

"When injustice is law, resistance is duty"

A perspective on No Border camps and the questions on legality/illegality.

Intro

People active in organising the upcoming No Border camp in Brussels were asked to write a presentation on the No Border camp for the edition of an independent activist news magazine, focusing on the question of legality and illegality. We chose to write a collective text, gathering the experiences and opinions of different people active in the No Border network. We would like to present the history of No Border camps and explain how the No Border networks are confronted with questions on legality/illegality. Based upon these shared experiences, we would like to propose the renouncement of the concepts of 'legality and illegality'.

About the No Border network and No Border camps

The No Border network started as an appeal on the occasion of the EU summit in Tampere for activists working on refugees rights, clandestine migration, social control, anti-migration policies and how these affect both migrants and people in the 'host country'. It was an appeal to share skills and information, and to develop a network able to further the fight against European anti-migration policies. The network initially focused on four themes : a call for a European anti-deportation campaign, a call to organise international days of action, a call for a campaign against closed detention centres and the organisation of No Border camps.

Over the years, focuses have shifted and the network has evolved, but it remains a network of activists, refusing to become a formal organisation, a political movement or party, thus keeping a diversity in tactics, approaches and themes. An example of this is the shift in focuses of the No Border camps. In the beginning these were conceived as occasions to physically help migrants cross the borders, as was done in Bialystock, Mexico, ... Later No Border camps were organised to tackle the theme of the social control oppressing migrants who have already entered Europe, refusing them health care, housing, work, ... The No Border camp at Strasbourg in 2002 for example focused on the Schengen Information System (SIS), a system set up to exchange fingerprints and biometric data of refugees, thus exerting control on who already entered the European Union.

A No Border camp aims to construct an autonomous, self-organised, open space for activists to share skills, information and to act against the anti-migration policies, thus clogging the system which exploits and oppresses migrants as well as other people.

To choose Brussels as a location for a No Border camp might seem strange since there is no physical border present. The city is a symbol though of the European anti-migration policies. It hosts many European summits and institutions setting the European anti-migration policies in practice. Furthermore it hosts several institutions enacting the Belgian anti-migration policy, and Belgium assumes the presidency of the European council for the

second part of 2010, making itself responsible for the European policies. Moreover Brussels has been the site for several struggles of migrants and their supporters. This struggle ranges from occupations of buildings by people without papers to the fight against a new closed detention centre being constructed in the surroundings of the city.

On legality/illegality

The No Border network has always been confronted with questions on legality/illegality, in two forms. The first question centers on people being declared legal or illegal due to their country of origin and on how they entered the European Union. The second question concerns the way in which actions are being done, referring to some actions as legal and others as illegal.

The first question is easy to tackle from a No Border perspective: the distinction made between the legality or illegality of people crossing borders is a distinction that is of no importance for people active in a No Border network. Considering that borders are neither natural nor given, it is clear that borders are made up to divide people on either side, aiming at dividing the resistance against the states implementing these borders. For No Border activists there is no way that people (or their migration) can be declared legal or illegal. People migrate with a reason. The distinction made between an 'economical' or 'political' migrant is a distinction that does not make sense. If a Senegalese migrates for example because he can no longer provide a living for his family as fisherman, he is a political migrant because it is a political decision to sell out the waters of the coast of Senegal to Chinese enterprises; a political decision rooted in a capitalist vision on resources. The same goes for climate refugees or war refugees. The existing European migration policy makes a division between 'good' and 'bad' refugees, limiting as such legitimate reasons for which people can migrate.

The only interest in making this distinction is keeping people oppressed. Therefore we renounce this distinction, stating that not people are illegal, but rather the states and their laws which make people illegal ("there are no illegal humans only inhuman laws").

The second distinction is a bit more tricky and often returns in discussion on No Border camps, when dealing for example with major humanitarian organisations. It is important to make a distinction with the reasons why this question is posed.

The government, by repressing actions in the context of No Border camps and prosecuting activists, puts the question of legality/illegality as a distinction between protest that is permitted and protest that is not permitted. We renounce this on the grounds that the concept of legal or illegal actions is a distinction made up by the state itself, serving its own interest of... Moreover the state does not follow its own imposed distinction, so why should we follow a distinction made up by the state that the state itself does not even follow.

An example: states pose that illegal actions are undemocratic. The same state however has no problem in breaking its own laws in executing anti-migration policies, ranging from violating human rights (and accumulating convictions by the European Court for Human Rights) up to using illegal means to prosecute migrants and their sympathisers. If the Belgian

state is convicted by the European Court (assessment 'Conka') for breaking humanitarian laws for the deportation of 70 Rom Gypsies from Ghent on a collective flight, it does not declare itself undemocratic or illegal. If the French police in Calais raids a safe place for migrants, beating up migrants, spraying pepper spray on their belongings, thrashing other belongings, without any house warrant (Kronsadt hangar in Calais), it does not consider itself undemocratic or illegal either. If Greek police beats up migrants, and Greek migrations policies are in clear violation with European migration policies, it is neither considered illegal of undemocratic by other member states. These are just some examples among many. . The concept of illegality/legality is thus imposed on activists fighting the system and not on the system itself. Therefor we reject it. If states are not bound by laws, why should we?

If the question is posed by fellow activists, we should also look at their aims . Often the question is posed because of a certain higher moral ground claimed by some activists. We want to point out that it is not even the same question as the discussion on violent/non-violent actions, since even non-violent actions can be declared illegal by the state. It is a question

posed by activists wishing to abide by laws, often presuming that legal actions equal democratic actions. Possible answers to these questions posed:

1. 'Legal' does not necessarily equal 'democratic'. We could cite the example of the Nazi regime, rising in a perfectly legal way, or refer to racist parties having electoral success, to showe legal does not equal democratic. As Jan Blommaert pointed out in an essay, the concept of democracy has been reduced to a number of rules (legality), forgetting the content of democracy. It gives way for undemocratic events, being passed as following certain rules and thus being democratic.
2. The concept of legal/illegal actions does not equal the concept of violent/non-violent. In Copenhagen, people active in organising non-violent actions were arrested on the suspicion of organising illegal actions. A strict non-violence policy will not prevent our actions from being declared illegal.
3. Using these concepts, made up by the state for a certain purpose, is playing along with the state. The state defines what is legal/illegal with a certain purpose: it is no coincidence that a tougher approach on dealing with actions goes hand in hand with a crisis in world capitalism and imperialism. Since 9/11 even the fact of being Muslim and being against American imperialism is a pretext to be imprisoned, sometimes rendered to third countries to allow illegal torture. Since the Greek crisis, police is tightening up on masked activists in actions, fearing the reprisal of the actions in Greece aiming to topple the state as a concept. The only solution here is also to reject these concepts made up by the states aiming to oppress us.
4. These concepts have no worth since they only apply to people, not to states or companies. Shell has never been condemned for its role in the murder of Ken Saro Wiwa in Nigeria, Nestle has never been condemned for using Indian babies as testing animals, Chiquita has never been condemned for spraying chemicals on its workers, Nike has never been condemned for it's subcontractors using child labour. .

On the rejection of the concept illegal/legal

We reject these concepts because keeping these concepts as a focus for discussion aims at weakening the resistance against inhuman policies and laws, making divisions between activists that have the same goal but have other ways of reaching it. Furthermore it is a concept only applied to activists and people fighting the system, not the states themselves, or the capitalist system or companies.

On diversity of tactics

Diversity of tactics refers to a concept in which activists of different backgrounds work together to achieve a common goal, but in which they leave each other the freedom to achieve this goal by following their own action methods.

The call for diversity of tactics is often launched by groups wanting to focus their energy on attacking symbols of capitalism such as banks, McDonalds... claiming their space in the action field. They were opposing this diversity of tactics to a strict 'no damage - no active resistance' policy claimed by some NGO's.

This principle of 'diversity of tactics' got known to the bigger crowd of activists when it was commonly used to describe the convergence of actions in the Battle of Seattle.

Diversity of tactics achieved the most results when it was backed by a high level of solidarity and understanding between the different participating groups. To understand that, although using different ways of actions, you could work together to achieve the same goal, gave a dynamic to a lot of campaigns.

But diversity of tactics also holds in a big responsibility for its participants. Diversity of tactics will easily lead to one tactic being preferred above the others by the organisers. On the other hand, not respecting each others space in the action/campaign could lead to the monopolisation of that action done by one tactic. The squatting of a big announced and legal demo by a group of stone-throwing activists, could be disrespectful and even traumatic for people who expected a legal demo.

With the No Border camp we will support all actions carried out within the principles of the No Border camp if the actions are focused on tackling the European/Belgian migration policy in its broadest sense. As a counterweight we expect all participants to use their preferred way of action with respect for the other forms of action-methods and to take responsibility in making this camp a success.

Some No Border activists