



# Death as the border: Managing missing migrants and unidentified bodies at the EU's Mediterranean frontier



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## ABSTRACT

The paper explores how the management of migrant bodies by national and EU authorities reflects particular understandings of contemporary borders and how the failure to address such bodies has implications far from the frontier. The study of the management both of the dead and of the data that can serve to identify missing migrants, can benefit our understanding of the contemporary border, and has to date received only limited scholarly attention. To address this gap we draw on field research carried out on the Greek island of Lesbos, one of the key migrant entry points to the EU, that has seen repeated incidents of deadly shipwrecks. Based on interviews with families of migrants and local stakeholders the paper explores how death at the border introduces novel – and often invisible – borders and categories of inclusion and exclusion. By shedding light on the experiences of the families of the dead we aspire to introduce a critical set of actors who have been marginalized from the study of the border. In exploring the remote effects of deaths on such families in migrant countries of origin, the paper shows that bordering practices have transnational impacts at the human level, thereby broadening our conceptualization of the border.

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## 1. Introduction

In recent decades thousands of migrants and refugees have died or gone missing in their efforts to cross the Mediterranean and enter the European Union (EU) often using flimsy boats (Last & Spijkerboer, 2014).<sup>1</sup> Although accurate figures are still unavailable, reflecting an entrenched policy of the EU and its member states to decline to quantify the phenomenon of migrant deaths, according to a report published by the International Organization for Migration (IOM), between 2000 and 2014 the estimated total number of deaths at the EU borders was 22,400 (Brian & Laczko, 2014), while officially recorded deaths at the EU border in the period 1990–2014 totalled 3188 persons (Last & Spijkerboer, 2014). It is clear that this latter figure does not reflect the actual number of

deaths but rather illustrates the lack of systematic recording of statistics concerning deaths at sea (Last, 2015). In 2015, 3772 are known to have died crossing the Mediterranean, constituting 70% of global migrant deaths that year,<sup>2</sup> with an additional untold number of unrecorded deaths.

Shipwrecks with high numbers of casualties have made the headlines in European media and have briefly transformed the discourse around Mediterranean migration from one concerned with the threat to Europe, to humanitarian concerns. Yet typically the focus of international media and the resulting political attention wanes just days after such deaths are reported. One result of this is that both policy-makers and academics focus exclusively on the phenomena circumscribing shipwrecks, such as smugglers, rescue, push-backs etc, and ideological, institutional or structural aspects of border policies. This paper seeks to ask three important and interrelated questions. First, what happens to the bodies of would be migrants who die on their journey across the Mediterranean? Second, how do states at the EU border deal with this unprecedented humanitarian challenge amidst a policy void at

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<sup>1</sup> We acknowledge that 'migrants' and 'refugees' are two distinct legal categories. It is the nature of unidentified bodies however that their status prior to death is unclear, and that the legal obligations of states concerning those human remains are the same regardless of that legal status. As such, for the purposes of this paper we will use the terms interchangeably.

<sup>2</sup> IOM (2015) Missing Migrants' Project: Latest Global Figures – **Migrant Fatalities Worldwide**, Available at: <http://missingmigrants.iom.int/latest-global-figures>.

national and EU levels? Finally, what are the legal, bureaucratic and practical challenges that the families of missing and dead migrants face in their effort to find their loved ones?

Studying the novel and complex humanitarian problem of migrant bodies at the border is important for several reasons. First, it is critical in exploring how death at the border introduces novel forms of inclusion and exclusion. The study of the contrasting policies deployed by state authorities to deal with dead migrants and dead EU citizens can shed light on the enduring impact of the border on migrant bodies even after their death. This represents an alternative approach to studying the intersection of borders with security and human rights.

Second, for every body that is washed ashore at the EU border, there is a family living with ambiguity, not knowing if their loved one is dead or alive. For such families their loved ones are missing, having left home and never having been heard from since. In the absence of information about the fate of loved ones, families cannot start the mourning process and live forever with uncertainty (Boss, 2006). Where can a family receive information about a relative who may have died while seeking to migrate? Where death is confirmed and families seek to learn where a body is buried, what processes are required to manage both bodies and data to ensure identification? In addressing these questions, our approach deviates from the Eurocentric framing of the 'refugee crisis', focusing exclusively on the EU (spatial) border and shaped by security concerns. By exploring the effect on families of the dead and missing in states of migrant origin, we highlight how these bordering practices often have transnational and emotional impacts that transcend the EU boundaries. Hence, our approach to of combining official policy responses and the situation of families of the missing seeks to provide a more complete account of how death introduces novel, and often invisible, borders. This is one of the first papers to systematically collect data in one of the states most impacted by migrant bodies at its borders, namely Greece, in an effort to map and critically evaluate policy approaches.

In what follows, we briefly discuss the management of dead bodies in the Greek island of Lesbos, which has experienced a large number of deadly shipwrecks. We then identify gaps in the relevant literature and explain why the management of migrant bodies at the EU frontier has received so little attention in both policy discussions and mainstream academic literature.

## 2. Death as the border

Building on insights drawn from the work of Judith Butler (2004, 2009) we explore how death at the EU border introduces novel and parallel borders. In what follows we seek to make a number of contributions. First, we expand thematically the study of borders to understand new forms of inclusion and exclusion introduced by what we call *death as the border*. A border spatially demarcates politically sovereign lives (i.e. citizens from aliens) while death creates a new border which separates families from loved ones. Hence, studying the simultaneous management of the living and the dead at the border sheds light on the continued relevance of the border even after death.

Second, we challenge the EU-centric approach to the study of the border, confronting a political focus on migrants as a security threat with the impact of deaths at the border on the families of migrants far from it. Deaths at the border have transnational political, psychological and social effects on families in migrant countries of origin. Hence, the border is defined not only in spatial, geographical, or political terms. It has also a strong emotional component: its presence has an affective impact far away. The struggle of families to cope with the lack of clarity of the fate of their loved ones not only remains invisible but becomes a

permanent and dominant feature of their daily lives. The corpse problematizes the relationship between the securitization of the border, the experience of the human bodies that (attempt to) cross the border, and those with an emotional link to the border crossers. As the policing of bodies, rather than merely of spatial borders, has become a principal doctrine in recent decades, we shift our attention to the corporeal dimension, building on a growing trend in the literature (Andrijasevic, 2010; Coleman & Stuesse, 2014; Pugliese, 2009).

Finally, our contribution is methodological. While most analyses focus either on the authorities or on individuals at the site of refugee arrival, we combine both perspectives by mapping the range of official policy responses to the management of the dead coupled with the experiences of families in search of their loved ones. To this end, we focus on the uneasy experience of dealing with migrant bodies. The fact that a performative understanding of the border (Salter, 2011) sees the frontier constructed from the bodies of migrants and the trauma of their family members, suggests that the study of the phenomenon of missing migrants can shed analytical and critical light on the contemporary border. As an NGO activist stressed,

'the dead (migrants) are the most appalling spectacle I have ever seen, because I visualized the death and what it means not to be able to cross the border. So, the theoretical framework about walls, securitization, acquires a new dimension when you see decomposed bodies. Even more tragic is the fact that you cannot bury them as they deserved to be buried and that no one could identify them (Interview #12).

To illustrate 'death as the border' we focus on three key distinctions, or themes, emerging from the situation in Lesbos to explore how the management of the dead at the border introduces parallel, yet often unnoticed borders. An emphasis on the management of living as opposed to dead migrants and the significant effects of this distinction; the (in)visibility of the families of the dead; and the official characterisation of dead migrant bodies as evidence of crime rather than an understanding of the dead body as an object of mourning by loved ones.

## 3. The experience of Lesbos

The Greek island of Lesbos is located in the Aegean Sea at its Eastern border with Turkey and the island's proximity to Turkey has made it a major destination for migrants and refugees, fleeing Afghanistan, Pakistan, Iran, Iraq, and more recently Syria, to cross into the EU. In 2015 it became the most frequented route for informal migration into the EU, surpassing that between North Africa and Lampedusa. Although complete data are still absent, in 2015 Lesbos received more than 500,000 refugees and migrants (Brian & Lazcko, 2015; UNHCR, 2015). Beyond such abstract data, the direct experience of deadly shipwrecks is shocking to the local population in Lesbos; a local journalist recalled that 'I have seen corpses before in my career, but what I experienced in the big shipwreck of 15th of December 2012, it's something unprecedented. That was a war scene ... ten dead bodies were lying on the shore' (Interview #10).

This drives the selection of Lesbos as a case study to explore state responses to the phenomenon of dead migrants. Over three periods of fieldwork, in July 2013, in March–April 2015, and September–December 2015 we interviewed local stakeholders, including coast guards, local coroners, municipal authorities, NGO workers, and members of migrant communities on the island, as well as policy-makers in Athens. This was coupled with semi-structured interviews with families of dead and missing migrants

who had the opportunity to share their experiences in their search for their loved ones, as well as survivors of the journey to Lesbos.

The vast majority of the families of missing and dead migrants who visit Lesbos in search of bodies or information about missing loved ones do so for a very short-term period, often for only a few days after a shipwreck. This coupled with their vulnerable emotional state when searching for their loved ones raised an insurmountable ethical concern and ruled out the prospect of interviewing them during their visit to the island. To overcome these problems we pursued two paths. First, a researcher working on the island who had already built relationships of trust with a number of families after helping them in their search or missing loved ones was recruited. As most families had moved to their country of origin or other EU countries they were interviewed several months after the traumatic experience to minimize the prospect of retraumatization. As a result of this strategy the majority of interviews were taken in the country of origin (i.e. Tunisia) or over the phone or on skype. Second, another researcher collected interviews in Tunisia from families of dead and missing migrants. Although most of the Tunisian families lost their loved ones while traveling to Italy (not Lesbos), they face similar challenges emotionally, psychologically and socially. Hence this set of interviews helps us highlight the transnational effects of death at the EU border. The majority of interviews were semi-structured in an effort to enable participants to express their views and experiences on the subject. Due to the sensitive nature of the topic and the insecure legal status of some respondents, all interviewees cited are anonymized or given pseudonyms.



A visit to the cemetery in Lesbos where most dead migrants are buried is shocking, yet revealing (photo 1). In the graveyard one finds bodies covered with earth and no headstone to identify the dead. The only markers are broken stones – often recycled from older graves – on which is written the purported nationality of the deceased, a number, and a date. Since most bodies are unidentified, this nationality is typically based on an informed guess or information from survivors, rather than from established facts (Interview #11). As a local priest aptly put it ‘these people become a number in the cemetery of Mytilene’, the capital of Lesbos (Interview #25). To shed light on this phenomenon we embarked on a study to trace the processes followed by local authorities in the aftermath of a deadly shipwreck, with specific emphasis on the management of the dead bodies of migrants, including the collection, identification, burial and repatriation of remains.

A central finding is that there is a ‘grey zone’ around the management of migrant bodies, in which the obligations and

responsibilities of a range of actors are ill-defined, enmeshed in legal and bureaucratic ambiguity. The coast guard maintained that their responsibility is limited to collecting the dead body and transporting it to the hospital, after which responsibility lies with the district attorney (Interview #18). The district attorney in practice assumes only a marginal role, typically declining any substantive investigation on the assumption that death was not caused by criminal activity, and then signing the relevant documentation to permit burial (Interview #28). The body remains at the local hospital with the coroner, whose duty is limited to the examination of the corpse to establish the cause of death and carry out the autopsy (Interview #23). When asked about the next steps, the coroner had no answer; he only revealed that a swift burial was necessary, as the hospital has no facilities to store bodies for more than a few days. The director of social services at the hospital informed us there is no budget available for burying dead ‘illegal’ migrants, only for treating living migrants (Interview #24). There is no standardized procedure to deal with a migrant body, and this policy vacuum legitimizes local authorities in denying their legal and moral responsibility to address the issue of identification. Most often relevant data found on the body – documents, tattoos, other identifying marks – are not systematically collected, analysed and stored to support identification. Similarly, only a limited effort is made to collect other information – such as testimony from survivors of a shipwreck – that could advance this goal.

Whilst Greek bureaucracy is subject to an entrenched culture of ‘blame avoidance’ (Dimitrakopoulos, 2001) this is exacerbated by the deep social, political and economic crisis, with Greek civil servants reluctant to assume any responsibilities beyond those clearly articulated. A local doctor who offers medical aid to incoming migrants argued ‘It is certain that there are no accountability procedures to ensure that civil servants are doing their work properly, while they believe that it is not their responsibility to deal with the problem’ (Interview #12).

Despite migrant deaths being a persistent phenomenon in recent years, dealing with shipwrecks takes place on an ad hoc basis; no standardized procedure has been established. Even members of the Greek bureaucracy admit this absence of long-term preparedness. At a visit to the local hospital a staff member argued that ‘although the hospital is obliged to design an emergency plan for humanitarian or natural disasters (i.e. earthquakes, floods), which could have included immigrants, this has never happened’ (Interview #1). This ineffectiveness of the Greek state combined with the intrinsic complexity of the phenomenon has made this policy vacuum even more apparent. The Head of the Greek office of UNHCR highlighted this issue: ‘there is a gap in dealing with this problem, and there is a need to create a policy mechanism that would respond more effectively to incidents of shipwrecks, and facilitate relatives to find their loved ones’ (Interview #21). Despite repeated calls from high-ranking policy-makers for attention to this issue, to date research has failed to produce empirical evidence that could drive policymaking in accommodating the humanitarian needs of the victims.

#### 4. Migrants deaths: lost in the literature

Although the growing phenomenon of deadly shipwrecks in the Mediterranean constitutes a complex humanitarian crisis, the academic literature has made limited efforts to explore the management of the dead and the consequences of failing to do so. This can be partly attributed to the novel nature of the phenomenon; as time passes more attention will be paid to fully explore the many facets of this humanitarian disaster. For example, legal scholars have shed light on legal and normative perspectives of deaths at sea (Grant, 2015; Spijkerboer, 2013).

However, the limited effort to explore the management of the dead and the phenomenon of missing migrants also reflects a more fundamental methodological flaw in the literature, which prioritizes certain levels of analysis (and thereby specific aspects of the refugee crisis) over others. For example, the majority of such literature emphasises the EU and member-states' official policy responses to 'migrant' flows, including surveillance technologies (Topak, 2014), border policing and 'push-backs' (Bialasiewicz, 2012; Bigo, 2014), and the role of 'smuggling networks' (Triandafyllidou and Maroukis, 2012). This very much reflects – if sometimes critically – the securitization agenda of concerned states. Even the most insightful perspectives from 'critical' security studies, by focusing primarily on state discourses, actions and omissions, have side-lined victims' own experiences, with a few notable exceptions (e.g. Squire, 2014). In a similar vein, human rights organisations and international relief agencies have failed to provide a comprehensive account of the needs of the families, who beyond the dead themselves are the principle victims of the neglect of migrant bodies. Indeed, the families of those dead and missing – with the exception of a few high profile cases – are entirely invisible in approaches to the phenomenon.

Most importantly, by focusing primarily on state responses which are localised at the border most analyses provide a static picture of a very fluid phenomenon, the consequences of which extend well beyond EU borders. Whilst the direct victims of the phenomenon are all too visible on Europe's beaches, the indirect victims are those waiting for news from a loved one who has migrated. Crucially, investigating the remote impacts of deaths that extend to migrants' countries of origin, provides a larger picture and sheds light on the transnational impact of the border on the lives of thousands of families of dead and missing migrants.

To fully explore the phenomenon we build on theoretical insights from the work of Judith Butler and Giorgio Agamben. These frameworks inform particular aspects of the issue, yet each alone is insufficient to account for this complex phenomenon.

Critical border studies has increasingly turned to both Foucault's biopolitics and Agamben's concept of *bare life*, understood as what remains when human existence is stripped of the encumbrances of social location and bereft of the qualifications of political inclusion and belonging (Agamben, 1998). Politics for Agamben is an ongoing tension between inclusion and exclusion, between forms of life that the sovereign will protect and represent and those it will not: this defines the meaning of what it is to be human and thereby distinguishes an excess, the migrant as something other than human, which cannot be made sense of in terms of the nation-state. This prescription resonates with how the EU and its member states treat migrants at their borders. Often in critical border studies Agamben's framework is reduced to an understanding of mere 'exclusion' while its power lies precisely in that bare life revolves around the zone of in distinction between 'outside and inside, exclusion and inclusion' that is created by sovereign power (Agamben, 1998: 91). The liminality of bare life coincides with the undocumented migrant's effort to negotiate both border and sovereignty, confined to a status without even the 'right to have rights' (Arendt, 1951:177), even when within the borders of an entity such as the EU. Sovereign power in contemporary Europe lets migrants die at the border by framing their deaths as accidents, unrelated to the machinery of militarization and securitization that accompanies those deaths (Albahari, 2006).

Agamben portrays the refugee as the ultimate biopolitical subject, and bare life as demonstrating the futility of seeking to represent political subjectivity in terms of state, nation and territory (Owens, 2009). As Agamben has described for living refugees, the bodies of the missing become a part of the legal order precisely through their constitutive exclusion (Agamben, 1998). Such an

approach does, however, provide only a partial account of the phenomenon of deaths at the border. By offering a Manichean view of sovereign power, it deprives migrants and their families of the possibility of agency, condemning them to the 'complete embrace of bare life' (Edkins & Pin-Fat, 2004: 17) and, as such, it leaves un-addressed important, yet not easily detectable, processes taking place at the grassroots – in contexts of both migrant arrival and departure. Agamben's emphasis on the state of exception in which the refugee finds herself denies refugees as subjects of political action and as capable of acts of resistance to sovereign power (Huysmans, 2008). In the refugee camp, perceived as the emblematic space of exception, Agamben's approach neglects the political acts of hunger strikes, lip sewing or ethical practices by solidarity groups that nuance this view (Owens, 2009: 573; Sigona, 2015). Most importantly, for the study of dead bodies, Agamben appears to deny that the migrant body can be political, whereas we see the very existence of the body and its presence at the border as a product of politics and, as Verdery has shown (2000), the corpse itself as a political subject. The migrant body appears to have agency; such bodies can both nourish and haunt the living, animating the social and political processes around death and challenging the body as purely an object of politicisation. Beyond the affective impacts of the dead body, i.e. those that touch people emotionally, attachment to the dead and in particular to certain bodies – particularly where they are absent – gives them power over the living (Borneman, 2014).

To this end, Judith Butler's framework sets the stage for a more nuanced discussion of how the dead body and its particular 'vulnerability' can benefit our understanding of the border. Butler raises important questions: 'who counts as human? Whose lives count as lives? And, finally, what makes for a grievable life?' (2004:20). Butler explores the power relations and norms that construct our understanding of what makes some lives grievable and others open to continued vulnerability and precarity, even after death. This is a useful analytical lens to approach both state authorities' policy responses and the experiences of families of dead migrants. Butler calls on us to 'critically evaluate ... the conditions under which certain humans are more grievable than others' (2004:30), and identifies moments of loss and grief as critical in determining who counts as human (2004). A number of studies have drawn on Butler's insights to explore the impact of the border (e.g. Hodge, 2015; Mountz, 2015). Drawing on Butler, Mountz suggests 'that if we fail to understand lives as liveable, we fail to understand them as being lost or injured' (Mountz, 2015:188). Hence, those that are not valued in life, are by extension not grievable after death; this is a valuable compass to guide us through the uncharted fields of the management of dead bodies at the border.

## 5. Living and dead migrants: a novel form of exclusion

The most important innovation of the border is that it serves as a tool of inclusion (for the in-group, largely citizens) but at the same time excludes the rest of humanity. Paasi (2011:62) argues that 'bordering separates and brings together. Borders allow certain expressions of identity and memory to exist while blocking others'. As Green (2012:576) puts it, 'borders always involve a form of classification and categorization of the world'. On Lesbos this entails an additional novel distinction between living and dead (would-be) border crossers. Butler helps us shed light on this distinction. The dead bodies of would-be border crossers are framed as non-grievable by state authorities, and subject to almost no attention, while living migrants are perceived as a potential security threat and constantly surveyed. The dead 'cannot be mourned because they are always lost .... the derealisation of the

'Other' means that it is neither alive nor dead, but interminably spectral' (Butler, 2004:53).

A range of specific labels is ascribed to living migrants, such as 'illegal', 'undocumented', 'minor', and 'asylum seeker', which drive policy approaches. Administrative procedures around 'undocumented' migrants are thorough, while the responsibility for enforcing these procedures lies with central government. This is integral to the broader securitization discourse circumscribing migration: as living migrants are regarded as a 'threat' to national security (Karyotis, 2012) and are subject to more surveillance than perhaps any other category of person. By contrast, dead migrants are ignored and the management of their bodies circumscribed by legal and bureaucratic ambiguity. Migrant deaths are seen as a mere accidental deviation from the (securitization) norm, and their management is ill defined, defaulting to local authorities. This is not unique to Greece; a similar situation is also evident in Lampedusa (Zagaría, 2012:18). Interviews with political elites and policy-makers showed they had little familiarity with the problem, including one senior policymaker at the Greek Ministry of Justice in Athens, tasked to deal with human rights, who admitted 'I do not know what is the standard practice or if there is a practice that it is followed at the borders' (Interview #7).

Echoing this 'logic of security', the central government collects and publishes detailed statistics of living migrants who enter the sovereign territory of an EU state. In contrast, there is an almost complete absence of data concerning migrant deaths; as Stefanie Grant has aptly put it 'there is an acute lack of accurate – or often any – information about these deaths' (Grant, 2015:9) consistent with the overarching logic that they are 'accidents', the EU and its member states do not maintain a record of these deaths. This is analytically important. As Andreas and Greenhill have argued 'If there are no 'data', an issue or problem will not be recognized, defined, prioritized, put on the agenda, and debated.' (Andreas & Greenhill, 2011:1). Evidence from one of the most comprehensive efforts to compile data based on death registries in Greece, Spain, Italy and Malta suggests that only a very small fraction of deaths are recorded, and only around half of these are identified (Last, 2015). The result is that very large numbers of dead migrants are officially and formally entirely invisible while considered missing by families who continue to search for their loved ones (Last, 2015).

Integral to the logic which frames the death of migrants as an 'accident' is that burial is seen as an act of benevolence, rather than an act of justice or a moral obligation on the part of the state, and unrelated to any obligation an authority may have to inform relatives of the death. Although there is a specific budget allocated by the EU and the Greek state to care for living migrants at Greek hospitals, there is no allocated budget (from the state or EU) to cover expenses associated with the burial of dead migrants (Interview #24). To organize a burial the (former) mayor of Lesbos had to raise funds from local sponsors or 'beg local offices organizing funeral services to give us the coffins' (Interview #22). At times, migrant communities in Athens and local NGOs collect money to pay for coffins (Interview #19, #20). In this way, an already ambiguous policy becomes both arbitrary and privatised. In an interview with the mayor of Lesbos, he deflected any legal responsibility for the burial of dead migrants, arguing 'I do not know what happens with the management of the dead, because the municipality is not the competent authority to deal with it' (Interview #2). Evidence of this blame avoidance is seen in the fact that local funeral services, which have been requested to carry out burials of migrants on behalf of the city council in the past, have not been reimbursed and as a result have recently brought a case to court (Interview #9).

A visit to the cemetery in Lesbos revealed the graves of migrants

to be unmarked except for a broken stone containing a date of death and the purported nationality of the dead. Procedural ambiguity, driven by the effort to avoid blame, ensures that no local agency assumes responsibility for the burial of migrant bodies. Even local NGOs mobilized around migrants' rights are unaware as to which is the designated authority to carry out such burials (Interview #11, #6).

Greek law does not have a specific provision for the burial of unidentified migrants. In the absence of a specific regulatory framework (*lex specialis*) the general laws and regulations concerning the dead apply, irrespective of their nationality. Under Greek law, local municipalities are exclusively responsible for the establishment and proper functioning of cemeteries:

'Cemeteries are destined for the burial of all the dead, irrespective of religion or nationality. Municipalities and communities are obliged to grant to the cemeteries in their jurisdiction space for the burial of every dead person, parishioner or not, and of every other person having died in their prefecture, irrespective of whether the dead was a Greek national or a foreigner, Christian or not.' (Law 582/1968, art. 6.)

Interestingly, the authority tasked to manage the local cemetery does not even maintain a map of the graves in the cemetery (Interview #8). This, coupled with the efforts of local authorities to deflect responsibility, leaves funeral services carrying out the messy business of burial, and in several cases having the monopoly of knowledge about the specific location of particular bodies, an essential piece of data if those bodies are ever to be identified. By subcontracting the responsibility for burial to a non-state actor the authorities not only deliberately deny their legal duties, but, most significantly, make it impossible to determine if standardized procedures are followed, such as whether a tag with vital information is placed on each body buried (Interview #29).

Illustrative of the distinction between living and dead migrants is the contrast between efforts to identify living migrants and the absence of interest in identifying dead bodies. According to a Greek coroner, while the identification rate for the bodies of Greek citizens is almost 97% – an exceptional rate even by international standards – for migrants this rate is approximately 20% (Interview #29). This can partly be attributed to the fact that timing is of the essence in identifying dead bodies. In cases where no one claims a body in the first days after death, a critical window of opportunity is missed and subsequently it becomes far more difficult to make an identification. The passage of time affects \ the condition of the dead body, and inhibits visual identification by relatives, which is the most common form of confirmation of identity. Most significantly, as illustrated below, once the unidentified body is buried in a common grave it becomes almost impossible to identify it.

The leader of a NGO in the neighbouring island of Chios remembers the story of a relative who took the decision to travel from Australia a year and a half after a deadly shipwreck to search for the body of his brother. '[W]e went through a very complicated process. We found the file at the coast guard, we then went to the funeral service and nobody knew where he was buried. We started asking the priests at local cemeteries [...] at last we found a gravedigger who hurriedly buried him, but didn't remember exactly the location. Then we brought an excavator and a mass grave was revealed without any signs, nothing. And that was the common procedure' (Interview #17). The mingling of human remains in this way, and the refusal to isolate and record individual burials recalls the chaos of Bosnia's mass graves, the result of a conscious effort to prevent identification.

## 6. The (In)Visibility of death at the border

A principle driver of the failure to effectively manage the bodies of dead migrants is the invisibility and marginality of bodies found at the border. As Judith Butler argues ‘there are radically different ways in which human physical vulnerability is distributed across the globe. Certain lives are highly protected ... Other lives will not find such fast and furious support and will not even qualify as ‘grievable’ (2004:32). Butler provides a theoretical backdrop against which we can explore the continued invisibility and marginality of the dead bodies of migrants. International relief agencies and NGOs, sympathetic or opposing political parties and international media have mobilized around the needs or perils of living migrants, yet a similar mobilization around the dead or missing is absent. Individual incidents of deadly shipwrecks have attracted significant media attention, perfectly illustrated by the death of the 3-year old Aylan Kurdi (Withnal, 2015). Still, there has been no follow up, mobilization or political process to highlight this aspect of the refugee crisis or to make visible the families of the dead.

This raises a paradox. The dead body has historically been an exceptionally powerful symbol of mobilization. Antigone’s claim to the dignified obligation to the dead served as a tool of resistance to state authority, while the mothers of the disappeared in Argentina created one of the most powerful human rights movements around the search for their loved ones (Brysk, 1995). Along these lines, Butler argues that ‘grief ... furnishes a sense of political community of complex order’, adding that making ‘grief into a resource for politics, is not to be resigned to inaction, but it may be understood as the slow process by which we develop a point of identification with suffering itself’ (Butler, 2004:30). However, despite the large number of deaths at the EU’s shores and powerful images of the dead that have been widely disseminated, no such mobilization has occurred.

The distinguishing feature of migrant deaths is that they occur *at the border*. Most theoretical frameworks around social movements and contentious politics focus on the presence of opportunities for collective action; the framework is built on the premise that even for the marginal there are routes to action (Tarrow, 1998; Tilly, 1995). For the families of missing and dead migrants however such opportunities for mobilization are simply absent. Their (il) legal status in the EU, their inability to exert any political influence, their dispersion across a range of states and continents, and the absence of culturally salient symbols to construct their mobilization around their search for their loved ones all present obstacles. As such, the border effectively annihilates opportunities for collective mobilization around grief envisaged by Butler. Where mobilization has occurred, such as among families of missing migrants in Tunisia,<sup>3</sup> the border remains an often insurmountable barrier between families’ need for truth and the states in a position to address it.

Whilst this invisible status, coupled with the collapse of Greek institutions, has provided opportunities for living migrants to escape the total control of the border, for the families, invisibility is the greatest obstacle. While some families have used social media and other informal networks to access information about the fate of loved ones, all must rely ultimately on official procedures to confirm death, identify a body, and return remains of loved ones. In the absence of any perception of obligation on the part of authorities, it is however families who must take the initiative and seek out a relevant authority, while authorities remain passive. Once a

family takes on the heavy burden of traveling to Greece to trace their loved one, they are confronted by a number of legal, bureaucratic and practical obstacles. They often do not have a legal permit to enter the EU and as such it is not uncommon for their arrival to be delayed or even denied. When a refugee with permanent resident status in Germany came to Lesbos in search of his missing father ‘the port authority did not accept that his documents were legal, and he was stopped. When he tried to come through the airport, he faced the same problem’ and a local NGO had to convince the authorities to release him (Interview #11). As families are the only ones who can visually identify dead migrants, these bureaucratic obstacles often inhibit the only realistic opportunity to identify the body.

Within this context of marginality and invisibility imposed by the border, networks of exploitation thrive around the suffering of the families. In the face of the failure of the authorities to identify bodies, even in the unlikely event that a survivor informs families of the dead in the country of origin, they cannot afford the cost of repatriation of remains. Thus, while poor (living) migrants experience the greatest barriers (and dangers) in entering the EU, it is also the poorest who face the greatest obstacles to repatriating remains if a loved one dies making the journey. As a migrant interviewed in Lesbos who has organized a number of funerals argued ‘Only the rich get back, the poor stay here’ (Interview #19). Ironically, while it is wealthy living migrants who have the greatest possibilities to stay in the EU, it is the families of the poorest dead migrants who see that their loved one must remain on EU territory forever. This insight challenges the simplistic image of migrants (and their families) as a homogenous unity. Even among refugees and migrants there is a class element which co-exists with their identity as border crossers. Hence, the study of this novel humanitarian phenomenon sheds light on how abstract concepts such as sovereignty, citizenship and the border create new dividing lines not only between the dead (citizens and non-citizen), but most interestingly between dead and living migrants.

This raises another prevalent feature of the policy vacuum, the repatriation of remains. Even if families are fortunate enough to overcome all other bureaucratic obstacles and identify their relatives, it is almost impossible to get the dead body back home. The repatriation of the corpse is an extremely complicated and expensive procedure (Interview #10). Precisely because families have limited knowledge of Greek legal procedure and often hurriedly visit Greece with no legal status, they pay excessive amounts of money to middlemen who claim they can expedite the process. A number of participants revealed that there is an established ‘network of profit’, which often involves the smugglers (Interviews #26, #27). A respondent from Afghanistan stated ‘They (smugglers) are people that get money and make profit from the deaths [...] They know how to deal with funeral services and when relatives try to find someone to help they get in contact with these people. They don’t usually ask for money from families but they take some money from the funeral service, which overcharges the families. It is all organized’ (Interview #30).

One of the key obstacles is that dead bodies often need to get visa status to travel back home within an extremely tight time frame as corpses must travel within days for sanitary reasons. A Syrian relative remembers that ‘after the death we had to organize the funeral. The first thought was to take them back to Syria as our family wanted that [...] but the problem was taking the body back to Syria, as Turkey requires a visa for the dead. The ambassador of Turkey told me that they had to check the coffin. The visa was difficult’ (Interview #27). Hence, after spending an exorbitant amount of money to repatriate the body, the family took the decision instead to bury their loved one in Athens.

As a result of these obstacles, over the past years only a handful

<sup>3</sup> Mobilization of families of missing migrants in Tunisia is led by a NGO called Terre pour Tous (‘Everybody’s earth’) who have documented some elements of their work, e.g. <http://la.terre.est.pour.tous.over-blog.com/tunis/06/09/2013-information>.

of families have managed to claim remains, usually those with significant political or economic influence. For example, two migrants currently living in Lesbos who have followed incidents of shipwrecks remember one in which 22 migrants died; only two bodies were repatriated largely because they were the relatives of an Afghan minister who mobilized the Afghan embassy in Athens (Interview #15). All other victims were buried at the local cemetery. Other migrants interviewed confirmed the high cost of repatriation: 'most frequently the family does not have the money to bring them [bodies] back as the money is usually spent to pay the smugglers' (Interview #20). Hence, the border inhibits the efforts of families to repatriate the remains of their loved ones but also drives networks of exploitation which benefit from the families' suffering.

## 7. Tensions between the dead body as evidence of crime and as a reference for mourning

One of the key tensions examined here is that between the bodies of migrants as evidence of crime (the rhetoric of forensic truth) and a particular body as a reference point for mourning and the addressing of trauma (the rhetoric of memory). Whether the bodies of those missing are considered objects of forensic investigation that serve judicial purpose or are sacred relics of a loved one that permit mourning determines which of these understandings is prioritized. Death separates people from their loved ones in a more profound way than the physical border and simple distance does; where information is absent, death is perceived as an uncertain lack of presence and creates an ambiguous space in which mourning is impossible. The bodies of missing migrants represent a space of conflict between different interests, including power, knowledge and the sacred. The evidential approach will seek to emphasise the past, while families will seek approaches that permit them to address their present and their future, which will include the identification that transforms remains from an object into the relics of a loved one.

Ambiguous loss, where a family member is psychologically present, but physically absent, is 'a situation of unclear loss resulting from not knowing whether a loved one is dead or alive, absent or present' (Boss, 2004: 554). For many families of migrants who die at the border ambiguous loss is a trauma generated by the confluence of death and the border as a divide that prevents not only access to a migrant, living or dead, but access even to knowledge of their death, leaving them caught between hope and despair.

'When my son disappeared, I was lost in thought all the time and looked for answers and explanations for his disappearance. I am oscillating between believing that they are alive and admitting that they are dead. After all, only God knows what is going on.' (Interview 31)

This articulates the power of the border over both the migrant and his or her family and its capacity to communicate trauma over large distances. To end the trauma of ambiguity demands the creation of meanings for families that can only emerge from truth about their loved one, and that can permit the rituals that allow the dead to assume their proper place as a part of – albeit removed from – family and community (Danforth, 1982). Families want to know the truth and they want to be able to bury their loved ones if they are dead:

'They must tell us where our children are. The truth will comfort us; I want him alive or dead. If they say that he's alive, they should tell us in which place is he and if he is dead, we will be

able to do our mourning, bury him, after all it is the will of god.' (Interview #32)

Power relations that deny that dead migrants are grievable intersect with the lack of knowledge of death that prevents families mourning. The ambiguity of a family's loss emerges as a result of the denial of grievability of migrants who die at the EU's border, – an extension of their exclusion in life. As Butler states:

'Do they have names and faces, personal histories, family, favourite hobbies, slogans by which they live? [...] After all, if someone is lost, and that person is not someone, then what and where is the loss, and how does mourning take place? (p.32)

Grief emerges from both the individual and collective meanings given to events, just as the rituals that mark death seek to create social understandings that bind someone to their community whilst acknowledging they are no longer a part of it. As such, grief is both built upon and demonstrates the relational ties that link families, clans and communities. Mourning is an ethical responsibility of those close to the dead, and one denied to the relatives of those missing, as described by Tunisian families:

'They have to bring them back for us here whether they're dead or alive. It's important, I wouldn't deny his fate, but in case my son is dead, I'd like to bury him here and, at least, I'll be better and I'd have a place where I can pray. Even bones, I'll bury them. The cemetery is in front of my house. Every morning, I wake up in front of it. I recite the *Fatiha*, I do this daily. I don't have any hostility towards death. At least, if he's brought back to me, I'd look through the window to see his grave and I'd say that he's there.' (Interview #33)

The inscription of the border on both the bodies of the dead and the lives of their families can benefit our understanding of the official policies designed to respond to this problem and the families' political grief.

Katherine Verdery (2000) has highlighted the symbolic capital of human remains and how elites use graves to advance their political objectives. In the case of missing migrant graves it is the public silence and the *absence* of political interest that make these graves politically important. The question of 'ownership of the dead body' is symbolically and politically important. Although historical examples of confrontations and conflicts around dead bodies abound, in the case of dead migrants their bodies are trapped on the wrong 'side' of the border and thereby condemned to political marginality. Death creates a new border which not only separates migrants from their loved ones but that initiates the trauma of ambiguous loss that becomes a permanent by-product of the border on relatives' daily lives. Most families will never know the truth, or recover the remains of their loved ones and must live with the consequences of that.

'I don't sleep any more, I have hallucinations and dark ideas. It's like a crisis, I start wandering in the house and sometimes I hit the furniture. I have disrupted sleep. I usually wake up at 3 in the morning. There is a voice in my head telling me sometimes that my son is dead, and sometimes I tell myself that he is alive. I feel choked. I always think deeply and I usually feel afraid when I stay alone. The medicines that were prescribed to me are too strong; I can no longer wake up. I'm so tired because of all this, you know.' (Interview #34)

For the families each grave contains the remains of a personal

history and an individual who used to be loved. For the authorities receiving the body, however, the corpse serves firstly as a potential tool of evidence in advancing a narrative that criminal responsibility for death lies with smugglers. In many EU states investigation of migrant bodies is driven solely by a desire to prosecute, and identification of a body is only pursued if this will advance such a prosecution. Secondly, the body is an object to be managed for reasons of hygiene and propriety. Probably the best illustration of the official approach to dead migrants is that of the civil registries. The death certificate is a key document precisely because state authorities certify that a person was a member of the human community and after death grant a legal status to the body that was denied in life, forever buried on Greek soil. The death certificates of unidentified migrants perfectly illustrate that they are not 'grievable' in Butler's terms, but drive only a bureaucratic duty. The responsible registrar in Lesbos described the typical process of preparing a death certificate of an unidentified migrant buried in Mytilene:

'The coroner informs us that he carried out the autopsy and indicates the most probable date of death. Then he sends us (i.e. the registry) an official document with a reference number. Once we have prepared the death certificate we also use a new reference number. Then we usually add a remark to the document that this certificate was based on information provided by the coroner's report, and it has a reference number, date etc' (Interview #35)

Interestingly, death certificates usually narrate a very fundamental (official) story about a dead person, such as the date of birth if s/he was married, if s/he had children. The certificate for the vast majority of unidentified migrant deaths is overshadowed by their invisible status, containing only the report of the coroner. This captures the remote forensic and legal approach of the state, which merely seeks to follow the legal and bureaucratic procedures. A caveat is in order. This does not mean that all members of the civil service are indifferent; to the contrary, the registrar we interviewed showed much support for the families. In fact she led an initiative to collect food and clothes for the living migrants (Interview #35). Yet, feelings of grief or empathy are overshadowed by the bureaucratic culture of blame avoidance.

The process of DNA collection from bodies best exemplifies both the 'forensic' and bureaucratic approach of the authorities. The coroner at the local hospital in Lesbos verified that a DNA sample is taken and sent to the headquarters of the Forensic Science Division (FSD) of the Greek police in Athens. An interview with the two leading members of the FSD revealed that since 2007 the law has obliged coroners to take DNA samples from all victims of 'accidents', irrespective of their nationality and even where physical identification has been possible (Interview #4).<sup>4</sup>

It could be argued that this central collection of information concerning individuals who would otherwise be anonymous to the Greek state is tied to the embedded securitization regime, namely to determine at a later date if a particular subject (e.g. a suspected terrorist) is in fact dead. Yet, a closer tracing of the process reveals that even this forensic approach is implemented poorly enough to make the possibility of future identifications remote. The complete lack of grievability is evident in the use of DNA and the failure in practice to collect and store in a systematic way post-mortem data

from shipwrecks.

For example, beyond DNA, local authorities tasked with dealing with bodies, including the port authority, hospitals and the district attorney have taken only minimal steps to collecting other post-mortem data that would facilitate future identification. According to a local journalist, in the aftermath of a shipwreck coast guards often neglect to collect critical evidence that migrants carry with them, including mobile phones, notebooks or personal objects that if systematically collected and stored could aid identification (Interview #10). An informed observer maintained that although local coroners have the capacity to follow the Disaster Victims' Identification (DVI) protocol, a rigorous set of guidelines for post-mortem autopsy set up by Interpol (2014), they rarely do (Interview #29). This is crucial, as autopsy is the only opportunity to provide an accurate description of bodies found, including information concerning jewellery, tattoos or other bodily marks, and in this way facilitate future identification. Yet, most coroners spent little time making a comprehensive autopsy, especially in cases where a DNA sample is taken.

Although the head of the Forensic Team of the police informed us that families can send a DNA sample from the country of origin, in only around 10% of deaths is such a sample received (Interviews #4, #5). This is hardly surprising, as there is no outreach to states of origin of migrants and minimal cooperation among different agencies tasked to deal with different elements of the problem. For example, local coast guards were not only unaware that this service was available but were unsure whether a DNA sample was taken in all cases (Interview #18). This is important, as the port authority in Lesbos is the agency responsible for drafting and maintaining legal files for cases of missing and unidentified migrants, as well as for recording any developments in individual cases.

Most importantly, there is only minimal exchange with the relevant forensic branch of the police tasked to match DNA samples, and with the municipal authorities responsible for the burial. So, although the local coast guards are maintaining a file that should include information on the precise gravesite for each unidentified individual, in most cases this is not done because burial is organized by a different local agency with very limited coordination. Hence, even if a family manages to overcome all the obstacles discussed above and a DNA match is finally made, this does not necessarily mean they will find the whereabouts of their loved ones, precisely because the identification and the burial are completely insulated processes, such that no one DNA sample can be linked unambiguously to a particular buried body.

In sharp contrast with this legal and forensic approach to the dead body by state authorities, families' experience of loss and the perception of the dead body is radically different. As Edkins has shown, Western politics 'misses the person' (2011:2). Families perceive the dead body as an object of mourning, and their struggle is to make sense of the absence of their loved ones. The disappearance of loved ones confronts those impacted by it with the power of the border; power to not only deny life, but to deny even access to confirmation of death. As a result, power is embodied not only in the very present absence of the bodies of missing migrants but also in the minds and bodies of their families through trauma and somatism. The missing, situated as they are between life and death, assume a power of their own, something familiar made unfamiliar as a result of the border. It is a defining feature of those missing that they resist the dichotomous classification of present versus absent, and it is this that most determines the experience of their families, characterised by ambiguity and ambivalence. Deaths at the EU's southern borders are a tragedy, but the politics of the border that denies the value of those who die there constitutes a second crisis whose victims are scattered throughout the migrant producing states of Africa and the Middle East.

<sup>4</sup> This is not however linked to the epidemic of migrant deaths at sea, but is a response to the false identification of two (Greek) victims of wildfires in the summer of 2007, as a result of which the state has institutionalized the use of DNA with all victims of accidents, including dead migrants.



## 8. Conclusions

Our analysis indicates that the management of migrant bodies at EU's southern frontier reflects particular understandings of contemporary borders and their biopolitics. This paper offers a unique insight into the 'refugee crisis' in the Mediterranean. The treatment of migrant bodies at the EU's southern frontier and the experience of families with no information about missing loved ones, drives the analytic lens of 'death as the border' to expand our conceptualization of the border. It sheds light on the 'logic of the border', which extends well beyond the physical frontier and the living migrants crossing it, to determine the political afterlife of dead migrants and their families. To highlight this we have introduced an important new actor – the families of dead and missing migrants. Our analysis reveals a key tension between state authorities' responses to the management of the problem, guided by a legal and 'forensic logic', and the families' approach, which experience a human body as a reference point for mourning and the addressing of trauma. Although official policies include DNA testing, limited efforts are made to identify individual bodies and bury them in a dignified way, thereby depriving families of the capacity to mourn or bury loved ones. The result is that the bodies of the dead are literally lost in a fog of bureaucratic ambiguity, unmourned and uncounted. This highlights the transnational affective impact of death at the border: death creates a new border as a direct result of the presence of the physical frontier, which separates families from their relatives and even from news of dead loved ones.

The paper also contributes to the growing debates on biopolitics, by challenging the monolithic and often simplistic biopolitical lenses which perceive dead bodies as lacking agency. Even Butler's concept of *grievability*, which links the non-grievability of dead migrants to the exclusion and marginality of the living, ultimately sees no agency in the migrant body. This resonates with the perception that the live migrant is the ultimate biopolitical subject, while denying any subjectivity to both the bodies of the dead and their families. Our analysis challenges this view by foregrounding families' experiences and their approaches to mourning; from this perspective, the dead body is itself a political subject, a symbol of political and cultural contestation. For every common grave in the Mediterranean there is a family which mourns, struggles, and often takes political steps to find the truth about their loved ones and honour their remains. This is the political story of these deaths, which often remains marginalized by perspectives which focus almost exclusively on official authorities' responses.

## Conflict of interest

None.

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## List of interviews

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 Interview #2 Mayor of Lesbos, Male (Mytilene, 3 April 2015).  
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