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The Perils of Migration

Countervailing Mediations of Risk at the EU's Maritime Frontier

Charles Heller and Lorenzo Pezzani

Abstract: This chapter, trace the successive strategies developed by the Forensic Oceanography project we have led since 2011 to document and contest the conditions leading to large-scale deaths of migrants at sea. The chapter first traces the aesthetic regime within and against which the project sought to position itself. It then analyzes the project's shift from the documentation of specific practices of actors at sea leading to cases of deaths (such as the "Left-to-die Boat"), to the reconstruction of the lethal effects of state policies (such as the ending of the Mare Nostrum operation), and finally its contribution towards the WatchTheMed Alarm Phone, a 24/7 operating nongovernmental emergency phone line allowing to intervene directly to support migrants in distress at sea. While European agencies such as Frontex operate a state-centered "risk analysis" in the aim of neutralizing the "threat" illegalized migrants are constructed as constituting, Forensic Oceanography has forged a form of migrant-centered "counter-risk analysis", which seeks to contest the violence of borders and mitigate the risks that migrants encounter as a result of state policies. The Mediterranean mobility conflict, this chapter demonstrates, is also fought out through conflicting knowledges and mediations of the border.

The Mediterranean Mobility conflict

The phenomena of migrants crossing and dying in the Mediterranean while seeking to reach European territory have a long and tragic history. With European imperial expansions towards the sea's southern shores in the nineteenth century, a selective and unequal mobility regime started to emerge. While Europeans settled in great numbers in the newly colonized territories, the northbound movement of colonized populations toward metropolitan territories was subjected to successive moments of partial opening and closure of borders, leading to forms of unauthorized movement and early cases of deaths at sea (Clancy-Smith; Borutta and Gekas). Illegal migration across the Mediterranean and fatalities at sea, however, became structural and highly politicized phenomena only as of the end of the 1980s, when, in conjunction with the consolidation of freedom of movement within the EU through the Schengen Agreement, visas were increasingly denied to citizens of the global South. Then, as in the past, legal closure did not stop migration but only made the journeys more dangerous and precarious, forcing people to cross the sea on ever more unseaworthy and overcrowded vessels. Migrants' continued capacity to cross the Mediterranean despite legal denial was framed as a security threat and, as we shall see in more detail below, as a "risk" that had to be combated by all necessary means (De Genova). European coastal states and their southern "neighbors," later joined by Frontex, the European Border and Coast Guard Agency, and by a growing range of international military operations, have deployed a vast array of militarized bordering practices and techniques at the maritime frontier of the EU with the aim of containing migrants' movements and "mitigate[ing] the threat" that these pose to the EU—understood by Frontex as "a force or pressure acting upon the external borders that is characterised by both its magnitude and likelihood" (Frontex

Common Integrated Risk Analysis Model 6). These policies have never more than temporarily succeeded in stemming migrants' crossings, and rather resulted in increasingly dangerous routes and smuggling strategies. The Mediterranean has thus become a space of friction (Tsing), across which illegalized migrants' trajectories have continuously evolved in response to the deployment by states of increasingly militarized means to police their turbulent movements, seeking—but never quite succeeding—to bridle them into orderly and governable mobilities (Panagiotidis and Tsianos 82). The dialectic between control and escape which the mobility conflict has led to has had a harrowing human cost: more than 30,000 migrants perished at sea since the end of 1980.¹

While by the end of 2010, the Mediterranean had been increasingly closed down to unauthorized migration due to Europe's reinforced militarization of the maritime frontier and the externalization of control to dictatorial regimes located at the EU's periphery, the Arab uprisings marked a clear break in the consolidation of the Mediterranean migration regime, inaugurating a phase of increased turbulence. The fall in early 2011 of the Ben Ali regime in Tunisia and the Qaddafi regime in Libya allowed migrants to at least temporarily 're-open' maritime routes to the European continent. Moreover, the war that has engulfed Syria since 2012 has led to the largest exodus since the Second World War. While the majority of population movements unleashed by conflicts in the region have occurred on the southern shore of the Mediterranean, record numbers of people have reached the EU by boat and an equally unprecedented numbers of deaths at sea - more than 18,000 between 2014 and October 2018, have turned the Central Mediterranean into the deadliest crossing in the world (IOM).

In this context, new non-governmental initiatives were developed to contest the violence of borders. As researchers, activists and aesthetic practitioners, we have contributed to several of these initiatives through our research, starting from 2011, when we launched the Forensic

Oceanography research project to seek to document and contest the conditions that have led to large-scale deaths at sea (Heller et. al., “The Left-to-Die Boat”). In this article, we reflect on the different strategies we have adopted within this project, so as to respond to the shifting forms of border violence deployed by states to deter, contain and channel migrants’ turbulent movements across the maritime frontier. We first trace the aesthetic regime within and against which our project sought to position itself; we then analyze the evolving strategies we have relied on as our focus shifted from the documentation of specific practices of actors at sea leading to cases of deaths (such as the “Left-to-die Boat”), to the reconstruction of the lethal effects of state policies (such as the ending of the Mare Nostrum operation). We then describe how a state-centered “risk analysis” is essential to the governmental practices geared at containing migrants, who are depicted as a “threat.” Our reports have sought instead to reveal how it is state policies themselves that constitute a threat to migrants’ lives. In this sense, our own work might be read as a form of “counter risk analysis.” Finally we describe a project we have contributed to—the WatchTheMed Alarm Phone, a 24/7 operating nongovernmental emergency phone line dedicated to migrants in distress at sea, which emerged with the aim of intervening directly to support migrants in distress at sea. Through these different projects, we show that the Mediterranean mobility conflict is also fought through conflicting knowledges and mediations of the border, in which actors opposed to each other are constantly repositioning themselves, adapting to, and borrowing from, each other.

The Mediterranean Frontier’s Regime of (in)Visibility

At the EU’s maritime frontier, we find at work a complex and ambivalent regime of (in)visibility, inextricably bound to the way the border regime itself operates. As a result of their illegalization

through the EU's policies of exclusion, people who decide to migrate despite the legal decree against it are forced to resort to an informal infrastructure of mobility: transnational networks of migrants who exchange information and services; the smuggling networks they resort to for a portion of their journey; as well as actual means of transport such as overused and overcrowded boats. Migrants are *illegalized*—their illegality is a product of state laws—and therefore they must migrate *clandestinely*, in the etymological connotations of hiddenness and secrecy of this word, seeking to cross borders undetected. The EU's migration regime thus imposes a particular “partition of the sensible” in the terms of Jacques Rancière: it creates particular conditions of (dis)appearance, (in)audibility, (in)visibility. As opposed to the logic of clandestinity, what all agencies aiming at controlling migration try to do is to *shed light* on migration and in particular on acts of unauthorized border crossing in order to make the phenomenon of migration more knowable, predictable, and governable. To this effect, a vast dispositif of control has been deployed at the maritime frontier of the EU, one made of mobile patrol vessels but also of an assemblage of multiple surveillance technologies, through which border agents seek to detect and intercept migrants' vessels. Vessel tracking is supplemented by coastal and ship-borne radars, optical and synthetic aperture radar imagery, and other devices so as to achieve the most complete possible “integrated maritime picture.” Together, these remote sensing devices, compose what Karin Knorr Cetina has called a “scopic system”: “an arrangement of hardware, software, and human feeds that together function like a scope: like a mechanism of observation and projection. . .” (Knorr Cetina 64). However, the partition of the sensible of the EU's maritime borders is more ambivalent than this binary opposition would let us believe. Visibility and invisibility do not designate here two discrete and autonomous realms, but rather a topological continuum. On their part, migrants in distress may do everything they can to be seen

so as to be saved from drowning. Conversely, border agents not only seek deliberately to hide the structural violence inherent in practices of policing maritime migration, thus allowing these practices to perpetuate themselves in full impunity; they may also choose *not to see* migrants in certain instances, considering that rescuing them at sea entails the responsibility for disembarking them and processing their asylum claims and/or deporting them. This has led to repeated cases of migrants abandoned to drift at sea, as in the “left-to-die boat” case we will discuss further on.

We find the same ambivalence at work in photographic and video imagery of the maritime frontier. In addition to the different remote sensing means described above, patrol vessels are also equipped with cameras—those of border guards or of “embedded journalists”—which are used to document the moment of encounter between illegalized migrants and the actors seeking to police their movement. This results in a highly controlled and ambivalent *spectacularization of borders*, which has been incisively analyzed by Nicholas de Genova. In the countless images of intercepted/rescued boats that are circulated by state agencies and the press, the threat of illegalized migration and the securitization work of border control are simultaneously made visible and naturalized, following a circular logic. If migrants are being intercepted through militarized means, it is because they are a threat. If they are a threat, then they must be policed by all means. The sense of migration as a threat is only exacerbated by the profusion of similar images which suggest an invasion of the European space by those who have been constructed as radically other. However, by focusing on the *scene* of border enforcement, the conditions that lie before—the multiple forms of violence migrants sought to escape in the first place, the illegalization of their movement through policies of exclusion—and after—the future exploitation of illegalized migrant labor in European economies—remain hidden as *obscene* supplements. Finally, while the deaths of migrants may at times remain hidden, at other points they are

spectacularized to cover the violence of borders with a humanitarian varnish: border control becomes framed as an act of saving migrants, occluding the fact that state policies endanger their movement in the first place. Untangling this complex and ambivalent field of (in)visibility operating at the EU's maritime frontier, what emerges is a fundamental link between the three distinct dimensions of migrants' *exposure* emphasized by Georges Didi-Huberman: the visual exposure of illegalized migrants, their being "ex-posed"—rendered outside and excluded—of a given community and the exposure of their bodies to conditions of precarity and death. It was precisely to contest the ambivalent and selective regime of (in)visibility operating at the EU's maritime frontier, and the multiple forms of violence connected to it, that we initiated the Forensic Oceanography project in 2011.

Exercising a Disobedient Gaze: the “Left-to-Die Boat” case

As both migrants' crossings and fatalities at sea increased again in 2011 in the wake of the Arab uprisings, and with indications of responsibility of state actors for the loss of these lives, we launched the Forensic Oceanography research project within the wider Forensic Architecture agency. The forensic approach seeks to find *traces* of events under investigation so as to reconstruct them and prove or disprove a crime. However, if the traces considered by the inventors of forensic science since the times of Edmond Locard (1877–1966) could be stains, fingerprints, or gun powder, today's events are potentially registered by an infinite amount of materials and media—from phone communication to payment data, from videos shot with mobile phones to satellite images and vehicle tracking data, from sound recordings to rubble analysis (Ruffel and McKingley; Schuppli). Drawing on the expanding range of these twenty-first-century traces, the forensic perspective has been applied within human rights practice in new and

productive ways. In the process, forensic science has been seized from the monopoly of state agencies, and used by nongovernmental actors to hold state and non-state actors accountable for their crimes. It is this shift that Eyal Weizman seeks to highlight by referring to such critical and civil society-based practice as *forensic*—Latin for “pertaining to the forum” and the origin of the term forensics—rather than *forensics*, which has come to be associated with the scientific tools used by states to investigate crimes (Weizman 9). In addition to experimentation with novel methodologies to register the traces of different forms of violence, the Forensic Architecture project has brought a particular architectural edge in terms of spatializing them. Taking this approach to the sea to document and demand accountability for deaths of migrants, we have sought to develop methodologies to document violence at sea by reappropriating the multiple surveillance means deployed to detect acts of illegalized border crossing and re-directing their “light” towards the violence of the border itself. Furthermore, we have sought to spatialize this violence within the particular legal architecture of the EU’s maritime frontier so as to determine responsibility for them. We discuss these two strategies in turn.

Our project was sparked by a 2011 incident that came to be known as the “left-to-die boat” case.² At the height of the NATO-led military intervention in Libya, 72 refugees fleeing the warzone were left to drift in the Central Mediterranean Sea for 14 days. 63 human lives were lost, despite distress signals sent out to vessels navigating in this area, and despite several encounters with military aircrafts and a warship. While the testimonies of the nine survivors brought this crime of failing to render assistance to light, its perpetrators have remained unidentified. In conjunction with a coalition of NGOs, and in collaboration with several parallel investigations, Forensic Oceanography reconstructed a composite image of the events by corroborating the survivors’ testimonies with information provided by the vast apparatus of remote sensing

technologies that have transformed the contemporary ocean into a digital archive of sorts. By interrogating winds and currents, we were able to model the drifting boat's trajectory, and by analyzing satellite imagery we could account for the presence of a large number of vessels in the vicinity of the drifting migrant boat that did not heed their calls for help (see figure 1). While as we discussed above, these technologies are often used for the purpose of policing illegalized migration as well as the detection of other "threats," they were repurposed to find evidence for the failure to render assistance. Through our work on the "left-to-die" case, we sought to put into practice a *disobedient gaze* that used some of the same sensing technologies as border controllers, but sought to redirect the light they shed from unauthorized acts of border-crossing, to state and non-state practices violating migrants' rights. We conceived this gaze as "[aiming] not to disclose what the regime of migration management attempts to unveil—clandestine migration—but unveil that which it attempts to hide, the political violence it is founded on and the human rights violations that are its structural outcome" (Heller and Pezzani "A Disobedient Gaze," 294).

[INSERT FIGURE 8.1]

In addition to reconstructing events at sea, a crucial task of our project was *spatializing* the practices of actors and inscribing them within the political geography of the sea. At sea, the moment of border crossing is expanded into a process that can last several days and extends across an uneven and heterogeneous territory that sits outside the exclusive reach of any single polity. The spatial imaginary of the border as a line without thickness dividing isomorphic territorial states is here stretched into a deep zone "in which the gaps and discrepancies between legal borders become uncertain and contested" (Neilson 126). The maritime territory constitutes,

then, a space of “unbundled sovereignty” in Saskia Sassen’s terms, one in which sovereign rights and obligations are disaggregated from each other and extended across complex and variegated jurisdictional spaces. As soon as a migrants’ boat starts navigating, it passes through the jurisdictional regimes that crisscross the Mediterranean: from the various areas defined in the UN Convention on the Laws of the Sea to Search and Rescue regions, from ecological and archaeological protection zones to areas of maritime surveillance. At the same time, it is caught between legal regimes that depend on the juridical status applied to those onboard (refugees, economic migrants, illegals); on the rationale of the operations that involve them (such as rescue and interception); and on many other factors. These overlaps, conflicts of delimitation, and differing interpretations are not malfunctions, but rather are structural characteristics of the maritime frontier that have allowed states to simultaneously extend their sovereign privileges through forms of mobile government and elude the responsibilities that come with it (Steinberg *The Social Construction*; Gammeltoft-Hansen and Alberts). For instance, the strategic mobilization of the notion of “rescue” has allowed coastal states to justify police operations in the high seas (Andersson “A Game of Risk”), but overlapping and conflicting Search and Rescue (SAR) zones have led to recurrent cases of non-assistance to migrants in distress. In these ways, states increase the radical precarity and uncertainty of illegalized migrants’ journeys across the maritime frontier. The sea’s “geopower” (Grosz) is here made to ambivalently oscillate between offering a medium enabling migrants’ movement, and constituting a threatening liquid mass that risks swallowing their lives at any moment. Water then is turned into a deadly liquid that inflicts violence in indirect ways, mediating between state policies and practices on the one hand, and the bodies and lives of migrants on the other. Facing these mobile and fleeting bordering practices, the aim of Forensic Oceanography has been to “re-territorialize” them, in the words of Deleuze

and Guattari (*A Thousand Plateaus*). We have sought to inscribe as precisely as possible lethal events occurring across the liquid geography of the sea, locating them within specific jurisdictional zones and boundaries (such as SAR zones, but also in the case of the “left-to-die boat,” NATO’s maritime surveillance area) so as to point to responsibilities for them. While the fragmentation of juridical regimes at sea often allows for the evasion of responsibility, we have here sought to mobilize it strategically towards the multiplication of potentially liable actors and of forums where they could be judged and debated. Not only did our reconstruction of the migrants’ drift demonstrate that the migrants had remained within NATO’s maritime surveillance area during its 14 days of deadly drift (see figure 2), but by identifying many ships in the vicinity of the migrants’ boat, our report allowed the NGO coalition we collaborated with to file several legal cases against the different states—including France, Spain, Italy and Belgium—whose assets had taken part in the NATO-led operation, and who shared a degree of responsibility for the death of the 63 passengers (Migrants’ Rights). In this sense, while defending the objective of freedom of movement as the only alternative to deaths and violations at sea, we have had to mobilize borders against themselves, thereby performing a kind of “strategic territorialism”—to redirect Gayatri Spivak’s “strategic essentialism” (Spivak). In other words, to contest the violence of borders and to promote the free movement of people across them, we have paradoxically needed to re-affirm the rigidity of the jurisdictional boundaries that states seek to evade.

[INSERT FIGURE 8.2]

Documenting the Violence of Policies: Counter-Risk Analysis

In recent years, in addition to focusing on the reconstruction of specific incidents to determine the responsibility of the actors directly involved in them, our research has focused on the broader responsibility of state policies (and associated policy makers) in shaping the conditions that make migrants crossings more dangerous. This inflection in our research began from the realization that cases of migrant deaths are not isolated events, but are rather the structural, long-term, and large-scale outcome of the EU's exclusionary border regime, which is entirely at odds with the material dynamics of migration and thus renders migrants' passages illegal and perilous. The question of "how to document and demand accountability not for the deaths involved in a specific shipwreck, but for all the deaths that have occurred as a result of the EU's policy and the mobility conflict?" was one that had haunted us from the inception of our project. It became more urgent in the face of recent developments in state policies and discourses surrounding migration across the EU's maritime frontier.

First, we observed an increasing "humanitarianization of the border." The humanitarian border, according to William Walters, emerges "once it becomes established that border crossing has become, for thousands of migrants seeking, for a variety of reasons, to access the territories of the global North, a matter of life and death. It crystallizes as a way of managing this novel and disturbing situation, and compensating for the social violence embodied in the regime of migration control" (138). While rescue at sea has long been the humanitarian counterpart of the illegalization of migrants, over the last few years, border control operations themselves are frequently being framed as *acts of saving*, blurring the notions of rescue and interception. In this respect, the humanitarian border echoes the inextricable connection between violence and care that characterizes colonial power (Mbembe).

This trend towards the humanitarianization of the border became particularly visible after the shipwreck of October, 3 in 2013, when 366 migrants died just a few hundred meters off the coast of the small Italian island of Lampedusa. This tragedy caused a public outcry that forced policy makers to position themselves. After his visit to Lampedusa on October 8 2013, Jose Manuel Barroso's, then President of the European Commission, declared: "We in the European Commission, myself and Commissioner Malmström, we believe that the European Union cannot accept that thousands of people die at its borders." In the same speech, Barroso announced an increase in Frontex' budget and the launch of Eurosur, the European Border Surveillance System—that is, the continuation of a predominantly security approach to migration, and exactly the kind of measures that prompted migrants to take deadly risks. This trend of justifying increasing measures of border control in the name of saving migrants' lives has continued since. The shift however implied that migrants' deaths were no longer kept hidden within the regime of (in)visibility operating at the maritime frontier, but actually spectacularized. What remained occluded was the causal relation between policies of closure and migrant deaths. As such, in the wake of this discursive shift, focusing on this connection became all the more important.

Second, focusing on policies became essential in the wake of a particular policy shift – the ending of the Italian *Mare Nostrum* operation—as a result of which the violence exercised at and through the maritime frontier could no longer be reconstructed from cases alone. The week commencing April 12, 2015 saw what is believed to be the largest loss of life at sea in the recent history of the Mediterranean. On April 12, 400 people died when an overcrowded boat capsized due to its passengers' excitement at the sight of platform supply vessels approaching to rescue them. Less than a week later, on April 18, a similar incident took an even greater toll in human lives, leading to the deadliest single shipwreck recorded by the United Nations' High

Commissioner for Refugees (UNHCR) in the Mediterranean. Over 800 people are believed to have died when a migrants' vessel sank after a mis-maneuver led it to collide with a cargo ship that had approached to rescue its passengers (see figure 3). More than 1,200 lives were thus lost in a single week. As Médecins Sans Frontiers (MSF) commented at the time, these figures eerily resemble those of a war zone. Beyond the huge death toll, what was most striking about these events was that they were not the result of a reluctance to carry out rescue operations, which we had identified as a structural cause of migrants' deaths in the "left-to-die boat" investigation. In these two cases, the actual loss of life has occurred *during* and partly *through* the rescue operation itself.

[INSERT FIGURE 8.3]

While it could appear, as state actors were quick to argue, that only the ruthless smugglers who overcrowded the unseaworthy boats to the point of collapse were to blame, the argument we made in our report titled "Death by Rescue—The Lethal Effects of the EU's Policies of Non-assistance" was different. We argued that the absence of any immediate violation perpetrated by vessels in vicinity to the boats in distress hid a form of *policy violence* operating at a different scale and temporality than that of the migrants' crossing. In order to reveal this violence, in addition to the reconstruction of specific cases of death at sea, we had to resort to what we called a *forensics of policies*.

The report traces the roots of the April 2015 events back to the above-mentioned October 3rd 2013 shipwreck, which marked a break with coastal states' principled reluctance to operate rescue that shaped the "left to die boat" case. In the aftermath of that tragedy, Italy decided in fact

to launch the “military and humanitarian” Mare Nostrum operation, deploying a record number of ships to rescue migrants in distress very close to the Libyan coast. But this operation soon came under increasing attack for allegedly constituting a “pull-factor” encouraging migration, and, despite its humanitarian aims, leading to more deaths at sea. In this way, even as EU policy makers aimed to deter migrants from crossing the sea, they couched their security aims in the language of humanitarianism: migrants ought to be deterred, for their own good. As a result, the Italian operation was terminated at the end of 2014. In its place, the Triton operation led by Frontex, the European border agency, was launched on November 1, 2014. This operation deployed fewer vessels in an area further away from the Libyan coast: border control, rather than rescue, was its priority (see figure 4). Human rights advocates such as Amnesty International vocally denounced this policy retreat, arguing it would not lead to less crossings, only more deaths. Even Frontex, in an internal document which we managed to obtain through a freedom of information request, assessed that “the withdrawal of naval assets from the area, if not properly planned and announced well in advance, would likely result in a higher number of fatalities.” Frontex and EU member states pushed on with the implementation of a more limited operation in full knowledge of the lethal effects this would have.

[INSERT FIGURE 8.4]

Through the spatial analysis of operational zones; interviews with state officials concerning their operations at sea; and statistical data referring to migrant arrivals, deaths, and SAR operations; our report reconstructs the reality that began to unfold in early 2015, proving the human rights community right: migrants’ crossings continued unabated, but instead of a fleet of state-operated vessels, a lethal Search and Rescue gap awaited them, leading to a rise in the danger of crossing

by nearly 30 times. Seeking to fill this gap, the Italian Coast Guard increasingly called upon large merchant ships transiting in the area to carry out rescue operations. The rescue of migrants' overcrowded boats can easily lead to tragedies if not operated with the adequate most adaptive means and standards, and the large vessels of the shipping industry were unfit for the task ("ICS: Rescue of all"). In this context, the April 2015 tragedies were only waiting to happen. On April 29, 2015, the President of the European Commission, Jean-Claude Juncker, admitted that "it was a serious mistake to bring the Mare Nostrum operation to an end. It cost human lives." However, the ending of Mare Nostrum and its (non-)replacement by Frontex's Triton operation cannot adequately be described as a "mistake," since it was a carefully planned policy implemented in full knowledge of its outcomes. Our report demonstrates that EU agencies and policymakers deliberately implemented *policies of non-assistance* that created the *conditions* that made the April shipwrecks inevitable.

Despite Juncker's partial admission of guilt, translating our reconstruction of this form of *policy violence* into the language of law so as to bring policy makers to account for *legal violations* has proven challenging to date. The impunity which prevailed for the implementation of this lethal policy has allowed it to be perpetuated, as we have demonstrated in one of our latest reports, "Blaming the Rescuers," which has focused on the criminalization of nongovernmental rescue initiatives. Following the April 2015 shipwrecks, the EU has continued to refuse to launch a new proactive Search and Rescue operation to mitigate the risk that the lack of legal avenues for migration create on a structural level, focusing instead on anti-smuggling activities which have made the crossing even more dangerous. While a growing number of NGOs courageously stepped in with their own vessels to fill the lethal gap in rescue capabilities left by the ending of Mare Nostrum, a virulent campaign of delegitimization—in which Frontex has once again played

a pioneering role—has targeted them. Like Mare Nostrum had before, NGOs have been accused of constituting a “pull-factor.” However, in a phase of marked *de-humanitarianization* of the border, in which the lives of migrants appear to have increasingly lost even their discursive value, the very act of rescue has been increasingly criminalized as NGOs have been accused of “colluding” with smugglers.³ Knowing the looming catastrophe that these attacks signaled, we have sought to intervene in this debate through our report, *Blaming the Rescuers*, that has provided a counter-analysis of the shifting dynamics of migration erroneously attributed to SAR NGOs. We have further offered counter-reconstructions of events of alleged collusion—in particular those involving the NGO Jugend Rettet, whose vessel was seized on August 2, 2017 (*Blaming the Rescuers*). While we have demonstrated that the accusations against NGOs have been spurious and amounted to “factual lies”—the use of factual elements to weave a narrative that is intentionally false—our collective efforts have proven insufficient. As we write in Summer 2018, almost all rescue NGOs have been prevented from operating, leading, as in the past, to greater risk for migrants crossing the sea (UNHCR, “Desperate Journeys”). The expulsion of humanitarian actors from the central Mediterranean has further given a free hand to the Italian-equipped and coordinated Libyan Coast guard to intercept and pull-back migrants to Libya, where they face detention, forced labor, torture, and rape (*Mare Clausum*). Through these desperate measures deployed to seal off the central Mediterranean, the forms of violence experienced by migrants have thus been intensified and proliferated on land and sea.

Since 2011, we have used the analysis of paradigmatic cases of shipwrecks and violence at sea to offer unique insights into the workings of the maritime frontier. These cases, far from being exceptions, are part of recurrent patterns, and thus provide an entry point into a broader analysis of the structural effects of state policies and practices, revealing the role the latter play in

making migrants' trajectories more and more precarious. In this sense, we see our reports as constituting the counterpart to Frontex's "Risk Analysis" reports. The European Border and Coast Guard agency has, according to its mission of coordinating European border management, the first task (alongside operations and training) of "monitoring migratory flows and carrying out risk analysis regarding all aspects of integrated border management" (see Frontex, Mission and Tasks). In turn, Frontex describes its reports as produced through the processing of "information from diverse sources," which is further "systematized" into an analytical product so that Frontex may "form a reliable basis for its operational activities" (*2017 Annual Risk Analysis*). The agency's risk analysis at the borders of EU member states is also the basis on which EU external border funds are allocated (Horii).

The "risk analysis" operated by Frontex is necessarily *state-centered*, focusing on the alleged "risk" that irregular migration "flows" constitute for the states of the EU. In an important policy document which continues to offer the conceptual frame for Frontex's risk analysis to this day, Frontex defines risk "as the magnitude and likelihood of a threat occurring at the external borders, given the measures in place at the borders and within EU, which will impact on the EU internal security, on the security of the external borders or on the optimal flow of regular passengers, or which will have humanitarian consequences." "From this definition of risk," Frontex continues, "risk analysis is defined as the systematic examination of threats, vulnerabilities and impacts, the outcome of which is recorded in the form of a risk assessment" (Frontex Risk Analysis Unit).⁴ We should note that within this conceptual sequence, exactly in what way illegalized migration constitutes a threat to EU security is never defined. Frontex's analysis of "risks" is heavily mediated by statistical graphs—in which the evolving lines

indicating increasing or decreasing interceptions echo the hydraulic metaphors of “waves” and “flows” so often uncritically mobilised to describe migrants’ movements. Maps also play a central role. In these (see figure 5), as Andersson describes, “migrant routes morph into sharp arrows—‘forces or pressures,’ as the Frontex risk definition puts it—threatening the European Union’s ‘vulnerable’ external borders” (Andersson *Illegality Inc*, 78).

[INSERT FIGURE 8.5]

In Frontex risk analysis, a stunning and disturbing inversion takes place: what is described as “vulnerable” are borders, not people: the latter are, instead, construed as a “threat.” The discourse and associated mediations of risk play a fundamental role in what Didier Bigo has called the “governmentality of unease,” the multifarious practices used “by diverse institutions to play with the unease, or to encourage it if it does not yet exist, so as to affirm their role as providers of protection and security and to mask some of their failures” (Bigo 65).

Our own analysis, on the other hand, is influenced by the perspective of the autonomy of migration which, just as Autonomous Marxism claimed the primacy of workers’ struggles in shaping the changing logic and operations of capital, starts from the movements, constraints, and struggles of migrants. As Sandro Mezzadra and Brett Neilson have argued by riffing on the title of James C. Scott’s seminal book, it makes us “see like a migrant” (166). In this sense, in our recent reports, which focus on assessing the risks that the EU policies themselves pose for the lives of migrants, a risk measured in the physical threat to their lives, we offer a *migrant-centered* “risk analysis.” Since our aim is not to produce knowledge about migrants’ movements in the aim of governing them but rather to contribute, through our research and participation in different

activist projects, to contest this very government, we may think of our reports as constituting a form of *counter*-risk analysis. “Counter” here is understood in the sense of Foucault’s concept of “counter-conducts”: movements of revolt and refusal by the governed against their conduct that have constituted the restive counter part of practices of governmentality (*Security, Territory, Population* 259).

While the Forensic Oceanography project has mainly focused on documenting past manifestations of the violence of the EU border regime in the aim of blocking its modes of operation, other projects that emerged on the basis of our methodologies—WatchTheMed and its associated Alarm Phone—have sought to intervene in real time to prevent violations and fatalities from occurring in the first place.

Disobedient Listening to Prevent Migrants’ Deaths at Sea⁵

In the wake of our report on the left-to-die boat, we contributed to found the WatchTheMed platform in 2012 in collaboration with a wide network of NGOs, activists, and researchers. Through the WatchTheMed monitoring platform, our hope was, on the one hand, to be able to multiply the documentation of violations, and, on the other, to move towards real-time interventions so as to shift from a post-fact analysis to actually preventing violations and deaths from occurring in the first place. While initially the focus was on documenting violations, the need to find ways to intervene *directly* within maritime borders became more pressing in light of the rising death tolls at sea.⁶ Thus the WatchTheMed platform, which was initially used as a tool in the service of the tradition of documenting, denouncing, and seeking accountability for violations forwarded by human rights organizations, was seized by another important, more militant tradition that explicitly referred to the abolitionist network of secret routes and safe

houses used by escaping enslaved populations in the US: the “underground railroad.”⁷ Regarding themselves as part of an existing transnational underground circuit that supports transborder mobilities and migratory acts of escape, activist networks such as No Border and Welcome to Europe have long directly supported unauthorized mobilities across the borders of Europe. Migration is understood by these networks as a *social movement* in its own right, a “creative force” that upsets the governance of mobility imposed by the border regime not only by means of “explicit” legal and political claims (such as those grounded on the documentation and denunciation of specific episodes of violence at the border) but also through an everyday practice of refusing the border. This perspective opens up the field of struggles for freedom of movement to a whole series of “imperceptible” practices that would otherwise not be included in the political field, modifying the very boundaries of what we understand as political.⁸

Acknowledging that unauthorized migration in our bordered world is often enabled by under-the-surface knowledge economies and networks composed of the very subjects of migration, their friends, relatives and connected communities, and allies, activist networks sought to practice solidarity by creating further “pillars” of the underground railroad. One such example is the creation of an online guide for migrants and refugees that provides practical information for their journeys towards and within Europe (See w2eu.info).

Inspired by this tradition, the WatchTheMed network also started to produce a series of leaflets containing information about the risks, rights, and safety measures at sea, dedicated to the different areas of maritime crossings (“Safety at Sea”). These aimed to contribute to the already existing “knowledges of circulation” which emerge from the collective experience of transnational irregularized migration, providing crucial additional information which might contribute to avoiding deaths for the migrants crossing the maritime frontier (Alioua and Heller).

In this respect, the mobility of migrants constitutes an infrastructure of sorts—one that includes not only the footpaths, highways, train lines, or airports through which precarious travelers move; the wireless networks that transmit their information; the internet café where they chat with relatives and friends; or the mobile phones with which they alert the Coast Guards and the satellite phone which locates their GPS position—but also what has also been referred to as “mobile commons,” which includes “a world of knowledge, of information, of tricks for survival, of mutual care, of social relations, of services exchange, of solidarity and sociability that can be shared, used and where people contribute to sustain and expand it” (Papadopoulos and Tsianos 190).

The creation of the Alarm Phone in October 2014, an activist hotline supporting boats in distress in the Mediterranean Sea initiated by a coalition of freedom of movement, human rights, and migrant activist groups, was the next crucial step in the collectivization of these activist and militant practices, and aimed to offer travelers alternative ways to make their distress heard and pressure states into complying with their obligations. Thanks to a management software, the Alarm Phone can re-route distress calls to a vast number of volunteers operating shifts, situated in about 12 countries, thus ensuring that every call is attended to. Due to the very different conditions in the maritime spaces of the Mediterranean, specific handbooks with step-by-step emergency plans and instructions had to be written, based on years of experience in migration and no border struggles as well as local and region-specific expertise.

Since it was created, the Alarm Phone project has gathered extraordinary momentum, supported more than 2000 boats in distress, and proven to be one of the most important political interventions against European border regimes. Besides supporting precarious human mobilities at sea, the wide solidarity network of the Alarm Phone, composed of about 150 activists and

several connected organizations, can exercise pressure when there is a risk that a violation at sea may be perpetrated, such as cases of failing to render assistance or push-back, the illegal collective expulsion of “aliens” from a country’s territory, or even direct assaults on migrant groups, such as those perpetrated by units of the Greek coastguards in the Aegean Sea. Among dozens of such cases that were uncovered by the Alarm Phone was a push-back operation carried out by the Greek authorities in cooperation with the Turkish coastguards and in the presence of the European border agency Frontex on June 11, 2016. Fifty-three people had already crossed the territorial line and entered Greek waters where they were illegally transferred, at gunpoint, onto a Turkish coastguard vessel and returned to Turkey (Watch the Med, “Alarm Phone Denounces”). Through its ability to directly follow trajectories of migrant boats in real-time, and to document and scandalize violations at sea based on information and data passed on by at risk passengers themselves, the Alarm Phone has significantly altered the ways in which the regime of (in)visibility operates at sea.

Crucial in the intervention of the Alarm Phone is not so much high-tech remote sensing devices such as satellite imagery that were central to report on the “left-to-die boat,” but simple mobile and satellite phones and the interpersonal networks they connect. Furthermore, these mobile connections operate less through the sense of sight than through the sense of sound. While it may seem paradoxical, the best instruments for the exercise of a critical right to look and observe in maritime borderzones are those that transfer sounds. This is in fact consistent with many instruments required for oceanography, such as sonars that use sound waves to “see” in the water and measure the sea’s depth, instead of technologies relying on light which does not travel far beneath the ocean’s surface. Listening to and echoing the voices of those in the process of crossing maritime spaces then allows for disobedient observation of the Mediterranean Sea, with

the aim of supporting migrants in their exercise of their freedom of movement and mitigating the extraordinary risk they face for daring to do so.

Conclusion

Throughout this article, by reflecting on the research and activist projects we have initiated and taken part in since the Mediterranean frontier was “re-opened” by the Arab uprisings, we have explored how different forms of mediation of migration across the sea—in particular those operated through surveillance technologies, as well as the photographic and videographic images circulated in mainstream media outlets—contribute both to shaping the policies of migrant exclusion and to implementing these policies through border control. While these policies are predicated on the securitization of migration which is constituted as a “risk” for European states that must be neutralized through militarized means, they in turn lead to the illegalization and precaritization of migrants’ crossings. Securitized policies predicated on the construction of illegalized migration as a threat lead, in turn, to increased risks for migrants in their trajectories, and to large-scale fatalities at sea. Using some of the same technologies and methodologies against the grain, our research within the Forensic Oceanography project has sought to document and contest the forms of violence exercised at and through the maritime frontier. While we continue to reconstruct specific cases of death involving violations of migrants’ rights so that accountability could be sought for them in front of national and international jurisdictions, our reports use the reconstructions of cases to shed light on the violence exercised by policies, which are more difficult to register but affect the broader dynamics of migration – and in particular the danger of crossing the sea. These reports have constituted interventions in ongoing debates concerning the EU’s policies and operations. Furthermore, the methodologies we have developed

have served as a basis for an activist project—the WatchTheMed Alarm Phone, a 24/7 operating nongovernmental emergency phone line dedicated to migrants in distress at sea—which emerged with the objective of intervening directly to support migrants crossing the sea and to prevent deaths and violations from occurring. Importantly, we do not seek to construct a linear temporal evolution or a binary between the reconstruction of past events and real-time intervention, but rather a continuum of practices that can operate simultaneously. Strategic litigation concerning past events can be a means of transforming state practices in the present in the aim of making migrants' crossings less dangerous, and in turn, through the Alarm Phone, a number of violations have been documented and served litigation in turn.

The Mediterranean mobility conflict then is also fought out through conflicting knowledges and mediations of the border which are mobilized by different actors either to impose or contest the violence of borders. These actors operate in an immanent field, in which their practices are constantly shaping and adapting to each other. As new bordering policies and practices, as well as the aesthetic and discursive regimes within which they are embedded evolve, critical researchers, nongovernmental actors and aesthetic practitioners alike must constantly reposition themselves to be able to continue to contest the changing modalities of the violence of borders and support migrants in their precarious trajectories.

Notes

- 1 See the list of migrant deaths at the European borders established by UNITED for Intercultural Action: <http://unitedagainstrefugeedeaths.eu/about-the-campaign/about-the-united-list-of-deaths/>.

- 2 For our reconstruction of these events, see our report: www.forensic-architecture.org/wp-content/uploads/2014/05/FO-report.pdf. Our video animation *Liquid Traces* summarizes our findings: <https://vimeo.com/128919244>.
- 3 Paolo Cuttitta (2018) has written of the “end of the humanitarian turn” in Italy’s policy. While we concur with much of his analysis, we wish to think in more processual and non-binary terms, and thus describe the humanitarianization and de-humanitarianization of the border as a process allowing for varying degrees—and non-exclusive combinations—between these two poles.
- 4 For an extended discussion of this document, see Ruben Andersson 2012.
- 5 An extended formulation of the following argument has been published in an article jointly written with Maurice Stierl (“Disobedient Sensing”).
- 6 In another detailed investigation, we contributed to uncover events that transpired in the Central Mediterranean Sea on the 11th of October 2013, leading to the loss of more than 200 lives: <http://watchthemed.net/reports/view/32>, accessed 1 August 2017.
- 7 For a discussion of the connection with the underground railway of anti-slavery within migrants’ rights activists discourse, see Welcome to Europe Network, “From Abolitionism to Freedom of Movement.”
- 8 See Papadopoulos, Stephenson, and Tsianos 2008, and Mitropoulos and Neilson 2006.

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