nor illegal in Eritrea because no law has ever existed to protect or rescue citizens from the threat of the state. It highlights the biopolitical exploitation, collective indignation and loss of rights of the Eritrean people.

Chapter 8 unpacks the realities of the many Eritrean who leave Eritrea in search of safety and protection. It starts by exploring why people leave, concluding that fleeing Eritrea has become a necessity for survival. The chapter also examines the refugees' experience of crossing the border to neighbouring countries, arguing that a border is a place in which multiple states of exception merge to the profound detriment of the refugees. It demonstrates how the survivors who penetrate the polity through the interstices of interwoven border controls are viewed as visible threats to the imagination of the host community. Moreover, focusing on the experience of the refugees in necropolitical spaces, the chapter analyses the (im)mobilities, precariousness and carceralities faced by the involuntarily displaced people in the process of becoming refugees.

Chapter 9 begins by discussing how the rightless refugees, during their perilous journey, are not only trapped in violent and exploitative practices by state and non-state actors, but also continue to vanish in treacherous waters and carceral spectacles on either side of the Mediterranean. The chapter conceptualises the packed boats carrying rightless bodies as symptomatic of a systemic problem of ‘migration management’ (Mainwaring, 2019). It then discusses the bureaucratic process of asylum in transit states, arguing that the primary function of such

systems is to create a disposable subject while at the same time presenting an imminent threat that needs immediate attention and swift action. The analysis focuses on the Dublin Regulation whose hidden matrix relies heavily on a system of negation and elimination that defines asylum seekers and refugees for what they are not rather than what they are. The chapter also discusses the hidden matrix of the UK asylum system: the “hostile environment”.

The last chapter, **Chapter 10**, revisits some of the main findings, as well as the methodological and theoretical contributions of the research. It also outlines the need for decolonial research.

Chapter 2 Eritrea at a Glance

2.1 Introduction

Before delving into the causal mechanisms that have led to the realities of Eritrean refugees, it is critical to briefly refer back to the country's colonial and post-independence history, reflect on the existing literature, and to provide a concise overview of the methodological flaws in the existing literature. To make sense of the historical continuity of the issue under examination, I start by offering a short account of Eritrea's history and the realities of its people. I begin by tracing the (non-)existence of rights in the country's recent colonial and post-independence periods. I then critically review the use and misuse of the human rights approach, before suggesting an alternative methodological approach. I argue that the established narrative of human rights violations accentuated in the existing literature on Eritrea is flawed in terms of its methodology and approach. I then conclude the chapter by positing that understanding the experience of Eritrean refugees requires de-centring the human rights approach and positioning the realities of the refugees at the centre of the inquiry.

2.2 Brief history and background

Present-day Eritrea came into existence during Italy's colonial expansion into the Horn of Africa. The country, as we know it today, was carved out following successive border agreements between the Italian colonial government and Abyssinia in the first decade of Italian colonisation (Kibreab, 2009a, p. 1). From that point onwards, the country has gone through successive colonial ravages, and, since its independence in 1991, it has been involved in a border conflict with Ethiopia. Figure 1 shows a chronology of significant events in the country's history.

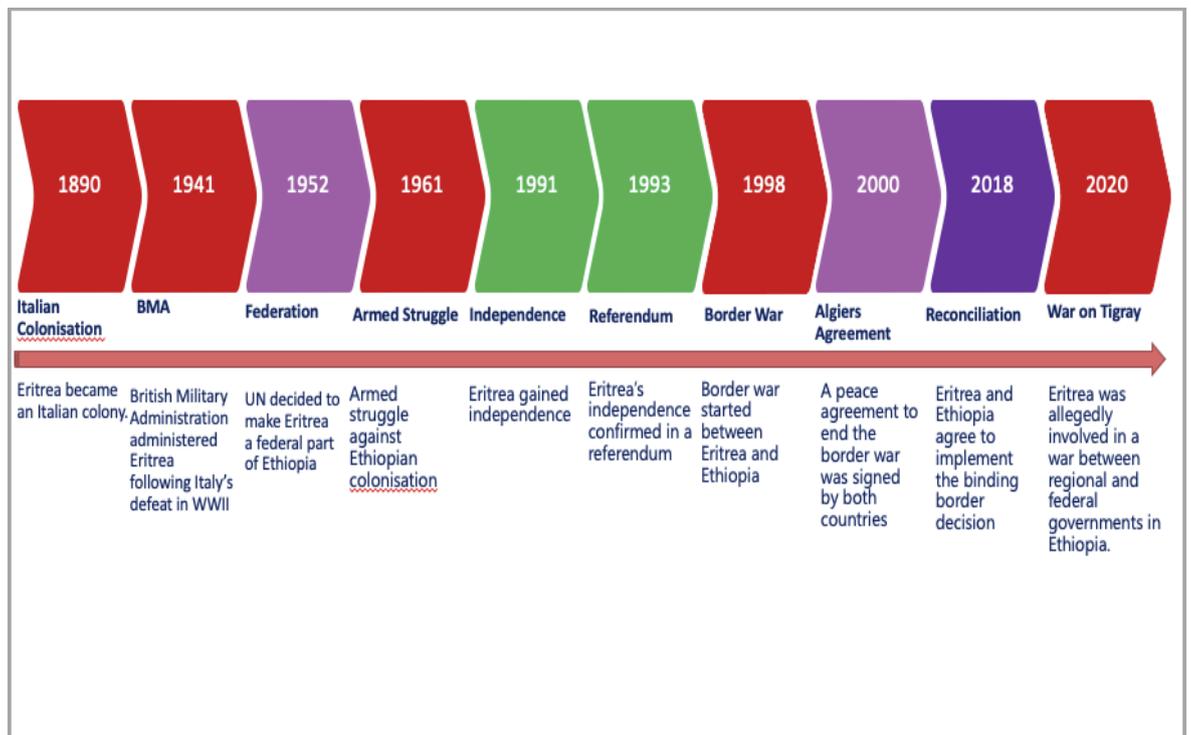


Figure 1: Chronology of events

Italy colonised Eritrea from 1890 to 1941. Italian colonisation not only carved out a country called Eritrea but also introduced it to ‘a hierarchically organized global system of nation-states’ (Woldemikael, 2013, p. ix). The Italian colonial rulers drew arbitrary territorial borderlines and developed Eritrea’s infrastructure to accommodate colonial projects and ambitions, thereby making the country an Italian stronghold. In addition, the country’s inclusion in the global order of nation-states had a dramatic impact on the local people, their way of life, and their socio-political organisation. Italian settlers migrated to Eritrea in large numbers and imposed exploitative and discriminatory policies on local people; for example, locals were barred from certain streets in big cities and were only allowed to study up to a basic level. The local people were propelled ‘into a crisis of historical continuity, belonging, identity, and citizenship’ (Woldemikael, 2013, p. ix). Italian colonial rule in Eritrea ended following defeat by the Allies in WWII.

Following on from Italian colonial rule, the British Military Administration (BMA) ruled Eritrea for a decade, looted its infrastructure and wealth, and divided the society along ethnic and religious lines. As Kibreab (2009) demonstrates, the

‘British policy in Eritrea was from the outset based on the denial of the existence of Eritrea as a political entity and of the Eritrean as a people worthy of a state of their own’ (p. 1). For its own political gains in the region, the BMA advocated for the partitioning of Eritrea between Ethiopia and Sudan. The BMA’s divisive policy, however, did not materialise; resistance from Eritreans and the international community intensified, and the BMA left Eritrea’s future to be decided by the international community and Ethiopia.

In December 1950, the United Nations decided to federate Eritrea with Ethiopia (Kibreab, 2009a). Deprived of the right to self-determination, therefore, Eritrea was effectively federated with Ethiopia as an independent state in 1952. Nevertheless, the federation with Ethiopia did not last for longer than a decade; Ethiopia dissolved the federation in 1962, when it invaded Eritrea and annexed it as part of Ethiopia. By this time, Eritreans opposed to Ethiopia’s colonial ambitions had already started an armed struggle against Ethiopian occupation.

Ethiopia’s unilateral annexation of Eritrea and the brutality it inflicted on local people provoked a powerful revolutionary fight for liberation. Notably, in 1961, a liberation war against the colonial regime began in the western and northern parts of the country before gaining momentum. The armed struggle started by a few lowlanders attracted thousands of Eritrean youths from all over the country. Driven by the colonial hostilities to which they were subjected, Eritrean men and women joined the armed struggle in large numbers. The liberation war was led, backed, and funded by Eritreans abroad. Leaders of the struggle successfully mobilised Eritreans to forge a unified rebellion against Ethiopia’s occupation.

For almost three decades, successive regimes in Ethiopia worked relentlessly to dismantle Eritreans’ demands for self-determination. With the aim of suppressing separatist movements, the colonial regime normalised mass-murders, massacres, arbitrary detention, and the torture of local people. Ordinary Eritreans were slaughtered and terrorised in their homes, simply because they preferred self-determination to colonisation. As the guerrilla war intensified, colonial troops began to demolish Eritrea’s physical environment and infrastructure; they burned forests, farms, villages, and towns, as well as destroying or blocking roads and bridges. Mountains were turned into minefields,

and hospitals and schools into detention facilities and military camps. In summary, the colonial regime did everything it could to consolidate Eritrea's no-man's-land status, inherited from previous colonisers, and to relegate ordinary Eritreans to 'the level of bare existence, merely bodies that have no rights and protections' (Woldemikael, 2013, p. ix).

Despite the colonial aggression, Eritrean people fought a bloody liberation war 'with a clear objective in mind: the freedom of Eritrea' (Plaut, 2016b, p. 15). Following catastrophic civil wars caused by political differences, in the last decade of the liberation war, Eritrean people rallied behind the Eritrean People's Liberation Front (EPLF) and fought a fierce battle to liberate their country. Although the colonial regime, backed by Western countries until the mid-1970s and later by the Soviet Union, waged successive campaigns to crush the revolution, the EPLF continued to push for independence.

In May 1991, after decades of bloodshed, Ethiopia was defeated, and Eritrea gained its long-dreamed-of independence. This ended the country's troubled colonial history and the "state of exception" that had begun with Italian colonialisation and was later perpetuated by successive Ethiopian regimes (Woldemikael, 2013). The country's independence was internationally recognised two years later, following an internationally monitored referendum in which 98.83 per cent of its people voted for independence (Plaut, 2016b, p. 118).

Nonetheless, despite the closing of Eritrea's colonial chapter with independence, the suffering of the Eritrean people has never come to an end. Instead, their tantalising dreams were indefinitely suspended and the country's independence marked the beginning of a post-liberation history dominated by a single man (Kibreab, 2009a; Woldemikael, 2013; Plaut, 2016b). A year after the referendum, the EPLF changed its name to the People's Front for Democracy and Justice (PFDJ) and established a provisional government headed by President Isaias Afwerki. This president clung to power and thwarted any possibility of a smooth transition. The president and his party (PFDJ) quashed the people's hopes of constitutional rule, and have remained in power throughout Eritrea's entire post-independence history (Kibreab, 2009a; Reid, 2009; Hirt, 2010).

For the first five years, the one-party government was kept busy consolidating its power and drafting a constitution that was later discarded. In the years between 1994 and 1998, the regime subjected disabled war veterans, army members, religious minorities, and students to arbitrary detention and forced disappearance for protesting against the government's abuses of power and misuse of resources. Some protesters were brutally killed, others were arbitrarily detained for decades, and all of them were denied the chance for their voices to be heard (Woldemikael, 2013, pp. x-xi; Plaut, 2016b, pp. 119-121). Martin Plaut, for example, reports an incident in which soldiers who had complained about the suspension of their salaries were insulted by the President for being 'illegal, misguided, infantile..., [and] between 200 and 300 were rounded up and imprisoned' (2016, p. 119). These were the first signs of the then-emerging repressive regime and its unaccountable authoritarian power.

In a similar move, the government banned new political parties, crushed opposition movements, arrested prominent political dissidents, and began imposing strict censorship of the media (Kibreab, 2009a; Hirt, 2010; Plaut, 2016b). It also introduced mandatory military service and began to round up any who wished to abstain. Since 2003, teenage students have been required to attend military training before sitting a national examination; if students fail the examination, they are forced to sign up for open-ended national service. The government also controls ordinary people by deploying checkpoints, prisons, and military camps throughout the country. Arguably, the entire country has been transformed into a carceral spectacle.

Ironically, while heavily engaged in consolidating its power and exerting unfettered control over its citizens, the provisional government also found time to draft a constitution. The first draft, completed in 1995, was submitted to the public for discussion; a revised final draft was submitted in the following year. The constitution was then ratified and published in May 1997. The publication of the constitution had immense symbolic importance and its ratification was celebrated as one of the glorious moments in the country's post-independence history (Plaut, 2016b). Yet, this euphoria lasted for not more than a year.

Things took a turn for the worse in May 1998, when a war erupted between Eritrea and Ethiopia. The war, commonly referred to as "The Border War",

traumatised the neighbouring people of both countries, who share a common blood and history. It was catastrophic that over 70,000 soldiers' lives were lost, more than a million people involuntarily displaced, and great opportunities and growing possibilities for growth wasted by both countries (Woldemikael, 2013, p. x; Plaut, 2016b, pp. 38-40). The two-year border war left children orphaned, young brides widowed, youths martyred, and families in a state of despair and grief. Neighbouring peoples, who shared a common culture, language, and blood through centuries of intermarriage, were separated by trenches, artillery, and landmines. Ultimately, the war left the people of both countries engrained in a state of trauma and socio-economic stagnation.

In the year 2000, both countries signed a peace agreement, and a Boundary Commission was formed to draw up the disputed border. Two years later, in April 2002, the Boundary Commission 'published its binding decision on the border' (Plaut, 2016b, p. 42). Nevertheless, the governments of both countries, who had already signed an agreement to implement the decision by the Boundary Commission without preconditions, have not fulfilled their promises to their people. For nearly two decades, neither country implemented the binding decision of the Boundary Commission. Initially, Ethiopia was unhappy that the main disputed town of Badme was located on the Eritrean side, whereas Eritrea demanded the immediate implementation of the Commission's ruling. Unsurprisingly, Ethiopia called for further talks with Eritrea regarding the implementation of the ruling, but Eritrea continued to insist that the border decision was final and binding. Failing to agree on the outcome of the decision and its implementation, the 'neighbours—who shared so much in common—have become locked into a vicious cold peace, determined to do all they can to undermine each other without actually resorting open warfare' (Plaut, 2016b, p. 49). The costly border war became a stalemate.

More than two decades since it erupted, the border conflict has yet to be resolved. The indeterminacy of the border has raised legitimate conceptual and practical concerns among many Eritreans. Conceptually, it throws into question any resounding assertion of an ontology of a sovereign state called Eritrea. In other words, as borders establish the limits of a country's sovereignty, the indeterminacy of the Eritrean-Ethiopian border equate to a crisis of sovereignty,

implying a constitutional crisis and a threat to national security. For many Eritreans, particularly for those who fought successive wars to protect the country's sovereignty, anything that calls into question the existence of Eritrea as an independent state is not only a national security threat but also the very antithesis of what the martyrs died for. Arguably, it is these national security concerns that appear to form the only commonalities between the majority of the Eritrean people and their government.

It can be argued that Eritrea was right to call for the unconditional implementation of the border resolution, as both countries had agreed. The implementation of the border decision could have resulted in the withdrawal of Ethiopia's military from occupied Eritrean lands and a return of the town of Badme to Eritrea, both of which are critical sticking points. From the very beginning, the government of Eritrea raised these legitimate concerns to the UN and other key players such as the United States and the United Kingdom. However, neither the UN nor the key players had the means or the political will to resolve the stalemate. Further aggravating the situation, instead of putting pressure on Ethiopia to accept the border resolution, the international community and the UN isolated Eritrea by imposing sanctions and publishing unproven allegations in the press of collaboration with "terrorist" groups (see Security Council, 2017). Despite Eritrea's attempts to resist, the sanctions were maintained until late 2018 (Hirt, 2019).

After failed diplomatic efforts, the regime misused its legitimate border concerns to sustain its existence and its grip on power. For decades, the government has consistently rebuffed any international criticism of its treatment of the Eritrean people, attributing the country's domestic problems to the border conflict and Ethiopia's occupation of Eritrean land. It ascribes all the challenges the country has faced in the post-war period to the border war and the disruptive international interventions. Blaming anyone but itself, the authoritarian government has managed to maintain its monopoly of power concentrated around the president, who is the commander in chief of every government branch.

The legacy of the border war has played a critical role in Eritrea's transformation since the conflict. In the protracted period that followed the

border war, the repressive state shifted its focus from geopolitical tensions to controlling its own people. Obsessed with the idea of preserving national sovereignty and security, the government suspended the constitution, which was born out of violence and repression, even before it had been implemented. This initiated an undeclared state of emergency, allowing the regime to claim unlimited power. In the absence of the rule of law, the regime has deployed its powers to punish, discipline, and control its citizens, while keeping them hostage in a never-ending national service.

Through its carceral institutions, the state has penetrated into every family and transformed its citizens into obedient bodies, whose existence is merely to serve the interests of the authoritarian government. Politicians, journalists, and ordinary people opposed to the government's exploitative policies are violently crushed; some are detained and tortured, others disappear in obscurity, without a trace (Kibreab, 2009a; Woldemikael, 2013; Plaut, 2016b). The country has been accused of committing 'crimes against humanity' by the United Nations Commission of Inquiry (COI, 2016). Yet, the government denies these accusations and refuses to release its grip on power.

In June 2018, Ethiopia's then new Prime Minister—Abiy Ahmed Ali (PhD)—managed to break the border stalemate by agreeing to the terms of the Boundary Commission's decisions. Following this rapprochement, both countries sent delegations and rekindled diplomatic relationships with one another (Hirt, 2019; Addis *et al.*, 2020; Vilmer, 2021). In the first few months, the countries opened their shared border, restarted high-level diplomatic visits, and repeated the rhetoric of peaceful co-existence. Most importantly, communication between the people of both countries was re-established, with scheduled flights starting between the capitals, telephone networks opening, and small cross-border trading activities partially restored. Moreover, the two countries shared socio-cultural and religious events, with musicians and religious leaders visiting each other's countries. These reconciliation attempts, however, did not result in a sustainable and more comprehensive alignment of the two countries, mainly due to the entrenched socio-economic, institutional, and political imbalances that continued to divide the former foes. Citing Kidane (2019), Vilmer (2021) perceptively points out:

Apart from pop singers, the two countries cannot share much: there cannot be parliamentary exchanges since Eritrea has no parliament, nor students exchanges since Eritrea does not have universities, nor civil society collaboration as Eritrea does not have civil society, not even a serious media coverage of joint initiatives as Eritrea does not have a free press (p. 37).

In fact, there has been no indication that the occupied land will be returned to Eritrea, and borders are closed again despite being opened for a brief period. Within two years of the rapprochement, the tantalising hopes of peace vanished without any concrete outcomes.

The greatest blow to any hopes of peace, however, was delivered at the start of November 2020, when a war broke out between a regional government led by the Tigray People's Liberation Front (TPLF) and the federal government of Ethiopia led by the transitional government of Prime Minister Abiy Ahmed Ali (PhD). As I write this thesis, a war is raging between the TPLF fighters, on the one hand, and the federal government backed by Eritrean defence forces, on the other, which is destroying lives and livelihoods in the Tigray region of Ethiopia (see Abai, 2021). In contrast with the hopeful conditions that preceded this war, thousands of people including civilians have reportedly died; young girls and women raped; children separated from their parents and disappeared in the war-zone; tens of thousands civilians involuntary displaced; civilians subjected to large-scale massacres; and almost 100,000 Eritrean refugees remain trapped in the middle of the war in refugee camps (UN News, 2020; Abai, 2021, 2021; Human Rights Watch, 2021). The scale of the damage wreaked by the war has yet to be fully and independently assessed, but 'war crimes', 'genocide', and 'crimes against humanity' have reportedly been inflicted on the people of Tigray since its outbreak (Abai, 2021), all of which is happening in the middle of the deadly COVID-19 pandemic.

Eritrea's involvement in the war between the regional and federal governments of Ethiopia has not only derailed the prospects of a comprehensive peace resolution between the neighbouring peoples, but also stranded the Eritrean people within realms of constant war, incarceration, and servitude. If there is one thing that has remained unchanged for the last three decades, it is the treatment of the Eritrean people. Both at home and abroad, Eritreans continue to face enslavement, detention, forced disappearance, and involuntary

displacement. While most people remain immobilised within the state's carceral spectacle, some have already left the country. The lived experiences and forced migrations of many Eritreans have rendered the country almost 'uninhabitable' for its mostly young population (Woldemikael, 2013, p. viii). Those held hostage in solitary confinement and unending national service operate in a survival mode in which they are neither alive nor dead.

In this study, I draw on stories related by Eritrean people to understand their situation. Collectively, Eritreans' lived experiences represent a community in dismay. Whether in their home country or elsewhere, they are connected in their pain and grief. The challenges Eritreans face do not end once they exit their country; after becoming refugees, they are often excluded from the realms of political life and suspended in an endless carceral system (see Yohannes, 2021). But leaving their homes and families behind is not the greatest calamity faced by these refugees; the calamity is that they are unable to find refuge elsewhere. It is the refugees' a-political existence that I explore in this study.

2.3 Reflections on the existing literature on Eritrea

In the media as well as in academic literature, Eritrea is often referred to as one of the world's most secretive, repressive, and isolated states (Kibreab, 2009a; Plaut, 2016b). Of the scarce literature on the isolated country, much is the result of engaging with the Eritrean diaspora community, including refugees and asylum seekers. In addition to the knowledge gained through engaging with the diaspora community, the state also propagates its own information (often in the form of propaganda) as a countering strategy against the production of knowledge from the outside. What we know about the country is shaped by the competing narratives produced, on the one hand, by the repressive state that tries to craft an image of being a protagonist, and by Western human rights organisations that single out the repressive regime for its human rights violations. Yet, neither of these claims adequately interrogates the quirks and quandaries to be found in the (a)political life of the isolated state.

The existing research focuses on establishing a causal relationship between the circumstances in the country and the mass emigration from the country. For example, the Commission of Inquiry on Human Rights in Eritrea (COI) report

attempts to establish a causal relationship by claiming that Eritrean authorities have engaged in ‘crimes against humanity’ ever since the country’s independence and that its people had no choice but to leave their country. Likewise, Martin Plaut, in his book, *Understanding Eritrea: Inside Africa’s Most Repressive State (2016)*, identifies the government of Eritrea as culpable for the experience of Eritreans both at home and abroad, and, towards the end of his book, argues that the country’s president and his associates should be deposed. Feeding into the same narrative, Myers (2010) declares that Eritrea is ‘Africa’s North Korea’. Furthermore, Kibreab’s *Eritrea: A dream deferred (2009)* attributes the suffering of Eritreans to the failure of the only government Eritrea has seen since independence to establish institutions of protection. The book compares in detail the government’s failure to develop institutions that ensure rights and protections with Western conceptions of the rule of law and of socio-economic institutions. The COI report and recent research attribute the realities of Eritrean refugees exclusively to the dire situation in the country.

With very few exceptions, the scholarship on Eritrea feeds into a uniform hegemonic narrative that links the state with repression, authoritarianism, dictatorship, and violations of human rights. Indeed, it is widely accepted that the government’s repressive practices and crimes against its people are the main reasons why many Eritreans flee their country. I do not object to the narrative that the so-called ‘mass exodus’ from Eritrea is driven by the circumstances in the country (Reisen and Mawere, 2017, p. 36); nor do I disagree with the suggestion that the country has turned itself into a ‘garrison state’, in which citizens are subjected to cruel treatment by the ruling regime (Tronvoll and Mekonnen, 2014). However, I am sceptical of the hegemonic narrative of human rights violations in Eritrea and the underlying assumptions on which these claims are based. To my reading, almost the entire literature on Eritrea rests on the assumption that human rights once existed in Eritrea and that they are currently being violated by the country’s repressive regime. As I intend to examine in this study, I doubt whether any so-called human rights ever existed in Eritrea in the first place. And if assumptions about the existence of human rights in the country are proven wrong, the entire literature must be subjected to rigorous scrutiny.

The narrative of human rights violations in Eritrea formulates a uniform state-centric human rights discourse that constitutively renders Eritrea, its people, and their voices unintelligible. Lying beneath the surface of the claims made in the scant literature, one can find countless unrelated comparisons, unanswered questions, untouched paradoxes, and constitutively excluded narratives. For instance, beyond the fact that both countries are assumed to be secretive and resistant to external interventions, what are the premises upon which Eritrea is compared to North Korea? How does the potentiality for similarities between the two countries outweigh the scope for differences? I suspect that such comparisons and claims are problematic, if not polemic.

Similarly, if the COI believes that the government of Eritrea has committed ‘crimes against humanity’ since independence, why did the United Nations wait for more than two decades to investigate the matter? Why did the investigation choose to start on the day on which the country obtained independence, while ignoring everything that had happened before that point? And regarding the realities of Eritrean refugees, why is it that their exploitation in the Sinai (Reisen and Mawere, 2017), in Libya, and the loss of lives in the Mediterranean Sea (Human Rights Watch, 2009; Proglia and Odasso, 2018) are not investigated? Why is it that the testimonies of survivors of trafficking remain concealed within the UNHCR’s and hosting states’ archives (Yohannes, 2021). Whether at borders, in treacherous waters, or in remote deserts, Eritrean refugees are exposed to death, exploitation, and incarceration with impunity.

These, and other unanswered questions, pose philosophical and methodological doubts about the discourse of human right violations. The human rights discourses operate within a closed frame of thought that reifies the unintelligibility of alternative methodologies, and in the process, inclusively excludes other voices. This frame of thought must be shaken to understand the realities of Eritrean refugees. Sina Kramer, in her book *Excluded Within: The (un)Intelligibility of Radical Political Actors* (2017), offers a consistent analytical framework that allows critical reflection on the inclusive exception of certain ‘actors’ and their ‘claims’, in what she calls ‘constitutive exclusion’. According to her, the logic of ‘constitutive exclusion’ involves two strains:

first, a philosophical system or political body constitutes itself by producing an excluded element or figure that nevertheless remains within it; second, this remaindered element is covered over, repressed, or disavowed (Kramer, 2017, p. 5).

This logic of inclusive exclusion provides a framework for critique within which to understand Eritrea, as an oppressive state, and the refugee, as a depoliticised border concept. For instance, comparing Eritrea, which is less than three decades old, to “nuclear” North Korea is not only an essentialisation of perceived similarities but also a disregard for the distinctiveness of both countries. Yet, interestingly, both countries seem to be subjected to the same constitutively exclusionary Western political and philosophical frame of thought. In its three decades of war for independence, the narratives that frame Eritrea and Eritrean refugees have been dominated by the country’s reinscription into the inclusive exclusivity reified by the human rights narrative. Since its independence, the country seems to have been neither included in nor entirely excluded from the so-called international norms; instead, it has found itself entrenched in an indistinct realm between “integration” and “disintegration” within the global system. This status has undoubtedly had bearing on the country’s post-independent politics and representation.

It can be argued that the narratives and discourses adopted in representations of Eritrea are framed and politicised within this realm of indiscernibility, which recognises certain claims but not others. The COI’s report is an example of this inclusive exclusivity. It chooses the day Eritreans celebrate a transition from colonialism to self-rule as its departure point and includes specific claims and recommendations for action, while also excluding and refusing to recognise multiple others. The report singles out the atrocities of the Eritrean government against its people and disregards everything else. Simple contextual facts, such as the damage caused by colonialism, the border conflict, the addition of the nation-state of Eritrea into an already volatile region mired in authoritarian politics, and the role of external interventions are simply ignored in the report. Considering the forms of politics and activism that the COI report galvanises, Müller (2016, p. 660) points out that ‘what is presented as clear-cut evidence is thus a rather incomplete picture too easily accepted as general truth’.

Likewise, the scholarship on the subject of Eritrea and Eritrean refugees, including, among others, Kibreab (2013, 2009), Mekonnen and Estefanos (2011), Reisen and Mawere (2017), Plaut (2016b), and Tronvoll and Mekonnen (2014), adopt an approach that chooses human rights violations as an unproblematic point of departure. Very few of the studies suggest alternative ontological categories as points of departure. In an era when so-called human rights are diminished to citizens' rights, as Arendt and Agamben persuasively show, this fixation on a particular normative approach conceals the multiple realities that Eritrean refugees face and reproduces the dominant state-centric narrative. I argue that the agenda behind the adoption of this totalising notion of human rights does not go beyond advocating for the ousting of the current regime in Eritrea. To understand the experience of Eritreans, we must deconstruct the multiple ways in which Eritrea, its people, and their experiences are constitutively omitted from an encompassing political landscape. I suggest that Eritrea has been a permanent "state of exception" for centuries and that Eritreans have been reduced to rightlessness.

Moreover, the state-centric approach trivialises the problems in Eritrea by essentialising the human rights violations as the only conceivable issue at stake. We should be mindful that the hypocrisy of the so-called human rights regime stratifies stakes and justifies the dominance of some experiences over others (see Mackinnon, 2018). The rights regime has established itself as a sovereign that inclusively excludes rights from wrongs and insiders from outsiders. It draws an arbitrary line between what is a "good" human rights practice and what is not, and it appears to enclave the former and essentially exclude the latter. In other words, the practices that are deemed to be acceptable feed into the settled hegemonic narrative as standard norms against which all other practices are checked, whilst the practices perceived to be unacceptable are subjected to excessive scrutiny (Ignatieff, 2000; Cmiel, 2004; Grovogui, 2006; Mackinnon, 2018). As a result, sovereign states that are deemed to be repressive are expected to comply with the so-called international human rights norms or face punitive measures.

For the states inclusively excluded on the grounds of human rights violations, the regime of rights enforces corrective mechanisms, takes disciplinary measures,

and characterises the measures as necessary for upholding human rights. If states do not live up to the requirements of these prescribed rights, as is often the case with totalitarian governments, such as Eritrea, they are expected to mend their laws ‘by legislation in democratic countries or through revolutionary action in despotism’ (Arendt, 2017, p. 383). As Mackinnon (2018) demonstrates, these aggressive interventions do not merely constitute twentieth-century pitfalls, but represent a continuum of an emblematic human rights regime with a shifting “genre”. Examples of twenty-first-century revolutions against autocratic regimes can be seen in the Arab uprising of the early 2010s, a period commonly referred to as the “Arab Spring”. Similarly, the invasion of Iraq in 2003 by a United States-led coalition is a typical case of aggressive interference by the West. Such coercive actions are often undertaken on the pretext of national security and human rights violations.

In the case of Eritrea, the measures taken against the country range from what would be called “constitutive silence”—that is, a silence that functions in ‘multiplicitous, fragmentary, [and] even paradoxical ways’ (Ferguson, 2003, p. 10)—on the country’s political interests to sanctions and media campaigns against the state. For example, if there was one thing that has played a significant role in the making of Eritrea as we know it today, it is the border conflict with Ethiopia. While the human and material cost of the war was disastrous, the “no-war no-peace” conundrum since the end of the border conflict has been catastrophic. However, as I stated above, Ethiopia’s reluctance to implement the binding border resolution and the inaction of the UN and other key partners to ensure that the border decision is implemented have contributed to the protracted no-war no-peace situation in Eritrea. This indecision has not only contributed to the border stalemate, but also left the country embroiled in a sovereignty crisis and its people in uncertainty. Crucially, the international community’s silence has allowed the government of Eritrea to use the indeterminacy of the border to impose unfettered control over its citizens with little consequence.

Another overlooked area in the literature is how sanctions have exacerbated the challenges faced by the country. Increasingly becoming the weapons of choice of the so-called superpowers, sanctions are widely used disciplinary measures in

response to human rights violations. They can be imposed by individual states or by supra-state organisations, such as the United Nations Security Council or the European Union. Small countries such as Eritrea have become easy targets for costly sanctions. In fact, for almost a decade since 2009, Eritrea was subjected to UN Security Council sanctions for its alleged cooperation with the Somalia-based militia group Al-Shabaab (Hirt, 2019). However, these allegations were undermined by the findings of a special Somalia-Eritrea Monitoring Group mandated to investigate the matter which reported no ‘conclusive evidence’ that Eritrea was involved (Security Council, 2017). Despite this lack of conclusive evidence, the sanctions were not lifted until November 2018 and the country was trapped in a blockade for a decade.

The constitutive silence on the indeterminacy of the binding border decision and the UN sanctions regime have played a part in prolonging the no-war-no-peace impasse in Eritrea. Moreover, these irony-laden measures have also provided a convenient alibi for the ruling regime in Eritrea to use to establish a counter-narrative. Putting forward the constitutively excluded claims, the Eritrean government ‘established a new regime of truth, its own version of reality, by which it justified imposing arbitrary rule and made its leader, President Isaias Afwerki, an absolutist head of state, unaccountable to any government body’ (Woldemikael, 2013, p. x). Obsessed with a self-fabricated version of reality, the ruling regime transformed the country into a lawless militarised camp. It suspended the rule of law and imposed fear, tyranny, oppression, and never-ending uncertainty on the Eritrean people (Woldemikael, 2013; Plaut, 2016b). Moreover, the government has imposed a condition of rightlessness and a lack of sovereign protection on the citizens of Eritrea. In so doing, the government has turned the country into a place that is ‘uninhabitable for its growing youthful population’ (Woldemikael, 2013, p. viii).

Consequently, Eritreans have been fleeing their country in search of safety. Every month, hundreds, if not thousands, of men, women, and children exit the country in order to escape generalised oppression, open-ended national service, and arbitrary detention (Andom, 2018, p. 579). Those who manage to flee their country face human trafficking, immigration detention, deportation, and death at borders and in the transit countries (Mekonnen and Estefanos, 2011; Andom,

2018). The Sinai trafficking is an example of how Eritrean refugees have been annihilated, with anything becoming possible: death and survival, torture and rescue, law and exception (Yohannes, 2021).

Nonetheless, the refugees' difficulties do not end in destination countries such as Sudan and Egypt but continues in a more systematic fashion. In transit and destination places, the presence of Eritrean refugees is treated as a "crisis" and host states do whatever it takes to expel them from the political community. Excluded from any form of protection, the refugees' very existence is called into question. For these people, existence is not an "inalienable" right; it is the ultimate struggle for survival.

After their involuntary displacement, 'refugees become a site where certain forms of knowledge are reproduced and justified' (Rajaram, 2002, p. 251). The refugee is represented through two seemingly contradictory narratives: one that focuses on the hegemonic discourse of human rights and humanitarianism, and the other that highlights the constitutive exclusion of refugees and their voices from political life. The former reproduces the "refugee crisis" narrative, while the latter reveals the exclusion of refugees from the realm of rights and "humanity" and points towards a crisis of the nation-state system (Agamben, 1995a). The human rights approach represents refugees as 'objects of humanitarian intervention' (Malkki, 1996, p. 385). Humanitarian and relief organisations, such as the UNHCR, roam the world with the objective of providing relief and declaratory protection, while presenting the refugee as a monolithic group—an inaudible category of humanity (Malkki, 1996). Within this paternalistic representation, 'refugees are "universal victims": a dehistoricizing that makes it difficult to understand that there are individual politics and histories behind the pictures of teeming masses of bodies' (Rajaram, 2002, p. 252).

This blind and totalising reductionism of the refugee to a human victim obscures the multiple crises that underlie the so-called "refugee crisis". For example, as Agamben (1995a) argues, the fact that millions of refugees are placed outside the nation-state system signals a crisis of the nation-state itself. Likewise, the "delocalisation" and the turning of the border into a place of violence and exclusionary biopolitical surveillance suggests a crisis of the border, not of the

refugee (Salter, 2004a, p. 80; Amoore, 2006; Salter, 2008a); when a sinking migrant boat is abandoned in the middle of the sea, it is a symptom of political and moral crises (Cusumano, 2018; Mainwaring, 2019; Edler, 2020). Seen from this perspective, the so-called “refugee crisis” is the product of multiple constitutively obscured crises.

2.4 Concluding remarks

In this chapter, I have offered a short account of Eritrea’s history and the realities of its people. To make sense of the historical continuity of the issue under examination, I have highlighted the (non-)existence of laws and rights in the country’s recent colonial and post-independence periods.

Moreover, I have reviewed the existing literature to show that the experience of Eritrean refugees in transit and destination states is viewed through the prism of human rights. The scant literature raises three main issues. First, regardless of the nature and magnitude of the crimes committed, the literature concludes that Eritrea has violated human rights. These violations include mandatory open-ended national service, arbitrary detention, torture, forced disappearance, and the denial of political, religious and speech freedoms (Reisen, Estefanos and Rijken, 2014, 2014; COI, 2016; Plaut, 2016b). Second, the literature suggests that the government in Eritrea is largely responsible for the difficulties Eritrean refugees face. This is the main line of argument the COI report follows to argue that the government of Eritrea has committed crimes against humanity since 1991. Third, the majority of books, journal articles and reports compare the specific issue of Eritrea to Western human rights norms.

I disagree with the normative claim that the fundamental problem in Eritrea is a violation of human rights. As I have shown, the human rights analytical framework operates by acknowledging some actors and their voices, on the one hand, and not acknowledging multiple others and their experiences, on the other. Beyond these ironies, therefore, understanding the realities of Eritrean refugees requires critical biopolitical and necropolitical examinations. I suggest that the underlying cause of the experience of Eritreans is the absence of rights, human or otherwise. Hannah Arendt, in her work *Totalitarianism* (2017) and Giorgio Agamben, in his *State of Exception* (2005), show that human rights are

reduced to citizens' rights. They also remind us that, historically, totalitarian governments have extinguished the rights of citizens by suspending the rule of law and creating unaccountable forms of sovereign power. In the absence of law, the 'exception becomes the rule' (Salter, 2008a).

Agamben's theory of exception is relevant to understanding the fundamental problem in Eritrea. As Woldemikael (2013) argues, Eritrea has not come out of a 'state of exception' since the Italian colonisation of the country in 1890. That state, however, is not due to the suspension of law but because of the non-existence of law. The uninterrupted absence of law and protections, which the literature on Eritrea fails to investigate, has led to an effective reduction of Eritrean lives to a form of life similar to what Agamben calls 'bare life'—a form of life that can be destroyed without committing crime or sacrilege. From this perspective, the fundamental problem in Eritrea is the relegation of its citizens to a form of life that can be destroyed with impunity. Once reduced to this form of apolitical life, they are thrown into a cycle of violence wherever they go.

Official reports from international organisations, mainstream media coverage and some published sources tend to essentialise human rights violations in Eritrea in their attempts to highlight the experience of Eritrean refugees. This one-sided discourse that singles out Eritrea for the problems Eritreans face both at home and elsewhere is imposed 'by a vocal human rights lobby whose activists often refer to each other's documents in a circular fashion, which are uncritically repeated in much of the media' (Müller, 2016, p.659). Müller contends that the COI's accusation of Eritrean authorities committing 'alleged crimes-against-humanity is a logical conclusion of this representation' (2016, p.659). The COI's decision to ignore in the report crimes committed against Eritrean refugees in transit countries such as Egypt and Libya support Müller's argument. Müller's insightful account points to a gap in the literature on Eritrea.

The Eurocentric human rights approach conforms with the West's restrictionist narrative against irregular migration and its bias towards a settled anti-immigration narrative. However, this should not be seen as an attempt to undermine the argument that the regime in Eritrea has turned the country into a lawless carceral space. The nature of Eritrea's government must not be

essentialised so as to obscure the challenged Eritrean refugees encounter once they are outside their home country.

Therefore, Eritrean refugees are trapped in a realm that is neither exterior nor interior to the law. And their rightlessness is not confined to a particular place or time. In the next chapter, I review the status of the refugee in the order of rights and offer a nuanced analytical framework required to unpack the continued suffering of Eritrean refugees.

Chapter 3 The Status of the “Refugee” in the Order of Rights

3.1 Introduction

The notion of a rights-based system has ancient origins and a multifaceted history. It has been shaped and reshaped by civilisations, social evolution, and globalisation; it has been celebrated and idolised in cultures’ historical legacies and political monuments; it has been stirred by revolutions and demands for freedom. However, its history and genealogy have been neither ‘linear’, nor ‘predictable’ (Alston, 2013, p. 2081). Earlier histories of rights-based systems of administration can be traced back to ancient Persia. In Kuhrt (1983), we find an account of the conception of a form of rights-based governance by Cyrus the Great of Persia, centuries before the birth of Christianity. This is perceived by some history scholars as the first attempt by a ruler to adopt human rights.

Likewise, a gradual evolutionary process of “democracy” and the rights and duties associated with the practice can be traced back to ancient Greek civilisation and the Roman and Ottoman empires. For example, progressive notions of rights-based systems of government and classical forms of democracy were proposed by the famous ancient Greek thinkers Plato and Socrates. Plato’s central work *The Republic* has dominated discourses of rights, duties, and morality for centuries, and it is still, to some extent, relevant to our understanding of the evolution of the modern concept of democracy.

In the second millennium, the evolution of human rights was subjected to shifting ebbs and flows. The Magna Carta (1215) ended the supremacy of kings and governments over the law, while the Petition of Right (1628) helped to promote civil and political rights. Later, in the 18th century, the United States Declaration of Independence (1776) and Constitution (1787) dominated the politics and philosophical conceptions of human rights. The former declared: ‘We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness’ (Congress, 1776). The latter lays out these rights in terms of legal authority. Amended many times over the centuries, the Constitution embodies the division of powers and governance

framework in the US. Two years later, in 1789, the French Declaration of the Rights of Man and of the Citizen was celebrated as one of the greatest achievements in the field of rights. It was viewed that the Rights of Man meant that “Man” had divorced himself from the idea of natural rights and the traditions of a stratified society, and crowned himself as the sovereign (see Arendt, 2017). The Declaration sought to universalise the notion of rights.

After the Rights of Man, a new wave of ‘international rights revolution’ took over (Ignatieff, 2000, p. 289). One of the milestone achievements in this later history of human rights was the drafting of the Universal Declaration of Human Rights (UDHR) in 1948. This document, like the Rights of Man, seeks to universalise human rights to all places and all people. In its Preamble, the UDHR asserts that the ‘recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world’ (United Nations, 2015, p. I). Put differently, the UDHR frames the relationship between the state and its citizens not as a national issue but as an international concern. There is burgeoning evidence that this has opened ways for states to intervene in the affairs of other independent, sovereign nations, as I discuss in the next section.

While the UDHR contains some benign elements aimed at protecting and advancing certain fundamental rights, the purportedly “inalienable” character of the UDHR has left a large part of humanity outside of its scope. Refugees are mentioned nowhere in the Declaration; neither is their status clarified in the Charter. Arguably, it is this void that led to the 1951 Geneva Convention. The Geneva Convention was explicitly designed to respond to the involuntary displacement of refugees in Europe after WWII. It offered a framework for addressing the structural problems posed by the constitutive omission of the category of refugee from the realm of rights. As refugees began to arrive in Europe from across the world, the geographic limitation was later removed, with the introduction of a protocol in 1967.

Despite its objectives, the Geneva Convention remained incomplete and unfit for the other contexts to which it was intended to be applied. For example, it failed to address the question of internally displaced persons. In response, various regional instruments were created to address specific concerns. For instance, in

1969, the Organisation of the African Union created a modified convention to meet the specific needs of refugees in Africa (OAU, 1974). Likewise, in 1984, Latin America adopted a nonbinding declaration called the Cartagena Declaration on Refugees.

The status of the refugee in the rights-based international order is perplexing. This is partly because the history and politics of the rights-based international order are problematic at best and exclusionary at worst. Mackinnon (2018) writes: ‘One approach, one historical legacy, is disavowed in favour of another; some legacies are passed down while others are made to appear discontinuous, part of some other genre or history’ (p. 6). If this is at least partially correct, then what is lost in the sedimentation of rights and which rights have we inherited? Most importantly, who is the bearer of these rights? What is the status of the “refugee” in the selective and fragmentary regime of rights?

While I recognise the complexity of the rights-based order and its complicated politics, my aim is precisely to understand the status in modern political life of the specific category of the refugee. Thus, the goal of this chapter is not to provide an exhaustive analysis of the contested history of human rights but to highlight some crucial episodes of how the rights-based order evolved over the past few centuries in order to locate the position of the refugee. In doing so, I review some episodes and critical junctures in the history of the evolution of the present rights-based order. First, I critically discuss the transformation from “the rights of man” to “human rights”. In this part, I refer to Arendt’s work on totalitarianism to analyse the decline of the so-called rights of man and the subsequent propagation of human rights.

Second, I locate the position of the refugee in the international rights-based order. In this section, I argue that the refugee is reduced to a surplus figure whose rights and human dignity are forfeited in the process of domestication of human rights by nation-states. Third, I discuss the concept of refugee, its legal definition, and its status in political life. Drawing on Arendt’s characterisation of the refugee as the ‘scum of the earth’ and Agamben’s equating of the refugee to what he calls ‘bare life’, I argue that the refugee must be reconceptualised as a “border concept” whose ontological register and physical existence are

positioned in a realm of indiscernibility between life and death. Last, I offer concluding remarks.

3.2 From “the rights of man” to “human rights”

The Declaration of the Rights of Man was a significant human rights achievement in the eighteenth century. The Declaration was hailed as a radical departure both from “history” and from the “natural rights” upon which humans had for so long relied (see Arendt, 2017, p. 390). The rights of man were proclaimed to be independent and yet remained unprotected. Arendt (2017, p. 380) explains:

Man himself was their source as well as their ultimate goal. No special law, moreover, was deemed necessary to protect them because all laws were supposed to rest upon them. Man appeared as the only sovereign in matters of law as the people was proclaimed the only sovereign in matters of government.

In Arendt’s view, through the Rights of Man, man sought to crown himself as the source and bearer of the so-called “inalienable” rights. Such an abstract formulation of the Rights of Man, however, left unanswered two fundamental questions: first, the Rights of Man failed to address who the “Man” of the Rights of Man was; and second, as Arendt points out, if one assumes that “Man” was intended to refer to an individual member of the human community, then how inclusive were these rights.

Addressing the first question, Arendt persuasively explains the intersection of the Rights of Man with ‘an “abstract” human being who seemed to exist nowhere, for even savages lived in some kind of a social order’ (2017, p. 381). According to Arendt, “Man” has never been free from the greater social order of which he had been proclaimed the ruler. She argues that the “Man” of the Rights of Man was merely a member of a community organised in a system of nation-states. This immersion of the “Man” in the new social order meant identifying ‘the rights of man with the rights of peoples in the European nation-state system’ (Arendt, 2017, p. 381). If this assertion is at least partially correct, then the questions of universality and inalienability merit an examination.

The Rights of Man turned out to be a quixotic rhetorical project that only protected the rights of a selected portion of humanity. The futility of this

quixotic project was laid bare in the subordination of women's rights and the rightlessness of stateless and involuntarily displaced people (Rancière, 2004; see Arendt, 2017; Mackinnon, 2018). Rancière (2004), for example, observes that 'equal-born women were not equal citizens' despite their wishes to be political (p. 303). And such, too, was the fate of minorities such as stateless people and refugees. These categories of people were effectively removed from the realm of rights and placed into a realm of perpetual exceptionality. As Arendt (2017) articulates, 'it turned out that the moment human beings lacked their own government and had to fall back upon their minimum rights, no authority was left to protect them and no institution was willing to guarantee them' (p. 381). This nakedness was materialised in the subjugation of the Jews in the concentration camps of twentieth-century Europe.

In Arendt's analysis, the erosion of the Rights of Man gave rise to the creation of minority rights that are supervised by supra-state organisations. In the aftermath of WWI, the League of Nations was founded with the prime objective of 'maintaining peace', but also to respond to the needs of displaced people (Easton-Calabria, 2015, p. 416). The foundation of a new body with the responsibility of looking after minorities appeared to be a triumph for the sovereign state, as it served to successfully separate the rights of citizens from the rights of the rest of humanity. This separation of citizens' rights from the rights of the remainder of humanity was a radical departure from the initial promises of 'inalienable rights' in conceptions of the rights of man. This departure unveiled the irreparable existential damage inherent in the abstract formulation of the rights of man.

Dealing with the inseparable questions of universality and inalienability, both Arendt and Rancière arrive at the same conclusion: the "Man" of the Rights of Man and the claims of inalienability are simply abstractions that do not exist in reality. The Rights of Man, after all, turn out to be a fictitious edict. Ultimately, it ended dramatically and paradoxically; both its logic and rhetorical manifestation have dissolved in a relatively brief time frame.

With the decline of the rights of man, "Man" became "Human". After all, Rancière (2004) proclaims: 'The actual subject of these Rights of Man became Human Rights' (p. 298). In the post-WWII era, there was a broader international

consensus regarding the imperative to ensure that the atrocities that led to the devastating world wars would not happen again. By this time, the terms “natural rights” and “the Rights of Man” were disappearing, giving way to the term “human rights”. In 1945, the United Nations was officially created, with over fifty countries signing the United Nations Charter. Three years later, the Universal Declaration of Human Rights (UDHR) was adopted by the General Assembly of the United Nations. This was followed by the drafting of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The ICCPR focuses on fundamental freedoms, such as the right to life and freedom of speech and religion, while the ICESCR emphasises essential needs, such as food, health, shelter, and education. Together, the three documents form the International Bill of Rights.

The UDHR sets out standard human rights norms, which member states have agreed to uphold. In its Preamble, the UDHR recognises ‘the inherent dignity and [...] the equal and inalienable rights of all members of the human family’, and notes that these rights should be ‘protected by the rule of law’ (United Nations, 2015, p. 1). The UDHR opposes any form of discrimination (Articles 2 and 7), prohibits ‘slavery’ in all its forms (Article 4), protects everyone against ‘torture’ (Article 05), and prohibits ‘arbitrary detention’ (Article 9). Article 3 of the EDHR declares that ‘everyone has the right to life, liberty and security of person’ (United Nations, 2015, pp. 6-8). Overall, the document has 30 articles proclaiming and extending in general terms fundamental freedoms, rights, and protections to all people.

There is a broader consensus that the UDHR and other human rights documents cover the core principles of the post-war human rights regime. Their principles, however, were not protected by any law until the 1990s, when ‘Western organisations – the International Commission of Jurists, Amnesty International, and Human Rights Watch – roamed the globe looking for infractions’ (Cmiel, 2004, p. 117). These organisations, coupled with activism and human rights movements, successfully advocated the creation of an international human rights law. Similarly, the UN expanded its organs and established new branches. Most notably, the foundation of the International Criminal Court (ICC) and the

UN Commissions of Inquiry (COI) enabled the human rights regime, respectively, to secure an international jurisdiction and a fact-finding mission. The creation of these human rights regimes enabled the UN to expand its jurisdictions and executive powers.

Nevertheless, the proliferation of human rights organisations has created unpleasant relationships between sovereign states, who resist intervention and the involvement of human rights organisations. For example, the relationship between the Organisation of the African Union (OAU) and the ICC has been an embattled one (see Murithi, 2013). Similarly, the new human rights regime also meant that Western supra-national organisations such as NATO could act as patrons of the so-called ‘inalienable rights’ proclaimed by the regime. These organisations began to interfere in other nations’ matters with the pretext of “upholding” human rights where they believe these rights are violated. Such interventions can be traced back to the Nuremberg trials and NATO’s persecution of war crimes (see Cmiel, 2004, p. 117). In the last decade, the ICC convicted Congolese warlords and rebel leaders (see Human Rights Watch, 2019).

Moreover, the universalisation of human rights agenda raised questions of socio-cultural relevance across the continents of Africa, South America, and Asia. African and Latin American countries rely on traditional practices of communal justice and customary laws to shape their human rights practices, as opposed to the so-called international human rights norms. As Grovogui (2006) demonstrates with a persuasive analysis of the Haitian human rights discourses, the notion of ‘ennobling existence through authoritative ethical categories is not foreign to other regions and cultures’ (p. 5). At variance with Western traditions of human rights are also “Asian values”, including discourses of “Orientalism” and varying practices of human rights in the Middle East and South-East Asia (Mauzy, 1997, pp. 215-2017; Said, 2003). These competing practices and discourses overwhelmed the universalisation agenda of the West-led rhetoric of human rights. The notion of universal human rights promoted by the international human rights organisations, therefore, ‘must necessarily concede the Western origination of the concept and the ontological primacy of related Western institutions’ (Grovogui, 2006, p. 4).

Furthermore, the ever-increasing powers of the human rights regimes risk leading to interference in states' sovereignty over their domestic matters. The proliferation and coalition of human rights organisations, in fact, offer a sharp critique of states' exercise of their sovereign powers. In recent decades, the international human rights organisations supported by superpowers have established a formidable force to deter sovereign states from committing human rights violations. Non-governmental organisations have not only established procedures for investigating and uncovering human rights violations, but they also demand "explanations" from sovereign states and take measures against their oppressive practices (see Sikkink, 1993, p. 414). While such interventions may have shrunk state control over domestic matters, they do not remove states' sovereign protective and/or repressive powers over their citizens. The interventions, however, have promoted 'a reconceptualized sovereignty in which a state accepts that gross violations of human rights will no longer be an issue solely within its domestic jurisdictions' (Sikkink, 1993, p. 415). Yet, the state remains both a primary source of threat to and protection for its citizens.

Within a human rights-based order, therefore, states retain greater control over their citizens' rights, and even more so over non-citizens' rights. In fact, it can be argued that human rights have begun to be focused on, if not administered by, sovereign states. This means that states can choose to unconditionally remove undesirable groups of people from the polity and expel them into spheres of exceptionality. At this point, in essence, the state has successfully domesticated human rights to a form of citizens' rights and assigned the Rights of Man to those deprived of rights. Rancière eloquently affirms:

Those rights that appear to be useless in their place are sent abroad, along with medicine and clothes, to people deprived of medicine, clothes, and rights. It is in this way, as the result of this process, that the Rights of Man become the rights of those who have no rights, the rights of bare human beings subjected to inhuman repression and inhuman conditions of existence (2004, p. 307).

The refugee has become a prototype of the rightless human being whose ontological and biological existence depends on humanitarian rescue.

3.3 Locating the refugee in the rights-based order

The category of refugee came into existence ‘when the link between state, citizen, and territory [was] broken’ (Betts, Loescher, and Dawson Books, 2011, p. 89). Obviously, most refugees were once citizens, unless they were born refugees in refugee camps or in diaspora. As Arendt persuasively demonstrates, the refugee is created when ‘a condition of complete rightlessness’ is deployed to denationalise citizens (2017, p. 387). For Arendt, losing one’s home and a lack of state protection are essential preconditions for the creation of the refugee. Removed from home and disconnected from the nation-state, the refugee was ‘perceived as suffering from both political disenfranchisement ... and economic poverty’ (Long, 2013, p. 9). In other words, the refugee became both a subject of political exception and humanitarian intervention concomitantly.

Over time, the refugee has been transformed into a constitutively excluded figure. During the interwar period, the refugee was treated as a category of migrants: ‘exile and destitution could be solved through continued movement’ (Long, 2013, p. 9). To this effect, the League of Nations issued refugee passports, known as “Nansen Passports”, which allowed refugees ‘to travel and settle in other countries’ (Chetail, 2003, p. 4). This freedom of movement, employment, and settlement in other countries was facilitated ‘as a form of burden sharing’, whereby refugees were expected not only to be self-sufficient but also to contribute to solving broader unemployment problems (Long, 2013, p. 10). Hence, refugee resettlement projects during the interwar period relied heavily on producing surplus labour for national and international development programmes. Long (2013) asserts: ‘Refugee exile was thus one part of a broader concern to tackle the much greater project of global unemployment through targeted migration’ (p. 10).

However, despite the interwar period’s emphasis on refugees’ resilience and self-reliance, refugees were subjected to widespread exploitation and political marginalisation. In the 258th United Nations meeting in 1949, for example, the USSR criticised Western states for their exploitative treatment of refugees in refugee camps. In this meeting, USSR representatives criticised the West in that:

The [refugee] camps were being turned into a slave market where representatives of the United States, the United Kingdom, France, Australia and so forth came to recruit cheap labour ... The IRO [International Refugee Organization] presided over this market, and had been reduced to a mere employment agency, acting in the interests of the capitalists, whose only idea was to obtain the labour that they needed at the lowest price (United Nations, 1949, cited in Long, 2013, p. 17).

The USSR might have been advancing its own political agenda, but these comments suggest that refugees were being exploited by their host states, who showed scant regard for the refugees' need for protection and human dignity. One would argue that while the refugees' labour was deemed crucial to the success of national development projects aimed at emerging from the Great Depression, little attention was given to refugees' political inclusion. Yet, the interwar period witnessed:

[...] the emergence of not only the first international refugee regime, but a *participatory* refugee regime with the joint aims of refugee self-reliance and host country development ... Innovative rehabilitation strategies included material assistance while emphasizing bottom-up methods and refugees' ability to contribute through their own skills, expertise and financial means (Easton-Calabria, 2015, p. 421).

From the 1930s onwards, these participatory approaches were gradually eroded and replaced by state-centred restrictionist, containment, and removal strategies. The Nazis' project to incarcerate and exterminate the Jewish and non-Jewish people in concentration camps is the most heinous and obvious example of the political exception of minorities. But other refugees and minorities in various parts of the world were also held in carceral spaces in situations of incommunicado for protracted periods without their basic needs being met and deprived of necessary legal protections. In general, the category of the refugee has become an increasingly depoliticised figure whose rights and dignity have been forfeited.

Since the signing of the Geneva Convention in 1951, refugees have lost their "migrant identity" and consequently their rights to movement and employment (Long, 2013, p. 15). The Geneva Convention, also known as the Refugee Convention, was created after the Second World War as a response to the involuntary displacement of people in Europe. Since then, refugees have been

framed as a unique category of migrant, as defined by the Refugee Convention. Moreover, the UNHCR was given an institutional mandate to oversee this transformation. Seen through the prism of the Refugee Convention and the UNHCR, ‘a refugee is generally presented as a figure of humanitarian rescue, qualifying for protection only by virtue of the *absence* of any explicit economic aspirations’ (Long, 2013, p. 7).

The Refugee Convention defines a refugee ‘as someone who, owing to events that occurred prior to January 1951, fled his or her homeland because of fear of persecution’ (Betts, Loescher, and Dawson Books, 2011, p. 119). According to the Convention, a person has to cross an international border and prove ‘fear of persecution’ on the grounds of nationality, ethnicity, religion, political opinion, and/or membership of a social group. The Convention remains the most important international legal instrument governing the protection of refugees. Most importantly, it provides a definition of refugees that distinguishes them from other migrants (Article 1) and sets out the legal basis for protecting refugees from being returned to their country of origin, through its *non-refoulement* clause (Behrman, 2018, p. 2).

However, due to its narrow definition of a refugee, the Refugee Convention presents some serious limitations. First, it excludes other involuntarily displaced people. Regardless of the reasons for their displacement, internally displaced people are not classified under the category of refugee; nor are those who have migrated across an international border in search of safety owing to the destruction of their place of habitation by natural disaster. The Refugee Convention, Behrman (2018, p. 13) points out:

[...] ignores at least three other major refugee crises of the time: the largest forced migration in world history involving some 14.5 million people who crossed the borders following the partition of India and Pakistan in 1947, the 800,000 Palestinians forced from their homes by the Zionists in the following year and the refugees created by the outbreak of war on the Korean peninsula in 1950.

Given these major limitations in the past, the Refugee Convention can barely be expected to be capable of protecting the rights of refugees in the current era of “mixed-migration” (van der Klaauw, 2009).

Second, with the adoption of the 1967 Protocol, the Refugee Convention expanded its scope to include forced migrants from other parts of the world. The 1967 Protocol removed temporal and geographic limitations relating to the status of refugee, giving the Convention international status. However, the limitation related to the grounds for establishing “fear of persecution” did not go away. Similarly, as Behrman (2018) points out, ‘the restrictive definition of a refugee, as one fleeing their home state for reasons of persecution on grounds of the denial of social or political rights, remained’ (p. 15). In other words, the temporal and geographic extensions failed to address context-specific regional challenges. As a response to this failure, the continents of Africa and Latin America adopted regional agreements to deal with specific refugee issues in their respective regions; the 1969 OAU Convention and the 1984 Cartagena Declaration were created to govern refugee problems in Africa and Latin America, respectively. These regional agreements recognised the limitations of the Refugee Convention and expanded the definition of refugee to include more people within the category.

Lastly, despite its central role in extending some fundamental rights to refugees, the 1951 Convention is also heavily criticised for placing ‘the rights of the state above those of the refugee’ (Behrman, 2018, p. 1). Behrman (2018) clarifies: ‘there is no right of asylum, only a right to claim it ... The effect is inescapably to place the refugee at the mercy of a whole series of controls over their movements’ (p. 2). The irony is that, for involuntarily displaced persons to claim asylum, they have to cross an international border in a world where borders are excessively militarised and equipped with sophisticated surveillance technology (Salter, 2004b, 2008b; see Aas, 2011; Behrman, 2018). Obviously, crossing an international border does not guarantee asylum protection; instead, asylum seekers have to deal with increasingly dehumanising asylum regimes that transform people into manageable figures.

In effect, asylum seekers are captured within a vetting bureaucracy that grants or does not grant them asylum. While those awarded a favourable decision are, at least in principle, protected by the 1951 Convention, those whose claims are refused by the state become targets of immigration detention and removal from the polity. Behrman (2018) summarises: ‘The burdensome apparatus of screening

procedures, surveillance and detention that is so ubiquitous today is not a betrayal of the spirit of the 1951 Convention, but rather is an expression of it' (p. 15). Ultimately, the 1951 Convention remains a highly politicised, Euro-centric, and deeply colonial legal instrument (Mayblin, 2017, 2020; see Krause, 2021).

While the 1951 Convention sets out refugees' rights and entitlements, the UNHCR constitutes an institution mandated to oversee the implementation of these rights and entitlements. The organisation not only establishes who qualifies to be a refugee but also puts itself at the forefront of responding to refugee problems. Its primary mandate includes monitoring the protection of asylum seekers and refugees as well as providing humanitarian assistance and durable solutions. In general terms, the UNHCR's mandate covers safeguarding protection needs in both emergency and non-emergency circumstances, as well as inside and outside camp settings during asylum seekers' involuntary displacement (see Betts, Loescher, and Dawson Books, 2011).

Moreover, by coordinating the responses of state and non-state actors to refugee problems, the UNHCR has expanded its humanitarian reach. The organisation, for instance, works closely with the International Organisation for Migration (IOM) at the macro-level and with local organisations at the micro-level. With these expansions and collaborative associations, the UNHCR has evolved into a giant humanitarian organisation and assumed a 'moral and expert authority to justify its interventions in global affairs' (Betts, Loescher, and Dawson Books, 2011, p. 110). Put differently, the organisation has the powers to declare 'the existence of a refugee crisis', mobilise resources, and take the lead in responding to the 'crisis' (Betts, Loescher, and Dawson Books, 2011, p. 110). One could argue that the UNHCR has increasingly become a crisis manager.

Thus, the signing of the 1951 Convention and creation of the UNHCR with the specific purpose of resolving forced displacement as a global problem have inevitably stripped the refugee of the rights and dignity previously bestowed upon him/her by the so-called human rights. The central argument here is that human rights are reduced to citizens' rights, at the expense of minorities and involuntarily displaced people (Rancière, 2004; see Arendt, 2017). Rancière (2004), for example, asserts: 'the only real rights [are] the rights of citizens, the

rights attached to a national community as such' (p. 298). Ultimately, the disenfranchised refugee has become a subject of the hidden paradox of humanitarianism – a paradox that begins with humanitarianism vacating 'its ethical sanctuary for the world of politics and power' (Betts, Loescher, and Dawson Books, 2011, p. 106). The power at play here is the sovereign power responsible for the creation of rightless refugees as well as for their subsequent elimination from the realms of rights. This power operates, Betts et al. (2011, p. 108) affirm:

by pointing a gun and forcibly repatriating refugees over the border and back to a place that remains a threat to their safety, or by assuming that a "refugee" is not only vulnerable but also probably does not have enough education, experience, or knowledge to make good decisions.

This is difficult to disagree with. In today's world, refugees are thrown into realms of abjection at borders, refugee camps, and hot spots; bestialised in torture camps run by human traffickers; drowned in treacherous waters; and stuck in bureaucratic asylum regimes (Yohannes, 2021). A charity-owned rescue vessel, carrying children, women, and men who had escaped violence at home in search of safety, trying to land safely but refused entry and abandoned in treacherous waters has become the recurring representation of humanitarianism in the twenty-first century. Thus, in today's humanitarianism, both 'compassion and care exist alongside command and control' (Betts, Loescher, and Dawson Books, 2011, p. 105).

As shown so far, therefore, the notion of human rights organised around a system of nation-states never fails to produce both a surplus and undesirable category of humanity. As Rajaram and Grundy-Warr (2004) eloquently assert, 'There is thus an interiorized humanity and a remainder or detritus humanity left over from the interiorizing process' (p. 35). The refugee is this surplus figure whose rights and human dignity are forfeited in the process of domestication of human rights by nation-states. If this is at least partially correct, then how do we conceptualise the refugee?

3.4 Conceptualising the refugee

As of the end of 2019, there were more than 79.5 million involuntarily displaced people in the world (UNHCR, 2020). This figure, according to UNHCR (2020) reports, comprises internally displaced persons (45.7 million), refugees (26.0 million), asylum seekers (4.2 million), and Venezuelan forced migrants (3.6 million). Given such numbers, Agamben rightly argues that ‘the novelty of our era, which threatens the very foundations of the nation-state, is that growing portions of humanity can no longer be represented within it’ (1995b, p. 117). What concerns Agamben here is not merely the growing numbers of displaced people but their constitutive exclusion from social and political life. Leaving aside the numbers and labels, the displaced people are forced to live in precarious circumstances and experience homelessness, (im)mobility, vulnerability, and, ever increasingly, death. They suffer not only the ‘loss of their homes’ and lack of ‘government protection’, but also the impracticality of making a home and receiving guaranteed protection elsewhere (Arendt, 2017, p. 384).

Prominent philosophers and political theorists such as Arendt and Agamben have extensively shown that the refugee has become a luminous figure for throwing into question the inalienable character of human rights and for exposing the ‘original fiction’ of the nation-state as an inclusive unit (Agamben, 1995, p. 117; Arendt, 2017, Chapter 9). This notion of the refugee as a threat to the structural foundations of the nation-state not only has alarming potential but also represents a radical deviation from the conception of the refugee as a suffering human being. This shift has a significant bearing on our understanding of the fate of the refugee and other minority categories.

Arendt insists that the devastation experienced by displaced people who lose their homes and sovereign protection is not the result but the precondition for refugees’ unconditional rightlessness, which can only be remedied by finding a new polity. For Arendt, there are no such things as undeniable rights to which these persecuted minorities have guaranteed entitlement, because the nation-state has domesticated these rights and denied the minorities fundamental rights and protections. According to Arendt, this denial of the ‘right to have rights’ – the denial of ‘a right to belong to some kind of organized community’

– has entirely stripped the minorities of their humanity (2017, p. 388). Arendt (2017, p. 391) portentously warns:

For it's quite conceivable, and even within the realm of practical political possibilities, that one fine day a highly organized and mechanized humanity will conclude quite democratically—namely by majority decision—that for humanity as a whole it would be better to liquidate certain parts thereof. Here, in the problems of factual reality, we are confronted with one of the oldest perplexities of political philosophy.

From this standpoint, Arendt argues that the involuntarily displaced people are relegated to the status of 'the scum of the earth', who can be violently subdued with impunity (2017, p. 349). It is this condition of absolute rightlessness, Arendt asserts, that led to the brutal extermination of Jews and other minority groups in the concentration camps of 20th century Europe.

In today's biopolitical world, as Arendt shows, it appears that no legal avenues or political will exist to protect refugees from absolute nakedness and unimaginable brutality. It has become increasingly clear that the precarious status of being a refugee has dramatically increased the level of vulnerability and mortality experienced by this group of people. The sheer number of deaths, arbitrary detentions, deportations, and trafficking of refugees from various origins, and in different places of transit and destination, such as the Gaza Strip, Yemen, Myanmar, and on either side of the Mediterranean Sea make for some of the most tragic stories of our time (Green, 2015; Garelli and Tazzioli, 2018; McIntyre *et al.*, 2018; Mainwaring, 2019; Yohannes, 2021). At the US-Mexico border, children have been confiscated and separated from their parents for years by state institutions (Davies, 2020; Hinojosa Hernandez and De Los Santos Upton, 2020). Regardless of time and space, the refugee has been expelled into realms of unending violence.

While Arendt persuasively exposes the failures of the hopeless idealism associated with the nation-state as an inclusive unit as well as the fictitious rhetoric of inalienable rights, Agamben critically analyses the exclusionary politicisation of life and the sovereign power responsible. In so doing, Agamben attends to Arendt's assumptions and reveals implicit philosophical questions that must be taken seriously in any attempt to conceptualise the refugee. Agamben

articulates the political vulnerability of the figure of the refugee and its precarious relationship to the law and the sovereign power. He provocatively argues that the refugee has broken ‘the identity between man and the citizen’ and thrown into inquiry ‘the old trinity of state/nation/territory’ (Agamben, 1995b, p. 117). He identifies the refugee with a product of an archaic Roman law – *homo sacer* – which, according to Agamben (1998a), represents a form of life that is exposed to an unconditional threat of death.

Agamben highlights the ‘double exception’ suffered by the *homo sacer* (“bare life”), who was excluded from both ‘human and divine law’ (1998, p. 52). In other words, *homo sacer* is a form of life that can be destroyed without committing homicide or sacrilege. Examining the nature of the violence that the “bare life” is exposed to, Agamben (1998) contends:

This violence—the unsanctionable killing that, in his case, anyone can commit—is classifiable neither as sacrifice nor as homicide, neither as the execution of a condemnation to death nor as sacrilege. Subtracting itself from the sanctioned forms of both human and divine law, this violence opens a sphere of human action that is neither the sphere of *sacrum facere* nor that of profane action (pp. 52-53).

Agamben claims this atrocious violence takes place in the ‘sovereign sphere’, which he defines as ‘*the sphere in which it is permitted to kill without committing homicide and without celebrating a sacrilege, and sacred life—that is, life that may be killed but not sacrificed—is the life that has been captured in this sphere*’ (1998, p. 53, emphasis in original). In Agamben’s view, the sovereign banishes the “bare life” to a sphere in which there is no distinction between law and lawlessness, but where, nevertheless, the naked life remains in connection with the sovereign that decrees the ‘sovereign ban’ (1998, p. 53).

Explaining the paradoxical relationship between the law and the exception, Agamben (1998) writes: ‘*The rule applies to the exception in no longer applying, in withdrawing from it*. The state of exception is thus not the chaos that precedes order but rather the situation that results from its suspension’ (p. 18, emphasis in original). Put in other words, ‘the rule has lost its content, that it is nothing but the empty principle, an empty form of relation’ (Ojakangas, 2005, p. 9). According to Agamben, the “bare life” is left without recourse to the law and subjected to banishment and abandonment. Put differently, the exclusion is

at the same time a form of inclusion, as it is intrinsic to the sovereign power that decrees it. Agamben refers to this paradoxical relationship between the law and the exception as an ‘inclusive exclusion’ (1998a, p. 20).

Agamben is essentially suggesting that the refugee is relegated to the status of “bare life”. He suggests that the refugee is left abandoned within a zone of indiscernibility between the law and exception in which the “sovereign ban” is the only force enacted. The refugee’s ambiguous relationship with the law means that laws are put in place not to protect refugees, but to ban and ultimately to exclude them from political life. In other words, the refugee is subject to the law while, at the same time, lacks any recourse to it for protection. In an era of ‘smart borders’ and exclusive ‘biopolitical filtering’, Agamben’s state of exception has become the ‘rule’ (Salter, 2008b) and his characterisation of “bare life” a defining characteristic of the refugee.

The refugee, however, is not only rendered rightless but also securitised in a continuum of unimaginable unending violence. To make sense of these shameless acts of violence against refugees, we have to step outside the politics of numbers and borders, and reverse our understanding of the refugee as a mere human victim that needs humanitarian rescue. The figure of the refugee, as Agamben accurately puts it, ‘should be considered for what he is, that is, a border concept that radically calls into question the principles of the nation-state and, at the same time, helps clear the field for a no-longer-delayable renewal of categories’ (1995b, p. 117). Arguably, it is only through such a conceptualisation that we can understand why the refugee—the naked and pained body—has become a representative figure of our time.

Therefore, as I have shown so far, it is unhelpful to reduce the concept of the refugee to the scope of the 1951 Convention; similarly, it is impossible to measure the refugee’s vulnerabilities and precarities using the “fear of persecution” formula. Refugees are people whose lives are endangered in manners suggested by Agamben’s political theory. In the last few decades, it has become routine for Eritrean refugees to succumb to death or deprivation at borders, in unbearable deserts, in carceral spaces, and in treacherous waters. These (im)mobilities, precarities, and carceralities cannot be reduced to the “fear of persecution” formula. Hence, following Arendt and Agamben, I will

adopt a broader and paradigmatic view of the refugee, rather than the narrow definition laid out in the 1951 Convention. In this thesis, the refugee is understood as a “border concept” whose ontological register and physical existence are positioned in an indiscernible realm between life and death.

3.5 Concluding remarks

In this chapter, I have reviewed the notion of the rights-based international order and the status of refugees in the rights-based system. The main goal of the review is to offer a conceptual framework to understanding the realities of Eritrean refugees by de-centring the futile application of the human rights approach in the context of Eritrea. The story of Eritrea, as shown in chapter 2, is more than just one of a post-colonial state that failed to operate within the scope of international human rights norms. It is the story of people who fought for the ‘right to have rights’ (Arendt, 2017, p. 388) and yet met oppression and rightlessness. Since the country’s independence, Eritreans continue to experience oppression and violence, both at home and elsewhere. The authoritarian regime has imposed on its people punishments and unfettered controls that feature arbitrary detention, indefinite national service and forced disappearance. It has imposed these controls by detaining thousands of ordinary people, politicians, journalist and religious leaders in underground cells; recruiting men, women and children into open-ended national service; and deploying violent measures of arrest, roundup and mobility controls (Kibreab, 2009a; Woldemikael, 2013; Plaut, 2016b; Yohannes, 2021). These controls and violations give an impression of a state that has failed to protect the dignity and freedoms of its people.

Human rights as conceptualised in the West have yet to be recognised in the context of Eritrea. Historically, the country has long been at odds with the West and the Euro-centric notions of human rights. It is worth noting that Eritrea did not even exist when the UDHR was agreed in 1948, nor has the country institutionalised these rights since its independence. It has never had elections or an elected parliament of the kinds found in Western countries or elsewhere; nor has it ever have a constitution (Dorman, 2004a; Plaut, 2016b). The country has never been under a “rule of law” since its independence. Thus, none of the celebrated “freedoms” enshrined in the so-called international human rights

norms have ever existed or been implemented in Eritrea. Hence, given the absence of rights and laws, the claims of human rights violations in Eritrea are unconvincing. That which does not exist cannot be violated, and we cannot understand the realities of Eritreans by looking at non-existent virtues. This is why the narrative of human rights violations represent a fictitious fallacy at best and toxic political propaganda at worst.

The difference between “violation” and lawlessness—“exception”—appeals to a biopolitical dialectic between “political” and “a-political” forms of life. While “violation” implies the existence of rights or protections, “exception” embodies a lack that is constitutively excluded from the realm of rights and legal protections. In the absence of rights and laws, the state as a supposed guarantor of rights and protections appears to be the only legal order, and, as such, it continues to perpetuate the rightlessness and lawlessness. Hence, it is this concealed state of rightlessness and the dispensable life inscribed in the very foundation of the state of Eritrea that must be at the centre of our investigation. In order to examine the realities of refugees, the refugee must be considered as our ontological vantage point. It is only through such examination of and objection to the dominant narratives that we can uncover the perceived violations and concealed rightlessness.

One method of examining concealed ways of knowing is to adopt ‘an ontology of exclusion ... one that accounts for offshore silences, black holes, and concealment of what happens along the peripheral zones of sovereign territory’ (Mountz, 2011, p. 321). Mountz’s proposal to shift our ontological positions from the state to hidden ontological departure points such as ports, camps and (im)mobilities is a useful starting point for identifying the causal mechanisms that have led to the problems refugees face during their journeys to perceived safety. While Mountz is right to accentuate the relevance of these overlooked ontological departure points, we must also be cautious about the systematic nature of their exclusion and concealment. In other words, these peripheral spaces and the experiences of the people inhabiting them are also included by their very exclusion, as Agamben would argue. Moreover, Mountz’s spatial analysis confines concealments and exclusions to the territorial margins of the state and fails to interrogate the constitutive biopolitical exclusion of some

forms of life. Not only does the sovereign render camps, ports of entry, and hot spots all invisible, but it also excludes the refugees contained in these carceral spaces from political life.

In this study, I employ an approach that takes “ontologies of exclusion” as points of departure and rely on analytical frameworks that can uncover constitutive concealments. One way of doing so, which, I believe, is best suited to this study, is to combine Mountz’s (2011) notion of “ontologies of exclusion” and Kramer’s (2017) framework of “constitutive exclusion”. ‘Constitutive exclusion’, argues Kramer (2019):

[...] can be both a useful tool for reading the structure of philosophical systems and a useful analytic for understanding operations of hegemony and oppressions—specifically those that render some claims unintelligible as political claims or some persons unintelligible as political agents (p. 11).

For studying the condition of Eritrean refugees, Kramer’s framework allows not only to begin from a position “outside” of the inclusively exclusive human rights framework, but also to unpack why some forms of life and their experiences are constitutively excluded. For this study, therefore, I refrain from the narratives of human rights violations and integrate Mountz’s “ontologies of exclusion” and Kramer’s “constitutive exclusion”, as two sides of the same coin.

Therefore, I use the dark spots in the nation-state system and the experiences of the disposable figure they create as ontological sites from which to start interrogating the experience of Eritrean refugees. My intention is simple and clear: to de-centre the focus from the human rights approach and territorial imagination of the refugee problem and to put the precarious status of the refugee at the centre of the inquiry.

Chapter 4 Research Design and Methodology

4.1 Introduction

This chapter clarifies the research questions and offers a detailed discussion of the research design, including philosophical underpinning, theoretical framework and methodological design of the study. It concludes by offering a short summary of the main points discussed.

4.2 Research questions

This research draws on the experiences of Eritrean refugees both before and after becoming refugees to investigate how and why they are constitutively excluded from “sovereign protection” both inside and outside of their country of origin. Among others, the study seeks to answer the following questions:

- Why and how do Eritreans flee their country of origin?
- How do state and non-state actors respond to their flight?
- What is the nature of the refugees’ experiences and treatment before, during, and/or after their flight?
- What is the status of the refugees in the biopolitical life?
- Is there a link between the refugees’ status and their experiences?

In short, the study investigates the mechanisms that cause Eritreans to flee their country; their (non)-experience of becoming and being refugees; the causal mechanisms that led to the refugees’ exception from “sovereign protection”; and the (im)mobilities, precarities, and carceralities that their unprotected status entails.

4.3 Philosophical underpinnings of the study

Led by scholars of the philosophy of science, debates about the nature of reality (ontology) and how we claim to know it (epistemology) continue to reverberate

along a continuum between objectivist and interpretivist approaches to science (Morgan and Smircich, 1980; Wynn and Williams, 2012; Gorski, 2013). Those who tend to position themselves at either end of the continuum—naïve objectivists and extreme interpretivists—seem to embrace between them the most divergent ontological and epistemological views. While objectivist scholars suggest a theory of ‘reality as a concrete structure’ that can only be explored through positivist epistemologies, interpretivists view ‘reality as a projection of human imagination’ that requires relativist epistemologies (Morgan and Smircich, 1980, p. 492). Depending on the nature of the phenomenon under investigation, these seemingly contrasting ontological and epistemological assumptions present varying degrees of philosophical relevance for underpinning scientific research.

In between the extreme versions of objectivism and subjectivism lie various empiricist (e.g. positivism and empirical realism) and relativist (e.g. critical realism, constructivism, radical humanism, and critical theory) approaches (Morgan and Smircich, 1980; Fleetwood, 2005; Gorski, 2013). These positions range from the early manifestations of postpositivism, which recognise the impact of biases, to “moderate” forms of social constructivism and critical realism (Morgan and Smircich, 1980; Archer, 1998; Van Den Belt, 2003; Gorski, 2013). So, where among the ontological and epistemological debates about reality does this research locate itself? The short answer is that this study relies on a particular strand of realism—critical realism, to be specific.

Roy Bhaskar, the founder and seminal thinker of critical realism, opens his critique of the various ontological and epistemological assumptions about reality by arguing that the philosophy of science must deal with what he calls the ‘two sides of knowledge’ (2008, p. 11). He asserts that we must recognise:

that men [sic] in their social activity produce knowledge which is a social product much like any other, which is no more independent of its production and the men who produce it... This is one side of “knowledge”. The other is that knowledge is “of” things which are not produced by men at all: the specific gravity of mercury, the process of electrolysis, the mechanism of light propagation. None of these “objects of knowledge” depend upon human activity (Bhaskar, 2008, p. 11).

Here, the distinction that Bhaskar makes is not merely between the natural and social sciences, but between what he calls ‘transitive’ (our changing conception of the world) and ‘intransitive’ (the invariant and mind-independent ‘objects of knowledge’) dimensions of knowledge (Bhaskar, 2008, p. 11). In other words, critical realism ‘assumes that our knowledge of the intransitive entities that comprise an independent reality is formed in the transitive dimension, mediated by the social structures to which we belong’ (Wynn and Williams, 2012, p. 793). It admits that its underlying ontological and epistemological assumptions are both provisional and fallible and that causal powers can only be studied in “open systems” (Archer, 1998, p. 27; Roberts, 2014, p. 2; Hartwig, 2015, pp. 166-167). In doing so, critical realism leverages the fundamental tenets of both empiricist and relativist paradigms and, therefore, has become an increasingly popular paradigm for conducting research (Archer, 1998; Demetriou, 2009; Wynn and Williams, 2012; Gorski, 2013).

Concerning ontology, critical realism recognises the existence of an independent, stratified, and emergent reality ‘that is inevitably mediated... by human language and social power’ (Gorski, 2013, p. 664). In other words, it assumes the existence of a single multi-layered reality with multiple interpretations. From this standpoint, Bhaskar identifies ‘three overlapping domains of reality, viz. the domains of the *real*, the *actual* and the *empirical*’ (2008, p. 46, emphasis in the original). Clarifying the differences between these three ontological domains, Gorski (2013, p. 665) notes that:

The domain of the real consists of all the “mechanisms” that exist in the world, which is to say, of all the various levels and types of entities with their various levels and tendencies. The domain of the actual consists of all mechanisms that have been activated, even if they have not been observed. The domain of the empirical...consists of all mechanisms that have been activated *and* observed.

In short, the domain of the empirical is a subset of the domain of the actual, which is itself subsumed in the domain of the real. Table 1, adapted from Bhaskar (2008, p. 47), summarises the different ontological levels of reality.

Table 1: Overlapping domains of reality (adapted from Bhaskar, 2008, p. 47)

	Domain of the Real	Domain of the Actual	Domain of the Empirical

Mechanisms	✓		
Events	✓	✓	
Experiences	✓	✓	✓

Concerning epistemology, critical realism makes a distinction between epistemology and ontology, based on the view that the former understands the production of knowledge as a process of mediation between the intransitive mechanisms, on the one hand, and the theoretically aware and reflexive researcher, on the other (Archer, 1998; Wynn and Williams, 2012). It admits the difficulty of observing causal mechanisms and ‘accepts that the socially constructed view of reality held by a given actor or actors may be incorrect with respect to the intransitive domain of an independent reality’ (Wynn and Williams, 2012, p. 790). As such, the epistemology of critical realism not only understands the potentiality for systematic bias but also highlights the need for reflexive ideographic research (see Roberts, 2014).

This research project has three main reasons for relying on the philosophy of science of critical realism. First, in line with the assumptions of critical realism, this study assumes that the phenomenon under investigation is multi-layered, and its causal mechanisms are both ‘stratified’ and ‘emergent’. The conditions that led to the realities of Eritrean refugees embody multiple stratified systems, processes, and policies that create the circumstances for the domination, subordination, and exploitation of refugees. Drawing from Bhaskar’s ontological domains, this project has identified examples at all three levels of the stratified reality. Table 2 shows some of the examples discussed in this thesis.

Table 2: Examples of overlapping ontological domains

Ontological Domain	Examples
Empirical	Participants’ accounts of precarities, carceralities, and (im)mobilities
Actual	The concrete structures that led to the lived experiences, such as the “carceral complex” with its border and asylum regimes

Real	Underlying mechanisms of reoccurring soft and hard powers within local and global institutions, organisations, structures, and conventions; rules and regulations; theories and practices; and traditions and customs.
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Second, in line with the ontological and epistemological beliefs of critical realism, this study admits from the outset that its findings are incomplete and that they should be subjected to revision. This follows from the study's adherence to the realist ontological principle that the world is not reducible to our knowledge of it (Archer, 1998; Wynn and Williams, 2012; Roberts, 2014). For example, if we take the example of a migrant boat abandoned to sink in the Mediterranean Sea, how much of the complex causal mechanisms that led to the incident do we really investigate within the domain of the real? I would argue, at least from a realist point of view, that some social scientists (for example, constructivists and interpretivists) tend to confine the scope of qualitative research to the realms of observable effects of social structures (the domain of the empirical) and their constituent social facts (the domain of the actual). Critical realism, however, frees the philosophical assumptions of a qualitative study from such confinement, for it upholds that 'the nature of reality is not easily and unproblematically apprehended, characterized, or measured, which means that humans experience only a portion of it' (Wynn and Williams, 2012, p. 790). That is not to say that it is within the scope of this study to measure all the causal efficacies of the invariant dimensions of knowledge. Nevertheless, however imperfect this study might be, it recognises, at least as a matter of principle, that there is an independent reality "out there" that might have a causal effect.

In addition to examining the experience of Eritrean refugees at the theoretical and conceptual levels, one of the implicit goals of this study is to communicate the research participants' demands for change. The study does not raise the muted voices of the subjects of study, nor does it claim to speak for them. However, it seeks to unravel the mechanisms that created the conditions for docility (if not dismay) and the unfoundedness of the structural justifications used to defend the status quo, so that the horror and futility of these people's

experience and the unfoundedness of its justification necessitate the need for fundamental change. Bhaskar's theorisation of what he calls 'dialectical critical realism' provides an ontological foundation for communicating such a need for radical change (Bhaskar, 2008; Gorski, 2013); for example, Gorski (2013, p. 668) asserts that dialectical critical realism 'is also a more adequate *ontology* of change, a better account of the real forms and processes of change, and one that is more adequate to the radical implications of *emergence*' (emphasis in the original). Thus, the philosophical assumptions of dialectical critical realism bridge the gap between theory and practice. This is the third reason why this study is underpinned by critical realism.

4.4 Theoretical framework

In terms of its theoretical frameworks, this study is guided by highly debated theories of sovereignty, biopolitics, and necropolitics to understand not only the complicated relationship between the individual (micro-level) and the state (macro-level), but also to examine biopolitical mechanisms that render some forms of life undeserving of protection and dignity. The study understands the fallibility and provisional status of both the empirical evidence and existing theories and moves between them to make nuanced explanatory inferences.

In line with its primary goals, the research combines three political theories. Firstly, the research draws heavily on Foucault's notion of "carceral system". This is particularly relevant for explaining the modalities of punishment and control that are responsible for the involuntary displacement of the subjects of study. Secondly, the argumentation about the relegation of the category of refugees to an illegible figure constitutively subtracted from political life is heavily informed by Arendt's conception of the "right to have rights" and Agamben's notion of "bare life". Thirdly, the line of reasoning concerning the intricacies of the socio-political processes, power relations, and mechanisms that underpin the creation of the unprotected life (and its destruction) draws on the theory of the "state of exception" introduced by the German jurist Carl Schmitt and later developed by Giorgio Agamben.

As detailed in Chapter 3, this study refrains from using a human rights framework in favour of critical but adaptive and reflexive theories of sovereignty

and biopolitics. The human rights approach was ruled out based on practical concerns and on the underpinning philosophical grounds for this research.

4.5 Methodological framework and research design

Methodology is generally understood as ‘a proposed set of techniques combined with the underlying assumptions about the world (the ontology) and the assumptions about how to establish true statements about the world (the epistemology)’ (Olsen, 2007, p. 2). As this definition indicates, the various ontological and epistemological assumptions scholars make about reality have implications for methodological choices (Roberts, 2014; Iosifides, 2016, p. 33); for example, objectivist approaches favour nomothetic methodologies, whilst subjectivist approaches tend to rely on idiographic methodologies. The methodology selected for this qualitative social research study depends heavily on a critical realist viewpoint.

Critical realism takes the link between philosophical underpinnings and methodology seriously (Archer, 1998; Iosifides, 2016). The fundamental tenet of the critical realist paradigm is that ‘some real things and generative mechanisms must exist (and act)’ (Bhaskar, 2008, p. 42). Under realist presumptions, our object of inquiry should not only be about investigating what *real things* are, but also about understanding the processes, the entwined relations, and their interplays with causal powers and contextual circumstances that are responsible for the emergence and transformation of these *real things* (Archer, 1998; Iosifides, 2016). Therefore, as Bhaskar insists, ‘generative mechanisms...must be analysed as the ways of acting of things; and their operations must be understood in terms of the exercise of tendencies and causal powers’ (2008, p. 175). In this way, critical realism seeks to avoid methodologies that reduce reality to an observable realm of knowledge.

The methodological approach of this thesis is greatly influenced by the complexity of the phenomena under investigation and the underpinning philosophical assumptions. Underpinned by a critical realist perspective, this study comprises in-depth qualitative research that involves theoretical and conceptual analysis, data triangulation, participant feedback and validation, and analysis of the empirical evidence and theories to illuminate the deeper

biopolitical processes, such as the structural patterns, regularities, and tendencies that produce and transform the phenomenon under investigation. It provides insights regarding the underlying causal factors that led to the precarious status of Eritrean refugees. Methodologically, therefore, the thesis hopes to form ‘*abstract research*, which aims at a theoretical description of mechanisms and structures, in order to hypothesize how the observed events can be explained’ (Bygstad and Munkvold, 2011, p. 3, emphasis in the original).

Thus, underpinned by ontological, epistemological, and methodological assumptions of critical realism, this research is designed to answer the *what*, *how*, and *why* research questions articulated at the start of this chapter. As losifides correctly suggests, this qualitative study ‘aim[s] to describe phenomena, events or situations (“what” questions), understand social processes (“how” questions) and/or to explain events or outcomes (“why” questions)’ (2016, p. 168). It relies to a great extent on participants’ accounts to answer these questions. Participants’ accounts are analysed to describe what happened and to understand the processes and causal mechanisms that are involved in the creation, perpetuation, and transformation of the participants’ experiences.

4.5.1 Methods

The study sources data from both primary and secondary sources. The primary data was gathered through fieldwork, which involved participatory observation, focus groups, and semi-structured interviews, mainly with Eritrean refugees, but also with staff from humanitarian organisations engaged in the provision of services to Eritrean refugees. The data gathered through these methods was triangulated and validated before being analysed using NVivo software; for example, data from focus group discussions was checked against data from semi-structured interviews. I also conducted feedback sessions with the participants, which were crucial for data validation and triangulation. In addition to the primary data, a range of secondary data was synthesised from existing literature and official reports.

I conducted fieldwork in Egypt and the UK, but also involved participants from other parts of the world via online interviews. I chose to conduct fieldwork in both Egypt and the UK for practical and methodological reasons. As a resident of

the UK who had previously lived and worked in Egypt, not only do I have a more extensive network of potential participants in these locations, but I am also aware of some of the structural issues in these places that might have a significant impact on refugees' experiences. In addition, Egypt and the UK are major transit and destination countries for Eritrean refugees, respectively.

For Eritrean refugees, the carceral spaces in places of transit, such as the Sinai Peninsula of Egypt, symbolise liminal spaces in which life and death are made inseparable (Reisen, Estefanos and Rijken, 2012; Simpson, 2014). Once processed into illegible figures, their suffering continues in destination countries such as the UK in an even more systematic fashion (Darling, 2009). With the objective of mapping out these realms of carceralities, precarities, and (im)mobilities, and explaining the causal mechanisms that underpin them, I used multiple methods and data triangulation and validation techniques, which are discussed below in detail.

4.5.1.1 Participatory observation

Widely used in ethnographic research, participatory observation is broadly defined as 'a unique method for investigating human existence whereby the researcher more or less actively participates with people in commonplace situations and everyday life settings while observing and otherwise collecting information' (Scott and Buchmann, 2015, p. 1). This definition highlights three elements of data gathering through participatory observation: the role of the researcher, the participation of the subjects of study in the research, and the setting in which the data is gathered. It is essential to clarify these elements to unpack their implications for the researcher's positionality and reflexivity.

First, the role of the researcher is to actively engage with the subjects of study in order to understand the complexities of their real-life experiences. To comprehend the phenomenon under investigation from an insider's perspective, the researcher is expected to learn the language and culture of those being studied, understand the power dynamics at play, and involve the participants in the production of knowledge (Hall, 1992). Second, the subjects of study play a central role in shaping the production of knowledge. As much as the experiences and day-to-day activities of the subjects of study are of paramount importance

to the research, the subjects' awareness of the researcher's presence and of the research being carried out also has a significant bearing on the research, as does the researcher's relation to the subjects (Aktinson and Hammersley, 1998).

Finally, participatory observation involves observing the day-to-day activities and interactions of the subjects of study in their "natural" setting. This means the researched, not the researcher, should have control over the interactions and activities. The researcher's role, as Hall (1992) argues, is to observe, listen, learn, and reflect.

From the outset of this research, I have clarified that I am a member of the community being studied. I was not only born in the category of people being studied but also share their lived experiences and inhabit the settings in which they interact daily. As an insider, I speak their language(s), understand their culture(s), and share their lived experience(s). Thus, I represent a "hybrid identity" that constitutes identities such as Eritrean, refugee, researcher, etc. However, beyond being just an insider and part of the everyday activities of the community, the participatory observation allowed me to observe the phenomenon being studied with purpose, while, at the same time, opening a critical space for reflection on widely held perceptions, assumptions, and practices. I approached the study, to the best of my capacity, with honesty, integrity, reflexivity, and professionalism throughout the data-gathering process and beyond.

In addition to my day-to-day experience of living in the community, I carried out planned observations, first in the UK, and then in Egypt. In the UK, I attended immigration and asylum tribunal hearings, local charity needs assessments, and social events, such as masses, weddings, and other public events. Such observations enabled me to learn about the patterns, tendencies, performances, and application of the laws or principles that relate to the various needs of people with or without refugee status in a variety of different settings. These observations also caused me to critically reflect on the unequal power relations that exist between service users and service providers, as well as on the subjectivity that these unequal power relations create and shape.

In Egypt, I visited community centres, churches, mosques, and other public spaces that Eritrean refugees regularly visit. I also took part in community

activities, such as weddings, religious ceremonies, and mourning rituals. Moreover, I visited immigration detainees, where I saw their scarred and emaciated bodies and listened to their poignant stories. I came across refugee victims of human trafficking being returned to Eritrea (the very country they had fled) because they had no option but to agree to deportation. The victims were forced to choose between deportation and arbitrary detention in Egypt, with the majority choosing the former because of the indeterminate nature of detention in Egypt and the poor conditions to which they would be subjected there.

In addition, during my fieldwork in Egypt, I worked as a volunteer with Saint Andrew's Refugee Services (StARS)—a local charity based in Cairo—for about six weeks between January and February 2020. In my volunteering role, I reviewed internal refugee resettlement referrals, incident reports such as sexual and gender-based violence reports, and reports of torture and human trafficking. I also conducted what Halliday et al. (2008) refer to as 'shadow writing'. I interpret the activity of shadowing as observing both professionals and their service users in a workplace in order to gain a better understanding of how and why things operate the way they do. In this 'non-participant observer' role (Halliday *et al.*, 2008, p. 193), I attended on-call needs assessment screenings, counselling and psycho-social support sessions, staff training sessions, and team meetings. I also had one-on-one chat sessions with more than a dozen refugee staff about the challenges faced by unaccompanied refugee children and youths in transit countries. Towards the end of my volunteering time with StARS, I organised group and individual feedback sessions and made some recommendations and suggestions.

Beyond the basic aim of obtaining observable data, the fieldwork and volunteering in Egypt was deeply informative regarding the interplay between theory (research) and practice (e.g., service provision). Although, as someone who had previously lived and worked in Egypt for about three years, I was already familiar with some of the reoccurring structural patterns, the observations allowed me not only to identify structural regularities and tendencies in practice but also to explore the causal mechanisms behind the structural patterns and the role research can play in informing and unpacking such patterns.

4.5.1.2 Focus groups

Focus group discussion is broadly understood ‘as a research technique that collects data through group interaction on a topic determined by the researcher’ (1996, p. 130). The researcher plays the role of moderator, whose task is to facilitate a focused discussion on a topic and listen to participants’ views. Participants take a more active role in the discussions by expressing their ideas and viewpoints, debating and discussing the subject matter, and challenging and scrutinising each other’s ideas and perspectives (Kitzinger, 1994; Morgan, 1996; Gibbs, 1997; Leavy, 2014). Realistically, however, focus groups can be challenging to organise, facilitate, and manage.

For the purpose of gathering primary data for this thesis, I used interactions and discussions between members of a group about their shared experiences that are directly relevant to the research questions. Below, I briefly explain the recruitment process, the structure of the discussion sessions, and how the participants engaged with one another.

Participant recruitment

I recruited focus group participants in the UK and in Egypt. In the UK, I recruited six participants—four based in Leeds and two in Bradford—and conducted discussion sessions with the participants on two occasions. I contacted the participants through my networks in the Eritrean refugee community and local charities. The participants include two single mothers, two unmarried young women, and two adult males. One of the unmarried young women had been in the UK without legal status for more than sixteen years; the second one had been waiting for the Home Office to decide on her asylum claim for about a year. The remaining four participants all had refugee status in the UK.

The focus group participants in Egypt were recruited from the Eritrean refugee community in Cairo and the recruitment process was similar to that of the UK. I recruited thirteen participants (seven females and six males) in total, and randomly divided them into two groups of six and seven. Eight of the thirteen participants were recruited with the help of the Eritrean Refugee Community in Cairo (a community organisation that works closely with the UNHCR-Egypt

community outreach and protection programmes and other local services). The other five participants were my key informants and had been working for the UNHCR, IOM, StARS, and other local charities as professional community facilitators, interpreters, or psycho-social caseworkers. I recruited these key informants with the help of my former colleagues who were still working for the organisations listed. Of the thirteen participants, five are survivors of human trafficking and the remaining eight had arrived in Egypt with the help of smugglers.

All nineteen focus group participants were above the age of twenty. They were originally from various parts of Eritrea and had various ethnic and cultural backgrounds.

Discussions and participant engagement

As stated, I organised three focus groups—one in Leeds and the other two in Cairo. Each of the three focus group discussions lasted between 75 and 130 minutes, and each of the groups met twice for the discussions. In total, six focus group sessions (three “initial discussions” and another three “thematic discussions”) were conducted at different times.

The primary purpose of the initial group discussions was to explore widely held views, experiences, and perspectives regarding the reasons why many people leave Eritrea, and in doing so, risk their lives undertaking perilous journeys. I started the discussions by asking all participants to introduce themselves and their backgrounds, before moving on to discuss the questions relating to why many people leave Eritrea and the challenges they face after exiting the country (see Table 7 in Appendix A). All the discussions were held in Tigrigna, as it is the language spoken and preferred by all participants.

The main objective of the thematic group discussion was to facilitate a theme-focused discussion in order to develop a detailed understanding of the themes that emerged during the initial discussions and semi-structured interviews. In comparison to the initial group discussions, these focus group discussions were longer and more structured. In the discussion of the preliminary themes, I asked participants to clarify specific points and provide reasons for and explanations of

the causal factors. These discussions contributed towards my understanding of the structural issues, such as the power relations, systematic protection problems, patterns of organised criminal activities, and causal factors related to the refugees' plight.

Admittedly, at least in one focus group session, the discussions deviated slightly from the original plan and expectations. In one group, during the thematic discussion, the participants were split between those who supported and those who opposed the Eritrean government. These disagreements reflect a similar division across the Eritrean diaspora. In such circumstances, I limited my role to removing the heat from the discussions and to allowing all participants to express their ideas clearly. These discussions were very lengthy; for example, the aforementioned example took up to 130 minutes. Interestingly, the calming effect of traditional Eritrean coffee cannot be underestimated. As is part of common practice, the discussion session began with introductions and ended with warm goodbyes, with all the participants ultimately leaving in a happy state of mind.

In all of the focus group discussions, my role involved providing ideas to prompt the discussion, asking questions for clarification, making sure that each of the participants had a chance to express their ideas, and refocusing the discussions by bringing the topic back to the preliminary themes. All participants contributed to the discussions, although the level of participation varied between group members and from one group to another. Afterwards, the data gathered from the focus group discussions was triangulated with the data from the observations and semi-structured interviews for final coding and analysis.

4.5.1.3 Semi-structured interviews

Semi-structured interviews are 'neither completely structured nor completely unstructured interviews. ... [They are] somewhere in the middle as the standard approach to qualitative interviewing' (Leavy, 2014, p. 286). Compared to other forms of interviews, semi-structured interviews provide greater flexibility and give more control to interviewees over what they are able and willing to share. As Leavy (2014) points out, less structured interviews maximise 'knowledge-producing potentials of dialogues' and position the interviewer 'as a knowledge-

producing participant' (p. 286), as opposed to a knowledge-extracting partner. Semi-structured interviews enable both the interviewer and interviewee to create a semi-informal environment for friendly interaction.

Although interview modes vary depending on research design and interview settings (Oltmann, 2016), face-to-face and virtual interviews (e.g. via Skype) are the most common modes. I conducted both face-to-face and virtual interviews with a wide range of participants from different places and various walks of life. The face-to-face interviews were useful for generating detailed qualitative data and capturing the participants' views from their perspectives. The online interviews focused on the experiences of Eritrean refugees after they had resettled in third countries, such as the UK. These interviews were also helpful for mapping out common patterns of journeys to destination countries.

Moreover, the semi-structured interviews conducted with focus group participants were very informative and helpful for understanding some of the arguments raised during the group discussions. Data from these interviews were used for the thematic group discussions.

Recruitment

In total, I recruited thirty-five participants for face-to-face and virtual semi-structured interviews. Of the thirty-five participants, thirty are Eritreans and five are international staff from various humanitarian organisations. I used two strategies for recruiting participants for the semi-structured interviews. First, I selected two participants from each focus group for individual interviews to develop a detailed overview of their experiences. Thus, six participants were recruited through this process (four from the two focus groups in Cairo and two from the focus group in Leeds). I chose these participants after the first focus group discussions based on their lived experiences, roles in the community, and professional knowledge. Of the six participants, two were community facilitators, two were local charity caseworkers, and the other two were victims of Sinai trafficking. Some of the preliminary themes that emerged from the interviews with these participants were discussed in the thematic focus group sessions.

Second, in addition to the six participants recruited from among the focus group members, I recruited twenty-nine other participants by networking with community and local organisations. Of the twenty-nine, twenty-four are Eritreans from various parts of the world and the remaining five are professionals from various organisations. In the initial stages of the recruitment process, as part of the participatory observation, I visited several established community groups and religious institutions and attended various community activities and celebrations, all of which was very helpful for recruiting participants for the interviews. In Cairo, for example, I attended community activities and visited outreach services, public events and celebrations, local churches, mosques, charities, and detention centres. These extensive networks enabled me to recruit participants from various backgrounds and experiences. In the UK, I invited participants through friends and community leaders.

Also, I recruited participants for online interviews through various social media groups (e.g., on Facebook and WhatsApp) of which I am a member. This way I was able to recruit participants from the Americas, Europe, and Africa. Furthermore, among the participants I interviewed were Eritreans that I had met at conferences in Switzerland, London, and Cairo. These participants were able to provide expert knowledge in the subject area of this research.

Among the six professionals were my former colleagues and their friends and/or colleagues. They include a legal advisor from the UNHCR, a social worker, a member of the Red Cross staff, and two researchers in a similar field. All of the interviews with the professionals were conducted face to face in English.

Venues, type of questions asked, and language used

The face-to-face semi-structured interviews were conducted in Egypt, the UK, and Switzerland. In Egypt, the interviews were held at the StARS office and the Eritrean Refugee Community centre. In the UK, the face-to-face interviews were arranged at a local charity centre in Leeds. Face-to-face interviews with participants from Switzerland were conducted in a café of their choice. Each of the interviews lasted between 60 and 120 minutes, during which the participants were asked open-ended questions. Depending on the participants' language preference, the face-to-face and online interviews with Eritrean refugees were

conducted in one of the three languages they speak—Tigrigna, Tigre, and Blin. I did not use interpreters for interviews, as I speak all of the languages used.

Finally, data generated through the interviews were triangulated with data from other sources before coding and analysis.

4.5.2 Data coding and analysis

In Chapter 3, I have shown the relevance for this study of Sina Kramer's conceptualisation of "constitutive exclusion" as an analytical approach. According to Kramer, 'constitutive exclusion can be... a useful analytic for understanding operations of hegemony and oppression—specifically those that render some claims unintelligible as political claims or some persons unintelligible as political agents' (2017, p. 11). As shown in Chapters 2 and 3, the case of Eritrea and the experience of Eritrean refugees is viewed through the prism of a state-centric human rights violation framework. However, the hegemonic narrative of human rights violation fails to situate the problems Eritrean refugees face within a broader biopolitical process that renders refugees unintelligible as political subjects. It also fails to recognise the non-existence of rights (human or others) in Eritrea. I argue that an open, flexible, and adaptive strand of Kramer's concept of constitutive exclusion addresses these philosophical and methodological issues.

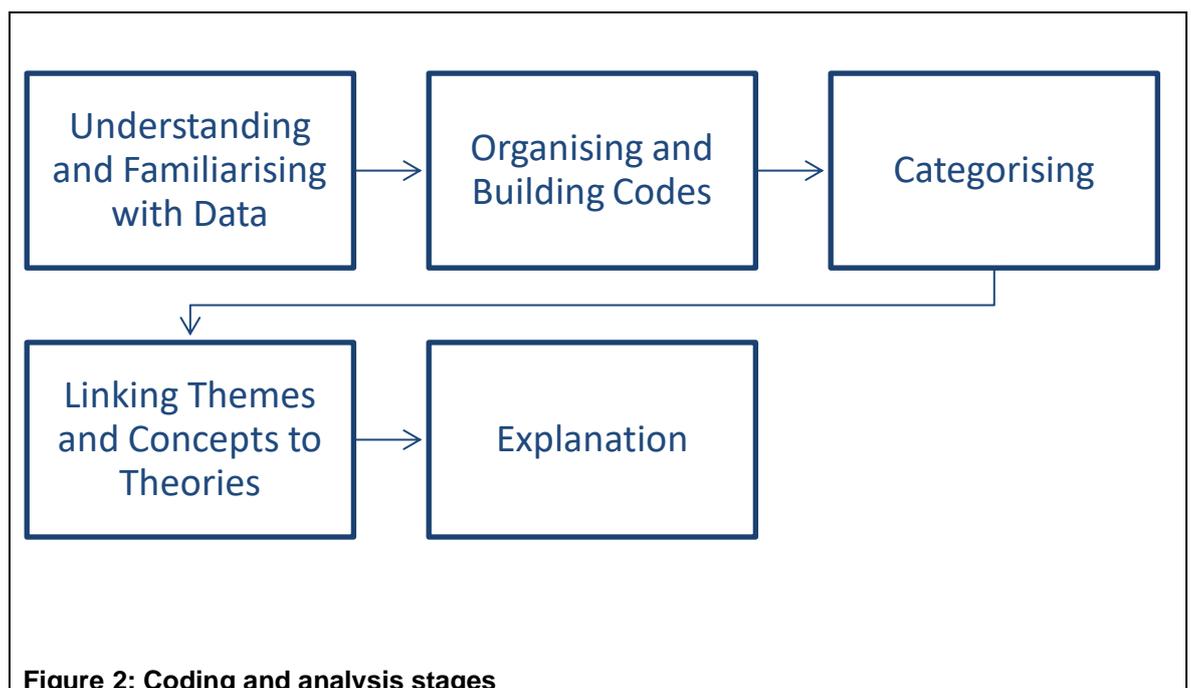
Another framework that I found significantly relevant to the design of this research and that I employed throughout the research process is what Layder (1998) calls 'adaptive theory'. 'Adaptive theory', as Layder conceptualises it:

endorses an epistemological position which incorporates both the "internal" subjective point of view of social interaction while simultaneously appreciating that such activity always takes place in the context of wider social settings and contextual resources (Layder, 1998, p. 140).

Objecting to both naïve positivist and naïve interpretivist approaches to research, adaptive theory provides a middle ground in which 'both objective and subjective aspects (and diffuse mixtures of the two)' can be combined in the conduct of social research (Layder, 1998, p. 141). Such a reflexive and adaptive stance is consistent with the philosophical underpinnings and methodological approach of this research as articulated above.

Thus, I undertook a flexible analytical approach that blends together Kramer's constitutive exclusion and Layder's adaptive theory. While constitutive exclusion was implicitly used to identify and examine the (un)intelligibility of refugees' lives and their political agency, adaptive theory allowed me to follow a context-specific combination of both 'deductive and inductive procedures' of data analysis (Layder, 1998, p. 135). At a philosophical level, constitutive exclusion and adaptive theory embrace elements of both subjectivism and positivism, in line with the fundamental tenets of the strand of critical realism I adopt in this thesis. Therefore, taking the concepts of constitutive exclusion and adaptive theory together as analytical approaches allowed me to critically reflect not only on what gets coded or analysed and how, but also on what does not get coded or analysed and why.

For clarity, I divided the coding and analysis process into five stages, as follows:



Stage 1: Understanding and becoming familiarised with the data

This stage began with data gathering and involved understanding and familiarising myself with the participants' stories, journeys, treatment, coping strategies, and mobility patterns. At this stage, I also conducted preliminary coding for data cross-checking and had the participants validate the meanings

they attach to the data (e.g., by asking for clarification and participant feedback). For example, participants used the phrase ‘avoid fish’ to refer to efforts to avoid having their fingerprints taken in transit countries such as Italy. These units of meaning were rather like brainstorming ideas and talking points that clustered based on word similarities, as the NVivo extract below depicts.

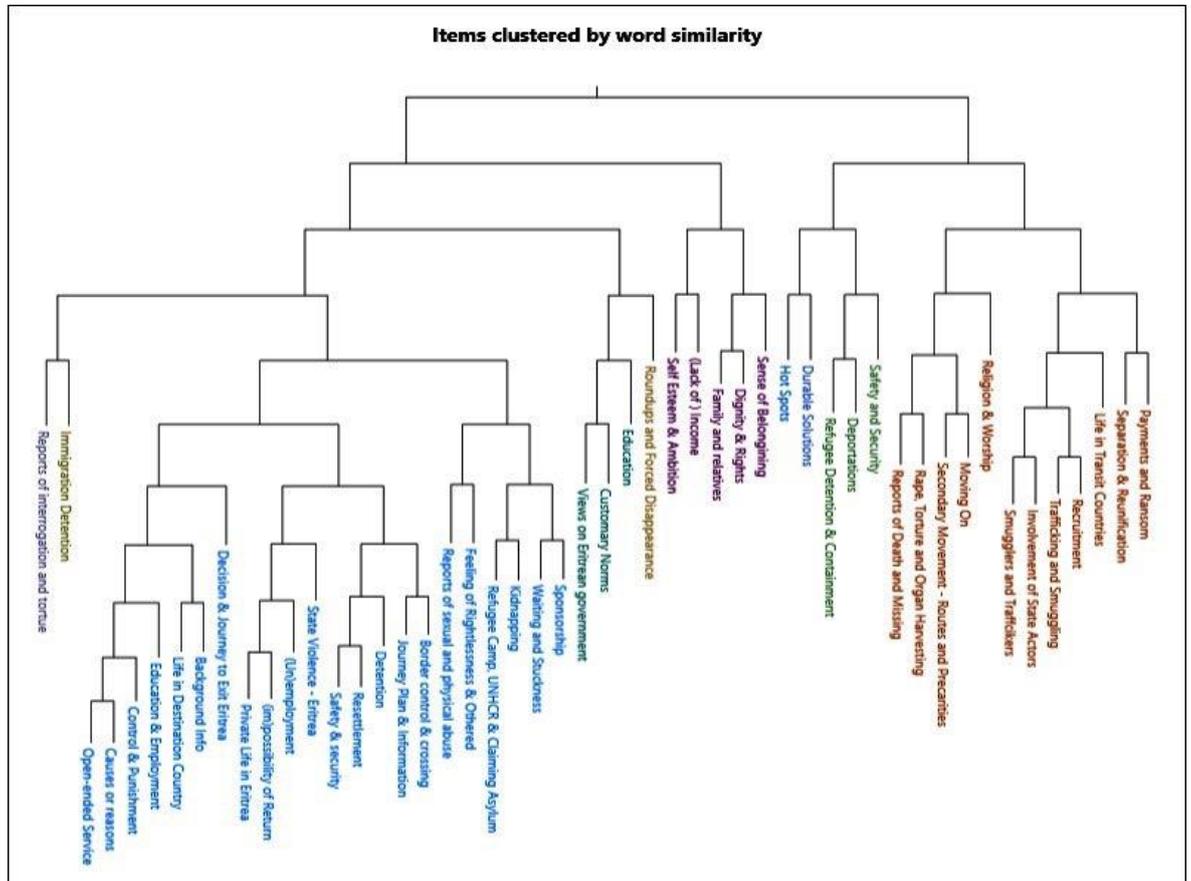


Figure 3: Items clustered by word similarity

Stage2: Organising and building codes

Following the clustering of items in Stage 1, I continued to read and reread the data, and created units of meaning or codes. In this study, “a code” is understood as:

a researcher-generated construct that symbolizes and thus attributes interpreted meaning to each individual datum for later purposes of pattern detection, categorization, theory building, and other analytic processes (Saldaña, 2013, p. 4).

I used NVivo software to organise the data and form initial codes. The initial codes were created by applying inductive reasoning to the data generated through participant observation, interviews, and focus groups (see Figure 4).

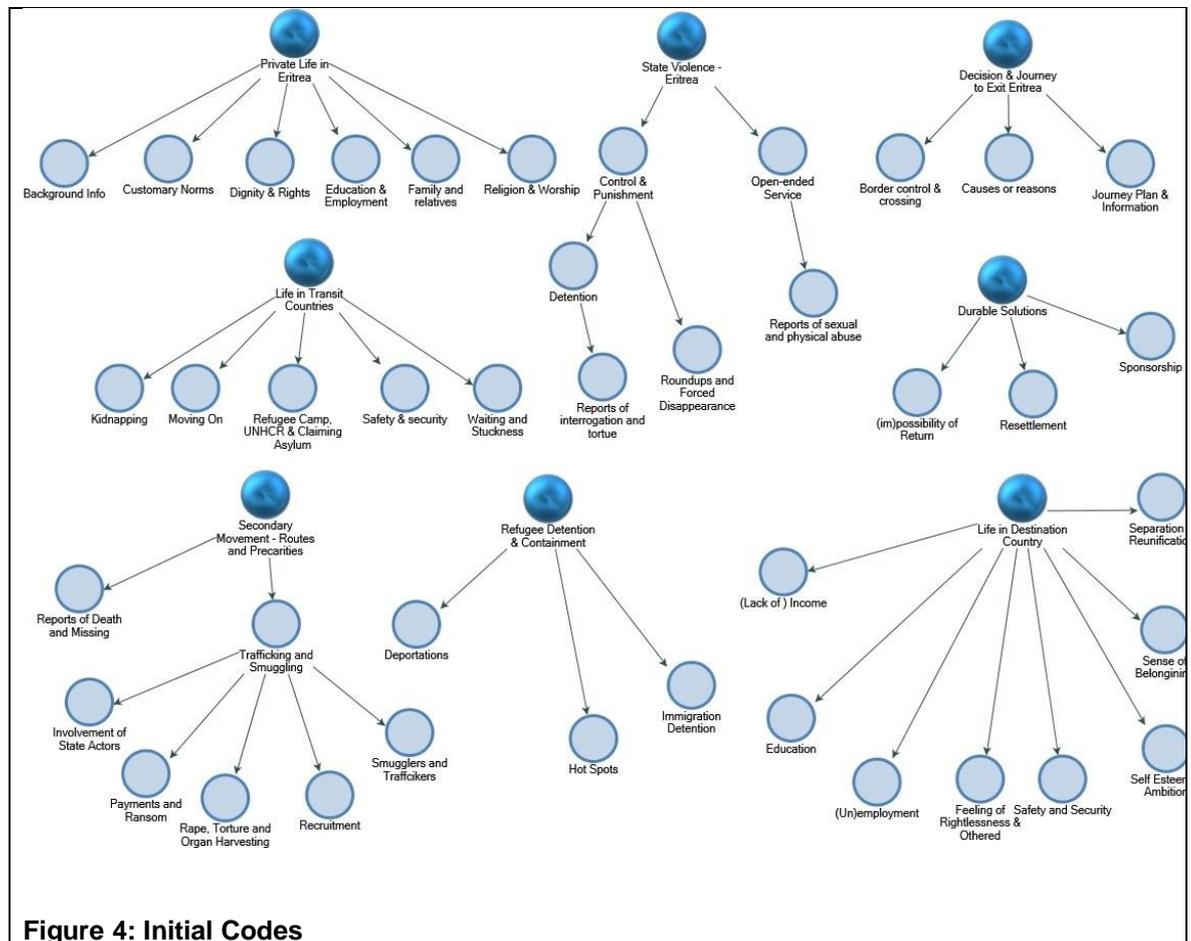


Figure 4: Initial Codes

Stage 3: From codes to categories

At this stage, I used both deductive and inductive approaches to identify systematic patterns, structures, behaviours, and experiences by comparing the different codes. These were then grouped into categories and subcategories. For example, a cluster of codes may be grouped together under a category or subcategory using a process known as “axial coding” (Allen, 2017). Axial coding is understood as ‘the process of integrating categories and subcategories...[to make] connections between categories that reveal themes, new categories, or new subcategories’ (Allen, 2017, p. 2).

Comparative analysis of various codes and categories was conducted to generate what Attride-Stirling (2001, p. 388) calls the ‘basic themes’. The purpose was to

link the basic themes with concepts and theories and create macro-level themes.

Stage 4: Linking themes and concepts to theories

Once categorisation had been finalised and themes formed, the ‘basic themes’ (categories and sub-categories) were revised and organised into clusters of ‘global themes’ (Attride-Stirling, 2001, p. 388). While the ‘basic themes’ are basic clusters of categories, the ‘global themes’ are understood as ‘macro themes that summarize and make sense of clusters of lower-order themes abstracted from and supported by the data’ (Attride-Stirling, 2001, p. 389). For example, immigration detention (initial code) is associated with state violence (basic theme), which is then linked with carceralities (global theme). Similarly, issues of safety and security are associated with at least two basic themes, namely, life transit countries and life destination countries. These basic themes were then linked to the global themes, such as precarities and carceralities. In this way, I identified four global themes: carceralities, (im)mobilities, precarities, and capabilities. These global themes are intertwined and overlapping, as can be seen in the coding structure presented below (Figure 5).

Next, the global themes were linked to the theories and philosophies underpinning of the research to formulate propositions and arguments from which descriptive and causal inferences were developed.

<p>What the macro themes say</p>	<p>Reasons for exiting Eritrea:</p> <ul style="list-style-type: none"> • Open-ended national service • Detention, torture, and forced disappearance • Non-existence of institutions of law and protection • Erosion of family and societal values • Lack of opportunities <p>Challenges after they become refugees:</p> <ul style="list-style-type: none"> • Trafficking, border controls, detention, deportations, etc. • Being stuck in unsafe transit countries • Feelings of indignity and rightlessness • Suffering from engrained trauma <p>Capabilities and potentialities:</p> <p>The data shows that physical ability (e.g., fitness and age), gender, social networks, education, coping strategies, resources, cultural factors, and socio-economic and political situation in transit and destination countries make a difference to the refugees' experiences.</p>
<p>The research inquiry (what I wanted to know)</p>	<ul style="list-style-type: none"> • The reasons for involuntary displacement, the process of exiting, and the actors involved in the process • The response of state and non-state actors, and the treatment of Eritrean refugees • The underlying causal mechanisms and biopolitical processes that lead to the above
<p>The 'dialectical relationship' between global themes and the research inquiry</p>	<p>The data respond to the research inquiry in a way that diverges from the state-centric rhetoric and representation of refugees. The micro and macro themes depict the experience of the refugees as being a result of a systematic interplay between state and non-state actors and the biopolitical order in which they operate. However, although the themes provide insights into the underlying biopolitical processes and causal mechanisms, they have to be analysed at a broader theoretical and practical level in order to shed light on the generative causal factors that led to the realities of the Eritrean refugees. Thus, both the primary (inductive procedure) and secondary (deductive procedure) data were used to unpack biopolitical processes and structural problems.</p>

Throughout the research process, I went back and forth between the different stages of coding and analysis until a satisfactory 'theoretical saturation' (Baker, Edwards and Doidge, 2012) was reached and causal mechanisms identified. During this process, coding and analysis were treated as 'cyclical act[s]' (2013,

p. 8). Moreover, various techniques were employed at all stages of the research process to ensure validity and reliability, as I discuss below.

4.5.3 Validity and reliability

Traditionally closely associated with quantitative research, the concepts of validity and reliability are nevertheless gaining increasing attention among qualitative researchers, too (King, Keohane and Verba, 1994; Johnson, 1997; Adcock and Collier, 2001). Validity is associated with the accuracy and reliability with the consistency of the ‘measurements’ used in scientific research (King, Keohane and Verba, 1994). The two concepts are often described together not only because of the similarities in terms of their goals but also because of their impact on each other. Together, validity and reliability are essential for rigorous, defensible, and replicable qualitative research (Golafshani, 2003). It is also worth noting that it would be difficult to warrant accuracy and trustworthiness in research without taking into consideration both consistency and replicability. I, therefore, treat validity and reliability as two sides of the same coin in this research, but refrain from suggesting that validity and reliability should be approached as twin concepts in all contexts.

Broadly speaking, in qualitative research, there are three types of validity, namely, ‘descriptive validity, interpretive validity, and theoretical validity’ (Johnson, 1997, p. 284). Descriptive validity is understood as the accuracy with which a researcher reports participants’ experience. Considering this type of validity raises a question about the data collection: how do we achieve an accurate description of what has happened? The second type of validity, interpretive validity, ‘refers to accurately portraying the meaning attached by participants to what is being studied by the researcher’ (Johnson, 1997, p. 285). Lastly, theoretical validity ‘refers to discussions of *how* a phenomenon operates and *why* it operates as it does’ (Johnson, 1997, p. 286). For Johnson, theory and data triangulation are the keys to answering these questions of accuracy.

Promoting validity alone is not enough to maximise the trustworthiness and quality of research; evaluating consistency and replicability is also a crucial aspect of the research process (Golafshani, 2003). In other words, stability and repeatability are as important as accuracy and truthfulness in determining the

quality and rigour of research. Reliability can be promoted by applying various strategies, such as triangulation, participant validation, transparency, and reflexivity (King, Keohane and Verba, 1994; Adcock and Collier, 2001; Golafshani, 2003).

To promote both validity and reliability, I combined Johnson's (1997) approach to validity with Golafshani's (2003) perspective on reliability. The phenomenon under investigation is grounded in multiple realities that require micro and macro elements. As such, to assure validity and reliability, 'multiple methods of searching or gathering data are in order' (Golafshani, 2003, p. 604). Table 4 below summarises the validity and reliability techniques I employed throughout the research process.

Table 4: Validity and reliability strategies

Validity Strategies	Research Stages	Reliability Strategies
Data triangulation Method triangulation	Data Collection	Comparison and cross-checking of data Briefing and debriefing Transparency
Participant feedback Verbatim Reflexivity	 Data Interpretation	Consistent ways of establishing meaning units (codes) Participant validation Transparency
Using Multiple Theories Testing Predictions	 Data Explanation	Rich synthesis of theories Explaining applicability

The above table summarises how I promoted validity and reliability throughout the research process. In line with Johnson's three types of validity, I divided the research process into three broad stages: data collection, data interpretation, and data explanation. In the data collection stage, the triangulation of both data

and methods was employed to promote validity. I gathered primary data from multiple sources using multiple methods.

In addition to the cross-checking of data, other techniques, such as briefing, debriefing, and transparency, were also used during the fieldwork to maximise reliability. During my engagement with the participants, I often clarified my intentions and expectations and summarised the participants' contributions to the research after discussion or interview sessions. I spoke to the participants in their own languages to clarify any misunderstandings or concerns they might have about their involvement in particular and about the research in general. Hence, the data-gathering methods—interviews, focus groups, and participatory observation—were designed to promote accuracy and consistency in translating the data into units of meaning. The data collection methods incorporated participant validation, a detailed description of events and lived experiences, and reflexivity. For example, the thematic focus group discussions were designed to capture the participants' views from their own perspectives. In addition, feedback from the participants was gathered during interviews. The use of verbatim and direct quotes from the participants' accounts was another example of data validation.

The last stage of the research process involved data explanation, which was followed by the writing-up of the final draft. I synthesised multiple theories to explain the data and test predictions. I explained not only the applicability or inapplicability of certain theories and theoretical and analytical frameworks, but also identified gaps, stratified realities, and causal mechanisms. I made corroborated inferences about the phenomenon under investigation that, I believe, address the research questions.

4.6 Concluding remarks

In this chapter, I have argued that the phenomena of study, that is, the experience of Eritrean refugees, is systemic and therefore its components and the system in which it operates must be observed at different levels. Attending to micro and macro levels, the research questions are designed to examine the nature of the causal factors, their interplay and the power dynamics between

them. In so doing, the study discusses multiple axes of immobility, precarity and carcerality and discounted capabilities.

For ontological and epistemological underpinning, this study draws on a critical realist approach and an understanding that its methods, findings, conclusions and theories are fallible and provisional. It holds the philosophical position that the representation of the phenomenon under study is trivial and aims to shift the discussion ‘from something that is actual, to a more fundamental “something” that grounds its possibility’ (Collier, 1994, p. 20).

For theoretical orientation, the study draws on Arendt’s theorisation of totalitarian governments, Agamben’s “state of exception” and Foucault’s notions of “carceral system” and biopolitics. Arendt’s and Agamben’s works inform the discussion of why refugees lack sovereign protection, both in their country of origin and elsewhere. Foucault’s “carceral system” is employed to unpack the mechanisms of incarceration and securitisation of the refugees’ unprotected status.

This study adopts a qualitative research design that relies on both secondary and primary sources of data. While secondary data was needed to formulate an initial theoretical framework, the primary objective is to describe participants’ experiences and explain them through theoretical and conceptual frameworks. The accounts from the participants include personal experiences, such as their journeys, treatment, interactions with state and non-state actors and their ability (or inability) to make their own decisions and choices. The primary data was collected by participatory observation, focus groups and semi-structured interviews with participants. As shown, various validity and reliability strategies were used to triangulate data, methods and theories.

The next chapter focuses on my critical reflection on the research process, researcher positionality and ethical considerations.

Chapter 5 Reflexivity and Positionality

5.1 Introduction

As a practice and concept, reflexivity is attracting growing epistemological attention in qualitative research (Guillemin and Gillam, 2004; Taylor, 2011). Reflexivity is broadly understood as critical reflection on the process of knowledge production, which involves scrutinising ‘factors [that] influence the researcher’s construction of knowledge and how these influences are revealed in the planning, conduct, and writing up of the research’ (Guillemin and Gillam, 2004, p. 275). Although it may vary depending on the research inquiry and context-specific circumstances, knowledge production, in general, and research, in particular, are often “messy” and complicated processes (Maccarini and Prandini, 2009; Billo and Hiemstra, 2013; Iosifides, 2016). Reflexivity promotes validity and transparency not only by communicating the messiness and simplifying the complexity of the research process, but also by opening up a space for reflective practice that involves affirming strengths and identifying (and evaluating) weaknesses (Archer, 2010). Thus, reflexivity as a concept is a ‘social mechanism’ whose function is to simplify ‘complexity’ (Maccarini and Prandini, 2009, pp. 84-85).

In Chapter 1, I summarised why I believe that my status as an insider was mostly positive in conducting this research, even though I encountered some practical and theoretical challenges, as I discuss in Chapter 10. Here, I will focus on the topics of researcher positionality, the research process, and how these influenced (or did not influence) both the research and the researcher. This chapter is divided into three subsections: researcher positionality, reflexive framework, and ethical considerations.

5.2 Researcher positionality

In broader terms, positionality is defined as ‘where one stands in relation to “the other”’ (Merriam *et al.*, 2001, p. 411). This definition comprises two elements: the actors and their relationship. The actors referred to here are the researcher and the researched, and the question of positionality relates to how the former positions him/herself in relation to the latter and the impact of this

positioning in the conducting of the research. Positionality assumes that both the researcher and the researched belong to complex social structures and power relations, and therefore comprise intertwined subjective and objective elements (Merriam *et al.*, 2001; Moser, 2008; Bourke, 2014). Thus, in the production of knowledge, researchers are not merely objective observers but active participants whose personalities and positionalities are involved in the research process (Moser, 2008). This prompts the questions of what personalities and positionalities were involved in this research, and how they impacted the process and findings of the research.

I begin my attempt to answer these questions by confessing that the question of positionality was something that I struggled to work out throughout the research. My challenges were directly related to my “hybrid-self” and the ambiguous status I embody, particularly with regard to the translation into positionality of these “identities” while also understanding the intricate power relations they invoke. The notion of a “hybrid self” implies the union of multiple socio-cultural identities in the self (Marotta, 2008, pp. 296-297).

Over the past decade, my “selfhood” has been assimilated into a hybrid self that embodies indissociable identities (e.g., sex, gender, skin colour, education, and nationality) and othered labels (e.g., legal status, social class, and political affiliations). I am a male, heterosexual, dark-skinned, formally educated, and multilingual Eritrean. In terms of my personality, I would describe myself as a shy, humble, curious, thoughtful, and hardworking person. I love reading books, following the news, going to church, and watching football. I am a Manchester United F.C fan. Since leaving Eritrea, I have had various unpleasant labels attached to me. These include categories with negative connotations, such as *kafir* (infidel), “illegal” migrant, asylum seeker, refugee, and so on.

Thus, I possess a hybrid self that comprises all of the indissociable identities and the othered labels listed above. Negotiating these multiple identities and labels in the fieldwork was one of the challenging aspects of this research project. Depending on where I was based and with whom I was dealing, the hybrid self that I embody invoked various ambiguous power relations. To unravel these ambiguities and the fluid positionality they call for, I decided to present my

researcher positionalities in relation to research subjects and participants; data and theory; and humanitarian organisations.

5.2.1 Research subjects and participants

When referring to “research subjects”, I mean involuntarily displaced Eritreans, and all of their families, relatives, and friends in the diaspora. I often refer to them collectively in this research as “Eritrean refugees”. When referring to “research participants”, I am discussing those who participated in this research, including the non-Eritrean participants. The hybrid self that I constitute appeals to my varying relationships with these different groups of people.

My relationships with Eritrean refugees and my positionality in relation to them can be understood through the metaphor of “living in the field”. According to Pole and Hillyard, ‘fieldwork’ is the ‘total experience’ of ‘the entire research process’, which includes ‘research design, method and methodology, field relations, politics and ethics of research, analysis, dissemination and subsequent impact’ (2016, p. 5). If this definition is at least partially accurate, then the “field” can be considered as the setting in which the “fieldwork” is conducted. From this perspective, as a native insider, I conducted the fieldwork from within the field, while living in the field.

I have more similarities than differences with the subjects of study. I am an Eritrean refugee, speak the same language as them, and share a common culture with them. The hybrid self that I embody is the product of a combination of my Eritrean identity and the biopolitical process that Eritrean refugees encounter. I presented myself to the participants as an Eritrean refugee whose role was to research the challenges that Eritrean refugees face. Some of the participants already knew me because of my active role in the community. Thus, I engaged with them on more or less equal terms.

However, my researcher role also offered me certain privileges that were not shared by the subjects of the study. For example, my relationship with the participants in Egypt was different from my relationship with the participants who had a settled status in Europe, Australia, or Northern America. The below

participant remarks from a focus group discussion conducted in February 2020 in Egypt expose some of the nuances in terms of the power dynamics.

You finished your journey; you're in England. Your English must be good... You tasted European waters. All of us [referring to focus group participants] stuck in Egypt with no opportunities but suffering... You're lucky, and we are proud of you for still thinking about us.

Phrases such as 'tasted European waters', 'lucky', and 'finished your journey' imply unequal status and imbalanced power relationships. The participants made a distinction between 'us' (referring to the focus group members) and 'you' (referring to me). This kind of distinction was often made by the participants in Egypt. On the other hand, most of the participants in the so-called developed world would either call me by my name or refer to me as *arkey* or *mehazay*, meaning "my friend"; some of them even addressed me with English slang expressions, such as "bro". These references appeal to parallel positionalities.

These nuances in terms of my positionalities highlight 'moments of being both insider and outsider' (Merriam *et al.*, 2001, p. 416). Yet, such moments of ambiguity were dominated by an all-encompassing "inside", as I was living in the field. 'Fieldwork is about doing and being [there]' (Pole and Hillyard, 2016, p. 15); I was not merely doing research; I am the field and live in it with the refugees as a refugee. Despite living a relatively stable life, I continued to experience an unpleasant feeling of being "the Other". During my fieldwork in Egypt, for example, there were occasions when I was stopped and searched by police, and times when I was told to go home by commuters on the busy streets of Cairo. These were manifestations of the activation of the othered self that I constitute. The subjects of study live through these unpleasant encounters and they understand the systemic nature of the politics and poetics of marginalised existence. The more the participants understood the othering regimes faced by all refugees, regardless of their status or place of domicile, the faster the superficial boundaries of "us" vs "you" diminished.

My interaction with the non-Eritrean participants seemed to be more formal but nevertheless friendly. The interviews with professionals and humanitarian workers were conducted in formal office-based settings or in quite cafés. These participants were friendly; the fulcrum of the unequal power relations did not

seem to be located between the participants and me but between the participants and their respective organisations, or between the ‘bosses and workers’, as Hsiung (2018) puts it. For example, my engagement with participants from humanitarian organisations in Egypt was confined within the boundaries of their organisational codes and regulations. Admittedly, this had a bearing on the type and quality of data gathered, as the participants do not seem to have disclosed sensitive structural and operational information about their respective organisations. Nonetheless, the participants showed great flexibility and willingness in their individual capacities, which was immensely helpful.

5.2.2 Engaging with data and theory

At times, engaging with the data and theory was both viscerally touching and challenging. Listening to the participants’ harrowing stories was heart-breaking. The interview data contain disturbing descriptions. They include the participants saying such things as ‘they raped and buried my friend alive’; ‘I have been in prison in Libya for almost four years’; ‘my son is 12, and he is in the Shagarab camp on his own’; ‘all my family died in the sea... I have no one to live with’; ‘they raped and killed my sister in front of me’, and so forth. Every time I read or listened to these stories, I kept asking myself what I can do about it and what the point is of this research. Ultimately, I realised that I could do nothing but write about this reality. As a refugee myself, I relied on my own lived and professional experience to cope with the visceral pain of reading, listening to, and analysing the poignant stories.

My intellectual engagement with theorists such as Agamben, Foucault, and Arendt was equally perplexing. I found their seminal works on biopolitics and power to be provocative as much as informative. I suspect that their competing political theories revolve around the esoteric Western epistemological tradition. Although I was immensely influenced by their theories, I was also critical of their reductionist approaches that disavow some socio-cultural and political claims and constitutively render some forms of life illegible. At a personal level, this internal disagreement challenged me during the research process by prompting questions relating to “power” and “self”. Who am I to engage with this vanguard group of scholars? What does my “novice-self” think about them? Where does my

“academic voice” lie in relation to theirs? These questions of “power”, “self” and “intellect” reverberated in my mind without finding real answers. Every time I attempted to answer them, I ended up with more questions than answers.

As an insider researcher, therefore, I was perplexed by the questions of power and politics. At the same time, observing such poignant stories from the “inside” made me realise the shared “humiliation” and the muted “anger” that the othered category of the refugee must bear (Malkki, 1996; Rajaram, 2002). In the back of my mind, as Flam rightly points out, these ‘self-feelings [of being the other] remain[ed]—at best—ambivalent, moving between shame, humiliation and anger’ (2010, p. 188). Not only was I constantly reminded of these feelings by cues in the data, but I also encounter them in everyday life. Whether it is standing in a queue for hours at the airport or being told to go home on the streets, I live through reminders of the omnipresent ‘technology of everyday bordering’ (Yuval-Davis, Wemyss and Cassidy, 2018, p. 240).

Despite these challenges, however, I believe that I maintained the integrity of the data and the research to the best of my capacity. A combination of personal and professional experience, ethics and research integrity training, and supervisor support was vital for maintaining integrity and rigour in this research.

5.2.3 Engaging with humanitarian organisations

My fieldwork in Egypt involved volunteer work with a local organisation called St. Andrew’s Refugee Services (StARS). The organisation provides education, legal assistance, psycho-social, financial, and community outreach services for refugees in Egypt. I was previously employed by the organisation as a senior psycho-social caseworker between 2014 and 2015. During this earlier period, I worked with unaccompanied children who had survived human trafficking, torture, and detention. I was involved in developing coordinated support for these traumatised and disenfranchised children to explore their natural resilience potential.

My volunteering role with StARS provided me with an opportunity to observe and reflect on the challenges refugee face; but it also presented me with a challenge in terms of my researcher positionality. Despite not being new to the

organisation and the services it provides, I was acutely aware of my researcher identity. I noticed that some colleagues were less confident about talking openly to me, while others would constantly seek my assistance in dealing with their complex case management. Among the former group were colleagues for whom I had previously worked as their caseworker, while the latter group comprised former colleagues and friends with whom I had previously worked. Ironically, I also noticed that some service users insisted on meeting me, particularly those who knew of my previous involvement with the organisation.

Thus, it was essential for me to consider my intersecting positionalities in relation to the diverse staff and service users I worked with. In addition to recognising and respecting the various socio-cultural backgrounds and sensitivities, I actively sought ways to immerse myself in the day-to-day activities of the colleagues around me. Some of the strategies I employed to bridge the different positionalities included taking part in team briefing and debriefing; attending team meetings and feedback sessions; joining informal chats during lunch time; and being friendly and approachable. However, it is also important to note that these different and intersecting positionalities did not have direct implications for the research process. Below, I discuss how I maintained honesty, integrity and reflexivity throughout the research process.

5.3 Reflexivity in practice: learning, reflection, and unlearning

I have discussed the impact on the researcher's positionality of the hybrid self—the indissociable identities and othered labels—that I embody. I now turn to the question of whether the hybrid self has had an influence on the research, or vice-versa. I discuss iterative reflexive practices that involve overlapping processes of learning, reflection, and unlearning. In the context of this research, reflection is understood as understanding and scrutinising the hybrid self, the research, and their relationship as objects of inquiry (Archer, 2010, p. 2).

However complicated and messy it might have been, this doctoral thesis was completed through a reflexive and transparent process in which both my hybrid self and the research shaped, transformed, and scrutinised each other.

Metaphorically examining the research process in terms of a “journey”, Palaganas et al. (2017) asserts that:

During the research process, we often find ourselves ruminating on the ways in which our own aspirations, characters, values, philosophies, experiences, belief systems, political commitments, and social identities have shaped the research. We also pondered about how the research may have touched, affected and possibly transformed us, as professionals, as researchers and as persons (p. 430).

The assertion that the researcher and the research shape and transform each other resonates with my own experience of doing research, which involved three entwined processes, namely, learning, reflection, and unlearning. The research required an ongoing process aimed at achieving the right combination of the three processes, as portrayed in the multidirectional cycle below.

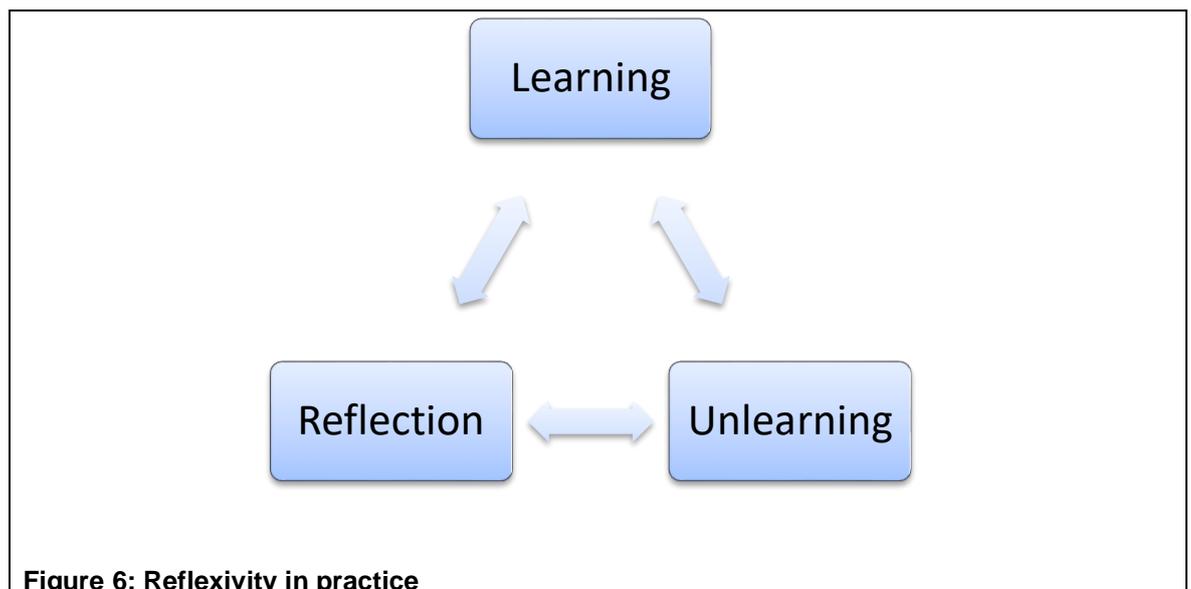


Figure 6: Reflexivity in practice

I began this research by situating the overarching research question within the broader literature and learning about relevant ontological and epistemological assumptions and their implications for research design. I attended a considerable number of courses, seminars, and workshops, and read dozens of related journal articles and book chapters, as well as a few books. In my personal memoir, I describe the first semester of the PhD programme as a ‘period of intensive learning’. Throughout this period, I continued to rewrite the proposed research question and redrafted the research design several times.

I gradually deepened the habit of critically reflecting on the literature, the research design and impact, the philosophical and methodological underpinning, and the hybrid self that I embody. The habit of constantly engaging in ‘epistemological reflexivity’ has helped me to test ‘the assumption that there can be a privileged position where the researcher can study social reality objectively’ (Palaganas *et al.*, 2017, p. 432). If objectivity is about a complete detachment from the messy reality of the research process and the knowledge it produces, then, by adopting a reflexive critical realist approach, I have essentially conceded that I cannot guarantee it in its naïve form. When conducting research that involves social reality, the notion that the researcher has to remain ‘impersonal, disconnected, distanced and inhuman’ and deny his or her ‘own agency in doing so’ is not compatible with the critical realist objective of integrating the researcher as an integral ‘agent with the object of research as a “real” thing’ (Olsen, 2007, p. 1).

One of the biggest challenges I encountered while conducting this research project is related to what Phipps (2019) calls the ‘struggle to decreate’. Reflecting on her extensive experience of engaging with people at the thresholds of political life, Alison Phipps eloquently articulates her experience as follows:

I have learned from indigenous people and those seeking or waiting for refuge with whom I have come into relationships, work and patterns of life which have required me to struggle, to unlearn and to decreate (Phipps, 2019, p. 14).

The tasks of struggling, unlearning, and decreating are not merely good research practices for an experienced outsider researcher; they are symbolic acts of “epistemic healing” by embracing inclusive modes of knowing while also simultaneously refusing to give in to the long-standing neo-colonial forms of knowledge production (Khan and Naguib, 2019). I, therefore, chose to situate at the centre of my inquiry the refugees’ realities. I listened not only to the stories and lived experiences of the participants but also to the meanings the participants attach to them. In the process of understanding the refugees’ experiences, I attempted to scrutinise Western notions of biopolitics and their application in the specific context of Eritrea. In Chapter 6, for example, I introduce concepts from the anachronistic customary and traditional norms practised in Eritrea to elaborate context-specific descriptions and meanings.

Furthermore, as a person and a researcher, I also unlearned as much as I learned during the research. I unlearned my own preconceived assumptions about the subjects of study and the challenges they face. Likewise, I attempted to unlearn my obsession with Western education and began to learn other ways of knowing. Above all, I found ways of listening to my ‘sensibilities, private emotions, passions, intuitions, fears, griefs or betrayals’ as Phipps (2007, p. 7) reminds us to do. For these reasons, I regard my experience of doing research as a transformative process that involved iterative processes of learning, reflection, and unlearning.

5.4 Ethical considerations

This research project involved human participants with complex and precarious life experiences, as well as professionals and “experts” with a myriad of vested interests. Hence, I undertook the required ethics and research integrity training before embarking on the research. I also sought ethical approval prior to going into the field, as required by the University of Glasgow’s Ethics Committee. Moreover, as an insider with lived and professional experience, I was not only able to anticipate the potential ethical risks, but also prepared thoroughly to mitigate the potential risks in advance of going into the field.

In practice, dealing *ethically* with the diverse groups of people in an unpredictable environment proved to be complicated, messy, exhausting, and, at times, emotional. To mediate the “messiness” of the research and address the ethical questions arising from its complexity, I followed Guillemin and Gillam’s (2004) helpful framework, which involves discussion of both ‘procedural’ and practical ‘dimensions of ethics in research’ (p. 262) as well as ‘ethically important moments’ that require special attention (p. 265). Guillemin and Gillam describe the distinction between ‘two major dimensions of ethics in qualitative research’ as follows:

- (a) procedural ethics, which usually involves seeking approval from a relevant ethics committee to undertake research involving humans;
- and (b) “ethics in practice” or the everyday ethical issues that arise in the doing of research (2004, p. 263).

However, the central ethical question for this research was not only about the distinction between the two dimensions of ethics -procedural ethics and ethics in practice -but also the dialectical relationship between them. Besides anticipating the mismatch between the two dimensions of ethics, other crucial ethics-related elements of the research involved developing contingency plans for every conceivable scenario in advance and addressing ethical issues at the right time. As suggested by the Association of Social Anthropologists of the UK and the Commonwealth (ASA), I identified three primary context-oriented ethical responsibilities: participants' safety and data security, community-related safety concerns, and the researcher's safety.

5.4.1 Participants' safety and data security

At the centre of the ethical concerns for this research were the participants' safety and data security. To ensure maximum participant safety and data security, I adhered strictly to the guidelines proposed by the ASA, the Scottish Educational Research Association (SERA), and the General Data Protection Regulations (GDPR). However, it is also necessary to mention that such guidelines were either non-existent or less relevant outside of Europe. For example, in Egypt, the GDPR, ASA, and SERA are commonly followed data protection guidelines. As such, I followed the UNHCR guidelines for working with refugees in conjunction with the aforementioned guidelines. These guidelines are binding, and they were referred to as the gold standard during the fieldwork in Egypt. When in any doubt, I consulted UNHCR legal advisers and StARS psycho-social caseworkers.

To ensure the participants' safety, deep consideration was given to the location and type of venue for the interviews and focus group discussions, timing, participant vulnerability, and the nature of questions being asked, all of which are critical aspects. The majority of the face-to-face interviews and all of the focus groups were conducted in the offices of local charities or in local community centres. In some cases, when participants preferred to be interviewed in their community centres, I followed the safety guidelines provided by the community centres. About timing, I adapted to the availability of the venues and to the participants' preferred times. There were circumstances in which it was not appropriate to stick to the planned length of

the interviews and/or focus group discussions. For example, there were instances when focus group discussions continued for longer than planned because the participants wished to discuss the topics slowly while having a traditional Eritrean coffee in their community centre. On such occasions, the coffee ceremony dictated the length of time dedicated to the discussions.

Despite adhering to ethical procedures and having contingency plans in place, there were moments when things did not go according to plan. There were 'ethically important moments' (Guillemin and Gillam, 2004), when I had to act in certain ways to assist vulnerable participants. In practice, such unique and ethically sensitive moments can occur at any time during the research process. As Guillemin and Gillam (2004, p. 265) note:

There can be all sorts of ethically important moments: when participants indicate discomfort with their answers, or reveal a vulnerability; when a research participant states that he or she does not want to be assigned a pseudonym in the writing up of the research but wants to have his or her real name reported; or the case described by Orb et al. (2001) of interviewing victims of violence about a difficult and distressing experience.

I must admit that I encountered many such ethically significant moments throughout the fieldwork. For instance, there were two instances in which I had to break with the standard ethical and data confidentiality procedures to help the participants involved. The first instance occurred during an interview session with an Eritrean woman named Harnet, who had been in the UK for sixteen years and had lost contact with her relatives in Eritrea. Harnet had come to the UK as a child with her mother, who had died in the first two years in their new country. Since that point thirteen years ago, she has been an asylum seeker without any legal status. Harnet told me that the UK Home Office had refused her claim several times because she did not have documents to prove her identity and had no relative to testify her Eritrean origins. Immediately after learning that I am originally from the same city in Eritrea as her grandparents, Harnet started to question me about her family, in the hope that I might know them.

The second incident occurred during a phone interview with a participant named Sham, who was in Libya at the time. Sham left Eritrea for Sudan in the middle of

2018, and after a difficult few months in Sudan, she attempted the risky journey to Europe via Libya. Unfortunately, she was abducted by traffickers who treated her 'like a dirty dog', as she described it. While her friend was strangled to death while being raped, Sham was kept by her traffickers for their sexual gratification. Luckily, after several months of her ordeal, she managed to escape the traffickers with the help of an Eritrean smuggler. After the escape, Sham needed to contact friends and relatives to seek financial assistance but did not have their contact details. So, she asked if I could track down her close relatives in Europe and share her contact details with them.

In both of the real-life scenarios described above, the participants were desperate for help; however, to provide the specific assistance they requested would evoke mixed emotions and breach the limits of the procedural ethics. I was therefore trapped in a dilemma between acting in line with my role as an active community member and fulfilling my role as a dispassionate researcher. As Taylor correctly points out, 'such an uncharted leap across the personal/professional divide is bound to cause some degree of both personal and professional crises' (2011, p. 13). The intersecting roles I embodied - simultaneously being both an active community member and a researcher - generated moments of crisis. During these ethically important moments, the notion of doing no harm by acting in accordance with the procedural ethics was insufficient, suggesting the need for enacting 'other moral values' (Hugman, Pittaway and Bartolomei, 2011, p. 1280). In fact, firm adherence to procedural ethics would have reversed the central principle of "do no harm" that underpins the rationale for the procedural ethics. In such circumstances, researchers are required to 'think seriously about what protections they can offer that are meaningful to study participants and appropriate for the context' (Fujii, 2012, p. 719).

I therefore showed flexibility by going beyond the procedural ethics and assisted the participants with their causes. Concerning the first scenario, while I knew that Harnet's grandparents had died a few years before, I could not tell her this right away. After discussing possible options, Harnet agreed to be referred to a local church community, which supported her during her difficult time. Based on the information I provided, the local church also assisted Harnet in tracing her

extended family members who currently live in Eritrea. Likewise, I assisted Sham in finding her relatives in Europe. Once I had managed to find her relatives, I notified them of the unpleasant news that Sham had been trafficked to Libya and that she desperately needed their help. In both scenarios, it was an indispensable asset to have the necessary professional skills and social network to deal with the circumstances as they arose.

Regarding the participants' data, I implemented strict data protection and confidentiality measures. I obtained signed participant consent, and anonymised field notes and other identifiers as I took them. The participants were referred to by de-identified names. I have followed strict standards of confidentiality throughout the research process and carefully removed or changed any details that might have rendered research participants identifiable in the thesis. This entailed the use of pseudonyms and also the changing of such identifying information such as location at time of interview, hometown, ethnic origin, significant dates, and family links. I have used my insider knowledge of the anthroponymic personal naming systems of my subjects in order to establish a systematic process for pseudonymisation that ensures none of the names used might indicate a participant's ethno-linguistic, religious or cultural background. Personal data are coded so that even someone with insider knowledge would be unable to identify individual research participants' stories, journeys and socio-cultural backgrounds.

Furthermore, written notes were taken in order to minimise the use of audio records, which might be uncomfortable for some participants. I typed interview notes into a spreadsheet created in the University of Glasgow's OneDrive, as recommended by the university. As part of the strict confidentiality measures, any notes written on sheets of paper or in notebooks were scanned and uploaded to the university's OneDrive, after which they were immediately destroyed. Where there was no immediate internet availability for uploading purposes or secure connections were not available, data was stored on an encrypted external hard drive and deleted after uploading. Throughout the research process, data protection was understood not as "a one-off event", but rather as a "process" that should be maintained until the end of the research (ASA, 2011, p. 5; Fujii, 2012, p. 717).

In some cases, due to the “problematic” nature of obtaining informed consent in public settings (for example, during participant observations where it was not possible to obtain signed consent from all the people being observed), I made sure that informed verbal consent was sought, as recommended by ASA. Whenever observing small groups, I always sought written consent from the participants. In addition to openly engaging with the refugee community, I also established connections with community outreach staff from the International Organisation for Migration (IOM), the UNHCR, and local charities. Moreover, I took note of the operational guidelines of the organisations and their organisational codes of conduct. From an ethical perspective, my active engagement with both the refugee communities and their service providers was vital for establishing trust, maintaining professional integrity, and acquiring best practices.

However, despite my attempts to make the data protection regulations contextually relevant, there were moments when the participants reminded me of some context-specific inconsistencies in the confidentiality procedures. In one of the focus group discussions I conducted in Cairo, for example, the participants expressed concerns about the consent form and what they would prefer it included. Salwa, one of the participants, summed up the group’s view as follows:

Hyab, these papers [the consent forms] are English bureaucratic procedures, but we will sign them because it might be a requirement for you to do so. You know, we are in Egypt, not in Britain...Your university does not know us, nor does it care about us. But we trust you and that you would protect our identities and data...We also know you’re not one of those manipulative journalists...You’re one of us.

When the participants raised such concerns, I suggested that the participants and I discuss them together and come up with some good practices. After about twenty minutes of discussion over a traditional Eritrean coffee, we came up with what the participants described in Tigrigna as *mebste’a*, which can be roughly translated as a “promise”. In the context of Eritrean culture(s), promises are understood as guaranteed protections against any sensitive disclosures. In other words, breaking promises is infrequent. The idea of obtaining informed consent

and verbally affirming a non-disclosure agreement worked well with this specific group.

However, as shown in the earlier examples, any unequivocal commitment to keep a 'promise' also presents a dilemma because it places the emphasis on maintaining confidentiality, 'rather than on when a breach of confidentiality might be ethically required' (Guillemin and Gillam, 2004, p. 264). I continually reflected upon such ethical dilemmas throughout the research process; for example, I created a group of five research participants to act as my 'peer supervisors'. From the start of my fieldwork, I organised fourteen peer supervision meetings (almost one a month) with this group, and they acted as my main mentors throughout the research process. The group comprised a former journalist, a trafficking survivor, a university student, a working professional and a researcher. In addition to taking part in interviews and focus group discussions, they provided me with continued guidance and advice on issues related to the limits of ethics and working with vulnerable refugees such as survivors of human trafficking.

Moreover, alongside other participants, the peer supervisors also read through all my draft findings and helped to validate my interpretations of the data. They have been a great support to me in navigating the messiness and complexities of doing research. If the University of Glasgow was to fully recognise the research participants' contribution to knowledge and their lived experience of the wretched reality, the peer supervisors would have been awarded doctoral degrees; that is what it takes to decolonise our knowledge production. The UNESCO Chair at the University of Glasgow agreed to provide a certificate of recognition to my research participants for their contribution to knowledge. Such a gesture, for them and for me, was empowering. It showed the university going beyond extractive practices of knowledge production and the tokenism of epistemic best practices, instead seeking to bridge the missing link between the real bearers of knowledge and the processes of knowledge production, recognition and dissemination.

5.4.2 Responsibility towards the community

Ethical risks that involve the wider community were infrequent in this research project. As Fujii correctly notes, however, ‘researchers should consider the implication of their presence throughout their term in the field and continue to take note of local political and social conditions as these shift and change’ (2012, p. 721). This was particularly relevant in the context of the fieldwork in Egypt, where refugees live in a precarious situation without basic protections. At the start of my fieldwork, for example, I was warned by members of the Eritrean refugee community in Cairo not to present myself as a researcher to Egyptian nationals such as landlords and security guards. Instead, I was advised to pretend to be an Eritrean refugee residing in Cairo. Hiding my researcher identity also meant advising friends and the research participants not to openly talk about my research activities, for their own safety as well as mine. This issue was raised in my first focus group discussion in Cairo in January 2020 by a participant who summed up the concerns as follows:

We will discuss all the topics you want, including the most sensitive ones like our experiences in the Sinai, but please keep your computer safe from the Egyptian mafia...If they find it, they will get all the information we gave you and we will all be jailed, including you.

In addition to taking these reminders into consideration, I also adhered to all of the required professional standards and maintained research integrity throughout the research process, as required by the university’s research integrity guidelines.

5.4.3 Researcher safety

Like the research subjects, I experienced fear due to the constant threats and discriminatory practices directed against refugees. Whether in the UK or Egypt, my legal status and social-cultural background meant that I lived in constant fear of marginalisation. To cite just a few examples, in the first ten months of the PhD programme, my partner and I were forced to change address after receiving abuse directed against us, including a hand-written letter stating, ‘We don’t need black people in this building’. Also uncomfortable were the long hours spent standing in queues on my way to or from fieldwork and the bureaucratic procedures required by my travel. The normalisation of these

emotional and physical insecurities in everyday life had an ethical bearing on my own safety. I lived through sporadic moments of feeling unwelcome, low self-esteem, and suppressed anger.

If my personal safety and security concerns were very minimal during the fieldwork in Egypt, it was because I took every precautionary mitigating measure that I could think of. I also worked closely with the Eritrean refugee community and local organisations, as well as with my friends, former colleagues, and supervisors. Before embarking on the fieldwork in Egypt, I conducted risk assessments and followed the security protocols and University of Glasgow internal procedures for clearance. When in the field, I abided by check-in procedures with my supervisors (usually by WhatsApp). Equally indispensable was my own previous experience of working for organisations in Egypt, including the UNHCR, StARS, and IOM. I also had a broad support network established in Cairo.

5.5 Concluding remarks

In this chapter, I offered my critical reflection on the research process, researcher positionality and ethical considerations. I have demonstrated that the affirmation of strengths and the evaluation of weaknesses are understood as informed choices based on data and reasoning. When reflecting on crucial aspects of the research process, therefore, I reflected on the choices made, the reasons for making such choices, and the implications of these choices for the research process. In short, I have shown how a combination of personal and professional experience, ethics and research integrity training, and supervisor support were used to maintain integrity and rigour in this research.

In the next chapter, I provide a brief analysis of traditional values, customary laws and the exceptional judicial framework in which they operated within Eritrea.

Chapter 6 The Limit of Traditional Norms

6.1 Introduction

‘Where are our *mamets* and *hanetays*’?

The above question arose in an interview with Medhin, an Eritrean mother who now lives in the diaspora. In a face-to-face meeting, Medhin agreed to tell me her family story in detail.

She began by telling me that her husband had died a few years before, after suffering from a chronic disease for almost a decade. She and her deceased husband had had three sons and a daughter named Haregu, all of whom had died. The three sons were killed in the successive wars with Ethiopia (one during the battle for liberation and the other two in the recent border conflict with Ethiopia) and Haregu drowned in the Mediterranean Sea trying to cross to Europe. Having lost her entire family one by one over the past few decades, Medhin had spent much of her life in grief. She had difficulty accepting the fact that she had not been able to bury any of her offspring.

Although Medhin had been mourning for decades, Haregu’s death was particularly painful. Fearing that she was ageing, and her health deteriorating, she had wanted her daughter to be with her, but Haregu was conscripted for indefinite national service. Medhin had never thought of leaving her hometown, where she was loved and supported by her childhood friends and close relatives; nor had she wanted to leave Eritrea, but she had been forced to leave after her only daughter left Eritrea to escape the draft. She followed Haregu to a neighbouring country, where they lived together until the daughter decided to pursue the risky journey that took her life. Having lost all her family, Medhin lived in exile and was scared of returning to Eritrea because of her secret exit from the country.

Although Medhin spoke with confidence and a determination to tell her story, she admitted that she had been exposed to unparalleled grief over the years without anyone to support her. She spoke with conviction of her sons as martyrs who had died for her own liberation and the liberation of the country they

loved. Nevertheless, despite gladly accepting their martyrdom, she did not understand why her convictions had turned out to be unfathomable nightmares. Comparing her present situation with her childhood, Medhin lamented:

I was born to a family of *mamets* and *hanetays*... I was *mamet*. If you ask me about now, I am nothing; I am an abandoned creature... I don't have blood around me but bones... the bones of my sons and a daughter, and of my husband. They're all gone, and I can't wait to join them soon.

From speaking to her, there was no doubt that frustration and the feeling of guilt for being alive dominated her life. For her, just being alive was a nightmare, and this was made worse by the fact that she was far from the only Eritrean to experience such a liminal existence. Tracing back her family tree over the last half-century, she listed more than a dozen men and women, young and old, who had perished in wars and dangerous journeys to exile. For her and many other Eritreans, this was not a new phenomenon; it was a generations-old tragedy that had been inflicted on them with impunity.

In this chapter, drawing insights from Medhin's evocative response and customary codes and bylaws traced back to the 15th century, I hope to shed light on the juridico-political landscape of the traditional communities in present day Eritrea. Moreover, I analyse stories of participants with lived experience to develop concepts that are rooted in the customary norms. The chapter has three sections. In the first section, I provide a brief analysis of traditional values, customary laws, and juridico-exceptional framework they operated in. I argue, drawing from Agamben's theorisation of the state of exception, that the customary norms existed in an entangled relationship with the exception forming an all-encompassing totality. In the second section, I discuss how the traditional values and norms were rendered obsolete and the encompassing totality—the 'juridico-exception'—was dismantled after the country's independence. In the last section, I revisit the main findings and draw concluding remarks.

6.2 The merger of the norm and the exception

Let me begin by clarifying Medhin's evocative question. When I asked Medhin about the reality that Eritreans faced and have been facing, she replied with the puzzling question: 'Where are our *mamets* and *hanetays*'? While I was trying to

process the inquiry in my mind, she continued her questioning with a fading intonation: 'Son, isn't that what you're trying to find out about?' I could only nod my head as a sign of approval for a question that I struggled to understand. I could however see that Medhin was pointing me towards a socio-cultural interpretation of the grim reality she faced and the underlying events that led to it.

If translated roughly without considering the socio-cultural context, Medhin's question would mean: 'Where are our heroines and heroes'? Yet the words *heroines* and *heroes* are not exact equivalents of the Tigrigna words *mamets* and *hanetays*. In Tigrigna customs and traditions, the *mamet* and *hanetay* (both in singular forms) represent conceptual epithets which have deep cultural meanings and predefined gender roles. These two terms are not merely words; they are archaic epithets used to symbolise deep socio-anthropological meanings and social roles. In the oral tradition of the Tigrigna ethnicity of Eritrea, *mamet* and *hanetay* convey deeply rooted cultural meanings entailing exceptional qualities and higher social status. While the *mamet* is a feminine figure that represents a symbol of beauty and elegance, the *hanetay* is a masculine figure associated with a rare feat. Although both epithets are in Tigrigna, similar concepts are reflected in most of the ethnicities in the country. In this study I refrain from translating the epithets and treat them as essential conceptual figures.

Hanetay is an epithet given to a male who has achieved a feat such as killing a lion. According to oral traditions, the *hanetay* has a long history and is still prevalent in some parts of the country. In traditional Tigrigna culture, killing a lion is considered as an exceptional feat and demonstrates semantic, metaphorical and conceptual higher qualities. The origin of the cultural interpretation of the epithet is not clear, but some oral traditions, predominantly among Orthodox Christians, link the interpretation to biblical references. At least five of the interviews I conducted for this study also linked the meaning of *hanetay* to biblical events. As far as I know, however, there is no evidence other than word-of-mouth to show the religious origin of the cultural meaning of *hanetay*.

After a reasonably thorough search, I found 37 verses in the Holy Bible about lions and, in almost all the verses, the lion is represented as an ‘eater’, a ‘killer’, and a ‘strong’ creature. Judges 14:5 seems particularly relevant to the understanding of *hanetay* among Eritrean people. In that verse, Samson asks his father to allow him to marry a young Philistine woman, but his father responds that he would prefer Samson to marry a woman from his own community. However, Samson insists on marrying the Philistine and both his parents decide to take him to the city of Timnah, where he has seen the young woman. The verses in Judges 14:5-6 read as follows:

As they [Samson and his parents] approached the vineyards of Timnah, suddenly a young lion came roaring towards him [Samson].⁶ The Spirit of the LORD came upon him in power so that he tore the lion apart with his bare hands as he might have torn a young goat.

The story continues with a narrative that Samson fed himself and his parents honey from the lion’s carcass and makes a riddle out of it: ‘Out of the eater, something to eat; out of the strong, something sweet’ (Judges 14:9).

The oral traditions about *hanetays* among Eritreans are similar to the interpretation of Samson’s riddle, but there is no reference to divine power in the case of *hanetay*. Unlike the Biblical narrative, the *hanetay* is associated with courage, strength, ingenuity and, to some extent, wisdom. For these reasons, a *hanetay* constitutes a higher social status; such a man is offered a special seat and dinner on ceremonial occasions, and his death generates the most poetic mourning. Also, Hanetay is dressed in a specially designed costumes part of which comes from his victim’s (lion) mane. Yet he is an ordinary figure whose extraordinary achievement is recognised in the community. The recognition of his achievement by the community, not by a divine power, describes his higher social status in society. Thus, *hanetay* is an epithet of nobility that embodies what Bourdieu (1989) calls ‘symbolic power’ to articulate one’s social status in relation to others. He embodies neither a divine power nor a king’s status, but a higher rank in society.

Paradoxically, the *hanetay* also embodies a naked biological body that can be sacrificed for the protection of his family and community. The vanity and nakedness of his status are elaborated and articulated through his exposure to

death. If a war or an attack by an enemy was to happen, the *hanetay* is expected to protect his community like any other member. In fact, he is seen as a war-like figure and identified with bravery among his peers. Wars or battles are not waged in his name, but in the name of a village or community. Nor does his higher social status give him an advantage over his fellow community members; he is always exposed to death when his community is under threat.

In traditional Eritrean patriarchal social organisation, the community is not only higher than the individual, but also calls its members to 'death' for its own protection. Ethnic groups and subgroups in Eritrea operated as subnational autonomous entities whose continuity was secured through the sacrifice of their members. Before they were rendered obsolete following the country's independence, the ethnicities had their own customary laws to delineate right from wrong, lawful from unlawful.

If the concept of *hanetay* in the traditional patriarchal society represents an honourable masculine figure, the idea of *mamet* depicts a symbol of purity and elegance in the community. *Mamet* mostly refers to unmarried women who have not engaged in activities and relationships that are perceived as 'immoral' by the community. For generations, the *mamet* was identified with beauty and elegance and people sang about her beauty and celebrated her virtue. Even in modern Tigriña songs and comedies, the *mamet* features as an enchanted idol of romance, attractiveness and wisdom. In the oral traditions and tales, there are no faults in the *Mamet's* beauty and elegance and no limits to her wisdom and intelligence. Unlike the *hanetay* who must achieve exceptional feats, the *mamet* acquires her totemic feminine figure through the effect of her body and meekness of wisdom on the perception of the community towards her. Yet, just as the *hanetay* was not necessarily a 'king', the *mamet* was not a 'queen' bestowed with authority to rule. This is not to undermine the notion that she was a queen in her own right, like any other woman in the community.

In a contemporary feminist perspective, characterisation as a *mamet* would be denounced as 'objectification' of women (Nussbaum, 1995). It is true that the idea of the *mamet* is a product of the community's objectification of a woman's body and mind and her self-realisation of this status in society. However, in the specified context and time, the epithet *mamet* carried a sense of respect and a

symbol of righteousness. In the traditional patriarchal society of Eritrea, the community was perceived as a collection of men and women in which the former had control over the latter. These practices are not yet eliminated from society and unequal relationships between men and women, between *hanetays* and *mamets*, are widely prevalent in rural areas.

Interestingly, the *mamet* also embodies a concealed potential for the 'bare life' of the community by acting as a figure who can consecrate the virtues and continued existence of the community. For example, the *mamet* exposes the nakedness of her community through her involvement in murder cases. The legal procedures for dealing with murder disputes varied from one customary law to another, as well as depending on the desire for reconciliation of the murderer's and victim's extended families and the intent of the murder (Estifanos, Abraham and Gebremeskel, 1938; Favali and Pateman, 2003). In Tigrigna and other ethnicities such as Tigre and Blin, '*garn gualn*' ('compensation plus a girl') is a common practice for ending a blood feud (Estifanos et al., 1938). '*Gar*' is the compensation paid by the family of a killer for murdering someone from another community and '*gual*' translates to mean a 'girl' or an unmarried woman given in marriage by the murderer's family to the victim's family as part of resolving the homicide dispute between the two communities. Exploring this practice, Favali and Pateman (2003, p. 94) note:

In addition to reconciliation and payment of blood money, peace was often secured by a marriage between a girl belonging to the lineage of the murderer and a man of the lineage of the victim. In the case of both parties, in principle, the closest relatives available had to be chosen.

A marriage for the purpose of ending a blood feud was permitted only if the families were not from the same community, as a marriage between members of the same lineage was considered as taboo and illegal. In fact, payments of compensation (*gar*) within close family lineage are rare; murder case between close family members is often treated as a family affair. However, a marriage for the purpose of settling homicide was not treated as a private family matter but as a community security issue. For example, *Higi Logo Chiwa* (the codes and bylaws of the Tigrigna-speaking Logo and Chiwa clans) 'strictly forbids' both victims' and murderers' clans from carrying weapons and breaching the specific

legal procedures on the day of the wedding, and if either of the clans is found to be carrying weapons or refuses to follow the procedures, they are subject to monetary fines (Estifanos, Abraham and Gebremeskel, 1938, p. 222; Hagos, 2014, p. 144).

After the marriage, the husband is forbidden from physically abusing his partner for ‘any reason’, because abusing the woman would re-instigate the blood feud. Hagos (2014, p. 144) perceptively explains:

A woman married to dry blood feud is exceptionally treated against any form of domestic violence. The husband is strictly prohibited from causing any domestic violence. Domestic violence is regarded as a stirring the blood feud.

In the traditional community, contrary to contemporary feminist perspectives, a woman married in this way to a man from the family of the victim was not necessarily perceived as ‘commodified’ or less valued, but as a well-respected woman whose marriage ended the most heinous crime in the community. She was treated with great respect for bridging two communities and restoring the blessings of coexistence. Ironically, however, the woman earns the respect and social status she is afforded through sacrificing her body in the process of securing the community’s coexistence. As Hagos (2014, p. 144) succinctly explains:

The trickle of bleeding in deflowering the bride is deemed equivalent to the shed bleeding of the deceased. The husband, being either the son or the nearest relative of the deceased, is deemed to revenge through breaking the hymen of the daughter or nearest relative of the homicide perpetrator.

In the marriage for the purpose of settling homicide disputes, no ‘consent’ was sought from the woman and if the woman escaped, either the perpetrator or his close relative was killed in the homicide revenge; if the perpetrator fled, his ‘brother [or close male relative] was killed to settle the shed blood’ (Hagos, 2014, pp. 144-145). As such, the woman appears to be exchanged for the community’s continuity and the individual security of men, including the perpetrator.

Blood compensation and marriage (*garn gualn*) was a commonly used practice for resolving a murder dispute; granting asylum for the murderer was another procedure. In both cases, however, the crime of murder brought the possibility that the entire community could be reduced to Agamben's enigmatic figure of 'bare life'. According to the traditional codes and bylaws, if, after both sides have agreed to end the blood feud through compensation and marriage, a person from the victim's family kills or attempts to kill someone from the murderer's family and is killed in the process or afterwards, their death is not considered as murder (Estifanos, Abraham and Gebremeskel, 1938, p. 164). Whoever goes against the agreement to end a blood feud becomes an outlaw who can be killed without committing murder. Thus, the traditional codes constitutively excluded those outlawed in this way in a realm of extra-legality.

The story of Yonas—an Eritrean man who lived in Europe—confirms the possibility of the murderer's family being exposed to unconditional threat of death. Yonas' father had killed a man from a different tribe in a fight over a strip of land. After the killing, both the murderer's and victim's tribe agreed on *garn gualn*—compensation with Yonas' sister to marry the son of the victim—to resolve the murder dispute and potential blood feud. As Yonas described, however, this did not go ahead:

It was agreed for the son of the victim to marry my sister, but she did not want to marry him... So, she left Eritrea for Saudi Arabia... It is complicated... Let me say this. After my sister had left, we were all targeted by the tribe... The [victim's] tribe accused my dad of helping my sister to escape and they threatened to kill him, and ultimately killed him and my youngest sister in a revenge.

The murderer's family could not offer another girl because it would be considered as an insult to the victim's family. The *garn gualn* agreement was already abandoned by the victim's family, which was allowed under the customary law (Estifanos, Abraham and Gebremeskel, 1938, p. 164). As such, it was obvious that Yonas' family were exposed to unconditional threat of death; they became 'bare life' as Agamben would say. This was confirmed by the killing of his father and young sister. Unfortunately, the killing of the murderer (father) and his daughter might not end the blood feud. When I asked Yonas if the blood feud has since stopped, he replied that he 'did not know' but he had hopes that religious leaders and elderly people in his village would intervene. He thinks

neither his father's nor his sister's killing was 'lawful' because he believes the other victim was killed unintentionally in the fight. Yonas recognised that the victim's blood was ignored for so long and that his father had to pay the price, but the murder of his innocent sister was unjustifiably egregious. Worth noting, it was often men who kill and become target of revenge which was another reason that made the killing of Yonas' sister so exceptional and unjustifiably vicious.

All three murders happened before Eritrea's independence, and neither of the families brought the issue to the state's judiciary system after the independence. Hence, the dispute was not resolved and both families remained suspicious of each other. The irony therefore is that the hostile relationship between the families continued, but in a concealed way, in a realm outside the scope of any form of protection. If they were to confront each other, both families (and their tribes) could have exposed each other to an unconditional threat of death. This reveals the limits of the customary laws and the concealed bare life status of the families and communities involved.

In the above example, or in any other scenario where an individual or a family feared for their lives after committing murder, the community voluntarily would take an initiative to grant asylum to those who feared for their lives. As Favali and Pateman (2003, p. 87) note:

If after the crime the murderer managed to escape to someone's house, he received protection, and his protectors had to accompany him out of their own territory until he reached safety. Other special places, such as a holy grove, cemeteries, and venues where assemblies were held offered him the same asylum. Whoever tried to follow the murderer into one of these sanctuaries could be murdered by anybody in the community, and no blood feud or money could be demanded in this case.

This was what the killer of Yonas' father and sister did after committing the murder. As Yonas told me, the murderer moved from his hometown and sought asylum from a community in another town; he even got married to a woman from the guarantor community and lived with them with his wife and three children. For Yonas, for the murderer to walk free was unfathomable; he wanted to bring him to justice. Nonetheless, the fact that Yonas lived in exile as a

refugee means that he cannot bring the murderer to justice in his home country. The only alternative was, according to Yonas, 'to either live with the trauma of it' or 'embroil' in a spiral of revenge with the murderer's family. He feared for his life and described in Tigrigna his experience as *langa langa hiwet*, which literarily and semantically translates to 'life in limbo'.

The customary practice of granting asylum to a murderer entails exposure to bare life of the communities involved. This is not to say that the asylum practice was intended to render the death of the victim unsanctionable, nor does it mean the grant of asylum exonerates the murderer or his lineage from wrongdoing; it was envisioned to guarantee the immediate protection of the murderer and a temporary halt to potential hostilities until the reconciliation and compensation process of *garn gualn* was considered by both sides. However, if the family of the victim decided not to adhere to the principle of *garn gualn* and wanted to kill the murderer, the customary law did not object to it; for example, the Adkeme-Melga'e customary legal system affirms that 'if the victim's family were to refuse a proposal for compensation and wanted to kill, they should kill in the same manner their loved one was killed' (Estifanos et al., 1938, p. 164, my translation).

The customary law's inclusion of revenge by the family or clan of the person slain suggests the invitation of the exception as part of the customary norms. If a person from the victim's family committed murder in revenge, the customary law offered protection to the avenger. In the above example, however, the families went beyond the limit of the customary norms by engaging in an unsanctionable killing that resulted in the murder of two people. Incongruously, unrestricted protection of the cruel revenger was implied in the customary norms through the recognition of the asylum sanctuaries despite committing double murder. By seeking asylum, the murderer was guaranteed protection, at least in principle, despite committing homicide, and the family of the murdered would be killed with impunity by the guarantors if they were to attack the killer of their loved ones.

The irony of granting asylum to the murderer is that the victim's clan was pushed to the limit of the law and could do whatever it took to retaliate for the killing of their family member. In the worst-case scenario, they could decide to

pursue the killer and confront the guarantors of protection, but if they chose to do so, they would risk being killed with impunity. The victim's family could also be involved in a vendetta with the murderer's family. In this case, the entire community—the victim's extended family, the murderer's clan and the asylum guarantors—could be embroiled in an unsanctionable killing in a realm outside the scope of the traditional norms. Thus, granting asylum to a murderer could only be guaranteed by exposing the entire community to a potential unsanctioned threat of death. From this perspective, the customary laws seemingly excluded the exception from the norm while also remaining in an oxymoronic relationship with it.

6.3 Independence and the abolition of the traditional norms

In a centralised system of nation-states, the logic of the nexus of the exception and the norm in the traditional Eritrean society was inevitable that it would require abolishing the juridico-exception or abandoning the traditional norms altogether. In either case, however, the community would have to either return to John Locke's 'state of nature' or surrender to a new political entity. Thus, Eritrea's independence in 1991 offered a new radical turning point in the juridico-political landscape of the country. It marked the end of two dominant forces that shaped the juridico-political landscape of the country: colonialism and the customary laws. Firstly, it brought to an end the centuries of successive colonial domination. As I briefly discussed in Chapters 2 and 6, the country's independence has led to the creation of an autonomous state with its borders demarcated and its sovereignty recognised on the international stage.

Secondly, the formation of an independent state of Eritrea created a political situation in which communities would have to abandon their traditional codes and surrender to the state. Initially the transitional government ratified a constitution to replace the customary codes and bylaws as a source of law, but the constitution was discarded before implementation at the brink of the border war with Ethiopia (Hedru, 2003; Woldemikael, 2013). The government used the border war as a pretext to set aside the juridico-exception totality and create a new encompassing regime at the centre of which is an unaccountable sovereign power that rules by centrally administered orders. On the specific issue of *garn*

gualn, 'the customary codes have been implicitly amended and the settlement of homicide through martial union is barely practiced. It has been substituted with the scheme of blood money' (Hagos, 2014, p. 145).

Historically, as Arendt (2017) argues in her book *The Origins of Totalitarianism*, centrally administered authoritarian governments use 'rule by decrees' to render traditional norms anachronistic. Referring to the effectiveness of the 'rule by decree' in dismantling customary norms, Hannah Arendt writes:

It can easily overcome the variety of local customs and need not rely on the necessarily slow process of development of general law. It is the most helpful for the establishment of a centralized administration because it overrides automatically all matters of local autonomy. (2017, p. 319)

Like many other authoritarian regimes, the post-independence transitional government used centrally administered decrees to replace traditional norms with the rule of an iron fist (Hirt, 2010; Woldemikael, 2013). The traditional sources of community rifts—*Blood, Land and Sex* (2003) as Favali and Pateman describe them—are violently suppressed under the new regime of rule by decrees. For instance, adjudication of all criminal activities involving serious crimes such as murder has become a matter of state jurisdiction.

Once the traditional norms were rendered anachronistic, communities lost their source of law and the state became a reference point for everything. Breaking from long-preserved traditional norms has led to reconfiguration of the social fabric of communities. After the traditional norms were dismantled piece by piece, the patriarchally organised communities were finally united into an all-encompassing political whole. The traditional social divisions and gendered hierarchies were abolished. In the traditional community, the relationship between the individual and the community was based on mutual respect, and each had powers over the other. The individual had the power to invoke the state of exception or not. If I return to the example of murder, anyone from either side of the families involved could instigate the blood feud. By doing so, the revenger could impose unsanctionable killing on the community. After independence, however, such a complex relationship between the individual and the community was shifted to a servant/master relationship between the

individual and the state. Eventually, individuals lost their sense of communal identity in favour of territorially rooted national identity (Sorenson, 1991; Bernal, 2004).

The new relationship between individuals and the state has impacted people's aspirations and life goals. Linking the breakdown of the traditional 'hybrid system of norms and values' to the concept of 'anomie', Hirt (2010) shows that 'culturally prescribed aspirations and the socially structured means to realize these aspirations are dissociated, as culturally accepted goals cannot be reached using socially accepted means' (pp. 10-11). She links the 'normlessness' to the open-ended national service that is commonly referred to as Warsai Yikealo Development Campaign (WYDC). The WYDC was introduced by the government in 2002 with the goal of rebuilding the country's economy and infrastructure in the aftermath of the border war with Ethiopia. However, it has since then installed as an apparatus to keep all able-bodied Eritreans in an indefinite national service (Hirt, 2010; Kibreab, 2013). Hirt argues that, by installing and legitimising indefinite national service, the government has disconnected 'a whole generation' from their 'customary values' and 'societal goals' (2010, p. 11).

The immediate post-independence period can be described as a period of biopolitical surrender in which the state achieved a complete surrender of the community and the individual to its mighty power. In this biopolitical process of surrendering to a new political entity, a phenomenon started by the Italian colonisation and fully realised after independence, the juridico-exception was dismantled, and the traditional way of living was disavowed. Eventually, the country was dragged into a rule of 'exception' that is based on the nonexistence of law, not the suspension of the law.

Therefore, the grim reality in Eritrea emanated from a moral vacuum and political exception. Many older generations of Eritreans such as Medhin had lived through the norms and traditions of the community, had been part of the struggle for independence, and had seen the abject transformation that Eritrea has undergone since independence. The younger generations witnessed their country irrevocably dismantling customs and tradition and transforming itself into a lawless space and its people to unprotected citizens. In post-liberation

Eritrea, *hanetay* and *mamet* have lost their social status and became immobilised in a carceral system as captive servants of the state as I will discuss in the next chapters. While the former is transformed into an indispensable servant of the country, the latter has become a ‘sex slave’ at its worst (Kibreab, 2017a). In short, they are immobilised in a realm of permanent exception.

6.4 Concluding remarks

The interplay between social organisation, crimes and the customary laws suggests three conclusions from which the limit of the traditional norms and the rule of juridico-exception can be drawn. First, it is clear that traditional Eritrean societies had customary laws to deal with their transgressions and disputes, and to uphold their societal values, but it can be argued that the customary norms have not progressed from their early stages. Centuries of colonialism—from the century-long Turkish occupation to the Ethiopian annexation of the country—have not only curtailed the evolution of the customary norms but also threatened them with abolition. As Mbembé (2003, p. 25) articulates, ‘*Colonial occupation* itself was a matter of seizing, delimiting, and asserting control over a physical geographical area—of writing on the ground a new set of social and spatial relations’ (emphasis in original). The Italian occupation was a notable example. Not only did the Italian colonial rule create Eritrea, it also formed a new pyramid of social strata divided into two categories: the settler Italians and the native others. At the top of the pyramid were the settlers enjoying the benefits of the colonial structure, and the natives were suffocated with fear, violence, discrimination and unimaginable brutality (see Barrera, 2003). The local Eritreans’ customary laws were banned, their traditional ways of life challenged, and they were condemned to the status of naked life in their own homeland (Woldemikael, 2013). Eventually, the entire country was transformed into a lawless bounded space.

The rule of the state of exception that fully came into effect during the Italian colonisation was deployed as an untenable rule by the colonial regimes that followed. Shortly after Italy’s defeat, the British Military Administration (BMA) imposed a policy of plunder and surrender. It looted Eritrea’s infrastructure and divided the local communities on the grounds of religion, ethnicity, and geographic location. The BMA’s policy was an antithesis to Eritrea’s

independence and self-rule. The colonial administration's agenda of erasing Eritrea as a country was later continued by Ethiopia, for over three decades of brutal suppression. Hence, the exception was the dominant paradigm of governance during colonialism.

Yet, it is also important to note that despite the imminent threat of the exception and colonial abolitionist agenda, customary codes, practices and ways of living continued to play a vital role in the fabric of the traditional communities who, for generations, inhabited what is now called Eritrea. Written sources of the customary practices can be traced back to the 14th century and have survived centuries of colonialism and constant foreign invasion to ensure continued coexistence between communities (Estifanos, Abraham and Gebremeskel, 1938; Hagos, 2014, pp. 10-13). Although they did not evolve to meet the current demands of the community, the remnants of the traditional codes and practice continue to play a significant role in the operation of restorative justice in the rural part of the country. That said, they are not enshrined in a constitutional law as there is none in independent Eritrea. The remains of the traditional codes and norms are now on the brink of extinction.

Second, in the context of Eritrea, in contrast to Agamben's theory of the 'state of exception', the formation of such a sphere beyond the recourse of the traditional norms was not a consequence of the suspension of the law. According to Agamben, the state of exception refers to the creation of a sphere in which the norm is separated from its application and the latter is suspended. In Agamben's terms:

This means that in order to apply a norm it is ultimately necessary to suspend its application, to produce an exception. In every case, the state of exception marks a threshold at which logic and praxis blur with each other and a pure violence without *logos* claims to realize an enunciation without any real reference. (2005, p. 40).

As in the example of granting asylum for murder, the customary legal norms give way for the state of exception to become the rule, not because of the *suspension* of their application but because of their insignificance beyond the *limit* point. The limit point—the threshold at which the customary law renders itself insignificant—was reached at a point of transition from the norm to the

exception. Once a blood feud was instigated, the suspension of the customary juridical norms was not required for the activation of the rule of the exception because it was already put aside; what was necessary was the invitation of the exception. And the exception invoked itself at the limit of the customary law to take over as a rule.

The invitation of exception into a rule can also be traced in the legal status of children in the customary communities. In the traditional Eritrean communities, the murder of a child by his or her father was not punishable within the traditional norms. The *Adkeme Melga'e* customary law, for example, asserts that 'a parent who killed their child should not compensate' (Estifanos et al., 1938, p. 164, my translation). Here, the phrase 'a parent' refers to the father, because the customary law condemns the mother to end her life by 'hanging' herself if she were to kill a child (Estifanos, Abraham and Gebremeskel, 1938, p. 164). This means paternal filicide was allowed under the customary law while maternal filicide was forbidden. Hence, children were placed in a sphere outside the recourse to the customary law in relation to their fathers. Mothers were, too. The customary logic of maternal filicide condemns mothers to become the victim of themselves by committing suicide. Thus, the incompleteness of the old traditions means that the norm and the exception would have to merge, forming a new totality. This inevitable union of the norm and the exception is what I refer to as the juridico-exception.

The union of the norm and the rule of exception—the juridico-exception—indicates a state of inseparability between the biological life and its political counterpart. In the example of child murder, for instance, killing a child was not punishable if committed by fathers, but it was treated as murder if committed by the child's mother or other members of the community. Therefore, the child embodied both 'bare life' and political status at the same time. Children were born and raised in a condition of 'bare life' vis-à-vis their fathers but earned politicised status in the community. For this reason, children in the traditional community had juridico-exceptional status. Their legal status was posited in a realm of indistinction between a threat of unsanctioned death (the exception) and political existence (the juridical).

The moment the juridico-exception became the norm, naked life took over as the dominant form of life. The juridico-exceptional status was not confined to children but involved the entire communities. In the case of a blood feud between two neighbour communities, for example, unsanctioned killing could potentially continue for generations, regulated by the rule of exception. At the same time, paradoxically, the customary codes remained relevant within each community and between both communities in matters within the limit of the law. For instance, the traditional norms continued to serve the community on issues such as wedding customs and minor disputes over land or an asset. Hence, both the exception and the law operated in unison as subsets of the juridico-exception to create juridico-exceptional bodies.

Therefore, Agamben's 'biological life' (*zoe*) and the political counterpart (*bios*) existed in unison in the body of every community member and the former remained in concealment until activated by exceptional circumstances such as murder. In the same way as the exception and the norm exist in totality, the naked life and its political counterpart intersect in the body. Depending on the subset of the totality in operation, one at a time may be constitutively disavowed. For instance, it is unfathomable and immoral for fathers to kill their own children; hence, it was unlikely for children to experience the concealed 'bare life' status during their childhood. The opposite was also true with ex-nuptial children and children of slaves.

Finally, whether in the example of the blood feud or with regards to the legal status of children, we see demonstrated the traditional communities' state of 'being' in a liminal space between 'life' and 'death'. This is what Jonas meant by 'life in limbo'. Communities were neither fully protected by their customary laws nor utterly reduced to Agamben's bare life. They embodied both at the same time. From this standpoint, I argue that the form of life in the traditional communities was posited between life and death, because their existence was secured neither in life nor in death. For every individual member, every given moment was potentially a question of life or death. Members of the communities occupied a precarious liminal position within the all-encompassing juridico-exception. It is worth quoting Foucault (2005, p. 303) at length here:

For life—and this is why it has a radical value in nineteenth-century thought—is at the same time the nucleus of being and of non-being: there is being only because there is life, and in that fundamental movement that dooms them to death, the scattered beings, stable for an instant, are formed, halt, hold life immobile—and in a sense kill it—but are then in turn destroyed by that inexhaustible force. The experience of life is thus posited as the most general law of beings, the revelation of that primitive force on the basis of which they are; it functions as an untamed ontology, one trying to express the indissociable being and non-being of all beings.

Unlike Agamben's enigmatic figure of the bare life, Foucault's 'untamed ontology' allows us to imagine 'life itself... as a force' and draws no 'border between being and non-being' (Tarizzo, 2011, p. 55). For Foucault, 'beings are no more than transitory figures, and the being that they maintain, during the brief period of their existence, is no more than their presumption, their will to survive' (2005, p. 303). Hence, Foucault argues, 'the being of things is... a veil that must be torn aside in order to reveal the mute and invisible violence that is devouring them in the darkness' (2005, p. 303).

In Foucault's analysis, there are two forces acting up on the beings: one 'devouring' the being from inside and the other taking charge of it from the outside. The former is the 'force-of-life' that 'every form-of-life is reduced to' and dies from (Tarizzo, 2011, p. 55). The latter can be traced in the unsanctioned annihilation of beings. In traditional Eritrean society, the former is understood as the "will of God" and the latter the opposite, the sins and transgressions of humankind. While sin was broadly understood as a subject of religion, the law was implied as a virtuous tool to deal with transgressions and crimes in ways that are consistent with the divine will. The *Adgna-Tegeleba* customary system, for example, defines law as 'a noble thing that keeps kings, monarchies and societies in concordance with God's will; it also protects and regulates communities to live peacefully' (Estifanos et al., 1938, p. 9, my translation).

While the submission to the force-of-life—the will of God—was widely perceived as a divine norm and an innocuous surrender, the crimes and transgressions of human origin were subjects of the customary norms. The customary laws however existed in convergence with the unsanctioned annihilation of beings, forming juridico-exceptional rule. From this perspective, therefore, the subjects

of the juridico-exception—the juridico-exceptional bodies—were trapped at a point of intersection between the force-of-life and the rule of exception. Their state of being and right to life were mediated by these unaccountable forces, and communities were placed in a precarious limbo between life and death. This ‘life in limbo’ can be theorised as an ‘untamed life’—a form of life that is neither articulated in life nor buried in death but trapped in a survival mode in-between these two extremes.

The untamed life is different from Agamben’s enigmatic characterisation of the bare life that is produced at a zone of indistinction between law and its constitutive outside. It appeals to what Jenny Edkins and Pin-Fat call as ‘politics of radical relationality’ or ‘a direct, unmediated, visceral response, life to life’ (2005, p. 23). When Yonas said that he did not ‘know’ whether the blood feud would stop, he was hopeful that the radical human-to-human and intersubjective relationality between the two rival families would stop the unsanctioned killing. He understood that neither customary law nor the country’s judiciary system would resolve the perpetuated killing. For him, the only way to resolve the unsanctioned killing was for the families to come together and reach an agreement to stop the hostility. This is why he hoped religious leaders and elderly in his community to bring both families together.

At a conceptual level, the untamed life must be understood as a ‘force’ in ways similar to Foucault’s formulation of life itself as a force. As a force, it exposes the ‘radical evil’ (Owens, 2008, p. 527) that is embedded in the foundation of the nation-state system and produces unprotected lives or lives in limbo. The untamed life embodies the capacity to resist both the suspension and the limit of the law and appeals to an ‘intersubjective contact: eros and other forms of love as well as communication or understanding in terms of language and knowledge’ (Maldonado-Torres, 2016, p. 21). In doing so, however, it also lays bare the natural condition of human beings to engage in ‘war of all against all’ as John Locke has famously argued. Unlike Agamben’s bare life, however, by appealing to radical human-to-human relationality, the untamed life opens a space for reflection and resistance to the sovereignty and anarchic capacity of the human nature. As such, the notion of untamed life that is neither recognisable in ‘being’ nor obscured in ‘non-being’ allows us to imagine an

ontology of existence, of being, outside Agamben's bare life and Eurocentric notions of metaphysics. As a force, it has the potential to be harnessed as a significant instrument of a positive change.

Chapter 7 Eritrea as a “Carceral State”

7.1 Introduction

Chapter 6 shed light on the customary formulation of the juridico-exceptional totality and its obsolescence following Eritrea’s independence. I described the immediate post-independence period as a period of biopolitical surrender, during which the state was able to achieve the complete submission of the community and the individual to its mighty power. In this chapter, I investigate why many Eritreans of all ages flee their country in large numbers. I examine the conditions of “no-laws nor rights” and the generative mechanisms driving emigration from Eritrea. The core aim of the chapter is to uncover the complexities and perplexities of life and living in Eritrea.

This chapter is divided into two sections. In the first section, I examine the modalities of punishment and control in post-liberation Eritrea, where the unchanged and unelected government has deployed modes of production and administration of power that circumvent normality and perpetuate exceptionality. This power manifests itself by imposing on the country’s people a rule of “no-laws nor rights”, open-ended national service (NS hereafter), arbitrary incarceration, and forced disappearance. These practices are neither “legal” nor “illegal” in the context of Eritrea because no law ever existed to protect or rescue citizens from the threat of sovereign power. The chapter’s second section revisits the main findings and summarises the nature of the rule of “no-laws nor rights” and the politics and form of life that are produced and securitised by the modalities of punishment, control, and biopolitical utilisation.

7.2 Modalities of punishment and control

I begin this section by offering three typical accounts of the punishment and control commonly faced by many Eritreans in their daily encounters with the state. The accounts are short summaries of several research participants’ experiences, which are broadly representative of the accounts of the majority of the research participants.

Sada’s story

Sada, 34, was born in the city of Keren in Eritrea. He went to primary and secondary school in his hometown, before moving to Sawa (a military training camp) to undertake intensive military training and participate in the matriculation exam for grade-twelve students. Sada completed the military training and passed the matriculation with distinction. He then went on to complete a bachelor's degree at the Eritrean Institute of Technology.

After completing his undergraduate studies, Sada was assigned to the Ministry of Education's curriculum development department, where he worked as a curriculum developer for primary and secondary education and was involved in reviewing the curriculum for secondary education. Sada described his work there as 'endless national service'. After several years of service, Sada fled Eritrea for Sudan, as he recounts in the verbatim excerpts below.

Researcher: Can you tell me why you decided to exit Eritrea?

Sada: Because I was stuck in an unbearable system of administration in an endless national service.

Researcher: What do you mean by 'stuck in an unbearable system of administration'?

Sada: I mean... I couldn't move freely, nor could I speak for myself. It was like I was in the middle of an invisible fire that I couldn't see.

Researcher: Can you give me an example?

Sada: One day, I asked my supervisor for a movement paper to visit my grandfather who was sick at the time and he referred me to the Ministry of Education to get permission. I went there and met an officer in the Ministry who referred my request to laEleway akal [higher authority]. I was told to come back the next day because the officer who signs the [approval] letters was not there. I returned the next day in the morning, again the officer was not there... I was told to come after a week. I was frustrated, you know... If I'd attempted to go without a movement paper, I would have been arrested at the checkpoints.

Researcher: So, what did you do?

Sada: I went back after a week. Again, the officer was not there. And I was told to wait another two weeks before I asked again. I left the office and cried.

Researcher: Did you succeed in the end?

Sada: No, not all.

Researcher: So, what did you do?

Sada: I decided to do something wrong... I looked at the signature on my previous movement letter and signed the paper myself and took it to a receptionist for the official stamp, but she knew it... She immediately called the police... I ran away before the police came... That's when the idea of fleeing Eritrea came into my mind.

After the incident, Sada did not return to his house in Asmara, as he feared that the police would follow him to his address. Instead, he decided to walk all the way from Asmara to Keren to see his grandfather. Unfortunately, his grandfather died just a couple of days before Sada arrived at his hometown. A few days later, Sada received a call from his supervisor, who warned him of the 'grave consequences if he did not escape the country'. He then smuggled himself to Sudan.

Fortuna's story

Fortuna was born and grew up in Asmara. She joined the NS in 1996 as a member of the fourth round of military trainees in Sawa. After completing the training, she served in the NS for 18 months before returning home. Unfortunately, like all other Eritrean NS recruits at the time, Fortuna was called back to the military at the start of the border war with Ethiopia in 1998. She was assigned to the Assab frontier in the southern Red Sea region, where she remained until 2004.

Fortuna was engaged in combat during the three-year border war and still experiences pain from the injuries she sustained during the war. In 2004, after almost eight years in the NS, Fortuna was allowed to retire from the military for medical treatment. Upon her return to her hometown, she found that both of her parents and her only brother had died. Her parents died from illness, but her

brother was killed in the war with Ethiopia. She was devastated by the deaths of her parents and her brother. Showing me the photos of her parents and brother, Fortuna lamented as follows:

I took part in the war and I saw people dying... I lost some of my best friends. I also expected my brother's death because I knew he was in the special forces and they suffered heavy losses. But my parents' death was... no words can explain... I found my home empty, no one was there. I went to our neighbours to find out about them [my family] ... I never returned to the empty home afterwards... All the years of service were for nothing. I didn't even have the money to buy bread... Our neighbours fed me for two months.

Devastated by her loss, Fortuna decided to flee Eritrea in the hope of joining her only sister, who was in Egypt at the time. She managed to get a passport from the Eritrean authorities and safely exited the country for Egypt.

Musa's story

Musa, 62, lived through much of the Ethiopian occupation of Eritrea. He even joined the Eritrean Liberation Front (ELF) in the late 1970s, where he served as an assistant paramedic for over three years. In 1981, Musa escaped the ELF. He lived in Sudan for ten years before returning to Eritrea in 1991. Upon his return, Musa married a woman from his community, and they went on to have four children together.

Like many other Eritreans, Musa was instructed by his local government to join the military during the border war with Ethiopia in 1998. Fearing for his life, Musa defied the government's instructions and went into hiding. Unfortunately, he was arrested by the security police in 1999 and put in jail for more than three years.

Musa recalled that he was 'interrogated, tortured, and insulted' in prison. After three years of imprisonment, Musa was recruited for military training and then assigned to the army. When I asked Musa about his family situation after joining the army, he replied: 'Ten years later, in February 2010, my wife and my children visited me when I was in service in the Gash-Barka region... I was never allowed to visit them at all'.

A year later, in 2011, Musa was jailed again by his own colleagues in the army. Explaining why he was arrested, Musa lamented:

I was detained because I asked about my brother who has been in prison since 1994. I told them that I wanted to see my brother before he died... I did not even know if he was still alive. They never responded... My unit leader ordered my arrest, and I was put in a container for a week and then transferred to the Miet'r prison.

Musa reported that he was kept in solitary confinement for over six years in the Miet'r prison before he finally escaped the prison and left Eritrea for Sudan. He managed to escape with a relative who, at the time, was working as a prison officer in the Miet'r prison.

In the context of Eritrea, there is nothing exceptional about either the 'unbearable system of administration' and indefinite NS that Sada and Fortuna underwent or the decades of arbitrary incarceration that Musa lived through. In fact, the corroborated data from the participants' accounts demonstrate that these modalities of collective repression, coercion, and punishment are everyday realities that Eritrean people have been living through since the country's independence. As Sham, for example, explicated:

You know, the truth about Eritrea is that it is a story of a dictatorial state that can only be identified with wars, death, detention, torture, and servitude. I lost my father, three cousins, and two uncles, who all got killed in war... These are the stories you will hear from friends, relatives, and families in Eritrea. What else can you expect? People flee their country to save their lives.

Accounts of collective suffering, indignation, and rightlessness dominated my conversations and engagements with the Eritrean research participants. The most dominant theme that emerged during my extensive interaction with the participants is that the end of colonialism and the obsolescence of traditional norms in post-independence Eritrea have led to a new beginning: the emergence of a "carceral system" as a ruling modality. The notion of "carceral system" appears in Foucault's seminal work *Discipline and Punish*, and is theorised as 'a whole series of institutions which, well beyond the frontiers of criminal law, constituted what one might call the carceral archipelago' (Foucault, 1991, p. 297). Foucault (2012) clarifies:

The “carceral” with its many diffuse or compact forms, its institutions of supervision or constraint, of discreet surveillance and insistent coercion, assured the communication of punishments according to quality and quantity; it connected in series or disposed according to subtle divisions the minor and the serious penalties, the mild and the strict forms of treatment, bad marks and light sentences. (p. 299)

Foucault asserts that the techniques and institutions of punishment and control deployed by the carceral system are not confined to the prison; they penetrate into society through a chain of disciplinary and punitive techniques. The prison complex, with its institutions and technologies of incarceration, surveillance, supervision, and rehabilitation (Foucault, 2012; Silverman, 2015; McNeill, 2019), the “smart” border and its electronic passports, biometrics, entry/exit points, and checkpoints (Salter, 2004a, 2008a), and the bureaucratisation of life through regimes of control and punishment which are inextricably embedded in our daily lives are just some examples of the manifestations of the carceral system in modern societies.

Carceral system and biopolitical supervision can be found in many sovereign states, liberal and authoritarian alike. In fact, these operations of power are embedded within the fundamental principles of “governmentality” and “sovereignty”. Governmentality is commonly understood ‘as a mode of power concerned with the maintenance and control of bodies and persons, the production and regulation of persons and populations, and the circulation of goods’ (Butler, 2006, p. 52). The meaning of sovereignty emerges out of a combination of ‘authority’, ‘supremacy’, and ‘territoriality’ (Philpott, 2016, p. 2). While “authority”, here, refers to the sovereign’s legitimacy to rule, “supremacy” affirms that the body which holds ‘sovereignty is superior to all authorities under its purview’ (Philpott, 2016, p. 2). According to Philpott, “territoriality” is understood as residence-based membership of a community within a confined space. Thus, “sovereignty” denotes a supreme political authority within a given territory, and is viewed ‘as providing legitimacy for the rule of law and offering a guarantor for the representational claims of state power’ (Butler, 2006, p. 52).

Although their meanings and functions have varied throughout history, the concepts of “governmentality” and “sovereignty” dominate contemporary notions of political power. These notions of political authority were traditionally

displaced from kings to dictators and, more recently, from states to constitutions (Philpott, 2016). But it is not only the political authority that comes with sovereignty and governmentality that has been displaced; its meaning, function, and tactics of operation have all changed across time and space. The displacement of political power to states and institutions of law created a biopolitical condition in which power is ‘applied at the level of life itself’ (Foucault, 1998, p. 143). Such applications of sovereign power in ways that challenge life have sparked heated debates among scholars of philosophy and the social sciences. It is also imperative to explore the practical and political challenges that the surrender of life to sovereign power brings with it.

The critical debates regarding sovereignty, therefore, are not about the etymological origin of the concept, but about its operational tactics and strategies. One such issue is how sovereign power is exercised to produce and reproduce subjectivities that are worthy of political life and those that are not. Wrestling with this question, prominent scholars of philosophy and political thought propound that sovereignty functions not only in ways that overpower humanity but also in ways that threaten the very existence of life itself. For example, referring to the monopoly of sovereign power over life in ancient societies, Foucault famously argues:

The sovereign exercised his right of life only by exercising his right to kill, or by refraining from killing ... The right which was formulated as the “power of life and death” was in reality the right to *take* life or *let* live. Its symbol, after all, was the sword. (1998, p. 136)

Foucault’s characterisation of power elaborates the idea that, in ancient societies, wars were fought in the name of kings, queens, and warlords, as well as of religious figures. In societies that idolised kings and queens as their warlords and unquestionably accepted their rulers’ divine right to rule, sovereignty was invoked to protect the rulers, and Foucault’s notion of the ‘right to death’ was exercised in the name of the rulers.

However, Foucault’s formulation of sovereignty as a ‘power of life and death’ is not a mere exercise of power by ancient rulers; rather, it is transformed to perfectly fit the principles of the nation-state so as to become an enigmatic feature of modern political life. Referring to the transformation of the “right to

death” formulae in modern societies, Foucault argues that ‘[the] death that was based on the right of the sovereign is now manifested as simply the reverse of the right of the social body’ (1998, p. 136). For Foucault, the notion of a sovereign state exercising power in the name of its entire population has dire consequences in modern political life. He rightly points out that modern application of power exposes to death ‘the biological existence of a population ... because power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population’ (Foucault, 1998, p. 137). In Foucault’s view, this is the greatest threat that sovereignty brings to humanity. He cites ‘genocide’, ‘mass murder’, and ‘massacres’ as vital elements of the sovereign power exercised by states.

Adopting a more optimistic tone, Foucault, however, reminds us that the application of power at the level of society is gradually taken over by what he calls ‘bio-power’ or ‘productive power’—a power that optimises, multiplies and positively impacts life (1998, p. 140). This power, according to Foucault, functions by regulating and disciplining bodies to maximise their utility. As opposed to sovereign power, bio-power ‘does not celebrate death’ (Ojakangas, 2005, p. 7). Nevertheless, Foucault’s distinction of bio-power from sovereign power and governmentality has been heavily criticised. Indeed, the notions of bio-power and governmentality, as Foucault conceptualises them in the Western world, seem completely irrelevant in the context of Eritrea, where people have for centuries been ruled without laws or rights under colonial occupation. Bio-power—a power that fosters life and optimises it—has never been imagined in the colonised world, nor has it been accessible to colonised subjectivities. The underlying paradox of bio-power, however, is that it is inseparably intertwined with the violence of sovereign power, as Agamben rightly points out.

Dismissing Foucault’s notion of bio-power, Agamben contends that the distinction between “productive power” and “deductive power” is obsolete, as both powers essentially unite to produce “bare life” as well as to decide on the “state of exception” (Agamben, 1998b, 2005). For Agamben, the state of exception—a zone of indistinction opened up by the suspension of law—rules ‘as the original structure in which law encompasses living beings by means of its own suspension’ (2005, p. 3). If the law operates in suspension, its “content”

becomes “empty” and, therefore, what prevails is a sphere of indistinction (Ojakangas, 2005, p. 9). And in the absence of the law, as Salter (2008a) shows, the exception takes over as a rule. The moment the exception is deployed as a rule, according to Agamben, the distinction between bio-power and sovereign power not only disappears, but also produces a life that can be destroyed without committing both sacrilege and homicide—“bare life”. From this standpoint, Agamben asserts that our understanding of politics should be grounded in the sanctioned life—the “bare life”—and makes the case for getting rid of the sovereign power that produces it (2000, p. 8).

Drawing on both Foucault’s and Agamben’s theoretical frameworks, Butler, in her book *Precarious Life* (2006), offers a persuasive argument regarding the intersection of sovereign power and governmentality. She argues that sovereign power enters into a new field of operation to target life with all forms of its political authority. The withdrawal of the law, Butler (2006) affirms:

allows for the convergence of governmentality and sovereignty; sovereignty is exercised in the act of suspension, but also in the self-allocation of legal prerogative; governmentality denotes an operation of administration power that is extra-legal, even as it can and does return to law as a field of tactical operations. (p. 55)

For Butler, sovereignty diffuses itself within the bureaucratic institutions and structures of governmentality. The point here is whether, in the situation of suspension of the law, there is an escape route for life; both Agamben and Butler think not. With the emergence of sovereign power within the realm of governmentality, sovereignty becomes ‘a lawless and prerogatory power, a “rogue” power *par excellence*’ (Butler, 2006, p. 56). Therefore, as Agamben rightly puts it, ‘human life is included in the political order in being exposed to an unconditional capacity to be killed’ (1998, p. 54).

As demonstrated by the participants’ accounts above, the story of Eritrea represents an exemplary case of biopolitical surrender, where the threat of sovereignty to those ruled has become a practical challenge. In the analysis of participants’ accounts, three carceral techniques emerged, namely, the rule of “no-laws nor rights”, “open-ended NS”, and “arbitrary detention”. The participants’ stories also demonstrate that these carceral techniques operate

along a continuum and are administered through a centralised regime of control and punishment, as I discuss below.

7.2.1 The rule of “no-laws nor rights”

In the three decades since its independence, Eritrea has never had a functioning constitution, nor has it had a sovereign parliament or an elected government. In fact, there has never been a single election in the country since it gained independence from Ethiopia. All official and legal procedures for establishing a constitutional government and the rule of law remain suspended still today. In the absence of rights and legal protections, the country has been singled out on numerous occasions by human rights organisations, academics, mainstream media, and activists for its mass supervision and incarceration (Hedru, 2003; Tronvoll and Mekonnen, 2014; COI, 2016; Plaut, 2016b).

In an attempt to justify the perpetuation of this lawlessness, the government of Eritrea has ‘established a new regime of truth, its own version of reality, by which it justified imposing arbitrary rule and made its leader, President Isaias Afwerki, an absolutist head of state, unaccountable to any government body’ (Woldemikael, 2013, p. x). Adam, a former programme developer for a government security agency, explained the government’s justification for maintaining the status quo as follows:

Every government worker knows this... There are two bold justifications. One, national security. Two, national development. The national sovereignty [argument] is a defence against any form of aggression, external and/or internal... National development is expected to be achieved by getting people to work for the country for free... My former colleagues and I used to call these justifications “the inviolable rules”.

As Adam pointed out, national security has become the government’s priority, particularly since the border war with Ethiopia. Participant accounts analysed for this research show that the government presents the border war and the external pressures associated with it as existential threats that must be defended against at any cost. National security is often presented as the number-one ‘inviolable rule’, as Adam and his colleagues called it. From this standpoint, therefore, as Agamben (2015) articulates, ‘the State does not found

itself on a social link but on the prohibition of its dissolution' (p. 237). And defence against existential threats must be achieved at any cost, including human lives. This existential reality is in line with what is revealed in the accounts of Sada, Fortuna, Musa, Adam, and other participants.

Adam's second point—"national development"—points to the state's precarious relationship with its people. The state's relationship with its citizens is inextricably linked to its "dissolution", in ways that Agamben (2015) discusses:

Dissolution is not to be understood as the dissolution of an existent bond, because the bond itself does not have any other consistency than the purely negative one that it derives from the prohibition of dissolution. Since there is originally neither bond nor relation, this absence of relation is captured in state power in the form of the ban and of prohibition. (p. 237)

From this perspective, the relationship between the Eritrean state and its people is a superfluous one, for the "link" is established not between the state and its people but between the dissolution of the state and its people. The role of the state appears to be nothing more than to mobilise its people to defend against the state's dissolution and to "get" them to provide free services for its development, as the participants accounts have revealed. The state uses its people as a means to achieve two ends, namely, the prohibition of its dissolution and the promotion of its development. The government's successful mobilisation of people of all ages and backgrounds to fight in the border war with Ethiopia and their subsequent recruitment for national development are just a couple of examples of this precarious relationship. Hence, the prohibition of the state's dissolution has been the primary foundation stone of politics in Eritrea since the country's independence.

Thus, if Agamben's formulation of the 'ban' as 'the relation of exception' (1998b, p. 23) is at least partially correct, then the Eritrean people have been abandoned to a realm of perpetual exposure to unconditional servitude and unsanctioned death. However, as shown in Chapter 6, because the "exception" in the context of Eritrea is not related to the suspension of the law, as Agamben argues, the abandonment cannot be located within a zone of indiscernibility between the law and its outside. Instead, the abandonment consists of being suspended in a zone of absolute absence of laws and rights—the rule of "no-laws

nor rights”. Similarly, for Agamben, ‘what is captured in the sovereign ban is a human victim who may be killed but not sacrificed: *homo sacer*’ (1998b, p. 53). Nevertheless, in the case of Eritrea, what is abandoned in the zone of the absolute absence of laws and rights is not Agamben’s *homo sacer*, nor is it “bare life”; it is the untamed life that is neither *fully* relegated to bare life nor articulated in political life.

At this point, we should address the question of how the state maintains the precarious relationship between its own dissolution and its people. The short answer, as revealed in the participants’ accounts, is that the state projects the rule of no-laws nor rights within its institutions of governmentality. Sada’s description of an ‘unbearable system of administration’ points to the emergence of the rule of no-laws nor rights within the field of governmentality in ways that Butler theorises. The rule of no-laws nor rights propagates through the vertically organised system of coercive administration. Sada’s metaphorical description of an ‘invisible fire’ refers to the projection of this absolute absence of laws and rights.

The country deploys coercive administrative controls at every level of the stratified administrative system of governmentality facilitated by the People’s Front for Democracy and Justice (PFDJ) party. The PFDJ party ‘has four departments: political, organizational, economic and cultural affairs’ (Ogbazghi, 2011, p. 5). Not only are these departments responsible for the administration of state affairs, they also control every aspect of individual and communal life in the country. The branches of the party, which are often referred to as “pillars of the party” in the national media, ‘are ultimately responsible for the centrally directed mobilization of the sanctioned civil society organizations and groups’ (Ogbazghi, 2011, p. 5). They are the instruments that the state has wielded to force its people to enter a docile phase.

Once transformed into tractable subjects, the country’s people are made to obey the state authority, as directed by the PFDJ. Ordinary people are subject to coercive controls over their movements, employment, education, shelter building, food buying, and communication with each other. Whether it be national or international issues, local or regional interaction, or private or

communal life, the state's grip is firm on all of them. Ogbazghi (2011, p. 5) describes the panoptic gaze of the state as follows:

Local associations and organizations, such as women's, youth and students, workers, and professional associations are strictly monitored and prohibited from making unilateral initiatives to forge any contacts with foreign counterparts, organizations, or agencies. State-controlled as they are, all aspects of their administration and organization, both structural and functional, including, their policies and priorities, financial, recruitment, and leadership positions, are determined by the PFDJ, of which the President's Office is at the helm.

Ultimately, the country, its people, and its future are in the hands of one man, one party, and one ideology. Any decision, whether it be to end life or protect it, originates from the central authority, and the people must comply. The source of decisions is not the law, but decrees that originate from the President and his inner circle. The country is ruled by what Arendt calls 'government by bureaucracy'. 'Government by bureaucracy', Arendt (2017, p. 318) explains, 'is government by decree, and this means that power ... becomes the direct source of all legislations'. This has become the new normal in the country since its independence, as the stories narrated above reveal.

Moreover, Sada's experience with the local administration and Adam's metaphor of an 'invisible fire' reveal another reality: the omnipresence of a systematic violence that radiates from an invisible source. As Arendt (1970) famously reminds us:

In a fully developed bureaucracy there is nobody left with whom one can argue, to whom one can present grievance, on whom the pressures of power can be exerted. Bureaucracy is the form of government in which everybody is deprived of political freedom, of the power to act; for the rule by Nobody is not no-rule, and where all are equally powerless we have a tyranny without a tyrant. (p. 81)

In the case of Eritrea, every administrator in every institution affirms his or her allegiance to the higher authority, which appears to be invisible and unreachable, as Sada's story reveals. In the chain of command, the administrative bureaucrats affirm the state's authority through encounters, in the absence of laws and rights, between the state's violent gaze and the outlawed citizens. The officials' roles involve 'merely administering decrees',

and, in doing so, they feel ‘superior to these “impractical” people who are forever entangled in “legal niceties” and therefore stay outside the sphere of power’ (Arendt, 2017, p. 318). The experiences of Sada, Adam, Fortuna, and Musa, as well as those of dozens of the other participants who recalled similar experiences, reveal the subservient relationship between the petty bureaucrats and ordinary citizens.

The control imposed on the Eritrean people by the centralised government is further complicated by tactics of governmentality that are not only extra-legal but also inextricably linked to the sovereign power. In fact, governmentality and sovereignty in the country intersect in ways that Butler describes and as I have reviewed above. The bureaucratic machine of governmentality facilitates the punishment, suppression, and control tactics of the sovereign power. As Butler (2006, p. 55) shows, the intersection of governmentality and sovereignty perpetuates practices that are ‘irreducible to law’. The absence of laws and rights in the country means the elimination of any distinction between governmentality and sovereignty, making it possible for the rule of no-laws nor rights to become the norm.

As stated, therefore, the rule of no-laws nor rights perpetually embodies the integration of sovereignty and governmentality within a unified apparatus of violent power in the relatively young Eritrean state. While a return from Agamben’s notion of the suspension of the law—the exception—is the law, there can be no return from the rule of no-laws nor rights because no such possibility exists in the absolute absence of laws and rights. Hence, the ubiquitous coercive control strategies highlighted in the participants’ accounts emanate from the absence of rights brought about by the control imposed on their lives by the rule of no-laws nor rights. Faced with multiple losses, such as the loss of the traditional embodiments of social organisation, cultural identity, and social cohesion, Eritreans are reduced to rightless, obedient servants of the carceral state. As shown, there are no limits to the sovereign’s dominion over its submissive ruled. In the absolute absence of law, the government is accountable to neither natural nor human law; only to its obnoxious decrees.

7.2.2 Open-Ended National Service

In the early years of independence, the transitional government introduced mandatory NS for all Eritreans between the age of eighteen and fifty, with the pretext of protecting and building the country. Article 5 of the National Service Proclamation 82/1995 notes six “objectives” as follows:

- to establish people based strong defense force to assure the *existence of free and sovereign Eritrea*
- to preserve the courage and culture of heroism... and pass them to the next generation
- to create hard-working, *disciplined and an ever- ready new generation* that participate in reconstruction
- to enhance the economic development of the country... ... in a *trained and organized manner*
- to provide regular and continuous military training and vocational training ... promote *physical fitness*
- to cement the unity of our people by promoting unity and nationalism and *eradicating sub-national attitudes*. [Emphasis added]

These objectives affirm the primary goals of safeguarding national sovereignty and building the nation, as Adam pointed out and as I discussed above. The NS is a biopolitical process that organises, trains, disciplines, and transforms all able-bodied Eritreans to achieve these goals. It involves the production of fit, hardworking, disciplined, and submissive bodies that can be used both as workforce and warriors. The state deploys this compliant workforce with a ‘siege mentality ... as an indispensable instrument for creating Eritrean national identity, nation-building and consolidation, as well as averting perceived internal and external threats’ (Kibreab, 2009b, p. 42).

Leaving aside its initial objectives, to truly understand the nature of the NS requires examining how the submissive bodies are produced, transformed, lived in, and even destroyed. For analysis, I want to draw on the ways in which participants with lived experience of the NS described the NS itself and their

experiences of it. Figure 7 shows excerpts from interviews and focus group discussions with participants.

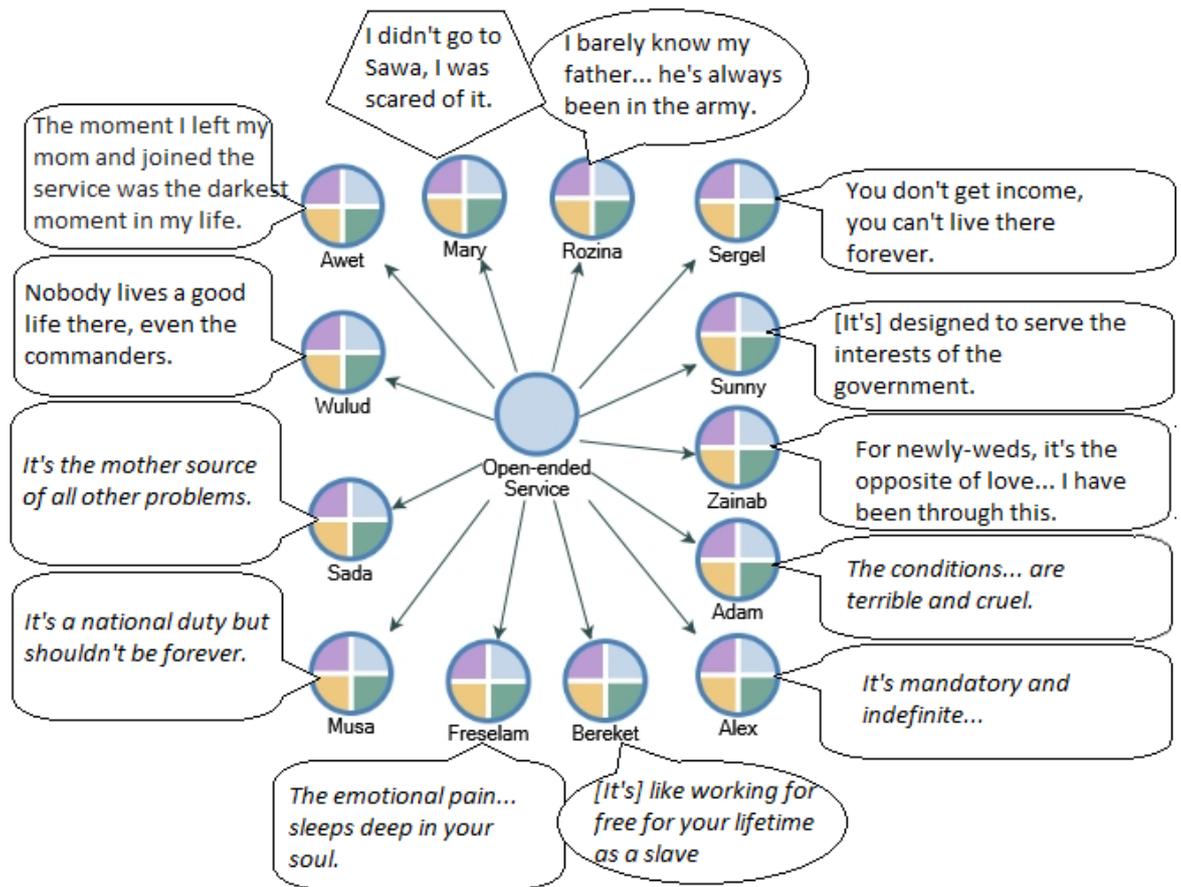


Figure 7: Participants' descriptions of NS

Combined with other primary and secondary data, the above verbatim transcriptions of excerpts extracted from interviews and three group discussions suggest three stages of the NS: recruitment (*Tigrigna mkhad*), training (*taelim*) and assignment (*mdeba*), and retirement (*mtyas*). Each of these stages involves the state deploying the rule of no-laws nor rights to produce fit and submissive bodies. Under the rule of no-laws nor rights, fit and obedient bodies are produced by deploying biopolitical exploitation at the different stages of the NS.

7.2.2.1 Recruitment

Eritrea's NS was first initiated in 1991, although it did not in fact become operational until July 1994, when the first group of trainees was recruited (Kibreab, 2013, p. 636). In its first few years, the recruitment process was

organised by local governments in coordination with the Ministry of Defence and involved what is known as the “registration” process. Article 11(1) of Proclamation 82/1995 states:

When the Ministry of Defense makes a call registration, an Eritrean national between the age of 18 and 40 who has a duty to take part in Active National Service shall register at the nearest Registration center in accordance with the program of the Ministry of Local Governments.

As Kibreab (2013, p. 636) rightly notes, the government ‘complied strictly with the requirements of the law’ for the first four years. Until the so-called border war with Ethiopia, the duration of NS was eighteen months, which included six months of intensive military training (Kibreab, 2013, p. 635). Fortuna experienced recruitment through registration, although she was later called back to serve in the army during the war.

Since the start of the border war with Ethiopia, the recruitment process has shifted radically from a semi-voluntary registration process to a compulsory and coercive process of forced recruitment; it has ‘become one of the most draconian government policies in Eritrea, causing immense suffering and vulnerability to a large number of Eritreans’ (Tronvoll and Mekonnen, 2017, p. 170). The government continues to rely on an undeclared state of emergency as a pretext to force people into the military, despite the fact that the post-war ‘political situation’ in the country ‘does not amount to a state of emergency’ (Tronvoll and Mekonnen, 2017, p. 177). In a focus group discussion conducted in Cairo in January 2020, the participants identified three sources of recruitment: schools, civilian society, and detention centres.

Schools, in particular, and education, in general, have been the main sources of potential draftees for the NS. Since the 2002/2003 academic year, the government has required students who have completed Grade Eleven to attend military training in Sawa prior to taking the national exam for the completion of secondary education. Over the past two decades, thousands of students have joined the military service in Sawa every year ‘as part of a government drive to reinforce discipline and patriotic commitment among the student community’ (Müller, 2008, p. 123). As education has become indistinguishable from military

training, Sawa—a military training camp—was renamed Warsai Yikealo Secondary School. Students are required to take part in strict military training and attend political lessons while also preparing for their matriculation.

After spending a year in Sawa, the students with pass grades continue to higher education, while those who fail the matriculation exam join the NS indefinitely. Following the closure of Asmara University in 2004, even the students who pass the national exam now join ‘technical colleges under military supervision’ (Tronvoll and Mekonnen, 2017, p. 181). Those going on to higher education are often a minority. Those not achieving pass grades are not only assigned open-ended NS but also subjected to differential treatment. Freselam, a former student in Sawa who did not earn high enough grades to pass the national exam, described his experience as follows:

The emotional pain of failing the exam sleeps deep in your soul. It brings shame, and is embarrassing and cruel... The morning we were told our grades, we knew only 19 out of a total of over 100 students in my unit passed the matriculation... They [the ones who passed] were sent home and we were made to stay... That’s when you start to feel the emotional pain. On the same day, our military leaders began to treat us as the worthless, ignorant, and failed... The military leaders would use us as their servants; they made us clean their toilets, clean their rooms, carry water to their shower, and some students were even forced to cook for them... They can call you at any time to do what they want ... clean their rooms, cook for them, even wash their clothes. All in all, my experience in Sawa was ruthless, inhuman, and degrading.

Similarly, Sergel, another student who did not achieve the required grades to pass the national exam, lamented, ‘After failing the exam, they took me to Assab... very far from home. There, they treated me like a dirty creature... like a worthless person... or a criminal from a street gang’. As illustrated in Figure 7, the experiences of Freselam and Sergel are common among Eritrea’s youth.

In the same vein, teachers who have already been in the NS are also required to take part in regional military training. This is aimed at instilling discipline and fitness at every level of education. Collectively, the recruitment of students, the military supervision of colleges, and the training of teachers have allowed the government to achieve a complete ‘militarisation of education’ (Tronvoll and Mekonnen, 2017, pp. 180-181). Indeed, the government uses education as a tool

to achieve its 'biopolitical project' aimed at establishing a 'collective citizenry, inside and outside the country' (Müller, 2008, p. 125).

In addition to militarising education, the government also recruits NS conscripts from civilian society through coercive techniques, such as roundups (commonly known as *gifas*), distributing order letters, and issuing fines to those who refuse to show up. With the exception of young children and married women, all able-bodied civilians, including the elderly, are expected by their government to undertake locally organised military training and join the NS. Over three-quarters of the participants whose fathers were in their sixties or above reported that their fathers were forced to carry Kalashnikovs as part of their daily activities. Regarding the recruitment of senior citizens, Tronvoll and Mekonnen perceptively note that senior civilians, including men in their eighties, are drafted under what is commonly called '*Hizbawi Serawit* or people's army' (2017, p. 181).

Finally, the government also demobilises detainees by recruiting them to the NS. The detainees include, among other groups, people who have committed minor crimes, deserters, draft evaders, border crossers, and youths who have dropped out of school. Andom, a former NS draftee in Eritrea and currently a researcher in the UK, explained how the Eritrean government recruits detainees as follows:

The government cannot afford to keep the sheer number of people being arbitrarily detained, often for perceived minor crimes, in detention facilities... For example, many youths are intercepted every month attempting to cross the border to neighbouring countries, and thousands of others get arrested for evading the draft. The detention apparatus sends these people for military training after a few months of detention... Obviously, this is not the case for suspected political dissidents, who are stuck in prison for many years... Such detainees include journalists, religious leaders, G-15, and so forth.

Andom's observations were echoed in almost every participant's account, although some participants noted that detention and NS are almost inseparable in the context of Eritrea. Musa, for example, described the NS as a 'large open prison designed to capture everything and everyone in it'. Musa was separated from his immediate family for over a decade, moving between prison and the NS. Likewise, as Kibreab notes, the NS 'enabled the government to keep tens of thousands of Eritreans in perpetual control and exploitation' (2013, p. 636).

7.2.2.2 Training bodies and minds, and assignment

In a focus group discussion held in Cairo on 20th January 2020, the participants listed more than a dozen training centres for NS draftees in Eritrea, including Sawa, Kiloma, Hishferay, Mi'ether, Gahtelay, and Kormena'e. They also noted that there are training centres in almost all subzones for the training of local people, including senior citizens. Interestingly, they explained that the nature and type of training at the local and regional level differ from the form of training conducted at the national level. The participants explained that local and regional training is focused on educating the draftees, who are often senior citizens, about Eritrea's history, the "liberation struggle", and nationalism. For example, Yasir, a computer science graduate and a former statistics officer for a local government department in the Anseba region, expressed it as follows:

You know, some of the uneducated men don't even know how to sing the national anthem... Also, the government wants them to learn more about the liberation and wants to keep them in service... Singing the national anthem and repeating *Awet Nhafash* [Victory to the Masses] means a lot for the government... It's basically more of symbolic importance. The worst thing is that the government forces the trainees to bring other trainees or detain draft evaders. They live in the same area and they know each other very well, and for the government to use them in that way is like sowing hatred among members of the same community.

All of the participants nodded their heads in agreement with Yasir, and Hagos added:

It's a tragedy for elderly people like my father who is now in his early 70s to be given a Kalashnikov by the government... And you know what, children and grandchildren grow up watching people like my father inundated with training sessions and appointments at their local administration centres... It's like entire families in the country are built in the image of a military country... This is unimaginable cruelty. This should be called what it is: it's state-imposed slavery.

While the local training focuses on mobilisation and indoctrination, the national military training combines these with intensive physical activities, weapons training, and military simulations. As the participants' accounts show, training in the NS is for both the body and the mind equally. In Foucauldian terms, both the bodies and the minds of recruits are transformed into 'objects' of a 'disciplinary

power', whose prime function is to train, regulate, shape, and transform the recruits into being submissive subjectivities. Foucault (2020, p. 155) asserts:

In becoming the target for new mechanisms of power, the body is offered up to new forms of knowledge. It is the body of exercise, rather than of speculative physics; a body manipulated by authority, rather than imbued with animal spirits; a body of useful training and not of rational mechanics, but one in which, by virtue of that very fact, a number of natural requirements and functional constraints are beginning to emerge.

The operations of the disciplinary power over the bodies and minds of the conscripts involve mundane activities ranging from simple tasks such as waking up early in the morning at the weekend and quarrying stones to complex prescheduled physical, technical, and mental exercises. Wulud, who had undergone training in Sawa before enrolling in an undergraduate degree programme, described a typical day of training in Sawa as follows:

Okay, it goes like this. You wake up at 4:30 am and then stand in a queue and get counted. After that you *run* for about 40 minutes and then go to the training ground and get counted again and then start the training, *marching or other physical activities*, like push-ups. The morning training session finishes at around 10 am and then you return to your hall for breakfast... The breakfast finishes at 10:30 am and then you go back to the training ground. The training continues until 12 pm... This is followed by lunch and then a break until 3 pm... The afternoon training starts at 3 pm and finishes at around 6 pm. Much of the afternoon *training is learning about liberation and Eritrea's history* and, also, *learning how to use Kalashnikov and other weapons*... You then return back to the dormitory, have a dinner and study until 10 pm. After that, they call you for another round of *folio* [counting/attendance]. Then, the unit leaders assign everyone a slot for *wardia* [active duty] before bedtime... It starts again the next day at the same time. (emphasis added)

These mundane practices suggest at least two ways of training the body and multiple ways of training the mind. The training of the body begins with building its fitness levels to its maximum capacity, or at least to the required capacity. This is done through physical training that involves, among exercises, running, marching, interval sprints, push-ups, sit-ups, military expeditions, climbing up and down a mountain, labouring, and sporting activities. Once the body has reached the required level of fitness, another layer of training is added: the learning of military skills and techniques. This requires not only organising the

draftees into manageable units, such as regiments and squadrons, but also strictly training body parts (e.g., limbs, head, and chest) to perform meticulous actions. Hands are trained to hold and throw grenades as well as to clean, assemble, disassemble, and use different types of weapons effectively. Eyes are trained for shooting and aiming at measured new horizons. Head, legs, hands, and chest are trained to perform uniform, organised, and steady marching. Every part of the body is fine-tuned to perform predefined workouts with perfection. The fittest and most talented are praised and selected for geometrically designed colourful parades on public occasions (see picture below).



Figure 8: NS Silver Jubilee celebration (Ministry of Information, Eritrea)

The mind is also trained simultaneously with the body. It is trained to learn military strategies and war tactics; to idolise the liberation struggle and its values, ideology, and nationalist project; and to accept and endure pain, stress, sleep deprivation, and exhaustion. The mind is also tuned to perform routine disciplinary procedures, such as waking up early in the morning, staying late for

active duty, queuing up for attendance, and obeying disciplinary rules. Moreover, the instilling of a warrior mindset by developing such traits as selfishness, altruism, heroism, and adherence to strict secrecy, are other essential elements of the project of training the mind in the NS. From a Foucauldian viewpoint, the aim of these coordinated efforts to train organs, limbs, muscles, and the mind is to transform trainees into tractable subjectivities.

Transforming the trainees into docile subjects has become a necessary condition for the government's nationalist project and its fictitious principle of "self-reliance". Its National Charter, adopted in 1994, for example, states:

The six basic principles which can serve as guidelines for our activities are national unity, active public participation, the human element, linkage between national and social struggles, self-reliance, and finally, a strong relationship between people and leadership.

Since the charter was written, these principles have either been disavowed or perpetuated in the form of unfounded rhetoric. The relationship between the government and its people has become one of subjection, not participation. For example, promises of civic engagement are nothing but empty mantras. Of the empty slogans, "self-reliance" is pronounced most loudly and frequently. The notion of "self-reliance" is defined in the National Charter as follows:

Politically, it means to follow an independent line and give priority to internal conditions; economically, to rely on internal capabilities and develop internal capacities; and culturally, to have self-confidence and develop one's own cultural heritage.

Developed during the liberation struggle, these principles have become embedded at every level of the training. Data from the focus groups, interviews, and participants' observations of the indoctrination of draftees confirm that the "six basic principles" in general and "self-reliance" in particular are essential components of the NS. Among the mobilisation and indoctrination strategies the government pursues, the participants listed training courses, workshops, seminars, youth programmes, festivals, cadre courses, and local government programmes. Such mobilisation and indoctrination programmes are presented by

the government as the pillars of its nationalist projects and efforts to forge national identity.

The mundane biopolitical training, mobilisation, and indoctrination regimes inflicted on the bodies and minds of the trainees are enforced by control and punishment administered by military personnel (“trainers” hereafter). The trainers have absolute power to train, punish, discipline, and even exploit the trainees, without any limits. In a focus group discussion conducted in the UK, the participants cited examples of punishments carried out by the trainers, including ‘push-ups, quarrying stones when others are resting, severe beatings, cleaning the commanders’ toilets, facing the sun with hands tied back and legs fastened together, and food and water deprivation’. These modalities of punishments and control are administered at both the individual and the group level.

The participants also stated that women are subjected to sexual exploitation by the trainers and their commanders. Helen, a former student and trainee in Sawa, for example, described how her friend Haben had attempted to end her life after ‘she got pregnant as a result of repeated rape incidents by her unit leader’. Helen added that Haben was ‘sent home after several suicide attempts, but the trainer who raped her continued his abusive sexual acts’ against other young female students. Helen added, with falling intonation, that Haben ‘died from an unsafe abortion procedure’ at home at the age of seventeen. There was a consensus among the participants regarding the widespread sexual exploitation of young women by both their male counterparts and the trainers. Such exploitative incidents are kept shrouded in secrecy by the trainers and their commanders, despite the widespread prevalence of such stories of women falling prey to sexual exploitation (Dorman, 2004b, p. 11; Kibreab, 2017a).

Sawa is an obvious example of a space where the bodies and minds of Eritreans are put through the training regimes, disciplinary procedures, and forms of exploitation described above. The camp has undergone a radical transformation since the introduction of the NS in the early 1990s. Helen, a former veterinary assistant at the Ministry of Agriculture, for example, rightly described Sawa as ‘a military training centre, a school, an educational centre and a cultural hub’. It is a military training camp because it is the place where soldiers, war masters, military commanders, and military strategists are produced. It is a multipurpose

school and educational centre because it is where students and teachers, artists and musicians, carpenters and electricians, and veterinarians and paramedics are trained. It is also a cultural hub because it is where people from various walks of life and backgrounds can go to celebrate annual military academy graduations, festivals, sporting events, and national holidays. Sawa has been transformed into a national epicentre, where military training, education, and socio-cultural activities are rendered inseparable. As Müller (2008, p. 126) observes, 'Sawa was meant to be the place where the defence of the country's sovereignty was passed on militarily and ideologically to a committed future generation'.

Ironically, however, Sawa's symbolic importance has gradually faded in the minds of many young Eritreans. Müller, for example, asserts, 'In the Eritrea of today, Sawa first and foremost symbolises state control over the lives of its youth, a control that is increasingly being rejected and evaded' (2008, p. 126). There is growing evidence that many Eritrean youths leave the country simply because they do not want to go to Sawa (Mekonnen and Estefanos, 2011; Andom, 2018). The notoriety of Sawa is rightly attributed to the role it plays in confining the human capacities and ambitions of Eritrean youth within the scope of the country's military apparatus and open-ended NS.

Assignment is the stage that follows military training. It involves systematically distributing trained draftees to various institutions of the state. The assignment process varies depending on the draftees' student status, age, gender, and health. As stated, for example, students who earn pass grades in the national exam enter higher education, while those who fail receive vocational training before being assigned to different civilian departments as part of the indefinite NS. Except for those in education, all other draftees are distributed to different branches and units of the state military complex. The non-student draftees are assigned in ways that are consistent with the government's tacit agenda of internal immobilisation and maximum utilisation of their skills and capacities. Some of the factors the government uses to achieve its tactics of maximum immobilisation and utilisation cited in focus group discussions include identified distance from home and the border, age and gender, and fitness and skills. Youths with a history of attempted irregular border crossings, for example, are

assigned to remote places, such as the Dahlak Archipelago in the Red Sea region. Similarly, draft evaders and deserters are assigned to places far from their hometowns.

However, neither the intrusive and inhumane training nor the indignation and exploitation of the bodies and labour of the draftees ends after assignment. Instead, the draftees must surrender to a twin regime of biopolitical control and servitude under the guise of the Warsay Yikealo Development Campaign (WYDC hereafter). Introduced in the aftermath of the border conflict, the WYDC is a project of open-ended NS where all able-bodied people are required to participate in national defence and nation-building in return for a little pocket money (Kibreab, 2009a; Woldemikael, 2013). Hirt, for example, expresses it as follows:

The WYDC is a new strategy of total mobilization. It means extreme interference in the private lives of people and has a strong impact on the fabric of society, rendering individuals unable to follow long-established role expectations... [It] is a form of collective life under military discipline quite different from community-oriented life. (2010, p. 11)

The focus of the training in the WYDC may vary slightly from that of military training. As discussed, the latter focuses on the production of fit, regulated, and docile bodies and minds, while the primary goal of training in the WYDC is, in Foucault's terms, 'not [to] link forces together in order to reduce them; it seeks to bind them together in such a way as to multiply and use them' (Foucault, 2020, p. 170). Thus, the WYDC is a biopolitical project in which the trained, regulated, and transformed bodies and minds enter into 'a relation of docility-utility' (Foucault, 2020, p. 137). Dodging this biopolitical exploitation—that is, the indefinite NS—is viewed by the government as a betrayal of national duty. Punishment for draft evasion involves several years of arbitrary imprisonment and torture without official charges (Kibreab, 2013, p. 636).

7.2.2.3 Retirement

As stipulated in Article 8 of the National Service Proclamation 82/95, the NS started out as a temporary form of national service, consisting of six months of intensive military training and a further twelve months of active service in

national development programmes under the supervision of the military forces. This continued to be the case during the first few years of the NS programme. Following the 1998-2000 border war with Ethiopia, however, 'not only did the government remobilize those who [had been] discharged, but also those who [have been] conscripted since May 1998 have not been demobilized' (Kibreab, 2013, p. 636). Moreover, it is important to note that the intended differences between the 'military and non-military components' of the NS disappeared and about '50 per cent of the population above the age of eighteen years' is stuck in an indefinite NS (Tronvoll and Mekonnen, 2017, p. 168).

Despite the well-documented indefinite nature of the NS, the data elicited from focus group discussions and interviews show there are in fact some exceptions. These include people with severe medical problems, married women, and disadvantaged people, who are declared by the government to be unfit for service (Belloni, 2018). As in the example of Fortuna, former combatants who have sustained life-changing injuries are also allowed to retire from the military service. In general, however, neither demobilisation from the military nor retirement from the open-ended NS is possible for the vast majority of the draftees. This is one of the main drivers of youth emigration from the country, as I will discuss in the next chapter.

7.2.3 Arbitrary detention and forced disappearance

The data solicited from the participants depict experiences of detention and forced disappearance that are widespread among Eritrean families both inside and outside the country. While those who submit their able bodies and conscious minds to the carceral regime are stuck in bureaucratic administration and exploitative NS, those who do not fulfil the government's expectations are trapped within the carceral complex. The carceral complex implements techniques and technologies of power and surveillance designed to regulate the Eritrean people in accordance with a prison-like model. The government deploys coercive techniques, such as round-ups, checkpoints, arbitrary arrest, and torture, to recruit for its carceral complex men and women of draft age, NS deserters, and perceived political dissidents.

In the examples above, I highlighted Musa's experience of detention and the forced disappearance of his brother not because they are unique but precisely because they are not. During the fieldwork, I spoke to young men and women whose fathers had disappeared inside the country's carceral trap; I interviewed young brides whose husbands had been arrested by security agents and had remained stuck in prison since then; and I came across poignant stories of young men and women who had been tortured in prison facilities when they were teenagers. The excerpts below are representative of the similar stories gathered during fieldwork in the UK and in Egypt.

Awet's story

When I interviewed him, Awet was in the hands of human traffickers in Libya. He was in the process of being deported to Sudan. In the interview, I asked him about his family background as shown below:

Researcher: Can you please tell me about your family?

Awet: Yes, a long story... My dad is in prison in Eritrea and my mum is a housewife. I have five siblings: two in Eritrea, one in Ethiopia and the other two in Europe.

Researcher: Do you want to tell me more about your dad's imprisonment?

Awet: A group of five to six armed men came to our house at night and took him and since then he has never come back... He disappeared.

Researcher: How long has it been since then?

Awet: About 19 years... I was only two years old when he was taken from our home. I don't remember my father.

Researcher: Do you know why he was arrested and by whom?

Awet: No. I asked my mum many times, but she kept saying that she doesn't know anything... The only thing we know is that he was working for the government in a local administration office. That's all I can say.

Zainab's story

Zainab, 58, was born and raised in a small town called Geleb in the Anseba region of Eritrea. Her father died in the liberation war and her mother, who was in her late eighties, lived on her own in Geleb. Zainab is the youngest of six siblings. Two of her sisters were single mothers in Eritrea because their husbands had been in prison, each one for over five years. Her other siblings (a sister and two brothers) were serving in the NS.

Zainab had lived much of her life in Saudi Arabia. She left Eritrea in the 1980s and had lived and worked in Saudi Arabia for twenty-eight years. In 2016, the Saudi Arabian government deported Zainab, her five children, and her husband to Eritrea. A month later, her husband was arrested by Eritrean security agents and has not been seen since. Zainab described the disappearance of her husband as follows:

On 10 November 2016, my husband was arrested in our bedroom by government security agents at night. I don't know why they arrested him. I don't know where he is at the moment. I searched for him in several prisons but could not get any information about him... I asked several prison officers and prison security guards and they all responded that they do not know anything about my husband... When I shared the news of my husband's disappearance with my siblings, they were all shocked... They all warned me that the government could target my children and me as well, and that's why I left Eritrea.

Draft evasion followed by attempted irregular emigration from the country can often lead to the detention, interrogation, and torture of teenagers and young adults. The excerpt below, extracted from a focus group conducted in Egypt in January 2020, provides an insight into the horrific ordeals that teenagers and young adults undergo.

Mered is recognised as a survivor of detention and trafficking by the UNHCR-Egypt. He was detained in Eritrea for over five years. He was arrested trying to exit the country irregularly. First, he was in a prison in Barentu for over a year and then transferred to the Adi-Abeyto prison in the vicinity of Asmara, where he was detained for four years. He was only 16 when he was arrested...

Mered's friend, Teklay, added, 'I was with [Mered]. Our stories of detention are the same except that I was shot in the leg'. Showing us the scars of where the bullet penetrated his left leg above his knee, Teklay lamented, 'When I vomited because of the pain of the

gunshots, the security guards laughed at me and joked about it, saying *egru qershimnayo* [we smashed his leg] ... They're not humans'.

Moreover, the government locks up prominent politicians, journalists, and ordinary people in solitary cells without trial (Kibreab, 2009a; Woldemikael, 2013; COI, 2016; Plaut, 2016b; Kibreab, 2017b). The disappearance in the carceral trap of eleven prominent politicians—former members of the famous group called G-15, widely regarded as former “heroes” of the liberation war and prominent government officials until after the border war—is a typical example of the normalisation of arbitrary detention and forced disappearance. Likewise, tens of thousands of ordinary civilians and professionals continue to languish in underground cells (Human Rights Council, 2016; Plaut, 2016b). Hence, as Hedru observes, ‘Eritrea has become a place where comrades-in-arms of a lifetime have turned on each other, heroes of yesterday are the “traitors” of today, and brother dare not to trust brother’ (2003, p. 435). Such indistinction between “heroes” and “traitors” epitomises the carceral state’s control over everything and power to punish everyone.

Numerous questions about the plight of the detainees have been raised by victims’ families and relatives, academics, journalists, and UN organs. Where is Musa’s brother who has been missing since 1994? Where are the G-15 members? Are they alive? How are they being treated? Why are thousands of Eritreans vanishing without trace inside carceral spaces? Why are people from all walks of life being detained or forced to disappear? These questions remain partially unanswerable for as long as the government of Eritrea refuses to evidentially answer them or until it allows access to families and relatives and opens up for independent investigation and research. The government’s answerability to no-one, which is the deployment of the exception as a norm, and the unknowability of the whereabouts of the prisoners lay bare at least two biopolitical problems. Firstly, the arrangements expose the carceral system in which the regime of indefinite detention operates. And secondly, the deployment of indefinite detention and forced disappearance throws into question the victims’ very existence—the ontological state of their being.

The country’s prison institutions constitute a characteristic feature of the carceral system in Eritrea. They operate as a spectacle in complex ways. The

data solicited during interviews and focus group discussions reveal that the institutions of the carceral complex constitute entwined biopolitical regimes and physical carceral architectures. The biopolitical regimes involve practices of arbitrary mass arrest, incarceration, and forced disappearance; rehabilitation programmes (equipped with techniques and technologies of surveillance); and routine attendance and mandatory self-reporting regimes, supported by secret intelligence services, the police, and the army. The physical architecture of the carceral complex extends from military training, detention camps, and the prison complex, with its dungeons, police stations, and repurposed shipping containers, to checkpoints and barracks. Odiously, it also extends its sphere to people's private homes when imposing house arrest and state-imposed solitude. These physical architectures, in Mbembé's (2003a, p. 28) terms, signify the 'panoptic fortification' of both the public and private physical spaces.

Together, the biopolitical operations of mass surveillance, mass supervision, and arbitrary incarceration, and the physical architectures form the mechanisms by which the government holds the entire society in check. The machinery of the panoptic state and its carceral architecture operate, as Foucault (2020, p. 212) explains in vivid terms, 'not in the form of enclosed institutions, but as centres of observation disseminated throughout the society'. By deploying these carceral institutions, the state affirms its immediate omnipresence and its readiness to take swift actions against any form of dissent, resistance, or even disobedience. In short, the carceral state functions through the reification of exploitative and invasive modalities of control and punishment: mass supervision, mass militarisation, and mass incarceration.

In his book, *Understanding Eritrea* (2016), Martin Plaut describes the country as repressive and mysterious, having isolated itself from the rest of the international community and taken its people hostage, forcing them to exist in a condition of incommunicado. Similarly, the UN Commission of Inquiry on Eritrea (COI) accused the country's government of committing 'crimes against humanity'. The COI reports that 'Eritrean officials have committed the acts of enslavement, imprisonment, enforced disappearance, torture, reprisals as other inhumane acts, persecution, rape and murder' (COI, 2016, p. 46). In an attempt to establish the committing of these crimes and hold government officials

responsible for perpetrating such egregious crimes against their citizens, the COI (2016) writes:

Because State officials have relied so extensively on the commission of the crimes to establish, consolidate and maintain total control over the Eritrean population, the Commission has determined that they have engaged in a widespread and systematic attack against the civilian population of Eritrea since May 1991 which remains ongoing. (p. 46)

Although the COI report has been vehemently rejected by the government of Eritrea and criticised by some academics as being politicised and biased (Müller, 2016), it nevertheless sheds light on the unchallenged abuses that the regime in Eritrea has committed against its people. The government's use of its unlimited power to impose unrestricted controls over its people is evidenced in its suspending the implementation of the constitution as well as in the absence of the rule of law in the country (Woldemikael, 2013; Plaut, 2016b; Kibreab, 2017a). Drawing from interviews with ex-combatants and former government officials, Kibreab asserts that the government's unrestrained use of power:

has been demonstrated by the repressive scenarios that have unfolded since the betrayal of the promises, culminating in the stifling of the processes of transition to a democratic future, violation of human rights, destruction of the private sector and incommunicado incarceration of many innocent citizens and the prominent leaders of the war of liberation. (2009a, p. 358)

In postliberation Eritrea, no one is safe from forced disappearance or incarceration. There is no hiding from the state's violent machine because it is everywhere and anywhere. Everyone and anyone, including members of the inner circle of the government apparatus, is constantly threatened by being both visible and invisible to the violent sovereign. Put differently, citizens are visible to the state's panoptic gaze while also being simultaneously subjected to the constant threat of forced disappearance and indefinite incarceration.



Figure 9: “Missing People”

The second calamity of the indefinite detention and forced disappearance concerns the prisoners’ ontological states of being. The forced disappearance in the carceral system of Musa’s brother, of Zainab’s husband, of members of the G-15, and of thousands of other Eritreans means that their ontological state of being is indefinitely suspended. Figure 9 above shows just a sample of the incarcerated and forcibly disappeared Eritreans from different walks of life, including former cabinet ministers, religious leaders, graduates, professionals, and ordinary citizens. They are men, women, old, and young. If there is one thing they all share, it is their forced disappearance, not only from the public and private spheres but also from the imagination of being. The fact that they are held in a realm of permanent invisibility and unknowability implies that their bodies are either turned into spatially fixed disposable corporealities or destroyed without trace with impunity. Either way, their ontological state of being is constitutively included in the condition of mortality through a register of permanent disappearance and unknowability.

For those detainees whose whereabouts are known and who can be visited by their families and relatives, there is little tangible difference between their states of being and those of the “missing people”. Abdu, whose father was a combatant during the liberation war and has been a detainee since Eritrea’s independence, described the experience of meeting his father as follows:

My father was detained right after independence for reasons I don’t know... I could not visit him in prison because I was always in national service. After almost three years, I went to see him... I waited outside and the guards brought him to me. He was handcuffed and accompanied by two guards. At first, I did not recognise him... He was starved, looked skinny and could barely stand for more than a few minutes. He was dressed in filthy clothes and his body was covered in scars. His hair had turned completely grey. I also noticed two of his front teeth were broken... He was unrecognisable.

The fact that Abdu’s father was detained indefinitely without trial means that his existence is placed not only outside of recourse to law but also beyond recognisability. Thus, for Abdu’s father and many other inmates, the prison is a site where the impersonal logic of exception is applied permanently to the annihilation and disfiguration of its inmates. The impersonal logic of exception and its institutions of mass incarceration reify both the reduction of the citizens’ status to untamed life and its securitisation as such. Such forms of sovereign power, as Mbembé (2003a, p. 14) succinctly asserts, ‘are what constitute the nomos of the political space in which we still live’. Forced disappearance and indefinite detention leave subjects suspended within a sphere where there is no distinction between the law and its absence, or between life and death. As stated, untamed life becomes the condition to which all citizens are reduced.

7.3 Concluding remarks

In the previous chapter, I argued that traditional norms were anachronistically rendered obsolete after independence. The country’s independence marked the end of the semi-autonomous, patriarchally organised ethnicities and their juridico-exceptional political landscape. For ordinary citizens, the liberation struggle has not fulfilled their aspirations of a better life after unimaginable sacrifices. As Kibreab puts it, ‘They fought for a government that rules with a “brake”, that is a constitution’ (2009a, p. 28). However, Kibreab adds, ‘without a brake’ (i.e., without any source of law or legal protection), the government of

Eritrea has been driving the country down a ‘dangerous road’ since its independence.

Let me now turn briefly to the main findings and theoretical arguments of this chapter to shed light on what the anatomy of this dangerous road looks like. First, I have laid bare that, once they lost touch with their socio-cultural past, the communities surrendered to an unaccountable sovereign power ‘whose central project is not the struggle for autonomy but *the generalized instrumentalization of human existence and the material destruction of human bodies and populations*’ (Mbembé, 2003a, p. 14, emphasis in original). The omnipresence of the omnipotent sovereign power is evident in the government’s bureaucratized administration, exploitative biopolitical, and arbitrary mass incarceration of its people. The rule of “no-laws nor rights” means that the annihilation of individual rights and the collective biopolitical exploitation are perpetuated with impunity in a realm of absolute absence of laws and rights. The individual is often referred to in relation to issues of national sovereignty and security, to which s/he is subordinated and must remain subservient. People have dreams, but their dreams are curtailed because they are either stuck in NS or die in wars and incarceration, and nobody is held accountable for their exploitation or deaths.

Second, the rule by decree has established a new logic of “politics” in the country. The post-independence politics of the state seem to oscillate between three biopolitical domains: the domain of prohibition, the domain of training and indoctrination, and the domain of biopolitical utilisation. In the domain of prohibition, the dissolution of the state or any form of dissent against the government is banned. The former is concatenated with “national security” and its imagined mandate relies on an oxymoronic relationship with the citizens of the state. The prohibition of the state’s dissolution, in precise terms, presupposes citizens being exposed to the unconditional threat of death. Similarly, any form of dissent is met with terrifying menace, and the state reifies the prohibition of dissent by locking up dissidents in carceral spaces by condemning them to forced disappearance or even systematically eliminating them. Indefinite detention and forced disappearance are typical of the systematic annihilation of prisoners’ ontological state of being.

The constant subjection of the bodies and minds of its citizens to all-encompassing training and indoctrination has enabled the government to effectively relegate the entire population of the country to subjects of an agentic state in which people have no choice but to follow the authority. Put differently, the state has successfully subjugated its citizens' human capacities and finitudes to its disciplinary power. Once the subjection of the body to disciplinary power is achieved, as Foucault (2020, p. 138) observes:

it dissociates power from the body; on the one hand, it turns it into an "aptitude", a "capacity", which it seeks to increase; on the other hand, it reverses the course of the energy, the power that might result from it, and turns it into a relation of strict subjection.

According to Foucault, the modern state's exploitative biopolitical utilisation of its human and non-human resources involves 'the adjustment of the accumulation of men [and women] to that of capital, the joining of the growth of human groups to the expansion of productive forces and the differential allocation of profit' (1998, p. 141). The entwined notions of NS and WYDC serve this purpose. While the former organises and ensures the availability, fitness, and tractability of human resources, the latter optimises their "use value" and productive power for maximum production. Citizens are reduced to the extent where their bodies are used for the best possible outcome for the state. And if they express their grief deriving from the pain caused by endless servitude, or demand relief from their continued exploitation, their dignity and human existence are put into question (Hirt, 2010; Kibreab, 2013). Ultimately, as Foucault (1998, p. 141) asserts, 'the investment of the body, its valorization, and the distributive management of its forces' are inextricably linked to the modes of production. This is why the politics of so-called self-reliance is a fictitious rationale for the biopolitical utilisation of the country's resources (human or otherwise).

Finally, the exercise of an omnipresent rule of no-laws nor rights and the biopolitical logics of prohibition, self-reliance, and indoctrination define the characteristics and the status of the country's citizenship. The citizenship that is produced by the rule of no-laws nor rights and biopolitical exploitation is nothing but untamed life, whose potential for political existence is put into question by its precarities, carceralities, immobilities, and homelessness at home. In other

words, a citizen reduced to untamed life is a life whose surrender to an impersonal logic of sovereignty—the ‘right to kill’, in Foucault’s words—ensures the biopolitical domains. It is the ultimate price paid for sustaining the prohibitions and self-reliance, on the one hand, and an object of indoctrination and tractability, on the other. Citizens’ exposure to death with impunity, as in the case of the border war, and the obliteration of all forms of dissent, as in the example of the G-15, reveals the “animal” part—the bare life—of the untamed life. If perceived as a force, the untamed life is not only oppressed but also rendered politically unintelligible.

It is important to mention that, while in the country, the untamed life is also homeless at home. If I may return to Musa’s poignant story, he had been able to meet his wife and children only once in the previous two decades. He had not met them since they visited him in February 2010 while he was in the NS. Similarly, he had not seen his brother since 1994 and did not even know whether or not he was still alive. Neither Musa’s separation from his family nor the obliteration of his brother as a subject are unfamiliar experiences for many Eritreans; instead, they are typical examples of life and living in Eritrea. It is argued that Eritreans have become homeless in their home country because of ‘their growing alienation from their “natural” homes and their increasing aspirations to belong to the outside world’ (Belloni, 2018, p. 163). This has been the case for the many thousands of Eritreans who are immobilised in the NS and others who are expelled from humanity into carceral spaces.

Therefore, the intractable ironies of the rule of “no-laws nor rights” and the domains of a-political existence it presupposes are the primary reasons for the irregular emigration from Eritrea. In the next chapter, I discuss the realities of exiting the country to become an unprotected refugee.

Chapter 8 **Becoming a Refugee**

8.1 Introduction

I have so far discussed the whims of unaccountable sovereign power, the rule of no-laws nor rights and the politics in post-liberation Eritrea. I have highlighted the Eritrean people's biopolitical exploitation, collective indignation, and complete expulsion from the realms of rights. In this chapter, I turn to the accounts of those who exit (or fail to exit) the carceral state in search of safety and protection. The chapter is divided into four sections.

The first section explores why people exit the country in large numbers and how decisions regarding whether or not to exit are made. Drawing from primary data, this section follows the line of argumentation of the previous chapter and argues that exiting Eritrea has become a necessity for many thousands of Eritreans for their continuing biological existence.

The second section concerns border crossing. The ordeals undergone by Eritrean migrants forced to cross the border to neighbouring countries are incredibly harrowing. To complete the journey to a supposedly safe place, the refugees have to pass across 'violent borders' (Jones, 2019) and in doing so put their lives at risk. This section examines their experiences of crossing the border to neighbouring countries. I argue that the border is the threshold at which multiple states of exception merge so as to effect the annihilation of the border crossers.

In the third section, I analyse the experiences of refugees after they have crossed the physical border. Drawing from survivors' stories, I argue that the survivors who penetrate into the polity through the interstices of interweaving border controls are viewed as visible threats to the imagined communities of the destination states. As a result, they are confronted with the security architecture put in place by the destination countries, whose primary concern appears to be either containing the refugees in necropolitical spaces, such as refugee camps or detention centres, or expelling them from the polity altogether. This section also discusses the refugees' experience during their journeys within the region. Their ordeals include being trapped at borders and in

detention facilities, torture camps, and refugee camps, as well as being stranded during perilous journeys. The section sheds light on the role of the various state and non-state actors involved in the bestialisation of refugees in necropolitical spaces such as torture camps and detention facilities.

Finally, I revisit the main findings of the chapter to summarise the difficulties faced by the involuntarily displaced people in the process of becoming refugees. Becoming a refugee is understood as a process in which an involuntarily displaced person is suspended both in time and space on a journey in search of a relatively safer destination. It also entails a simultaneous process of unbecoming a citizen of one's country of birth. It is a state of continuously existing in the process of becoming.

8.2 The decision to exit

For over two decades, Eritreans have either been caught up in an indefinite cycle of national service, consigned to carceral and necropolitical spaces, or forced to flee the country (Kibreab, 2009a; Plaut, 2016b; Andom, 2018). As discussed in Chapter 7, decisions to exit the country are often made in the contexts of systematic and interwoven modalities of carceralities, precarities, exploitation, and (im)mobilities. These modalities, along with the institutionalised bureaucratisation of life, explain why the country is 'haemorrhaging' its population, on the one hand, and eroding its 'sovereignty and legitimacy', on the other (Reid, 2009, p. 210). These compounded causal factors are explicitly highlighted in the participants' accounts of exiting the county, as shown in the NVivo map below and the codebook table that follows.

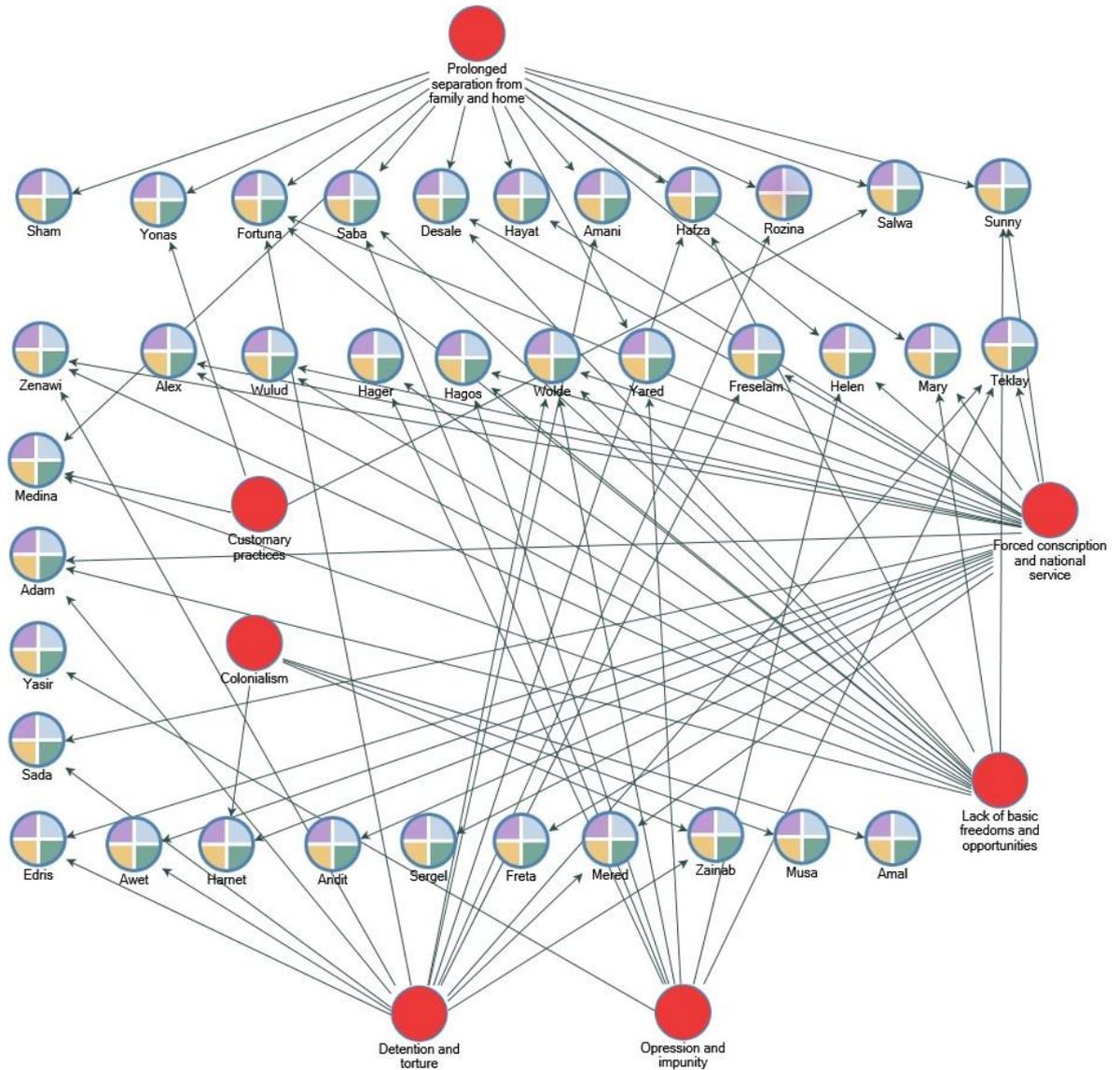


Figure 10: Participants' reasons for exiting Eritrea

Figure 10 shows the combination of multifaceted and interwoven factors that drive Eritreans to leave their country. The table below shows the meanings that the participants attached to each of the causal factors indicated in Figure 10.

Table 5: Why Eritreans flee their home country

Preliminary code	Description
Forced Conscription	National service (NS) is described by the participants as the ‘mother source’ of many other problems in Eritrea. In explaining the nature of NS, the participants used phrases such as being ‘stuck in an indefinite national service’, ‘held hostage

and National Service (NS)	<p>by the state’, ‘stuck in perpetual exploitation and servitude’, ‘living in lawlessness’, and ‘becoming homeless’.</p> <p>While NS was the major concern for the former conscripts among the participants, fear of forced conscription was particularly salient among teenage former students. In the 2002/2003 academic year, the government introduced a policy requiring all high-school students to take military training in Sawa before sitting the national examination. Many students who grow up hearing the harrowing accounts of military training in Sawa defy the government’s policy and leave the country in large numbers. This is also the case for students who dropped out of school for other reasons, such as economic hardship. The participants also highlighted a fear of forced conscription as one of the main causes of emigration among the country’s semi-nomadic communities.</p>
Lack of basic freedoms and opportunities	<p>Among the basic freedoms that are lacking, participants cited being targeted by the government for holding different views, protesting, asking critical questions, speaking out, opposing government policies, following a religion not recognised by the government, and/or simply moving from one place to another without movement papers. Participants stated that all such practices of resistance and quests for agency are explicitly suppressed at every level of the government and often lead to imprisonment. Some participants also noted political opinions can be imputed. Adam, for example, stated that his brother’s desertion was one of the reasons that had made him leave the country. His brother was among the ‘higher-level authorities’ in the government before he absconded during a visit abroad. Adam and his entire family were questioned and interrogated by the intelligence services about his brother’s defection. Adam was specifically targeted because of his close</p>

	<p>relationship with his brother. He stated that he had been detained in a ‘solitary cell’ for over three months.</p> <p>A lack of opportunities was also identified by participants as a contributing factor. This was particularly mentioned by participants who had been sent abroad by the Eritrean government for education or for sporting and diplomatic reasons and had then decided not to return to Eritrea. Bereket, for example, had been sent by the government to India to pursue a master’s degree, but he refused to return after completion of his studies. Instead, he applied for a PhD scholarship in the United States and sought asylum after arrival in the US.</p>
Detention and torture	<p>As discussed in Chapter 7, stories of mass incarceration and torture are widespread among Eritrean families. Ten of the twenty-three participants referred to in Figure 10 stated that they had been detained at least once before they decided to leave their country. They recounted that torture was common in prison facilities. All of them stated that they had been seriously beaten at least once either during arrest or in the prison.</p> <p>The participants differentiated torture from punishment. The former was understood by the participants as an extreme form of punishment with impunity, while the latter was understood as a penalty imposed for wrongdoing or disobedience. The participants also recognised that excessive punishment could become torture. They also noted that both torture and punishment are administered with impunity in detention facilities. Freselam, for example, described how his two friends were ‘tortured to death’ by prison officials after they had been found crossing the border to Sudan. He described himself as a ‘survivor of torture and detention’.</p>

Oppression and impunity	<p>This preliminary code was used to capture the modalities of punishment and control and the impunity with which they operate described in Chapter 7. Whether in the form of open-ended NS, detention, torture, or denial of basic freedoms, they all operate without accountability. Participants linked oppression and impunity with the suspension of the constitution and absence of any legal protections. Adam, for example, said: 'If you're in Eritrea, the likes of constitutional rule, law and justice are just a wish list'.</p>
Prolonged separation from family and home	<p>'Not feeling at home' was a theme that emerged in all focus group discussions and in over a dozen individual semi-structured interviews. Participants associated it with feelings of alienation from both family and home. For example, Rozina stated that all her family members except for her father had left Eritrea for Sudan, and that she was a teenage student on her own in a small village in the Gash-Barka region. While her father was engaged in NS, she worked evenings to earn a living. She cited 'the trauma of separation from her family' as the main reason for her decision to leave Eritrea. Similarly, Sunny explained that he spent much of his adult life in Eritrea doing NS and that he had no feeling of home. Sunny, a psychologist and former counsellor, argued that the disintegration of families and the prolonged separation of people from their homes and families have led to collective trauma among Eritrean youth. In his view, this is the main driver of the mass emigration of young Eritreans.</p>

Customary practices	<p>Customary practices include child marriage, <i>garn gualn</i> in the case of murder, and sex- and gender-based discrimination. For example, Salwa was forced to leave Eritrea because her family had tried to force her to marry the son of a man who had been killed in a fight with her father. Salwa was only fifteen at the time her family proposed the marriage as part of the murder dispute resolution.</p> <p>Similarly, young women face additional vulnerabilities because of their sex and traditionally ascribed gender roles. For example, Medina recounted her daughter escaping Eritrea because she was treated differently by her own community after being sexually abused by her unit leader in NS. She said that once the people of her village learned that her daughter had been raped several times by the soldiers, no one would want to have a romantic relationship with her. She felt marginalised and had lost all hope. In focus group discussions, participants noted this is as being more prevalent in remote rural areas than in large cities and towns.</p> <p>Likewise, in an interview in February 2020, Salwa explained her decision to leave Eritrea as follows:</p> <p style="padding-left: 40px;">My father killed a man from another tribe in a fight. It was a tragic incident for the family of the victim but also for us, particularly for me... After the death, both tribes came together and agreed on compensation and on a girl going to the victim's family. And that girl was me. I refused the marriage proposal and the other tribe threatened us with revenge... That is why I left.</p>
Colonialism	Colonialism is identified as the main reason for forced migration among Eritreans who had left the country before its independence. This particularly resonated with first-generation refugees who had either become stranded in refugee camps in

	<p>neighbouring transit countries or had settled in destinations countries.</p> <p>Some participants had exited Eritrea twice, first during colonisation and then after independence. Zainab, for example, first left Eritrea when she had been involuntarily displaced by the ‘brutal colonial occupation’ and then, in 2016, after being targeted by security agents of the government of Eritrea.</p>
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After a thematic analysis of the preliminary codes above, three broader themes emerged: lawlessness, rightlessness, and homelessness. Lawlessness was understood by the participants in terms of the absence of legal and constitutional protections against the government’s infringements on their basic rights and freedoms. The matter of the suspension of the constitution was raised in almost every focus group discussion and interview, with participants emphasising that the suspension had become indefinite since the start of the border war with Ethiopia. As Butler in her book *Precarious Life* persuasively shows, the extension into the future of the rule of exception effectively strips people of their legal protection, defers their dreams and hopes and, ultimately, throws into question their very humanity. In her examination of ‘indefinite detention’, Butler correctly argues that:

The state, in the name of its right to protect itself and, hence, and through the rhetoric of sovereignty, extends its power in excess of the law and defies international accords; for if the detention is indefinite, then the lawless exercise of the state sovereignty becomes indefinite as well. In this sense, indefinite detention provides the condition for the indefinite exercise of extra-legal state power... it seems to follow that the state of emergency is not limited in time and space, that it, too, enters onto an indefinite future. (2006, p. 64).

Butler adds: ‘The future becomes a lawless future, not anarchical, but given over to the discretionary decisions of a set of designated sovereigns’ (2006, p. 65). This ‘lawless future’ has effectively become the rule in post-liberation Eritrea. As the participants noted, the indefinite suspension of the constitution

means that the exception has effectively become the rule. The lawless future is the essence of the ruling regime's system of government, which is based not on law but on presidential decrees. This rule by discretion exposes Eritreans not only to unending exploitation but also consigns them to a hopeless future. This threat was identified by the participants as the primary reason why people escape the country. Wolde, for example, noted:

People live a miserable life, and, increasingly, they're tending to refuse to drift towards the darkness of a violent future. Why would they continue to suffer in an indefinite national service? No way! They can't stay in the country if they have other options... But there are also people who cannot escape because they can't afford to do so. That's why many people are stuck in national service.

This extension of the exception into the future is explicitly manifested in the open-ended NS, arbitrary detention, and forced disappearance of thousands of Eritreans. Twenty-three of the thirty-six participants represented in Figure 10 noted that forced conscription and open-ended NS were the primary reasons for their inability to continue living in Eritrea.

Their suspension in carceral spaces is another cause that participants emphasised repeatedly. In focus group discussions conducted with participants in Egypt in January 2020, for example, the participants agreed that indefinite NS is the main reason that drives people out of Eritrea, followed by detention and torture, and the lack of basic civil rights, such as freedom of movement, speech, religion, and so on. The participants also cited unemployment as one of the reasons for their decisions to exit Eritrea. They discussed unemployment not in terms of a shortage of jobs but in terms of a lack of legal rights to a private working life outside the parameters of the state. Michael, for example, noted: 'The Constitution is suspended and there is no other legal protection. People are suffering, no protection, no law. We don't have the right to private employment'. Nodding their heads in agreement with Michael, other participants responded with the following remarks:

Mered: Just to add to that... the government does not want people to know more than they're taught in the national service and sees their self-awareness as a threat to its existence and there is no protection against this... Nobody wants to suffer there forever. That is why I left. And that is why most of my

friends left... Ask any teenager in Cairo, they'll tell you that they left Eritrea because they want a different future to that of their families and friends.

Arma: There exists no other medium of instruction but the government's media outlets. No proper education—ignorance is a political tool for the regime... My cousin was a cartoonist, and he is now in jail after expressing his views through his cartoons. How many journalists have perished in prison? Only God knows.

Hager: I love Eritrea and am proud to be an Eritrean but not the Eritrea that it has become since the border war... The government turned everything good into bad... It turned Eritreans into the government's domestic servants.

Zara: I would prefer to use positive terms... Life goes on, even in Eritrea. We have families there and we should appreciate the fact that we have an independent state, and we should work together to free it from tyrants... We can bring back our constitution... We can build a justice system from scratch.

The imposition of lawlessness as a rule means that ordinary citizens are stranded in a continuum of violence in which precarity and carcerality define the condition of life. The youth and educated members of society are particularly nervous about the hopeless future and are increasingly embarking on perilous journeys out of the country in search of a better future. Sunny, a psychologist and a former teacher and counsellor in Eritrea, is an outspoken critic of the government's extra-judiciary use of power, to use his phrase, 'to shatter' the dreams of Eritrean youth. In an interview, I asked Sunny what he meant by 'shattered' dreams, and he explained it as follows:

It's obvious. If you put people in an indefinite national service, they will leave; if families are stuck in economic hardship for generations, they or their children will leave; if youths are left with no opportunities, they will definitely leave; if you oppress the entire society with violence, then they will either resist or leave. You know this: those who try to resist vanish in underground prisons. There are no protections whatsoever. There are no rights whatsoever. There are no freedoms whatsoever. There is only never-ending violence. These are the obvious reasons why many Eritreans leave their home country.

The notion of lawlessness is inextricably linked to rightlessness. In fact, there seems to exist a relationship of causality between the two concepts. The state of rightlessness in Eritrea starts at birth and ends with death. In the Transitional Civil Code of Eritrea, for example, unborn babies and new-born children under

the age of 48 hours are classified as ‘non-viable’ persons with no ‘rights and duties’ (Hagos, 2014, p. 45). This precondition of ‘viability’, Hagos (2014, p. 53) points out, ‘denies legal personality of a fetus and automatically strips out the rights and duties rendered to a person’. The same principle is applied to render new-born children under the age of 48 hours ‘non-viable’ persons. In other words, neither feticide nor infanticide would be considered a crime. This notion of ‘viability’ represents a precarious liminal zone, in which the right to life is outlawed between conception and early infancy. I return to this point in the last section.

Ironically, the denial of the right to have rights never ends even after a new-born child passes the precarious phase of “non-viability”. As argued in the previous chapters, the conditions for continued rightlessness beyond this initial phase are established by the absence of legal protections. Similar to Sunny, other participants described their perceptions of rightlessness in terms of a lack of fundamental freedoms, a lack of opportunities, the impossibility of speaking out against authority, and the perpetual exploitation of their human capacities and capabilities by their government. Remarks made by Arma, Mered, Hager, Wolde, and Zara all reveal this deep sense of lack and hopelessness while in their country. Their rights to work and live freely and their human capacities were all held hostage by the state before they decided to leave the country. Their stories reveal a people terrified by the indignant and exploitative ways in which they have been treated by their government. Wolde, for example, articulated the indignation and rightlessness he felt while he was in Eritrea as follows:

My life and dignity in my country were questioned and it has always been about survival. There was a sense of lack which made me feel confused, uncertain, fearful, and not knowing who I was. I was lustreless, because how can I be a dignified human being without a purpose? And how can there be a purpose when you do not have rights? For the whole of my adult life in Eritrea, I felt humiliated and worthless... I also felt pain and a deep sense of anger that I did not have the right to express. I still have scars on my body and worries and fears in my mind.

Moreover, some participants such as Amal, Musa, and Zainab exited Eritrea twice; first to escape the brutality of Ethiopian colonisation and subsequently to flee the repression that followed the border conflict with Ethiopia. Some of their

children had been born refugees in refugee camps and remain stranded in the camps. Their decisions to leave were born from the condition of persistent rightlessness and hopelessness that has continued for generations since colonial times. In Arendt's terms, 'a condition of complete rightlessness was created before the right to live was challenged' (2017, p. 387). Once their lives are challenged, as Wolde pointed out, exiting their country becomes an unavoidable reality, available only to those who can afford it.

Last, but not least, the data solicited from interviews and focus groups reveal that a sense of homelessness is another major causal factor influencing the participants' decisions to exit Eritrea. Not feeling at home is a widely shared experience among Eritrean youngsters. As the NVivo map above shows, fifteen out of the thirty-six Eritrean participants in this study noted that prolonged separation from their families and homes had contributed to their forced displacement. Their subjective accounts demonstrate that one of the reasons why Eritrean youths feel homeless at home is that they were aware that they would spend much of their adult lives performing indefinite national service, or vanish in carceral spaces. Sunny, for example, explained the feeling of homelessness as follows:

I can tell you that I spent more than 99% of my adult life, since I was 17, either studying in college supervised by the military or in national service... I can count on my fingers the number of days I visited my family. And even on the days I visited my family, it's like everybody was in national service with the exception of my mother... You don't live at home unless you're a retired elderly or severely ill person, and that is why you don't have a feeling of home. It's like you're homeless for your entire adult life.

Thus, as Belloni perceptively points out, 'home' has increasingly 'become an alien and unfamiliar place' for Eritrean youth (2018, p. 162). According to Belloni, young Eritreans tend to reimagine their "homes" elsewhere as they turn adults. Belloni (2018, p. 162) argues:

As a result of government policies limiting individual, social and political freedom in the country as well as globalized desires for modernity, many young Eritreans increasingly perceive a sense of "estrangement" towards the place—physical and emotional—where they grew up.

Belloni's argument regarding the fact that young Eritreans become increasingly unused to their homes is consistent with the subjective accounts of the participants in this research. However, her assertion that the would-be refugees' 'aspirations to belong to the outside world [are] crucial... in order to understand the motivations and decision-making processes' (Belloni, 2018, p. 163) overlooks the primary reasons why people feel homeless at home. Their decisions to exit the country are primarily because 'the Eritrean state made policy choices that stifled economic growth and political stability and made the nation uninhabitable for its growing youthful population' (Woldemikael, 2013, p. viii). The impossibility of making a home in their home country, as Sunny eloquently described, is because they are stripped of that fundamental right by the state-sanctioned servitude, lawlessness, and rightlessness. Therefore, their involuntary displacement from the country should be attributed to a combination of the lawlessness, homelessness, and rightlessness that has characterised postliberation Eritrea.

8.3 Border crossing

One common theme that emerged in the analysis of participant stories of border crossing is that different people experience borders and crossings differently. Participants noted that the border-crossing experience can range from crossing the border with little difficulty to not crossing the border at all. In a focus group discussion conducted with participants in Cairo in February 2020, for example:

Some participants said they crossed the border without difficulties, others survived gunshots and severe detention. Four participants said they did not encounter any problem at the border, mainly because their smugglers were more experienced though expensive. The other two, [Mered] and [Teklay], decided to cross the border without assistance from smugglers because they could not afford to pay them... While crossing the border to Sudan, [Teklay] had his leg broken when shot by security guards and [Mered], having seen his friend fall to the ground, raised his hands up and stopped running away; both of them were arrested and detained, deprived of any medical attention. (Fieldnotes, February 2020)

Likewise, the experiences of Salwa, Wolde, and Rozina represent the broad spectrum of border-crossing stories, as summarised below.

Salwa

Salwa, 20, was born and brought up by her parents in the city of Afabet in Eritrea. She studied primary education in her hometown before deciding to leave Eritrea. Arranged by her brother, a Lieutenant Colonel in the army, Salwa's border-crossing to Sudan was achieved with little difficulty. She told me that her brother had driven her all the way from her hometown to the border and then transferred her to his friends, who took her to safety in Kassala in Sudan. Salwa explained:

I saw several checkpoints [on the way to the border], but they did not stop us... because my brother knew them. Then my brother sent me with his friends who took me to the border... They [her brother's friends] work at the border. I think they stop people crossing the border... but also guide people to cross the border. I was lucky.

After she crossed the border, Salwa was picked up by her uncle who had lived in Sudan for much of his life. Her uncle had a Sudanese passport and helped Salwa to get registered as a Sudanese. She subsequently used the Sudanese passport to flee to Cairo.

Wolde

Wolde, 31, left Eritrea for Sudan in March 2011. He and his three friends were able to avoid checkpoints and security checks and reach the border with Sudan clandestinely. Unfortunately, Wolde and his friends were intercepted by border security on their way to a border town in Sudan called Hafir. Wolde said that they managed to run away despite his childhood friend being shot in the leg:

We saw them [the border security] very close to us, like, 50 metres from us. They ordered us to stop but we decided to run away. As soon as we began to run away, they opened fire on us, but we did not stop. In the first few minutes, they shot my friend in his leg and he fell to the ground. It was his left leg below his knee... but the guards did not see him. It was at night and it was very dark. It was a jungle.

As Wolde went on to explain, the security guards did not manage to find any of them. They were able to camouflage themselves in the jungle and later on continued their journey to Hafir. They carried their friend with the wounded leg all the way to Hafir, where he was referred to the Shagarab refugee camp for treatment.

Rozina

Rozina, 23, was born and grew up in the outskirts of Tessenei, a city in the western lowlands of Eritrea. Rozina's father had been in the military for over two decades and she barely knew him. The last time she had seen him had been a few days before he was arrested at night by security agents for overstaying. After her father's arrest, Rozina and her entire family decided to flee Eritrea. In an interview at the end of January 2020, I asked Rozina how they had managed to cross the border. Our conversation went as follows:

[Rozina]: I want to start by correcting your question. We never crossed the border; we live at the border.

Researcher: What do you mean by 'we live at the border'?

[Rozina]: Look, I am in prison now and, as you know, will be deported today in the evening. My parents and two siblings went missing in Sudan. My youngest brother is in Khartoum on his own... We have been living at borders and in detention centres for the past six years. I left Eritrea at the age of 16. After more than six years, I am now being deported back there. This feels like escaping hell and going back to it. Would you say I managed to cross the border? No, not at all... This is not just me; there are 42 other Eritreans being deported in the coming few weeks.

In an attempt to escape the circumstances in their country, Eritrean men, women, and children traverse the border in large numbers, to neighbouring countries such as Sudan and Ethiopia. However, as the participants' experiences above highlight, exiting the carceral state is exceptionally difficult, often posing life-threatening risks. This is mainly because the state has deployed vicious border controls at every point within its territorial reach. As discussed in Chapter 7, the 'border spectacle' (De Genova, 2013) in the militarised state of Eritrea features, among others, checkpoints, movement papers, surveillance, routine security checks, and strict cross-border patrolling at the physical border. The extensive border controls strictly and constantly regulate the mobility of Eritrean people, and include the deployment of cross-examinations at checkpoints, the forcible rounding-up of suspected deserters and draft evaders, and the violent arrest of those trying to flee the country.

Thus, exiting the country requires evading all of the violent traps and clandestinely crossing a highly militarised territorial limit. It requires resources, a clandestine network, and the physical ability to undertake long journeys with little food and scarce water. As the aforementioned examples reveal, the border can be relatively permeable and offer little difficulty for the privileged, but dangerously violent for the desperate irregular migrants. As Reisen et al. (2012, p. 29) explain:

Given Eritrea's shoot-to-kill policy at the border, payments are often necessary to make the crossing... [The] Eritrean Border Surveillance Unit is involved in the smuggling of migrants across the border; it organises transport and safe crossing and accepts payments for this.

Paradoxically, inasmuch as the border is a violent and formidable fortress, it is also characterised by a cross-border trade in mobility. On the one hand, it exposes to the risk of death those attempting to traverse it, while, on the other, it facilitates the cross-border mobility of those who have access to resources and clandestine networks.

The border, therefore, is enacted as a rogue power that both permits and prohibits cross-border mobility and/or the killing of mobile bodies. Everything and anything is possible at the border, from crossing safely to facing death. As Salter (2004a, 2008a) persuasively argues, the border appears to be the 'threshold' in which the distinction between the law and the exception disappears. In fact, for the would-be refugees, I would argue that the border represents the threshold at which multiple states of exception collude.

The metaphor of 'living at the border', as Rozina incisively articulated it, is the characteristic typification of the collusion of multiple states of exception at the border. Rozina's deportation took a collaborative effort by the consular services of the state of Eritrea in Egypt, the Egyptian immigration authorities, and some elements of trafficking. These different actors enact multiple states of exception to "ban" the refugees from the realms of rights and political intelligibility. This 'ban', Agamben (1998b, p. 66) explains 'is the force of simultaneous attraction and repulsion that ties together the two poles of the sovereign exception: bare life and power, *homo sacer* and the sovereign'. In the same way in which the ban maintains ties between bare life and sovereign

power, the border is enacted in the form of a continuous logic of violence within which multiple states of exception merge. Living at the border is a state of being at the point of intersection between these multiple states of exception.

The border ensures the containment of refugees within multiple states of exception, which in turn generate three biopolitical mechanisms: first, the border fixes itself in the bodies of the unwanted mobile people in the form of “biometrics” and “e-borders” (Salter, 2004a, 2008a; Amoore, 2006); second, it identifies the othered categories of people with “rightlessness” and “illegality”; and, lastly, it places the “illegalised” others into necropolitical spaces where life and death are inseparable. While the first mechanism is the characteristic feature of borders in the so-called developed world, the latter two are commonly found in origin and transit countries such as Eritrea, Sudan, and Egypt. Rozina, the forty-two Eritreans detained with her, and thousands of other Eritrean refugees in transit countries all live at the border. In fact, those who have managed to reach Europe and other destination places live both at the border and with borders fixed inside their bodies. Their lives are relegated to a form of life tantamount to Agamben’s ‘bare life’ but with additional capacity for resistance—the untamed life. I will return to this point in the last section.

8.4 Life in transit countries

The moment of crossing the border is a moment of surrender to a new biopolitical process in which the refugee is both illegalised and exceptionalised (Salter, 2004a, 2008a; De Genova, 2013). For Eritrean refugees, seeking asylum in first countries of asylum is a surrender to a new sovereign machinery whose primary goal is to shut the border for irregular crossing and intercept those “sneaking” to an imagined outside. Thus, for those who manage to cross the border, exiting Eritrea is not a solution but the beginning of a complex set of challenges in an even bigger carceral network. The data gathered from interviews and focus groups show that Eritrean refugees often had to choose between staying put in refugee camps, self-settling in big cities such as Khartoum and Addis Ababa without access to fundamental rights, or continuing risky journeys clandestinely in search of safety. Each of these decisions involves the risk of being kidnapped by human traffickers and/or intercepted by the border machinery of the transit states. They often risk death, imprisonment, and

mass deportation at the borders (Reisen, Estefanos and Rijken, 2014; Simpson, 2014; Mudawi, 2019).

8.4.1 Life in refugee camps

Eritrean emigrants are among the first and largest groups of refugees in refugee camps in Ethiopia and eastern Sudan. The UNHCR Ethiopia Country Response Plan 2020-2021 (Ethiopia CRP) report shows that 139,281 Eritrean emigrants had been received in Ethiopia during 2019, and the caseload is estimated to be 137,182 for 2020 (UNHCR, 2020a, p. 7). The report also shows that 70 per cent of the arrivals lived in the Tigray refugee camps and 44 percent were children, 'of whom 27 percent arrive[d] unaccompanied or separated from their families' (UNHCR, 2020a, p. 9). Similarly, refugee camps in eastern Sudan host tens of thousands of Eritrean refugees every year (Andom, 2018; UNHCR, 2020b). The UNHCR Sudan Country Response Plan 2020-2021 (Sudan CRP) states:

East Sudan hosts one of the most protracted refugee situations in the world, with the first influx of Eritrean refugees arriving over 50 years ago. Over 40 per cent of refugees in East Sudan have been in asylum for more than 20 years, and approximately 50 per cent of refugees living in the camps were born there. (UNHCR, 2020b, p. 39)

The refugee camps in eastern Sudan that host many Eritreans include, among others, *Kilo 26*, Shagarab, Girba, and Um Gargour. The Shagarab camp alone hosts thousands of Eritrean refugees, earning it 'the nickname little Eritrea' (Smith, 2017, p. 11).

The 2020-2021 Sudan and Ethiopia country response plans clearly show that life in the refugee camps remains extremely difficult for the vast majority of the stranded refugees. Refugees in these camps are deprived of basic needs such as food, shelter, clean water, health care, and protection. The Sudan CRP estimates that about '20 per cent of refugees are living with disabilities or chronic illnesses and are without access to secondary health services they need' (UNHCR, 2020b, p. 41). Sunny, for example, described life in the Shagarab camp as follows:

Shagarab is a terrible place to remember. It's a place where people wait for hours to access a barely sufficient ration of food; where children suffer and even die from malnutrition, malaria, and many

other diseases; where unaccompanied children get kidnapped and disappear; where young girls are raped and forced into unwanted relationships with smugglers... where single mothers beg to feed their crying children. Nowadays, asylum seekers are waiting for over a year for registration with the UNHCR. It's simply a hopeless place.

The data elicited from interviews and focus group discussions confirms that the ordeals undergone by refugees in the Shagarab camp are common throughout the region's refugee camps. As Sunny eloquently put it, the refugee camps in the region are characterised by abject destitution, bureaucratic asylum regimes, organised criminal activities, and repugnant exploitation. In fact, participants noted collusion in refugee smuggling and trafficking between multiple state and non-state actors, including UNHCR security guards. In camps such as the Shagarab camp in Sudan, the organisation's staff go beyond their humanitarian responsibilities, and descend to human trafficking and blackmailing refugees. This cannot simply be a case of a few UNHCR security staff reversing their fundamental roles; it must also be a mechanism by which the humanitarian organisations become embroiled in realms of lawlessness, thereby establishing an inevitable nexus with the forces that dehumanise refugees.

Therefore, in the camp, as Agamben (1997, pp. 75-76) articulates, 'every distinction between proper and improper, between possible and impossible, radically disappears'. Agamben adds that refugees are reduced to naked form of life—'bare life'—which, he views as a depoliticised form of life that is 'destined to die' (1995a, p. 117). Although Agamben's (1998b, p. 78) characterisation of the camp as a 'pure space of exception' might be true, his assertion that death is the ultimate destiny of the figure of refugees is outdated and out of context. Making no distinction between the concentration camps of the 1930s and the refugee camps in the Global South, Agamben seems to have become stuck in the past, as indicated by his imagining the camp as an 'impassable biopolitical space' (1998b, p. 72). The participants' stories and experiences suggest that the refugee camps can be theorised as necropolitical spaces in which refugees are placed in a liminal register *between* life and death. In these spaces, refugees are neither allowed to thrive, but nor do they inevitably succumb to death; instead, they are stuck in between the two registers with the capacity to resist their precarious state of being.

8.4.2 “Self-settled” refugees

The lack of basic needs and the entrenched insecurity that characterise the refugee camps force many refugees to continue their journeys to big cities in the neighbouring countries of asylum. Over half of the participants of this research reported that they had lived in one of the big cities in the neighbouring countries for one year or more. They highlighted Khartoum, Kassala, and Addis Ababa as the major destinations for refugees from both rural and urban areas of Eritrea (Kibreab, 1996; Andom, 2018). Historically, although these cities offer ‘better access to services and jobs’ compared to the camps (Smith, 2017, p. 10), the ‘self-settled’ refugees face challenges such as a lack of protection, a lack of opportunities, and a lack of a foreseeable future (Kok, 1989). Sada, for example, described life in Khartoum as follows:

It’s not a safe place to live in. There are police roundups almost every day. You have to pay up to 20,000 Sudanese pounds if you get arrested. If you cannot pay the money, then there is a possibility that they could deport you to Eritrea. You don’t have rights; you don’t have a life.

The rightlessness of the refugees is manifested repeatedly in the violent arrests and exploitation of innocent refugees on the streets of Khartoum. For example, it was reported that ‘around 900 Eritreans’ were arrested on the streets of Khartoum and deported back to Eritrea on 24th May 2016 (Plaut, 2016a). For several years now, journalists, human rights activists, and members of the Eritrean diaspora have been campaigning against the exploitation and deportation of self-settled refugees (Human Rights Watch, 2016b; Plaut, 2016a; Siegfried, 2016). Despite these efforts, however, the incessant violence and exploitation directed against refugees continue to be the biggest challenges for self-resettled refugees in the neighbouring countries.

In addition to the lack of safety, participants also reported an absence of opportunities and a foreseeable future as other fundamental problems they must endure. Over a dozen participants reported that they performed domestic work for little money, often under exploitative conditions. In a focus group discussion conducted in February 2020 with participants from Cairo, the participants explained that women are often subjected to domestic violence and sexual exploitation in their workplaces. The participants also specified that

unaccompanied children and teenage girls are the most vulnerable group when it comes to exploitation. Zara and Arma, both 20, stated that they had been sexually harassed several times on the streets of Khartoum. During the focus group discussion, Zara recounted:

I worked for a Sudanese household as cleaner for several months... In my first week on the job, the son of the family locked me in his bedroom and tried to rape me. I screamed and his mother came to my rescue... A few months later, her husband came to me in my room at night. I would sleep in a small open room where I used to iron the family's clothes... I screamed loudly and ran towards the gate. The man asked me to stop shouting and tried to catch me, but I opened the gate and ran away into the night... I have not returned to the house since. I have never received my salary for the five months.

Likewise, the men have very little access to sustainable jobs in the transit countries. They often depend on remittances from relatives and/or friends in Europe and the Americas. Those with no relatives or friends abroad are forced to resort to smuggling as a means of survival. Edris is one of the many thousands of Eritreans who have migrated to Khartoum, where he lived for almost a decade. When I asked Edris how he had earned a living there, he replied:

Initially, I worked in a restaurant owned by an Eritrean trafficker and earned a few Sudanese pounds for my food... I would sleep in the streets after work. It was not safe to stay on the streets, but it was not my choice either. I was lucky that I did not get kidnapped by the traffickers.

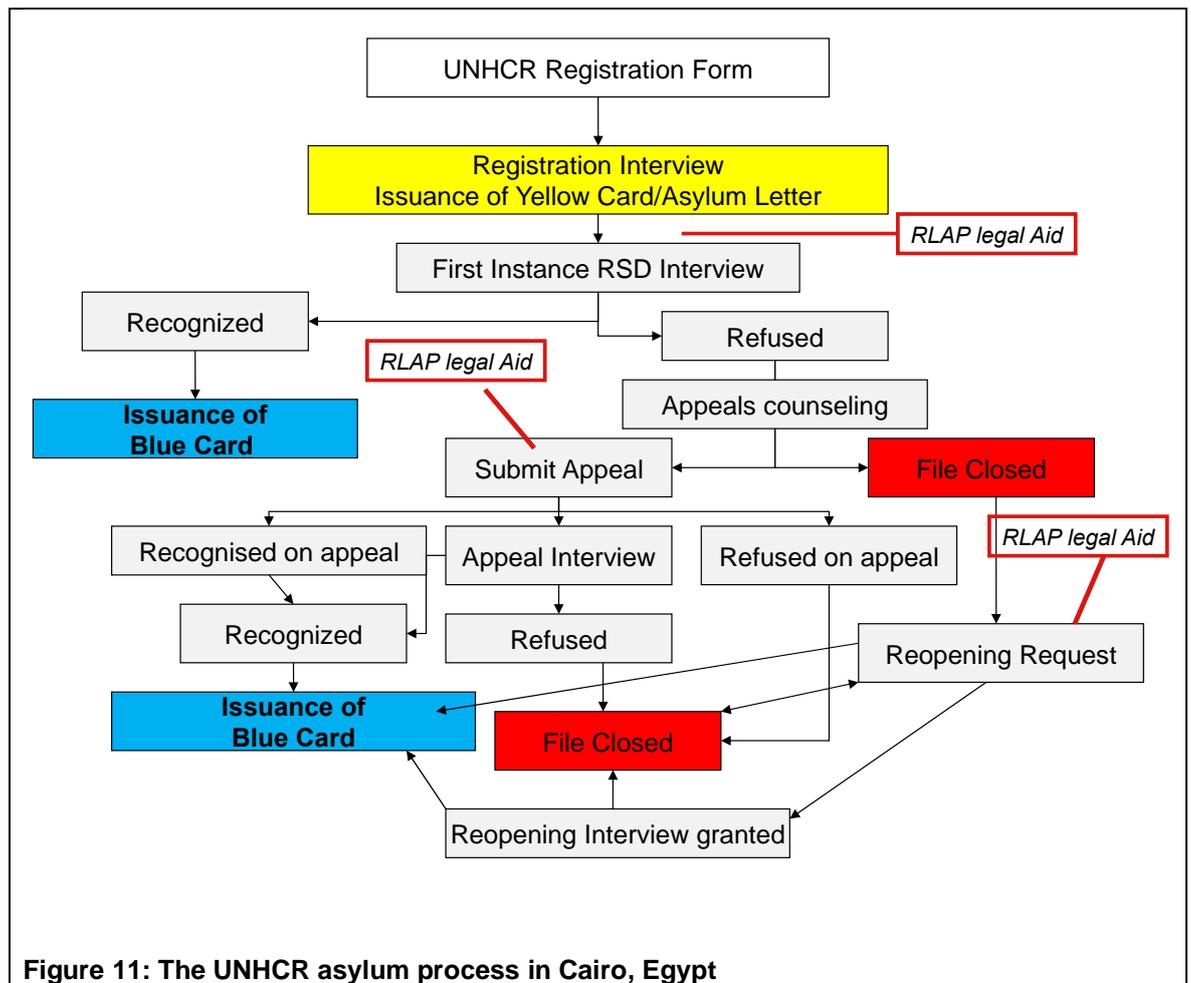
Edris went on to tell me that after a few months of working in the restaurant, he began to help the trafficker smuggle people from Eritrea. Within a few years, Edris explained, he had become an independent smuggler:

I paid some friends to find me people in Eritrea who would be willing to go to Sudan. I paid them 1000 Nakfa per person and they often found me at least ten people, so I went back to Eritrea and took them to Sudan immediately. I didn't stay long there because I did not feel safe... In the following three years, I began to send my own smugglers to Eritrea. I grew it into a big business.

Disadvantaged refugees like Edris are forced to engage in organised criminal activities. They are often recruited by notorious trafficking groups and by their collaborators within the security apparatuses of transit countries.

While the majority of the participants self-settled in the cities of neighbouring countries, those who had the resources and clandestine networks to do so engaged in perilous secondary movements within the region, which comprises the neighbouring countries and other countries in the wider region. Facilitated by organised smuggling networks, the refugees often crossed tightly controlled borders within a region extending from eastern Africa to northern Africa and the Middle East. The city of Cairo in Egypt is a major destination for Eritreans escaping unbearable lives in Sudan and Ethiopia. Thematic analysis of the data extracted from interviews and focus group discussions, however, demonstrates that the refugees' lives were no better in destinations such as Cairo. After reaching Cairo, for instance, the refugees assumed the status of vulnerable people, as a legal appeal to the UNHCR for protection. Yet, despite extracting the refugee's vulnerability through its vetting mechanisms, the UNHCR hardly protects the refugees.

Figure 11, amended from a staff induction workshop attended by a research participant, who, at the time of fieldwork, was working for a local charity, shows the UNHCR's bureaucratisation of the process of granting refugee status in Cairo.



Upon arrival in Cairo, asylum seekers have to undergo a long process of registration and refugee status determination (RSD). The registration process involves waiting in a crowded queue for several hours in the scorching sun to pick up a long form (often written in English or Arabic), filling in the form to the satisfaction of the UNHCR's registration requirements, and waiting for months for registration interview and biometrics. Participants described the registration process as 'messy and corrupt', with some suggesting the existence of a clandestine black market on which registration forms are bought and sold and people are paid for filling in the forms. Salwa, for example, stated that she had paid a refugee community member US\$150 for the UNHCR registration form and for filling in the form. In focus group discussions conducted in Cairo, participants explained their concerns about the challenges faced by vulnerable asylum seekers who lack the resources and the skills required to complete the registration process.

If one is successfully registered with the UNHCR, s/he is issued with a yellow card or an asylum paper, depending on whether the claimant's identity and age have been established. The majority of the registered asylum seekers, then, have to wait for one to several years for their RSD interviews, and another six months to several years for their RSD results. While the asylum seekers with positive RSD results are granted refugee status, the asylum seekers whose asylum claims are refused have to go through another long and tedious process of counselling and appeals, with the possibility of second rejections and file closures. The appeals process was described by the participants based in Cairo as a traumatising and extremely bureaucratic system. In fact, some participants suggested that asylum seekers who have exhausted their rights to appeal have no choice other than to resort to dangerous secondary movements in search of safety.

As shown, each of the stages in the UNHCR asylum process takes from several months to several years, depending on the UNHCR's capacity to assess cases, the individual circumstances of the claimants, and access to legal advocacy and psycho-social support. Participants stressed that obtaining legal and psycho-social support is crucial throughout the entire asylum-claiming process. For instance, participants noted that asylum seekers represented by local charities such as the StARS' Refugee Legal Aid Project (RLAP) have a better chance not only of being granted shorter waiting times but also of being successful in their asylum claims. The participants, however, pointed out that only a small minority of asylum seekers gain access to legal advocacy and representation assistance. Speaking from his experience of working for a local charity, Sunny explained:

The asylum process in Cairo is an all-round humiliation. You have to wait for several years to get your status determined. The UNHCR provides no support for refugees, besides a small amount of financial and medical assistance for extremely vulnerable groups of people such as unaccompanied children, single mothers, and so on. And local charities do not have the resources and capacity to support all refugees... Also, you cannot legally work in Egypt, although some people work on the black market. What can you do? Nothing really. People just sit and wait for remittances from abroad or risk their lives attempting to cross the sea to Europe.

By exacerbating the refugees' vulnerability in the process of granting declaratory refugee status, the UNHCR not only inflicts unprecedented trauma,

it also fails to provide basic protections (Yohannes, 2021). Ironically, the organisation maintains its links with the host state's security machinery, thereby perpetuating the refugees' precarious relationship with the violent sovereign, as Amal's experience reveals.

I am poor, disabled, and homeless. This is the only story I can tell you in my 16 years of life in Cairo... It all began in 2005 when many refugees were brutally dispersed by the security police. We sat in front of the UNHCR office in Jamaat El Dweli Street for months in protest against the organisation's inability to provide us with basic protections, and then the Egyptian police used full force to disperse us. It was the most tragic scene I have been involved in in my lifetime... Some people managed to escape the police brutality, but I couldn't because of my disability. I was beaten with plastic sticks and kicked by the police. I fell on the ground unconscious and suffered three broken ribs.

The incident Amal referred to took place in December 2005, when 'at least 28 Sudanese were killed' and about 650 were arrested and 'taken to a number of military camps and prisons' by Egyptian police (Mahmoud, 2007). Although human rights activists and journalists have called for accountability, neither the UNHCR nor the Egyptian police were held accountable (Mahmoud, 2007; Meffert *et al.*, 2010). As Amal's story highlights, the victims still experience 'feelings of betrayal by the UNHCR' (Meffert *et al.*, 2010, p. 167). This, however, was not an isolated incident. In July 2019, an Eritrean human rights organisation—Africa Monitors—reported a similar case of police brutality against Eritrean refugees peacefully protesting in front of the Cairo UNHCR office (Africa Monitors, 2019). This time, a UNHCR protection officer allegedly called the police to remove the peacefully protesting refugees. Furthermore, participants in this research also recalled the deaths through self-immolation of two Oromo asylum seekers in front of the UNHCR Cairo office (Daily News Egypt, 2016).

Thus, the self-settlement of refugees in transit countries such as Sudan, Ethiopia, and Egypt offers scant relief from abject destitution or protection from the violent carceral trap. The appeals made by the rightless refugees' emissaries to the UNHCR for protection and ethics make no sense other than to acknowledge their essentialised vulnerability and the perpetuation of their untamed life status. The futile exercise of declaratory protection and humanitarian aid highlights the dilemma in the interplay between the UNHCR's

rhetoric of “refugee protection” and sovereign states’ politics of exclusive othering. Smugglers and traffickers exploit the precarious status of the refugees to create an illicit business of refugee trafficking, as I will examine below.

8.4.3 Smuggling and trafficking

As shown, whether it is staying put in the camps or in transit countries, or moving on within the region, refugees risk being recruited by a chain of illicit “businesses” regulated by smugglers and human traffickers. The refugee camps in transit countries such as Sudan and Ethiopia are used by traffickers as suitable sites for recruiting victims (Mekonnen and Estefanos, 2011; Reisen, Estefanos and Rijken, 2012; Yohannes, 2021). Participants in this research particularly identified the Shagarab camp as a space where refugees are traded in a complex chain of refugee trafficking. Sada, for example, reflected evocatively on the insecurity in the camp, as follows:

Shagarab is an open prison. For some people, the camp is a life sentence. For others, it is a market in human commodities... In 2010, I was abducted from the Shagarab camp by traffickers and, last year, my sister went through a similar experience. Thank God we are both alive.

Sada alleged that security guards employed by the UNHCR Sudan were involved in his kidnapping. When I asked Sada how he was kidnapped, he explained: ‘Some of the UNHCR security staff... exchange refugees for money. I was sold to Rashaida by a security guard called [Hassan, a pseudonym] ... People make money by selling other people’. Over a dozen participants confirmed reports of collusion between traffickers and UNHCR security guards. Sergel, for example, stated that he had evidence that his cousin had been raped by a security guard in the *Kilo 26* camp in Kassala before she was eventually taken to the Sinai, where she was tortured to death in 2014.

Likewise, the interview accounts with victims of trafficking chronicled in Reisen et al. (2012, pp. 32-41) show that the Shagarab camp was used as a reservoir of ‘human commodities’ by Sinai traffickers. Refugees have been transferred by smugglers to traffickers upon crossing the border, abducted during journeys, or kidnapped in transit towns (Reisen, Estefanos and Rijken, 2013, 2014; Simpson, 2014; Fisseha, 2015). As Reisen et al. (2013, p. 25) point out:

Many of the refugees held hostage in the Sinai were kidnapped while in a refugee camp or on their way to a family reunion in Sudan or Ethiopia. A significant proportion of refugees were kidnapped from within refugee camps or surrounding areas, especially in Sudan (from Shagarab refugee camp) or while working in Kassala (Sudan). A smaller number of interviewees were taken on their way to Khartoum (Sudan), from within Khartoum or from Cairo.

Once in the hands of traffickers, the victims are transformed into valuable commodities as part of the lucrative clandestine business of refugee trafficking. The trafficking of Eritrean refugees in the Sinai Peninsula is a typical example of the commodification of Eritrean refugees (Yohannes, 2021). The Sinai is a lawless buffer zone dominated by organised criminal groups.

In the period between 2006 and 2014, ‘tens of thousands of Eritreans fleeing widespread human rights abuses and destitution in their country have ended up in the Peninsula’ (Simpson, 2014, p. 1). The victims were put through torture, involving electrocution, rape, burning with melted plastic and cigarette butts, hanging upside down on barbed metal, chopping body parts with knives, reported organ harvesting, and starvation (Reisen, Estefanos and Rijken, 2012; Fisseha, 2015; Yohannes, 2021). In short, the Sinai hostages were used as ‘human incubators’ for organ harvesting (Fisseha, 2015, p. 7), sold to ‘higher bidder human traffickers’ (Bahlbi, 2016, p. 218), and extorted for ransoms (Yohannes, 2021). Some participants even indicated that pain had been inflicted on them for fun by sadistic traffickers. Sergel, a former survivor of Sinai trafficking, recalled what the victims’ disowned bodies could be forced to do to each other, as follows:

They would tie our hands back and ask us to engage in dirty stuff such as sexual intercourse with each other while they watched and laughed at us, and if anyone refused, they would torture him or her severely. They would electrocute you or even cut off your fingers with their knives. That was how two of my best friends died.

When I asked Sergel how his ‘best friends’ had died, fighting back his tears and in an ever-quieter voice, he described the incident as follows:

Two traffickers asked my friend to have sex with his 16-year-old cousin in front of us... You cannot have sex with your cousin in our culture, you know. So, he refused to do the dirty stuff they asked him to do to his cousin. Then the traffickers chopped off two of his fingers

with a long knife while he was handcuffed and then asked him to do it again. Again, he said no. Then one of the traffickers turned to the girl and told her to remove her clothes and do the dirty stuff to her cousin. She said no. Then, the second trafficker went outside and came back with a heated knife; he hung the girl upside down on metal chains fitted to the wall and cut through the middle of her breast with the knife... It was the most painful thing I have ever seen. We all screamed and wanted to kill ourselves, but we were handcuffed... The traffickers chained our legs together after they realised some of us were trying to commit suicide.

Two days later, Sergel added: 'The cousins died from excess bleeding in front of us and the traffickers dumped their bodies in the sea'. Their deaths were not reported to their families and relatives until they had been tricked into paying a total ransom of US\$20,000. Sergel was held hostage in the Sinai for about nine months, during which time he bore witness to the death of over a dozen victims, before being finally released after his family and relatives paid a ransom of US\$25,000.

The death of the two cousins is not an isolated incident; rather, it is the story of the thousands of Eritreans who perished in the Sinai. Citing CNN estimations of death tolls between 2007 and 2012, Reisen et al. (2012, p. 19) report that over 4,000 refugees' bodies were counted and many others disappeared without trace. Worse, many survivors were murdered with impunity by border security guards after they escaped or were released by the traffickers. As Reisen et al. (2012, p. 19), for example, point out, 'Many refugees die after their release (after their ransom is paid), shot by border control on the Egyptian or Israeli side'. This shows that, whether it is at the hands of traffickers or state agents, the victims were treated as disposable corporealities, always available for maximum exploitation.

Those who did manage to survive the trafficking and the violent borders continued to experience suffering from their traumatic experience. Sergel lamented:

If you look at my back, you can see the dotted scars of melted plastic poured onto my body and the broken ribs crushed by a Kalashnikov butt. But there is something you cannot see. You know, my inner self is still numb... I still have nightmares. All of the survivors of the Sinai trafficking share this feeling. The trauma of watching our friends being tortured to death and our young sisters being raped by a group

of cruel traffickers in front of us infected our bodies like a snake venom. That experience will forever sleep deep inside our bodies.

Towards the end of the interview, I asked Sergel what might be done to support people like him who had survived trafficking, and he replied:

Do you think the world knows we exist? If so, justice and redress are the answers to your question. But I am not sure if our suffering will ever be met with justice... When it comes to the survivors of trafficking, the world has long forgotten that we exist. That's what being refugee survivors of trafficking means to us. This is a burning anger that we all share.

As Sergel noted, there seems to be no possibility of ever mending the survivors' broken hearts or healing their wounded minds and injured bodies. Instead, new victims continue to be recruited to the trafficking chain, which has since spread throughout the region. Five years since the Sinai trafficking came to an end, the same treatment of Eritrean refugees is being repeated in Sudan, Ethiopia, Libya, and other transit countries. In Libya, for example, refugees have to navigate through routes regulated by rogue powers, such as powerful militias, human traffickers, and border guards, before they get to the sea. And many thousands die in the hands of these rogue powers. Ariam, for example, described her own ordeal as follows:

Smugglers took my friend at night and raped her. She was young, approximately 14 to 15 years old. Two smugglers raped her... One man screamed and tried to follow the smugglers who took the girl, but one of the smugglers shot him in the leg and dragged him back to us... After an hour or so, they brought the girl back to us dragging her as well. At first, she was crying and shouted, 'Don't go with them!' They understood what she meant by that... They dug a small vertical hole and put her in the hole with her head down and then buried her in the dusty desert soil... They buried her alive.

Ariam also witnessed the death of a pregnant woman, a memory, she said, that 'still haunts' her. Leaving behind a five-year-old child, the pregnant woman died from injuries sustained in a car accident during their journey to the Mediterranean coast in Libya. Shedding tears of deep emotional pain, Ariam went on to say:

Before she died [...silence and crying], she asked me to promise her that I won't leave her five-year-old son alone. She begged me to take

him to Italy with me if I managed to survive... First, I cried and did not know what to say. I was only 16 myself, but I am a human being. How can I leave a five-year-old child on his own in the middle of a desert? I would rather die with him... So, I told his mother that I will take care of him for as long as I am alive... I remember her last words: 'He's your brother. He does not have a father. Bless you both'.... She then fell unconscious and died in front of us.

Such stories are not new to many Eritrean refugees; instead, they epitomise the experiences faced by many refugees. At the time of writing this thesis, many Eritrean refugees were being held hostage in necropolitical bordering spaces, such as the torture camps and detention facilities in transit countries and the hotspots along the southern shores of Europe. These necropolitical spaces, as Isin and Rygiel (2007, p. 184) eloquently point out, are:

spaces in which the intention is to treat people neither as subjects (of discipline) nor objects (of elimination) but as those without presence, without existence, as inexistent beings, not because they don't exist, but because their existence is rendered invisible and inaudible through abject spaces.

Once isolated indefinitely inside these spaces of abjection, the refugees are processed into a "subhuman" state of being that can only be understood through the prism of untamed life that is neither recognised in life nor buried in death. Isolated in a liminal zone between life and death, the refugees' worlds become shrunk to their solitary confinements and their realms of personal experiences are consigned to suffering deep visceral pain.

8.4.4 Detention and deportation

As highlighted above, the detention and deportation of refugees, including victims of trafficking, is common throughout the region. According to the participants I spoke to during my fieldwork in Egypt, dozens of Eritreans are stranded in prisons in Aswan, Cairo, Alexandria, and other remote towns in Egypt. During the fieldwork in Egypt, I bore witness to the deportation of dozens of Eritrean refugees from prisons without due process. I visited some detainees and spoke to some of them before they were deported. The documentary evidence and excerpts from my fieldnotes below demonstrate the poignant realities of the detention and deportation of Eritrean refugees in Egypt.



Figure 12: Tax receipt (left) and temporary passport (right)

Excerpts from fieldwork, February 2020.

For me [the researcher], some of the stories and practices of detention and deportation are familiar. In my previous work in Egypt, I witnessed many Eritrean refugees, including victims of the Sinai trafficking, being deported to Eritrea... None of this is unfamiliar to me but everything about the detentions and deportations seems to be against the basic protection rights of the victims. When I talked to one of the deportees [about] why she's being deported, she replied, 'It's often the case when you're arrested at the border but mine is unique... I was trafficked by people who are linked to both the Eritrean and Egyptian authorities and that's why they decided to deport me in such a short time, tomorrow'... Often, the victims wait until their families gather enough money for their air fare (which was between US\$300 and \$500 at the time) and passenger travel document issuance fees (\$30 to \$50, depending on the individual staff members dealing with the issuance of the document, but often recorded as \$30 in official receipts) ...

Another familiar but often not talked about thing I learned about refugee deportations from Egypt was the inability of the UNHCR to do anything but remain silent regarding the atrocities committed by traffickers and their powerful partners among the border security agents of the origin and transit countries involved... I talked to a homeless and disabled woman who was in her sixties and she told me that she has been dragged here and there by street gangs on the streets of Cairo for almost 16 years and the only thing the UNHCR has done is renew/replace her "blue card" when it expired or got lost. What's the point of the UNHCR if its role is merely to administer the establishment of the refugees' "fear of persecution" status, before discarding the refugees' accounts in its archives? What does the

issuance of refugee status or “blue cards” do to help the bearers in countries like Egypt?...

The “rogue powers”—the human traffickers and their collaborators—seem to operate throughout state borders, and this is symptomatic of the fact that refugees are excepted from any form of protection. When it comes to the treatment of refugees, as one of my participants said, the most dangerous and powerful rogue powers are the ‘border security officers and military commanders’ of states.

As argued above, the sovereign states not only securitise the untamed life status of the refugees stranded in necropolitical spaces but also engage in detention and deportation, on the one hand, and collude with traffickers, on the other. Isin and Rygiel correctly assert that the ‘detention centres function as ... a technology of segregation whereby subjects are constituted as strangers and outsiders rather than subjects with rights to have rights’ (2007, p. 195). In transit countries such as Sudan, Ethiopia, and Egypt, the ‘technology of segregation’ is entwined with an operative of the elimination or forced removal of those seeking refuge to their countries of origins. As Rozina correctly puts it, the entwined relationship between detention and deportation forms a continuum that begins in ‘hell’ and ends in ‘hell’. For Rozina, ‘hell’ was the carceral network in Eritrea where her poignant story began and, eventually, would end. Her story represents the stories of thousands of Eritrean refugees who were deported back to Eritrea from the transit countries. For the last two decades, the preoccupation of governments with the expulsion of refugees from the polity has nowhere become more visible than in these countries.

8.5 Concluding remarks

Building on the central argument of Chapter 7, in which I suggested Eritrea is the epitome of a carceral state, this chapter has argued that the carceral system and the precarious life it creates are not confined to Eritrea; instead, they exist along a continuum that stretches from “womb” (birth) to “tomb” (death). As discussed, the concept of viability reduces the right to life of new-born children and the unborn to a matter to be decided on by their parents. In fact, the amended Penal Code published in 2015 clearly states that ‘unlawful’ abortion is punishable by imprisonment for a term of one to three years if committed by the pregnant woman (Article 282(1)) and three to five years if committed by a

different person (Article 282 (2)). However, as Hagos perceptively argues, 'The criminalization of abortion appears to be for biological, socio-cultural and religious grounds' (Hagos, 2014, p. 59).

What is at stake in the application of the principle of viability is the very ontological state of being of the form of life in question. This means that, according to such a principle, any Eritrean life between conception and infancy would be regarded as a form of life whose very existence can only be imagined in a liminal zone of indiscernibility between the state of being (life) and the state of non-being (death) and yet possessing the capacity for political intelligibility. If we take Agamben's formulation of the link between the sovereign and bare life in which he argues that 'the sovereign body' (the former) decides on the exception of 'the sacred body' (the latter) (Agamben, 1998, p. 91), then that same precarious link is created by the notion of "viability" between the mother and the new-born infant. This form of life, which appears not to have been hitherto considered, at least in the context of Eritrea, constitutes the original feature of the untamed life.

Ironically, Eritreans are not only born into rightlessness, but they are also compelled to live through modalities of lawlessness, rightlessness, and homelessness in their home country. As has been extensively discussed, the ruling regime froze the country's constitution in time before its ratification and extended the rule of exception into an unlimited future. In the absence of law, the precarious link between the mother and the "non-viable" infant is established between the state and every citizen of the country. The moment at which a new-born child meets the conditions set by the principle of viability is when the unconditional threat of death rests solely at the whim of the state sovereignty. 'The violence exercised in the state of exception,' Agamben (1998b, p. 64) correctly points out, 'clearly neither preserves nor simply posits law, but rather conserves it in suspending it and posits it in excepting itself from it'. However, what is preserved in this suspension in the case of Eritrea is not the law, but the rule of no-laws nor rights for there has never been law in the country. It is this rule of no-laws nor rights that posits rightlessness and sets the conditions for the institutionalised exploitation and systemic violence in the country.

The main characteristics of the protracted rule of no-laws nor rights in the carceral state include indefinite NS, arbitrary detention, and forced disappearance. The state deploys these violent and exploitative modalities, as revealed in the participants' accounts, to produce disciplined and usable bodies and disintegrated families in its own image. The formation of the precarious individual and national identities, O'Kane and Redeker Hepner (2009, p. 55) point out:

[are] often based on militaristic rituals, as more generally within the hegemonic Eritrean narrative the nation and the state appear as one. The material form of this oneness is the mass-conscripted national army. It is here where the synthesis between the citizen and the state is experienced concretely and any distinction between state and civil society disappears.

As the citizen and the state collapse into a zone of indistinction, the former is confronted with uninterrupted violence and exploitation by the carceral state. The coordinates of the carceral network—the most visible sites where these modalities of biopolitical control, exploitation, and incarceration are exercised—comprise, among others, dungeons, solitary cells, military camps, and checkpoints. It is in these carceral and necropolitical sites that the untamed life is produced, in much the same way as the “non-viable” new-born is conceived in the womb and born into rightlessness. From this viewpoint, the country has become a space where the untamed life belongs to the state.

The relentless rightlessness, precarities, and carceralities make it nearly impossible to live a dignified life in the country. As the participants' accounts forcefully demonstrate, fleeing the country has become a necessity for their continued biological existence. Leaving aside the capacity for political intelligibility, their untamed life status is tantamount to Agamben's theorisation of the figure of *homo sacer*—'a human victim who may be killed but not sacrificed' (Agamben, 1998, p. 83). Describing the life of *homo sacer*, Agamben (1998) persuasively writes:

He has been excluded from the religious community and from all political life... What is more, his entire existence is reduced to a bare life stripped of every right by virtue of the fact that anyone can kill him without committing homicide; he can save himself only in perpetual flight or a foreign land. And yet he is in a continuous

relationship with the power that banished him precisely insofar as he is at every instant exposed to an unconditional threat of death (p. 183).

For Eritreans, fleeing their country and entering into a foreign land constitutes a desperate attempt to break the inhuman bondage exercised by the omnipresent sovereign power. As much as their flight from their home country is a recognition of their status as suffering humanity, it is equally an appeal for a dignified life and a call for inclusion within political life. Yet, this call for a dignified life and political intelligibility continues to be debased even once they have left their country. Analysis of the participants' subjective accounts demonstrates that it is at the time of their fleeing across the border that the indelible marks of othering—exclusion, illegality, carcerality, and deportability—are imprinted on the bodies of the would-be refugees.

'The decision of exile,' Salter (2008a, p. 370) affirms, 'is irreducible—it is the decision that the sovereign owes that individual no hospitality, no protection, no law, only violence'. The border is where the multiple states of exception and axes of carcerality and precarity merge to evoke this violent stasis. The above-reported accounts of different participants regarding their encounters at the border with border security agents, in which some of the border crossers were met with bullets while others were guided across safely, represent the poignant realities of the lives intercepted at the border.

Once the would-be refugees cross the border (often after undergoing perilous journeys and the associated violence of bordering), they find themselves exploited and annihilated by organised criminal groups and the security apparatus of the transit states. In other words, they encounter new spatial arrangements designed not only to exploit and externalise them, but also to "destroy" their bodies or eliminate their physical presence. The refugees kidnapped by traffickers are forced to disown their bodies and, indeed, their entire human experience because they are now possessed and controlled by their traffickers, who are at liberty to do whatever they wish with this mass of bodies, as shown in the story of the Sinai trafficking.

As discussed above, the Sinai is a necropolis of Eritrean refugees and torture camps and detention centres in Libya and the wider region have become

increasingly common. Sergel's experience is shared by thousands of survivors of refugee trafficking in the region. Once taken hostage by traffickers, the victims are reduced to what Achille Mbembe calls 'the slave condition', which, as he describes it, 'results from a triple loss: loss of a "home", loss of rights over his or her body, and loss of political status' (Mbembe, 2019, pp. 74-75). These refugees become homeless because they are deprived of their right to live in their homeland and denied the right to make a home elsewhere; they have lost control over their bodies because they are owned by the traffickers; and they lose "political status" because they are placed beyond political imagination, and yet are at the centre of politics. To use Mbembe's (2019, p. 75) evocative description once again, the hostages are banished to a realm of 'absolute domination, natal alienation, and social death (expulsion from humanity altogether)'.

On an even more fundamental level, the refugees' ontological states of being and non-being enter into a realm of indiscernibility and incommunicability in which the "walking dead" are inseparable from the vicarious existence of the physically dead. A slow and painful death might be the ultimate destiny of the trafficking victims (an event that occurs as an epiphenomenon of their entire experience), but until then, they continue to live through their vicarious existence until their ransom is paid or their organs are harvested. The ransom—which, in the aforementioned example, is the value of the untamed life—is the liminal register at which the physically dead and the surviving victims intersect. News of the hostages' deaths is sent to their families only if there is no longer any value to be extracted from withholding the information (e.g. after a ransom is paid or organs are harvested) or the traffickers have reached the point at which maximum exploitation has been achieved. The affirmation of their deaths marks the total collapse of their physical and vicarious existence—the annihilation of the untamed life. This point of intersection at which the "living dead" and the "dead living" enter into a realm of indiscernibility is the threshold at which the politics of life (biopolitics) meets the politics of death (necropolitics).

Those who manage to avoid death are stuck in survival mode in the necropolitical and carceral spaces where maximum biopolitical exploitation is

the ultimate destiny. They are banished to a spatial and temporal continuum in which the exception is deployed as the norm for the ‘indefinite future’ (Butler, 2006, p. 64). The deployment of the exception as a rule and the annihilation of the outlawed are primarily epitomised in the coordinates of the carceral network, which features, among others, borders, refugee camps, detention centres, and torture camps. These spaces—the coordinates of the carceral network—are where the exception is applied to ensure the complete domination, surrender, and annihilation of the untamed life. Taken hostage in a violent spectacle regulated by state and non-state actors, the refugees’ instincts, capacities, and potentialities are negated indefinitely. Muted and stranded, the refugees are, therefore, confined to apparent indignity and inhumanity, bereft of protection from the law.

As shown so far, neither the sovereign states nor the futile efforts of humanitarian organisations can rescue these excluded lives. Instead, multiple examples and axes of carcerality and technologies of removal are drawn between the coordinates of the carceral network to exceptionalise them. While the transit states relentlessly camouflage their indifference towards refugees for political reasons (Mekonnen and Estefanos, 2011; Fisseha, 2015), the ‘humanitarian organizations—which today are more and more supported by international commissions—can only grasp human life in the figure of bare or sacred life’ (Agamben, 1998b, p. 133). In fact, the banality of sovereign states’ indifference towards refugees not only outlaws the presence in the polity of those seeking refuge, but also dictates the limits of humanitarian interventions and the resources apportioned to them (Betts, Loescher, and Dawson Books, 2011). As Agamben (2000, p. 113) rightly contends: ‘Sovereignty, therefore, is the guardian who prevents the undecidable threshold between violence and right, nature and language, from coming to light’.

In the end, what remains of the capacity for the biopolitical exploitation and physical annihilation of the rightless refugees is tested by what the participants referred to as the treacherous ‘black hole’: the Mediterranean Sea. Survivors have to risk their lives in densely packed fragile boats to cross to the imagined safety in view. In the next chapter, I begin by examining these packed boats

carrying rightless bodies as floating necropolitical spaces over a treacherous 'black hole'.

Chapter 9 Being a Refugee

9.1 Introduction

This chapter discusses the encounters between outlawed refugees trying to reach the imagined safe-haven in view, on the one hand, and “Fortress Europe” (Van Avermaet, 2009), with its border architecture and asylum regimes, on the other. In analysing these encounters, the chapter also sheds light on the exploitation of refugees in the clandestine business of refugee trafficking and the ethics and practices of humanitarianism. Building on the previous chapters, I argue that state and non-state actors are part of the same spectacle built on power structures designed to outlaw the “humanity” of the figure of the forced migrant. The chapter is divided into four sections, as outlined below.

The first section examines how rightless refugees, during their perilous journey, are not only trapped in violent and exploitative practices deployed by state and non-state actors, but also continue to vanish in the treacherous waters of the Mediterranean Sea and in the carceral spectacles on either side of the sea. I conceptualise the packed boats carrying rightless bodies—which, I think, can best be described as floating necropolitical spaces—as symptomatic of a systemic problem of so-called “migration management” (Mainwaring, 2019).

In the second section, I discuss the bureaucratic process of asylum in transit states, and argue that the primary function of such systems is to create a “disposable subject”, while, at the same time, presenting an imminent threat that needs immediate attention and swift action. Drawing from participants’ subjective accounts, my analysis focuses on the Dublin Regulation, whose hidden matrix relies heavily on a system of negation and elimination that defines asylum seekers and refugees in terms of what they are *not*, rather than what they *are*. Here, I seek to unpack the implacable hostility against migrants in general and against refugees in particular.

In the third section, I discuss the asylum system in the UK as an example of a preferred destination country. I also look into “refugee integration”—a concept that functions as a rhetorical device, a political camouflage, and, to some degree, an assimilative process that renders invisible refugees’ positive socio-

economic contributions in the host society and their capacity for political existence. Finally, I revisit the main findings of the chapter to make concluding remarks.

9.2 The ‘mammoth black hole separating Africa from Europe’

As shown in the previous chapters, once they have left their country, Eritrean refugees continue to be stranded in a carceral continuum in transit countries such as Sudan, Ethiopia, Libya, and Egypt. If they survive the barbed traps and entangled spaces of the carceral spectacle deployed in transit countries, the refugees have to undertake dangerous maritime journeys to reach mainland Europe. Despite the risk of drowning, desperate forced migrants never stop attempting to sail across the sea as they feel they have no other choice. Speaking from his experience, Wulud eloquently described the impossible decisions refugees have to make before they embark on the maritime journey as follows:

Looking at things from the perspectives of the refugees in Libya, everybody knows that there is a mammoth black hole separating Africa from Europe. People know how dangerous a challenge it is to attempt to cross the Mediterranean Sea on packed fragile boats... I knew I could disappear without trace in the deep waters, but what else do you expect me to do if I am stuck in a burning hell? I would rather be swept away by tides than suffer in a detention centre in Libya or be burned to death by traffickers.

Wulud went on to make a distinction between death in detention centres or torture camps and death in the sea. For him and for many other Eritrean refugees, the hope of surviving a journey in densely packed boats is far greater than the (im)possibility of living a dignified life in the transit countries. Deprived of legal routes to safety, the refugees often make such choices because they have no other hope. The participants in this research stressed that the act of waiting becomes a form of “stuckness” when there is nothing to wait for. This stuckness involves living in the brutal conditions inflicted up on them by state and non-state actors, such as border regimes and human traffickers. Thus, the temporal and spatial stuckness in carceral spaces has become the prime reason for refugees’ embarking on risky crossings of the Mediterranean Sea.

However, it is worth emphasising that not all refugees have the capacity, or the resources required to be able to choose between the two options: stuckness and moving on. Data corroborated by interviews and focus group discussions show that Eritrean refugees are more likely to embark on such journeys only if they have the resources and social networks to do so. In Chapter 8, I highlighted the story of a disabled woman, Amal, who had been living on the streets of Cairo for about two decades with no end in sight to her ordeal. In an interview with her, Amal told me that she relied for food on the generosity of some of her friends who had travelled to third countries, such as Canada and Australia, through sponsorship schemes. Shedding tears by the end of the interview, Amal lamented:

I feel I am cursed. I was born poor and then paralysed, unable to walk properly. Nor do I have relatives who can help me resettle anywhere in a safe place... That's why I live on these dirty streets of Cairo. When I turned to the UNHCR, they did nothing to help me but give me a blue card... I wish I was not disabled and had the money to make the journey to Europe by boat. I feel hopeless... Life has been unforgiving but, yes, Alhamdulillah!

Amal added: 'If you're a refugee like me, there is no transition to the next step or to a better future. There is nothing to be waiting for but death—God's will'. Regarding a similar theme, Ariam recalled that two of her friends had been stuck in Libya for years because they did not have anyone to help them pay for their journey. Ariam later learned that one of the friends had been shot dead by Libyan coast guards and the other deported to Sudan, where he had been detained. Amal, Ariam's former friends, and many other refugees in similar situations to theirs endure a form of naked life in which life itself is constantly and imminently at stake.

The irony, however, is that engaging in perilous journeys is equally unforgiving even for those who have the resources to embark on them. They have to navigate through routes regulated by rogue powers, such as powerful militias, human traffickers, and border guards, before they get to the sea. And many thousands die in the hands of these rogue powers. As shown in Chapter 8, these who have borne witness to the horrors of trafficking report that the obscenities and violence they have been subjected to are more banal and crueller in lifeless deserts, notorious torture camps, detention facilities, and at borders. These are

the spaces where the unprotected refugees are not only subjected to visceral pain, but also where they are effectively annihilated. Their reality, as Amal rightly pointed out, continues to be unconditional exposure to death.

Mayhem in the Mediterranean Sea is the next calamity the refugees face. Survivors who manage to reach the western shores of the Mediterranean Sea risk their lives on a dangerous maritime journey in pursuit of a glimmer of hope—‘freedom in view’, as one participant put it. They fight a survival battle against the tides of the Mediterranean Sea and the maritime borders of “Fortress Europe”, whose primary agenda is to contain the refugees outside the EU’s territorial limits (Andersson, 2014; Smith, 2017; Ambrosini, 2018; Mainwaring, 2019). To cross the sea, the refugees have to rely on smugglers and traffickers, who sail them via irregular means in densely packed, fragile and inflatable boats. Wulud, for example, described his experience as follows:

On Friday, 31 July 2015, the traffickers took us to the coast, where we spent the day in a beautiful villa listening to Arabic music. The villa was owned by a wealthy trafficker, who, I think, was also a military commander... We were told that no one would come to that place and no one would attempt to kidnap us because the trafficker was a well-respected military commander. We felt secure in that place; it was an ideal contrast to what we have been through... A week later, again on Friday, they put us on a boat with another group. There were about 400 of us on one small ship. The traffickers sailed us for about 10 hours and then left us in the middle of the sea. Luckily, we were rescued by a rescue ship that later brought us to Italy.

Reflecting on his experience, Wulud described the moment the traffickers abandoned them in the middle of the sea as the ‘darkest moment’ in his life. He said: ‘Being abandoned in the middle of the sea on an overcrowded inflatable ship felt like the end of the world’. Although the apocalyptic image of drowning at sea continued to haunt him, Wulud felt a ‘deep sense of relief’ once he had safely arrived at the Italian coast. Yet, he also recalled the death of over a dozen of his childhood friends and former colleagues, some of whom, he said, have disappeared without trace. Indeed, as Laczko et al. (2019, p. 11) report, ‘It remains a largely unmonitored sea crossing where boats may disappear without trace’.

Once the refugees are in the middle of the sea, floating on inflatable boats, they only have the stars to use for direction, and when the sun shines bright, they surrender to the natural forces of the sea to guide them. The other possibility for the refugees is to prepare to die at any moment. Wulud recalled: 'You pray for the high tides not to come your way, and if they come, you are defenceless; the tides can turn the boat upside-down'. Abandoned in the middle of the sea, laden with rightless bodies, the fragile and overcrowded boats can be best understood as floating necropolitical spaces in which life and death are rendered inseparable. As Butler (2006) would say, the migrants' deaths are regarded neither as a loss nor as something grievable, but rather as disposable matter.

According to the IOM's Missing Migrants Project, over 20,000 migrants, including 1,600 children, have died or gone missing in the Mediterranean Sea since 2014 (Laczko, Black and Singleton, 2019, p. 41; IOM, 2020). Although it is difficult to obtain accurate figures on the number of deaths by nationality, Eritreans make up a significant proportion of fatalities in the Mediterranean Sea. The island of Lampedusa, where about 400 people, mainly Eritreans, sank in a matter of minutes on 3 October 2013, is the emblem of the unprecedented loss of Eritrean lives in the Mediterranean Sea (Ambrosini, 2018, p. 104). The story of a young Eritrean woman, Yohanna, who drowned off the coast of Lampedusa with her new-born baby still attached to her by its umbilical cord, still shocks many Eritrean refugees in the diaspora. While Yohanna's death epitomises the unconditional threat of death that refugees are constantly exposed to, her new-born baby was born to death. Michael Adonay's memorialised artwork titled, *I was not born to be a refugee*, portrays Yohanna's story.



Figure 13: I was not born to be a refugee by artist Michael Adonay.

As the wrecking of migrant-carrying boats is repeated every summer, Eritrean refugees continue to perish at sea and their relatives in Eritrea and in the diaspora suffer the anguish of the season of obituaries. In Eritrea, families who had hoped to hear news of their relatives reaching a safe place instead lament in disbelief on receiving the bodies of their loved ones covered with white sheets. Eritrean refugees such as Zainab, whose son was killed by human traffickers, articulated that they ‘leave their country rightless and return to it lifeless’. During the sailing seasons across the Mediterranean Sea, neighbours move from one house to another to visit a mourning family. Every time a death knell rings in neighbourhoods, all mothers succumb to grief, thinking that it might signal their son’s or daughter’s obituary. In the diaspora, after investing their possessions to help their loved ones survive, the victims’ families, relatives, and friends are constantly being consumed by grief. It seems that refugees’ ‘lives are not deemed to be worth living even by the angels and saints, who seem to have stopped listening to our prayers,’ said Ariam, who had witnessed her friend being buried alive.

In “Fortress Europe”, on the other hand, the annihilation of undesirable migrants is concatenated with the protection of the citizen, and, hence, with national security. Stoking discourses of “crisis”, “fear”, and “invasion”, populist governments back the deployment of exclusionary tactics such as the repulsive containment, abandonment, and systematic elimination of irregular migrants (Ambrosini, 2018; Mainwaring, 2019). In fact, the EU continues to expand and

equip its border machinery with modern surveillance technologies to detect, intercept, and push back incoming refugees. These new technologies of border control feature, among others, ‘aero-naval assets with the dual aim of protecting borders and national interests and rescuing lives in danger’ (Ambrosini, 2018, p. 105). In short, the border has become, at the same time, both smarter (Salter, 2004a) and more ‘violent’ (Jones, 2019).

The innovative designing of border architecture places border security above the human security of migrants. The new border technology has allowed states not only to detect the irregular mobility of incoming migrants, but also to trace and eliminate them before they reach mainland Europe. It has become common for migrant-carrying boats to be blocked from crossing the Mediterranean Sea, and those found within close range of Europe’s southern coastline are deported back to Libya, where the refugees are kept incommunicado (Human Rights Watch, 2009; Ambrosini, 2018). According to a Médecins Sans Frontières (MSF) press release, ‘Almost 8,000 refugees and migrants [were] intercepted at sea and forced back to Libya’ between the months of January and September 2020 (MSF, 2020). Several southern European countries, such as Italy and Greece, are implicated in violations of international legal frameworks and human rights norms. A Human Rights Watch report from 2009, for example, points out that ‘Italy violates the international legal principle of nonrefoulement when it interdicts boats on the high seas and pushes them back to Libya with no screening whatsoever’ (2009, pp. 7-10).

In addition to preventing boats carrying migrants from safely landing on the shores of Europe, a general reluctance to rescue abandoned forced migrants in dangerous waters has become widespread over the last few years. Spijkerboer (2017, p. 26), for example, correctly points out that:

States act as if they have no responsibility to prevent risks to life of irregularised travellers because they die outside their territory and rely on non-state actors such as smugglers... Because these travellers do not comply, states feel they do not have to protect the right to life of the people concerned beyond search and rescue—an obligation which is only triggered when the risk to life already has materialised.

Paradoxically, not only do the states deprive irregular migrants of sovereign protection, they also make it illegal for non-state actors to attempt rescue or

provide humanitarian assistance. For example, southern European states such as Italy and Greece have enacted restrictive and punitive laws that prohibit private rescue operations. In its 'briefing notes' of August 6, 2019, the UNHCR pointed out that:

Under changes approved by [the Italian] Parliament, fines for private vessels that undertake rescue of persons and do not respect the ban on entry into territorial waters have risen to a maximum of €1 million. In addition, vessels will now be automatically impounded.

At the same time that local charities and private rescue operations are being banned from rescuing any sinking migrant-carrying boats, emergency service provisions to assist survivors have been suspended. Even worse, international and non-governmental organisations that engage in rescue operations are subjected to accusations of alleged collusion with traffickers and 'mafia' groups (Ambrosini, 2018, pp. 114-115). For instance, the non-governmental humanitarian organisations Cap Anamur and MSF have been accused by the Italian government of aiding and abetting the crossing of irregular migrants, a charge that the organisations vehemently deny (Cusumano, 2018). In its September 2020 press release, for example, MSF strongly criticised the EU's approach to irregular migration as follows:

Across the Mediterranean, from preventing rescues at sea to purposely holding people in Moria refugee camp, the EU's current approach to migration is to systematically trap, push back and abandon people; whether that is leaving them to die at sea or trapping thousands of men, women and children in appalling conditions in camps on the Greek islands. (MSF, 2020)

Threatened by the judicial powers of sovereign countries, therefore, private rescue ships, NGOs, and humanitarian organisations are increasingly subjected to restrictive and punitive laws designed not only to contain refugees and irregular migrants but also to securitise their naked status. Linking it to Agamben's notion of the camp, Edler (2020) contends that the Mediterranean Sea has become 'a camp that regulates who lives and who dies, which 'bare life' is inscribed into the population of the European Union and which is excluded' (p. 23). According to Edler (2020), 'the power to decide on who lives and who dies' rests in Europe's hands (p. 21). These necropolitical spectacles are nowhere better exemplified than in the capsized necropolitical spaces carrying rightless bodies.

9.3 Asylum in transit countries in Europe

In spite of all the setbacks and struggles to survive, many Eritrean refugees continue to reach mainland Europe. Brekke and Brochmann (2015, p. 4) point out that:

Eritrean refugees follow two main routes to Europe: most use the central Mediterranean route, through Sudan, Libya and by boat to Lampedusa, Sicily or Malta; others follow the land route through Ethiopia, Sudan, Egypt, Israel or Jordan to Turkey and Greece. Some asylum seekers have enough resources to fly directly into one of the major cities in Europe.

Of these main routes, the land one is almost impenetrable for many Eritrean refugees due to the highly sophisticated borders and violent state interventions. Among other reasons, Israel's construction of a fence in 2012 and the increased Egyptian government intervention in the Sinai Peninsula has confined the refugees' mobility to within the deadly central Mediterranean route (see van Reisen et al., 2017). Despite strict immigration rules, a "lucky" few also come to Europe through legal routes, such as via family reunion visas and resettlement schemes, like the UK Gateway Protection Programme (Darling, 2009; Platts-Fowler and Robinson, 2011).

As the refugees cross the Mediterranean and reach the shores of mainland Europe, the 'smart border' (Salter, 2004a) system tracks them from their starting points to their arrival points and separates them from the "inside" by means of localised bordering regimes (Ambrosini, 2018, pp. 121-123). The would-be refugees are subjected to the Dublin Regulation, which was 'formulated to ensure that only one country shall be responsible for processing an asylum seeker's application' (Brekke and Brochmann, 2015, p. 3). The Dublin Regulation is a system designed to contain irregular migrants within the first countries of asylum at any cost. At the policy level, the regulation poses two main problems: it 'lays a disproportionate burden on the countries on Europe's southern border (e.g., Italy and Greece); and differences in reception conditions, processing ability, and access to social rights prompt regime competition' (2015, p. 3).

Upon arrival, intercepted refugees are taken to inadequately resourced and highly bureaucratised reception centres. As Wulud recounted:

I was caught by police in Italy, and they took me to one of the [reception] centres in Milan. You know, the centres are like police stations where you are subjected to excessive control and have no access to basic needs. They don't provide you with adequate basic services such as food, clothing, shelter, and health services. I had injuries from the journey but could not even get painkillers in the centres... I did not know how to seek asylum and how long the asylum process takes. It's like you're in the middle of nowhere with so little information. Also, the officials there don't treat you well. I remember one officer asking me if I was a smuggler or a trafficker.

The bureaucratisation of asylum processes, the poor living standards provided for people seeking asylum, and the lack of any foreseeable future in the first countries of asylum all mean that the would-be refugees have little choice but to continue their journeys to their preferred destinations. Like other refugees, Eritrean refugees often move on to other parts of Europe. Research participants identified, among others, the growing backlash against migrants, family links, social networks, and a lack of opportunities as some of the reasons why Eritrean refugees undertake protracted journeys within Europe. The excerpts below are from a focus group discussion conducted with participants in the UK in September 2019:

Andit: After we were rescued from the sea, we met very hostile local groups holding protest banners like "Refugees Go Home", "Refugees Not Welcome", "Stop Illegal Migration", and so forth. It was so scary. I genuinely thought the protesters would be violent to us had we not moved to a different city immediately.

Saba: Andit is right. We have two tainted qualities: black skin and refugee status. No refugee can escape these...

Desale: I agree. I would also add relatives. I mean, all of us here have parents living in Eritrea, so it is important to go to a place where you have relatives who can help you adapt to the new life.

Hayat: Don't forget about family reunion, [Desale]. I mean, like people travel to places where they think they have the best chance to reunite with their loved ones who are refugees in other places... My friend waited ten months in Calais to come to the UK because he heard that it is easier to bring his wife from Sudan.

However, the poor reception and asylum conditions in first asylum countries are not the main challenges the participants identified. Many of the interviewees and focus group participants cited what they called “*fish*”—a term used by the participants to describe the EURODAC system of registering fingerprints—as the main limiting factor. Identified by the participants as the main deterrent for moving on, *fish* is the first thing to avoid for the refugees. For them, avoiding *fish* means that they can continue their journeys to other European countries. Based on their fieldwork with Eritreans in Italy and Norway, Brekke and Brochmann (2015, p. 10) report:

A common mantra heard during our interviews was ‘anywhere but Italy’. This was mirrored in the stories of people trying to avoid having their fingerprints taken and their envy of those who had actually managed to avoid registration in EURODAC and travel through Italy to other destinations.

The irony however is that their right to seek asylum in countries other than their first country of entry is outlawed by the Dublin Regulation. If identified by the ‘biometric borders’ fixed in their bodies (Amoore, 2006), asylum seekers whose fingerprints are taken in southern European countries are barred from seeking asylum in the rest of Europe. In such cases, all of Europe but for the first country of entry is rendered a state of exception. Thus, those who travel outside their first country of entry are often associated with deception, illegality, and criminality. Yonas, for example, recalled:

I crossed the sea and reached Italy in the summer of 2002. My sister lived in the UK, so I continued to the UK to join her. Upon arrival, I sought asylum in the UK, but my asylum claim was immediately rejected because I had *fish* [(my fingerprints taken)] in Italy... Eventually, I was arrested by immigration officers and deported to Italy after a year in hiding with my sister in the UK... I could not find a job in Italy for almost a year, so I decided to go to Switzerland.

Yonas said that he had changed his name and date of birth to avoid deportation by the Swiss immigration authorities. Luckily, Yonas added: ‘my fingerprints were not identified by the Swiss immigration officials and I got my papers’. Other participants went further by burning off their fingertips to avoid identification in their new asylum countries. Zenawi recalled:

I had my fingerprints taken in Italy but managed to get residence papers here [in Sweden]. The authorities did not identify my fingerprints because I had slightly burnt my fingertips and rubbed them off against a rough surface. I was lucky enough to avoid deportation to Italy where I could have been stuck in limbo... I have my small business here and earn enough to help myself and my family.

Zenawi added that burning fingers was a common “strategy” used by many refugees seeking to avoid identification and the resulting deportation legitimised by the Dublin Regulation (Grant and Domokos, 2011; Human Rights Watch, 2016a; IRIN, 2017). Desperate asylum seekers have to destroy parts of their bodies to remove the biometric borders drawn through their bodies. In its 2016 report, Human Rights Watch described the Dublin Regulation as an ‘inefficient and inhuman’ system that is founded on ‘forcibly transferring asylum seekers back to those countries of first arrival, without achieving a fair distribution of responsibility across the Union’ (Human Rights Watch, 2016a). However, neither refugees’ bodies nor their human dignity seem to matter. In fact, their bodies and humanity have become sites for the deployment of sophisticated border technologies.

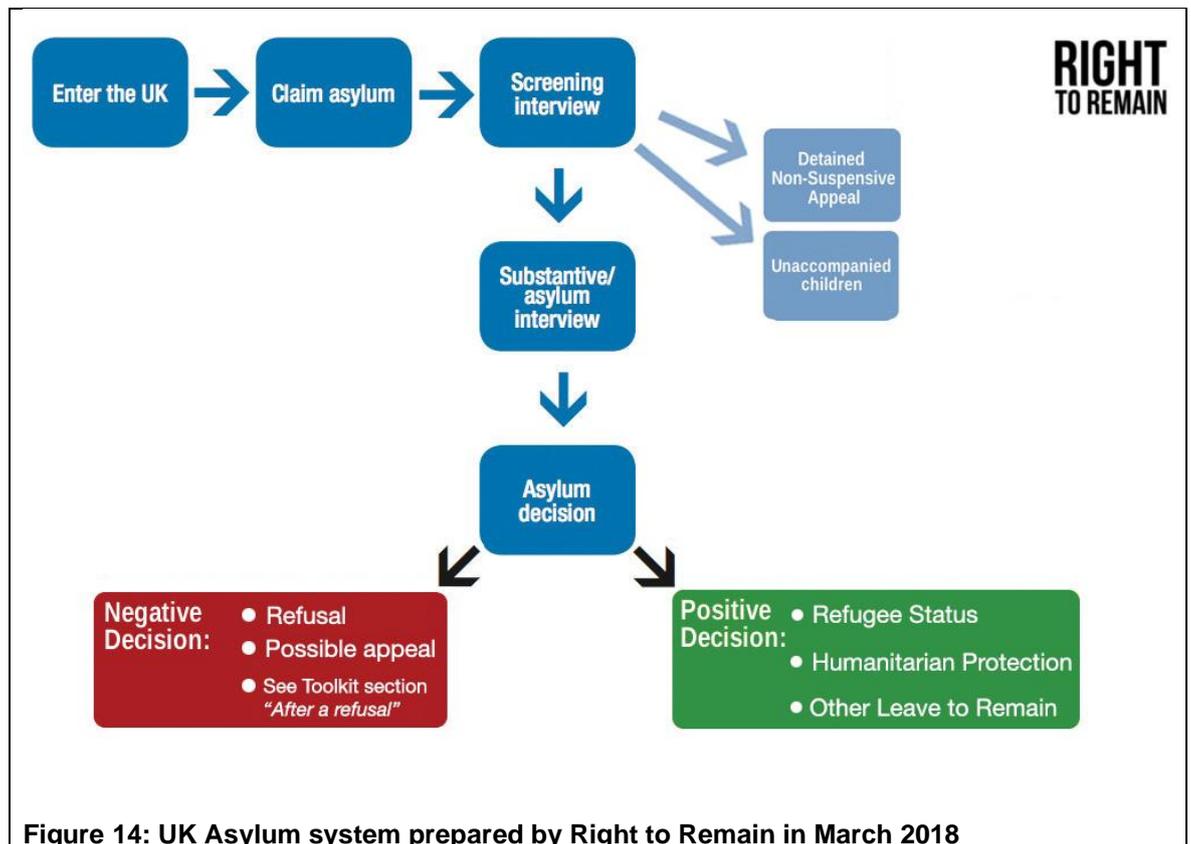
Furthermore, many asylum seekers and refugees remain stranded in refugee camps and in ephemeral spaces at transit borders within Europe as ‘they try to negotiate inflexible and insufficient levels of EU protection’ (Davies, Isakjee and Dhesi, 2017, p. 1264). The Moria refugee camp in Greece, which was burnt to ashes in September 2020, and the Calais “Jungle”, located at the French border with the UK, are just two examples of the constitutively excluded spaces in which many refugees are abandoned. Like other refugee camps, these spaces are utilised to contain, immobilise, and illegalise forced migrants, as well as subject them to hopeless destitution. I come back to this point for further analysis in the concluding remarks of this chapter.

Therefore, in far-flung and unfamiliar places, Eritrean asylum seekers in Europe are subjected to institutionalised bordering, ‘impoverishment’, and ‘slow violence’ (Mayblin, 2020). They remain suspended in space and time throughout the continent. Upon entry to Europe, some asylum seekers become ‘stuck in transit’ (Brekke and Brochmann, 2015), while others move on only to face immigration detention, forced removal, and/or vetting bureaucracy in their preferred destinations. Both in transit and in their preferred destinations, such

as the UK, as I will discuss below, the imagined “freedom in view” turns out to be a bureaucratic experiment in othering those seeking refuge. In fact, the refugees are defined by what they are not, rather than by what they are. They become subjects of a narrative formulated by negation and exception. And their capacities and potentialities are disavowed in favour of false narratives of “invasion”, “crisis”, and being “unwanted”. They are cast as deviant and dangerous aliens who cannot be admitted, far less welcomed.

9.4 Seeking asylum in the UK

Asylum seekers who manage to avoid biometric registration and have the right to seek asylum in countries such as the UK find themselves trapped within a complex vetting bureaucracy of asylum regimes. In the UK, for example, asylum seekers have to navigate a “hostile environment” that is deliberately designed by the Home Office to discourage irregular immigration. As Webber rightly points out, ‘the explicit intention’ of the hostile environment is ‘to weaponise total destitution and rightlessness, so as to force migrants without the right to be in the country to deport themselves, at low or no cost to the UK’ (2019, p. 77). The deliberate design of the hostile environment features immigration detention, unlawful refusal of asylum claims, forced removals, forced evictions, and abject destitution.



The UK asylum system's complex vetting system provides limited rights of protection for asylum seekers. To be granted the right to remain in the UK, asylum seekers have to go through a long and highly bureaucratic asylum process. Upon arrival, asylum seekers claim asylum at ports of entry or by booking an appointment for screening with the asylum intake unit in Croydon. They are then interviewed by an immigration officer in an encounter commonly referred to as a screening interview. In this interview, immigration officers gather information from asylum seekers, documents, and other sources, which is used to establish or refuse asylum claims. Some participants recounted being asked background questions, such as about their names, relationships, journeys, and reasons for leaving their country of origin. Others said they were not believed by the immigration officers. Andit, for example, recalled:

You know, the screening interview was the worst of all for me. You don't know anything about it on arrival. I was challenged by an officer who did not believe my age. I told him I am 17 but he did not believe me. The officer told me to bring ID documents to prove my age and identity. You know, in Eritrea you don't get passports and stuff. I tried to explain why I did not have ID documents, but the officer still did not believe me. He told me that I have to go through age assessment for my claim to be considered... This whole process took me about

eight months and by the time I had my second interview, I'd turned 18. You know, they just want you to tell them that you're an adult regardless of your age. I still cannot say why.

Andit's experience appeared to be very common among young asylum seekers. When I put the question of age assessment to Andom, who had worked with asylum seekers and refugees in the UK for about six years, he replied:

I know of over a dozen unaccompanied children who remain stuck in age assessment procedures. This is an endemic problem, to say the least. For the Home Office not to believe children's ages and refer them to social workers and local authorities to decide on the age of unaccompanied children is deeply problematic. The use of physical features and demeanour to ascribe ages to vulnerable children is incomprehensible. The margin of error that an age assessor can make regarding a child's age is simply immeasurable. It is symptomatic of the Home Office's discriminatory policies against some asylum seekers.

In May 2019, in a case involving a young Eritrean child, the Court of Appeal ruled that the age assessment policy at the time was 'positively unlawful', and suggested that 'any policy must seek so far as possible to avoid the Secretary of State acting unlawfully' (EWCA Civ 872, 2019, Paragraph 57). Vice-President of the Court of Appeal (Civil Division), Lord Justice Underhill added:

In my view this defect in the policy/guidance gave rise to a real risk of children being (unlawfully) detained. That conclusion would in my view be justified even without evidence of specific cases where that had occurred: in the absence of guidance as to the width of the margin of error there is inevitably a real risk that immigration officers will place too much trust in their own assessment that a particular young person is "significantly" over 18 (EWCA Civ 872, 2019, Paragraph 68).

Following the Court of Appeal's decision, the Home Office has amended its age assessment guidance. This guidance was further amended 'to take in to account legislative and procedural changes arising from [...] the UK's exit from the European Union on 31 January 2020' (Home Office, 2020, p. 5). The legal and practical implications of the new guidance are yet to be seen.

In the focus group discussions conducted in the UK, participants expressed particularly strong dissatisfaction about the linking of age assessment to the maturity and conduct of child asylum seekers. They stressed that the children

whose ages are being assessed have been through extremely difficult and traumatic experiences that have shaped them as persons. The participants' accounts indicate that child asylum seekers are exposed to 'childhood adultification', which is to say that they are 'prematurely, and often inappropriately, exposed to adult knowledge and assume extensive adult roles and responsibilities' (Burton, 2007, p. 329). As pointed out by the participants, the children have to deal alone with complex situations such as smuggling during their journeys, during which their unforgiving circumstances force them to make life and death decisions.

As Burton argues, therefore, 'adultified children's behaviors do not necessarily conform to normative expectations of "appropriate" behaviors for children of similar ages' (2007, p. 343). On the one hand, child asylum seekers may become more mature than their ages suggest, while, on the other, they may become extremely vulnerable due to their circumstances. In both scenarios, however, asylum claims that involve age disputes may be adversely affected by the circumstances of the child asylum seekers. Thus, the focus on children's maturity and demeanour when assessing their ages not only widens the margin of error, but also overlooks the children's precarious experiences and their socio-cultural backgrounds.

Adult claimants face their own challenges in the screening interviews. They are expected to establish their backgrounds, identities, family relationships, and journeys. The participants also explained that they were required, on a regular basis, to affirm their compliance and disclose their immigration and criminal histories in order for them to be deemed admissible and safe. In 'The architecture of asylum in Britain', Canning (2020b, p. 266) argues that the system 'relies heavily on compliance, including opening up interpersonal experiences to scrutiny in the main (or substantive) interview, and weekly or monthly signings at the Home Office'. Moreover, asylum seekers face immigration detention and forced removal if they have passed through another country that is deemed safe by the UK government.

After the screening interview, asylum seekers go through a substantive interview in which they are required to establish well-founded fear of persecution as defined by the 1951 Convention relating to the Status of Refugee (see Art.

1(A)(2)). In other words, the asylum seekers have to perform victimhood and establish fear of persecution. Claims of persecution are established through detailed questioning and cross-examinations mediated by legal representatives and interpreters in a cross-cultural and multi-lingual environment. Despite being assisted by legal representatives and interpreters, research participants highlighted that their vulnerability, lack of knowledge of the asylum system, cultural issues, and linguistic barriers adversely affect the process of establishing persecution or fear of it. As Harnet explained:

If you are too vulnerable, like a single mother, a victim of trafficking, a child or even a shy person, it is difficult to perform as required in the second interview [substantive interview]. I have been an asylum seeker for 13 years and am still an asylum seeker. I still feel nervous in front of the interviewers and I cannot speak my mind. Also, I start to cry if they ask me about how my mother died in the UK or even about my life in general. I often go into interviews crying and come out of them crying... Some interpreters do not help you; they're not able to communicate all that I tell them. Everything is bad.

In addition to experiencing vulnerability and language barriers, participants noted that many asylum seekers do not disclose information that might be relevant to their asylum claims. One issue that was brought to my attention in the focus groups was that women and young girls in particular are less likely to disclose culturally sensitive experiences such as rape. In a face-to-face interview with her, Hayat, for example, revealed:

Researcher: You said, you did hide some information from the Home Office caseworker and, if you don't mind, what was it and why did you do so?

Hayat: I trust you won't say anything about this, but I was raped by a group of traffickers in Sudan. One of the rapists is a man from my husband's hometown... My friend and I were also raped twice by Syrian refugees in Calais before we came to the UK. It's sad and it breaks my heart even now, but neither of us wanted to speak of these parts of our stories. With young girls like us, it is often the case that we don't tell them everything that has happened to us. And many things happen to us.

Researcher: I am sorry these terrible things happened to you [...]. Was there any reason you did not want to tell the caseworkers about them?

Hayat: At the time, my boyfriend was in Sudan and I did not want him to know about this. And my friend was too scared to speak about it in front of her Eritrean interpreter.

Researcher: How can your boyfriend know about your experience?

Hayat: Like, if I apply for family reunion, my boyfriend will have to answer questions about me for his application. To be honest with you, I copied all the Home Office documents and sent them to him so that he can prepare for his [entry clearance] interview. If he learns about the rape, I fear he would either divorce me or even fight with the person [from his hometown] who raped me. So, I better stay quiet about it.

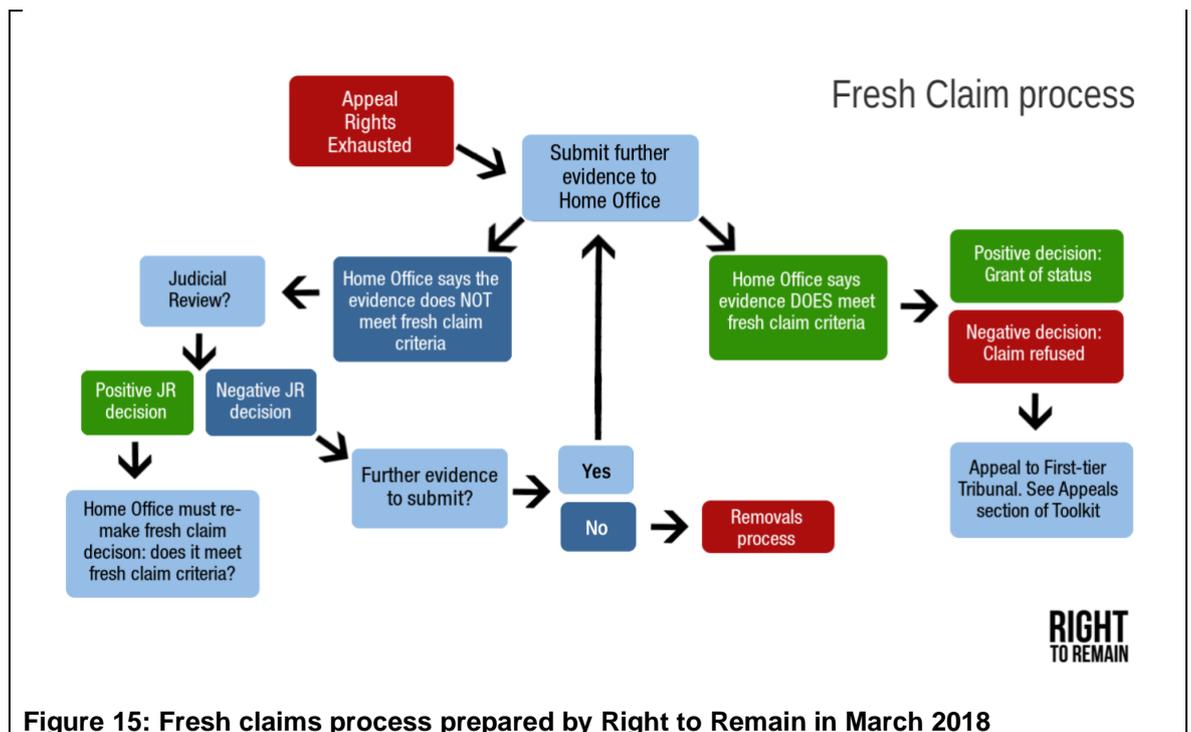
Accounts such as Hayat's demonstrate that in order to survive and remain members of their communities, survivors deny and conceal their suffering. The prevalence of maltreatment and misunderstandings 'frustrate clear communication and understanding', which prevents asylum seekers from establishing coherent and consistent testimonies (Byrne, 2007, p. 624). In an asylum system wherein assessment of claims relies heavily on credibility issues, these structural problems relating to the eliciting and interpreting of details about asylum claims have an adverse impact on the outcome.

After the substantive interview, Home Office caseworkers make asylum determinations based on assessments of the testimonies established through subsequent interviews with the asylum seekers and country of origin information (COI). In reaching their decisions, the caseworkers focus on any (in)consistent or (im)plausible elements within the testimonies. The claimants' testimonies are then subjected to international refugee law, humanitarian clauses, and regional or national legislations before status is granted. In this process, Home Office caseworkers make first instance decisions, which can take the form of a refusal of the claim, the granting of leave to remain, or the concession of humanitarian protection.

Failure to establish persecution, or fear thereof, results in asylum seekers losing their asylum claims and therefore being denied the limited rights offered under national and supra-national conventions. Asylum seekers whose claims are refused by the Home Office can appeal against the decision in First-tier Tribunals. Appeal hearings are arranged in the Asylum and Immigration Tribunal

by the refused asylum seekers supported by their legal representatives. These hearings are often attended by the asylum seekers, their representative, Home Office presenting officers, clerks, an interpreter, and immigration judges. They are often open to the public. The judges control the legal proceedings in the asylum court. The burden of proof is on the asylum seekers, who must justify or clarify the grounds on which the Home Office based its negative decisions.

However, although asylum seekers have a right to appeal against negative asylum decisions, the exhaustion of their appeal rights would effectively put them outside of any legal protection. In such an event, the presence of those seeking refuge is illegalised, and they are stripped of their rights as human beings. If they are not deemed suitable for forced removal, the illegalised asylum seekers can make fresh claims.



As illustrated by Figure 15, asylum seekers whose appeal rights have been exhausted continue to be trapped in an unending cycle of legal liminality. These illegalised asylum seekers then start the traumatising and dehumanising process of claiming asylum again, and they do so with the added burden of having to bring forward new evidence. The evidence of persecution they provided for their first instance interviews has either not been believed or deemed not worthy of

protection. Harnet, for example, came to the UK as a child with her mother at the end of 2003. Two years later, Harnet's mother died of a chronic illness when they were still inside the asylum process. Since the death of her mother, Harnet has been in the UK without recognised status. She eloquently articulated:

I have been an asylum seeker for almost 16 years. I became a lonely child after my mother died of an illness. My mother's claim was withdrawn, and I had to apply for asylum. When I did so, I was rejected. I then made several fresh claims and provided new evidence, but, again, I was rejected every time I did so. No one seems to believe my story. For 16 years, I have been without any residence papers. I have no status, no home, no life. I have lived most of my life in G4S accommodations and, at times, I camp on the streets without shelter or food to eat.

After shedding tears silently, Harnet added:

To me, being a refused asylum seeker is like being in a grave. My grandma used to say, 'The soul is for God and the body is for the land'. In a grave your body decays until it's rotten to debris. But if you're a destitute asylum seeker like me, both your body and soul decay simultaneously until you become lustreless... You know, the asylum system fears neither God nor land; it's evil. Nobody cares about you.

Harnet has been in the asylum system since the end of 2003. The constant uncertainty means that she has suffered from depression, anxiety, and a sense of utter hopelessness. Yet, Harnet's story is not an exception. She listed over half a dozen of her friends who were in a similar situation to hers. Harnet said that they had been 'moved between G4S asylum housing and emergency accommodations' for years without adequate support. G4S is a private security company contracted by the UK government to provide accommodation for people seeking asylum. Emergency accommodation consists of temporary shelters provided by local authorities and housing associations for homeless people. Neither the G4S accommodations nor the temporary shelters are adequately serviced.

According to the government's asylum policy, asylum seekers have to rely on their asylum allowance (£37.75 per week per person) to meet basic needs such as food and clothing. The allowance is even less (£35.59 per week per person) for refused asylum seekers, who are offered temporary accommodations. Asylum

seekers shunted between different accommodations and asylum regimes, and reduced to abject destitution, with little or no provision. As such, operating at the fringes of the law, the ‘state-corporate’ alliance inflicts ‘further harm’ and ‘coercive control’ on asylum seekers (Canning, 2020b, p. 272). While the body of a destitute asylum seeker is being deprived of the basic necessities for life, his or her ‘soul is an anxious and depressed one, one that suffers every day while waiting’ (Topak, 2020, p. 1863).

9.4.1 “Integration”—the ‘untranslatable term’

While the refused asylum seekers are left disenfranchised and impoverished, those who do manage to navigate the asylum regime and are granted legal status have to undergo a further ambiguous process, often referred to as “integration”. In focus group discussions and in semi-structured interviews with participants, “integration” was discussed as an elusive term, both as a concept and a practice. One of the themes that emerged in the discussions was the lack of an equivalent term for “integration” in Eritrean languages, such as Tigrigna, Tigre, and Blin. In my attempts to investigate the term “integration” and the meanings the participants attach to it, over a dozen multilingual participants said that they could not translate it to their mother languages. Zenawi, a former journalist in Eritrea who had reported extensively in the Tigrigna and Tigre languages explained the difficulties he encountered finding equivalent words for some English terms as follows:

For me, words such as “integration” don’t make sense in Eritrea. You know, there are a lot of Italian and English words in Tigrigna and in other local Eritrean languages. This is mainly because some words and concepts were introduced to the local languages during the colonial period. It is hard to find equivalent translations for concepts that are new to the culture and way of life of the people... Terms such as “integration” can only find sanctuary in the languages of the colonisers. This was one of the challenges we used to grapple with in my previous journalism work.

Similarly, Aman—a native Tigrigna speaker and author of several books and articles written in Tigrigna—described integration as a ‘practical but untranslatable term’. As a fluent speaker of Blin, Tigrigna, and Tigre myself, I am unable to think of a word that is equivalent to, and or even a close approximation of, the meaning of “integration” in those languages.

My intention here is not to engage in linguistic and semantic analysis of the word “integration” but to understand the meanings that participants attach to it. In general terms, the participants understood integration as a continuum of encounters, engagements, and adaptations in a new life in the host society. In focus group discussions, as illustrated in the diagram below, participants created a list of adaptation and engagement activities, which they called ‘steps to integration’.

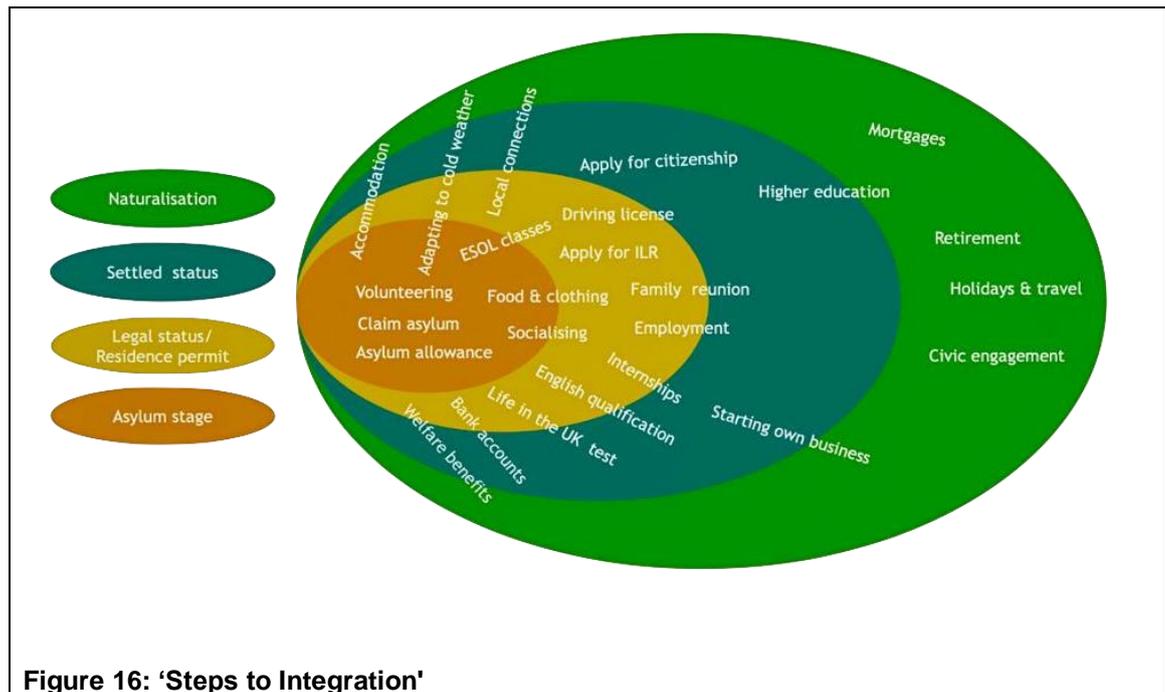


Figure 16: ‘Steps to Integration’

The different layers in the above figure illustrate the various stages and levels (i.e., seeking asylum, the granting of a residence permit, settled status, and, possibly, citizenship) involved in the participants’ legal standing in the UK. The relating of these ‘steps to integration’ to the different levels of their status demonstrates that integration is intricately linked to the legal status of the immigrant population. This link is attributed to the fact that ‘most rights conferred upon refugees and immigrants remain predicated on their immigration status and subsequently on citizenship, should they become naturalized’ (Lomba, 2010, p. 419). As shown in the diagram, for example, asylum seekers are deprived of basic rights, such as employment, education, and access to welfare. Their enforced unemployability and lack of access to welfare not only exposes asylum seekers to abject destitution but also hampers their capacity to “integrate”. Lomba (2010) observes:

[...] the balance of rights and restrictions that characterizes the status of asylum seeker engages two principles relating to the concept of integration. First, it engages the multidimensional nature of integration. Indeed, asylum seekers are excluded from key domains of integration, such as employment, and their access to others, such as education, is limited. Secondly, it conflicts with the principle that integration starts upon arrival. (p. 424)

From this perspective, integration is a selective process that is heavily dependent on the legal status of the immigrant population. This renders it impossible to translate into practice the rhetoric of “integration starts upon arrival”. For the participants, therefore, integration is not only untranslatable into any language they can understand, but is also seldom translated into practice. As such, it can be argued that integration exists only through its practical absence and rhetorical dominance. From the perspective of prisoner re-integration, McNeill (2019) observes ‘that social integration has become well-nigh impossible in these conditions, but sustain a rehabilitative fiction or imaginary in and through their professional or occupational discourses and practices’ (p. 144). It is this fictitious imaginary that has been applied in the context of so-called “refugee integration”.

Those who have acquired a legal status that authorises them to live in the UK are not exempt from the challenges posed by the deliberate conflation of integration with legal status. Within the “hostile environment” framework, immigration discourse, law, and practice are deployed as instruments of biopolitical exclusion and control. They can be deployed to create deportability, docility, and destitution even when the right to remain in the UK is granted. The goal of creating a hostile environment is apparently to use power to degrade, disqualify, disempower, discourage, and expel undesirable migrants. Examining the ‘harm’ inflicted by the UK asylum system, Canning (2020, p. 272) affirms:

While at the surface it embodies the ideals of welfare by providing financial support and housing, at the micro-level, it erodes human autonomy, infantilizes adults, and enforces dependency. Complicity is the foundations of a relationship built on unequal power, and non-adherence to (often unclear) instructions or expectations bears punitive results from an increasingly authoritarian set of actors, state as well as corporate.

Participant accounts show that the hostile nature of the country's immigration laws and policies is experienced at every stage of adapting to life in the UK. For example, immigration law related to family reunion and its application by entry clearance officers were highlighted by participants as being particularly hostile and discriminatory. Andom, for example, articulated:

It took my wife and I three years to convince the Home Office entry clearance officers that we are in fact a married couple. My application for family reunion was twice rejected simply because the entry clearance officer was not satisfied that we were married. In fact, the second rejection was partly because my wife forgot to include her bank statements in the application package... It was a nightmare.

Andom added that he was lucky that he and his wife had been able to meet the high-income threshold set for family reunion by the immigration regulations. Under the family reunion rules introduced in 2012, the 'minimum income requirement rose from the previous threshold of £5,500 per annum to a new minimum level of £18,600 per annum' (Sirriyeh, 2015, p. 6). Given their enforced unemployability during the asylum stage and the unlikelihood of finding a job that meets the high-income threshold, these regulations deprive many refugees of their right to family life. For example, two focus group participants stated that they knew of friends who had divorced their spouses because they could not meet the financial requirements for family reunion. Such income-based discriminatory practice demonstrates a 'hierarchical ordering of acceptable and less acceptable family formations which explicitly links rights to family life with levels of income, creating those who are seen as more or less "deserving" of such rights' (Sirriyeh, 2015, p. 19).

Moreover, family visa applicants are expected to establish their identities and relationships with their sponsors. Obviously, refugees do not always have the right documentation (e.g., identity cards, passports, and marriage certificates) to prove their identities and relationships. Establishing identity and relationship is especially difficult for Eritrean refugees due to the lack of passport and other document provisions in their country of origin, as well as the nature of their journeys. As part of my fieldwork, I attended several family reunion appeal hearings that involved establishing identities and relationships at immigration tribunals in the county of Yorkshire and in the city of Glasgow. The excerpts

below provide a glimpse of how identity and family relationship disputes can lead to a complex spectacle of legal obscurities.

I am inside a courtroom at the Eagle Building waiting for an appeal hearing session about a family reunion case about to start... I spoke to the appellant's husband in the reception area, who explained to me that the Home Office refused his wife's application for entry clearance to the UK. The husband showed me the refusal letter, which stated that the application was refused because the applicant did not provide 'enough' evidence to prove her identity and relationship with the sponsor...

The hearing session started at 10:11 am... It began with the judge asking the interpreter to establish the language with the appellant's sponsor, at which point the interpreter struggled to communicate with the appellant's sponsor... The judge, respondent, and appellant's representative spoke back and forth for about fifteen minutes before agreeing to adjourn the hearing, despite the appellant submitting new evidence, including two witness statements and dozens of wedding photos... The judge told the appellant that the case is adjourned, pending further evidence. And the court session ended at 10:36 am.

I found the whole hearing session bizarre. The sponsor was neither involved in the decision to adjourn the appeal, nor did he understand how it was agreed. He was constitutively absent throughout the hearing session and then left confused and bewildered after the hearing session. (Fieldwork notes, November 2019)

Appellants with no passports or identity cards are expected to submit a range of other documents, such as witness statements, private messages, wedding photos, remittances, and so on. They must expose everything, including their private and public lives, in their attempts to earn the right to family life.

Therefore, "integration" remains inextricably linked to immigrants' legal statuses and socio-economic backgrounds. Lomba (2010) asserts that 'legal status purports to reflect one's position vis-a-vis the nation state' (p. 420), adding:

How remote [one's relationship with the nation state is], however, depends on the status ascribed to the immigrant or refugee. While precarious immigration statuses presume loose ties with the state of residence, more secure immigration statuses assume a closer bond. Accordingly, the host state assumes that non-nationals with secure immigration statuses are well integrated. (Lomba, 2010, p. 420)

The participants' accounts also demonstrate that "integration" is conceptually misleading and practicably inapplicable; it remains a rhetorical device for ordering and bordering othered categories of people. Countering this empty rhetoric of integration requires imagining a restorative form of integration that begins with restoring the rights and dignity of the subjects in question. Only an 'Other' whose right to legal protection and capacity to give and receive language, culture, and knowledge are restored can meaningfully be integrated *with* the host society. As a concept, therefore, restorative integration insists on horizontal intersubjective interaction and vertical biopolitical recognition. Put differently, restorative integration insists on establishing a multilateral and multinational relationship between incoming and host societies and on mending the broken link between the state and the refugee.

9.5 Concluding remarks

Throughout the chapter, I have shown that carcerality and precarity are inextricably linked with the (im)mobility of the forced migrants. I put forward notions of carcerality and precarity that are neither confined in space nor bounded in time, but, rather, diffused in both space and time. This spatial and temporal unlimitedness of carcerality and precarity sheds light on at least three overlooked arguments concerning the plight of refugees. First, it reveals the futility of the unconvincingly constructed normative neoliberal argument that associates mobility with "freedom" and immobility with "unfreedom". When it comes to refugees, techniques of incarceration and necropolitics are enacted across the different stages of the refugees' experiences of (im)mobilities. Forced migrants are subjected to regimes of containment, incarceration, bordering, and biopolitical ordering wherever they stay or move. In the detention camps regulated by states and in the torture camps run by human traffickers, indefinite detention and torture are orchestrated with impunity against the forced migrants. As shown, every year, many thousands of irregular migrants die or disappear without trace in necropolitical spaces such as torture camps, refugee camps, and treacherous waters—the floating camps.

These necropolitical and biopolitical actions and inactions of enforced immobilisation in spaces of exception and their associated necropolitics—politics of death—represent what Mbembe (2003b, p. 35) calls the 'morbid spectacle of

severing': the politics of everyday death. Every year, the apocalyptic imagery of migrants drowning in the Mediterranean Sea is recycled to instil fear of clandestine mobility and facilitate state-sanctioned activities. Yet, little attention is given to the total annihilation of the forced migrants in those treacherous waters. In fact, the human security of the forced migrants is paradoxically subordinated to border security.

Likewise, throughout their journeys through transit countries to imagined safety, those forced migrants who manage to survive the perilous ordeal are met with stringent borders, arbitrary detention, containment, and pushbacks (Human Rights Watch, 2009; Garelli and Tazzioli, 2018; Loschi, Raineri and Strazzari, 2018; Mainwaring, 2019). Fortress Europe, for example, deploys sophisticated border zones and ephemeral camps to subject these migrants to institutionalised regimes of control. Hotspots along the shores of the Mediterranean Sea, reception centres, and refugee camps, such as the Moria camp in Greece and the Calais camp, are designed to isolate and identify the unwelcome outsiders that have sneaked inside and registered their presence in the polity. These constantly expanding physical spaces embody 'suffering' as a 'political technology' to inflict a 'permanent wounding' of the forced migrants' bodies (Davies, Isakjee and Dhesi, 2017, p. 1268). For example, apparently distressed by the realisation of his bestialised and rightless existence in the reception centres, Zenawi lamented as follows:

If they [the immigration authorities] put me in a reception centre and keep me hungry and cold, what do I become? I appreciate that might not be what the centres are designed for, but can you imagine going through such a painful life? For how long should I wait and what should I wait for? There is nothing to wait for but plenty of time to waste and acute trauma to surrender to.

Placed at the threshold of the law, people like Zenawi are stuck in '*abject spaces*, spaces in which the intention is to treat people neither as subjects (of discipline) nor objects (of elimination) but as those without presence, without existence, as inexistent beings' (Nyers, 2003, p. 184, emphasis in original). As evidenced by the participants' accounts, these constitutively excluded spaces of abjection deploy 'waiting as a form of time management to create docile and submissive bodies' (Topak, 2020, p. 1863). Topak (2020) adds: 'Those who wait lose control of their time and begin to experience themselves as passive and

submissive beings' (p. 1859). For the migrants, therefore, nothing is more haunting than waiting for nothing but more waiting and more bureaucracy.

Second, the spatial delocalisation and temporal extension of carcerality reveals the inhumanity embedded within humanitarianism. Obviously, international organisations such as the UNHCR and IOM are mandated to protect involuntarily displaced people. These organisations, along with international and local charities, often provide a lifeline for vulnerable people including refugees stranded in conflict zones, refugee camps, and shanty towns. The UNHCR, for example, provides nominal legal protection under the 1951 Geneva Convention. In addition to granting refugee status, the UN Refugee Agency and the IOM also promote the basic rights enshrined in the 1951 Refugee Convention, such as the right to seek asylum, protection against *refoulement*, and access to durable solutions. In the absence of sovereign protection, forced migrants rely on these organisations as their lifelines. Once the involuntarily displaced people are removed from sovereign protection, Arendt (2017, p. 387) eloquently argues:

the prolongation of their lives is due to charity and not to right, for no law exists which could force the nations to feed them; their freedom of movement, if they have it at all, gives them no right to residence which even the jailed criminal enjoys as a matter of course; and their freedom of opinion is a fool's freedom, for nothing they think matters anyhow.

Arendt's argument is as relevant now as when she first published her book in 1951. In fact, the relics of the post-WWII legal framework—the 1951 Refugee Convention and its 1967 Protocol—are still in use today without any changes. In so far as they continue to be barred from sovereign protection, the displaced people's condition of rightlessness remains suspended both in time and space.

Ironically, however, humanitarian organisations are themselves part of the same coercive system that perpetuates exclusive regimes of migration control and border securitisation. Giant international organisations such as the UNHCR and IOM, Mainwaring (2019, p. 28) correctly points out:

are important in laying the foundation for logics that assume the need to manage migration, to order the disordered. For instance, in 2012, the International Organization for Migration (IOM) chose the theme “managing migration in crisis situations” for its International Dialogue

on Migration. Indeed, the IOM has played a central role in promoting the managed migration paradigm. A creative public relations effort centred on humane and orderly migration obscures the fact that the IOM engages in coercive practices, such as interdiction, detention, and deportation, at the behest of states who are unable or unwilling to do so directly.

This logic of managing migration is the same logic that Fortress Europe uses to justify the deployment of highly militarised and sophisticated borders to contain, detain, pushback, and deport migrants who appear at the shores of the Mediterranean Sea. Likewise, as discussed, rescue operations are carried out (or not) by humanitarian organisations at the behest of the sovereign. As Oliver (2017) observes, therefore, ‘military and humanitarian organizations operate in tandem, and often in coordinated efforts, both to save and to contain refugees’ (p. 7).

Moreover, humanitarian organisations such as the IOM and UNHCR are reported to be involved in training and monitoring Libyan coastguards and border controls with the intention of containing the inflow of migrants and disrupting smuggling and trafficking activities (Loschi, Raineri and Strazzari, 2018). On the other hand, private NGOs and international organisations (e.g., MSF) engage in migrant search-and-rescue operations on the European shores of the Mediterranean. One participant, Andom, summed it up as follows: ‘Some organisations collaborate with border security on the African side of the Mediterranean Sea, and others count rescued children and dead bodies on the other side of the sea’. These practices of humanitarian organisations reveal a growing convergence between ‘securitarian management and humanitarian care’ (Sanyal, 2017, p. 4).

The third point I wish to make regards the utilisation of the bodies of the forced migrants as suitable sites for the deployment of sophisticated borders.

Sophisticated biometric technologies are used to draw on the migrants’ bodies indelible marks of illegality, carcerality, and deportability. The same biometric technologies are also used for the ‘categorization and enumeration of the body via processes of risk profiling’ (Amoore, 2006, p. 342). The clearly identified, illegalised, and profiled migrants have no choice but to “deal” or “live” with the border fixed on their bodies. To avoid the worst, as shown, some asylum seekers burn their fingers to remove the borders on their bodies; others are forced to

change their names, their stories, and their destinations in the process of gaining a declaratory right to residence in their countries of asylum.

The (in)admissibility, (il)legality, and (im)mobility of a person can be decided based on the information his or her body provides. The indelible biometric marks drawn on the migrants' bodies can be used to tell whether a person must be deported or not under the Dublin Regulation, for example. In an era of electronic identification and biometrics, Aas (2006, p. 154) persuasively argues:

The coded body can “talk”. An iris scan or a fingerprint is a first and necessary step into the world of information. A talking individual, who owns the body, is in fact seen as unnecessary and, even more importantly, insufficient for identification. Now, only the body can talk in the required ways, through the unambiguous and cryptic language of codes and algorithms. When a body provides the password, a world of information opens. Databases begin to talk. On the other hand, when the individual talks, the words are only met with suspicion. Quite often in cases of biometric identification, the body can communicate when the mind does not want to. DNA samples and fingerprints can give out information without individuals' concession, often without their knowledge.

The sophisticated techniques and technologies of the border allow states to examine not only migrants' journeys, trajectories, and histories, but also the credibility of their asylum claims. Coupled with the strict use of credibility tests in assessments of asylum claims, biometrics provides crucial information while also being embedded within the asylum decision-making process. Aas asserts: ‘The whole point behind biometric identification is, in fact, that the mind is deceiving while the body is “truthful”’ (2006, p. 154). As such, migrants' bodies are utilised as indisputable sites of electronic and biometric information. In fact, one would argue that the body is deployed alongside states' surveillance technologies and border regimes to police the mobility and activities of the migrant population. The greatest danger, however, is when:

Necropolitics is connected to biopolitics in that individuals are not killed (punished) as *individuals* who have defied the sovereign, they are targeted because their existence is seen as detrimental to the wider population. Their death is beneficial to the whole population, and their suffering is of little consequences to society as a whole. (Mayblin, 2020, p. 39)

As the participants' accounts reveal, this connection between biopolitics and necropolitics appears to be the goal of the carceral system that penetrates into the body of the unwelcome immigrants. The border-body relation produces the conditions for the deployment of necropolitics against targeted categories of mobile people. Eritrean refugees have become easy targets for necropolitical experimentation at 'Europe's edges' (Mainwaring, 2019) and for biopolitical supervision and containment within Europe (Davies, Isakjee and Dhesi, 2017; Canning, 2020a; Topak, 2020).

Chapter 10 Conclusion

10.1 Introduction

In general terms, the main goals of this doctoral research are to examine and theorise the experience of Eritrean refugees in a carceral age. The thesis sheds light on the generative mechanisms and biopolitical structures that produce and reproduce the refugees' experiences. In this concluding chapter, I revisit some of the main findings, as well as the theoretical and methodological contributions of the research. Towards the end, I outline the need for decolonial research and conclude by suggesting that the findings and theoretical insights of this study are provisional and incomplete.

10.2 Research findings

In this study, by de-centring the focus away from the human rights approach and territorial imaginations of the refugee problem and placing participants' accounts at the centre of my inquiry, I have examined the concealed dehumanisation and de-politicisation to which Eritrean refugees are subjected. Here, referring back to the concluding remarks in each chapter, I want to summarise the main findings. These findings fall into three broad categories.

First, I have demonstrated that Eritreans are born into and live in conditions of absolute rightlessness that began with the colonial occupation of what is now known as Eritrea. Apparently, '*Colonial occupation* itself was a matter of seizing, delimiting, and asserting control over a physical geographical area—of writing on the ground a new set of social and spatial relations' (Mbembé, 2003b, p. 25, emphasis in original). From the 1890s onwards, when the Italians first occupied and carved out a country called Eritrea, the people of Eritrea were subjected to constant wars, brutal segregation, and abject impoverishment by successive colonisers. Throughout the colonial time, as shown in Chapters 2 and 6, local Eritreans were dispossessed of their land, culture, traditions, and ways of life, and slaughtered in the process. As Maldonado-Torres (2016) correctly asserts, 'The colonized are meant to be bodies without land, people without resources, and subjects without the capacity for autonomy and self-determination whose constant desire is to be other than themselves' (p. 17). In

short, colonialism destroyed the humanity of the colonised and relegated them to naked rightlessness and sub-humanity. It is this rightlessness and sub-humanity that Eritreans were born into and lived through during the colonial period.

As shown in Chapter 7, similar modalities of lawlessness and rightlessness have continued in the post-independence period. Although independence marked the end of colonialism (Chapter 2) and anachronistically rendered obsolete the juridico-exceptional landscape of the traditional norms (Chapter 6), it did not free the Eritrean people from the trap of inhuman bondage. In fact, the colonial master-slave relations continued in post-independence Eritrea in the form of “coloniality” and “totalitarian domination”. The former ‘refers to long-standing patterns of power that emerged as a result of colonialism, but that define culture, labor, intersubjective relations, and knowledge production’ (Maldonado-Torres, 2007, p. 243). As highlighted in Chapters 2 and 6, the most visible manifestations of coloniality in the case of Eritrea are the founding of the carceral state and the use of human rights as an unquestioned pretext for producing a distorted reality that is not necessarily the same as the everyday reality of the Eritrean people. Through the prism of the human rights approach, all problems in Eritrea are viewed as human rights violations, rather than as problems of exploitation, incarceration, lawlessness, and/or injustice perpetuated by a rule of no-laws nor rights. As shown in this paper, the mass emigration of Eritreans is created by rule of no-laws nor rights—conditions of lawlessness and rightlessness—and the total domination by a carceral state of all spheres of life.

Successive wars and “totalitarian domination”—a ‘total domination, which strives to organize the infinite plurality and differentiation of human beings as if all of humanity were just one individual’ (Arendt, 2017, p. 573)—have played key roles in the transformation of Eritrea under the ruling government. Between 1998 and 2000, as shown in Chapter 6, the government’s actions led to the country becoming embroiled in a border war with its former foe, Ethiopia. This war not only destroyed lives and livelihoods on both sides but also propelled the Eritrean people into an indefinite future defined by a continuum of successive wars, lawlessness, and rightlessness.

Since the border war with Ethiopia, the rule of no-laws nor rights has continued through the imposition of modalities of punishments and control over the people of Eritrea. These modalities include coercive administrative controls, open-ended national service, arbitrary detention, and forced disappearance. In the absence of laws and rights, these modalities and the successive wars have trapped citizens from all walks of life in a precarious state of 'human uncertainty', which often results from:

[...] appearances of convergence and intersection of epochs resulting in instabilities and doubts about the adequacies of the existing normative order of life, lack of confidence in existing worldviews, fragmentation of identities, rupturing of known values of sociality and civility, and visible signs of emptiness of notions of the nation-state (Ndlovu-Gatsheni, 2013, p. 239).

This condition of human uncertainty imposed on the Eritrean people is inextricably linked to and constitutive of the various modalities of precarity, carcerality, and (im)mobility. As shown in Chapter 7, these modalities have exposed people from all backgrounds to exploitation, domination, and indignation at the hands of the carceral state.

Second, as elucidated in Chapter 7, due to their state of disenfranchisement and rightlessness, Eritreans have been left suspended in time and space; first, by the colonisers and then by their own government. Maldonado-Torres (2016, p. 17) eloquently asserts:

Time, for the colonized, is less the time of production, and more the time of surveillance and of waiting for denigration, violation, and murder to take place. Life is lived as in a torture chamber making life acquire the overwhelming feeling of it being worse than death.

Once placed at the threshold of an inevitable death, the colonised 'lived waiting for the permanent possibility of one's body to be violated by another' (Maldonado-Torres, 2016, p. 17). As shown in Chapters 2 and 6, Eritreans lived through successive oppressions, annihilations, and wars throughout the colonial era. Their cultural traditions, religious rituals, juridico-exceptional legal norms, knowledge production systems, and ways of life were not only dismantled but also replaced by the colonisers. And still today, the country and its people continue to bear the consequences of colonisation and the colonial world order.

Yet, as shown in Chapter 7, the state of rightlessness and lawlessness were perpetuated by the transitional government even after independence. For almost three decades since independence, the former revolutionary guards who led the struggle for independence transformed Eritrea into a self-colonising carceral state. The ruling government suspended the very possibility of transitioning into a civilian government and perpetuated a rule of no-laws nor rights in the guise of a no-war no-peace conundrum. In fact, as highlighted in Chapter 2, the country has been engaged in an active war between regional and federal governments in Ethiopia since November 2020. As I conclude this thesis, tens of thousands of Eritrean refugees remain stranded in refugee camps in northern Ethiopia in the middle of this calamitous war (see Abai, 2021). Although the fate of these refugees is yet to be fully uncovered, there is an overwhelming number of reports of many refugees being killed and raped.

Once marked as rightless corporealities, Eritreans are either immobilised in the carceral state indefinitely or they end up fleeing their country in large numbers. Only those who have the capacity, resources, and social network to do so can flee the country in an attempt to escape the never-ending immobilisation, incarceration, and exploitation, with youths and young adults among the largest groups to flee Eritrea. The mass emigration of the country's youth is driven by their uncertainty and hopelessness about the future as much as by the violence, carcerality, and ignominy of their present. Whereas the colonial past, at best, imagined their futures and, at worst, destroyed them, their futures now lie buried within the violent stasis imposed by their own government and the legacy of colonialism. Put differently, their involuntary displacement is a result of entangled relations of power, space, and subjectivity, shaped by what Maldonado-Torres (2016) calls 'a battle of temporalities' (p. 2). It is worth quoting Maldonado-Torres' (2016) analysis at length here:

Since youth represent the future, their view as a problem causes a battle of temporalities to ensue, but also one of definitions of space and subjectivity, particularly if the youth in question are part of social groups whose lands have been taken and whose forms of subjectivity are vilified. Nothing less than the definition of the very basis of sociality—the self and its relation to the other in time and space—is at stake, and so also the understanding of the conditions on which people should get to explore ideas and share expressions that would

help them to make and remake themselves, their space, and their sense of time (p. 2).

In this way, the carceral state has successfully whittled away at its citizens' imaginations and their expectations of sociality, civility, and dignity, leaving them suspended in time and space. For ordinary citizens, there are neither hiding places from the traps of the violent sovereign power nor expectations of a better future in sight. The spatial and temporal scales are suspended, and their suspension marks the opening of multiple possibilities of control, exploitation, and incarceration by the carceral state. Left lamenting the spectacle of their own demise, the Eritrean people continue to risk their lives in pursuit of a safe harbour elsewhere.

Yet, fleeing Eritrea does not end their precarious status; instead, as shown in Chapter 8, the flight securitises them in a constant state of precarity within a carceral continuum. Throughout their journeys from their country to their transit and destination states, the refugees' existence has become a battleground for state and non-state actors. As discussed in Chapter 8, they have been recruited by human smugglers and traffickers for sexual gratification, extortion of ransom, torture, reported organ harvesting, and commodification. At the borders, the refugees have become easy targets for arbitrary detention, deportation, and unnecessary death. Moreover, the refugees' very bodies are used as sites on which to fix borders, such as 'biometric borders' and 'e-borders' (Aas, 2006; Amoore, 2006).

The floating carceral spaces over treacherous waters—in the form of inflatable migrant boats—are other sites in which refugees are exposed to perpetual exploitation and unconditional death. Indeed, the refugees' disposability is nowhere more evident than in the Mediterranean Sea, where thousands perish without a trace every year. Blocked from safety and condemned to death, their bodies are transformed into sites of biopolitical control and annihilation, which reduces them to rightless and lifeless corporealities. As Mbembe (2003b) puts it, their bodies become 'simple relics of an unburied pain, empty, meaningless corporealities, strange deposits plunged into cruel stupor' (p. 35). Eritrean refugees are subjected to a form of necropolitics, in which their human attributes and possibilities of political existence are suspended in time and

space. They are no longer grounded in life and continue to be unrecognised in death.

Aas (2006) observes that the nexus of the border and the body made possible by technological innovations has allowed states ‘to maintain order through the rituals of bodily control’ (p. 155). From this perspective, Aas (2006) raises an important question: ‘what kind of order is it’ (p. 155)? Most importantly, what kind of subjectivity and humanity does the order create? These questions bring me to the last finding I want to highlight: the “non-viability” of Eritreans as human beings worthy of protection and grief. Grounded in empirical data and drawing from the literature, I have maintained that Eritrean refugees have been recognised neither as humans nor as political subjects. Throughout the thesis, more specifically in Chapters 6-9, I have argued that refugees have been declassified in the field of humanity and constitutively excluded from the domain of politics. In other words, the refugees have been condemned to dwelling within a realm of “subhumanity”, which, according to Maldonado-Torres, is ‘the zone of endless war’ (2016, p. 13).

Once trapped inside with the dynamics of war and the politics of death, the refugees’ experiences constitute ‘a permanent struggle against an omnipresent death’ (Maldonado-Torres, 2007, p. 254). When asked how they would describe the totality of their experience, over half of the research participants used the Tigrigna word “*h’sem*”, which literally translates to “plight”, to describe their lived experiences. In the Tigrigna language, *h’sem* refers to a precarious condition of being, in which the pain and suffering are beyond words. In the participants’ perspectives, *h’sem* is the collapse of all the positive experiences and relations of the subject in question into a state of absolute precarity, leading to the total negation of the subject’s humanity. In conditions of *h’sem*, occurrences of dehumanisation and depoliticisation are endless; murder is not unusual, nor is it a crime. The lives of those condemned to *h’sem* are neither liveable nor grievable, as Butler would argue. No utterance of pain or misery and no sense of rightlessness or lawlessness is outside the sphere of *h’sem*.

If *h’sem* is to be understood as a precarious state of being, the pain and suffering of this mode of existence are felt and lived by its bearers—the refugees. As bearers of a condemned status, refugees express their *h’sem*

through crying and dying as well as by seeking refuge to breathe and live free. The bearers of *h'sem* “cry” to express their pain, sadness, loss, and anger. Beyond responding to these emotions, the “cry” also has a deeper meaning, as Maldonado-Torres (2007, p. 256) explains:

The cry, not a word but an interjection, is a call of attention to one's own existence...It is the cry that animates the birth of theory and critical thought. And the cry points to a peculiar existential condition: that of the condemned.

This is what Sergel meant when he asked, with tears in his eyes, whether ‘the world knows’ that they ‘exist’? His tears and calls for attention emanated from the realisation of his own (and his friends’) *h'sem*—a condemnation of one's own life to a sphere of ceaseless violence, exception, impoverishment, and rightlessness.

In the system of citizens and Others, therefore, ‘the calculus of life passes through the death of the Other; or that sovereignty consists of the will and the capacity to kill in order to live’ (Mbembé, 2003b, p. 18). In this necropolitical spectacle, as shown in Chapters 6-8, the refugee represents the original figure of Fanon's *damné*, ‘an embodied subject who is pinned down in hell in various ways’ (Maldonado-Torres, 2016, p. 20). Once reduced to *damné*, the refugee's cry for rescue and death in necropolitical spaces is met with abandonment and ungrievability, respectively. In Butler's terms, the refugee's ‘derealization of loss—the insensitivity to human suffering and death—becomes the mechanism through which dehumanization is accomplished’ (2006, p. 148).

Yet, the refugee also seeks refuge in the former colonial metropolises and, in doing so, the refugee has shaken ‘the principles of the nation-state’ (Agamben, 1995a, p. 117). If the refugee has a future in the system of nation-states, and the nation-states have the political will to address the refugees' *h'sem*, then the sovereign must admit the violence and dehumanisation to which refugees are consigned and wage a war against its own necropolitics and colonial foundations. The nation-states must consider the refugee, with all his/her vulnerabilities, precarities, and (im)mobilities, as a central figure in their political imaginations. Only if nation-states do so can we truly begin to abandon the colonial world

order in which varying degrees of human viability are imposed on the human race to produce varying degrees of mortality and illegality.

10.3 Theoretical contributions

At this point, let me briefly revisit some of the analytical themes and concepts discussed to highlight some of the theoretical contributions of this research. I will focus on four original analytical tools: “juridico-exception”, the principle of “non-viability”, “carcerality” and “untamed life”. In Chapter 6, I have shown how the norm and the exception would have to co-exist in traditional Eritrean societies to form a new totality: juridico-exception. That is to say, Agamben’s naked life (zoe) and its political counterpart (bios) intersect in the body, with the former remaining in concealment until activated by exceptional circumstances such as murder. Unlike Agamben’s notion of a “state of exception”, the juridico-exception is formed not through suspension of the law but because of the limit of the law. Outside the colonial order, juridico-exception was the juridico-political landscape upon which traditional communities in today’s Eritrea relied.

Based on the principle of “non-viability”, I discussed how decisions regarding the right to life of unborn and new-born children could be placed in the hands of their parents; for example, a pregnant woman can freely decide (or not) to terminate her pregnancy or to “discard” the child at birth, without any limits. I then demonstrated how the precarious link between a mother and a “non-viable” infant is established between the state and every citizen in post-independence Eritrea. As shown, the moment at which a new-born child meets the conditions set by the principle of viability is the time when the viability of the subject in question depends solely on the whims of state sovereignty. What is at stake when applying the principle of viability in the context of Eritrea is the very ontological state of being of the form of life in question. This form of life, which appears not to have been hitherto considered, at least in the context of Eritrea, constitutes the original feature of what I call “untamed life”. I return to this point below.

In discussing Foucault’s notion of “carcerality”, I have argued that it is neither confined in space nor bounded in time, but, rather, diffused both in space and

time. In Chapter 7, for example, I have argued that not only are Eritreans born as “non-viable” children, they are also compelled to live through modalities of lawlessness, rightlessness, and homelessness in their home country. I have maintained that the link between the government and its people has been precarious, for the link is not established between the state and its people but between the dissolution of the state and its citizens. The function of the state has centred on mobilising its able-bodied people to defend against the country’s dissolution while also keeping them in conditions of indefinite servitude disguised as national development campaign.

Stripped of sovereign protection and held hostage in an exploitative relationship with their government, Eritreans have been fleeing their home country in large numbers. As discussed in Chapter 8, they have been trapped in a condition of human uncertainty and carcerality in which they become subjects of biopolitical and necropolitical experimentation. Yet, holding onto a kernel of radical hope and a will to survive, the refugees move between and across the interstices of violent borders and necropolitical spaces to reach places of relative safety. Nevertheless, they continue to be “illegalised” and regarded “dangerous” persons who cannot be admitted into the polity nor integrated in the system of nation-states.

In their constant struggle for survival and political existence, the refugees play a disruptive role by shaking the principles upon which the nation-state system is built. As Agamben argues persuasively, ‘the novelty of our era, which threatens the very foundations of the nation-state, is that growing portions of humanity can no longer be represented within it’ (1995a, p. 117). He correctly asserts that the refugee has broken ‘the identity between man and the citizen’ and thrown into inquiry ‘the old trinity of state/nation/territory’ (Agamben, 1995a, p. 117). According to Agamben, the ever-increasing presence of the refugee exposes the “bare life”—an unprotected form of life that can be destroyed without committing a crime or sacrilege—that is inscribed in the very foundation of the nation-state. This association of the refugee with the bare life is common in the works of migration scholars, who single out the refugee as a protagonist figure of bare life (see, for example, Rajaram and Grundy-Warr, 2004; Darling, 2009).

Nonetheless, as I have highlighted in the concluding remarks of Chapters 6-9, neither Agamben's political theory nor Foucault's carceral system are complete. In fact, they constitute abstractions of a complex Eurocentric biopolitical structure. The obvious blind spot in Agamben's and Foucault's seminal works is their glaring omission of "coloniality", which, according to Maldonado-Torres (2016), is: 'a peculiar construction of knowledge, power and being that divides the worlds into zones of being and not-being human' (p. 19). In simple words, coloniality is an umbrella term for the indelible marks left by the European colonial venture and its contemporary mutant twin, 'modernity'. Despite presenting sophisticated critiques of the use and abuse of power, both Foucault and Agamben glaringly fail to account in their analyses for coloniality and its constituent features, such as race and gender. Political theorists such as Butler offer a stern critique to address the omission of race and gender. Yet, Western thinkers continue to overlook coloniality as an overarching mode of critique.

Coloniality should be viewed not merely as an antithesis of Foucault's biopolitics and Agamben's theory of bare life; rather, it should be seen as a primary mode of critique and an urgent call for the rearticulation of power, knowledge and being. According to Maldonado-Torres (2016), coloniality 'creates the line between the human and non-human, between the world where perpetual peace is considered a possibility and the world that is defined as perpetual or endless war' (p. 20). Both Agamben and Foucault fail to see the conflation between these two worlds—the "world of modernity" and the "world of coloniality"—and hence the subjectivities these worlds create, shape, and reproduce. For example, Agamben's theory 'does not answer the question of who is detained in camps, nor why' (Whitley, 2017, p. 7). The reality is that there have never been "ex-pat" camps in the world, only refugee camps and "settler colonies", or, increasingly, tourist sites.

Likewise, Agamben fails to account for the agency and resourcefulness of the refugee. Thus, he 'effectively forecloses any notion of a power which resists the sovereign, and resists a different vision of the decision' (Darling, 2009, p. 660). In fact, Agamben's obsession with the product of Western biopolitics (or the "bare life") risks a complete erasure of the subject of coloniality: the *damné*. Different from Agamben's bare life, 'the *damné* is the subject who appears at

the crux of the coloniality of power, the coloniality of knowledge, and the coloniality of being' (Maldonado-Torres, 2016, p. 20). If one assumes Agamben's bare life-citizen binary to be the primary principle upon which the European nation-state is founded, the subject of coloniality—the *damné*—is its analogue for the so-called post-colonial states. That is to say, 'Europe became modern in the process of conquest and colonial expansion' (Maldonado-Torres, 2016, p. 11), and in so doing, created nations of citizens and *damnés*. Outside of the West, therefore, Agamben's theory of bare life can only be considered as an example of the use of power (of positionality and academic prowess) to disempower decolonial subjectivities and their epistemological and political agencies.

Therefore, the *h'sem* of Eritrean refugees can only be understood through the prism of untamed life, whose very existence and (im)mobility disrupt the colonial constellation of sovereign power, borders, and world order. As shown, the untamed life is the enigmatic figure of the *damné* who disrupts the colonial roots of the nation-state by seeking an intersubjective relationality that is free from 'vertical/hierarchical relationalities' (Vieira, 2019, p. 156). Unlike Agamben's bare life, by appealing to intersubjective human-to-human relationality, the untamed life opens up a space for reflection and for resistance to the violent sovereignty, as well as for the anarchic capacity of human nature. The untamed life embodies the capacity to resist both the suspension and the limit of the law and appeals to an 'intersubjective contact: eros and other forms of love as well as communication or understanding in terms of language and knowledge' (Maldonado-Torres, 2016, p. 21). Untamed life recognises not only the agency and resourcefulness of the progressively nascent figure of refugee but also its potential for political existence. Grounded in the lived experiences of the oppressed, the untamed life points to other forms of being "human" and opens other ways of knowing. This requires decolonial work grounded in 'epistemic rebellion' (Ndlovu-Gatsheni, 2013, p. 263), and 'practical and metaphysical revolt' (Maldonado-Torres, 2016, p. 30).

Thus, I have presented insights into how the untamed life as a force can be harnessed as a powerful instrument for bringing about positive change. The untamed life calls for a 'decolonial turn [that] involves a resignation from the

order of validation of modernity/coloniality and a declaration of war against naturalized war' (Maldonado-Torres, 2016, p. 24). In other words, it calls for a comprehensive re-examination of the covert matrices and colonialities of power; biopolitical and necropolitical paradoxes; and epistemic and ontological blind spots. As shown, I have discussed critical optics through which we can see the limits of Agamben's notion of "state of exception" inhabited by "bare life" and Foucault's "carceral system" as they apply to the forced migration of people from the Global South to the Global North. I have suggested that these biopolitical theories must take into account not only the temporal and spatial dimensions of viability and carcerality but also the colonial configuration of power and how it is wielded against the subjects in question. In so doing, the untamed life clears the field to counter the practices of constitutive exclusion, depoliticisation and dehumanisation.

10.4 Methodological contributions

Now, let me turn to the methodological shortcoming that this research has identified in the existing literature on Eritrea and the experience of Eritrean refugees. In Chapter 2, I demonstrated that none of the so-called international human rights norms have ever existed or been implemented in Eritrea. With its constitution—the supposed would-be source of all other laws—suspended before it was ever implemented, Eritrea has never been governed by a "rule of law" since its independence. In other words, in the absence of laws and rights, the state is assumed to be the only legal order. At the helm of the state stand the only party and the only president that have ever ruled the country. Thus, there has never been any human rights-based system of administration adopted in the country; instead, as I have shown in Chapters 7, the ruling regime has maintained lawlessness and rightlessness as the modalities for sovereignty and governmentality. Hence, I have argued, any attempts to understand Eritrea through the prism of human rights are simply futile exercises based on Western normative legal, and social presumptions.

Moreover, the application of human rights frameworks in examining refugees' experiences is equally problematic more widely. This is partially because human rights frameworks are inextricably linked to human rights work or humanitarianism. Despite the charitable intentions of such efforts and the

rhetorical claims of “neutrality” and “impartiality”, humanitarianism is not free from sovereign logics of containment and politics of othering. As shown in Chapters 7, 8 and 9, humanitarian organisations are complicit (either directly or indirectly) with the containing of refugees at the peripheries of political life. In Chapters 7 and 8, for example, I have demonstrated how Eritrean refugees remain enclosed for protracted periods in refugee camps run by the UNHCR in eastern Sudan and northern Ethiopia. In the refugee camps, the refugees are subjected to precarious conditions ‘in which power confronts nothing but pure life, without any mediation’ (Agamben, 1998b, p. 171). Oliver (2017, p. 76) correctly observes:

As it is, humanitarian aid that leaves refugees locked in camps and detention centers, barely able to survive, hardly counts as tolerance, let alone hospitality. Camps are places of containment, not welcome, in a world where it is becoming more and more difficult to distinguish humanitarian aid from humanitarian warfare.

The UNHCR presides over these refugee camps, in which refugees are exposed to abject destitution and subjected to unmediated violence and exploitation by state and non-state actors. The story of the Sinai trafficking discussed in Chapter 8 is an exemplary case of the convergence of humanitarian interventions and sovereign logics in the annihilation of the Eritrean refugee (Yohannes, 2021).

The question, however, is whether the so-called human rights norms provide a useful framework to understand the experience of Eritrean refugees. As shown, the logic and practice of human rights and humanitarianism operate in tandem with the logic of sovereign power that designates some lives as being worthy of protection while rendering others dispensable. The nexus between human rights and humanitarianism, on the one hand, and member states, on the other, must be understood as a ‘carceral humanitarianism’, which, according to Oliver (2017), is ‘the outgrowth of humanitarian warfare in which war and aid are two sides of the state sovereignty’ (p. 7). For example, over the last two decades, we have increasingly witnessed powerful states aggressively intervening (e.g., by imposing sanctions or even waging wars) in the domestic affairs of smaller countries on the pretext of human rights violations, terrorism, or national security. These operations of war and carceral humanitarianism perpetuate exclusionary discourses of human rights as well as the citizen/Other binary, with

the distinction between the two maintained through what Butler (2006) calls 'schemas of intelligibility' (p. 147). Butler (2006, p. 147) clarifies:

There are two distinct forms of normative power: one operates through producing a symbolic identification of the face with the inhuman, foreclosing our apprehension of the human in the scene; the other works through radical effacement, so that there never was a human, there never was a life, and no murder has, therefore, ever taken place.

Butler's analysis is relevant to understanding the experience of Eritrean refugees. The participants' accounts discussed in this study have shown that Eritrean refugees are relegated to a sphere of "subhumanity", in which their existence is identified with non-viable life and ungrievable death, as Butler would argue. As demonstrated by the accounts of the survivors of trafficking who participated in this study, humanitarian organisations, such as the UNHCR and IOM, keep the testimonies of survivors shrouded in secrecy. These humanitarian organisations, working under the shadow of UN member states, inadvertently conceal the violence inflicted on refugees through a process of exclusionary b/ordering of populations. Most importantly, by relying on numerical logics that reduce refugees to figures and audit schemata, these international organisations perpetuate the unquestioned inhumanity and dehumanisation that festers within humanitarianism (Oliver, 2017, pp. 73-74).

Therefore, the claims of human rights violations in the context of Eritrea and the attempts to understand the experience of Eritrean refugees through the prism of human rights violations constitute unwarranted methodological fallacies at best and political synergies at worst. For example, the non-existence of laws and human rights in the country means that that which does not exist cannot be violated. Hence, the human rights reports and literature produced by perennial lobbyists and academic activists through the prism of human rights violations are simply not grounded in truth. The discourses of human rights violations and the human rights approach through which these discourses are produced are simply shibboleths of Western intellectual thinking and esoteric political imagination.

Outside Eritrea, as reviewed in Chapter 3, the projects of human rights and humanitarianism have recently been subjected to stern critique by migration scholars. Notably, for example, Didier Fassin uses the example of the recent

invasion of Iraq to construct a persuasive critique of humanitarianism, theorising it as a potentially alternative politics that is ‘aimed at those who are considered at risk of physical disappearance and incapable of maintaining their own [political] existence’ (2007, p. 511). Likewise, as shown in Chapter 3, the quixotic projects of human rights and their claims of universalisation and emancipation are envisaged to come to a halt where their Western origins and racialised geopolitical intentions go unchallenged (see also Dembour and Kelly, 2011; Costas, 2013). Although nuances may vary, these critiques of humanitarianism and human rights are consistent with the findings of the study and its line of argumentation.

10.5 Research limitations and mitigation strategies

Admittedly, several practical, methodological, and theoretical limitations were also identified in this research project. The main practical challenges are linked to the temporal and spatial delimitations of the study. In temporal terms, the study focuses on the experience of Eritrean refugees since the country’s independence, while paying little attention to forced migrations during colonial times. At the spatial level, Eritrean refugees are stranded across various carceral and necropolitical spaces in their countries of origin, transit, and destination; it was almost impossible to examine the various forms of carceralities and precarities in these spaces. For example, while I could have developed a deeper understanding of why people leave Eritrea if I had conducted research inside the country, this was not possible due to safety and security concerns.

The methodological limitations are mainly linked to the nature and type of data gathered. Gathering data from various state and non-state actors, such as traffickers, border agencies, government institutions, humanitarian organisations, and hosting communities, could have provided a broader (and clearer) picture of the generative mechanisms that led to the *h’sem* of Eritrean refugees. To give one specific example, it would have been enriching to have access to larger data sets, such as statistical data and survivors’ testimonies from UNHCR and IOM archives. Unfortunately, despite my best efforts, I was unable to access larger data sets from the various state and non-state actors, mainly due to practical and safety concerns, but also owing to the strict data confidentiality procedures.

At the theoretical level, it was limiting to engage with abstract and decontextualised theories and conceptual frameworks developed in the West to understand systemic biopolitical and necropolitical entanglements. However, while it would certainly have been enriching to ground the theoretical analysis in indigenous forms of knowledge, there is a lack of adequate research in this area. At least to my knowledge, this is the first study to attempt to theorise Eritrea as a carceral state that offers neither laws nor rights. As such, it was not an easy analytical task to adopt a stance that ran counter to the dominant narrative, according to which Eritrea constitutes a case of human rights violation.

I took several mitigating steps to minimise the impact of these limitations on the research findings. First, as Moser (2008, p. 386) points out, one way of mitigating limitations and problems in field research is ‘to engage in fieldwork that utilizes one’s strengths’. This is reflected in the fact that I was not only familiar with the subject of study, but I also possess an extensive community network as well as lived and professional expertise. Grounded in a deeper socio-cultural understanding of the subjects of study, I used my strengths not only to identify potential limitations but also to mitigate them effectively and efficiently. This insider knowledge allowed me to access the scarcely available primary and secondary data (e.g., by conducting virtual interviews with smugglers and traffickers, as well as with trafficking victims and detainees, and by accessing reading materials and other information from Eritrea). Being armed with insider knowledge also enabled me to capture participants’ experiences, perspectives, traditions, and customs. Moreover, the insider knowledge helped me to navigate the intricate ethical, socio-cultural, and political sensitivities involved in working with vulnerable people in a complex environment.

Furthermore, as shown in Chapter 4, the research design was exceptionally helpful in mitigating the potential limitations. In this regard, it was extremely useful to implement method and data triangulation, validity and reliability strategies, detailed positionality and reflexivity considerations, and nuanced theoretical and philosophical examinations, all of which helped reveal and mitigate the potential limitations.

10.6 Closing

To close, in addition to unpacking the *h'sem* of Eritrean refugees, this study has prised open an aperture through which to explore unique empirical, theoretical, and metaphysical clues that can deepen our understanding of the experience of refugees in a carceral age. These contributions must be carefully considered, which calls for critical decolonial research. In the words of Maldonado-Torres (2016), decolonial research 'requires embodied subjects coming together to create, think, and act in the effort to decolonize being, knowledge, and power' (p. 30). Any decolonial research must also involve recognition of the refugee's *damné* status 'as a questioning, speaking, writing, and creative subject' (Maldonado-Torres, 2016, p. 29). Eritrean refugees, however, continue to be left to fester in carceral and necropolitical spaces, where they exist in, in Sergel's words, '*ayh'luw aymuwut*' state, meaning no longer alive and not yet dead. Given the limited scope and purpose of this doctoral thesis, further rigorous published research and practical work are required to determine what needs to change so that lives such as Sergel's matter. To this effect, this research remains an unfinished project, and it is my intention to pursue the project beyond the doctoral level, if I am afforded the necessary financial and scholarly support.

Appendices

Appendix A – Data Gathering

Table 6: Observation Proforma

Project title	The Realities of Eritrean Refugees in a Carceral Age			
Name of observer	Hyab Teklehaimanot Yohannes			
Purpose	The sole purpose of this observation is to source data for the research project named above. I observed participants' day-to-day activities, their interactions with each other and the host community and their dealings with service providers.			
	Date	Start time	End time	Remarks
Phenomenon Observed	Sub-category	Notes	Participant Comments	Researcher Notes
Day-to-day activities	Social activities			
	Employment			
	Education			
	Shopping			
	Sporting Activities			
Interaction with	Other refugees			
	Host Community			
	State agents			
	Religious institutions			
	UNHCR, IOM, MSF etc.			
Access to	Legal services			
	Local charities			
	Health services			
	Financial support			
	Education			
Other				

Table 7: Focus Group Discussion Guide

Welcome	Thank you for agreeing to take part in this group discussion. You have been asked to participate as your participation is essential for the research. I appreciate your time.		
Introduction	Let me briefly introduce you to the research. The research project aims to investigate how and why Eritreans leave their country of origin, what challenges they face after they become refugees, and how state and non-state actors respond to their displacement. Building on existing knowledge, this research project seeks to understand the process of <i>becoming</i> a 'refugee' (how and why), <i>being</i> a refugee (what it means to be a refugee) and <i>beyond</i> (protection/ lack of protection).		
Confidentiality	I have already shared with you a participant information sheet and a consent form. I hope you all have read the participant information by now. This focus group session will strictly adhere to the guidelines given in the participant information sheet. Although I will be taking notes throughout the discussion, I would like to assure you that the discussion will be confidential. My records will contain no information that would link you to specific statements. I appreciate it if you would not discuss comments of other participants. If there is any question you do not want to answer, you do not have to respond; however, please engage with the group as much as possible.		
Ground Rules	<ul style="list-style-type: none"> ▪ The first rule is that only one person speaks at a time. Please wait until whoever is speaking have finished. ▪ It is important that every one of you participate ▪ There are no right or wrong answers ▪ You do not have to agree with the opinions of other participants ▪ Does anyone have any questions? ▪ OK, let's begin 		
Participant Details			
Background information	Participant ID	ID1:	ID4:
		ID2:	ID5:
		ID3:	ID6:
	Sex Ratio	Male	Female
	Age Range		
	Languages Spoken by Participants		
	Language of Discussion		
	Venue and Date	Venue	Date
Time	Start time	End time	
Introductory Question	Let me give you a couple of minutes to think about your experiences... Is anyone happy to share his or her experience?		
	Background	<ul style="list-style-type: none"> ▪ Can you describe your status and how you came here? ▪ How do you support yourself? 	
	Life before exile	<ul style="list-style-type: none"> ▪ What did you do for living in Eritrea? ▪ What do you think are the main problems of living in Eritrea? 	
	Decision to exile	<ul style="list-style-type: none"> ▪ What would you list as the main reasons that made you leave Eritrea? ▪ Can you describe the reasons? 	
	During journey	<ul style="list-style-type: none"> ▪ How did you exit Eritrea? 	

Guiding Questions		<ul style="list-style-type: none"> ▪ Can you describe how you have come to live here? ▪ Can you describe if anything happened to you during the journey? ▪ How would you describe your experience?
	Moving on	<ul style="list-style-type: none"> ▪ What are your plans for the future? ▪ Do you plan to stay here, return to Eritrea, or move on?
	Interactions with state and non-state actors	<ul style="list-style-type: none"> ▪ How did you cross over the borders along the way to here? ▪ Have you registered with IOM or UNHCR? ▪ Can you tell us your status and how you got it? ▪ What services are you able to access?
	Concluding Question	<ul style="list-style-type: none"> ▪ Of all the reasons we have discussed today, what would you say are the main reasons why many Eritreans leave their country? ▪ What are the main challenges after becoming a refugee? ▪ What do you plan to do for the future? ▪ Does anyone have anything to add? ▪ Does anyone want to say anything about the focus group?
	Conclusion	Thank you for participating. The session has been very successful. I hope you have found the discussion interesting. If you have anything that you are unhappy with, please speak to me later. Before you leave, please hand in your signed consent form.

Table 8: Interview Themes

Participant details	Pseudonym	Gender	Age	Family situation	Language	Place of residence	Legal status
Background	In this part, I invited participants to introduce themselves (place of birth, education, family composition...etc) and asked questions such as: <ul style="list-style-type: none"> ▪ Can you describe your status and how you came here? ▪ How do you support yourself? 						
Life before exile	This theme focused on participants' day-to-day (normal) life in their country of origin. They were given a chance to describe what it was like to live in Eritrea in their own perspective. Examples of questions: <ul style="list-style-type: none"> ▪ What did you do for living in Eritrea? ▪ Were there any challenges? 						
Decision to exile	In this section, I asked participants to describe what made them decide to flee Eritrea. Sample questions included: <ul style="list-style-type: none"> ▪ What would you list as the main reasons that made you flee Eritrea? ▪ Can you describe the reasons? 						
During the journey	This theme aimed to understand participants journeys—challenges faced, and coping strategies used—and whether they have reached their preferred destination. They were asked questions such as: <ul style="list-style-type: none"> ▪ How did you leave Eritrea? 						

	<ul style="list-style-type: none"> ▪ Can you describe how you have come to live here? ▪ Can you describe if anything happened to you during the journey? ▪ How would you describe your experience?
Moving on	<p>This theme explored participants' preferences and future plans. Sample questions include:</p> <ul style="list-style-type: none"> ▪ What are your plans for the future? ▪ Do you plan to stay here, return to Eritrea or move on?
Interactions with state and non-state actors	<p>This theme focused on establishing participants' interaction with state and non-state actors and how that affected them. The section was also used to explore services available to the subjects of study. Sample questions:</p> <ul style="list-style-type: none"> ▪ How did you cross over the borders along the way to here? ▪ Have you registered with IOM or UNHCR?
Legal status	<p>This theme explored participants' status (refugees, asylum seeker etc.) and the rights that come with it.</p> <ul style="list-style-type: none"> ▪ Can you tell me your 'status' here? ▪ Can you describe how you got this status? ▪ What are the services you're able to access with your status? ▪ What do you plan to do for the future?
Additional information	<p>In this section, participants were asked if they want to add anything and if they would be willing to be contacted in the future for clarification or additional information.</p>
Feedback/ check-in	<p>This section was used designed to get participants' feedback and to check if their participation has affected them in anyway. Questions may involve:</p> <ul style="list-style-type: none"> ▪ How do you feel right now? ▪ Do you want to say anything about the interview/focus group? ▪ Has it affected you in anyway? ▪ If so, what support do you need? ▪ Do you know where to go for support?
<p>Thank you for your participation!</p>	

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