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EDITORIAL

Civil Society and Migration Governance across European Borderlands

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Introduction

This Special Issue considers the role of civil society, including non-governmental organizations (NGOs) and civil society organizations (CSOs), in contemporary migration and border governance, with a particular focus on its relationship to states and on its involvement in the control of migration. While civil society is usually opposed to states and markets, the contributions to this special issue show how NGOs and CSOs play a more complex and nuanced role. They document their different activities and attitudes, which range from resistance to (in)direct support to migration/border control, and stress the diversity of NGOs/CSOs, from professionalized international NGOs to local grassroots organizations, and from human rights to humanitarian organizations. Contributions challenge the standard divide between sending and receiving regions, as they examine civil society in different geographical spaces throughout European borderlands, in destination countries like Italy or Germany, in so-called transit states (Ukraine and Libya), and in transnational in-between spaces, such as hotspots in Southern Europe or international waters in the Mediterranean Sea. In so doing, this special issue also highlights the multiple borders/boundaries that shape migrants' journeys as well as their socio-economic and political status - from traditional state borders to legal categories: whether it rescues migrants at sea or provides welfare provision to refugees, civil society is indeed present at all the places where foreigners are included or excluded from the societies in which they find themselves.

The role of civil society in migration governance is not only a research issue, but also a sensitive policy concern, not least because borders are key sovereign institutions over which states claim full control. In this context, the 2018 Global Compact for Safe, Orderly and Regular Migration (hereafter Global Compact), a non-binding but ambitious UN-sponsored statement on migration policy, puts forward what it calls a 'whole-of-society approach', according to which migration governance should rely on 'multi-stakeholder partnerships' that would include not only governments, but also non-state actors like migrant diasporas, local communities, civil society, the private sector, or trade unions (United Nations 2019).

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From a historical perspective, this is a puzzling recommendation. At least since the nineteenth century, unions, civil society, migrant associations or the Catholic Church have played a key role in the governance of migration. While states have long strived to achieve a monopoly over border/migration control, they have never been the sole actor in the regulation of the entry and stay of non-citizens (Torpey 2000). Up until today, the governance of migration is characterized by the involvement of non-state actors, like market and civil society, which operate not only at the national/state level, but also at the local or transnational levels, and which perform a wide range of tasks, as advocates, lobbyists or protesters, as providers of information and direct care, as agents of solidarity, or as filters and gatekeepers (Pécoud and Thiollet 2023).

Yet, the inclusion of this 'whole-of-society' principle in an intergovernmental document like the Global Compact testifies to the growing recognition, by states themselves, of the need to involve non-state actors in migration and border governance. Even though the Compact is not explicit on this point, this recognition takes place in a 'migration crisis' context, characterized not only by governments' inability to fully control migration, but also by mounting evidence regarding migrants' vulnerability (as in the case of border deaths for instance). This makes for an ambiguous situation, in which civil society is called upon to help states govern migration, but also to protect migrants from some of the consequences of governments' migration policies.

This recommendation in the Global Compact also echoes well-identified empirical evolutions. Border studies have been documenting the growing role of non-state actors in the control of migration, particularly as far as three of them are concerned: (1) supra- and intergovernmental organizations, including the European Union and Frontex, or UN agencies like the International Organization Migration (IOM) and the Office of the High Commissioner for Refugees (UNHCR); (2) the private sector, with the increasing involvement of market companies in providing control-oriented technology (like biometrics), issuing visas, or managing the detention and expulsion of foreigners; and (3) non-governmental and civil society organizations (NGOs/CSOs).

This special issue focuses on the latter, with contributions that draw upon in-depth ethnographies and focus on European borderlands, that is to say European countries such as Italy and Germany (Sinatti, Perolini, Bonizzoni and Hajer, Calarco and Fauser et al. in this issue), transit states like Ukraine or Libya (Mützelburg and Phillips in this issue) and in-between spaces such as hotspots (Calarco in this issue) or the Mediterranean Sea (Wetterich in this issue). In this introduction, we situate the contributions to the special issue and provide a comprehensive overview of the literature, as well as of the key issues raised by civil society involvement in borderlands.

Background

This special issue builds upon an emerging body of research on the role of civil society in migration/border governance, which has been developing quickly over the past decade (Korneev and Kluczewska 2018), and within which a number of core interconnected trends can be identified.

NGOs' role has been analyzed in terms of their relationship to supra- and intergovernmental organizations. The European Union, for example, has been showed to rely on international organizations (IOs) to manage migration (Lavenex 2016). This is also the

case with international organizations: research on the IOM documents for example how NGOs are used as service providers (and often instrumentalized) by this organization (Caillault 2012, Georgi and Schatral, 2012); the same applies to the UNHCR, with NGOs acting as subcontractors and being exposed to the risk of 'having their contracts suspended' if they prove too critical of this UN agency (Hyndman 2000: 171). This scholarship raises core issues about non-state actors in migration/asylum governance, but focuses mainly on supra- and intergovernmental organizations rather than on civil society per se.

A second field of research looks at the interactions between humanitarian NGOs and border control, with a critical focus on the 'emergent practices and rationalities [with] which NGOs and humanitarians engage in the governance of migrants and refugees' (Walters 2011: 158). This includes a whole range of NGOs/CSOs, from large international NGOs to small grassroots organizations, which share a common involvement in border-related tasks, at the crossroads between protecting and controlling people on the move. This pervades the fight against human trafficking for example, a field characterized by the imbrication of governments' efforts to combat irregular border-crossing and NGOs' efforts to protect victims. Through concepts such as the 'humanitarian border' or 'humanitarian borderwork', research on the Global North (Australia, Europe, North America) has paid attention to the entanglement between humanitarian work by NGOs, migration management, and border securitization (Kalir and Wissink 2016, Vandevoordt 2017, Gerard and Weber 2019, Prokkola 2020). It has also stressed how the distinction between *implementing/reinforcing* and *contesting* border regimes can be blurred (Sinatti 2019, Riva and Routon 2021).

A third area of research has looked at the emergence of activist groups in relation to refugees and migrants, which are not so much interested in humanitarian work but develop often radical political positions and foster the emergence of new patterns of solidarity. This is the case of all the 'no border' groups that promote the free movement of people, or of activists' initiatives at the US borderlands and at the EU (internal) borders (Burridge 2009, Millner 2011, Castañeda 2013, Squire 2014, Johnson 2015, Williams 2015, Sandri 2018, Filippi et al. 2021). Of a particular significance here are the developments in the Mediterranean, where civil society has taken major 'search and rescue' (SAR) initiatives to save migrants' lives at sea and now play a central role in the governance of maritime migration (Stierl 2016; Cusumano 2017, Cuttitta 2018, Esperti 2020, Cuttitta 2022).

Lastly, CSOs/NGOs have been shown to play a growing role not only at the border or inside receiving countries, but also in the Global South, in a context marked by the externalization of migration control. Pioneer research was carried out in West Africa by Poutignat and Streiff-Fénart (2010), showing how civil society was intervening inside sending countries to steer potential migrants' behavior, for example by sensitizing the population to the risks of irregular migration. Civil society here is marked by the imbrication of 'local' actors with 'external' funding, as well as by the influence of a political agenda designed by the Global North or by IOs. Similar patterns can be found throughout origin and transit regions, indicating how civil society has become a full part of the inner workings of global migration governance (Cuttitta 2020, Cuttitta forthcoming, Rodriguez 2019, Dini and Giusa 2020, Gazzotti 2021, Stock 2022).

Global Governance and Civil Society: from the State to Borderlands

These developments take place in a wider context, which has seen NGOs and CSOs become growingly involved in global governance dynamics in fields such as development, humanitarian interventions, or human rights (Charnovitz 1997, Sending and Neumann 2006, Alger 2014). This raises core research questions, which include NGOs' relations to IOs; the impact of funding and aid on their activities, legitimacy and humanitarian activities; their (in)ability to challenge power relations; their influence on the international policy agenda; or their role in the depoliticization of global governance (Edwards and Hulme 1996, Chandler 2001, Duffield 2001, Mikaïl 2013, Steffek 2013, Balboa 2014, Banks, Hulme and Edwards 2015, Roy 2016). A major cross-cutting issue lies in the possible ambiguities (or even complicities) inherent to NGOs' work, as it is enmeshed in governmental policies that are often at odds with NGOs' stated objectives (Fassin 2007, 2012).

These questions pervade the contributions to this special issue. All articles make clear that, while conventional views about NGOs/CSOs tend to position them in opposition to states and markets, there is evidence that these organizations play a more complex role, to the extent that 'seemingly opposed actors […] work in a continuum of practices' (Schapendonk 2018: 676). Yet, this special issue also makes clear that there is something special about NGOs/CSOs in migration and border governance – something that has to do with the nature of the beneficiaries, and the transnational setting in which their interventions take place.

When it comes to providing humanitarian assistance, promoting development or fostering the respect for human rights, the efforts of NGOs/CSOs tend to focus on the citizens of the state in which they operate, and are likely to be more or less aligned on the efforts of the government concerned, of the international donors, or of the IOs present in the country. Of course, there are always tensions and disagreements over what should be done, and how, especially when the government in question is understood as unable or unwilling to cater to the needs of its own population. But overall the core objective is to improve the fate of a given population on the territory of a given state, within a kind of 'Westphalian' framework.

But migration/border governance directly challenges this 'national order of things' (Malkki 1995). By definition, it concerns people who live across states, and whose national belonging is unclear. The beneficiaries of NGOs/CSOs' work are then in-between, neither 'here' nor 'there', and responsibility for their needs is therefore uncertain, with complex consequences on civil society's involvement. Undocumented migrants, for example, have needs 'here' (in the country where they live or are transiting through), but are also exposed to being returned 'there' (to their country of origin) – in which case their needs would move with them, change and fall under the responsibility of another state. This special issue focuses on the borderlands of Europe - understood as all the places occupied by people in this ambivalent situation. Borderlands include borders and border-specific locations/institutions (like hotspots), but also spaces/situations inside states, wherever migration/border governance takes place, whether in receiving countries or non-European sending/transit states.

In borderlands, NGOs/CSOs interventions face specific challenges. Beneficiaries may for example have needs that are unrecognized, or even negated, by the different states

they are dependent upon. Thus, for undocumented migrants, the need to stay and not to be deported is crucial in beneficiaries' eyes; for migrants in transit, the need to continue the journey is of central importance. But while civil society may recognize these needs, it will find it difficult to satisfy them, not least because (inter)governmental donors will understand these needs as illegal, and because satisfying these needs can generate legal problems.

This often results in compromises, according to which NGOs/CSOs limit themselves to addressing other needs (like migrants' access to basic services, such as shelter, food, health, or education) – thereby raising fundamental political issues in terms of which needs are deemed essential, and by whom. But this may also lead to situations in which civil society contributes directly to governments' agenda, for example by taking care of the needs of unwanted migrants in the course of their (forced or voluntary) return. In such situations, the problems faced by civil society are ethical, rather than legal.

Values and Positionality

According to the influential thesis developed by 'third way' intellectuals like Giddens (1998), civil society has the potential to correct the failures of both states and market, and would therefore constitute the way forward for democratic progress. As far as migrants and refugees are concerned, this seemingly makes sense. States' and market failures are indeed obvious and well-documented. As foreigners, migrants and refugees are exposed to the exclusionary logic of the state. As workers often active in underprivileged sectors of the economy, and in undeclared or semi-legal conditions, they are disproportionally affected by the precariousness associated with weak market positions. To overcome this double pattern of exclusion, a third actor is necessary – and civil society would therefore be well-positioned to cater to the needs of migrants and refugees and to contribute to their inclusion.

The added value of civil society would then lie in its values, which are usually presented as opposed to the ones that guide states and markets. When it comes to migration, civil society would privilege openness, solidarity and hospitality. Unlike states, it would function in a bottom-up manner, whereby the social and human ties that emerge at the grassroots level, for example between migrants and non-migrants, should inform policy (rather than be destroyed by policy). Civil society would also be characterized by a cosmopolitan outlook, and by universal values that challenge the borders erected by states (which is also why religious NGOs, and their inherently supranational way of thinking, have long played a role in assisting migrants and refugees). While not advocated by all CSOs, freedom of movement exemplifies these ideals and the sharp contrast that is sometimes drawn between states and civil society. Civil society's values also rest upon specific interpretations of core principles, like human rights. In this issue, Perolini shows for example how some German CSOs see certain practices, like deportation, as incompatible with their non-legalistic understanding of human rights – thereby relying on widely-accepted norms, but in a manner that challenges the practices of European states.

Yet, contributions to this special issue also reveal how the work of civil society is associated with practices of (re)bordering. In Italy, Bonizzoni and Hajer in this issue show how CSOs played a role in evaluating migrants' 'deservingness' in the context of the regularization of undocumented migrants. In so doing, they partly relied on states'

criteria (thereby enabling the state to outsource part of its borderwork), while also trying to amend these criteria. In such a situation, full openness is not an option and civil society must adapt to the filtering logic that is inherent to state regularization policies. CSOs can then either align themselves on the selection logic of the state, or propose their own criteria to identify deserving foreigners. In both cases, the work of civil society comes along a process of normative (re)bordering.

Still in Italy, but in a different context, in this issue Sinatti looks at the role of ordinary citizens and volunteers who provide assistance to migrants and refugees. She shows that their involvement comes along a diversity of normative frameworks: different people and different organizations display different views on how migrants and refugees should be helped, and on who deserves being supported. This heterogeneity creates a 'border mess', in which borders and boundaries are constantly discussed, and thus challenged - but also reshaped, and thus reinforced. This is not surprising: after all, if one assumes that civil society is rooted in societies, and that a defining feature of all societies is the creation of norms and of patterns of belonging, then it follows that civil society is bound to itself contribute to processes of exclusion/inclusion – and that values such as hospitality and solidarity will never embrace all migrants and refugees.

In such a context, NGOs/CSOs that engage in border/migration governance need to set up a value framework for their work, and are likely to differ in this respect and to conceive their role in different ways. This is also a material issue, as organizations that are financially dependent upon states or other actors (like IOs) for their funding will react differently from self-funded and thus more independent organizations. This will result in different values, and in a constellation of NGOs/CSOs that, while often regrouped in the same category, play quite different roles and pursue different objectives.

The hopes put in civil society as a third-sector entity that can compensate for states' and market failures is thus not entirely justified. Civil society can provide alternative frameworks, which often prove more open and inclusive. Yet, these frameworks are interconnected with other frameworks (both from states and other CSOs/NGOs) and almost systematically rely on their own values, with potentially exclusionary outcomes for certain categories of people. It is these complex dynamics that are often captured through the popular concepts of *un*bordering, *de*bordering and *re*bordering, which all point to the constant and contradictory processes through which foreigners are ex/included in societies.

Context

The diversity of civil society's values and positionalities is also a matter of context. Migration/border governance takes place in very different settings, particular in terms of the nature and role of states, and of the kind of society in which civil society intervenes.

For instance, in this special issue, several articles focus on European cities, like Milan (Sinatti in this issue), Berlin (Perolini in this issue) or Frankfurt am Main (Fauser et al. in this issue). This echoes the specificity of urban settings, which have traditionally been the place where people from all over the world meet and interact – hence favoring openness and the inclusion of newcomers in plural and diverse environments. This also echoes the growing role played by cities in migration governance, as municipalities get organized to call for alternative migration policies (Lacroix and Spencer 2022). In this issue Fauser et al. show how different types of urban actors, ranging from CSOs to city authorities,

all play an ambivalent role by both enforcing immigration law and responding to migrants' exclusion. The authors further identify four distinct roles among the actors of what they call the 'urban border space'. Here civil society draws upon specific places, marked by specific migration patterns, and therefore challenges governments not only in terms of values, but alscalo in terms of the level at which processes of inclusion and exclusion should be governed.

Other contributions to this special issue look at places that could be called 'exceptional' (see Wetterich in this issue), in the sense that they are characterized by the more or less deliberate suspension of the 'normal' way of organizing the relationships between states, market and people. This is the case with hotspots for example: while on European soil, these are closed places, in which migrants' lives are on hold and under the almost total control of governments. In such places, the role of civil society is both threatened and essential: threatened because non-state actors have very little access to hotspots and cannot provide assistance, and essential because the full control exercised by states makes a counterweight all the more necessary. Civil society has therefore developed innovative strategies, in order to reach out to migrants, but with the risk of reintroducing a kind of normality to such an exceptional setting – and therefore of legitimizing the hotspot system, as Calarco highlights in this issue.

Another exceptional context is the Mediterranean Sea, where civil society has become a key actor in the governance of maritime migration. While SAR activities are framed by the international law of the sea (and by no way exceptional), the politics of migration control across the Mediterranean has led to the *de facto* suspension of established mechanisms to rescue the victims of shipwrecks. In such a context, Wetterich discusses in this issue that while civil society has become the almost only actor upon which migrants and refugees can count, governmental policies have turned NGO ships into exceptional spaces. Similar observations can be made about Libya, a central place in migration dynamics, but a country that is characterized by the absence of basic *État de droit* principles – thereby leaving migrants and refugees almost helpless. While IOs are present in the country, the absence of legal frameworks for state protection means that civil society plays a central role in providing basic services (see Phillips in this issue). In these exceptional settings, CSOs/NGOs thus emerge in reaction to the over-presence of the state (in the case of hotspots) or to its under-presence (as in the Mediterranean or Libya).

In all contexts, civil society is the product of a specific social setting and of the values and aspirations that emerge therein. In Libya, and due to historical factors, civil society is a relatively recent phenomenon that is focused on key concerns about core social or political issues. While there are some CSOs seeking to address human rights for migrants, a greater emphasis on support to migrants thus comes from international NGOs that step in from the outside and bring with them values and principles that were developed elsewhere. The ways in which preoccupations over migrants or refugees are 'imported' into the country by non-local actors is discussed by Phillips in this special issue, offering a new perspective on NGO operations and Libyan community perceptions of migration work.

A somewhat similar observation can be made about pre-invasion Ukraine. In this transit country with little migration experience, Mützelburg highlights in this issue that concerns with refugees are not deeply rooted in the society. Mützelburg indicates that here also, NGOs active in this field are international and receive all their funding from Western and international donors. They, therefore, find themselves in a favorable

situation, with more resources and expertise than the Ukrainian government. Given the lack of interest of local actors in the topic, CSOs tend to replace, rather than challenge or complement, the state. This situation of non-confrontation must nevertheless formally respect state sovereignty, hence the tactics put in place by NGOs to ensure consensual relations with the government.

Conclusion

This special issue illuminates the complex and multi-faceted roles of civil society as a distinct category of actors working in contemporary migration and border regimes. Core arguments developed in this special issue regard the fuzziness of the distinction between governmental and non-governmental actors, as they have both come to be involved in governing migration and have specific responsibilities toward migrants. For civil society, there are specific particularities that relate to the nature of the relevant actors and their relationship to migrants, the transnational settings in which they operate (including as organizations working across multiple contexts), and the people who work for CSOs as staff, volunteers and as national and international staff members. It is clear that there is little homogeneity within NGOs/CSOs as regards their motivations and types of intervention. However, it is not always easy to distinguish between reformist and radical organizations, or between depoliticizing and repoliticizing activities. Even when organizations are openly committed to challenging the border regime, their action may result in debordering for some, and in rebordering for others. Similarly, there is no clear opposition between civil society and public authorities, as both can perform the same tasks (especially in urban contexts). Research showcased in this special issue demonstrates the importance of critical attention toward the dynamic and often fast changing role of civil society in migration governance and the need for more sophisticated conceptions of NGOs and CSOs in this space across transnational sites.

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