A Foucauldian Reading of the Global Compact for Migration

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ANNA CLOSAS CASASAMPERA, APR 26 2021

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This paper first emerged in the midst of what was pervasively declared to be a 'migration crisis'. Exodus, drowning ships, desperate mass escapes, people storming the walls – from Venezuela to the United States to Algeria, passing through Myanmar and Bangladesh, people seemed to be overwhelmed by what they deemed to be a number of asylum applications they thought was too high. In the media, in political discourses, and in policy interventions, one could see this generalized concern about the burden of an excess influx of migration, which triggered pervading talks about fingerprinting, Frontex missions, wall-building, and exhausting migrant relocation. Through all these performances and enactments of emergency, migration arose again as a matter of risk, as a security concern. Responding to this *problematique*, or indeed problematization, the United Nations (UN) General Assembly passed in September 2016 the 'New York Declaration for Refugees and Migrants' as a declaration of political commitment to strengthening the international refugee and migrant protection system.

This chapter explores one of the documents that emerged from this declaration, namely the Global Compact for Migration (GCM). Understood together with the Global Compact on Refugees (GCR), this piece looks at what the GCM does, how it is framed, and how it fails, if it fails at all. As a way to approach the analysis, and drawing from literature that has revisited Michel Foucault's notion of governmentality, it asks how migration is governed through the GCM. More accurately, it asks how 'the migrant' is represented and rendered governable. The task here is to unpack the ways whereby, through an unproblematized migration-development nexus, the GCM reproduces, or rather reinforces, two different categories – i.e., migrant and refugee– informing two ways of governing. This differentiation works to reproduce a hierarchy of lives between the refugee and the migrant, as well as between the regular and irregular migrant, normalizing such rigid distinctions.

After laying out the conceptual framework upon which this analysis is based, this chapter moves to disseminate how, in and through the GCM, 'irregularity' and 'the migrant' are (re)produced. Second, the chapter looks at what these processes of naming and labelling do, how representation works to order human mobilities through a myriad of techniques of government, and what forms of knowledge production these foster. Lastly, it discusses the state-centrism laying at the basis of this document to underline the seeming incapacity to conceptualize mobility beyond security and borders.

The aim of this chapter is not solely to point to the fact that such rigid distinctions, informing two different compacts, are not accurate to capture human mobilities and displacement. The goal is also not to criticize the efforts behind the GCM or to claim that cooperation is not needed. Rather, it attempts to render visible the power dynamics enabling this document, as well as the forms and techniques of government it fosters – a set of processes informed by a framework, which fails to conceptualize mobility beyond migration and borders, and politics beyond citizenship. In doing so, this inquiry hopes to hint a way in which public discourse could move beyond the narrative of risk that monopolizes the political space of contestation, in turn precluding discussions of solidarity, equality, or mobility, which are not mediated through citizenship, security, and (il)legality.

A Foucauldian Reading of the Global Compact for Migration

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This analysis is relevant even after the European Commission declared this 'migration crisis' to be over (Rankin 2019). Beyond lockdown and mobility restrictions, the still current Covid-19 pandemic has left us with some dreadful images of pushbacks and increased levels of violence at the borders of countries such as Greece and Turkey. Hence, this global pandemic has brought the topic of human mobility/ies back to the forefront of the conversation. For that, the analysis of the documents, conferences, and declarations that govern the everydayness of human mobilities has not lost its relevance.

What is the Global Compact for Migration?

The Global Compact for Safe, Orderly and Regular Migration is an intergovernmental agreement that was formally adopted in a conference held in Morocco in December 2018. It was endorsed through a vote in which 152 countries voted in favor, five countries – the United States, Israel, the Czech Republic, Hungary, and Poland – voted against and 12 countries – Austria, Australia, and Libya among them –abstained.

Reaffirming the 'New York Declaration for Refugees and Migrants', the GCM describes itself as addressing international migration 'in all its dimensions' (GCM 2018, 2) and as a 'roadmap to prevent suffering and chaos' (UN News 2018). Clearly set out in the Preamble, the GCM rests on the principles of the United Nations Charter and the Declaration of Human Rights to establish a non-legally binding cooperative framework while upholding states' sovereignty over border control. That is, even though the goal was to reinforce the need for cooperation, dialogue, and consensus, there is a commanding state-centrism informing this document. Migration and borders remain a matter of the sovereign state.

The GCM also outlines the need to strengthen knowledge of migration as a way to advance policymaking. It argues for improving data collection and analysis systems, as well as registration and statistical collection processes, in order to achieve better evidence-based solutions. Hence, through this document, migration emerges as an object of knowledge, data, and graphs, and as a space to govern, a sphere within which one can intervene, reinforcing the nexus between government and knowledge, or indeed government through knowledge.

Conceptual Framework

The work of Michel Foucault has inspired a vast body of scholarship, giving rise to new research, sets of questions, and points of inquiry, among which we can highlight the emergence of so-called 'governmentality studies'. As a style of analysis, governmentality draws our attention to the techniques and knowledge that underpin attempts to shape the conduct of selves and others in diverse settings (Walters 2012, 30). Put differently, to govern is 'to structure the possible fields of action' through a complex ensemble of institutions, procedures, analyses and reflections, calculations, and tactics (Foucault 1982, 790). It designates 'the way in which the conduct of individuals or of groups might be directed' (Foucault 1982, 790). As such, it is inherently linked to the exercise of power – power as governmentality, or governmentality as the exercise of power. However, this is not an all-pervasive, one-way, only-destructive power. Understanding governmentality as a conduct of conduct, as the activity of (self)conducting an individual's behavior and relationality, sheds light on the immanent possibility of resistance or counter-conduct (Foucault 2009, 195), complicating the question of control.

More concretely, in the *Birth of Biopolitics*, Foucault describes the ways in which the word 'liberal' can be understood as a governing practice, as a set of techniques of government. To him, this liberal way of governing is not the respect or imperative for freedom. Differently, the liberal organizes and produces freedom, managing the conditions under which one can be free (Foucault 2010, 63–4). Yet, this management of freedom 'entails the establishment of limitations, controls, forms of coercion, and obligations relying on threats' (Foucault 2010, 63–4), namely, security. Hence, for Foucault, security is not merely a compensatory to freedom, not is it a value or a reality, but rather the way through which society is ordered and managed, and freedom is produced.

Applied to the field of migration, governmentality helps us understand the ways in which mobility has been managed and conducted, and the subtle and complex games involved in the 'biopolitics of otherness' (Fassin 2011, 214). As the anthropologist Dider Fassin has claimed, migration, located at the heart of the three pillars of governmentality –

A Foucauldian Reading of the Global Compact for Migration

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i.e., economy, police, and humanitarianism – is deeply implicated in the construction of borders and boundaries of sovereignty and identity/ies (Fassin 2011, 221). Similarly, the sociologist Didier Bigo has tried to illuminate the reasons behind the ever-present framing of migration as a security issue, related to crime, (un)employment, and integration. The state-centric metaphor of the 'body politic', embedded in the myth of national sovereignty, creates the image of 'immigration associated with an outsider coming inside' together with the presupposition that it is possible to control the flow of individuals at the state borders (Bigo 2002, 67).

The GCM (2018, 2) conceptualizes migration both as a problem that 'undeniably affects our countries and communities' in unpredictable ways and as a 'source of prosperity, innovation, and sustainable development' that can be optimized and therefore governed. Hence, Foucault's liberal art of governing, together with some of its contemporary mobilizations, provides a powerful tool to inquire into the ways in which migration becomes an object of government, emerging at once as a problem and a source of prosperity.

Governing through Representation: 'Migrants' and 'Refugees'

To be governed, one must be represented as governable. As a starting point, this compact for migrants, not refugees, normalizes the already rigid distinction used by administrations and border controls to regulate, disseminate, and differentiate between the desirable and undesirable, between the refugee, carrying a 'forced-to' sense of helplessness and inevitability, and the migrant, carrying a sense of voluntarism. Furthermore, this document reproduces the binary between the regular and irregular migrant, a binary loaded with moral assumptions of worth and even criminality and lawlessness.

As we can read from the title, and repeated over 20 times throughout 34 pages, this is a compact for *safe, orderly, and regular* migration. Using the framework provided by literature on governmentality, this section unpacks the logics of representation framing the GCM that reproduce migration as an international, or indeed transnational, problem to be managed. It tries to disseminate how 'the migrant' is re-produced vis-à-vis 'the refugee' and how 'irregularity' re-emerges with a strong moral connotation, as something bad that needs to be prevented. Altogether, what 'migrants' are, or indeed how they are represented, informs the way one should respond to them and their claims for protection, bringing to the foreground the politics that come with the naming.

From the outset, one finds in this document a commitment to manage the problem posed by refugees and migrants through two separate processes. In other words, while recognizing that 'migrants and refugees may face many common challenges and similar vulnerabilities' and 'are entitled to the same universal human rights', they 'are distinct groups governed by separate legal frameworks', and 'only refugees are entitled to the specific international protection' (GCM 2018, 2). The exercise of this labelling power creates a need for the to-be-migrant/refugee to conform to these two framed-elsewhere categories of being as if they were real, already-there forms of subjectivity. In turn, this classification of types of mobility is employed as a form of intervention for either humanitarian or security purposes, or indeed both at once, and so must be understood within 'the proliferation of dematerialized spatial and moral borders' (Mai 2014, 175).

Such a rigid distinction forecloses the ambivalence and ambiguity, and more generally the epistemic crisis, around the very labels by which various forms of mobility are presumed to be knowable as governmental contrivances (De Genova 2017a, 8). Consequently, such nuances as the 'migrant-ization of refugees' (Garelli and Tazzioli 2017, 170), the structural violence that might constitute the root cause for displacement for 'mere economic migrants' (De Genova 2017a, 9), and more generally the ways in which these categories are lived-in, claimed and/or resisted are left unframable.

Differently, and as if the UN were a fully-fledged humanitarian actor, bound by the principles of humanity, neutrality and independence, the GCR (2018, 1–2) defines itself as 'entirely non-political in nature'. This claim reflects a seeming obliviousness of the politics of labelling, of what this naming does, or allows. Beyond that, this is a claim that does not appear in the GCM, as if you could be political with migrants. What is more, the GCR employs more strongly and widely the vocabulary of vulnerability and protection, accompanied with claims for further and distinct support (GCR 2018, 15). Altogether, these compacts reinforce 'the migrant' vis-à-vis 'the refugee' as subjects and objects of

A Foucauldian Reading of the Global Compact for Migration

Written by Anna Closas Casasampera

government through a suggested variety of policy plans allowing for constant monitoring of mobility routes and diaspora communities. In doing that, they work to sort and rank mobilities and claims of protection, which translate into who gets to make what claims and how valid they are (De Genova 2017a, 8).

Moreover, in the employment of the lexicon of (ir)regularity, the GCM participates in the reproduction of the legal/illegal binary, which in turns constructs 'irregularity' as something that, because of its negative impact, needs to be prevented (De Genova 2017a, 3). Even if it purposely avoids the term 'illegal' and repeatedly states the importance of eliminating discrimination, by reinforcing the regular/irregular binary and referring it to the receiving country – which will juridically determine this (ir)regularity – the illegality of the irregular migrant unavoidably emerges (GCM 2018, 4). Preoccupied with 'identity fraud and document forgery' (GCM 2018, 11), the GCM perpetuates such discrimination and forecloses a reading of the ways in which (ir)regularity is produced through already existing and institutionalized racial and colonial dynamics (see Andersson 2014; De Genova 2004, 2017a, 2017b; or Mc Cluskey 2018). This production is apparent in sections that read certain spaces in need of special attention as 'geographic areas from where *irregular migration* systematically originates' (GCM 2018, 17). Hence, the irregular migrant arises, in the base of its risky/at risk condition (see Aradau 2013), as a non-desired subject.

Governing through Representation: A Human Rights Approach

The employment of governmentality as a position of inquiry illuminates the ways in which movement and displacement, successfully framed as risk, are governed. It also underlines what security does, and how the imaginary promise of a knowable future is 'subtended by practices in the present that represent problems', or migration as a problem, 'in order to intervene and manage them, act upon subjects, and attempt to conduct their actions in view of the projected future' (Aradau 2008, 6). Following Foucault (2009, 20), the specific sphere of security then refers to a series of potentialities, 'to the temporal and the uncertain, which have to be inserted within a given space'. In this light, security emerges as the art of governing and ordering the uncertain.

In a more contemporary reading of this liberal art of government, and under the term 'liberal cosmopolitanism of government', Vivienne Jabri (2013, 3) captured the latter's claims to a critical and emancipatory agenda in which 'theory and practice meet in advocacies around international law and its transnational reformulations of human rights'. This mode of governance operates through a liberal understanding of solidarity and, in the name of peace and human security, permeates the social through pedagogic and developmental practices of policing. Through this cosmopolitan imperative to bring law 'into force with every instance of intervention to uphold rights in the name of humanity' (Jabri 2013, 117), this 'humanity' arises as a location of legal and political structure, a sphere of intervention. This is the case with the GCM, which undertakes humanity within its purview of operations, transforming mobility into a global procedural problem in need of management and resolution. Yet, this *a priori* benevolent definition of solidarity is based on a twofold understanding of humanity, reinforcing a hierarchy of lives separating those who have the legitimacy and the means to save from those in need to be saved.

The GCM brings forward this hierarchy between the agents of change and those who must be changed, managed, or governed. In the name of human rights and cosmopolitan law, the former (self-)proclaims its authority to intervene over the latter. As previously stated, even if the GCM is concerned with fighting discrimination and racism, there are some instances that reproduce spatial hierarchies by labelling some zones as problematic or 'deteriorating' (GCM 2018, 8). Additionally, by unproblematically referring migration to development, and the GCM to the 2030 Agenda for Sustainable Development, it fills up the deceptive generality and emptiness of 'the receiving countries' – 'making us all countries of origin, transit and destination' (GCM 2018, 2) – with those appearing as recipients of development and risk-reduction programs in the 2030 Agenda.

In Jabri's work, one also finds claims of liberal cosmopolitanism's complicit participation in the reproduction of already institutionalized forms of domination, such as neoliberal markets. These claims help us recognize the depoliticizing reading of migration found in the GCM as something, which, following the neoliberal logic of demand and supply, serves the market needs. That is, it claims that migration needs to be governed in ways 'reflecting demographic and labor market realities' (GCM 2018, 11), 'in accordance with national priorities, national labor market demands, and skills supply' (GCM 2018, 23) to 'ensure market responsive contractual labor mobility through

A Foucauldian Reading of the Global Compact for Migration
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regular pathways' (GCM 2018, 12).

Additionally, reading the GCM through these conceptual remarks reveals that the document's goal is not to stop mobility, quite the opposite. In line with Foucault's (2010, 28) claim of liberalism being 'the art of the least possible government', the compact aims to facilitate migration by 'offering accelerated and facilitated visa and permit processing' (GCM 2018, 12) and 'flexible modalities to travel, work, and invest with minimal administrative burdens' (GCM 2018, 27). Informed by a language of resilience, autonomy, and emancipation, the GCM is not about direct, bodily intervention, but self-regulation. Simply put, the aim is not to block mobility, but to manage, accelerate, and flexibilize it. Yet, for this acceleration to happen, some forms of movement need to be deemed undesirable, irregular, and therefore to be stopped. That is to say, the GCM encourages speed and derogation of bureaucratic procedures for some, while keeping others in place through development programs and policies, alternatively named 'deterrence' (see Andersson 2014 and Brown 2010).

Lastly, reading the GCM through governmentality brings to the foreground the forms of knowledge production it pretends to foster. The GCM (2018, 4–5, 9–10, 14–15) aims to promote a pervasive knowledge economy, which reifies not only the migrant but also the route, or indeed 'all stages of the migration cycle' as data variables. Parallelly, this knowledge production involves everyone, from consulates, diaspora communities, and academia, to the private sector, trade unions, and the media (GCM 2018, 5). The data gaps, the unregistered and more broadly the unknown, and so the future, become a problem. Hence, through advanced techniques of knowledge production, the future must be rendered predictable or governable (Ansems de Vries 2013; Bigo 2014) in order to 'monitor and anticipate the development of risks and threats that might trigger or affect migration movements' and develop evidence-based policies (GCM 2018, 8).

The GCM as a Question of National Sovereignty

As a final remark, this paper underlines the state-centrism informing this compact and the ways in which it is supposed to be implemented. In the 'Implementation' and 'Follow-up and Review' sections, one finds a lot of 'we invite', 'we allow', and 'we encourage' formulations. The word 'voluntary' is also abundant. That is, it states that the financial and human resources in charge of applying the points of this compact are a mere invitation or encouragement to voluntarily elaborate a 'national implementation plan' (GCM 2018, 34).

Yet what, to this analysis, looks like a state-centric document is also regarded as derogating the sovereignty of a country over its borders. Especially on the political right, some received this compact with outrage, believing that it would 'encourage more illegal migration' and work to erode national sovereignty over the states' territory (Goodman 2018). Consequently, five countries – the United States, Israel, the Czech Republic, Hungary, and Poland – did not ratify it. Hungary's Minister for Foreign Affairs and Trade, Péter Szijjártó, declared that the General Assembly was committing a serious mistake by endorsing 'this unbalanced, biased and pro-migration document' (United Nations, Meetings Coverage and Press Releases, 19 December 2018). Migration is 'a dangerous phenomenon', he stressed, and endorsing this document could 'prompt new migratory movements, which in turn would put transit and destination countries at risk' (United Nations, Meetings Coverage and Press Releases, 19 December 2018). In a not too different line, the United States' representative said that his government could not endorse the compact because 'decisions about how to secure its borders and whom to admit for legal residency or to grant citizenship are among the most important sovereign decisions a State can make and are not subject to negotiation or review' (United Nations, Meetings Coverage and Press Releases, 19 December 2018).

Having said that, the fact that the GCM is not legally binding raised opposing concerns among non-governmental organizations and human rights advocates who feared that countries would never fully implement the measures detailed in the document. However, the issue with state-centrism, which this chapter raises, goes beyond the impossibility to fully implement a compact that can only be encouraged. Differently, this paper brings to the foreground the incapacity to conceptualize mobility beyond migration and borders, and politics beyond the categories of 'citizenship', 'refugee', and '(ir)regular migrant', the impossibility to think about mobility beyond the framework of the sovereign state. The GCM remains a question of national sovereignty.

A Foucauldian Reading of the Global Compact for Migration

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Conclusion

Overall, this chapter does not pretend to be an exhaustive analysis of the GCM, but an attempt to use governmentality to underline the power dynamics disguised by the human rights discourse of protection. It wants to problematize the assumed neutrality of the process of naming and bring to the foreground the political agenda behind labelling and the use of categories such as 'migrant' or 'refugee', which the compact assumes to be state-dependent. In other words, through the GCM, the state emerges as legitimate to make claims about who gets to be named what and how.

Using both Foucault and contemporary scholarship that finds in his work a productive point of inquiry, this chapter unpacks the ways in which, in the GCM, migration re-emerges as a problem to be managed. By understanding liberal governance as an effort to make reality knowable, or to make reality visible as knowledge (Ansems de Vries 2013), it sheds some light on the practices of government the GCM legitimizes and the hierarchies of life it perpetuates. It is worth clarifying that, by having two sections – one focused on techniques of representation and another on practices of governing – this chapter does not suggest that one can understand them separately. Contrarily, and as it tries to show, logics of representation inform techniques of government and vice versa.

Lastly, this chapter also acknowledges that its concern with state-centrism is by no means accepted by all. As mentioned above, some, especially on the right, received the compact with outrage or simply refused to ratify it, stating that it would 'encourage more illegal migration' and erode national sovereignty over states' territory and borders (see Goodman 2018 and Rieffel 2018). Yet, this research is driven by a personal conviction that employing governmentality can provide productive insights into the conditions of possibility of this document and the state-centric power dynamics behind it. In other words, it tries to argue that understanding security in its larger function of ordering the social illuminates the exceptionality surrounding human mobilities. More generally, doing so can help challenge the pervasiveness of concepts and terminology such as 'border', 'citizenship', or 'irregularity' that still clog and exhaust the debate on human mobilities.

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A Foucauldian Reading of the Global Compact for Migration

Written by Anna Closas Casasampera

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A Foucauldian Reading of the Global Compact for Migration

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About the author:

Anna Closas Casasampera holds an M.A. in International Conflict Studies at the Department of War Studies, King's College London (UK). She has collaborated with and worked for various NGOs, particularly on gender and migration issues. She previously studied Philosophy, Politics and Economics at Pompeu Fabra University, Carlos III and Universidad Autónoma de Madrid (Spain).